



STANDARDS COMMITTEE

12 JANUARY 2004

CONTRIBUTORS

PAD (DPA)

**APPLICATION FOR GRANT OF
DISPENSATION : ADMINISTRATION
MEMBERS OF THE PLANNING
APPLICATIONS COMMITTEE**

ALL WARDS

Urgent Late Report

The Committee is asked to consider this item as an urgent late report as the matter the subject of the dispensation request is due to be considered at a meeting of the Planning Applications Committee to be held on 27 January. The next ordinary meeting of the Standards Committee is not scheduled to be held until 19 April 2004.

The Relevant Authorities (Standards Committee) (Dispensation) Regulations 2002 prescribes the circumstances in which the Council's Standards Committee is empowered to grant dispensations to members and co-opted members of relevant authorities. These Regulations came into force on 18 March 2002.

A request for the grant of a dispensation must be made in writing, and the Standards Committee may only grant the dispensation if certain specified conditions are met.

A request has been submitted for the grant of dispensations to the Administration members of the Council's Planning Applications Committee, on the grounds that the number of members prohibited from participating in the business of the Committee would exceed 50% of those entitled and required to participate, thus rendering the Committee inquorate.

If the Standards Committee agrees to grant a dispensation, a member or co-opted member who acts in accordance with that grant of dispensation, will not be held to have failed to comply with the mandatory provisions of the Code of Conduct, adopted by the Council on 27 May 2002.

RECOMMENDATION:

That the Standards Committee agree to the grant of dispensations to Councillors Aherne, Cartwright, Harcourt, Khaled, Powell and Treloggan to enable them to participate and vote in the Planning Applications Committee, scheduled to be held on 27 January 2004.

1. BACKGROUND

- 1.1 The Council's Planning Applications Committee which is due to meet on 27 January 2004, will have before it for consideration an application for planning permission submitted by Councillor Stephen Cowan, in respect of a single-storey side and rear extension to his property at 58 Inglethorpe Street SW6 .
- 1.2 The planning application itself appears uncontroversial and straightforward. One letter from a neighbour has been received in response to the planning consultation which states that, provided the stated height is not exceeded and the building does not exclude light from the neighbour's living room/kitchen, then no objection is raised. The proposed extension does not breach UDP daylight / sunlight standards, and there are no other complications in respect of the application in planning terms. The application is therefore being recommended for approval by the planning officer.
- 1.3 Councillors Aherne, Cartwright, Harcourt, Khaled, Powell and Treloggan, all of whom comprise the Administration members of the Planning Applications Committee, feel they would have a personal and prejudicial interest in determining Councillor Cowan's planning application, and in accordance with the Council's Code of Conduct, paragraphs 8 – 10, must declare their interest and withdraw from further participation in the meeting while the matter is being determined.
- 1.4 The Planning Applications Committee comprises 10 members, split in the ratio of 6 Administration to 4 Opposition members, in accordance with the political balance on the Council as required under the provisions of the Local Government & Housing Act 1989. The quorum of the Committee is 5 members.
- 1.5 As insufficient members of the Planning Applications Committee will remain to form a quorum, and over 50% of those entitled and required to participate as members will be prohibited from doing so, the Planning Applications Committee will be unable to fulfil its statutory function in determining this particular planning application.
- 1.6 The above situation in respect of this particular planning application will continue to prevail unless and until the Standards Committee determines the applications for the grant of a dispensation made by the members so affected.

2. CIRCUMSTANCES IN WHICH THE STANDARDS COMMITTEE MAY GRANT DISPENSATIONS

- 2.1 The Standards Committee is empowered under the Relevant Authorities (Standards Committee) (Dispensation) Regulations 2002 to grant a dispensation to a member in the following circumstances :
 - a) *the transaction of business of the authority would, on each occasion on which the dispensation would apply, otherwise be impeded by, or as a result of, the mandatory provisions [of the Code of Conduct] because –*

i) the number of members of the authority that are prohibited from participating in the business of the authority exceeds 50% of those members that are entitled or required to so participate; or

ii) the authority is not able to comply with any duty which applies to it under s 15(4) of the Local Government & Housing Act 1989;

b) the member has submitted to the Standards Committee a written request for a dispensation explaining why it is desirable; and

c) the Standards Committee concludes that, having regard to the matters mentioned in paragraph (a) above, the content of the application made under (b) above, and all the other circumstances of the case, it is appropriate to grant the dispensation.

2.2 The relevant members of the Planning Applications Committee who are affected have all submitted the required application for the grant of a dispensation in writing to the Standards Committee. [**as attached**]

2.3 The Standards Committee is obliged to consider these applications for dispensation in the light of the statutory provisions set out in paragraphs 2.1 (a), (b) & (c) above, and make a determination on each accordingly.

