



STANDARDS COMMITTEE

9.30 AM - WEDNESDAY, 16TH SEPTEMBER 2015

COMMITTEE ROOMS 1/2 - PORT TALBOT CIVIC CENTRE

PART 1

1. To receive any declarations of interest from Members
2. To receive the minutes of the previous meeting held on 17th April 2015
(Pages 5 - 8)

To receive the Report of the Head of Legal Services and Monitoring Officer

3. Grant of Dispensations and Renewal of Grants Under Section 81(4) Local Government Act 2000 (Pages 9 - 20)
4. Any urgent items at the discretion of the Chairman pursuant to Section 100B(4)(b) of the Local Government Act 1972

PART 2

5. Access to Meetings - to resolve to exclude the public for the following item(s) pursuant to Section 100A(4) and (5) of the Local Government Act 1972 and the relevant Exempt Paragraphs of Part 4 of Schedule 12A to the above Act.

To receive the Private Report of the Head of Legal Services and Monitoring Officer

6. Referral From the Ombudsman
(Exempt under Paragraph 18c) (*Pages 21 - 40*)

S.Phillips
Chief Executive

Civic Centre
Port Talbot

10th September 2015

Committee Membership:

Chairman: Mr G.T.Pullen

Vice Chairman: Mrs J.E.Howells

Independent Members: C.L.Jones and Mrs.B.Richards

NPTBC Members D.Keogh and A.L.Thomas

Community Cttee Member: Town/Community Councillor Mrs S.Davies

Substitutes

NPTCBC M.Crowley

Community Cttee Member: Town/Community Councillor Mrs M.Gunter

*Notes: (a) The Quorum for the Standards Committee is at least three Members including the Chairman (or in absence Vice Chairman). At least half the Members present (including the Chair) must be Independent Members. (e.g. if only two Independent Members attend, there must **only** be two other Members of the Committee present.)*

(b) In view of the above, can all Members please inform the Monitoring Officer as soon as possible, if there is a problem with attendance.

STANDARDS COMMITTEE

(Committee Room C - Neath Civic Centre)

Members Present:

17th April, 2015

Chairman: Mr G.T.Pullen

Vice Chairman: Mrs J.E.Howells

Independent Members: C.L.Jones, Mrs.B.Richards and
Town/Community Councillor Mrs S.Davies

NPTBC Members: Councillors A.L.Thomas

**Town/Community
Committee Members:** Councillor Mrs. S. Davies

Officers InAttendance: D.Michael and Miss G. Cirillo

Apologies: Councillors D. Keogh

1. **MINUTES OF THE PREVIOUS MEETING HELD ON 10TH
OCTOBER, 2014**

RESOLVED: that the Minutes of the previous meeting held on the 10th October 2014, be confirmed as a correct record subject to the Committee noting that in respect of the private item number 5 – **Potential Referral from Public Services Ombudsman for Wales** - the Monitoring Officer confirmed that in respect of this, there was no further information available at this point in time.

2. **WELSH GOVERNMENT WHITE PAPER - POWER TO LOCAL
PEOPLE**

The Head of Legal Services and, as Monitoring Officer, advised Members of the proposals of the Welsh Government contained in the Government White Paper, relating to the reform of Local Government. Members were also advised of the Authority's draft responses to the White paper, as detailed

within the circulated report, which would be recommended to Council on 17th April 2015 at 2.00pm.

The Head of Legal Services and Monitoring Officer gave Members an overview of the issues relevant to Standards Committee from the White Paper and Members had the opportunity to discuss the issues and the recommended responses in detail. The areas discussed were, the Role and Responsibilities of Elected Members, Diversity among Elected Members and Recall of Elected Members, as detailed in the circulated report.

Members thanked the Officer for his work in this matter.

RESOLVED: that the Authority's proposed draft response to the Welsh Government Proposals as contained in the Welsh Government White Paper, in relation to Local Government Reform, as detailed in the circulated report, be supported.

3. **RECRUITMENT TO BRIDGEND COUNTY BOROUGH COUNCIL STANDARDS COMMITTEE**

Members of the Committee were advised of an email received from Legal Services in Bridgend County Council, as detailed within the circulated report, regarding current vacancies for two Independent Members.

The Head of Legal Services and Monitoring Officer reminded Members that the closing date was Friday 17th April 2015.

RESOLVED: that the report be noted.

4. **NATIONAL ASSEMBLY FOR WALES FINANCE COMMITTEE EXAMINATION OF OMBUDSMAN POWERS**

Members were presented with a report advising them of an enquiry by the Finance Committee of the National Assembly for Wales into the powers of Public Services Ombudsman for Wales. Members were given a background to the enquiry as detailed in the circulated report, with some evidence submitted to the Finance Committee by the Welsh Local Government Association (WLGA).

The Head of Legal Services and Monitoring Officer highlighted those responses pertinent to the Standards Committee i.e. potential breaches of the Code of Conduct as outlined in the report for Members' information.

RESOLVED: That the report be noted.

