

ISLE OF ANGLESEY COUNTY COUNCIL	
<b>MEETING:</b>	<b>STANDARDS COMMITTEE (DISPENSATION PANEL)</b>
<b>DATE:</b>	<b>29 JULY 2020</b>
<b>TITLE OF REPORT:</b>	<b>TO CONSIDER APPLICATIONS FOR DISPENSATION</b>
<b>PURPOSE OF THE REPORT:</b>	<b>TO DETERMINE APPLICATIONS FOR A DISPENSATION FROM ALL COUNCIL MEMBERS AND THE TERMS OF ANY DISPENSATION GRANTED</b>
<b>REPORT BY:</b>	<b>Lynn Ball DIRECTOR OF FUNCTION (COUNCIL BUSINESS) / MONITORING OFFICER <a href="mailto:lbxcs@anglesey.gov.uk">lbxcs@anglesey.gov.uk</a> / 01248 752586</b>

## 1. ENCLOSURES TO THIS REPORT

Enclosure 1	Code of Conduct for Members of the Isle of Anglesey County Council
Enclosure 2	Briefing Note on Dispensations provided by the Standards Committee for the elected members of the Isle of Anglesey County Council along with Application Form and Decision
Enclosure 3	Application by Councillor Lewis Davies, Councillor Richard A Dew, Councillor John Griffith, Councillor Richard Griffiths, Councillor Glyn Haynes, Councillor Kenneth P Hughes, Councillor Trefor Lloyd Hughes MBE, Councillor Vaughan Hughes, Councillor Llinos Medi Huws, Councillor Aled Morris Jones, Councillor Carwyn Jones, Councillor Eric Wyn Jones, Councillor Richard Owain Jones, Councillor Gwilym O Jones, Councillor Robert Llewelyn Jones, Councillor R Meirion Jones, Councillor Alun Mummery, Councillor Bryan Owen, Councillor Robert G Parry OBE FRAgS, Councillor Dylan Rees, Councillor Alun Roberts, Councillor Dafydd Roberts, Councillor J Arwel Roberts, Councillor Margaret Murley Roberts, Councillor Nicola Roberts, Councillor Peter S Rogers, Councillor Dafydd Rhys Thomas, Councillor Ieuan Williams and Councillor Robin Wyn Williams.
Enclosure 4	Methodology Note for the consideration of applications for dispensation by the Standards Committee Panel.

## 2. LEGAL BACKGROUND

Pursuant to the Isle of Anglesey County Council's Code of Conduct (**Enclosure 1**), members who have a personal and prejudicial interest are precluded from any discussion on that matter in the County Council / any meeting which they attend in their capacity as a member of the Council. Personal interests are listed in paragraph 10 of the Code. The definition of prejudicial interests is provided in paragraph 12 of the Code.

In some limited, and specified, circumstances a member may be able to overreach the impediment created by the personal and prejudicial interest if they are able to obtain a dispensation from the Standards Committee. Dispensations may only be granted in the circumstances listed in Section 2 of [Standards Committee \(Grant of Dispensations\) \(Wales\) Regulations 2001](#) as amended in accordance with Part 4 of the [Local Government Regulations \(Standards Committees, Investigations, Dispensations and Referral\) \(Wales\) \(Amendment\) 2016](#). Information on the grounds are included in the Briefing Note in **Enclosure 2**.

### **3. FACTUAL BACKGROUND**

[Section 85 of the Local Government Act 1972](#) provides that if a Member fails to attend a Council or Committee meeting for a consecutive period of 6 months they cease to be an elected member and a by-election is triggered. This may be avoided if the absence is approved by the Council before the expiry of the 6 month period. The legal provision is confirmed within section 4.1.23.1 of the [Council's Constitution](#).

As a result of the current Coronavirus pandemic, the Council has to prioritise its resources and the efforts of its workforce; maintaining “business as usual” is not possible. The [Coronavirus Act 2020](#) and the subsequent [Local Authorities \(Coronavirus\) \(Meetings\) \(Wales\) Regulations 2020](#) reduce the legal obligations on local authorities in relation to meetings, whilst permitting remote attendance by members for any required meetings. In the context of those new provisions, the Council has reviewed its regular Committee timetable and determined the absolute minimum delivery requirement by way of a Committee Strategy. If conditions permit, more meetings may be held, but the Council is focusing on ensuring delivery of its key services and the development of procedures in accordance with the Welsh Government’s “Test, Track, Protect” programme. Arranging any additional meetings will depend on how circumstances develop over the next 12 months, particularly staff capacity. Meetings may therefore be infrequent and so the opportunity for members to “attend meetings” (including virtual attendance) will be limited. This, together with the fact that members themselves may be affected by the virus, could lead to issues in relation to the “six month rule”.

[The Local Authorities \(Coronavirus\) \(Meetings\) \(Wales\) Regulations 2020](#) also include reference to the “six month rule”; Regulation 10 details that, for the purposes of calculating the six months, the period between the day when the Regulations come into force (22 April 2020) and the date of a meeting to which the member could attend (including by remote attendance) is to be disregarded. What this essentially means is that the clock is paused for the period between 22 April and the first meeting to which a member is invited to attend.

- If a member attends that meeting, the clock starts again and that member has a ‘new’ 6 month period from the date of the meeting.
- If a member does not attend that meeting, the clock resumes (it does not restart) from the point it had reached on 21 April 2020 (before the Regulations came into force).

Whilst the pause provided by the Regulations assists by extending the six months, a member could find themselves with limited meetings to attend (due to the amended timetable introduced by the Committee Strategy). Due to other commitments (work / caring responsibilities etc.) or illness, the member may be unable to attend the first meeting to which they have been invited. Irrespective of the reason for their non-attendance, the clock resumes on that date (as it is a meeting to which the member was invited as a member).

There may not be another meeting for that member to attend for some weeks/months; this could go beyond that member's period of "six months".

A report is to be presented to full Council meeting on 8 September 2020, asking for Council to approve that, for the purposes of Section 85 of the Local Government Act 1972, the Coronavirus outbreak/Covid-19 virus is a reason for non-attendance by all of IOACC's Councillors at meetings; and that all Councillors are given protection that their non-attendance (by remote attendance or otherwise) by virtue of the Coronavirus outbreak will not result in an automatic dismissal on their part for a further period of six months.

