

The Vale of Glamorgan Council

Standards Committee: 24th January 2019

Report of the Monitoring Officer / Head of Legal and Democratic Services

Application for Dispensation

Purpose of the Report

1. To consider an application for dispensation.

Recommendation

That the Standards Committee consider the application on matters as set out in the completed proforma attached.

Reason for the Recommendation

To comply with regulations and obligations for the grant of dispensations to speak and vote.

Background

2. The Standards Committee Grant of Dispensations (Wales) Regulations 2001 permits Members to apply to Standards Committee to speak and, if appropriate, to vote on issues which due to prejudicial interests, they may not otherwise be able to speak or vote or remain in the room.

Relevant Issues and Options

3. In order to deal with the application as quickly as possible, it is necessary for the Standards Committee to receive full information of the interests involved and why in the Member's opinion dispensation should be given.
4. Committee is requested to consider the application as below:
 - Application for dispensation from **Vale of Glamorgan Councillor Lis Burnett** to speak and vote in relation to Ysgol Sant Baruc, as a result of the proposal to increase the number of primary Welsh medium school places in Barry. If the proposals to increase the number of primary Welsh medium school places in Barry are agreed by Cabinet, this would allow participation in future discussions on the 21st Century schools proposals which specifically include Ysgol St Baruc (paragraphs (a), (c), (d), (f) and (g)).

Resource Implications (Financial and Employment)

5. None as a direct result of this report.

Sustainability and Climate Change Implications

6. None as a direct result of this report.

Legal Implications (to Include Human Rights Implications)

7. The Council is required to comply with the Standards Committees Grant of Dispensations (Wales) Regulations 2001.

Crime and Disorder Implications

8. None as a direct result of this report.

Equal Opportunities Implications (to include Welsh Language issues)

9. None as a direct result of this report.

Corporate/Service Objectives

10. One of the roles and functions of the Standards Committee (as detailed in the Council's Constitution) is to consider granting dispensations to Councillors, Co-opted Members and Church and Parent Governor Representatives from requirements relating to interests set out in the Members' Code of Conduct.

Policy Framework and Budget

11. This report does not affect the Council's policy framework and budget.

Consultation (including Ward Member Consultation)

12. The report does not involve any consultation with other parties.

Relevant Scrutiny Committee

13. None.

Background Papers

Standards Committees Grant of Dispensations (Wales) Regulations 2001

Contact Officer

Mrs. Karen Bowen, Principal Democratic and Scrutiny Services Officer, Tel: 01446 709856

Officers Consulted

None.

Responsible Officer:

Ms. D. Marles, Monitoring Officer / Head of Legal and Democratic Services

**THE VALE OF GLAMORGAN COUNCIL
STANDARDS COMMITTEE**

Application for a Dispensation to the Standards Committee under Section 2 of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001

Name of Councillor	Lis Burnett
Address	71, Redlands Road, Penarth, CF64 2WE
Name of Member's relevant Authority and Ward	Stanwell Ward, Vale of Glamorgan Council
Nature of Dispensation sought	Permission to speak and vote in relation to Ysgol Sant Baruc, Barry.
Date of meeting / issue to be discussed (if known)	12th February 2019. Learning and Culture Scrutiny Committee Proposal to increase the number of primary Welsh medium school places in Barry. If those proposals are agreed by Cabinet future discussions of the 21st Century schools proposals which specifically include Ysgol St Baruc
Do you seek a dispensation just for the one meeting or for a longer period? If longer, please state a period. <i>(N.B. All dispensations granted expire at the next Council elections.)</i>	Ongoing dispensation to allow participation in discussion related to the delivery of Band B of the 21st century schools initiative where Ysgol St Baruc is specifically mentioned.
Level of dispensation sought <i>(i.e. to speak only or to speak and vote)</i>	To speak and vote
Relevant paragraph(s) under which dispensation can be granted <i>(See (a) to (j) overleaf)</i>	A, C, D, F, G <i>Scrutiny Services, Directorate of Resources, Room 26, 1st Floor,</i>

<p>Details of the Prejudicial Interest</p>	<p>Having recently moved from Ipswich to Barry, my three-year old great-niece has recently become a pupil in Ysgol St Baruc.</p>
<p>Details of any Position of responsibility / control held on your Council (e.g. <i>Chairman / Vice-Chairman / Cabinet Member</i>)</p>	<p>Chairman of the Learning and Culture Scrutiny Committee.</p>
<p>Reason(s) to support the application and why you consider the Standards Committee should grant a dispensation</p> <p><i>(Use a separate sheet of paper if necessary)</i></p>	<p>As Chair of Learning and Culture Scrutiny Committee I am required to ensure Cabinet policy is effectively scrutinised. Proposals for the development of Welsh medium education in Barry means I have a potential personal and prejudicial interest as my great-niece has recently become a pupil at Ysgol St Baruc.</p> <p>As there are currently 194 pupils at Ysgol St Baruc and 213 at High Street School there are potentially a large number of people who would either be an Aunt or Great Aunt to a pupil at either school.</p> <p>Votes in relation to this topic would be unlikely. However, should a vote be necessary the fine political balance of the Committee and of Full Council would be affected should I be unable to participate.</p> <p>Scrutiny will discuss the proposal as part of the statutory consultation. As a previous Cabinet Member for Education I have a depth of understanding of the issues both historical and current related to the report which will support the committee in achieving a full and objective discussion.</p> <p>If the proposal is subsequently agreed by Cabinet the school would become part of the 21st century schools programme and would then be subject to regular reports to scrutiny committee. If no dispensation is granted I would be unable to participate in those discussions either in Scrutiny Committee or Full Council.</p>

SIGNED: *dis Burnett*
DATED: *15th January 2019*

Each section of the form MUST be fully completed.

(N.B. If you are submitting your application form electronically, without a signature, please give written permission for the receiving officer to sign the application form on your behalf. Failure to do this will result in the application being deemed incomplete and returned to the applicant.)

SIGNATURE OF OFFICER (IF APPROPRIATE):

*Please return completed form to:
Democratic and
Civic Offices, Holton Road, Barry, CF63 4RU*

Circumstances When A 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;
- (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; or
- (j) it appears to the Standards Committee to be otherwise appropriate to grant a dispensation. [If this circumstance is relied upon it will be required to be reviewed on a 12 month basis – Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 (3(1)A)]