

Report To: Standards Committee

Date of Meeting: 3rd April 2018

Lead Member / Officer: Gary Williams, Monitoring Officer

Report Author: Gary Williams, Monitoring Officer

Title: Application for Dispensation by Members of Llanbedr Dyffryn Clwyd Community Council

1. What is the report about?

1.1 This report is about an application for a dispensation made by members of Llanbedr Dyffryn Clwyd Council

2. What is the reason for making this report?

2.1 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?

3.1 That the Committee considers the request for a dispensation and makes a 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 Llanbedr Dyffryn Clwyd Community Council on behalf of the current members of the Community Council in respect of their membership of a voluntary body which is involved in the creation of a community hub at The Griffin Inn in the village of Llanbedr. A copy of this request is attached as Appendix 1. The request is signed by all of the current members of the Community Council.

- 4.5 The request explains that the Community Council may need to consider requests from this organisation for financial and other assistance and it is for this reason that the members of the Community 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 voluntary body and declare the existence and nature of the dispensation granted.

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

- 5.1 The decision has no direct impact on the Corporate Priorities.

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

- 6.1 There 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

- 7.1 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?

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

9. Chief Finance Officer Statement

- 9.1 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?

- 10.1 There is a risk that if Members are not granted the dispensation the Town Council will be unable to consider requests for financial or other assistance by the voluntary body.

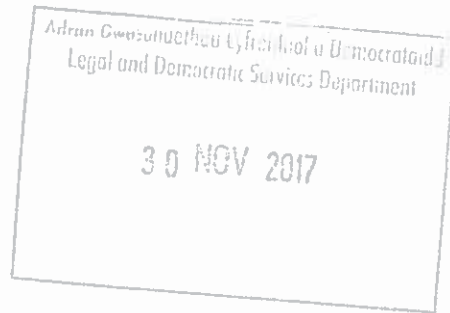
11. Power to make the Decision

- 11.1 s81(4) Local Government Act 2000 Standards Committees (Grant of Dispensations) (Wales) Regulations 2001

Cyngor Cymuned LLANBEDR D.C. Community Council

IFAN GWYN DAVIES
Clerc y Cyngor/Clerk to the Council

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Ein Cyf./Our Ref.

Eich Cyf./Your Ref.

Dyddiad/Date

Mr G Williams
The Monitoring Officer
Denbighshire County Council
PO Box 62,
Ruthin LL15 9AZ

24th November 2017.

Dear Mr Williams,

Re: Llanbedr Dyffryn Clwyd Community Council Dispensation Request under Regulation 2

I attach details of how the Community Hub for Llanbedr Dyffryn Clwyd Project evolved, culminating in the purchase of the Griffin Inn by a local resident, who wishes to work with the Council in order to implement the recommendations in the Cadwyn Clwyd Consultant's Report.

The Council's chairman and vice chairman have been invited to help set up the Management Group, which will be responsible for creating the Community Hub and will appoint tenants to run the retail activities recommended by the Consultants.

The Outline Business Plan recommended by the Cadwyn Clwyd Consultant works on the premise that a Community Benefit Society (CBS) will be formed as a legal entity. It is likely that some or even all Community Councillors will wish to join the CBS.

The Council wishes to be pro-active in working the new owner, with the support and guidance of Cadwyn Clwyd. There will be a need to obtain grants to refurbish the Griffin Inn and the Council will need to obtain membership of organisations who can assist this project such as Pub is The Hub, The Plunkett Foundation and the Wales Co-operative Centre. Membership fees range from £50 for the Wales Co-operative Centre to £75 for Supporter membership of the Plunkett Foundation.

It is likely that volunteer groups will need to be established to support key elements of the Hub and Councillors will wish to join one or more these groups.

At the May Local Government Elections, eight people were nominated for the nine seats on Llanbedr DC Community Council. Two Councillors have since resigned so we currently have only six Councillors.

