

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

**STANDARDS COMMITTEE**

**REPORT OF HEAD OF LEGAL SERVICES  
D.MICHAEL**

**18 NOVEMBER 2016**

**MATTER FOR DECISION**

**WARD AFFECTED: BAGLAN**

**GRANT OF DISPENSATION UNDER SECTION 81(4) LOCAL  
GOVERNMENT ACT 2000 – COUNCILLOR CAROL CLEMENT-  
WILLIAMS**

**Purpose of Report**

1. To consider an application for a dispensation from Councillor Clement-Williams.

**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 (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.
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.

5. In accordance with previous practice, it is suggested that any dispensation be granted until the first meeting of the Standards Committee following the Council Annual General Meeting in 2017 in order to ensure that they all come up for renewal at the same time.

### **Application for Dispensation - Employment**

6. 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.
7. 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.
8. 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.
9. Hence the applications for dispensation requests 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 the 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.

10. 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**

11. "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**

12. The circumstances are:-
13. "(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.

14. Councillor Clement-Williams has advised me that her niece works at the Hillside Secure Unit, Neath.

### **Financial Impact**

15. None

### **Equality Impact Assessment**

16. This is not applicable

### **Workforce Impacts**

17. Not applicable other than as described in the report.

### **Legal Impacts**

18. These are explained in the report

### **Risk Management**

19. Not applicable

### **Consultation**

20. Not applicable

### **Recommendation**

21. That the application for dispensation from Councillor Clement-Williams 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 11 to speak and vote and that the dispensation runs to the Standards Committee which follows the Annual Meeting 2017.

### **Reason for Proposed Decision**

22. The statutory circumstances for granting the dispensation are set out in paragraph 13.

### **Implementation of Decision**

23. The decision is not one to which the call in procedure applies and will come into effect immediately.

### **List of Background Papers**

24. Email application from Councillor Clement-Williams.

### **Officer Contact**

25. For further information on this report please contact:-

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