

Wiltshire Council
Standards Committee
Dispensation Requests
Application Process and Criteria for Determination

Introduction

- 1 The Standards Committee is responsible for determining requests for dispensation by members of Wiltshire Council and Wiltshire Town, Parish and City Councils under the Standards Committee (Further Provisions) (England) Regulations 2009.
- 2 This note explains:
 - the purpose and effect of dispensations;
 - the procedure for requesting dispensations;
 - the criteria which the Standards Committee apply in determining dispensation requests;

Dispensations

- 3 In certain circumstances members may be granted a dispensation which enables them to take part in Council business where this would otherwise be prohibited because the member has a prejudicial interest. Provided members act within the terms of their dispensation there is deemed to be no breach of the Code of Conduct.

Process for Making Requests

- 4 Any member who wishes to apply for a dispensation must complete the attached form at Appendix A and submit it to the Monitoring Officer at least 14 days before the meeting for which the dispensation is required. The Monitoring Officer will arrange a meeting of the Dispensation Sub-Committee to consider the request at the earliest opportunity.
- 5 In order to avoid delay members 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.
- 6 A request for dispensation must be made on an individual basis. Group applications are not permitted.
- 7 Meetings of the Dispensation Sub-Committee will normally be open to the public and any member who has submitted a request will have the opportunity to attend and make representations in support of their application.

Criteria for Determination of Requests

- 8 The Dispensation Sub-Committee may grant a dispensation where the transaction of the Council's business would otherwise be impeded by, or as a result of, the Code of Conduct because:

- a) more than 50% of the members who would be entitled to vote at a meeting are prohibited from voting; or
 - b) the number of members prohibited from voting at a meeting would upset the political balance of the meeting to such an extent as to prejudice the outcome of voting in that meeting;
- 9 Dispensations will not be granted in the following circumstances:
- a) to allow a member to vote at an overview and scrutiny committee in respect of a decision made by any body of which that person was a member at the time the decision was taken;
 - b) to allow a member of the Cabinet with a prejudicial interest in an item of executive business to take an executive decision on the matter on their own.
- 10 The Dispensation Sub-Committee may grant a dispensation:
- a) for one term of business
 - b) for a period not exceeding 4 years
 - c) allowing the member to participate in the meeting and vote
 - d) allowing the member to speak but not vote
- 11 In reaching a decision on a dispensation request the Dispensation Sub-Committee will:
- a) have regard to guidance issued by the Standards Board for England - see Appendix B;
 - b) disregard any dispensations that have already been granted to other members of the same body;
 - c) take into account:
 - (i) the nature of the member's prejudicial interest;
 - (ii) the need to maintain public confidence in the conduct of the Council's business;
 - (iii) the impact on the outcome of the proposed vote;
 - (iv) the need for efficient and effective conduct of the Council's business;
 - (v) any other relevant circumstances.

Notification of Decision

- 12 The Monitoring Officer will notify the member of the Sub-Committee's decision and reasons in writing at the earliest opportunity and in any event within 5 working days of the meeting.
- 13 Any member 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.
- 14 A copy of the dispensation will be kept with the Register of Members' Interests.