

Brecon Beacons National Park Authority

Members Planning Committee Dispensation Early Notification Protocol



Adopted 3 May 2013
Reviewed and amended 22 May 2015
Review Date: 2016

BRECON BEACONS NATIONAL PARK AUTHORITY

Members Planning Committee Dispensation Early Notification Protocol

The Brecon Beacons National Park Authority (on 3 May 2013 following the recommendation by the Standards Committee on the 12th April 2013) resolved that officers should agree a process for early notification to Members to allow them to seek dispensation to participate in planning matters. This procedural note outlines the mechanism (as far as current process will allow) for the early notification to Members of planning applications which may (due of a significant s.106 agreement contribution to a constituent Unitary Authority within the National Park) result in Members from that Authority needing to seek dispensation from the Standards Committee to participate in that item of business.

The procedure is an early warning system. The operation of the procedure is not intended to absolve Members of their individual responsibilities under the Members Code of Conduct. The purpose of the procedure is to identify relevant planning applications and ensure that Members have sufficient time to apply for dispensation should they wish to do so.

1. Applications from Constituent Unitary Authorities (Applications where the constituent Unitary Authority is the applicant) NB: This does not include fringe consultations submitted to this Authority for comment from other/constituent Unitary Authorities).

Planning applications in which a constituent Unitary Authority of the Brecon Beacons National Park is the applicant will be highlighted on the weekly list of applications received.

When the weekly list is published, it is not known whether any particular application will be dealt with by the PAROW Committee or by officers under delegated powers. The purpose of highlighting the application is to allow Members to make further enquiries and consider whether they wish to apply for dispensation to participate in that item of business. Members are, of course, able to call in such matters in the same way as any other application on the weekly list.

2. Applications where a significant (in excess of £50,000.00) section 106 agreement contribution has been requested by a Unitary Authority

For all other (standard full or outline) planning applications where it is known that the application is to come before a PAROW Committee with a recommendation for a significant s.106 agreement contribution to a constituent Unitary Authority, the following process should be followed:-

- No later than one working day after the Planning Access and Rights of Way ("PAROW") Committee agenda report deadline, the Head of Development Control/Principal Planning Officers/Planning Services Supervisor will email the Democratic Services Manager and Democratic Services Officer providing the

details of relevant planning applications that will be considered at the next PAROW Committee meeting.

- The Democratic Services Manager will send an email notification to the Members of the relevant Unitary Authority with details of the forthcoming application(s) (“the Notification Email”). A copy of the dispensation application form will be attached to the Notification Email.
- As soon as possible but in any event no later than 3 working days after the date of the Notification Email any Member wishing to apply for dispensation must contact the Democratic Services Manager by email confirming that they intend to apply for dispensation (“the Confirmation Email”).
- Following receipt of the Confirmation Email the Democratic Services Manager will arrange a Standards Committee to be held prior to the date of the next PAROW meeting.
- Members should submit a completed dispensation application form to the Democratic Services Manager as soon as possible but in any event no later than 5 working days after the date of the Notification Email.
- Any Member requiring advice in relation to their interest or dispensation application should contact the Monitoring Officer.
- Following the Standards Committee the Democratic Services Manager will notify the relevant Member(s), the Chairman and the Vice-chairman of the PAROW Committee of the decision made by the Standards Committee.

General comments

The number of applications that are likely to trigger the above procedure is small. It is anticipated that there may be only one or two per year. The procedure only relates to Unitary Authority financial gains/mitigation and does not relate to the provision of affordable housing or any financial contribution to Community Councils or other statutory undertaker or provider of works.

On occasion, planning applications that are due to be considered by the PAROW Committee are withdrawn at short notice. When completing the application for dispensation form Members may wish to consider requesting a dispensation for 12 months to provide for a situation where an application is considered at a later date.

If Members apply for dispensation to speak on an issue but the Standards Committee is not able to be convened more than three working days before the meeting at which the issue is to be considered, they are able to apply to speak as a member of the public under the Authority’s Public Speaking Scheme as long as they meet the deadline of three working days before the meeting. This will ensure that they are still able to give their views although they will not be able to stay in the meeting, participate in the debate or vote on the issue. If they

are subsequently granted dispensation to speak by the Standards Committee then the application under the Public Speaking Scheme can be withdrawn at any time up to the start of the meeting.

Appendix A gives an example of the email notification to Members and attached application form for dispensation from the Democratic Services Manager.

APPENDIX A

Example email to Members:-

To: Councillor *****

Date:*****

Planning Application(s) referenced *****.

Application Site *****.

Under the provisions of the Early Member Notification Protocol the above application is likely to be presented to the next meeting of the Planning Access and Rights of Way (PAROW) Committee on *****.

The application may result in a significant financial contribution to the local authority in which you are a County Councillor. Consequently, you should consider whether you have an interest that needs to be declared under the Member's Code of Conduct.

If you consider that you have a personal and prejudicial interest and you wish to participate in the consideration of the application, you will need to apply to the Standards Committee for dispensation.

If you wish to apply for dispensation please notify the Democratic Services Manager by email **no later than 3 working days** from the date of this email. The attached dispensation form must then be completed and returned to the Democratic Services Manager **no later than 5 working days** from the date of this email.

You are also advised that if the decision on dispensation is unlikely to be made by the Standards Committee more than three working days in advance of the meeting at which the application is being considered, you are able to apply to speak under the Authority's Public Speaking Scheme as a member of the public, although you will not be able to remain in the meeting after you have spoken, nor to participate in the debate or the vote. If you are subsequently granted dispensation to speak you can withdraw your request to speak under the Public Speaking Scheme at any point prior to the start of the meeting.

Further details in relation to the application can be obtained on the Authority's web site or by contacting the Planning Services Supervisor on 01874 620431.

If you require advice about declarations of interest or applying for dispensation please contact the Monitoring Officer.

Yours sincerely,

Democratic Services Manager

ATTACHED DISPENSATION FORM.