

<b>CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>COMMITTEE:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>13 September 2017</b>
<b>REPORT TITLE:</b>	<b>Dispensation/s</b>
<b>PURPOSE OF THE REPORT:</b>	<b>To advise the Committee of the outcome of any dispensation applications received since 8<sup>th</sup> March 2017</b>
<b>REPORT BY:</b>	<b>Head of Function (Council Business)/Monitoring Officer</b>
<b>LINK OFFICER:</b>	<b>Lynn Ball Head of Function (Council Business)/Monitoring Officer <a href="mailto:lbxcs@anglesey.gov.uk">lbxcs@anglesey.gov.uk</a> 01248 752586</b>

## 1. INTRODUCTION

Where a county councillor/town/community councillor has a prejudicial interest in a matter to be considered by their authority, the code of conduct requires that the interest be declared/registered and that the member leave the meeting and not participate/influence the decision/s.

The code of conduct provides inbuilt “dispensations” in certain limited circumstances which are listed in [paragraph 12\(2\) of the code](#).

Additionally, if paragraph 12(2) of the Code does not help, then the Standards Committee has discretion to grant a dispensation to a member, in specific circumstances, as listed in statutory regulations.

If granted, a dispensation will overreach the prejudicial element of the interest (that is the bias or perceived bias) and will enable the member to participate in the matter; perhaps with a limited or restricted input, and for a specified timescale.

## 2. BACKGROUND

To assist members in using the process for dispensations whenever it may be suitable, and as effectively as possible, the Standards Committee has published an [Advice and Guidance Note](#). Additionally, information was provided to town and community council clerks on the potential for dispensations in an email dated 6<sup>th</sup> March 2017

**ENCLOSURE 1**

Given that dispensations are often required at the minimum amount of notice legally possible, the Standards Committee has established an arrangement whereby a Panel of three members may be called to deal with any application received between meetings of the full Committee. Applications received from county councillors may be heard by any three independent / County Council members (with the independent members to be in the majority) and applications from town/community councillors are to be heard by independent members and town/community council members (independent members to be in the majority).

### **3. APPLICATION MADE SINCE 8<sup>TH</sup> MARCH 2017**

Since the Standards Committee last met, one application for a dispensation has been received. The Panel was formally called on the 12<sup>th</sup> July 2017, a full written application was received and circulated on the 17<sup>th</sup> July 2017, and the Panel met to hear from the applicant and to determine the application on the 18<sup>th</sup> July 2017.

Attached at **ENCLOSURE 2** are:-

1. Copy of the application submitted by Councillor Carwyn Jones
2. The decision of the Dispensation Panel
3. The draft minutes from the Dispensation Panel

### **4. DECISION OF THE DISPENSATION PANEL**

The Dispensation Panel agreed with the applicant that his personal interest was also prejudicial but, having heard from the Councillor and having had an opportunity to put questions, the Panel were unanimously of the view that the Councillor's primary motivation in wishing to participate in the process of consultation/debate concerning the future of education in his ward, was the wider public interest, rather than the employment/educational interest of the close personal associates whom he described in his application.

In the circumstances, the Panel decided to grant a limited dispensation enabling the applicant to:-

- Undertake a full role in his capacity as local member;
- To write to and speak to officers of the Council in relation to the proposals;
- To participate in any relevant committees/bodies of the Council, to express his views and to answer any questions;
- To remain in the meeting room during any debate on the issue and to participate in any debate (if a member of the relevant body);
- The dispensation does not extend to voting in any circumstances where this prejudicial interest applies;
- The dispensation (if it remains relevant) will in any event expire on the 8<sup>th</sup> May 2022;
- The grounds on which the dispensation was granted were that:-
  - o The nature of the member's interest was such that his participation in the business to which the interest related would not damage public confidence in the conduct of the Council's business (particularly given that the

dispensation did not include decision making but participation and influence only);

- The participation of the member in the business to which the interest relates is justified by the member's particular role or expertise (that is, that the Councillor is a County Council appointed governor, a chair of governors of one of the schools under consideration, and is a local member for the area).
- It appeared to the Panel to be in the interests of the inhabitants of the area (that is the Seiriol ward) that the disability be removed provided that written notification of the dispensation be given to the National Assembly for Wales within 7 days of the dispensation being granted (please note that this notification was given and has been acknowledged).

## 5. RECOMMENDATION

1. For the Committee to note the dispensation granted and the grounds and circumstances in which it was granted.
2. For the members of the Panel only (Michael Wilson, Dilys Shaw and Denise Harris-Edwards) to ratify/amend the draft minutes at **Enclosure 2**

**Medwen Jones**

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**From:** Medwen Jones  
**Sent:** 06 March 2017 14:37  
**To:** Aberffraw; Amlwch; Beaumaris; Bodedern; Bodffordd a Llanfachraeth; Bodorgan a Llangristiolus; Bryngwran; Cwm Cadnant a Llanfihangelesceifiog; Cylch-y-Garn Community Council; Holyhead Town Council; Llanbadrig; Llanddaniel Fab; Llanddona a Llangoed; Llanddyfnan; Llaneilian; Llanerchymedd; Llanfaelog; Llanfaethlu; Llanfair ME; Llanfair yn Neubwll; Llanfairpwll; Llangefni; Llanidan; Mechell; Menai Bridge; Moelfre; Penmynydd a Star; Pentraeth; Rhosybol; Rhosyr; Trearddur; Tref Alaw; Trewalchmai; Valley  
**Subject:** Dispensation / Caniatad Arbennig (019560)  
**Attachments:** 363162 - Ffurflen Caniatad Arbennig - Cynghorwyr Tref a Chymuned - Cymraeg (S.354274).doc; 354274 - Dispensation Form - Town and Community Councillor - English (C.363162).doc; 364641 - Nodyn Briffio i Gynhorwyr Tref a Chymuned - Caniatâd Arbennig - Cymraeg (S.354288).doc; 354288 - Briefing Note to Town and Community Councillors - Dispensations - English (C.364641).doc

Annwyl Clercod,

Ar 6ed Ionawr, 2017, anfonwyd e-bost yn cadarnhau bod newidiadau deddfwriaethol wedi eu gwneud mewn perthynas â'r seiliau statudol y gall Cynghorwyr ddibynnu arnynt er mwyn gwneud cais am Ganiatâd Arbennig os oes ganddo/ganddi ddiddordeb sy'n rhagfarnu. Yn yr e-bost hwnnw esboniwyd bod y ffurflen er mwyn ymgeisio am ganiatâd arbennig yn cael ei diwygio. Mae'r newidiadau hyn wedi eu cwblhau erbyn hyn.

Felly, mae Nodyn Briffio ar "Ganiatâd Arbennig" ynghlwm i'r e-bost hwn, sy'n rhoi gwybodaeth am y sail ychwanegol, ynghyd â Ffurflen Gais ddiwygiedig am Ganiatâd Arbennig. Mae'n rhaid i'r Cynghorydd gwblhau a chyflwyno'r Ffurflen Gais am Ganiatâd Arbennig i Bwyllgor Safonau'r Cyngor Sir bob tro y mae o/hi yn dymuno gwneud cais am Ganiatâd Arbennig. Mae'r broses yn cael ei hamlinellu yn y Nodyn Briffio.

Byddai'r Pwyllgor Safonau yn ddiolchgar o gymaint o rybudd â phosib fod cais am Ganiatâd Arbennig am gael ei gyflwyno, yn arbennig os ydi o'n gais sy'n ymwneud â sawl Cynghorydd o fewn yr un Cyngor. Yn ddelfrydol, hoffai'r Pwyllgor dderbyn isafswm o bum diwrnod gwaith rhwng derbyn y Ffurflen Gais a dyddiad y cyfarfod Cyngor Tref neu Gymuned pan fo'r Caniatâd Arbennig (os yn cael ei ganiatau) yn cael ei ddibynnu arno; wrth gwrs, deallir nad ydi hyn yn bosib bob tro. Ni ddylai Cynghorwyr ymatal rhag cyflwyno Ffurflen Gais ar sail y ffaith fod amser yn gyfyng.

Nid yw'r Pwyllgor Safonau wedi derbyn llawer o geisiadau am Ganiatâd Arbennig gan Gynghorau Tref a Chymuned. Byddai'r Pwyllgor yn gwerthfawrogi petaech chi, fel Clercod, yn tynnu sylw'r Cynghorwyr at yr e-bost hwn ynghyd â'r atodiadau. Mae pryder mai'r rheswm dros dderbyn cyn lleied o geisiadau gan y Cynghorau Tref a Chymuned yw diffyg gwybodaeth am fodolaeth y "Caniatâd Arbennig", neu canfyddiad mai rhywbeth ar gyfer Cynghorwyr Sir yn unig ydyw.

Os oes gennych unrhyw gwestiynau am yr e-bost hwn neu'r dogfennau sydd ynghlwm, cysylltwch â Lynn Ball, Pennaeth Swyddogaeth (Busnes y Cyngor)/Swyddog Monitro ([lbxcs@anglesey.gov.uk](mailto:lbxcs@anglesey.gov.uk) / 01248 752586), Robyn Jones, Rheolwr Gwasanaethau Cyfreithiol a Dirprwy Swyddog Monitro ([rwjcs@anglesey.gov.uk](mailto:rwjcs@anglesey.gov.uk) / 01248 752134), neu Mared Yaxley, Cyfreithiwr – Llywodraethu Corfforaethol a Chontractau ([mwycs@anglesey.gov.uk](mailto:mwycs@anglesey.gov.uk) / 01248 752566). Dylai unrhyw gais gael ei anfon ar y ffurflen berthnasol at sylw un o'r swyddogion hyn hefyd.

Gyda diolch.

Michael Wilson  
 Cadeirydd y Pwyllgor Safonau



Dear Clerks,

On the 6<sup>th</sup> January 2017, an email was sent confirming there had been legislative changes to the grounds on which Councillors can rely to apply for a Dispensation where he/she has a prejudicial interest. In that email it was explained that the form to apply for a dispensation was in the process of being amended. These changes have now been finalised.

I therefore attach to this email a Briefing Note on "Dispensations", which provides information on this additional ground, together with an amended Dispensation Application Form. The Dispensation Application Form must be completed by the Councillor and submitted to the Standards Committee of the County Council each time he/she wishes to apply for a Dispensation. The process is outlined in the Briefing Note.

