

Meeting of:	<b>Standards Committee</b>
Date of Meeting:	<b>Thursday, 12 March 2020</b>
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
Report Title:	Applications for Dispensation and Use of the Monitoring Officer's Delegated Powers
Purpose of Report:	To consider applications for dispensation.
Report Owner:	Ms. Debbie Marles, Monitoring Officer/ Head of Legal and Democratic Services
Responsible Officer:	Mrs. Karen Bowen, Principal Democratic and Scrutiny Services Officer
Elected Member and Officer Consultation:	This report does not involve any consultation with other parties
Policy Framework:	This report is a matter for consideration by the Standards Committee
<p>Executive Summary:</p> <ul style="list-style-type: none"> <li>To consider an application for dispensation from a Member of the Vale of Glamorgan Council and the use of the Monitoring Officer's delegated powers in consultation with the Chairman of the Standards Committee.</li> </ul>	

## **Recommendation**

1. That the use of the Monitoring Officer's delegated powers in respect of the application for dispensation from Councillor Mrs. R. Nugent-Finn be noted and endorsed.

## **Reasons for Recommendation**

1. Having regard to the use of the Monitoring Officer's delegated power in consultation with the Chairman of the Standards Committee.

### **1. Background**

- 1.1 The Standards Committees 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.

### **2. Key Issues for Consideration**

- 2.1 An application for dispensation was received from Councillor Mrs. R. Nugent-Finn on 18<sup>th</sup> February, 2020 to speak, vote and remain in meetings when issues are raised (including budgets) in respect of Sully Primary School due to the fact that her son attends the school.
- 2.2 At the last meeting of the Standards Committee on 23<sup>rd</sup> January, 2020 a number of applications of a similar nature was granted, with the Committee resolving that should any similar applications be received, the Monitoring Officer's delegated powers in consultation in consultation with the Chairman be used to determine such applications.
- 2.3 For the Committee's information the Monitoring Officer, following consultation with the Chairman, confirmed her approval of the application for dispensation on 26<sup>th</sup> February, 2020. The application, having been granted until the next Local Government Elections in accordance with paragraphs (d), (e), (f) and (i) of the Standards Committees Grant of Dispensation (Wales) Regulations 2001.
- 2.4 Committee is therefore requested to note and endorse the use of the Monitoring Officer's delegated powers in consultation with the Chairman.

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1 One of the roles and functions of the Standards Committee (as detailed in the Council's Constitution) is to consider the granting of 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.

## **4. Resources and Legal Considerations**

### **Financial**

**4.1** None as a direct result of this report.

### **Employment**

**4.2** None as a direct result of this report.

### **Legal (Including Equalities)**

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

## **5. Background Papers**

Standards Committees Grant of Dispensations (Wales) Regulations 2001.

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	RACHEL NUGENT-FINN
Address	5, BLODY Y 909 BARRY VALE OF GLAMORGAN
Name of Member's relevant Authority and Ward	VALE OF GLAMORGAN CBC CADOC WARD
Nature of Dispensation sought	TO SPEAK, VOTE AND REMAIN IN MEETINGS WHEN ISSUES ARE RAISED (INCLUDING BUDGETS) IN RESPECT OF JULY SCHOOL AS MY SON ATTENDS.
Date of meeting / issue to be discussed (if known)	
Do you seek a dispensation just for the one meeting or for a longer period? If longer, please state a period. (N.B. All dispensations granted expire at the next Council elections.)	UNTIL THE LOCAL GOVERNMENT ELECTIONS IN MAY 2022
Level of dispensation sought (i.e. to speak only or to speak and vote)	SPEAK VOTE AND REMAIN IN MEETINGS WHERE ISSUES RELATING TO THE SCHOOL APPEAR ON THE AGENDA
Relevant paragraph(s) under which dispensation can be granted (See (a) to (j) overleaf)	D, E, F AND I

Details of the Prejudicial Interest	MY SON ATTENDS JULLY PRIMARY SCHOOL.
Details of any Position of responsibility / control held on your Council (e.g. Chairman / Vice-Chairman / Cabinet Member)	CHAIRMAN OF HEALTHY LIVING SOCIAL CARE SCRUTINY COMMITTEE
Reason(s) to support the application and why you consider the Standards Committee should grant a dispensation  (Use a separate sheet of paper if necessary)	AS STATED ABOVE, MY SON ATTENDS JULLY SCHOOL BUT IS IN NO WAY DIFFERENT FROM ANY OTHER PUPIL IN THAT OR ANY OTHER SCHOOL IN THE VALE OF GLAMORGAN COUNCIL AREA AND I BELIEVE THAT HIS ATTENDANCE HAS NO EFFECT OR RELEVANCE TO MY POSITION.

SIGNED: R NUGENT-ANN .....

DATED: ..... 18<sup>th</sup> FEBRUARY 2020 .....

**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 Scrutiny Services, Directorate of Resources, Room 26, 1<sup>st</sup> Floor,  
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)]