

SALISBURY
CITY COUNCIL



DISPENSATIONS

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CP007	2	CSM	45964	TBC	7 Sep 2020	Sep 2023	Dem
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Distribution

Internal: All SCC Staff

External: Website/Councillors/Partners

Salisbury City Council

Procedure for the Granting of Dispensations by the City Clerk:

1. Introduction:

- 1.1. At the meeting of the Policy and Resources Committee 15 July 2013 it was agreed that the City Clerk may grant a dispensation 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 he considers that:
 - 1.1.1. Without the dispensation, the number of members prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of business
 - 1.1.2. Without the dispensation the representation of different political groups of the Council transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business
 - 1.1.3. Granting the dispensation is in the interests of persons living in the Council's area or
 - 1.1.4. It is otherwise appropriate to grant a dispensation.
- 1.2. When considering his decision the City Clerk will take onto account the following factors:
 - 1.2.1. The nature of the councillor's interest, e.g. is it substantial or remote?
 - 1.2.2. The need to maintain public confidence in the conduct of the council's business
 - 1.2.3. The need for efficient and effective conduct of the council's business
 - 1.2.4. The councillor's particular expertise or knowledge in the matter that may be useful in its consideration (e.g. the councillor could be granted a dispensation to speak but not to vote)
 - 1.2.5. The interest is common to the councillor and a significant proportion of the inhabitants of the authority's area
 - 1.2.6. Any other relevant circumstances
- 1.3. For potential controversial dispensations the City Clerk will refer the granting of the dispensation to the Chair of the meeting at which the issue is due to be discussed. The City Clerk will forward the request for dispensation to the Chair of that committee and inform the member requesting the dispensation that this is his decision.

2. Procedure:

- 2.1. Any councillor who wishes to apply for a dispensation must do so in writing. The Dispensation Request Form is attached to the procedure.

- 2.2. The written request must be made to the City Clerk as soon as possible before the meeting at which the dispensation is required.
- 2.3. Dispensation applications should not be made at the council meeting at which the business itself is to be discussed unless the nature of the interest has only become apparent to the councillor at that meeting. Where a dispensation request is being considered by a meeting of the council, the councillor making the request may participate and vote on the business of whether to grant the dispensation.

3. Terms of Dispensations:

3.1. Dispensations may be granted:

- 3.1.1. for one or more meetings of the council, or
- 3.1.2. for a period not exceeding four years

3.2. In either case, the dispensation must specify the period for which it has effect.

4. Notification and Disclosure of Decision:

- 4.1. The City Clerk will notify the councillor as soon as possible of the decision taken.
- 4.2. A sample dispensation decision notice is attached to this overleaf to this procedure
- 4.3. 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.
- 4.4. A copy of any dispensation granted will be forwarded to the Monitoring Officer of Wiltshire Council and kept with the Register of Councillor's interests.
- 4.5. There is a flowchart attached to this procedure for guidance

Salisbury City Council

Councillor's Request for Dispensation to be granted by the City Clerk

Councillors seeking dispensations under Section 33 of the Localism Act 2011 may do so using this Form.

The matter for which dispensation is sought (refer to agenda item number, date of meeting etc if appropriate)	
Details of your interest in that matter	
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 matter	Yes / No
Dispensation requested to: participate in any vote, or further vote , taken on that matter	Yes / No
REASON(S) FOR DISPENSATION	
33(2)(a) without the dispensation the number of persons unable to participate in the transaction of business would be so great as to impede the transaction of the business	Yes / No
33(2)(b) without the dispensation the representation from different political groups of the Council transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business	Yes / No
33(2)(c) the dispensation is in the interests of persons living in the council's area	Yes/No
33(2)(e) that it is otherwise appropriate to grant a dispensation	Yes / No

Details of reason why you are requesting a dispensation :		
Name:		
Signature:		
Date:		

DECISION :	
Dispensation given:	YES / NO / Refer to committee
Length of Dispensation :	
Date:	
Signed:	City Clerk

Dispensation Decision Notice

Salisbury City Council

Date Dispensation Request Considered	
Name of Councillor requesting dispensation	
Dispensation Grants	Yes / No / Referred to Chair (given name of committee)
Reasons for the Decisions (if granted, also specify on what ground decision was made, in, the dispensation is in the interests of persons living in the City area	
The business of the Council for which the dispensation is being given (if appropriate)	
Length of Dispensation	
Signed	
Date	

Councillors are reminded that once they have been granted a dispensation that they must declare the nature and existence of the dispensation before the commencement of the any business to which it relates

A copy of this dispensation decision notice will be forwarded to the Monitoring Officer of Wiltshire Council and kept with the Register of Councillors interests.

Flowchart for granting of dispensations

