

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2013/2014

STANDARDS COMMITTEE
18th October 2013

**REPORT OF THE MONITORING
OFFICER**

AGENDA NO.4	
REVIEW OF MEMBERS' DECLARATIONS OF INTERESTS AT MEETINGS AND APPLICATIONS FOR DISPENSATION TO THE STANDARDS COMMITTEE	

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1. Purpose of Report

- 1.1 (a) to review the current position regarding Members' declarations of interests at meetings and consider whether the Council's current form in relation to the same requires revision;
- (b) to refresh Members' knowledge about the statutory framework relating to the granting of dispensations by the Committee; and
- (c) to review the position regarding applications for dispensation by County Borough Councillors and Community/Town Councillors and consider whether the Council's current form requires revision.

2. Recommendations

- 2.1 Agree that the Monitoring Officer present a report to a future Council meeting highlighting the key messages Standards Committee has identified having reviewed the current position regarding completion of the declaration of interest at meetings forms.
- 2.2 To consider whether any revisions should be made to the Council's current form in relation to the declaration of interests at meetings and subject to any comments/feedback in respect of the same delegate to the Monitoring Officer (in consultation with the Chair of the Committee) authority to prepare and finalise a revised form and that he present a report to a future Council meeting seeking Council's comments on the same with a view to providing a training session to Members on the format of the revised form before it comes into effect from 1st December 2013.

- 2.3 To note the statutory framework in respect of the granting of dispensations by the Standards Committee, the circumstances when the Standards Committee may grant such dispensations and the Council's current application form in relation to the same.
- 2.4 To note that the Standards Committee has received no applications for dispensations from County Borough Councillors or Community/Town Councillors since April 2010.
- 2.5 To consider whether any revisions should be made to the Council's current application form and subject to any comments/feedback in respect of this instruct the Monitoring Officer to draft a revised application form for future consideration by the Standards Committee.
- 2.6 Agree that the Monitoring Officer present a report to a future Council meeting highlighting the circumstances when a dispensation from the Standards Committee can be obtained.
- 2.7 To consider whether the Committee should establish a sub-committee of the Standards Committee, to consist of 3 members (with at least one member being an independent member) with the terms of reference to deal specifically with dispensation applications as and when they arise.

3. Background

- 3.1 As part of its work programme the Committee agreed it would undertake a review of Members' declarations of interests at meetings and applications to the Committee for dispensations by County Borough Councillors and Community/Town Councillors as well as reviewing the format for applying for such dispensation.

4. Review of format for Members' declarations of interests in meetings

- 4.1 The Code of Conduct (the 'Code') requires Members in all matters to consider whether they have a personal interest, to disclose certain interests, and in certain cases to withdraw from discussions on those matters at meetings of their authorities.
- 4.2 A copy of the Council's current declaration of an interest at a meeting form is annexed at Appendix 1 to the report. Also annexed at Appendix 1 is a flowchart contained in each Planning Committee agenda concerning declaration of personal and prejudicial interests at meetings of the Development Control Committee.
- 4.3 One of the roles of the Standards Committee is to reinforce to, and remind Members of, the fact that it is a Member's individual personal duty to declare an interest in any business of the meeting at the commencement of that meeting or

when knowledge of the existence of an interest in any item arises. If Members do have a query about a declaration of an interest in relation to a particular item of business they should, if possible, raise it with Democratic Services staff prior to commencement of the meeting.

- 4.4 It is also the Member's individual responsibility to properly register an interest declared at a meeting in accordance with the Code requirements by promptly and correctly completing the Council's form in full at the meeting concerned. It should not be left to Democratic Services staff, for example, to have to complete the form on behalf of any particular Member at the end of the relevant meeting. Once completed the form should be handed to Democratic Services staff at the end of the meeting. Members should be aware that what they write on the forms is what will be recorded in the minutes of the relevant meeting.
- 4.5 Given this role at the Committee meeting several recent anonymised examples of forms will be circulated which have been incorrectly completed or insufficient detail has been provided. In light of this fact Committee Members may wish to agree that the Monitoring Officer should report to a future Council meeting confirming that the Standards Committee has reviewed the current position regarding completion of the registration forms and wishes to remind Members of the key messages set out at paragraphs 4.3 and 4.4 of the report.
- 4.6 In order to best assist Members to complete the form as accurately as possible investigations have been made into the format of other Welsh Local Authority forms and annexed at Appendix 2 to this report for Members' consideration is Isle of Anglesey County Council's form.
- 4.7 In light of the above, the Committee is requested to consider the example provided and provide feedback/comments on the same as well as the Council's current form with a view to delegating authority to the Monitoring Officer in consultation with the Chair of the Committee to prepare and finalise a revised form.
- 4.8 It is suggested the Monitoring Office present a report to a future Council meeting requesting Council's comments or recommendations on the proposed revised form. Following this it is proposed a training session be held for Members in respect of the new form and declarations at meetings generally with a view to the revised form coming into effect from 1st December 2013.