#### **4. THE APPLICATION FOR DISPENSATION**

The report to Council will name every Member. The application will directly affect each Member i.e. without a recommendation from Council, Members will be automatically disqualified from their elected positions if they fail to attend a meeting of the authority for 6 months (even if the six months is distorted by virtue of the "pause" provided by the Regulations). It follows that when the report is taken to Council, Members will be asked to consider and vote in relation to a matter in which they have a prejudicial interest. This would be in breach of the Code of Conduct for Members (**Enclosure 1**) unless they have received a dispensation from the Standards Committee.

Any member wishing to obtain a dispensation must submit a written application, identifying the impediments and the ground/s upon which they are relying in order to apply. A Panel of the Standards Committee will then hear the application in a public meeting. Again, the Coronavirus outbreak means that the Dispensation Hearing will be conducted remotely.

Following enquiries with the Council elected members, an application for twenty nine Members is at **Enclosure 3**.

The application identifies the business in which the members wish to participate, the type of dispensation sought and the statutory grounds upon which the applications are made.

#### **5. PANEL'S CONSIDERATIONS**

The Panel should refer to the Methodology Note (**Enclosure 4**) which lists the matters it should consider in relation to the application.

#### **6. RECOMMENDATIONS**

To consider the merits of the application and:

- (A) determine whether or not to grant dispensation/s; and,
- (B) if granting dispensation/s, to consider:-
  - (i) on what ground or grounds any dispensation is granted; and
  - (ii) whether there are any limitations/constraints to be imposed

## 5.1 Members' Code of Conduct

This is the Code of Conduct adopted by the County Council on 12.05.2016

### Part 1 - Interpretation

#### 1. (1) In this code

“co-opted member” (“aelod cyfetholedig”), in relation to a relevant authority, means a person who is not a member of the authority but who -

- (a) is a member of any committee or subcommittee of the authority, or
- (b) is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority, and who is entitled to vote on any question which falls to be decided at any meeting of that committee or subcommittee;

“meeting” (“cyfarfod”) means any meeting -

- (a) of the relevant authority,
- (b) of any executive or board of the relevant authority,
- (c) of any committee, subcommittee, joint committee or joint subcommittee of the relevant authority or of any such committee, subcommittee, joint committee or joint subcommittee of any executive or board of the authority, or
- (d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990 (1) and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

“member” (“aelod”) includes, unless the context requires otherwise, a co-opted member;

“registered society” means a society, other than a society registered as a credit union, which is —

- (a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
- (b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

“register of members’ interests” (“cofrestr o fuddiannau'r aelodau”) means the register established and maintained under section 81 of the Local Government Act 2000;

“relevant authority” (“awdurdod perthnasol”) means -

- (a) a county council,
- (b) a county borough council,
- (c) a community council,
- (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,
- (e) a National Park authority established under section 63 of the Environment Act 1995;

“you” (“chi”) means you as a member or co-opted member of a relevant authority; and

“your authority” (“eich awdurdod”) means the relevant authority of which you are a member or co-opted member.

(2) In relation to a community council—

- (a) “proper officer” (“swyddog priodol”) means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972; and
- (b) “standards committee” (“pwyllgor safonau”) means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

## **Part 2 - General Provisions**

2. (1) Save where paragraph 3(a) applies, you must observe this code of conduct -

- (a) whenever you conduct the business, or are present at a meeting, of your authority;
- (b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;
- (c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or
- (d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

(2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

3. Where you are elected, appointed or nominated by your authority to serve -

(a) on another relevant authority, or any other body, which includes a police authority or Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or

(b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. You must -

(a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;

(b) show respect and consideration for others;

(c) not use bullying behaviour or harass any person; and

(d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

(e) attend at least one training session on this code of conduct during each full term of office, such attendance to take place during the six months following election in the case of those members elected to the County Council for the first time and those having been re-elected but without continuity of office.

5. You must not -

(a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;

(b) prevent any person from gaining access to information to which that person is entitled by law.

6. (1) You must -

(a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;

(b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);

(c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;

(d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7. You must not -

(a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;

(b) use, or authorise others to use, the resources of your authority -

(i) imprudently;

(ii) in breach of your authority's requirements;

(iii) unlawfully;

(iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;

(v) improperly for political purposes; or

(vi) improperly for private purposes.

8. You must -

(a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by -

(i) the authority's head of paid service;

(ii) the authority's chief finance officer;

(iii) the authority's monitoring officer;

(iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9. You must -

- (a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;
- (b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

### **Part 3 - Interests**

#### Personal Interests

10. (1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

(2) You must regard yourself as having a personal interest in any business of your authority if -

(a) it relates to, or is likely to affect -

(i) any employment or business carried on by you;

(ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

(iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(vi) any land in which you have a beneficial interest and which is in the area of your authority;

(vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(viii) any body to which you have been elected, appointed or nominated by your authority;

(ix) any -

- (aa) public authority or body exercising functions of a public nature;
- (bb) company, registered society, charity, or body directed to charitable purposes;
- (cc) body whose principal purposes include the influence of public opinion or policy;
- (dd) trade union or professional association; or
- (ee) private club, society or association operating within your authority's area,  
and in relation to (aa) to (ee), in which you have membership or hold a position of  
general control or management;
- (x) any land in your authority's area in which you have a licence (alone or jointly with  
others) to occupy for 28 days or longer;

[Note: subparagraph (b) is omitted]

- (c) a decision upon it might reasonably be regarded as affecting -
  - (i) your well-being or financial position, or that of a person with whom you live, or any  
person with whom you have a close personal association;
  - (ii) any employment or business carried on by persons as described in 10(2)(c)(i);
  - (iii) any person who employs or has appointed such persons described in 10(2)(c)(i),  
any firm in which they are a partner, or any company of which they are directors;
  - (iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial  
interest in a class of securities exceeding the nominal value of £5,000; or
  - (v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described  
in 10(2)(c)(i) hold a position of general control or management,

and in relation to (i) to (v), to a greater extent than the majority of –

(aa) in the case of an authority with electoral divisions or wards, other council tax  
payers, rate payers or inhabitants of the electoral division or ward, as the case may  
be, affected by the decision;

or

(bb) in all other cases, other council tax payers, ratepayers or inhabitants of the  
authority's area.

