

12th December 2012

YOU ARE HEREBY SUMMONED to attend a MEETING of WESTBURY TOWN COUNCIL to be held at THE LAVERTON, BRATTON ROAD, WESTBURY on WEDNESDAY, 19th DECEMBER 2012 at 6.30 pm.

Yours faithfully

Town Clerk

Public Forum

Register between 6.20 pm – 6.30 pm
Maximum input per person – Strictly 5 minutes
Forum not to exceed 30 minutes

**Petitions/Depositions to be lodged with the Town Clerk
at least five working days prior to the Meeting.**

A G E N D A

Prayers

- 1. TO RECEIVE APOLOGIES (if any) AND REASONS FOR ABSENCE.**
- 2. DECLARATIONS OF INTEREST (if any) AND REASONS.** (Members must be diligent regarding their interests.)
- 3. CODE OF CONDUCT – DISPENSATIONS.**

Under the new Code of Conduct agreed by this Council on the 2nd July 2012, members chose to use the principal authority's version as issued by Wiltshire Council.

Under the previous Standards for England framework the setting of the council tax precept was exempt from disclosure as a prejudicial interest. This exemption no longer applies with the introduction of the Localism Act 2011. This means that members may no longer have the right to discuss setting the budget (precept), and dispensation will need to be granted to enable any discussion to take place and decisions to be made. It is the view of Wiltshire Council's Monitoring Officer that a councillor, who has any beneficial interest in land, which is in the area of the relevant authority (including a home in the area), has a prejudicial interest in the setting of the council tax precept. As such a dispensation would be required to enable any such councillor to participate in any discussions or vote on the setting of the council tax precept.

Westbury Town Council has not set a process for the granting of dispensations, and this may be delegated to the Clerk or decisions can be made by Full Council or one of the Council's committees.

Please see attached "Dispensations - A guide for Town and Parish Councils" issued by Wiltshire Council's Monitoring Officer.

In order to set a policy for this Council on Dispensations, the following recommendations are made:

- a. To RESOLVE that the Council delegates the power to grant dispensations under Section 33(1) of the Localism Act 2011 to the Clerk for the setting of a Council Tax precept by Westbury Town Council to the Town Clerk – the reason being that without the dispensation so great a proportion of the Council would be prohibited from participating in that business as to impede the Council's transaction of that business (ie the meeting would be inquorate). The time period for these dispensations to end on 7th May 2013.
- b. To RESOLVE that all other requests for dispensations are put in writing to the Clerk, who will put them forward for discussion and consideration by the Management Team.
- c. To RESOLVE all future Town Council and committee agendas will include an expanded Declarations of Interest item to become Declarations of Interest and Dispensations agreed. Application for dispensation should not be made at the Council meeting at which the business itself is to be discussed.

(Please see attached a Dispensation Request Form for completion and return to the Town Clerk prior to the commencement of the Finance Committee meeting on 19.12.2012.)