

ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	STANDARDS COMMITTEE (DISPENSATION PANEL)
DATE:	4th SEPTEMBER 2013
TITLE OF REPORT:	TO CONSIDER AN APPLICATION FOR DISPENSATION
PURPOSE OF THE REPORT:	TO GRANT OR REFUSE AN APPLICATION FOR DISPENSATION BY A MEMBER OF THE ISLE OF ANGLESEY COUNTY COUNCIL
REPORT BY:	HEAD OF FUNCTION LEGAL AND ADMINISTRATION/MONITORING OFFICER
CONTACT OFFICER:	LYNN BALL, HEAD OF FUNCTION LEGAL AND ADMINISTRATION/MONITORING OFFICER (ext 2586)

DOCUMENTS ENCLOSED

1. Application by Councillor Alwyn Rowlands
2. Code of Conduct for Members of Isle of Anglesey County Council
3. PSOW's Guidance on the Code of Conduct
4. The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001
5. Executive Report for 9th September 2013

LEGAL ISSUES

Pursuant to the Members' Code of Conduct, those with personal and prejudicial interests are precluded from participating in Council business.

The list of personal interests is to be found in paragraph 10 of the Code at **Enclosure 2**. Where a personal interest exists, the Member must disclose the interest at any meeting where business relevant to the interest is transacted, but the Member may still participate in discussion, and voting, as appropriate.

However, if the personal interest is also "prejudicial", then the Member may not participate in discussion or voting and must also physically withdraw from the meeting room. The definition of a prejudicial interest is in paragraph 12 of the Code at **Enclosure 2**.

The Code also contains some saving provisions, none of which apply to the Application at **Enclosure 1**.

The prohibition against the participation of Members who have a personal and prejudicial interest, and for which no saving provision applies, is absolute, unless such a Member has first obtained a dispensation from the Standards Committee.

Dispensations may only be granted in specified circumstances, which are listed in section 2 of **Enclosure 4**. More than one ground for a dispensation may be engaged, on the particular facts of any case, but there are no other grounds available.

If the Panel decides to grant this Application, then consideration should also be given to imposing constraints and/or, extending the dispensation, to future circumstances where the same impediment is likely to arise and should be removed.

BACKGROUND

The Panel is referred to the Application at **Enclosure 1**. The Application relates to the item contained in **Enclosure 5**. An Officer from the LEA will attend the Panel to provide contextual information. The Applicant will also be present to explain the issues under consideration, and to answer any questions.

SUGGESTED ORDER OF PROCEEDINGS

1. General introduction from the Monitoring Officer
2. Background briefing by the LEA Officer
3. Monitoring Officer introduces the Applicant
4. Opportunity for the Applicant to put forward his Application and to answer any questions the Panel may have

5. An opportunity for the Panel to ask any questions of the Officers present

6. The Panel to retire to private session, to decide on whether or not to grant the dispensation, identify the grounds for its decision and, if a dispensation is granted, to identify the specific terms and any limitations on such dispensation

7. The Panel will return to public session to confirm its decision

PAPUR / ENCLOSURE

1

ISLE OF ANGLESEY COUNTY COUNCIL'S STANDARDS COMMITTEE

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

1. **Name of Applicant** : Councillor Alwyn Rowlands
2. **Address of Applicant** : 13 Ffordd Meigan, Beaumaris, Anglesey, LL58 8HE
3. **Relevant Authority** : Isle of Anglesey County Council
4. **Committee/Committees** : The Executive
5. **Interest Registered pursuant to Section 81 (1) & (2) of the Local Government Act 2000 (if applicable):**

Not relevant

6. **Details of interest in respect of which Dispensation sought** :

The Applicant is one of three local Members representing the Seiriol Ward.

Llanddona Primary School is located in the Applicant's Ward and has been subject to public consultation regarding possible closure of the school. A decision is due to be taken by the Executive on the 9th September 2013.

The Applicant is also a member of the Executive.

Under paragraph 10(2)(b) of the Code of Conduct the Applicant has a personal interest by virtue of his dual role as a member of the decision making body and also a representative of the community which will be most significantly affected by the Executive's decision.

The Code states: **"you must regard yourself as having a personal interest in any business of your authority if a member of the public might reasonably perceive a conflict between your role in taking a decision, upon that business, on behalf of your authority as a whole and your role in representing the interests of constituents in your ward or electoral division..."**.

Given the importance of the decision which the Executive will be asked to make on the 9th September 2013, there is a significant risk that the interest might also be interpreted as meeting the prejudicial interest test pursuant to paragraph 12(1) of the Code, namely that: **"... 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 judgment of the public interest..."**.

The Applicant has a personal interest, and is likely to be perceived as also having a prejudicial interest, as outlined above, because he is a local Member for the Seiriol Ward in which Llanddona Primary School is located. In addition he is also a member of the Council's Executive which is the body tasked with taking the decision regarding the future of the school. In these circumstances the Applicant may not participate in the decision without a dispensation.

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

SI 2001 No. 2279 (W. 169) Section 2

2(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 relevant authority’s business”

- (i) This is not a pecuniary interest nor one where the outcome of the decision would directly benefit or disadvantage the Applicant or anyone with whom the Applicant has a close personal association.
- (ii) The Applicant is not a Governor of the school or any other school which is likely to be affected by this decision
- (iii) The Applicant recognises that, in any event, he is required to comply with paragraph 8(a) of the Code of Conduct which states: **“you must 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 and with regard to any relevant advice...”**

As a result of the requirement in paragraph 8(a) above the Welsh Government has recently consulted on its intention to remove the personal interest described in paragraph 10(2)(b) from the Code of Conduct in recognition that it duplicates the legal requirements in paragraph 8(a). As this provision adds nothing to the Code, it is likely that it will be removed shortly. It is only this provision that creates the impediment from which a dispensation is sought.

8. **Date application submitted :** 1st July 2013

9. **Date by which Decision required :** Before 9th September 2013

A. **Decision of Standards Committee :**

B. **Date Decision made :**

C. **Parties to be notified :**

PAPUR / ENCLOSURE

2

“Monitoring Officer” means the officer designated under S.5(1) of the Local Government and Housing Act 1989.

Part 5 Codes and Protocols

5.1 Members’ Code of Conduct

5.2 Officers’ Code of Conduct

5.3 Protocol for Member/Officer Relations

5.4 Bullying and Harassment Policy

5.5 Whistleblowing Policy

5.6 Policy for the Prevention of Fraud and Corruption

5.7 Concerns and Complaints Policy

5.8 Political Management Protocols

5.9 Protocol on Gifts and Hospitality

5.1 Members’ Code of Conduct

This is the Model Code of Conduct adopted by the County Council on 09.05.2008 in accordance with the draft supplied by the Welsh Assembly Government, incorporating the compulsory training requirement described in Part 2 – General Provisions paragraph 4(e).

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),

(1) S.I. 1990/1553 as amended by S.I. 1991/1389; S.I. 1993/1339; S.I. 1998/1918; and S.I. 1999/500.

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;

“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(2) or a scheme to which section 4 of that Act applies,

(2) 2004 c.21.

(e) a National Park authority established under section 63 of the Environment Act 1995(3);

(3) 1995 c.25.

“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, references to an authority’s monitoring officer and an authority’s standards committee are to be read, respectively, as references to

the monitoring officer and 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(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 the Public Services Ombudsman for Wales and 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, industrial and provident 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, 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;
- (b) a member of the public might reasonably perceive a conflict between your role in taking a decision, upon that business, on behalf of your authority as a whole and your role in representing the interests of constituents in your ward or electoral division; or
- (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, 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 under sections 22(5), 24(4) and 173 to 176 of the Local Government Act 1972, an allowance or pension under section 18 of the Local Government and Housing Act 1989 or an allowance or payment under section 100 of the Local Government Act 2000;

(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), (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.

(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 Financial and Other Interests and Memberships and Management Positions

15. (1) Subject to sub-paragraph (3), 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 financial interests and other interests, where they fall within a category mentioned in paragraph 10(2)(a) in your authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to your authority's monitoring officer.

(2) You must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under sub-paragraph (1), register that new personal interest or change by providing written notification to your authority's monitoring officer.

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

(4) Sub-paragraph (1) 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.

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.

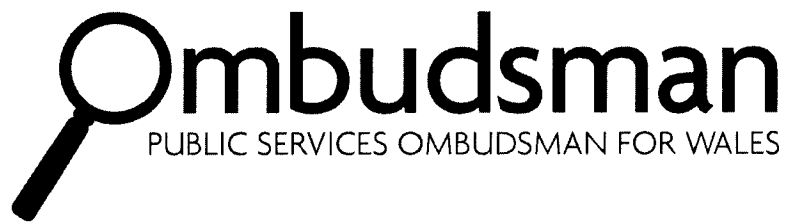
(3) In this code, "sensitive information" ("gwybodaeth sensitif") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

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.

PAPUR / ENCLOSURE

3



The Code of Conduct

for members of local authorities in Wales

Guidance from the
Public Services Ombudsman for Wales
for members of county and county borough councils,
fire and rescue authorities, and
national park authorities

Preface

This revised guide from me as Public Services Ombudsman for Wales provides an overview of the Model Code of Conduct (the Code) introduced in 2008. It is intended to help you as a member to understand your obligations under the Code. The Code applies to all members and co-opted members of local authorities, community councils, fire and rescue authorities and national park authorities in Wales. As a member, you are required to sign up to it as part of your declaration of acceptance of office. The Code does not apply to the actions of authorities as a whole, or to the conduct of their officers and employees. There is a separate code of conduct applying to officers of local authorities in Wales.

This is the second version of this guidance, and it will be adapted from time to time to reflect case law and any changes to the Code. This section includes, for the first time, guidance on local arrangements for dealing with member on member complaints, and any arrangements for referring local services complaints for local consideration. It also excludes guidance which only relates to town and community councillors, for whom I have now issued separate guidance. It contains examples drawn from recent cases considered by the Adjudication Panel for Wales and standards committees across Wales.

The following pages aim to provide you with a general understanding of the Code and its requirements. Section 1 provides an introduction, while Section 2 outlines your obligations under the Code, referencing specific paragraphs for further information. Sections 3 and 4 deal with general issues surrounding interests, and aim to clarify a number of provisions which you will find in Parts 3 & 4 of the Code. You can obtain a copy of the Code by downloading it from your authority's website or contacting your Monitoring Officer.

The guide is intended to help you to understand the Code and how it applies, but it cannot hope to cover every conceivable circumstance. Ultimately, it is your responsibility to take specific advice from your Monitoring Officer and to make a decision as to the most suitable course of action.

I have used examples throughout to help to bring the guidance to life. These examples are drawn from actual cases considered by my office and also include decisions reached by local standards committees and the Adjudication Panel for Wales.

As a member you will be offered training on the Code whether by a Monitoring Officer or from a representative body. I expect all members to take advantage of such training, including refresher courses, to ensure that they are fully aware of the provisions of the Code and its interpretation.

In issuing this advice I am very conscious of the importance of standards in ensuring the future health and effectiveness of our democratic institutions. It is important that we should all work collaboratively to drive up standards and to create a culture where members are respected for their selflessness, objectivity and respectful behaviour. If we do so we can build public confidence in our democratic institutions and promote good governance for the benefit of the people of all of our communities.

Peter Tyndall

Public Services Ombudsman for Wales

September 2012

This statutory guidance is issued by the Public Services Ombudsman for Wales under Section 68 of the Local Government Act 2000 for elected, co-opted and appointed members of:

- county and county borough councils;
- fire and rescue authorities, and
- national park authorities

in Wales.

Acknowledgement

This guidance draws on guidance prepared and issued by Standards for England on the former English Code of Conduct. It has been extended and amended to refer to the Welsh Code and to the Welsh context. It also reflects responses to the consultation I have undertaken.

Separate guidance is available for members of community councils.

First published April 2010.

This edition published September 2012.

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1. Introduction

The Local Government Act 2000 created a new ethical framework for local government in Wales. It created a power for the National Assembly for Wales to issue a model code of conduct to apply to members and co-opted members of all relevant authorities in Wales. This power was transferred to the Welsh Ministers by the Government of Wales Act 2006. In 2008, Welsh Ministers issued the current Model Code of Conduct which all relevant authorities are required to adopt.

Authorities were required to adopt the Code in its model form in its entirety, but could make additions to the Code, provided these were consistent with the Model. This was intended to give certainty to members and the public as to what standards are expected. It helps to ensure consistency throughout relevant authorities, avoiding confusion for members on more than one authority and for the public.

Standards committees of principal councils are required to assist members and co-opted members of their authorities, together with members of town and community councils in their area, to observe the Code and to arrange for advice and training to be provided. I strongly recommend that all members should attend training and take advice where it is offered. I support individual authorities which require members to attend training on the Code before they can join certain decision-making bodies such as planning committees.

Ultimately, as a member, you are responsible for the decisions you take and can be held to account for them. However, this doesn't imply that you can take decisions which breach the Code or contrary to advice simply because the decision is yours to take. This guidance explains the constraints you are expected to act within to ensure members of the public can be confident in the way in which authorities in Wales reach their decisions.

It is my role as Public Services Ombudsman to investigate complaints that members of local authorities in Wales have breached the Code. In determining whether to investigate a complaint or whether to continue an investigation of a breach of the Code I will use a two-stage test. In the first instance, I will aim to establish whether there is evidence that a breach actually took place.

The second test I will apply is whether the breach alleged would be likely to lead to a sanction. I have discretion as to whether to investigate or not. I have adopted this test in order to explain how I will usually exercise my discretion and to secure a degree of consistency. In using my discretion, I will take account of the outcomes of previous cases considered by standards committees across Wales and decide accordingly.

If whilst assessing a complaint or at any point where I have commenced an investigation I consider that the second limb of the two stage test has not been met I will invite the Monitoring Officer (in conjunction with the Standards Committee) to consider whether a local investigation is appropriate. If so I will formally refer the matter to the Monitoring Officer for investigation under section 70(4) of the Local Government Act 2000.

However, if I am aware of previous complaints about the same member and believe these may be indicative of a pattern of breaches, I will then often choose to investigate. Where there is prima facie evidence of a breach of the Code, and I do not decide to investigate, I will almost always write to the member concerned making it clear that my decision should not in any way be regarded as approval for any breach of the Code and making clear that I will take it into account if there are further reported breaches.

The process I use for investigating complaints is on my website at www.ombudsman-wales.org.uk. If I find that a complaint is justified, I may refer it either to your Standards Committee or to a tribunal convened by the Adjudication Panel for Wales. If it then finds the complaint proven, it can impose a range of sanctions.

Local Resolution Process

During the course of the life of this guidance I expect local authorities across Wales to have implemented local resolution procedures to deal with low level complaints which are made by a member against a fellow member. Typically these complaints will be about alleged failures to show respect and consideration for others as required by paragraph 4(b) of the Code or the duty not to make vexatious, malicious or frivolous complaints against other members under paragraph 6(1)(d) of the Code. Whilst a member may still complain directly to me about a fellow member if the matter being complained about concerns paragraphs 4b and 6(1)(d) I am likely to refer the matter back to the Council's Monitoring Officer for consideration under this process.

In my view such complaints are more appropriately resolved informally and locally in order to speed up the complaints process and to ensure that my resources are devoted to the investigation of serious complaints. The aim of local resolution is to resolve matters at an early stage so as to avoid the unnecessary escalation of the situation which may damage personal relationships within the authority and the authority's reputation. The process may result in an apology being made by the member concerned. However, where a member has repeatedly breached their authority's local protocol then I would expect the Monitoring Officer to refer the matter back to me.

When I have investigated a complaint I may refer the matter to a Standards Committee or the Adjudication Panel for Wales which have the following roles:

Standards Committee

Where a Standards Committee concludes that a member or co-opted member has failed to comply with the relevant authority's code of conduct, it may determine that:

1. no action needs to be taken in respect of that failure;
2. the member or co-opted member should be censured; or
3. the member or co-opted member should be suspended or partially suspended from being a member of that authority for a period not exceeding six months.

A censure takes the form of a public rebuke of the member concerned.

Standards committees are made up of independent lay members and of elected members of the authority. Matters which have arisen in the Council chamber which may be drawn to the attention of a Standards Committee via its local resolution process, may have been witnessed by many of the elected members of an authority. In these circumstances a Monitoring Officer may decide that it would be permissible for any elected members who have witnessed the events complained about and who are members of the Standards Committee to consider the matter via any local resolution process. However, if I were to investigate the matter, it is likely that those witnesses will have been interviewed as part of the investigation. If I were then decided to formally refer the matter to the Standards Committee I consider that the rules of natural justice dictate that it would not be appropriate for those members who witnessed the events to play any part in any subsequent hearing of the matter.

A member may appeal against the determination of a standards committee to the Adjudication Panel for Wales.

Adjudication Panel for Wales

The powers available to the tribunal when it determines that a member or co-opted member has failed to comply with the Code are:

1. to disqualify the respondent from being, or becoming, a member of the relevant authority concerned or any other relevant authority for a period of up to five years;
2. to suspend or partially suspend the respondent from being a member or co-opted member of the relevant authority concerned for up to 12 months, or
3. to take no action in respect of the breach.

Where either a standards committee or a tribunal suspends or partly suspends a member or co-opted member that member or co-opted member is still subject to the code of conduct, in particular the provisions set out in paragraphs 6(1)(a) (bringing the office of member or authority into disrepute) and paragraph 7 (improperly using the position of member).

The Principles

The Local Government Act empowered the National Assembly to issue principles to which you must have regard in undertaking your role as a member. The Code is based on these principles which are designed to promote the highest possible standards. These principles draw on the 7 Principles of Public Life which were set out in the Nolan Report “Standards of Conduct in Local Government in England, Scotland and Wales”. Three more were added to these: a duty to uphold the law, proper stewardship of the Council’s resources and equality and respect for others.

Members elected to local authorities give generously of their time and commitment for the benefit of their communities. The principles provide a framework for channelling your commitment in a way which will reflect well on you and your authority, and which will give your communities confidence in the way that your authority is governed.

The individual sections of the Code are designed to support the implementation of the Principles. For example, the Selflessness principle is covered by Section 7 of the Code – Selflessness and Stewardship.

The current principles were set out in a statutory instrument¹ and are detailed below.

1. Selflessness

Members must act solely in the public interest. They must never use their position as members to improperly confer advantage on themselves or to improperly confer advantage or disadvantage on others.

2. Honesty

Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.

3. Integrity and Propriety

Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

4. Duty to Uphold the Law

Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.

5. Stewardship

In discharging their duties and responsibilities members must ensure that their authority’s resources are used both lawfully and prudently.

6. Objectivity in Decision-making

In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, members must make decisions on merit. Whilst members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.

¹The Conduct of Members (Principles) (Wales) Order 2001 SI 2001 No.2276 (W.166)

7. Equality and Respect

Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others.

8. Openness

Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.

9. Accountability

Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.

10. Leadership

Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority's statutory officers and its other employees.

The principles are not part of the Model Code, and failure to comply with the Principles is not of itself, therefore, indicative of a breach of the Code. However, it is likely that a failure, for example, to adhere to the principle concerning equality and respect would constitute a breach of the requirements of paragraphs 4 (a) and (b) in the Code in respect of equality of opportunity and respect.

In any event, the Principles offer a sound basis for your conduct in office and I encourage members to have regard to them at all times.

Deciding when the Code applies to you

See paragraphs 2 and 3

The Code applies to you:

1. Whenever you act in your official capacity, including whenever you are conducting the business of your authority or acting, claiming to act, or give the impression you are acting, in your official capacity as a member or as a representative of your authority.
2. At any time, if you conduct yourself in a manner which could reasonably be regarded as bringing your office or your authority into disrepute or if you use or attempt to use your position to gain an advantage or avoid a disadvantage for yourself or any other person or if you misuse your authority's resources.

Where you act as a representative of your authority on another relevant authority, or any other body, you must, when acting for that other authority, comply with their Code of Conduct. When you are nominated by your authority as a trustee of a charity you are obliged when acting as such to do so in the best interests of that charity, in accordance with charity law and with the guidance which has been produced by the Charity Commission (see its website: www.charity-commission.gov.uk).

If you are acting as a representative of your authority on another body, for example on the board of a housing association, which doesn't have a code of conduct relating to its members, you must comply with your authority's own code unless it conflicts with any legal requirements that the other body has to comply with.

If you refer to yourself as Councillor, the Code will apply to you. This applies in conversation, in writing, or in your use of electronic media. There has been a significant rise in complaints to me concerning the use of Facebook, blogs and Twitter. If you refer to your role as councillor in any way or comments you make are clearly related to your role then the Code will apply to any comments you make there. Even if you do not refer to your role as councillor, your comments may have the effect of bringing your office or authority into disrepute and could therefore breach paragraph 6(1)(a) of the Code of Conduct.

If you are nominated by your authority as the director of a company (a stock transfer housing association for example) you are obliged to act in the best interests of the company. If it has a code of conduct for its directors you must abide by it. If it doesn't, you must comply with your authority's code, except on the rare occasions where it conflicts with any legal obligations the company may have.

If you are suspended from office for any reason, you must still observe those elements of the Code which apply, particularly as set out in paragraph 2(1)(d), while you are suspended.

Example

Councillor B was nominated by a County Borough Council to serve as a board member of a stock transfer housing association. The Chief Executive of the housing association copied all board members into a confidential e-mail to the Chief Executive of the Council. Councillor B admitted sending the e-mail to the local press and said that he had done so because he felt that his duty as a councillor over-rode his duty as a board member of the housing association. Councillor B was found to have

breached paragraph 3(a) of the Council's Code by disclosing the e-mail in breach of the board's own code of conduct. He was also found to have brought his office and authority into disrepute by making a misleading statement that "he recently had to withdraw" from the board of the housing association when he had been removed with immediate effect for the serious breach of confidentiality.

An on-line poll about a person accused of murder which contained inappropriate language was set up using Councillor B's Council-provided laptop, internet access and his council e-mail address. Councillor B said he personally had not set up the poll. However, as the Council had provided him with the laptop he was responsible for it. He also made disparaging comments about housing benefit claimants on his Facebook page when responding to a request for advice in his councillor role. The Adjudication Panel found that Councillor B had acted in his official capacity because he had used his Council-provided equipment and e-mail address. Therefore, he could reasonably be regarded as representing himself as a councillor.

2. General obligations under the Code of Conduct

Equality

See Paragraph 4(a)

You must carry out your duties 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. Although the Code is not explicit about trans-gender status, I will normally consider it to be included under the gender category, and expect the principle of equal opportunity to be applied.

You should at all times seek to avoid discrimination. There are four main forms of discrimination:

- Direct discrimination: treating people differently because of their gender, race, disability, sexual orientation, age or religion.
- Indirect discrimination: treatment which does not appear to differentiate between people because of their gender, race, disability, sexual orientation, age or religion, but which disproportionately disadvantages them.
- Harassment: engaging in unwanted conduct on the grounds of gender, race, disability, sexual orientation, age or religion, which violates another person's dignity or creates a hostile, degrading, humiliating or offensive environment.
- Victimisation: treating a person less favourably because they have complained of discrimination, brought proceedings for discrimination, or been involved in complaining about or bringing proceedings for discrimination.

The introduction of the Equality Act 2010 reinforces the importance of this part of the Code. It imposes positive duties to eliminate unlawful discrimination and harassment and to promote equality. Under equality laws, your authority may be liable for any discriminatory acts which you commit. This will apply if you do something in your official capacity in a discriminatory manner.

You must be careful not to act in a way which may amount to any of the prohibited forms of discrimination, or to do anything which hinders your authority's fulfilment of its positive duties under equality laws. Such conduct may cause your authority to break the law, and you may find yourself subject to a complaint that you have breached this paragraph of the Code.

You must also be mindful that at all times including when acting in your private capacity you must not act in a way that would bring your Council into disrepute. It is likely that engaging in behaviour which could be considered to be in breach of the Equality Act in your private capacity is likely to fall into this category.

Example

A member of a County Council was a member of the Council's Recruitment Panel to appoint a new Chief Executive. Five applicants were shortlisted. After one candidate had finished his presentation and left the room Councillor A said "good candidate, shame he's black". The Adjudication Panel for Wales found that paragraph 4(a) of the Code had been breached and that Councillor A had brought the office of member and his authority into disrepute (in breach of paragraph 6(1)(a) of the Code).

Treating others with respect and consideration

See Paragraph 4(b)

Political groupings in authorities are expected to campaign for their ideas, and they may also seek to discredit the policies and action of their opponents. Criticism of ideas and opinion is part of democratic debate, and it is unlikely that such comments would ever be considered to be a breach of the Code of Conduct for failing to treat someone with respect and consideration.

Furthermore, a member's freedom of expression attracts enhanced protection when his comments are political in nature. "Political" comments are not confined to those made within the Council chamber and, for example, include comments members may generally make on their authority's policies or about their political opponents.

