

TEWKESBURY BOROUGH COUNCIL

Minutes of a Special Meeting of the Standards Committee held at the Council Offices, Gloucester Road, Tewkesbury on Friday, 26 July 2019 commencing at 11:00 am

Present:

Tewkesbury Borough Council
Members:

Councillor C M Cody
Councillor M Dean (Vice-Chair)
Councillor J W Murphy
Councillor C Reid
Councillor P E Smith and
Councillor P D Surman (Chair)

Non-Voting Parish Representative: D J Horsfall

ST.3 ANNOUNCEMENTS

3.1 The evacuation procedure, as noted on the Agenda, was taken as read.

ST.4 APOLOGIES FOR ABSENCE

4.1 Apologies for absence were received from Borough Councillor, L A Gerrard; Independent Persons, M Jauch and P J Kimber; and Parish representative, D J Horsfall.

ST.5 DECLARATIONS OF INTEREST

5.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

5.2 There were no declarations made on this occasion.

ST.6 TEWKESBURY BOROUGH COUNCIL CODE OF CONDUCT - APPLICATIONS FOR DISPENSATION

6.1 The report of the Monitoring Officer, circulated at Pages No. 1-3, set out the basis for the determination by the Standards Committee of applications for dispensation made by Members of the Borough Council in order to participate in the item of business on the Pre-Submission Tewkesbury Borough Plan to be considered by the Council on 30 July 2019. The Committee was asked to determine the applications for dispensation which had been received from Councillors in order to enable them to participate in the matter. The Committee also needed to agree the period of time for which the dispensations should last.

- 6.2 The Monitoring Officer advised that a number of applications had been received and the Committee was required to decide them on the grounds that granting the dispensation was in the interests of persons living in the authority's area; or that it was otherwise appropriate to grant a dispensation. In accordance with the Council's Code of Conduct those were the grounds on which dispensation could be granted – there were two other grounds, as set out in Paragraph 2.1 of the report, but they did not apply to the applications being considered today. All five applications were from Members of the same political party. In terms of the length of time for which the dispensation would be granted, the Monitoring Officer suggested that the end of the current Council term i.e. May 2023 should be acceptable and, if any circumstances in regard to the interests declared changed, new dispensations would have to be applied for at that point.
- 6.3 The Monitoring Officer advised that there were three applications made by Borough Councillors who were also County Councillors as the County Council had land holdings and owned land which was allocated in the Plan; the Councillors had no direct pecuniary interest but it did fall within the definition of an 'other' interest. The interest was a consequence of them being an elected Member to the County Council. There was also an application from a Councillor who could equally have decided that they did not have an interest at all – land was owned by a family member which was adjacent to an allocation but was not itself allocated in the Borough Plan. The Member represented a two-Member Ward so she was not the sole representative of the area which was important to note. Members agreed all of these applications for dispensation should be granted as none had any direct interest in the sites in the Plan and that it was in the interest of person's living in the Borough to be represented on this important matter.
- 6.4 The final application was from a Councillor who owned a share in land that may benefit from a proposed policy within the Plan – RES 4 – which promoted the principle of very small scale residential development in villages. The land in question was not allocated for development but the policy (applied to the land) could assist in any development gaining planning permission. The Member concerned was also the Lead Member for local planning and the Committee needed to consider if it should grant the dispensation in the interests of the whole Borough. In response to a query, the Monitoring Officer explained that the Councillor had been granted a dispensation when the Plan was in the draft stages but the current circumstances were slightly different as the Plan was no longer draft; in addition, the Member now represented a dual Member Ward rather than a single Member Ward. A Member felt it was important to note that the land in question had been the subject of planning applications for development which had been refused previously; however, the policy referred to would remove those barriers to development which he felt meant the dispensation in this case should not be granted. The Monitoring Officer reminded the Committee that the dispensation was for the whole Borough rather than the individual Ward and that the Member had had a dispensation in place until May this year. Another Member agreed with the previous speaker and expressed the view that the transparency and public perception point was valid given that the Member had direct, albeit shared, ownership of the land and was highly likely to benefit if the new policy within the Borough Plan was approved.

6.5 Accordingly, it was

RESOLVED

1. That dispensations be **GRANTED** to Councillors R A Bird, K J Cromwell, A Hollaway and V D Smith on ground (c), in the interests of persons living in the authority's area, and that the dispensations in respect of any further consideration of the Tewkesbury Borough Plan remain in place until the end of the current term of the Council on 1 May 2023.
2. That the dispensation be **REFUSED** in respect of the application from Councillor M A Gore as the Ward represented by the applicant was now a dual-Member Ward, therefore the electorate is ensured representation. In addition, the current policies do not support the development of the land which was the subject of the interest and Policy RES 4, if approved, could likely result in pecuniary advantage to the applicant and her family.

The meeting closed at 11:50 am