Disclosure of Personal Interests

11. (1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority and you make -

(a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or

(b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

(3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer from time to time but, as a minimum containing -

(a) details of the personal interest;

(b) details of the business to which the personal interest relates; and

(c) your signature

(5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

(7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

## Prejudicial Interests

12. (1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business -

(a) relates to -

- (i) another relevant authority of which you are also a member;
- (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
- (iii) a body to which you have been elected, appointed or nominated by your authority;
- (iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;
- (v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to -

- (i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
- (ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;
- (iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;
- (iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;

(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

#### Overview and Scrutiny Committees

13. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a Subcommittee of such a committee) where -

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, Subcommittees, joint committees or joint Subcommittees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, Subcommittee, joint-committee or joint Subcommittee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

#### Participation in Relation to Disclosed Interests

14. (1) Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee –

(a) withdraw from the room, chamber or place where a meeting considering the business is being held -

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise executive or board functions in relation to that business;

(c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(2A) where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under statutory right or otherwise.

(2B) when submitting written representations under sub-paragraph (2A) you must comply with any procedure that your authority may adopt for the submission of such representations.

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if -

(a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or

(b) you have the benefit of a dispensation provided that you -

(i) state at the meeting that you are relying on the dispensation; and

(ii) before or immediately after the close of the meeting give written notification to your authority containing -

(aa) details of the prejudicial interest;

(bb) details of the business to which the prejudicial interest relates;

(cc) details of, and the date on which, the dispensation was granted; and

(dd) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

#### **Part 4 - The Register of Members' Interests**

##### Registration of Personal Interests

15. (1) Subject to sub-paragraph (4), you must, within 28 days of -

(a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or

(b) your election or appointment to office (if that is later),

register your personal interests, where they fall within a category mentioned in paragraph 10(2)(a) in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(2) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 10(2)(a), register that new personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(3) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 10(2)(a), register that change in your authority's register of members' interests by providing written notification to your authority's monitoring officer..

(4) Sub-paragraphs (1) and (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).

(5) Sub-paragraph (1) and (2) will not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

(6) You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

#### Sensitive information

16. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this code, "sensitive information" ("gwybodaeth sensitif") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

#### Registration of Gifts and Hospitality

17. You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer of the existence and nature of that gift, hospitality, material benefit or advantage. Such written notification should be provided [here](#)

## Briefing Note to Members

### Dispensations

This is a briefing note for Members of the Isle of Anglesey County Council on the topic of 'Dispensations'. Should Members have any queries, please contact the Monitoring Officer.

#### **The Isle of Anglesey County Council's Code of Conduct for Members**

No Member is allowed to participate in a matter where he/she has an interest which is prejudicial\* unless a dispensation has already been granted by the Council's Standards Committee. This information is contained in [paragraph 14 of the Code](#).

#### **Grounds on which a dispensation may be granted**

The grounds on which a dispensation may be granted are included in the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 (**Appendix 1**) as amended by Section 4 of the Local Government (Standard Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 (**Appendix 2**).

Dispensation may be granted on one or more of the following grounds:-

1. if 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; (*ground (a) in Welsh and English in the legislation*);
2. if no fewer than half of the members of a leader and cabinet executive by which the business is to be considered has an interest which relates to that business and either paragraph (ch) or (d) also applies; (*ground (b) in Welsh and English in the legislation*);  
[the Leader should be included in the Executive in calculating the proportion].
3. 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; (*ground (c) in Welsh and English in the legislation*);
4. if 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; (*ground (ch) in Welsh and ground (d) in English in the legislation*);
5. if the interest is common to the member and a significant proportion of the general public; (*ground (d) in Welsh and ground (e) in English in the legislation*);
6. if the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise; (*ground (dd) in Welsh and ground (f) in English in the legislation*);

7. if 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; (*ground (e) in Welsh and ground (g) in English in the legislation*);
8. if 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; (*ground (f) in Welsh and ground (h) in English in the legislation*);
9. if 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; (*ground (ff) in Welsh and ground (i) in English in the legislation*); - or
10. if it appears to the committee that it is otherwise appropriate to grant a dispensation; (*ground (g) in Welsh and ground (j) in English in the legislation*).  
[The Standards Committee must review dispensation on this ground every 12 months from the date the Dispensation is granted].

### **What is the application process for a dispensation?**

The Applicant Member must apply in writing to the Standards Committee and will usually be expected to attend the meeting of the Standards Committee Panel which will take the decision.

An Applicant Member may apply individually or, in common circumstances, a joint or collective application may be made by more than one Member.

The Standards Committee will consider all applications on their own facts; balancing the public interest in preventing those with prejudicial\* interests from taking part in decisions while maximising the public interest in democratic participation.

The decision as to whether a dispensation shall be granted is at the Standards Committee's discretion. The terms and duration of any dispensation shall be decided by the Standards Committee.

If the Standards Committee approves an application it must grant the dispensation in writing. No Member may rely on a dispensation until such time as the written decision has been published. Where necessary, and possible, this will be expedited.

### **Requirements on Members when relying on a dispensation**

Once the Standards Committee has approved an application and has granted the dispensation, in writing, the Member will then be able to participate (subject to any limitations imposed) despite his/her prejudicial\* interest.

#### **(a) Meetings:**

Where a Member has a dispensation and wants to participate in a meeting to discuss the relevant matter, the Member must:

- (i) state at the meeting, when the item is to be discussed, that he/she is relying on a dispensation; and
- (ii) before, or immediately after the close of the meeting, he/she must give written notification\*\* to the Council.

The notification must include:

1. details of the prejudicial\* interest for which the dispensation was granted;
2. details of the business to which the prejudicial\* interest relates;
3. details of the dispensation, including the date on which it was granted, and
4. the Member's signature.

(b) Written representations:

Where a Member has been provided with a dispensation, and is making written representations to the Council, the Member must provide details of the dispensation in any correspondence on the subject to which the dispensation relates.

