

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	13 December 2023
REPORT TITLE:	Dispensation(s)
PURPOSE OF THE REPORT:	To advise the Standards Committee of the outcome of any dispensation application received since the last Standards Committee Meeting on 14.06.2023
REPORT BY:	Mared Wyn Yaxley Solicitor – Corporate Governance mwyics@ynysmon.llyw.cymru
LINK OFFICER:	Lynn Ball Director of Function (Council Business) / Monitoring Officer lbxics@ynysmon.llyw.cymru 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 leaves 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 for both County Council members and Town and Community Council members. These briefing notes have been distributed as part of the information included in the recent Standards Committee Newsletters.

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 STANDARDS COMMITTEE MEETING ON 14.06.2023

3.1 Dispensation Panel Hearing on 3 October 2023.

3.1.1 [A Dispensation Panel Hearing was held on 3 October 2023](#) to consider an application made by a Community Councillor.

3.1.2 The report presented to the Panel at this hearing was discussed with the exclusion of the press and public. The public interest test, agreed by the Panel, can be seen [here](#).

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

3.1.4 Having agreed that the Community Councillor had a personal and prejudicial interest in relation to the business to be discussed by the Community Council, the Standards Committee Panel decided to grant a limited dispensation to the Community Councillor, permitting him to:

- write to officers and the Community Council about the issue;
- speak to officers of the Community Council about the issue, without any conditions;
- speak at Community Council meetings and answer any questions about the issue;
- remain in the room during any debate and/or voting on the issue; and
- if relevant, participate in all public meetings and meetings of any outside bodies in his capacity as Chair of Bryngwran Community Council.

3.1.5 The Councillor is not permitted to vote.

3.1.6 The dispensation was granted based on statutory grounds (d), (e), (f) and (i) from the English legislation, which are noted as grounds (ch), (d), (f) and (ff) in the Welsh version of the legislation.

3.1.7 The dispensation ends on the expiry of the Councillor's current term on the Community Council, subject to the Councillor remaining in the role of Chair, including if he is re-elected to the role of Chair during this period.

4. RECOMMENDATION

4.1 For the Committee to note the dispensation granted and the grounds and circumstances in which it was granted.

4.2 For the members of the Panel only (John R Jones, Rhys Davies and Margaret Thomas) to ratify/amend the draft minutes at **Enclosure 1**.

DISPENSATION PANEL (OF THE STANDARDS COMMITTEE)

Minutes of the meeting held on 3 October, 2023

- PRESENT :** **Independent Members**
Mr John R Jones (Chair)
Mr T Rhys Davies (Vice-Chair)
- Representing the Town/Community Councils**
Community Council - Margaret Thomas
- ALSO PRESENT:** Community Council - Iorwerth Roberts
- IN ATTENDANCE:** Solicitor (Corporate Governance) (MY),
 Committee Officer (MEH)
- APOLOGIES :** None

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

1. DECLARATION OF INTEREST

None received.

2. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED to adopt the following:-

“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 may involve the disclosure of exempt information as defined in Schedule 12A of the said Act and in the attached Public Interest Test.”

3. APPLICATION FOR DISPENSATION

The Solicitor (Corporate Governance) reported that an application for dispensation was made by Councillor Iorwerth Roberts of Bryngwran Community Council to allow him to take part, in his capacity as Chair of the Community Council, in relation to a contentious issue to be discussed by the Community Council.

Following hearing the background to the application for dispensation by the applicant, the Panel retired to private session to determine whether or not to

grant a dispensation; and if granting a dispensation, to consider (i) on what ground(s) the dispensation is granted and (ii) whether there are any limitations/constraints to be imposed.

It was RESOLVED that a partial dispensation be granted to Councillor Iorwerth Roberts, in his capacity as Chair of Bryngwran Community Council, in respect of those interests referred to in the application. The partial dispensation permits the Councillor to:-

- **Write to Officers and the Community Council as regards to the matter;**
- **Speak to Officers of the Community Council about the matter, without any conditions;**
- **Speak at Community Council meetings and answer any questions about the issue;**
- **Remain in the room during any debate and/or vote on the issue;**
- **if relevant, participate in all public meetings and meetings of any outside bodies in his capacity as Chair of Bryngwran Community Council.**

The partial dispensation does not permit the Councillor to vote on the matter.

The dispensation is granted on the statutory grounds that 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 Council's business; the interest is common to the Member and a significant proportion of the general public; the participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise (as Chair of Bryngwran Community Council); and it appears to the Standards Committee to be in the interest of the inhabitants of the area of the Council that the disability should be removed.

Action:

- That the Monitoring Officer writes to Councillor Roberts confirming that the Standards Committee Panel has granted a partial dispensation permitting him to write, speak, but not vote on all matters relating to this matter.
- Councillor Roberts must declare a prejudicial interest when attending the Community Council and all other relevant meetings, and state that he has been granted a partial dispensation by the Standards Committee to participate, but not vote.

The meeting concluded at 11.05 a.m.

**MR JOHN R JONES
CHAIR**

