

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO STANDARDS COMMITTEE

22 NOVEMBER 2016

REPORT OF THE MONITORING OFFICER

REQUEST FOR DISPENSATIONS

1. Purpose of Report

- 1.1 To advise the Standards Committee of applications received from Members of the Development Control Committee for dispensation to speak and vote in connection with a planning application received regarding the site and premises formerly known as the Ogmore Constituency Labour Party Social Club.

2. Connection to Corporate Improvement Plan / Other Corporate Priority

- 2.1 There are no direct links to the Corporate Improvement Plan and Corporate Priorities.

3. Background

- 3.1 The Council held a freehold interest in the land and premises which were the subject of a 99 year lease to The Trustees of The Ogmore Constituency Labour Party Social Club (OCLP) which was assigned by Licence dated 5 March 2012 to Labour Party Nominees Limited. Under the terms of the lease an annual rent of £305 was payable and the land and premises were to be used for the purpose of a social and recreational club and car park for members and their guests.
- 3.2 The Council explored the possibility of joining with the leaseholder in the marketing and sale of both freehold and leasehold interest in the site but this was not progressed. In order to maximise consideration for the Council's freehold interest in the site, Cabinet approved the sale of the site subject to the OCLP leasehold interest on 27th May 2014.

Members Code of Conduct

- 3.3 The Members Code of Conduct was adopted by the Council in September 2008. All Councillors are required to sign an undertaking to abide by the provisions of the Code as part of their declaration of acceptance of office. The Standards Committee has statutory responsibility under the Local Government Act 2000 for monitoring compliance with the Code.
- 3.4 Under Paragraph 14 of the Code of Conduct, where a Member has a personal interest which is prejudicial, the Member will be prevented from participating in Council business relating to that matter unless there is a saving provision within the Code or the Standards Committee grant special dispensation.

3.5 The Committee can grant dispensations in accordance with the Standards Committees Grant of Dispensation (Wales) Regulations 2001 and Section 81(4) of the Local Government Act 2000. The circumstances in which dispensations may be granted are attached for information as **Appendix 1**.

4. Current situation / proposal

4.1 The Monitoring Officer has received 14 applications from Members of the Development Control Committee for special dispensation to enable them to speak and vote in connection with a planning application received regarding the site and premises formerly known as the Ogmore Constituency Labour Party Social Club which will be considered at the next meeting of the Development Control Committee on 24th November 2016.

4.2 From the applications presented (attached as **Appendix 2**), it appears that the Members all have a personal interest in accordance with paragraph 10 of the Code of Conduct but also a prejudicial interest (paragraph 12 of the Code) as the test is whether a member of the public might reasonably regard their personal connection with the Ogmore Constituency Labour Club as so significant as to prejudice their judgement of the public interest. Whilst it is a matter of judgment for the individual Members concerned, the Monitoring Officer has advised the Members to err on the side of caution and treat this as a prejudicial interest. The Members have therefore applied for special dispensation to speak and vote in connection with the Club.

4.3 The Standards Committee can grant such dispensations in accordance with the 2001 Regulations and the 2000 Act. In this case, the following possible statutory grounds for granting dispensation are possible:

(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;

4.4 The Committee can grant or refuse the applications for special dispensation. If dispensations are granted, then the Committee can impose conditions or restrictions, if they think fit.

4.5 If the dispensations are granted, the Members would still declare their interests and disclose the nature of the dispensations relied upon before participating in the matter.

5. Effect upon Policy Framework & Procedure Rules

5.1 None.

6. Equality Impact Assessment

6.1 There are no equality implications.

7. Financial Implications

7.1 None.

8. Recommendation

8.1 The Committee is recommended to consider the applications attached as Appendix 2 and determine whether the dispensations should be granted.

Contact Officer: P A Jolley
Corporate Director – Operational and Partnership Services

Telephone: (01656) 643106
E-mail: Andrew. Jolley@bridgend.gov.uk

Postal Address Level 2,
Civic Offices,
Angel Street,
Bridgend,
CF31 4WB

Background Documents

None