

STANDARDS COMMITTEE

28TH APRIL 2006

DIRECTORATE OF FINANCE AND CORPORATE SERVICES

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

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STANDARDS COMMITTEE – 28TH APRIL 2006

**REPORT OF THE HEAD OF LEGAL SERVICES/
MONITORING OFFICER**

ITEM 1

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

1(a) Local Councillors as School Governors

Standards Committee has previously granted a general dispensation to vote to all Councillor Governors who have previously applied. These dispensations expire on 31st March 2006 and at Standards Committee's meeting of 24th March 2006 all Members who had applied for renewals were re-granted.

I now list below the names of the Neath Port Talbot Councillors who at the date of preparation of this Report have applied to have a regrant of Standards Committee dispensations previously granted so that they may not only speak but also vote. Those whose positions have changed are marked * and their application for a regrant are to take these changes into account. (See foot note 'Changes Indicated' below).

Councillor Mrs J. Jones
Councillor D. Lewis
Councillor M Lewis *1
Councillor A. J. Tutton

Changes Indicated

*1 Councillor M. Lewis is no longer a Governor for Rhos Afan

Recommended

I recommend that the above dispensations be re-granted to expire on 31st March 2007 to enable further reconsideration by this Committee of same in the light of any National Assembly for Wales guidance that may be received.

The dispensations regranted be not only to speak but also 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 and/or financial interest.

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. Unless an asterix appears next to a Members name on the List that member has confirmed that they wish to have their dispensation renewed and have no changes to their position since Committee granted the such dispensation.

Recommended

It is recommended that all dispensations requested be regranted.

Committee's decision is requested hereon.

1(b) **Applications for Grant of Dispensation – Councillors as School Governors**

The following Councillors are making applications for Dispensations to not only speak but vote in the same circumstances as outlined in 1(a) above. The same considerations should apply as notified to Committee in Item 1(a) above. The Councillors are:

Councillor L. G. Williams
Councillor D. Keogh

Recommended

That these dispensations be granted on the same basis, with the relevant exceptions, and for the same period of time as the renewals considered in Item 1(a) aforesaid.

Committee’s decision is requested hereon.

2(a) **Specific individual Member applications for re-grant of dispensations**

Members apply from time to time for specific grants of dispensations previously awarded by Standards Committee to be re-granted. These Members must also have confirmed that their personal circumstances have not changed since this Committee considered and awarded the original dispensation.

2(a)(i) **Neath Port Talbot County Borough Councillors**

None received by date of circulation of this report.

2(a)(ii) **Community Councillors**

None received by date of circulation of this report.

Note: Any applications received by the date of Committee will be reported orally to Committee and oral advices given thereon for decision.

2(c) **Applications for Grant of Dispensations – Specific to Individual Members**

2(c) (i) **Applications From Neath Port Talbot County Borough Council Members for Grants of Dispensations relative to Specific Individual Members**

A. **Councillor D. Lewis - Application – Dispensation to speak and vote on matters relating to tourism and The South Wales Regional Tourism Partnership**

Councillor D. Lewis has made application to be able to speak and vote in respect of matters that come before Neath Port Talbot County Borough Council in future relating to tourism and like issues, and in respect of the above partnership. He is Vice Chairman, which is an unpaid position.

In making this application he relies on the grounds that such a grant would not damage public confidence; it is justified due to his special expertise (in economic development matters) and is in the interests of the inhabitants of the county area.

He says that

“I am nominated by Neath Port Talbot County Borough Council to be on the said Tourism Partnership and have been appointed to the Board of Directors. This is an unpaid appointment. The purpose of the Partnership is to develop the tourism industry in South West Wales. The Partnership is a mix of public Sector and Private Sector members. It is financed mainly by the original Tourist Board of Wales now WAG and small contributions of Local Authorities.

I wish to be able to participate fully in matters relating to tourism when under discussion at Council and to matters relating to the Partnership. I appreciate I should not take part in matters of discussion when the financial position of the Partnership is being discussed by Council or if my personal position is being discussed”

I am making enquiries into the status of the Partnership and will report orally to Committee thereon.

Committee’s decision is requested hereon

B. Councillor D. Lewis - Application – Dispensation to speak and vote on matters relating to Business Connect Neath Port Talbot

Councillor D. Lewis has applied to be able to speak and vote on issues relating to or concerning the business of the above organisation of whose Board of Directors he is a member. This is an unpaid position.

Councillor Lewis claims the grounds for Committee granting same is that there would be no damage to public confidence; it is justified because of his expertise (economic development) and it is in the interests of the inhabitants of the county area.

