

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	12.09.2018
REPORT TITLE:	Dispensation(s)
PURPOSE OF THE REPORT:	To advise the Committee of the outcome of any dispensation applications received since 14 March 2018
REPORT BY:	Mared Wyn Yaxley Solicitor – Corporate Governance mwyys@ynysmon.gov.uk
LINK OFFICER:	Lynn Ball Head of Function (Council Business) / Monitoring Officer lbxcs@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 14TH MARCH 2018

Dispensation Panel Hearing on 29th June 2018

Since the Standards Committee last met, three applications for dispensation have been received. All three related to the same issue at one Town Council. The Panel was formally called on 25th June 2018, a full written application was received and circulated on 28th June 2018, and the Panel met to hear from the applicants and to determine the applications on 29th June 2018.

The Dispensation Panel had to consider three applications for Dispensation from three members of Beaumaris Town Council in relation to a single matter.

Attached at **Enclosure 1** is the report which was presented to the Panel at the 29th June 2018 Hearing.

Attached at **Enclosure 2** are the draft minutes from the Dispensation Panel.

In the circumstances, the Panel decided to grant a limited dispensation enabling two of the applicants (Councillor Jason Zalot and Councillor Stan Zalot):-

- To write to officers [and/or the Committee/Community Council] about the matter;
- To speak to officers of the Community Council about the matter;
- To speak at Committee meetings/Community Council meetings and answer any questions about the issue; and
- To remain in the room during any debate/vote on the issue.

The dispensation does not extend to voting in any circumstances where this prejudicial interest applies.

As regards the third application, made by Councillor Howard Mattocks, the Panel decided to grant an unlimited dispensation on the following terms:

- To write to officers [and/or the Committee/Community Council] about the matter;
- To speak to officers of the Community Council about the matter;
- To speak at Committee meetings/Community Council meetings and answer any questions about the issue;
- To remain in the room during any debate/vote on the issue; and
- To vote.

The grounds on which the dispensation was granted were that:-

- (d) the nature of the interest is such that participation in the business to which the interest relates would not damage public confidence;
- (e) the interest is common to the Councillor and a significant proportion of the general public; and

(f) participation is justified by the Councillor's particular role or expertise.

The dispensation (if it remains relevant) will in any event expire on the expiry of each Councillor's respective current term on Beaumaris Town Council.

The reason for the difference between the Dispensations granted to the Councillors was based on the fact that Councillors Jason Zalot and Stan Zalot's personal and prejudicial interests included a financial / commercial element. Councillor Mattock's personal and prejudicial interest was a well-being matter and not due to commerce.

4. GUIDANCE NOTE

A Guidance note has been produced for use by members of the Standards Committee when sitting on a Panel considering an application for dispensation. The same is reproduced at **Enclosure 3**. The intention is to ensure that all members follow the same procedure and considerations when determining applications for dispensations which will ensure that a fair and consistent approach is taken. The Committee is asked to consider the contents of **Enclosure 3** and confirm it is adopted as drafted.

So that Members understand the procedure followed by the Standards Committee Panel that will consider her/his application for dispensation, it is suggested that the Chair of the Standards Committee presents the document at a meeting of the Group Leaders.

5. RECOMMENDATION

1. For the Committee to note the dispensations granted and the grounds and circumstances in which they were granted.
2. For the members of the Panel only (Michael Wilson, Islwyn Jones and Keith Roberts) to ratify/amend the draft minutes at **Enclosure 2**.
3. For the Guidance Note at **Enclosure 3** to be adopted by the Standards Committee.
4. For the Chair of the Standards Committee to present the Guidance Note at **Enclosure 3** to a meeting of the Group Leaders.



**CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL**

Dr Gwynne Jones.
Prif Weithredwr – Chief Executive
CYNGOR SIR YNYS MÔN
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RHYBUDD O GYFARFOD		NOTICE OF MEETING
PANEL CANIATÂD ARBENNIG (O'R PWYLLGOR SAFONAU)		DISPENSATION PANEL (OF THE STANDARDS COMMITTEE)
DYDD GWENER, 29 MEHEFIN 2018 am 2.00 o'r gloch		FRIDAY, 29 JUNE, 2018 at 2.00 pm
YSTAFELL BWYLLGOR 1 SWYDDFEYDD Y CYNGOR LLANGEFNI		COMMITTEE ROOM 1 COUNCIL OFFICES LLANGEFNI
Swyddog Pwyllgor	Mrs Shirley Cooke 01248 752514	Committee Officer

Aelodau Annibynnol / Independent Members

Mr. Islwyn Jones (Is-gadeirydd/Vice-chair)
Mr. Michael Wilson (Cadeirydd/Chair)

Yn cynrychioli'r Cynghorau Tref/Cymuned / Representing the Town/Community Councils

Mr. Keith Roberts

A G E N D A

1 DECLARATION OF INTEREST

To receive any declaration of interest from a Member or Officer regarding any item of business.

