

## APPLICATION TO THE STANDARDS COMMITTEE FOR DISPENSATION

Please note that each section **MUST** be completed. Please refer to the attached Guidance Notes when completing the form.

### 1. YOUR DETAILS

Your full name: David Sidney Nicholas

Name of your Council: Carmarthenshire County Council

Email address: [dnicholas@carmarthenshire.gov.uk](mailto:dnicholas@carmarthenshire.gov.uk)

### 2. DETAILS OF YOUR INTEREST

What is the matter under consideration?

Any Planning Committee agenda items which Llandybie Community Council has commented upon

What is your interest in the above matter?

I am employed as Clerk to Llandybie Community Council,

When will the above matter be considered?

I have been asked by the leader of my political group on the County Council to become a member of the Planning committee

Are you applying for dispensation to:

Speak only:

Speak and vote:  x

Make written  
Representations  x

Exercise Executive  
Powers

### 3. GROUNDS FOR DISPENSATION

Regulations issued by the National Assembly for Wales prescribe the circumstances in which the Standards Committee may grant a dispensation. These grounds for granting a dispensation are summarised below and are set out in full in the attached guidance notes. On which of the following grounds do you believe that a dispensation should be granted in this case? Please tick the appropriate box(es).

• at least half of the members considering the business has an interest	<input type="checkbox"/>
• my inability to participate would upset the political balance of the meeting to such an extent that the outcome would be likely to be affected;	<input type="checkbox"/>
• my participation would not damage public confidence	<input checked="" type="checkbox"/>
• the interest is common to me and a significant proportion of the general public;	<input type="checkbox"/>
• my participation in the business is justified by my particular role or expertise;	<input checked="" type="checkbox"/>
• the business is to be considered by an overview and scrutiny committee and my interest is not a pecuniary interest;	<input type="checkbox"/>
• the business relates to the finances or property of a voluntary organisation of whose management committee or board I am a member and I have no other interest	<input type="checkbox"/>

#### 4. INFORMATION IN SUPPORT OF YOUR APPLICATION

Please set out below the reasons why you consider that the Standards Committee should grant a dispensation in this case:

***(Please note that failure to complete this section will result in the application form being returned to you)***

As a salaried Clerk I have no decision-making powers within Llandybie Community Council. I support members of the Community Council in the performance of their functions and carry out administrative tasks on their behalf.

The role of the community council includes being consulted by the Local Planning Authority on planning applications that are submitted within the council wards of Llandybie, Penygroes and Saron/Capel Hendre. Therefore, as a member of the Planning Committee I will be expected to consider applications which the Community Council has commented upon, whether in support or in opposition.

In recent years there have been a number of vacancies on the Planning Committee and as a result difficulty in securing a quorum for some meetings. It is therefore important for the proper functioning of the committee that members who are willing to serve upon it are able to do so to the fullest extent possible.

I recognise that it is unusual for the Standards Committee to grant dispensation to vote. However I apply for dispensation to vote because my position is similar to that of councillors who are members of both Councils ('twin hatted members')

Like a twin hatted member I would have a personal interest in any planning application that the Community Council had commented upon. However whereas for myself (as an employee) that interest would also be prejudicial, for the 'Twin-hatted' councillor it would not be because paragraph 12(2)(a)(i) of the members code provides that where the council business relates to 'another relevant authority of which you are a member' then that interest is not prejudicial. As such a 'twin hatted' member can speak and vote in relation to such a planning application but I as the clerk cannot.

The dispensation I seek therefore is to put me in the same position as a 'twin-hatted' member who is a member of the Planning Committee, i.e. to be able to speak and vote in relation to planning applications which Llandybie Community Council has commented upon.

For the avoidance of doubt, I do not seek a dispensation to speak or vote in relation to planning applications submitted by Llandybie Community Council. The paragraph in the code referred to above does not apply in that situation and therefore Twin hatted members would also not be able to speak and vote on such applications either.

If the committee is minded to grant a dispensation, I ask that it be granted until the end of my term of office

I confirm that the information provided on this form is true to the best of my knowledge. I agree that this application and all the information contained within it may form part of a public report to the Standards Committee. I request a dispensation in respect of the above matter.

Signed:

D. S. Nicholas

Date:

09 / 01 /2025

Please return this form to the Monitoring Officer, Chief Executive's Department, Carmarthenshire County Council, County Hall, Carmarthen, SA31 1JP. / [Monitoringofficer@carmarthenshire.gov.uk](mailto:Monitoringofficer@carmarthenshire.gov.uk)

## Guidance notes

**(1)** Please read through the Code of Conduct and decide which of the paragraphs is most appropriate to your case. Brief details of the relevant paragraphs are noted in the table below. If you are unsure, please contact the Monitoring Officer for advice.

Para.	Type of personal interest	
10(2)(a)	Council business which relates to or is likely to affect: <ul style="list-style-type: none"> <li>• your employment or business,</li> <li>• your employer, firm or company</li> <li>• a contract made between the Council and you</li> <li>• any land, lease or licence in which you have an interest</li> <li>• a public body or other association in which you have membership or hold a position of general control or management</li> </ul>	
10(2)(b)	Council business in which there may be a conflict between your decision-making role and your role in representing constituents in your ward	
10(2)(c)	Council business which affects your well-being or financial position, or the well-being, financial position or other interests of a person with whom you live or have a close personal association	
13	Council business which is being considered by an Overview and Scrutiny Committee and which relates to a decision of the Cabinet or another Committee of which you were a member at the time [County Council only]	

**(2)** The Standards Committees (Grant of Dispensations)(Wales) Regulations 2001 state that a Standards Committee may grant dispensations 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.