

HEXHAM TOWN COUNCIL

THE GRANTING OF DISPENSATIONS UNDER THE CODE OF CONDUCT

NOTE: This document may be revised if and when additional information is received following any legal proceedings or Government clarifications.

1. The Council adopted its Code of Conduct on 3 September 2012 (readopting it on 3 July 2017). Under this code, if Councillors wish to take part in the consideration and voting on a matter or matters in which they have a personal and/or prejudicial disclosable interest. then they may request a dispensation be granted to enable them to take part in the discussion and to vote on it. (A Councillor must continue to declare his or her interest, be it personal or personal and prejudicial.)
2. As the Code adopted by the Council is based upon the NALC code of conduct, the Town Clerk is responsible, as the statutory officer, for granting dispensations under the Localism Act 2012 c7 s33.
3. A request for a dispensation must be in writing and provide factual evidence as to why a dispensation is required and to what business it relates to (a planning application, a grant application, etc.)
4. A request for a dispensation should be made at least ten days before a meeting. It is not practical to request a dispensation on receipt of the agenda. It may also be necessary to request further information before a dispensation can be granted.
5. A file will be kept of all relevant paperwork for each Councillor requesting a dispensation. This will be open to public scrutiny.
6. Once all documentation is available then a dispensation may be granted and will only be granted on one of the following basis:
 - a. Without dispensation the Council would be unable to consider, discuss and decide upon an issue as it would not be quorate (LA 2012 c7 s33(2a)).
 - b. The political balance of the Council would be distorted and this could alter the outcome of the decision (LA 2012 c7 s33(2b)).
 - c. A dispensation is in the interests of the residents living in the area (LA 2012 c7 s33(2c)).
 - d. It is otherwise appropriate to grant a dispensation (LA 2012 c7 s33(2e)).
7. When a dispensation is granted:
 - a. The reason for selecting a specific basis will be recorded in case there are any subsequent challenges, legal or otherwise.
 - b. The date of and the period of the dispensation will be recorded and the dispensation will be minuted.
 - c. The Councillor requesting the dispensation will be advised in writing of the decision and the basis for it.

- d. The Councillor will be advised how long the dispensation will last (the dispensation period will never exceed the term of the Council). However, a dispensation will also only be granted for the length of time that the issue, over which the dispensation is being granted, will exist.
- 8. 'Blanket' dispensations will not be granted.
- 9. Councillors should note in particular paragraph 4 above. This period is the minimum and will be adhered to.

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