2 APPLICATION FOR DISPENSATION (Pages 1 - 44)

To consider an application for dispensation.

ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	STANDARDS COMMITTEE (DISPENSATION PANEL)
DATE:	29 JUNE 2018
TITLE OF REPORT:	TO CONSIDER 3 APPLICATIONS FOR DISPENSATION
PURPOSE OF THE REPORT:	TO DETERMINE APPLICATIONS FOR DISPENSATION BY MEMBERS OF THE BEAUMARIS TOWN COUNCIL AND THE TERMS OF ANY DISPENSATION GRANTED
REPORT BY:	Mared Wyn Yaxley SOLICITOR (CORPORATE GOVERNANCE) mwy@ynysmon.gov.uk / 01248 752566

DOCUMENTS ENCLOSED

1. The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001
2. Section 4 of The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016
3. Code of Conduct for Members of Beaumaris Town Council
4. Briefing Note provided by the Standards Committee to the Town and Community Councils on Dispensations together with Application and Decision Forms
5. Letter from the Clerk of Beaumaris Town Council dated 27th June 2018
6. Application by Councillor Jason Zalot
7. Application by Councillor Stan Zalot
8. Application by Councillor Howard Mattocks

1. LEGAL BACKGROUND

Pursuant to the Beaumaris Town Council's Code of Conduct (**Enclosure 3**), those with personal and prejudicial interests are precluded from participating in that Town Council business.

The list of personal interests is to be found in paragraph 10 of the Code. The definition of a prejudicial interest is 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 County Council's Standards Committee.

Dispensations may only be granted in specified circumstances. The circumstances are listed in Section 2 of **Enclosure 1**, and have been amended in accordance with **Enclosure 2**. The Briefing Note and the reverse of the Application Form in **Enclosure 4** details these circumstances too.

2. FACTUAL BACKGROUND

The Panel is referred to the introduction contained in **Enclosure 5**. The Clerk of Beaumaris Town Council will be present at the outset of the Hearings to explain the issue under consideration, and to answer any questions.

Two of the three applicants will also be in attendance at the Hearing.

3. THE APPLICATIONS

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, in public.

The three applications received are attached at **Enclosures 6 to 8**, and these identify the business in which each applicant wishes to participate, the type of dispensation sought and the statutory ground under which the dispensation is sought. As each application is based on its own facts, each should be considered individually.

4. CONSIDERATION OF THE PANEL

It is suggested that each application be disposed of individually, rather than collectively, given that the circumstances are slightly different in each case.

The Panel may retire to private session, after hearing any application, and return to public session to announce its decision.

In any case where the Panel decides to grant a dispensation, then consideration should also be given to imposing any constraints e.g. limiting any dispensation specifically to those interests identified in the applications, and whether for the purpose of this single consultation, or to extend it to any other matters arising from this issue in the future. The Panel is referred to the 'Decision Form' included in **Enclosure 4** which includes the considerations when granting a dispensation for each applicant.

5. RECOMMENDATIONS

To consider the merits of each application and

- (A) determine whether or not to grant a dispensation in each case; and,
- (B) if granting a dispensation, to consider:-
 - (i) on what ground or grounds the dispensation is granted; and
 - (ii) whether there are any limitations (e.g. to speak but not to vote, or any time limit) to be imposed.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

WELSH STATUTORY INSTRUMENTS

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(1).

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.

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;

(1) 2000 c. 22.

- (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.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2).

21st June 2001

D. Elis-Thomas
The Presiding Officer of the National Assembly

(2) 1998 c. 38.

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.

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.

WELSH STATUTORY INSTRUMENTS

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-bwyllgor cymunedol*”) means a sub-committee appointed by a standards committee of a local authority under section 56 of the Act;”;

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

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

““standards committee” (“*pwyllogor 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.

⁽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.”

(v. 01.04.2016)

