

Agenda Item 7

Report To: Standards Committee

Date of Meeting: 6th March 2015

Lead Member / Officer: Monitoring Officer

Report Author: Gary Williams, Monitoring Officer

Title: Application for dispensation by members of Rhyl Town Council

1. What is the report about?

1.1 The report is about an application from Rhyl Town Council for the grant of a dispensation for members of the Town Council.

2. What is the reason for making this report?

2.1 To allow the Committee to consider the application, determine whether or not to grant a dispensation, and, if the Committee is minded to grant the dispensation, the conditions to be attached to the dispensation.

3. What are the Recommendations?

3.1 That the Standards Committee consider the grant of dispensation to the Members of Rhyl Town Council as applied for in Appendix 1, pursuant to Regulation 2 (a), and (d) of the Standards Committees (Grant of Dispensations) (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 Rhyl Town Council relating to the Rhyl In Bloom Committee.

3.1.2 The Members must still declare a personal interest at the meeting(s) at which such items are discussed. They may then speak and vote in so far as they are permitted to do so by this dispensation

4. Report details.

4.1 An application has been received from Rhyl Town Council for a dispensation for the elected members of the Town Council in respect of matters relating to the Rhyl In Bloom Committee. A copy of the letter making the application from the Town Clerk is attached as Appendix 1 to this report.

4.2 The Town Council appoints one of its elected members to serve on the Committee, however a majority of the members of the Town Council are also

involved in the work of the organisation either by being on the Committee in their personal capacity or as members of the organisation.

- 4.3 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.
- 4.4 Paragraph 10(2)(viii) of the Code provides that a member has a personal interest in any business that relates to or is likely to affect any body to which they have been elected, appointed or nominated by their authority.
- 4.5 Paragraph 10(2)(ix) provides that a member has a personal interest in any business that relates to or is likely to affect any —
 - (aa) public authority or body exercising functions of a public nature;
 - (bb) company, industrial and provident society, charity, or body directed to charitable purposes;
 - (cc) body whose principal purposes include the influence of public opinion or policy;
 - (chch) trade union or professional association; or
 - (dd) private club, society or association operating within your authority's area, in which they have membership or hold a position of general control or management;
- 4.6 Paragraph 12(1) of the Code provides that a member who has a personal interest in any business of their 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.
- 4.7 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.
- 4.8 The Town Council has considerable involvement with the Committee, provides financial assistance to it and is likely to have greater involvement in the work of the Committee in the future for the reasons set out in the letter attached as Appendix 1.
- 4.9 Section 81(4) of the Local Government Act 2000 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 with a dispensation from the prohibition granted by the Authority's Standards Committee in accordance with the Regulations made under Sub-Section (5)".

4.10 Section 56 of the Local Government Act 2000 provides that the Standards Committee of the County Borough Council in Wales is to have the same functions in relation to the Community Councils within the County as it does in relation to the County Council and its Members. Accordingly, the Standards Committee has the power to grant dispensation to Members of Town, City and Community Councils within its area.

4.11 The relevant Regulations are the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001. These Regulations set out the circumstances in which the Standards Committee may grant dispensation. The most relevant circumstances to this request are set out in the following paragraphs of the Regulations:

Paragraph 2(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

Paragraph 2(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;

4.12 The application is for the dispensation to apply to all members of Rhyl Town Council and to remain in place until the next ordinary election of councillors to the Town Council in 2017.

4.13 It is for the Standards Committee to decide whether or not to grant the dispensation applied for. If the Standards Committee is minded to grant the dispensation, it must also determine the period for which the dispensation is to apply. This may be for the period applied for or such other period as the Standards Committee may determine.

5. How does the decision contribute to the Corporate Priorities?

5.1 The decision has no impact on the Corporate Priorities

6. What will it cost and how will it affect other services?

6.1 The decision will have no direct cost impact and will not affect other services.

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.

7.1 There is no requirement for an equality impact assessment.

8. What consultations have been carried out with Scrutiny and others?

8.1 There have been no consultations with Scrutiny or others.

9. Chief Finance Officer Statement

9.1 There are no financial implications arising from the decision.

10. What risks are there and is there anything we can do to reduce them?

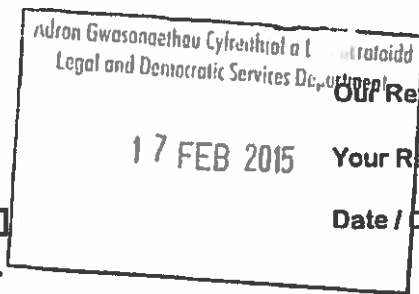
10.1 There are no risks to the County Council associated with this report.