(c) Oral representations:

Where a Member has been provided with a dispensation, and is making oral representations to the Council, that Member must:

- (i) include details of the dispensation in any oral representations and
- (ii) provide written notification\*\* to the Council within 14 days of making the oral representations

Footnote/definitions

\* prejudicial interests – these are personal interests (listed in the Members' Code of Conduct) which an objective observer would consider so significant that they are likely to compromise the Member's ability to put the public interest first.

\*\* written notification – in formal meetings, Members may rely upon the standard form of declaration. In informal meetings Members must provide written confirmation to the lead officer and ask that the dispensation be included in any informal minute/file note of the meeting.

**THE ISLE OF ANGLESEY COUNTY COUNCIL**  
**DISPENSATION APPLICATION TO THE STANDARDS COMMITTEE**  
**BY A MEMBER OF THE COUNTY COUNCIL**

Name of Member:	
Member's contact details:	
Ward:	
Nature of prejudicial interest* in respect of which the Dispensation is sought:	
Business in which the Member wishes to participate:	
Type of Dispensation sought (tick as necessary and insert any required information):	<ul style="list-style-type: none"> <li><input type="checkbox"/> write to officers [and/or the Executive / Committee / Council] about the issue;</li> <li><input type="checkbox"/> speak to officers of the Council about the issue [in the presence of two other persons] [who are not Trustees or Board Members of [INSERT]], provided a note is taken of any such discussions;</li> <li><input type="checkbox"/> speak at Executive/Committee/Council meetings and answer any questions about the issue;</li> <li><input type="checkbox"/> remain in the room during any debate/voting on the issue (available where Member has a disability);</li> <li><input type="checkbox"/> vote at such meetings;</li> <li><input type="checkbox"/> participate fully in any public meetings and meetings of any outside bodies etc.</li> <li><input type="checkbox"/> other – please specify: <hr/><hr/></li> </ul>
Statutory Ground/s under which Dispensation is requested (See overleaf for available grounds):	
Is the interest registered as per Section 81(1) & (2) of the LGA 2000:	Yes / No
Date by which a decision is required:	
Signed:	Date:

\* Prejudicial Interests – these are personal interests which an objective observer would consider so significant that they are likely to compromise a member's ability to act in the public interest

## Circumstances When A Standards Committee May Grant Dispensation

The Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 as amended by The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 specifies that the Council's Standards Committee may grant dispensations under Section 81(4) of the Local Government Act 2000 where:

- (a) if 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; (*Welsh ground (a)*).
- (b) if no fewer than half of the members of a leader and cabinet executive by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies; (*Welsh ground (b)*)
- (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; (*Welsh ground (c)*)
- (d) if 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; (*Welsh ground (ch)*)
- (e) if the interest is common to the member and a significant proportion of the general public; (*Welsh ground (d)*)
- (f) if the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise; (*Welsh ground (dd)*)
- (g) if 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; (*Welsh ground (e)*)
- (h) if 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; (*Welsh ground (f)*)
- (i) if 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; (*Welsh ground (ff)*) – or
- (j) if it appears to the committee that it is otherwise appropriate to grant a dispensation; (*Welsh ground (g)*).

**THE ISLE OF ANGLESEY COUNTY COUNCIL**  
**DECISION OF THE STANDARDS COMMITTEE**  
**IN RELATION TO AN APPLICATION FOR DISPENSATION**  
**BY A MEMBER OF THE COUNTY COUNCIL**

<b>Decision of the Standards Committee:</b>	
<b>Date decision made by the Standards Committee:</b>	
<b>Name of persons to be notified of the Standards Committee's decision:</b>	
<b>Date any dispensation expires:</b>	

Pursuant to paragraph [ ] of The Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 as amended by The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016, the Standards Committee has resolved to **grant a dispensation** to Councillor [ ] in respect of that / those interest(s) referred to in the Application at page 1, which permits the Councillor to:

- write to officers [and/or the Executive/Committee/Council] about the issue;
- speak to officers of the Council about the issue [in the presence of two other persons] [who are not Trustees or Board Members of [INSERT]], provided a note is taken of any such discussions;
- speak at Executive/Committee/Council meetings and answer any questions about the issue;
- remain in the room during any debate/voting on the issue (due to the Member's disability);
- vote at such meetings;
- if relevant, this will include participating fully in any public meetings and meetings of any outside bodies etc.
- other - \_\_\_\_\_

The Councillor can therefore speak [and vote] at Executive/Committee/Council meetings in relation to the issue and answer any questions from members of the Executive/ Committee/Council [but must leave the meeting before matters that the Councillor speaks upon are debated or voted up on] OR [and may remain in the room during the debate and vote on the issue but must not vote on the issue].

Before the Councillor speaks with, or writes to, officers of the Council, or speaks at Executive/Committee/Council meetings on the issue, the Councillor must still:-

- declare an interest in the matter; and
- confirm that a dispensation has been granted to allow the Councillor to speak [and vote] about it; and
- complete the notification to the Clerk setting out the interest and the dispensation.

By authority of the Isle of Anglesey County Council's Standards Committee

Dated: \_\_\_\_\_



## CYNULLIAD CENEDLAETHOL CYMRU

### OFFERYNNAU STATUDOL

2001 Rhif 2279 (Cy. 169 )

### LLYWODRAETH LEOL, CYMRU

Rheoliadau Pwyllgorau Safonau  
(Caniatáu Gollyngiadau) (Cymru)  
2001

### NODYN ESBONIADOL

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*

O dan adran 51 o Ddeddf Llywodraeth Leol 2000 ("y Ddeddf") mae'n ofynnol i gynghorau sir a chynghorau bwrdeistref sirol, awdurdodau Tân ac awdurdodau Parciau Cenedlaethol yng Nghymru ("awdurdodau perthnasol") fabwysiadu cod ymddygiad ar gyfer aelodau ac aelodau cyfetholedig sy'n gorfol ymgorffori unrhyw ddarpariaethau gorfol o unrhyw god ymddygiad enghreifftiol a gyhoeddir gan Gynulliad Cenedlaethol Cymru o dan adran 50(2) o'r Ddeddf.

