



Penrith Town Council

Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR
Tel: 01768 899 773 Email: office@penrithtowncouncil.gov.uk

GENERAL DISPENSATIONS POLICY

On 20 May 2019 Penrith Town Council **resolved** general dispensations for members as recorded in section 4 of this report for the four-year term of the Council from 2019 to 2023.

Law

Under the Localism Act 2011("the Act"), a Member who has a Disclosable Pecuniary Interest in a matter which is under consideration, may not participate in the consideration of that matter unless he/she has first obtained a dispensation from the 'relevant authority'.

Town/Parish Councils are defined as a 'relevant authority' under the Act, they are responsible for determining requests for a dispensation by a Town/Parish Councillor under Section 33.

1. Introduction

- 1.1 In certain circumstances Councillors may be granted a dispensation which enables them to take part in Council business where this would otherwise be prohibited because they have a Disclosable Pecuniary Interest.
- 1.2 Provided Councillors act within the terms of their dispensation there is deemed to be no breach of the Code of Conduct or the law.
- 1.3 Previously, dispensations were issued by the Standards Committee of the district council, but as town/parish councils are defined as 'a relevant authority' under the Localism Act 2011, they are now responsible for determining requests for dispensations from a local town/parish Councillor under s33.
- 1.4 S31(4) of the Localism Act states that dispensation allows the Councillor;
 - a) To participate, or participate further, in any discussion of the matter at the meeting(s); and/or
 - b) To participate in any vote, or further vote, taken on a matter at the meeting(s).
- 1.5 If a dispensation is granted, the Councillor may remain in the room where the meeting considering the business is being held.
- 1.6 **If a Councillor participates in a meeting where they have a Disclosable Pecuniary Interest, and they do not have a dispensation, they may be committing a criminal offence under S34 Localism Act 2011.**

2. Disclosure of decision

- 2.1 Any Councillor who has been granted a dispensation must declare the nature and existence of the dispensation before the start of any business to which it relates.
- 2.2 A copy of the dispensation must be kept with the Register of Councillor's Interests.

3. Criteria for determination of requests

- 3.1 A dispensation may be granted to a Councillor who has a Disclosable Pecuniary Interest to participate in any discussion of a matter at a meeting and/or to participate in any vote on the matter if they consider that:
- a) So many members of the decision-making body have disclosable pecuniary interests, that it would impede the transaction of the business (i.e. the meeting would be inquorate); or
 - b) The dispensation is in the interests of persons living in the authority's area; or
- 3.2 If an adopted code prevents a Councillor speaking or voting where they have an interest other than a disclosable pecuniary interest, the Town Council may extend the provision of the above paragraph to apply in the same way to those interests, but this is at the discretion of the Council.

4. General dispensations

- 4.1 The following general dispensations apply for the maximum permitted period of four years from the date of the decision and will be reviewed from the start of each new administration.
- 4.2 **Dual-Hatted Members:** It is expected that all dual-hatted Members will declare their Membership of the District Council or County Council, which would exclude them from any discussion which impacts on the District or County Council.

The Council therefore **grants a dispensation** for the period up to the next full Council elections in 2023 permitting any 'dual-hatted' Member to speak and vote on:

- any matters relating to any financial transactions or grants between Penrith Town Council and the District and County Council
- any matter (from a Penrith Town Council perspective) on which the "dual-hatted" Member may be called upon to re-discuss in their capacity as a Member of a District Council Committee.

- 4.3 **Planning Applications by Penrith Town Council:** It is likely that the Town Council would like to express support for any planning application made in its name, but that Members may feel that this is an item which under the old framework they would have declared a prejudicial interest.

The Council therefore **grants a dispensation** for the period up to the next full Council elections in 2023 permitting any Member to speak and vote on:

- any planning application where the promoter, applicant or landowner is Penrith Town Council.

- 4.4 **Planning and Licensing Applications that impact on Penrith Town Council:** It is likely that the Town Council would like to express an opinion on any planning or licensing application made that has a potential direct impact on the Town Council or its property, but that Members may feel that this is an item which under the old framework they would have declared a prejudicial interest.

The Council therefore **grants a dispensation** for the period up to the next full Council elections in 2023 permitting any Member to speak and vote on:

- any planning or licensing application where there is a potential direct impact on Penrith Town Council.