11. Power to make the Decision

11.1 Standards Committees (Grant of Dispensations) (Wales) Regulations 2001



CYNGOR TREF Y
RHYL
TOWN COUNCIL



APPENDIX 1

Our Ref / Ein Cyf: C24/02/wil160215
Your Ref / Eich Cyf:
Date / Dyddiad: 16th February 2015

Town Mayor / Maer y Dref: Councillor / Cyngorydd D. Simmons

Town Clerk / Clerc y Dref: Mr Gareth Nickels

Mr Gary Williams
Monitoring Officer
Denbighshire County Council
County Hall
RUTHIN
Denbighshire
LL15 1YN

Dear Mr Williams

The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001

In accordance with paragraph 14.1 of the Town Council's adopted Code of Conduct I have been instructed by the Rhyll Town Council to request that the Standards Committee grant dispensation to all Members of the Council to participate (debate and voting) on matters relating to the Rhyll in Bloom Committee (RIB).

From your files you will note that in 2004 I was able to obtain similar collective dispensation for the then Town Councillors in respect of a number of organisations.

As background the RIB Committee constitution is a community organisation established with the primary objectives of:

- Co-ordinate activities for Rhyll's entry in the Wales in Bloom Competition
- Manage submission of entry in Wales in Bloom competition
- Lobby support from statutory authorities, other groups and individuals in the town and create opportunities for community involvement

I understand that the RIB Committee are seeking to expand its role to operate throughout the year to ensure the attractiveness of the town.

As a consequence of the recent budget decisions by our authorities the Town Council is significantly increasing its budget in respect of grounds maintenance and particularly floral displays.

It is unknown at this stage exactly how this budget will be utilised however it is likely that RIB will be asked to participate in service delivery in some format.

CIVIC OFFICES,
WELLINGTON COMMUNITY CENTRE,
WELLINGTON ROAD, RHYL, DENBIGHSHIRE,
LL18 1LE.

SWYDDFEYDD DINESIG,
CANOLFAN GYMUNED WELLINGTON,
FFORDD WELLINGTON, Y RHYL, SIR DDINBYCH,
LL18 1LE.

TEL / FFÔN: (01745) 331 114

E-MAIL / E-BOST: enquiries@rhylltowncouncil.gov.uk

WEBSITE / GWENFAN: rhyll-wales.co.uk/en/living/town-council

Page 31

Correspondence is welcome in either Welsh or English

Mae croeso i chi gysylltu â'r Cyngor yn Gymraeg neu yn Saesneg



The Town Council has appointed Councillor S.H. Ratcliffe as its formal representative to the organisation, but a majority of other members are also involved in both a formal and ad hoc basis (i.e. holding offices of the organisation or general membership or assisting during competition times with planting litter picking etc).

As such Members are requesting that the Standards Committee grant dispensation to all Members of the Town Council to participate in debate and voting on matters relating to grounds maintenance issues.

The number of Town Council Members involved and the level of actual involvement at any specific time varies and to avoid having to make numerous on going requests for dispensation, I am requesting that all Members of the Town Council be granted the dispensation until the next normal elections (to include any Members subsequently elected/co-opted to the Council in the interim period).

The application is being made in accordance with Section 2(a) and (d) of "The Standards Committee (Grant of Dispensations)(Wales) Regulations 2001" i.e.

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;

(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;

Yours sincerely



Town Clerk

CIVIC OFFICES,
WELLINGTON COMMUNITY CENTRE,
WELLINGTON ROAD, RHYL, DENBIGHSHIRE,
LL18 1LE.

SWYDDFEYDD DINESIG,
CANOLFAN GYMUNED WELLINGTON,
FFORDD WELLINGTON, Y RHYL, SIR DDINBYCH,
LL18 1LE.



TEL / FFÔN: (01745) 331 114
E-MAIL / E-BOST: enquiries@rhylltowncouncil.gov.uk
WEBSITE / GWENFAN: rhyl-wales.co.uk/en/living/town-council

Page 32

Correspondence is welcome in either Welsh or English
Mae croeso i chi gysylltu â'r Cyngor yn Gymraeg neu yn Saesneg