

Public Document Pack

Standards Community Sub-Committee

Meeting Venue

Meeting date
Wednesday, 1 May 2024

Meeting time
2.00 pm

For further information please contact

carol.johnson@powys.gov.uk



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(s) of the Committee held on the following date(s) as a correct / correct records.

(Pages 3 - 4)

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 5 - 14)

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**MINUTES OF A MEETING OF THE STANDARDS COMMUNITY SUB-COMMITTEE
HELD AT HYBRID MEETING - ZOOM - COUNTY HALL ON WEDNESDAY, 25
OCTOBER 2023**

PRESENT: Mr S Hays (Chair)

Independent Members: Mrs C Moore, Mr R Stafford-Tolley and Mr N Steward

Town and Community Council representatives: Councillors K Coldrick, S Deeks-D'Silva and R White

1.	APOLOGIES
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Apologies for absence were received from Mr J Goolden [Independent Member] and County Councillor I McIntosh.

2.	MINUTES
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The Chair was authorised to sign the minutes of the meeting held on 21 June 2023 as a correct record.

It was noted that Newtown Town Council had signed up to the Civility and Respect Pledge referred to at the last meeting by One Voice Wales.

3.	DECLARATIONS OF INTEREST
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There were no declarations of interest.

4.	REPORT OF THE HEAD OF LEGAL AND MONITORING OFFICER
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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. It was noted that in the report 03/22 gave only one date and no other details. Officers agreed to look into this and the table below shows the correct details.

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

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 investigating	N/A	N/A	N/A
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

No applications for dispensation had been received from Town or Community Councillors.

C. Ombudsman Wales – Our Findings

The Community Sub-Committee noted that details of cases are available in Ombudsman Wales - Our Findings. The Sub-Committee was advised that at a recent meeting of the Monitoring Officers in Wales, 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 on its website.

E. Meeting Dates

Meetings in 2024 would take place on the following dates at 2pm:

7 February
12 June
30 October

It was noted that meetings are scheduled for Wednesdays and in response to a question the Chair agreed that the Council diary would be reviewed to see if an alternative day could be found.

Mr S Hays (Chair)

VCYNGOR SIR POWYS COUNTY COUNCIL

Standards Community Sub-Committee

1 May 2024

REPORT BY: Head of Legal and Monitoring Officer

SUBJECT: Standards Issues

REPORT FOR: Decision, Information and Discussion

A. Referral of Town and Community Councillors to the Ombudsman Wales

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
03/22		26/09/22 investigating			
03/23		14/09/23 not investigating	N/A	N/A	N/A
04/23		21/11/23 not investigating	N/A	N/A	N/A
05/23		29/11/23 investigating			

B. Dispensations - Applications by Town and Community Councillors

An application for dispensation has been requested by Councillor Evan Jones, Old Radnor Community Council. This was received via email on 5 April 2024. The request is detailed in Appendix 1.

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 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. The Ombudsman has declined to reinstate the casebook but is committed to improve the searchability of its website.

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:
12 June
30 October

Contact Officer Name:	Tel:	Fax:	Email:
Clive Pinney – Head of Legal and Monitoring Officer	01597 826746	01597 826220	clive.pinney@powys.gov.uk

POWYS STANDARDS COMMITTEE / COMMUNITY SUB-COMMITTEE

APPLICATION FOR DISPENSATION BY MEMBER WITH PREJUDICIAL INTEREST

I, Councillor_Evan Jones of OLD RADNOR COMMUNITY COUNCIL

hereby apply to the Powys Standards Committee/Community Sub-Committee for a Dispensation to participate, as described in Section 1 below, in that business of the Council described in Section 2 below notwithstanding that I have the Prejudicial Interest(s) detailed in Section 3 below.

