

## **Granting of Dispensations to Neighbourhood Plan steering group members – 07<sup>th</sup> August 2015**

*All documents referred to in blue italics are in the public domain and published on the Parish Council website.*

Upon election to the Parish Council and as a condition of Acceptance of Office, all Councillors become subject to the terms and conditions contained within the *HKPC Code of Conduct* (a Parish Council version of the Code of Conduct adopted by Mid Sussex District Council and West Sussex County Council and adopted by HKPC at its meeting on 19/05/15 (*HKPC minutes 19/05/15*)).

HKPC Code of Conduct requires all councillors to declare personal interests in relation to any item on a PC / Committee agenda. At NPSG meetings declarations by members are generally (but not exclusively) in relation to sites put forward by landowners for inclusion within the Neighbourhood Plan which are located near to their home.

The NPSG consists of 4 Councillor Members and as all live within the Parish the situation has arisen that there are insufficient Councillors left to transact business at NPSG meetings once personal interests have been declared. (*HKPC Standing Orders* re-adopted by new PC on 19/05/15 require a minimum of 3 Councillors able to discuss / vote on business to be transacted).

This issue was identified and discussed at the June NPSG public meeting (*NPSG minutes 02/06/15*) and NPSG members requested that the PC appoint a 5<sup>th</sup> Councillor to the NPSG to ensure that it remains quorate and can transact all relevant NPSG business. (*HKPC minutes 14/06/15*)

Although it was agreed by the PC to appoint a 5<sup>th</sup> member to the NPSG, no appointment was forthcoming as nobody was willing to take on the role.

NPSG reviewed alternatives and the Clerk advised that one option might be for NPSG members to seek dispensation in accordance with Part 2 - Section 11 of the *HKPC Code of Conduct*.

This option was discussed in the public NPSG meeting on 03/07/15 and it was agreed to seek PC approval to apply to the Clerk for dispensation (*NPSG minutes 03/07/15*)

The request that NPSG members be allowed to apply for dispensation was discussed and agreed by the full PC at its public meeting on 08/07/15. (*HKPC minutes 08/17/1*). This was not agreement to issue a dispensation to NPSG members – it was agreement that members could apply to the Clerk and the matter was included on the PC agenda for consideration to ensure that all discussions on the subject were kept in the public domain.

As this is a very rare situation for HKPC, the Clerk reviewed the requirements and advised the NPSG members how to apply – i.e. in writing, the HKPC Code of Conduct Clause under which they were entitled to apply and that the application should only be related to their membership of the NP Steering Group.

Upon receipt of three applications from NPSG members who are required to declare personal interests in relation to 5 potential NP sites, the Clerk considered the following before deciding whether to issue dispensations to those 3 NPSG members:

Is the process legal?

Yes – the adopted HKPC Code of Conduct allows dispensations to be issued as long as certain conditions are met. (*HKPC Code of Conduct Part 2 – Section 11*)

Are the conditions defined by the HKPC Code of Conduct met?

Yes – NPSG are unable to transact all business necessary to progress this project

Yes – It is in the interest of the community as a whole as it has declared a desire for a Neighbourhood Plan to be put in place for the Parish.

In addition, the following facts (*documented in NPSG minutes 02/08/15 and / or published over the past 5 years in the Parish magazine and on the PC website*) were also taken into consideration:

- A number of public community workshops were planned at which the public would be asked to provide views / opinions on sites to be included (or not) in the NP.
- For those people unable to attend a community workshop views would be sought by questionnaires – available online, in the shop and from the PC office.
- The comments and views from the workshops and questionnaires are to be used to formulate the NPSG recommendations to the PC on which sites should be included in the NP and will be used to evidence site selection at independent examination.
- The NPSG recommendations are to be scrutinised by the PC and the final decision on which sites should be included in the NP will be made by the PC – **not** the NPSG.
- The NP as approved by the PC will then go through a number of formal stages, including
  - review by Mid Sussex District Council,
  - examination by a government appointed, independent Inspector – where both the NP and all the evidence in support of it will be scrutinised in fine detail.
  - Formal consultation within the community
  - finally – referendum and adoption by the community if successful at referendum.

In view of the above, Dispensations were authorised and issued by the Clerk and *published on the PC website* - additionally, a number of “safeguards” were also included in the dispensations to further ensure transparency and protection of the community’s interests:

- The dispensation only applies to NPSG meetings and does not apply at PC meetings where the Councillors in receipt of dispensation must continue to declare personal interests and will be excluded from discussing / voting on any business to be transacted that is related to those personal interests.
- NPSG members granted dispensation must continue to declare their personal interests at all NPSG meetings and their receipt of a dispensation will also be noted to enable members of the public to have the “complete picture” and interpret discussions and decisions reached by the NPSG based upon a full understanding of the facts - i.e. nothing is to be hidden from view.
- Councillors granted dispensations are expected to adhere to all other sections of the HKPC code of Conduct and in particular the Standards of Public Life expected of all councillors throughout their term of office.
- Adherence to the specific wording of the dispensation and all sections of the HKPC Code of Conduct will be monitored by the Clerk (any breach of the either will be reported to the appropriate body - as usual).
- The dispensation is valid for 6 months and the need for any extension will be reviewed prior to expiry.

Beverley O’Garra  
Clerk  
Horsted Keynes Parish Council

14/08/2015