Mae adran 81(1) a (2) o'r Ddeddf yn darparu bod yn rhaid i'r swyddog monitro ym mhob awdurdod perthnasol sefydlu a chadw cofrestr o fuddiannau aelodau ac aelodau cyfetholedig yr awdurdod a bod darpariaethau gorfol y cod enghreifftiol sy'n gymwysadwy i bob awdurdod perthnasol yn gorfol ei gwneud yn ofynnol i aelodau ac aelodau cyfetholediog pob awdurdod gofrestru unrhyw fuddiannau ariannol ac eraill a bennir yn y darpariaethau gorfol yng nghofrestr yr awdurdod hwnnw.

O dan adran 81(3) a (4) o'r Ddeddf rhaid i'r darpariaethau gorfol hynny ei gwneud yn ofynnol hefyd i aelod neu aelod cyfetholedig o awdurdod perthnasol sydd â buddiant o'r fath ei ddatgelu cyn cymryd rhan mewn unrhyw fusnes gan yr awdurdod sy'n berthnasol i'r buddiant a gwneud darpariaeth i atal yr aelod neu'r aelod cyfetholedig hwnnw rhag cymryd rhan mewn unrhyw fusnes gan yr awdurdod y mae'r buddiant a ddatgelwyd yn berthnasol iddo neu i gyfyngu ar y rhan y mae'n ei chymryd ynddo.

## NATIONAL ASSEMBLY FOR WALES

### STATUTORY INSTRUMENTS

2001 No. 2279 (W. 169 )

### LOCAL GOVERNMENT , WALES

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

### EXPLANATORY NOTE

*(This note does not form part of the Regulations)*

County and county borough councils, community councils, fire authorities and National Park authorities in Wales ("relevant authorities") are required by section 51 of the Local Government Act 2000 ("the Act") to adopt a code of conduct for members and co-opted members which must incorporate any mandatory provisions of any model code of conduct issued by the National Assembly for Wales under section 50(2) of the Act.

Section 81(1) and (2) of the Act provides that the monitoring officer of each relevant authority must establish and maintain a register of interests of the members and co-opted members of the authority and that the mandatory provisions of the model code applicable to each relevant authority must require the members and co-opted members of each authority to register in that authority's register such financial and other interests as are specified in the mandatory provisions.

Under section 81(3) and (4) of the Act those mandatory provisions must also require a member or co-opted member of a relevant authority who has such an interest to disclose it before taking part in any business of the authority which relates to it and make provision for preventing or restricting the participation of that member or co-opted member in any business of the authority to which the disclosed interest relates.

Mae adran 81(4) o'r Ddeddf yn darparu nad yw unrhyw gyfranogiad gan aelod neu aelod cyfetholedig o awdurdod perthnasol mewn unrhyw fusnes a waherddir gan y darpariaethau gorfodol yn fethiant i gydymffurfio â chod ymddygiad yr awdurdod os yw'r aelod neu'r aelod cyfetholedig wedi gweithredu yn unol â gollyngiad rhag y gwaharddiad a gafodd ei ganiatáu gan bwyllgor safonau'r awdurdod yn unol â rheoliadau a wneir o dan is-adran (5).

Mae'r rheoliadau hyn yn rhagnodi'r amgylchiadau y caiff pwyllgorau safonau'r awdurdodau perthasol ganiatáu gollyngiadau o'r fath odanynt.

Section 81(4) of the Act provides that any participation by a member or co-opted member of a relevant authority in any business which is prohibited by the mandatory provisions is not a failure to comply with the authority's code of conduct if the member or co-opted member has acted in accordance with a dispensation from the prohibition granted by the authority's standards committee in accordance with regulations made under subsection (5).

These regulations prescribe the circumstances in which standards committees of relevant authorities may grant such dispensations.

**2001 Rhif 2279 (Cy. 169 )**

**LLYWODRAETH LEOL,  
CYMRU**

Rheoliadau Pwyllgorau Safonau  
(Caniatáu Gollyngiadau) (Cymru)  
2001

*Wedi'u gwneud*

*21 Mehefin 2001*

*Yn dod i rym*

*28 Gorffennaf 2001*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd iddo gan adran 81(5) ac (8) o Ddeddf Llywodraeth Leol 2000(a).

**Enw, cychwyn, cymhwysyo a dehongli**

1.- (1) Enw'r Rheoliadau hyn yw Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 a deuant i rym ar 28 Gorffennaf 2001.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

(3) Yn y Rheoliadau hyn -

mae "aelod" ("*member*") yn cynnwys aelod cyfetholedig;

ystyr "awdurdod perthnasol" ("*relevant authority*") yw cyngor sir neu gyngor bwrdeistref sirol, cyngor cymuned, awdurdod Tân neu awdurdod Parc Cenedlaethol;

ystyr "buddiant" ("*interest*") yw buddiant y mae'n ofynnol ei gofrestro yng nghofrestro buddiannau'r awdurdod perthnasol;

ystyr "corff gwirfoddol" ("*voluntary organisation*") yw corff (heblaw awdurdod lleol neu gorff cyhoeddus arall) sy'n cynnal ei weithgareddau heblaw ar gyfer gwneud elw;

acystyr "y Ddeddf" ("*the Act*") yw Ddeddf Llywodraeth Leol 2000.

**2001 No. 2279 (W. 169 )**

**LOCAL GOVERNMENT,  
WALES**

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

*Made*

*21st June 2001*

*Coming into force*

*28th July 2001*

The National Assembly for Wales makes the following Regulations in exercise of the power given to it by section 81(5) and (8) of the Local Government Act 2000(a).

**Name, commencement, application and interpretation**

1.- (1) The name of these Regulations is the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 and they shall come into force on 28th July 2001.

(2) These Regulations apply to Wales only.

(3) In these Regulations -

"interest" ("*buddiant*") means an interest which is required to be registered in the relevant authority's register of interests;

"member" ("*aelod*") includes a co-opted member;

"relevant authority" ("*awdurdod perthnasol*") means a county or county borough council, a community council, a fire authority or a National Park authority;

"the Act" ("*y Ddeddf*") means the Local Government Act 2000; and

"voluntary organisation" ("*corff gwirfoddol*") means a body (other than a local authority or other public body) whose activities are carried on otherwise than for profit.

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(a) 2000 p. 22.

