

18 July 2019

Committee	Standards Committee
Date	Friday, 26 July 2019
Time of Meeting	11:00 am
Venue	Tewkesbury Borough Council Offices, Severn Room

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND

Agenda

1. ANNOUNCEMENTS

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the visitors' car park at the front of the building and await further instructions (during office hours staff should proceed to their usual assembly point; outside of office hours proceed to the visitors' car park). Please do not re-enter the building unless instructed to do so.

In the event of a fire any person with a disability should be assisted in leaving the building.

2. APOLOGIES FOR ABSENCE

To receive apologies for absence.

3. DECLARATIONS OF INTEREST

Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.



4. TEWKESBURY BOROUGH COUNCIL CODE OF CONDUCT - APPLICATIONS FOR DISPENSATION

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To consider any applications for dispensation received in respect of the Tewkesbury Borough Local Plan.

DATE OF NEXT MEETING	
MONDAY, 16 SEPTEMBER 2019	
MEMBERSHIP OF COMMITTEE	
Tewkesbury Borough Council Members	Councillor C M Cody Councillor M Dean (Vice-Chair) Councillor L A Gerrard Councillor J W Murphy Councillor C Reid Councillor P E Smith and Councillor P D Surman (Chair)
Non-Voting Independent Persons	Mr M Jauch and Mr P J Kimber
Non-Voting Parish Representatives	Mr D J Horsfall and Vacancy

Recording of Meetings

In accordance with the Openness of Local Government Bodies Regulations 2014, please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Chairman will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the public and press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

TEWKESBURY BOROUGH COUNCIL

Report to:	Standards Committee
Date of Meeting:	26 July 2019
Subject:	Applications for Dispensation
Report of:	Monitoring Officer
Number of Appendices:	One

Executive Summary:

This report sets 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 version of the Tewkesbury Borough Plan 2011-2031 to be considered at the meeting of the Council on 30 July 2019.

Recommendation:

The Committee is asked to determine any applications for dispensation which have been made by Members of the Borough Council to enable them to participate in the matter of the Pre-submission version of the Tewkesbury Borough Plan 2011-2031 which will be considered at the meeting of the Council on 30 July 2019

1.0 INTRODUCTION/BACKGROUND

1.1 The arrangements which were adopted by the Council on 25 June 2012 to comply with the provisions of the Localism Act 2011 included arrangements for decisions to be made on applications by Members of the Council for dispensation to participate in items of business in which they consider that they have either a disclosable pecuniary or an “other” interest.

1.2 Responsibility for the determination of applications for dispensation has been delegated to the Monitoring Officer where the application is made on grounds (a) and (b) set out in paragraph 2.1 below and any application on the basis of grounds (c) & (d) are within the remit of the Standards Committee.

1.3 On 30 July 2019, Tewkesbury Borough Council will consider and approve the Pre-submission version of the Tewkesbury Borough Plan 2011-2013. The Monitoring Officer has provided advice to all Members of the Council to enable them to consider whether they have any interests which may, in accordance with the Tewkesbury Borough Council Code of Members’ Conduct, preclude their participation at the Council meeting. The Code provides as follows:-

1.4 Disclosable Pecuniary Interests

Where a matter, in which you have an interest as specified in Appendix A (disclosable pecuniary interests), arises at a meeting at which you are present, or where you become aware that you have such an interest in any matter to be considered or being considered at a meeting:-

- (1) **Do** ensure, that if your interest is not entered in the Authority's Register, you disclose the interest to the meeting (unless the Authority's Monitoring Officer considers that it is a sensitive interest in which case you do not need to disclose the nature of the interest); and that you notify the Monitoring Officer of the interest within 28 days in accordance with paragraph 8(3) of this Code.
- (2) **Do** leave the meeting and **do not** vote on the matter, participate, or participate further, in any discussion of the matter at the meeting (unless a dispensation has been granted).

1.5 **Other Interests**

Where a matter, in which

either you have an interest as specified in Appendix B (other interests),

or where a decision on the matter might reasonably be regarded as affecting, to a greater extent that it would affect the majority of other council taxpayers, ratepayers or inhabitants of the ward affected by the decision, your well-being or financial position or the well-being or financial position of a member of your family, or any person with whom you have a close association, or who has a contractual relationship (including employment) with yourself, member of your family or close associate,

arises at a meeting at which you are present, or where you become aware that you have such an interest in any matter to be considered or being considered at the meeting:-

- (1) **Do** ensure that you disclose the interest to the meeting.
- (2) **Do** leave the meeting and **do not** vote on the matter, participate, or participate further, in any discussion of the matter at the meeting (unless a dispensation has been granted or it is an excepted function), if,
 - (a) it affects your financial position, or the financial position of an interest specified in Appendix B (other interests) or the member of your family or person with whom you have a close association described above or who has a contractual relationship as described above
 - or
 - (b) it relates to the determination of any approval, consent, licence, permission or registration in relation to you or any person or body described above and a reasonable member of the public knowing the facts would reasonably regard it as so significant that it is likely to prejudice your judgement of the public interest.

The rules set out above (Other Interests) do not have the effect of precluding a Member from attending a meeting only for the purpose of making representations, answering questions or giving evidence relating to the business provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. The Member must, after making their submission, withdraw immediately from the meeting.

- 1.6 It is for any individual Member to consider whether or not they have an interest in any matter being considered at a Council meeting and whether that interest precludes their participation in that matter.

