

**TO THE STANDARDS COMMITTEE OF TELFORD AND WREKIN  
COUNCIL**  
**REQUEST FOR A DISPENSATION**

Please complete the following details and give as much information as possible (you can attach separate sheets of paper if required). Before completing this form please refer to the guidance attached.

1. **Full Name**  
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2. **Address**  
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3. **Telephone No.**  
.....

4. **Ward or Parish/Town Council**  
.....

5. **Is your request for a dispensation because (please tick):-**

- it is a matter where more than 50% of 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 the voting would be prejudiced.

(NOT AVAILABLE TO PARISH COUNCILLORS)

6. **Please set out details of the matter for which you are requesting this dispensation.**

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7. **Please set out the nature of your interest.**

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8. **How long do you require the dispensation for, and why have you requested this timescale (please set out any details of specific meetings or otherwise)**

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9. **Please set out the reason why you believe you should be granted a dispensation in this matter (please provide full details).**

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**Signed** .....

**Dated** .....

ON COMPLETING THIS FORM PLEASE SEND IT TO:-

Jonathan Eatough, Head of Legal Services, Legal Services, Telford & Wrekin Council, Po  
BOX 215, Civic Offices, Telford TF3 4LF

NOTE: Your request will be placed before the Standards Committee at the earliest opportunity. A written copy of the decision made by the Committee will be provided to you as soon as possible thereafter.

IF YOU NEED ASSISTANCE COMPLETING THIS FORM PLEASE CONTACT US ON 01952  
383220

## **GUIDANCE ON APPLYING FOR A DISPENSATION**

1. A dispensation allows elected members to take part in meetings of the Authority when they would normally not be able to do so because they have a personal and prejudicial interest in the business being discussed.
2. A dispensation can be applied for by any elected member of Telford & Wrekin Council (this includes independent members and co-opted members in relation to meetings where the Code of Conduct applies in relation to their participation) and to elected members of the Parish and Town Councils in the Borough of Telford & Wrekin.
3. A dispensation can only be granted by Telford & Wrekin Council's Standards Committee (or appropriate sub-committee of the Standards Committee).
4. A dispensation can be obtained in relation to items of business to be discussed at meetings covered by the Code of Conduct. The types of meetings for which a dispensation can be applied for are as follows.  
Meetings of:-
  - the Authority
  - its executive and its Committees and sub-committees
  - any other Committees, sub-committees, joint committees, joint sub-committees or area committees of the Authority.
5. In order to apply for a dispensation elected members have to demonstrate that by not participating in a meeting of the Authority one of the two following circumstances may occur:-
  - i. More than 50% of the members who would be entitled to vote at the meeting would be prohibited from voting or;
  - ii. The number of members that will be prohibited from voting would upset the political balance of the meeting to the extent that the outcome of the voting would be prejudiced (this particular circumstance does not apply to Parish and Town Councils)
6. Applications for dispensations must be made by the member who is making the application it cannot be made on their behalf. For applications to Telford & Wrekin Council's Standards Committee, it has been agreed that all applications can be forwarded to the Head of Legal Services and Monitoring Officer who will receive the applications

on behalf of the Standards Committee and put it for the attention of the Committee as at the earliest available opportunity.

7. When making an application for a dispensation please consider the following:-
- i. The application should be made as soon as possible. In order for the dispensation to be considered a Committee has to be convened. It is not always possible to convene a Committee at short notice and accordingly if a late application for a dispensation is submitted it may not be considered prior to the meeting for which the dispensation has been requested.
  - ii. In order to assist with an application the Standards Committee have approved the use of a dispensations form which is available from Telford & Wrekin Council's website ([www.telford.gov.uk](http://www.telford.gov.uk)), Telford & Wrekin Council's Head of Legal Services (01952 383220) or the Parish/Town Clerk. The form has been produced to assist with ensuring that all the appropriate information is included. However, you do not need to use the form if you do not wish to do so.
  - iii. Advice and guidance in respect of a dispensation application can be obtained from Telford & Wrekin Council's Legal Services. If Parish/Town Councillors wish to make a dispensation application then they should first seek advice from their Parish/Town Clerk.
  - iv. In most cases (depending on timing) the applicant will be informed as to when the dispensation application will be considered by the Standards Committee. The applicant is welcome to attend that meeting and, at the discretion of the Chairman of the Committee, may make representations in support of their application. If a number of Councillors are applying for a dispensation and those applications are to be considered at the same time then each individual Councillor must consent to a joint hearing and joint representations.
  - v. A dispensation can be applied for to last up to 4 years. However, it is unlikely that such a dispensation will normally be granted. It is important that the applicant states specifically what meetings, subject etc the dispensation is being applied for.
  - vi. If the dispensation application is allowed then it will be confirmed to the applicant in writing. A copy of the dispensation will also be attached to the members' register of interest form. In the event that the dispensation relates to a Parish/Town Councillor the Clerk will also be provided with a copy of the dispensation. It is advisable that when attending the meeting for which the dispensation has been allowed, the applicant brings a copy of