Councillor Lewis says:

“I was nominated to the Board of this organisation by Neath Port Talbot County Borough Council. It is an unpaid employment. The organisation supports economic regeneration through business grants. It is funded partly by Council and formerly by the WDA, now WAG. I am the Cabinet Member for Economic Development so to fully discharge the role I need to be able not only to speak but also vote on issues relating to this organisation’s general business in Neath Port Talbot County Borough Council.

I appreciate I should not use any dispensation to financially advantage or disadvantage this organisation or where my personal interests are involved.”

I am enquiring into the status of this organisation and will report orally to Committee with further information as relevant to the application.

Committee’s decision is requested hereon.

3. **Applications for Dispensations By Councillors who are members of Neath Port Talbot County Borough Council Overview and Scrutiny Committees.**

Committee received a full report on such dispensations at its meeting of 24th March last.

Committee will no doubt recall that I feel the regulations dealing with dispensations recognises as one of the statutory grounds for seeking dispensation that the interest relates to the Overview/Scrutiny Committee and is not a ‘pecuniary’ interest (the word pecuniary I now interpreted as ‘financial’).

Hence all the listed applications for dispensations request the ability to speak and vote on issues relating to the business of Neath Port Talbot County Borough Council as described above, when the same do not directly financially advantage or disadvantage, or give other direct benefit or dis-benefit to the Member or the Members family.

Members applying recognise that the dispensation cannot be used if the matter under consideration would confer a greater benefit on him or herself or their family than on other tax payers, ratepayers or inhabitants of the Councils area, or be such that a member of the public might reasonably conclude it would significantly affect the Members 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.

The appropriate interest must still be declared in the usual way at the relevant overview and scrutiny meeting, but unless the above considerations apply, such a dispensation could be claimed and the Member will then be able to speak and vote accordingly.

Any dispensations granted are to expire on 31st March 2007.

Once more I have grouped the applications together for each of the Overview and Scrutiny Committees concerned.

I will comment on each application as necessary orally at Committee and make recommendations accordingly.

Children's Services

Councillor L J Davies
Councillor Mrs J. Jones

Children, Young People and Education

Councillor L J Davies
Councillor Mrs J. Jones
Councillor Mrs M. Lewis
Councillor H.M. James

Economic and Community Regeneration

None received at date of circulation of Report.

Environment and Highways

Councillor C. Morgan
Councillor J. D. Edwards
Councillor Mrs J. Hopkins
Councillor D. Keogh

Policy and Resources

Councillor J. Myers
Councillor C. Morgan
Councillor J. D. Edwards

Social Care, Health and Housing

Councillor A. Taylor
Councillor H.M. James

* Note – Any applications received by the date of Committee will be reported orally and oral advices given hereon. All the above applications accord with the same category of applications granted on 24th March last, and are hence recommended for approval on the same terms and for the same duration as previously determined.

Committee’s decision will be requested hereon

4. Applications received relative to Employment – Neath Port Talbot County Borough Council Members in respect of members of their family employed by Council

I reported to Standards Committee on 24th March last on similar applications for dispensation. All these applications are made on the same basis with the same conditions to apply, including duration, if granted. They all request the ability to speak and vote and give as the grounds for doing so that there would be no damage to public confidence if they are allowed to fully participate in decision making.

Hence all the enclosed applicants appreciate such dispensation can only be used when the same does not directly financially advantage or disadvantage, or give other direct benefit or dis-benefit to a Member of a Council’s family who is employed by Council. So long as 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 then Committee have previously agreed to such dispensations.

Also each Member 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 Councils area, or be such that a member of the public might reasonably conclude it would significantly affect the Members 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.

The appropriate interest must still be declared in the usual way at any meeting where the interest is relevant, but unless the above considerations apply, the dispensation, when given, could be claimed and the Member will then be able to speak and vote accordingly.

All dispensations granted are to expire on 31st March 2007.

1. Councillor D. W. Davies
His sister-in-law is employed by Neath Port Talbot County Borough Council as a Nursery Nurse in the Directorate of Education Leisure and Lifelong Learning at Ton Mawr School.
2. Councillor L. J. Davies
His son is employed by Neath Port Talbot County Borough Council as an apprentice Surveyor in the Directorate of Environment.
3. Councillor E. Jones
His daughter-in-law is employed by Neath Port Talbot County Borough Council as an Admin Assistant in the Directorate of Social Services Health and Housing.
4. Councillor Mrs M. Lewis
Her daughter-in-law is employed by Neath Port Talbot County Borough Council as a Support Teacher and Dinnerlady in the Directorate of Education Leisure and Lifelong Learning.

Committee's decision to be requested herein.

Officer Contact

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