It is therefore highly unlikely that I will investigate complaints made in this context and councillors need a "thicker skin" in dealing with, and responding to, politically motivated comments.

Likewise, when members raise such issues which could be considered political with officers, particularly those holding senior positions, when responding to such issues they should also do so with a "thicker skin" and expect to engage in robust discussions with officers.

Whilst it is acknowledged that some members of the public can make unreasonable demands on members, members should always treat members of the public courteously and with consideration. Rude and offensive behaviour lowers the public's expectation and confidence in its elected representatives. This is the case in face to face settings such as meetings as well as when communicating by phone, letter, e-mail or other electronic means.

Example

The Adjudication Panel upheld a finding of a Standards Committee for failing to show respect and consideration for others by posting comments about other councillors and the way in which the Council was run.

The member sought judicial review of this decision. The Court found that whilst the comments which were posted were sarcastic and mocking and the tone ridiculed his fellow members, because the majority of the comments related to the way in which the Council was run, how its decisions were recorded and the competence of the councillors, the comments were "Political Expression". The ruling said no account had been taken of the need for politicians to have "thicker skins". In view of the member's freedom of expression and the fact that the majority of comments were directed at fellow councillors the finding of a breach in this case was a disproportionate interference with the member's rights under Article 10 of the European Convention on Human Rights. The Standards Committee's decision to censure the member was therefore set aside.

Example

A member of a town council wrote to a Deputy Minister of the Welsh Assembly Government about an employee ("Mr Smith") of a county council, which was also copied to the Council. In the letter the member questioned Mr Smith's competence and motivation and he made a number of comments of a disparaging and personal nature about Mr Smith and his associates. He raised the issue of homosexuality and referred to it as a "notorious disability" and that "homosexuality is only a demon which can be driven out". The member was referred to the Adjudication Panel for Wales.

The Panel found that the member had breached paragraph 4(b) in that he had failed to show respect and consideration for others. It also found that by his use of words he had brought the office of member into disrepute in breach of paragraph 6(1)(a) of the Code.

The member was disqualified for 12 months from being or becoming a member of a local authority.

Bullying and harassment

See Paragraph 4(c)

You must not use any bullying behaviour or harass any person including other councillors, council officers or members of the public.

Harassment is repeated behaviour which upsets or annoys people. Bullying can be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once or be part of a pattern of behaviour directed at a weaker person or person over whom you have some actual or perceived influence. Bullying behaviour attempts to undermine an individual or a group of individuals, is detrimental to their confidence and capability, and may adversely affect their health.

This can be contrasted with the legitimate challenges which a member can make in questioning policy or scrutinising performance. An example of this would be debates in the chamber about policy, or asking officers to explain the rationale for the professional opinions they have put forward. You are entitled to challenge fellow councillors and officers as to why they hold their views.

I will always consider allegations of bullying and harassment from the perspective of the alleged victim. The question to be answered is whether the individual was reasonably entitled to believe they were being bullied rather than whether the person accused of bullying thought that he or she was doing so. Bullying is often carried out face to face, but increasingly, it can be carried out in print or using electronic media. The standards of behaviour expected are the same, whether you are expressing yourself verbally or in writing.

You need to ensure that your behaviour does not cross the line between being forceful and bullying. There can be no hard and fast rules governing every set of circumstances but the relative seniority of the officer will be a factor in some cases. As outlined under paragraph 4(b) very senior officers can be involved in robust discussion with members and be well placed to put their own point of view forcefully. The same is not true of more junior officers and members need to be aware of this. This is not to say that I condone the bullying of senior officers, only that the greater the power difference between the officer and the member the greater the likelihood that the officer will consider behaviour to constitute bullying.

It's also evident that there are appropriate channels for expressing concern about the performance of an officer, and doing so in the context of a meeting with others present, especially if they are from outside bodies or are members of the public, is not acceptable. Neither is it acceptable to do so in the media, in your own publications or using blogs, tweets, Facebook or other electronic means. It is important that you raise issues about poor performance in the correct way and proper forum. However, if your criticism is a personal attack or of an offensive nature, you are likely to cross the line of what is acceptable behaviour.

Example

Councillor C made a reference in a campaign leaflet appearing to liken a political group within the Council to the Nazi party. The leader of that group, Councillor D, was Jewish and advised Councillor C that he found such comparisons offensive. A private e-mail exchange ensued in which Councillor D qualified his reasoning for having taken offence and Councillor C explained that he considered that it was a lack of understanding of history which led to Councillor D taking offence and that his comments had been misinterpreted. He did not apologise but said that he would desist from making similar statements in the future.

During a Council meeting several months later Councillor C became angry at the actions of Councillor D and his political group, he went on to make two further references appearing to liken the group to the Nazi party which Councillor D found upsetting. Councillor D considered he was being harassed as Councillor C followed a course of conduct which he knew, or ought to have known, would upset Councillor D.

The Adjudication Panel found that Councillor C had breached paragraph 4(c) of the Code. He was suspended for two months.

Compromising the impartiality of officers of the authority

See Paragraph 4(d)

You must not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, your authority.

You should not approach anyone who works for, or on behalf of, the authority with a view to pressurising them to carry out their duties in a biased or partisan way. They must be neutral and should not be coerced or persuaded to act in a way that would undermine their neutrality. For example, you should not get officers to help you prepare party political material, or to help you with matters relating to your private business. You should not provide or offer any incentive or reward in return for acting in a particular way or reaching a particular decision or threaten someone if they are not minded to act in a particular way. As well as avoiding pressurising officers in person, you need to avoid doing so in writing, using electronic media or in the press.

Although you can robustly question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

If a member develops a close personal relationship with an officer, this becomes a personal and possibly a prejudicial interest under the Code. I would encourage you to adhere to any protocol developed by your authority that deals with relationships between members and officers.

Example

The son and daughter-in-law of a member of a county borough council were neighbours of a family who were tenants of the Council. Complaints had been made about the family's conduct. The member contacted officers of the Council regarding the family's occupancy of the council property and its impact on his son's family on a number of occasions, sometimes outside office hours. The calls were made in his role as elected member and he had direct access to officials because he was a member. He received a warning from the Deputy Monitoring Officer as to his conduct, which emphasised the powerful position elected members occupy when dealing with members of staff.

Despite this he continued to contact officers about the matter including requesting an officer to visit his family "there and then" and accusing an officer of "tipping off" the family being complained about that noise monitoring equipment was being installed.

The Adjudication Panel found that the conduct of the member was a persistent course of conduct over a period of 6 months intended to bring undue pressure upon council officials. It found that by his actions he had sought to compromise the impartiality of officers of the Council. It also found that the member had failed to show respect and consideration for others and that his actions amounted to harassment and he had used his position improperly to promote the interests of his own family. Given the accumulative nature of his dealing with officers and his making a false allegation that an officer had "tipped off" the family he had also brought the office of member into disrepute.

The member was suspended from office for 12 months.

Disclosing confidential information

See Paragraph 5(a)

You must not disclose confidential information, or information which should be reasonably regarded to be of a confidential nature, except in any of the following circumstances:

- You have the consent of the person authorised to give it.
- You are required by law to do so.

The Information Commissioner has issued helpful guidance on the Freedom of Information Act and Data Protection Act which is available on his website at www.ico.gov.uk or by calling 0303 123 1113.

As a member, you may be party to confidential information about individuals or organisations including personal or commercially sensitive matters. This might include information about people's employment, or personal matters arising from social services work, for instance. Sometimes, these will be marked confidential. On other occasions, this will not be the case, but you must not disclose them even if they are not marked. If you are in any doubt, always ask your Monitoring Officer.

As a general rule, you should treat items discussed in the confidential sections of meetings (exempt items) as confidential. These reports have usually been assessed by the author as containing sensitive information, following expert legal advice. The sensitivity of the information may decline over time, but you are strongly urged to take proper legal advice before disclosing it. Similarly, legal advice, whether

provided by external lawyers or your authority's in-house legal staff, is almost always covered by legal privilege and should not be disclosed.

Example

A member of a county borough council who sat on the Council's adoption panel disclosed publicly details of a person who had applied to the panel to adopt a child. He could only have become aware of the information he disclosed by virtue of his membership of the panel. The Adjudication Panel found that the member had disclosed confidential information in breach of the Code. It suspended the member from the Council for 6 months.

Preventing access to information

See Paragraph 5(b)

You must not prevent any person from accessing information which they are entitled to by law. This includes information under the Freedom of Information Act 2000 or those copies of minutes, agendas, reports and other documents of your authority which they have a right to access. To find out more about what types of information the public can access, contact the Information Commissioner's Office by visiting www.ico.gov.uk or by calling 0303 123 1113 or for specific queries, you should ask your Monitoring Officer or Clerk.

Any information that you produce in your official capacity is liable to be subject to the disclosure requirements of the Freedom of Information Act, and your authority may be required to release it in response to a request. If you do not provide the information to the relevant officer of your authority on request, you will be in breach of the Code.

Your authority needs to decide whether to disclose information or whether it may be covered by an exemption. Even if you believe that information you hold is exempt, you must provide it to your authority's relevant officer to allow the authority to reach a decision. As well as being a breach of the Code, it is a criminal offence if information is destroyed after a Freedom of Information Act request has been received.

Example

A leader of a county council refused to give the Council's Information Officer a letter he had written to the Wales Audit Office on behalf of the Council's Executive. As a result the Council could not respond appropriately to a Freedom of Information Act request which resulted in a complaint being made to the Information Commissioner's Office. The member continued to refuse to disclose the letter despite having received clear and unequivocal advice from the Information Officer. His refusal led to an adverse finding from the Information Commissioner's Office. The Adjudication Panel found that the member had breached paragraphs 5(b) and 6(1)(a) (disrepute) in respect of this matter and other related matters. By the time the case was considered by the Panel the member had resigned from office. He was disqualified from holding office for 12 months.

Disrepute

See Paragraph 6(1)(a)

You must not behave in a way which could reasonably be regarded as bringing your office or authority into disrepute at any time.

As a member, your actions and behaviour are subject to greater scrutiny than those of ordinary members of the public. You should be aware that your actions in both your public and private life might have an adverse impact on your office or your authority.

Dishonest and deceitful behaviour will bring your authority into disrepute, as may conduct which results in a criminal conviction, especially if it involves dishonest, threatening or violent behaviour, even if the behaviour happens in your private life. Making unfair or inaccurate criticism of your authority in a public arena might well be regarded as bringing your authority into disrepute. Inappropriate e-mails to constituents might well bring the office of member into disrepute.

As outlined in the case example on page 12 above, you must also conduct yourself in an appropriate manner with others within the confines of a council's building, regardless of whether or not your conduct is likely to be in the public domain.

Example

A Community Councillor had been abusive to a shop proprietor and two members of her staff and had attempted to obtain a discount on a private purchase by saying it was being bought on behalf of the Community Council, and when his request for a discount was refused he had made threats against the business. The Adjudication Panel found that the member had brought the office of member into disrepute and suspended him for 9 months.

Reporting breaches of the Code

See paragraph 6(1)(c)

If you reasonably believe that a breach of the Code has occurred, you must report it to me and to your Monitoring Officer. In order to have a reasonable belief that a breach has occurred, you will need to have evidence which supports this. If you are in doubt as to whether a breach has occurred, you should consult your Monitoring Officer as soon as possible. Where the breach is a very minor or technical one, or where there is no clear evidence that a breach occurred, your Monitoring Officer may advise you of the likely threshold I will set. Nonetheless, the decision as to whether to investigate a breach rests with me. The balance of any doubt should always favour reporting. It is helpful if you specify which aspect of the Code you believe has been breached, but this is not essential.

Where a member has reported a fellow member to their Monitoring Officer under the authority's local resolution process, there is no need to report the matter to me as well.

To report a breach, you can contact my office by phone at 0845 6010987, by e-mail to ask@ombudsman-wales.org.uk or via the website at www.ombudsman-wales.org.uk. A special leaflet on making complaints about alleged breaches of the Code is available on request or on the website.

In determining whether to investigate a complaint of a breach I will use the two stage test which I have outlined on pages 5 and 6 above. You should ensure that you provide any evidence you have available when you make a complaint including minutes of meetings, correspondence, contemporaneous notes or e-mails. If there are other individuals who have witnessed the alleged breach, you should let us know who they are. This latter point is especially important as if I only have one person's word against another's, it's usually not possible for me to make a finding that a breach has occurred, and in the absence of independent confirmation, I won't usually begin an investigation.

Vexatious complaints

See paragraph 6(1)(d)

You must not make complaints against other members or staff members or people working on behalf of your authority which are not founded in fact and which are motivated by malice (a desire to do them harm) or by political rivalry. Unfortunately, there have been instances where members have sought to bring complaints about rivals which are designed to disadvantage them, sometimes in the run-up to elections, and where the evidence of any breach is thin or non-existent. I consider that in the first instance such conduct should be considered under the relevant authority's local resolution process.

Where specific details of such complaints are passed to local press and media, this may prejudice an investigation and so also may be a breach of the Code. You must report well-founded alleged breaches to me and to your Monitoring Officer, not to your local newspaper or radio station. The press will properly cover the business of any hearings and their outcomes, and members making allegations should not generate publicity in advance of these.

You should also avoid making complaints which have little or no substance (frivolous complaints) or which are designed mainly to annoy the person complained about.

Example

A member of a county borough council claimed that the leader of the Council had offered to provide another councillor and his group of members with office facilities if that councillor supported the leader's preferred candidate for the post of Chief Executive. The evidence supported the leader's position that the two matters were unconnected and that therefore the complaint was malicious. The Adjudication Panel suspended the member making the complaint for 12 months.

Co-operating with investigations

See paragraph 6(2)

You must co-operate with an investigation when it is being conducted by me or by your Monitoring Officer using our statutory powers. Not to do so is itself a breach of the code. This means that you should reply promptly to all correspondence and telephone calls, make yourself available for interview if required and make available copies of any requested documents. My office and your Monitoring Officer will make reasonable allowances for urgent pressures you face and arrangements previously made, e.g. for holidays. However, they will expect you to give priority to their investigations, to avoid matters being needlessly drawn out. The requirement to co-operate with an investigation applies whether you are a witness or the subject of the investigation.

(In the course of my work I have unfortunately become aware of instances where members accused of breaches of the Code have sought to put pressure on the individuals making the complaint or on other witnesses. I regard such behaviour as entirely unacceptable. You must not intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings relating to a failure to comply with the Code.

However much you may be concerned about allegations that you or a fellow councillor failed to comply with the Code, it is always wrong to bully, intimidate or attempt to intimidate any person involved in the investigation or hearing. Even though you may not have breached the Code, you will have your say during any independent investigation or hearing, and you should let these processes follow their natural course.

If you intimidate a witness in an investigation about your conduct, for example, you may find yourself subject to another complaint that you have breached paragraph 4 (c) of the Code with regard to bullying or harassment, for example, or paragraph 6(1)(a) in respect of bringing the office of member into disrepute.)

Using your position improperly

See Paragraph 7(a)

You must not use, or attempt to use, your position improperly to the advantage or disadvantage of yourself or anyone else. This paragraph applies at all times and not just when you are carrying out your duties as a member. You should not use, or attempt to use, your public office either for your or anybody else's personal gain or loss. For example, your behaviour would be improper if you sought to further your own private interests through your position as a member. This also applies if you use your office to improve your wellbeing at the expense of others.

Members who own land, or whose close personal associates own land, need to be particularly cautious where planning matters are concerned. If you are in any doubt, you should take advice. This applies equally to members of community councils when your Council is consulted on planning matters. Similarly, while it is reasonable to expect members to help constituents apply to the Council e.g. for housing, it is quite inappropriate to seek to influence the decision to be taken by the officers.

The provisions of the Bribery Act 2010 apply to members carrying out their public functions. Should a member be convicted of a criminal offence under this Act then it is likely that they will also have used their position improperly (in breach of paragraph 7(a)) and be likely to have brought the office of member or their authority into disrepute in breach of paragraphs 6(1)(a) and (b). If any complaint which is made to me concerns conduct which may amount to a criminal offence then I am likely to refer the matter to the police.

Example

A member of a county council had requested that land in his ownership in Village A be included as suitable for development in the Council's Local Development Plan (LDP). When the Council was considering suitable settlement areas for inclusion in the LDP, officers recommended that land in the neighbouring village (Village B) be included in the draft plan instead. Despite having received very clear advice from the Council's Monitoring Officer on his prejudicial interest the member e-mailed the Council's planning policy officer and outlined a number of arguments which he claimed favoured the inclusion of his land in Village A as opposed to the land in Village B. At the relevant time the draft plan had been disclosed to members of the Council on a confidential basis and had not been disclosed publicly.

The Adjudication Panel found that by sending the e-mail the member had breached paragraph 7(a) of the Code by attempting to use his position improperly for his own advantage. At the hearing he sought to apportion blame on the Council's Monitoring Officer for failing to advise and train him properly on the Code when this clearly was not the case. His actions also brought his office and the Council into disrepute. The member was disqualified from holding office for 18 months for this and other breaches of the Code.

The authority's resources

See Paragraph 7(b)

You must only use or authorise the use of the resources of the authority in accordance with its requirements.

Where your authority provides you with resources (for example telephone, computer and other IT facilities, transport or support from council employees), you must only use these resources or employees for carrying out your local authority business and any other activity which your authority has authorised you to use them for.

You must be familiar with the rules applying to the use of these resources made by your authority. Failure to comply with your authority's rules is likely to amount to a breach of the Code.

If you authorise someone (for example a member of your family) to use your authority's resources, you must take care to ensure that this is allowed by your authority's rules.

Using resources for proper purposes only

See Paragraphs 7(b)(v) and 7(b)(vi)

You must make sure you use the authority's resources for proper purposes only. It is not appropriate to use, or authorise others to use, the resources for political purposes, including party political purposes. When using the authority's resources, you must have regard, if applicable, to any guidance issued by your authority.

You should never use authority resources for purely political purposes, including designing and distributing party political material produced for publicity purposes.

However, your authority may authorise you to use its resources and facilities for political purposes in connection with your authority's business, for example, holding meetings of your political group. In this case, you must be aware of the limitations placed upon such use for these purposes. Members should also have regard to the fact that periods leading up to local government elections are particularly sensitive in this regard. Using your authority's resources outside of these limitations is likely to amount to a breach of the Code of Conduct. Some authorities will permit members to use authority-supplied IT equipment such as laptops for ancillary use. Provided that such usage is in line with the authority's requirements, there would not be a breach, but sending mass e-mails as part of an election campaign, for example, would not be appropriate.

Where, however, there is no policy or the policy is silent you may not use these resources for any political or private purposes.

Example

A member of a county council was found in breach of the code for making improper use of his Council-issued computer equipment for private purposes by downloading inappropriate adult pornographic images and sending a number of letters to a local newspaper, which he falsely represented as being from members of the public. The Adjudication Panel found that the member had misused the council equipment in breach of the Code and had brought the office of member into disrepute. He was disqualified from being or becoming a member of a local authority for 2 years and 6 months.

Example

A member of a county borough council was found in breach of the Code for using his council-issued mobile phone excessively for private purposes. Whilst limited personal use was permitted under the Council's IT policy a bill in excess of £1000 was incurred in respect of private calls which the member had made. The Adjudication Panel suspended the member for 9 months for this and other breaches.

Reaching decisions objectively

See paragraph 8

When taking part in meetings of your authority, or when arriving at decisions relating to the authority's business, you must do so with an open mind and objectively. During the decision-making process you must act fairly and take proper account of the public interest.

In some decisions, such as those taken by planning committees, you are required always to make your decisions on the basis of the facts in front of you, and not to have made your mind up in advance to such an extent that you're entirely unprepared to consider all of the evidence and advice you receive. Having a completely closed mind is known as pre-determination. You are entitled to hold a preliminary view about a particular matter in advance of a meeting (pre-disposition) as long as you keep an open mind and are prepared to consider the merits of all the arguments and points made about the matter under consideration before reaching your decision.

Pre-determination on the other hand would be where you have clearly decided on a course of action in advance of a meeting and are totally unwilling to consider the evidence and arguments presented on that matter during the meeting. Pre-determination could not only invalidate the decision, it would also amount to a breach of the Code.

Section 78 of the Local Government (Wales) Measure 2011 prohibits a member of an overview or scrutiny committee meeting from voting on a question at a meeting, if before the meeting, the member has been given a party whip relating to the question.

In order for me to investigate complaints of "whipping" of votes by political groups there must be written evidence or other corroborative evidence available of the whip. Suppositions based upon the voting patterns of particular groups will not be sufficient evidence of a whip.

(The now defunct body Standards for England prepared a very useful guidance note on this subject entitled "Understanding pre-determination and bias" which is available for reference on my website at www.ombudsman-wales.org.uk)

Considering advice provided to you and giving reasons

See Paragraph 8

You must have regard to all of the advice you receive from your authority's officers, especially advice from the Chief Executive, Chief Finance Officer, Monitoring Officer and Chief Legal Officer where they give it under their statutory duties. Such advice may also be contained in policy and guidance documents produced by your authority. This is a complex area and there are provisions within other legislation which underpin it, but in general, it goes well beyond a requirement to simply consider and reject advice if it's not welcome. I expect members to follow the advice unless there are strong reasons not to do so, and where a decision is made not to follow advice, it is highly advisable to record the reasons for not doing so.

It is worth reflecting also that this places a considerable onus on statutory officers to consider their formal advice carefully, and again, where they believe it is likely to be contentious, to keep a record of it. There may be isolated cases where advice is given to a member which, when followed, leads to a breach of the Code. In investigating such cases, if the evidence suggests that there has been a breach, I would generally regard the flawed advice as a factor in mitigation, rather than as evidence that no breach occurred.

It is always helpful, if you can, to get advice as early as possible. If you can, ask for advice in good time before a meeting, rather than at the meeting or immediately before it starts. Make sure you give the officer concerned all of the information they need to take into account when giving you advice.

If you seek advice, or advice is offered to you, for example, on whether or not you should register a personal interest, you should have regard to this advice before you make your mind up. Failure to do so may be a breach of the Code.

You must give reasons for all decisions in accordance with any statutory requirements and any reasonable requirements imposed by your authority. Giving reasons for decisions is particularly important in relation to regulatory decisions and decisions where people's rights are affected but it is not confined to these.

As a matter of good practice, where you disagree with officer recommendations in making a decision, you should give clear reasons for your decision. This applies to decisions to vote against the advice of the statutory officers, even if you lose the vote. If you decide to vote against their advice, you should ensure that your reasons for doing so are recorded in the relevant minutes. You should be aware that voting against the advice of the statutory officers without good reason may be a breach of the Code.

In reaching decisions where the advice is not provided by the statutory officers, you should still have regard to the advice provided by officers and take it into account in reaching your decision. You may also wish to have regard to other advice you have received and, of course, to the position adopted by a political group of which you are a member. In some circumstances, such as planning decisions, you must not vote on the basis of a "whip" imposed by your group. In others, it is reasonable to do so but you should avoid having an entirely closed mind prior to a debate. Again, whatever the reasons for voting against officer advice, it's highly advisable to record them.

Example

A member of a county council who chaired a Council meeting refused to allow the Council's Monitoring Officer to advise members during a debate about the Council's "Annual Letter" from the Wales Audit Office. Also, when the Monitoring Officer did manage to intervene to express grave concerns about the way in which the proceedings were being conducted, he failed to have regard to the limited advice she was allowed to offer and simply said that he "noted her comments".

The member was found to have breached paragraph 8(a)(iii) of the Code. The Adjudication Panel took into account the member's full apology and expressions of remorse for his behaviour and indicated that had the member not already accepted his wrongdoing it would have imposed a greater sanction than the 4 months' suspension it imposed.

Expenses

See paragraph 9(a)

You need to follow the law and your authority's requirements in claiming expenses and allowances. If you are in any doubt about your entitlements, or the proper way to claim, you should ask for advice. You need to keep proper records of expenditure supported by receipts where appropriate, so that you can properly evidence your claims. Even if a particular scheme does not require you to submit receipts, you are strongly advised to keep these so that you can prove how much you have actually spent on the items you are claiming for e.g. childcare.

Example

A member of a county borough council was alleged to have used the Child/Dependent Care Allowance to pay his wife to look after their daughter. During the investigation it transpired that he had paid his adult son (from a previous marriage) a regular weekly income to care for the child as and when required. The member was able to provide proof of the payments through receipts and cheque counterfoils. In view of this there was no evidence of any failure on the part of the member to comply with the Code.

Gifts and hospitality

See paragraph 9(b)

It's important that you don't accept any gifts or hospitality for yourself, or on behalf of others, which would place you under obligation or appear to do so. Accepting such gifts or hospitality could be regarded as compromising your objectivity when you make decisions or carry out the work of your Council. This is also true of any services or gifts in kind.

