

REPORT TO: Standards Committee

REPORT BY: Lisa Jones - Deputy Monitoring Officer

DATE: 13th July 2012

SUBJECT: Dispensation

1. PURPOSE OF REPORT

To consider whether or not to grant dispensations in relation to St Asaph City Council Councillors as outlined in Appendix 1 having regard to the circumstances in which dispensations may be granted as set out in Appendix 2.

2. BACKGROUND

- 2.1 The provisions relating to interests are set out in Part 3 of the Members Code of Conduct. There is an overriding requirement that members must in all matters consider whether they have a personal interest and subsequent disclosure of that interest. Paragraph 10(2) of the Code sets out what those personal interests are.
- 2.2 Having declared a personal interest, a member must consider whether they also have a prejudicial interest. Prejudicial interest is defined as being an interest which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgment of the public interest.
- 2.3 Amongst the range of potential interests that are set out in paragraph 10(2) of the Code are industrial and provident societies, charities or bodies directed to charitable purposes and private clubs, societies or associations operating within the authority's area, in which the Councillor has membership or holds a position of general control or management. The interests under consideration in this report fall within these categories.
- 2.4 The Code of Conduct has been drafted to take into account the close involvement of Councillors in their local community which means that they are likely to be involved in a range of bodies and indeed may even be appointed in some circumstances to these bodies by their Councils. The Code accordingly provides an exemption in these cases of appointment or nomination, and although the Councillor must still declare the interest, is provided with an exemption and is able to take part and vote in the usual way. However there is the further caveat in that the exemption does not apply where the business relates to the determination of any approval, consent, licence, permission or registration (unless paragraph 12 (2) (C) grants or financial assistance up to £500 applies). In these circumstances, unless the Councillors have

obtained a dispensation, they must leave the room and not vote on this issue.

- 2.5 Members of Standards Committee will see the circumstances set out in The Standards Committee (Grant of Dispensation) (Wales) Regulations 2001 in Appendix 2, where dispensations can be granted.
- 2.6 Attached at Appendix 1 is the request from the Town Clerk of St Asaph City Council to apply for a dispensation given that a significant number of their Councillors are also members of local Voluntary Organisations. The Town Clerk has very helpfully set out the names of each of the relevant Councillors and the organizations in question. Occasionally, when it is necessary for the Councillors of one or other of these organizations to declare an interest and leave the meeting, this can result in the meeting being inquorate, and the Council unable to conduct its business. The Standards Committee previously granted similar such dispensations on the 26th February 2010, albeit this time the list of Councillors has updated.
- 2.7 It is understood that the paragraphs of the Regulations under which the Councillors seek a dispensation are paragraphs: -
 - (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 members' interest is such that the members' 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.
- 2.8 It is for the Standards Committee to determine whether a dispensation should be granted. In addition, the Committee may wish to consider whether the dispensation should be limited to a specific time period or be unlimited in time.

3 RECOMMENDATION

- 3.1 That the Committee consider the above dispensations having regard to the grounds identified.
- 3.2 The Members who are the subject of the dispensation must still declare a personal interest at the meeting at which the matter is discussed.