

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	STANDARDS COMMITTEE (DISPENSATION PANEL)
DATE:	14 March 2018 @ 11am
TITLE OF REPORT:	To consider an application for dispensation
PURPOSE OF THE REPORT:	To determine whether or not to grant a dispensation and, if so, on what terms
REPORT BY:	Lynn Ball Head of Function (Council Business)/Monitoring Officer lbxcs@anglesey.gov.uk
CONTACT OFFICER:	Lynn Ball Head of Function (Council Business)/Monitoring Officer lbxcs@anglesey.gov.uk 01248 752586

1. INTRODUCTION & BACKGROUND

Pursuant to the Code of Conduct for Llanbadrig Community Council's members, any member who has a personal and prejudicial interest in an item of business is precluded from participation. 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 County Council's Standards Committee.

2. PROCESS

Any member wishing to obtain a dispensation must put an application in writing, identifying the impediment and the grounds upon which the application is sought. The Standards Committee, or a properly constituted Panel of the Standards Committee, will then hear the application. The hearing will usually be in public. The Standards Committee has a discretion on whether or not to grant the dispensation sought and to impose any restrictions or limitations as appropriate to the circumstances of an application.

3. APPLICATION


The Application appears at **Enclosure A**, which identifies the business in which the Applicant wishes to participate, the type of dispensation sought and the statutory ground under which the dispensation is sought. At **Enclosure B** are copies of two plans provided by the Applicant in order to assist the Committee/Panel. At **Enclosure C** is a copy of the Briefing Note to Town and Community Councillors on Dispensations. This document sets out the limited statutory grounds on which a Standards Committee/Panel may grant a dispensation.

4. RECOMMENDATIONS

To consider the merits of the Application and determine whether or not to grant a dispensation and, if so:-




- on what ground or grounds any dispensation is granted;
- whether or not the dispensation relates to LLanbadrig Community Council and/or North Anglesey Partnership of six Councils and any other relevant bodies;
- whether there are any limitations (e.g. to speak but not to vote, or any time limit) to be imposed.

APPLICATION FOR DISPENSATION TO THE STANDARDS COMMITTEE
BY A TOWN OR COMMUNITY COUNCILLOR

Name of Applicant:	ROGER DOBSON	
Contact details:	Tir A Môr Uchaf, Cemaes Bay, LL67 0DA 07709 334982 rogerdobson@btinternet.com	
Name of Town / Community Council:	Llanbadrig North Anglesey Partnership of six Councils	
Details of the prejudicial interest* in respect of which the Dispensation is sought:	My home is adjacent to the Wylfa Newydd Development Site	
Business in which the applicant wishes to participate:	All matters concerning Horizon Nuclear consultations and planning applications including DCO	
Type of Dispensation sought (tick as necessary and insert any required information):	<ul style="list-style-type: none"> <input type="radio"/> write to officers [and/or the Committee/Community Council] about the matter; <input type="radio"/> speak to officers of the Community Council about the matter [with/without conditions [INSERT]] <input checked="" type="checkbox"/> speak at Committee meetings/Community Council meetings and answer any questions about the issue; <input checked="" type="checkbox"/> remain in the room during any debate/vote on the issue; <input checked="" type="checkbox"/> vote; <input type="radio"/> other 	
Statutory Ground/s under which Dispensation is requested (See overleaf for possible grounds available):	the nature of the interest is such that participation in the business to which the interest relates would not damage public confidence the interest is common to the Councillor and a significant proportion of the general public	
Date by which a decision is required:	19 March 2018	
Signed:		Date: 20 February 2018

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



POWER NUCLEAR HORIZON NUCLEAR POWER				
HORIZON NUCLEAR				
Title WYLFA NEW/VD				
Land Ownership/Occupancy Plan				
Main Site				
Title No.: WAS253/4	PIL ID 214			
Owner/Occupier Roger Dobson				
Tŷ A Mor Uchaf Cemaes Bay Ynys Môn LL67 0DA				
Overview				
				
Contains OS data © Crown Copyright and database right 2017				
LEGEND  Owner/Occupier				
Coordinate System: British National Grid Projection: Transverse Mercator Datum: OSGB 1936 Units: Metre				
Version history				
Version	Date	Published	Author	Checked
v1	01/02/2018	Published	AB/SB	
Scale: 1:1250				
Paper Size: A4		Printed: 23/05/2017		
WYLF A NEW/VD This drawing is supplied at paper size A4. Therefore any prints taken at different sizes will affect the accuracy of measurement units and should not be scaled against.				
				

Briefing Note for Town and Community Councillors on Anglesey

Dispensations

This is a briefing note for Town and Community Councillors on the topic of 'Dispensations'. Should Councillors or Clerks have any queries, please contact the Monitoring Officer at Anglesey County Council:

Lynn Ball - lbxcs@anglesey.gov.uk

Under their Code of Conduct, no Councillor is allowed to participate in a matter in which he/she has a prejudicial* interest unless a dispensation has already been granted by the County Council's Standards Committee.

Grounds on which a dispensation may be granted

The grounds on which a dispensation may be granted are set out in statute and are:-

1. At least half of the Councillors (Community Council/Committee of the Community Council) would be unable to take part in a meeting because of a prejudicial* interest;
2. The nature of the interest is such that participation would not damage public confidence in the decision;
3. The Councillor's interest is common to a significant proportion of the general public;
4. The Councillor's particular role or expertise would justify participation;
5. The business relates to the finances or property of a voluntary organisation and the Councillor sits on its board/committee in his/her own right, and he/she does not have any other interest [although in this instance, any dispensation may allow the Councillor to speak on the matter, but not to vote];
6. The Standards Committee believes that the Councillor's participation would be in the interests of the people in the Community Council's area and the Committee notifies the Welsh Ministers within 7 days of the dispensation being granted; or
7. The Standards Committee believes it appropriate to grant the dispensation, as a practical solution to a disability (infirmity) of the Councillor's which otherwise would make it difficult for him/her to leave a room/chamber when a matter in which they have a prejudicial* interest is being discussed.

How does a Community Councillor obtain a Dispensation?

The Councillor must apply in writing to the County Council's Standards Committee and will usually be expected to attend the public meeting of the Standards Committee/Panel which will take the decision.

A Councillor may apply individually or, in common circumstances, a joint or collective application may be made by more than one Councillor.

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 Standards Committee will explain its reasons. 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 Councillor may rely on a dispensation until such time the written decision has been circulated. Where necessary, and possible, this will be expedited.

Requirements on Councillors when relying on a dispensation

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

(a) In formal Meetings:

When a Councillor has a dispensation and wants to participate in a meeting to discuss the relevant matter, the Councillor 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, must give written notification** to the Community 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 Councillor's signature.

(b) In informal meetings:

When a Councillor has a dispensation, and is making verbal representations at informal meetings, that Councillor must:

- (i) include details of the dispensation in such discussion and
- (ii) provide written notification** to the Community Council Clerk within 14 days of the discussion.

(c) In writing:

When a Councillor has been provided with a dispensation, and is making written representations to their Community Council, the Councillor must provide details of

the dispensation in any correspondence on the subject to which the dispensation relates.

Footnote/definitions

- * prejudicial interests – these are personal interests (listed in the Code of Conduct) which an objective observer would consider so significant that they are likely to compromise the Councillor's ability to put the public interest first.
- ** written notification – in formal meetings, Councillors may rely upon the standard form of declaration. In informal meetings Councillors must provide written confirmation to the clerk/or other lead officer and ask that the dispensation be included in any informal minute/file note of the meeting/discussion.