CHAIRMAN

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STANDARDS COMMITTEE

REPORT OF HEAD OF LEGAL SERVICES - D.MICHAEL

16TH SEPTEMBER 2015

SECTION A – MATTER FOR DECISION

WARDS AFFECTED: ALL

GRANT OF DISPENSATIONS AND RENEWAL OF GRANTS UNDER SECTION 81(4) LOCAL GOVERNMENT ACT 2000

Purpose of Report

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 2015 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 and 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 adverse 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 otherwise charged with assisting in the determination of Council Policy.

1.2.5. The Member using the dispensation will understand that it 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 provided that (a) they 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 or (b) 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
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	1. His daughter is employed as a Teaching Assistant 2. His son is employed as an Support Officer Route 16
D. Whitelock	His wife is employed as a mobile cleaner in the Environment Directorate.
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 2016.

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 application from Councillor Lella James is a new application. All the other applications are applications for renewals. The subject of the dispensation and its extent varies 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.	Speak and Vote	Reg 2 (d)
J. Miller	Melyn Community Conference	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	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 only	Reg 2 (d)
Mrs. P. Bebell	Membership of ABMU Community Health Council	Speak only	Reg 2 (d)
P. Rees	Items relating to the programme of educational improvements at Hillside Secure Unit provided that they do not relate to contractual terms between the Council and Cefn Saeson Comprehensive School	Speak and Vote	Reg. 2 (d)
H. Bebell	Items relating to a personal interest in residential development. Request for County Borough and Community Council.	Speak only	Reg 2 (d)
L. James	Daughter is a member of Local Democracy and Boundary Commission for Wales and the independent Remuneration Panel for Wales	Speak and Vote	Reg 2 (d)
I. James	Sister is a member of Local Democracy and Boundary Commission for Wales and the independent Remuneration Panel for Wales	Speak and Vote	Reg 2 (d)

Recommendation

- (1) That the applications for renewals of dispensations set out in paragraph 1.3.2. 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 2015.
- (2) That the new applications be considered.

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 2014.

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 (g) 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 2016.

1.5. School Reorganization matters

1.5.1. Last year Standards Committee granted applications for dispensation from a number of members regarding School Reorganization/School Transport matters. Since the School Transport issue has been resolved I place the application before Committee for consideration only in relation to School improvement i.e. school reorganization. Some of the Councillors may in future have a role in deciding school reorganization matters due to changes in the statutory regime.

Standard form of Dispensation: School Reorganization Personal Interests

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

“To speak but not vote on issues which relate to school reorganization”.

Circumstances for granting a Dispensation: School Reorganization

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 Des Davies	Sister-in-law employed as a nursery nurse at Tonmawr Primary	School Reorganization	Speak only
Cllr. Alun Llewelyn	Child of School Age	School Reorganization	Speak only
Cllr. John Miller	Governor – Grandchildren of school age	School Reorganization	Speak only
Cllr. Sandra Miller	Governor – Grandchildren of school age	School Reorganization	Speak only
Cllr. J. D. Morgan	Grandchild of School Age	School Reorganization	Speak only
Cllr. Peter Rees	Daughter-in-law works as a school clerk in Dyffryn Comprehensive School	School Reorganization	Speak only
Cllr. John Rogers	Grandchildren of school/college age	School Reorganization	Speak only
Cllr. Anthony J. Taylor	Children of school age	School Reorganization	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 2016.

1.6. **Grant of Dispensations: Third Sector Review**

1.6.1. The Policy and Resources Overview and Scrutiny Committee has scrutinised a proposed decision in relation to the funding of “third sector” bodies. Some Members have interests in respect of various of the bodies covered by that review.

1.6.2. 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.

1.6.3. Some Members requested the Standards Committee to grant a dispensation allowing them to participate in meetings relating to the review. Members who are appointed to bodies by the Council are required to declare the appointment but their personal interest is not a prejudicial interest under the Members' Code of Conduct. Other Members however are members of such organisations in their own right or have other interests. Their interests may be both personal and prejudicial requiring them to leave the meeting.

1.6.4. The interests in relation to which a dispensation is sought are as follows:-

<u>Name of Member</u>	<u>Nature of Interest</u>
1. Cllr. Lella James	Cllr. James' daughter works for Christian Aid.
2. Cllr. Linet Purcell	Cllr. Purcell is a member of the National Trust and Wildfowl and Wetlands Trust.
3. Cllr. Andrew Jenkins	Cllr. Jenkins is a member of Neath Port Talbot Credit Union.

1.6.5. The circumstances in which Standards Committee may grant dispensations are set out in the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001. The circumstances are set out below:-

- (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;
- (g) the business to which the interest relates is to be considered by an overview and 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;

1.7. Recommendation

That Standards Committee considers the applications for dispensation set out in paragraph 1.1.6. in the circumstances set out in Regulation 2 (c), (d), (g) and (h) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to speak only and that the dispensations cover all matters related to the review.

1.8. Background Papers

Exchange of emails on grant of dispensations for 2015/16.

1.9. Wards Affected

All

1.10. Officer Contact

For further information on this report please contact:-

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By virtue of paragraph(s) 18c of Part 4 of Schedule 12A
of the Local Government Act 1972.

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