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Standards Community Sub-Committee

Meeting Venue

Hybrid meeting - Zoom - County Hall

Meeting date

Wednesday, 25 October 2023

Meeting time

2.00 pm [after the conclusion of the Standards Committee]

For further information please contact

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19 October 2023



County Hall
Llandrindod Wells
Powys
LD1 5LG

Mae croeso i chi siarad yn Gymraeg neu yn Saesneg yn y cyfarfod.

Rhowch wybod pa iaith rydych am ei defnyddio erbyn hanner dydd, ddau ddiwrnod gwaith cyn y cyfarfod.

You are welcome to speak Welsh or English in the meeting.

Please inform us of which language you wish to use by noon, two working days before the meeting.

AGENDA

1.	APOLOGIES
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To receive apologies for absence.

2.	MINUTES
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To authorise the Chair to sign the minutes of the previous meeting of the Committee held on the following date as a correct

(Pages 3 - 6)

3.	DECLARATIONS OF INTEREST
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To receive any declarations of interest from Members relating to items to be considered on the agenda.

4.	REPORT OF THE HEAD OF LEGAL AND MONITORING OFFICER
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To receive the report of the Head of Legal and Monitoring Officer.

(Pages 7 - 8)

**MINUTES OF A MEETING OF THE STANDARDS COMMUNITY SUB-COMMITTEE
HELD AT HYBRID MEETING - ZOOM - COUNTY HALL ON WEDNESDAY, 21 JUNE
2023**

PRESENT: Mr S Hays (Chair)

Independent Members: Mrs C Moore, Mr J Goolden and Mr N Steward

County Councillor: County Councillor I McIntosh

Town and Community Council Representative: Councillor R White

1.	ONE VOICE WALES [OVW] - CIVILITY & RESPECT PROJECT
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The Chair welcomed Mr Paul Egan, Deputy Chief Executive and Resources Manager, One Voice Wales [OVW] to the meeting and apologised for the delay.

Mr Egan made a presentation on the Civility and Respect project. He advised that the main partners were the Society of Clerks and the National Association of Local Councils. OVW was involved in the group but because of the different ethical framework in Wales some elements of the project may not be entirely suitable are not relevant for councils in Wales. The project was set up due too many councillors and clerks leaving the sector due to being treated with disrespect and bullying.

In response to a question he advised that OVW would review all the materials produced by the project and develop a Civility and Respect Pledge specifically for Wales. OVW would contact the Monitoring Officers in Wales and ask them to ask Standards Committees to endorse it and encourage councils to adopt the Pledge. Questions were asked about the support and supervision of clerks and whether this could be more consistent across councils. He advised that some councils have a Staffing Committee but these were not widely used, but they were of benefit to councillors and clerks. The project had developed a supervision and appraisal scheme and this would be promoted by OVW.

It was noted that the first item on the Full Council agenda for Newtown Town Council was a reminder to councillors of the Code of Conduct and the need for civility and respect. Mr Egan advised this was included by other councils but was not widely used. He noted the comments about the time it takes for the Ombudsman to review and investigate complaints but acknowledged that many cases are complex and investigations can take time depending on the availability of witnesses. OVW did raise this issue in its submission to the Penn report. In response to a question he advised that currently OVW does not have the capacity to seek feedback from clerks on issues. However, this was an issue that OVW would consider for the future.

The Chair thanked Paul Egan for attending the meeting.

2.	APOLOGIES
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There were no apologies for absence.

3. MINUTES

The Chair was authorised to sign the minute of the meeting held on 8 February 2023 as a correct record.

4. DECLARATIONS OF INTEREST

Councillor R White declared a personal interest that he knows Councillor B Thomas, but that he was not a close friend.

5. REPORT OF THE HEAD OF LEGAL AND MONITORING OFFICER

The Committee received the report of the Head of Legal and Monitoring Officer (copy filed with signed minutes).

A Referral of Councillors to Public Services Ombudsman

A1. Town and Community Councillor Referrals

The current position regarding matters with the Ombudsman is detailed below:

11/21/TCC Referred to Adjudication Panel for Wales [APW] – APW hearing regarding former Councillor Donald Jenkins [St Harmon Community Council] will be held on 4 July 2023 and the hearing will be based on written evidence only.

12/21/TCC Referred to APW – APW held a hearing on 17 March 2023 and resolved that former Councillor Sheila Jenkins [St Harmon Community Council] be disqualified for 12 months from being or becoming a member of the Relevant Authority or any other relevant authority within the meaning of the Local Government Act 2000.

03/22/TCC Ombudsman deciding whether or not to investigate

04/22/TCC Ombudsman not investigating

05/22/TCC Ombudsman not investigating.

