

Committee:	Standards Committee
Date:	7 April 2014
Title:	Review of the procedure for applications for dispensations
Author:	Monitoring Officer
Action:	To decide whether or not to amend the procedure

1. Background

1.1 When a member has a prejudicial interest under the Code of Conduct, he or she must disclose that interest and leave the meeting. He/she must not make any oral or written representations or try to influence the decision regarding the matter. The exception to this is when the member has been granted a dispensation by the Standards Committee.

1.2 The Standards Committee is entitled to grant a dispensation if the situation falls within one (or more) of the situations listed in the relevant regulations.

1.3 It is a matter for the committee to determine whether or not the application should be allowed in the circumstances and the Ombudsman offers the following guidance regarding what the committee should consider when reaching its decision:

“The standards committee will need to balance the public interest in preventing members with prejudicial interests from taking part in decisions, against the public interest in decisions being taken by a reasonably representative group of members of the authority.”

2. Applications to this Committee

2.1 **Appendix 1** provides a breakdown of the applications submitted to the Standards Committee since May 2008.

3. The Committee’s Existing Arrangements

3.1 There are no statutory procedures in place for dealing with applications and every Standards Committee implements its own arrangements. This Committee operates based on a written report by the Monitoring Officer which contains a copy of the application form as well as any additional information obtained by officers after contacting the applicant.

4. Allowing an applicant to attend

4.2 At its meeting on 28.01.13, the Committee considered the principle of allowing councillors to appear before the Committee to submit applications in person. It was suggested that having the opportunity to question candidates would be a way for the Committee to obtain more information regarding an application. However, the committee felt that this was not the best use of anyone's time, and that applicants should be requested to submit information in advance. It was decided to ask officers to consider whether adequate information has been included in the application prior to placing it on the agenda.

4.3 For this review, the practices of other standards committees in Wales were examined. It was observed that many of them allowed applicants to attend the meeting to submit their application. An example was also found of a community council clerk attending a meeting to provide information and answer questions regarding an application made by several members of his council.

4.4 Ceredigion Council, which has operated such a procedure since 2006, was contacted. Under its arrangements, the member must fill a form in every case i.e. whether he/she intends to attend or not. Not all applicants attend, but when it does happen, officers feel that it is beneficial for the committee by allowing members to ask questions directly to the applicant in order to have a better understanding of the background and the reason for making the application. As any member appearing before the committee would have a prejudicial interest in the matter, the Ceredigion Standards Committee has granted a general dispensation for all members to appear for the purpose of submitting an application for a dispensation.

4.5 It is considered that having the applicant present would provide the following advantages:

- Allowing the committee to make decisions based on all the relevant facts i.e. the nature of the interest, the matter under consideration and the reason for making the application
- Transparency and accountability in the way in which decisions are made
- Ensuring that the applicant has had an opportunity to submit his/her application in full.

4.6 The disadvantages of the system would be:

- Travelling time and costs for the applicant
- The time and location of meetings would not suit everyone
- Committee meetings would last longer

- A danger that the discussion could digress to discuss the matter which is the subject of the interest rather than whether or not a dispensation should be allowed

4.7 Should this committee decide to allow applicants to attend, the following points could be considered as a basis to the procedure:

- The applicant would be entitled to attend (but this would not be mandatory)
- The applicant would need to fill the form in all cases
- The applicant would be required to confirm in advance whether or not he/she intends to attend
- The Chairman to invite the applicant to submit his/her application
- It is possible to set a time limit (e.g. 5 minutes)
- Committee members to ask questions of the applicant regarding the application
- The applicant would not have the right to ask questions of the Committee
- The applicant to leave the room
- The Committee to discuss and reach a decision in the applicant's absence
- The applicant would be notified of the decision by being called back to the room, or by letter from officers

5. Form

5.1 A copy of the existing form is included in **Appendix 2**. The Committee's opinion is sought on the new draft form – **Appendix 3**.

6. Applications involving schools

6.1 In the past the Committee has set guidance to be considered when making decisions on applications relating to school organisation. The existing guidance is:

“That a father/mother, grandfather/grandmother, grandson/granddaughter, husband or wife, children, brother or sister would amount to too close a connection to allow dispensation in terms of a specific school, since it would be difficult for the public to gain confidence in the way a decision would be reached.”

6.2 Therefore, the Committee has refused to allow dispensations in full to members who have a connection which comes under this category. Nevertheless, members have been permitted to participate in the discussions of the Catchment Area Review Panels and to participate fully in Council discussions and its committees on matters relating to the organisation of the

county's primary schools, unless those discussions were directly associated with the school in question.

6.3 The Committee is asked to consider whether or not this guidance remains appropriate.

7. Recommendation

7.1 The Committee is asked to:

- (a) Consider whether applicants should be allowed to attend meetings to submit their applications
- (b) Consider the amended form
- (c) Consider any other changes that should be made
- (ch) Consider whether the guidance for applications involving school organisation remains appropriate

APPENDIX 1

Dispensations – Statistics

May 2008 – May 2012

Applications from county councillors	20
Allowed/partially allowed	16
Refused	4

Applications from town/community councillors	8
Allowed/partially allowed	3
Refused	5

Total of all applications received	28
Allowed/partially allowed	19
Refused	9

May 2012- March 2014

Applications from county councillors	2
Allowed/partially allowed	2
Refused	0

Applications from town/community councillors	2
Allowed/partially allowed	2
Refused	0

Total of all applications received	4
Allowed/partially allowed	4
Refused	0

Applications involving primary school reorganisation

2008-12

Number of applications	17 (Gwynedd Council members)
Allowed	15
Refused	2

2012-14

Number of applications	1 (Gwynedd Council member)
Allowed	1
Refused	0