

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

13 July 2018

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. 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
Cllr. D. Cawsey	His wife works as a Social Worker in the Intake Team within Children's Services
Cllr. C. Clement-Williams	Her niece is employed at Hillside Secure Unit Neath
Cllr. D. W. Davies	His sister-in-law is employed as a Teaching Assistant. Seconded to the directorate of Education Leisure and Lifelong Learning Development and Inclusion Services.
Cllr. O. S. Davies	His daughter is employed at Swn-y-Mor Care Home Port Talbot
Cllr. S. Freeguard	Her sister-in-law and niece are employed in Education Cleaning Service
Cllr. C.Galsworthy	Her sister in law is employed full time in the Finance Section and her Cousin's wife works in the business support team in Social Services.
Cllr. S.K. Hunt	His daughter is employed as a Teaching Assistant in Ysgol Gynradd Gymraeg Castell-nedd

Cllr. L. Jones	<ol style="list-style-type: none"> 1. Her brother in law works as an Environmental Health Officer 2. Her sister in law works as an Environmental Health Officer 3. Her brother in law works as a Service co-ordinator in SSHS (Community Care)
Cllr. S. Jones	<ol style="list-style-type: none"> 1. His cousin is employed in Property and Architectural Services in Environment Department 2. His cousin is employed as a Senior Highway Development Engineer in Environment 3. His cousin is employed as a Social Worker in Social Services department.
Cllr. A. Llewelyn	His wife is employed as a Teacher.
Cllr. J. Miller	His niece is employed as a Secretarial Support Assistant in Commissioning and Support Services of Social Services
Cllr. S. Miller	Her niece is employed as a Secretarial Support Assistant in Commissioning and Support Services of Social Services
Cllr. S. Pursey	His brother is employed in the Physical Activity and Sport Service.
Cllr. P. A. Rees	His daughter-in-law is employed as a School Clerk.
Cllr. A. Taylor	His sister-in-law works as a Teacher in Baglan Primary School.
Cllr. R. Taylor	Her sister works as a Teacher in Baglan Primary School.
Cllr. D. Whitelock	His wife is a Managing Director of Cwmafan Community Engagement Centre
Cllr. 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 2019.

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
Cllr. A. P. H. Davies	When One Voice Wales is under consideration in Coedffranc Community Council or NPTCBC meetings	Speak and Vote	Reg 2 (d)
Cllr. S. Freeguard	Items relating to the Abertawe Bro Morgannwg University Health Board Community Health Council provided that they do not relate to contractual terms between the Council and Abertawe Bro Morgannwg University Health Board	Speak and Vote	Reg 2 (d)
Cllr. C Galsworthy	Items relating to the Council’s Direct Services work and specifically Direct Payment as immediate family members are in recipients of direct payments	Speak and Vote	Reg 2 (d) and (e)

	provided that they do not relate to giving a financial advantage or disadvantage or give other direct benefit or disbenefit to a Member or the Member's family		
Cllr S Harris	Member of Friends of Cefn Coed Colliery Museum	Speak and Vote	Reg 2 (d)
Cllr. S. K Hunt	<p>Items relating to</p> <ul style="list-style-type: none"> • Seven Sisters Fire Cadets • Dulais Valley Silver Band (Chairman) Stephen Karl Hunt • Friends of Seven Sisters. • Cefn Coed Colliery Museum • The Friends of Seven Sisters • Glynneath Junior Tennis Club • Onllwyn Football Club. • Ynysdawley Playing Fields Association <p>provided they not relate to contractual terms or financial arrangements between the Council and the aforementioned organisations.</p>	Speak and Vote	Reg 2(d)
Cllr. S. Rahaman	Items relating to the NPT Black Minority Ethnic Community Association provided they do not relate to contractual terms or financial arrangements between the Council and NPT Black Minority Ethnic Community Association	Speak and Vote	Reg 2(d)
Cllr. 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)
Cllr. P. D. Richards	Matters of general, commercial and retail development, subject to the condition that the	Speak only	Reg 2 (d)

	<p>dispensation will not apply to any planning application by or transaction with the Co-operative Group, or with any subsidiary or related enterprise.</p>		
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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.
- (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).

