

Meeting of:	Standards Committee
Date of Meeting:	Thursday, 26 November 2020
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
Report Title:	Application for Dispensation and Use of the Monitoring Officer's Delegated Powers
Purpose of Report:	To consider an application for dispensation and to apprise Members of the Monitoring Officer's use of Delegated Powers.
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"> • To consider an application for dispensation. • To note and endorse the use of the Monitoring Officer's delegated powers with regard to an urgent application in consultation with the Chairman of the Standards Committee.

Recommendations

1. That the Standards Committee consider the dispensation application on matters as set out in the completed proforma attached at Appendix 1 to this report.
2. That the use of the Monitoring Officer's delegated powers in consultation with the Chairman of the Standards Committee with regard to the application at Appendix 2 to the report be noted.

Reasons for Recommendations

1. To comply with the regulations and obligations for the grant of dispensations to speak and vote.
2. Having regard to the use of delegated powers under the Council's Constitution.

1. Background

- 1.1 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.
- 1.2 In order to deal with the applications 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.
- 1.3 Applicants are advised that they are also able to attend the Standards Committee meeting to present their application if they wish to do so.

2. Key Issues for Consideration

- 2.1 Firstly, Committee is requested to consider and determine an application for dispensation from Councillor N. Moore to speak and vote on issues relating to Bowling Clubs within the Local Authority attached at Appendix 1 to this report.
- 2.2 Secondly, an application for dispensation was considered and granted by the Monitoring Officer under delegated powers in consultation with the Chairman of the Standards Committee on 2nd October 2020. The dispensation granted was in respect of Vale of Glamorgan Council Councillor K.F. McCaffer's application to speak and vote on matters in relation to Stanwell School at all meetings of the Vale of Glamorgan Council when the issues arise. The Monitoring Officer, in consultation with the Chairman of the Standards Committee, and in light of the Committee's Resolution on 24th January, 2019 (Min. No. 687) granted a dispensation under paragraphs (d), (e), (f) and (i) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001, to speak and vote until the date of the next Local Government elections. The Committee is requested to note the use of delegated powers in respect of the application attached at Appendix 2 to this report.

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 Committee Grant of Dispensations (Wales) Regulations 2001.

5. Background Papers

Standards Committee 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	Neil Moore
Address	6 Cardiff Road Barry CF63 2QY
Name of Member's relevant Authority and Ward	Cadoc Ward
Nature of Dispensation sought	Request for dispensation to speak and Vote on issues relating to Bowling Clubs within the Local Authority.
Date of meeting / issue to be discussed (if known)	With immediate effect - discussions will take place on 2nd November 2020 Cabinet and I will be declaring an interest and leaving that meeting as I do not have a dispensation.
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>	Seeking dispensation to speak and vote on matters relating to all bowling Clubs until the next election. Should a particular issue be raised relating specifically to Cadoxton Bowling club I would declare and leave the meeting for that particular item but should the items under consideration be generic and relate to all Bowling clubs I would seek request this dispensation.
Level of dispensation sought (i.e. to speak only or to speak and vote)	To speak and vote on all issues relating to Bowling Clubs across the Local Authority
Relevant paragraph(s) under which dispensation can be granted	(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

(See (a) to (j) overleaf)	<p>business;</p> <p>(f) the participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise [as a local councillor and as a titular role only];</p> <p>(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;</p> <p>(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;</p> <p>(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</p> <p>(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(1A))]</p>
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Details of the Prejudicial Interest	<p>I have been asked to become the Honorary President of Cadoxton Bowling club, as a long-standing Councillor in Cadoc Ward, in which the club is situated. I have not yet carried out any functions or attended the club due to the pandemic.</p>
Details of any Position of responsibility / control held on your Council (e.g. Chairman / Vice-Chairman / Cabinet Member)	<p>This is a Honorary Role and has no responsibility, control or influence over the running of the Bowling Club.</p>
<p>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></p>	<p>As the Role is an Honorary one, I have no influence over the running of the Bowling Club. It is a titular position only only</p> <p>I consider the following provisions apply:</p> <p class="list-item-l1">(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;</p> <p class="list-item-l1">(f) the participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise [as a local councillor and as a titular role only];</p> <p class="list-item-l1">(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;</p> <p class="list-item-l1">(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;</p> <p class="list-item-l1">(i) it appears to the Standards Committee to be in the interests of the inhabitants of the area of</p>

	<p>the Council that the disability should be removed; or</p> <p>(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(1A))]</p>
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SIGNED: *Neil Moore* (by email)

DATED: 30th October 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, 1st 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)]



**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	Kathryn McCaffer
Address	45 Dinas Road, Penarth, CF64 3PJ
Name of Member's relevant Authority and Ward	Plymouth Ward Vale of Glamorgan Council
Nature of Dispensation sought	Dispensation to Speak, Vote and remain in meetings where issues are raised (including budgets) in respect of Stanwell School, as my child attends the school.
Date of meeting / issue to be discussed (if known)	As and when matters arise
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>	Until elections in 2022
Level of dispensation sought (i.e. to speak only or to speak and vote)	<p>Dispensation to Speak, Vote and Remain in meetings where issues are raised (including budgets) are considered (as I am a Cabinet member of the Council and responsible for Financial decisions), albeit it is rare that this could occur.</p> <p>However, when considering school budgets generally by implication any decision could affect any school (including Stanwel School.)</p> <p>I also attend Scrutiny committees where these budgets could be and often are discussed and therefore, I am seeking this dispensation because I do not consider my connection with the school</p>

	<p>is so tenuous to be irrelevant.</p> <p>Also at Cabinet and Council meetings when setting budgets and considering other matters relating to the school, including appointments of Governors, where all aspects of the council are considered and again this by implication could refer to any school.</p> <p>I respectfully request this dispensation.</p>
Relevant paragraph(s) under which dispensation can be granted <i>(See (a) to (j) overleaf)</i>	<p>I refer you to the issues raised below but specifically (d), (e), (f) & (i)</p> <p>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:</p> <p>(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;</p> <p><i>I consider that being a parent of a child in any school would arguably not be considered to be a prejudicial interest and dispensation in this instance would not damage public confidence. I would assume this would apply to many members of the council who have children who attend Vale of Glamorgan Council Schools.</i></p> <p>(e) the interest is common to the Member and a significant proportion of the general public;</p> <p><i>I consider this to be relevant as a significant number of people have children or grandchildren attending Vale of Glamorgan Council Schools.</i></p> <p>(f) the participation of the Member in the business to which the interest relates is justified by the</p>

	<p>Member's particular role or expertise;</p> <p><i>As a member of this Council for 2 years and the experience and positions I have and currently hold, I consider that this qualifies me for a dispensation.</i></p> <p>(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</p> <p><i>I consider that as I am a Cabinet member of the Council I consider that this reference is particularly relevant.</i></p> <p><i>In fact I consider this reference to be relevant to any member of the Council who has a child / grandchild attending Vale of Glamorgan Council Schools.</i></p>
Details of the Prejudicial Interest	My child attends Stanwell School
Details of any Position of responsibility / control held on your Council (e.g. Chairman / Vice-Chairman / Cabinet Member)	Ward Councillor for Plymouth Ward Cabinet Member for Leisure, Arts and Culture
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)	I believe that I have covered this above, but in summary, as my children are pupils in a school and is no different to any other child attending any school in the Vale of Glamorgan and their attendance has no relevance on any aspect of my work as a cabinet member of the Council or indeed as a Councillor.

SIGNED: K F McCaffer.....

DATED: 23/9/20.....

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.)

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- (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;
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