

Guidance on Applications for Dispensations



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

This guidance explains:

- *the circumstances which dispensations can be granted*
 - *the procedure for applying for dispensations*
 - *the criteria which the Audit and Transparency Committee will apply in determining applications*
1. The Audit and Transparency Committee may at its discretion grant dispensations to Members allowing them to speak and vote at a meeting in circumstances where they have a disclosable pecuniary interest. This procedure sets out how requests for dispensations should be made, the process that will be followed when the request is considered and the criteria that will be applied when the request is determined.
 2. A Member seeking a dispensation should send the completed form (attached to this guidance) to the Monitoring Officer. The application should be submitted as early as possible. If it is not possible to convene a meeting of Audit and Transparency Committee a decision may be taken under Standing Order 37 which allows for the discharge of urgent matters between meetings.
 3. An application for dispensation will be considered on the papers at a meeting of the Audit and Transparency Committee. In deciding whether to grant the dispensation the Committee will consider:
 - (a) whether the legal criteria for the grant of a dispensation are met (see paragraph 4 below);
 - (b) the reasons why the applicant Member considers the dispensation should be granted; and
 - (c) the matters referred to in paragraph 6 below
 4. The Audit and Transparency Committee has the power to grant a dispensation in the following circumstances if, having had regard to all relevant circumstances, the Committee considers that;
 - (a) without the dispensation the number of 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;
 - (b) 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;

- (c) granting the dispensation is in the interests of persons living in the Borough;
- (d) without the dispensation each member of the Cabinet would be prohibited from participating in any particular business to be transacted by the Cabinet; or
- (e) it is otherwise appropriate to grant a dispensation.

A dispensation may be granted for just one meeting or for a specified period (up to a maximum of 4 years).

5. In coming to a decision the Committee will take into account the following, where relevant;
 - *Is the nature of the Member's interest such that allowing them to participate would not damage public confidence in the conduct of the authority's business?* A dispensation is unlikely to be granted where the decision is one having a direct and significant financial effect on the applicant Member. For example, a dispensation allowing a Member to be on the Planning Applications Committee determining his or her planning application would be extremely unlikely to be granted.
 - *Can the decision be readily taken in an alternative way without damage to public confidence in the conduct of the authority's business?* It may not be in the public interest if the decision, in the absence of dispensations being granted, could be taken only by a small number of Members or by an officer under delegated powers.
 - *Is the participation of the Member in the business that the interest relates to justified by the Member's particular role or expertise?*
6. The Committee may grant a dispensation to allow the Member to speak and not vote, or to speak and vote. In most cases it will be appropriate to grant a dispensation allowing full participation. The Committee will also consider how long the dispensation should apply.
7. The Monitoring Officer will notify the Member of the Committee's decision and the reasons for it at the earliest opportunity. The nature and duration of any dispensation granted will be recorded in writing and kept with the register of Members' interests.

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