

STANDARDS COMMITTEE

REPORT OF HEAD OF LEGAL SERVICES MR. DAVID MICHAEL

12 DECEMBER 2017

MATTER FOR DECISION

WARDS AFFECTED: ALL

GRANT OF DISPENSATIONS 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 2018 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 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.

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. This was the circumstance under which applications for dispensations of this sort have been previously approved.

1.2.8. The Applications received are as follows:-

Councillor	Employment Dispensation
Charlotte Galsworthy	Her sister in law is employed as relief cashier in the Finance Section and her Cousin's partner works in the business support team in Social Services.
Scott Jones	His cousin is employed as a Social Worker in Social Services department.
Sean Pursey	His brother is employed in the Physical Activity and Sport Service.

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 2018.

1.3. School Reorganization matters

1.3.1. Last year Standards Committee granted applications for dispensation from a number of members regarding School Reorganization/School Transport matters. 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

1.3.2. 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

1.3.3. 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.

1.3.4. The application for dispensations are as follows:-

Name	Nature of Interest	Issue	Speak or Vote
Cllr Oliver Davies	Grandchild at Ysgol Bae Baglan Grandchild at Ysgol Gymraeg Rhosafan	School Reorganization	Speak only
Cllr. Charlotte Galsworthy	Child, nieces and nephews at St. Joseph’s Infants Juniors and Secondary	School Reorganization	Speak only
Cllr. Carole Clement-Williams	Grandchild at Ysgol Bae Baglan and Grandchild at Brynhyfryd Primary School	School Reorganization	Speak only

Cllr. Annette Wyngrave	Grandchild at Dwr y Felin Comprehensive School and at Coedffranc Primary School;	School Reorganization	Speak only
Cllr. Linet Purcell	Volunteer at Rhyd y Fro Primary School. Grandchild at Crymlyn Primary School.	School Reorganization	Speak only
Cllr. Saifur Rahaman	Daughters attend Central Primary School - Broad Street Site and Theodore Road Site in Port Talbot.	School Reorganization	Speak only

1.3.5. That the applications for dispensations 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 in the standard form as set out in Paragraph 1.3.2. to speak but not vote and that the dispensations run to the Standards Committee which follows the Annual meeting 2018.

1.4. **Background Papers**

Exchanges of emails on grant of dispensations for 2017/18.

1.5. **Wards Affected**

All

1.6. **Officer Contact**

For further information on this report please contact:-
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