



Cyngor Castell-nedd Port Talbot  
Neath Port Talbot Council

## **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

### **STANDARDS COMMITTEE**

**9 July 2019**

#### **Report of the Head of Legal Services – C.Griffiths**

#### **Matter for Decision**

#### **Wards Affected:**

All Wards

#### **GRANT OF DISPENSATIONS AND RENEWAL OF GRANTS UNDER SECTION 81(4) LOCAL GOVERNMENT ACT 2000**

#### **Purpose of the Report:**

1. To grant dispensations to elected members of Neath Port Talbot County Borough Council in accordance with Section 81(4) of the Local Government Act 2000

#### **Executive Summary**

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.

## **Background:**

3. 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.
4. 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.
5. These circumstances are as follows:
  - (a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;
  - (b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
  - (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;

- (e) the interest is common to the member and a significant proportion of the general public;
  - (f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;
  - (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; or
  - (i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.
6. 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.

7. It is suggested that all dispensations be granted for the remainder of this elected Council until the first meeting of the Standards Committee following the Council Annual General Meeting in 2022 in order to ensure that they all come up for renewal at the same time.

## **Employment**

8. 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.
9. 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.
10. 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.
11. 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.

12. 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

13. The standard form for the dispensation will be "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.
14. 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."

## Circumstances for granting the Dispensation: Employment

15. 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"

## Applications from Members

16. The Applications received are as follows:-

<b>Councillor</b>	<b>Employment Dispensation</b>
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. O. S. Davies	His daughter is employed at Swn-y-Môr 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. J. J Hurley	His sister is employed in the Finance Section and his niece is employed 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"> <li>1. Her brother in law works as an Environmental Health Officer</li> <li>2. Her sister in law works as an Environmental Health Officer</li> <li>3. Her brother in law works as a Service co-ordinator in SSHS (Community Care)</li> </ol>
Cllr. S. Jones	<ol style="list-style-type: none"> <li>1. His cousin is employed in Property and Architectural Services in Environment Department</li> <li>2. His cousin is employed as a Senior Highway Development Engineer in Environment</li> <li>3. His cousin is employed as a Social Worker in Social Services department.</li> <li>4.</li> </ol>
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. P. D. Richards	His Granddaughter is permanently employed at Trem-y-mor respite provision as a care assistant .
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

17. That the applications for dispensation set out in paragraph 13 be approved for those members listed in paragraph 16 to speak and vote and that the dispensations run to the Standards Committee which follows the Annual Meeting 2022.

### **Grant of General Dispensation: School Governors**

18. Previously the Standards Committee has granted a general dispensation to allow all Members to speak and vote on education matters generally.



## Circumstances for granting the Dispensation

19. 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”
- (f) the participation of the member in the business to which the interest relates is justified by the member’s particular role or expertise;
- (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.

## Recommendation

20. It is recommended that this general dispensation to speak and vote on all education matters as a result of appointment as a School Governor be further granted until the Standards Committee which follows the Annual meeting 2022.

## **School Transport**

21. During the course of the 2019/2020 civic year, reports will be brought to Members in respect of the Council’s Home to School Transport policies. Some of the Councillors may in future have a role in deciding school transport matters as a result of changes in legislation and amendments to Council policy (which are subject to consultation). The Standards Committee has previously granted dispensations to cover this situation.
22. A large proportion of Members will have family members of close relationships with individuals who benefit in some way in respect

of School Transport. A dispensation is sought to ensure that even if members do have an interest they will still be able to speak on a matter that goes before the relevant decision making committee/cabinet/board. This dispensation will not apply in circumstances where a member of the public might reasonably conclude that the provision of school transport would significantly affect the Councillor's ability to act purely on the merits of the case and in the public interest

### Circumstances for granting the Dispensation

23. 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"
- (f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;
- (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.

### Recommendation

24. It is recommended that this general dispensation to speak and vote on all school transport matters be granted until the Standards Committee which follows the Annual meeting 2022 provided 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.

## **School Reorganisation matters**

25. Some of the Councillors may in future have a role in deciding school reorganisation matters due to changes in the statutory regime and their interest goes above being a School Governor or local Councillor, for example they may have a family connection with schools in the County Borough.
26. It should be noted that the fact that a member has dispensation does not meet 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.
27. 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.
28. 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**

29. 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

30. The circumstances under which the dispensations are granted is 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.

