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County Hall
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Usk
NP15 1GA

Monday, 5 July 2021

Notice of special meeting

Standards Committee

Tuesday, 13th July, 2021 at 7.30 pm,
County Hall, Usk - Remote Attendance

AGENDA

Item No	Item	Pages
1.	Apologies for absence	
2.	Declarations of interest	
3.	Dispensation Request	1 - 20

Paul Matthews
Chief Executive

MONMOUTHSHIRE COUNTY COUNCIL
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE COMMITTEE IS AS FOLLOWS:

County Councillors:

D. Evans
S. Woodhouse
P. Clarke

R Williams-Flew
P. Easy
D. Evans
S. Woodhouse
P. Clarke
R. Stow (Independent Representative)
R. McGonigle (Independent Representative)
I. Cameron (Community Representative)

Public Information

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Watch this meeting online

This meeting can be viewed online either live or following the meeting by visiting www.monmouthshire.gov.uk or by visiting our Youtube page by searching MonmouthshireCC.

Welsh Language

The Council welcomes contributions from members of the public through the medium of Welsh or English. We respectfully ask that you provide us with adequate notice to accommodate your needs.

Aims and Values of Monmouthshire County Council

Our purpose

Building Sustainable and Resilient Communities

Objectives we are working towards

- Giving people the best possible start in life
- A thriving and connected county
- Maximise the Potential of the natural and built environment
- Lifelong well-being
- A future focused council

Our Values

Openness. We are open and honest. People have the chance to get involved in decisions that affect them, tell us what matters and do things for themselves/their communities. If we cannot do something to help, we'll say so; if it will take a while to get the answer we'll explain why; if we can't answer immediately we'll try to connect you to the people who can help – building trust and engagement is a key foundation.

Fairness. We provide fair chances, to help people and communities thrive. If something does not seem fair, we will listen and help explain why. We will always try to treat everyone fairly and consistently. We cannot always make everyone happy, but will commit to listening and explaining why we did what we did.

Flexibility. We will continue to change and be flexible to enable delivery of the most effective and efficient services. This means a genuine commitment to working with everyone to embrace new ways of working.

Teamwork. We will work with you and our partners to support and inspire everyone to get involved so we can achieve great things together. We don't see ourselves as the 'fixers' or problem-solvers, but we will make the best of the ideas, assets and resources available to make sure we do the things that most positively impact our people and places.



SUBJECT: DISPENSATION REQUEST

MEETING: STANDARDS COMMITTEE

DATE: 13 JULY 2021

DIVISION/WARDS AFFECTED: ALL

1. PURPOSE

- 1.1 A Dispensation Request has been submitted to the Standards Committee. The purpose of such a request is to seek authorisation from the committee to participate in the business of Monmouthshire County Council despite the presence of a possible prejudicial interest as defined by the Code of Conduct.

2. RECOMMENDATION

- 2.1 The Standards Committee are requested to consider the dispensation request and make a decision regarding the participation of the applicants in applicable MCC business.

3. KEY ISSUES

- 3.1 There is currently work being undertaken that will lead to a decision regarding the education provision in Abergavenny that relates specifically to King Henry VIII Secondary School (KHS) and Deri View Primary School. Ysgol Y Fenni is also directly affected by any decision on this matter.
- 3.2 A decision is to be made on the provision of a new school on the current KHS site that will replace both that school and Deri View and create a new all-age provision. Should that happen then Ysgol Y Fenni will most likely be relocated to the Deri View site.
- 3.3 The discussion has been ongoing for a while and had been due to appear at the Children and Young People Select Committee meeting on 8 Jul 21. In setting the agenda and establish the appropriate way to convene the meeting and incorporate public contributions while the Council continues to hold meetings remotely, the question arose as to the potential for any interests to be present among the elected and co-opted committee Members.
- 3.4 The advice provided by the Monitoring Officer is at Appendix One. It concluded that as a number of Committee Members were Governors of the 3 schools mentioned above, and that those schools were “particularly” affected, then it was likely that a prejudicial interest was present. Were that to be the case, then not only would the meeting be affected but the wider conduct of Council business also as it could prevent those with interests from participating in, for example, a motion raised at Full Council.
- 3.5 In discussion with the Chair and Members of the Committee, and the Monitoring Officer, and in light of the proximity of the meeting and Council on 22 Jul 21, the decision was taken to cancel the meeting and convene the Standards Committee so that a decision could be taken on any potential interests and the need for dispensation.
- 3.6 In the interim the Monitoring Officer has continued to examine the legislation in preparation for the Standards Committee meeting. In doing so, he has concluded that all Members who

have been appointed to Boards of Governors by the Local Authority Panel do not have a prejudicial interest. This is by virtue of the Code of Conduct para 12(2)(a)(iii) and (iv) which state:

