

**STANDARDS COMMITTEE – 9<sup>TH</sup> JULY 2010**

**FINANCE AND CORPORATE SERVICES**

**REPORT OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES  
AND MONITORING OFFICER**

**INDEX OF REPORT ITEM**

**PART 1 – Doc. Code: STDS-090710-REP-FS-DM**

<b>SECTION A – MATTER FOR DECISION</b>		
<b>Report Item</b>	<b>Page Nos</b>	<b>Wards Affected</b>
<b>1. Grant of Dispensations under Section 81(4) Local Government Act 2000</b>	2-7	All

1. **GRANT OF DISPENSATIONS UNDER SECTION 81(4)  
LOCAL GOVERNMENT ACT 2000**

1.1. **GENERAL**

Under Section 81(4) of the Local Government Act 2000 Standards Committees may grant dispensations to a Member of a relevant authority (including a Community Council) allowing the Member to participate in any business where that participation would otherwise be prohibited by the mandatory provisions of the Members' Code of Conduct.

The National Assembly for Wales in the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 (SI No: 2279) sets out the circumstances in which these dispensations may be granted. The Standards Committee may only grant dispensations in the circumstances set out in the Regulations. In the report which follows, I set out the circumstances or grounds on which dispensations may be granted in each case.

The form of the report will generally set out the dispensation, the circumstances in which it may be granted, details of the applicant for the dispensation and whether it is a re-application or a new application.

I will first deal with dispensations relating to employment issues if any have been received by the date of the meeting.

Under Paragraph 18 of The Code of Conduct (and the relevant Regulations) The Standards Committee may not consider granting a dispensation to an individual Member unless the Member seeking it has previously notified the Monitoring Officer of that interest together with the relevant details.

In accordance with previous practice, it is suggested that all dispensations be granted until the first meeting of the Standards Committee following the Council Annual General Meeting in 2010 in order to ensure that they all come up for renewal at the same time.

Many dispensations previously granted to cover School governorships and appointments to outside bodies are now no longer relevant due to changes in the Code.

## 1.2. **EMPLOYMENT**

Council is probably the largest employer in the County Borough. Hence, it is not uncommon for both Officers and Members to have family members employed by Council. Unfortunately, this can cause some problems in dealing with Council business especially for members who have to act under the Members' Code of Conduct. There is often disruption particularly in full Council Meetings when Members make declarations of interest in this respect.

The form of application for dispensation is intended to try to cover the situation when, although strictly required in law under the Members' Code of Conduct, serial declarations affect the smooth running of Committee business in circumstances where the general public would not draw any inference from the relationships being declared.

Often Members have family whose employment position within the organisation puts them far away from the ability to influence Council Policy and are certainly not considered decision makers. Sometimes, family members are in relatively low paid jobs which are part time or temporary in nature.

Hence all the applications for dispensations request the ability to speak and vote on issues relating to the business of Neath Port Talbot County Borough Council, including personnel matters, when the same do not directly financially advantage or disadvantage, or give other direct benefit or dis-benefit to a member of a Councillor's family who is employed by Council. The reasons given for this is that the person employed is not a senior manager of Council (i.e. by that I mean not an Accountable Manager or above) and is not charged with being involved in assisting with the determination of Council Policy.

The Member using the form appreciates that the dispensation cannot be used if the matter under consideration would confer a greater benefit on the employed family member than on other tax payers, ratepayers or inhabitants of the Council's area, or be such that a member of the public might reasonably conclude it would significantly affect the Member's ability to act purely on the merits of the case and in the public interest if the Member were to take part in the discussion.

### **Standard form of Dispensation: Employment**

“To speak and vote on issues relating to the business of Neath Port Talbot County Borough Council including relevant personnel matters which do not directly financially advantage or disadvantage or give other direct benefit or disbenefit to a Member or the Member's family who is employed by the County Borough Council provided that the employment is not as a senior manager nor is it involved in assisting with the determination of Council policy. This dispensation will not apply in circumstances where a member of the public might reasonably conclude that the employment would significantly affect the Councillor's ability to act purely on the merits of the case and in the public interest.”