This does not prevent you from attending official events such as a civic reception or working lunch where these are authorised by your authority.

(See also the section on registering gifts and hospitality at page 37)

3. Personal and prejudicial interests

The elements of the Code which cover personal and prejudicial interests give rise to many questions from members. They are designed to safeguard the principles of selflessness and objectivity. They are intended to give members of the public confidence that decisions are being taken in their best interests, and not in the best interests of members of authorities or their close personal associates.

Personal interests relate to issues where you or a close personal associate may have some link to a matter under discussion. These interests become prejudicial where an informed independent observer could conclude that the interest would influence your vote, or your decision. Guidance on registering interests is at Section 4.

The paragraphs below are designed to offer guidance on a very complex subject. I would strongly recommend that if you are in any doubt about whether you have a personal or prejudicial interest, and what you need to do if so, you should ask your Monitoring Officer for advice.

Personal Interests

See paragraph 10

While you are carrying out your duties, you need to decide if you have a personal interest, and if so, whether you need to disclose it. Most members know that you need to disclose personal interests at meetings, but as you will read below, there are other occasions, such as when speaking to your authority's officers about the matter concerned, when you may also need to do so.

You have a **personal interest** in any business of your authority, including when making a decision, where it relates to or is likely to affect:

1. your job or your business;
2. your employer, or any firm in which you are a partner or paid director;
3. any person who has paid towards the cost of your election or your expenses as a member;
4. any company in which you hold shares with a nominal value of more than £25,000 or where your holding is more than 1% of the total issued share capital, which has premises or land in your authority's area;
5. any contract that your authority makes with a firm in which you are a partner, paid director or hold shares in as described in 4;
6. any land in which you have an interest and which is in your authority's area (this is especially important in all planning matters including strategic plans);
7. any land let by your authority to a firm in which you're a partner, paid director or a body as set out in 4;
8. any body to which you've been elected, appointed or nominated by your authority;
9. any

- public authority or body exercising functions of a public nature,
 - company, industrial and provident society, charity or body directed to charitable purposes,
 - body whose main role is influencing public opinion or policy,
 - trade union or professional association,
 - private club, society or association operating in your authority's area in which you have membership or are in a position of general control or management, or
10. any land in your authority's area which you have a license to occupy for at least 28 days.

It is always safer to declare an interest, however, if in doubt consult your Monitoring Officer.

Ward and electoral division issues – including paragraph 10 (2)(b)

If a member of the public could reasonably conclude that when you're taking a decision on behalf of the authority as a whole you are more influenced by issues in your ward or electoral division than by the interests of the authority as a whole e.g. if the authority needs to make a provision but you don't think it should be in your ward or electoral division, then you would have a personal interest.

This paragraph has given rise to great interpretative difficulties. The crux of the problem is that a strict interpretation of the paragraph, as worded, could well preclude members from participating in any decision affecting their ward - whereas the underlying policy intention had been to limit the scope of this provision to decisions made by individual councillors in the exercise of executive functions.

I do not believe that it would be in the public interest, or in the interests of local democracy, to adopt a literal interpretation as a matter of course. Therefore as a general rule, in exercising my discretion, the decision as to whether or not to investigate will be based on the assumption that the paragraph is actually directed at individual members making decisions in the exercise of executive functions and decisions such as those made at planning or licensing committees.

Whilst s25 of the Localism Act 2011 outlines circumstances when members should not be regarded as having a closed mind when taking decisions I do not consider that this impacts upon the provisions of the Code. However I will review this in light of any future decisions and case law on the effect of this provision.

Example

The Adjudication Panel considered a case concerning this provision of the Code. The member had declared his opposition to a controversial planning application in his election manifesto pledging to "work tirelessly on issues of concern" and to "oppose the current development proposal". Having been elected the member voted against the first planning application which the Council considered when the application was refused. He was subsequently quoted in the local and national press defending his decision to oppose the development. The Adjudication Panel found that the member had acted in such a way that a member of the public might reasonably perceive a conflict between his role as a local councillor and his role in taking a decision on behalf of his authority. It suspended the member from the planning committee for a period of 3 months.

Matters affecting your well being or financial position

If a decision might be seen as affecting your well being or financial position or the well being or financial position of any person who lives with you or with whom you have a close personal association to a greater extent than other people in your ward or, for members of authorities which do not have wards (e.g. national parks) in your authority's area, you also have a personal interest. Examples of decisions of this kind include obvious issues like contracts being awarded to your partner's company but also issues about the location of developments, where it might make a big difference to where you or your close personal associates live. Examples have included the location of playgrounds, where elected members have opposed them near their houses because of issues about noise.

What is “a body exercising functions of a public nature”?

The phrase “a body exercising functions of a public nature” has been subject to broad interpretation by the courts for a variety of different purposes. Although it is not possible to produce a definitive list of such bodies, here are some of the criteria to consider when deciding whether or not a body meets that definition:

- Does that body carry out a public service?
- Is the body taking the place of local or central government in carrying out the function e.g. a care home with residents supported by social services?
- Is the body (including one outsourced in the private sector) exercising a function delegated to it by a public authority e.g. a private company collecting refuse for the authority?
- Is the function exercised under legislation or according to some statutory power?
- Can the body be judicially reviewed?

Unless you answer 'yes' to one of the above questions, it is unlikely that the body in your case is exercising functions of a public nature. Examples of bodies included in this definition: health bodies, council-owned companies exercising public functions and school governing bodies. If you need further information or specific advice on this matter, please contact your Monitoring Officer.

What does “affecting well-being or financial position” mean?

The term 'well-being' can be described as a condition of contentedness and happiness. Anything that could affect your quality of life, either positively or negatively, is likely to affect your well-being.

A personal interest can affect you or your close personal associates positively and negatively. So if you or they have the potential to gain or lose from a matter under consideration, you need to declare a personal interest in both situations.

Who is a close personal associate?

Close personal associates include people such as close friends, colleagues with whom you have particularly strong connections, business associates and close relatives. It does not include casual acquaintances, distant relatives or people you simply come in contact with through your role as member or your work in the local community.

Close personal associates can also include someone with whom you have been in dispute, or whom you may be regarded as having an interest in disadvantaging. For example, being a member of the same golf club as another person would not of itself constitute a close personal association but having that person as a weekly golf partner might well do. If you are in doubt, you should ask your Monitoring Officer.

What if I belong to an authority without wards or electoral divisions?

If you are a member of an authority that does not have wards or electoral divisions, you will need to declare a personal interest whenever you consider a matter in a meeting of your authority if it affects the well-being or financial position of you or one or more of your close personal associates, more than it would affect other people in your authority's area. If you are a local authority member of a fire authority, for example, you would need to declare an interest under this heading on matters concerning your nominating authority's area.

“Twin hatted” members

If you are a member of both a community council and a county council you are not prevented from discussing the same matters at both. You may, for example, take part in a discussion about a planning application about which your community council has been consulted and still go on to participate in a decision about the application if you sit on the planning committee of your county council.

If you do so, you would be well advised to state at the community council meeting that you would be looking at the matter afresh when you consider it at the county council, and that you would take into account all of the information and advice provided to you. At the planning committee, you should make it clear that you are not bound by the views of the community council. The advice about objective decision making in respect of paragraphs 8 and 10(2)(b) of the Code is also relevant here.

Obviously, if the application was one submitted by the community council, then you would have both a personal and a prejudicial interest, and you would be required to declare it and withdraw in line with the guidance on “what to do if you have a prejudicial interest” below.

Example

Councillor F participated in a meeting which was considering whether to approve the complainant's nomination for the post of school governor; Councillor F's husband had also applied for the post. Not only did the Adjudication Panel find that she should have declared a personal interest in the item of business by virtue of her close personal association with her husband, but it also took the view that as there had been a history of animosity directed towards the member by the complainant which had been reported publicly, she also had a personal interest by virtue of her close personal association with the complainant.

A further element to this complaint was that after the complainant had made a complaint to me about the member, the member sat on the Council's Standards Committee when it considered a separate complaint from the complainant against another member. The Adjudication Panel took the view that, in light of the acrimonious relationship between the member and the complainant, the member's participation in the Standards Committee hearing could reasonably have been regarded as affecting the complainant's wellbeing because she was entitled to a fair and unbiased hearing of her complaint.

What if I am not aware of my personal interest?

Your obligation to disclose a personal interest to a meeting only applies when you are aware of or reasonably ought to be aware of the existence of the personal interest.

Clearly you cannot be expected to declare something of which you are unaware. It would be impractical to expect you to research into the employment, business interests and other activities of all your close associates and relatives. However, you should not ignore the existence of interests which, from the point of view of a reasonable and objective observer, you should have been aware.

If you declare a personal interest you can remain in the meeting, speak and vote on the matter, unless your personal interest is also a **prejudicial interest**.

What constitutes a prejudicial interest is outlined in a following section.

Disclosing personal interests

See paragraph 11

At meetings, you must declare that you have a personal interest, and the nature of that interest, before the matter is discussed or as soon as it becomes apparent to you except in limited circumstances. Even if your interest is on the register of interests, you must declare it orally in the meetings where matters relating to that interest are discussed.

If you're making representations in writing (including e-mails, faxes etc.) to another member or an officer, you must include details of any personal interests you have.

Similarly, if you're speaking with an officer or member in person, by phone or video conference you should tell them about any personal interest you have before making representations or when the interest becomes apparent. You are obliged to confirm your interest by e-mail or in writing to the officer concerned and to the Monitoring Officer within 14 days. The Ombudsman would generally expect officers to make a record of any conversation in which a member has declared an interest and attach it to the appropriate file.

If you're making a decision as part of an executive or board, you must make sure that the written record of that decision (e.g. minutes of a cabinet meeting) includes details of your interest.

If you have disclosed an interest at a meeting which has not previously been recorded, you must give it in writing to your authority in line with the arrangements set out by your Monitoring Officer. Normally, this will mean before, or immediately after the meeting concerned or as soon as possible thereafter. As a minimum, you need to say in writing what the interest is, what business considered by the meeting it relates to and you need to sign it.

If you have agreed with your Monitoring Officer that the information about your personal interest is sensitive information then you should disclose the existence of a personal interest, and confirm that the Monitoring Officer has agreed that the information about it is sensitive. More information about this is included in the separate section below.

Prejudicial Interests

See paragraph 12

What is a prejudicial interest?

Your personal interest will also be a prejudicial interest in a matter if either of the following conditions applies:

- the matter does not fall within one of the exempt categories of business, or
- the matter relates to a licensing or regulatory matter (see paragraph 12 (3))

and a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgement of the public interest.

What is so significant that it is likely to prejudice your judgement?

If a reasonable member of the public with knowledge of all the relevant facts would think that your judgement of the public interest might be prejudiced, then you have a prejudicial interest. This is an objective test. You must decide not whether you would take the decision without prejudice, but whether you would be seen as doing so.

You must ask yourself whether a member of the public – if he or she knew all the relevant facts – would think that your personal interest was so significant that it would be likely to prejudice your judgement. In other words, the interest must be perceived as likely to harm or impair your ability to judge the public interest.

The mere existence of local knowledge, or connections within the local community, will not normally be sufficient to meet the test. There must be some factor that might positively harm your ability to judge the public interest objectively. The nature of the matter is also important, including whether a large number of people are equally affected by it or whether you or a smaller group are particularly affected.

Some general principles must be remembered when applying this test. You should clearly act in the public interest and not in the interests of any close personal associates. You are a custodian of the public purse and the public interest and your behaviour and decisions should reflect this responsibility.

You would have a prejudicial interest in a planning application proposal if a close personal associate of yours (e.g. your son or a good friend) lives next to the proposed site. This is because your close personal associate would be likely to be affected by the application to a greater extent than the majority of the inhabitants of the ward or electoral division affected by the decision (or authority, if your authority does not have wards) and this gives you a personal interest in the issue. The close personal association means a reasonable member of the public might think that it would prejudice your view of the public interest when considering the planning application. It does not matter whether it actually would or not.

In other cases, where there has been a dispute between you and an individual who could be disadvantaged by a decision, an informed reasonable member of the public might conclude that you would be inclined to vote accordingly, whether this is the case or not.

Exempt categories of business

Paragraph 12(2) of the Code states that a member will not have a prejudicial interest in any business that relates to:

- another relevant authority of which you are also a member;
- another public authority or a body exercising functions of a public nature in which you hold a position of general control or management;
- a body to which you've been elected, appointed or nominated by your authority;
- your role as school governor where you haven't been appointed or nominated by your authority (e.g. a parent governor) unless the business specifically relates to your school;
- your role as a member of a health board where you haven't been appointed by your authority.
- Housing, if you hold a tenancy or lease with the authority, as long as the matter does not relate to your particular tenancy or lease and you don't have arrears of rent of more than 2 months.
- School meals or school transport and travelling expenses, if you are a parent, guardian, grandparent of, or have parental responsibility for, a child in full-time education unless it relates particularly to the school your child attends.
- Decisions about statutory sick pay if you receive or are entitled to receive it from your authority.
- An allowance or payment for members. (I do not consider a member being put forward for election to a council office which attracts a Special Responsibility Allowance to have a prejudicial interest as I consider them to be covered by this dispensation.)

These exemptions will not apply where the business you are considering is about determining an approval, consent, license, permission or regulation. I consider these descriptions to refer to a narrow category of decisions, such as granting planning consent and licensing decisions. A wider interpretation of approval, for example, would cover almost every aspect of your authority's business and was clearly not intended.

Example

Two members of a county borough council, who were sisters, were found by the Council's Standards Committee to have failed to declare both personal and prejudicial interests when they decided to allocate funds from their Members' Small Payments Scheme to a company, in respect of which one of the members was a non-paid director. During my investigation one of the members disputed the fact that she had received advice from the Monitoring Officer about the disclosure of such interests, and the other member had, despite receiving advice on the declaration of interests, falsely declared that she had no interest in the company on the nomination form. The Standards Committee considered the breaches of the code to be serious ones. It decided to censure both members.

Overview and Scrutiny Committees

See paragraph 13

Please note: this section does not apply to fire and rescue authorities, and national park authorities.

You have a prejudicial interest in any business before an overview and scrutiny committee or sub-committee meeting where both of the following requirements are met:

- 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, sub-committees, joint committees or joint sub-committees.
- You were a member of that decision-making body at that time and you were present at the time the decision was made or action taken.

If the overview and scrutiny committee is checking a decision which you were involved in making you may be called to attend the meeting to give evidence or answer questions on the matter, and you may do so providing it is acting under its statutory powers.

What to do when you have a prejudicial interest

See paragraph 14

Even where you have a prejudicial interest, the Code supports your role as a community advocate and enables you in certain circumstances to represent your community and to speak on issues important to them and to you.

Key points:

If you have a **prejudicial interest** in a matter being discussed at a meeting, you must, having declared your personal interest in the matter, leave the room (or any other venue in which the meeting is being held including, for example, the location of a site meeting), **unless members of the public are allowed to make representations, give evidence or answer questions about the matter**, by statutory right or otherwise. If that is the case, you can also attend the meeting for that purpose.

However, you must immediately leave the room or chamber once the period for considering representations has finished, and before any discussion on the item begins, even if members of the public are allowed to remain. You cannot remain in the public gallery to observe the vote on the matter.

In addition, you must not seek to influence a decision in which you have a prejudicial interest. This rule is similar to your general obligation not to use your position as a member improperly to your or someone else's advantage or disadvantage. This means that as well as leaving meetings where the item is discussed, you should also not write or make any oral representations about the matter.

Do I have a statutory right to speak to the meeting?

The Code does not provide you with a general right to speak to a meeting where you have a prejudicial interest. However, in limited circumstances, legislation may provide you with a right to speak (for example, licensing hearings and standards hearings) which the Code recognises. If so, you will be allowed to exercise that right to speak. Your Monitoring Officer should be able to confirm whether this is relevant to your case.

If I don't have a statutory right, will I be allowed to speak to the meeting?

The Code aims to provide members with the same rights as ordinary members of the public to speak on certain matters in meetings, despite having a prejudicial interest. These rights are usually governed by your authority's constitution, procedure rules or standing orders, and may be subject to conditions including time limits or the fact that representations can only be made in writing.

If an ordinary member of the public would be allowed to speak to a meeting about an item, you should be provided with the same opportunity. You will be able to make representations, answer questions or give evidence, even if you have a prejudicial interest in the item. You may not take part in the discussion or observe the vote.

When must I leave the place where the meeting is held?

You must leave immediately when the time for making representations, giving evidence or answering questions is finished, and before any debate starts.

What does influencing a decision mean?

You must not make any representations or have any involvement with decisions in which you have a prejudicial interest, except where you are entitled to speak as described above.

What if the public are not allowed to speak to the meeting on the matter?

If an ordinary member of the public is not allowed to speak on the matter, you cannot do so if you have a prejudicial interest. You must leave the place where the debate is being held and not seek to influence the debate in any way.

This may be the case, for example, where your authority is discussing a confidential matter in closed session or does not have procedure rules or standing orders in place that allow members of the public to speak at a meeting of your authority. Like the public, you are not allowed to participate if you have a prejudicial interest. However, where the public may be allowed to sit in the public gallery to observe the meeting, you will be required to leave the room during the debate and vote.

What if I am summoned to attend a scrutiny committee to discuss business in which I have a prejudicial interest?

If you're asked to attend by the committee exercising its statutory powers, then you may attend and participate in the meeting.

Executive or cabinet roles

Please note: this section will not apply to fire and rescue authorities or national park authorities, unless in the latter case there are executive arrangements in place.

If you are a leader or cabinet member of an authority operating executive arrangements, you must follow the normal rules for executive members who have personal and prejudicial interests.

If your interest is personal but not prejudicial, you can advise the executive on the issue and take part in executive discussions and decisions as long as you declare your interest. You can also exercise delegated powers in the matter as long as you record the existence and nature of your personal interest.

If you are an executive member who can take individual decisions, and you have a prejudicial interest in a decision, your authority may make other arrangements as set out in sections 14-16 of the Local Government Act 2000. This means that the decision can be taken by an officer, another cabinet member, the full executive, or a committee of the executive.

Although you have a prejudicial interest in a matter, you may be able to make representations, answer questions and give evidence as long as a member of the public would have the same rights, but you are barred from decision-making about that matter individually or in cabinet. You also should not participate in any early consideration of it, or exercise any delegated powers in relation to it. If you have delegated powers in that area, you should refer the consideration and any decisions on the matter to the cabinet to avoid the perception of improper influence.

Dispensations

If I have a prejudicial interest, can I obtain a dispensation to allow me to take part in the meeting?

You can apply in writing to your authority's Standards Committee for a dispensation on one or more of the following grounds:

- at least 50 per cent of the authority or committee members would be prevented from taking a full part in a meeting because of prejudicial interests;
- at least half of the cabinet would be so prevented (the leader should be included in the cabinet in calculating the proportion);
- in the case of a county/county borough council, the political balance at the meeting would be upset to such an extent that the outcome would be likely to be affected;
- the nature of your interest is such that your participation wouldn't harm public confidence;
- your interest is common to a significant proportion of the general public;
- you have a particular role or expertise which would justify your participation;
- the business is being considered by an overview or scrutiny committee and you don't have a pecuniary interest;

- the business relates to the finances or property of a voluntary organisation and you sit on its board or committee in your own right and you don't have any other interest, although in this instance, any dispensation won't let you vote on the matter, or
- the committee believes that your participation would be in the interests of the people in your authority's area and that the committee notifies Welsh Ministers within seven days.

You can apply for a dispensation individually and in certain circumstances, you can make joint applications where a number of members want to obtain a dispensation to speak or vote on the same matter. If the Standards Committee approves your application, it must grant the dispensation in writing and before the meeting is held. If you need a dispensation, you should apply for one as soon as is reasonably possible.

Only the Standards Committee can grant the dispensation and will do so at its discretion. The Standards Committee will need to balance the public interest in preventing members with prejudicial interests from taking part in decisions, against the public interest in decisions being taken by a reasonably representative group of members of the authority. If failure to grant a dispensation will result in an authority or committee not achieving a quorum, this may well constitute grounds for granting a dispensation.

Where you hold a dispensation, you can also make written representations but you must provide details of the dispensation in any correspondence. If you make oral representations, whether in person or by phone, you must refer to the dispensation and confirm this in writing within 14 days.

4. Registration of Interests

Key points:

All members of authorities have to provide a record of their interests in a public register of interests. If you are a member of a county or county borough council, fire authority or national park authority, you must tell your Monitoring Officer in writing within 28 days of taking office, or within 28 days of any change to your register of interests, of any interests which fall within the categories set out in the Code, outlined below.

You need to register your interests so that the public, authority staff and fellow members know which of your interests might give rise to a conflict of interest. The register is a document that can be consulted when (or before) an issue arises, and so allows others to know what interests you have, and whether they might give rise to a possible conflict of interest.

The register also protects you. You are responsible for deciding whether or not you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be declared by you or other members, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

As previously mentioned, unless you are a community councillor, you must tell your Monitoring Officer in writing within 28 days of taking office, or within 28 days of any change to your register of interests, of any interests which fall within the categories set out in the Code. These categories include:

- Your job(s) or business(es).
- The name of your employer or people who have appointed you to work for them.
- The name of any person who has made a payment to you in respect of your election or expenses you have incurred in carrying out your duties.
- The name of any person, company or other body which has a place of business or land in the authority's area, and in which you have a shareholding of more than £25,000 (nominal value) or have a stake of more than 1/100th of the share capital of the company.
- Any contracts between the authority and yourself, your firm (if you are a partner) or a company (if you are a paid director or if you have a shareholding as described above) including any lease, licence from the authority and any contracts for goods, services or works. Where the contract relates to use of land or a property, the land must be identified on the register.
- Any land and property in the authority's area in which you have a beneficial interest (or a licence to occupy for more than 28 days) including, but not limited to, the land and house you live in and any allotments you own or use.
- Your membership or position of control or management in:
 - any other bodies to which you were elected, appointed or nominated by the authority;
 - any bodies **exercising functions of a public nature** (described above), or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party or trade union;
 - Any private club, society or association operating within your authority's area.

Sensitive information

Key points:

You may be exempt from having to include sensitive information on your register of interests. If your personal interest in a matter under discussion at a meeting is sensitive information, you will need to declare that you have a personal interest but you will not have to give any details about the nature of that interest.

Sensitive information may include your sensitive employment (such as certain scientific research or the Special Forces) or other interests that are likely to create a serious risk of violence or intimidation against you or someone who lives with you should they become public knowledge.

You should provide this information to your Monitoring Officer and explain your concerns regarding the disclosure of the sensitive information; including why it is likely to create a serious risk that you or a person who lives with you will be subjected to violence or intimidation. You do not need to include this information in your register of interests, if your Monitoring Officer agrees. Ultimately, you must decide what information to include on your publicly available register of interests. If information on your register ceases to be sensitive, you must notify your Monitoring Officer within 28 days asking them to amend the information accordingly.

Gifts and hospitality

Key points:

You must register any gifts or hospitality worth more than the amount specified by your authority that you receive in connection with your official duties as a member, and the source of the gift or hospitality.

You must register the gift or hospitality and its source within 28 days of receiving it.

Like other interests in your register of interests, you may have a **personal interest** in a matter under consideration if it is likely to affect a person who gave you a gift or hospitality that is registered. If that is the case, you must declare the existence and nature of the gift or hospitality, the person who gave it to you, how the business under consideration relates to that person, and then decide whether that interest is also a **prejudicial interest**.

It is also good practice to provide a note of any offers of gifts which you have declined.

Is the gift or hospitality connected to my official duties as a member?

You should ask yourself, would I have been given this if I was not on the council? If you are in doubt as to the motive behind a gift or hospitality, we recommend that you register it or speak to your Monitoring Officer.

You do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you should always register a gift or hospitality if it could be perceived as something given to you because of your position or if your authority requires you to.

What if I do not know the value of a gift or hospitality?

The general rule is, if in doubt as to the value of a gift or hospitality, you should register it, as a matter of good practice and in accordance with the principles of openness and accountability in public life.

You may have to estimate how much a gift or hospitality is worth. Also, an accumulation of small gifts you receive from the same source over a short period that add up to the value specified by your authority or over should be registered.

The Code also refers to material benefit or advantage. The measure of this would be if an informed independent observer could conclude that you might be perceived to be better off as a consequence.