Local Government Act 2000	Deddf Llywodraeth Leol 2000
Model Code of Conduct for Members and Co-opted Members with voting rights	Cod Ymddygiad Enghreifftiol ar gyfer Aelodau ac Aelodau Cyfetholedig â hawliau pleidleisio
<p>The attached Annex sets out the text (in English and Welsh) of the Model Code of Conduct prescribed by the Local Authorities (Model Code of Conduct) (Wales) Order 2008, as amended by the following statutory instruments:</p> <ul style="list-style-type: none"> Co-operative and Community Benefit Societies and Credit Unions Act 2010 (Consequential Amendments) Regulations 2014 – (No. 2014/1815) (“the 2014 Regulations”) – effective from 1 August 2014. Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2008 (No. 2016/84) – effective from 1 April 2016. <p>This document has been produced for the benefit of relevant authorities to whom the Model Code applies, but it does not itself have any legal standing. It is believed to be a true and accurate representation of the law as at 1 April 2016, but no assurance is given in this regard and authorities should take their own legal advice on matters relating to the Code.</p> <p>Please note the 2014 Regulations were made by the UK Government. They amend the Model Code to insert a definition of a ‘registered society’. It appears that the Welsh language version of the Model Code was not amended at the same time. The Welsh Government is in discussion with the UK Government about this with a view to the Welsh language version being amended as soon as practicable.</p> <p>In the interim, the Welsh Government does not believe this anomaly has a material bearing on the operation of the Model Code.</p>	<p>Mae'r Atodiad amgaeedig yn nodi testun (yn Gymraeg a Saesneg) y Cod Ymddygiad Enghreifftiol a bennir gan Orchymyn Awdurdodau Lleol (Cod Ymddygiad Enghreifftiol) (Cymru) 2008, fel y'i diwygiwyd gan yr offerynnau statudol canlynol:</p> <ul style="list-style-type: none"> Rheoliadau Deddf Cwmnïau Cydweithredol a Chymdeithasau Budd Cymunedol ac Undebau Credyd 2010 (Diwygiadau Canlyniadol) 2014 - (Rhif 2014/1815) (“Rheoliadau 2014”) - yn dod i rym ar 1 Awst 2014. Gorchymyn Awdurdodau Lleol (Cod Ymddygiad Enghreifftiol) (Cymru) (Diwygio) 2008 (Rhif 2016/84) – yn dod i rym ar 1 Ebrill 2016. <p>Cynhyrchwyd y ddogfen hon er budd awdurdodau perthnasol y mae'r Cod Enghreifftiol yn gymwys iddynt, ond nid oes ganddi unrhyw statws cyfreithiol. Credir ei bod yn cynrychioli'r gyfraith ar 1 Ebrill 2016 yn wir ac yn gywir, ond ni roddir unrhyw sicrwydd yn hyn o beth, a dylai'r awdurdodau geisio eu cyngor cyfreithiol eu hunain ar faterion sy'n ymwneud â'r Cod.</p> <p>Sylwer: Gwnaed Rheoliadau 2014 gan Lywodraeth y DU. Maent yn diwygio'r Cod Enghreifftiol drwy fewnosodi diffiniad o ‘cymdeithas gofrestredig’. Mae'n ymddangos na ddiwygiwyd fersiwn Gymraeg y Cod Enghreifftiol ar yr un pryd. Mae Llywodraeth Cymru wrthi'n trafod hyn â Llywodraeth y DU gyda'r bwriad o ddiwygio'r fersiwn Gymraeg cyn gynted ag y bo'n ymarferol.</p> <p>Yn y cyfamser, nid yw Llywodraeth Cymru yn credu bod yr anghysondeb hwn yn effeithio'n ymarferol ar weithredu'r Cod Enghreifftiol.</p>

THE MODEL CODE OF CONDUCT

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 sub-committee of the authority, or

(b) is a member of, and represents the authority on, any joint committee or joint sub-committee 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, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee 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,

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 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.

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 subparagraph (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,

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,

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, or in relation to a community council, your authority's proper 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 sub-committee 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, sub-committees, 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, sub-committee, joint-committee or joint sub-committee 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, or in the case of a community council to your authority's proper officer.

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

(5) Sub-paragraphs (1) and (2) do 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, or in the case of a community council to your authority's proper 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, or in relation to a community council, your authority's proper 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, or in relation to a community council, to your authority's proper officer of the existence and nature of that gift, hospitality, material benefit or advantage.

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 (infirmary) 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.

THE ISLE OF ANGLESEY COUNTY COUNCIL

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

Name of Applicant:	
Contact details:	
Name of Town / Community Council:	
Details of the prejudicial interest* in respect of which the Dispensation is sought:	
Business in which the applicant wishes to participate:	
Type of Dispensation sought (tick as necessary and insert any required information):	<ul style="list-style-type: none"><input type="checkbox"/> write to officers [and/or the Committee/Community Council] about the matter;<input type="checkbox"/> speak to officers of the Community Council about the matter [with/without conditions [INSERT]]<input type="checkbox"/> speak at Committee meetings/Community Council meetings and answer any questions about the issue;<input type="checkbox"/> remain in the room during any debate/vote on the issue;<input type="checkbox"/> vote;<input type="checkbox"/> other
Statutory Ground/s under which Dispensation is requested (See overleaf for possible grounds available):	
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 Councillor's ability to act in the public interest