- 4.5 **Setting Penrith Town Council precept:** Most Members are likely to have land, licence or tenancy interests within the area of the Council and, so they would be precluded from discussing setting the precept as that will have a pecuniary impact on them. Without a dispensation, Penrith Town Council would therefore be unable to set a precept.

The Council therefore **grants a dispensation** for the period up to the next full Council elections in 2023 permitting any Member to speak and vote on:

- The Penrith Town Council budget and precept.

- 4.6 **Setting Penrith Town Council Members Allowance, travelling expense, payment or indemnity:** This has a direct financial impact on all Members.

The Council therefore **grants a dispensation** for the period up to the next full Council elections in 2023 permitting any Member to speak and vote on:

- An Allowance, travelling expense, payment or indemnity for Members.

- 4.7 **Granting a Ceremonial Honour to Members:** There may be occasions where a Ceremonial Honour is granted to a Member, but other Members may feel that this is an item which under the old framework they would have declared a prejudicial interest.

The Council therefore **grants a dispensation** for the period up to the next full Council elections in 2023 permitting any Member to speak and vote on:

- Granting a Ceremonial Honour to a Member.

- 4.8 **Discussions relating to Penrith Town Council services:** Most Members are likely to use services provided by Penrith Town Council (e.g. allotments / recreation areas) and if declared under Appendix A (e.g. allotment tenancy) would be precluded from discussing the service. Without a dispensation, Penrith Town Council may not benefit from those who have the most knowledge of the service. This would not be interests of the inhabitants of Penrith Town Council's area.

The Council therefore **grants a dispensation** for the period up to the next full Council elections in 2023 permitting any Member to speak and vote on:

- Penrith Town Council services, where the Member is a user of the service.

- 4.9 **Discussions relating to External Organisations:** Where Members hold a membership of External Organisations, the Code of Conduct requires that to be declared as an interest, which potentially limits their input into any Town Council discussion or debate relating to that External Organisation. Without a dispensation, Penrith Town Council may not benefit from the knowledge of those who know most about the External Organisation. This would not be in the interests of the inhabitants of Penrith Town Council's area.

The Council therefore grants a dispensation for the period up to the next full Council elections in 2023 permitting any Member to speak and vote on:

- External Organisations, where the Town Councillor is a member of that External Organisation.

- 4.10 **Discussions relating to Resident Associations:** Where Members are also members of local Resident Associations, the Code of Conduct requires that to be declared as an interest, which potentially limits their input into any Town Council discussion or debate relating to that Resident Association. Without a dispensation, Penrith Town Council may not benefit from the knowledge of those who know most about a particular area. This would not be interests of the inhabitants of Penrith Town Council's area.

The Council therefore grants a dispensation for the period up to the next full Council elections in 2023 permitting any Member to speak and vote on:

- Any matter relating to a Resident Association, where the Member is also a member of that Resident Association.

5. Considerations

- 5.1 The Clerk to the Council has been given the authority to grant dispensations by resolving on 15 May 2015 that the Council delegates the power to grant dispensations to the Town Clerk under section 33(1) of the Localism Act 2011, the basis being set out under section 33(2).
- 5.2 The Town Clerk will formally notify the Councillor of the decision and reasons in writing at the earliest opportunity. A request for a dispensation will be made on an individual basis.

6. Procedure for making requests

- 6.1 Any Councillor who wishes to apply for a dispensation must if possible complete a Dispensation Form at least two working days before the meeting for which the dispensation is required.
- 6.2 If a dispensation requirement arises during a meeting, that will be dealt with by that meeting under the direction of the Proper Officer.

Approved May 2019

Review next Municipal term: 2023

Signed:

Cllr. Penrith Pategill Ward

Cllr. Penrith South Ward

Cllr. Penrith South Ward

Cllr. Penrith Carleton Ward

Cllr. Penrith East Ward

Cllr. Penrith East Ward

Cllr. Penrith East Ward

Cllr. Penrith West Ward

Cllr. Penrith West Ward

Cllr. Penrith West Ward

Cllr. Penrith North Ward

Cllr. Penrith North Ward

Cllr. Penrith North Ward

Cllr. Penrith North Ward