



<u>Committee and date</u>
Standards Committee
27 May 2010

<u>Item No</u>
3

APPLICATION FOR DISPENSATION

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Summary

To consider whether dispensations should be granted to six members of Hadnall Parish Council who consider they each have a personal/prejudicial interest in Shropshire Council site allocation development proposals to be discussed at a meeting of that Parish Council to be held on 3 June 2010.

Recommendations

- A. That the Committee refuses the applications for dispensation received from Councillors Davies, Corn, Carter, Thomas, Llewellyn-Bell and Collins in respect of personal and prejudicial interests in Shropshire Council's proposed site allocation development proposals on the basis that the proposals do not affect 50% or more of the members on each site.
- B. That a Dispensation (Standards) Sub-Committee be established comprising six members of the Standards Committee to determine whether dispensations should be granted to members of Shropshire Council and Parish/Town Councils with personal and prejudicial interests, when applications are received.

Report

1. The Code of Conduct for members of parish councils requires a member with a personal and prejudicial interest in any matter to declare that interest and withdraw from the room or chamber where the matter is being considered unless he/she has obtained a dispensation from the Standards Committee.
2. Regulation 17 of the Standards Committee (Further Provisions) (England) Regulations 2009 sets out the circumstances in which Standards Committees may grant dispensations to members with personal and prejudicial interests.

Paragraph (1)(a)(i) specifies that a dispensation may only be granted if 50% of the members or more entitled to participate in the Authority's business would not otherwise be able to.

3. The Regulations also state that a member must submit a written request for a dispensation explaining why the dispensation is desirable. The Standards Committee must decide, having regard to these matters and to any other relevant circumstances of the case, if it is appropriate to grant the dispensation.
4. Any dispensation granted cannot cover participation in respect of the relevant business after four years from the date of dispensation.
5. At the meeting of Hadnall Parish Council scheduled for 3 June 2010, and according to the Clerk, at subsequent meetings of that Council, Shropshire Council's site allocations development proposals are to be considered.
6. Applications for dispensations to speak and vote on the above proposals at the meeting of the Parish Council on 3 June 2010 and at subsequent meetings, have been received from the following parish councillors who consider they have a personal and prejudicial interest in the proposed site allocations for the village:

- Councillor D Davies
- Councillor E A Corn
- Councillor A H Carter
- Councillor B H Thomas
- Councillor R Llewellyn-Bell
- Councillor A N Collins

The current membership of Hadnall Parish Council stands at 7, with one seat vacant.

7. The information relating to each of the six members who have applied for dispensations is given below.

- Councillor Davies. He is a house owner on Wedgefields Close which is adjacent to a site being identified for development. He claims that he would need a dispensation to enable him to debate and vote on the issue when it is considered by Hadnall Parish Council.
 - Councillor Corn. He states that the proposed development borders Old Farm Road (he lives at no. 9), and therefore he would like to be involved in discussions and voting in consideration of any building on this land. This is "primarily on environmental issues affecting local residents".
 - Councillor Carter. He says his property is on the flood plain and has been flooded on 5.9.2008 and is situated downstream of the Chapel Road development.
 - Councillor Thomas. He claims to be living in close proximity to at least three of the sites that are proposed. His reason for applying for a dispensation is "to act as a responsible local councillor and consider objectively the implications of the proposed sites. Should dispensation not be granted it is probable that the Council will not be able to consider the sites because of the 50% rule."
 - Councillor Llewellyn-Bell. He states that there is a potential site opposite his house. He asks for a dispensation so that he may take part in all meetings and debates in his capacity as a parish councillor in respect of the site allocations in Hadnall.
 - Councillor Collins. He claims that the potential effect of development is to increase the risk of flooding to his property.
8. The Committee needs to consider whether Councillors Davies, Corn, Carter, Thomas, Llewellyn Bell and Collins have personal and prejudicial interests and if so, whether all, some or none be granted dispensations.
9. In reaching decisions on each applicant, the Committee needs to have in mind the circumstances and nature of the item of business to be considered and the public interest in having their views represented.

The site allocation development document indicates a number of sites for possible housing development. A copy of the plan showing such potential sites is attached to this report. Based on the information provided by each of the six members of Hadnall Parish Council applying for dispensations, it appears improbable that each of the six members is directly affected by every one of the potential sites. It may well be that each of them will have a personal and prejudicial interest in one or more of the sites identified. It is however unlikely that 50% or more of the members will have a prejudicial interest in any one of the individual sites.

10. I understand that other parish councils in the County are also receiving Site Management and Development documents and it is highly likely that a number of their respective members may feel they have a personal and prejudicial interest in the site allocations to a similar extent as those in Hadnall.

