

## **Shropshire and Wrekin Fire and Rescue Authority Dispensations Procedure**

### **Circumstances in which Dispensations May be Granted**

The provisions of Part 1, Chapter 7 of the Localism Act 2011 state that a Member cannot:

- (a) Participate, or participate further, in any discussion of a matter at a meeting or
- (b) Participate in any vote, or further vote, taken on the matter at the meeting

if the Member has a disclosable pecuniary interest in the matter being considered.

The Fire Authority's Member Code of Conduct (see Section 4 of the Member Handbook) confirms the position and the requirement for the Member to leave the room.

Members can, however, apply for a dispensation to take part in those meetings, if they believe that their failure to take part may cause one or more of the following four outcomes (set out in the Code of Conduct):

The number of Members precluded from transacting the business is so great that it would impede the business of the Fire Authority or any committee	Monitoring Officer
The political balance is affected to the extent that it could affect the outcome of a vote relating to the business.	Monitoring Officer
The dispensation is in the interests of persons living in area of the Fire Authority.	Standards, Audit and Performance Committee
It is otherwise appropriate to grant a dispensation.	Standards, Audit and Performance Committee

Members can make an application for a dispensation in writing to take part in meetings, where they would otherwise have a disclosable pecuniary interest for consideration by either the Monitoring Officer or the Standards, Audit and Performance Committee, depending upon the reason for the dispensation.

Any member who wishes to apply for a dispensation must fully complete the attached form and submit it to the Head of Human Resources and Administration at least 15 working days before the meeting for which the dispensation is required. Applications may be accepted within a shorter period in exceptional circumstances.

In order to avoid delay Members must ensure that they give full details of the grounds for their request and submit it to the Head of Human Resources and Administration as soon as they become aware that a dispensation is necessary.

A request for dispensation must be made on an individual basis. Group applications are not permitted.

### **Applications to the Monitoring Officer**

The procedure for the consideration of dispensation applications by the Monitoring Officer will be as follows:

- Upon receipt of a relevant dispensation application the Head of Human Resources and Administration will pass the application to the Monitoring Officer.
- The Monitoring Officer will consider requests for dispensation in the order in which they are received having regard to the criteria and terms set out below.
- The Monitoring Officer will notify the Member of their decision and reasons in writing at the earliest opportunity and in any event within 5 working days of the decision.
- If the Monitoring Officer does not fully grant the dispensation requested by the Member, that Member can make a request to the Head of Human Resources and Administration that the application be referred to the Standards, Audit and Performance Committee as soon as is reasonably practicable.

In the absence of the Monitoring Officer, or in the event of a vacancy, the officer appointed as Deputy Monitoring Officer is authorised to execute the functions of the Monitoring Officer

### **Applications to Standards, Audit and Performance Committee**

The procedure for the consideration of dispensation applications by this Committee will be as follows:

- Upon receipt of a relevant dispensation application, the Head of Human Resources and Administration, in liaison with the Monitoring Officer, will (where necessary) arrange a special meeting of the Standards, Audit and Performance Committee.
- A formal agenda for the meeting will be produced and dispatched, together with the dispensation application (and any covering report) in order to comply with the access to information rules and, therefore, to be received no less than five working days prior to the meeting of the Committee to consider the matter.

- In some limited circumstances there is provision for the matter to be considered as an urgent item by the Committee. This would be at the discretion of the Chair of the Committee and such circumstances should be avoided, wherever possible.
- The Committee, upon making its decision, is required to produce a written record of that decision. It is advisable that reasons are also provided as to why the dispensation has been either allowed or refused.

### **Criteria for determination of requests**

In reaching a decision on a request for a dispensation the Monitoring Officer or the Committee (as appropriate) will take into account:

- a) the nature of the Member's prejudicial interest
- b) The extent to which the request could have been avoided or other arrangements could be made
- c) the need to maintain public confidence in the conduct of the Authority's business
- d) The extent to which there is some personal benefit and the extent of the public benefit obtained by agreeing to a dispensation
- e) the possible outcome of the proposed vote
- f) the need for efficient and effective conduct of the Authority's business any other relevant circumstances.

### **Terms of dispensations**

Dispensations may be granted:

- a) for one meeting;
- b) for a period not exceeding 4 years.

Dispensations may allow the Member:

- a) to participate, or participate further, in any discussion of the matter at the meeting(s); and/or
- b) to participate in any vote, or further vote, taken on the matter at the meeting(s).

If a dispensation is granted, the Member may remain in the room where the meeting considering the business is being held.

### **Disclosure of decision**

Any Member who has been granted a dispensation must declare the nature and existence of the dispensation before the commencement of any business to which it relates

A copy of the dispensation will be kept with the Register of Members' Interests.

## Dispensation Request Form

Please give full details of the following in support of your application for a dispensation.

If you need any help completing this form, please contact the Head of Human Resources and Administration.

Your name	
Decision-making body in respect of which you require a dispensation	
Details of your membership of that body	
The business for which you require a dispensation (refer to agenda item number if appropriate)	
Details of your interest in that business	
Date of meeting or time period (up to 4 years) for which dispensation is sought	
Dispensation requested to participate, or participate further, in any discussion of that business by that body	Yes / No
Dispensation requested to participate in any vote, or further vote, taken on that business by that body	Yes / No
Full reasons why you consider a dispensation is necessary (use a continuation sheet if necessary)	

Signed: .....

Dated: .....

**Please send your completed form to:**

Head of Human Resources and Administration  
Shropshire Fire and Rescue Service  
Headquarters  
St Michael's Street  
Shrewsbury  
Shropshire  
SY1 2HJ

Or by email to: [germaine.worker@shropshirefire.gov.uk](mailto:germaine.worker@shropshirefire.gov.uk)