

**STANDARDS COMMITTEE**

**13<sup>TH</sup> MAY 2005**

**DIRECTORATE OF FINANCE AND CORPORATE SERVICES**

**REPORT OF THE HEAD OF LEGAL SERVICES  
- C.A.JOHN**

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**STANDARDS COMMITTEE – 13<sup>TH</sup> MAY 2005**

**REPORT OF THE MONITORING OFFICER**

**1. Grant/Regrant of Dispensations under The Code of Member Conduct**

**1.1 Local Councillors as School Governors**

Members will recall that Committee considers the granting of a general dispensation to Councillors of Neath Port Talbot County Borough Council to speak and to vote on matters where those members have an interest as governors, as a nominee or an appointee of Neath Port Talbot County Borough Council and where in conducting Councils business

- (a) the political balance of the authority is upset; or
- (b) more than 50% of councillors are affected by the declaration of interests.

The granting of the dispensation in such circumstances allows all members to fully take part in debate and decision making to deal with education and governing bodies issues generally.

Standards Committee will recollect that I reported fully on the consideration to be applied to such dispensations in my main report to the Standards Committee in 2003 and annually since then with respect to block applications and from time to time for individual applications as follows

“The Code of Conduct provides that where a member holds a position of general control or management in a body about which a decision is being made by the Council, or where it relates to a body to which they have been appointed by the authority as a representative, then the member must declare an interest. The Code allows the member to speak but not vote in these circumstances. Members generally feel vulnerable if they do speak. The situation is very difficult to handle especially when Neath Port Talbot County Borough Council is dealing with whole authority education issues e.g. the annual budget for Schools.

Hence it is clear that the position of school governors is causing problems in authorities across Wales resulting in school governors having to withdraw from decisions which affect a large number of schools across the authority's area, because of the nature of the interest. On authority-wide issues or issues which affect a large number of schools this declaration of interest has the potential either of upsetting the political balance of the authority or preventing more than 50% of the authority's membership from taking part i.e. in reality most of the members are Governors. This runs counter to the principles of good administration and could in extreme situations prevent the authority from taking a decision at all."

I remind Committee that it is of course not appropriate to grant a dispensation to an individual Member where either:-

- (a) the proposal under discussion relates solely to his or her school, or to a small group of schools which include his or her school;
- or (b) where the decision would benefit the member, one of the member's family, a friend or any person with whom the member has a close personal association;
- and also (c) where the member has other personal interests apart from membership of a Governing Body.

Standards Committee has previously granted a general dispensation to vote to all Councillor Governors who have previously applied.

Additional Neath Port Talbot County Borough Council Members have been appointed as governors of various schools, and these Members are now requesting Dispensation to vote with the usual conditions applied. Also some Members who have dispensations for 1 School have been appointed to other schools or had an additional one allocated to them. One dispensation marked \* is a renewal.

See list below

- |               |   |
|---------------|---|
| *D. K. Davies | Dwr y Felin                                 |
| Mrs J. Dudley | Dwr y Felin                                 |
| V. Funning    | Llangatwg Comprehensive School (additional) |

## **Recommended**

I recommend that the above listed applications for dispensations be granted from the date of this Committee to expire on 31<sup>st</sup> March 2006 to enable further reconsideration by this Committee of same in the light of any National Assembly for Wales guidance that may be received.

These dispensations granted will enable Councillors to vote in any matter affecting schools where:-

- (a) the declaration of interest affects the political balance of the authority or of the body considering the matter; or
- (b) where more than 50% of the membership of the body considering the matter has declared an interest relating to that business.

Provided that:-

- (a) this does not apply to any member where the proposed decision could benefit or disadvantage the member, one of the member's family or a friend or any person with whom the member has a close personal association; or is a unique benefit to his/her School
- (b) or where the member has an additional code interest other than his/her membership of a governing body.

This recommendation is made in order to secure compliance with the Council's adopted Code of Conduct, to ensure the proper dispatch of the Council's business, this committee being satisfied that the members' participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority business."

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 me of that interest together with the relevant details. Every Member has done so.

Applications received after the date of preparation of this report will be tabled and reported orally at Committee as urgent items.

## **Officer Contact**

For further information on this report please contact:-

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