

## DISPENSATION REQUEST

Name of Councillor	
Nature and description of interest for which dispensation sought:	
Period for which dispensation is sought. NOTE: This may be for a maximum period of 4 years. Where a dispensation is sought for a particular meeting, please specify date of meeting	
Grounds on which the dispensation is sought.  <ul style="list-style-type: none"><li>• Please refer to grounds referred to in guidance.</li><li>• Please also provide supporting reasons as to why you consider the dispensation request should be granted.</li><li>• Please state whether you are seeking a dispensation to speak and to vote or to speak only on the particular matter.</li></ul>	

## Guidance on Dispensation Requests

A dispensation can be granted on the following grounds to enable a member to speak and/or vote where they would otherwise have a disclosable pecuniary interest: -

1. That so many members of the Council have disclosable pecuniary interests in a matter that it would impede the transaction of the business (i.e. it would otherwise be inquorate)
2. That without the dispensation, the representation of different political groups on the Council would be so upset as to alter the outcome of any vote on the matter.
3. That the Council considers that the dispensation is in the interests of persons living in the Council's area.
4. That without a dispensation no member of the Cabinet would be able to participate on the matter
5. That the Council considers that it is otherwise appropriate to grant a dispensation.

A dispensation request must be made to the Monitoring Officer in writing or by email addressed to Karen White Monitoring Officer, Newark and Sherwood District Council, Castle House, Great North Road, Newark, Notts. NG24 1BY or email to [karen.white@newark-sherwooddc.gov.uk](mailto:karen.white@newark-sherwooddc.gov.uk)

It is advisable to submit a dispensation request well in advance of the date of the meeting for which the dispensation is sought and in any event, other than in exceptional circumstances the dispensation request should be submitted not less than 10 clear days prior to the date of the meeting to which the dispensation request relates.

The Council has agreed the following criteria in determining whether to grant dispensation requests:-

1. Whether the nature of the member's interest is such that to allow them to participate would not damage public confidence in the conduct of the authorities business
2. Whether the interest is common to the member and a significant proportion of the general public; *if this is the case a dispensation is more likely to be granted.*
3. Is the participation of the member in the business that the interest relates to justified by a member's particular role or expertise?
4. Whether the interest is trivial or remote; *if this is the case a dispensation is more likely to be granted.*

## **General Dispensations**

At the meeting of the Standards Committee on 18<sup>th</sup> July 2012 a general dispensation was given to all members of the Council for the period of four years from 18<sup>th</sup> July 2012 to enable them to speak and vote where they have a Disclosable Pecuniary Interest but where that Interest is one which a member of the public with knowledge of the relevant facts would not reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest, such dispensation to include the following specific circumstances:

- (i). housing where the member, their spouse, partner or person with whom they are living as spouse or civil partner is a tenant of the Council provided that the functions do not relate particularly to the members tenancy or lease
- (ii). setting the council tax and budget under the Local Government Finance Act 1992 where the member, their spouse, partner or person with whom they are living as spouse or civil partner holds property interests within the district (including owning or renting a home within the district).

Where a member is unsure whether this general dispensation applies to their particular circumstances, they are advised to make a specific dispensation request to the Monitoring Officer.

## **Procedure for granting dispensation requests**

Dispensation requests under Grounds 1 and 4 and dispensation requests in respect of interests which are considered to be remote or trivial may be determined by the Monitoring Officer acting under delegated authority. Dispensation requests under any other grounds will be considered by the Policy & Finance Committee. Dispensations may be granted for any period up to a maximum of four years.

## **Bias and Predetermination**

You should note that there may be circumstances where you do not have a disclosable pecuniary interest but it would be inappropriate for you to speak and vote on any matter by reason that you may be biased if you were to do so – for example speaking and voting on a planning application relating to a close member of your family other than your spouse or partner. A dispensation cannot be granted in such circumstances to enable you to speak and vote.

Moreover it is extremely unlikely that a dispensation will be granted in respect of a disclosable pecuniary interest where circumstances of bias or predetermination may arise. For further information and clarification please contact the Monitoring Officer.