2.4 If the Committee is minded to grant dispensation, the existence, nature and duration of the dispensation must be recorded in writing, and kept with the Register of members' Interests.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

| No. | Description of Background Papers | Name/Ext. of Holder of File/Copy | Department/ Location |
|------------|--|---|---------------------------------------|
| 1 | The Local Authorities (Model Code of Conduct) (England) Order 2001 (SI 2001 No.3575) | John Cheong x 2062 | PAD/Room 203 Hammersmith Town Hall |
| 2 | The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 | John Cheong x 2062 | PAD/Room 203 Hammersmith Town Hall |

DATE:

6/1/04

Mr Christopher Troke
Chair of the Standards Committee
London Borough of Hammersmith
& Fulham
Hammersmith Town Hall
King Street
London W6 9JU

Dear Mr Troke

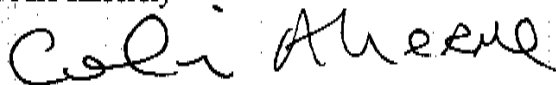
RE: PLANNING APPLICATIONS COMMITTEE - REQUEST FOR DISPENSATION

I request that the Standards Committee grants me a dispensation to speak and vote at the Planning Applications Committee when considering an application for planning permission by Councillor Stephen Cowan in respect of 58 Inglethorpe Street SW6 which is due to be considered at the Planning Applications Committee on the 27 January 2004.

The grounds of my application are that due to the nature and length of my friendship with Councillor Cowan I consider I have both a personal and a prejudicial interest in this matter and I am therefore precluded from participating under the Council's Code of Conduct. I believe that five other members of the Committee as well as myself consider that we have prejudicial interests in this matter which exceeds 50% of the membership of the Committee and renders it inquorate.

I believe that it is desirable to grant a dispensation in this case because this is a straightforward and uncontroversial planning application which is recommended for approval by officers and which cannot be determined unless appropriate dispensations are granted.

Yours sincerely



Councillor

COLIN AHERNE

DATE:

Mr Christopher Troke
Chair of the Standards Committee
London Borough of Hammersmith
& Fulham
Hammersmith Town Hall
King Street
London W6 9JU

Dear Mr Troke

RE: PLANNING APPLICATIONS COMMITTEE - REQUEST FOR DISPENSATION

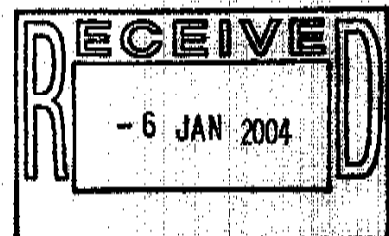
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Yours sincerely


Councillor Michael Corbridge



DATE: 7.1.04

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Chair of the Standards Committee
London Borough of Hammersmith
& Fulham
Hammersmith Town Hall
King Street
London W6 9JU

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Councillor

WESLEY HARCOURT

DATE: 7/1/04

Mr Christopher Troke
Chair of the Standards Committee
London Borough of Hammersmith
& Fulham
Hammersmith Town Hall
King Street
London W6 9JU

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Yours sincerely

A. S. M. Jafar Khaleel
Councillor



DEPUTY FOR REGENERATION
COUNCILLOR DAME SALLY POWELL
WORMHOLT & WHITE CITY WARD

**LONDON BOROUGH OF
HAMMERSMITH & FULHAM**

Town Hall, King Street
London W6 9JU

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7th January 2004

Mr Christopher Troke
Chair of the Standards Committee
London Borough of Hammersmith
& Fulham
Hammersmith Town Hall
King Street
London W6 9JU

Dear Mr Troke

RE: PLANNING APPLICATIONS COMMITTEE - REQUEST FOR DISPENSATION

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Yours sincerely

Councillor Dame Sally Powell



2002-2003
Improving Urban Green Spaces

DATE:

Mr Christopher Troke
Chair of the Standards Committee
London Borough of Hammersmith
& Fulham
Hammersmith Town Hall
King Street
London W6 9JU

Our Ref:

Your Ref:

When telephoning please ask for:

Dear Mr Troke

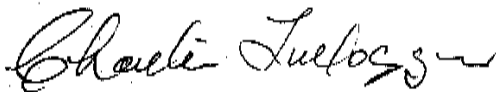
RE: PLANNING APPLICATIONS COMMITTEE - REQUEST FOR DISPENSATION

I request that the Standards Committee grants me a dispensation to speak and vote at the Planning Applications Committee when considering an application for planning permission by Councillor Stephen Cowan in respect of [address] which is due to be considered at the Planning Applications Committee on the [insert date].

The grounds of my application are that due to the nature and length of my friendship with Councillor Cowan I consider I have both a personal and a prejudicial interest in this matter and I am therefore precluded from participating under the Council's Code of Conduct. I believe that [insert number] other members of the Committee including myself consider that we have prejudicial interests in this matter which exceeds 50% of the membership of the Committee and renders it inquorate.

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