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PAPUR / ENCLOSURE

4



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 2279 (Cy. 169)

2001 No. 2279 (W. 169)

LLYWODRAETH LEOL,
CYMRU

LOCAL GOVERNMENT,
WALES

Rheoliadau Pwyllgorau Safonau
(Caniatáu Gollyngiadau) (Cymru)
2001

The Standards Committees (Grant
of Dispensations) (Wales)
Regulations 2001

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note does not form part of the Regulations)

O dan adran 51 o Ddeddf Llywodraeth Leol 2000 ("y Ddeddf") mae'n ofynnol i gynghorau sir a chynghorau bwrdeistref sirol, awdurdodau tŷn ac awdurdodau Parciau Cenedlaethol yng Nghymru ("awdurdodau perthnasol") fabwysiadu cod ymddygiad ar gyfer aelodau ac aelodau cyfetholedig sy'n gorfod ymgorffori unrhyw ddarpariaethau gorfodol o unrhyw god ymddygiad enghreifftiol a gyhoeddir gan Gynulliad Cenedlaethol Cymru o dan adran 50(2) o'r Ddeddf.

County and county borough councils, community councils, fire authorities and National Park authorities in Wales ("relevant authorities") are required by section 51 of the Local Government Act 2000 ("the Act") to adopt a code of conduct for members and co-opted members which must incorporate any mandatory provisions of any model code of conduct issued by the National Assembly for Wales under section 50(2) of the Act.

Mae adran 81(1) a (2) o'r Ddeddf yn darparu bod yn rhaid i'r swyddog monitro ym mhob awdurdod perthnasol sefydlu a chadw cofrestr o fuddiannau aelodau ac aelodau cyfetholedig yr awdurdod a bod darpariaethau gorfodol y cod enghreifftiol sy'n gymwysadwy i bob awdurdod perthnasol yn gorfod ei gwneud yn ofynnol i aelodau ac aelodau cyfetholedig pob awdurdod gofrestru unrhyw fuddiannau ariannol ac eraill a bennir yn y darpariaethau gorfodol yng nghofrestr yr awdurdod hwnnw.

Section 81(1) and (2) of the Act provides that the monitoring officer of each relevant authority must establish and maintain a register of interests of the members and co-opted members of the authority and that the mandatory provisions of the model code applicable to each relevant authority must require the members and co-opted members of each authority to register in that authority's register such financial and other interests as are specified in the mandatory provisions.

O dan adran 81(3) a (4) o'r Ddeddf rhaid i'r darpariaethau gorfodol hynny ei gwneud yn ofynnol hefyd i aelod neu aelod cyfetholedig o awdurdod perthnasol sydd â buddiant o'r fath ei ddatgelu cyn cymryd rhan mewn unrhyw fusnes gan yr awdurdod sy'n berthnasol i'r buddiant a gwneud darpariaeth i atal yr aelod neu'r aelod cyfetholedig hwnnw rhag cynryd rhan mewn unrhyw fusnes gan yr awdurdod y mae'r buddiant a ddatgelwyd yn berthnasol iddo neu i gyfyngu ar y rhan y mae'n ei chymryd ynddo.

Under section 81(3) and (4) of the Act those mandatory provisions must also require a member or co-opted member of a relevant authority who has such an interest to disclose it before taking part in any business of the authority which relates to it and make provision for preventing or restricting the participation of that member or co-opted member in any business of the authority to which the disclosed interest relates.

Mae adran 81(4) o'r Ddeddf yn darparu nad yw unrhyw gyfranogiad gan aelod neu aelod cyfetholedig o awdurdod perthnasol mewn unrhyw fusnes a waherddir gan y darpariaethau gorfodol yn fethiant i gydymffurfio â chod ymddygiad yr awdurdod os yw'r aelod neu'r aelod cyfetholedig wedi gweithredu yn unol â gollyngiad rhag y gwaharddiad a gafodd ei ganiatáu gan bwyllgor safonau'r awdurdod yn unol â rheoliadau a wneir o dan is-adran (5).

Mae'r rheoliadau hyn yn rhagnodi'r amgylchiadau y caiff pwyllgorau safonau'r awdurdodau perthasol ganiatáu gollyngiadau o'r fath odanynt.

Section 81(4) of the Act provides that any participation by a member or co-opted member of a relevant authority in any business which is prohibited by the mandatory provisions is not a failure to comply with the authority's code of conduct if the member or co-opted member has acted in accordance with a dispensation from the prohibition granted by the authority's standards committee in accordance with regulations made under subsection (5).

These regulations prescribe the circumstances in which standards committees of relevant authorities may grant such dispensations.

OFFERYNNAU STATUDOL

2001 Rhif 2279 (Cy. 169)

**LLYWODRAETH LEOL,
CYMRU**

**Rheoliadau Pwyllgorau Safonau
(Caniatáu Gollyngiadau) (Cymru)
2001**

Wedi'u gwneud 21 Mehefin 2001
Yn dod i rym 28 Gorffennaf 2001

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd iddo gan adran 81(5) ac (8) o Ddeddf Llywodraeth Leol 2000(a).

Enw, cychwyn, cymhwys a dehongli

1.- (1) Enw'r Rheoliadau hyn yw Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 a deuant i rym ar 28 Gorffennaf 2001.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

(3) Yn y Rheoliadau hyn -

mae "aelod" ("*member*") yn cynnwys aelod cyfetholedig;

ystyr "awdurdod perthnasol" ("*relevant authority*") yw cyngor sir neu gyngor bwrdeistref sirol, cyngor cymuned, awdurdod tân neu awdurdod Parc Cenedlaethol;

ystyr "buddiant" ("*interest*") yw buddiant y mae'n ofynnol ei golfrestru yng nghofrestr buddiannau'r awdurdod perthnasol;

ystyr "corff gwirfoddol" ("*voluntary organisation*") yw corff (heblaw awdurdod lleol neu gorff cyhoeddus arall) sy'n cynnal ei weithgareddau heblaw ar gyfer gwneud elw;

acystyr "y Ddeddf" ("*the Act*") yw Deddf Llywodraeth Leol 2000.

STATUTORY INSTRUMENTS

2001 No. 2279 (W. 169)

**LOCAL GOVERNMENT,
WALES**

**The Standards Committees (Grant
of Dispensations) (Wales)
Regulations 2001**

Made 21st June 2001
Coming into force 28th July 2001

The National Assembly for Wales makes the following Regulations in exercise of the power given to it by section 81(5) and (8) of the Local Government Act 2000(a).

Name, commencement, application and interpretation

1.- (1) The name of these Regulations is the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 and they shall come into force on 28th July 2001.

(2) These Regulations apply to Wales only.

(3) In these Regulations -

"interest" ("*buddiant*") means an interest which is required to be registered in the relevant authority's register of interests;

"member" ("*aelod*") includes a co-opted member;

"relevant authority" ("*awdurdod perthnasol*") means a county or county borough council, a community council, a fire authority or a National Park authority;

"the Act" ("*y Ddeddf*") means the Local Government Act 2000; and

"voluntary organisation" ("*corff gwirfoddol*") means a body (other than a local authority or other public body) whose activities are carried on otherwise than for profit.

(a) 2000 p. 22.

(a) 2000 c. 22.

Yr amgylchiadau lle gellir caniatáu gollyngiadau

2. Caiff pwyllgor safonau awdurdod perthnasol ganiatáu gollyngiadau o dan adran 81(4) o'r Ddeddf -

(a) os oes gan ddim llai na hanner aelodau'r awdurdod perthnasol neu hanner aelodau un o bwyllgorau'r awdurdod (yn ôl fel y digwydd) y mae'r busnes i gael ei ystyried ganddo fuddiant sy'n berthnasol i'r busnes hwnnw;

(b) os oes gan ddim llai na hanner aelodau gweithrediaeth arweinydd a chabinet y mae'r busnes i gael ei ystyried ganddo fuddiant sy'n berthnasol i'r busnes hwnnw a bod naill ai paragraff (ch) neu baragraff (d) hefyd yn gymwys;

(c) yn achos cyngor sir neu gyngor bwrdeistref sirol, os byddai anallu aelod i gymryd rhan yn tarfu ar gydbwysedd gwleidyddol yr awdurdod perthnasol neu'r pwyllgor o'r awdurdod y mae'r busnes i'w ystyried ganddo i'r fath raddau nes y byddai'r canlyniad yn debygol o gael ei effeithio;

(ch) os yw natur buddiant yr aelod yn gyfryw fel na fyddai cyfranogiad yr aelod yn y busnes y mae'r buddiant yn berthnasol iddo yn niweidio hyder y cyhoedd yn y modd y mae busnes yr awdurdod perthnasol yn cael ei gynnal;

(d) os yw'r buddiant yn gyffredin i'r aelod ac i gyfran arwyddocaol o'r cyhoedd;

(dd) os oes cyfiawnhad i'r aelod gymryd rhan yn y busnes y mae'r buddiant yn berthnasol iddo oherwydd rôl neu arbenigedd penodol yr aelod;

(e) os yw'r busnes y mae'r buddiant yn berthnasol iddo i'w ystyried gan bwyllgor trosolygu a chraffu i'r awdurdod perthnasol ac nad yw buddiant yr aelod yn fuddiant ariannol;

(f) os yw'r busnes sydd i'w ystyried yn berthnasol i arian neu eiddo corff gwirfoddol y mae'r aelod yn aelod o'i bwyllgor neu ei fwrdd rheoli heblaw fel cynrychiolydd yr awdurdod perthnasol ac nad oes gan yr aelod unrhyw fuddiant arall yn y busnes hwnnw ar yr amod na fydd unrhyw ollyngiad yn ymestyn i gymryd rhan mewn unrhyw bleidlais mewn perthynas â'r busnes hwnnw; neu

(ff) os yw'n ymddangos i'r pwyllgor ei bod o les i drigolion ardal yr awdurdod perthnasol i'r anallu gael ei godi, ar yr amod bod hysbysiad ysgrifenedig bod y gollyngiad yn cael ei ganiatáu yn cael ei roi i Gynulliad Cenedlaethol Cymru o fewn saith diwrnod a hynny mewn unrhyw fodd y gall ei bennu.

Circumstances in which dispensations may be granted

2. The standards committee of a relevant authority may grant dispensations under section 81(4) of the Act where -

(a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;

(b) no fewer than half of the members of a leader and cabinet executive of the relevant authority 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) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority 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 relevant authority'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 business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;

(h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority 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; or

(i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority 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 seven days in such manner as it may specify.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(a).

21 Mehefin 2001

21st June 2001

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2001 Rhif 2279 (Cy. 169)

LLYWODRAETH LEOL,
CYMRU

Rheoliadau Pwyllgorau Safonau
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2001

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2001 No. 2279 (W. 169)

LOCAL GOVERNMENT,
WALES

The Standards Committees (Grant
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Regulations 2001

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PAPUR / ENCLOSURE

5

ISLE OF ANGLESEY COUNTY COUNCIL	
Report to	Executive Committee Meeting
Date	September 9 2013
Subject	Modernising Anglesey Schools
Portfolio Holder(s)	Councillor Ieuan Williams
Lead Officer(s)	Programme Manager – Modernizing Schools
Contact Officer	Programme Manager – Modernizing Schools
Nature and reason for reporting	
To report back to the Executive Committee on the statutory or formal consultation process held at Ysgol Llanddona in February and March 2013.	

A – Introduction / Background / Issues
<p>In January 2012, the Board of Commissioners gave the authority to enable the officers of the Lifelong Learning Department to visit schools in South-east Anglesey in order to consult on options of the primary education provision in the area.</p> <p>On receiving this authority, and on completing non-statutory or informal consultation, the Lifelong Learning department's officers prepared a number of possible options. The Executive Committee decided (with conditions) in its meeting on January 14, 2013 to:</p> <p>Recommend Option 3 (close Ysgol Llanddona and transfer pupils to Ysgol Llangoed) as the option that the Executive Committee favours for the formal consultation on a review of the primary education provision in South-east Anglesey, conditional on the following:</p> <ul style="list-style-type: none"> • That transport matters in the area are given attention and that they are solved satisfactorily and • Revisit the primary education provision in South-east Anglesey in due course in the School Modernization Programme with a view to setting up a long-term strategy for primary education provision in the area. • Note the responses received in the informal consultation process from Llanddona, Llangoed and Beaumaris primary schools. <p>This report presents information about transport matters that involve transporting Ysgol Llanddona pupils to Ysgol Llangoed.</p>

B - Considerations
Minutes of the meeting of the Executive Committee held on January 14, 2013.

C – Implications and effects	
1	Finance / Section 151

2	Legal Officer/Monitoring	
3	Human Resources	No comments
4	Property Services	
5	Information Technology and Communication (ICT)	
6	Equality	
7	Anti Poverty and Social	
8	Communication	
9	Consultation	
10	Economic	
11	Environmental	
12	Crime and Disorder	
13	Outcome Agreements	

CH - Summary

1.0 BACKGROUND

1.1 The Highways and Transport service was requested to investigate the implications of transferring pupils from Ysgol Llanddona to Ysgol Llangoed from the point of view of traffic and transport.

1.2 In 2013, the travel pattern was as follows:

Car	: 22 – 33% (2 walking when it is fine)
Sharing a car	: 0%
Bus	: 0%
Cycling	: 0-6% (1 cycling sometimes but walking otherwise)
Walking	: 61-67%
Taxi	: 0%

1.3 Work to the value of £13,000 was carried out at Ysgol Llangoed in 2008/09 as part of the work of improving School Safety that was financed by the Council.

1.4 Work was carried out outside Ysgol Llanddona in 2007/2008 and 2008/09 under the Local Roads Safety Grant and the Safer Road Plans in Communities financed by the Welsh Assembly Government. These plans were worth £19,000 and £51,000 and they included the majority of the elements highlighted in the school safety risk assessment. The intention of the plans were to lessen actual and apparent dangers for all road and footpath users and promote safe and sustainable access in the community.

1.5 In 2009/10, a Safety Grant on Local Roads from the Welsh Assembly Government and Môn Menai Grants that were worth £102,000 in value in total were secured to improve the links for walkers between Llangoed and Beaumaris. This road also is part of the Anglesey Coastal Path.

2.0 THE CURRENT SITUATION

2.1 There is no school bus to Ysgol Llanddona or Ysgol Llangoed. However, due to the lay of the highway and the lay-by outside Ysgol Llangoed, it will be easy to set up a drop-off and pick-up point by carrying out minor alteration work and it is possible also to provide a safe place to turn.

2.2 There are 3 possible roads between the two schools:

- A direct way along non-classified minor roads;
- The III class road past Arthur's Table and the non-classified road through Glan-yr-Afon;
- The III class road past Bryn Bela and the B5109 through Beaumaris;

- 2.3 The direct road is very narrow (less than 3m wide) without any passing places, high hedges and a strip of grass in the middle of the road in several places. It is completely unsuitable for a bus.
- 2.4 The Class III road from Llanddona to the direction of Glan-Yr-Afon is wide enough for the flow of traffic in both directions for the first mile towards the mast. From there, in the direction of Glan-Yr-Afon, the road's horizontal and vertical construction is poor and it is narrow without any passing places. The road through Glan-Yr-Afon is extremely steep (gradient of 17%) and, in general, it is not suitable for a school bus. Along this road, there are 4.5 miles between Ysgol Llangoed and Ysgol Llanddona and the journey takes around 12-15 minutes in a car. It could take more time than that for a bus due to the possibility that there would be delays due to the road being so narrow. It would cost up to £2M to improve the road to an acceptable standard.
- 2.5 The Class III road past Bryn Bella and the B5109 through Beaumaris to Llangoed is wide enough for two-lane traffic with marks on the centre of the road. The road is suitable for a school bus and this is shown by the fact that service buses numbers 50, 53, 57 and 58 use every part of the roads. In travelling on these roads, there are 5.5 miles between Ysgol Llanddona and Ysgol Llangoed and it takes around 10-12 minutes in a car. The journey should not take much longer in a bus.
- 2.6 A desing has been prepared (£100,000 in value) for the Bryn Bella turning between Llanddona and Allt Goch, Beaumaris. A request for finance has been presented and safeguarding it would be of assistance as regards the route that is being recommended.
- 2.7 After consulting with Highway officers, the road from Llanddona past Bryn Bella and then the B5109 to Beaumaris and to Llangoed is gritted.

D -Recommendation

It is recommended that the Executive Committee decides to accept that the Class III road past Bryn Bella and the B5109 through Beaumaris as the only suitable road between Ysgol Llanddona and Ysgol Llangoed and that minor repair works only are made to the lay-by outside Ysgol Llangoed to provide for the school bus service.

Name of the report's author
Job Title
Date

Emrys Bebb
Programme Manager – School Modernisation
August 21 2013

Appendices:

The statutory consultation document.

Background papers

ISLE OF ANGLESEY COUNTY COUNCIL	
Report to	Executive Committee Meeting
Date	September 9 2013
Subject	Modernising Anglesey Schools
Portfolio Holder(s)	Councillor Ieuan Williams
Lead Officer(s)	Programme Manager – Modernising Schools
Contact Officer	Programme Manager – Modernising Schools
Nature and reason for reporting	
To report back to the Executive Committee on the statutory or formal consultation process held at Ysgol Llanddona in February and March 2013.	

A – Introduction / Background / Issues

In January 2012, the Board of Commissioners gave officers of the Lifelong Learning Department the authority to enable them to visit schools in South-east Anglesey in order to consult on options for the primary education provision in the area.

On receiving this authority, and upon completing the non-statutory or informal consultation, officers of the Lifelong Learning Department prepared a number of possible options. The Executive Committee decided (with conditions) in its meeting on January 14, 2013 to:

Recommend Option 3 (close Ysgol Llanddona and transfer pupils to Ysgol Llangoed) as the option that the Executive Committee favours for the formal consultation on a review of the primary education provision in South-east Anglesey.

This report presents information regarding the statutory consultation process.

B - Considerations

Minutes of the meeting of the Executive Committee held on January 14, 2013.

C – Implications and effects		
1	Finance / Section 151	
2	Legal Officer/Monitoring	Even though new regulations regarding school organization come into force on October 1 2013, this proposal comes under the School Standards and Framework Act 1998 and the School Organisation Code 2013 is no applicable to it.
3	Human Resources	Job loss implications in Ysgol Llanddona
4	Property Services	
5	Information Technology and Communication (ICT)	
6	Equality	
7	Anti Poverty and Social	
8	Communication	
9	Consultation	
10	Economic	
11	Environmental	
12	Crime and Disorder	
13	Outcome Agreements	

CH - Summary

A report is presented to the Executive Committee that summarises the statutory or formal consultation process in the Llanddona area. The Executive Committee's decision in its meeting on January 14, 2013, was:

- To recommend Option 3 (to close Ysgol Llanddona and transfer the pupils to Ysgol Llangoed) as the option that the Executive Committee favours for formal consultation on a review of the primary education provision in South-east Anglesey, conditional on the following:
- That transport matters in the area are given attention and that they are solved satisfactorily, and
- Revisit the primary education provision in South-east Anglesey in the Schools Modernisation Programme with a view to establishing a long-term strategy for the primary education provision in the area.
- Note the responses received for the informal consultation process by Llanddona, Llangoed and Biwmares primary schools.

D -Recommendation

It is recommended that the following should take place:

- Follow the statutory process regarding the proposal to cease to maintain Ysgol Llanddona on 31 August 2014 and, conditional on parents' choice, transfer the pupils to Ysgol Llangoed
- Combine the catchment areas of Ysgol Llanddona and Ysgol Llangoed.
- Give attention again in due course to the primary school provision in South-east Anglesey as part of the School Modernisation Programme with a view to establishing a long-term strategy for primary education in the area.

Name of the report's author	Emrys Bebb
Job Title	Programme Manager – School Modernization
Date	August 21 2013

Appendices:

The statutory consultation document.

Traffic report

Background papers



CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

CYNGOR SIR YNYS MÔN
ISLE OF ANGLESEY COUNTY COUNCIL

ADRAN DYSGU GYDOL OES
LIFELONG LEARNING DEPARTMENT

**YMATEB I'R YMGYNGHORI AR YR OPSIWN I GAU
YSGOL LLANDDONA - YMGYNGHORIAD STATUDOL
(CHWEFROR – MAWRTH 2013)**

**RESPONSE TO THE CONSULTATION ON THE
OPTION TO CLOSE YSGOL LLANDDONA –
STATUTORY CONSULTATION
(FEBRUARY – MARCH 2013)**

Mehffin / June 2013

1. BACKGROUND

- 1.1 As part of the informal consultation in South East Anglesey, a number of consultation meetings were held with the parents, governors and staff of three schools that are part of the consultation as listed in Table 1 below. The consultation period began on Wednesday, September 12, 2012 and ended on Wednesday, October 24, 2012.

Table 1

School	Date (in 2012)	Meeting with		
		Staff	Governors	Parents
Llanddona	Monday September 10	3.30	5.00	6.30
Llangoed	Tuesday September 11	3.45	5.00	6.15
Beaumaris	Wednesday September 12	3.45	5.00	6.15

- 1.2 For reminder, see the list of the options for the schools in South East Anglesey proposed namely:

1. Continue to maintain the three schools.
2. Close Ysgol Llanddona and transfer the pupils to Ysgol Beaumaris
3. Close Ysgol Llanddona and transfer the pupils to Ysgol Llangoed.
4. Close Ysgol Llanddona and Ysgol Llangoed and transfer the pupils to Ysgol Beaumaris.
5. Federalize or cluster

- 1.3 In its meeting on 14 January 2013, the Executive Committee decided to recommend Option 3 (close Ysgol Llanddona and transfer the pupils to Ysgol Llangoed) as the option to be favoured for formal consultation with the following conditions:

- That the matters as regards transport in the area are given attention and solved satisfactorily, and
- Give attention again to the primary education provision in South-east Anglesey as part of the School Modernization Programme with a view to setting up the long-term strategy for primary education in the area.

The statutory consultation period ran from February 5, 2013 to March 5, 2013. After this period, the timetable was issued for the election and the pre-election period began on March 11, 2013. In accordance with the Council's constitution, it was decided that it would not be appropriate to deal with Ysgol Llanddona's situation during this period.

- 1.4 Staff, parents, governors and others' views were collected and they are summarized in this report.

2. YSGOL LLANDDONA'S RESPONSES

- 2.1 49 responses were received from Ysgol Llanddona stakeholders- 28 from parents, 4 from grandfathers and grandmothers and others from local inhabitants and a local business owner. Some of the observations were:

- They were praising the school's bilingual education and the work that was carried out to assist pupils with special needs. They were worried about the possible effect of closing the school on Welsh in the area.
- Others said that the school was central to the community and a treasure for the community and that the pupils were happy there.
- They were not partial to moving their pupils to Ysgol Beaumaris if Ysgol Llanddona closed, mentioning behavioural problems as the reason.
- Some were worried about the pupils travelling to Ysgol Llangoed if Ysgol Llanddona closed.
- It would be an idea to close Ysgol Beaumaris and distribute the pupils to nearby primary schools and therefore avoid spending over £750,000 on maintaining Ysgol Gynradd Beaumaris (Primary).
- Criticism of the Community Effect Assessment.
- Some parents said that they would take their children to schools in Gwynedd if Ysgol Llanddona closed.

- 2.2 In addition to the above, a formal letter was received in both English and Welsh from the Vice-Chair of Ysgol Llanddona's Governing Body. As well as raising some of the points mentioned above, she was criticizing the consultation process:

1. A coincidence that the elected member at the time had been excluded from his work during the consultation time.
2. They did not accept that so little response was received for Ysgol Llanddona in the informal consultation.

- 2.3 The Chair of the Governors of Beaumaris Leisure Centre said that he was worried that closing Ysgol Llanddona would have an effect on their plans to get the community to have a greater part in the Centre's activities.

- 2.4 A letter was received from the local Assembly member expressing the concerns of Llanddona's residents about the whole process.

3. YSGOL LLANGOED'S RESPONSES

- 3.1 14 responses were received from Ysgol Llangoed's stakeholders. The responses were from parents (13) all on response forms and they were all supportive of the intention to close Ysgol Llanddona and transfer the pupils to Ysgol Llangoed.
- 3.2 In the other letter, Ysgol Gynradd Llangoed's Governing Body stated its "total support to the County Council's decision to choose to act on Option 3". See Attachment 2 for a copy of the letter.

4. RECOMMENDATIONS

It was seen from the statutory consultation document that:

- Empty places (and unlikely to change much in the years to come) and capitation costs are high in Ysgol Llanddona.
- Places available at Ysgol Llangoed.
- Quality of provision in Ysgol Llangoed is at least as good as the provision in Llanddona.
- Ysgol Llangoed is similar as regards linguistic background and bilingual provision.

Therefore, it is recommended that the following should take place:

- Follow the statutory procedure regarding the proposal to close Ysgol Llanddona on 31 August 2014 and, conditional on parents' choice, transfer the pupils to Ysgol Llangoed.
- Unite Ysgol Llanddona and Ysgol Llangoed's catchments.
- Give attention again soon to the primary school provision in North-east Anglesey as part of the School Modernisation Programme with a view to setting up a long-term strategy for primary education in the area.

