

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

13th June 2023

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 Community Councillor Len Preece in respect of Canolfan Maerdy (Registered Charity) when such matters are discussed at Gwaun Cae Gurwen Community 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 2027 in order to ensure that they all come up for renewal at the same time.
6. Requests have been made from Community Councillor Len Preece of Gwaun Cae Gurwen Community Council for a dispensation on the basis that he is a trustee of Canolfan Maerdy, Canolfan Maerdy is the community anchor organisation for the Amman Valley and recognised for providing significant community benefit. The said trustee receives no financial benefit from this organisation and has no pecuniary interest.
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. Hence all the applications for dispensations request permission to speak and vote on issues relating to the business of Canolfan Maerdy on the basis that the inability to participate would upset the political balance of the meeting to such an extent that the outcome would be likely to be affected, the participation would not damage public confidence and the business relates to the finances of property of a voluntary organisation and the Councillor sits on a management committee or board with no other interest..
9. The standard form of dispensation for is as follows:

“To speak and vote on issues relating to the business of Canoldan Maerdy at Gwaun Cae Gurwen Community Council 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
 - (b) it does not relate to a grant application or consideration of a contract between Canolfan Maerdy and the Community Council

(c) and that this dispensation will not apply in circumstances where a member of the public might reasonably conclude that the role of trustee would significantly affect the Councillor's ability to act purely on the merits of the case and in the public interest."

10. 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 inability to participate would upset the political balance of the meeting to such an extent that the outcome would be likely to be affected, the participation would not damage public confidence and the business relates to the finances of property of a voluntary organisation and the Councillor sits on a management committee or board with no other interest. This paragraph derives from Regulation 2 of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001.

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 Community Councillor Len Preece be granted a dispensation on the term set out in paragraph 9 of this report and that the application for dispensation runs to the Standards Committee which follows the Annual Meeting 2027.

Appendices

18. None

List of Background Papers

19. None

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