

**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**

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## 9. CONTACT DETAILS

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### Appendices:

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 Original (now superceded) advice from the Monitoring Officer.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