



TONBRIDGE & MALLING

Cllr Mark Davis

Borough Councillor for Cage Green Ward

BOROUGH COUNCIL

38 Old Hadlow Road
Tonbridge
Kent TN10 4EY

Tel: 01732 360412
E-mail: mark.davis@tmbc.gov.uk

Mr Adrian Stanfield
Director of Central Services and Monitoring Officer
Tonbridge & Malling Borough Council
Gibson Building, Gibson Drive
Kings Hill
West Malling
Kent ME19 4LZ

6 October 2016

Dear Adrian

General Purposes Committee 20 October 2016 Request for Dispensation – Code of Conduct

You have requested that I write to you as Monitoring Officer in support of the application for dispensation to enable me to participate in Council meetings, particularly meetings of the Planning and Transportation Advisory Board and Planning Committee Meetings where I would otherwise have to withdraw from the meeting entirely by virtue of my potentially having an Other Significant Interest.

As a Partner in Warners Solicitors I have hitherto taken the view that I should not participate in proceedings at meetings which involve clients of my firm in case there is a suggestion that I have influenced the decision of the committee for my client's benefit. I accept that there are a number of considerations which would determine whether or not I have an Other Significant Interest in each case but I have tended to take the cautious approach and withdraw when I know a client of my firm to be involved. Although I have on occasion exercised my right to speak before the application is debated by members of the committee and then withdraw.

Originally I simply retired to the public seats during the relevant agenda items and observed the proceedings of the committee from there. But it was brought to my attention that the Code of Conduct required me to withdraw from the meeting completely. As I have discussed with you on occasion in the past, I take the view that this puts me in a worse position than other members of the public and on occasion inhibits my duty to act in the best interests of my client by preventing me from observing the proceedings of the committee and the debate which has led to the decision taken. For example, if the decision is to refuse a planning application submitted by my client I would like to be able to understand the reasons for the decision by listening to the debate with a view to advising my client as to the implications thereof which I would be perfectly entitled to do if I were not a member of the Council.

This has been brought into sharper focus recently relation to agenda items of the Planning and Transportation Advisory Board regarding the Local Plan. I attended and participated in the initial discussion of that board concerning the consultation document but it occurred to

me at that meeting that there may be clients of Warners whose land holdings are affected by the consultation document one way or another and I have subsequently discovered that to be the case. I have therefore not attended subsequent meetings of the Cabinet where the Local Plan has been discussed although I would have liked to have done so. Indeed my specialist field of law is commercial property work which includes advising on development sites, and I believe that my qualifications and experience may well be beneficial to other members who might find my contribution to debate useful.

I therefore seek dispensation from the requirement to leave the room on these occasions and if the General Purposes Committee deems it appropriate to allow me to participate in the debate, although not to take part in any vote.

With kind regards

Yours sincerely

A handwritten signature in black ink that reads "Mark". The signature is written in a cursive style with a long horizontal stroke extending to the right.

M O Davis