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

(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;”.

Sub-para (3) is not relevant to this topic.

- 3.7 The conclusion articulated above supercedes the conclusion reached in the original advice.
- 3.8 There are 2 Members of the 3 schools particularly affected by this matter who, according to the Code of Conduct, may be deemed to have prejudicial interests as they were not appointed to their respective boards of Governors by MCC. They are County Councillor and Mayor of Abergavenny Tudor Thomas, who is a Governor of Ysgol Y Fenni and Maggie Harris, who is a co-opted Member of the CYP Select Committee and Governor of Deri View.
- 3.9 It is unclear why the Code of Conduct is written in such a way as to make this distinction and it is possible that there is an unintended consequence of the legislation.
- 3.10 The dispensation request is at Appendix Two and sets out the criteria and rationale for the application. It also sets out the relevant law at the introduction of the application.

4. OPTIONS APPRAISAL

- 4.1 To do nothing would potentially allow an unintended imbalance between Members with regard to an important matter.

5. RESOURCE IMPLICATIONS

- 5.1 Nil.

6. WELLBEING OF FUTURE GENERATIONS IMPLICATIONS (INCORPORATING EQUALITIES, SUSTAINABILITY, SAFEGUARDING AND CORPORATE PARENTING)

- 6.1 No negative impacts are identified and there are no safeguarding and corporate parenting implications to be considered.

7. CONSULTEES

CYP Select Committee Members
Chief Officer CYP
Head of Democratic Services
Scrutiny Manager

8. AUTHOR

Matt Phillips
Chief Officer People and Governance
Monitoring Officer

9. CONTACT DETAILS

Tel: 07977 014176

Email: matthewphillips@monmouthshire.gov.uk

Appendices:

1. Original (now superceded) advice from the Monitoring Officer.
2. Dispensation Application

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Councillors,
Councillors,

I'm conscious that with the KH8 discussion coming up at this meeting next week it may raise the question of who can speak on what in terms of interests. I understand that Cllrs Groucutt and Powell are Governors for KH8 and Cllr Harris, and co-opted Member Maggie Harris, are Governors for Deri View (I'm afraid I don't have an email address for Maggie). Cllr Thomas – there's nothing on your record of interests but I wasn't sure if you were a Governor at Y Fenni?

Normally, when we discuss matters relating to schools in Council Members can mention/declare that they are a Governor but it is rare in that forum that we discuss a specific school or affected schools and so there is no additional action required.

However, this discussion has particular reference to KH8 and I think is of particular relevance to Deri View and Y Fenni as it will have a potential knock on effect in terms of where they are located.

The CoC states (paraphrasing a little) that you have a personal interest in any business of your authority if it relates to or is likely to affect any public authority or body exercising functions of a public nature. I've generally held this to include BoGs, as have Members when making the declarations I refer to above, but it is rare for it to be a prejudicial interest.

While BoGs are not explicitly mentioned in this rule, they are at rule 12 which considers prejudicial interests and so it follows that rule 10 above (personal interests) is intended to apply to BoGs.

So while it's rare for it to be prejudicial because in Council we are usually discussing education in the round rather than individual schools, and it is exempt from being a prejudicial interest in the caveats at 12(2)(a) generally, this general exemption is qualified by the line "*unless it relates particularly to the school of which you are a Governor;*".

I think it is difficult to interpret this rule as meaning anything other than governors of the 3 schools **particularly** affected by the proposed changes with KH8 would be considered to have a prejudicial interest. The result being that such affected Members of CYP would need to leave at the point that the item is discussed (noting the additional restrictions around written representations etc too). While I know that other catchment area schools have a nexus with anything that happens to KH8, I don't think they would be impacted in the same way as the 3 I mention and so I would not consider Governors of other schools interests to be prejudiced.

