

DISPENSATION PANEL OF THE STANDARDS COMMITTEE

Minutes of the meeting held on 18 July 2019

PRESENT: **Independent Members**

Mr Michael Wilson (Chair)
Mr John Robert Jones
Mr Keith Roberts

IN ATTENDANCE: Head of Function (Council Business)/Monitoring Officer
Solicitor (Corporate Governance) (MY)
Committee Officer (SC)

APOLOGIES: None

1 DECLARATION OF INTEREST

The Committee Officer declared a personal interest in the meeting, as her husband is a distant relative of the applicant.

2 APPLICATION FOR DISPENSATION

The Solicitor (Corporate Governance) reported that an application for dispensation was sought by Councillor Derek Owen, Chair of Llanbadrig Community Council, in relation to the Schools' Modernisation Programme in the Amlwch catchment area. Councillor Owen wishes to participate in discussions during the process.

Councillor Owen considers himself to have a personal interest, as his grandchildren attend Ysgol Penysarn, which is one of the schools under consideration in the Schools' Modernisation Programme within the Amlwch area. Ysgol Cemaes is the local school for Llanbadrig Community Council and this school is also under consideration in the Schools' Modernisation Programme within the Amlwch area. Councillor Owen's prejudicial interest arises from the fact that Ysgol Penysarn and Ysgol Cemaes are in the same pool of schools whose future is to be reviewed.

The Dispensation Panel, through its Chairman, had agreed to consider the application by way of a paper exercise only. The applicant did not attend the meeting.

The Solicitor (Corporate Governance) referred to the Code of Conduct for Llanbadrig Community Council and highlighted the relevant ground for Councillor Owen's personal interest, namely Para 10(2)(c)(i) and the question as to whether the personal interest is prejudicial is considered under Para 12(1).

The Solicitor (Corporate Governance) explained to the Panel that if it agreed that Councillor Owen had a personal and prejudicial interest, the Panel would then need

to determine whether it would grant a dispensation and, if so, on what grounds and whether it was going to be a full or partial dispensation.

The Monitoring Officer reported that when determining a prejudicial interest, it is not just the role of the decision maker that must be considered, but influencing an important decision, which constitutes a prejudicial interest. She stated that the possible closure of school/s is a significant matter for the area, and those affected.

The Monitoring Officer reported that, as part of the Schools' Modernisation Programme, the Chairs of Governing bodies may attend the County Council's Corporate Scrutiny Committee to present their views. The Corporate Scrutiny Committee will then submit its views to the Executive, by which the decision/s will be taken.

The Panel discussed the individual circumstances in relation to the application, and agreed that Councillor Owen's interests were personal and prejudicial. As the Standards Committee had previously granted dispensations in similar circumstances (i.e. to Grandparents of children attending Schools affected by the School Modernisation Programme) it was considered that the applicant had a personal and prejudicial interest in this instance too.

Members of the Panel deliberated in private session. Following discussion, the Chair announced that the Standards Committee had **RESOLVED to grant a full dispensation to Councillor Derek Owen of Llanbadrig Community Council to:-**

- **write to officers and/or the Committee/Community Council about the matter;**
- **speak to officers of the Community Council about the matter without conditions;**
- **speak at Committee meetings/Community Council meetings and answer any questions about the issue;**
- **remain in the room during any debate, and vote on the issue;**
- **participate in all external meetings and meetings of any outside bodies in his capacity as a member of the Community Council.**

The dispensation is granted under Para 81(4) of the Local Government Act 2000 on the following grounds:-

- (d) the nature of the interest is such that participation in the business to which the interest relates would not damage public confidence; and**
- (f) participation is justified by the Councillor's particular role or expertise (as Chair of Llanbadrig Community Council).**

The Dispensation is to be valid until the expiry of the consultation period and all discussions / decisions relating to and arising from any such consultation in relation to education provision in the Amlwch area or the expiry of Councillor Derek Owen's current term on Llanbadrig Community Council, whichever is later.

Action:

- **The Monitoring Officer to write to Councillor Owen confirming that he has been granted a full dispensation permitting him to write to officers; speak and vote on all matters relating to the Schools Modernisation Programme;**
- **The Monitoring Officer to notify the Clerk of Llanbadrig Community Council confirming the Panel's decision and terms of the dispensation outlined above.**
- **Councillor Owen to declare his personal and prejudicial interest when attending Committee/Community Council meetings and to confirm that he has the benefit of a dispensation.**

The meeting concluded at 10.15 am

**MR MICHAEL WILSON
CHAIR**