

STANDARDS COMMITTEE
31ST MAY 2013

FINANCE AND CORPORATE SERVICES

REPORT OF THE HEAD OF LEGAL SERVICES AND
MONITORING OFFICER

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ITEM 1
PART 1 SECTION A

Grant of Dispensations renewals under Section 81(4) Local Government Act 2000

1.1. General

- 1.1.1. 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.
- 1.1.2. 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.
- 1.1.3. The form of the report will generally set out the dispensation, the circumstances in which it may be granted and details of the applicant for the dispensation.
- 1.1.4. 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.
- 1.1.5. 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 2014 in order to ensure that they all come up for renewal at the same time.

1.2. Employment

- 1.2.1. The 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. The Standards Committee has previously granted dispensations to cover this situation.
- 1.2.2. 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.
- 1.2.3. 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.
- 1.2.4. Hence all the applications for dispensations request permission to speak and vote on issues relating to the business of Neath Port Talbot County Borough Council, (including personnel matters), provided these matters 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 dispensation will not apply where the person employed is a senior manager of Council (i.e. by that I mean an Accountable Manager or above) or is charged with assisting with the determination of Council Policy.
- 1.2.5. The Member using the form will understand 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

1.2.6. “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 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 Accountable Manager or equivalent and above.

Circumstances for granting the Dispensation: Employment

1.2.7. 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.

1.2.8. The Applications received are as follows:-

Councillor	Employment Dispensation
H. M. Bebell	His niece is employed in Environment Services as a Project Co-ordinator
P. Bebell	Her niece is employed in Environment Services as a Project Co-ordinator
D. W. Davies	His sister-in-law is employed as a Nursery Nurse.
I. B. James	His wife is employed as a permanent parking attendant.
Mrs. L. H. James	Her daughter in law is employed as a parking attendant
E. V. Latham	His son is employed as a Parks Attendant.
Mrs. M. A. Lewis	Her daughter in law is employed as a Support Teacher
A. Llewelyn	His wife is employed as a Teacher.
P. A. Rees	His daughter-in-law is employed as a School Clerk.
Mr. P. D. Richards	His wife is employed as a Specialist Behavioural Outreach Worker.
J. Rogers	<ol style="list-style-type: none"> 1. His daughter is employed as a Teaching Assistant 2. His son is employed as an Admin Officer
D. Whitelock	<ol style="list-style-type: none"> 1. His wife is employed as a mobile cleaner in the Environment Directorate. 2. His daughter works at Cwmavon School as a lunch time supervisor
A. N. Woolcock	His niece is employed as a Training and Development Support Officer

Recommendation

- 1.2.9. That the applications for dispensation set out in paragraph 1.2.8. 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 as set out in Paragraph 1.2.6. to speak and vote and that the dispensations run to the Standards Committee which follows the Annual Meeting 2014.

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.

Circumstances for granting the Dispensations: Miscellaneous

- 1.3.1. 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.

1.3.2. Applications for Dispensations: Miscellaneous

Member	Subject of Dispensation	Extent of Requested Dispensation	Circumstances
A. P. H. Davies	When One Voice Wales is under consideration in Coedffranc Community Council or NPTCBC meetings	Speak and Vote	Reg 2 (d)
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)
J. Miller	1) Employment in ABMU - LHB 2) Melyn Community Conference	Speak Speak and Vote	Reg 2 (d)
Mrs. S. Miller	1) Employment in ABMU - LHB 2) Board Secretary Melyn Community Conference	Speak Speak and Vote	Reg 2 (d) Reg 2 (d)
P. D. Richards	1) To speak and vote on matters relating to the Youth Offending Panel. 2) To speak only and not vote, on matters of general, commercial and retail development, subject to the condition that the dispensation will not apply to any planning application by or transaction with the Co-operative Group, or with any subsidiary or related enterprise.	Speak and Vote Speak only	Reg 2 (d) Reg 2 (d)

Recommendation

That the applications for dispensation set out in paragraph 1.3.4. 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 2014.

1.4. Grant of General Dispensation: School Governors

1.4.1. Previously the Standards Committee has granted a general dispensation 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) until the Annual Standards Committee following the Annual Meeting 2013.

