

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	STANDARDS COMMITTEE
DATE:	14 March 2018
TITLE OF REPORT:	Generic dispensation for all County Councillors in relation to potential educational charges
PURPOSE OF THE REPORT:	To obtain approval for a generic dispensation for the term of this Council
REPORT BY:	Lynn Ball Head of Function (Council Business)/Monitoring Officer lbxcs@anglesey.gov.uk
CONTACT OFFICER:	Lynn Ball Head of Function (Council Business)/Monitoring Officer lbxcs@anglesey.gov.uk01248-752586

1. INTRODUCTION & BACKGROUND

Pursuant to the County Council's Code of Conduct for elected Members, any Member who has a personal and prejudicial interest in an item of business is precluded from participation. In some limited, and specified, circumstances a Member may be able to overreach the impediment created by the personal and prejudicial interest if they are able to obtain a dispensation from the County Council's Standards Committee.

2. PROCESS

Any Member wishing to obtain a dispensation must put an application in writing, identifying the impediment and the grounds upon which the application is sought. The Standards Committee, or a properly constituted Panel of the Standards Committee, will then hear the application. The Hearing will usually be in public. The Standards Committee has a discretion on whether or not to grant the dispensation sought and to impose any restrictions or limitations as appropriate to the circumstances of the application.

3. APPLICATION

The application appears at **Enclosure A** and the circumstances for which the dispensation is sought are set out in paragraph 6 thereto. The grounds upon which the dispensation is sought are set out in paragraph 7.

4. RECOMMENDATIONS

(a) To consider granting the generic dispensation as worded in **Enclosure B**.

(b) Any dispensation granted should include all meetings during the present Council term until May 2022.

**APPLICATION TO THE STANDARDS COMMITTEE FOR DISPENSATION PURSUANT
TO SI 2001 No. 2279 (W. 169)**

1. **Name of Applicant:** All Members of the Isle of Anglesey County Council to whom the circumstances in this application apply, as at 14th March 2018 or at any time during the Council's term until May 2022.
2. **Address of Applicants:** Isle of Anglesey County Council, Council Offices, Llangefni
3. **Relevant Authority:** Isle of Anglesey County Council
4. **Committee/Committees** Council, Executive, relevant committees, panels, working groups, consultation meetings and briefings etc and to include oral/written submissions
5. **Interest Registered pursuant to Section 81 (1) & (2) of the Local Government Act 2000 (if applicable):**

n/a
6. **Details of interest in respect of which Dispensation sought :**
 - 6.1 In 2015 the Council considered whether or not to introduce charges in respect of the cost of care provided in delivering primary school breakfast clubs.
 - 6.2 Based on 192 school days in a year, the maximum fee anticipated per child would be £384. It was therefore deemed that consideration of the issue created an interest pursuant to Part 3.10(2)(c)(i) of the Code and may also meet the definition of a prejudicial interest under paragraph 12(1) of the Code.
 - 6.3 Accordingly a generic application for Dispensation was submitted on behalf of all members. Such Dispensation was granted on 24.09.2015 until the end of the Council's term in May 2017.
 - 6.4 The current Council's term ends in May 2022 and so a further Dispensation is sought for the remainder of this Council term in respect of all charging decisions in relation to schools to which exemptions under the Code do not already apply. Clearly, this extends beyond the scope of care charges arising from the provision of breakfast clubs.

The relevant provisions of the Code of Conduct are as follows:-

10(2)(c)(i) "You must regard yourself as having a personal interest in any business of your authority if a decision upon it might reasonably

be regarded as affecting your wellbeing or financial position, or that of a person with whom you live, or any person with whom you have a close personal association” and

12(1) “....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 it is likely to prejudice your judgment of the public interest”.

Additionally, the Code of Conduct provides inbuilt dispensations for those with prejudicial interests in some specified circumstances. The following provision is relevant here:

Paragraph 12(2)(b)(ii)

“...you will not be regarded as having a prejudicial interest in any business where that business relates to the functions of your authority in respect of school meals, transport and travelling expenses, when you are a guardian, parent, grandparent or have parental responsibility (as defined in Section 3 of the Children Act 1989) of a child in fulltime education, unless it relates particularly to the school which that child attends.”

- 6.5 As the potential for charging may relate to provision other than food and transport, the dispensation built into the Code is not directly applicable to those circumstances, nor does the category extend to all relationships which might reasonably constitute “close personal associations” under the Code.
- 6.6 Nevertheless, paragraph 12(2)(b)(ii) above clearly indicates a statutory intention to permit those with this/very similar interests to fully participate in debate and voting on decisions in this category (i.e. any standard charges applicable to school services).

7. Statutory Grounds relied upon in support of the Application:

Section 2(c), (d), (e) and (f) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 as amended

8. Date application submitted:

To be considered by the Standards Committee on the 14th March 2018

9. Date by which Decision required:

No specified date. Any dispensation granted may never be required.

- A. **Decision of Standards Committee:**
- B. **Date Decision made:**
- C. **Parties to be notified:**

DRAFT DISPENSATION GRANTED BY THE STANDARDS COMMITTEE ON 14th MARCH 2018

The Standards Committee unanimously agreed to the following:-

- Should the need arise, all Members of the Isle of Anglesey County Council, to whom the circumstances apply, are hereby granted dispensation to allow members to speak and vote, where they have a close personal associate (family or friends) using the Breakfast Clubs in Primary School, or equivalent/ similar/ connected/ related school services to which exemptions under the Code do not already apply.
- The dispensation is granted under Standards Committee (Grant of Dispensation) (Wales) Regulations 2001, as amended, 2(c)(d)(e)(f)
- Any member exercising this right shall be entitled to speak and vote on such matters
- The dispensation will extend to any future consideration of this issue (or equivalent/ similar/ connected/ related schools service) for Members whose term starts May 2017, or later if following a by-election, of the Isle of Anglesey County Council for the remaining term of the Council i.e. until May 2022.
- Members will still have a personal interest under the Code which they are required to declare at the beginning of the meeting or the outset of the relevant item. Member declaration forms need to confirm that they are relying on a dispensation granted by the Standards Committee on 14th March 2018.