5. Annual review of applications for dispensations by County Borough Councillors and Community/Town Councillors

- 5.1 Section 81(5) of the Local Government Act 2000 and the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 (the 'Dispensation Regulations') provide for Standards Committees to have the discretion to remove the restrictions imposed by the Code, where Members would ordinarily have to

withdraw from discussion on matters by virtue of having a prejudicial interest, by granting dispensations to Members to either speak and vote, or speak only at meetings of their authorities.

- 5.2 The Dispensation Regulations prescribe the circumstances in which the Standards Committee may grant such dispensations and these are set out in Appendix 3 to the report. Unless the regulations governing declarations of interest state otherwise, a Standards Committee may give a dispensation to speak only or to speak and vote. Most paragraphs in the Code stipulate where a Member must seek dispensation. Where paragraph 12 of the Code applies, a Member may declare a interest and speak without dispensation. A dispensation would be required for the Member to vote on the subject under discussion.
- 5.3 The dispensation regime is necessary to perform three functions: to deal with interests that Members share with a large proportion of the public, to allow the proper conduct of business, and to enable the participation rules to be applied to take account of individual circumstances.
- 5.4 It is prudent for the Member concerned to apply in advance for a dispensation so as to ensure the relevant committee business is not hindered or delayed whilst Members seek adjournments to seek grants of dispensation.
- 5.5 The request for dispensation must be accompanied by details of the Member's interest, together with relevant details, including the matter coming before the authority in respect of which dispensation is sought. Joint applications may be made where more than one Member seeks dispensation on the same matter.
- 5.6 When handling applications it is appropriate for Standards Committees to assume that: -
 - 5.6.1 Each Member has taken appropriate advice before requesting a dispensation and is aware he/she has a relevant interest rather than investigating the detail of each application; and
 - 5.6.2 the application, if not made by the Member personally, is made with his/her approval.
- 5.7 The dispensation must be specific in terms of the nature of the matter which is to be covered. It is for the Standards Committee to decide whether it will be for a specific time period or unlimited in time – it does not need to be limited to one meeting but depends on the circumstances in each case. Dispensations could be granted for a period of six to twelve months, for instance, and then reviewed. The letter of dispensation must name the Members to whom the dispensation applies rather than grant a blanket dispensation to Council.

- 5.8 The Standards Committee last received an application for dispensation in April 2010. Some Welsh Local Authorities Standards Committees receive applications for dispensations on a regular basis and examples of these will be circulated at the meeting. A possible reason for the lack of applications to this Committee may be that there is a lack of general awareness amongst County Borough Councillors and Community/Town Councillors of the ability to seek a dispensation (although in the case of Community/Town Councillors the ability was highlighted to them during their recent refresher training).
- 5.9 As a consequence of the above, the Committee may wish to recommend that a report be presented by the Monitoring Officer to full Council reminding Members of the ability to seek a dispensation and the circumstances when they can do so.
- 5.10 A copy of the current application form to apply for a dispensation is annexed at Appendix 4 to the report.
- 5.11 Investigations have been made into how other local authorities in Wales are dealing with the granting of dispensations and annexed at Appendix 5 is the application form for Ceredigion County Borough Council
- 5.12 The Committee is requested to consider the example provided and the Council's current form and provide feedback/comments on the same with a view to amending the current form, annexed at Appendix 4, if deemed necessary.
- 5.13 The Committee may feel it appropriate to establish a sub-committee of the Standards Committee consisting of 3 members from the Committee (with at least half of the members including the chairperson being an independent member) which will meet to deal specifically with dispensation applications as and when they arise. The Committee may also fix the sub-committees members term of office.

Local Government Act 1972

As Amended by

The Local Government (Access to Information) Act 1985

Standards Committee

18th October 2013

Report of Monitoring Officer

BACKGROUND PAPERS

Local Government Act 2000

Standards Committees (Grant of Dispensations) (Wales) Regulations 2001

Rhondda Cynon Taff County Borough Council – Declaration of interest at meetings form

Isle of Anglesey County Council – Declaration of interest at meetings form

Rhondda Cynon Taff County Borough Council – Application for dispensation to the
Standards Committee by Council Members

Ceredigion County Borough Council – Application to the Ethics & Standards Committee For
Dispensation

APPENDIX 1

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LOCAL GOVERNMENT ACT 2000

MEMBERS CODE OF CONDUCT – PARAGRAPHS 10 & 11

To: The Monitoring Officer

I, County Borough Councillor _____

give you written notification of a personal interest declared by me at a meeting of
[XXXXX] COMMITTEE

held on _____ 2013

details of which are set out below:

Details of the business to which the personal interest relates stating the agenda item number and application number, if applicable:

