

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
STANDARDS COMMITTEE

26th October 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 Leisure Services arrangements
under S81(4) of the Local Government Act 2000**

Purpose of the Report

1. To seek a dispensation for elected members in respect of leisure services arrangements within 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 due to consider a report in the coming weeks in respect of leisure arrangements. The Council's current provider of leisure services is Celtic Leisure and a number of elected members are likely to be members of Celtic Leisure (via the Council's membership schemes) or use the services provided by Celtic Leisure on a regular basis. Accordingly, this may mean they could be deemed to have a personal or in some cases a prejudicial interest which could have an impact on the ability for a meeting to be quorate and for members to actively participate in the matter.
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 business in circumstances where the general public would not draw any adverse inference from the relationships being declared.
8. The dispensation to be granted would be to "speak and vote on issues relating to the provision of leisure services within Neath Port Talbot irrespective of membership or usage of current Celtic Leisure services and facilities".
9. Members of the Standards Committee are entitled to grant a dispensation where they are content that the following circumstances are applicable:
 - (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
 - (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;

10. These paragraphs derive from Regulation 2 of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001. Accordingly, members are entitled to grant a dispensation in these circumstances

Financial Impact

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

Integrated Impact Assessment

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

Workforce Impacts

13. There are no workforce impacts associated with this Report

Legal Impacts

14. 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.
15. 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

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

Recommendations

17. It is recommended that all elected members 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

18. None

List of Background Papers

19. None

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