

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 Under S81(4) of the Local Government Act 2000

Purpose of the Report

1. To seek a dispensation for Councillor Nigel Hunt in respect of owning a business within Neath Port Talbot County Borough.

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. 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 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 and the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise. 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.

7. Councillor Nigel Hunt seeks to apply for a dispensation to speak but not vote in respect of matters relating to Port Talbot Town Centre. Given that Cllr Hunt has a retail premise in the Aberavon Shopping Centre, to date it has often resulted in a prejudicial interest meaning Councillor Hunt has had to step away from meetings. Given the insight that Councillor Hunt could bring to any decision making that takes place in this regard, a dispensation has been sought to enable to Councillor Hunt to speak on this matter and make representations for members to consider but it would be acknowledged that Councillor Hunt would be unable to vote on such matters, given the potential interest that may arise.
8. The standard form of dispensation for such matters is as follows:

“To speak but not vote on all matters relating to Port Talbot Town Centre, specifically in respect of Aberavon Shopping Centre, retail conditions and developments in Port Talbot Town Centre”.

Financial Impact

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

Integrated Impact Assessment

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

Workforce Impacts

11. There are no workforce impacts associated with this Report

Legal Impacts

12. 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.

13. 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

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

Recommendations

15. It is recommended that Councillor Nigel Hunt be granted a dispensation on the term set out in paragraph 8 of this report and that the application for dispensation runs to the Standards Committee which follows the Annual meeting 2022.

Appendices

16. None

List of Background Papers

17. None

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