

REPORT OF MONITORING OFFICER

SUBJECT: GRANT OF DISPENSATIONS

BACKGROUND

The Standards Committee has previously granted dispensations to members on a number of occasions.

Councillor RP Kilmister has applied for a dispensation to participate in a Development management Committee agenda item for the meeting to be held on 11th November 2015. This request is for the Standards Committee to consider.

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

The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 allows 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."

If the Standards Committee is minded to grant a dispensation to Councillor Kilmister, 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 .

The application upon which he seeks to speak was the subject of an Officer's report http://www.pembrokeshirecoast.org.uk/Files/files/Committee/DM/2015/30_09_15/15_02_52.pdf and discussed at the D.M.C held on 30th September .The Members voted against the officer's recommendation and this is why it is coming back under the Authority's "cooling off process" for consideration on 11th November. He is now seeking dispensation to so as to speak and participate in the meeting.

Resource implications - Nil

Recommendation

To consider the application to grant a dispensation for Councillor Kilmister to enable him to take a full part in the determination of issues relating to planning application NP/15/0252/573 and to decide if to do so or not.

Background papers

The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001

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