Circumstances in which the Standards Committee may grant a dispensation to a Community Councillor

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) no fewer than half of the Councillors (Community Council/Committee) by which the business is to be considered has an interest which relates to that business;
- (b) NOT RELEVANT TO COMMUNITY COUNCILS
- (c) an inability to participate would upset political balance to such an extent that the outcome would likely be affected;
- (d) the nature of the interest is such that participation in the business to which the interest relates would not damage public confidence;
- (e) the interest is common to the Councillor and a significant proportion of the general public;
- (f) participation is justified by the Councillor's particular role or expertise;
- (g) NOT RELEVANT TO COMMUNITY COUNCILS
- (h) the business relates to the finances or property of a voluntary organisation of whose management committee or board the Councillor is a member otherwise than as a representative of the Community Council and the Councillor has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business;
- (i) it appears to the Standards Committee to be in the interests of the inhabitants of the area of the Community Council that the disability should be removed, provided that written notification of the grant of the dispensation is given to the Welsh Ministers within 7 days. Such a notification should specify the Councillor to whom the dispensation would apply and the Standards Committee's reasons why the disability should be removed;
- (j) it appears to the Standards Committee to be otherwise appropriate to grant the dispensation, as a practical solution to the disability (infirmity) of the Councillor which otherwise would make it difficult for them to leave a room/chamber when a matter in which they have a prejudicial interest is being discussed.

THE ISLE OF ANGLESEY COUNTY COUNCIL
DECISION OF THE STANDARDS COMMITTEE
IN RELATION TO AN APPLICATION FOR DISPENSATION
BY A TOWN OR COMMUNITY COUNCILLOR

Decision of the Standards Committee:	
Date decision made by the Standards Committee:	
Name of persons to be notified of the Standards Committee's decision:	<input type="radio"/> Clerk of the Town/Community Council <input type="radio"/> Applicant <input type="radio"/> Others: _____ _____
Date the dispensation expires:	

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 Committee/Community Council] about the matter;
- ☐ speak to officers of the Community Council about the matter [with/without conditions [INSERT]];
- ☐ speak at Committee meetings/Community Council meetings and answer any questions about the issue;
- ☐ remain in the room during any debate/vote on the issue;
- ☐ vote;
- ☐ other

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

Before the Councillor speaks with or writes to officers of the Community Council, or speaks at Committee/Community 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 a written notification to the clerk setting out the interest and the dispensation.

By authority of the Isle of Anglesey Standards Committee
 Dated: _____

CYNGOR TREF BEAUMARIS TOWN COUNCIL



TOWN HALL/NEUADD Y DREF, CASTLE STREET/STRYD Y CASTELL, BEAUMARIS, ANGLESEY/YNYS MON LL58 8AP
TEL/FFON : 01248 810317 e-mail/e-bost: beaumaristowncouncil@tiscali.co.uk
TOWN CLERK/CLERC Y DREF: PROFESSOR T W ASHENDEN JP, BSc(Hons), PhD

Our Ref: TWA/JAW/8196

27 June 2018

The Chairman of the Standards Committee
Anglesey County Council
County Offices
Llangeferni
Anglesey
LL77 7TW

Dear Sir

Application to Standards Committee for Dispensation

Beaumaris Town Council wishes to apply to the Standards Committee for several members who wish to have dispensations to participate in Council business in relation to the renewal of the Menai Strait East Fishery Order.

The Menai Strait Fishery Order Management Association are applying for renewal of the Fisheries Order. They have given assurance that it will not impact upon sailing, walking on the foreshore and angling in the area. However, there has been local concern over a period of years that the inclusion of Beaumaris Bay in the Fisheries Order threatens the continued existence of the deep moorings that are vital to many activities. Loss of, or a reduction in the area of deep water moorings would impact upon activities in the bay, not only by local users but also visitors, and thereby affect the local economy.

Four Councillors have a declarable interest in relation to the renewal of the Fishery Order:

Councillor D W Gallichan	Application not being submitted because he cannot attend the panel meeting
Councillor H Mattocks	Owner of deep water moorings
Councillor J P Zalot	Owner of deep water moorings
Councillor S Zalot	Owner of deep water moorings

Under the provisions of the Standards Committee (Grant of Dispensation)(Wales) Regulations 2001, we wish to apply on the following grounds:

- 1 Granting dispensation would not damage public confidence (2d) because the residents of the town would expect all Councillors to participate in discussing about the moorings in Beaumaris Bay that could potentially have a large impact on the town

.....continued



continued.....

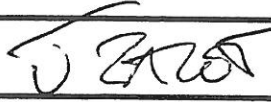
- 2 The interest declared (ownership of moorings) is common to many people in the town (2e)
- 3 The participation of the members in the business to which the interest relates is justified by their specialised knowledge and expertise (2f). This will be invaluable in discussing and drafting Council's response to the Consultation.

