

REPORT OF TEMPORARY DEPUTY MONITORING OFFICER

**SUBJECT: APPLICATIONS FOR DISPENSATION TO SPEAK AT AUTHORITY
AND/OR COMMITTEE MEETINGS**

Applications have been received from two separate Members of the Authority. Councillor Paul Harries, of Newport, seeks a renewal of the dispensation granted to him by the Standards Committee on 9 November 2016 in order to enable him to continue to participate in the debate regarding the future of the Authority's premises at Long Street, Newport. Councillor Phil Kidney, of Jameston, seeks a dispensation to enable him to participate in discussions on planning matters being discussed by the Development Management Committee regarding Buttyland Caravan Park in Manorbier.

The application forms are attached and the Members have set out their reasons in them; this is a matter that falls within the discretion of the Members of the Standards Committee.

The circumstances in which dispensations may be granted are set out in The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001, and these circumstances are set out on page 2 of the Members' applications for dispensation. The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016) also makes provision for an additional category of general dispensation under Regulation 2 of the 2001 Regulations:

"2. The standards committee of a relevant authority may grant dispensations under section 81(4) of the [Local Government] Act [2000] where:

(j) it appears to the committee to be otherwise appropriate to grant a dispensation."

Both Councillors Harries and Kidney, on page 2 of their applications, have sought to address the relevant grounds upon which they seek to advance the case for a dispensation. Members are asked to consider this page particularly carefully together with the final page of the applications where they set out their reasons why they consider the Committee should grant them dispensation.

As already stated, 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 by which public bodies have to abide when they exercise a discretion, i.e. reasonableness, proportionality, appropriateness and relevance.

RECOMMENDATION:

That Members consider:

- a) the application by Councillor Harries for a dispensation to speak on matters pertaining to the Visitor Centre in Newport; and**
- b) the application by Councillor Kidney for a dispensation to speak on planning matters pertaining to Buttyland Caravan Park, Manorbier**

and to decide, if and how to exercise their discretion, as they see fit on the evidence presented to them.

(For further information, please contact Janet Evans, Temporary Deputy Monitoring Officer, on extension 4834 or by emailing janete@pembrokeshirecoast.org.uk)

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:	PATRICK KINNEY.
2.	What is the matter which is shortly to be considered and in respect of which you seek a dispensation?	Bullyham Development
3.	What body (Authority, a Committee or Sub-Committee) is this matter to be considered by?	Development Committee
4.	What is the nature of your prejudicial interest?	Mr Cassells - who acts as an agent for Mr Green is a Tenant of Mine
5.	What is the date of the meeting at which this matter is to be considered?	First Week of March.
6.	Under which of the following grounds do you seek this dispensation:	Maybe Personal Interest

	(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;	
	(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;	✓
	(iii)	where the interest is common to the member and a significant proportion of the general public;	
	(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;	
	(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)	
	(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 (NOTE – written notification of a dispensation granted on this ground must be given to the Assembly within seven days)	
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.	Longer Period - As long As Mr Brown keeps Applying for Pharmacy

8. Please set out below the reasons why you consider that the Standards Committee should grant this dispensation:

Mr Crossley acts as an agent for the applicant, and also is a tenant of mine. I don't want it to appear that there are any favours asked or given in my representations regarding Bullyhead. There may be a slight personal interest, but not in a way to cloud my vision regarding the application.

Signed: _____

Date: 24-2-18

PEMBROKESHIRE COAST NATIONAL PARK AUTHORITY

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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?	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?	I am an elected member of Newport Town Council and Newport County Councillor. Newport Town Council wish to acquire the Tourist Information Centre. I also have a financial interest in two retail businesses in Newport.
5.	What is the date of the meeting at which this matter is to be considered?	Ongoing
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 August 2019.
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 future of the Tourist Information Centre at Newport.</p>	

Signed: P. Harris Date: 17/April/2018