

Report To: Standards Committee

Date of Meeting: 21st September 2018

Lead Member / Officer: Gary Williams, Monitoring Officer

Report Author: Gary Williams, Monitoring Officer

Title: **Granting of Dispensations**

1. What is the report about?

The report is about the granting of dispensations by this Committee and the Guidance that it is proposed to give to Town, City and Community Councils as well as elected members of the County Council in respect of the process by which they may apply for a dispensation.

2. What is the reason for making this report?

The reason for making this report is to ask the Committee to approve an application form and guidance document for members of Town, City and community Councils as well as County Councillors in respect of applications for dispensations.

3. What are the Recommendations?

- 3.1 That the Committee considers the draft guidance and application form attached to this report as Appendices 1 and 2 respectively, and approves both documents subject to any amendments suggested by the Committee.

4. Report details

- 4.1 The Code of Conduct provides at paragraph 14(1) that a member who has a prejudicial interest in any matter must declare that interest and leave the chamber or room in which a meeting considering that matter is being held. The member must not seek to influence any decision about that matter and must not make any oral or written representations in respect of it.
- 4.2 Paragraph 14(3) allows a member with a prejudicial interest to take part in any meeting in respect of which they might have a prejudicial interest provided that they have a dispensation granted by the Standards Committee. Applications for a dispensation may be considered and granted by the Standards Committee if it is satisfied that there are one or more grounds contained within the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001.
- 4.3 The Committee has dealt with a number of applications for a dispensation in recent years, however, it may well be that there are members of Town, City and Community Councils in particular who may not be making use of this facility.

- 4.4 The process by which applications have hitherto been granted has been the submission of a letter from the Clerk to the relevant Council containing the background information relating to the application. Advice and assistance has been given by the Monitoring Officer or the Deputy Monitoring Officer to applicants on an ad hoc basis.
- 4.5 Given the relatively low number of dispensation applications it is suggested that all Clerks to City, Town and Community Councils are reminded of the circumstances in which such applications may be made. It is also suggested that a guidance document and a standardised application process would assist Clerks in dealing with applications on their members' behalf.
- 4.6 The draft guidance document attached as Appendix 1 to this report seeks to explain the circumstances in which a dispensation may be granted and the process by which it would be considered. An extract from the relevant Regulations is appended to the guidance document.
- 4.7 A draft application form is attached as Appendix 2 for the Committee's consideration.

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

The report has no direct impact on the corporate priorities.

6. 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?

This report does not require a well-being impact assessment.

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

This report seeks the views of the Committee on the guidance document and the application form. There have been no other consultations.

9. Chief Finance Officer Statement

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

There is a risk that, without further guidance, there may be members of Councils who are unaware of their ability to apply for a dispensation, or take part in the consideration of matters in which they have an undeclared interest without the benefit of a dispensation.

11. Power to make the Decision

Section 8 County Council Constitution