

**CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL**

<b>COMMITTEE:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>15 December 2021</b>
<b>REPORT TITLE:</b>	<b>Dispensation(s)</b>
<b>PURPOSE OF THE REPORT:</b>	<b>To advise the Standards Committee of the outcome of any dispensation applications received since the last written report to the Standards Committee</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>
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## **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 6<sup>th</sup> 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**

#### **3.1 Dispensation Panel Hearing on 12 November 2021**

3.1.1 A [Dispensation Panel Hearing was held virtually on 12 November 2021](#) to consider an application made by 7 members of the Executive of this County Council in relation to the Anglesey Digital Schools Strategy and Cwmni Cynnal Cyf. The matter was considered as a block dispensation.

3.1.2 Attached at **Enclosure 1** are the draft minutes from the Dispensation Panel.

3.1.3 The Panel decided to grant a dispensation to all the named Councillors who had applied for a dispensation on the following terms:

- 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 Cwmni Cynnal, 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 (available where Member has a disability);
- vote at such meetings;
- participate fully in any public meetings and meetings of any outside bodies etc.
- dispensation so granted to expire on 9<sup>th</sup> May 2022

3.1.4 The dispensation was granted based on the statutory grounds (a) and (b).

### **4. RECOMMENDATION**

4.1 For the Committee to note the dispensations granted and the grounds and circumstances in which they were granted.

**DISPENSATION PANEL (OF THE STANDARDS COMMITTEE)**

**Minutes of the meeting held on 12 November 2021**

<b>PRESENT:</b>	<b>Independent Members</b>  Mr John R Jones (Chair) Dr Thomas Rhys Davies (Vice-Chair) Mrs Gill Murgatroyd
<b>IN ATTENDANCE:</b>	Director of Function (Council Business)/Monitoring Officer Committee Officer (SC)
<b>APOLOGIES:</b>	None

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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. EXCLUSION OF THE PRESS AND PUBLIC**

It was considered and **RESOLVED Under Section 100(A)(4) of the Local Government Act 1972, to exclude the press and public from the meeting during discussion on the following item on the grounds that it involved the disclosure of exempt information as defined in Schedule 12A of the said Act, and in the Public Interest Test presented.**

**3. TO CONSIDER AN APPLICATION FOR DISPENSATION**

The Director of Function (Council Business)/Monitoring Officer reported that a joint application for dispensation was made by 7 Members of the Executive, to overreach prejudicial interests in relation to the "Anglesey Digital Schools Strategy and Cwmni Cynnal Cyf."

The Application identified the business in which the Members wished to participate, the type of dispensation sought, and the statutory grounds upon which the Application was made.

Following advice from the Director of Function (Council Business)/Monitoring Officer the Panel concluded the following:-

1. The interest constitutes a personal interest within the definition in the Code of Conduct / Ombudsman's Guidance

2. The interest is a prejudicial interest within the meaning of the Code of Conduct
3. There are no “dispensations” within the Code of Conduct which would enable the Applicants to participate.
4. The Applicants would be precluded from participation / decision making and would be unable to discharge an Executive function.
5. Consequently the Executive would be unable to achieve a quorum without the granting of a dispensation.
6. Dispensation was granted to all 7 Applications

**It was RESOLVED that the Dispensation be granted to all 7 Applicants in accordance with the following wording below:**

- **write to officers [and/or the Executive/Committee/Council] about the issue;**
- **speak to officers of the Council about the issue, who are not Trustees or Board Members of Cwmni Cynnal Cyf., 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 (available where Member has a disability);**
- **vote at such meetings;**
- **participate fully in any public meetings and meetings of any outside bodies etc;**
- **dispensation so granted to expire on 9<sup>th</sup> May 2022**

**It was noted that the Members granted a dispensation must declare their personal and prejudicial interests, and the fact that they have been granted a dispensation by the Standards Committee, at every relevant meeting when discussing and/or voting in meetings.**

**The dispensation is granted under Para 81(4) of the Local Government Act 2000 under the following grounds:-**

- **“If no fewer than half of the members of the relevant authority or of a committee of the authority, by which the business is to be considered has an interest which relates to that business”.**
- **“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 paragraph (d) or (e) also applies”.**

**Action:**

**The Director of Function (Council Business)/Monitoring Officer to:-**

- **write to the 7 members of Anglesey County Council named in the Application, confirming the Panel's grant of a collective dispensation; permitting each member to write, speak and vote on all matters relating to that business.**
- **confirm the grant of dispensation with the Head of Democratic Services.**
- **report to the Standards Committee on the use made of the dispensation.**

The meeting concluded at 10.25 am

**MR JOHN R JONES  
CHAIR**