

## APPLICATION FOR DISPENSATION

To: The Standards Committee  
c/o Sharon Lowe, Monitoring Officer  
Braintree District Council  
Causeway House  
Bocking End  
Braintree  
Essex  
CM7 9HB

<p>Full name of Member seeking dispensation <i>NOTE: the application must be submitted by the individual Member seeking the dispensation</i></p>	
<p>Name of Council</p>	
<p>Nature of interest for which dispensation is sought</p>	
<p>Nature and duration of dispensation sought <i>NOTE: dispensations may be granted for speaking only or for speaking and voting. They may be granted to enable a Member to speak only or to speak and vote at a particular meeting or may be granted for a specified period of time (up to a maximum of 4 years)</i></p>	
<p>Reasons why you think the Standards Committee should grant the request for a dispensation (see over for grounds under which a dispensation can be sought).</p> <p><i>NOTE: the Standards Committee has a discretion whether or not to grant the request for a dispensation</i></p>	

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

NOTE:

A Standards Committee may grant a dispensation to a Member or co-opted Member of an authority in the following circumstances:-

- Where more than 50% of the Members who would be entitled to vote at a meeting are prohibited from voting OR
- Where the number of Members that are prohibited from voting at a meeting would upset the political balance of the meeting to the extent that the outcome of voting would be prejudiced.  
(THIS GROUND ONLY APPLIES TO MEMBERS OF THE DISTRICT COUNCIL).

## **BRAINTREE DISTRICT COUNCIL**

### **Guidance to Members seeking a Dispensation from the Standards Committee**

#### **When might it be appropriate to request a dispensation?**

The Code of Conduct provides that if an elected or co-opted Member has what is described in the code as a prejudicial interest they should not speak or vote on the matter and should leave the meeting whilst the matter is discussed.

Principal authorities (which includes Braintree District Council) also have a provision in their code which enables members to make representations to the meeting where they would otherwise have a prejudicial interest where a member of the public has a similar right. However they should still leave the meeting before the vote is taken. This problem is not mandatory in the case of Town and Parish Councils and your Town and Parish Council may or may not have adopted it.

However the legislation provides that even where you have a prejudicial interest you may, in certain circumstances, request a dispensation from the Standards Committee. You can ask for the dispensation either just to speak at the meeting or to speak and to vote.

#### **What are the circumstances in which I ask for a dispensation?**

In the case of an elected or co-opted Member of Braintree District Council you can request a dispensation in the following circumstances:

- where more than 50% of the Members who would be entitled to vote at a meeting would otherwise be prohibited from voting or;
- where the number of Members that are prohibited from voting at a meeting would upset the political balance of the meeting to the extent that the outcome of voting would be prejudiced.

In the case of an elected or co-opted Member of a Town or Parish Council you can request a dispensation only

- where more than 50% of the Members who would be entitled to vote at a meeting would otherwise be prohibited from voting.

#### **Does the Standards Committee have to grant the request for a dispensation?**

No. The Standards Committee has discretion as to whether or not to grant the request. It can also grant a partial dispensation to enable you to speak but not vote or a dispensation to enable you to speak and vote. The Standards Committee has adopted a set of criteria to assist it in deciding the circumstances in which a request for dispensation will be granted.

#### **Are there any circumstances when a dispensation cannot be granted?**

Yes. In the case of elected Members of Braintree District Council, a dispensation cannot be given:

- to allow a Member to vote in an Overview and Scrutiny Committee on any decision made by a body of which they were a Member at the time the decision was taken;

- to allow an Executive Member with a prejudicial interest in an item of executive business to take an executive decision about it on their own.

### **How do I make a request for a dispensation?**

A request has to be made in writing by the Member who is seeking the dispensation. An individual request must be made by each Member who wishes to seek a dispensation and it is not therefore possible for the Town or Parish Clerk to request a general dispensation for more than one Member.

A pro-forma application form can be downloaded from the Council's website.

You should state the nature of the interest for which a dispensation is sought, the nature of the request (i.e. to enable you to speak only or to speak and vote) and the duration. A dispensation may be granted only for one meeting or for a period up to 4 years.

You should also specify the reasons why you think the Standards Committee should grant the dispensation.

### **How much notice does the Standards Committee need to consider my request?**

The Standards Committee may decide to constitute a Sub-Committee to determine your request so that it can be dealt with more quickly.

However you should leave as much time as possible between requesting the dispensation and the meeting for which the dispensation is sought as it will be necessary to convene a formal meeting in order to determine the request.

It is therefore suggested that you submit your request a minimum of 10 working days prior to the meeting at which you wish to request that you be given a dispensation to speak and/or vote to ensure that your request can be considered.