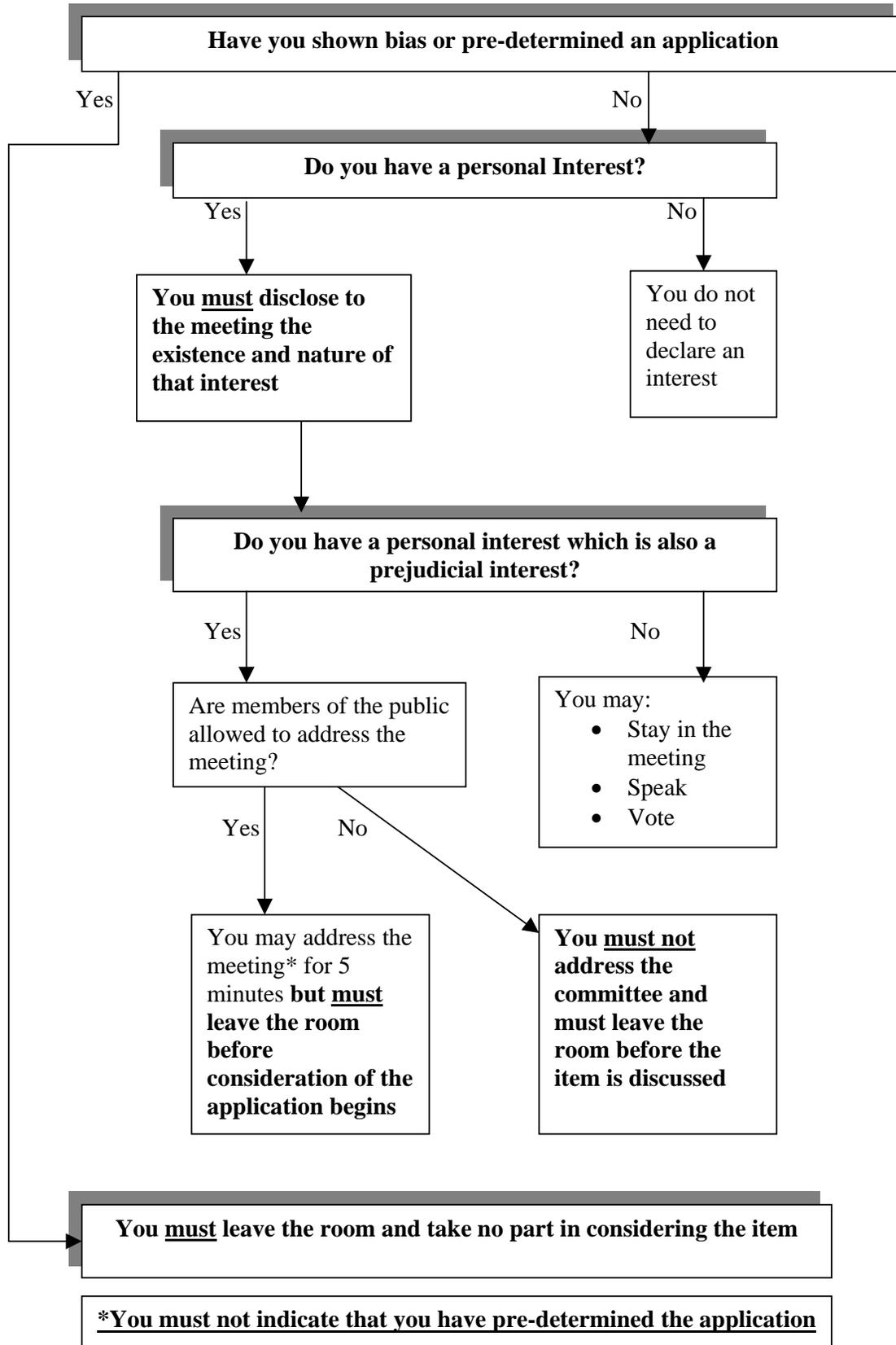
Details of the personal interest:

Signed: _____

Date: _____

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Declaration of personal and prejudicial interests at meetings of the Development Control Committees



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MEMBERS' DECLARATION OF INTEREST AT MEETINGS

Name of Member:
Name of Meeting:
Date of Meeting:
Agenda Item (number and title):

Members are required to complete boxes 1, 2, 3 and 4 below.

1. The nature of the personal interest is :

2. The Council business to which the personal interest relates is :

3. Members are required to tick one box

The personal interest is **not prejudicial*** and I took part in the item **OR**

The personal interest is **prejudicial*** and I left the meeting when the item was discussed **OR**

The personal interest is **prejudicial*** but I have a dispensation

*A prejudicial interest is a personal interest which is so significant that a well-informed member of the public would reasonably believe that the Member would be unable to act on the matter in the public interest.

