

SUBJECT:	PLANNING COMMITTEE DISPENSATION
DIRECTORATE:	DIRECTOR OF RESOURCES
LEAD OFFICER:	CAROLYN WHEATER – ASSISTANT DIRECTOR (LEGAL AND CORPORATE SUPPORT SERVICES)

1. Purpose of Report

- 1.1 To propose the granting of a dispensation for members of the Planning Committee in accordance with the Ethics and Engagement Committee's terms of reference.

2. Background

2.1 The Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 made significant changes to the interests which members were required to register and declare in relation to Council business. Following the implementation of the Localism Act 2011 the Council adopted its own Member Code of Conduct, including provisions relating to dispensations for members to take part in business in which they have an proscribed interest.

2.2 As part of the Member Code of Conduct, the Ethics and Engagement Committee has the power to grant dispensations to members for the following reasons:

- (1) that so many members of the decision making body have Disclosable Pecuniary Interests in a matter that it would "impede the transaction of the business". In practice this means that the decision making body would be inquorate as a result.
- (2) That without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter.
- (3) That the authority considers that the dispensation is in the interests of persons living in the authority's area
- (4) That, without a dispensation, no member of the Executive would be able to participate on the matter, or
- (5) That the authority considers that it is otherwise appropriate to grant a dispensation.

3. Proposed Dispensation

- 3.1 A planning application was scheduled for consideration by the Planning Committee in relation to Grafton House on Newland in Lincoln. Grafton House acts as the headquarters for Lincoln's Labour Party. The planning application principally covers

the following areas:

- alterations to the existing entrance doors to form new entrance doors suitable for disabled people
- the removal of a step and the creation of ramped access
- repairs to an existing timber window

As a result of the link with the Labour Party, a large number of Planning Committee members are likely to have personal and pecuniary interests which would preclude them from considering the item.

- 3.2 In accordance with political proportionality rules, the Planning Committee's membership comprises 11 members, with 9 drawn from the Labour Group and 2 from the Conservative Group. The Planning Committee's quorum is 3 members. In the event that each member of the Labour Group had to declare a personal and pecuniary interest the meeting would become inquorate and so no decision could be reached.
- 3.3 In order to ensure that the business of the Council can be transacted in relation to this matter it is recommended that the Committee grant a dispensation for the members who would otherwise be affected by the need to declare a personal and pecuniary interest.
- 3.4 If members were minded to grant such a dispensation, it is recommended that the dispensation be granted for the reason that the authority considers that it is 'otherwise appropriate to grant a dispensation', specifically to avoid a meeting becoming inquorate through the personal and pecuniary interests of members.
- 3.5 The planning application is likely to be considered by the Planning Committee in April 2015. As such a dispensation period of three months is recommended, which will cover the period between the scheduled meetings of the Ethics & Engagement Committee, removing the need for the Ethics & Engagement Committee to meet separately to grant an extension to the dispensation should the application be delayed.

4. Organisational Impacts

4.1 Finance

There are no direct financial implications arising from this report.

4.2 Legal Implications

As established within the report, any dispensations must be granted in accordance with the provision of the Council's Member Code of Conduct, and the relevant primary and secondary legislation.

5. Recommendation

- 5.1 It is recommended that the Ethics and Engagement Committee agree a dispensation for all elected members for a period of three months in relation to the planning application detailed in paragraph 3.1 for Grafton House on Newland.