

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

STANDARDS & ETHICS COMMITTEE

22 MAY 2007

APPLICATIONS FOR DISPENSATION

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. A number of applications for dispensation have been received from the Clerk to Tongwynlais Community Council on behalf of members of Tongwynlais Community 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

16 May 2007

Appendices

Appendix A – Council Policy on Dispensations

Appendix B – Table of Recommendations for dispensations

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

No.	Member	Personal Interest	Dispensation Sought	Relevant Ground/s	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
1.	Community Councillor Mike Jones-Pritchard	Member of The Village Hall Committee	Community Councillor Jones-Pritchard seeks the ability to speak and vote on matters relating to The Village Hall	d	A dispensation be granted to Community Councillor Mike Jones-Pritchard to speak and vote on matters relating to The Village Hall
2.	Community (and County) Councillor Linda Morgan	Member of The Village Hall Committee	Councillor Morgan seeks the ability to speak and vote at meetings of the Community Council on matters relating to The Village Hall	d	A dispensation be granted to Councillor Linda Morgan to speak and vote at meetings of the Community Council on matters relating to The Village Hall
3.	Community (and County) Councillor Brian Griffiths	Member of The Village Hall Committee	Councillor Griffiths seeks the ability to speak and vote at meetings of the Community Council on matters relating to The Village Hall	d	A dispensation be granted to Councillor Brian Griffiths to speak and vote at meetings of the Community Council on matters relating to The Village Hall
4.	Community (and County) Councillor Alex Evans	Member of The Village Hall Committee	Councillor Evans seeks the ability to speak and vote at meetings of the Community Council on matters relating to The Village Hall	d	A dispensation be granted to Councillor Alex Evans to speak and vote at meetings of the Community Council on matters relating to The Village Hall
5.	Community Councillor	Member of The	Community Councillor	d	A dispensation be granted to

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	Michael Griffiths	Village Hall Committee	Griffiths seeks the ability to speak and vote on matters relating to The Village Hall		Community Councillor Michael Griffiths to speak and vote on matters relating to The Village Hall
6.	Community Councillor Michael Jakeman	Member of The Village Hall Committee	Community Councillor Jakeman seeks the ability to speak and vote on matters relating to The Village Hall	d	A dispensation be granted to Community Councillor Michael Jakeman to speak and vote on matters relating to The Village Hall
7.	Community Councillor Anne Jakeman	Member of The Village Hall Committee	Community Councillor Jakeman seeks the ability to speak and vote on matters relating to The Village Hall	d	A dispensation be granted to Community Councillor Anne Jakeman to speak and vote on matters relating to The Village Hall
8.	Community Councillor Graham Walters	Member of The Village Hall Committee	Community Councillor Walters seeks the ability to speak and vote on matters relating to The Village Hall	d	A dispensation be granted to Community Councillor Graham Walters to speak and vote on matters relating to The Village Hall
9.	Community Councillor Christopher Morgan	Member of The Village Hall Committee	Community Councillor Morgan seeks the ability to speak and vote on matters relating to The Village Hall	d	A dispensation be granted to Community Councillor Christopher Morgan to speak and vote on matters relating to The Village Hall

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10.	Community Councillor Anne Jakeman	Member of St. Michael and All Angels Parish Church	Community Councillor Jakeman seeks the ability to speak and vote on matters relating to St. Michael and All Angels Parish Church	d	No dispensation be granted.
11.	Community Councillor Mike Jones-Pritchard	Member of St. Michael and All Angels Parish Church	Community Councillor Jones-Pritchard seeks the ability to speak and vote on matters relating to St. Michael and All Angels Parish Church	d	No dispensation be granted.
12.	Community (and County) Councillor Brian Griffiths	Member of St. Michael and All Angels Parish Church	Councillor Griffiths seeks the ability to speak and vote at meetings of the Community Council on matters relating to St. Michael and All Angels Parish Church	d	No dispensation be granted.
13.	Community (and County) Councillor Alex Evans	Member of St. Michael and All Angels Parish Church	Councillor Evans seeks the ability to speak and vote at meetings of the Community Council on matters relating to St.	d	No dispensation be granted.

