

**CITY AND COUNTY OF CARDIFF  
DINAS A SIR CAERDYDD**

**STANDARDS & ETHICS COMMITTEE**

**25 APRIL 2006**

**APPLICATIONS FOR DISPENSATION**

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**Background**

1. The Committee has statutory authority to grant dispensations to Members of a relevant authority with a personal interest in a matter, allowing them either to speak and vote or to vote (depending on the nature of the interest).
2. The Committee's agreed policy for granting such dispensations is attached for information at **Appendix A**. This Policy recites the grounds on which dispensations may be granted by the Committee.

**Issues**

3. Applications for dispensation have been received from a number of Members of the County Council. The applications are shown in the table attached at **Appendix B**, together with recommendations, for the Committee's consideration.

**Legal Implications**

4. The Committee has approved a general policy on the grant of dispensations and may wish to refer to this policy, but is not bound by it in any particular case and the policy may not fetter the proper exercise of Committee's discretion. Each individual case must be considered on its own facts and merits. The recommendations contained in the attached table are legally achievable.

**Financial Implications**

5. There are no financial implications arising from this report.

**Recommendation**

That the recommendations for dispensations in relation to the interests set out in the table at Appendix B be accepted.

**Kate Berry**

**Chief Legal & Democratic Services Officer and Monitoring Officer**

19 April 2006

**CITY AND COUNTY OF CARDIFF**  
**STANDARDS AND ETHICS COMMITTEE**

**Policy on Dispensations**

**Policy Background and Objectives**

1. Guidance from the National Assembly for Wales regarding dispensations states that “*the dispensation regime is necessary to perform three functions: to deal with interests that Members share with a large proportion of the public, to allow the proper conduct of business, and to enable the participation rules to be applied to take account of individual circumstances*”.
2. The Standards & Ethics Committee wishes to secure maximum participation in democratic debate by its management of the dispensations process, while maintaining public confidence in the conduct of elected representatives.
3. The Committee has identified a policy framework which it will take into account when considering applications for dispensations as follows: -
  - a Safeguarding the ability of councillors and co-opted members to properly represent their community;
  - b The need for councillors in particular to be able to participate in the workings of relevant outside bodies, including school governors, community associations, companies and trusts formed with the specific purpose of furthering council objectives;
  - c The ability to distinguish between interests that are of a more technical nature and those which are likely to substantially influence the judgement and objectivity of individual councillors or co-opted members;
  - d When Members are appointed by the Council to outside bodies, for example to school governing bodies, they can speak but not vote on matters. The Standards & Ethics Committee welcomes requests for dispensation to allow Members to vote in these

circumstances to enable full participation, subject to there being any personal pecuniary interest.

e When Members have a personal financial or other pecuniary interests in an issue, it will rarely be possible to grant dispensations when the matter under discussion impacts directly upon that interest.

## Statutory Framework

4. Part III of the Local Government Act 2000 covers the conduct of Members, and section 81(4) the Act states that – *“Any participation by a member or co-opted member of a relevant authority in any business which is prohibited by the mandatory provisions is not a failure to comply with the authority's code of conduct if the member or co-opted member has acted in accordance with a dispensation from the prohibition granted by the authority's standards committee in accordance with regulations made under subsection (5)”*.
5. The Standards & Ethics Committee has power to grant dispensations to Members to participate in Council business, but these are limited by (among other provisions) the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001. In these regulations, regulation 2 sets out the following circumstances in which the Standards & Ethics Committee, under section 81(4) of the Local Government Act 2000, may grant dispensations–
  - a. no fewer than half of the members of the relevant authority or of a committee of the authority (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 a leader and cabinet executive of the relevant authority 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. in the case of a county or county borough council; the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority 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 relevant authority'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 business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;
- h. the business which is to be considered 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 relevant authority 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; or
- i. it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.

## **Procedures**

6. Applications for dispensation may be made to the Monitoring Officer by using the form available, not less than ten days before the date of a meeting of the Standards & Ethics Committee. A standard form has been prepared for this purpose and is attached. The request for a dispensation must be accompanied by details of the member's interest, together with relevant details, including the matter in respect of which dispensation is sought. Joint applications may be made where more than one member of the authority seeks dispensation to speak or vote on the same matter. Dispensation may be given to either speak and vote or to speak only.
7. Currently, as the old legislation referring to dispensations has not been repealed, if an interest is a pecuniary interest, then it will still be necessary for the Member to apply to the National Assembly for

Wales for dispensation, to abide by the old legislation, as well as applying to the Standards and Ethics Committee. This situation will continue until the old legislation is repealed.

8. Further advice may be obtained from the Monitoring Officer or (in the case of Cardiff Council Members or co-opted Members), any Solicitor in the Council's Legal Services area. Community Councillors should initially seek the advice of their Clerk.

APPENDIX B

<b>Member</b>	<b>Personal Interest</b>	<b>Dispensation Sought</b>	<b>Relevant Grounds</b>	<b>Recommendation that the following dispensations be granted provided that the dispensations shall not apply where the Member concerned has an interest other than the one referred to in this Appendix B</b>
Cllr Gavin Cox	LEA Governor of Ysgol Glan Morfa	Councillor Cox seeks the ability to speak and vote on matters relating to Ysgol Glan Morfa	a, b, c, d, e, f, g, h and i	A dispensation be granted to Councillor Cox under grounds d and f of Regulation 2 of the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001 to speak and vote on matters relating to Ysgol Glan Morfa
Cllr Gavin Cox	LEA Governor of Willows High School	Councillor Cox seeks the ability to speak and vote on matters relating to Willows High School	a, b, c, d, e, f, g, h and i	A dispensation be granted to Councillor Cox under grounds d and f of Regulation 2 of the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001 to speak and vote on matters relating to Willows High School
Cllr Jon Aylwin	LEA Governor of Gladstone Primary School	Councillor Aylwin seeks the ability to speak and vote on matters relating to Gladstone Primary School	a and d	A dispensation be granted to Councillor Aylwin under grounds d and f of Regulation 2 of the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001 to speak and vote on matters relating to Gladstone Primary School
Cllr Cathy Percy	LEA Governor of Allensbank Primary School	Councillor Percy seeks the ability to speak and vote on matters relating to Allensbank Primary School	a, d, e and f	A dispensation be granted to Councillor Percy under grounds d and f of Regulation 2 of the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001 to speak and vote on matters relating to Allensbank Primary School



