

COMMITTEE:	Standards Committee
DATE:	10 January 2024
TITLE:	Application for Dispensation – Councillor Dawn Jones
AUTHOR:	Monitoring Officer
ACTION:	Determining the Application

Background

- 1 I attach a copy of Councillor Dawn Jones's application form, Member for Cadnant Ward, Caernarfon, Cyngor Gwynedd in relation to a Task Group that has been established by the Care Scrutiny Committee, which includes Members of the Education and Economy Scrutiny Committee.
2. Councillor Dawn Jones had declared a prejudicial interest because individuals with whom she had a close personal connection were receiving the services that were the subject of the scrutiny. This was after obtaining the advice of the Deputy Monitoring Officer and corresponded with the advice I have given in a similar case.
3. The Standards Committee is entitled to grant a dispensation if the situation falls within one (or more) of the situations listed below:
 - "(a) if 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) if no fewer than half the members of a leader and cabinet executive by which the business is to be considered have an interest that relates to that business and that either paragraph (ch) or paragraph (d) also apply;
 - (c) in the case of a county council or a county borough council, if a member's inability to participate would upset the political balance of the relevant authority or the committee of the authority by which the business is to be considered to such an extent that the outcome is likely to be affected;
 - (ch) if the nature of the member's interest is such that the member's participation in the business that the interest relates to would not damage the public's confidence in the way the relevant authority's business is undertaken;
 - (d) if the interest is common to the member and a significant proportion of the general public;
 - (dd) if the member's participation in the business to which the interest relates is justified by the member's particular role or expertise;

- (e) if the business to which the interest relates to is considered by an overview and scrutiny committee of the relevant authority and that the member's interest is not a financial interest;
- (f) if the business which is to be considered relates to the finances or property of a voluntary organisation of which the member is a member of its management committee or board other than as a representative of the relevant authority and that 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
- (ff) if it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the inability 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."

I note that the application is made on ground (dd).

Background

4. I have consulted the Democracy Service to seek clarity on the role and purpose of the Task Group. The Task Group was established by the Care Scrutiny Committee in September 2023. It was to include five elected members, two nominated from the Education and Economy Scrutiny Committee. A copy of the Task Group's terms of reference is attached in Appendix 2. Please note that it is not within the role of a Task and Finish Group to call for evidence of a matter from users or experts. A scrutiny investigation would lead to this. A Task Group may make commendations to be considered by the Scrutiny Committee. It should be noted that a Task Group is a group of members who will review a field, and although they do not make decisions as such, their report will influence the direction of scrutiny in this field.
5. The establishing of the Task Group came about because of a presentation to the Care Scrutiny Community on the Autism Plan. In that meeting it was resolved to:

"Establish a Task and Finish Group to discuss implementing the Plan with the new team, ensuring representation from the Education Department and the Health Board"
6. In considering the application I also note that the Economy and Education Committee have recommended appointing the member and have recommended that they apply for a dispensation. Reserve members have been appointed.

The Ombudsman's Guidance

7. The Ombudsman's guidance on the Code of Conduct state the following in relation to dispensations in general:

"3.51 Only the Standards Committee can grant the dispensation and will do so at its discretion. The Standards Committee will need to balance the public interest in preventing members with prejudicial interests from taking part in decisions, against the public interest in decisions being taken by a reasonably representative group of members of the Council."

8. Any further information that will have been received regarding the applications will be presented in the meeting.

The Application

9. A Task Group is considered a "meeting" according to the definition in the Code of Conduct. I note that the fact that a meeting makes decisions or not is irrelevant to the definition of "meeting".
10. The interest arises from a matter that affects the well-being of individuals with whom the member has a close relationship, namely grandchildren who are receiving the service in question in an educational context. This is one of the aspects that the Working Group is specifically addressing.
11. Although Dawn Jones works for Sylfaen Cymunedol, a company that delivers community projects to support young people across Anglesey, Conwy and Gwynedd which inevitably comes into contact with young people with autism, having discussed with the member it was not considered that the nature or level of this involvement is affected by what is in question.
12. The application is made on the grounds that Councillor Dawn Jones has expertise in the field of autism due to her particular role or expertise. The explanation of the grounds for this statement is explained in the application. I note that it will not be the Task Group members' role to advise or give guidance.
13. My guidance is that the ground of expertise and role should be considered carefully, and that the member must be able to demonstrate a recognised expertise in a field or role that has a recognised status.

Summary

14. The question of the working group's role or the fact that a personal prejudicial interest exists is not the matter at hand. This is implied in a dispensation application. What the Committee is required to consider is whether there are clear grounds for granting the dispensation, on what conditions, and where does the balance of the public interest fall against Personal Interest.

The Committee could:

1. Approve the application
2. Approve it partially e.g. allow participation in some particular circumstances
3. Refuse the application

Recommendation

The Committee is asked consider and decide on the application