(a) 2000 c. 22.

## **Yr amgylchiadau lle gellir caniatáu gollyngiadau**

**2.** Caiff pwylgor safonau awdurdod perthnasol caniatáu gollyngiadau o dan adran 81(4) o'r Ddeddf -

(a) os oes gan ddim llai na hanner aelodau'r awdurdod perthnasol neu hanner aelodau un o bwylgorau'r awdurdod (yn ôl fel y digwydd) y mae'r busnes i gael ei ystyried ganddo fuddiant sy'n berthnasol i'r busnes hwnnw;

(b) os oes gan ddim llai na hanner aelodau gweithrediaeth arweinydd a chabinet y mae'r busnes i gael ei ystyried ganddo fuddiant sy'n berthnasol i'r busnes hwnnw a bod naill ai paragraff (ch) neu baragraff (d) hefyd yn gymwys;

(c) yn achos cyngor sir neu gyngor bwrdeistref sirol, os byddai anallu aelod i gymryd rhan yn tarfu ar gydwysedd gwleidyddol yr awdurdod perthnasol neu'r pwylgor o'r awdurdod y mae'r busnes i'w ystyried ganddo i'r fath raddau nes y byddai'r canlyniad yn debygol o gael ei effeithio;

(ch) os yw natur buddiant yr aelod yn gyfryw fel na fyddai cyfranogiad yr aelod yn y busnes y mae'r buddiant yn berthnasol iddo yn niweidio hyder y cyhoedd yn y modd y mae busnes yr awdurdod perthnasol yn cael ei gynnal;

(d) os yw'r buddiant yn gyffredin i'r aelod ac i gyfran arwyddocaol o'r cyhoedd;

(dd) os oes cyflawnhad i'r aelod gymryd rhan yn y busnes y mae'r buddiant yn berthnasol iddo oherwydd rôl neu arbenigedd penodol yr aelod;

(e) os yw'r busnes y mae'r buddiant yn berthnasol iddo i'w ystyried gan bwylgor trosolygu a chraffu i'r awdurdod perthnasol ac nad yw buddiant yr aelod yn fuddiant ariannol;

(f) os yw'r busnes sydd i'w ystyried yn berthnasol i arian neu eiddo corff gwirfoddol y mae'r aelod yn aelod o'i bwylgor neu ei fwrrd rheoli heblaw fel cynrychiolydd yr awdurdod perthnasol ac nad oes gan yr aelod unrhyw fuddiant arall yn y busnes hwnnw ar yr amod na fydd unrhyw olyngiad yn ymestyn i gymryd rhan mewn unrhyw bleidlais mewn perthynas â'r busnes hwnnw; neu

(ff) os yw'n ymddangos i'r pwylgor ei bod o les i drigolion ardal yr awdurdod perthnasol i'r anallu gael ei godi, ar yr amod bod hysbysiad ysgrifenedig bod y gollyngiad yn cael ei caniatáu yn cael ei roi i Gynulliad Cenedlaethol Cymru o fewn saith diwrnod a hynny mewn unrhyw fod y gall ei bennu.

## **Circumstances in which dispensations may be granted**

**2.** The standards committee of a relevant authority may grant dispensations under section 81(4) of the Act 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.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(a).

21 Mehefin 2001

Llywydd y Cynulliad Cenedlaethol

21st June 2001

*D. Elis-Thomas*

The Presiding Officer of the National Assembly

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(a) 1998 p. 38.

(a) 1998 c. 38.

**CYNULLIAD CENEDLAETHOL CYMRU**

**OFFERYNNAU STATUDOL**

**2001 Rhif 2279 (Cy. 169 )**

**LLYWODRAETH LEOL,  
CYMRU**

Rheoliadau Pwyllgorau Safonau  
(Caniatáu Gollyngiadau) (Cymru)  
2001

**NATIONAL ASSEMBLY FOR WALES**

**STATUTORY INSTRUMENTS**

**2001 No. 2279 (W. 169 )**

**LOCAL GOVERNMENT,  
WALES**

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

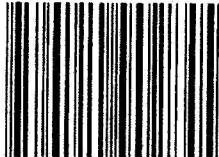
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## WELSH STATUTORY INSTRUMENTS

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# 2016 No. 85

## The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016

### **Amendments to the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001**

4.—(1) The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001(1) are amended as follows.

(2) In regulation 1, in paragraph (3) in the appropriate place insert—

““community sub-committee” (“*is-bwylgor cymunedol*”) means a sub-committee appointed by a standards committee of a local authority under section 56 of the Act;”;

““joint committee” (“*cyd-bwylgor*”) means a committee established by two or more relevant authorities under section 53(1) of the Act;”;

““section 54A sub-committee” (“*is-bwylgor adran 54A*”) means a sub-committee appointed by a standards committee under section 54A(1) of the Act;”;

““standards committee” (“*pwylgor safonau*”) means—

- (a) a standards committee of a relevant authority;
- (b) a joint committee;
- (c) a section 54A sub-committee; or
- (d) a community sub-committee;”.

(3) In regulation 2—

(a) at the end of paragraph (h) omit “or”;

(b) in paragraph (i), for the words that follow “removed” substitute “; or”;

(c) after paragraph (i) insert—

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

(4) After regulation 2 insert—

#### **“Dispensations granted in accordance with regulation 2(j)**

3.—(1) A dispensation granted by the standards committee of a relevant authority under section 81(4) of the Act on the grounds set out in regulation 2(j) and which remains in effect, must be reviewed by the standards committee once in every 12 month period from the date on which the dispensation is first granted.

(2) When conducting a review under paragraph (1) the standards committee must determine whether the dispensation should continue to have effect.

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(1) S.I. 2001/2279 (W. 169).

### **Procedure and powers of standards committees**

4.—(1) A standards committee of a relevant authority may refer an application for a dispensation made by a member of the authority to the standards committee of another relevant authority for consideration and determination.

(2) The monitoring officer of a relevant authority to which an application for a dispensation is made may, with the prior written consent of the chairperson of the standards committee of that authority, make arrangements for the application to be considered and determined by the standards committee of another relevant authority.

(3) Where reasonable efforts to contact the chairperson of the standards committee of the relevant authority have been unsuccessful, the vice-chairperson of the standards committee may give consent under paragraph (2).

