

Meeting of:	Standards Committee
Date of Meeting:	Thursday, 28 January 2021
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"> To consider an application for dispensation.

Recommendation

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.

Reason for Recommendation

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

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 Committee is requested to consider and determine an application for dispensation from Councillor L. Burnett to speak, vote and remain in meetings where issues are raised at meetings of the Council (including budgets) in respect of Oakfield Primary School attached at Appendix 1 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	Cllr 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	Dispensation to Speak, Vote and remain in meetings where issues are raised at meetings of the Council (including budgets) in respect of Oakfield Primary as my great-niece attends the school. (I already have dispensation for one great-niece who attends Ysgol St Baruc and a niece who attends St Cyres)
Date of meeting / issue to be discussed (if known)	Whenever the matter is to be discussed at a meeting.
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 the next Local Government Election in May 2022
Level of dispensation sought <i>(i.e. to speak only or to speak and vote)</i>	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), relating to School budgets, albeit it is rare that this could occur (it has never been the case thus far). However, when considering school budgets, by implication, any decision could affect any school. I also attend Scrutiny Committees where these budgets could be and often are discussed because I

	<p>do not consider my connection with the school is so tenuous to be irrelevant.</p> <p>I also attend School Budget Forum, which discusses all school budgets and again by implication Ysgol St Baruc, Oakfield Primary and St Cyres School.</p> <p>Also at Cabinet and Council when setting budgets 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>
<p>Relevant paragraph(s) under which dispensation can be granted (See (a) to (j) overleaf)</p>	<p>I refer you to the issues raised below but specifically (d), (e), (f) and (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 consider that being an aunt / great aunt 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 great-nieces and nieces who attend Vale of Glamorgan Council Schools.</p> <p>(e) The interest is common to the Member and significant portion of the general public;</p> <p>I consider this to be relevant as a significant number of people have nieces or great-nieces attending Vale of Glamorgan Council Schools.</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;</p> <p>As a Member of this Council for 11 years and the experience and positions I have and currently hold, I consider that this qualifies me for a dispensation.</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 consider that as I am a Cabinet Member of the Council and for Education, I consider that this reference is particularly relevant.</p> <p>In fact I consider this reference to be relevant to any Member of the Council who has any great-nieces and niece attending Vale of Glamorgan Council Schools.</p>
Details of the Prejudicial Interest	My great-nieces and niece attend Vale of Glamorgan Council Schools – Ysgol St Baruc, Oakfield Primary and St Cyres School
Details of any Position of responsibility / control held on your Council (e.g. <i>Chairman / Vice-Chairman / Cabinet Member</i>)	Cabinet Member of the Council and Councillor for Stanwell Ward
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>	I believe that I have covered this above, but in summary, as my great-nieces and niece are pupils in Vale of Glamorgan schools and are 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: ...L. Burnett.....

DATED: ...6th January 2021.....

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)]