Yours sincerely

A handwritten signature in black ink, appearing to read 'T Ashenden', with a long horizontal stroke extending to the right.

Professor T W Ashenden
Town Clerk

THE ISLE OF ANGLESEY COUNTY COUNCILAPPLICATION FOR DISPENSATION TO THE STANDARDS COMMITTEE
BY A TOWN OR COMMUNITY COUNCILLOR

Name of Applicant:	JASON ZALOT
Contact details:	0773 420 5592
Name of Town / Community Council:	BEAUMARIS
Details of the prejudicial interest* in respect of which the Dispensation is sought:	I own a mooring by BEAUMARIS Pier. IT IS NOT A DEEPWATER mooring.
Business in which the applicant wishes to participate:	DISCUSSIONS REGARDING THE RENEWAL OF THE PENAL STRAIT FISHERY ORDER
Type of Dispensation sought (tick as necessary and insert any required information):	<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="radio"/> speak at Committee meetings/Community Council meetings and answer any questions about the issue; <input checked="" type="radio"/> remain in the room during any debate/vote on the issue; <input checked="" type="radio"/> vote; <input type="radio"/> other
Statutory Ground/s under which Dispensation is requested (See overleaf for possible grounds available):	MARINE EXPERTISE ITEMS D, E, F AS DEFINED OVERLEAF
Date by which a decision is required:	2 JULY 2018
Signed: 	Date: 26/6/18


* 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

Circumstances in which the Standards Committee may grant a dispensation to a Community Councillor

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) no fewer than half of the Councillors (Community Council/Committee) by which the business is to be considered has an interest which relates to that business;
- (b) NOT RELEVANT TO COMMUNITY COUNCILS
- (c) an inability to participate would upset political balance to such an extent that the outcome would likely be affected;
- (d) the nature of the interest is such that participation in the business to which the interest relates would not damage public confidence;
- (e) the interest is common to the Councillor and a significant proportion of the general public;
- (f) participation is justified by the Councillor's particular role or expertise;
- (g) NOT RELEVANT TO COMMUNITY COUNCILS
- (h) the business relates to the finances or property of a voluntary organisation of whose management committee or board the Councillor is a member otherwise than as a representative of the Community Council and the Councillor has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business;
- (i) it appears to the Standards Committee to be in the interests of the inhabitants of the area of the Community Council that the disability should be removed, provided that written notification of the grant of the dispensation is given to the Welsh Ministers within 7 days. Such a notification should specify the Councillor to whom the dispensation would apply and the Standards Committee's reasons why the disability should be removed;
- (j) it appears to the Standards Committee to be otherwise appropriate to grant the dispensation, as a practical solution to the disability (infirmity) of the Councillor which otherwise would make it difficult for them to leave a room/chamber when a matter in which they have a prejudicial interest is being discussed.

THE ISLE OF ANGLESEY COUNTY COUNCILAPPLICATION FOR DISPENSATION TO THE STANDARDS COMMITTEE
BY A TOWN OR COMMUNITY COUNCILLOR

Name of Applicant:	GIAN ZALOT	
Contact details:	01248 810251	
Name of Town / Community Council:	BEAUMARIS.	
Details of the prejudicial interest* in respect of which the Dispensation is sought:	MOORING HOODER WITHIN THE MUSSEL FISHERY	
Business in which the applicant wishes to participate:	DISCUSSIONS REGARDING THE NEW FISHERY ORDER	
Type of Dispensation sought (tick as necessary and insert any required information):	<input type="radio"/> write to officers [and/or the Committee/Community Council] about the matter; <input checked="" type="radio"/> speak to officers of the Community Council about the matter [with/without conditions [INSERT]] <input checked="" type="radio"/> speak at Committee meetings/Community Council meetings and answer any questions about the issue; <input checked="" type="radio"/> remain in the room during any debate/vote on the issue; <input checked="" type="radio"/> vote; <input type="radio"/> other	
Statutory Ground/s under which Dispensation is requested (See overleaf for possible grounds available):	MARINE EXPERTISE AND NOT DAMAGE PUBLIC E F as per Definitions	
Date by which a decision is required:	2nd July.	
Signed: 	Date: 26 th JUNE 018	

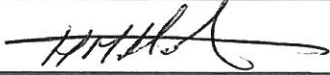
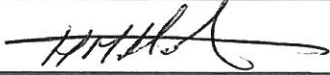
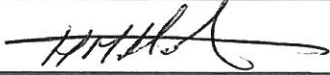
* Prejudicial Interests – These are personal interests which an objective observer would consider so significant that they are likely to compromise a Councillor's ability to act in the public interest