The Standards Committee would be grateful for as much notice as possible that an application for a dispensation is to be submitted, especially if the application relates to a number of Councillors within the same Council. Ideally, the Committee would seek a minimum of five working days' between receiving the Application Form and the date of the Town or Community Council meeting at which the dispensation (if granted) is to be relied upon; however, it is of course appreciated that this is not always possible. Councillors should not refrain from submitting an Application Form merely because of a shorter time frame than this.

The Standards Committee has not received many applications for Dispensations from Town and Community Councils. The Committee would be grateful if you, as Clerks, could please bring this email, together with the attachments, to the attention of your Councillors. There is concern that the reason so few applications are received from Town and Community Councils is perhaps a lack of knowledge of the existence of the "Dispensation", or a perception that they are only available for County Councillors.

Should you have any questions on this email or its attachments please contact Lynn Ball, Head of Function (Council Business)/Monitoring Officer ([lbxcs@anglesey.gov.uk](mailto:lbxcs@anglesey.gov.uk)/01248 752586), Robyn Jones, Legal Services Manager & Deputy Monitoring Officer ([rwjcs@anglesey.gov.uk](mailto:rwjcs@anglesey.gov.uk)/01248 752134), or Mared Yaxley, Solicitor - Corporate Governance ([mwyys@anglesey.gov.uk](mailto:mwyys@anglesey.gov.uk) / 01248 752566). Any applications should also be submitted to one of these officers on the relevant form.

Many thanks

Michael Wilson  
Chairman of the Standards Committee

Document: CC-019560-MY/365597

**THE ISLE OF ANGLESEY COUNTY COUNCIL**

**APPLICATION FOR DISPENSATION TO THE STANDARDS COMMITTEE  
BY A TOWN OR COMMUNITY COUNCILLOR**

<b>Name of Applicant:</b>	
<b>Contact details:</b>	
<b>Name of Town / Community Council:</b>	
<b>Details of the prejudicial interest* in respect of which the Dispensation is sought:</b>	
<b>Business in which the applicant wishes to participate:</b>	
<b>Type of Dispensation sought (tick as necessary and insert any required information):</b>	<ul style="list-style-type: none"><li><input type="checkbox"/> write to officers [and/or the Committee/Community Council] about the matter;</li><li><input type="checkbox"/> speak to officers of the Community Council about the matter [with/without conditions [INSERT]]</li><li><input type="checkbox"/> speak at Committee meetings/Community Council meetings and answer any questions about the issue;</li><li><input type="checkbox"/> remain in the room during any debate/vote on the issue;</li><li><input type="checkbox"/> vote;</li><li><input type="checkbox"/> other</li></ul>
<b>Statutory Ground/s under which Dispensation is requested (See overleaf for possible grounds available):</b>	
<b>Date by which a decision is required:</b>	
<b>Signed:</b>	<b>Date:</b>

\* Prejudicial Interests – These are personal interests which an objective observer would consider so significant that they are likely to compromise a Councillor's ability to act in the public interest

## **Circumstances in which the Standards Committee may grant a dispensation to a Community Councillor**

The Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 as amended by The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 specifies that the Council's Standards Committee may grant dispensations under Section 81(4) of the Local Government Act 2000 where:

- (a) no fewer than half of the Councillors (Community Council/Committee) by which the business is to be considered has an interest which relates to that business;
- (b) NOT RELEVANT TO COMMUNITY COUNCILS
- (c) an inability to participate would upset political balance to such an extent that the outcome would likely be affected;
- (d) the nature of the interest is such that participation in the business to which the interest relates would not damage public confidence;
- (e) the interest is common to the Councillor and a significant proportion of the general public;
- (f) participation is justified by the Councillor's particular role or expertise;
- (g) NOT RELEVANT TO COMMUNITY COUNCILS
- (h) the business relates to the finances or property of a voluntary organisation of whose management committee or board the Councillor is a member otherwise than as a representative of the Community Council and the Councillor has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business;
- (i) it appears to the Standards Committee to be in the interests of the inhabitants of the area of the Community Council that the disability should be removed, provided that written notification of the grant of the dispensation is given to the Welsh Ministers within 7 days. Such a notification should specify the Councillor to whom the dispensation would apply and the Standards Committee's reasons why the disability should be removed;
- (j) it appears to the Standards Committee to be otherwise appropriate to grant the dispensation, as a practical solution to the disability (infirmity) of the Councillor which otherwise would make it difficult for them to leave a room/chamber when a matter in which they have a prejudicial interest is being discussed.

**THE ISLE OF ANGLESEY COUNTY COUNCIL**  
**DECISION OF THE STANDARDS COMMITTEE**  
**IN RELATION TO AN APPLICATION FOR DISPENSATION**  
**BY A TOWN OR COMMUNITY COUNCILLOR**

<b>Decision of the Standards Committee:</b>	
<b>Date decision made by the Standards Committee:</b>	
<b>Name of persons to be notified of the Standards Committee's decision:</b>	<input type="checkbox"/> Clerk of the Town/Community Council <input type="checkbox"/> Applicant <input type="checkbox"/> Others: _____ _____ _____
<b>Date the dispensation expires:</b>	

Pursuant to paragraph [ ] of The Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 as amended by The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016, the Standards Committee has resolved to **grant a dispensation** to Councillor [ ] in respect of that / those interest(s) referred to in the Application at page 1, which permits the Councillor to:

- write to officers [and/or the Committee/Community Council] about the matter;
- speak to officers of the Community Council about the matter [with/without conditions [INSERT]];
- speak at Committee meetings/Community Council meetings and answer any questions about the issue;
- remain in the room during any debate/vote on the issue;
- vote;
- other

The Councillor can therefore speak [and vote] at Committee/Community Council meetings in relation to the matter and answer any questions from members of the Committee/Community Council [but must leave the meeting before matters that the Councillor speaks upon are debated or voted on] OR [and may remain in the room during the debate/vote but must not vote on the issue].

Before the Councillor speaks with or writes to officers of the Community Council, or speaks at Committee/Community Council meetings on the issue, the Councillor must still:

- declare an interest in the matter; and
- confirm that a dispensation has been granted to allow the Councillor to speak [and vote] about it; and
- complete a written notification to the clerk setting out the interest and the dispensation.

By authority of the Isle of Anglesey Standards Committee  
 Dated: \_\_\_\_\_

# Briefing Note for Town and Community Councillors on Anglesey

## Dispensations

This is a briefing note for Town and Community Councillors on the topic of 'Dispensations'. Should Councillors or Clerks have any queries, please contact the Monitoring Officer at Anglesey County Council:

Lynn Ball - [lbxcs@anglesey.gov.uk](mailto:lbxcs@anglesey.gov.uk)

Under their Code of Conduct, no Councillor is allowed to participate in a matter in which he/she has a prejudicial\* interest unless a dispensation has already been granted by the County Council's Standards Committee.

### Grounds on which a dispensation may be granted

The grounds on which a dispensation may be granted are set out in statute and are:-

1. At least half of the Councillors (Community Council/Committee of the Community Council) would be unable to take part in a meeting because of a prejudicial\* interest;
2. The nature of the interest is such that participation would not damage public confidence in the decision;
3. The Councillor's interest is common to a significant proportion of the general public;
4. The Councillor's particular role or expertise would justify participation;
5. The business relates to the finances or property of a voluntary organisation and the Councillor sits on its board/committee in his/her own right, and he/she does not have any other interest [although in this instance, any dispensation may allow the Councillor to speak on the matter, but not to vote];
6. The Standards Committee believes that the Councillor's participation would be in the interests of the people in the Community Council's area and the Committee notifies the Welsh Ministers within 7 days of the dispensation being granted; or
7. The Standards Committee believes it appropriate to grant the dispensation, as a practical solution to a disability (infirmity) of the Councillor's which otherwise would make it difficult for him/her to leave a room/chamber when a matter in which they have a prejudicial\* interest is being discussed.

### How does a Community Councillor obtain a Dispensation?

The Councillor must apply in writing to the County Council's Standards Committee and will usually be expected to attend the public meeting of the Standards Committee/Panel which will take the decision.

A Councillor may apply individually or, in common circumstances, a joint or collective application may be made by more than one Councillor.

The Standards Committee will consider all applications on their own facts; balancing the public interest in preventing those with prejudicial\* interests from taking part in decisions while maximising the public interest in democratic participation.

The decision as to whether a dispensation shall be granted is at the Standards Committee's discretion. The Standards Committee will explain its reasons. The terms and duration of any dispensation shall be decided by the Standards Committee.

If the Standards Committee approves an application it must grant the dispensation in writing. No Councillor may rely on a dispensation until such time the written decision has been circulated. Where necessary, and possible, this will be expedited.

### **Requirements on Councillors when relying on a dispensation**

Once the Standards Committee has approved an application and has granted the dispensation, in writing, the Councillor will then be able to participate (subject to any limitations imposed) despite his/her prejudicial\* interest.

#### **(a) In formal Meetings:**

When a Councillor has a dispensation and wants to participate in a meeting to discuss the relevant matter, the Councillor must:

- (i) state at the meeting, when the item is to be discussed, that he/she is relying on a dispensation; and
- (ii) before, or immediately after the close of the meeting, must give written notification\*\* to the Community Council.

The notification must include:

1. details of the prejudicial\* interest for which the dispensation was granted;
2. details of the business to which the prejudicial\* interest relates;
3. details of the dispensation, including the date on which it was granted, and
4. the Councillor's signature.

#### **(b) In informal meetings:**

When a Councillor has a dispensation, and is making verbal representations at informal meetings, that Councillor must:

- (i) include details of the dispensation in such discussion and
- (ii) provide written notification\*\* to the Community Council Clerk within 14 days of the discussion.

#### **(c) In writing:**

When a Councillor has been provided with a dispensation, and is making written representations to their Community Council, the Councillor must provide details of

the dispensation in any correspondence on the subject to which the dispensation relates.

#### Footnote/definitions

- \* prejudicial interests – these are personal interests (listed in the Code of Conduct) which an objective observer would consider so significant that they are likely to compromise the Councillor's ability to put the public interest first.
  
- \*\* written notification – in formal meetings, Councillors may rely upon the standard form of declaration. In informal meetings Councillors must provide written confirmation to the clerk/or other lead officer and ask that the dispensation be included in any informal minute/file note of the meeting/discussion.