B. Dispensations

B1. Applications - Town and Community Councillors

The Chair welcomed Councillor B Thomas, Llangyniew Community Council to the meeting and invited him to explain the reason for his application for dispensation. Councillor Thomas explained that there was a proposal to extend a caravan and chalet park in the area. This proposal was at an early stage and a planning application had not yet been made. He advised that he owned two properties which adjoin the application site. He advised he had lived in the area all his life and had considerable knowledge of the area and issues. He wished to speak at meetings only and not vote, so that he could represent the community.

In response to questions Councillor Thomas advised he:

- did not consider that there would be any financial gain or loss from the proposed development,

- may be approached by the developer to widen the road, but he would not be prepared to sell any land,
- was not opposed to the application,
- understood the proposal was to double the size of the site, but emphasised that no planning application had been made,
- had lived in the area all his life and his knowledge of the area could explain the effect the proposal can have on the area and how things are changing and this was more knowledge than his fellow councillors,
- not all of the other seven councillors on the community council were born in the area and he's seen the changes and use of the highways over 60 years
- had never owned a caravan site in Powys. He owns a small site for caravan club members. He understands that the proposal will not be for touring caravans,
- could not state whether the proposed development would impact on the value of his property,
- may want to make written representations.

Councillor Thomas left the meeting room while the Sub-Committee considered his application. On his return the Chair announced the Sub-Committee's decision.

RESOLVED	REASON FOR DECISION
That a dispensation be granted to allow Councillor B Thomas to make written representations only in respect of the proposal to develop the caravan and chalet park in the area.	To enable the councillor to make written representations on the proposed development.

The Monitoring officer advised he would confirm the decision in writing.

C. Ombudsman's Casebook

The Committee noted the Ombudsman Wales - Our Findings reports.

D. Meeting Dates

The following Committee date was noted:
25 October 2023.

In respect of the referral of town and community councillors and county councillors to the Ombudsman, comment was made about the time it takes for the Ombudsman to consider complaints. In response to a suggestion, the Monitoring Officer agreed that the date of a complaint to the Ombudsman and other dates for key stages in the process would be added to his report for this Committee and the Standards Committee. This would enable the Committee to raise, in an informed way, issues regarding delays and capacity in the Ombudsman's office.

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CYNGOR SIR POWYS COUNTY COUNCIL

Standards Community Sub-Committee
25 October 2023

REPORT BY: Head of Legal and Monitoring Officer

SUBJECT: Standards Issues

REPORT FOR: Decision, Information and Discussion

A. Referral of Councillors to Public Services Ombudsman**A1. Town and Community Councillor Referrals**

In response to a request from the Committee the information regarding referrals to the Ombudsman Wales is presented in a different format, showing the dates for each stage of the process.

The abbreviations used in the headings are as follows:

MO – Monitoring Officer

OW – Ombudsman Wales

Stds – Standards Community Sub-Committee

APW - Adjudication Panel for Wales

The current position regarding matters with the Ombudsman is as follows:

Ref	Date OW notified MO of complaint	Date OW advised investigating or not investigating	Date OW's decision	Date considered by Stds	Date considered by APW
11/21	20/12/21	01/02/22 investigating	Referred to APW	N/A	Hearing 04/07/23 - Former councillor Donald Jenkins - disqualified for 15 months
03/22	26/09/22				
01/23		26/06/23 not investigating	N/A	N/A	N/A
02/23		14/08/23 not investigating	N/A	N/A	N/A

B. Dispensations

B1. Applications – Town and Community Councillors

There are no requests for dispensations.

C. Ombudsman Wales – Our Findings

Details of cases are available in [Ombudsman Wales - Our Findings](#)
It should be noted that “Our Findings” covers all matters investigated by the Ombudsman and not just Code of Conduct matters. “Our Findings” is updated on a monthly basis.

‘Our Findings’ contains a search facility, which includes “Subject”. Under the “Subject” heading the following categories of the Code are listed:

- Integrity
- Promotion of equality and respect
- Disclosure and registration of interest
- Duty to uphold the law
- Selflessness and Stewardship

At a recent meeting of all Welsh Monitoring Officers, the Ombudsman’s office was asked to consider re-instating the “ Casebook”, which was considered to be more helpful.

D. Adjudication Panel for Wales

Details of cases considered by the APW are available via the following link:
[Decisions | The Adjudication Panel for Wales \(gov.wales\)](#)

E. Meeting Dates

To note dates of meetings in 2024 as follows, all starting at 2pm:

7 February

12 June

30 October

Contact Officer Name:	Tel:	Fax:	Email:
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