

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: Anne Carys Jones

Name of your Council: Carmarthenshire County Council

Your address and postcode: Y Garth, The Green, Llansteffan, Carmarthen SA33 5LW

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2. DETAILS OF YOUR INTEREST

What is the matter under consideration?

PARKING ON THE GREEN, LLANSTEFFAN: The Green is the strip of land that runs alongside the beach in Llansteffan. Cars have parked on The Green for many years. The majority of The Green is owned by the County Council and a strip of the land is owned by the Community Council. The Green is registered as a village green, therefore parking on it is prohibited. An official complaint has been submitted to the Community Council by a local resident for "permitting" people to park on village green land. Both councils now face a big dilemma as they attempt to resolve the parking issues in Llansteffan.

What is your interest in the above?

I live in the terrace that runs alongside The Green. The Morfa recreational land lies behind the house.

No one in the house parks on The Green – we have a garage as well as private parking.

When will the above be considered?

The official complaint was submitted in November 2019, and was discussed at the Community Council meeting held on 16 December where the Community Council voted to seek legal advice before discussing the matter further. I am not a community councillor, but I left the meeting for this item following the Monitoring Officer's advice.

This matter will be considered by several bodies/organisations over the next few months.

Are you applying for dispensation to:

Speak only: ✓

Speak and vote:

Make written
Representations ✓

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 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 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"/>
• it is appropriate to do so in all the circumstances where not otherwise possible to make reasonable adjustments to accommodate a person's disability	<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)

PARKING ON THE GREEN, LLANSTEFFAN - BACKGROUND:

The Green is the strip of land that runs alongside the beach in Llansteffan. Cars have parked on The Green for many years – evidence of this goes back to the '50s and perhaps as far back as the '30s. There is an official car park at the southern end of The Green, which is owned by the County Council and has 88 parking spaces. During the summer, or on a bank holiday, approximately 250-300 cars will be looking for a place to park in order to access the beach/facilities/chips/shop.

The majority of The Green is owned by the County Council, namely the strip of land that runs from the car park to the football pitch at the northern end of The Green. One strip of land affected by the parking is owned by the Community Council – approximately 10% – which includes the entrance to the northern strip. The Green is registered as a village green, therefore parking is not permitted. Over the past 5 years, campervans have been staying on The Green's northern strip – up to 10-12 on some nights, and this has led to a number of unofficial complaints. Over the years, the Community Council and the County Council have attempted to tackle and resolve the issue of enforcing the parking prohibition for large vehicles/every vehicle. However, this would create dire parking problems in Llansteffan and therefore the issue has not been progressed.

WHY NOW?

An official complaint was recently submitted to the Community Council regarding "permitting" parking on village green land. Both councils now face a dilemma as they attempt to resolve the parking issues in Llansteffan.

Enforcing the parking prohibition on The Green will mean:

- Up to 200 cars looking for a place to park when the car park is full;
- Campervans taking up spaces for 2 cars in the car park;
- Cars parking along the narrow streets and blocking access for emergency vehicles;
- Cars parking on the Morfa land, which is the village's recreational land that belongs to the County Council;
- Cars parking on private property land/entrances in the village.

(Many of the above are already happening on fine days)

Therefore, it is obvious that an answer must be sought for these parking issues, and it is not just a matter of shifting the problem to another part of the village. The official complaint means that we cannot avoid the issue any longer.

MY ROLE AS A COMMUNITY COUNCILLOR (previously):

I was a Community Councillor for approximately thirteen years before standing down when I was elected as a County Councillor in 2017. I believe that the community is stronger for having two separate voices representing them, although both voices are completely in agreement most of the time. I see my role as presenting information and offering support to the Community Council so that both councils are able to work hand-in-hand on matters when appropriate.

Every member of the Community Council has been elected after me and the majority of them have only been on the Council for a year or two. Therefore, I am the one who has spent the most time discussing these matters. Many of the community councillors have little knowledge of the history of the discussion regarding parking on The Green. The clerk is also fairly inexperienced.

I attend every one of the Community Council's monthly meetings but **I DO NOT HAVE A VOTE.** During my time as a Community Councillor, the parking issue on The Green was raised fairly often – under three different clerks and several chairpersons. Every time the issue was discussed, it was believed that the land was owned by the County Council and that the County would be responsible for resolving the problem. Since being elected as a County Councillor (2017), I have discovered that the Community Council owns one strip of The Green – through a gift given as part of an agreement made between the County Council and the private owner in 1981. This includes the entrance to the northern end.

I have undertaken further research into the situation regarding The Green, knowing that the issue would arise sometime. I have maps and documents (from discussions with the appropriate officers in the County Council) that attempt to establish the “status quo” before we move forward, and I would like to continue with this work. This means establishing, once and for all, the village green status of the patchwork of land (the County Council is currently working on this), and what exactly is legally relevant, as many laws contradict each other. Also, the different scenarios that could arise as a result of the parking prohibition need to be presented, so that both councils and the community can consider the obligations thoroughly before coming to any decision on the way forward. External legal advice is needed to answer some of these questions.

MY PERSONAL INTEREST:

I live in the terrace facing The Green and the beach, therefore one could argue that this issue would affect my convenience, or the value of my house. Cars have driven on The Green in front of my house since I have lived living there – for 27 years ago – and neither I, nor anyone in my home, have ever complained. We have private parking and a garage behind the house, therefore parking is not a problem for us. Almost everyone that lives on The Green owns a garage/parking space at the back.

The Green in front of my house is very narrow, and cars drive past rather than park there as parking would cause an obstruction to others. It is fair to say that my house is one of the houses least affected by parking on The Green. I do not have a business interest or otherwise in this matter. The interest of everyone who lives on The Green is important here. Some enjoy parking on The Green and some oppose it. Those living in streets further back from the beach are also affected – some of them, again, significantly more than I am.

The parking, or any changes to the parking, affects everyone in the village in one way or another and therefore I feel I would not be doing my job if I were to withdraw myself completely from the matter. I believe that the public would be disappointed if I were not able to contribute towards ensuring that everything is discussed and decided upon between the two councils in an open and transparent manner.


It is important to note that I do not have an opinion regarding the parking on The Green. The parking has not been a cause for concern for me. However, I have always been aware that the day would come when these problems would have to be faced and an arrangement to resolve this problem would have to be sought. I have had a lot of time to consider the implications of different arrangements, and have made a note of them so that the community and the County Council can consider each option thoroughly.

Ultimately, a plan that resolves the parking issue on The Green must be sought one way or another. I believe that I have an impartial contribution to make towards promoting the process, without influencing, whilst ensuring that everyone considers every possibility and implication – for the benefit of the amenity of residents and visitors.

This is important to me because there is a risk of the complainant taking legal action against the Community Council and/or the County Council. I do not want to see any delay or timewasting in attempting to move this matter forward that would be detrimental to both councils and the community.

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:



Date:

31 / 12 / 19

Please return this form to the Monitoring Officer, Chief Executive's Department, Carmarthenshire County Council, County Hall, Carmarthen, SA31 1JP.

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)	<p>Council business which relates to or is likely to affect:</p> <ul style="list-style-type: none"> • your employment or business, • your employer, firm or company • a contract made between the Council and you • any land, lease or licence in which you have an interest • a public body or other association in which you have membership or hold a position of general control or management 	
10(2)(c)	<p>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</p>	
13	<p>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]</p>	

- (2) The Standards Committees (Grant of Dispensations)(Wales) Regulations 2001(as amended) 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.
- (j) It is considered appropriate in all the circumstances to do so where not otherwise possible to make reasonable adjustments to accommodate a persons disability