

DISPENSATION PANEL OF THE STANDARDS COMMITTEE

Minutes of the meeting held on 28 January 2019 (2.30 pm)

PRESENT: Independent Members

Mr Michael Wilson (Chair)
Ms Denise Harris-Edwards
Mr John Robert Jones

IN ATTENDANCE: Head of Function (Council Business)/Monitoring Officer
Solicitor (Corporate Governance) (MY)
Programme, Business Planning and Performance Manager (GM)
Committee Officer (SC)

ALSO PRESENT: Councillor Llinos Medi Huws (Leader of the Council)

APOLOGIES: None

1 DECLARATION OF INTEREST

No declaration of interest was received.

2 APPLICATION FOR DISPENSATION

An application was made by Councillor Llinos Medi Huws (Leader of the Council), requesting that the Standards Committee should consider granting dispensations in relation to prejudicial interests regarding the following:-

1. The Schools Modernisation Programme in the Amlwch catchment area;
2. Post-16 Education Provision in the County.

The Monitoring Officer reported that a report will be taken to the Executive at the end of March 2019 with a view to beginning the process of a formal public statutory consultation on schools modernisation in the Amlwch area. Llanfechell primary school, where Councillor Huws' niece is a pupil, is one of the schools under consideration in the consultation process. Any decision regarding the future of Llanfechell primary school will impact on the child making the personal interest a prejudicial one.

The Monitoring Officer referred to the Members' Code of Conduct, and explained that Councillor Huws' close relationship with the child and the child's mother, creates a personal interest in the context of the project, and, under the Code. This in itself would require the Leader to declare her personal interest. Given the close relationship, however, and the potential of the decision to have a significant impact on the child, the interest is potentially prejudicial which means that the applicant

would not be allowed to take part without obtaining a dispensation from the Standards Committee.

The Programme, Business, Planning and Performance Manager reported that the Schools Modernisation Strategy was adopted by the Executive in October, 2018. The Strategy sets out the Authority's direction for the process of modernising schools over the next decade. The following three bands have been formulated for the Wales Programme for 21st Century Schools:-

Band A - projects which have been completed, or are nearing completion;
Band B - projects which are under way, or will be commencing soon;
Band C - longer term projects, which will be achieved over years to come.

The Programme, Business, Planning and Performance Manager reported that the Wales Programme for 21st Century Schools involves modernising schools by ensuring that new models of learning are put in place that will benefit the County's children, both currently and for generations to come. The long-term plan is one of the cornerstones of the Well-being and Future Generations (Wales) Act 2015, which the Council is delivering against. It was noted that Councillor Huws is the Council's spokesperson associated with the Act, and represents the Council in discussions with the WLGA.

Schools Modernisation Programme - Amlwch area

With regard to the engagement process to transform Anglesey's schools, informal discussions have taken place recently with members of the public, parents, teachers etc. to gauge public opinion within communities in the Amlwch area; which includes Llanfechell School. It was noted that the next stage of the process will involve a report to the Corporate Scrutiny Committee for consideration, followed by the Executive for approval, and a formal statutory consultation period of 6 weeks to consider the possible options. Thereafter, the Scrutiny Committee will decide on its preferred options, and present its recommendations to the Executive for final decision. An Outline Business Case will then be submitted to the Scrutiny Committee for comment, followed by the Executive and Welsh Government for approval.

Councillor Huws explained that she sought a dispensation because she has a very close relationship with her second cousin, whose daughter attends Llanfechell School. She stated that their relationship could be prejudicial in the context of the current phase of the Schools Modernisation Programme, as the future of education in the Amlwch district is uncertain. She further stated that currently, it is impossible to judge what local opinion will be on the schools modernisation project in the future. Councillor Huws reported that she already declares an interest in relation to Llanfechell School, as she is the Councillor representative for the Authority, as School Governor.

Councillor Huws referred to Plaid Cymru's Manifesto, which she formulated in 2017, and cited the following as part of her vision for the future, and what she wishes to see: *"I want to see every child in Anglesey attaining his/her potential"*. It was noted

that the Leader's Manifesto has been adopted as a driver for the Council Plan. The Schools Modernisation Programme is a cornerstone of that plan.

Post-16 Education Provision in Anglesey

The Programme, Business, Planning and Performance Manager reported that the procedure is very similar with post-16 education, to the process outlined in the Amlwch area. The Council has already engaged with residents across the Island. The statutory consultation process will start during the Autumn and last for 6 weeks, before moving ahead to act on any decision that is eventually made. As regards possible results, any of the Island's five secondary schools could be affected. It was noted that possible results are currently varied and complex, and the implications of these decisions on pupils in secondary schools will need to be considered.

Councillor Huws referred to the model from Plaid Cymru's Manifesto: *"that we continue to give our children the best possible opportunities, which are achievable goals"*. The Leader stated that her daughter might be one of the first to be included in post-16 education, when any new model has been finalised. She highlighted the importance of collaborating with partners to ensure that our young people nurture essential work skills, and have the best educational facilities.

The Chair questioned the Leader and asked where her interest becomes prejudicial? Councillor Huws responded that she does not have a prejudicial interest at present, but is concerned that questions could be asked outside the Council regarding any decisions she may take in the future. She stated that her interest could be perceived as prejudicial, as her daughter could be part of the new 6th form provision model when it is finalised.

Members of the Panel deliberated in private session. Following discussion, the Chair announced that the Standards Committee had **RESOLVED to grant the dispensations to Councillor Llinos Medi Huws in respect of those interests referred to in the Application, which permits the Councillor to:-**

- **write to officers [and/the Executive/Committee/Council] about the issue;**
- **speak to officers of the Council about the issue, provided a note is taken of any such discussions;**
- **speak at Executive/Committee/Council meetings and answer any questions about the issue;**
- **remain in the room during any debate/voting on the issue;**
- **vote at such meetings;**
- **participate in all external meetings in her elected capacity.**

The dispensations are granted on the following grounds:-

- 1. 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 Council's business;**

[The Panel were satisfied that the applicant is motivated to act in the public interest and in particular in the best interests of the children who will be affected by these decisions in the short, medium and long term.]

2. The participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;

[The Panel were satisfied that because of the applicant's role as Leader of the Council, and the significance of this project, both to those affected and as part of the Council's priorities, that the project should be led, and be seen to be led by the Leader of the Council.]

3. It appears to the Standards Committee to be in the interests of the inhabitants of the area of the Council 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 7 days. Such a notification should specify the Member to whom the dispensations would apply and the Standards Committee's reasons why the disability should be removed.

[For the reasons described in 1 and 2 above, the Standards Committee were satisfied that the same facts also justified the granting of a dispensation on this third ground.]

Action:

- The Monitoring Officer to write to Councillor Huws confirming that the Panel has granted a dispensation permitting her to write, speak and vote on all matters relating to the Schools Modernisation Programme in the Amlwch catchment area. Councillor Huws must declare a personal and prejudicial interest when attending the above meetings.**
- The Monitoring Officer to notify the National Assembly for Wales in writing of Councillor Hughes' grant of dispensations within 7 days of the dispensations being granted.**
- The Monitoring Officer to notify the National Assembly for Wales that the disability element has been removed, and provide the reason why the Standards Committee has decided to remove it.**

The meeting concluded at 3.55 pm

**MICHAEL WILSON
CHAIR**