



MARDEN PARISH COUNCIL **DISCLOSABLE PECUNIARY INTERESTS -** **DISPENSATIONS**

Section 33 of the Localism Act 2011 permits a Parish Council to grant a dispensation to a member or co-opted member to allow him/her to participate in a discussion or vote on a matter in which he/she has a disclosable pecuniary interest (DPI).

Marden Parish Council, at the Full Council meeting on 9th October 2012, gave delegated powers (Section 101 Local Government Act 1972) to the Clerk, acting as Proper Officer to the Council, to give consideration and approve, if relevant, the granting of DPI dispensation to a Parish Councillor. At the Full Council meeting on 13th November 2012, the Full Council extended the scope of this delegation to the Deputy Clerk in the event that the Clerk is on leave or otherwise unavailable.

A decision may only be made following a written request to the Proper Officer from the member concerned.

The Clerk (or Deputy Clerk, where appropriate) may grant a DPI dispensation only if, after having had regard to all relevant circumstances, they consider that:

- Without the dispensation, the number of members, or co-opted 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 the business; or
- Granting the dispensation is in the interests of persons living in the authority's area; or
- It is otherwise appropriate to grant a dispensation.

The DPI dispensation must specify the period for which it has effect, and that period may not exceed four years.

Alternatively, the Clerk (or Deputy Clerk, where appropriate) may refer the matter to the Full Council to decide whether to grant a dispensation (subject to the above considerations).

Office Opening Times:

Mondays, Tuesdays & Fridays 10am - 12 noon

Email: clerk@mardenkent-pc.gov.uk

Website: www.mardenkent-pc.gov.uk

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Note that the restriction on taking part or voting does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under Section 33 of the Localism Act 2011.

The Full Council agreed on 13th November 2012 that a standing item should be placed on all Full Council, Committee and Sub-Committee, agendas to cover dispensations. This allows a member to request dispensation if he/she has only become aware of a DPI during the meeting itself. This can then be decided before discussion moves on to the item, or items, for which a dispensation is requested.

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NOTES:

Disclosable Pecuniary Interests in Matters Considered at Meetings

Section 31 of the Localism Act 2011 sets out what a member must do if he or she has (and is aware that he or she has) a disclosable pecuniary interest (DPI – see below for further information)¹ in a matter which is to be considered or is being considered at a meeting at which the member is present. Section 31 applies, of course, to elected councillors and to councillors who have been co-opted onto the full council. But section 31 also applies to any co-opted members of committees, sub-committees, joint committees and joint sub-committees who are not councillors but who are allowed (by law) to vote on certain decisions.²

Section 31 says that, if a member, or co-opted member, is present at a meeting of the authority, or at a meeting of any committee, sub-committee, joint committee or joint sub-committee of the authority, and is aware that he or she has a disclosable pecuniary interest in any matter to be considered or being considered at the meeting and that interest is not in the register of members' interests, he or she must disclose that interest to the meeting.

In the case of a sensitive interest, Section 32(3) of the Act, requires the fact of there being a disclosable pecuniary interest to be declared, but does not require that details of the interest itself be given.

¹ A pecuniary interest will be a “disclosable pecuniary interest” if: it is of a description specified in regulations (ie one specified in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012/1464); and it is an interest of:

either

the member or co-opted member;

or

the member's or co-opted member's spouse or civil partner; or

a person with whom the member or co-opted member is living as husband and wife;

or

a person with whom the member or co-opted member is living as if they were civil partners;

and the member or co-opted member is aware that that other person has the interest. (Section 30(3))

² Section 27(4) of the Localism Act 2011 states that in this context a “co-opted member” means:

“a person who is not a member of the relevant authority but who

(a) is a member of any committee or sub-committee of the authority, or

(b) is a member of, and represents the authority on, any joint committee or

joint sub-committee of the authority,

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

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NOTES:

Dispensations:

A relevant authority may, on a written request made to the Proper Officer of the authority by a member or co-opted member of the authority, grant a dispensation relieving the member or co-opted member from either or both of the restrictions in section 31(4) of the Localism Act 2011 in cases described in the dispensation.

A relevant authority may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority:

- 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 impede the transaction of the business;
- 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;
- Considers that granting the dispensation is in the interests of persons living in the authority's area;
- If it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive; or
- Considers that it is otherwise appropriate to grant a dispensation.

A dispensation under this section must specify the period for which it has effect, and the period specified may not exceed four years.

Section 31(4) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this section.

Adopted by Marden Parish Council on: 13th November 2012

Reviewed/Amended on: 12th June 2018 / 11th June 2019 / 6th April 2021 / 8th March 2022 / 14th March 2023 / 12th March 2024 / 14th January 2025

Review date: March 2026

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