

REPORT OF MONITORING OFFICER

SUBJECT: GRANT OF DISPENSATIONS

BACKGROUND

The remit of the Standards Committee allows it to grant dispensation to Members.

On 20th October 2010, the Standards Committee resolved to grant a dispensation for Members appointed by Pembrokeshire County Council to enable them to take a full part in the determination of issues relating to Pembrokeshire County Council. Prior to the grant of the dispensations referred to, the adoption of the new Code of Conduct caused difficulties both in relation to quorum on the Authority and Development Management Committee and also from a loss of local knowledge as Members had to withdraw from the meeting.

Under Section 81(4) of the Local Government Act 2000, Standards Committees may grant dispensations to a Member of a relevant authority (including a Community Council) allowing the Member to participate in any business where that participation would otherwise be prohibited by the mandatory provisions of the Members' Code of Conduct.

The original dispensation regime was governed by The National Assembly for Wales in the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 (SI No: 2279) which sets out the circumstances in which these dispensations may be granted. The Standards Committee could only grant dispensations in the circumstances set out in those Regulations.

The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 allowed the Standards Committee of this Authority to grant a dispensation where:

“(a) 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;

(b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;

(c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the

committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;

(d) 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;

(e) the interest is common to the member and a significant proportion of the general public;

(f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;

(g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;

(h) 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 relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or

(i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify."

As a result of changes introduced by the Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 the Standards Committee, a new category had been introduced to enable a dispensation to be granted to a Member with an otherwise prejudicial interest to participate in a matter if the Committee considered it **'appropriate in all the circumstances'**.

It appears that both paragraph (a) and (d) of the 2001 regulations and the wider power in the 2016 regulations provide sufficient justification for the granting of a dispensation to members appointed by Pembrokeshire Council to take a full part in the determination of issues relating to Pembrokeshire County Council.

If the Standards Committee is minded to grant a further dispensation it must be stressed that, as before, the granting of dispensations in such terms would not preclude the operation of any other part of the Code of Conduct so, for example, if a Member appointed by Pembrokeshire County Council was also the owner of land adjacent to the application land owned by Pembrokeshire County Council

then notwithstanding the fact that he/she had the benefit of a dispensation on his/her membership with Pembrokeshire he/she would of course still have to declare a prejudicial interest. The reason for this is that the decision would affect land in the Authority's area in which he/she has a beneficial interest and a member of the public with knowledge of the relevant facts would reasonably regard the personal interest as so significant that it is likely to prejudice his/her judgement of the public interest.

On balance, having considered the issues, I consider that it would be in the interests of the Authority to grant dispensations to Members appointed by Pembrokeshire County Council until the next local authority elections in May 2022.

Resource implications - Nil

Recommendation

To grant a dispensation for Members appointed by Pembrokeshire County Council to enable them to take a full part in the determination of issues relating to Pembrokeshire County Council for a period up to 30th June 2022.

Background papers

The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001
Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016

(For further information, please contact John Parsons, Monitoring Officer)