I make this application on the ground(s) set out in Section 4 below which I submit

SECTION 1

How you wish to participate – please tick all relevant categories below:

Attend a meeting	X
Speak at a meeting	X
Vote at a meeting	-
Seek to influence a decision on a matter	-
Make written representations	-
Make oral representations	-
Exercise Board functions (County Councillor only)	-

SECTION 2

(A) Describe in the box below:

- i) the business in which you wish to participate;
- ii) how your Council will deal with the matter;
- iii) how many Members there are on your Council;
- iv) what meetings will be held to consider it, when and where they will be held; and
- v) those taking part.

Attend the twice yearly Tarmac quarry liaison meetings as one of four Council representatives. To report back to the Community Council on discussions at those meetings.

I would not wish to have any part in Council discussions on planning or licensing matters relating to Tarmac Ltd.

(B) If the business relates to or affects an organisation(s) please detail below:

- how were you appointed to that organisation (i.e. by appointment by the Town or Community Council or by other means), and
- what is the nature of the business:
 - A Funding
 - B Planning – applications, building improvement/changes

- C Licencees – liquor/entertainment
- D Land
- E Management/operation of the organisation
- F General matters

I am currently one of the Community Council representatives on the Liaison meeting panel.

Matters discussed vary but include forthcoming work plans, general works in the area (wheel washing, road cleaning, litter etc), resident concerns, rights of way issues.

(C) Is the organisation a registered charity? If so, are you a Trustee of the charity?

No

SECTION 3

Detail the PREJUDICIAL interest(s) you have in the business referred to in Section 2 above. Please refer to the attached Guidance Notes (Attached) and include the relevant category reference e.g C.4 if the matter concerns a good friend of yours who stands to benefit as a result of a decision on the matter.

My farm business allows the discharge of water across my land.

No financial connection/payment.

Categories C1-5 but in a minor capacity.

SECTION 4

Set out the GROUND(S) upon which you rely by placing a tick in the right-hand column against the relevant category/ies below.

Eligible Applicant	Ground		
County Councillors and Town and Community Councillors	(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;	Speak and Vote Speak only	-----
County Councillors only	(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;	Speak and Vote Speak only	-----
County Councillors only	(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.	Speak and Vote Speak only	-----
County Councillors and Town and Community Councillors	(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;	Speak and Vote Speak only	----- x
County Councillors and Town and Community Councillors	(e) The interest is common to the Member and a significant proportion of the general public;	Speak and Vote Speak only	-----
County Councillors and Town and Community Councillors	(f) The participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;	Speak and Vote Speak only	----- x
County Councillors only	(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.	Speak and Vote Speak only	-----
County Councillors and Town and Community Councillors	(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	Speak only	
County Councillors and Town and Community Councillors	(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.	Speak and Vote Speak only	-----

SECTION 5

Detail in full the reasons why you submit the grounds selected in Section 4 apply in the case of your application and justify the grant of the dispensation you seek

As a local landowner I have detailed knowledge of the area and can often describe locations and issues in more detail than others living further from the site.

I have lived in the area all my life and as such have an extensive knowledge of historic issues and concerns and I feel this adds much to the discussions at Community Council level.

I do not seek to vote on any decision

Applicant's home address:

Applicant's telephone number:

Applicant's fax number:

Applicant's E Mail address:

SIGNED: _____

DATED: _____

2.4.24

This form fully completed, signed and dated should be returned to:

**Carol Johnson, Democratic Services Officer, Legal and Democratic Services,
County Hall, Llandrindod Wells, Powys, LD1 5LG**

Tel No: 01597 826206

email : carol.johnson@powys.gov.uk

MEMBERS CODE OF CONDUCT

GUIDANCE FOR MEMBERS MAKING WRITTEN NOTIFICATIONS/DISPENSATION APPLICATIONS

CATEGORIES OF PERSONAL INTERESTS (INCLUDING SOME NOTES ON PREJUDICIAL INTERESTS AND DISPENSATIONS)

