



STANDARDS COMMITTEE – 21ST SEPTEMBER 2015

**SUBJECT: APPLICATIONS FOR DISPENSATION FOR MEMBERS OF THE
EDUCATION FOR LIFE SCRUTINY COMMITTEE**

REPORT BY: INTERIM HEAD OF LEGAL SERVICES/MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 To consider applications for dispensation by members of the Education for Life Scrutiny Committee in relation to the consideration of a report from a Task and Finish Group on Community centres set out in Appendix A attached.
- 1.2 To consider whether to extend the dispensation to speak and vote to any Members of Caerphilly County Borough Council declaring an interest because of Membership of a management committee of a Community Centre, when considering recommendations in reports from the Education for Life Scrutiny Committee, on any or all of the grounds listed in this report.

2. SUMMARY

- 2.1 To consider applications for dispensation by Members details of which are set out in the report.

3. LINKS TO STRATEGY

- 3.1 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.

4. THE REPORT

- 4.1 On 20th May, 2015 the Council's Education for Life Scrutiny Committee set up a Task and Finish Group comprising nine members of the Scrutiny Committee to undertake a review of Community Centres to identify which Centres may be suitable for asset transfer or where levels and proximity to other facilities suggest that closure merits consideration.
- 4.2 Six out of the nine members of the Task and Finish Group applied for a dispensation to participate on the Task and Finish Group which were granted by the Chair and Mr. Lewis, the Independent Member of the Standards Committee on the 6th July, 2015. Details of the dispensations granted are set out in a separate report on this agenda.
- 4.3 The dispensations to the members of the Task and Finish Group were only granted in respect of the review undertaken by the Task and Finish Group and as such further applications for dispensation would need to be made by members when the report regarding the review is considered by the Education for Life Scrutiny Committee.

- 4.4 The report of the Task and Finish Group is attached at Appendix A and is due to be considered by the Education for Life Scrutiny Committee on 22nd September 2015. The membership and composition of the scrutiny committee is attached at Appendix B. The recommendations include proposals to close three community centres, reduce contribution towards caretaking costs for all community centres and withdraw financial support for payment of water costs for all community centres. Members are asked to note that none of the members seeking dispensation sit on the management committees of the three community centres proposed for closure but all would be affected by the other recommendations.
- 4.5 The statutory grounds on which the Committee can grant dispensation are as follows:
- (i) 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;
 - (ii) 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 (iv) or (v) also applies;
 - (iii) 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;
 - (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;
 - (vi) The participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;
 - (vii) 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;
 - (viii) 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
 - (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.
- 4.6 The following members of the Education for Life Scrutiny Committee have declared an interest in relation to their membership of a Community Centre Management Committee and have listed the specific grounds of their respective applications for dispensation below.
- 4.6.1 **Councillor Philip James Bevan** on the management committee of the Twyn Community Centre seeks a dispensation on grounds (i) (iii) and (v).
- 4.6.2 **Councillor Mrs A. Blackman**, Treasurer of Nelson Community Centre seeks a dispensation on grounds (iv) (vi) and (viii).
- 4.6.3 **Councillor J Bevan** as Secretary of Abertysswg Community Centre seeks a dispensation on grounds (i) and (iii).

4.6.4 **Councillor W. David, is** a non-voting ex officio member of the Task and Finish group and chair of the Education Scrutiny Committee which will consider the Task and Finish Group report. His interest is that he is a member of the Management Committee of Cascade Community Centre, a member of the Management Committee of Penybryn Village Hall, a member of the Management Committee of Glanynant Memorial Hall and a trustee in the lease granted by the Council to the Management Committee of the Tiryberth Village Hall.

He holds all the above offices because he is the elected County Councillor for the St. Cattwg Ward and a Community Councillor for the Cascade Ward.

In addition his wife and son are members of the Management Committee of Tiryberth Village Hall.

Councillor W David seeks a dispensation under grounds (i) and (vii).

4.6.5 **Cllr H.R. Davies,** a Co-opted Member of the Management Committee on Trecenydd Community Centre seeks a dispensation under grounds (i) and (iii).

4.6.6 **Councillor C. Durham,** Management Committee member of Cwmfelinfach Community Centre seeks a dispensation under grounds (i) and (iii).

In his request Councillor Durham has noted that there are many of the committee members also affected by the attached report. In addition if all of these members were to leave the meeting when this is discussed, the make-up of the committee may become inquorate, and the political balance of the members may also become unbalanced.

4.6.7 **Councillor D. Havard,** former founding member of management committee of Graig Y Rhacca Community Centre seeks a dispensation under grounds (i) and (iii).

4.6.8 **Councillor G. Johnston,** being a Management Committee Member of Pentwynmawr Community Centre seeks a dispensation under grounds (i) and (iii).

4.6.9 **Councillor Mrs G.D. Oliver,** being a member of management committee of standby Pontlottyn Community Centre seeks a dispensation under grounds (i) and (iii).

4.6.10 **Councillor J.E. Roberts,** Management Committee Member of Senghenydd Community Centre seeks a dispensation under grounds (i) and (iii).

4.6.11 **Councillor Mrs M.E. Sargent,** Member of Penyrheol Community Centre Management Committee seeks a dispensation under grounds (iii) and (vi).

4.7 Members are asked to consider all of the grounds for dispensation listed in paragraph 4.5 but in particular the grounds set out respectively in paragraph 4.6 above.

4.8 Members will therefore need to decide:-

- a. should a dispensation to speak and vote be granted in respect of any or all the Members of the Education for Life Scrutiny Committee on all or any of the grounds listed above.
- b. whether to extend the dispensation to speak and vote to any Members of Caerphilly County Borough Council declaring an interest because of Membership of a management committee of a Community Centre, when considering recommendations in reports from the Education for Life Scrutiny Committee, on any or all of the grounds above.

5. FINANCIAL IMPLICATIONS

5.1 None.

6. CONSULTATIONS

8.1 There are no consultation responses that have not been reflected in the recommendations to this report.

7. RECOMMENDATIONS

7.1 That Members consider:-

- (a) The applications for dispensation from the named Members above;
- (b) whether to extend the benefit of any such dispensation to any other member of Caerphilly County Borough Council declaring an interest because of membership of a Community Centre Management Committee.

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 Committee (Grant of Dispensation) (Wales) Regulations 2001. This is a Council function delegated to this Committee.

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Appendix A Community Centres Task and Finish Group Report
Appendix B Education for Life Scrutiny Committee Membership