THE ISLE OF ANGLESEY COUNTY COUNCILDISPENSATION APPLICATION TO THE STANDARDS COMMITTEE  
BY A MEMBER OF THE COUNTY COUNCIL

<b>Name of Member:</b>	Councillor Carwyn Jones
<b>Member's contact details:</b>	Tan y Garnedd, Black Horse Lane, Llansadwrn, Ynys Môn LL75 8YP
<b>Ward:</b>	Seiriol
<b>Nature of prejudicial interest* in respect of which the Dispensation is sought:</b>	<ol style="list-style-type: none"> <li>1. I am one of three councillors representing the multi-member ward of Seiriol</li> <li>2. The County Council is currently formulating its strategy for the medium and long term future of education on the Island; including the three primary schools within the ward which I represent, along with two of my councillor colleagues. Devising and implementing the strategy may affect the Seiriol ward for the remainder of the term of this Council although the impact will likely be felt for a generation. A copy of the first draft of the County Council's proposals is attached at <b>Enclosure 1</b></li> <li>3. I am a Council appointed governor of Llandegfan Primary School, which is one of the three schools under consideration in the Seiriol ward. In that capacity I am also the Chair of the School's governing body. I understand that this is a personal interest which I need to declare but that the interest is not prejudicial. However, my first cousin is employed at Beaumaris Primary School, which is also one of the schools under consideration in the ward. My cousin's son also attends Llandegfan Primary School. Our family relationship is close and constitute close personal associations within the meaning of the Code; and the potential impact (loss of employment, and change of school, respectively) constitute prejudicial interests. A copy of the Code is attached at <b>Enclosure 2</b>, with the relevant passages highlighted.</li> <li>4. In my role as a local member, I wish to fully participate in the process of gathering and sharing information in my ward regarding future proposals for education in the area, including attending public meetings and Town/Community Council meetings, to gauge and reflect local opinion. I also wish to act as a conduit between my community and the County Council in ensuring that the voice of the community is heard and is given proper consideration in the</li> </ol>



process/decisions taken throughout the stages of consultation/implementation. This is what I have been elected to do and this is the reasonable expectation of my electorate.

This may involve opportunities to speak at meetings in the County Council, and also to propose any alternative strategy or strategies that we might want to put forward; both at the outset and as the consultations/options evolve.

5. In the circumstances, I respectfully ask the Standards Committee to consider granting me a dispensation to overcome the two prejudicial interests identified above, by reason of the following factors:-

- While I do have the personal and prejudicial interests described in this application, in relation to two out of the three schools, I would wish to advocate on behalf of the community generally and my preferred option would be for all three schools in the ward to remain open as part of a wider community strategy for the area that would also give the three schools an opportunity to thrive.

While I acknowledge my family connections, my overriding motivation is for the benefit of the ward. I believe that the whole ward approach my fellow Seiriol Councillors and I intend to adopt, demonstrates that I fully intend to act in the wider public interest.

- I ask the Standards Committee to endorse my involvement as a local member, at community level, but with regard to the County Council I believe that my role should be restricted to speaking (and writing) on the issue, and whenever opportunities present themselves; to include both formal and informal meetings and to include situations in which I am a named member of a body, or an invitee. However, in order to lessen any perception of a prejudicial impact I would ask that any dispensation granted shall enable me to speak (with any permission required from the relevant Chair) and to answer any questions, but not to vote. If the Committee thinks it is appropriate, I am of course willing to leave meetings after I have had an opportunity to speak, while discussion and voting continue.
- Should there be any opportunity or opportunities during this process for representatives of the three relevant schools to speak for their schools, then I would leave it to other school representatives to undertake that role as I would

	not wish to advocate for one school to the potential detriment of the others.		
<b>Business in which Member wishes to participate:</b>	All matters relating to the future of education in the Seiriol Ward		
<b>Type of Dispensation sought (tick as necessary and insert any required information):</b>	<ul style="list-style-type: none"> <li>✓ write to officers [and/or the Executive/Committee/Council] about the issue;</li> <li>✓ speak to officers of the Council about the issue, provided a note is taken of any such discussions;</li> <li>✓ speak at informal meetings and formal meetings of the Executive/Committees/Council etc and answer any questions about the issue;</li> <li>○ remain in the room during any debate/voting on the issue;</li> <li>○ vote at such meetings;</li> <li>✓ other – to undertake a full role in representing the community at meetings outside the County Council, including Town/Community Councils</li> </ul>		
<b>Statutory Ground/s under which Dispensation is requested (See overleaf for available grounds)</b>	The relevant provisions are highlighted		
<b>Is the interest registered as per Section 81(1) &amp; (2) of the LGA 2000:</b>	No; not applicable		
<b>Date by which a decision is required</b>	18 July 2017		
<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;"><b>Signed:</b></td> <td style="width: 50%;"><b>Date: 12 July 2017</b></td> </tr> </table>		<b>Signed:</b>	<b>Date: 12 July 2017</b>
<b>Signed:</b>	<b>Date: 12 July 2017</b>		

\* Prejudicial Interests – These are personal interests which an objective observer would consider so significant that they are likely to compromise a member’s ability to act in the public interest



## Circumstances When A Standards Committee May Grant Dispensation

The Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 as amended by The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 specifies that the Council's Standards Committee may grant dispensations under Section 81(4) of the Local Government Act 2000 where:

- (a) no fewer than half of the Members of the Council or of a Committee of the Council (as the case may be) by which the business is to be considered has an interest which related to that business;
- (b) no fewer than half of the Members of the Executive of the Council (i.e. Leader and Cabinet) 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) Members' inability to participate would upset the political balance of the Council, or any of its committees 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 Council'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 registerable interest relates to business, which is to be considered by an Overview and Scrutiny Committee of the Council, and the Member's interest is not a pecuniary/financial interest;
- (h) the business relates to the finances of property of a voluntary organisation of whose management committee or board the Member is a member otherwise than as a representative of the Council 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;
- (i) it appears to the Standard Committee to be in the interest 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 dispensation would apply and the Standards Committee's reasons why the disability should be removed; or
- (j) it appears to the committee to be appropriate to grant the dispensation, as a practical solution to the disability (infirmity) of the Member which otherwise would make it difficult for them to leave a room/chamber when a matter in which they have a prejudicial interest is being discussed.



<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>Report to:</b>	<b>Executive</b>
<b>Date:</b>	<b>17 July 2017</b>
<b>Subject:</b>	<b>Modernising Schools on Anglesey – Strategic Outline Programme. Band B Update</b>
<b>Portfolio Holder(s):</b>	<b>Councillor R. Meirion Jones</b>
<b>Head of Service:</b>	<b>Delyth Molyneux</b>
<b>Report Author:</b> Tel: E-mail:	<b>Delyth Molyneux</b>
<b>Local Members:</b>	

#### **A –Recommendation/s and reason/s**

The Authority's Strategic Outline Programme (SOP) was presented to the Welsh Government in December 2013. The strategic paper was divided into 4 Bands namely Band A (2013-2019), Band B (2019-2022), Band C (2022-2025) and Band D (2025-2028).

The Welsh Government recently requested that all Welsh Local Authorities update their Band B proposals and aim to submit their revised SOP to Welsh Government by 31 July 2017. Since the original SOP (2013) factors such as demographic changes and leadership capacity have changed significantly. Additionally, the Welsh Government has said that Band B will be a 5 year period and will run from 2019-2024.

The school modernisation programme remains a corporate priority and has made significant progress since the previous SOP

Other factors drive the need to review the programme:

1. Although the Council has made considerable savings over recent years, the Council needs to save around £3.5 million a year from 2017/18 for three years. This means that there is a need for the Lifelong Learning Directorate to make savings that would contribute to corporate savings.
2. Owing to the above requirement, the school modernisation process will need to accelerate

This report attempts to convey facts that show the need to review the primary and secondary education provision in Anglesey in a time order that is different from what has been outlined in the previous Strategic Outline Programme document presented by the Authority to the Welsh Government in December 2013.

**Recommendation**

The Executive to approve the following recommendations:

1. To consider the modernisation of primary and secondary schools, and also primary and secondary schools sharing the same campus or 3-16/3-18 through schools .
2. To consider a Local Authority contribution of approximately **£18million** towards the Band B programme
3. To consider the options outlined in the Economic Case of the SOP, and to expect further detailed analysis in the subsequent, detailed business cases.
4. Continue to support the school modernisation programme's case for change and the drivers for change

**B – What other options did you consider and why did you reject them and/or opt for this option?**

Options have been considered in the revised SOP for changing the direction of the programme in order to meet the needs for school places where they are most needed , and in order to proceed with the school modernisation programme .

**C – Why is this a decision for the Executive?**

The Executive is responsible for school organisation matters.

**D – Is this decision consistent with policy approved by the full Council?**

Yes

**DD – Is this decision within the budget approved by the Council?**

Yes – It is one of the plans in the Strategic Outline Programme that was approved by the Executive on January 13, 2014.

