



STANDARDS COMMITTEE (SPECIAL)

9.30 AM - WEDNESDAY, 10 APRIL 2019

COMMITTEE ROOM 3 - PORT TALBOT CIVIC CENTRE

PART 1

1. Declarations of Interest
2. Minutes of Previous Meeting (*Pages 3 - 4*)
3. Grant of Dispensations (*Pages 5 - 8*)
Report of the Head of Legal Services and Monitoring Officer
4. Urgency Action - 0317 - School Admissions Dispensation
(*Pages 9 - 12*)
Report of the Assistant Chief Executive and Chief Digital Officer
5. Urgent Items
Any urgent items at the discretion of the Chairperson pursuant to Section 100B(4)(b) of the Local Government Act 1972

PART 2

6. 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
7. Report of the Ombudsman
(Exempt under Paragraph 18c) (*Pages 13 - 378*)
Private Report of the Head of Legal Services and Monitoring Officer

S.Phillips
Chief Executive

Civic Centre
Port Talbot

25 March 2019

Committee Membership:

Chairperson: C.Jones

**Vice
Chairperson: B.Richards**

**Independent
Members: L.Fleet and T.Ward**

**NPTCBC
Members: A.L.Thomas and S.E.Freeguard**

**Community
Committee
Member: A.Carter**

Substitutes

**NPTCBC
Substitutes: R.W.Wood**

- Notes: (a) The Quorum for the Standards Committee is at least three Members including the Chairperson (or in absence Vice Chairperson). 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/Democratic Services Officer as soon as possible, if there is a problem with attendance.*

STANDARDS COMMITTEE

(Committee Room 1/2 - Port Talbot Civic Centre)

Members Present:

17 January, 2019

Chairperson: C.L.Jones

Vice Chairperson: Mrs.B.Richards

**Independent
Members:** L.Fleet

NPTCBC Members: **Councillors** S.E.Freeguard and A.L.Thomas

**Officers In
Attendance:** C.Griffiths and A.Manchipp

1. **URGENT ITEM**

With the permission of the Chairperson, the Head of Legal Service and Monitoring Officer raised the following item.

Reason for Urgency

Due to the time element.

2. **UPDATE**

The Committee received an update regarding the private matter discussed on 23 November 2018 in relation to Cllr.P.M. and noted that a Standards Committee would be convened to discuss the matter in more detail, with a provisional date allocated of 10 April 2019.

3. **ACCESS TO MEETINGS**

RESOLVED: That pursuant to Section 100A(4) and (5) of the Local Government Act 1972, the public be excluded for the following item of business which involved the likely disclosure of exempt information as defined in Paragraph 18c of Part 4 of Schedule 12A to the above Act.

4. **REFERRAL FROM THE OMBUDSMAN**

The Committee received an overview of a referral received from the Ombudsman in relation to Cllr S.M.

RESOLVED: That pursuant to Regulation 7 of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 and all and any other powers, having received a report from the Monitoring Officer, the Community Councillor be given the opportunity to make representations, either orally or in writing in respect of the findings of the investigation referred to in that report and any allegation of a failure to comply with the Code.

CHAIRPERSON

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

10 April 2019

REPORT OF THE HEAD OF LEGAL SERVICES – C.GRIFFITHS

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 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. In each of the requests below, the Member has 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 2019 in order to ensure that they all come up for renewal at the same time.

1.2. 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. 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
Cllr. R. G. Jones	Matters relating to the Standing Advisory Council for Religious Education (SACRE) as his wife is a recent appointment to the SACRE Committee	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) and (e) 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 2019.

1.4. Background Papers

Exchange of emails on grant of dispensations for 2018/19.

1.5. **Wards Affected**

All

1.6. **Officer Contact**

For further information on this report please contact:-

Mr Craig Griffiths
Head of Legal Services
Tel. No. 01639 763767
E-mail c.griffiths2@npt.gov.uk

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Standards Committee

Report of the Assistant Chief Executive and Chief Digital Officer - K.Jones

10 April 2019

Section B: Matter for Information

Ward Affected: All

Officer Urgency Action 0317 re: Grant of Dispensation under S81(4) of the Local Government Act 2000 – School Admissions Policies

Details of the above Urgency Action taken by the Head of Legal Services and Monitoring Officer in consultation with the requisite Members, was for immediate implementation.

There is no call-in of this matter.

The Urgency Action was authorised 1 March , 2019 and for Members' Information a copy of the detailed report is attached.

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

28 February 2018

REPORT OF THE HEAD OF LEGAL SERVICES – MR C GRIFFITHS

Matter for Decision

Wards Affected: All

Grant of Dispensation under S81(4) of the Local Government Act 2000

Purpose of the Report

1. To seek a dispensation for all members of the Neath Port Talbot County Borough Council in respect of considering reports of School Admissions Policies.

Background

2. 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.
3. The National Assembly for Wales in the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 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.
4. 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.
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 2019 in order to ensure that they all come up for renewal at the same time.
6. Each year the Council must approve an Admissions Policy for its schools. The Council is the admission authority for community schools in this locality and is

required to determine by the 15th April of each year, its admission arrangements.

7. In drawing up admission arrangements, the Council must ensure that the practices and the criteria use to decide on the allocation of school places:
 - are clear in the sense of being free from doubt and easily understood
 - are objective and based on demonstrable fact
 - are procedurally fair and also equitable for all groups of children
 - provide parents or carers with easy access to helpful admission information
 - comply with all relevant legislation and have been determined in accordance with statutory and procedural requirements
8. Therefore elected members of the Council are required to consider and approve the School Admissions Policy each year. However, the Members Code of Conduct could prohibit decisions being made in this area as potentially a majority of members could be affected meaning any decision would not be quorate. For example they may have children, grandchildren or relatives who attend such schools meaning it could be argued that they should not be taking part in any discussion or vote.
9. Regulations 2(a) and (b) of the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001 allows for the Standards Committee to grant a dispensation to all members where no fewer than half of the members of the Council has an interest that relates to that business. A request therefore is made to the Standards Committee to allow for this.
10. To ensure that members can vote on such matters, it is requested that Standards Committee grant dispensations to all members to enable them to speak and vote on such matters when such matters are brought before Council and Cabinet.
11. The Member using the dispensation must 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.

Financial Impact

12. There are no financial impacts associated with this Report.

Equality Impact Assessment

13. There are no equality impacts associated with this Report

Workforce Impacts

14. There are no workforce impacts associated with this Report

Legal Impacts

15. There are no immediate legal impacts associated with this Report.

Consultation

16. There is no requirement under the Constitution for external consultation on this item.

Recommendations

17. That Members of the Standards Committee grant a dispensation to all elected members of the Council to speak and vote on issues relating to School Admission policies provided that member using the dispensation must 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

Appendices

18. None

List of Background Papers

19. None

Officer Contact

Mr Craig Griffiths

Head of Legal Services

Telephone 01639 763767

Email: c.griffiths2@npt.gov.uk

By virtue of paragraph(s) 18c of Part 4 of Schedule 12A
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