Circumstances in which the Standards Committee may grant a dispensation to a Community Councillor

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) no fewer than half of the Councillors (Community Council/Committee) by which the business is to be considered has an interest which relates to that business;
- (b) NOT RELEVANT TO COMMUNITY COUNCILS
- (c) an inability to participate would upset political balance to such an extent that the outcome would likely be affected;
- (d) the nature of the interest is such that participation in the business to which the interest relates would not damage public confidence;
- (e) the interest is common to the Councillor and a significant proportion of the general public;
- (f) participation is justified by the Councillor's particular role or expertise;
- (g) NOT RELEVANT TO COMMUNITY COUNCILS
- (h) the business relates to the finances or property of a voluntary organisation of whose management committee or board the Councillor is a member otherwise than as a representative of the Community Council and the Councillor has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business;
- (i) it appears to the Standards Committee to be in the interests of the inhabitants of the area of the Community Council that the disability should be removed, provided that written notification of the grant of the dispensation is given to the Welsh Ministers within 7 days. Such a notification should specify the Councillor to whom the dispensation would apply and the Standards Committee's reasons why the disability should be removed;
- (j) it appears to the Standards Committee to be otherwise appropriate to grant the dispensation, as a practical solution to the disability (infirmity) of the Councillor which otherwise would make it difficult for them to leave a room/chamber when a matter in which they have a prejudicial interest is being discussed.

THE ISLE OF ANGLESEY COUNTY COUNCILAPPLICATION FOR DISPENSATION TO THE STANDARDS COMMITTEE
BY A TOWN OR COMMUNITY COUNCILLOR

Name of Applicant:	HOWARD MATTOCKS		
Contact details:	07971 131088		
Name of Town / Community Council:	BEAUMARIS TOWN COUNCIL		
Details of the prejudicial interest* in respect of which the Dispensation is sought:	MOORING HOLDINGS WITHIN FISHERY AREA		
Business in which the applicant wishes to participate:	DISCUSSIONS REGARDING RENEWAL OF BEAUMARIS FISHERY ORDER.		
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="radio"/> speak at Committee meetings/Community Council meetings and answer any questions about the issue; <input checked="" type="radio"/> remain in the room during any debate/vote on the issue; <input checked="" type="radio"/> vote; <input type="radio"/> other 		
Statutory Ground/s under which Dispensation is requested (See overleaf for possible grounds available):	MARINE EXPLOSIVE ITEM (D) (E) (F) AS PER DEFINED OVERLEAF		
Date by which a decision is required:	2/07/2018		
<table border="1" style="width: 100%;"> <tr> <td style="width: 60%;">Signed: </td> <td style="width: 40%;">Date: 26/06/18</td> </tr> </table>		Signed: 	Date: 26/06/18
Signed: 	Date: 26/06/18		

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- (c) an inability to participate would upset political balance to such an extent that the outcome would likely be affected;
- (d) the nature of the interest is such that participation in the business to which the interest relates would not damage public confidence;
- (e) the interest is common to the Councillor and a significant proportion of the general public;
- (f) participation is justified by the Councillor's particular role or expertise;
- (g) NOT RELEVANT TO COMMUNITY COUNCILS
- (h) the business relates to the finances or property of a voluntary organisation of whose management committee or board the Councillor is a member otherwise than as a representative of the Community Council and the Councillor has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business;
- (i) it appears to the Standards Committee to be in the interests of the inhabitants of the area of the Community Council that the disability should be removed, provided that written notification of the grant of the dispensation is given to the Welsh Ministers within 7 days. Such a notification should specify the Councillor to whom the dispensation would apply and the Standards Committee's reasons why the disability should be removed;
- (j) it appears to the Standards Committee to be otherwise appropriate to grant the dispensation, as a practical solution to the disability (infirmity) of the Councillor which otherwise would make it difficult for them to leave a room/chamber when a matter in which they have a prejudicial interest is being discussed.

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DISPENSATION PANEL OF THE STANDARDS COMMITTEE

Minutes of the meeting held on 29th June, 2018

PRESENT: Independent Members

Mr Michael Wilson (Chair)
Mr Islwyn Jones (Vice-Chair)

Representing Town/Community Councils

Mr Keith Roberts

IN ATTENDANCE: Head of Function (Council Business)/Monitoring Officer
Solicitor (Corporate Governance) (MY)
Committee Officer (SC)

ALSO PRESENT: Professor Trevor Ashenden (Clerk of Beaumaris Town Council,
and also representing Councillor Stan Zalot (Beaumaris Town
Council)
Councillor Howard Mattocks (Beaumaris Town Council)
Councillor Jason Zalot (Beaumaris Town Council, Mayor of
Beaumaris)

APOLOGIES: None

1 DECLARATION OF INTEREST

None received.

2 APPLICATION FOR DISPENSATION

Applications for dispensations to participate in Council business were submitted by Councillors Jason Zalot, Stan Zalot and Howard Mattocks, members of the Beaumaris Town Council, on matters relating to the renewal of the Menai Strait East Fishery Order. The applicants have requested that the Standards Committee considers granting dispensations in relation to prejudicial interests, as outlined in each application.

The Chair welcomed Professor Ashenden, the Beaumaris Town Clerk and Councillors Zalot and Mattocks to the meeting. He reported that each application for dispensation would be considered separately on its own merits, due to slight differences in each case.

Professor Ashenden gave a summary of the background to the applications. He reported that the Menai Strait East Fishery Order Management Association are applying for the renewal of the Fishery Order, which permits mussel farming and

dredging along the Menai Straits in an area which includes Beaumaris Bay and close to the town.

Professor Ashenden reported that the Management Association has given assurance that the renewal of the Fishery Order will not impact upon sailing, walking on the foreshore or angling in the area. However, there has been local concern over a number of years that the inclusion of Beaumaris Bay in the Order threatens the continued existence of the deep water moorings that are vital to many activities. The loss of, or a reduction in the area of deep water moorings would have a major negative impact upon the economy of the town and its residents, as well as activities in the bay.

It was noted that the Management Association has confirmed that it does not intend to dredge moorings or use the bay area. However, the Fishery Order, presently in its consultation stage, and due for renewal in 2022, does give the Association control of the area. Previously, an application was submitted to the Welsh Government Minister to exclude this part of the bay and the area close to the town in the Order, as there are moorings sited off the end of the pier. Subsequently, this application was refused.

Several members of the Beaumaris Town Council have a specialised interest in the use of the bay with regard to moorings, fishing, pleasure cruise trips, and enjoyment of the locality.

The Panel noted that only Councillor Stan Zalot has applied to speak to officers of the Community Council, and no Councillors have sought a dispensation to write to officers. As the consultation period for the Fishery Order will be ongoing until 2022, Councillors Jason Zalot and Howard Mattocks were afforded an opportunity by the Panel to include "to write and speak to officers of the Community Council" in their applications for dispensation, to which they agreed. Councillor Stan Zalot's application was amended to include 'to write to officers'.

The Chair asked Councillor Jason Zalot to present his application for dispensation.

Councillor Zalot reported that he has worked on boats in Beaumaris operating pleasure cruises and fishing trips off the pier for many years, and previously ran a mooring business. He stated that he now manages a rib business from the pier, ferrying visitors along the Menai Straits to Puffin Island. It was noted that there could be an impact on Councillor Zalot's rib business if the bay area was to be included in the Fishery Order, as one of his ribs operates from the pier in summer.

Councillor Zalot reported that he owns a sailing boat, which is moored above the low water mark in Beaumaris Bay, and is not currently affected by the Fishery Order. Councillor Zalot is also a member of the Royal Anglesey Yacht Club in Beaumaris.

Councillor Zalot reported that he has a wealth of experience of working with moorings in Beaumaris Bay and the Menai Straits. He referred to the mussel industry, and how he has seen the industry grow, along with the benefits it has brought to the locality and the environment. He stated that he has specialised

knowledge and expertise to discuss fishery matters with experts, and knows how the Management Association is operating, which will prove invaluable in discussing and drafting the Council's response to the Consultation.

The Panel questioned Councillor Zalot on how changes to the Fishery Order would affect his business and the community in Beaumaris?

Councillor Zalot responded that if the moorings were to be removed from Beaumaris, his business would not be impacted greatly, only inconvenienced, as he would use moorings that he has in other locations. With regard to the local community, he stated that it would have a massive impact on the town, as the Royal Anglesey Yacht Club is reliant upon deep water moorings.

The Panel questioned whether businesses within the town of Beaumaris who might rely on the fishing industry would suffer if the terms of the Order were changed. It was noted that as Beaumaris focuses on tourism, it would have a serious impact on local businesses.

Councillor Zalot reported that the loss of the passenger cruises and boat trips would have a major impact on the town, as 60,000-70,000 visitors are ferried on boats from the pier every year, employing 20-25 people. Councillor Zalot stated that the business in which he is a stakeholder employs 9-10 people.

It was noted that there would also be a detrimental visual impact on the town if there were no boats in the bay, and sandbanks were removed.

Reference was made to the terms of the licence, which currently permits extensive fisheries rights. Professor Ashenden reported that the original Fishery Order states that the area covers 1,928 acres due east of the green in Beaumaris and Menai Straits. It was noted that the Order was amended in 1962, and the mussel and oyster fisheries area was reduced. Professor Ashenden reported that the Town Council now want the Management Association's goodwill to be set in stone, and the Town Council will seek a resolution for the Fishery Order to be restricted to exclude the area where the moorings are sited, and the bay area.

Members of the Town Council left the room, whilst members of the Panel deliberated in private session.

Having withdrawn from private session, the Chair informed the Town Councillors that the Panel would announce its decision in relation to each application at the end of the meeting.

The Committee went on to consider the application of Councillor Stan Zalot, who was not present at the meeting, but was represented by Professor Ashenden. Professor Ashenden reported that Councillor Zalot has considerable experience of working on the Menai Straits, operating pleasure cruises and fishing trips from the pier in Beaumaris. It was noted that Councillor Zalot is fully aware of local opinion, and is very much involved in local issues and maintains contact with the residents of the town.

Professor Ashenden reported that the Fishery Order covers an area from Blundell Sands to Flagstaff. He stated that although the Management Association is not currently using the area, the Fishery Order can potentially expand into the bay. Local people have showed concern regarding the potential impact on tourism, the local economy, the effect on holiday homes, and the Royal Anglesey Yacht Club, should the Association's goodwill gesture be withdrawn.

Members of the Town Council left the room whilst members of the Panel deliberated in private session.

Having withdrawn from private session, the Committee continued to consider the application of Councillor Howard Mattocks, who was afforded an opportunity to address the Panel and give his reasons for applying for a dispensation.

Councillor Mattocks reported that he has sailed the Menai Straits for sixty years, and has considerable experience of the area. He stated that his reason for applying for a dispensation, is that he has two deep water moorings in the bay, for which he declares an interest. He further stated that he has a wealth of experience to offer the Town Council, but he is also worried about the impact the Order could have on the whole town. It was noted that should the Fishery Association take up the area, it would have a devastating effect on the Royal Anglesey Yacht Club. Councillor Mattocks is a former Commodore of the Yacht Club.

The Panel noted that Councillor Mattocks's application has no commercial interest, it is a wellbeing interest only.

The Panel questioned whether Councillor Mattocks had an alternative plan should the Fishery Order include moorings. Councillor Mattocks responded that he had no plans in place to move his yacht to a different location, but noted that it would have a catastrophic impact locally on the area where the Royal Anglesey Yacht Club is sited.

The Panel noted that Councillor Mattocks's interests relate to the Sailing Club as well as the Town Council. Councillor Mattocks reported that most of the deep water moorings in the bay are taken up by members of the sailing Club, who have a membership of 400. Approximately 200 deep water moorings are sited within the area, and 90% of these are taken up locally in the community. One third of the Yacht Club members are not local to Beaumaris, but are linked by the impact the Fishery Order could have on the local community.

Members of the Panel deliberated in private session. Following discussion, the Chair announced that the Standards Committee had **RESOLVED to grant a dispensation to the Councillors in respect of those interests referred to in their applications, as follows:-**

The dispensation granted to Councillor Jason Zalot and Councillor Stan Zalot permits the Councillors to:-

- **write to officers [and/or the Committee/Town Council] about the matter;**
- **speak to officers of the Town Council about the matter;**

- speak at Committee meetings/Town Council meetings and answer any questions about the issue;
- remain in the room during any debate;
- they were not granted a dispensation to vote.

The dispensation granted to Councillor Howard Mattocks permits the Councillor to:-

- write to officers [and/or the Committee/Town Council] about the matter;
- speak to officers of the Town Council about the matter;
- speak at Committee meetings/Town Council meetings and
- answer any questions about the issue;
- remain in the room during any debate/vote on the issue;
- vote.

The dispensations have been granted on the following grounds:-

- the nature of the interests are such that participation in the business to which the interests relates would not damage public confidence;
- the interests are common to the Councillors and a significant proportion of the general public;
- participation is justified by the Councillors' particular roles or expertise.

The dispensation shall run for the duration of the term of the Town Council, or until the Fishery Order is renewed in 2022.

The Chair requested that the three Councillors, all of whom have a prejudicial interest, must state clearly that they have been granted a dispensation to speak at Town Council meetings on this subject between now and 2022.

The Committee wishes for it to be noted that the right to vote was denied to Councillors Jason Zalot and Stan Zalot owing to the financial nature of their interests.

Action:

- The Monitoring Officer to write to Councillors Jason Zalot, Stan Zalot and Howard Mattocks confirming that the Panel have granted dispensations in relation to prejudicial interests, for the reasons noted and subject to the terms and conditions outlined above.
- The Monitoring Officer to write to the Clerk of Beaumaris Town Council confirming the above.

The meeting concluded at 3.45 pm

**MR MICHAEL WILSON
CHAIR**

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.).