<b>E – Who did you consult?</b>		<b>What did they say?</b>
1	<b>Chief Executive / Strategic Leadership Team (SLT)</b> (mandatory)	
2	<b>Finance / Section 151</b> (mandatory)	
3	<b>Legal / Monitoring Officer</b> (mandatory)	
5	<b>Human Resources (HR)</b>	
6	<b>Property (Planning)</b>	
7	<b>Information Communication Technology (ICT)</b>	
8	<b>Scrutiny</b>	
9	<b>Local Members</b>	
10	<b>Any external bodies / other/s</b>	

<b>F – Risks and any mitigation (if relevant)</b>		
1	<b>Economic</b>	Not relevant
2	<b>Anti-poverty</b>	Not relevant
3	<b>Crime and Disorder</b>	Not relevant
4	<b>Environmental</b>	Not relevant
5	<b>Equalities</b>	Not relevant
6	<b>Outcome Agreements</b>	Not relevant
7	<b>Other</b>	Not relevant

<b>FF - Appendices:</b>

<b>G - Background papers (please contact the author of the Report for any further information):</b>
<ol style="list-style-type: none"> <li>1. Minutes from the Executive 20<sup>th</sup> June 2016</li> <li>2. The revised SOP</li> <li>3. Minutes from the Corporate Scrutiny Committee on 23<sup>rd</sup> May 2016</li> <li>4. The Strategic Outline Programme (SOP) – presented to the Welsh Government in December 2013</li> <li>5. Letter from the Welsh Government dated January 31 2014.</li> </ol>

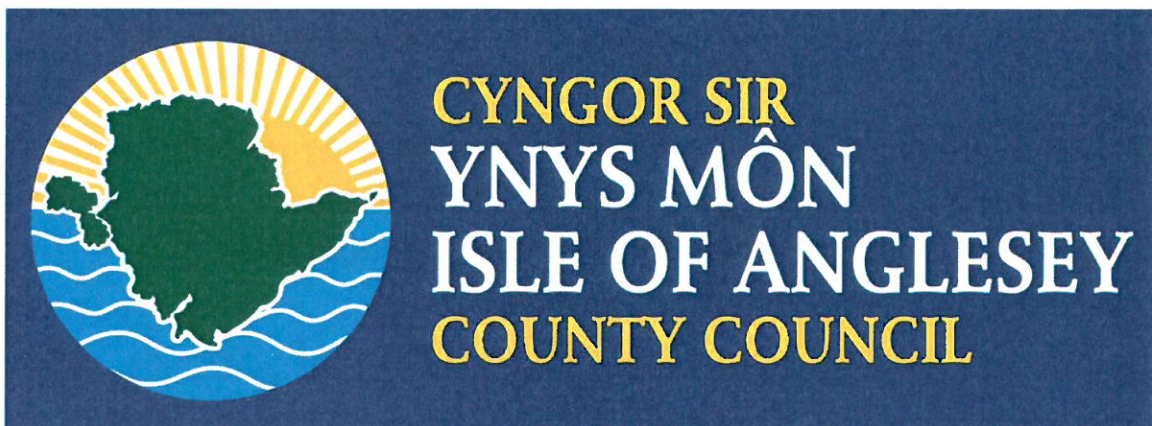




Ysgolion yr 21ain Ganrif  
21st Century Schools



Llywodraeth Cymru  
Welsh Government



## **Strategic Outline Programme (SOP) - Band B Update**

## Guidance

This form aims to capture the proposed changes to your Band B Programme since the most recent version of your Strategic Outline Programme/ Estate Strategy was agreed.

Please complete all relevant sections of this form including the statement of approval of this information in **Section 12**.

Please note that the budget for Band B of the Programme is fixed and prioritisation of projects will take place should applications for funding exceed the resources available. In the first instance projects will be prioritised based on building condition and sufficiency, but the exercise may take into account other factors such as flexibility of assets, efficiency of the education estate and deprivation.

**Please return a signed, electronic copy of the form, to Jo Lerner, Programme Director of 21st Century Schools and Education Programme by Monday 31 July via:**

**[21stcenturyschools@wales.gsi.gov.uk](mailto:21stcenturyschools@wales.gsi.gov.uk)**

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**1. Requested Band B Programme Envelope**

<b>Requested total of Band B envelope</b> <i>e.g. £15,000,000</i>	<b>£36,136,501</b>
<b>Requested Welsh Government contribution</b> <i>e.g. £7,500,000</i>	<b>£18,068,250</b>
<b>LA/ FEI contribution</b> <i>e.g. £7,500,000</i>	<b>£18,068,250</b>

**2. Summary of changes**

**What has changed since the latest version of your SOP/ Estates Strategy?**  
*1000 words maximum*

- The School modernisation programme remains a corporate priority and has made significant progress since the previous SOP.
- The corporate programme Boards have been revised
- Two new area schools have been built and will open in 2017. Full business case approved for a new school in Bro Rhosyr and Aberffraw as well as adapting two other schools.
- The order and prioritisation of the projects has changed, as outlined in the Economic Case and the Request for Change document (January 2017)
- North Wales Major Works Contractors Framework 2 will be used to procure the Band B projects
- The Welsh Government's Gateway Review Team notes that Anglesey is an exemplar of good practice in the 21CS Programme
- Lessons have been learned – the key to successful projects is to learn from past project challenges and successes.

### 3. Strategic Case

**How does your Programme link to local and national strategies e.g. the Wellbeing of Future Generations (Wales) Act 2015, Welsh medium and childcare strategies?**

*1000 words maximum*



## Strategic Outline Programme – Band B Update - July 2017

To date the school modernisation and the associated projects have aligned with corporate, local and national strategies. The programme has worked closely with Welsh Government, stakeholders and all relevant partners to ensure that the projects are supported and that the strategic direction is understood.

### **Well-being of Future Generations Act (2015)**

Anglesey County Council is working towards achieving the objectives of The Future Generations Act (2015). The School Modernisation Programme aims to contribute towards the 7 well-being goals, as demonstrated in the following table:

<b>7 well-being goals</b>	<b>How will the schools modernisation Strategy contribute towards the 7 well-being goal</b>
Prosperous Equal	The Authority vision “wants every young person, irrespective of background and circumstance, to succeed”.
Resilient	The Authority’ works in partnership with the Welsh Government on the development and delivery of school modernisation change projects. The projects are planned effectively and consulted upon, in order to reduce resistance and achieve project objectives.
Healthier	Anglesey’s 21st century schools will be ‘community schools’ and can be used to promote health, physical and community Services, as well as promoting healthy lifestyle choices amongst pupils, parents and childcare providers.
Cohesive communities	Stakeholders will contribute to project planning and direction through the consultation and engagement processes .  Anglesey’s Band B will continue to consult, engage and work with partners, particularly in relation to developing school places alongside the sufficiency of childcare provision through the medium of Welsh with Mudiad Meithrin, WPPA and partners in the private 0-3 years old childcare sector. Childcare and wrap around facilities, along with community use of the buildings beyond the school year (and as contact points for corporate Services such as library pick up points) will increase community cohesion during Band B. Developing options for ensuring quality and efficiency in post-16 provision will also be considered in consultation with the FE sector and neighbouring county council.

**Strategic Outline Programme – Band B Update - July 2017**

<p>Vibrant culture and thriving Welsh Language</p>	<p>The school modernisation programme is a key aspect of the corporate Welsh Language Strategy and the statutory Welsh in Education Language Strategy. Plans for Band B to consider incorporating 0-3 pre-school and wrap around childcare facilities through the medium of Welsh and bilingually will increase the provision of Welsh Speaking providers on the Island, and will be a solid linguistic foundation on which to increase the numbers of Welsh Language speakers in line with IOACC and WG targets to increase the number of Welsh speakers to 1 million by 2050.</p>
<p>A globally responsible Wales</p>	<p>The current school modernisation programme contributes towards improving the social, economic, and cultural environment of the island, and Band B will be a continuation of this programme.</p>

The Gwynedd and Anglesey Public Service Board recently undertook a well-being assessment and confirmed that lack of attainment is correlated to the lack of the well-being of individuals throughout their lives, and therefore there is a need to ensure that every pupil’s potential and capacity to succeed is fulfilled. Moreover, recent evidence points to ACEs (adverse childhood experiences) having a long-term negative effect on young children. There is a need to ensure that all children have positive experiences during childhood to enable them to thrive and grow to become active and participative members of their communities. The schools modernisation programme ensures that our school buildings are fit for purpose to promote physical well-being and provide physical environments and equipment, as well as support staff that cannot be provided in 19<sup>th</sup> century schools.

**Recruitment and retention of staff**

As the recruitment of suitably qualified leaders and middle managers continues to be a problem, the schools modernisation programme also reduces the risks associated with small schools where staffing and recruitment problems lead to challenges in the delivery of excellent quality and consistently good teaching and learning experiences for our pupils. The 21<sup>st</sup> century programme contributes to increasing the quality of teaching and learning, reducing the variability in performance and opportunities between schools, and contributes to ensuring learning opportunities that are responsive to the needs of the learners and indeed the wider community.

**Child Care and Community facilities for parents and older residents**

Anglesey’s Family Support Unit is responsible for ensuring sufficient childcare places in Anglesey, and is participating in the national pilot of offering 30 hours of free childcare. The Unit works closely with the school modernisation programme and contributes to the development of the associated business cases, particularly in determining pupil projections for the future. The authority recognises that there is an opportunity to further the vision of developing a one- site wrap-around care provision for all pupils under 11, including infant siblings on some sites . It is envisaged that ensuring nursery provision for children 0-3 years on the site of new schools or those which are modified, (to be managed with a partner in the local childcare sector) in order to provide care at 8.00am -6.00 pm for families, along with nursery education, ' wrap around ' and after school/holiday care clubs, will be a key aspect of the Band B schools programme. In addition, other community benefits such as rooms for

community use, static or mobile library drop off/pick up points, self help automated services for council business, will be advantageous and will enhance community cohesion. Work to further appraise and develop these models will be addressed in the business cases for specific projects.

### **The Welsh Language**

The Isle of Anglesey County Council has adopted the principle that the Welsh language should not be treated less favourably than the English language and that the residents of the island should be able to live their lives through the medium of Welsh if they wish to do so. The same is the expectation in relation to the Welsh language for each school, which provides opportunities for all pupils in the County to be equipped with the right skills to be confidently bilingual. In light of this, any new schemes submitted – such as projects deriving from the 21st century schools programme, are subject to the requirements of the language policy.

In order to increase the proportion of foundation phase pupils achieving Welsh Language targets as outlined in strategic documents by the Welsh Government and local plans, it is also intended to use the aforementioned child-care models to increase Welsh childcare capacity on Ynys Môn. The child-care partnership model has the potential to be a key contributor towards the Welsh Government's ambitions to have a million Welsh speakers by 2050.

The modernisation programme will comply with the following language policies and strategies:

- Isle of Anglesey County Council's Language Strategy 2016 – 2021
- The Isle of Anglesey County Council department of lifelong learning Language Policy
- WG draft strategy of one million Welsh speakers by 2050 '

### **Strategic Outline Programme (SOP) 2013**

The SOP for the school modernisation programme was introduced in 2013. The document outlines the Council's vision for the modernisation of the school system, to ensure the suitability of facilities for current and future needs. Demographic changes and increased recruitment problems due to the age-profile of current head teachers (presently 50% over the age of 50 years old) and other factors have led to the need to review the prioritisation order of the projects presented in the SOP. A request for change document was submitted to the Welsh Government and the Executive Committee of the Council, and was approved in August 2016. The Band B SOP reflects those changes.

