

## Monitoring Officer

### Decision Notice

**This Decision records the outcome of the request for a dispensation to be granted in compliance with Section 33 (a) to (e) of the Localism Act 2011, in accordance with the Tendring District Council's Committee terms of reference and delegated powers. These arrangements were approved by full Council on 26<sup>th</sup> November 2013.**

#### **Law:**

The **Localism Act 2011** places a duty on all Members to register their Disclosable Pecuniary Interests (DPIs), as specified in various categories under **The Relevant Authorities (DPI) Regulations 2012**.

The effect of a DPI, is that if any matter to be considered or being considered at a meeting, has a direct impact on the DPI, the Member must not participate in any discussion of, or in any vote on, the matter at the meeting. If the DPI is not already registered, the interest must also be disclosed at the meeting. The Council's Monitoring Officer may grant dispensations in limited circumstances to enable Members to participate and vote on matters in which they have DPIs.

The Council may, upon receiving a written request from a member of the authority, grant a dispensation relieving the member from either or both of the restrictions in Section 31(4) of the Localism Act 2011 ("the Act"), which prohibit a member with a DPI from participating in the discussion or voting on an item directly impacting the DPI. The granting of a dispensation will allow such participation in discussions and votes to take place.

Before granting any dispensation, one of the provisions in Section 33(2) of the Act must apply:

*A relevant authority may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority—*

- (a) considers that without the dispensation the number of persons prohibited by section 31(4) 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) considers that 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) considers that granting the dispensation is in the interests of persons living in the authority's area,
- (d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive, or
- (e) considers that it is otherwise appropriate to grant a dispensation.

<b>Councillor:</b>	Councillor Mike Bush
<b>Inc. Ward</b>	Little Oakley
<b>Relevant Category of Discloseable Pecuniary Interest and details</b>	<p><b>Land – “any beneficial interest in land which is within the area of the authority”.</b></p> <p><b>A DPI has been registered for land owned by Cllr Bush which has been granted planning permission - reference 15/00987/OUT</b></p>
<b>Reason provided</b>	Outline planning consent for application 15/00987/OUT land owned by Cllr Bush was granted December 2016 and is already incorporated within the emerging local plan and is included within the local demographic area. Local Plan meeting 20 <sup>th</sup> November 2017, Members are recommended to review and endorse A.1 Housing land position and agree to be notified of further material changes. A.2 Local Plan Evidence Update – recommendation for members to note progress on evidence to support the content of the Local Plan.
<b>Relevant Criteria</b>  <b>Section 33 (2) of Localism Act 2011</b>	<p>Applicable paragraphs:</p> <p><i>(e) considers that it is otherwise appropriate to grant a dispensation.</i></p>
<b>Independent Person consulted?</b>	No, insufficient time between request and meeting, also the matter under consideration at the Local Plan Committee on 20 <sup>th</sup> October 2017, did not specifically relate to the DPI, although the Appendix to the Report made reference to planning permission being granted for the property owned by Cllr Bush.
<b>Monitoring Officer Decision to grant</b>	A dispensation was granted for the duration of the meeting of the Local Plan Committee on 20 <sup>th</sup>

<p><b>dispensation</b></p> <p><b>Include:</b></p> <ul style="list-style-type: none"> <li>• <b>Participate in discussions?</b></li> <li>• <b>Participate in vote?</b></li> <li>• <b>Specified Period</b></li> </ul> <p><b>Include the Monitoring Officer's reasons for the Decision(s)</b></p>	<p>November 2017, on the grounds that it was reasonable to do so as the land ownership within the area was the DPI. The land was referred to within appendices to the reports as factual information in that it had been granted planning permission and evidence of the Council's housing supply, but this actual fact was not the subject of any of the items that the Committee would be debating and deciding upon at the meeting.</p> <p>Therefore, Cllr Bush was permitted to participate in discussions and vote on all of the items of the Agenda for 20<sup>th</sup> November 2017. This dispensation will only be granted for the consideration of the reports before the Committee on 20<sup>th</sup> November and I believe it is necessary to keep this DPI under review, depending upon the subject matter of the item on future Local Plan Committee agendas.</p>
<p><b>Monitoring Officer Decision to refuse dispensation</b></p>	<p>Not applicable</p>

**Signed:**



**Monitoring Officer**

**Dated: 4<sup>th</sup> January 2018**

(decision was previously communicated both via email on 20<sup>th</sup> November, during a telephone conversation with Cllr Bush and repeated at the meeting for the purposes of the Local Plan Committee on 20<sup>th</sup> November 2017)