2.0 SEEKING DISPENSATION

2.1 In accordance with the Code of Conduct, Members are entitled to seek dispensation to participate in a decision on a matter in which they have either a disclosable pecuniary (Part A) or “other” (Part B) interest. The grounds upon which dispensations may be granted are as follows:-

- (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 the 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 persons living in the authority’s area,
- (d) it is otherwise appropriate to grant a dispensation.

2.2 Applications for dispensation must be made in writing and copies of any applications which are received will be provided to the Committee.

3.0 APPLICATIONS FOR DISPENSATION

3.1 The agenda and report for the Council meeting on 30 July 2019, will be published on 22 July. The Monitoring Officer has therefore given a deadline of 25 July for Members to make applications for dispensations. This deadline is intended to provide Councillors with an opportunity to read the papers in order to determine whether they have an interest in this matter. Two applications for dispensation have already been received. These are attached at Appendix 1 of this report. On the basis of the two applications already received, the responsibility for determination will fall to the Standards Committee in accordance with paragraphs (c) and (d) set out at 2.1 above.

3.2 The specified deadline for making applications has not yet passed and therefore any further applications for dispensation be received before commencement of the Committee meeting, they will be circulated at the meeting.

4.0 DETERMINATION OF APPLICATIONS FOR DISPENSATION

4.1 As can be seen from paragraph 2.1 above, the Committee has a wide discretion to grant dispensations falling within its remit provided that all of the circumstances are taken into account.

4.2 When granting any dispensation, the period for which a dispensation has effect must be specified, and the period specified may not exceed four years.

Background Papers: None.

Contact Officer: Borough Solicitor 01684 272011
sara.freckleton@teWKesbury.gov.uk

Appendices: Appendix 1 – Dispensation Applications

TEWKESBURY BOROUGH COUNCIL

CODE OF CONDUCT

Localism Act 2011
Tewkesbury Borough Council Local Arrangements

APPLICATION FOR DISPENSATION

Name:	Councillor Melanie Gore
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Matter to be considered

Pre-submission version of the Tewkesbury Borough Plan 2011-2031 – In particular RES4 New Housing at Other Rural Settlements

Nature of Interest

My parents have a farm in Alstone, GL20 8JD and I own a small parcel of land which forms part of the farm, along with my brother and sister on the edge of Alstone. The land is included in my registration of members interests that is held by Tewkesbury Borough Council

Under RES4 New Housing at Other Rural Settlements in the proposed Preferred Options Consultation Tewkesbury Borough Plan 2011-2031 – Alstone could potentially be classed as one of the 'other rural settlements' under this policy.

**Date upon which consideration of matter will take place
(i.e. date of the meeting if known)**

30 July 2019

Reasons for application (please give detailed information and reasons as to why you believe dispensation should be granted in respect of your interest for which dispensation is sought)

The land in question is on the edge of Alstone and amounts to a total of 1 acre, my ownership is 1/3rd of this.

RES4 in the pre-submission version covers all rural settlements, except for those located in the green belt, that are not featured within the settlement hierarchy within the draft plan. I believe, therefore that there are approximately 50 rural settlements throughout the borough where RES4 could possibly apply. My parcel of 1/3rd of an acre therefore represents a very tiny part of the total amount of land throughout the borough in and around rural settlements to which RES4 could apply, and just one policy of a significant plan which proposes substantial housing and employment land allocations in which I have no Code of Conduct interest. Therefore, I believe that my interest in this parcel of land does not outweigh my responsibility to represent the interests of my electorate and the Borough as a whole in the Tewkesbury Borough Plan. I therefore respectfully request that dispensation is given to me to speak and vote in respect of the Tewkesbury Borough Plan coming to full council on 30 July 2019.

Signed: 4. Dated: 18/7/19

Circumstances in which dispensations may be granted

On the 26 June 2012 the Council delegated authority to the Monitoring Officer to determine applications for dispensations in circumstances where (a) or (b) apply. All other applications for dispensations must be referred to the Standards Committee for determination.

- (1) Application for dispensation must be in writing.
- (2) Dispensation may be granted only if, after having had regard to all relevant circumstances, 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 the 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 persons living in the authority's area,
 - (d) it is otherwise appropriate to grant a dispensation.
- (3) A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.

TEWKESBURY BOROUGH COUNCIL

CODE OF CONDUCT

Localism Act 2011
Tewkesbury Borough Council Local Arrangements

APPLICATION FOR DISPENSATION

Name:	Councillor ROBERT BIRD
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Matter to be considered

Consideration of Tewkesbury Borough Plan

Nature of Interest

Appendix B (Other Interest) - Gloucestershire County Councillor

Date upon which consideration of matter will take place
(i.e. date of the meeting if known)

30 July 2019

Reasons for application (please give detailed information and reasons as to why you believe dispensation should be granted in respect of your interest for which dispensation is sought)

The Tewkesbury Borough Plan will help shape the future of the Borough including making provision for housing and employment land. The proposals within the Plan affect everyone that lives and works in the Borough and I have been elected to represent the interests of both my own Ward and the Borough as a whole. It is of vital importance that as a local Member I am able to participate fully in the decision on this document, of which the Gloucestershire County Council land ownership affects only part. Therefore, I am seeking dispensation on the grounds that my

Signed: [redacted] Dated: 16.07.19

participation in the matter at the meeting on 30 July 2019 is in the interests of persons living within Tewkesbury Borough.

Circumstances in which dispensations may be granted

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- (1) Application for dispensation must be in writing.
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 - (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 the 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 persons living in the authority's area,
 - (d) it is otherwise appropriate to grant a dispensation.
- (3) A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.