

Localism Act 2011 & Standards

Dispensations Guidance



What is a dispensation?

A dispensation is a permission relieving the member from the restrictions in place where they have an interest.

How can I request a dispensation?

An individual member or a group of members may request a dispensation in writing. Members of a parish council must submit the request to the Proper Officer (Clerk), whilst members of the District Council must submit the request to the Monitoring Officer.

The request must state:

- Who is requesting the dispensation
- The requested start date
- The requested end date (must not be more than four years or until the end of term of office, whichever is the soonest)
- Why a dispensation is being requested.

A joint request by multiple members can be accepted for a dispensation of the same nature provided it is signed by all members requesting the dispensation.

How long does the dispensation last for?

No dispensation can take effect until the member(s) has received agreement from the relevant committee or Monitoring Officer. No dispensations can be granted retrospectively.

Who can grant a dispensation?

Parish councils will need to decide how they will manage the granting of dispensations. The Proper Officer (Clerk) must receive the request, however the parish council will need to agree how they will be granted. For further information

on this please refer to guidance issued by NALC or the Society of Local Council Clerks.

For dispensations to district council members – some can be granted by the Monitoring Officer and some can be granted by the Standards Panel (see below).

What can I get a dispensation for?

Dispensations can be requested for the following reasons:

- The **number of persons** prohibited would be so great a proportion as to impede the transaction of the business (for district council members this can be decided by the Monitoring Officer)
- Each members of the authority's **Executive** would be prohibited (for district council members this can be decided by the Monitoring Officer)
- The representation of different **political groups** would be so upset as to alter the likely outcome of the vote (for district council members this can only be decided by the Hearing Panel)
- Is in the **interests of persons** living in the authority's area (for district council members this can only be decided by the Hearing Panel)
- It is **otherwise appropriate** to grant dispensation (for district council members this can only be decided by the Hearing Panel)

Where can I get further information from?

The relevant section of the Localism Act 2011 referring to dispensations is:

Part 1, Chapter 7, Section 33

The Localism Act 2011 can be found on the following link:

<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

For further information please contact:

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