

STANDARDS COMMITTEE

REPORT OF HEAD OF LEGAL SERVICES MR. D.MICHAEL

29 JULY 2016

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 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 at Neath Abbey School. Seconded to the directorate of Education Leisure and Lifelong Learning Speech and Language unit |
| 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 | <ol style="list-style-type: none"> 1. His daughter is employed as a Teaching Assistant 2. His son is employed as an Support Officer Route 16 |
| A. N. Woolcock | His niece is employed as a Training and Development Support Manager |

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 2017.

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. 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 | Cllr Bebell is now Chair 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 | 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 2017.
- (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 2016.

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 2017.

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 Personal Interests

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 | His sister-in-law is employed as a Nursery Nurse at Neath Abbey School. Seconded to the directorate of Education Leisure and Lifelong Learning Speech and Language unit | 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. 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 2017.

1.6. Grant of Dispensations: Voluntary Sector Funding

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. Ian James | Cllr. James’ sister works for Christian Aid. |
| 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 funding for the voluntary/third sector such dispensations to run to the Standards Committee which follows the Annual Meeting 2017.

1.8. **Background Papers**

Exchange of emails on grant of dispensations for 2016/17.

1.9. **Wards Affected**

All

1.10. **Officer Contact**

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