## Applications from Members

31. The Applications received are as follows:-

<b>Name</b>	<b>Nature of Interest</b>
Cllr. C. Clement-Williams	Grandchild at Ysgol Bae Baglan and Grandchild at Brynhyfryd Primary School
Cllr N. J. Davies	Child of school age and will be attending Cwm Brombil School
Cllr O.S. Davies	Grandchild at Ysgol Bae Baglan Grandchild at Ysgol Gymraeg Rhosafan
Cllr. C. Galsworthy	Child, nieces and nephews at St. Joseph's Infants Juniors and Secondary
Cllr. J.J. Hurley	Children of School Age at Ysgol Gyfun Ystalyfera Bro Dur
Cllr R. Jones	Daughter is employed as a teaching assistant at Ysgol Maes y Coed. Grandson attends Ysgol Bae Baglan
Cllr. S. Jones	Child and nieces and nephews of School Age
Cllr. D. Lewis	Children attend Llangatwg School
Cllr.A. Llewelyn	Child of School Age
Cllr. J. Miller	Governor and Grandchildren of school age
Cllr. S. Miller	Governor and Grandchildren of school age

<b>Name</b>	<b>Nature of Interest</b>
Cllr. R. Mizen	Grandchildren will be attending Cwm Brombil School
Cllr. L. Purcell	Grandchildren at Crymlyn Primary School.
Cllr. S. Rahaman	Daughters attend Central Primary School - Broad Street Site in Port Talbot.
Cllr. P. Rees	Daughter-in-law works as a school clerk in Cwm Brombil School
Cllr. P. Richards	Grandson attends Blaenbaglan Primary School
Cllr. A. J. Taylor	Children of school age
Cllr. R. L Taylor	Children of school age
Cllr. A. Wingrave	Grandchild at Dwr y Felin Comprehensive School and Grandchild at Coedffranc Primary School.
Cllr D. Whitelock	Grandchildren of school age
Cllr. J. Jones	Grandchildren at Cymer Afan Comprehensive School and Pen Afan Primary School

### Recommendation

32. That the applications for dispensations set out in paragraph 29 be approved to those members listed in paragraph 31 to speak but not vote and that the dispensations run to the Standards Committee which follows the Annual meeting 2022.

### **Grant of General Dispensation: School Admissions Policies**

33. 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 15th April of each year, its admission arrangements.

34. 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. 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 or any Committees.

#### Circumstances for granting a Dispensation

35. The circumstances under which the dispensations are granted is as follows:-
- (a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business
  
  - (b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business

#### Recommendation

36. It is recommended that this general dispensation be granted to speak and vote on all School Admission Policies until the Standards Committee which follows the Annual meeting 2022.

### **Grant of General Dispensation: Parking**

37. Each year the Council must approve its fees in respect of car parking for Staff and Members. Presently a significant proportion of members receive a car park permit for which a monthly payment is made.
  
38. The proposal itself though will equally apply to elected members of the Council and even though the effect of the proposal could see an increase or decrease 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
  
39. 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 and Committees.

### **Recommendation**

40. It is recommended that this general dispensation be granted to speak and vote on all parking policies and permit costs until the Standards Committee which follows the Annual meeting 2022

## **Miscellaneous Dispensations**

41. 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 a Dispensation

42. The circumstances under which the dispensations are granted is as follows:-
- (a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business
  - (b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that 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



## Applications from Members

43. The Applications received are as follows:-

<b>Member</b>	<b>Subject of Dispensation</b>	<b>Extent of Requested Dispensation</b>
Cllr. A.P.H. Davies	When One Voice Wales is under consideration in Coedffranc Town Council or NPTCBC meetings	Speak and Vote
Cllr J Jones	To speak and vote on items relating to Gwynfi Miners Community Hall provided they do not relate to financial matters between the Council and Gwynfi Miners Community Hall	Speak and Vote
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
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 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.	Speak and Vote

