

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

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Report author: Ian Gibbons

Documents relied upon in the preparation of this report:

Written request from Councillor J. Rooke dated 20 December 2012