

**North East Derbyshire District Council**

**Standards Committee**

**27 November 2014**

**Applications for Dispensation**

**Report No ADGMO/31/14/MK/SS of the Assistant Director – Governance and Monitoring Officer**

This report is public

**Purpose of the Report**

- To request dispensations on behalf of a number of members to enable them to consider an application for change of use at the Mill Lane site, Wingerworth.

**1. Report Details**

- 1.1 A planning application has been submitted by the Council to change the use of the former CPL building on Mill Lane in Wingerworth into office accommodation for its new headquarters. The application will come before Planning Committee in due course.
- 1.2 Under the current standards framework, pecuniary matters that affect a member's office or vocation are Disclosable Pecuniary Interests (DPI) and usually debar members from taking part in debates and votes on those items. The move to Mill Lane is pecuniary because it relates to members' office and vocation as a councillor and because it may affect future mileage claims or travel to office expenses, and any tax implications arising from this.
- 1.3 Given that this is a matter that affects all members, it could hypothetically lead to all members having a DPI and therefore no members being able to consider the planning application when it comes before Planning Committee.
- 1.4 In these circumstances it is appropriate to seek a dispensation for members to consider the application. Under section 33 of the Localism Act, the Council may grant a dispensation in the following circumstances:
  - (a) Where it 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) Where it 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) Where it 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) Where it considers that it is otherwise appropriate to grant a dispensation.

- 1.5 It is the view that dispensations would be appropriate having satisfied point (a) above. Members were invited to seek dispensations on 18 November 2014. It is for Standards Committee to decide whether or not to grant the applications. The following members of the Planning Committee have requested a dispensation (subs are highlighted in brackets):

Mrs P Antcliff  
 Mrs J Austen  
 G Butler  
 Mrs J Hill  
 P Hemsley  
 P A Holmes  
 C Huckerby  
 H Laws  
 T Moon  
 D Oxspring  
 S Peters  
 C Smith  
 S Ellis (sub)  
 C Hunt (sub)  
 K Savidge (sub)  
 J Windle (sub)

## **2 Conclusions and Reasons for Recommendation**

- 2.1 To enable Planning Committee to consider an application that affects the Council.

## **3 Consultation and Equality Impact**

- 3.1 None.

#### 4 **Alternative Options and Reasons for Rejection**

4.1 None.

#### 5 **Implications**

None.

#### 6 **Recommendations**

6.1 To grant dispensations under section 33(a) of the Localism Act to the members listed in paragraph 1.5, together with any other members reported at the meeting, to allow them to consider the application for change of use at the former CPL offices at Mill Lane, Wingerworth.

#### 7 **Decision Information**

<b>Is the decision a Key Decision?</b> (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
<b>District Wards Affected</b>	None
<b>Links to Corporate Plan priorities or Policy Framework</b>	None

#### 8 **Document Information**

Appendix No	Title
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Requests from members for dispensation	
<b>Report Author</b>	<b>Contact Number</b>
M Kane	217753