

Complete Agenda



Democratic Service
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

To: Members of the Standards Committee

12/6/19

Dear Member,

**STANDARDS COMMITTEE – 17 JUNE, 2019
SUPPLEMENTARY AGENDA**

I enclose a supplementary agenda in respect of the following item:-

6. APPLICATION FOR DISPENSATION

2 - 6

To consider the report of the Monitoring Officer (attached).

Yours sincerely,

Members Support Officer

Agenda Item 6

Committee:	Standards Committee
Date:	17 June 2019
Title:	Application for dispensation
Author:	Monitoring Officer
Action:	To decide upon the applications

Background

1. An applications for a dispensation has been submitted by Councillor Gareth Roberts, who represents the Aberdaron ward on Gwynedd Council. His application form is attached to this report. The application relates to a possible electricity generating scheme near to Ynys Enlli, which is within his ward and where he farms as a tenant.

Considerations

2. The Standards Committee may grant a dispensation if the situation comes within one (or more) of those listed in the relevant regulations. These situations are listed in the appended guidance notes. The Committee must first of all therefore decide whether the any of the situations listed arise in these cases.

3. If it decides that any of paragraphs are applicable, the Committee must then decide whether the members should be allowed to take part even though the Code of Conduct provides that they should not. In doing so it must take into account the public interest. The Code of Conduct provides that members with a prejudicial interest in a matter should not take any part in a decision on that. The Code's provisions are intended to give members of the public confidence that decisions are being taken in their best interests, and not in the best interests of members of authorities or their close personal associates.

4. The Ombudsman's Guidelines on the Code of Conduct notes the following in relation to granting dispensations

"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."

Recommendation

5. The Committee is requested to consider and decide upon the application.

Application to the Standards Committee for a Dispensation

YOUR APPLICATION WILL NOT BE CONSIDERED UNLESS EVERY PART OF THIS FORM IS COMPLETED

1. PERSONAL DETAILS

1.1 Your name

Gareth Roberts

1.2 Your council GWYNEDD

1.3 Your address and contact telephone no.

2. DETAILS OF YOUR INTEREST

2.1 What is the item in question?

A company called Nova Innovations is attempting to establish a scheme to place underwater turbines near to Ynys Enlli, which is part of my ward. I farm on Enlli. There is a possibility that the electricity from the turbines will land on Enlli first and then be transferred by cable to the mainland. Enlli would wish to obtain an electricity supply for all the properties on the island.

2.2 How does your interest in the item arise?

Many meetings are arranged as Nova wished to obtain support and grant funding etc. As Enlli is part of my ward and the benefit would be for everything on Enlli and not only me as a tenant, I would like to take part in any meeting that is likely to arise.

3. DETAILS OF YOUR APPLICATION

3.1 Are you applying for a dispensation to (a) speak and vote or, (b) to speak only?

To speak and vote.

3.2 Are you requesting:

(a) a dispensation for a particular meeting? If so please provide details below:

or

(b) a general dispensation so that you can take part whenever the matters arises?

Yes.

Please return to the Monitoring Officer, Gwynedd Council, Caernarfon, LL55 1SH.

*If you have any questions regarding this form, contact the Senior Solicitor (Corporate):
Tel. 01286 679168 e-mail - sionH@gwynedd.gov.uk*

4. Regulations prescribe the circumstances in which the Standards Committee may grant a dispensation. These grounds for granting a dispensation are summarised below and are set out in full in the attached guidance notes. On which of the following grounds do you believe that a dispensation should be granted in this case? Please tick the appropriate box(es).

• at least half of the members considering the business has an interest	<input type="checkbox"/>
• my inability to participate would upset the political balance of the meeting to such an extent that the outcome would be likely to be affected	<input type="checkbox"/>
• my participation would not damage public confidence	<input type="checkbox"/>
• the interest is common to me and a significant proportion of the general public;	<input type="checkbox"/>
• my participation in the business is justified by my particular role or expertise;	<input checked="" type="checkbox"/>
• the business is to be considered by a scrutiny committee and my interest is not pecuniary	<input type="checkbox"/>
• the business relates to the finances or property of a voluntary organisation of whose management committee or board I am a member and I have no other interest	<input type="checkbox"/>

5. Please explain below why you believe the Standards Committee should grant your application (i.e. why do you think that you should be allowed to be present as a member when the matter is discussed, even though you have a prejudicial interest?).

Although an electricity supply would be to my advantage as a farming tenant it would be only a very small part of the benefit that would accrue to rest.

Obtaining a supply of energy, especially “green” energy like this would be priceless bearing in mind all the designations that apply to Enlli.

The future of Enlli is dependent on the supply of additional energy and to lose this opportunity because I as eth local member happen to be a farm tenant would be disastrous.

(please continue on a separate sheet if necessary)

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Signed _____ Dated _____

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Guidance Notes

1. This is the form for submitting an application for a dispensation, i.e. permission to take part in a discussion even though you have a 'prejudicial interest' under the Code of Conduct. Further information regarding interests can be found in the Code of Conduct itself, the Ombudsman's Guidance and the Gwynedd Council 'Interests' leaflet.

2. Circumstances in which dispensations may be granted

The Standards Committee may grant a dispensation if the application comes within one or more of the circumstances listed in *The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001*:

“(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; or

(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 provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.”

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