

STANDARDS COMMITTEE – 5TH JANUARY 2006

SUBJECT: APPLICATIONS FOR DISPENSATION

REPORT BY: MONITORING OFFICER

1. PURPOSE OF REPORT

1.1 To consider an application for dispensation from Councillor Colin Mann.

2. LINKS TO STRATEGY

2.1 The authority acting through this committee has an obligation to maintain high standards of probity and conduct throughout the authority and the community councils within the county borough area.

3. THE REPORT

- 3.1 Councillor Colin Mann, a councillor of Caerphilly County Borough Council has made application for dispensation to allow him to attend public consultation meetings in relation to the proposals for the proposed recycling facility at St. Ives, Duffryn Business Park, Ystrad Mynach.
- 3.2 Councillor Mann has declared an interest in relation to this matter because his home is near the St. Ives site and could be affected by the proposals.
- 3.3 Councillor Mann has accepted that he will not seek to attend meetings of the Council because of the declaration of interest; his application is merely to allow him to attend the public consultation meetings as a local resident.
- 3.4 The application is made under grounds (iv) and (v):-
- (iv) 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;
 - (v) the interest is common to the member and a significant proportion of the general public.

Councillor Mann's detailed application for dispensation is attached as an appendix to this report.

3.5 The background to this is that the Council is looking to enter into a long term partnership arrangement for waste management and Biffa is its preferred bidder. Negotiations are still proceeding with Biffa to agree the terms of a contract. Meantime, the Council has decided to develop a recycling facility which it has decided will be situated at the former St. Ives premises at the Duffryn Industrial Estate, Ystrad Mynach. Developing such a recycling facility would allow the Council to meet Government targets for recycling waste material.

- 3.6 The Council has acquired the premises and is now in conjunction with Biffa holding a series of meetings to explain how the new facility will work and answer questions from the public about it. Understandably there is considerable public disquiet, and opposition to these proposals from the communities in Llanbradach, Ystrad Mynach and Maesycwmmmer; the houses where Councillor Mann lives are probably the closest to the site.
- 3.7 These public meetings will not be decision-making meetings of the Council. Any decisions will be taken either at the Cabinet or at the full Council, depending on the nature of the decision. Because of the possible presence of officers of the Council or other elected members, these public meetings will technically fall within the definition of “meeting” within the Code of Conduct. A councillor having declared an interest in the matter could not then attend such a meeting.
- 3.8 This has come about because of a decision in England on the Code of Conduct, where the Court of Appeal has given a ruling that once a councillor has declared an interest then that councillor cannot return to the meeting even as a member of the public unless the member relinquished his office of councillor. The effect of this decision is to take away the rights of a councillor as a private citizen but the Court felt that this view did not contravene Human Rights legislation, for detailed reasons given in the judgment.
- 3.9 In that case the councillor was looking to come back as a private citizen to a planning committee meeting. I think that the Court was looking at the possible influence that the member would have simply by his presence at the meeting whether it was as a private citizen or as a councillor.
- 3.10 In the case of the application by Councillor Mann the situation is different. The meetings for which he is seeking a dispensation are not decision-making meetings; Councillor Mann is not asking for any dispensation to allow him to speak at these meetings. In my view his presence could not be seen as influencing the Council’s decision-making process.
- 3.11 There is in my view some doubt about whether the Code of Conduct was intended to cover meetings of this sort but on balance I feel that the Code does apply and therefore the Standards Committee has jurisdiction to consider a dispensation application. The situation is different from England in that in Wales, standards committees have a far wider range of grounds on which to grant dispensations.
- 3.12 Members will therefore need to decide:-
- (a) Would Councillor Mann’s attendance at the meeting damage public confidence in the conduct of the Council’s business given that these are public meetings, are not decision-making meetings and that the dispensation is merely to attend the meeting;
 - (b) Is the interest which Councillor Mann has declared, common to both him and a significant proportion of the general public?

4. FINANCIAL IMPLICATIONS

- 4.1 None.

5. PERSONNEL IMPLICATIONS

- 5.1 None.

6. CONSULTATIONS

6.1 There are no views which have not been reflected in this report.

7. RECOMMENDATIONS

7.1 That members consider the application for dispensation to attend public consultation meetings in relation to the plans for St. Ives.

8. REASONS FOR THE RECOMMENDATIONS

8.1 In order to comply with legislation and the terms of reference of this committee.

9. STATUTORY POWER

9.1 Local Government Act 2000 and Standards Committees (Grants of Dispensation) (Wales) Regulations 2001. This is a Council function delegated to this committee.

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Consultees: Chair - Standards Committee, Cabinet Member for Policy and Resources.

Background Papers:

There are no background papers other than published documents. Reference is made to the (public) register of members' interests held by the Monitoring Officer.

Appendices:

Appendix 1 Detailed application for dispensation made by Councillor Mann.