



Cyngor Castell-nedd Port Talbot  
Neath Port Talbot Council

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

### **STANDARDS COMMITTEE**

**16 October 2020**

#### **Report of the Head of Legal Services – Mr Craig 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 a dispensation to Cllr Sian Harris 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 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. Cllr Sian Harris has contacted the Monitoring Officer on the 15<sup>th</sup> October 2020 requesting a dispensation.
7. It is suggested that any dispensation 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 Member

16. The Application received is as follows:-

<b>Councillor</b>	<b>Employment Dispensation</b>
Cllr. S Harris	Her daughter works as a teach at Ysgol Cwm Brombil

**Financial Impacts:**

17. No implications

**Integrated Impact Assessment:**

18. There is no requirement to undertake an Integrated Impact Assessment.

**Valleys Communities Impacts:**

19. No implications

**Workforce Impacts:**

20. No implications

**Legal Impacts:**

21. 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.
22. 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:**

23. 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:**

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

**Recommendations:**

25. That the application for dispensation set out in paragraph 13, be approved for Cllr Sian Harris, as a result of the reason set out in paragraph 16, to speak and vote and that the dispensation run to the Standards Committee which follows the Annual Meeting 2022.

**Reasons for Proposed Decision:**

26. 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:**

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

**Appendices:**

28. None

**List of Background Papers:**

29. None

**Officer Contact:**

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