### **Anglesey County Council's Corporate Plan**

The Corporate Plan Council outlines the Authority's strategic priorities. The previous corporate plan (2013-2017) included the following priority ' education, skills Improvement and modernisation of our schools '. The corporate plan for the period 2017-2022 has been drafted and the outputs associated with the modernisation of schools are as follows:

- continue to improve educational standards and attainment our children
- further develop the school modernisation programme by completing a new school in Bro Aberffraw, implement the Llangefni project and confirm the Band B projects, to include the consideration of 3-16 schools and post-16 education.
- review the leadership arrangements for smaller schools including Federation, appointing multi-site strategic heads and sustainable and cost effective schools, in keeping with WG guidance and changes suggested to the School's Organisational Code, currently being consulted upon.



### **Corporate Asset Management Plan 2015-2020**

The purpose of the Plan is to provide a strategic framework for the management of the Council's assets.

The plan refers to the schools modernisation programme and the use of schools once they become vacant. Reference is also made to how the school modernisation programme contributes towards the corporate energy efficiency strategy. This remains a priority for the authority and reducing the energy consumption of the school estate in accordance with the Authority's energy efficiency strategy', and is one of the critical success factors (CSF) outlined in Band B SOP.

The Council's revised corporate plan also refers to the council's future assets and anticipate a key role for our communities to work together, in a coherent and purposeful way to protect our assets, and to ensure that they are fit for purpose for future generations.

### **Existing Circumstances**

- The current stock of schools have not been built to take account of 21<sup>st</sup> Learning, nor the enhanced community use of facilities such as 0-3 childcare, out of school clubs, community use of facilities outside school hours and during holidays, library and council service point facilities.
- Spare capacity of school places in the secondary sector is leading to unviable subject options and difficult staffing decisions in some schools. It has led to the reduction in curriculum choice for pupils at key stages 4 and post-16, despite efficient Consortium arrangements between schools and vocational training providers, and the use of spare capacity rooms by other council and education services. Some schools face significant deficits and this will increase if alternative models of delivery are not adopted in the secondary sector within Band B.
- The condition of our current school stock is below average, and the associated maintenance costs remain high as the backlog catalogue of maintenance and adaptations needed to comply with DDA and Foundation Stage demands are too dear to contemplate within the limited and reducing R&M budgets, both devolved and centrally held.
- The Authority finds it increasingly difficult to recruit suitably and well-qualified Welsh speaking senior leaders, in the primary and secondary school sector. The proposed modernisation programme is one strategic factor contributing towards alleviating the issue regarding succession planning for school leadership and ensuring distributed leadership models that are sustainable and promote consistently high standards and outstanding leadership.
- Demographic movements over recent years have led to changes to where parents wish to send their children to school, and a marked decrease in young families in some areas.
- Some primary schools are oversubscribed whilst a few still have excessive surplus places.
- Currently there are 19 small primary schools that have less than 75 pupils, leading to an unacceptable disparity in the amount of funding allocated per child across the county, and difficulties in ensuring a broad and balanced curriculum, taught by suitably qualified staff who have an appropriate grasp and specialisation across a range of subjects, and are led by a qualified and experienced head teacher.

### **Business Need**

The Authority needs to continue to modernise its schools. Its core vision remains unchanged from the previous SOP and is driven by the following key principles:



## Strategic Outline Programme – Band B Update - July 2017

- Ensure that all children are given the opportunity to attend their nearest appropriate school where they can access the full range of facilities;
- Ensure that all children have access to suitable facilities that allow the delivery of a full range of educational experiences.
- Reduction in the number of unfilled places in our schools in accord with WG guidelines.
- Support the development of leadership skills within and across schools in order to develop a self-improving system where there is a shared commitment to excellence.
- The possibility of co-locating primary and secondary schools on the same campus.
- Aligning Anglesey's School Modernisation Programme to other key strategies: Corporate Plan, Welsh Language, Asset Management, 30 hours child care.

Band B could result in new or refurbished schools. However, for some local communities it will mean the closure or amalgamation of their schools. This is not something new for Anglesey– since the inception of the 21<sup>st</sup> Schools Programme, the Authority has been carrying out school modernisation work to upgrade the estate and this has involved a mixture of closures, amalgamations, refurbishments and new builds. This has resulted in the closure/ amalgamation of some 5 schools outside the current 21<sup>st</sup> Century Schools Programme.

As Ynys Môn is an island made up of rural and town communities we foresee that the authority's revised Schools Strategy and Band B SOP will continue with a 'mixed economy' approach, tailored to local needs based on the following:

1. 0-11 schools with childcare and community use facilities on/near site;
2. 0-11 schools with childcare and community use facilities on/near site, federated with other school(s).
3. 3-11 schools with /without childcare and community use facilities on/near site, within/not within a federation arrangement;
4. 3-16 or 3-18 schools OR primary and secondary schools located on one site and sharing specialist staff and facilities;
5. 11-16 or 11-18 secondary schools, sharing specialist staff with another school(s).

**Highlight any differences to your strategic case since the latest version of your SOP/ Estates strategy was produced.**

**Please provide details of benefits and risks of your Programme.**

*1000 words maximum*

## Strategic Outline Programme – Band B Update - July 2017

The school modernisation's strategic context was introduced in the previous SOP. The programme has since been delivering in line with its strategic objectives.

The modernisation of schools has been a corporate priority since the previous SOP and the programme has delivered against the priorities of the corporate plan through building 2 new schools due to open in 2017, and the approval of Full business case for Bro Rhosyr and Bro Aberffraw. The most recent Gateway Review reported that the programme is an exemplar of good practice in many aspects. The Anglesey Corporate Plan is currently being drafted for the period 2017-2020 and the Schools Modernisation programme remains a strategic priority for the Council.

The drivers for change remain unchanged since the previous SOP

1. to reduce surplus places

The figures below demonstrate that the numbers of surplus places in the primary sector of Anglesey have been reduced. A number of factors contributed towards this change such as the closure of small schools (the modernisation process prior to the establishment of 21st century schools programme), demographic changes and some growth in the population

SOP 2013	Capacity	Current numbers	Surplus places
Cynradd/Primary	6326	4819	23.9%
Uwchradd/Secondary	5462	4097	25%
Cyfanswm/Total	11788	8916	24.4%

SOP 2017	Capacity	Current numbers	Surplus places
Cynradd/Primary	5818	5188	13.0%
Uwchradd/Secondary	5171	3755	27.4%
Cyfanswm/Total	10989	8943	18.6%

2. drive up standards of teaching and attainment;
3. improve educational outcomes for children and break the link between deprivation and low educational attainment;
4. provide modern resources in relation to schools and classroom resources
5. leadership and Management Capacity
6. promote equal opportunities

### The Risks

The School Modernisation risks are managed in the following manner:

The programme team develop the risk register, identify the risks, score and propose mitigation measures. The Education Transformation Board challenge and approve the risk register. The process of risk management has matured since the previous

## Strategic Outline Programme – Band B Update - July 2017

SOP. The risk register is now a living document and is updated on a regular basis, there is a better understanding among the members of the Board of their role in relation to the management of risks and a robust process to manage the risks has been established.

A summary of the main risks is presented below:

Risk	Mitigation measures
Lack of public support	Hold non-statutory and statutory consultation events, in accordance with the School Organisation Code. Establish Stakeholder Engagement Groups. Communicate effectively and show willingness to listen, and use alternative communication methods,
WG does not approve the business cases/ revised SOP	The Authority to continue to work closely with Welsh Government. All relevant documentation to be challenged / scrutinised internally prior to formal approval.
Capital receipts less than projected or delayed.	The Corporate Land and Assets Group to oversee the implementation of the Asset Management Plan and report back to the Education Transformation accordingly. A baseline assessment has been undertaken in Holyhead on the future alternative usage of the available sites, with the other sites being examined at this time, prior to closure in August 2017.
Isle of Anglesey County Council's match funding fails to materialise	The programme team ensures that schools modernisation projects are included in the medium-term funding scheme. Work with the section 151 Officer and the Finance Department on the strategic planning on Band B and QA against targets, including regular discussions on affordability.
Underestimated project costs	Refer to lessons learned on other projects, which has led to higher costs, e.g. issues of archaeology, costs associated with staff release, pupil activities and curriculum planning. Update costs in detail during the development of business cases.



	Ensure corporate challenge to all anticipated costs throughout all business case development stages.
Risks associated with the appointment of head teachers, and succession planning.	The Education Transformation Board to challenge the Education Department and the project team on increasing leadership capacity across the primary and secondary sector. Leadership and Succession Planning Strategy approved by council Executive in June 2017, implementation from September 2017.
<p><b>The Benefits of the School Modernisation Programme</b></p> <p>The project team has developed a Benefits Realisation Plan for the programme. The Plan was introduced to the Education Transformation Board in 2014 for approval. The plan includes a description of the benefits, anticipated outputs, and methods to measure the benefits (to start at the end- project closure stage). A detailed assessment was undertaken to ascertain the dependencies, the identification of baseline data, and the methods for collating the relevant data.</p> <p>The authority will work closely with the Welsh Government to measure and track the anticipated benefits.</p>	

#### 4. Economic Case

**Highlight any differences to the Economic Case since the latest version of your SOP/ Estates strategy was produced.**  
*1000 words maximum*

### Main Options

The initial options considered were as outlined in the 2013 SOP, with consideration given to 'Do Nothing', 'Do Minimum', 'Small Schools Rationalisation Programme' and 'Full Development Programme'.

### Preferred Option

The projects that will be addressed in band B include the following. It is not possible to present final information about any final options because this decision to be determined by the Executive. In light of this, the costs presented are estimates and options identified by officers as a definite possibility.

<u>Llangefni</u>		
Schools	Cost	Timescale
<u>Y Graig, Talwrn, Gaerwen and Henblas</u>	<u>£7.7M</u>	

<u>Amlwch</u>		
Schools	Cost	Timescale
<u>Syr Thomas Jones and nearby schools, and including Llannerchymedd</u>	<u>£14.5M</u>	

<u>Lligwy</u>		
Schools	Cost	Timescale
<u>Goronwy Owen, Llanbedrgoch, Moelfre and Pentraeth</u>	<u>£6.8M</u>	

<u>Seiriol</u>		
Schools	Cost	Timescale
<u>Biwmares, Llandegfan and Llangoed</u>	<u>£7.1M</u>	

All of the above Capital Costs and Timescales have been adjusted for Optimism Bias\*.

