

## **Applications for the Grant of Dispensations by Standards Committee**

### **Guidance to Town, City and Community Councillors**

#### **Background**

The Model 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.

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.

#### **Grounds upon which an application may be based**

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(the Regulations).

Under the Regulations, a Standards Committee may grant a dispensation 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;
- (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
- (j) it appears to the committee to be otherwise appropriate to grant a dispensation.

It is important to note that the Standards Committee has a discretion in respect of the grant of dispensations. Even if one of the grounds is made out, the Standards Committee does not have to grant the dispensation. The Standards Committee will have to be satisfied that it is in all the circumstances appropriate to grant the dispensation.

The Standards Committee may apply conditions to the grant of a dispensation and may determine the period of time during which the dispensation will remain in force, for example, a dispensation may be granted for a single meeting or for a period of time. No dispensation will be granted for a period of time beyond the date of the next scheduled local government election.

### **Procedure**

An application must be submitted on the application form, a copy of which is appended as Appendix 1 to this document.

Additional information may be submitted with the application form. Where more than one member seeks a dispensation in respect of the same interest they should each sign the application form or submit individual applications.

It will usually be expected that the Applicant or one of the applicants attend the relevant meeting of the Standards Committee at which the application is to be considered.

At such a meeting, the Applicant will explain the reason for the application and answer any questions that the Standards Committee may have with regard to the application.

The Standards Committee may ask the Applicant to withdraw in order that the Committee may deliberate.

The Applicant will be provided with written confirmation within 7 days of the Standards Committee's decision in respect of the application together with details of any conditions attached to any dispensation that may have been granted.