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Cllr Cathy Percy	LEA Governor of Cathays High School	Councillor Percy seeks the ability to speak and vote on matters relating to Cathays High School	a,d and e	A dispensation be granted to Councillor Percy under grounds d and f of Regulation 2 of the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001 to speak and vote on matters relating to Cathays High School
Cllr John Dixon	LEA Governor of Adamsdown Primary School	Councillor Dixon seeks the ability to speak and vote on matters relating to Adamsdown Primary School	a and d	A dispensation be granted to Councillor Dixon under grounds d and f of Regulation 2 of the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001 to speak and vote on matters relating to Adamsdown Primary School
Cllr John Dixon	LEA Governor of Stacey Primary School	Councillor Dixon seeks the ability to speak and vote on matters relating to Stacey Primary School	a and d	A dispensation be granted to Councillor Dixon under grounds d and f of Regulation 2 of the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001 to speak and vote on matters relating to Stacey Primary School
Cllr Simon Wakefield	LEA Governor of St. Teilo's Church in Wales School	Councillor Wakefield seeks the ability to speak and vote on matters relating to St. Teilo's Church in Wales School	f and g	A dispensation be granted to Councillor Wakefield under grounds d and f of Regulation 2 of the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001 to speak and vote on matters relating to St. Teilo's Church in Wales School

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Cllr Francesca Montemaggi	LEA Governor of Grangetown Primary School	Councillor Montemaggi seeks the ability to speak and vote on matters relating to Grangetown Primary School	d	A dispensation be granted to Councillor Montemaggi under grounds d and f of Regulation 2 of the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001 to speak and vote on matters relating to Grangetown Primary School
Cllr Gwenllian Lansdown	LEA Governor of Severn Infant School	Councillor Lansdown seeks the ability to speak and vote on matters relating to Severn Infant School	c	A dispensation be granted to Councillor Lansdown under grounds d and f of Regulation 2 of the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001 to speak and vote on matters relating to Severn Infant School
Cllr Delme Bowen	LEA Governor of Ysgol Cynradd Creigau (Creigau Primary School)	Councillor Bowen seeks the ability to speak and vote on matters relating to Ysgol Cynradd Creigau (Creigau Primary School)	c, d, e, f and i	A dispensation be granted to Councillor Bowen under grounds d and f of Regulation 2 of the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001 to speak and vote on matters relating to Ysgol Cynradd Creigau (Creigau Primary School)

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Cllr Roger Burley	LEA Governor of Caerau Infants School	Councillor Burley seeks the ability to speak and vote on matters relating to Caerau Infants School	a, d, f and g	A dispensation be granted to Councillor Burley under grounds d and f of Regulation 2 of the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001 to speak and vote on matters relating to Caerau Infants School
Cllr Vaughan Gething	LEA Governor of St. Mary's Church in Wales School	Councillor Gething seeks the ability to speak and vote on matters relating to St. Mary's Church in Wales School	d	A dispensation be granted to Councillor Gething under grounds d and f of Regulation 2 of the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001 to speak and vote on matters relating to St. Mary's Church in Wales School
Cllr Jim James	LEA Governor of Ton-Yr-Ywen School	Councillor James seeks the ability to speak and vote on matters relating to Ton-Yr-Ywen School	a, d, e, g and i	A dispensation be granted to Councillor James under grounds d and f of Regulation 2 of the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001 to speak and vote on matters relating to Ton-Yr-Ywen School

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Cllr Craig Piper	LEA Governor of Llanishen High School	Councillor Piper seeks the ability to speak and vote on matters relating to Llanishen High School	a and d	A dispensation be granted to Councillor Piper under grounds d and f of Regulation 2 of the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001 to speak and vote on matters relating to Llanishen High School
Cllr Craig Piper	LEA Governor of Coed Glas Primary School	Councillor Piper seeks the ability to speak and vote on matters relating to Coed Glas Primary School	a and d	A dispensation be granted to Councillor Piper under grounds d and f of Regulation 2 of the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001 to speak and vote on matters relating to Coed Glas Primary School
Cllr Timothy Davies	LEA Governor of Whitchurch High School	Councillor Davies seeks the ability to speak and vote on matters relating to Whitchurch High School	a, b, c, d, e, f, g, h and i	A dispensation be granted to Councillor Davies under grounds d and f of Regulation 2 of the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001 to speak and vote on matters relating to Whitchurch High School

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Cllr Gerald Harris	Grandparent of 2 children attending Ton-Yr-Ywen School (Cllr Harris is also an LEA Governor of Ton-Yr-Ywen School and holds a valid dispensation in that respect). Further details of Cllr Harris' application to be supplied to the Committee.	Councillor Harris seeks the ability to speak and vote on matters relating to Ton-Yr-Ywen School	d	The Committee to consider and decide whether to grant a dispensation to Cllr Harris in respect of this interest.