

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

23 November 2018

REPORT OF THE HEAD OF LEGAL SERVICES – 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 on car parking.

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. In the report which follows, I set out the circumstances or grounds on which dispensations may be granted in each case.
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. As part of its forward financial planning process, a report was taken to the Council's Cabinet on the 31st October 2018 to increase car parking charges

for staff by a fixed amount. This proposal is currently being consulted on and will be brought back before Cabinet and Council in early 2019.

7. The proposal itself though will equally apply to elected members of the Council and even though the effect of the proposal will see an increase in cost for such parking permits for Members, 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.
8. 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.
9. 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 back before Council and Cabinet.
10. 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

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

Equality Impact Assessment

12. There are no equality impacts associated with this Report

Workforce Impacts

13. There are no workforce impacts associated with this Report

Legal Impacts

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

Consultation

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

Recommendations

16. That Members of the Standards Committee grant a dispensation to all elected members of the Council to speak and vote on issues relating to the business of car parking charges for staff and members 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

17. None

List of Background Papers

18. None

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