

STANDARDS COMMITTEE
26TH SEPTEMBER 2019

APPLICATION FOR DISPENSATION BY COUNCILLOR ROBERT JAMES

Recommendations / key decisions required:

To consider and determine the application

Reasons:

The subject matter of this report falls within the remit of the Committee

Scrutiny Committee recommendations / comments:

Not applicable

Exec Board Decision Required NO

Council Decision Required NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)

Directorate

Chief Executives

Name of Head of Service:

Linda Rees-Jones

Report Author:

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Designations:

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EXECUTIVE SUMMARY STANDARDS COMMITTEE 26TH SEPTEMBER 2019

APPLICATION FOR DISPENSATION BY COUNCILLOR ROBERT JAMES

An application has been received from County Councillor Robert James for dispensation to speak and vote in respect of a Motion on Notice to be considered by Full Council on the 9th October 2019 regarding the Dyfed Pension Fund.

All County Councillors are members of the pension fund and therefore would have a personal interest in the motion on notice. However that interest would NOT be prejudicial by virtue of paragraph 12(2)(b)(iv) of the Code.

Councillor James would also have a personal interest in the motion on notice by virtue of paragraph 10(2) (b)(i) of the code as his partner (a close personal associate) is also a member of the pension fund.

This personal interest would also be prejudicial as a member of the public with knowledge of the relevant facts would reasonably regard the interest as so significant that it would be likely to prejudice the Councillor's judgement of the public interest.

Councillor James has submitted his application on the basis of three grounds set out in the Standards Committees (Grant of Dispensations)(Wales) regulations 2011 (as amended) namely:

1. That at least half the members considering the business has an interest
2. That the interest is common to me and a significant proportion of the general public.

Whilst it is correct that over half of the members of the Council are members of the pension fund and therefore have an interest in the motion, it is difficult to say to what extent other members also have an interest under paragraph 10(2)(b)(i).

According to the Pension Fund website, on the 31st March 2016 the Fund has 44,931 members across local government, the police and fire service.

In addition to the above, the committee may also wish to consider whether the ground under regulation 2(d) of the 2011 regulations apply, namely that the nature of Cllr James's interest is such that his participation in the debate and vote would not damage public confidence in the conduct of the relevant authority's business.

If the committee is minded to grant Councillor James a dispensation in respect of this interest it has absolute discretion as to the duration of that dispensation.

DETAILED REPORT ATTACHED?

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: L R Jones

Head of Administration and Law

Policy, Crime & Disorder & Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: L R Jones

Head of Administration and Law

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Not applicable

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. Staff Side Representatives and other Organisations

Not applicable

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-173	Legal Services, County Hall