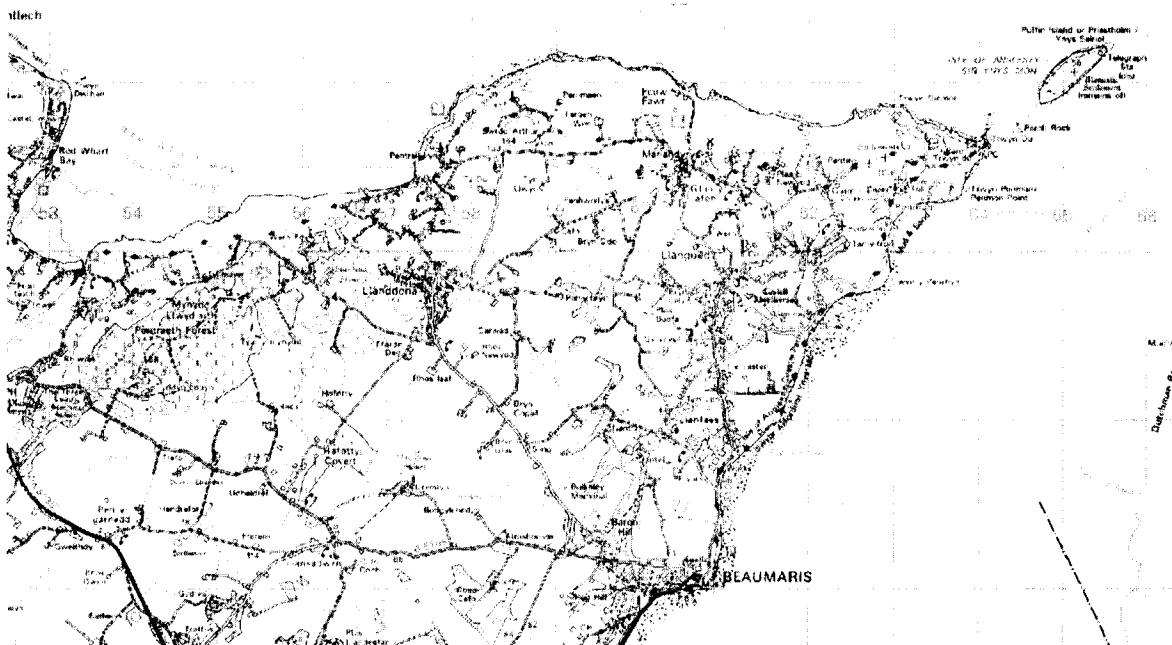


CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

**YMGYNGHORIAD STATUDOL
*STATUTORY CONSULTATION***

**ARDAL DE DDWYRAIN MÔN
*SOUTH EAST ANGLESEY AREA***

Chwefror 5 – Mawrth 5, 2013 / *February 5 – March 5, 2013*



**CYNGOR SIR YNYS MÔN
*ISLE OF ANGLESEY COUNTY COUNCIL***

**ADRAN DYSGU GYDOL OES
*LIFELONG LEARNING DEPARTMENT***

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1. BACKGROUND

How Was This Proposal Developed?

- 1.1 In January 2012, the Isle of Anglesey County Council Board of Commissioners gave officers of the Education Service permission to visit primary schools in South East Anglesey to consult on options for the primary school education provision in the area.
- 1.2 After receiving this permission, officers of the Lifelong Learning Department held consultation meetings with staff, governors and parents in September 2012 and a 6 week consultation period followed and came to an end on October 24, 2012.
- 1.3 Many responses were received and a report detailing these was compiled by officers of the Lifelong Learning Department and presented to the Isle of Anglesey County Council Education and Leisure Scrutiny Committee at its meeting on November 21, 2012.
- 1.4 At that meeting, the Education and Leisure Scrutiny Committee resolved:
 - To recommend Option 3 (to close Ysgol Llanddona and transfer the pupils to Ysgol Llangoed) to the Executive Committee as the Education and Leisure Committee's preferred option for formal consultation on the review of primary education provision in South East Anglesey subject to the following:-
 - That transport issues in the area are addressed and satisfactorily resolved, and
 - That the primary education provision in South East Anglesey is revisited in due course in the Schools Modernisation Programme with a view to establishing a long term strategy for the primary education provision in the area.
- 1.5 At its meeting on January 14, 2013, the Isle of Anglesey County Council Executive Committee resolved to recommend Option 3 (to close Ysgol Llanddona and transfer the pupils to Ysgol Llangoed) as the Executive's preferred option for formal consultation on the review of primary education provision in South East Anglesey, subject to the following:-
 - That transport issues in the area are addressed and satisfactorily resolved, and
 - That the primary education provision in South East Anglesey is revisited in due course in the Schools Modernisation Programme with a view to establishing a long term strategy for the primary education provision in the area.
- 1.6 The statutory or formal consultation period will be from February 5, 2013 to March 5, 2013.

2. DETAILS ABOUT THE SCHOOLS

2.1 Ysgol Llanddona

The original building date back to before 1900 but was extensively remodelled in the early 1970s. It now has two rooms, a hall and a quiet room providing accommodation for a total of 56 pupils. All the resources and facilities are conveniently available to the two classrooms. The field is suitable and there is appropriate parking for staff with alterations having been carried out to the approach road for the school fairly recently.

2.1.2 In 2011/12, one new pupil from outside the catchment area started attending the school but prior to that, none of the pupils come from outside the catchment area and 17% are from Welsh speaking homes.

2.1.3 Only 4.4% of the pupils receive free school meals.

2.1.4 The pupils are taught in two classes.

2.2 Ysgol Llangoed

2.2.1 The existing school building was opened in 1985. Apart from the usual adaptations for the Foundation Phase, the building is suitable and all the customary facilities are convenient for each class. The two Foundation Phase classes and the three KS2 classes provide accommodation for 112 pupils which means that there are 26 [23%] surplus places.

2.2.2 Almost a third (30%) of pupils come from outside the catchment area and 8% are from Welsh speaking homes.

2.2.3 Just over a fifth (20.9%) of the pupils receive free school meals.

2.2.4 The pupils are taught in four classes.

2.3 Table of Background Information on the Schools

Table 1

School	Llangoed	Llanddona
Age range	3 – 11	3 - 11
Capacity including nursery provision	112	56
Numbers on register – September 2012	86	16
Surplus places	26 (23%)	40 (71%)
Cost per head	£4,643	£10,343
Pupils from outside the catchment area	30%	0%

3. PUPIL NUMBERS

3.1 Table 2 shows that Ysgol Llanddona has 40 surplus places (71%) and Ysgol Llangoed has 26 surplus places (23%). Projections suggest that surplus places in Ysgol Llanddona will remain high at over 60%. It is also projected that the number of surplus places at Ysgol Llangoed will remain at around 25% for the coming years.

Table 2 – Projections for pupil numbers in Ysgol Llanddona and Ysgol Llangoed

SCHOOL	Capacity	2012			2013			2014			2015		
		Total 3-11	Surplus places	% Surplus places	Total 3-11	Surplus places	% Surplus places	Total 3-11	Surplus places	% Surplus places	Total 3-11	Surplus places	% Surplus places
Llanddona	56	16	40	71.4%	15	41	73.2%	18	38	67.9%	17	39	69.6%
Llangoed	112	86	26	23.2%	82	30	26.8%	83	29	25.9%	81	31	27.7%
TOTAL	168	102	66	39.3%	97	71	42.3%	101	67	39.9%	98	70	41.7%

If the proposal was to go ahead, the pupil numbers would as follows:-

SCHOOL	Capacity	2012			2013			2014			2015		
		Total 3-11	Surplus places	% Surplus places	Total 3-11	Surplus places	% Surplus places	Total 3-11	Surplus places	% Surplus places	Total 3-11	Surplus places	% Surplus places
Llangoed	112	102	10	8.9%	97	15	13.4%	101	11	9.8%	98	14	12.5%

3.2 Educational standards are of core importance to the proposal. Although there is a general presumption that the standard of education in small schools is higher than in larger schools, there is no evidence to support this notion. Indeed, the Estyn thematic report “Small Primary Schools in Wales (2006)” notes that there is no substantial difference between the standards of education in small schools and large schools, but “...in small schools, it can be more difficult for teachers to match work to pupils’ needs because pupils in each class may be of widely different ages and stages of development. This is particularly the case in the smallest schools (with up to 30 pupils), where there is 28% of unsatisfactory work compared with 8% of unsatisfactory work in schools with over 210 pupils.”

3.3 If the proposal were realised, Ysgol Llangoed would have approximately 100 pupils.

4. EDUCATION STANDARDS

4.1 End of key stage indicators are used to evaluate the performance of schools. One indicator used by the Welsh Government in relation to education standards is the End of Key Stage performance indicator. This is measured at the end of the Foundation Phase (previously Key Stage 1, age 7) and at the end of Key Stage 2 (age 11) i.e. % of pupils in the school who achieved the expected levels or above (Level 2+ for KS1 and Level 4+ for KS2) in Welsh or English, Mathematics and Science in combination. See Table 3 below which illustrates the pattern over the past three years.

**Percentage achieving Level 2+ at the end of Key Stage 1
(Foundation Phase)**

Table 3

School	School Results		
	2008/09	2009/10	2010/11
Ysgol Gynradd Llanddona	50.00	66.67	75.00
Quarter*	4	4	4
Ysgol Gynradd Llangoed	84.62	57.14	90.00
Quarter	2	4	2
Anglesey Average	70.73	77.08	72.14
All Wales Average	74.60	74.55	76.05

*Schools are placed in free school meal families and are then evaluated in terms of performance. The schools performing the best in the family are in Quarter 1 and those performing the worst in Quarter 4.

It should be noted that caution should be exercised when comparing end of year results since pupil numbers are often small and the nature of the cohort and circumstances of individual pupils can have a substantial impact. However, it will be noted that the performance of Ysgol Llangoed was somewhat better than that of similar schools in two of the past three years. The statistical pattern for Ysgol Llanddona suggested that performance was lower than for similar schools.

4.2 Table 4 below lists the number of pupils achieving a higher than expected level, i.e. Level 3 or above.

Table 4

School	L3+ Welsh First Language			L3+ Mathematics			L3+ Science		
	2008/ 09	2009/ 10	2010/ 11	2008/ 09	2009/ 10	2010/ 11	2008/ 09	2009/ 10	2010/ 11
Ysgol Llanddona	0.00	0.00	0.00	25.00	0.00	25.00	0.00	0.00	25.00
Quarter	4	4	4	2	4	2	4	4	3
Ysgol Llangoed	41.67	42.86	70.00	30.77	14.29	30.00	38.46	14.29	50.00
Quarter	1	1	1	1	3	2	1	3	1
Anglesey	25.51	27.19	25.80	18.72	19.23	19.35	16.49	16.15	22.29
Wales	26.55	27.41	30.84	22.12	22.15	23.67	24.55	24.57	26.99

It can be seen that the performance of Ysgol Llanddona is on the whole lower than that of similar schools whilst the performance of Ysgol Llangoed has generally speaking been better than comparable schools.

- 4.3 For the 2011/12 academic year, the indicator was changed to the Foundation Phase Indicator. Table 5 below shows the data for the last academic year for the Foundation Phase:-

Table 5

Title	Ysgol Llangoed	Anglesey	Wales
Foundation Phase Indicator	66.67	84.07	80.47
Language, Literacy and Communication Skills in English	-	86.90	83.44
Language, Literacy and Communication Skills in Welsh	66.67	84.47	85.93
Mathematical Development	88.89	89.53	86.64
Personal and Social Development, Well-Being and Cultural Diversity	100.00	94.54	90.84

For the Personal and Social Development, Well-Being and Cultural Diversity aspects, the performance of Ysgol Llangoed compared very favourably with the average for Anglesey whilst the Mathematical Development aspect was slightly below the county average but above the average for Wales.

NOTE – This is the first data set for the Foundation Phase. There is no data for Ysgol Llanddona as there were no pupils in Year 2 to be assessed.

- 4.4 Table 6 below demonstrates the pattern over the past three years for Key Stage 2 for schools in the catchment area together with figures for Anglesey and Wales.

Percentage achieving Level 4+ at the end of Key Stage 2

Table 6

School	School Results		
	2009/10	2010/11	2011/12
Ysgol Gynradd Llanddona	33.33	71.43	33.33
Quarter	4	4	4
Ysgol Gynradd Llangoed	100.00	64.29	90.91
Quarter	1	4	1
Anglesey Average	79.89	78.60	84.67
Wales Average	78.16	80.00	82.58

Expected level in reading, writing, mathematics and science in combination

Ysgol Llangoed was in the highest quarter in two of the past three years. The pattern for Llanddona suggests a lower performance than similar schools for the past three years.

- 4.5 Table 7 below lists the number of pupils achieving a higher level than expected i.e. Level 5 or above.

Table 7

School	L5+ English			L5+ Welsh First Language			L5+ Mathematics			L5+ Science		
	2010	2011	2012	2010	2011	2012	2010	2011	2012	2010	2011	2012
Llanddona	0.00	57.1	33.3	0.00	28.6	0.00	33.3	57.1	33.3	33.3	57.1	0.0
Quarter	4	1	3	4	2	4	2	1	3	2	1	4
Llangoed	22.2	28.6	45.5	0.00	28.6	27.3	22.2	35.7	36.4	33.3	42.9	36.4
Quarter	3	2	1	4	2	2	3	2	2	2	1	2
Anglesey	26.9	31.3	34.3	15.6	20.9	23.2	26.2	29.3	35.7	25.2	27.9	33.4
Wales	29.0	30.5	32.9	24.5	25.9	26.6	29.2	31.1	32.9	30.2	30.9	33.1

Ysgol Llangoed was in the top two quarters in two for all subjects in the past three years. The pattern for Llanddona suggests a lower performance than similar schools for the past three years.

- 4.6 The schools inspection body Estyn also assesses schools' performance and visits schools in order to conduct inspections before producing a report at the end of each inspection. The inspections approach was changed in 2009/10 but prior to this 7 key questions were asked, namely:-

1. How well do learners achieve?
2. How effective is the teaching, training and assessment?
3. How well do the learning experiences meet the needs and interests of learners and the wider community?
4. How good is the care, the instruction and support given to learners?
5. How effective is the strategic leadership and management?

6. How well do leaders and managers evaluate and improve quality and standards?

7. How efficiently do leaders and managers use resources?

Table 8 list the grades given by Estyn:-

Table 8

Primary school	Date	KQ1	KQ2	KQ3	KQ4	KQ5	KQ6	KQ7	'Average'
Llanddona	24 -1-2006	2	2	2	2	2	2	2	2.00
Llangoed	19-1-2009	2	2	2	2	2	3	2	2.14

Key

Estyn Grades –

Grade 1 = good with outstanding features

Grade 2 = good features and no important shortcomings

Grade 3 = good features outweigh shortcomings

Grade 4 = some good features, but shortcomings in important areas

Grade 5= many important shortcomings

4.7 After 2009/10, the number of questions were reduced to 3 but with sub-sections. The three Key Questions are:-

Key Question 1: How good are the outcomes?

Key Question 2: How good is the provision?

Key Question 3: How good is the leadership and management?

Ysgol Llanddona was inspected under this framework in January 2012 and the results are as outlined in Table 9:-

Table 9

School	Llanddona
Date	January 2012
Key Question 1	Good
Standards	Good
Well-being	Good
Key Question 2	Good
Learning experiences	Adequate
Teaching	Good
Care, support and leadership	Good
The learning environment	Good
Key Question 3	Good
Leadership	Adequate
Quality improvement	Good
Working in partnership	Good
Management of resources	Good
Current Performance	Good

Improvement Outlook	Good
---------------------	------

Estyn Grades –

- Excellent - Many strengths, including significant examples of sector-leading practice
- Good - Many strengths and no important areas that need substantial improvement
- Adequate - Strengths outweigh the areas that require improvement
- Unsatisfactory - Important areas that require improvement outweigh strengths

5. CONDITION OF BUILDINGS

- 5.1 Condition surveys were conducted by the Council’s surveyors from the end of 2011 to the beginning of 2012. See the results for the Ysgol Llangoed and Ysgol Llanddona in Table 10.
- 5.2 Both schools fall into Category B. The meaning of the grades given are as follows:-

- Category A – Good
- Category B – Satisfactory
- Category C – Poor

If we glance at Table 10, we note that Ysgol Llanddona was given a score of 32 and Ysgol Llangoed had a score of 21 (the lower the score, the better).

Table 10

School	Total	Score	Grade
Llanddona	£51,000	32	B
Llangoed	£55,000	21	B
Catchment average	£167,584	16	-
County average	£156,472	18	-
Total	£1,675,835	-	-

- 5.3 If this proposal were realised, pupils of Ysgol Llanddona would move to Ysgol Llangoed to a building which has a higher score.

6. GEOGRAPHICAL FACTORS

- 6.1 The aim is to restrict travel wherever possible. The proposal put forward meets with the Assembly Government guidelines in *Circular 021/2009*, namely that proposals should not require primary age pupils to travel more than 45 minutes each way to school. This proposal fully meets with these requirements.

7. FINANCIAL ASPECTS

- 7.1 If pupils at Ysgol Llanddona were to be transferred to Ysgol Llangoed, the financial implications would be as follows:-

Table 11

School	Numbers based on 2012/2013 Formula	Allocation 2012/2013	Allocation per capita 2012/2013	Teacher Allocation
Llanddona	15.8	£163,423	£10,343	1.5
Llangoed	77.0	£357,529	£4,643	3.27
	92.8	£520,952		4.77

Merging at				
Llangoed	92.8	£394,716	£4,253	3.89

If this proposal was to go ahead, the per capita cost of Ysgol Llangoed would reduce from £4,643 to £4,253 thereby producing an annual saving of £520,952 - £394,716 = £126,236.

On the basis of the funding level for 2012/13, the allocation for Ysgol Llangoed if Ysgol Llanddona pupils were to be moved there would be a saving of £126,236 but transport from Llanddona to Llangoed would perhaps cost approximately £25,000, thereby reducing the saving to £101,236. An escort service would add around £4,000 to the transport costs.

8. THE CONSULTATION PROCESS

- 8.1 The Council will be consulting with parents, governors and staff at the three schools included in this proposal and also with the local communities, local councillors, local Assembly Member, local MP and with the Welsh Government and other stakeholders. The consultation period will run from February 5th 2013 until 5th March 2013.

Meetings are being arranged with school stakeholders over this period.

- 8.2 Please feel free to ask us any questions and we would welcome your views on the proposals either by letter, e-mail or by completing the attached response form. Your representations should be sent to:

Programme Manager (Schools Modernisation),
Education Service,
Park Mount,
Glanhwfa Road,
Llangefni,
Isle of Anglesey
LL77 7EY.

The e-mail address is:
ysgolionmon@ynysmon.gov.uk

You should ensure that your response reaches the Isle of Anglesey County Council no later than 5th March, 2013.

Your contributions to the process as members of the community are vitally important.

9. NEXT STEPS

This is the **statutory** (formal) consultation. At the end of this stage of the consultation process, officers will collate all the responses and information before preparing a report and making a recommendation to the Executive Committee. This Committee will then consider this consultation report together with any recommendations by Council officers. The Executive Committee will then decide whether to issue a statutory notice to close Ysgol Llanddona or not, and if so, there will be a period of one month to object to the proposal.

THE EXECUTIVE

Minutes of the meeting held on 14th January, 2013

- PRESENT:** Councillor Bryan Owen (Leader)(Chair)
Councillor K.P.Hughes (Vice-Chair)
- Councillors W.J.Chorlton, T.Lloyd Hughes, O.Glyn Jones,
G.O.Parry,MBE, R.G.Parry,OBE.
- IN ATTENDANCE:** Chief Executive
Deputy Chief Executive
Director of Community
Director of Lifelong Learning
Director of Sustainability
Head of Function (Resources)
Senior Financial Advisor (GL)
Head of Service (Policy)
Head of Service (Finance)
Head of Service (Planning and Public Protection)
(Items 5 & 6 only)
Chief Planning Officer (EGJ)(Items 5 & 6 only)
Planning Manager (Policy)(NHD)(Item 6 only)
Team Leader (Housing and Communities)(BT)(Item 5 only)
Programme Manager (Schools Modernisation) (EB)
(Item 9 only)
Committee Services Manager
- ALSO PRESENT:** Councillors Lewis Davies, Selwyn Williams.
- APOLOGY:** Councillor R.LI.Hughes

1 DECLARATION OF INTEREST

Councillor Bryan Owen declared an interest in Item 6 of these minutes and was not present at the meeting during any discussion or voting thereon. The Deputy Leader presided.

2 URGENT MATTERS CERTIFIED BY THE CHIEF EXECUTIVE OR HIS APPOINTED OFFICER.

None to declare.

3 MINUTES

RESOLVED that the minutes of the Executive held on 10th December, 2012, be confirmed as a true record.

4 THE EXECUTIVE'S FORWARD WORK PROGRAMME

Submitted – The report of the Head of Service (Policy) seeking approval of the updated work programme for the period February to July 2013.

RESOLVED to confirm the updated work programme for the period February to July 2013.

5 ONSHORE WIND ENERGY SUPPLEMENTARY PLANNING GUIDANCE (SPG)

Submitted – The report of the Head of Service (Planning and Public Protection) seeking the Executive's approval to forward the SPG for On-shore wind turbines for adoption to the extraordinary meeting of the County Council on 24th January, 2013. This approach was advocated in order to facilitate full discussion of the issues raised by interested parties as summarised in Appendix 1 of the report. Failure to adopt the document would undermine an important material consideration and guidance for developments in the planning process.

RESOLVED that the matter be referred for decision to the extraordinary meeting of the County Council on 24th January, 2013.

6 LOCAL DEVELOPMENT PLAN PREFERRED STRATEGY

Submitted – The report of the Head of Service (Planning and Public Protection) seeking the Executive's approval to forward the Preferred Strategy document for approval to the extraordinary County Council meeting on 24th January, 2013. Following approval by both Anglesey and Gwynedd Councils, the document would be made available for public consultation for a period of six weeks. Views expressed would help inform the preparation of a more detailed plan called the Deposit Plan which would be considered by both Councils later on in 2013.

RESOLVED to recommend to the extraordinary County Council meeting on 24th January, 2013, that it approves the draft Preferred Strategy document for the purposes of public consultation.

(The Leader declared an interest in the matter and was not present at the meeting during any discussion or voting thereon). (The Deputy Leader presided).

7 TRANSFORMATION PLAN

Submitted – The report of the Deputy Chief Executive seeking Executive approval to formally accept the Transformation Plan which was a document setting out the intentions of this Council to continue to improve and modernise the Council in a sustainable manner up until 2016.

RESOLVED to accept that the Transformation Plan sets out the agenda for the remainder of the term of this Council until May 2013 and then the following three years up to 2016.

8 ADOPTION OF A COUNCIL TAX SUPPORT SCHEME

Reported by the Head of Function (Resources) – That Council Tax Benefit was to be replaced in April 2013 by a Council Tax Reduction Scheme with Government funding being reduced by approximately 10%. This Council was required to adopt the scheme by 31st January 2013 and this report enabled the Executive to endorse a recommendation to the County Council on 24th January, 2013 to achieve that timetable.

RESOLVED to recommend to the extraordinary County Council on 24th January, 2013:-

- **That it notes the making of the Council Tax Reduction Scheme and Prescribed Requirements (Wales) Regulations (“the Prescribed Requirements Regulations”) by the Welsh Assembly on 19 December, 2012;**
- **That it notes the outcome of the consultation exercise undertaken by the Council on the introduction of the Council Tax Reduction Scheme;**
- **That it adopts the Scheme as set out in Appendix 1 of the report.**

9 ANGLESEY PRIMARY SCHOOLS MODERNISATION – LLANDDONA, LLANGOED AND BEAUMARIS

Submitted – The report of the Director of Lifelong Learning on options proposed following an informal consultation process held in three schools in South East Anglesey as regards primary education provision in that area. The views of the Education and Leisure Scrutiny Committee held on 21st November, 2012 were also incorporated as part of the report.

RESOLVED

- **To recommend Option 3 (to close Ysgol Llanddona and transfer the pupils to Ysgol Llangoed) as the Executive’s preferred option for formal consultation on the review of primary education provision in South East Anglesey, subject to the following:-**
- **That transport issues in the area are addressed and satisfactorily resolved, and**
- **That the primary education provision in South East Anglesey is revisited in due course in the Schools Modernisation Programme with a view to establishing a long term strategy for the primary education provision in the area.**
- **To note the responses received to the informal consultation process by the Llanddona, Llangoed and Beaumaris primary schools.**

10 LOWERING AGE OF ADMISSION AT YSGOL DWYRAN

Submitted – The report of the Director of Lifelong Learning upon a request from the Governing Body at Ysgol Dwyran for the Authority to consider lowering the age of admission so as to admit pupils part time in the September following their third birthday. The permission of the Executive was sought to commence the formal process of consultation with interested parties.