I expect therefore to receive similar applications for dispensations in the future, and would urge the Committee to establish a Sub-Committee to determine any applications received.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Human Rights Act Appraisal

The recommendations contained in this report are compatible with the provisions of the Human Rights act 1998

Environmental Appraisal

N/A

Risk Management Appraisal

The need to maintain confidence in the local democratic process.

Community / Consultations Appraisal

N/A

Cabinet Member

N/A

Local Member

N/A

Appendices

Plan regarding issues and options for the Site Allocation and Management of Development for Hadnall

Hadnall: which direction(s) or sites for growth?

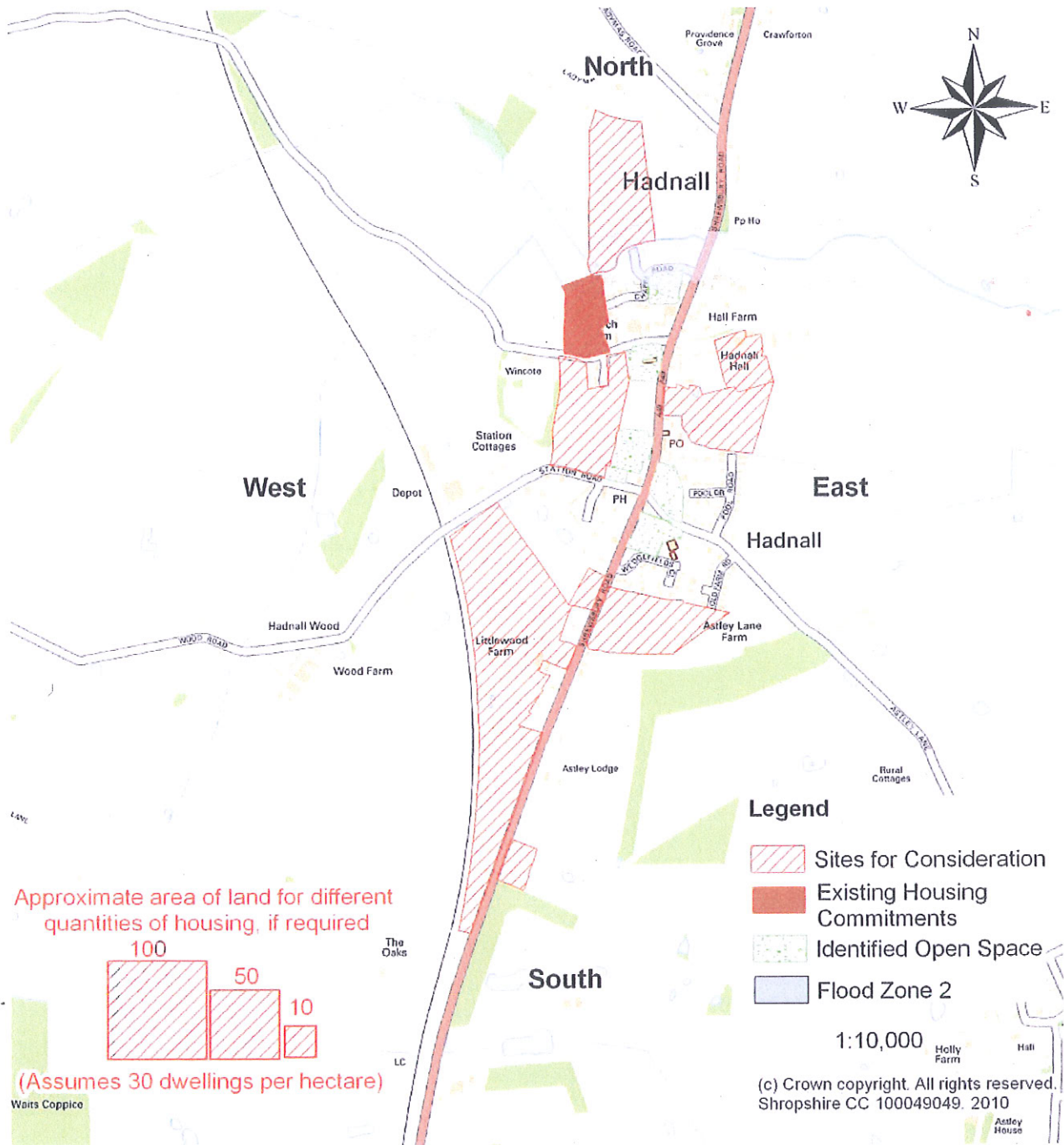


Figure 5: Background information on development in Hadnall

Hadnall	Already built since 2006	Currently with planning consent	Unused allocations in Local Plans	Past average annual rate (1998-2008)	Past rate x 17 years*
Residential	12 homes	22 homes	-	3.7 homes per year	63 homes
Employment	-	-	-	-	-

* Represents continuing the past rate over the 17 years 2009-2026. It is provided purely for comparison purposes, and does not imply that past rates should be continued.