

Special Council Meeting – Advice to Members re Interests

I have been asked to provide advice to Members with guidance on declarations of interest in consideration of the Council Agenda Item recommending adoption of the Plymouth and South West Joint Local Plan.

Members could be regarded as having, as a matter of law, Disclosable Pecuniary Interests (DPI) due to land ownership within the red line settlement boundaries simply because you are residents of the District. Government has previously issued guidance that the legislation was not intended to cover such District wide decisions, however, for the avoidance of doubt and Members' protection, I take the view acting as the Council's Monitoring Officer that the criteria set out in Section 33 (2) (a) to (e) of the Localism Act 2011 applies and for land ownership simply within the red line settlement boundaries, it is appropriate to grant a dispensation to all Members to enable them to debate and vote on the item.

However, if you or your spouse/partner have land ownership (still a DPI) in any of the specific areas which are to be allocated for development, the above blanket dispensation does not apply. For specific land allocation, an individual dispensation would be required to remain in the room, take part in the debate and vote on the item.

Members who own land within an allocated site or adjacent to an allocated site where the value of your property is likely to be affected by the allocation should explain the nature of their interest at the meeting and will not be able to participate in the item without the benefit of an individual dispensation. I consider a personal dispensation would be inappropriate but if any Member has a query regarding their own personal circumstances please contact me ahead of the meeting. Failure to declare a DPI and take part in a decision is a criminal offence.

Land within specific allocations, which is owned by an external body or organisation, may also fall within the definition Disclosable Pecuniary Interests if you are employed for profit or gain by that organisation.

If you were appointed or nominated to an outside body or organisation by the Council which owns or controls land then this will amount to a Personal Interest and participation at meetings is set out in the Code of Conduct.

Becky Fowlds 20/3/19