CATEGORY A

- A. ANY business of the Council which RELATES TO OR IS LIKELY TO AFFECT:
- 1 any employment or business carried on by you.
 - 2 a person who employs you
 - 3 any person who has appointed you
 - 4 Any firm in which you are a partner
 - 5 Any company of which you are a paid director
 - 6 Any person who has contributed to your election expenses
 - 7 Any person who has contributed to your councillor expenses
 - 8 any company in which you have shares with a face value of more than £25,000 or in which you own 1/100th of the share capital AND the company has a place of business or land in your Council's area
 - 9 Any contract for goods, services or works made between your council and you, your firm (where you are a partner), your company (where you are a paid director) or a company of the type mentioned in 8 above.
 - 10 Any land in the area of the Council –
 - (i) which you own (alone or jointly with others)
 - (ii) which is held in trust for you (alone or jointly with others)
 - (iii) which you hold on lease/tenancy (alone or jointly with others)
 - (iv) which you hold on licence to occupy for 28 days or longer (alone or jointly with others)
 - 11 Any land leased by your Council to –
 - (i) your firm (where you are a partner)
 - (ii) your company (where you a paid director)
 - (iii) any company of the type mentioned in 8 above
 - 12 Any body to which you have been elected, appointed or nominated by your authority
**
 - 13 Any of the following organisations in which you have membership or hold a position of general control or management
 - (i) a public authority or body exercising functions of a public nature**
 - (ii) a company, industrial and provident society, charity, or body directed to charitable purposes
 - (iii) a body whose principle purposes include the influence of public opinion or policy
 - (iv) trade union or professional association
 - (v) private club, society or association operating within your council's area (including national organisations if they operate locally)

** Although these are personal interests which must always be disclosed, they are not PREJUDICIAL interests and thus will NOT require a DISPENSATION - UNLESS the business relates to the DETERMINATION of any approval, consent, licence, permission or registration concerning the body in question.

NB. FOR THE AVOIDANCE OF DOUBT in those 5 cases listed below although you will always have a personal interest in Council business relating to these bodies that must always be disclosed you will NOT have a PREJUDICIAL interest (and thus will NOT require a DISPENSATION) EXCEPT where the

business relates to the DETERMINATION of any approval, consent, licence, permission or registration concerning the body in question.

1. Another local authority (County or Town/Community Council) or a Fire and Rescue Authority or a National Park Authority of which you are also a member;
2. Another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
3. Any body to which you have been elected, appointed, or nominated by your authority;
4. A school where you are a governor***;
5. A local health board of which you are also a member where you have not been appointed or nominated by your Council.

*** If you have not been appointed a Governor by your Council you will have a PREJUDICIAL interest if the business relates particularly to the school of which you are a governor and therefore you will not be allowed to speak or vote unless you obtain a dispensation.

CATEGORY B

- B. ANY business of the Council where a member of the public MIGHT REASONABLY PERCEIVE there to be a conflict between your ward/electoral division role and your role in representing the authority as a whole

CATEGORY C

- C. ANY business of the Council, a decision upon which, MIGHT REASONABLY BE REGARDED as AFFECTING
1. The well-being or financial position of yourself
 2. The well-being or financial position of a person with whom you live
 3. The well-being or financial position of a member of your family
 4. The well-being or financial position of any person with whom you have a close personal association
 5. Any employment or business carried on by a person mentioned in C 2, 3 or 4.
 6. Any person who employs or has appointed a person mentioned in C 2, 3 or 4.
 7. Any firm in which a person mentioned in C 2, 3 or 4 is a partner.
 8. Any company which a person mentioned in C 2, 3 or 4 is a director.
 9. Any company in which shares exceeding the face value of £5,000 are owned or held in trust on behalf of a person mentioned in C 2, 3 or 4
 10. Any of the organisations listed in A 13 in which a person mentioned in C 2, 3 or 4 holds a position of general control or management

TO A GREATER EXTENT than the majority of Council Taxpayers / ratepayers inhabitants

CATEGORY D (County Councillors only)

- D1. Any business before an OVERVIEW AND SCRUTINY committee of the Council (or of a sub-committee of such a committee) where:
- (a) the business relates to a decision made (whether implemented or not) or action taken by the Board of other committee/sub-committee; and
 - (b) at the time the decision was made or action was taken, you were a member of the Board/committee/sub-committee mentioned in (a) above and you were PRESENT when that decision was made or action was taken.)

