

Derbyshire Association of Local Councils

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Circular No. 45/2012

To all Member Town and Parish Councils and Parish Meetings

GENERAL CIRCULAR

In this Circular:

- **Disclosable Pecuniary Interests, Dispensations and Precept Setting**
- **Clerk/RFO Vacancy – Duffield Parish Council**

1. **DISCLOSABLE PECUNIARY INTERESTS, DISPENSATIONS AND PRECEPT SETTING**

Attached is the revised NALC Legal Topic Note (LTN 80) 'Members' Conduct and the registration and disclosure of their interests'. This has been revised to more adequately deal with the current concerns over precept setting and dispensations.

However, it is still apparent that councils are seeking a definitive answer to the issue of Disclosable Pecuniary Interests (DPI) and precept setting. Unfortunately the only body that could provide a definitive answer is the Government, and in the absence of specific guidance from Government on this issue all we can rely on is legal opinion.

There is no consistency of legal opinion on this matter across local government. Both the Society of Local Council Clerks (SLCC) and the National Association of Local Councils (NALC) are of the clear legal opinion that councillors **do** have a Disclosable Pecuniary Interest when setting their councils precept.

Unfortunately as paragraph 35 of LTN80 makes clear, this whole matter is an issue for individual Parish Councillors. Nobody can instruct them what they must do (whether District/Borough Council, DALC, NALC, SLCC, or the council's clerk, for example), though we would suggest that if the two main sector bodies (SLCC and NALC) are of the legal opinion that precept setting **is** a DPI issue councillors would need to be very clear as to the grounds that they chose not to take that advice in order to protect themselves from any challenge. It is a criminal offence for a councillor to participate and vote on a matter in which he/she is deemed to have a

DPI. A failure to comply with requirements in relation to DPIs is **not** a Standards/Code of Conduct issue, it is a criminal offence. As such it would not be something that the District/Borough councils would deal with.

NALC and SLCC are of the opinion that if councillors are unsure if they have a DPI then the safest way to deal with this would be to seek a dispensation from their Parish/Town Council. This is easily done. Paragraph 34 of LTN80 covers how to do this.

The Cornwall Association of Local Councils has circulated a pro-forma which they have developed and which they are happy for other county associations to circulate to member councils and their clerks to use for requests for dispensations in the hope that it would make your lives a little bit easier. Please find the form attached for your council to use if you wish. This form can be used for ANY dispensation request from a member, not just those relating to precept setting.

Section 31(4) of the Localism Act 2011 states that dispensations may allow the Councillor :

- 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).

The attached pro-forma allows the council to grant dispensations (or the clerk if this has been formally delegated to them by a resolution of council) for either or both (or none!) of the above. Any Councillor who wishes to apply for a dispensation must fully complete a Dispensation Request form and submit it to the Proper Officer of the council (i.e. The Clerk) as soon as possible before the meeting at which the dispensation is required. Applications may also be made at the parish council meeting itself (if parish councils have a standing item on the agenda to deal with dispensation requests and the nature of the interest has only become apparent to a councillor at the meeting itself). In other words, try and get councillors to complete the forms at the earliest opportunity rather than waiting till the evening of the meeting!

Our advice to member councils is to henceforth include a standing agenda item on their agendas along the lines of "To receive and approve requests for dispensations from members on matters in which they have a Disclosable Pecuniary Interest" or similar. This can be in addition to an existing agenda item "To receive declarations of interest" if you already have such a standing item on your agendas.

2. DUFFIELD PARISH COUNCIL - VACANCY FOR PARISH CLERK/RESPONSIBLE FINANCIAL OFFICER

A vacancy for a Parish Clerk and Responsible Financial Officer has become available.

The Clerk is the Proper Officer to the Parish Council. The Clerk's responsibilities include producing agendas and minutes for all council meetings and committees, liaising with outside bodies, actioning the council's decisions, acting as the council's financial officer and keeping the council's financial records. The Clerk will be required to work from the Parish Office and have their own transport.

The Clerk is responsible for the management of three staff (finance officer, cemetery superintendent and village warden).

The successful candidate should have: -

- good financial and bookkeeping skills, be computer literate (including Word, Excel etc).
- familiarity with local government law, procedures and finance, and it is desirable that they have the relevant qualifications (CiLCA) or the willingness to work towards achieving these.
- good organisational and interpersonal skills.

A good knowledge of the parish of Duffield and surrounding area would be an advantage.

Training will be offered as appropriate and remuneration will be based on experience, but within the NALC/SLCC Scale LC1/2 SCP 23– 34, £10.497 - £14.884 per hour.

The council would require the successful candidate to work some set hours, the total hours would be initially 20 hours per week. The council holds 11 parish council meetings and 9 committee meetings in one year, these are currently held on Wednesday evenings.

Closing Date: 14th December 2012

Interview Date: week beginning 7th January 2013

For more information and application pack please contact:

Chris Carter, Parish Office, Weston Centre, Tamworth Street, Duffield, Belper, Derbyshire, DE56 4ER

Tel: 01332 842740

Email: chris.carter@duffieldpc.org.uk

Duffield Parish Council Website: www.duffieldpc.org.uk

Sarita Presland
Chief Officer

November 2012

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DIARY DATE REMINDERS – TRAINING

DATE	SUBJECT	CIRCULAR REF	VENUE
27.11.2012	Café Cluster	44/2012	Calver
28.11.2012	Café Cluster	44/2012	Ashbourne
05.12.2012	Café Cluster	44/2012	Hayfield

All training places must be booked through DALC, who will issue a confirmation email close to the date of training.

*“Value for money, quality & responsive service to
Member Councils”*

PLEASE CHECK THE DALC WEB SITE FOR CURRENT TRAINING

www.dalc.org.uk

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 parish clerk.

Your name	
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
REASON(S) FOR DISPENSATION	
33 a) without the dispensation the number of persons unable to participate in the transaction of business would be so great as to impede the transaction of the business	
33b) without the dispensation the representation of different political groups would be affected so as to alter the likely outcome of any vote	
33c) the dispensation is in the interests of persons living in the authority's area	
33e) that it is otherwise appropriate to grant a dispensation Reason :	

Signed: _____ Dated: _____

<p>DECISION : Dispensation Given : YES / NO LENGTH OF DISPENSATION : Date: Minute Number:</p> <p>Signed : Clerk to the Council</p>
