

BABERGH DISTRICT COUNCIL

FROM: Acting Head of Legal & Administrative Services

REPORT NUMBER **E216**

TO: **STANDARDS COMMITTEE**

DATE OF MEETING **29 November 2005**

DISPENSATION FOR MEMBERS AND SUBSTITUTES OF DEVELOPMENT COMMITTEE

1. **SUMMARY**

1.2 A dispensation is sought for Members and Substitutes of Development Committee to allow them to participate and vote on an item concerning training of the Development Committee which is to be considered by Full Council on 13 December 2005.

2. **RECOMMENDATIONS**

2.1 That having considered the application submitted by Councillor Quinlan on behalf of Members and Substitutes of the Development Committee, a dispensation be granted to those Members and Substitutes in respect of Overview and Scrutiny (Community Services) Committee Minute No. 36 - Annual Report of Development Committee and the Strategy Committee Minute of 10 November 2005, to be considered at Full Council on 13 December 2005,

or

2.2 That having considered the application submitted by Councillor Quinlan on behalf of Members and Substitutes of the Development Committee, a dispensation be refused in respect of Overview and Scrutiny (Community Services) Committee Minute No. 36 - Annual Report of Development Committee and the Strategy Committee Minute of 10 November 2005, to be considered at Full Council on 13 December 2005

The Committee is able to resolve this matter

3. **FINANCIAL IMPLICATIONS**

3.1 None

4. **KEY INFORMATION**

4.1 On 4 October 2005, the Overview and Scrutiny (Community Services) Committee considered Paper E161 being the Annual Report of Development Committee for 2005/06. During the course of the discussion the following points arose:-

- A number of Babergh Members had withdrawn from a training session on 30 September 2005 entitled “Materials considerations in Development Control”, at short notice.
- All Members of the Development Committee should undertake on-going training during their period of office, and it was suggested that a policy be introduced requiring Members of the Developments Committee to attend a certain number of training sessions each year.

- It expressed concern at the number of times the Developments Committee Members had reached decisions contrary to agreed policies and the situation should be reviewed after six months to see whether additional training had any impact in this respect.
- 4.2 A recommendation was made by the Overview and Scrutiny Committee to both Strategy Committee and Council that Members of the Development Committee should be required to undertake a minimum of four half day training sessions per year (such training to be open to non-Members of the Development Committee)
 - 4.3 Strategy Committee considered the recommendation of Overview and Scrutiny Committee on 10 November 2005. The Committee endorsed the recommendation to Full Council subject to an amendment that the training be extended to the Substitutes of the Development Committee. A copy of the report considered by Strategy Committee is attached as Appendix 1.
 - 4.4 The report is to be considered further by Full Council on 13 December 2005. Full Council comprises 43 Members of whom 15 are Members of the Development Committee. A further 14 are Substitutes.
 - 4.5 An application has been submitted to the Monitoring Officer by Councillor Quinlan as Vice Chair of the Development Committee (in the absence of the Chair, Councillor Thake) for a dispensation for all Development Committee Members and Substitutes who may be considered to have a personal and prejudicial interest in the item (Appendix 2).
 - 4.6 A personal interest will arise where the well-being of a Member may reasonably be regarded as affected to a greater extent than other Council Tax payers, rate payers or inhabitants of the authority's area. The interest will become a prejudicial interest if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Members judgement of the public interest. A Member with a prejudicial interest must leave the room for that particular item. A failure to do so, will amount to a breach of the Code of Conduct. A dispensation would allow the Member to participate fully in the discussion and vote on the item without giving rise to a breach of the Code. The power of the Standards Committee to grant dispensations is provided under The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002.
 - 4.7 Councillor Quinlan has sought a dispensation on the ground that no fewer than half of the Members of the Council which is to consider the item have a prejudicial interest which relates to that business. In this case 29 out of 43 members. The quorum for full Council is 11.
 - 4.8 In order to grant a dispensation, the Standards Committee must be satisfied that having regard to the application and all other circumstances of the case that the business of the Council would otherwise be impeded and it would therefore be appropriate to grant the dispensation.

5. **APPENDICES**

- (a) Report to Strategy Committee on 10 November 2005
- (b) Application for dispensation from Councillor Quinlan received 16 November 2005

6. **BACKGROUND PAPERS REFERRED TO:**

None

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REPORT TO STRATEGY COMMITTEE ON 10 NOVEMBER 2005

(b) Overview and Scrutiny (Community Services) Committee Minute No. 36 – Annual Report of Development Committee

Mr D C Rose left the meeting whilst the discussion of the Annual Report of the Development Committee took place.

Mr R Thake, Chairman of the Development Committee, presented the Annual Report of the Development Committee for 2005/06 (Paper E161). In the discussion which followed the following were among the points noted:-

- There was concern that although 521 complaints of possible breaches of Planning Control had been received for investigation, these had only resulted in the service of 34 Enforcement Notices and 6 Breach of Condition Notices.
- There appeared to be a problem in retaining staff in Planning Control because staff were being trained by Babergh and then achieving promotions outside the District Council.
- Officers were congratulated on the training session held on 30 September 2005 entitled “Material considerations in Development Control”. This had been open to Members from other authorities and everyone who had attended had found the training very helpful. However, a number of Babergh Members had withdrawn from the training at short notice.
- It was considered that all Members of the Development Committee should undertake on-going training during their period of office, and it was suggested that a policy be introduced requiring Members of the Development Committee to attend a certain number of training sessions each year.
- Members expressed concern at the number of times the Development Committee Members had reached decisions contrary to agreed policies. They suggested that future training sessions for Members should focus of the existing policies relating to Holiday Homes, Pub Closures and the retention of Employment Sites. It was agreed that if a new policy on training were introduced, the Overview and Scrutiny (Community Services) Committee should review the situation after 6 months to see whether the additional training had had any impact on the number of decisions made contrary to policy.
- Members agreed that it was no longer necessary for the Annual Report of the Development Committee to include a list of Site Inspections by Ward.

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RECOMMENDED TO STRATEGY COMMITTEE AND COUNCIL

That Members of the Development Committee should be required to undertake a minimum of 4 half-day training sessions per year (such training to be open to non-Members of the Development Committee).