

AGENDA

Meeting: Standards Dispensation Sub-Committee
Place: Committee Room A - Council Offices, Monkton Park, Chippenham
SN15 1ER
Date: Thursday 24 January 2013
Time: **On the rise of the previous Dispensation Sub-Committee**

Please direct any enquiries on this Agenda to Kirsty Butcher, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713948 or email kirsty.butcher@wiltshire.gov.uk.

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Allison Bucknell
Cllr Trevor Carbin

Cllr Peter Doyle

AGENDA

1 Election of Chairman

2 Declarations of Interest

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

3 Consideration of a dispensation request for Councillor Judy Rooke of Wiltshire Council

4 Dispensation Request Form

Wiltshire Council

Standards Dispensation Sub - Committee

24 January 2013

Request for Dispensation - Councillor Judy Rooke

Purpose of Report

1. To ask the Dispensation Sub-Committee to determine a request by Councillor Judy Rooke for a dispensation for any planning committee which considers any planning matter concerning the Rowden Lane Development, in Chippenham, while she continues to be a councillor.

Background

2. Under the new standards regime it is a criminal offence if at any meeting of the council a councillor participates in any discussion or votes on a matter in which they have a disclosable pecuniary interest and have not been granted a dispensation.
3. Under section 33 of the Localism Act 2011 the council may grant a dispensation to allow a member to participate in discussions and vote where that councillor has a disclosable pecuniary interest in the business concerned.
4. The council has delegated the function of determining dispensation requests to the Dispensation Sub-Committee of the Standards Committee.

Main Considerations

5. A dispensation may be granted to a member who has a disclosable pecuniary interest to participate in any discussion of a matter at a meeting and/or to participate in any vote on the matter if it is considered that -
 - (a) without the dispensation the number of persons 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 that 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 people living in the authority's area;
 - (d) without the dispensation each member of the cabinet would be prohibited from participating in any particular business to be transacted by the cabinet;
 - (e) it is otherwise appropriate to grant a dispensation.
6. A dispensation may be granted for one or more meetings of the council, or for a period not exceeding four years. The dispensation must specify the period for which it has effect.
7. The law requires any councillor seeking a dispensation to submit a written request to the proper officer, who for these purposes is the Monitoring Officer.
8. Councillor Rooke submitted a written request to me on 20 December 2012 in the following terms:

I require a dispensation for any planning committee which considers any planning matter concerning the Rowden Lane Development, in Chippenham, while I continue to be a councillor. I am at present a substitute for the Northern Planning Committee.

The reason for this request is because I have a disclosable pecuniary interest, as the property which I own backs onto Rowden Lane and is very close to the areas of development.

The Rowden Lane Development has been over the years extremely controversial and I feel as the Wiltshire Councillor for the area which is the Lowden and Rowden division, that it is in the interests of people living in this area that I am able to represent their views at any planning meeting considers an application concerning the Rowden Lane development.

I have recently been made aware by a planning officer, that an application from Redcliffe Homes to make alterations to the original planning consent is imminent in the New Year. I would therefore be grateful for a Dispensation so that I can fully represent the residents in my ward.

9. It is understood that Councillor Rooke is seeking a dispensation that will enable her to speak at any such meeting in order to represent the views of the residents in her division, but she is not seeking a dispensation to enable her to vote. As stated above, she is currently a substitute for the Northern Planning Committee. Councillor Rooke has indicated that she will be attending the meeting of the Dispensation Sub-Committee on 24 January and will be able to assist the Sub-Committee on any points

that require clarification.

10. This request is made under ground (c) of paragraph 5 above i.e. that it is in the interests of people living in the relevant area, but the Sub-Committee may also grant a dispensation in this instance under ground (e) of paragraph 5 if it considers that it is appropriate to do so.

Environmental and Climate Considerations

11. None arising from this report

Equalities Impact

12. None

Risk Assessment

13. Failure to determine this request in accordance with the law could have adverse legal, financial and reputational implications for the council.

Financial Implications

14. There are no costs arising directly from this report.

Legal Implications

15. The Council is obliged to determine requests for dispensation in accordance with the Localism Act 2011. Failure to do so in this instance could have adverse implications for the council, as stated in paragraph 13 above, and also for the councillor concerned.

Recommendation

16. The Sub-Committee is, therefore, asked to determine this request.

Ian Gibbons

Solicitor to the Council and Monitoring Officer

Report author: Ian Gibbons

Documents relied upon in the preparation of this report:

Written request from Councillor J. Rooke dated 20 December 2012

This page is intentionally left blank

Appendix A
Wiltshire Council
Standards Committee
Dispensation Request Form

Please give full details of the following in support of your application for a dispensation. You should refer to the accompanying guidance "Dispensation Requests - Application Process and Criteria for Determination"

If you need any help completing this form please contact Ian Gibbons, Monitoring Officer on 01225 713052 or by e-mail ian.gibbons@wiltshire.gov.uk

Full Name Judy Rooke

Address 14 Burleaze Chippenham Wiltshire SN15 2AY
.....
.....

Telephone / E-mail 01249 650083
judy.rooke@wiltshire.gov.uk
.....

Name of Council Wiltshire Council
.....

Please set out below your reasons for applying for a dispensation having regard to the criteria set out in the accompanying guidance. Your statement in support of your application should cover the following:

- the decision-making body in respect of which you require a dispensation, including details of membership;
- details of the matter for which you require a dispensation (meeting(s) and item(s) of business);
- details of your interest in the business for which you require a dispensation;
- reasons why you consider a dispensation is necessary;
- the terms of the dispensation you are seeking

Statement in Support of Application for Dispensation

I require a Dispensation for any planning committee which considers any planning matter concerning the Rowden Lane Development, in Chippenham, while I continue to be a councillor. I am at present a substitute for the Northern Planning Committee.

The reason for this request is because I have a disclosable pecuniary interest, as the property which I own backs onto Rowden Lane and is very close to the areas of development.

The Rowden Lane Development has been over the years extremely controversial and I feel as the Wiltshire Councillor for the area which is the Lowden and Rowden division, that it is in the interests of people living in this area that I am able to represent their views at any planning meeting which considers an application concerning the Rowden Lane development.

I have recently been made aware by a planning officer, that an application from Redcliffe Homes to make alterations to the original planning consent is imminent in the New Year. I would therefore be grateful for a Dispensation so that I can fully represent the residents in my ward.

Signed .. 

Dated: 20.12.2012

Please send your completed form to the Monitoring Officer, Wiltshire Council, County Hall, Bythesea Road, Trowbridge, Wiltshire BA14 JN, by post, by fax (01225 718399) or by e-mail to ian.gibbons@wiltshire.gov.uk

Your request will be considered by the Dispensation Sub-Committee at the earliest opportunity. You will receive written notification of their decision within 5 days of their meeting.