4. Members are required to tick one box and to provide reasons

I believe my personal interest is **not prejudicial***
Because:

OR

I believe my personal interest is **prejudicial***
Because:

Signed Date of signature

THIS COMPLETED FORM SHOULD BE HANDED TO A MEMBER OF THE COMMITTEE SERVICES STAFF DURING THE COURSE OF, OR IMMEDIATELY AFTER, THE MEETING

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APPENDIX 3

CIRCUMSTANCES WHEN THE STANDARDS COMMITTEE MAY GRANT DISPENSATIONS

The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 specifies that the Council's Standards Committee may grant dispensations under Section 81(4) of the Local Government Act 2000 where:

- (a) no fewer than half of the Members of the Council or of a Committee of the Council (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 the Executive of the Council (i.e. Leader and Cabinet) 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) Members' inability to participate would upset the political balance of the Council, or any of its committees 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 Council'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 registerable interest relates to business, which is to be considered by an Overview and Scrutiny Committee of the Council, and the Member's interest is not a pecuniary/financial interest;
- (h) the business 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 Council 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 Standards Committee to be in the interests of the inhabitants of the area of the Council that the disability should be removed, provided that written notification of the grant of dispensation is given to the National Assembly for Wales within 7 days. Such a notification should specify the Member to whom the dispensation would apply to the Standards Committee's reasons why the disability should be removed.

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APPENDIX 4

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
APPLICATION FOR DISPENSATION TO THE STANDARDS COMMITTEE
BY COUNCIL MEMBER

Member's Name:

Address:

Nature of Prejudicial Interest:

Committee at which the Prejudicial Interest will arise:

Grounds for making application for dispensation

See attached notes and refer to the relevant paragraph(s)

Signed:

Date:

APPENDIX 5



Cyngor Sir
CEREDIGION
County Council

**APPLICATION TO THE ETHICS & STANDARDS COMMITTEE
FOR DISPENSATION**

Please note that each section **MUST** be completed. Please refer to the attached Guidance Notes when completing the form.

1. YOUR DETAILS

Your full name:.....

Name of your Council:

Your address and postcode:

Contact telephone number(s):.....

2. DETAILS OF YOUR INTEREST

What is the matter being discussed by the Council?
.....

Describe your prejudicial interest in the above matter: ⁽¹⁾
.....
.....

Under which paragraph of the Code of Conduct does your interest fall? ⁽²⁾

Paragraph 10(2)(a):

Paragraph 10(2)(c):

Paragraph 10(2)(b):

Paragraph 13:

When will the above matter be considered? ⁽³⁾

Are you applying for dispensation to speak only or to speak and vote?

Speak only: Speak and vote:

3. GROUNDS FOR DISPENSATION

Regulations issued by the National Assembly for Wales prescribe the circumstances in which the Ethics & 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). ⁽⁴⁾

• 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 type="checkbox"/>
• the business is to be considered by an overview and scrutiny committee and my interest is not a pecuniary interest;	<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"/>

4. INFORMATION IN SUPPORT OF YOUR APPLICATION

Please set out below the reasons why you consider that the Ethics & Standards Committee should grant a dispensation in this case:

(Please note that failure to complete this section will result in the application form being returned to you)

.....

(please continue on a separate sheet if necessary)

I confirm that the information provided on this form is true to the best of my knowledge. I request a dispensation in respect of the above matter.

Signed: Date: / /

Please return this form to the Monitoring Officer, Chief Executive's Department, Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron SA46 0PA.

Guidance notes

- (1) Please give details of your prejudicial interest in the matter being discussed by the Council, e.g. membership of an organisation which has applied for a grant.
- (2) Please read through the Code of Conduct and decide which of the paragraphs is most appropriate to your case. Brief details of the relevant paragraphs are noted in the table below. If you are unsure, please contact the Monitoring Officer or Standards Officer for advice.

Para.	Type of personal interest	Page no.
10(2)(a)	Council business which relates to or is likely to affect: <ul style="list-style-type: none"> • your employment or business, • your employer, firm or company • a contract made between the Council and you • any land, lease or licence in which you have an interest • a public body or other association in which you have membership or hold a position of general control or management 	9/10
10(2)(b)	Council business in which there may be a conflict between your decision-making role and your role in representing constituents in your ward	10
10(2)(c)	Council business which affects your well-being or financial position, or the well-being, financial position or other interests of a person with whom you live or have a close personal association	10/11
13	Council business which is being considered by an Overview and Scrutiny Committee and which relates to a decision of the Cabinet or another Committee of which you were a member at the time [County Council only]	13/14

- (3) Please indicate the date and name of the meeting at which you will be discussing the matter.
- (4) The Standards Committees (Grant of Dispensations)(Wales) Regulations 2001 state that a Standards Committee may grant dispensations where:
- (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.