<b>Member</b>	<b>Subject of Dispensation</b>	<b>Extent of Requested Dispensation</b>
Cllr S Harris	Member of Friends of Cefn Coed Colliery Museum	Speak and Vote
Cllr. S. K Hunt	<p>Items relating to</p> <ul style="list-style-type: none"> <li>• Seven Sisters Fire Cadets</li> <li>• Dulais Valley Silver Band (Chairman) Stephen Karl Hunt</li> <li>• Friends of Seven Sisters.</li> <li>• Cefn Coed Colliery Museum</li> <li>• The Friends of Seven Sisters</li> <li>• Glynneath Junior Tennis Club</li> <li>• Onllwyn Football Club.</li> <li>• Ynysdawley Playing Fields Association</li> </ul> <p>provided they not relate to contractual terms or financial arrangements between the Council and the aforementioned organisations.</p>	Speak and Vote
Cllr L. Jones	Items relating to Natural Resources Wales as her husband is employed as a Quality and Analytical Technology Specialist provided they not relate to contractual terms or financial arrangements between the Council and the aforementioned organisations.	Speak and Vote
Cllr. R. G. Jones	Matters relating to the Standing Advisory Council for Religious Education (SACRE) as his wife has been appointed to the SACRE Committee	Speak and Vote

<b>Member</b>	<b>Subject of Dispensation</b>	<b>Extent of Requested Dispensation</b>
	Matters relating to Margam Park as his wife has recently joined the Friends of Margam Park, a volunteer group	Speak and Vote
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
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
Cllr. P. D. Richards	Matters of general, commercial and retail development, subject to the condition that the dispensation will not apply to any planning application by or transaction with the Co-operative Group, or with any subsidiary or related enterprise.	Speak only
	Cllr. Richards' wife is the proprietor and CIW registered person for the out of School Childcare provision located at Blaenbaglan Primary schools and an entitlement to speak but not vote on matters relating to out of School childcare provision.	Speak only

<b>Member</b>	<b>Subject of Dispensation</b>	<b>Extent of Requested Dispensation</b>
Cllr. S Reynolds	Items in relation to Adult Learning Wales	Speak and Vote on all matters save where it relates to contractual terms or financial arrangements between the Council and Adult Learning Wales
	Items relating to Board Member of Canolfan Maerdy and its Flying Start Provision	Speak and Vote on all matters save where it relates to contractual terms or financial arrangements between the Council and Canolfan Maerdy and the Flying Start Programme

Circumstances for granting the Dispensation

44. 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"
- (e) the interest is common to the member and a significant proportion of the general public
- (f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;
- (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.

#### Recommendation

45. That the applications for dispensations set out in paragraph 43. be approved in the circumstances 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 2022.

#### **Grant of Dispensations: Voluntary Sector Funding**

46. 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.

47. The interests in relation to which a dispensation is sought are as follows:-

Name of Member	Nature of Interest
Cllr. Linet Purcell	Cllr. Purcell is a member of the National Trust; the Wildfowl and Wetlands Trust and the Dogs Trust

#### Circumstances for granting a Dispensation

48. The circumstances under which the dispensations are granted is as follows:-

- (e) the interest is common to the member and a significant proportion of the general public;
- (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

#### Recommendation

49. It is recommended that this general dispensation be further granted 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 2022.

**Financial Impacts:**

50. No implications

**Integrated Impact Assessment:**

51. There is no requirement to undertake an Integrated Impact Assessment as this report is for monitoring / information purposes’.

**Valleys Communities Impacts:**

52. No implications

**Workforce Impacts:**

53. No implications

**Legal Impacts:**

54. 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.

55. 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

**Risk Management Impacts:**

56. In the event that Members of the Standards Committee do not grant dispensations then elected members will be unable to exercise their rights to speak and/or vote on matters meaning decisions with the Council may be delayed or unable to proceed due to such interests.

**Consultation:**

57. There is no requirement for external consultation on this item

**Recommendations:**

58. That the Recommendations set out in paragraphs 1, 20, 24, 32,36,40,45 and 49 be granted by the Standards Committee

**Reasons for Proposed Decision:**

59. To ensure that appropriate dispensations are in place to allow members to speak and/or vote on all matters placed before the appropriate Council, Cabinet or Committee



**Implementation of Decision:**

60. The decision is proposed for implementation after the three day call in period

**Appendices:**

61. None

**List of Background Papers:**

62. None

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