



STANDARDS

1.00 pm FRIDAY, 19TH OCTOBER, 2018

CONFERENCE ROOM 1

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AGENDA

1. Apologies for absence
2. Declarations of Interest

Members are reminded of their personal responsibility to declare any personal and prejudicial interest in respect of matters contained in this agenda in accordance with the provisions of the Local Government and Finance Act 1992 relating to Council Tax, the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct

Note:

- (a) Members are reminded that they must identify the item number and subject matter that their interest relates to and signify the nature of the personal interest and
- (b) Where Members withdraw from a Meeting as a consequence of the disclosure of a prejudicial interest they must notify the Chair when they leave

3. Code of Conduct for Members and Co-opted Members: Request for Dispensation - Councillor Kevin O'Neill

To consider report from Carys Kennedy.

3 - 8

4. Any other item deemed urgent by the Chair

COMPOSITION:

J Morgan (Chair)
I Cathrew (Vice-Chair)

Councillors: J Amos, G Richards and C Tovey

Independent Members: D McCarthy and A L Morgan

Community Council Representative: H Thomas

together with appropriate officers

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STANDARDS REPORT

Date Written	4 th October 2018
Report Author	Carys Kennedy
Exempt/Non Exempt	Non Exempt
Committee Date	19 th October 2018

To: Chair, Ladies and Gentlemen

Code of Conduct for Members and Co-opted Members: Request for Dispensation - Councillor Kevin O'Neill

1.0 SUMMARY OF THE REPORT

- 1.1 To consider an application from Councillor Kevin O'Neill who seeks dispensation to speak and vote on matters relating to the Leisure Trust as he was appointed as Chair of the Leisure Trust until July 2016. This also applies to any pursuant "interest" that may be deemed to arise thereunto, relating to any business conducted by the Authority or any of its Committees which comes before the Council, Cabinet or any of its Committees.

2.0 RECOMMENDATION(S)

- 2.1 The Committee is requested, in light of the facts presented in the report contained within the application, to determine whether or not it is prepared to exercise its discretion under any of the sub sections of Regulation 2 of the Standards Committee (Grant of Dispensation) (Wales) Regulations 2001 to grant the Councillor seeking dispensation an entitlement to speak and vote at any meeting (where appropriate).

3.0 INTRODUCTION AND BACKGROUND

- 3.1. Members will be aware that Councillor Kevin O'Neill's Dispensation Request was scheduled for the meeting on the 20th July 2018. Members were advised that the Governance Scrutiny Committee has been receiving updates on historical issues in

relation to the Merthyr Tydfil Leisure Trust and, as such, it was resolved that the dispensation request be deferred until such time as the Scrutiny Committee has completed this process. Correspondence has now been received confirming that the Scrutiny Committee will now only be receiving updates on the way forward for the Leisure Trust, and it is felt that members are now in a position to consider Councillor O’Neill’s dispensation request.

- 3.2 Attached, as Appendix 1, is the dispensation form received from Councillor Kevin O’Neill seeking dispensation to speak and vote on matters relating to the Leisure Trust and to any pursuant “interest” that may be deemed to arise thereunto. Members will recall that Councillor O’Neill submitted a request previously in respect of this issue but it was felt at that time that his resignation from the management structure was very recent and that he may become involved in considering issues arising from his own tenure if the dispensation were to be granted. He has made this further application because a further period of time has elapsed and the structure and management of the Trust has undergone wholesale change since his involvement with them.
- 3.3. Councillor O’Neill seeks dispensation in accordance with paragraph 2 (f) of the Standards Committee (Grant of Dispensation) (Wales) Regulations 2001 (hereinafter call “the Regulations”).

CARYS KENNEDY
MONITORING OFFICER

BACKGROUND PAPERS		
Title of Document(s)	Document(s) Date	Document Location
Request for dispensation form	25 th June 2018	Democratic Services
Dispensation Request to Standards Committee	20 th July 2018	Council Website
Does the report contain any issue that may impact the Council’s Constitution?		No

MERTHYR TYDFIL COUNTY BOROUGH COUNCIL
FORM FOR APPLICATION FOR DISPENSATION



MERTHYR TYDFIL
 County Borough Council
 Cyngor Bwrdeistref Stral
 MERTHYR TYDFIL

Member's Application for Dispensation
in respect of a Prejudicial Interest

Note:

Under Section 81 (4) of the Local Government Act 2000, a member who has a prejudicial interest in a matter which is under consideration may not participate in the consideration of that matter by the Authority, a Committee or Sub-Committee unless he/she has first obtained a dispensation from the Standards Committee.

You may apply for a dispensation by completing this form and sending it to the Monitoring Officer not less than 10 days before the date when the matter is to be considered.

1.	Member's Name:	Kevin O'Neill
2.	What is the matter/subject for which you seek a dispensation?	Leisure Trust
3.	What body (Authority, a Committee or Sub-Committee) is this matter to be considered by?	Full Council
4.	What is the nature of your prejudicial interest?	In Nov 2014 I was appointed Chair. I resigned in July 2016
5.	When will this matter be considered?	Full Council Meeting in July
6.	Are you applying for dispensation to speak only or to speak and vote?	Speak only <input type="checkbox"/> Speak and Vote <input checked="" type="checkbox"/>

7.	Under which of the following grounds do you seek this dispensation? (Please tick the options that apply to you)	
a.	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:	
b.	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 d. or e. also applies:	
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:	
e.	The interest is common to the member and a significant proportion of the general public:	
f.	The participation of the member in the business to which the interest relates is justified by the member's particular role or expertise.	√
g.	The business to which the interest relates is to be considered by a scrutiny committee of the relevant Authority and the member's interest is not a pecuniary interest.	
h.	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	

i.	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.	
8.	<p>Please set out below the reasons why you consider that the Standards Committee should grant this dispensation:</p> <p>It has been over 2 years since I had any involvement in the Leisure Trust. MTCBC could benefit from my insights when progressing relevant issues.</p>	

Please note: Further information may be requested by the Standards Committee.

Signed

Dated: 25.6.18

Please return to the Democratic Services Department

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