

## STANDARDS COMMITTEE

<b>Date of Meeting</b>	Monday, 21 September 2020
<b>Report Subject</b>	Review of Dispensation Procedures at Anglesey and Gwynedd Councils
<b>Report Author</b>	Deputy Monitoring Officer

### EXECUTIVE SUMMARY

There are no statutory procedures in place for dealing with applications for dispensations and every Standards Committee implements its own arrangements.

The Committee considered that it would be useful to explore what processes other Councils in North Wales have for dealing with applications for dispensations. This report reviews the processes and procedures for dealing with dispensations at Anglesey County Council and Gwynedd County Council with a focus on applications during 2019/20.

The report will identify the number and nature of applications dealt with during 2019/20, the process and procedures for dealing with the applications and the decisions reached.

### RECOMMENDATIONS

1	To note the processes and procedures for dealing with applications for dispensations by County Councillors and Town and Community Councillors at Anglesey and Gwynedd.
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### REPORT DETAILS

<b>1.00</b>	<b>EXPLAINING THE DISPENSATION PROCEDURE</b>
1.01	<u>Anglesey</u> Procedure for considering applications for dispensations.

	<p>Anglesey County Council have a specific dispensations Panel of the Standards Committee who schedule meetings to consider applications for dispensations by their County and Town and Community Councillors, that fall between full Standards Committee meetings. Full Standards Committee meetings are held twice a year. A report is taken to the Standards Committee full meetings to explain the dispensations that have been considered by the panel since the last full Standards Committee meeting.</p>
1.02	<p>The Standards Committee has established an arrangement whereby a Panel of three members may be called to deal with any application received between meetings of the full Standards Committee. Applications received from County Councillors may be heard by any three independent County Council members (so long as the independent members are in the majority) and applications from Town/Community Councillors are to be heard by independent members and Town/Community Council members (independent members to again be in the majority).</p>
1.03	<p>During 2019/20 Anglesey County Council held four meetings of their dispensations panel on 28th January, the 7<sup>th</sup> and the 29<sup>th</sup> of March and the 18<sup>th</sup> of July and dealt with ten applications for dispensations in total throughout that year. They granted all ten of those dispensations. The extent of dispensations granted included nine dispensations to speak at meetings and to officers, write to officers and to vote. One application was granted on a number of grounds (pursuant to the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001): (d.f.g and i), eight were granted on statutory ground (a), on the basis that more than half of the members of the Community Council by which the business is to be considered has an interest which relates to that business. One dispensation was granted to speak at meetings and to officers and to write to officers, but not vote. This application was granted on statutory ground (b) on the basis that no fewer than half of the members of the Executive has an interest which relates to the business and (d) the nature of the members' interest is such that his participation would not damage public confidence. The last was granted on statutory grounds (d) and (f). All ten dispensations related to the school modernisation programme in the Amlwch area.</p>
1.04	<p>The process for consideration of applications for dispensations are similar to that of Flintshire County Council's Standards Committee. Applicants are invited to attend the meeting of the dispensations panel so that they can explain the reason for their application and members of the panel can ask any questions. They are then asked to leave the meeting whilst the panel debates and makes a decision, and whilst any necessary advice is given by their Monitoring Officer. They are then invited back into the meeting for the decision to be explained verbally and the decision is then followed in writing when, if a dispensation is granted, it will take effect.</p>
1.05	<p><b><u>Gwynedd</u></b></p> <p>On the 1<sup>st</sup> of October 2018 a report of the Monitoring Officer was taken to their Standards Committee inviting the Committee to discuss and decide whether to amend the procedure for applications for dispensations. At that</p>

	time their procedure was to receive a written report from the Monitoring Officer, along with a copy of the application form, as well as any additional information received by officers from the applicant when the applicants were contacted to discuss their application.
1.06	<p>The members of the Committee were asked to consider the propriety of allowing those applying for dispensations to appear before the Committee. They considered three options:-</p> <ol style="list-style-type: none"> <li>1. To allow applicants to appear before the Committee and submit their applications in person. However, the report highlighted that this would increase the risk of receiving additional information on the day that would not have been sufficiently scrutinised;</li> <li>2. To allow applicants to appear before the Committee to further explain their application by answering questions only;</li> <li>3. To continue with the current procedure based on a written report by the Monitoring Officer, along with a copy of the application form, as well as any additional information received by officers after contacting the applicant.</li> </ol>
1.07	<p>The Committee resolved as follows (and that has been the process/ procedure of Gwynedd's Standards Committee for consideration of applications of dispensations since) :-</p> <p>(a) To allow those applying for dispensations to attend meetings of the Standards Committee to answer possible questions by the Committee only, if they wish.</p> <p>This was on condition that:-</p> <ol style="list-style-type: none"> <li>1. Applicants are not allowed to present their case;</li> <li>2. Applicants are expected to have completed their application forms comprehensively and accurately;</li> <li>3. The Committee will allow applicants to have a dispensation to be present at the meetings to answer questions about their application.</li> </ol>
1.08	<p>Gwynedd Council held three meetings of the Standards Committee in 2019/20 having resolved, at the same meeting, to reduce the annual number of meetings from four to three a year, with the right to convene an urgent meeting if required e.g. to consider applications for dispensations.</p> <p>Their process is therefore similar to the process followed by Flintshire's Standards Committee, save that where applicants appear at the Standards Committee in respect of their application for a dispensation, they are invited to present the facts behind their application, as well as to answer questions raised by members of the Committee.</p>
1.09	<p>During 2019/20, Gwynedd's Standards Committee heard one application for a dispensation which was refused. This number is low compared with previous years.</p>

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	N/A

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	Draft report sent to Monitoring Officers of Anglesey and Gwynedd Councils.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	N/A

<b>5.00</b>	<b>APPENDICES</b>
5.01	N/A

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	Standards Committee reports and minutes at Anglesey and Gwynedd Councils.  <b>Contact Officer:</b> Matthew Georgiou, Deputy Monitoring Officer <b>Telephone:</b> 01352 702330 <b>E-mail:</b> <a href="mailto:matthew.georgiou@flintshire.gov.uk">matthew.georgiou@flintshire.gov.uk</a>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	N/A