1.4.2. 2 (f) and 2 (g) are as follows:-

2 (f) the participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise.

2 (f) the business to which the interest relates is to be considered by an Overview and Scrutiny Committee of the relevant authority and the Members interest is not a pecuniary interest.

Recommendation

It is recommended that this general dispensation be further granted until the Standards Committee which follows the Annual meeting 2013.

1.5. School Transport and Reorganization matters

1.5.1. Last year we received an application for dispensation from Councillor Alun Llewelyn. He has an interest in that he was the parent of a child at Ysgol Gyfun Ystalyfera and he wished to speak on matters relating to the school and transport provision.

Subsequently further similar applications were dealt with by Standards Committee on 15th March 2013 to deal with school reorganization and transport issues.

Standard form of Dispensation: School Improvement/School Transport

1.5.2. The standard form of dispensation used in these cases was:-

“To speak but not vote on issues which relate to school improvement and/or school transport”.

Circumstances for granting a Dispensation: School Improvement/School Transport

1.5.3. The circumstances under which the dispensations were granted were as follows:-

“(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 Dispensation) (Wales) Regulations 2001 and was the circumstances under which applications for dispensations of this sort were previously approved.

1.5.4. The application for dispensations are as follows:-

Name	Nature of Interest	Issue	Speak or Vote
Cllr. Sandra Miller	Governor – Grandchildren of school age	School Improvement/ School Transport	Speak only
Cllr. John Miller	Governor – Grandchildren of school age	School Improvement/ School Transport	Speak only
Cllr. Sheila Penry	Governor – Grandchildren of school age	School Improvement/ School Transport	Speak only
Cllr. Arthur Davies	School Governor	School Improvement/ School Transport	Speak only
Cllr. Alun Llewellyn	Child of School Age	School Improvement/ School Transport	Speak only
Cllr. John Rogers	Grandchildren of school/college age	School Transport	Speak only
Cllr. Anthony J. Taylor	Children of school age	School Improvement	Speak only
Cllr. Alan Carter	School Governor	School Improvement/ School Transport	Speak only
Cllr. Eirion Richards	School Governor	School Improvement/ School Transport	Speak only
Cllr. Hugh James	School Governor	School Transport	Speak only
Cllr. J. D. Morgan	Child of School Age	School Transport	Speak only

1.5.5. Recommendation

That the applications for dispensations set out in paragraph 5.5.4. 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 as set out in Paragraph 2.5.2. to speak but not vote and that the dispensations run to the Standards Committee with follows the Annual meeting 2014.

1.6. Background Papers

Details of applications.

1.7. Wards Affected

All

1.8. Officer Contact

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

ITEM 2
PART 1 SECTION B

STANDARDS COMMITTEE MEMBERSHIP

2.1. Purpose of Report

To inform Members of terms of office of current Members of the Standards Committee.

2.2. Background

2.2.1. Previous members of the Standards Committee will know that we had approval to increase the size of the Standards Committee in order to ensure that the period of office of the various independent members overlapped. The independent members were therefore increased by two seats. The current membership is set out at Annex 1.

2.2.2. There is a requirement in the regulations governing Standards Committees that they appoint their own Chair and Vice Chair.

2.2.3. This report is for information only

2.3. Background Papers

None

2.4. Wards Affected

All

2.5. Officer Contact

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

ANNEX 1

NPTCBC STANDARDS COMMITTEE

MEMBER	APPOINTED	RE-APPOINTED	EXPIRES
C.J. Crowley	30 th May 2012	-	30 th May 2016
A.L.Thomas	30 th May 2012	-	30 th May 2016
S.Jones (Substitute)	30 th May 2012	-	30 th May 2016 (or date of next Election if earlier)
M.Evans	24 th July 2008	30 th May 2012	30 th May 2016
Mrs.S.Davies (Substitute)	29 th July 2010	30 th May 2012	30 th May 2016 (or date of next Community Council Election if earlier)
G.Pullen	24 th July 2008	30 th May 2012	30 th May 2016
Mrs.J.Howells	24 th July 2008	30 th May 2012	30 th May 2016
C.Jones	7 th November 2012	-	7 th November 2016
Ms.B.Richards	7 th November 2012	-	7 th November 2016