

WILTSHIRE COUNCIL

STANDARDS DISPENSATION SUB-COMMITTEE

11 January 2011

Consideration of a Dispensation Request

Consideration of a Request for Dispensation from Councillor David Windess of Westbury Town Council

Introduction

1. On 23 December 2010, the Monitoring Officer received a request for a dispensation from Councillor David Windess, a member of Westbury Town Council. Councillor Windess's completed Dispensation Request Form is attached
2. Councillor Windess sits on the Highways, Planning and Development Committee (HP&D Committee) of Westbury Town Council and also on the Management Committee of Leigh Park Community Association (LPCA). LPCA is likely to benefit from the approval of planning application 10/03876/FUL, because the application would generate Section 106 monies to be used for the building of the proposed community centre at Leigh Park.
3. The LPCA exists to promote and support the development of a community centre in Leigh Park.
4. For these reasons, the members of the LPCA who sit on Westbury Town Council consider that their personal interest in this planning application is likely to be considered by a reasonable person in possession of all the relevant information to amount to a prejudicial interest.
5. There are nine members of the HP&D Committee, five of whom are also members of the LPCA. Membership of the LPCA means that these five members represent 56% of the membership of the HP&D Committee. All of the five LPCA members on Westbury Town Council's HP&D Committee consider themselves to have a personal and prejudicial interest in any planning application considered concerning LPCA.
6. The existence of the personal and prejudicial interest described above precludes 56% of the members of the HP&D Committee from voting on planning applications concerning LPCA, thereby rendering the HP&D Committee inquorate.
7. Councillor Windess is requesting a dispensation to apply to future meetings of the HP&D Committee of Westbury Town Council when

considering planning applications concerning Leigh Park Community Centre. The next meeting of the HP&D Committee is on 17 January 2011.

Criteria for Determination of Requests

8. Under Section 17(1)(a)(i) of The Standards Committee (Further Provisions) (England) Regulations 2009 (**enclosed**), the Dispensation Sub-Committee may grant a dispensation where the transaction of the Council's business would otherwise be impeded by, or as a result of, the Code of Conduct because more than 50% of the members who would be entitled to vote at a meeting are prohibited from voting.
9. The Dispensation Sub-Committee may grant a dispensation:
 - a. for one item of business
 - b. for a period not exceeding 4 years
 - c. allowing the member to participate in the meeting and vote
 - d. allowing the member to speak but not vote
10. In reaching a decision on a dispensation request the Dispensation Sub-Committee must:
 - a. have regard to guidance issued by Standards for England (**enclosed**);
 - b. disregard any dispensations that have already been granted to other members of the same body; and
 - c. take into account:
 - i. the nature of the member's prejudicial interest;
 - ii. the need to maintain public confidence in the conduct of the Council's business;
 - iii. the impact on the outcome of the proposed vote;
 - iv. the need for efficient and effective conduct of the Council's business;
 - v. any other relevant circumstances.
9. The Dispensation Sub-Committee is therefore requested to determine this request for a dispensation.

Ian Gibbons, Monitoring Officer

Report Author: Anna Browne, Governance Support Officer

Tel: 01225 718454

Date of report: 11 January 2011

Background Papers: None