

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

11th March 2024

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 Councillors Colin Morgan, Bethany Morgan, Sylvia John and Barry Kaines in respect of Liberty Hall, Briton Ferry when such matters are discussed at Briton Ferry Town 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 Councillors Colin Morgan, Bethany Morgan, Sylvia John and Barry Kaines in respect of Liberty Hall, Briton Ferry when such matters are discussed at Briton Ferry Town Council. The Town Council are currently providing a subsidised meal service to both the elderly and disabled people of Briton Ferry that they provide from the Liberty Hall Day Centre, Briton Ferry. The Town Council currently meets the salary costs of the members of staff (2 full time and one part time) at the facility (a contribution of £52,000 per year) and meets the cost of food provision (in the sum of £25,000 per year) along with other ancillary expenditure (i.e. utility bills, cleaning materials, equipment).
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 Liberty Hall on the basis 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 interest is common to the member and a significant proportion of the general public. The said members receive no financial benefit and merely meet the criteria to whom services can be offered at Liberty Hall, in line with all other residents of Briton Ferry.
9. The standard form of dispensation for is as follows:

"To speak and vote on issues relating to the business of Liberty Hall at Briton Ferry Town Council provided that this dispensation will not apply in circumstances where a member of the public might

reasonably conclude that the nature of the interest 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 and the participation would not damage public confidence. 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 a dispensation be granted to Community Councillors Colin Morgan, Bethany Morgan, Sylvia John and Barry Kaines in respect of Liberty Hall, Briton Ferry when such matters are discussed at Briton Ferry Town Council 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

Officer Contact

Mr Craig Griffiths

Head of Legal and Democratic Services

Telephone 01639 763767

Email: c.griffiths2@npt.gov.uk