the dispensation and makes specific reference to it at the point in the meeting when declarations of interest are set out. This is the responsibility of the member who has obtained the dispensation.

8. There is no obligation upon the Standards Committee to grant the dispensation. In the event that the dispensation application has been refused the elected member can seek advice as to ways in which they may make representations in respect of the matter whilst ensuring they do not breach the requirements of the Code of Conduct.

## **STANDARDS COMMITTEE GUIDANCE** **DISPENSATION APPLICATIONS**

- A dispensation allows elected members to take part in meetings of the Authority when they would normally not be able to do so because they have a personal and prejudicial interest in the business being discussed.
- A dispensation can be applied for by any elected member of Telford & Wrekin Council (this includes independent members and co-opted members in relation to meetings where the Code of Conduct applies in relation to their participation) and to elected members of the Parish and Town Councils in the Borough of Telford & Wrekin.
- A dispensation can only be granted by Telford & Wrekin Council's Standards Committee (or appropriate sub-committee of the Standards Committee).

### **Set out below is a checklist of what the Standards Committee has to consider when determining an application for a dispensation.**

- i. Has the application been made in writing by the member who is requesting the dispensation?

Applications for dispensations must be made in writing by the member who is making the application; it cannot be made on their behalf. For applications to Telford & Wrekin Council's Standards Committee the Head of Legal Services and Monitoring Officer will have received the application(s) on behalf of the Standards Committee. Accordingly this aspect should have been dealt with by the time the Standards Committee considers the application. Whilst the Standards Committee have approved the use of a standard form to apply for the dispensation the applicant is not under an obligation to use the form.

The applicant may decide to attend the meeting of the Standards Committee where his application is to be considered. If he/she decides to do so the chairman of the committee can allow the applicant to speak or answer questions from the committee. If there is more than one applicant the chairman can ask for a nominated representative from those applicants who are present to speak on their behalf. This is entirely at the discretion of the chairman. An important consideration for the committee should be that there is a fair determination of the application and that the committee has as much relevant information available to them when making the decision.

- ii. Does the application relate to an item of business to be discussed at meeting covered by the Code of Conduct?

The types of meetings for which a dispensation can be applied for are as follows. Meetings of:-

- the Authority
- its executive and its Committees and sub-committees
- any other Committees, sub-committees, joint committees, joint sub-committees or area committees of the Authority.

If the application does not relate to any of the above you should refer the matter back to the Monitoring Officer and direct that he contacts the applicant to provide further advice.

- iii. Has the applicant demonstrated that by not participating in a meeting of the Authority one of the two following circumstances may occur:-
  - a. More than 50% of the members who would be entitled to vote at the meeting would be prohibited from voting or;
  - b. The number of members that will be prohibited from voting would upset the political balance of the meeting to the extent that the outcome of the voting would be prejudiced (this particular circumstance does not apply to Parish and Town Councils)

If the applicant cannot demonstrate this then the Standards Committee should not allow the application. When considering the "50%" issue the Standards Committee should disregard any dispensations already granted for the same meeting.

- iv. How long does the applicant require the dispensation for? Any grant of a dispensation has to be confirmed in writing and should clearly set out the meeting(s), subject and/or dates when it will apply. A dispensation cannot be granted for more than four years in duration. It is not expected that dispensations will be granted for lengthy periods of time.
- v. If the Standards Committee refuses the application, have reasons been given? There is no obligation upon the Standards Committee to grant the dispensation. In the event that the dispensation application has been refused the committee should set out the reasons why. The applicant can be invited to seek advice from the Monitoring Officer as to ways in which they may make representations in respect of the matter whilst ensuring they do not breach the conditions of the Code of Conduct