



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

11th March 2024

Report of the Head of Legal and Democratic 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 dispensations to elected members of Neath Port Talbot County Borough Council 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 (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.

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. In each of the

requests below, the Member has notified the Monitoring Officer of that interest together with the relevant details.

7. It is suggested that all dispensations be granted for the remainder of this elected Council until the first meeting of the Standards Committee following the Council Annual General Meeting in 2027 (being the next local government election) 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.

School Reorganisation matters

13. Some of the Councillors may in future have a role in deciding school reorganisation matters due to changes in the statutory regime and their interest goes above being a School Governor or local Councillor, for example they may have a family connection with schools in the County Borough.
14. It should be noted that the fact that a member has dispensation does not meet it will be automatically required. The difficulty is that, in certain areas of the County Borough a decision in relation to one school may have an effect on surrounding schools in some way i.e. a redistribution of pupils therefore the member needs to determine whether their particular interest might be prejudicial in respect of this particular decision, bearing in mind the guidance above.
15. There may be instances where there is no such effect and it could be argued there is no interest but Members need to determine this for themselves, taking advice where necessary.

16. The dispensation is sought to ensure that even if members do have a prejudicial interest they will still be able to speak on a matter that goes before the relevant decision making committee/cabinet/board

Standard form of Dispensation: School Reorganisation Personal Interests

17. The standard form of dispensation used in these cases would be:- “To speak but not vote on issues which relate to school reorganisation where it relates that particular member’s interest”.

Circumstances for granting a Dispensation

18. The circumstances under which the dispensations are granted 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.

Applications from Members

19. The Applications received are as follows:-

Name	Nature of Interest
Cllr Gareth Rice	Great Neice attending Ysgol Bae Baglan

Recommendation

20. That the applications for dispensations set out in paragraph 17 be approved to those members listed in paragraph 19 to speak but not vote and that the dispensations run to the Standards Committee which follows the Annual meeting 2027.

Miscellaneous Dispensations

21. The Standards Committee has previously approved various dispensations to Members where they are members of voluntary organisations or organisations carrying out public functions where it is the wish of those Members to speak on Council business relating to those organisations and also, in some cases vote. The subject of the dispensation and its extent varies in each case and therefore I have summarised the applications in the table which appears below.

Circumstances for granting a Dispensation

22. The circumstances under which the dispensations are granted is 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
- (c) 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

Applications from Members

23. The Applications received are as follows:-

Member	Subject of Dispensation	Extent of Requested Dispensation
Cllr Gareth Rice	A member of Tonna RFC	To speak and vote on matters relating to Tonna RFC
Cllr Bob Woolford	A volunteer member of Pontardawe Town RFC	To speak and vote on matters relating to Pontardawe Town RFC

Circumstances for granting the Dispensation

- 24.** The circumstances are (a) 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; (b) the interest is common to the member and a significant proportion of the general public; (c) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise; and (d) 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.

Recommendation

- 25.** That the applications for dispensations set out in paragraph 23 be approved in the circumstances to speak or to speak and vote as set out in the Schedule above and that the dispensations run

to the Standards Committee which follows the Annual Meeting 2022.

Grant of Dispensations: Voluntary Sector Funding

26. Some Members requested the Standards Committee to grant a dispensation allowing them to participate in meetings relating to the review. Members who are appointed to bodies by the Council are required to declare the appointment but their personal interest is not a prejudicial interest under the Members' Code of Conduct. Other Members however are members of such organisations in their own right or have other interests. Their interests may be both personal and prejudicial requiring them to leave the meeting.
27. The interests in relation to which a dispensation is sought are as follows:-

Name of Member	Nature of Interest	Extent of Dispensation Requested
Cllr Gareth Rice	A member of the Friends of Jersey Park	To speak and vote on matters relating to Friends of Jersey Park
	A member Neath and District Sea Cadets	To speak and vote on matters relating to Neath and District Sea Cadets
	A member of Briton Ferry Resource Centre	To speak and vote on matters relating to Briton Ferry Resource Centre

Circumstances for granting a Dispensation

28. The circumstances under which the dispensations are granted are that the interest is common to the member and a significant proportion of the general public and 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

Recommendation

29. It is recommended that this general dispensation be further granted to speak only and that the dispensations cover all matters related to the funding for the voluntary/third sector such dispensations to run to the Standards Committee which follows the Annual Meeting 2022.

Financial Impacts:

30. No implications

Integrated Impact Assessment:

31. There is no requirement to undertake an Integrated Impact Assessment as this report is for governance related matters.

Valleys Communities Impacts:

32. No implications

Workforce Impacts:

33. No implications

Legal Impacts:

34. 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.

35. 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:

36. 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:

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

Recommendations:

38. That the Recommendations set out in paragraphs 20, 25 and 29 be granted by the Standards Committee

Reasons for Proposed Decision:

39. 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:

40. The decision is proposed for implementation immediately

Appendices:

41. None

List of Background Papers:

42. None

Officer Contact:

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