

Information for Members – Application for Dispensations

1 Introduction

1.1 The Standards Committee is responsible for determining requests for dispensation by Councillors of North Norfolk District Council under Section 33(2) Localism Act 2011

2 Purpose and effect of dispensations

2.1 In certain circumstances Councillors may be granted a dispensation which enables them to take part in Council business where this would otherwise be prohibited under the Code of Conduct or by law. Provided Councillors act within the terms of their dispensation there is deemed to be no breach of the Code of Conduct or the law.

3. The Localism Act 2011

3.1 Section 31 Localism Act 2011 generally prohibits a Member from participating and voting in a matter for which they hold a Disclosable Pecuniary Interest [“DPI”]:

Section 31(4)

“(4) The member or co-opted member may not—

(a) participate, or participate further, in any discussion of the matter at the meeting, or

(b) participate in any vote, or further vote, taken on the matter at the meeting,

but this is subject to [section 33](#).”

3.2 Section 33 allows for a Member, with a DPI, to apply in writing for a dispensation to be able to participate and/or vote at a meeting of the authority where the matter is to be discussed.

3.3 This procedure is applicable to a DPI or other interest for which a dispensation is requested. At NNDC it is the Standards Committee which determines such applications. On considering an application, the Standards Committee may consider granting a dispensation with reference to the reasons in section 33(2)(a)-(e) and the period for which the dispensation applies, which must not be in excess of 4 years.

33 Dispensations from section 31(4)

(1) A relevant authority may, on a written request made to the proper officer of the authority by a member or co-opted member of the authority, grant a dispensation relieving the member or co-opted member from either or both of the restrictions in [section 31\(4\)](#) in cases described in the dispensation.

(2) A relevant authority may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority—

(a) considers that without the dispensation the number of persons prohibited by [section 31\(4\)](#) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,

(b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,

(c) considers that granting the dispensation is in the interests of persons living in the authority's area,

(d) if it is an authority to which [Part 1A](#) of the [Local Government Act 2000](#) applies and is operating executive arrangements, considers that without the dispensation each member of

the authority's executive would be prohibited by [section 31\(4\)](#) from participating in any particular business to be transacted by the authority's executive, or

e) considers that it is otherwise appropriate to grant a dispensation.

(3) A dispensation under this section must specify the period for which it has effect, and the period specified may not exceed four years.

(4) [Section 31\(4\)](#) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this section.

4 Criteria for determination of requests

4.1 In reaching a decision on a request for a dispensation the Standards Committee (as appropriate) will need to take into account:

- (a) the nature of the Councillor's prejudicial interest
- (b) the need to maintain public confidence in the conduct of the Council's business
- (c) the possible outcome of the proposed vote
- (d) the need for efficient and effective conduct of the Council's business any other relevant circumstances

5 Terms of dispensations

5.1 Dispensations may be granted:

- (a) for one meeting; or
- (b) for a period not exceeding 4 years.

5.2 Dispensations may allow 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 the matter at the meeting(s).

5.3 If a dispensation is granted, the Councillor may remain in the room where the meeting considering the business is being held.

6 Disclosure of decision

6.1 A Member applying for a Dispensation will be notified as soon as possible and in any event, within 7 days of the decision of the Standards Committee

6.2 Any Councillor who has been granted a dispensation must declare the nature and existence of the dispensation before the commencement of any business to which it relates.

6.3 A copy of the dispensation will be kept with the Register of Councillors' Interests