RESOLVED that authority be given to the Director of Lifelong Learning to consult on the intention to lower the age of admission at Ysgol Dwyran so as to admit pupils part time in the September following their third birthday.

11 SEPARATION OF STATUTORY AND NON-STATUTORY FUNCTIONS (OTHER MAJOR DEVELOPMENTS)

Reported by the Director of Sustainable Development – That officers wished to engage with developers bringing forward applications for planning permission/development consent within or affecting its area, in relation to the provision of Community Benefit Contributions (which fell outside of the planning process). In order to do this, an internal structure was required to ensure that CBC discussions and negotiations were kept separate from any discussions and decisions which fell within the statutory planning process. Without this separation there was a risk that such discussions or decisions may influence or taint the statutory planning process.

RESOLVED

- **To delegate authority to the Chief Executive, on behalf of the Council's Executive, to enter into discussions and conduct negotiations with Developers bringing forward applications for planning permission within or affecting its area, and, subject to final approval of the Executive, agree with those proposed developers, details of appropriate CBC/CBC scheme where appropriate in connection with such development;**
- **To note that the Head of Economic Development will be assisting the Chief Executive and the Leader as required in relation to discussions and negotiations on CBC;**
- **To note that the planning functions of the Council under the Town and Country Planning Act 1990 will continue to be the responsibility of the Director of Sustainable Development and that those functions will be carried out by the Head of Planning and Public Protection;**
- **To note that no Member or Officer involved in any discussions or negotiations in respect of a CBC/CBC scheme will be permitted to participate in the planning process that corresponds to the development to which such discussions relate;**
- **To note that no Member or Officer involved in the statutory planning process will be permitted to participate in the discussions or negotiations in respect of a CBC/CBC scheme in connection with the development to which statutory planning processes relate;**
- **To note that appropriate arrangements will be put in place to ensure that the advice, discussions, negotiations and lines of communication reflect the above arrangements in relation to CBC and town and country planning matters.**

12 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED under Section 100(A)(4) of the Local Government Act 1972, to exclude the press and public from the meeting during discussion on the following items on the grounds that they may involve the disclosure of exempt information as defined in Schedule 12A of the said Act and in the attached Public Interest Tests.

13 PARTNERSHIP RATIONALISATION

Submitted – The report of the Head of Service (Policy) on the costs associated with the establishment of the Partnership Support Unit together with the observations/concerns of the Corporate Scrutiny Committee held on 10 December, 2012.

The intentions for this shared services agreement with Gwynedd Council for a period of three years, was to streamline existing partnership arrangements across both counties and achieve staff savings.

RESOLVED

- **To note the observations of the Corporate Scrutiny Committee at Appendix 2 of the report;**
- **To confirm details as set out in the report to the Corporate Scrutiny Committee and that the Council enters into a three year Shared Services Agreement with Gwynedd Council as the Host Authority for the new Unit;**
- **That officers complete the necessary negotiations with Gwynedd Council including the establishment of Partnership Hubs in both Councils;**
- **That the Corporate Governance Portfolio Holder and the Deputy Chief Executive represent the Council on the Joint Steering Group with Gwynedd to oversee the work of the Partnership Unit.**

14 MON COMMUNITIES FIRST

Submitted – The report of the Head of Service (Housing) seeking the Executive's approval to the proposed legally binding agreement to be put in place between the Council and Cymunedau yn Gyntaf / Mon Communities First Ltd, before any funding was transferred to the new organisation and to gain agreement on the points to be included within the proposed agreement. The agreement needed to be finalised before the end of this month.

RESOLVED

- **To authorise the Head of Service (Housing) to enter into a legally binding agreement with Cymunedau yn Gyntaf Mon Communities First, based on the requirements included within this report, that will ensure compliance with both Welsh Government and Isle of Anglesey County Council governance and funding requirements;**
- **That the Executive are confident that robust governance arrangements are in place within the Communities First Board and that issues are settled, before funding is released;**
- **To consider releasing part-funding in the first instance, and to monitor that the governance arrangements and requirements from the agreement between the Council, as Lead Delivery Body and the Mon Communities First are delivered;**

- To agree that the Portfolio Holder for Housing is co-opted as an Observer on to the Mon Communities First Board;
- To agree that there is representation at Officer level also co-opted on to the Mon Communities First Board as Observers;
- That the Head of Service (Housing) gives an instruction to the Council's Legal Services to draft the agreement based on the contents of this report and that it be expedited by the end of the month.

15 CAPITA SIMS REGIONAL SERVICE AGREEMENT

Submitted – The report of the Director of Lifelong Learning seeking the Executive's approval and authorisation to support a consortium purchase of Capita SIMS licences to progress the regional collaborative developments for Education Services.

Currently, the six authorities purchased a core set of Capita products to support a common database structure which was essential for a viable shared service provision. The current contracts for the licences were due to expire on 31st March 2013 for all six authorities.

The Head of Service (Finance) wished it to be noted that there were risks associated with the proposal but that these were outweighed in not moving ahead to purchase the licences.

RESOLVED to support the procurement option noted in the report and that this Council participates in a Consortium as recommended by the North Wales Chief Education Officers (ADEW) pursuant to CPR 4.9.2.4.1 and to contract individually with CAPITA along with the 5 other Consortium members for a 3 year licence to progress regional collaborative developments to Education Services.

The meeting concluded at 11:25 a.m.

**COUNCILLOR BRYAN OWEN
CHAIR**

AGENDA ITEM NO.
[Not for publication by virtue of
Paragraph(s) of Schedule 12A to
the Local Government Act 1972]

ISLE OF ANGLESEY COUNTY COUNCIL

Report to	Meeting of the Executive Committee
Date	January 14 2013
Subject	Modernising Anglesey Schools
Portfolio Holder(s)	Councillor Goronwy Parry MBE
Lead Officer(s)	Head of Service (Education) Programme Manager – Schools Modernisation
Contact Officer	Programme Manager – Schools Modernisation

Nature and reason for reporting

To report to the Executive on the informal consultation process held in three schools in the South East Anglesey area in September and October 2012. In January 2012, the Board of Commissioners gave officers of the Education Service permission to visit primary schools in the area to consult on options for the primary education provision in the area.

A – Introduction / Background / Issues

In January 2012, the Board of Commissioners gave officers of the Education Service permission to visit primary schools in South East Anglesey to consult on options for the primary school education provision in the area. After receiving permission and upon completing the consultation, the Education Service has prepared several possible options and is reporting back on these.

B - Considerations

Minutes from the meeting of the Education and Leisure Scrutiny Committee held on November 21, 2012.

C – Implications and Impacts		
1	Finance / Section 151	Revenue savings as outlined in the report
2	Legal / Monitoring Officer	Comply with all legal requirements
3	Human Resources	This would be dealt with in the consultation stages.
4	Property Services	Implications to the Property Service would be dealt with at the appropriate level.
5	Information and Communications Technology (ICT)	Any changes would be reflected in the Service Level Agreement between the Education Service and ICT.
6	Equality	Equality assessments will be undertaken as and when required.
7	Anti-poverty and Social	
8	Communication	The Education Service would liaise with the Communications Unit especially during any formal consultation stage.
9	Consultation	Informal discussions have taken place with potential stakeholders. Once the Executive Committee has authorised officers of the Education Service, formal consultation will begin.
10	Economic	Future provision will take into account the possible effect of industrial developments on Anglesey on surplus places.
11	Environmental	This would be dealt with as and when required.
12	Crime and Disorder	
13	Outcome Agreements	

CH - Summary

A report is presented to the Executive summarising the informal consultation process held recently in the South East Anglesey area. At a meeting of the Education and Leisure Scrutiny Committee on November 21, 2012, it was resolved to recommend to the Executive :-

To recommend Option 3 (to close Ysgol Llanddona and transfer the pupils to Ysgol Llangoed) to the Executive as the Committee's preferred option for formal consultation on the review of primary education provision in South East Anglesey subject to the following -

- That transport issues in the area are addressed and satisfactorily resolved, and
- That the primary education provision in South East Anglesey is revisited in due course in the Schools Modernisation Programme with a view to establishing a long term strategy for the primary education provision in the area.

i.

D - Recommendation

It is recommended :-

To recommend Option 3 (to close Ysgol Llanddona and transfer the pupils to Ysgol Llangoed) to the Executive as the Committee's preferred option for formal consultation on the review of primary education provision in South East Anglesey subject to the following -

- That transport issues in the area are addressed and satisfactorily resolved, and
- That the primary education provision in South East Anglesey is revisited in due course in the Schools Modernisation Programme with a view to establishing a long term strategy for the primary education provision in the area.

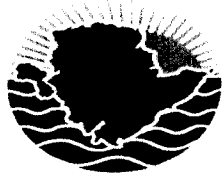
Name of author of report
Job Title
Date

Emrys Bebb
Programme Manager – Schools Modernisation
December 21 2012

Appendices:

The original consultation document

Background papers



CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

CYNGOR SIR YNYS MÔN
ISLE OF ANGLESEY COUNTY COUNCIL

ADRAN DYSGU GYDOL OES
LIFELONG LEARNING DEPARTMENT

YMGYNGHORI AR FODERNEIDDIO YSGOLION
CYNRADD SIR FÔN

ARDAL DE DDWYRAIN MÔN

ANGLESEY PRIMARY SCHOOL MODERNISATION
CONSULTATION

SOUTH EAST ANGLESEY

Medi / September 2012

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1. INTRODUCTION

- 1.1 In January 2012 political approval was obtained when the Isle of Anglesey County Council Board of Commissioners authorised officers from the Education Service to begin the process of reviewing the primary school provision in South East Anglesey.
- 1.2 This document is the basis for the **public consultation on the review of primary school provision in South East Anglesey i.e. informal consultation**. This is the first part of the consultation process of reviewing the education provision in South East Anglesey.

2. REASONS FOR CHANGE

1. Reduce the number of surplus places.

The number of surplus places in Anglesey's schools is among the highest in Wales. In 2011, there were 27.7% surplus places in Anglesey's primary schools, the highest but one in Wales. In the secondary sector, the corresponding figure was 23.0%.

Table 1

	Anglesey	Position in Wales (out of 22)	Wales
Surplus places in the primary sector	27.7%	21	20.7%
Surplus places in the secondary sector	23.0%	18	19.9%

The Minister for Education and Skills wrote to members (Councillors) with responsibility for the Education Portfolio in each county asking them to prepare plans to reduce the number of surplus places in schools to 15% by January 2015.

The Welsh Government's aim is that Local Authorities have no more than 10% surplus places¹ in their schools and an independent report has recommended the same target².

Anglesey Council was harshly criticised by the inspection body Estyn for its inefficient use of places in schools. Therefore, the Council needs to reduce the number of surplus places in schools across the county in order to make better use of the available funding.

¹ Welsh Government Guidance Circular Number: 021/2009

² Report "The Structure of Education Services in Wales" (Vivian Thomas – March 2011)

2. Financial issues

Public expenditure is being cut everywhere in response to the global economic recession. In addition, the financial forecasts are unlikely to improve with local authorities across Wales and the UK coming under similar pressures. As a result, every local authority will be required to make substantial cuts to its budgets and this will inevitably have an impact on services. The County Council will need to make extensive savings [approximately £12m over three years] and this will unavoidably affect school budgets as a consequence.

This means that efforts must be made to reduce and harmonise per capita spending across the County's schools. This will be a major challenge for each of the schools with an emphasis on achieving more with less money.

Based on expenditure figures for each pupil in the primary sector from the StatsWales website, Anglesey's expenditure is £4,146 – the highest spend but one in the primary sector in Wales for the financial year 2012-13 (see Table 2).

Table 2

Authority	Per capita spend 2012-13	Authority	Per capita spend 2012-13
Blaenau Gwent	£4,209	Neath Port Talbot	£3,502
Anglesey	£4,146	Monmouthshire	£3,501
Denbigh	£4,017	Merthyr Tydfil	£3,482
Cardiff	£3,982	Torfaen	£3,468
Conwy	£3,938	Newport	£3,454
Gwynedd	£3,929	Flintshire	£3,433
Powys	£3,848	Rhondda Cynon Taf	£3,424
Pembrokeshire	£3,800	Swansea	£3,388
Ceredigion	£3,738	Vale of Glamorgan	£3,383
Carmarthenshire	£3,680	Bridgend	£3,324
Wrexham	£3,511	Caerphilly	£3,062
Blaenau Gwent	£4,209	Wales	£4,080

3. Raising standards

The need to raise standards remains a priority for the Welsh Government. In this context, end of key stage indicators are used to measure standards. Estyn believes that Anglesey needs to raise standards for end of key stages 1 and 2.

See Table 3 below for data on the Foundation Phase and Key Stage 2:-

Table 3

	% of pupils achieving the expected level on Anglesey	% of pupils achieving the expected level on an All Wales basis
Foundation Phase	80.9	82.7
Key Stage 2	78.6	80.0

4. Ensuring modern resources in relation to schools and class resources

The Welsh Government has identified as a priority that schools should have buildings that meet twenty first century expectations, that are fit for purpose, in the right place and that meet the need of learners whilst providing a resource for the community. It is also important to develop a sustainable education system by using resources more effectively whilst reducing fuel consumption and carbon emissions.

5. Breaking the link between deprivation and low educational achievement

One of the Welsh Government's priorities is to improve educational outcomes for children and young people from deprived areas by breaking the link between deprivation and low educational achievement. The Council aspires to ensuring that every pupil has the potential to achieve and succeed regardless of background. On Anglesey, 18.8% of primary age pupils have free school meals compared with an All Wales average of 19.5%.

6. Leadership and management capacity

Educational research recognises that good leadership and management is linked to good standards – good schools are well led.

Schools' leadership and management requirements have increased substantially over the past few years with expectations likely to grow in the future. Thus, a Headteacher requires sufficient non-contact time to attend to leadership and management matters.

7. County Council aspirations

The Isle of Anglesey County Council wishes to see every child, young person and learner, wherever they be, achieving their potential and being ready to play a prominent role as responsible citizens and community champions. The Council's vision has identified that every young person, regardless of their background, has the potential to achieve and succeed. This is central to the vision for Anglesey.

In this context, the Council wants to see schools that are fit for the twenty first century. This approach will

- lead to higher standards
- respond to the changes taking place in society, in communities and in the economy
- improve outcomes for children and young people and, in particular, break the link between deprivation and low achievement.

The Authority aspires to provide education for all children on Anglesey in modern fit for purpose buildings which make the best possible use of modern technology. This is an objective, in the medium and longer term, that will be achieved gradually. The Authority also wishes to be proactive in ensuring that children are educated, where possible, within their home catchment area.

In order to accomplish this, a more efficient and effective schools system is needed – one that which will require schools to be located in the right place and led by inspired Headteachers with sufficient leadership time to carry out the task.

Points 1-6 are expanded upon below.

3. *Reduce surplus places*

In July 2011 the Isle of Anglesey County Council's Board of Commissioners adopted a Policy Framework. The document recognised that the process of school modernisation will necessitate "closing some schools [not only and not necessarily small schools] whilst developing a new pattern of provision."

The Policy Framework also states that the "key principles and policies identified in the Welsh Government Circular 021/2009 are relevant considerations". One of these considerations is "*when there are too many surplus places in a particular area, Local Authorities should review their provision, and where feasible, submit proposals for school restructuring, especially if schools have "substantial" numbers of surplus places**."

* 'Substantial' is defined as 25% or more of a school's capacity and at least 30 surplus places:

Pursuant to this definition, it can be seen from Table 4 that Ysgol Beaumaris (112 surplus places i.e. 53%), Ysgol Llanddona (40 surplus places i.e. 71%) fall into this category but Ysgol Llangoed (26 surplus places i.e. 23%) has just fallen below the ‘substantial’ level.

Table 4 (September 2012 figures)

SCHOOL	Capacity	Number of pupils 3-11	Surplus places	% Surplus places
Beaumaris	211	99	112	53.1%
Llanddona	56	16	40	71.4%
Llangoed	112	86	26	23.2%

This explains why this consultation is confined to these three schools in South East Anglesey.

Table 5 illustrates the schools in the Ysgol David Hughes catchment area based on surplus places in the schools. It can be seen that Ysgol Beaumaris has 112 surplus places (equivalent to 53%), that Ysgol Llanddona has 40 surplus places (71%) and Ysgol Llangoed has 26 surplus places (23%). Projections suggest that surplus places in Ysgol Llanddona will remain high at over 60%. It is also projected that the number of surplus places at Ysgol Llangoed will remain at around 25% for the coming years.

Table 5 – Projections for pupil numbers in primary schools in the Ysgol David Hughes catchment area

SCHOOL	Capacity	2012				2013				2014				2015			
		Total 3-11	Surplus places	% Surplus places	Total 3-11	Surplus places	% Surplus places	Total 3-11	Surplus places	% Surplus places	Total 3-11	Surplus places	% Surplus places	Total 3-11	Surplus places	% Surplus places	
Beumaris	211	99	112	53.1%	97	114	54.0%	93	118	55.9%	89	122	57.8%				
Brynsiencyn	90	50	40	44.4%	48	42	46.7%	49	41	45.6%	45	45	50.0%				
Dwyran	85	28	57	67.1%	27	58	68.2%	21	64	75.3%	21	64	75.3%				
Llanddona	56	16	40	71.4%	15	41	73.2%	18	38	67.9%	17	39	69.6%				
Llanfairpwll	328	283	45	13.7%	272	56	17.1%	278	50	15.2%	269	59	18.0%				
Llangoed	112	86	26	23.2%	82	30	26.8%	83	29	25.9%	81	31	27.7%				
Pentraeth	135	92	43	31.9%	90	45	33.3%	88	47	34.8%	81	54	40.0%				
Llandegfan	175	141	34	19.4%	136	39	22.3%	133	42	24.0%	127	48	27.4%				
Y Borth	226	197	29	12.8%	181	45	19.9%	170	56	24.8%	156	70	31.0%				
Parc y Bont	105	96	9	8.6%	90	15	14.3%	89	16	15.2%	87	18	17.1%				
TOTAL	1523	1088	435	28.6%	1038	485	31.8%	1022	501	32.9%	973	550	36.1%				

4. *Financial issues*

In May 2012 Estyn published a thematic report entitled “*How surplus places affect the resources available for expenditure on improving outcomes for pupils?*” In it Estyn states:

“The average cost of a surplus place in the primary sector in Wales in 2011-2012 is £260, but in addition, the average saving arising from a school closure is £63,500”. Therefore, on this basis, the cost of surplus places at the three primary schools in South East Anglesey is £46,280, i.e. 178 surplus places x £260.

Table 6 below provides the figures for surplus places at the three primary schools in question together with equivalent figures for the other schools in the catchment area for information:-

Table 6

School	Capacity	Pupils (September 2012)	Number of Surplus Places (and cost)	% Surplus Places	% outside catchment
Beaumaris	211	99	112 (£29,120)	53.1%	9%
Llanddona	56	16	40 (£10,400)	71.4%	0%
Llangoed	112	86	26 (£6,760)	23.2%	30%
Brynsiencyn	90	50	40 (£10,400)	44.4%	2%
Llanfairpwll	328	283	45 (£11,700)	13.7%	24%
Pentraeth	135	92	43 (£11,180)	31.9%	18%
Llandegfan	175	141	34 (£8,840)	19.4%	34%
Dwyran	85	30	55 (£14,300)	64.7%	11%
Y Borth	226	197	29 (£7,540)	12.8%	14%
Parc y Bont	105	96	9 (£2,340)	8.6%	45%
Total	1523	1090	433 (£112,580)	28.4%	22%

The current average percentage of surplus places for the three schools in September 2012 is 47% in comparison with an average of 27.7% for primary schools throughout Anglesey.

Table 7 below illustrates the number of children from outside the catchment in the three schools and where they come from (based on 2011/12 figures):-

Table 7

School	% outside catchment	From which primary school catchment area do the outside catchment pupils come from? (2011/12 figures)
Beaumaris	9%	Llanddona, Llannerchymedd, Pentraeth
Llanddona	0%	-
Llangoed	30%	Beaumaris, Bryngwran, Llansadwrn
Total	22%	

Table 8 below illustrates the per capita spend in each school in the catchment area and the variance with county and catchment area averages.

Table 8

School	Capacity	Pupils (Sept 2012)	Number of surplus places	Cost of surplus places	% Surplus places	% outside catchment	School budget	% of school budget	Per capita spend 2012/2013	Catchment variance		County variance	
										£	%	£	%
Beaumaris	211	99	112	£29,120	53.1%	9%	£463,011	6.3%	£4,724	-£267	-5.4%	£578	14.0%
Llanddona	56	16	40	£10,400	71.4%	0%	£163,423	6.4%	£10,343	£5,196	104.1%	£6,041	145.7%
Llangoed	112	86	26	£6,760	23.2%	30%	£357,529	1.9%	£4,643	-£342	-6.9%	£503	12.1%
Brynsiencyn	90	50	40	£10,400	44.4%	2%	£172,002	6.0%	£4,702	-£290	-5.8%	£556	13.4%
Dwyran	85	30	55	£14,300	64.7%	24%	£195,764	7.3%	£5,600	£608	12.2%	£1,454	35.1%
Llanfairpwll	328	283	45	£11,700	13.7%	18%	£962,985	1.2%	£3,276	-£1,716	-34.4%	-£871	-21.0%
Llandegfan	175	141	34	£8,840	19.4%	34%	£632,122	1.4%	£4,649	-£342	-6.9%	£503	12.1%
Y Borth	226	197	29	£7,540	12.8%	11%	£778,341	1.0%	£3,926	-£1,066	-21.4%	-£220	-5.3%
Pentraeth	135	92	43	£11,180	31.9%	14%	£390,884	2.9%	£4,010	-£981	-19.7%	-£136	-3.3%
Parc Y Bont	105	96	9	£2,340	8.6%	45%	£386,883	0.6%	£4,494	-£498	-10.0%	£348	8.4%
Total	1523	1090	433	£112,580	28.4%	22%	£4,502,944	2.5%	-	-	-	-	-
Catchment primary school average										£846	20.4%	-	-
County primary school average										£4,992	20.4%	-	-
County primary school average										£4,146*			

*Per capita spend on Anglesey was increased from £3,293 in 2011/12 to £4,146 in 2012/13 on average, which is equivalent to an increase of 25.9%.

Also illustrated is the cost impact of surplus places as a % of the school budget – this figure for the three schools in question is higher than the catchment area and county averages. Per capita spend in Ysgol Llanddona (£10,343) is the highest of all the county's primary schools.

5. *Education Standards*

- 5.1 End of key stage indicators are used to evaluate the performance of schools. One indicator used by the Welsh Government in relation to education standards is the End of Key Stage performance indicator. This is measured at the end of the Foundation Phase (previously Key Stage 1, age 7) and at the end of Key Stage 2 (age 11) i.e. % of pupils in the school who achieved the expected levels or above (Level 2+ for KS1 and Level 4+ for KS2) in Welsh or English, Mathematics and Science in combination. See Table 9 below which illustrates the pattern over the past three years.

Percentage achieving Level 2+ at the end of Key Stage 1 (Foundation Phase)

Table 9

School	School Results		
	2008/09	2009/10	2010/11
Ysgol Gynradd Beaumaris	69.23	92.86	55.56
Quarter*	4	1	4
Ysgol Gynradd Llanddona	50.00	66.67	75.00
Quarter	4	4	4
Ysgol Gynradd Llangoed	84.62	57.14	90.00
Quarter	2	4	2
Anglesey Average	70.73	77.08	72.14
All Wales Average	74.60	74.55	76.05

*Schools are placed in free school meal families and are then evaluated in terms of performance. The schools performing the best in the family are in Quarter 1 and those performing the worst in Quarter 4.

It should be noted that caution should be exercised when comparing end of year results since pupil numbers are often small and the nature of the cohort and circumstances of individual pupils can have a substantial impact. However, it will be noted that the performance of Ysgol Llangoed was somewhat better than that of similar schools in two of the past three years whilst Ysgol Beaumaris performed better than similar schools in 2009/10. The statistical pattern for Ysgol Llanddona suggested that performance was lower than for similar schools.

Table 10 below lists the number of pupils achieving a higher than expected level, i.e. Level 3 or above.