\*There is a tendency for project appraisers to be overly optimistic. To take this into account, all Capital Costs and project timescales have been adjusted upwards. This adjustment is referred to as Optimism Bias. The Green Book recommends an upper limit of 24% for adjusting capital costs on standard buildings. The Green Book, recommends an upper limit of 4% for adjusting works duration on standard buildings. As these projects / ideas are at a very early stage, the risks associated with the projects have not yet been managed, therefore the upper limit has been applied when adjusting for optimism bias. The upper limits are based on the average historic bias found at outline business cases.

## 5. Commercial Case

**Highlight any differences to the Commercial Case since the latest version of your SOP/ Estates strategy was produced.**

**Please include details of what delivery models you are considering e.g. batching or single delivery.**

*1000 words maximum*

The Authority is reviewing what offer it will make to the private sector for Band B. The choices it is considering are:

Option 1 - The Authority has good experience through its in-house design team on designing new schools. All Architectural Design will be carried out by the experienced in-house team. The Design Team will be complemented by appointing external consultants from the NPS Consultants' Framework. Anglesey Council would be looking to outsource Structural Design, Building Services Design, Health and Safety Advisors, Quantity Surveying Services, BREEAM Assessors and Landscape Architects. Other specialist Consultants would be appointed on specific projects as and when required. Or

Option 2 - The in-house Architectural Design Team will carry out the conceptual design for a project. Anglesey CC will then take the role of Project Manager and appoint an all-in Design Team through the NPS Consultants' Framework to take the conceptual design through to detailed design and tender invitation. Or

Option 3 – The in-house Architectural Design Team will carry out the conceptual design for a project. Anglesey CC will then take the role of Project Manager and appoint a main contractor through the North Wales Major Works Contractors Framework 2 to carry out the detailed design and construction of the scheme. Or

Option 4 – The Authority will write an output specification for the design and construction of its new schools and the requirements for its refurbished schools and let this through the NWCF2 framework. The in house team will act as “employer’s agents” to ensure that the successful contract is delivering but the design and construction risks will be passed to the successful contractor.  
The Option selection will be decided for each individual scheme and will be based on Design Team capacity, current workload and project size.

### **Procurement Strategy**

We will use the North Wales Major Works Contractors Framework 2 to appoint our private sector partners. Contractor appointment will be by mini-competition. The framework is a collaborative and integrated framework, building on the foundations of a successful NWCF 1 harvesting benefits and savings from use of technology, improved processes, collaborative working, supply savings and efficiencies through fairness, transparency and competitive collaboration on projects.



- Maximising local community impact through SME engagement and intelligent quality based selection and clearly defined targets and benchmarked performance.
- A strong commitment to supporting and developing the local supply chain through training and best practice sharing
- Finding market gaps and encouraging companies to backfill those gaps.
- Working alongside supporting agencies and education establishments providing avenues for training, development and directing them to funding available to upskill Local SMEs
- We will align our outputs to the Well Being of Future Generations Act measuring the Framework and project performance in line with the Act.
- Fair payment practices are and will continue to be built into the Framework as well as the commitment to train and develop future generations and promoting sustainable development.

The NWCF2 framework will consist of 5 tender value bands

£250k > £1m

£1m > £2.5m

£2.5m > £5.5m

£5.5m > £10m

Over £10m

We will also look at various options – including grouping some of our schemes and also consider joint procurement across the North Wales Authorities by collaboration. This will help to maximise the economic viability for Anglesey and across North Wales. Procurement of individual larger projects and grouping of smaller projects will be considered.

### **Innovative procurement**

On recent successful projects, early contractor involvement has been key to project delivery. The framework supports this approach and a number of Projects within Band B to follow this option. It will allow the team, including the contractor, to look in detail at the buildability and the programming of the project. We will look to achieve greater price certainty before appointing the preferred bidder and to work together to reduce and eliminate risks.

Two different timber frame construction system solutions have been used recently on schools on Anglesey where all wall and roof panels were manufactured off-site. These systems, along with other off-site constructed systems will be investigated the Band B projects - which can have a dramatic impact on the programme and on reducing site waste. The Authority and its officers are always looking to push the boundaries and to look at innovative design and modern construction techniques. Ysgol Rhyd y Llan is the first complete school construction in the UK to use straw bale panel construction.

### **Community Benefits**

Anglesey County Council will continue to use standard Community Benefit clauses within the procurement of all projects. Delivering Community Benefits is at the heart of the collaborative procurement approach of the North Wales Major Works Contractors Framework 2. It is a commitment to contributing to the social, economic and environmental well-being of the North Wales region. The aim of the Framework and approach is to deliver value for money both in the method of procurement and

the projects themselves. This can be achieved by maximising the benefits of the projects to the local community and sustain economic development across the region. This approach will help support the tackle poverty agenda for Welsh Government. The current economic climate and the economic priorities of the 6 North Wales authorities is a key driver for developing Community Benefits at the heart of the Framework and wider approach. The scope is to strategically manage and co-ordinate the huge investment in the region and economics of scale to deliver wider benefits and drive economic growth through creating more training and job opportunities, job retention, supply chain initiatives and community initiatives. This approach will deliver sustainable economic growth that allows for opportunities for everyone in Wales.

The current framework has proved to be a huge success with regard to Community Benefits on the two completed Anglesey Projects with 5 jobs created, 12 apprentices employed, 40 training opportunities and 793 pupil interactions taking place.

## 6. Financial case

**Highlight any differences to the Financial Case since the latest version of your SOP/ Estates strategy was produced.**

**Please give details of the match funding arrangements for your Programme and confirm whether or not it is affordable.**

*1000 words maximum*



**Strategic Outline Programme – Band B Update - July 2017**

Indicative capital costs, together with associated capital receipts and estimated revenue savings are shown below: **(Table below will need to be completed once a decision will be made on which of the options in part 4 will be pursued).**

<b>Description</b>	<b>Estimated Capital Cost</b>	<b>Estimated Capital Receipts</b>	<b>Estimated (Revenue Saving) / Additional Cost – excluding borrowing costs</b>
Y Graig and Talwrn	£3,870,660	£140,000	(£43,730)
Gaerwen	£3,251,739	£0	+£23,420
Henblas	£618,307	£0	+£9,690
Syr Thomas Jones and nearby primary schools, and to include Llannerchymedd	£14,559,703	£445,000	(£99,854)
Goronwy Owen, Llanbedrgoch, Moelfre and Phentraeth	£6,727,327	£1,830,000	(£146,700)
Biwmares, Llandegfan and Llangoed	£7,108,765	£1,416,000	(£14,486)
<b>TOTAL</b>	<b>£36,136,501</b>	<b>£3,831,000</b>	<b>(£271,660)</b>

Total Cost excluding interest from unsupported borrowing and revenue saving of the programme is estimated to be £36m .

A baseline funding profile has been prepared using the following assumptions:

- Government grant support will be provided, up to the lowest of '50% of Capital Cost' or '50% of the recommended cost guideline for BB98/99'
- All capital receipts generated from the sale of redundant facilities will be applied to the programme;
- The balance of the expenditure will be met through unsupported borrowing.

This produces the following figures:

<b>FUNDING SOURCES</b>	
WG Grant	£18,068,250
Capital Receipts	£3,831,000
Unsupported Borrowing	£14,237,251
<b>Total</b>	<b>£36,136,501</b>

Borrowing cost to repay the unsupported borrowing equates to approximately £673,422 per annum.

There would be some short-term transitional costs associated with the minimum, intermediate and maximum options. These costs include:

- Early appointment of a Headteacher before pupils are enrolled at the new school.
- Potential redundancy costs for Headteachers / Teachers.
- Pay protection for Headteachers or Teachers who will potentially receive a pay reduction.
- Premises costs for the closed schools, until the schools have been disposed of.

The scheme's affordability is dependent on generating sufficient savings from Delegated Schools Budgets through school rationalisation, or by identifying savings from other services, or by increasing council tax or identifying other sources of income.

## 7. Management Case

**Highlight any differences to the Management Case since the latest version of your SOP/ Estates strategy was produced.**

*1000 words maximum*

The schools modernisation programme and the associated projects continue to be monitored by the Education Transformed Board. The biggest change to the governance of the programme is the revision of the corporate programme boards. There were 3 programme Board originally, they now operate as two boards. The Transformation Education Board previously reported to the Service Excellence Board, and now reports to the Partnerships, Community and Service Improvement Programme Board. The role and responsibilities of the Board now includes overseeing and driving change programmes and projects, providing an overview, direction and offering recommendations to the Executive about funding programmes and change projects. The Board is also accountable for the risks of the programmes/projects, delivering at key milestones and approving timescales of large and complex programmes.

The Education Transformation Board has adopted programme and project management principles. The school modernisation projects and business cases require the approval of the Education Transformation Board.

Since the introduction of the previous SOP the SRO's role has continued to ensure the success of the programme and that the benefits of the programme will be delivered. There has however been a change in SRO - Delyth Molyneux the Head of Education is the current SRO. The previous SOP also noted that a Programme Manager should be appointed to manage the plethora of projects. The Programme Manager has been in post for three years .

The Welsh Government's Gateway Review Team notes that Anglesey is an exemplar of good practice in the 21CS Programme. The Gateway Reviews have confirmed that the programme is on the right track to meet its objectives. The Council has integrated the corporate performance and programme management teams in order to further address achievement and performance management.

The previous SOP highlighted the importance of setting up a project team. The team has now been established and is operating successfully, and consists of a range of skills and knowledge.

The communication plan has changed significantly and the project team has explored various communication methods in order to meet the needs of various stakeholders. A School Modernisation Facebook page has been produced and has over 300 followers. The project teams is eager to explore further methods to convey key messages such as videos and Local Radio station interviews.

Lesson logs are updated and discussed frequently as the key to successful projects is to learn from past project challenges and successes. Further lessons have been learned about the process of consultation and engagement and the documents and the process have been amended as a result, and will continue to evolve. Stakeholder Engagement groups encouraging open dialogue are established during the development stage of the projects, with the overall aim of ensuring transparency and ownership of the process and the project by all stakeholders .



**Please provide details of the structures in place to deliver the projects within your Programme and contact details of the core team.**

*500 words maximum / organogram*

The Authority has a corporate project management and governance system in place for the School Modernisation Programme that is sufficiently robust to ensure that progress is made; adequate and appropriate resources are engaged; key stakeholders are informed and involved as appropriate, and that decisions can be made in a timely manner. The arrangements reflect and recognise the scale of the spending commitment involved and the complexity of the consultation in the course of delivering this project.

