

| CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL | |
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| COMMITTEE: | Standards Committee |
| DATE: | 15 December 2020 |
| REPORT TITLE: | Dispensation(s) |
| PURPOSE OF THE REPORT: | To advise the Standards Committee of the outcome of any dispensation applications received since the last written report to the Standards Committee on 11.03.2020 |
| REPORT BY: | Mared Wyn Yaxley Solicitor – Corporate Governance mwyics@ynysmon.gov.uk |
| LINK OFFICER: | Lynn Ball Director of Function (Council Business) / Monitoring Officer lbxics@anglesey.gov.uk 01248 752586 |

1. INTRODUCTION

Where a county councillor/town/community councillor has a prejudicial interest in a matter to be considered by their authority, the code of conduct requires that the interest be declared/registered and that the member leave the meeting and not participate/influence the decision/s.

The code of conduct provides inbuilt “dispensations” in certain limited circumstances which are listed in [paragraph 12\(2\) of the code](#).

Additionally, if paragraph 12(2) of the Code does not help, then the Standards Committee has discretion to grant a dispensation to a member, in specific circumstances, as listed in statutory regulations.

If granted, a dispensation will overreach the prejudicial element of the interest (that is the bias or perceived bias) and will enable the member to participate in the matter; perhaps with a limited or restricted input, and for a specified timescale.

2. BACKGROUND

To assist members in using the process for dispensations whenever it may be suitable, and as effectively as possible, the Standards Committee has published an Advice and Guidance Note. Additionally, information was provided to town and community council clerks on the potential for dispensations in an email dated 6th March 2017.

Given that dispensations are often required at the minimum amount of notice legally possible, the Standards Committee has established an arrangement whereby a Panel of three members may be called to deal with any application received between meetings of the full Committee. Applications received from county councillors may be heard by any three independent / County Council members (with the independent members to be in the majority) and applications from town/community councillors are to be heard by independent members and town/community council members (independent members to be in the majority).

3. APPLICATIONS MADE SINCE THE LAST REPORT DATED 11.03.2020

3.1 Dispensation Panel Hearing on 29 July 2020

- 3.1.1 A [Dispensation Panel Hearing was held virtually on 29 July 2020](#) to consider an application made by all members of this County Council in relation to the “six month rule”. The matter was considered as a block dispensation.
- 3.1.2 The report presented to the Panel at the 29th July hearing can be seen [online](#).
- 3.1.3 Attached at **Enclosure 1** are the draft minutes from the Dispensation Panel.
- 3.1.4 The Panel decided to grant an unlimited dispensation to all the named Councillors who had applied for a dispensation on the following terms:
- write to officers and the Executive / Committee / Council about the issue;
 - speak to officers of the Council about the issue, 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;
 - vote at such meetings, and
 - participate in all external meetings and meetings of any outside bodies in their capacity as a member of the Isle of Anglesey County Council.
- 3.1.5 The dispensation was granted based on statutory grounds (a), (c), (d) and (j) and will be reviewed after a period of 12 months.

4. RECOMMENDATION

- 4.1 For the Committee to note the dispensations granted and the grounds and circumstances in which they were granted.
- 4.2 For the members of the Panel only (John R Jones, Rhys Davies and Sharon Warnes) to ratify/amend the draft minutes at **Enclosure 1**.

DISPENSATION PANEL (OF THE STANDARDS COMMITTEE)**Minutes of the meeting held on 29 July 2020**

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| PRESENT: | Independent Members |
| | Mr John R Jones (Chair) Dr Thomas Rhys Davies (Vice-Chair) Mrs Sharon Warnes |
| IN ATTENDANCE: | Director of Function (Council Business)/Monitoring Officer Solicitor (Corporate Governance) (MY) Committee Officer (SC) |
| APOLOGIES: | None |

The Chair welcomed all those present to the virtual meeting of the Dispensation Panel.

1. DECLARATION OF INTEREST

No declaration of interest was received.

2. APPLICATION FOR DISPENSATION

The Solicitor (Corporate Governance) reported that a collective application for dispensation was made by the 29 members of the County Council in respect of what they consider to be a personal and prejudicial interest.

The Solicitor (Corporate Governance) stated that Section 85 of the Local Government Act 1972 and the County Council's Constitution notes that if a member fails to attend a relevant meeting of the Council for a period of 6 consecutive months, then the "six month rule" applies; i.e. the member ceases to be an elected member, and a by-election is triggered. It was noted that disqualification may be avoided if a member asks for the absence to be approved by full Council before the expiry of the 6 month period.