The Consultant's Report (see Appendix 3) includes: *initial management costs will be raised through a mix of a Community Share Offer, a possible Community Council loan and grant aid.* We anticipate that the Management

Group and the volunteer groups may need to request further financial support from the Council. The Council is also considering an increase in its precept to cover the need to support this project.

As our quorum is three members, the Council feels the need to request a Grant of Dispensation from the Standards Committee under the 2001 regulations. We anticipate that the dispensation will be needed for a period of no longer than 12 months.

We feel that the circumstances in which dispensations may be granted are covered in:

2 (d), (e), (f), (i) and (j) – see Appendix 2.2 for our justification.

We would appreciate it if this request can be considered at the next Standards Committee Meeting on 8th December 2017.

I attach a copy of the formal letter which each of my current Councillors has signed requesting this Grant of Dispensation from the Standards Committee. I would appreciate your guidance of the procedure future Councillors would have to follow to obtain a Grant of Dispensation.

The attached Appendices include *A Brief Time Line of the Activities that led to the Community Hub Concept* – see Appendix 2.1

I can also provide copies of our minutes, Community Newsletters, the Consultant's survey of the Community and the results. 350 surveys were put out to villagers and 155 were returned, representing a 42% return.

I did not want to overload you and again would be happy to be guided by you what other supporting documentation you would require.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Gwyn Davies', written in a cursive style.

Gwyn Davies,
Clerk to the Council

Cyngor Cymuned LLANBEDR D.C. Community Council

IFAN GWYN DAVIES

Clerc y Cyngor/Clerk to the Council
Mr G Williams
The Monitoring Officer

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Ein Cyf./Our Ref.

Re: Llanbedr Dyffryn Clwyd Community Council Dispensation Request under Regulations 2

Eich Cyf./Your Ref.

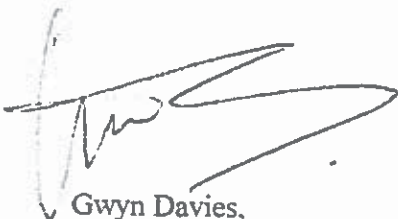
Dear Mr Williams

Dyddiad/Date 24/11/17

The undersigned members of Llanbedr Dyffryn Clwyd Community Council request a Grant of Dispensation from the Standards Committee under the 2001 regulations. We anticipate that the dispensation will be needed for a period of no longer than 12 months.

I attach below details of the Community Hub for Llanbedr Dyffryn Clwyd Project for which this Grant of Dispensation is being made.

Yours Sincerely



Gwyn Davies,
Clerk to the Council

Cllr Lyn Evans Chair of Llanbedr Dyffryn Clwyd
Community Council

Lyn Evans

Cllr Tim Baker Vice Chair of Llanbedr Dyffryn
Clwyd Community Council

Tim Baker

Cllr Rhian Jones Chairman of Leisure & Environmental
Areas Advisory Committee (LEAAC)

Rhian Jones

Cllr Linda Roberts Llanbedr Dyffryn Clwyd Community
Councillor

Linda Roberts

Cllr Kenneth Tams Llanbedr Dyffryn Clwyd Community
Councillor

K. Tams

Cllr Bob Barton Llanbedr Dyffryn Clwyd Community
Councillor

Bob Barton

Appendix 2

Status: Law In Force

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

This version in force from: **April 1, 2016 to present**

(version 2 of 2)

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; [...] ¹

(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 [; or] ²

[(j) "it appears to the committee to be otherwise appropriate to grant a dispensation.

] ³

Notes

- ¹ . Word revoked by Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016/85 [reg.4\(3\)\(a\)](#) (April 1, 2016)
- ² . Word substituted by Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016/85 [reg.4\(3\)\(b\)](#) (April 1, 2016)
- ³ . Added by Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016/85 [reg.4\(3\)\(c\)](#) (April 1, 2016)

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Subject: Local government