

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

7th September 2021

REPORT OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES – MR C GRIFFITHS

Matter for Decision

Wards Affected: All

Grant of Dispensation in respect of Employment matters under S81(4) of the Local Government Act 2000

Purpose of the Report

1. To seek a dispensation for Councillor Charlotte Galsworthy in respect of family employment with Neath Port Talbot County Borough Council

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. The Council is one of 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.

7. 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.
8. 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.
9. 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.
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.
11. The standard form of dispensation for employment matters is as follows:

"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.

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."

Note: A Senior Manager is an Accountable Manager or equivalent and above.

12. Member of the Standards Committee are entitled to grant a dispensation where they are content that 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". This paragraph derives from Regulation 2 of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001. This was the circumstance under which applications for dispensations of this sort have been previously approved.
13. Councillor Charlotte Galsworthy seeks to apply for a dispensation in respect of employment matters as her daughter has recently been employed by the Council as an apprentice in the Social Services Directorate.

Financial Impact

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

Integrated Impact Assessment

15. There is no requirement for an integrated impact assessment with this report.

Workforce Impacts

16. There are no workforce impacts associated with this Report

Legal Impacts

17. 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.
18. 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.

Consultation

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

Recommendations

20. It is recommended that Councillor Charlotte Galsworthy be granted a dispensation on the term set out in paragraph 11 of this report in respect of her daughter's employment with the Council and that the application for dispensation runs to the Standards Committee which follows the Annual meeting 2022.

Appendices

21. None

List of Background Papers

22. None

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