



Agenda item B3

From: Kay Goldsmith, Clerk to the Authority, KEIFCA

To: Kent and Essex Inshore Fisheries and Conservation Authority – 14 September 2026

Subject: Consideration of dispensation under s.33 of the Localism Act 2011

Classification: **Unrestricted**

Summary:

This report asks Members to review a proposal for a dispensation under section 33 of the Localism Act 2011 to enable participation in discussions where the named member has disclosable pecuniary interests.

Recommendation:

Members are asked to **AGREE** a dispensation for the named MMO appointee, as set out in the report, to allow participation in discussions of specified matters for which they have a Disclosable Pecuniary Interest (DPI) for the period of four years or until their term of service is expired (whichever is first).

Background

Section 31(4) of the Localism Act 2011 (the Act) requires that any members who have a Disclosable Pecuniary Interest (DPI) in a matter at a meeting cannot participate in the associated discussion or vote on the matter. However, section 33 of the Act enables the Authority to grant dispensations from this requirement to enable participation in discussions and/or voting on a matter.

A dispensation can permit a Member with a relevant DPI to participate and/or vote on a particular item for a specified period, up to a maximum of four years. This allows IFCAs to transparently manage situations where a Member would ordinarily be barred from participating because of a DPI but they hold expertise that is deemed vital to the discussion.

Dispensation request under consideration

MMO appointee **Esther Gilson** has a DPI conflict relating to cockle fisheries and has historically been barred from participating and voting on all related matters. Further detail is set out in Appendix 1. A written dispensation request (Appendix 2) has been received from Esther Gilson to take part in cockle related agenda items, as a result of her significant knowledge and insight into the cockle fisheries within the District.

Having reviewed the request with the Chief Fishery Officer, the Clerk's recommendation is to grant a dispensation for the following:

Stay, debate & vote for the following agenda items:

- TECFO Stock assessment
- TECFO outcome of fishery
- Permit fishery outcome

Stay and debate only, leaving ahead of a vote

- TECFO management plan
- Review of TECFO management
- Cockle permit fishery management

No dispensation for the following items:

- TECFO Licence variations
- Approval of licence holders

This dispensation is considered to be in the interests of persons living within the KEIFCA boundary and to ensure that the Authority can fully consider the potential impacts of proposed decisions. Such benefits fall within the scope of s.33(2) of the Localism Act and as such dispensations are considered appropriate. It is also recommended that the dispensations are granted for the maximum period allowed of four years or until Mrs Gilson's term of service is expired (whichever is first).

If the Authority is minded to grant a dispensation, a record of this will be maintained and published on the KEIFCA website. At meetings where the dispensation applies, Mrs Gilson must declare her interest and act impartially and according to her experiences, not her opinions.

Recommendation:

Members are asked to **AGREE** a dispensation for the named MMO appointee, as set out in the report, to allow participation in discussions of specified matters for which they have a DPI for the period of four years or until their term of service is expired (whichever is first).

APPENDIX 1 - Consideration of granting dispensations for members with Disclosable Pecuniary Interests under section 33 of the Localism Act 2011

Conflicts between DPIs and Authority business

Table 1 below sets out where registered DPIs may be in conflict with regular items that arise at Authority meetings.

Table 1 – circumstances where Mrs Gilson’s DPIs may come into conflict with matters arising at Authority meetings. DPIs identified include those relating to the spouse / civil partner of the non-elected member.	
DPIs which relate to Authority Business	Matters for which a DPI is relevant (in addition to existing DPIs)
Employment Cardium Shellfish Ltd (marine fishing) Securities J&E Gilson Ltd (marine fishing)	• TECFO Stock assessment • TECFO outcome of fishery • Permit fishery outcome • TECFO management plan • Cockle permit fishery management • TECFO Licence variations • Review of TECFO management • Approval of licence holders

The Marine Management Organisation (MMO) appoint members to the Authority who are:

- a) persons acquainted with the needs and opinions of the fishing community of the district, and
- b) persons with knowledge of, or expertise in, marine environmental matters.

These appointment ensure the Authority is able to meet the aim of the Marine and Coastal Access Act 2009 in modernising the management of the entire marine environment by achieving an appropriate balance between commercial exploitation and stock and habitat protection.

It is not unexpected that individuals who meet the above criteria encounter potential conflicts of interest from time to time. Dispensations can be used in limited circumstances to allow these individuals to continue to share the knowledge and expertise they were appointed for.

The benefits of allowing Mrs Gilson to participate in particular discussions are summarised below:

- TECFO Stock assessment - Those employed within the cockle fishing industry have an insight into the longstanding trends and stocks of the fishery each year and can use their experience and knowledge of the industry to ‘sense-check’ and corroborate data fed back to the Authority from officers.
- TECFO outcome of fishery - Those employed within the cockle fishing industry have an insight into the execution and results of the fishery each year and can use their experience and knowledge of the industry to ‘sense-check’ and corroborate data fed back to the Authority from officers.

- Permit fishery outcome – Those centrally involved with both the cockle and fishing industries are uniquely placed to understand both the benefits to the existing cockle fleet as well as to the wider fishing industry who may want to take advantage of the opportunity to fish in the Permit Fishery. This helps the Authority balance the needs of the various stakeholders involved with the fishery.
- TECFO management plan – Those employed and centrally involved within the cockle fishing industry have a unique understanding of how the fishery works and what the impacts upon TECFO businesses are which helps the wider Authority take this into account when reviewing the management plan.
- Cockle permit fishery management - Those employed within the cockle fishing industry have an insight into the potential impacts of recommended management and can use their experience and knowledge of the industry to 'sense-check' management measures.
- TECFO fishery management - Those employed within the cockle fishing industry have an insight into the potential impacts of recommended management and can use their experience and knowledge of the industry to 'sense-check' management measures.