Note under 14 that you can still attend in the same way that a member of the public could or if the committee calls on you to give evidence under its statutory powers.

It's always a matter for the individual when it comes to consideration of these matters and I'm happy to have a conversation with anyone as required. I've copied the full, relevant section of the [constitution](#) below so you don't have to rely on my paraphrasing above (I have highlighted some bits for ease).

Regards

Matt

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 subparagraph (iv) above;

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

(ix) any —

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

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

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

(dd) trade union or professional association; or

(ee) private club, society or association operating within your authority's area, in which you have membership or hold a position of general control or management;

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

[Note: subparagraph (b) is omitted.]

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

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

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

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

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

(v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management, 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, or in relation to a community council, your authority's proper officer from time to time but, as a minimum containing —
- (a) details of the personal interest;
 - (b) details of the business to which the personal interest relates; and
 - (c) your signature.
- (5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.
- (6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.
- (7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

Prejudicial Interests

- 12.— (1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—
- (a) relates to —
 - (i) another relevant authority of which you are also a member;
 - (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
 - (iii) a body to which you have been elected, appointed or nominated by your authority;
 - (iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;
 - (v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;
 - (b) relates to —

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

Overview and Scrutiny Committees

13. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee 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, sub-committees, 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, sub-committee, joint-committee or joint sub-committee mentioned in subparagraph (a) and you were present when that decision was made or action was taken.

Participation in Relation to Disclosed Interests

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

- (a) withdraw from the room, chamber or place where a meeting considering the business is being held—
 - (i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or
 - (ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;
- (b) not exercise executive or board functions in relation to that business;
- (c) not seek to influence a decision about that business;
- (d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and
- (e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

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

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

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

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

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

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

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

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

(aa) details of the prejudicial interest;

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

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

(dd) your signature.

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

Matt Phillips

Chief Officer People and Governance/Prif Swyddog Pobl a Llywodraethiant

Monitoring Officer/Swyddog Monitro

Monmouthshire County Council/Cyngor Sir Fynwy

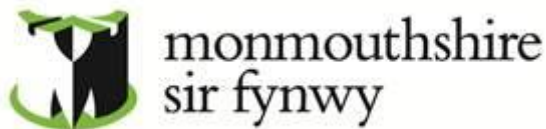
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From: Richard Williams <richardwilliams@monmouthshire.gov.uk>

Sent: 30 June 2021 12:58

Subject: Agenda for Children and Young People Select Committee, Thursday, 8th July, 2021, 10.00 am

The agenda for Children and Young People Select Committee on Thursday, 8th July, 2021, 10.00 am has just been published. Any items marked as to follow will be sent to you separately once they are received by democratic services.

You can view this document when connected to the internal network using the link: [Agenda details on intranet web site](#)

To see the publicly available information, follow the link: [Agenda details on public web site](#)

Meeting venue: County Hall, Usk with Remote Attendance

The following items are included in the agenda:

No. Item

- 1 Apologies for Absence.
- 2 Declarations of Interest.
- 3 Public Open Forum.
- 4 Presentation regarding Emerging Themes from the Public Consultation held on the new School in Abergavenny.
- 5 Children and Young People Select Committee Forward Work Programme.
- 6 Council and Cabinet Work Planner.
- 7 To confirm the minutes of the previous meeting.
- 8 Next Meetings:

Kind Regards,
Democratic Services
01633 644219



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(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;

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- [Note: subparagraph (b) is omitted.]
- (c) a decision upon it might reasonably be regarded as affecting —
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 - (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.

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- (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, or in relation to a community council, your authority's proper officer from time to time but, as a minimum containing —

- (a) details of the personal interest;
- (b) details of the business to which the personal interest relates; and
- (c) your signature.