Table 10

School	L3+ Welsh First Language			L3+ Mathematics			L3+ Science		
	2008/09	2009/10	2010/11	2008/09	2009/10	2010/11	2008/09	2009/10	2010/11
Ysgol Gynradd Beaumaris	-	0.00	0.00	15.38	7.14	11.11	30.77	0.00	11.11
Quarter	-	4	4	3	4	3	2	4	3
Ysgol Gynradd Llanddona	0.00	0.00	0.00	25.00	0.00	25.00	0.00	0.00	25.00
Quarter	4	4	4	2	4	2	4	4	3
Ysgol Gynradd Llangoed	41.67	42.86	70.00	30.77	14.29	30.00	38.46	14.29	50.00
Quarter	1	1	1	1	3	2	1	3	1
Anglesey	25.51	27.19	25.80	18.72	19.23	19.35	16.49	16.15	22.29
Wales	26.55	27.41	30.84	22.12	22.15	23.67	24.55	24.57	26.99

It can be seen that the performance of Ysgol Beaumaris and Ysgol Llanddona is on the whole lower than that of similar schools whilst the performance of Ysgol Llangoed has generally speaking been better than comparable schools.

Table 11 below demonstrates the pattern over the past three years for Key Stage 2 for schools in the catchment area together with figures for Anglesey and Wales.

Percentage achieving Level 4+ at the end of Key Stage 2

Table 11

School	School Results		
	2008/09	2009/10	2010/11
Ysgol Gynradd Beaumaris	84.62	69.23	80.00
Quarter	2	4	3
Ysgol Gynradd Llanddona	66.67	33.33	71.43
Quarter	4	4	4
Ysgol Gynradd Llangoed	63.64	100.00	64.29
Quarter	4	1	4
Anglesey Average	76.70	79.89	78.60
Wales Average	77.03	78.16	80.00

Expected level in reading, writing, mathematics and science in combination

Ysgol Beaumaris performed better than 25% of comparable schools in two of the last three years whilst Ysgol Llangoed was in the highest quarter in one of the past three years. The pattern for Llanddona suggests a lower performance than similar schools for the past three years.

Table 12 below lists the number of pupils achieving a higher level than expected i.e. Level 5 or above.

Table 12

School	L5+ English			L5+ Welsh First Language			L5+ Mathematics			L5+ Science		
	2009	2010	2011	2009	2010	2011	2009	2010	2011	2009	2010	2011
Ysgol Gynradd Beaumaris	46.15	23.08	30.00	0.00	0.00	0.00	69.23	38.46	30.00	69.23	38.46	40.00
Quarter	1	3	2	4	4	4	1	2	2	1	2	1
Ysgol Gynradd Llanddona	0.00	0.00	57.14	0.00	0.00	28.57	0.00	33.33	57.14	0.00	33.33	57.14
Quarter	4	4	1	4	4	2	4	2	1	4	2	1
Ysgol Gynradd Llangoed	36.36	22.22	28.57	30.00	0.00	28.57	27.27	22.22	35.71	36.36	33.33	42.86
Quarter	1	3	2	2	4	2	2	3	2	2	2	1
Anglesey	25.62	26.90	31.26	19.18	15.65	20.94	27.50	26.23	29.29	27.50	25.17	27.92
Wales	27.99	28.97	30.50	23.98	24.49	25.89	29.35	29.20	31.14	30.69	30.17	30.94

Consideration is also given to attendance when using data to measure schools' performance. See the attendance figures for the schools (Table 13) together with their quarters:-

Table 13

School	2008/09		2009/10		2010/11	
	% half day sessions attended	Quarter	% half day sessions attended	Quarter	% half day sessions attended	Quarter
Beaumaris	93.41	3	94.05	2	93.66	2
Llanddona	95.50	1	94.75	1	93.35	3
Llangoed	93.32	2	91.96	4	93.75	2
Anglesey Average	93.90		93.80		-	

Ysgol Beaumaris performed better than 50% of comparable schools in two of the past three years whilst Ysgol Llanddona is in the highest quarter in terms of attendance in two of the past three years. The pattern for Llangoed suggests a better performance than 50% of comparable schools in two of the past three years.

Table 14 illustrates the number of pupils with Special Educational Needs (S.E.N.):-

Table 14

School	S.E.N. Allocation (£)	Number of S.E.N. pupils	Number of pupils	% of S.E.N. pupils	Cost of S.E.N. per capita
Beaumaris	£16,012	52	99	52.5%	£308
Llanddona	£1,584	8	16	50.0%	£198
Llangoed	£8,839	35	86	40.7%	£253
Brynsiencyn	£4,754	13	47	27.7%	£366
Dwyran	£2,669	10	35	28.6%	£267
Llanfairpwllgwyngyll	£9,505	44	294	15.0%	£216
Llandegfan	£7,837	27	148	18.2%	£290
Borth	£11,340	56	187	29.9%	£203
Pentraeth	£4,834	29	83	34.9%	£167
Parc Y Bont	£2,334	9	85	10.6%	£259

These are January 2012 figures. The figures show that the % of pupils with Special Educational Needs is higher in the three schools in South East Anglesey than the other schools in the catchment area.

The schools inspection body Estyn also assesses schools' performance and visits schools in order to carry out inspections before producing a report at the end of each inspection. The inspections approach was changed in 2009/10 but prior to this 7 key questions were asked, namely:-

Key question	
1	How well do learners achieve?
2	How effective is the teaching, training and assessment?
3	How well do the learning experiences meet the needs and interests of learners and the wider community?
4	How good is the care, the instruction and support given to learners?
5	How effective is the strategic leadership and management?
6	How well do leaders and managers evaluate and improve quality and standards?
7	How efficiently do leaders and managers use resources?

A five point scale was used to represent all the inspection judgements as follows:

Grade 1 good with outstanding features
Grade 2 good features and no important shortcomings
Grade 3 good features outweigh shortcomings
Grade 4 some good features, but shortcomings in important areas
Grade 5 many important shortcomings

The following schools (Table 15) were inspected using this approach and the grades given are illustrated (KQ stands for Key Question in this context):-

Table 15

Primary school	Date	KQ1	KQ2	KQ3	KQ4	KQ5	KQ6	KQ7	'Average'
Beumaris	15 January 2008	2	2	2	2	3	3	2	2.29
Llanddona	24 January 2006	2	2	2	2	2	2	2	2.00
Llangoed	19 January 2009	2	2	2	2	2	3	2	2.14
Brynsiencyn	3 May 2006	2	3	3	3	4	4	3	3.14
Y Borth	17 May 2010	1	1	1	1	1	1	1	1.00
Pentraeth	8 May 2006	2	1	1	1	1	2	2	1.43
Parc y Bont	11 November 2008	1	1	1	1	1	1	1	1.00

After 2009/10, the number of questions was reduced to 3 but with sub-sections. The three Key Questions are:-

Key Question 1: How good are the outcomes?
Key Question 2: How good is the provision?
Key Question 3: How good is the leadership and management?

Since adopting the new approach, the following schools have been inspected in the Ysgol David Hughes catchment area:-

Table 16

School	Llanddona	Dwyran	Llanfairpwll	Llandegfan
Date	January 2012	March 2010	November 2010	September 2010
Key Question 1	Good	Good	Good	Good
Standards	Good	Good	Good	Good
Well-being	Good	Good	Excellent	Good
Key Question 2	Good	Good	Good	Good
Learning experiences	Adequate	Adequate	Good	Good
Teaching	Good	Good	Good	Good
Care, support and leadership	Good	Good	Good	Good
The learning environment	Good	Good	Excellent	Good
Key Question 3	Good	Good	Good	Good
Leadership	Adequate	Good	Good	Good
Quality improvement	Good	Adequate	Adequate	Good
Working in partnership	Good	Good	Excellent	Good
Management of resources	Good	Good	Good	Good
Current Performance	Good	Good	Good	Good
Improvement Outlook	Good	Adequate	Good	Good

See the table below for an explanation of the judgement given:-

Judgement	What the judgement actually means
Excellent	Many strengths, including significant examples of sector-leading practice
Good	Many strengths and no important areas that need substantial improvement
Adequate	Strengths outweigh the areas that require improvement
Unsatisfactory	Important areas that require improvement outweigh strengths

6. *Condition of Buildings*

- 6.1 The way that school buildings are used has changed, and will continue to change. New curricular requirements (the Foundation Phase, for example), Information and Communication Technology developments (using interactive white boards and wi-fi technology for example) and the potential for community use requires consideration of the suitability of buildings if the Council is to respond proactively to these issues. The condition of buildings and the environment for children and staff is also a matter of importance when considering the Council's buildings.
- 6.2 Condition, suitability and sustainability surveys were carried out in 2009/10 on behalf of the Welsh Governments by the consultants E.C.Harris and an independent report produced summarising the outcomes. They looked at a number of factors (in schools throughout Wales) including:-
- 6.2.1 The condition of the school buildings
- 6.2.2 Landscape – the aim of carrying out this survey was to see how the school's external environment could impact directly on learning. The surveyors were looking for things such as:-
- Outdoor areas where classes could assemble to work.
Was there 'somewhere to grow food and areas for informal play'.
- 6.2.3 Sufficiency – the surveyors assessed whether there was adequate room for the staff and pupils to have a sense of personal space.
- 6.2.4 Suitability – the surveyors tried to collect information from all areas of the school to see how suitable the school was for learning purposes. Matters such as health and safety, space flexibility, school size and shape, ventilation, lighting, acoustics, location, storage, fittings and fixtures and ICT infrastructure were all considered.
- 6.2.5 Sustainability – the surveyors noted information on the energy efficiency of the lighting and heating equipment, management of the heating system, water saving, waste recycling and the school's Energy Performance Certificate. A sustainability survey looks at those areas that impact on the school's environmental, social and economic sustainability (energy, heating, security).
- 6.2.6 In light of the points made under the above headings, a score was determined based on the five above factors to give a score out of 100 for the schools. See the survey summary in Table 17.

Table 17

School	Condition¹	Landscape	Sufficiency	Suitability²	Sustainability³	Score
Beumaris	B	C	D	B	C	46
Llanddona	B	D	D	A	C	55
Llangoed	B	C	A	A	B	60
Dwyran	B	D	D	B	B	45
Brynsiencyn	B	C	D	B	C	46
Pentraeth	B	C	D	A	C	58
Borth	B	C	D	A	C	58
Llandegfan	B	C	D	A	B	60
Parc Y Bont	B	C	C	A	B	66
Llanfairpwll	B	C	A	A	B	78

Highest score is best

¹*Building Condition Categories*

Category A – Good

Category B – Satisfactory

Category C – Poor

Category D – Very Poor

²*Suitability Categories*

Category A - Good – suitable levels for teaching, learning and well-being in schools

Category B – Reasonable – only has a detrimental effect on behaviour / morale and management

Category C – Poor – has a detrimental effect on teaching methods

Category D – Very Poor – serious situation and / or unable to teach the curriculum

³*Sustainability Categories*

Category A – Excellent

Category B – Good or Above Average

Category C – Poor

Category D – Poor or Non-existent

6.3 It will be noted from the above table that the score for the school building at Ysgol Beaumaris is 8th, Llanddona 7th and Llangoed 3rd in the catchment area. Further details are provided below on individual school buildings.

6.4 Ysgol Llanddona

The original building dates back to before 1900 but was extensively remodelled in the early 1970s. It now has two good sized rooms, a hall and a quiet room providing

accommodation for a total of 56 pupils. The building is suitable and all the resources and facilities are conveniently available to the two classrooms. The field is suitable and there is appropriate parking for staff with alterations having been carried out to the approach road for the school recently.

6.5 Ysgol Llangoed

The existing school building was opened in 1985. Apart from the usual adaptations for the Foundation Phase, the building is suitable and all the customary facilities are convenient for each class. The two KS1 classes [Foundation Phase] and the three KS2 classes provide accommodation for 112 pupils which means that there are 26 [23%] surplus places.

6.6 Ysgol Beaumaris

The existing building at Ysgol Beaumaris was built in the early 1950s. The building is suitable and the classrooms sufficient in terms of size with the necessary resources available for each class. One room has been modified to become a resource room for the school and the Cylch Meithrin meets in one room. There is a generously sized hall and a separate canteen. Although there are 3 rooms that are discounted in relation to the assessment of places, there are 112 [53%] surplus places.

6.7 In addition, condition surveys were carried out by the Council's surveyors from the end of 2011 to the beginning of 2012. See the results for the primary schools in the Ysgol David Hughes catchment area in Table 10. In his report to the Anglesey Council Board of Commissioners on 23 July 2012, the Head of (Property) Services at The Isle of Anglesey County Council noted that the Council had a substantial backlog of maintenance work to be carried out on schools in Anglesey, worth £12.74 million. Of this, £7.51 million needs to be spent on primary schools alone. The current maintenance budget is £740,000 which is slightly less than 10% of the total expenditure required.

6.8 It was concluded that all the schools in the catchment area fell into Category B and this without taking into account the expenditure required in terms of suitability. The meaning of the grades given are as follows:-

- Category A – Good
- Category B – Satisfactory
- Category C – Poor

If we glance at Table 18, we note that Ysgol Beaumaris was given a score of 6, Ysgol Llanddona 32 and Ysgol Llangoed had a score in between the two.

Table 18

School	Total	Score	Grade
Beaumaris	£794,069	6	B
Llanddona	£51,000	32	B
Llangoed	£55,000	21	B
Y Borth	£306,750	10	B
Pentraeth	£126,600	11	B
Brynsiencyn	£120,200	18	B
Llanfairpwll	£106,000	8	B
Llandegfan	£51,000	10	B
Dwyran	£46,620	21	B
Parc y Bont	£18,596	20	B
Catchment average	£167,584	16	-
County average	£156,472	18	-
Total	£1,675,835	-	-

- 6.9 The total maintenance backlog (note – maintenance costs only and not including any improvement works) for the three schools in question is around £900,069. However, the majority of the backlog is associated with Ysgol Beaumaris. Therefore, the maintenance work for the three schools is more than the Council’s current budget. Attending to the maintenance backlog in these schools would not provide a suitable learning environment or the facilities required for the twenty first century, and neither would it meet the requirements of the Welsh Government’s Twenty First Century Schools Programme.

7. *Breaking the link between low performance and social deprivation*

In addition to maintaining and raising standards, schools are expected to try to improve the achievement of those who come from underprivileged social backgrounds thereby breaking the link between deprivation and low achievement. Research suggests that schools need to consider additional provision such as breakfast clubs, after-school clubs, child-care provision; summer holiday and weekend activities if this is to be truly addressed.

Also, schools are required to be a community resource in order to promote community activity. In order to determine what social use was made of the schools concerned, an informal survey was carried out at the end of 2011 by questioning the school Headteachers. The results are in Table 19:-

Table 19

SCHOOL	Community Use?	Breakfast Club?	After-School Club?	Room(s) for confidential discussion?	Activity
Beaumaris	Yes	Yes	Yes	Yes	Welsh Lessons
Llanddona	Yes	Yes	No	No	Community Council, Welsh Lessons, Urdd
Llangoed	No	Yes	No	No	-

From the table, it can be seen that there is community use of Ysgol Beaumaris and Ysgol Llanddona but not of Ysgol Llangoed. Community use is made of 72% of the primary schools on Anglesey and there is a Breakfast Club in every primary school. Of the above three schools, only Ysgol Beaumaris has an After-School Club.

8. *Leadership and management capacity*

Educational research recognises that good leadership and management is linked to good standards – good schools are well led.

Schools' leadership and management requirements have increased substantially over the past few years with expectations likely to grow in the future. Thus, a Headteacher requires sufficient non-contact time to attend to leadership and management matters. Indeed, it could be argued that a Headteacher needs to be wholly designated to Headship matters to be able to pay just attention to all the requirements and expectations of them.

The current situation in this respect is :-

Head of Ysgol Beaumaris – no non-contact time

Head of Ysgol Llanddona – 0.5 days non-contact time per week

Head of Ysgol Llangoed – 1.5 days non-contact time per week

9. *Options*

When considering the future of primary school education in South East Anglesey, we must focus on a number of factors such as surplus places, reducing the per capita spend, raising standards, leadership and management capacity, the schools' ability to concentrate on improving the achievement of pupils who come from deprived background. In the case of this review, specific attention needs to be given to finding a short and longer term solution – in the short term it is essential that we find a sustainable solution to the situation at Ysgol Llanddona. In the longer term, a solution is required to the education provision situation in South East Anglesey.

Therefore, the options for the schools in South East Anglesey are:-

1. Continue to maintain the three schools.
2. Close Ysgol Llanddona and transfer the pupils to Ysgol Beaumaris

3. Close Ysgol Llanddona and transfer the pupils to Ysgol Llangoed.
4. Close Ysgol Llanddona and Ysgol Llangoed and transfer the pupils to Ysgol Beaumaris.
5. Federalisation or clustering.

9.1 Continue to maintain Ysgol Llanddona, Ysgol Llangoed and Ysgol Beaumaris

The pupil numbers and surplus places at the three schools are as follows:-

Table 20

School	Places	Numbers				Surplus Places			
		2012	2013	2014	2015	2012	2013	2014	2015
Llanddona	56	16	15	18	17	40	41	38	39
Llangoed	112	86	82	83	81	26	30	29	31
Beaumaris	211	99	97	93	89	112	114	118	122
	379	201	194	192	181	178	185	185	192

In considering the *status quo* option, we need to bear in mind:

- that there is less funding available for the service and so could have a detrimental impact on the provision.
- that the funding formula currently favours small schools like Ysgol Llanddona.
- it is anticipated that there will not be many changes in terms of pupil numbers at Ysgol Llanddona over the next few years so the % of surplus places and per capita spend will remain high.

9.2 Close Ysgol Llanddona and transfer the pupils to Ysgol Beaumaris

The pupil numbers and surplus places in the two schools are as follows:-

Table 21a

School	Places	Numbers				Surplus Places			
		2012	2013	2014	2015	2012	2013	2014	2015
Llanddona	56	16	15	18	17	40	41	38	39
Beaumaris	211	99	97	93	89	112	114	118	122
	267	115	112	111	106	152	155	156	161

In merging the two schools, the numbers and surplus places would be as follows:-

Table 21b

Merging at	Places	Numbers				Surplus Places			
		2012	2013	2014	2015	2012	2013	2014	2015
Beaumaris	211	115	112	111	106	96	99	100	105

If pupils from Ysgol Llanddona were to be transferred to Ysgol Beaumaris, there would be plenty of room for them.

If pupils from Ysgol Llanddona were to be transferred to Ysgol Beaumaris, the financial implications would be as follows:-

Table 22

School	Numbers based on 2012/2013 Formula	Allocation 2012/2013*	Allocation per capita 2012/2013*	Teacher Allocation
Llanddona	15.8	£163,423	£10,343	1.5
Beaumaris	98.0	£463,011	£4,724	4.07
	113.8	£626,434		5.57

Merging at				
Beaumaris	113.8	£509,573	£4,478	4.62

By so doing, the per capita cost of Ysgol Beaumaris would reduce from £4,724 to £4,478 thereby producing an annual saving of £626,434 - £509,573 = £116,861

On the basis of the funding level for 2012/13, the allocation for Ysgol Beaumaris if Ysgol Llanddona pupils were to be moved there would be £116,861 lower than the allocations for the two schools separately and transport from Llanddona to Beaumaris would perhaps cost approximately £25,000, thereby reducing the saving to £91,861. An escort service would add around £4,000 to the transport costs.

9.3 Close Ysgol Llanddona and transfer the pupils to Ysgol Llangoed

The pupil numbers and surplus places in the two schools are as follows:-

Table 23a

School	Places	Numbers				Surplus Places			
		2012	2013	2014	2015	2012	2013	2014	2015
Llanddona	56	16	15	18	17	40	41	38	39
Llangoed	112	86	82	83	81	26	30	29	31
	168	102	97	101	98	66	71	67	70

If pupils from Ysgol Llanddona were to be transferred to Ysgol Llangoed, there would be plenty of room for them.

Merging the two schools

Table 23b

Merging at	Places	Numbers				Surplus Places			
		2012	2013	2014	2015	2012	2013	2014	2015
Llangoed	112	102	97	101	98	10	15	11	14

If pupils at Ysgol Llanddona were to be transferred to Ysgol Beaumaris, the financial implications would be as follows:-

Table 24

School	Numbers based on 2012/2013 Formula	Allocation 2012/2013*	Allocation per capita 2012/2013*	Teacher Allocation
Llanddona	15.8	£163,423	£10,343	1.5
Llangoed	77.0	£357,529	£4,643	3.27
	92.8	£520,952		4.77

Merging at				
Llangoed	92.8	£394,716	£4,253	3.89

By so doing, the per capita cost of Ysgol Llangoed would reduce from £4,643 to £4,253 thereby producing an annual saving of £520,952 - £394,716 = £126,236.

On the basis of the funding level for 2012/13, the allocation for Ysgol Llangoed if Ysgol Llanddona pupils were to be moved there would be £126,236 lower than the allocations for the two schools separately, but transport from Llanddona to Llangoed would perhaps cost approximately £25,000, thereby reducing the saving to £101,236. An escort service would add around £4,000 to the transport costs.

9.4 Close Ysgol Llanddona and Ysgol Llangoed and transfer the pupils to Ysgol Beaumaris

The pupil numbers and surplus places at the three schools are as follows:-

Table 25a

School	Places	Numbers				Surplus Places			
		2012	2013	2014	2015	2012	2013	2014	2015
Llanddona	56	16	15	18	17	40	41	38	39
Llangoed	112	86	82	83	81	26	30	29	31
Beaumaris	211	99	97	93	89	112	114	118	122
	379	201	194	192	181	178	185	185	192

If pupils at Ysgol Llanddona and Ysgol Llangoed were to be transferred to Ysgol Beaumaris, there would be room for them as illustrated in Table 25b:-

Table 25b

Merging at	Places	Numbers				Surplus Places			
		2012	2013	2014	2015	2012	2013	2014	2015
Beaumaris	211	202	194	192	181	9	17	19	30

If pupils at Ysgol Llanddona and Ysgol Llangoed were to be transferred to Ysgol Beaumaris, the financial implications would be as follows:-

Table 26

School	Numbers based on 2012/2013 Formula	Allocation 2012/2013*	Allocation per capita 2012/2013*	Teacher Allocation
Llanddona	15.8	£163,423	£10,343	1.5
Llangoed	77.0	£357,529	£4,643	3.34
Beaumaris	98.0	£463,011	£4,724	4.07
	190.8	£983,963		

Merging at				
Beaumaris	190.8	£683,897	£3,584	7.31

By so doing, the per capita cost of Ysgol Beaumaris would reduce from £4,724 to £3,584 thereby producing an annual saving of £983,963 - £683,897 = £300,066.

On the basis of the funding level for 2012/13, the allocation for Ysgol Beaumaris if Ysgol Llanddona and Ysgol Llangoed pupils were to be moved there would be £300,066 lower

than the allocations for the three schools separately, but transport to Beaumaris would perhaps cost approximately £50,000, thereby reducing the saving to £250,066. An escort service would add around £8,000 to the transport costs.

9.5 Federalisation

A Federal School could be created on 2 sites between Ysgol Llanddona and Ysgol Beaumaris or between Ysgol Llanddona and Ysgol Llangoed. In order for this to be done, the Head of the Federal School would not teach so that he or she could be released to lead and manage. This in turn would mean that a teacher would need to be employed to teach pupils instead of the Head. In other words, federating would be more costly than the current situation.

However, federating would not reduce the number of surplus places or avoid capital expenditure to resolve building deficiencies.

10. THE CONSULTATION PROCESS

- 10.1 The Council will be consulting with parents, governors and staff at the three schools included in this proposal and also with the local communities, local councillors, local Assembly Member, local MP and with the Welsh Government and other stakeholders. The consultation period will run until 24th October 2012.

A number of meetings have been arranged over this period as illustrated in Table 27:-

Table 27

School	Date (in 2012)	Meeting with		
		Staff	Governors	Parents
Llanddona	Monday, 10 th September, 2012	3.30	5.00	6.30
Llangoed	Tuesday, 11 th September, 2012	3.45	5.00	6.15
Beaumaris	Wednesday, 12 th September, 2012	3.45	5.00	6.15

- 10.2 Please feel free to ask us any questions and we would welcome your views on the proposals either by letter, e-mail or by completing the attached response form. Your representations should be sent to:

Programme Manager (Schools Modernisation),
Education Service,
Park Mount,
Glanhwfa Road,
Llangefni,
Isle of Anglesey
LL77 7EY.

The e-mail address is:
ysgolionmon@ynysmon.gov.uk

You should ensure that your response reaches the Isle of Anglesey County Council no later than 24th October, 2012.

The Council will collect and consider your views before making recommendations to the Anglesey Council Board of Commissioners on the way forward. The Anglesey Council Board of Commissioners will consider the consultation report and outcomes and will consider recommendations made by officers in its meeting towards the end of 2012 or early in 2013.

Your contributions to the process as members of the community are vitally important.

11. NEXT STEPS

This is the initial and **informal** consultation. At the end of this stage of the consultation process, officers will collate all the responses and information before submitting any recommendation to the Board of Commissioners. Over the next few months, the Board of Commissioners will consider this consultation report and its outcomes together with any recommendations by Council officers.

Should the Board of Commissioners decide to adopt a recommendation, there will be a **formal** consultation period on a particular option or options.



CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

CYNGOR SIR YNYS MÔN
ISLE OF ANGLESEY COUNTY COUNCIL

ADRAN DYSGU GYDOL OES
LIFELONG LEARNING DEPARTMENT

**YMATEB I ADOLYGIAD YSGOLION CYNRADD DE-
DDWYRIAN MÔN – YMGYNGHORIAD ANFFURFIOL
(MEDI - HYDREF 2012)**

**RESPONSE TO SOUTH-EAST ANGLESEY PRIMARY
SCHOOLS REVIEW – INFORMAL CONSULTATION
(SEPTEMBER - OCTOBER 2012)**

Rhagfyr / December 2012

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1. BACKGROUND

- 1.1 As part of the informal consultation in South East Anglesey, a number of consultation meetings were held with parents, governors and staff of the three schools involved in the consultation, as shown in Table 1 below. The consultation period began on Wednesday 12 September, 2012 and ended on Wednesday 24 October, 2012.

Table 1

School	Date (in 2012)	Meeting with		
		Staff	Governors	Parents
Llanddona	Monday 10 September	3.30	5.00	6.30
Llangoed	Tuesday 11 September	3.45	5.00	6.15
Beaumaris	Wednesday 12 September	3.45	5.00	6.15

- 1.2 As a reminder, see the list of options for schools in south-east Anglesey, namely:
1. Continue to maintain the three schools
 2. Close Ysgol Llanddona and transfer the pupils to Ysgol Beaumaris
 3. Close Ysgol Llanddona and transfer the pupils to Ysgol Llangoed
 4. Close Ysgol Llanddona and Ysgol Llangoed and transfer the pupils to Ysgol Beaumaris
 5. Federalisation or clustering
- 1.3 The views of staff, parents, governors and others were collected and they are summarised in this report.

2. RESPONSES FROM YSGOL LLANDDONA

- 2.1 Six responses were received from Ysgol Llanddona stakeholders – three letters from parents, one from grandparents, one from a governor and one from an individual who did not reveal whether they were a stakeholder or not. They praised the bilingual education at the school and recommended that Ysgol Llanddona and Ysgol Llangoed and others should receive pupils from Ysgol Beaumaris because of the cost of maintenance work on that school. They were not in favour of moving the children to Ysgol Beaumaris in the event of Ysgol Llanddona closing and highlighted behavioural problems as the reason.
- 2.2 In addition to the above, formal correspondence in English and Welsh was received from the Governing Body of Ysgol Llanddona (see Appendix 1). It was the unanimous view of the Body:
1. That the options were not complete and that other options should be identified and evaluated.
 2. That the condition of Ysgol Beaumaris should be fully recognised in any assessment.
 3. That based on the view of parents of pupils at Ysgol Llanddona, the options proposed were unlikely to address the issue of surplus places.

3. RESPONSES FROM YSGOL LLANGOED

- 3.1 A total of 127 responses were received from the stakeholders of Ysgol Llangoed of which 53 were letters (41%), 57 were feedback forms (45%) and 18 were e-mails (14%). All of the responses wished to see Ysgol Llangoed remaining open and some wished the option to be removed from the document.
- 3.2 One response was received from a Sustrans Officer stating that Option 3 was better from a linguistic and sustainable transport to school perspective. This view was endorsed by a number of parents who thought that having to travel to another school would cause traffic and pollution problems. Some mentioned the green awards the school has achieved recently. One parent stated his desire to have a safe cycle route between Llangoed and Beaumaris.
- 3.3 Some felt that the school should not be closed as the standards of education are so good (as highlighted in the performance quartiles and Estyn inspection reports) and that the commitment of staff is a contributory factor in this respect. There was great praise for “the good work of the head, the teachers and parents in creating a happy, friendly school” and others praised the standards of behaviour and discipline there. Others felt that the report should have included subjective matters such as the happiness of the children.
- 3.4 A number emphasised that the % of surplus places in Ysgol Llangoed was lower than in the other two schools under consideration and that its condition score was the highest of the three and they therefore did not see the logic in the option of closing the school.

- 3.5 As the expenditure per pupil is lower in Ysgol Llangoed than the other two, some did not agree with closing the school.
- 3.6 One stakeholder requested further information on the sports facilities in the three schools and whether the fact “that the relatively high SEN proportion in the 3 schools is related to social deprivation”.
- 3.7 A letter was received from the local elected member expressing the concerns of parents and his constituents. A number of the residents of Llangoed and the area were in agreement with his 12 points.
- 3.8 Some were concerned that travelling to Ysgol Beaumaris would be a long journey for some children if Ysgol Llangoed were to close. Others were concerned about access to the school by car and traffic problems.
- 3.9 One parent expressed the view that the document was too lengthy and difficult for parents to understand and that the consultation document should have been released earlier.
- 3.10 One stakeholder wished the Council to increase rates in order to secure the future of services on the island.
- 3.11 As the % of surplus places is high in other primary schools in the Ysgol David Hughes catchment area, some felt that the focus should be on those schools rather than South East Anglesey. Three stakeholders said that the size of Beaumaris primary school should be reduced because of so many surplus places there.
- 3.12 Two pupils responded that they wished to keep Ysgol Llangoed open as they are making many friends there.
- 3.13 For financial, educational, community, linguistic and other reasons, some stakeholders did not see the sense of closing the school. Others did not consider it fair that Ysgol Llangoed was suffering “because of the two other schools”.
- 3.14 Some aired the possibility of building a new smaller school for the area in Beaumaris to replace the current three schools. Having considered the options, one resident suggested that Ysgol Llangoed or Ysgol Llanddona be closed and Ysgol Beaumaris retained as a compromise. One governor wished to see one school for the children of South East Anglesey and that is it “essential to safeguard the Welsh language in this part of the island” and that this cannot be done “by using Ysgol Beaumaris as it is now”.
- 3.15 One resident of Glanrafon near Llangoed said: “As reading standards in Wales are the lowest in Britain, why should we jeopardise this by closing Ysgol Llangoed?”
- 3.16 Correspondence was received from three teachers at the school and four classroom assistants. One teacher praised the “effective communication” of the Head and another teacher said “that it had a happy ethos, high level of discipline and parental support”.

One teacher suggested extending Ysgol Llangoed and closing Beaumaris and Llanddona schools and transferring the pupils to Llangoed. The assistants also praised the Head for the management of the school but were concerned about losing their jobs and the possible impact on the community of closing the school.

- 3.17 As house prices are high in Beaumaris, some felt there should be affordable housing in the area.
- 3.18 One stakeholder suggested “that the activities and services of the church and the chapels should be centralized at the school and that Ysgol Llangoed should be a designated Welsh school allowing admission only to children who are steeped in the Welsh language”.
- 3.19 An e-mail was received from Anglesey’s Assembly Member stating that the stakeholders of the school “oppose the intention to close Ysgol Llangoed because they feel that the school is performing well academically; that it is well managed financially and educationally; and that it has a good approach to the Welsh Language. It is also a modern school with comparatively low maintenance costs and an important part of the local community”.
- 3.20 A letter was received from the Member of Parliament for Anglesey that parents did not feel that they have had sufficient time to see the document before the consultation meeting.
- 3.21 The Governing Body of Ysgol Gynradd Llangoed stated its “complete dissatisfaction at the threat closing the school”. See Appendix 2 for a copy of the correspondence.

Other comments from the feedback forms were:-

- Agree that Anglesey Council needs to make substantial savings and agree with the reasons for change. Some had analysed the figures further and Ysgol Llangoed was came out in the top five of schools in the catchment area in all of the categories.
- Concern with regard to the number of pupils who have moved to Ysgol Llangoed from Ysgol Beaumaris.
- Some affordable dwellings will be built in Llangoed which would lead to an increase in the number of pupils at the school.
- Praise for the way the Head runs the schools.
- Praise for the bilingual education at the school and how pupils who go to Ysgol David Hughes receive their education through the medium of Welsh.
- Closing Ysgol Beaumaris and moving the children to neighbouring primary schools.
- Emphasis on the community ethos of the school.
- As the school was all on one level, access for the disabled was more convenient.
- Some were concerned that should Ysgol Llanddona and Ysgol Llangoed close, it would signal the end of speaking Welsh amongst children in this part of Anglesey.

- The size of Ysgol Llanddona was not sustainable.
- A number were in favour of Option 3 namely to close Ysgol Llanddona and transfer the pupils to Ysgol Llangoed. This was based on linguistic and cultural reasons.

4. RESPONSES FROM YSGOL BEAUMARIS

4.1 A total of 11 responses were received from the school's stakeholders comprising 2 letters (18%), 7 feedback forms (64%) and 2 e-mails (18%). There were three responses from parents, one from a governor and one from the Head of the school but the other 6 respondents did not reveal whether they were stakeholders or not.

4.2 Other comments in the feedback forms were:-

- That Ysgol Beaumaris needs to be modernized, be a green and state of the art school.
- Surprise that the maintenance costs are very high.
- Acknowledged the problems of the past but since the appointment of the new Head, there is a positive and confident atmosphere in the school.
- Praise for the school's links with the community.
- Favouring Option 4, namely closing Ysgol Llangoed and Ysgol Llanddona and transferring the pupils to Ysgol Beaumaris.

4.3 In its correspondence, Beaumaris Town Council stated that it supports "the Isle of Anglesey County Council's intention to keep Ysgol Beaumaris open" and that it was concerned about the school's maintenance backlog.

5. RECOMMENDATIONS

At its meeting on November 21, 2012, the Education and Leisure Scrutiny Committee was asked to make recommendations to the Executive Committee on an option or options for formal consultation from amongst the following:-

1. Continue to maintain the three schools.
2. Close Ysgol Llanddona and transfer the pupils to Ysgol Beaumaris.
3. Close Ysgol Llanddona and transfer the pupils to Ysgol Llangoed
4. Close Ysgol Llanddona and Ysgol Llangoed and transfer the pupils to Ysgol Beaumaris
5. Federalisation or clustering

At the meeting on November 21, 2012, the Education and Leisure Scrutiny Committee resolved:-

To recommend Option 3 (to close Ysgol Llanddona and transfer the pupils to Ysgol Llangoed) to the Executive as the Committee's preferred option for formal consultation on the review of primary education provision in South East Anglesey subject to the following:-

- That transport issues in the area are addressed and satisfactorily resolved, and
- That the primary education provision in South East Anglesey is revisited in due course in the Schools Modernisation Programme with a view to establishing a long term strategy for the primary education provision in the area.

EDUCATION AND LEISURE SCRUTINY COMMITTEE

Minutes of the meeting held on 21 November, 2012

- PRESENT:** Councillor Derlwyn Hughes (Chair)
Councillor Jim Evans (Vice-Chair)
- Councillors Lewis Davies, Mrs Fflur Hughes, G.O. Jones, R. Dylan Jones, R. Llewelyn Jones, Clive McGregor, Eric Roberts, Ieuan Williams.
- Mr Keith Roberts (The Roman Catholic Church)
- IN ATTENDANCE:** Director of Lifelong Learning
Head of Service (Education)
Schools Modernisation and Rationalisation Manager (Mr Emrys Bebb)
Principal Youth Service Officer (Enid Williams) (for item 11)
Primary Education Officer (Mr Gary Jones) (for item 10)
Scrutiny Link and Support Officer (Mr Gareth Bayley Hughes)
Committee Officer (ATH)
- APOLOGIES:** Rev. Robert Townsend (The Church in Wales)
- ALSO PRESENT:** Councillor G.O. Parry, MBE (Portfolio Member for Education); Ms Tanis Cunnick (Welsh Government); Mr Trebor Roberts (Interim Chief Executive of Cynnal) Mr Gethin Jones (Corporate Communications Officer (for item 4), Councillor E.G. Davies (as observer for item 4)
-

The Chair extended a welcome to this meeting of the Education and Leisure Scrutiny Committee to all Members and Officers present.

1 DECLARATION OF INTEREST

Councillor Lewis Davies declared an interest in item 4 on the agenda in respect of the report in relation to the informal consultation on the review of primary school provision in South East Anglesey on account of his position as Chair and member of the Governing Body of Ysgol Llangoed. Councillor Davies participated in the discussion on this item but did not vote thereon.

Councillor Gwilym O. Jones declared an interest in item 4 on the agenda in respect of the report in relation to the informal consultation on the review of primary school provision in South East Anglesey on account of the fact that he was related to the Head Teacher of Ysgol Beaumaris.

2 MINUTES

The minutes of the extraordinary meeting of the Education and Leisure Scrutiny Committee held on 26 October, 2012 were presented and confirmed as correct.

The Scrutiny Link and Support Officer informed Members that the seminar for the Library Information Service Scrutiny Review Panel with CyMAL (Museums, Library and Archives Wales) has been arranged for the morning of the 7th December, 2012 at Oriol Ynys Môn. An invitation to the seminar is also extended to all this Scrutiny Committee's Members.

3 EFFECTIVENESS OF EDUCATION SCRUTINY

An interim report by the Scrutiny Link and Support Officer in respect of the effectiveness of the Education Scrutiny Committee was presented for the Committee's consideration. The report

proposed a means by which Members of the Committee might evaluate their effectiveness as a forum in challenging the performance of the Lifelong Learning Department.

The Director of Lifelong Learning explained that the report represents an effort to provide a yardstick by which to assess the effectiveness of the Scrutiny Committee in the context of the recommendation made by Estyn in its inspection report on the quality of education services for children and young people on Anglesey that the Authority's performance management systems need to be formalised and strengthened and the performance of schools and officers need to be challenged. He drew Members' attention specifically to section 3.4 of the report which sets out the four defined roles of scrutiny within local government and he stated that the objective is that Members consider all the information which is presented to them at this Committee in light of those four core principles of scrutiny. To that end an evaluation form has been prepared which Members are asked to complete at the end of each meeting in order to assist in ascertaining whether the Committee has achieved its defined role for each item presented by undertaking the self-evaluation exercise.

The Scrutiny Link and Support Officer provided members with a brief overview of the self-evaluation form and what it seeks to achieve.

It was resolved to undertake a self-evaluation exercise at the end of each meeting of this Committee to establish whether the Committee has achieved its defined role for each item considered by completing the prepared evaluation form.

ACTION ARISING: Scrutiny Link and Support Officer to implement and oversee the Committee's self-evaluation exercise at the end of each meeting.

4 ANGLESEY PRIMARY SCHOOLS MODERNISATION – SOUTH EAST ANGLESEY

A report by the Schools Modernisation and Rationalisation Manager in respect of the outcome of the informal consultation process held in September and October, 2012 regarding the review of the provision of primary education in South East Anglesey was presented for the Committee's consideration. The report documented the responses received during the process from the stakeholders of Ysgol Llanddona; Ysgol Llangoed and Ysgol Beaumaris along with the options for the reconfiguration of primary education provision in that area.

The Head of Service (Education) summarised the gist of the responses submitted during the informal consultation process and the main themes emerging from them which encompassed cost per pupil; transport and safe routes to school; school building condition and maintenance costs; surplus places; educational standards and bilingualism. He referred briefly to the five potential options set out in the report.

Members considered the information presented carefully and they sought further clarification of the situation in relation to the total number of pupils currently at each of the three schools; the percentage of surplus places at the schools along with the physical condition and age of the school buildings. The Head of Service (Education) provided the Committee with information regarding the numbers of pupils and percentage of surplus places at each of the three schools. It was subsequently agreed that in future information presented to the Committee in respect of the feedback from informal consultation on reviews of education provision will be accompanied by the consultation document itself.

In the ensuing discussion, the following issues were raised and considered –

- Pupil numbers as at present and potentially in future at the three schools taking into account the possible impact of any known or planned development in the vicinity of the schools
- Surplus places, cost per pupil and the potential for realising savings
- School condition and age and potential maintenance and/or upgrade costs involved
- School capacity in terms of being able to assimilate additional pupils
- Transport and safe routes to school
- Bilingualism and school ethos
- Education provision within the context of the current arrangements in the area and the potential for improvement by reconfiguring the provision
- Possibility/feasibility of a new area school. On this point the Head of Service (Education) referred to the Authority's long-term strategy for Anglesey and the desirability of revisiting the South East Anglesey area when the strategy is considered.

Members deliberated on the options and the merits and/or demerits of Options 2, 3 and 4 in particular were discussed.

Following discussion, it was resolved -

To recommend Option 3 (to close Ysgol Llanddona and transfer the pupils to Ysgol Llangoed) to the Executive as the Committee's preferred option for formal consultation on the review of primary education provision in South East Anglesey subject to the following -

- **That transport issues in the area are addressed and satisfactorily resolved, and**
- **That the primary education provision in South East Anglesey is revisited in due course in the Schools Modernisation Programme with a view to establishing a long term strategy for the primary education provision in the area.**

ACTIONS ARISING:

- **The Head of Service (Education) to incorporate the Committee's recommendations with regard to the South East Anglesey primary school review in a report to the Executive.**
- **The Schools Modernisation and Rationalisation Manager to provide the Committee in future with a copy of the Consultation document in addition to feedback from the informal consultation process in relation to a review of schools.**

5 PRINCIPLES OF SCHOOL MODERNISATION

A report by the Schools Modernisation and Rationalisation Manager setting out the principles that will underpin the Anglesey Schools Modernisation Programme was presented for the Committee's consideration. A list of the principles was attached to the report.

The Head of Service (Education) expanded on each of the key principles listed in terms of what they meant and encompassed.

Members considered the report and a point was made that it would have been helpful for each principle to be accompanied by a brief explanatory commentary. The following were suggested as additions to the list –

- Maximising opportunities to strengthen/promote the Welsh language
- Transport including public transport
- Co-location to include other partners e.g. the health sector
- Links with external businesses and maximising opportunities arising therefrom.

It was resolved to accept the principles as presented with the addition of those principles suggested by the Committee above.

ACTIONS ARISING:

The School Modernisation and Rationalisation Manager to -

- **incorporate the additional principles suggested by the Committee within the list of key modernisation principles.**
- **To provide the Committee in due course with detailed information in relation to the principles agreed.**

6 THE ROLE OF THE COMMITTEE IN THE PROCESS OF HOLDING SCHOOLS AND HEADTEACHERS TO ACCOUNT.

A report by the Director of Lifelong Learning outlining a proposed system whereby the Scrutiny Committee can hold schools to account was presented for the Committee's consideration.

The Director of Lifelong Learning referred to the Estyn Inspection report on the quality of education services for children and young people in Anglesey and to the need which the inspectors had identified for elected members to participate more actively in the process of monitoring individual

schools. The Post Inspection Plan provides details of what needs to be done to address this matter and that includes developing the function of this Scrutiny Committee in relation to schools causing concern and establishing effective arrangements to include the Committee in reviewing the progress of schools that need focused support and monitoring (those categorised as amber), and schools that need significant support (those categorised as red), and in determining subsequent activity levels including the use of formal intervention procedures. In establishing such arrangement the aim is to fulfil the expected outcomes set out in section 3.2.2. of the report. In light of the comments made by Estyn and an examination by the Scrutiny Link and Support Officer of practices in other authorities, it is proposed that an individual School Progress Review Group is established with the membership, functions and reporting arrangements documented in section 4.2 of the report.

It was resolved –

- **To establish an individual School Progress Review Group of this Committee on the lines proposed in the report.**
- **To appoint Councillors Lewis Davies, Gwilym O Jones and Eric Roberts to the group/rota of three members from which one member will serve at any one time on the Progress Review Group.**
- **That, in the event of the Chair or Vice-Chair of the Scrutiny Committee not being able to attend a meeting of the Progress Review Group a second member of the group of three designated above be asked to attend instead.**

ACTION ARISING: The Scrutiny Link and Support Officer to take steps to convene a meeting (meetings) of the Individual Schools Progress Review Group as appropriate in consultation with the relevant officers/members.

7 FINANCIAL MATTERS

7.1 A report by the Head of Service (Education) in respect of the Education Service's financial position (central budget) at the end of Quarter 2 of the 2012/13 reporting period was presented for the Committee's consideration.

The Head of Service (Education) informed Members that at the end of Quarter 2, the Education Service had overspent by £494k the main budget lines showing an overspend being Secondary Integration (£320K); Primary Integration (£79K) and the Education Welfare Service (44k – full year). The Officer confirmed that remedial action has been taken with regard to the overspend on the Integration budget in the secondary sector and that the Service will embark on remedial action with regard to the primary sector integration budget on 19 November, 2012. He further explained the position with regard to the Education Welfare Service and to the fact that there is an overspend in this service area because one post is not budgeted for. A growth bid has been prepared to enable the Service to finance this post.

Following discussion, it was resolved –

- **To establish a Scrutiny Outcome Panel of this Committee to examine the Integration Budget (primary and secondary sectors) in greater depth and to investigate the reasons for overspend on these budget headings.**
- **To appoint Councillors Mrs Fflur Hughes, R.Dylan Jones, Clive McGregor and Ieuan Williams to serve on the Scrutiny Outcome Panel above.**

ACTION ARISING: The Scrutiny Link and Support Officer to take steps to convene a meeting (meetings) of the Integration Budget Scrutiny Outcome Panel as appropriate in consultation with the relevant officers/members.

7.2 A report by the Head of Service (Education) in respect of individual schools' financial position was presented for the Committee's consideration.

The Head of Service (Education) reported that whilst there has been a significant reduction in Anglesey's school balances as recognised in the May 2012 Estyn report and that the Authority has responded positively to recommendations made by Estyn in 2009, the inspectors

nevertheless have drawn attention to the fact that an increasing number of schools are in a deficit position and that there has not been sufficient intervention by the Authority in this respect. The Officer referred to the number of schools in the primary and secondary sectors which are currently in a position of deficit and the action those schools have to take to address the situation. Moreover, this year a school deficit monitoring form has been introduced (copy attached as an appendix to the report) which schools are expected to complete and which is then signed by the Head teacher and Chair of Governors and ratified by the Head of Service (Education) and Finance Officers. The Head of Service (Education) made reference also to those schools in both sectors which are in a surplus position (36 primary and 3 secondary) including 23 primary and 2 secondary schools whose surpluses are 5% or more than the school's financial allocation. All the 25 schools with a surplus 5% in excess of the school's financial allocation have provided the Authority with a statement indicating how they plan to reduce their balances.

Members considered the report and there was general consensus that it would be helpful for them to know the reasons why certain schools find themselves in a position of deficit whilst others have a surplus and whether it is attributable to expenditure on staff or maintenance or other reasons. They were of the view that there were lessons that could be learnt from understanding the reasons why the deficits and/or surpluses have occurred. The Director of Lifelong Learning said that the Committee must be satisfied that the Education Service has in place a system to address the matter of schools in deficit.

It was resolved to accept the report and to note its contents.

ACTION ARISING : The Director of Lifelong Learning to provide the Committee with further information identifying those schools in budget deficit; the timescale for effecting remedial action together with an example of a school deficit recovery plan.

8 HALF-TERMLY ATTENDANCE AND PERFORMANCE RATES

A report by the Secondary Education Officer outlining the progress made in relation to improving attendance at schools was presented for the Committee's consideration.

The Head of Service (Education) reported that the Authority's Post Inspection Action Plan contains a number of action points to address the recommendation made by Estyn that the Authority should plan more effectively with the relevant professionals to improve attendance rates. The Officer referred to the Inclusion Strategy and to the policy reviews that have taken place post Inspection. He informed Members that primary attendance has improved from 93% in 2010/11 to 94.4% thus reversing the continual downward trend that was occurring. Secondary attendance has improved for the past 2 years from 90.6% to 92.2% thus lifting the Authority from position 10 to 13 in Welsh authority standings. More detailed information in the form of graphical and tabular data which illustrated the improvement was provided within the report. The Head of Service (Education) drew specific attention to the positive difference which having a full time Education Welfare Officer in post has had on attendance rates at one secondary school along with the introduction of a weekly monitoring arrangement in the secondary sector in general. A growth bid submission to allow for a designated Education Welfare Officer to serve each of the five secondary catchment areas has been prepared. The Officer also referred to the position with regard to exclusions and to the fact that action has been taken to address the high number of fixed term exclusions in two secondary schools as well as the increase in the number of primary school exclusions. As at half way through the Autumn term the Authority's figures in terms of days lost to exclusions compare very favourably with figures for the same period over the last 4 years as attested to by the data in the report.

Members considered the report and they discussed other strategies that might have contributed to improved attendance rates such as breakfast clubs. Reference was also made to a link between school absences and underachievement. They emphasised the need to have in place a contingency strategy should the growth bid for an Education Welfare Officer be unsuccessful. With regard to exclusions, Members were informed of the success on Anglesey of effecting managed moves for pupils at risk of exclusion due to behaviour issues and also that a feasibility study in respect of establishing a pupil referral unit for those in need of alternative provision had been undertaken.

It was resolved to accept the report and to note its contents.