

## STANDARDS COMMITTEE – 16TH OCTOBER 2006

**SUBJECT: APPLICATION FOR DISPENSATION**

**REPORT BY: MONITORING OFFICER/CORPORATE SOLICITOR**

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### 1. PURPOSE OF REPORT

1.1 To consider an application for dispensation from Councillor R.T. Davies.

### 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 Davies, a councillor of Caerphilly County Borough Council representing the Bedwas, Trethomas and Machen ward has made application for dispensation to allow him to speak at the Council's Planning Committee in relation to a planning application by the Bedwas Health Centre for an extension to the existing doctors' surgery. Councillor Davies is not a member of the Planning Committee so the issue of voting does not arise.

3.2 Councillor Davies has declared an interest in relation to this matter because he and his family are patients at the surgery.

3.3 I received a letter from Dr. Rajan of the health centre confirming that the application "is put forward mainly to facilitate the needs of the baby clinic". Councillor Davies has stated to me that "apart from some improvement on the frontage, there will be no direct benefit to my family or myself if the application went through".

3.4 The application for dispensation is made under grounds (iv), (v) and (ix).

(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.

(ix) 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.

3.5 Councillor Davies's interests appears to fall under paragraph 11 which states that:-

"A member has a personal interest in a matter if that member anticipates that a decision upon

it might reasonably be regarded as likely to benefit or disadvantage:-

- (a) the member, one of the member's family, or a friend, or any person with whom the member has a close personal association, or
- (b) a body which employs those persons or for which those persons have any degree of ownership control or management

to a greater extent than other council taxpayers, ratepayers or inhabitants of the authority's area".

- 3.6 I am doubtful whether the interest declared is one which is "to a greater extent than other council taxpayers ratepayers or inhabitants of the authority's area" but Councillor Davies has nevertheless declared the interest additionally because there might be said to be a benefit to him regarding the improvement to the frontage of the building.
- 3.7 Members need to be aware that Councillor Davies is not a member of the Planning Committee and so any dispensation granted would be only to speak at the meeting - he would not have any voting rights in any event.
- 3.8 Members will therefore need to decide:-
- (a) is the nature of Councillor Davies's interest something that would damage public confidence in the conduct of the Council's business if he took part in the debate?
  - (b) is the interest which Councillor Davies 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 Given the late application for dispensation no consultation on the report has been possible. The format of this report follows the normal format of reports to the Standards Committee.

#### **7. RECOMMENDATIONS**

- 7.1 That members consider the application for dispensation to speak in relation to the planning application by the Bedwas Health Centre.

#### **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: There have been no consultations for the reasons set out above.

### 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