

Meeting of:	<b>Standards Committee</b>
Date of Meeting:	<b>Thursday, 10 September 2020</b>
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
Report Title:	Application for Dispensation
Purpose of Report:	To consider an application 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
Executive Summary:	<ul style="list-style-type: none"> <li>To consider an application for dispensation from a Member of the Vale of Glamorgan.</li> </ul>

## **Recommendation**

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

## **Reasons for Recommendation**

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

## **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 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.
- 2.2 Committee is requested to consider the application as below:
  - An application for dispensation was received from **Vale of Glamorgan Councillor J.C. Bird** to vote on and take part in the debate on the planning application for St. Nicholas School. As the Chairman of the Planning Committee which would take the decision on the application, Councillor Bird would like to be able to represent all residents' views about the proposal with a mind to ensure that a fit for purpose school is build in the village of St. Nicholas for the children of the Vale of Glamorgan.

## **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	<b>Jonathan Bird</b>
Address	<b>Beili-Mawr, Dyffryn, Vale of Glamorgan CF5 6SU</b>
Name of Member's relevant Authority and Ward	<b>Vale of Glamorgan Wenvoe ward</b>
Nature of Dispensation sought	<b>I am looking to be able to vote on and take part in the debate on the planning application for St Nicholas school.</b>
Date of meeting / issue to be discussed (if known)	<b>As below</b>
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>	<b>For the period of any planning applications to build a new school in St Nicholas</b>
Level of dispensation sought <i>(i.e. to speak only or to speak and vote)</i>	<b>Speak and Vote</b>
Relevant paragraph(s) under which dispensation can be granted <i>(See (a) to (j) overleaf)</i>	<b>Paragraphs (e) and (i)</b>

Details of the Prejudicial Interest	I don't think I have a personal or a prejudicial interest but as I was involved in looking at alternative sites for the school over the past years some may see it that I have a predisposed position on the application which I most certainly don't but would like the backing of standards committee just to be open and certain.
Details of any Position of responsibility / control held on your Council (e.g. <i>Chairman / Vice-Chairman / Cabinet Member</i> )	I am the Chairman of the planning committee who will be taking the decision on this application.  Wenvoe, Bonvilston and St Nicholas form part of the electoral ward of which I am a Councillor.
Reason(s) to support the application and why you consider the Standards Committee should grant a dispensation  <i>(Use a separate sheet of paper if necessary)</i>	Whilst I was involved in looking for alternative sites for the school I am still open-minded to any application on the current site, also, it will give me a chance to look at all the information that is put before committee and to be able to represent all residents views about the proposal with a mind to ensuring that a fit for purpose school is built in the village of St Nicholas for the children of the Vale of Glamorgan

SIGNED: J.C. Bird

DATED: 25<sup>th</sup> August 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)]