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

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

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

Prejudicial Interests

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

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

(a) relates to —

- (i) another relevant authority of which you are also a member;
- (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
- (iii) a body to which you have been elected, appointed or nominated by your authority;
- (iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;
- (v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to —

- (i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
- (ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;
- (iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;
- (iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;

(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2) (a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

Overview and Scrutiny Committees

13. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee 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, sub-committees, 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, sub-committee, joint-committee or joint sub-committee mentioned in subparagraph (a) and you were present when that decision was made or action was taken.

Participation in Relation to Disclosed Interests

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(aa) details of the prejudicial interest;

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

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

(dd) your signature.

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

Matt Phillips

Chief Officer People and Governance/Prif Swyddog Pobl a Llywodraethiant

Monitoring Officer/Swyddog Monitro

Monmouthshire County Council/Cyngor Sir Fynwy

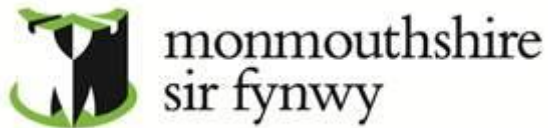
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From: Richard Williams <richardwilliams@monmouthshire.gov.uk>

Sent: 30 June 2021 12:58

Subject: Agenda for Children and Young People Select Committee, Thursday, 8th July, 2021, 10.00 am

The agenda for Children and Young People Select Committee on Thursday, 8th July, 2021, 10.00 am has just been published. Any items marked as to follow will be sent to you separately once they are received by democratic services.

You can view this document when connected to the internal network using the link: [Agenda details on intranet web site](#)

To see the publicly available information, follow the link: [Agenda details on public web site](#)

Meeting venue: County Hall, Usk with Remote Attendance

The following items are included in the agenda:

No. Item

- 1 Apologies for Absence.
- 2 Declarations of Interest.
- 3 Public Open Forum.
- 4 Presentation regarding Emerging Themes from the Public Consultation held on the new School in Abergavenny.
- 5 Children and Young People Select Committee Forward Work Programme.
- 6 Council and Cabinet Work Planner.
- 7 To confirm the minutes of the previous meeting.
- 8 Next Meetings:

Kind Regards,
Democratic Services
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MONMOUTHSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

FORM FOR APPLICATION FOR DISPENSATION

Section 81 of the Local Government Act 2000 sets out the law relating to Members' interests. It directs that a register be maintained, that a Code of Conduct directs Members to register their interests and that the Code require interests be declared and make provisions for preventing or restricting participation of Members in any business relating to those interests.

The model Code of Conduct was set out in The Local Authorities (Model Code of Conduct) (Wales) Order 2008 and amended in 2016 and it is adopted in full and without amendment in MCC's Constitution. The Code sets out the rules relating to interests at paras 10-16. The rules are directed at Members.

s81(4) of the Local Government Act 2000 makes provision for the above rules to be waived by a Local Authority's Standards Committee and the criteria for doing so are set out in the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 as mended in 2016. That criteria is set out below.

You may apply for a dispensation by completing this form and sending it to the Monitoring Officer who will request the Standards Committee convene as soon as practicable to discuss the matter.

Responsibility for considering whether there is a possible interest in any business of the authority is the Member's and early understanding of the forward work plan and submission of an application if necessary is crucial to having a timely response from the Standards Committee.

1.	Member's name:	County Councillor Tudor Thomas Co-opted Member of CYP Select Maggie Harris
2.	What is the matter which is shortly to be considered and in respect of which you seek a dispensation?	The provision of a new school in Abergavenny that will replace both King Henry VIII secondary school and Deri View Primary School and create a new all age provision, with subsequent impact on Ysgol Y Fenni.
3.	What body (Council, Cabinet, a Committee or Sub-Committee) is due to consider this matter?	This matter arose in relation to the Children and Young People Select Committee's planned consideration of the subject but it has a wider impact on all Council bodies and so the dispensation request is made accordingly to apply across all Council business for Cllr Thomas.

