

# NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

## STANDARDS COMMITTEE

6 March 2020

### REPORT OF THE HEAD OF LEGAL SERVICES – C.GRIFFITHS

#### Matter for Decision

**Wards Affected:** All

**Grant of Dispensation in respect of School re-organisation matters under S81(4) of the Local Government Act 2000**

#### Purpose of the Report

1. To seek a dispensation for Councillor Rob Jones in respect of School reorganisation matters.

#### 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 2022 in order to ensure that they all come up for renewal at the same time.
6. 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.

7. 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.
8. 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.
9. 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
10. Cllr Rob Jones has notified the Monitoring Officer that his grandchild now attends Tywyn School and seeks the standard form of dispensation used in these cases, which would be:- "To speak but not vote on issues which relate to school reorganisation".
11. 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.

### **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 the application for dispensations set out in paragraph 10 be approved and that the dispensation run to the Standards Committee which follows the Annual meeting 2022.

## **Appendices**

18. None

## **List of Background Papers**

19. None

## **Officer Contact**

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