

REPORT OF MONITORING OFFICER

SUBJECT: APPLICATION FOR DISPENSATION

An application has been received from a current member of the Authority, Cllr Paul Harries, of Newport for dispensation from the Standards Committee which will enable him to participate in the forthcoming debate, which is going to be held on the closure of Information Centres in Newport and Tenby. His application as submitted relates purely to Newport.

This application has been submitted on the attached form. Councillor Harries set out his reasons in the application and this is a matter that falls within the discretion of the Members of the Standards Committee.

Under the original regulations passed in the Standards Committees (Wales) Regulations 2001, provision was made for a Standards Committee of local authorities and National Park Authorities to deal with applications from Members of such authorities, for dispensation to speak upon matters in which they have a Personal and Prejudicial Interest. The more detailed basis upon which the Standards Committee could exercise its discretionary power to grant dispensations was set out in the further piece of legislation called the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001.

Members will recall that the Annual training lecture this year referred to the commencement of the new powers contained in the 2016 legislation - the Local Government (Standards Committees, Investigations, Dispensations and Referrals) (Wales) (Amendment) Regulations 2016) which has been introduced to update the original 2001 Orders. In particular Member's attention is drawn now to the introduction of an additional category of general dispensation whereby members may grant a dispensation.

"If it appears to the Committee to be otherwise appropriate to grant a dispensation"

This ground is in addition to the original grounds which have existed since 2001. There is no longer any requirement to notify the Welsh Government if the Authority's Standards Committee exercises its powers for a general dispensation. That requirement was abolished in April 2016, when the new amendment rules came into effect.

Councillor Harries, on page 2 of his application, has sought to address the relevant grounds upon which he seeks to advance his case for a dispensation. Members are asked to consider this page particularly carefully together with the final page of his application.

As I have referred to earlier, the matter is one which comes within the Standards Committee's discretion and that discretion has to be exercised in accordance with the normal rules for public bodies to abide by when they do in fact exercise a discretion i.e. reasonableness, proportionality, appropriateness and relevance.

RECOMMENDATION:

That Members consider Councillor Harries' application for a dispensation to speak on matters pertaining to the Visitor Centre in Newport and decide, if and how to exercise their discretion, as they see fit on the evidence presented to them.

(For further information, please contact John Parsons on extension 4904)

18 OCT 2016

PEMBROKESHIRE COAST NATIONAL PARK AUTHORITY

Form for Application for Dispensation

Member's Application for Dispensation

in respect of a Prejudicial Interest

Note

Under Section 81 of the Local Government Act 2000, a member who has a prejudicial interest in a matter which is under consideration may not participate in the consideration of that matter by the Authority, a Committee or Sub-Committee unless he/she has first obtained a dispensation from the Standards Committee.

You may apply for a dispensation by completing this form and sending it to the Monitoring Officer not less than 10 days before the date when the matter is to be considered.

1.	Member's name:	Paul Harries
2.	What is the matter which is shortly to be considered and in respect of which you seek a dispensation?	Consultation and resulting matters for consideration regarding Newport Tourist Information Centre
3.	What body (Authority, a Committee or Sub-Committee) is this matter to be considered by?	National Park Authority
4.	What is the nature of your prejudicial interest?	There is potential for some or all of the services currently provided in the TIC being relocated in Newport. One of the possible relocation sites could be the Post Office. I currently own this property with my wife.
5.	What is the date of the meeting at which this matter is to be considered?	30 th November 2016
6.	Under which of the following grounds do you seek this dispensation:	(iv) and (vi)

	(i)	where no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;	N/A
	(ii)	where the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;	N/A
	(iii)	where the interest is common to the member and a significant proportion of the general public;	N/A
	(iv)	where the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;	As County Councillor for Newport and my knowledge of Newport related issues
	(v)	Where the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the Authority and the member has no other interest in that business (NOTE – any dispensation on this ground may not extend to being able to vote)	N/A
	(vi)	Where the member asks the Standards Committee to determine that it appears to the committee to be in the interests of the inhabitants of the area of the Authority that the disability should be removed	As County Councillor for Newport and my knowledge of Newport related issues
	(vii)	Where the member asks the Standards Committee to determine that "it appears to the Committee to be otherwise appropriate to grant a dispensation." ¹	N/A

¹ Added as a result of Para 4(3)(c) of the Local Government (Standards Committees, Investigations, Dispensations and Referral)(Wales)(Amendment Regulations 2016

7.	Do you seek a dispensation just for the one meeting or for a longer period? If longer, please state a period not exceeding one calendar year.	Until the matter is concluded but no later than 30 th November 2017
8.	<p>Please set out below the reasons why you consider that the Standards Committee should grant this dispensation:</p> <p>As the Newport County Councillor and a long term resident of Newport I believe that I should be able to present the views of my constituents.</p> <p>I have an in depth understanding of the community and that together with the views of my constituents would contribute to the committees understanding of the issues regarding the consultation on the future of the Tourist Information Centre at Newport.</p>	

Signed: P. Harris Date: 14/10/16