4.	What is the nature of your prejudicial interest?	<p>Para 12(2)(a)(iv) of the Code of Conduct.</p> <p>The MO's advice is attached and the report expands on the issue. However the crux of the matter is that while School Governors would typically be exempt from being regarded as having a prejudicial interest because of their position, this is qualified by the phrase "<i>unless it relates particularly to the school of which you are a governor</i>".</p> <p>Further, in this matter the exemption at (iii) of the above para does not apply as neither affected Members have been appointed to their Governor roles by MCC.</p>
5.	What is the date of the meeting at which this matter is to be considered?	<p>Full Council 22 Jul 21 and all subsequent meetings that could consider the matter described at 2 for Councillor Thomas.</p> <p>All CYP Select Committee meetings for Maggie Harris.</p>
6.	Under which of the following grounds do you seek the dispensation (delete/highlight as applicable):	
<p>The standards committee of a relevant authority may grant dispensations where:</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(e) the interest is common to the member and a significant proportion of the general public;</p> <p>(f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;</p> <p>(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;</p> <p>(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;</p>		

(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;

(j) it appears to the committee to be otherwise appropriate to grant a dispensation.

7.	Do you seek a dispensation just for the one meeting or for a longer period? If longer, please state a period not exceeding one calendar year.	The dispensation is sought for a year.
8.	Making reference to the criteria you have highlighted in Q6, please set out below the reasons why you consider that the Standards Committee should grant you this dispensation:	

Dispensation is sought from the Standards Committee for the disapplication of the caveat to the exemption to the prejudicial interests rules at Para 12(2)(a)(iv) of the Code of Conduct, namely the line "*unless it relates particularly to the school of which you are a governor*".

This dispensation is sought for one year.

The purpose of this dispensation request is fundamentally to safeguard the ability of Councillors and co-opted Members to represent their communities properly and to avoid any disenfranchisement of the electorate most closely affected by the matter in question. It also seeks to level the imbalance created by the wording of the Code of Conduct that distinguishes between LA appointed Governors and others. It is considered that this is an unintended consequence of the Code.

In relation to the criteria set out at 6:

(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;

It is felt in this matter that the opposite would be true. That to exclude the representatives of the local population on the basis of their voluntary and unpaid roles on the boards of Governors of those schools would have a deleterious effect on the confidence of the public in the ability of their elected Members to represent their interests and thus influence the decision making process of the Council.

It would be fundamentally unfair, and it would cause considerable damage to confidence in not just the processes of the Council, but also the construct of the Code of Conduct and the ethical framework that it provides.

(f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;

Councillor Thomas was a teacher for 18 years, primarily as a Head of Department, and has

worked for WJEC for 20 years both as a subject officer and senior officer.

(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;

None of the interests are of a pecuniary nature as Governor work is unpaid and Maggie Harris's involvement in particular is specific only to her Membership of the CYP Select Committee and no other MCC body.

(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;

This matter will have a specific impact on the children, and the parents/guardians of those children of a wide area of the County and for a considerable period of time, such that those not yet of school age etc will be impacted by this current process.

Councillor Thomas is by the nature of his elected status required to act in the interests of the inhabitants of his Ward and of the County. Furthermore, Councillor Thomas is currently the Mayor of Abergavenny and is duty bound to represent the interests of the entire town. His inability to do so should be considered a significant issue for the inhabitants of a large and populous area on a matter of long lasting importance.

(j) it appears to the committee to be otherwise appropriate to grant a dispensation.

It is hard to define what the personal interest would be in this matter, let alone why it would be deemed prejudicial by the Code of Conduct nor why there would be a difference between LA appointed Governors and others. It is a matter for the Standards Committee, but they may wish to seek to feedback to the Welsh Government the issue that this particular part of the code raises in matters of significant and far reaching community interest and impact.

The application of this rule as it is written would not meet the public interest in decisions being taken by a reasonably representative group of Members of the authority, and certainly not of the most affected wards and the town.

Further, the existence of the caveat to the standing exemption could result in the dissuasion of County Councillors from volunteering their time and commitment to school Governing Boards or from being appointed by bodies other than MCC, which would have a considerable impact both on the schools but also the connection between the elected representative and their communities in a fundamental way.

Fundamentally, this is an issue relating to the representation of all residents of electoral wards regardless of political inclination, on matters of significant, wide reaching and long lasting importance and the caveat to the exemption, and the impact that it has on participation and representation, is undemocratic and fundamentally unsound.

Signed: Councillor Tudor Thomas and Co-opted Member Maggie Harris

Date: 10 Jul 21