Hutton Parish Council

Incorporating Elborough, Hutton and Woodside

Sophie Hooker - Hutton Parish Clerk
12 Hutton Hill, Hutton, North Somerset BS24 9SY - Monday to Thursday 10am-3pm
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DECLARING INTERESTS AND DISPENSATIONS POLICY

Every council must adopt a code of conduct to show how it lives up to the standards of public life. On joining the council each member will sign a declaration of acceptance of office. There is an undertaking to follow the council's code and to meet the standards of integrity, respect and leadership expected of a local councillor. An essential part of the code is the declaration of interests, and this Policy should be read alongside our council's Code of Conduct.

What is an interest?

A conflict of interest happens when a councillor has competing interests that could influence their decisions; where the public might believe that a member's personal links to an issue might interfere with their decision making.

To ensure that the public can have confidence in the integrity and transparency of their local councillors, our council has a code of conduct which defines the categories of interest which must be declared in advance via a public register, and/or declared at every meeting where a decision is being made.

In deciding whether they have an interest, a member must also consider whether their interest is greater than the majority of residents, the public perception of their link to the issue and whether they have an open mind on the matter.

Declaring interests and leaving the room

The Code of Conduct applies to all parts of the meeting including the public session. There will be an opportunity for members to declare their interests at the start of the meeting and these will be recorded in the minutes. If an interest becomes apparent during discussion, the member should declare this immediately. The member must leave the room if the matter is being discussed during public speaking (on the item), during debate of the agenda item or immediately if an interest becomes apparent. They cannot stay in the meeting, take part in the discussion or vote. Their actions will be recorded in the minutes.

Under the Code of Conduct there is no facility for a councillor with a declared interest, to use the public session to address the council or to remain in the room during discussion, even if they intend to abstain from voting. The Code of Conduct covers any meeting of the council including committees, sub committees and working groups.

A member attending a committee meeting would still have to declare any interests and leave the meeting even if they were not part of the committee membership.

Outside Bodies Councillors who are involved with outside bodies often have information which would be useful to the council when making a decision.

Under the code of conduct a councillor with an interest in an outside community group i.e. clubs, facility management committee, community group, must declare the interest as normal but is able to make a short statement and answer any questions before leaving the room. The council can also call the member back if there any further questions at any time. This part of the code does not allow the member to stay for the whole discussion and they must leave when asked to by the Chair.

Dispensations

The Council can give permission for a member to remain in the room and either take part in the discussion or take part in the discussion and vote despite their interest. These are known as 'dispensations 'and must meet at least one of three tests:

• That the meeting or item would become inquorate – if there is no time to defer the item to a future meeting or the interest relates to a charity where all members have the same interest.

• That it is in the interests of the community – that there is a sound reason for the member remaining in the discussion i.e. where the interest relates to an outside body and council would benefit from their knowledge and input beyond the time allowed within the participation above.

• There is some other significant reason why it would be appropriate – there would have to be a very sound reason and this element should not be used if there is no benefit to the wider community of the parish.

Granting Dispensations

i) The agenda should include a standard item to receive and consider requests for dispensations received at or before the start of the meeting
iii) The request must be made in writing and include:
• The agenda item
• Which criteria apply
• The period to be covered
• Whether the member is requesting dispensation to take part in the discussion OR take part in the discussion and vote
Council will award any dispensation and the record should be kept by the Clerk.

Key Considerations

It is recommended that dispensations should only be awarded on a meeting-by meeting basis or for no longer than until the next annual meeting of the Council if the interest relates to the councillors as trustees.

Once granted a dispensation can only be removed by the Monitoring Officer after a finding of a breach of the Code of Conduct.

Where the Chairman is granted a dispensation they also resume chairmanship of the item and the casting vote.

If members are requesting a dispensation to restore the quorum, consideration should be given to retaining the impartial majority and whether it is appropriate to award a dispensation to the Chair of the meeting.

Dispensations should not be used for the benefit of an individual member e.g. the member's planning application or to overcome member bias and predetermination.

Appendix 1

Dispensation Request form

Date: Name of requestor

Brief title of dispensation:

1. Please give a description and explain the nature of the disclosable pecuniary interest (or other interest) to which this request for the dispensation relates.

2. Please select of the options below on how the dispensation is required:

Participate at a meeting in a discussion only: YES / NO

Participate at a meeting in a discussion and a vote: YES / NO

3. Please specify the date of the meeting for which the dispensation is sought.

4. Please explain why the dispensation is sought.

Below to be completed by the Clerk:

Date Dispensation received:

Date / type of meeting dispensation discussed:

Outcome of dispensation request:

Date:

Signed: