



To: Chair and Members of
Standards Committee

Date: 27 February 2012

Direct 01824 706204
Dial:

e-mail: dcc_adminindenbighshire.gov.com.uk

Dear Member of the Committee,

You are invited to attend a special meeting of the **STANDARDS COMMITTEE** to be held at **10.00 am** on **TUESDAY, 6 MARCH 2012** in **THE COUNCIL CHAMBER, NANT HALL ROAD, PRESTATYN.**

Yours sincerely

G. Williams
Head of Legal and Democratic Services

AGENDA

PART 1: THE PRESS AND PUBLIC ARE INVITED TO ATTEND THIS PART OF THE MEETING

1 APOLOGIES

2 DECLARATION OF INTERESTS

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

3 URGENT MATTERS AS AGREED BY THE CHAIR

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

4 DISPENSATION (Pages 1 - 4)

To consider a report by the Monitoring Officer (copy to follow) relating to a request for a dispensation by the Standards Committee to allow Prestatyn Town Councillors J. Davies and S. Edwards to participate in a discussion by the Town Council of funding for an organisation "Pop In" of which they are trustees.

MEMBERSHIP

Independent Members:

Mr Clive B Halliday (Chair), Ms Margaret Medley, Mrs Paula White and Mr Geraint F Roberts

Town/Community Council Member
Councillor David E Jones

County Councillors
Councillor George Green
Councillor Huw Jones

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Report To: Standards Committee

Date of Meeting: 6th March 2012

Report Author: Monitoring Officer

Title: Application for dispensation by members of Prestatyn Town Council

1 PURPOSE OF REPORT

- 1.1 To consider an application from members of Prestatyn Town Council to take part in business in which they may have an interest by virtue of their status as trustees of the Prestatyn and Meliden Community Action Group.

2 BACKGROUND

- 2.1 Paragraph 10(1) of the Members' Code of Conduct states that members of relevant authorities must in all matters consider whether they have a personal interest and whether the code of conduct requires them to disclose that interest. Paragraph 10(2) sets out a number of circumstances in which Members must regard themselves as having a personal interest in any business of the authority. Paragraph 10(ix)(bb) states that a member must disclose a personal interest where the business before the authority relates to a company, industrial and provident society, charity, or body directed to charitable purposes in which they have membership or hold a position of general control or management.
- 2.2 Paragraph 12(1) of the Code provides that a member who has a personal interest in any business of your authority will 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 their judgement of the public interest.
- 2.3 Paragraph 14(1) of the Code provides that where a Member has a prejudicial interest in any business of the authority then they must, unless they have obtained a dispensation from the Standards Committee, withdraw from the room where a meeting considering the business is being held.
- 2.4 Councillors James Davies and Sherry Edwards of Prestatyn Town Council seek a dispensation in respect of business to be considered by the Prestatyn Town Council relating to an application for funding made by the Prestatyn and Meliden Community Action Group to the Town Council.

- 2.5 Both Councillors are trustees of the Group which runs the “Pop In Centre” in Prestatyn. This centre provides services to young people. The application for funding is in the sum of £3,700.
- 2.6 The Standards Committee (Grant of Dispensation)(Wales) Regulations 2001 set out the circumstances in which a Standards Committee may grant a dispensation. Regulation 2 of the regulations which sets out the circumstances in which dispensations may be granted is attached to this report as Appendix 1.
- 2.7 It is understood that the paragraph of the regulation under which the Members seek a dispensation is paragraph 2(h) which states:
- “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.”
- 2.8 It is for the Standards Committee to determine whether a dispensation should be granted. In addition the Standards Committee may wish to consider whether the dispensation should be limited to a particular meeting, a specific time period or to be unlimited in time.

3 RECOMMENDATION

- 3.1 That the Standards Committee consider the grant of the dispensation to Councillor James Davies and Councillor Sherry Edwards of Prestatyn Town Council pursuant to Regulation 2(h) of the Standards Committee (Grant of Dispensation)(Wales) Regulations 2001. If the Committee are minded to grant a dispensation, then the terms of such dispensation shall be as follows:
- 3.1.1 The dispensation applies only to matters considered by Prestatyn Town Council in respect of the Pop In Centre run by the Prestatyn and Meliden Community Action Group at the meeting of Prestatyn Town Council on the 7th March 2012.
- 3.1.2 The Members who are the subject of the dispensation must still declare a personal interest at the meeting at which the matter is discussed. They may then participate in the meeting insofar as they are permitted to do so by this dispensation.

Status: Law In Force

Standards Committees (Grant of Dispensations) (Wales) Regulations 2001/2279

This version in force from: **July 28, 2001 to present**

(version 1 of 1)

2. Circumstances in which dispensations may be granted

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;

(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.

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