

MEETING	STANDARDS COMMITTEE
DATE	23 NOVEMBER 2009
SUBJECT	APPLICATIONS FOR DISPENSATION
AUTHOR	DILYS PHILLIPS, MONITORING OFFICER
ACTION	TO DECIDE ON THE APPLICATIONS

BACKGROUND

1. The Standards Committee has the right to withdraw the restrictions placed on councillors under the code of conduct by giving them dispensation to take part in discussions and/or vote. Paragraph 2 of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 states the circumstances in which dispensation can be given, and a copy is attached in Appendix '1'.
2. Up to the date of writing this report, two applications have been received from members for dispensations in relation to primary schools organisation. Both relate to the review of primary schools in the Ysgol y Berwyn (Bala) catchment area. They are listed in the following table, and copies of the applications are attached as Appendix 1. If further applications are received, they will be presented in the committee meeting.

MEMBER	NATURE OF THE INTEREST
Elwyn Edwards	<ul style="list-style-type: none"> • His daughter's children attend Ysgol Bro Tegid, Y Bala
Dylan Edwards	<ul style="list-style-type: none"> • Wife teaches in a number of schools in the catchment area • Son is pupil in Ysgol y Berwyn • His brother's children attend yn Ysgol y Berwyn and Ysgol OM Edwards, Llanuwchllyn • Nephews attend Ysgol Bro Tegid.

3. The Committee has considered applications for dispensations in relation to primary schools organisation on more than one occasion in the past. At its meeting in June 2008, the committee decided on the following guidelines:-

"It was agreed that setting guidelines to be followed when considering applications relating to the Schools Organisation Plan would be of assistance to consider every application on its merits and to be consistent when making decisions.

Consequently, it was resolved that a husband or wife, children, brother or sister would amount to too close a connection to allow dispensation in terms of a

specific school since it would be difficult for the public to gain confidence in the way a decision would be reached."

DEVELOPMENTS THUS FAR

4. At an extraordinary meeting of the Full Council on 2 April, 2009, a strategy for the reorganisation of the county's primary schools was adopted. The basis of the strategy is to review the future of primary schools within specific catchment areas and address a number of specific principles and factors. The process of reviewing catchment areas will give detailed consideration to the options for the catchment area and will do so in an inclusive method by bringing together a review panel. It is intended for the review panel to include each local elected member, school head teachers and chairs of governors, church representatives and the portfolio leader. Following the review process, the portfolio leader will then draw up proposals for each catchment area in turn and she will be supported in this work by a county advisory panel, namely six members of the Children and Young People Scrutiny Committee.
5. It was resolved that the first catchment areas to be reviewed would be Tywyn, Y Berwyn and Y Gader.

THE CODE OF CONDUCT

6. Under the Code of Conduct, an elected member can not take part in a discussion in any meeting in which members or officers of the authority are present if the business that is to be discussed is likely to affect the welfare or financial situation of the person with whom he/she has a close connection, and that the nature of the interest is one which would lead a member of the public to believe that the elected member could not play an impartial part in the discussion.
7. Using these criteria, members have come to the conclusion that they can not take part in discussions in the Catchment Area Review Panel if that is likely to affect the schools with which their children or partner are linked.

THE APPLICATIONS

8. The members are making an application on the basis that it is important for them as local members to contribute to the discussions locally, and that the discussions, because they are held per catchment area, are likely to affect more schools than the one with which they have a connection, i.e. not one specific discussion on only one school rather a discussion on all schools in the catchment area will be held, these can not be separated

RECOMMENDATION

9. The Committee can do one of three things :-
 - (a) To refuse the applications
 - (b) To allow the applications in full i.e. to discuss and vote
 - (c) To allow partial dispensation, e.g. to take part in a discussion but not vote.

10. The Standards Committee is asked to consider the applications and reach a decision on them.

Circumstances in which dispensations may be granted

2. The standards committee of a relevant authority may grant dispensations under section 81(4) of the Act where -

(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.