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## EXTRAORDINARY MEETING OF STANDARDS COMMITTEE, 28.02.11

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**Present:-**

**Elected Members:-** Councillors Keith Greenly-Jones and Margaret Griffith.

**Independent Members:-** Mr John Pollard (Chairman), Mr Gwilym Ellis-Evans and Mr Gwyn Williams.

**Community Committee Member:-** Mr David Clay.

**Also Present:** Dilys Phillips (Monitoring Officer), Siôn Huws (Propriety Officer), Iwan Evans (Legal Service Manager / Deputy Monitoring Officer) and Eirian Roberts (Committee Officer).

**Apologies:** - Councillor Stephen Churchman (elected member); Mr Malcolm Jones and Mr Sam Soysa (independent members).

### 1. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received from any member present.

### 2. ANNOUNCEMENT

The members were asked to note the following dates:-

- The Wales Standards Committee Conference on 5 October 2011, venue to be confirmed – somewhere in Mid Wales;
- Meeting of the North Wales Standards Committee Chairs and Vice-chairs on 15 April 2011 in Conwy.

Members were also asked for their views regarding the idea of holding some type of mock-hearing at the afternoon session of the conference on 5 October. Support was expressed to that and the Monitoring Officer noted that she would convey that opinion to the event organisers.

### 3. APPLICATION FOR DISPENSATION BY COUNCILLOR LOUISE HUGHES

Submitted – the report of the Monitoring Officer asking the committee to decide on a request for dispensation by Councillor Louise Hughes, Gwynedd Council.

The Monitoring Officer referred to paragraph 5 of her report which noted that the committee had granted a dispensation for the councillor on 9 September, 2008 as follows:

*“To grant Councillor Louise Hughes dispensation under paragraph 2(ch) and (d) to participate in the discussion and vote on the Schools Organisation Plan, provided that the dispensation did not extend to discussions regarding the future of any school that Councillor Hughes’ child attended.”*

Since then, the Council had been discussing a scheme in Bro Dysynni to establish an area school in Llanegryn to serve the current catchment areas of Ysgol Abergynolwyn, Ysgol Brynchrug, Ysgol Llanegryn (which the councillor's child attended), and Ysgol Llwyngwriil (which is in the councillor's ward). Also, as part of the same pack, there was a proposal to close Ysgol Aberdyfi and to transfer the children to Ysgol Penybryn in Tywyn. The councillor had taken advantage of the dispensation to speak and vote on the plan in general, except for when Ysgol Llanegryn had been discussed.

However, as the discussion developed and the Council's proposals became clearer, it had become impossible for the officers to advise the councillor that she could speak on one school, without affecting others in the pack. The councillor had accepted that advice and had left the chamber during recent discussions. Also, as the new area school would replace the school where the councillor's child was a pupil at the moment, she had been advised not to participate in the discussion on establishing the new area school. Again, the member had accepted this advice, despite the fact that she was unhappy about the situation.

The councillor's child was in Year 5 at present and the councillor had suggested that she did not have an interest as her child would have left Ysgol Llanegryn before the new area school would open. However, the Monitoring Officer had advised her that it was not possible to theorise about what could happen in the future and that her decision to declare should be based on her circumstances on the day when the matter was under consideration.

The location of the new area school had been discussed at the Children and Young People Scrutiny Committee on 24 February; however, the councillor's application for a dispensation had been received too late for the Standards Committee to be able to consider the issue before that date. The full Council would be discussing the issue tomorrow and today's decision would affect what would happen in the Council.

It was noted that the councillor had asked for permission to stay in the room when the Council would discuss the new area school. It was explained that the stance of the Code of Conduct had not been clear on this in the past. However, a judge in the Court of Appeal had adjudged in a previous case that should a councillor have an interest, then his/her presence in the room could influence the discussion, in particular should he/she happen to be an influential person. Consequently, the judge was of the opinion that having a member retire from the meeting was insufficient, and that he/she would have to leave the room in order to protect public interests. As a result of that view, the Code of Conduct now clearly stated that unless a dispensation had been granted by the Standards Committee, any person with a prejudicial interest had to leave the room.

It was noted that Councillor Louise Hughes was presenting her case based on the fact that she was the local people's representative. She declared that she had to hold discussions with her electors and explain to them what was happening in the Council, and although she was unable to carry their voice to the Council, being able to observe the discussion would enable her to better undertake her work in the local community. Also, a discussion had been held regarding who would represent the community, if the local member was unable to participate.

It was noted further that this was the first application of its kind to be brought before any standards committee in Wales and that the decision, consequently, would set an important precedent for the future.

The committee considered the application in the context of the development of the discussion, the legal background and the strong feelings in the local community and the duty of a local member to hold discussions in her ward was weighed up against the impropriety of having a member with an interest taking part.

Some members expressed support to the application based on the fact that it was important for the councillor to be able to follow the direction of the discussion and take the message back to her ward. However, many other members expressed objection to the application on the following grounds:

- That it was difficult for a local member to represent his/her community when he/she had an interest.
- That approving this application would set a dangerous precedent for the future.
- That the result of any registered vote would be available for the councillor in the meeting's minutes.
- That the local people present in the public gallery could convey what had happened at the meeting to the councillor.
- That the presence of a member who had an interest, in the public gallery, could influence the discussion and make some other members feel uncomfortable.
- That it would be very difficult to act contrary to the legal opinion given by the Monitoring Officer.

It was noted that this was a very difficult decision to make and considerable sympathy was expressed to the councillor in her sincere wish to represent her electors. However, after weighing up the application carefully, a consensus was reached that it would not be appropriate to grant a dispensation under the circumstances.

**RESOLVED to refuse the application for dispensation on the following grounds:-**

- **The legal guidance given to the committee that the Court of Appeal had adjudged in a previous case that any member with a prejudicial interest should leave the room, rather than to retire from the meeting only, because his/her presence in the room could influence the discussion;**
- **The danger of setting a precedent in the future for dealing with other similar cases.**

The meeting commenced at 10.00am and concluded at 10.35am.