The Solicitor (Corporate Governance) reported that due to the Coronavirus (Covid-19) pandemic, the Council has not been able to carry out "business as usual". She referred to The Coronavirus Act 2020 and Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020, which reduces the legal obligations on local authorities, and permits meetings by remote attendance. It was noted that the Council has reviewed its Committee timetable, and there are fewer formal meetings currently being held than during the pre-Coronavirus period, and so fewer opportunities for members to be able to comply with the requirements of the "six month rule".

It was noted that a report will be presented to full Council on 8 September 2020, requesting that the Council approves that the Coronavirus pandemic is a reason for non-attendance by all of IOACC's members at meetings, and that all members are given protection that their non-attendance, by virtue of the Coronavirus outbreak, will not result in an automatic dismissal on their part for a further period of six months from when each individual members' initial six month period expires.

Reference was made to Regulation 10 of The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020, that for the purpose of calculating the six months, the period between the day when the Regulations came into force (22 April 2020), and the date of a meeting to which the member had been invited to attend in his role as an elected member is to be disregarded. It was noted that the clock is paused between 22 April and the first meeting to which a member is invited to attend; however, it does not restart.

The Solicitor (Corporate Governance) brought the Guidance (Enclosure 4) to the Panel's attention.

The Solicitor (Corporate Governance) briefed the Panel on personal and prejudicial interests, as referred to in the Members' Code of Conduct (Enclosure 1). Only if they considered that the members have a personal and prejudicial interest within the meaning of the Code should they then consider the granting of a dispensation.

If a dispensation was required (due to the Panel positively finding that the members have a prejudicial interest), the Solicitor (Corporate Governance) advised the Panel to refer to the statutory grounds for granting dispensations (the grounds included Enclosure 2, and the elected members having noted the relevant grounds in their application in Enclosure 3). If a ground is relevant, the Panel may grant the dispensation. She stated that a dispensation would allow members to participate in the matter, despite the prejudicial interest identified.

Clarity was sought by the Panel regarding whether they should consider granting a dispensation for one meeting, a further 6 months, or for the remaining term of this Council to May 2022?

The Monitoring Officer reported that extending the term to the end of the current Council would use less resources and provide more flexibility, and there were sufficient safeguards in place, as any application to provide a further extension to the "six month rule" would need to be considered by full Council in a public meeting.

Members of the Panel deliberated in private session. Following discussion, the Chair announced that, in their opinion, the Dispensation Panel had concluded that the 29 members of the Council have a personal and prejudicial interest in that business, and the Panel was to grant the dispensation sought.

RESOLVED:-

- **To grant a dispensation to all members of the County Council (named below) in respect of those interests referred to in the application included at Enclosure 3 of the report:-**

Councillors Lewis Davies, Richard A Dew, John Griffith, Richard Griffiths, Glyn Haynes, Kenneth P Hughes, Trefor Lloyd Hughes, MBE, Vaughan Hughes, Llinos Medi Huws, Aled Morris Jones, Carwyn Jones, Eric W Jones, Richard O Jones, Gwilym O Jones, Robert LI Jones, R Meirion Jones, Alun Mummery, Bryan Owen, Robert G Parry, OBE, FRAgS, Dylan Rees, Alun Roberts, Dafydd Roberts, J Arwel Roberts, Margaret M Roberts, Nicola Roberts, Peter S Rogers, Dafydd R Thomas, Ieuan Williams, Robyn W Williams.

- **That the dispensation be granted to the end of the current Council in May 2022.**
- **That the members declare their prejudicial interest, but also the fact that they have been granted a dispensation by the Standards Committee Panel, at every relevant meeting when discussing and/or voting are undertaken as regards the personal and prejudicial interest noted in the application.**

Action:

- **The Monitoring Officer to write to the 29 members of Anglesey County Council confirming that they have been granted an en bloc dispensation permitting each member to write, speak and vote on all matters relating to the “6 month rule”.**
- **The Monitoring Officer to report to the Standards Committee on the use made of the dispensation.**

The Chair, on behalf of the Panel thanked all those present, Council staff and members, for their diligence in adapting to change during these challenging times. He thanked the Chief Executive and Council Leader for the manner in which they have been conducting their business over recent months.

The meeting concluded at 2.55 pm

**MR JOHN R JONES
CHAIR**