

Committee:	Standards Committee
Date:	18 April 2016
Title:	Applications for dispensation
Author:	Monitoring Officer
Action:	To decide upon the applications

Background

1. Applications for dispensations by Councillors Anne Lloyd-Jones and Richard Vaughan, members of Tywyn Town Council are attached (Appendices 1 & 2). The applications relates to the caravan park owned by the Town Council, the Ynysymaengwyn Camping and Caravan Park.

2. Tywyn Town Council's predecessor authority was given a piece of land (Ynysymaengwyn) to hold for the benefit of the public, creating the Ynysymaengwyn Trust. The council, as a body, is the sole corporate trustee, and will make decisions regarding the trust through one of its committees. Each member of the council is a member of the committee member, and Cllr. Lloyd-Jones is the current Chair.

3. The council also owns the Ynysymaengwyn Camping and Caravan Park, which is a commercial caravan site. The site comprises around 115 static caravans and spaces for around 50 touring caravans and tents. This site was, at one time, part of Trust land, but now it is run as a separate business, although the profit is given to the trust.

4. The council employs a manager and staff to run the site. The council has a committee specifically for running the site, the Ynysymaengwyn Caravan Site Management Committee. The committee will decide on issues such as the fees to be charged, staff salaries, the purchase of new equipment and resources for the business. Each member of the council member is a member of the committee. The Chairman of the Council is the chair the committee.

5. Both councillors have therefore requested a dispensation to participate in the deliberations of the Committee Caravan Site Ynysymaengwyn even though they have a prejudicial interest under the Code of Conduct by virtue of their association with nearby caravan sites.

Considerations

6. 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.

7. 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.

8. 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

9. The Committee is requested to consider and decide upon the applications.