

## **HEARINGS SUB-COMMITTEE OF STANDARDS COMMITTEE**

### **Minutes of a meeting of the Hearings Sub-Committee held on Monday, 15 December, 2014 at 5.30 pm at Addenbrooke House, Telford**

**PRESENT:** Councillors N A M England (Chair), M.B. Hosken and A.D. McClements

Also Present: Councillor S Bentley  
J. Eatough – Assistant Director: Law, Democracy & People  
Services and Monitoring Officer  
P Smith – Democratic Services Team Leader

#### **SHSC-01 ELECTION OF CHAIR**

**RESOLVED** – that Councillor N A M England be elected Chair for the meeting.

#### **SHSC-02 APOLOGIES FOR ABSENCE**

None

#### **SHSC-03 DECLARATIONS OF INTEREST**

None.

#### **SHSC-04 REQUEST FOR A DISPENSATION BY A COUNCILLOR**

The Monitoring Officer presented a report which detailed an application from Councillor S Bentley for a dispensation to allow him to speak as a Ward Councillor at meetings of the Planning Committee in relation to two specific planning applications in his ward (Ercall Magna).

The report outlined the current framework for dispensations under the provisions of the Localism Act 2011. This related to situations where a Member might be precluded from speaking at a meeting due to that Member having a disclosable pecuniary interest in the matter being considered. A written application for a dispensation had been received from Councillor Bentley on 4 December 2014, a copy of which was appended to the report. The Sub-Committee was being asked to consider whether or not Councillor Bentley could be given a dispensation to enable him to represent his constituents in respect of these planning applications notwithstanding the existence of his disclosable pecuniary interest. It was emphasised that Councillor Bentley was not a member of the Planning Committee and therefore did not have a vote on the planning applications concerned.

Councillor Bentley was invited to address the Sub-Committee to present his application. The planning applications in question were for a residential development of 130 houses east of Waters Upton (TWC/2014/0761) which was due to be considered by Planning Committee on 17 December 2014, and for an application for residential and commercial development at the former Dairy Crest site at Crudgington (due to be considered by the Planning Committee in the New Year). He explained his personal circumstances as a resident of Waters Upton and in particular as sub-postmaster for Waters Upton Post Office whose business could be affected (potentially in positive and negative ways) by both development proposals. This

created a disclosable pecuniary interest which would potentially prevent him from participating in any discussion of these matters at Planning Committee. There was very strong local opinion about these applications, and he had been asked to represent the views of his constituents (as local Borough Ward member) at the relevant Planning Committee meetings. He was sole member for Ercall Magna ward, and another Councillor speaking on his behalf would not have the same level of local knowledge nor the same level of commitment to Waters Upton. Therefore, a dispensation would be in the interests of persons living in the area of the Borough of Telford & Wrekin.

The Monitoring Officer advised the Sub-Committee of the need to consider the application on its own merits, give consideration to all of the relevant circumstances, and whether the application met the relevant criteria.

The Sub-Committee then carefully considered the application for a dispensation and whether it met one (or more) of the criteria (or outcomes) set out in the Code of Conduct.

### **RESOLVED -**

- (a) **that a dispensation for Councillor Bentley to speak as Ward member for Ercall Magna at meetings of the Planning Committee when considering specific applications for residential and commercial development at land east of Waters Upton and at the former Dairy Crest site in Crudgington be granted.**

#### **Reasons for Decision:**

**It is an important part of the democratic process that Councillors are able to represent the views and interests of their constituents. It is recognised that the nature and scale of these planning applications will have a significant impact on the local community in and around Waters Upton, and that there is considerable local opposition to the proposed development on land to the east of Waters Upton. It is further recognised that local people have a legitimate expectation, in circumstances where there are such exceptional levels of community interest, that they should be represented by their local Ward member when the planning applications come before the Planning Committee for determination. Councillor Bentley is the sole member for Ercall Magna ward, and such representation would be denied to local people if he was unable to speak at the Planning Committee meetings. It is noted that Councillor Bentley's employment interests are well known by local residents, but nevertheless he has been asked to speak on their behalf on these matters. Therefore his involvement as Ward Councillor at these meetings would be in the public interest and as such his disclosable pecuniary interest should not preclude him from participating in the meetings. The dispensation relates only to the specific planning applications referred to above.**

- (b) **that authority be delegated to the Monitoring Officer to confirm the outcome of the application in writing to the applicant.**

The meeting ended at 5.51pm

**Chairman:** .....

**Date:** .....