The Education Transformation Board (ETB) will continue to be accountable to the Partnerships, Community and Service Improvement Programme Board – this governance structure ensures that the ETB and its school modernisation projects can demonstrate a delivery at pace to the Senior Leadership Team. The Corporate Asset Management Group also reports to the ETB to ensure a consistent approach to the management of the Authority’s assets. The ETB adheres to the corporate project management principles, works to an agreed project plan and reports on progress. Each school modernisation projects and their business cases will require the ETB’S approval.

As outlined above, an internal project team has been assembled, based upon their range of skills and knowledge and their project management experience. The core members of the internal project team comprise of the following:

<b>Senior Responsible Officer</b>	Delyth Molyneux Head of Learning
<b>Programme Manager</b>	Emrys Bebb Prince 2 and MSP
<b>Programme Manager</b>	Nonn Hughes Prince 2 and MSP
<b>Architectural Services Manager</b>	Gareth Thomas RIBA Chartered Architect
<b>Accountant</b>	Arwyn Hughes
<b>Senior Valuation Officer</b>	Dylan Edwards
<b>Planning Officer</b>	Dewi Francis
<b>Solicitor</b>	Arwel Jones
<b>Engineer</b>	Hugh Percy

**The Management of Issues**

An issue is an event that has happened which was not planned and requires management action. It could be a problem, query or concern affecting all or part of the programme in some way, or a risk that has been realised. All issues raised, from whatever source, will be logged on the issue log which is part of the project manager’s management tools. The issues will be



raised at project team level and where they cannot be resolved, will be referred to the Education Transformation Board for resolution.

### **Benefits Realisation**

The benefits realisation plan will be used as a tool to ensure the intended benefits (outcomes, change processes) are realised and sustained at the end of the project. The Authority will liaise with Welsh Government to put together a tracker which enables it to track the outcomes as articulated in the business cases and report back to the Welsh Government on these.

The plan defines the roles and responsibilities for the delivery of specific benefits, and the method and timescale of their delivery. The SRO for the programme will lead the benefit reviews once the project completed.

### **Arrangements for risk management**

Managing risk on this project is a process that includes identifying risks, risk assessment and mitigation strategy. The Project Manager maintains a Risk Register which is reviewed at

- i. The Education Transformation Board meetings and in
- ii. Project Team meetings.

The SRO also instigates stronger Risk Management disciplines within the Programme, with clear triggers, escalation and reporting mechanism. The project team has compiled a risk register for the programme. A copy of the project risk register can be made available upon request.

### **Arrangements for contract management**

Contractually, the Construction contract will be managed by Gareth Thomas (Architectural Services Manager) and assisted by an externally appointed Quantity Surveyor. All agreements and changes within the contract are subject to negotiation and agreement between the parties.

### **Gateway review arrangements**

The Authority's 21<sup>st</sup> Century Schools Programme has been reviewed three times to date and has maintained a Delivery Confidence of Amber-Green throughout.

The most recent Gateway Review was held 9-11 January 2017 to coincide with this FBC submission for the Bro Aberffraw / Rhosyr project. The Gateway review process and experience continues to provide assurance to the SRO that the Programme continues to make positive strides towards success. The reviewers interview key stakeholders in order to identify examples of good practice and opportunities to celebrate success.

### **Change Management**

The school modernisation programme is about managing change. Change can lead to unplanned events and loss of stakeholder confidence. The SRO is confident that the programme has a good governance structure in place to keep major issues and deviations under tight control.

**Please provide key milestones for the Programme**

## 9. Application for Mutual Investment Model (MIM) funding

<p><b>Do you intend to deliver any of your Band B projects using the Mutual Investment Model?</b>  <i>Delete as appropriate</i></p>	<p><b>No</b></p>
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If:

- **No** - please move to the next **Section 10**
- **Yes** - please complete the relevant section for local authorities or further education institutions below.

### (a) Local Authorities

Schools	Number	Size	Cost – based on WG guidance
<p><b>Please indicate how many school buildings you would use this funding for:</b></p>	<b>Primary</b>		
	<b>Secondary</b>		
	<b>Total</b>		

<p><b>Please provide brief details including title and estimated capital cost of the project/s.</b>  <i>1000 words maximum</i></p>
<p><b>Example:</b></p> <p><b>Westleaf High School</b></p> <p><b>Estimated Capital Cost - £20,000,000</b></p> <p>This is a 1000 FTE place, new build secondary school in x town which will replace the 2 existing secondary schools which are in condition category C and D.</p>

(b) Further Education Institutions

Colleges
<p><b>Please provide brief details of your college project(s), together with the estimated capital cost using the Welsh Government capital rate per m<sup>2</sup>.</b></p> <p><b>Please give details of the extent of the works planned e.g. campus, block replacement, extension and the type of facilities e.g. construction, hairdressing and beauty.</b></p> <p><i>1000 words maximum</i></p>
<p><b>Example:</b></p> <p><b>Eastleaf Campus business and creative arts hub</b></p> <p><b>Estimated Capital Cost: £20,000,000</b></p> <p>This is a 600 place development for business and the creative arts based on x campus.....</p>



## 10. Band B Projects

How many projects do you intend to deliver in Band B?	6
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What are they? (Please note that details of the projects should also be included in the attached table). The projects should be ranked in both documents in order of priority.  
500 words maximum

Rhif	Cynllun
1.	Adapt Ysgol Y Graig yn Llangefni, close Ysgol Talwrn, move pupils to Ysgol Y Graig Estimate capital cost - £3,870,660
2.	Syr Thomas Jones and nearby primary schools, including Llanerchymedd Estimate capital cost - £14,559,703
3.	Lligwy Estimate capital cost - £6,727,327
5.	Biwmares, Llandegfan and Llangoed Estimate capital cost - £7,108,765
6.	Ysgol Esceifiog, Gaerwen Estimate capital cost - £3,251,739
7.	Ysgol Henblas, Llangristiolus Estimate capital cost - £618,307

## 7. Bandiau C a D

## 11. Bands C and D

Please provide an update for Bands C and D of your Programme.  
[Band C will run from April 2024- March 2029; Band D will run between April 2029 and March 2034].

### BAND C

**Strategic Outline Programme – Band B Update - July 2017**

1.	Refurbish 2 primary schools
2.	Refurbish a secondary school
3.	6 <sup>th</sup> Form Building
4.	Refurbish a secondary school
5.	Refurbish a secondary school
6.	Refurbish a secondary school
7.	New build school, as a successor school for 3

**BAND D**

1.	New build school, as a successor school for 2 closing schools in West Anglesey
2.	Refurbish a primary school
3.	New build school, as a successor in Western Anglesey

**12. Statement of Approval for Strategic Outline Programme (SOP) -  
Band B Update – July 2017**

**Please complete as appropriate:**

**I confirm that the updates in this form have been signed off by either the Cabinet of the local authority or the Board of the further education institution:**

<b>Local Authority / College</b>	
<b>Name <i>Printed</i></b>	

Strategic Outline Programme – Band B Update - July 2017

<b>Name</b> <i>Signed</i>	
<b>Position in the organisation</b>	
<b>Date</b> DD/MM/YYYY	

**If there has not yet been sign off at Cabinet or Board level, please confirm when this is anticipated. Please also confirm at what level the document has currently been signed off.**

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## 5.1 Members' Code of Conduct

This is the Code of Conduct adopted by the County Council on 12.05.2016

### Part 1 - Interpretation

1. (1) In this code

“co-opted member” (“aelod cyfetholedig”), in relation to a relevant authority, means a person who is not a member of the authority but who -

(a) is a member of any committee or subcommittee of the authority, or

(b) is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority, and who is entitled to vote on any question which falls to be decided at any meeting of that committee or subcommittee;

“meeting” (“cyfarfod”) means any meeting -

(a) of the relevant authority,

(b) of any executive or board of the relevant authority,

(c) of any committee, subcommittee, joint committee or joint subcommittee of the relevant authority or of any such committee, subcommittee, joint committee or joint subcommittee of any executive or board of the authority, or

(d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990 (1) and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

“member” (“aelod”) includes, unless the context requires otherwise, a co-opted member;

“registered society” means a society, other than a society registered as a credit union, which is —

(a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or

(b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

“register of members' interests” (“cofrestr o fuddiannau'r aelodau”) means the register established and maintained under section 81 of the Local Government Act 2000;

“relevant authority” (“awdurdod perthnasol”) means -

(a) a county council,



(b) a county borough council,

(c) a community council,

(d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,

(e) a National Park authority established under section 63 of the Environment Act 1995;

“you” (“chi”) means you as a member or co-opted member of a relevant authority; and

“your authority” (“eich awdurdod”) means the relevant authority of which you are a member or co-opted member.

(2) In relation to a community council—

(a) “proper officer” (“swyddog priodol”) means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972; and

(b) “standards committee” (“pwyllgor safonau”) means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

## **Part 2 - General Provisions**

2. (1) Save where paragraph 3(a) applies, you must observe this code of conduct -

(a) whenever you conduct the business, or are present at a meeting, of your authority;

(b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;

(c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or

(d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

(2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

3. Where you are elected, appointed or nominated by your authority to serve -

(a) on another relevant authority, or any other body, which includes a police authority or Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or

(b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and

insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. You must -

(a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;

(b) show respect and consideration for others;

(c) not use bullying behaviour or harass any person; and

(d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

(e) attend at least one training session on this code of conduct during each full term of office, such attendance to take place during the six months following election in the case of those members elected to the County Council for the first time and those having been re-elected but without continuity of office.

5. You must not -

(a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;

(b) prevent any person from gaining access to information to which that person is entitled by law.

6. (1) You must -

(a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;

(b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);

(c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;

(d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7. You must not -

(a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;

(b) use, or authorise others to use, the resources of your authority -

(i) imprudently;

(ii) in breach of your authority's requirements;

(iii) unlawfully;

(iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;

(v) improperly for political purposes; or

(vi) improperly for private purposes.

