

DISPENSATIONS

POLICY

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| AGREED: |  |
| REVIEW by: | Dec 2025 |

DISPENSATIONS

1 INTRODUCTION

* 1. In certain circumstances Councillors may be granted a dispensation which enables them to take part in Council business where this would otherwise be prohibited because they have a Disclosable Interest.
  2. Provided Councillors act within the terms of their dispensation there is deemed to be no breach of the Code of Conduct or the law.
  3. Previously, dispensations were issued by the Standards Committee of the district council, but as town/parish councils are defined as ‘a relevant authority’ under the Localism Act 2011, they are now responsible for determining requests for dispensations from a local town/parish Councillor under S33.
  4. S31(4) of the Localism Act states that dispensation allows the Councillor;

1. To participate, or participate further, in any discussion of the matter at the meeting(s); and/or
2. To participate in any vote, or further vote, taken on a matter at the meeting(s).

1.5. If a dispensation is granted, the Councillor may remain in the room where the

meeting considering the business is being held.

1.6. **If a Councillor participates in a meeting where they have a Disclosable Pecuniary Interest, and they do not have a dispensation, they may be committing a criminal offence under S34 Localism Act 2011.**

2. DISCLOSURE OF DECISION

2.1 Any Councillor who has been granted a dispensation must declare the nature and existence of the dispensation before the start of any business to which it relates.

2.2 A copy of the dispensation must be kept with the Register of Councillor’s Interests.

3. CRITERIA FOR DETERMINATION OF REQUESTS

3.1 A dispensation may be granted 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 they consider that:

1. So many members of the decision-making body have disclosable pecuniary interests, that it would impede the transaction of the business (i.e., the meeting would be inquorate); or
2. The dispensation is in the interests of persons living in the authority’s area; or
3. It is otherwise appropriate to grant a dispensation.

3.2 If an adopted code prevents a Councillor speaking or voting where they have an interest other than a disclosable pecuniary interest, the Parish Council may extend the provision of the above paragraph to apply in the same way to those interests, but this is at the discretion of the Council.

4. GENERAL DISPENSATIONS

4.1 The following general dispensations apply for the maximum permitted period of four years from the date of the decision and will be reviewed from the start of each new administration.

4.1.1 Dual-Hatted Members: It is expected that all dual-hatted Members will declare their Membership of the County Council as an Appendix A declaration, which would exclude them from any discussion which impacts on the County Council.

The Council therefore grants a dispensation for the period up to the next full Council elections permitting any ‘dual hatted’ Member to speak and vote on:

* any matter relating to any land transactions between Cornforth Parish Council and Durham County Council.
* any matters relating to any financial transactions or grants between Cornforth Parish Council and Durham County Council.
* any planning application or Local Plan matter where the promoter, applicant or landowner is Durham County Council.
* any matter (from a Cornforth Parish Council perspective) on which the “dual-hatted” Member may be called upon to re-discuss in their capacity as a Member of a County Council Committee.

4.1.2 Planning Applications by Cornforth Parish Council.

It is likely that the Parish Council would like to express support for any planning application made in its name, but that Members may feel that this is an item which under the old framework they would have declared a prejudicial interest. The Council therefore grants a dispensation for the period up to the next full Council elections permitting any Member to speak and vote on:

* any planning application where the promoter, applicant or landowner is Cornforth Parish Council.

4.1.3 Planning and Licensing Applications that impact on Cornforth Parish Council:

It is likely that the Town Council would like to express an opinion on any planning or licensing application made that has a potential direct impact on the Town Council or its property, but that Members may feel that this is an item which under the old framework they would have declared a prejudicial interest. The Council therefore grants a dispensation for the period up to the next full Council elections in permitting any Member to speak and vote on:

* any planning or licensing application where there is a potential direct impact on Cornforth Parish Council.

4.1.4 Setting Cornforth Parish Council Members Allowance, travelling expense, payment or indemnity.

This has a direct financial impact on all Members. The Council therefore grants a dispensation for the period up to the next full Council elections permitting any Member to speak and vote on

* An Allowance, travelling expense, payment or indemnity for Members.

4.1.5 Granting a Ceremonial Honour to Members

There may be occasions where a Ceremonial Honour is granted to a Member, but other Members may feel that this is an item which under the old framework they would have declared a prejudicial interest. The Council therefore grants a dispensation for the period up to the next full Council elections permitting any Member to speak and vote on;

* Granting a Ceremonial Honour to a Member.

4.1.6 Discussions relating to Cornforth Parish Council services

Most Members are likely to use services provided by Cornforth Parish Council

(e.g., allotments / recreation areas) and if declared under Appendix A (e.g., allotment tenancy) would be precluded from discussing the service. Without a dispensation, Cornforth Parish Council may not benefit from those who have the most knowledge of the service. This would not be in the interests of the inhabitants of Cornforth Parish Council’s area. The Council therefore grants a dispensation for the period up to the next full Council elections permitting any Member to speak and vote on;

* Cornforth Parish Council services, where the Member is a user of the service.

4.1.7 Discussions relating to External Organisations

Where Members are allocated by the Parish Council onto External Organisations, the Code of Conduct requires that to be declared as an Appendix B interest, which potentially limits their input into any Parish Council discussion or debate relating to that External Organisation. Without a dispensation, Cornforth Parish Council may not benefit from the knowledge of those who know most about the External Organisation. This would not be in the interests of the inhabitants of Cornforth Parish Council’s area. The Council therefore grants a dispensation for the period up to the next full Council elections permitting any Member to speak and vote on;

* External Organisations, where the Member is a Council nominated member of that

External Organisation.

4.1.8 Discussions relating to Resident Associations

Where Members are also members of local Resident Associations, the Code of Conduct requires that to be declared as an Appendix B interest, which potentially limits their input into any Parish Council discussion or debate relating to that Resident Association. Without a dispensation, Cornforth Parish Council may not benefit from the knowledge of those who know most about a particular area. This would not be in the interests of the inhabitants of Cornforth Parish Council’s area. The Council therefore grants a dispensation for the period up to the next full Council elections permitting any Member to speak and vote on;

* Any matter relating to a Resident Association, where the Member is also a member of that Resident Association.