

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2013 - 2014

STANDARDS COMMITTEE

25th April 2014

**REPORT OF THE MONITORING
OFFICER**

AGENDA NO. 4(e)

**APPLICATIONS FOR DISPENSATION TO
THE STANDARDS COMMITTEE –
INTRODUCTION OF REVISED FORM**

Author: Andy Wilkins, Corporate and Democratic Services Solicitor

1. Purpose of Report

To inform Members of the introduction from 1st May 2014 of a revised form relating to applications for dispensation to the Standards Committee.

2. Recommendations

- 2.1 That Members note the contents of the report and the introduction of a revised form from 1st May 2014 in respect of applications for dispensation by County Borough Councillors and Community/Town Councillors to the Standards Committee as attached at Appendix 1 to the report.

3. Background

- 3.1 Members will recall that as part of the Standards Committee's work programme for this Municipal Year, they undertook a review of 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.
- 3.2 At the Standards Committee meeting held on Friday 18th October 2013, following a review of existing procedures, Members resolved to authorise the Monitoring Officer in consultation with the Chair of the Standards Committee to amend the current form.
- 3.3 At that meeting Members considered an example of a form used by Ceredigion County Council and provided feedback and comments on how elements of it could be incorporated into a revised form for use by this Authority.

- 3.4 The revision of the form has now been completed, agreed by the Chairman, and is attached at Appendix 1 of the report.
- 3.5 The form will be introduced and become applicable from 1st May 2014.

APPENDIX 1**APPLICATION TO THE 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:

2. DETAILS OF YOUR INTEREST

Committee/Meeting at which the prejudicial interest will arise (and date(s) if known) and what is the matter being discussed by the Council?

.....

Describe your prejudicial interest in the above matter:

.....

Under which paragraph of the Code of Conduct does your interest fall? ⁽¹⁾

Paragraph 10(2)(a): ☐

Paragraph 10(2)(c): ☐

Paragraph 10(2)(b): ☐

Paragraph 13: ☐

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

Speak only: ☐

Speak and vote: ☐

3. GROUNDS FOR DISPENSATION

The 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). ⁽²⁾

• 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 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, Legal and Democratic Services, The Pavilions, Cambrian Park, Clydach Vale, Tonypany, CF40 2XX

Guidance notes

- (1) 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 for advice.

Para.	Type of personal interest
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
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(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
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 Borough Council only]

- (2) 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.

Local Government Act 1972

As Amended by

The Local Government (Access to Information) Act 1985

Standards Committee

25th April 2014

Report of Monitoring Officer

BACKGROUND PAPERS

Local Government Act 2000

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