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			Michael and All Angels Parish Church		
14.	Community Councillor Michael Griffiths	Caretaker of St. Michael and All Angels Parish Church	Community Councillor Griffiths seeks the ability to speak and vote on matters relating to St. Michael and All Angels Parish Church	d	No dispensation be granted.
15.	Community (and County) Councillor Linda Morgan	Sunday School Teacher at St. Michael and All Angels Parish Church	Councillor Morgan seeks the ability to speak and vote at meetings of the Community Council on matters relating to St. Michael and All Angels Parish Church	d	No dispensation be granted.
16.	Community (and County) Councillor Brian Griffiths	LEA Governor of Tongwynlais Primary School	Councillor Griffiths seeks the ability to speak and vote at meetings of the Community Council on matters relating to Tongwynlais Primary School	d	A dispensation be granted to Councillor Brain Griffiths to speak and vote at meetings of the Community Council on matters relating to Tongwynlais Primary School.
17.	Community Councillor Michael Griffiths	Co-Opted Governor of Tongwynlais Primary	Community Councillor Griffiths seeks the	d	A dispensation be granted to Community Councillor Michael

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		School	ability to speak and vote on matters relating to Tongwynlais Primary School		Griffiths to speak and vote on matters relating to Tongwynlais Primary School
18.	Community (and County) Councillor Linda Morgan	Privately contracted teacher at Tongwynlais Primary School	Councillor Morgan seeks the ability to speak and vote at meetings of the Community Council on matters relating to Tongwynlais Primary School	d	No dispensation be granted.
19.	Community Councillor Mike Jones-Pritchard	Community Council representative Governor of Tongwynlais Primary School	Community Councillor Jones-Pritchard seeks the ability to speak and vote on matters relating to Tongwynlais Primary School	d	A dispensation be granted to Community Councillor Mike Jones-Pritchard to speak and vote on matters relating to Tongwynlais Primary School
20.	Community (and County) Councillor Linda Morgan	Musical Director of Castell Coch Choral Society	Councillor Morgan seeks the ability to speak and vote at meetings of the Community Council on matters relating to Castell Coch Choral Society	d	No dispensation be granted.

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21.	Community Councillor Mike Jones-Pritchard	Project Officer of Castell Coch Choral Society	Community Councillor Jones-Pritchard seeks the ability to speak and vote on matters relating to Castell Coch Choral Society	d	No dispensation be granted.
22.	Community Councillor Graham Walters	Member of Tongwynlais Rugby Club	Community Councillor Walters seeks the ability to speak and vote on matters relating to Tongwynlais Rugby Club	d	No dispensation be granted.
23.	Community Councillor Christopher Morgan	Member of Tongwynlais Rugby Club	Community Councillor Morgan seeks the ability to speak and vote on matters relating to Tongwynlais Rugby Club	d	No dispensation be granted.
24.	Community Councillor Graham Walters	Member of Tongwynlais Football Club	Community Councillor Walters seeks the ability to speak and vote on matters relating to Tongwynlais Football Club	d	No dispensation be granted.

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25.	Community Councillor Christopher Morgan	Member of Tongwynlais Football Club	Community Councillor Morgan seeks the ability to speak and vote on matters relating to Tongwynlais Football Club	d	No dispensation be granted.
26.	Community Councillor Michael Jakeman	Community Council representative on GE Healthcare Liaison Committee	Community Councillor Jakeman seeks the ability to speak and vote on matters relating to GE Healthcare	d	A dispensation be granted to Community Councillor Michael Jakeman to speak and vote on matters relating to GE Healthcare provided the dispensation shall not extend to participation in any vote with respect to business relating to the finances or property of GE Healthcare.
27.	Community (and County) Councillor Alex Evans	County Council representative on GE Healthcare Liaison Committee	Councillor Evans seeks the ability to speak and vote at meetings of the Community Council on matters relating to GE Healthcare	d	A dispensation be granted to Councillor Alex Evans to speak and vote at meetings of Tongwynlais Community Council on matters relating to GE Healthcare provided the dispensation shall not extend to participation in any vote with respect to business relating to the finances or property of GE

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28.	Community (and County) Councillor Brian Griffiths	County Council representative on GE Healthcare Liaison Committee	Councillor Griffiths seeks the ability to speak and vote at meetings of the Community Council on matters relating to GE Healthcare	d	Healthcare A dispensation be granted to Councillor Brian Griffiths to speak and vote at meetings of Tongwynlais Community Council on matters relating to GE Healthcare provided the dispensation shall not extend to participation in any vote with respect to business relating to the finances or property of GE Healthcare
29.	Community (and County) Councillor Linda Morgan	County Council representative on GE Healthcare Liaison Committee	Councillor Morgan seeks the ability to speak and vote at meetings of the Community Council on matters relating to GE Healthcare	d	A dispensation be granted to Councillor Linda Morgan to speak and vote at meetings of Tongwynlais Community Council on matters relating to GE Healthcare provided the dispensation shall not extend to participation in any vote with respect to business relating to the finances or property of GE Healthcare.