Note: A Senior Manager is an officer or Accountable Manager or equivalent and above.

### **Circumstances for granting the Dispensation: Employment**

The circumstances are:-

“(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”

Note: this paragraph derives from Regulation 2 of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 and was the circumstance under which applications for dispensations of this sort were previously approved.

The Applications received are as follows:-

<b>Councillor</b>	<b>Employment Dispensation</b>
D. W. Davies	His sister-in-law is employed as a Nursery Nurse.
Mrs. J. Hopkins	Her husband is employed as an ICT Research Officer.
I. B. James	His wife is employed as a permanent parking attendant.
E. V. Latham	His son is employed as a Parks Attendant.
A. Llewelyn	His wife is employed as a Teacher.
W. E. Morgan	His daughter is employed as a Clerk in Blaengwrach School.
L. Purcell	Her ex-husband is employed in Social Services, Health and Housing.
P. A. Rees	His daughter-in-law is employed as a School Clerk.  His son is employed by the YOT Team.
A. N. Woolcock	His niece is employed as a modern apprentice.

### **Recommendation**

That the applications for dispensation set out in paragraph 2.2.9. be approved in the circumstances set out in Regulation 2 (d) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 in the standard form to speak and vote and that the dispensations run to the Standards Committee which follows the Annual Meeting 2011.

### 1.3. **MISCELLANEOUS DISPENSATIONS**

The Standards Committee has previously approved various dispensations to Members where they are members of voluntary organisations or organisations carrying out public functions where it is the wish of those Members to speak on Council business relating to those organisations and also, in some cases vote. The subject of the dispensation and its extent varied in each case and therefore I have summarised the applications in the table which appears below.

The applications marked \* are from Members who are appointed to these bodies by the Council and therefore already have a partial exemption by virtue of the provisions of the Code of Conduct.

#### **Circumstances for granting the Dispensations: Miscellaneous**

The circumstances are:-

“(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”

Note: this paragraph derives from Regulation 2 of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 and was the circumstance under which applications for dispensations of this sort were previously approved.

#### **Applications for Dispensations: Miscellaneous**

<b>Member</b>	<b>Subject of Dispensation</b>	<b>Extent of Requested Dispensation</b>	<b>Circumstances</b>
A. Llewelyn	Ystalyfera Development Trust.  Strategic housing matters even when they relate to housing association.	Speak and Vote  Speak only`	Reg 2 (d)  Reg 2 (d)
P. A. Rees *	Swansea Bay Racial Equality Council	Speak and Vote	Reg 2 (d)

### **Recommendation**

That the applications for dispensation set out in paragraph 2.3.5. be approved in the circumstances set out in Regulation 2 (d) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to speak or to speak and vote as set out in the Schedule above and that the dispensations run to the Standards Committee which follows the Annual Meeting 2011.

#### 1.4. **GRANT OF GENERAL DISPENSATION: SCHOOL GOVERNORS**

At the last meeting of the Standards Committee a general dispensation was granted to allow all Members to speak and vote on education matters generally but, more particularly, the Strategic Schools Improvement Programme. This dispensation was granted under Regulation 2 (d), (f) and (g).

### **Recommendation**

It is recommended that this general dispensation be further granted for 2009/2010.

#### 1.5. **OFFICER CONTACT**

For further information on this report please contact:-  
Mr. D. Michael, Head of Legal and Democratic Services and  
Monitoring Officer Tel. No. 763368 or e-mail  
[d.michael@npt.gov.uk](mailto:d.michael@npt.gov.uk)

#### 1.6. **BACKGROUND PAPERS**

Letters received from Members.

#### 1.7. **WARDS AFFECTED**

All