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 2019.

1.5. School Reorganisation matters

1.5.1. Last year Standards Committee granted applications for dispensation from a number of members regarding School Reorganisation/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 reorganisation.

Some of the Councillors may in future have a role in deciding school reorganisation matters due to changes in the statutory regime. It should be noted that the fact that a member has dispensation does not mean it will be automatically required. The difficulty is that, in certain areas of the County Borough a decision in relation to one school may have an effect on surrounding schools in some way i.e. a redistribution of pupils therefore the member needs to determine whether their particular interest might be prejudicial in respect of this particular decision, bearing in mind the guidance above. There may be instances where there is no such effect and it could be argued there is no interest but Members need to determine this for themselves, taking advice where necessary. The dispensation is sought to ensure that even if members do have a prejudicial interest they will still be able to speak on a matter that goes before the relevant decision making committee/cabinet/board

Standard form of Dispensation: School Reorganisation 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 reorganisation”.

Circumstances for granting a Dispensation: School Reorganisation 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. C. Clement-Williams	Grandchild at Ysgol Bae Baglan and Grandchild at Brynhyfryd Primary School	School Reorganisation	Speak only
Cllr D. Davies	His sister-in-law is employed as a Nursery Nurse at Neath Abbey School. Seconded to the	School Reorganisation	Speak only

	directorate of Education Leisure and Lifelong Learning Development and Inclusion Service		
Cllr N. J. Davies	Child of school age	School Reorganisation	Speak only
Cllr O.S. Davies	Grandchild at Ysgol Bae Baglan Grandchild at Ysgol Gymraeg Rhosafan	School Reorganisation	Speak only
Cllr. C. Galsworthy	Child, nieces and nephews at St. Joseph's Infants Juniors and Secondary	School Reorganisation	Speak only
Cllr R. Jones	Daughter is employed as a teaching assistant at Ysgol Maes y Coed. Grandson attends Ysgol Bae Baglan	School Reorganisation	Speak only
Cllr. S. Jones	Child and nieces and nephews of School Age	School Reorganisation	Speak only
Cllr.A. Llewelyn	Child of School Age	School Reorganisation	Speak only
Cllr. J. Miller	Governor – Grandchildren of school age	School Reorganisation	Speak only
Cllr. S. Miller	Governor – Grandchildren of school age	School Reorganisation	Speak only
Cllr. R. Mizen	Grandchildren will be attending Cwm Brombil School	School Reorganisation	Speak only
Cllr. L. Purcell	Grandchildren at Crymlyn Primary School.	School Reorganisation	Speak only
Cllr. S. Rahaman	Daughters attend Central Primary School - Broad Street Site and Theodore Road Site in Port Talbot.	School Reorganisation	Speak only
Cllr. P. Rees	Daughter-in-law works as a school clerk in Dyffryn Comprehensive School	School Reorganisation	Speak only
Cllr. P. Richards	Grandson attends Blaenbaglan Primary School	School Reorganisation	Speak only
Cllr. A. J. Taylor	Children of school age	School	Speak only

		Reorganisation	
Cllr. R. L Taylor	Children of school age	School Reorganisation	Speak only
Cllr. A. Wingrave	Grandchild at Dwr y Felin Comprehensive School and at Coedffranc Primary School.	School Reorganisation	Speak only
Cllr D. Whitelock	Grandchildren of school age	School Reorganisation	Speak only

1.5.5. Recommendation

That the applications for dispensations set out in paragraph 1.5.4. 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 which follows the Annual meeting 2019.

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 and this will continue by the Cabinet Board and Cabinet Scrutiny Committee and Cabinet (Finance) Sub Committee. 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>
Cllr. Linet Purcell	Cllr. Purcell is a member of the National Trust; the Wildfowl and

	Wetlands Trust, the Royal Society for the Protection of Birds (RSPB) and the Dogs Trust
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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 2019.

1.8. Background Papers

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

1.9. Wards Affected

All

1.10. **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