(NB although you must always disclose this as a personal interest you will NOT have a PREJUDICIAL interest (and thus will NOT require a DISPENSATION) where you are required by the committee/sub-committee in exercise of its statutory powers to attend a meeting of the Scrutiny committee/sub-committee)

D2. ANY business of the Council which RELATES TO:

- (a) the HOUSING FUNCTIONS of your authority where you hold a tenancy or lease with your authority,

(NB 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 you will not have a PREJUDICIAL interest (and thus will NOT require a DISPENSATION) but you must always disclose your personal interest);

- (b) 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,

(NB unless it relates particularly to the school which that child attends you will not have a PREJUDICIAL interest (and thus will NOT require a DISPENSATION) but you must always disclose your personal interest);

- (c) 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

(NB although you must always disclose this as a personal interest you will NOT have a PREJUDICIAL interest (and thus will not require a dispensation); and

- (d) the functions of your authority in respect of an ALLOWANCE or payment 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.

(NB although you must always disclose this as a personal interest you will NOT have a PREJUDICIAL interest (and thus will NOT require a DISPENSATION))

REMINDER FOR BOARD MEMBERS:

Unless you have a DISPENSATION you CANNOT take a decision or exercise Portfolio functions (e.g. discuss or give advice to members or officers) in respect of business where you have a personal interest which is also a PREJUDICIAL interest.

If your interest is ONLY a personal interest and NOT also a prejudicial interest you must in relation to the business in question ensure that all decisions you take as Portfolio Holder are recorded in writing which includes a statement recording the existence and nature of your interest. This is in addition to making the usual member's notification of a personal interest.

CATEGORY E
(Town/Community Councillors only)

- E1. A grant, loan or other form of financial assistance made by your Town/Community Council to community or voluntary organisations of which you are also a member.**

(NB although you must always disclose this as a personal interest you will not have a PREJUDICIAL interest (and thus will NOT require a DISPENSATION) where:

- (i) you have been elected, appointed or nominated to the organisation by your Council (irrespective of the amount involved); or**
- (ii) if you do not qualify under(i) the amount of the grant, loan etc does not exceed £500.**

A PREJUDICIAL INTEREST:

Members are reminded that there is now a single test in Paragraph 12 (1) of the Members' Code of Conduct for determining whether a PERSONAL interest is ALSO a PREJUDICIAL interest. It reads:

“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”.

Unless one of the exemptions applies (as indicated at various points in the text of this guidance note) if you conclude OBJECTIVELY (it is public perception which matters not your own subjective view) that a member of the public would regard your interest as so significant that it is LIKELY to prejudice your judgement of the public interest then you will have a prejudicial interest which will curtail your participation in Council business to which the interest relates as indicated in the Members' Code of Conduct (e.g. withdraw from the meeting room, not make oral or written representations, seek to influence a decision about the business etc) unless you obtain a dispensation.

AND FINALLY:

- (1) You are only required to give WRITTEN notification about a personal interest ONCE. So, for example, if that item of business is dealt with at a succession of meetings you only need to give the written notification before or immediately after the first such meeting. You must of course ORALLY disclose the interest at every meeting. However, if after taking office you registered the interest then you will be covered and will not be required to provide written notification after every occasion you disclose the interest at meetings.**
- (2) Despite having a prejudicial interest, you will not require a dispensation to attend a MEETING only for the purpose of making representations, answering questions or giving evidence relating to the business in which you have the interest PROVIDED:**
 - (i) That the PUBLIC are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise; and**
 - (ii) That you WITHDRAW from the meeting room immediately after the period for making representations, answering questions or giving evidence relating 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.**