

# LANCASTER CITY COUNCIL

## REQUEST FOR DISPENSATION UNDER SECTION 33 OF THE LOCALISM ACT 2011

### Details of the Disclosable Pecuniary Interest in respect of which the dispensation is requested

Approximately 1.2 hectare site compromised of two components, a house with garden curtilage of around 0.2 hectares and an adjacent field of around 1.0 hectare situated at Denny Bank, Arkholme. LA6 1AX.

### Details of the council business for which a dispensation is sought

Dispensation is sought in respect of any discussion and vote by Council; Committee of the Council or other meeting of the Lancaster District Local Plan for the period to 2011 – 2031 (S33 of the Localism Act 2011).

### Date of meeting or time period (up to 4 years) for which dispensation is sought

31 March 2018. (The Local Plan is currently being developed with an estimated date of completion of 2017. However, it is possible that this ambitious timetable may not be met and therefore the date of 31 March 2018 is suggested to accommodate any potential delay).

### Is a dispensation requested to participate in any discussion of that business?

Yes

### Is a dispensation requested to participate in any vote taken on that business?

Yes

### REASON(S) FOR REQUEST FOR DISPENSATION

The above property and land is the home of Councillors Peter and Phillippa Williamson and has been for the last 10 years. The land and property is already noted in the Register of Members Interests as a registered disclosable pecuniary interest.

The land and property is not specifically referred to in any local plan documentation or in the Strategic Housing Land Availability Assessment at the present time.

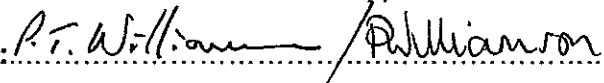
However, in any discussions of the Local Plan (which will continue for some considerable time through to 2017 at the least), it is possible that others could perceive that interest in the land and the possible effect on its value as a result of any wider decisions made on the local plan, may impact on any decisions made. Although it is difficult to quantify the risk of possible complaint in these circumstances, we would like to apply for a dispensation to enable us to participate any future debates and votes on the Local Plan notwithstanding the ownership of the land which is already registered as a disclosable pecuniary interest.

The development of the Local Plan is one of the key issues facing this Council and in view of the current representation of the Council, it is important that all Councillors are able to participate in the debate and votes and represent the views of the residents in their respective Wards and the wider District. To preclude two Councillors from one political group could upset the likely outcome of any vote relating to the Local Plan.

In addition, as Councillors for Upper Lune Valley and Torrisholme wards, we represent areas of the district which are impacted by the proposals currently being consulted upon as part of the development of the Local Plan. It is important that we are able to represent the residents of those areas views fully.

On this basis we would request a dispensation in accordance with S33 (b) and (c) of the Localism Act 2011.

**Print Name:** Councillors Peter and Phillippa Williamson

**Signatures:** 

**Date:** 23 December 2015

## **Request for a Dispensation - Guidance Notes**

In certain circumstances Councillors may be granted a dispensation which enables them to take part in council business where this would otherwise be prohibited because they have a Disclosable Pecuniary Interest. Provided Councillors act within the terms of their dispensation there is deemed to be no breach of the Code of Conduct or the law.

Dispensations are granted to City Councillors by the Standards Committee.

### **Terms of a Dispensation**

Section 31(4) of the Localism Act 2011 ("the Act") provides that a dispensation may allow a Councillor:

- (a) to participate, or participate further, in any discussion of the matter at a meeting; and/or
- (b) to participate in any vote, or further vote, taken on the matter at a meeting.

### **Grounds for Granting a Dispensation**

Under Section 33 of the Act a council may grant a dispensation only if, after having had regard to all relevant circumstances, it —

- (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.

### **Relevant Considerations**

In reaching a decision on a request for a dispensation, the Standards Committee may wish to consider the nature of the Councillor's Disclosable Pecuniary Interest, the need to maintain public confidence in the conduct of the Council's business, the need for efficient and effective conduct of the Council's business, and any other relevant circumstances.

### **Duration of a Dispensation**

Dispensations may be granted for one meeting or for a period not exceeding 4 years.

### **Requesting a Dispensation**

A request for a dispensation must be made in writing, and the form overleaf is provided to enable you to make a request. In completing the form, it is important to provide full details of the business for which the dispensation is requested, and full details of the reasons why you consider that the Council should grant the dispensation. In this respect you should be mindful of the matters set out above.

Please submit your request in good time, to allow arrangements to be made for your request to be considered by the Standards Committee.