8. You must -

(a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by -

(i) the authority's head of paid service;

(ii) the authority's chief finance officer;

(iii) the authority's monitoring officer;

(iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9. You must -

(a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;

(b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or

services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

### Part 3 - Interests

#### Personal Interests

10. (1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

(2) You must regard yourself as having a personal interest in any business of your authority if -

(a) it relates to, or is likely to affect -

(i) any employment or business carried on by you;

(ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

(iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(vi) any land in which you have a beneficial interest and which is in the area of your authority;

(vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(viii) any body to which you have been elected, appointed or nominated by your authority;

(ix) any -

(aa) public authority or body exercising functions of a public nature;

(bb) company, registered society, charity, or body directed to charitable purposes;

(cc) body whose principal purposes include the influence of public opinion or policy;

(dd) trade union or professional association; or



(ee) private club, society or association operating within your authority's area,

and in relation to (aa) to (ee), in which you have membership or hold a position of general control or management;

(x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

[Note: subparagraph (b) is omitted]

(c) a decision upon it might reasonably be regarded as affecting -

(i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;

(ii) any employment or business carried on by persons as described in 10(2)(c)(i);

(iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;

(iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,

and in relation to (i) to (v), to a greater extent than the majority of -

(aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

or

(bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

#### Disclosure of Personal Interests

11. (1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority and you make -

(a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or



(b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

(3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer from time to time but, as a minimum containing -

(a) details of the personal interest;

(b) details of the business to which the personal interest relates; and

(c) your signature

(5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

(7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

#### Prejudicial Interests

12. (1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business -

(a) relates to -



- (i) another relevant authority of which you are also a member;
  - (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
  - (iii) a body to which you have been elected, appointed or nominated by your authority;
  - (iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;
  - (v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;
- (b) relates to -
- (i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
  - (ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;
  - (iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;
  - (iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;
- (c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.
- (3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

#### Overview and Scrutiny Committees

13. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a Subcommittee of such a committee) where -

- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, Subcommittees, joint committees or joint Subcommittees; and



(b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, Subcommittee, joint-committee or joint Subcommittee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

#### Participation in Relation to Disclosed Interests

14. (1) Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee –

(a) withdraw from the room, chamber or place where a meeting considering the business is being held -

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise executive or board functions in relation to that business;

(c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(2A) where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under statutory right or otherwise.

(2B) when submitting written representations under sub-paragraph (2A) you must comply with any procedure that your authority may adopt for the submission of such representations.

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if -



(a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or

(b) you have the benefit of a dispensation provided that you -

(i) state at the meeting that you are relying on the dispensation; and

(ii) before or immediately after the close of the meeting give written notification to your authority containing -

(aa) details of the prejudicial interest;

(bb) details of the business to which the prejudicial interest relates;

(cc) details of, and the date on which, the dispensation was granted; and

(dd) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

#### **Part 4 - The Register of Members' Interests**

##### Registration of Personal Interests

15. (1) Subject to sub-paragraph (4), you must, within 28 days of -

(a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or

(b) your election or appointment to office (if that is later),

register your personal interests, where they fall within a category mentioned in paragraph 10(2)(a) in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(2) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 10(2)(a), register that new personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(3) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 10(2)(a), register that change in your authority's register of members' interests by providing written notification to your authority's monitoring officer..

(4) Sub-paragraphs (1) and (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).

(5) Sub-paragraph (1) and (2) will not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

(6) You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

#### Sensitive information

16. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this code, "sensitive information" ("gwybodaeth sensitif") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

#### Registration of Gifts and Hospitality

17. You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer of the existence and nature of that gift, hospitality, material benefit or advantage. Such written notification should be provided [here](#)

**THE ISLE OF ANGLESEY COUNTY COUNCIL**  
**DECISION OF THE STANDARDS COMMITTEE**  
**IN RELATION TO AN APPLICATION FOR DISPENSATION**  
**BY A MEMBER OF THE COUNTY COUNCIL**

<b>Decision of the Standards Committee:</b>	<b>To grant dispensation to Councillor Carwyn Jones (Seiriol Ward) in the terms described below</b>
<b>Date decision made by the Standards Committee:</b>	<b>18 July 2017</b>
<b>Name of persons to be notified of the Standards Committee's decision:</b>	<b>Councillor Carwyn Jones and Head of Democratic Services</b>
<b>Date any dispensation expires:</b>	<b>8 May 2022</b>

Pursuant to paragraphs (d), (f) and (i) of The Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 as amended by The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016, the Standards Committee has resolved to **grant a dispensation** to Councillor Carwyn Jones in respect of that / those interest(s) referred to in the Application, which permits the Councillor to:

- ✓ write to officers [and/or the Executive/Committee/Council etc] about the issue;
- ✓ speak to officers of the Council about the issue;
- ✓ speak at Executive/Committee/Council meetings (subject to permission of the Chair) and answer any questions about the issue;
- ✓ remain in the room during any debate on the issue and participate in any debate (when a member of the body);
- ⊖ ~~vote at such meetings;~~
- ✓ other – to undertake a full role in representing the community at meetings outside the County Council, to include public meetings and any relevant meetings of Town and Community Councils.

The Councillor may therefore speak at Executive/Committee/Council meetings in relation to the issue and answer any questions from members of the Executive/Committee/Council and may remain in the room during the debate and participate in any debate (when a member of the body) ~~and vote on the issue~~ but must not vote on the issue.

Before the Councillor speaks with, or writes to, officers of the Council, or speaks at Executive/Committee/Council etc meetings on the issue, the Councillor must still:-

- declare an interest in the matter; and
- confirm that a dispensation has been granted to allow the Councillor to speak [~~and vote~~] about it; and
- complete the notification to the Clerk setting out the interest and the dispensation.

By authority of the Isle of Anglesey County Council's Standards Committee

Dated: 18 July 2017



# **DISPENSATION PANEL OF THE STANDARDS COMMITTEE**

## **Minutes of the meeting held on 18 July 2017**

**PRESENT:**                    **Independent Members**

Mr Michael Wilson (Chair)  
Mrs Denise Harris-Edwards  
Mrs Dilys Shaw

**IN ATTENDANCE:**        Head of Function (Council Business)/Monitoring Officer  
Committee Officer (SC)

**ALSO PRESENT:**        Councillor Carwyn Jones

**APOLOGIES:**            None

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### **1.     DECLARATION OF INTEREST**

No declaration of interest was received.

### **2.     APPLICATION FOR DISPENSATION**

Submitted - an application by Councillor Carwyn Jones for dispensation in relation to the County Council's strategy for the medium and long-term future of education on the Island.

The Head of Function (Council Business)/Monitoring Officer gave a summary of the background to the application, and reported that the County Council is presently formulating and submitting a plan to Welsh Government on its proposals for the modernisation of schools on Anglesey. One of the priority areas to be assessed is the Seiriol ward, which Councillor Jones represents, along with two other members. As a local member, he would be expected to participate fully at a local level in the consultation and decision making process, up to implementation.

It was noted that Councillor Jones has declared three personal interests. He is a Council appointed school governor, and Chair of Llandegfan Primary School, which is one of the three schools under consideration in the Seiriol ward. The other two personal interests are also prejudicial and relate to family members, constituting close personal associates within the definition of the Code of Conduct. Councillor Jones' first cousin is employed at Beaumaris Primary School, which is also under review in the Seiriol ward. His cousin's son also attends Llandegfan Primary School.

Councillor Jones acknowledged that those family relationships and connections are close, but that his overriding motivation is for the benefit of the ward, and that he fully intends to act in the wider public interest.

Councillor Jones was afforded the opportunity to address the Panel and gave his views and detailed reasons for his application for dispensation.

In summary, Councillor Jones highlighted the importance of education to the electorate in the ward, and stated that he felt it was his duty as a local member to participate in the process of writing, gathering and sharing information regarding any future proposals for education in the area. He reported that should a dispensation be granted, he would be involved in attending and speaking at public and Town/Community Council meetings to gauge and reflect local opinion, and any decisions taken would have an impact on the education of future generations. He would also be using social media to gather and share information. He stated that he would not seek voting powers, and if the Panel thought it appropriate, he would leave meetings during voting. He further stated that he wished to act as a conduit between his community and the County Council in ensuring that the community voice is heard and given proper consideration in the process/decisions taken throughout the stages of consultation/implementation etc.

It was noted that Councillor Jones has not expressed his views/opinions to date on the proposals, but has attended meetings at Llangoed, Beaumaris and Llandegfan schools and Community Council meetings to listen to the views of local people. Councillor Jones stated that he has facilitated and shared information, and encouraged people to express their views at this stage in the consultation process, which is non-statutory and will be ending in two weeks' time. The local community are very concerned about the future of the three primary schools, the implications for the children, and the wider impact on the community as a whole.

Councillor Jones reported that the three local Councillors believe there is lack of a strategic plan for the Seiriol ward as a whole, as young people are leaving the area owing to lack of employment opportunities, resulting in empty school places and an ageing population. Councillor Jones advocated on behalf the community that his preferred option would be for all three schools in the ward to remain open as part of a wider community strategy for the area that would also give the three schools an opportunity to thrive. They at least deserve a chance to try.

It was noted that the Seiriol ward Councillors believe it is premature to carry out an evaluation to close schools at this stage, and feel they would not be in a position to endorse any of the options at present. They believe a plan should be put in place to rejuvenate the ward by creating employment opportunities, affordable/social housing and modernise the three schools as part of that bigger package.

For the reasons set out in the application, Councillor Jones has requested that the Standards Panel consider granting a dispensation, which would overreach the two prejudicial interests, and would enable him to participate both at local and Council level in relation to discussing and formulating the Council's response to the consultation and statutory and non-statutory processes.

Members of the Panel deliberated in private session. Following discussion, the Chair announced that the Standards Committee **had RESOLVED to grant a dispensation to Councillor Carwyn Jones in respect of that / those interest(s) referred to in the Application, pursuant to paragraphs (d), (f) and (i) of The**

**Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 as amended by The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016.**

The dispensation will expire on 8<sup>th</sup> May, 2022, and until then permits the Councillor to:-

- **Write to officers [and/or the Executive/Committee/Council etc] about the issue;**
- **speak to officers of the Council about the issue;**
- **speak at Executive/Committee/Council meetings (subject to permission of the Chair) and answer any questions about the issue;**
- **remain in the room during any debate on the issue and participate in any debate (when a member of the body);**
- ~~vote at such meetings;~~
- **other – to undertake a full role in representing the community at meetings outside the County Council, to include public meetings and any relevant meetings of Town and Community Councils etc.**

The meeting concluded at 2.30 pm

**MICHAEL WILSON  
CHAIR**