(4) Where a monitoring officer or standards committee makes arrangements for a dispensation application to be considered and determined by the standards committee of another relevant authority, the monitoring officer or standards committee that makes those arrangements must provide notice to the person making the application accordingly.

(5) The notice to which paragraph (4) refers must include the following—

- (a) a statement that the matter has been referred to another relevant authority's standards committee for consideration and determination;
- (b) the name of the other relevant authority; and
- (c) the reason why the application has been referred to the standards committee of the other relevant authority.

(6) When the standards committee has determined the application it must give written notice of its decision to the—

- (a) member applying for the dispensation; and
- (b) standards committee of the referring relevant authority.”

THE ISLE OF ANGLESEY COUNTY COUNCILDISPENSATION APPLICATION TO THE STANDARDS COMMITTEE  
BY A MEMBER OF THE COUNTY COUNCIL

<b>Name of Member:</b>	Councillor Lewis Davies, Councillor Richard A Dew, Councillor John Griffith, Councillor Richard Griffiths, Councillor Glyn Haynes, Councillor Kenneth P Hughes, Councillor Trefor Lloyd Hughes MBE, Councillor Vaughan Hughes, Councillor Llinos Medi Huws, Councillor Aled Morris Jones, Councillor Carwyn Jones, Councillor Eric Wyn Jones, Councillor Richard Owain Jones, Councillor Gwilym O Jones, Councillor Robert Llewelyn Jones, Councillor R Meirion Jones, Councillor Alun Mummary, Councillor Bryan Owen, Councillor Robert G Parry OBE FRAgS, Councillor Dylan Rees, Councillor Alun Roberts, Councillor Dafydd Roberts, Councillor J Arwel Roberts, Councillor Margaret Murley Roberts, Councillor Nicola Roberts, Councillor Peter S Rogers, Councillor Dafydd Rhys Thomas, Councillor Ieuan Williams, and Councillor Robin Wyn Williams.
<b>Member's contact details:</b>	<p><b>Following the above order:</b></p> <ul style="list-style-type: none"> <li>• <a href="mailto:lewisdavies@ynysmon.gov.uk">lewisdavies@ynysmon.gov.uk</a> 01248 490248</li> <li>• <a href="mailto:richarddew@ynysmon.gov.uk">richarddew@ynysmon.gov.uk</a> 01407 810825</li> <li>• <a href="mailto:johngriffith@ynysmon.gov.uk">johngriffith@ynysmon.gov.uk</a> 01248 714883</li> <li>• <a href="mailto:richardgriffiths@ynysmon.gov.uk">richardgriffiths@ynysmon.gov.uk</a> 01407 839159</li> <li>• <a href="mailto:glynhaynes@ynysmon.gov.uk">glynhaynes@ynysmon.gov.uk</a> 07951912338</li> <li>• <a href="mailto:kennethHughes@ynysmon.gov.uk">kennethHughes@ynysmon.gov.uk</a> 01407 730269</li> <li>• <a href="mailto:treforhughes@ynysmon.gov.uk">treforhughes@ynysmon.gov.uk</a> 01407 764801</li> <li>• <a href="mailto:vaughanhughes@ynysmon.gov.uk">vaughanhughes@ynysmon.gov.uk</a> 01248 752873</li> <li>• <a href="mailto:llinosmedihuws@ynysmon.gov.uk">llinosmedihuws@ynysmon.gov.uk</a> 01248 470702</li> <li>• <a href="mailto:aledjones@ynysmon.gov.uk">aledjones@ynysmon.gov.uk</a> 01407 832640,</li> <li>• <a href="mailto:carwyneliasjones@ynysmon.gov.uk">carwyneliasjones@ynysmon.gov.uk</a> 01248 450163</li> <li>• <a href="mailto:ericjones@ynysmon.gov.uk">ericjones@ynysmon.gov.uk</a> 01248 430321</li> <li>• <a href="mailto:richardowainjones@ynysmon.gov.uk">richardowainjones@ynysmon.gov.uk</a> 01407 832314</li> <li>• <a href="mailto:gwilymojones@ynysmon.gov.uk">gwilymojones@ynysmon.gov.uk</a> 01407 740105</li> </ul>

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<b>Ward:</b>	<b>Following the above order:</b> <ul style="list-style-type: none"> <li>• Seiriol</li> <li>• Llifon</li> <li>• Talybolion</li> <li>• Twrcelyn</li> <li>• Caergybi</li> <li>• Talybolion</li> <li>• Ynys Gybi</li> <li>• Lligwy</li> <li>• Talybolion</li> <li>• Twrcelyn</li> <li>• Seiriol</li> <li>• Bro Rhosyr</li> <li>• Twrcelyn</li> <li>• Llifon</li> <li>• Caergybi</li> <li>• Aethwy</li> <li>• Aethwy</li> <li>• Bro Aberffraw</li> <li>• Canolbarth Môn</li> <li>• Canolbarth Môn</li> <li>• Seiriol</li> <li>• Bro Rhosyr</li> <li>• Ynys Gybi</li> <li>• Lligwy</li> <li>• Canolbarth Môn</li> <li>• Bro Aberffraw</li> <li>• Ynys Cybi</li> <li>• Lligwy</li> <li>• Aethwy</li> </ul>

