

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

**Standards Committee**

**Report of the Assistant Chief Executive and Chief Digital  
Officer - K.Jones**

**10 April 2019**

**Section B: Matter for Information**

**Ward Affected: All**

**Officer Urgency Action 0317 re:  
Grant of Dispensation under S81(4) of the Local Government Act  
2000 – School Admissions Policies**

Details of the above Urgency Action taken by the Head of Legal Services and Monitoring Officer in consultation with the requisite Members, was for immediate implementation.

There is no call-in of this matter.

The Urgency Action was authorised 1 March , 2019 and for Members' Information a copy of the detailed report is attached.

# **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

## **STANDARDS COMMITTEE**

**28 February 2018**

### **REPORT OF THE HEAD OF LEGAL SERVICES – MR 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 of School Admissions Policies.

#### **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.
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. Each year the Council must approve an Admissions Policy for its schools. The Council is the admission authority for community schools in this locality and is

required to determine by the 15<sup>th</sup> April of each year, its admission arrangements.

7. In drawing up admission arrangements, the Council must ensure that the practices and the criteria use to decide on the allocation of school places:
  - are clear in the sense of being free from doubt and easily understood
  - are objective and based on demonstrable fact
  - are procedurally fair and also equitable for all groups of children
  - provide parents or carers with easy access to helpful admission information
  - comply with all relevant legislation and have been determined in accordance with statutory and procedural requirements
8. Therefore elected members of the Council are required to consider and approve the School Admissions Policy each year. However, 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. For example they may have children, grandchildren or relatives who attend such schools meaning it could be argued that they should not be taking part in any discussion or vote.
9. 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. A request therefore is made to the Standards Committee to allow for this.
10. 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 before Council and Cabinet.
11. 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**

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

### **Equality Impact Assessment**

13. There are no equality impacts associated with this Report

### **Workforce Impacts**

14. There are no workforce impacts associated with this Report

### **Legal Impacts**

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

### **Consultation**

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

### **Recommendations**

17. That Members of the Standards Committee grant a dispensation to all elected members of the Council to speak and vote on issues relating to School Admission policies 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**

18. None

### **List of Background Papers**

19. None

### **Officer Contact**

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