

DISPENSATIONS PROCEDURE GUIDE (POST JULY 2012)



South
Cambridgeshire
District Council

1. Introduction

The Council's Monitoring Officer and Civic Affairs Committee are responsible for determining requests for dispensation by Councillors of South Cambridgeshire District Council under Section 33 (2) Localism Act 2011.

This guide explains:-

- (a) the purpose and effect of dispensations
- (b) the procedure for requesting dispensations
- (c) the criteria which are applied in determining dispensation requests
- (d) the terms of dispensations

2. Purpose and effect of Dispensations

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.

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).

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

3. Process for making requests

Any Councillor who wishes to apply for a dispensation must fully complete the attached form at Appendix A and submit it to the Monitoring Officer at least 15 working days before the meeting which the dispensation is required where possible. Applications may be accepted within a shorter period in exceptional circumstances, such as where the councillor is only made aware of the existence of an interest relating to a particular meeting once the agenda for a meeting has been published.

In order to avoid delay Councillors must ensure that they give full details of the grounds for their request and submit it to the Monitoring Officer as soon as they become aware that a dispensation is necessary.

A request for dispensation must be made on an individual basis. Group applications are not permitted.

4. Consideration by the Monitoring Officer

The Council has delegated to the Monitoring Officer the authority to grant dispensations. The Monitoring Officer will consider requests for a dispensation in the order in which they are received having regard to the criteria set out in paragraph 6.

In the case of a Disclosable Pecuniary Interest, the Monitoring Officer, after consultation with the Chairman of the Civic Affairs Committee and the Independent Person, may grant a dispensation 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 (ie. the meeting would be inquorate); or
- (b) 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 on the matter; or
- (c) the authority considers that the dispensation is in the interests of persons living in the authority's area; or
- (d) without the dispensation no member of the Council's Cabinet would be able to participate on this matter; or
- (e) it is otherwise appropriate to grant a dispensation.

The provisions of the above paragraph shall also apply in the same way in the case of a non-disclosable pecuniary interest or non-pecuniary interest, subject to the substitution of "the Code of Conduct" for Section 31 (4) Localism Act 2011" in that paragraph.

The terms of any dispensation shall be in accordance with paragraph 7.

The Monitoring Officer will notify the Councillor of their decision and reasons in writing at the earliest opportunity and in any event within 5 working days of the decision.

5. Consideration by the Civic Affairs Committee

The Monitoring Officer reserves the right to refer any request for a dispensation to the Civic Affairs Committee for determination as soon as is reasonably practicable.

The Civic Affairs Committee will consider requests for a dispensation referred by the Monitoring Officer in the order in which they were received by the Monitoring Officer having regard to the criteria set out in paragraph 6.

Meetings of the Civic Affairs Committee will normally be open to the public and any Councillor who has submitted a request will have the opportunity to attend and make representations in support of their application.

The Monitoring Officer will notify the Councillor of the Committee's decision and reasons in writing at the earliest opportunity and in any event within 5 working days of the decision.

All dispensations granted by the Monitoring Officer shall be reported to the next scheduled meeting of the Civic Affairs Committee.

6. Criteria for Determination of Requests

In reaching a decision on a request for a dispensation the Monitoring Officer or the Civic Affairs Committee (as appropriate) will 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
- (e) any other relevant circumstances.

7. Terms of Dispensations

Dispensations may be granted:

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

8. Disclosure of Decision

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.

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

South Cambridgeshire District Council Dispensation Request Form

Please give full details of the following in support of your application for a dispensation. You should refer to the accompanying 'Dispensations Guidance'. If you need any help completing this form please contact the Monitoring Officer.

Your name	
Decision-making body in respect of which you require a dispensation	
Details of your membership of that body	
The business for which you require a dispensation (refer to agenda item number if appropriate)	

APPENDIX A

Details of your interest in that business	
Date of meeting or time period (up to 4 years) for which dispensation is sought	
Dispensation requested to participate, or participate further, in any discussion of that business by that body	Yes/No
Dispensation requested to participate in any vote, or further vote, taken on that business by that body	Yes/No

<p>Full reasons why you consider a dispensation is necessary (use a continuation sheet if necessary)</p>	
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Signed: _____ Dated: _____

Please send your completed form to the Monitoring Officer, South Cambridgeshire District Council, South Cambridgeshire Hall, Cambourne Business Park, Cambourne, Cambridge, CB23 6EA or by email to monitoring.officer@scambs.gov.uk . You will normally receive notification of the Monitoring Officer's decision within 5 working days of the decision.