<p><b>Nature of prejudicial interest* in respect of which the Dispensation is sought:</b></p>	<p>As a result of the current Coronavirus pandemic, the Council has to prioritise its resources and the efforts of its workforce; maintaining “business as usual” is not possible. The Council has reviewed its regular Committee timetable and determined the absolute minimum delivery requirement in a “12 month Committee Meeting Strategy”. If conditions permit, more meetings may be held, but arranging any additional meetings will depend on how circumstances develop over the next 12 months, particularly staff capacity. Meetings may therefore be infrequent and so the opportunity for members to attend meetings will be limited. This, together with the fact that members may be affected by the virus, could lead to issues in relation to the “six month rule”.</p> <p>The “six month rule” is included in section 4.1.23.1 of the Council’s Constitution:</p> <p><i>As required by Section 85 of the Local Government Act 1972 where a Councillor fails throughout a period of six consecutive months from the date of his/her last attendance, to attend any Meeting of the Authority (see Notes below), then he/she ceases to be a Member of the Authority unless the failure was due to some reason approved by, or on behalf of, the Council before the expiry of that period.</i></p> <p>Whilst Regulation 10 of The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 includes reference to the “six month rule”, it does not remove the time limit, it simply includes a pause. The Regulations detail that, for the purposes of calculating the six months, the period between the day when the Regulations come into force (22 April 2020) and the date of a meeting to which the member could attend (including by remote attendance) is to be disregarded. What this essentially means is that the clock is paused for the period between 22 April and the first relevant meeting to which a member is invited to attend.</p> <p>A report is to be presented to full Council meeting on 8 September 2020, asking for Council to approve that, for the purposes of Section 85 of the Local Government Act 1972, the Coronavirus outbreak/Covid-19 virus is a reason for non-attendance by all of IOACC’s Councillors at meetings; and that as Councillors we are given protection that our non-attendance by virtue of the Coronavirus outbreak will not result in an automatic dismissal on our part for a further period of six months from when our individual six month clocks expire. That report will name all Members; the report will ask for a Council resolution. Members who are named in the report have a personal and prejudicial interest in the matter. In order to be able to discuss and vote in the matter at the Council meeting, we must apply for a dispensation from the Standards Committee.</p>
<p><b>Business in which the Member wishes to participate:</b></p>	<p>Report to full Council asking for Council approval in relation to section 85 of the Local Government Act 1972 / section 4.1.23.1 of the Council’s Constitution and an extension to the “6 month rule”.</p>
<p><b>Type of Dispensation sought (tick as necessary and insert any required information):</b></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> write to officers [and/or the Executive / Committee / Council] about the issue;</li> <li><input type="checkbox"/> speak to officers of the Council about the issue [in the presence of two other persons] [who are not Trustees or Board Members of [INSERT]], provided a note is taken of any such discussions;</li> <li><input type="checkbox"/> speak at Executive/Committee/Council meetings and answer any questions about the issue;</li> </ul>

	<ul style="list-style-type: none"> <li><input type="radio"/> remain in the room during any debate/voting on the issue (available where Member has a disability);</li> <li><input type="radio"/> vote at such meetings;</li> <li><input type="radio"/> participate fully in any public meetings and meetings of any outside bodies etc.</li> <li><input type="radio"/> other – please specify:  <hr/><hr/></li> </ul>
<b>Statutory Ground/s under which Dispensation is requested (See overleaf for available grounds):</b>	<p>(a) <u>if 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; (Welsh ground (a)).</u> [All County Councillors are named in the application. If the Dispensation is not granted a Council decision cannot be granted as there is no Members to form quorum.]</p> <p>(c) <u>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; (Welsh ground (c))</u> [Need all Members to participate in the debate and vote]</p> <p>(d) <u>if 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; (Welsh ground (ch))</u> [The interest is relevant to the role of the County Councillors in exceptional circumstances. The resolution sought from Council directly relates to the current pandemic period. The Dispensation relates to the discussion of the "6 month rule" on one occasion only.]</p> <p>(j) <u>if it appears to the committee that it is otherwise appropriate to grant a dispensation; (Welsh ground (g)).</u> [These are unprecedented times and call for unprecedented action. An extension to the "6 month rule" is a reasonable request and it makes sense that all Members are able to take part in any discussion and vote on the topic]</p>
<b>Is the interest registered as per Section 81(1) &amp; (2) of the LGA 2000:</b>	<b>Yes / No</b> The interest relates to all Members in their role as County Councillors, which is of course public information.
<b>Date by which a decision is required:</b>	<b>Before the County Council meeting on 8 September 2020</b>
<b>Signed:</b>	<b>Date:</b>

- \* Prejudicial Interests – these are personal interests which an objective observer would consider so significant that they are likely to compromise a member's ability to act in the public interest

**DISPENSATION CONSIDERATIONS -**

**Guidance for the Standards Committee Panel when considering Councillors' applications for dispensation:**

1. Reading:
  - Consider the Report prepared by / on behalf of the Monitoring Officer.
  - Consider the enclosures to the Report, particularly the Application Form completed by the Councillor, in order to gather all facts.
  
2. Multiple Applications:
  - Deal with each application individually and on its own facts.
  - Consider following a procedure at the Hearing:
    - o Gather background / general information (if needed);
    - o Listen to Councillor A's application / ask questions if in attendance / ask the Clerk;
    - o Retire to consider Councillor A's application;
    - o Resume – may announce the decision in relation to Councillor A's application, or may defer announcing the decision until all applications have been considered;
    - o Repeat, depending on the number of applications to be considered.
  
3. Personal / Prejudicial Interest:
  - For each application, determine –
    - o Is there a PERSONAL INTEREST?
      - Consider the Code of Conduct (included as an enclosure to the Report)
        - what is the personal interest?
    - o Is the personal interest PREJUDICIAL?
      - Again, consider the Code of Conduct (included as an enclosure to the Report) – is the personal interest also prejudicial?
  - If there is no personal interest, or the personal interest is not prejudicial, there is no need to consider an application for dispensation as the Councillor is able to fully participate in the business.
  
4. Ground for Dispensation:
  - Where there is a personal interest which is prejudicial, consider the GROUND on which the dispensation may be granted. The grounds are listed on the back of the Application Form.
    - o Has the Applicant correctly identified these on the Application Form?
    - o Has the Applicant included all required Dispensations on the Form i.e. for voting / speaking / writing etc.?
  
5. Restrictions / Limitations on the Dispensation:
  - When deciding whether or not to grant the Dispensation, consider (if the Dispensation is to be granted) if any restrictions or limitations are required. Matters such as if the Councillor can speak but not vote or whether the dispensation is for one meeting only or the duration of the Council term.
  
6. Decision Form
  - In granting the dispensation, the Panel will need to complete the Decision Form which details (a) the decision of the Standards Committee; (b) the date when the decision is made; (c) who should be informed of the decision; (d) the date when the dispensation expires; (e) under which ground(s) the dispensation is being granted; and (f) what the dispensation allows the Councillor to do (i.e. speak, vote etc.).