



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

23rd April 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.

School Reorganisation matters

8. 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.
9. It should be noted that the fact that a member has dispensation does not mean 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.
10. 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.
11. 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

12. 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

13. 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

14. The Applications received are as follows:-

Name	Nature of Interest
Cllr Lauren Heard	Nieces and Nephews attending Cefn Saeson, Crynalt Primary and Gnoll Primary

Recommendation

15. 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.

Recommendations:

16. That the Recommendations set out in paragraph 14 be granted by the Standards Committee

Reasons for Proposed Decision:

17. 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:

18. The decision is proposed for implementation immediately

Appendices:

19. None

List of Background Papers:

20. None

Officer Contact:

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