

HOLT TOWN COUNCIL
POLICY RELATING TO DISCLOSABLE PERSONAL INTERESTS

1. LEGAL BACKGROUND

Under Section 31(4) of the Localism Act 2012, a member who is present at a meeting of Holt Town Council or of any committee, or sub-committee of Holt Town Council and has a Disclosable Pecuniary Interest in a matter to be considered or being considered at the meeting (of which the member is aware) may not participate in the discussion of that matter at the meeting or participate in any vote taken on the matter at the meeting, unless a dispensation has been obtained from Holt Town Council under s33 of the Act.

Holt Town Council has the power to grant a dispensation under s33 of the Act for up to 4 years.

The 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 impeded 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

2. GUIDANCE

The following provides guidance on the above grounds for granting a dispensation:

- (a) Ground (a) is capable of an objective interpretation and could best be interpreted as requiring more than one half of the number of councillors who would be entitled to vote at a meeting being prohibited from doing so. It would certainly apply where the council would be unable to have a quorum
- (b) Ground (b) is not something that will not normally apply to Holt Town Council council as it does not have formal Political Groups
- (c) Ground (c) should be interpreted strictly to ensure that a reasonable person, having regard to all of the circumstances, would consider that the benefit to persons living in the authority's area outweighs the perceived benefit to the members receiving the dispensation and is only what is required to allow business to be transacted and no more

3. DISPENSATION TERM

If granted, it should be specified for how long this applies e.g. for the meeting only or for the term of the Council

4. PROCESS OF DELEGATION

- (a) Members requesting a dispensation should advise the Clerk in writing at least 4 days before a meeting
- (b) The Clerk will then prepare a list which will be circulated to members at the start of the meeting
- (c) Members requesting a dispensation will be asked to leave the meeting at that item on the agenda
- (d) Members remaining will decide on the dispensation and its term
- (e) Members requesting the dispensation will then be invited back into the Council chamber and advised of the decision
- (f) If a dispensation is granted members will be permitted to speak at the start of debate and then asked to leave. Members who receive dispensations will be asked to speak at in alphabetical order (by surname)
- (g) Dispensation requests to speak and to vote need not necessarily be taken together.
i.e. a member may be given a dispensation to speak but not to vote.

5. GROUNDS FOR GRANTING A DISPENSATION

To grant a dispensation for the following reasons:

- without a dispensation the number of councillors prohibited from participating would be more than one half of the councillors who would be entitled to vote at a meeting of the Council/committee/sub-committee transacting the business
- the granting of a dispensation is in the interests of persons living in the Council's area
- it would otherwise be appropriate

6. APPLYING FOR A DISPENSATION

Members should advise to the Clerk in writing (by letter or email) :

1. What is the Item which is to be considered and in respect of which do you seek a dispensation?
2. What is the nature of the Disclosable Pecuniary Interest?

HTC DRAFT POLICY RE DISPENSATIONS and DISCLOSABLE INTERESTS

DD Oct 2012

7. REVIEW OF THE POLICY

This will be done from time to time depending on legal advice and precedent.