

Report To: Standards Committee

Date of Meeting: 10th March 2017

Lead Member / Officer: Gary Williams, Monitoring Officer

Report Author: Gary Williams, Monitoring Officer

Title: Application for Dispensation by Members of Bodelwyddan Town Council

1. What is the report about?

This report is about an application for a dispensation made by members of Bodelwyddan Town Council

2. What is the reason for making this report?

To enable the Committee to consider the background to the request for a dispensation and the relevant legal provisions before making a determination whether to grant the dispensation.

3. What are the Recommendations?

That the Committee considers the request for a dispensation and makes e determination whether to grant the dispensation and, if so, the terms upon which the dispensation is granted.

4. Report details

- 4.1** The Members' Code of Conduct provides that a member of a local authority who has a prejudicial interest in any matter must withdraw from the chamber during the discussion of that matter and take no part in the consideration of that matter, unless the member has been granted a dispensation by the Standards Committee for that authority.
- 4.2** s81(4) Local Government Act 2000 gives Standards Committees power to grant dispensations in accordance with regulations made by Welsh Ministers under s81(5) of that Act prescribing the circumstances in which they may do so.
- 4.3** The relevant regulations are the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 (the Regulations).
- 4.4** The Monitoring Officer has received a request for a dispensation from the Clerk to Bodelwyddan Town Council on behalf of the current members of Bodelwyddan Town Council in respect of their membership of a charitable association being created to run the Bodelwyddan Community Centre. This association, called the Friends of

Bodelwyddan, is being created as the previous organisation responsible for the day to day running of the Community Centre is being legally wound up. A copy of this request is attached as Appendix 1. The request is signed by all of the current members of the Town Council.

- 4.5** At the recent Local Government Elections, there were only four people nominated to the Town Council, which has a quorum of four. Each of those nominated was elected without a contest being held. Subsequent to the election, one of those nominated indicated that they would not be able to take up their role as a Councillor. The County Council was asked to exercise its power under s91 Local Government Act 1972 to appoint a member to the Council in order to make it quorate. The County Council appointed the local County Councillor, Councillor Richard Mainon, to the Council. There are therefore four Town Councillors. The request makes it clear that all four of the current members of the Town Council are to take an executive role within the Friends of Bodelwyddan.
- 4.6** The request explains that the Town Council will be required to consider requests from the Friends of Bodelwyddan for financial assistance and it is for this reason that the members of the Town Council seek a dispensation.
- 4.7** The Regulations set out the grounds upon which a Standards Committee may grant a dispensation. A copy of Regulation 2 of the Regulations is set out as Appendix 2 to this report and lists the circumstances in which a dispensation may be granted. It is suggested that the most relevant circumstances to this application are those set out in Regulation 2(a), (d), and (h)
- 4.8** If the Committee is minded to grant a dispensation it must consider whether it wishes to grant the dispensation as requested or whether to place any limitation or restriction on the operation of the dispensation, including the length of time for which the dispensation will be in force.
- 4.9** If a dispensation is granted, any member who has the benefit of it must still declare a personal interest in any business relating to the Friends of Bodelwyddan and declare the existence and nature of the dispensation granted.

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

The decision has no direct impact on the Corporate Priorities.

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

There are no direct costs associated with this report.

- 7. What are the main conclusions of the Well-being Impact Assessment? The completed Well-being Impact Assessment report can be downloaded from the [website](#) and should be attached as an appendix to the report**

This report does not seek to introduce a change or a proposal that would require such an assessment.

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

There has been no consultation with Scrutiny in respect of this matter.

- 9. Chief Finance Officer Statement**

There are no direct financial consequences as a result of this report.

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

There is a risk that if Members are not granted the dispensation the Town Council will be unable to consider requests for financial assistance by the Friends of Bodelwyddan for the maintenance and operation of the Community Centre

- 11. Power to make the Decision**

s81(4) Local Government Act 2000

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