

MEETING	STANDARDS COMMITTEE
DATE	9 FEBRUARY 2009
SUBJECT	APPLICATION FOR DISPENSATION
AUTHOR	DILYS PHILLIPS, MONITORING OFFICER
ACTION	TO DECIDE ON THE APPLICATION

The Application

1. An application has been received from Cllr John Pughe Roberts (Gwynedd member for Corris/Mawddwy) for a dispensation in relation to primary schools organisations in the Ysgol y Berwyn (Bala) catchment area. The application is for a dispensation to speak only at a meeting of the Council. A copy of the application is attached as Appendix 1. If further applications are received, they will be presented in the committee meeting.
2. The application arises because the councillor's daughter is a pupil at one of the schools in the catchment area –Ysgol Bro Tegid, Bala. The councillor is therefore of the view that this gives rise to a 'prejudicial interest' under the code of conduct, and means that he cannot take part in discussions if they are likely to affect the school which his daughter attends.

Primary Schools Reorganisation

3. Members will recall that the basis of the strategy for the reorganisation of the county's primary schools is to review the future of primary schools within specific catchment areas. 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.
4. Because the discussions are held on a catchment area basis, they are likely to affect more schools than the one with which the member has a connection, i.e. the discussion will not be on one specific school but will rather be a discussion on all schools in the catchment area, and it is not possible to separate one from the other.
5. In this case the councillor is not a member of the catchment area panel as he is not a local member. The application therefore relates to a meeting of the Council.

The Regulations and Guidelines

6. 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 2.

7. The Committee has considered applications for dispensations in relation to primary schools organisation on more than one occasion in the past, and has set itself guidelines. At its previous meeting, the Committee decided that guidelines for considering applications for dispensations in relation to primary schools organisation should be amended so that they read as follows:

“a father/mother, grandfather/grandmother, grandson/granddaughter, 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.”

Recommendation

8. The Standards Committee is asked to consider and decide upon the councillor's application to speak when the reorganisation of primary schools in the Ysgol y Berwyn catchment area is discussed at a meeting of the Council.

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.