

## MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD AT COUNTY HALL, LLANDRINDOD WELLS ON MONDAY 5<sup>TH</sup> JULY 2010

**PRESENT:** P. Swanson (Chair)

Mrs M Harris, Mrs S. Jarman, R. Miller, Mrs H. Rhydderch-Roberts, County Councillors, K. Curry, Miss V. E. Evans and M. Hodges

**Observers:** Community Councillors Revd A. Jevons, Ms C. Evans and H. Evans

**Officers in attendance:** Ms S. Tamboo (Solicitor), W. Richards (Scrutiny Services Manager) and Mrs E. Patterson (Committee Clerk).

<b>1.</b>	<b>APOLOGIES</b>	<b>S611– 2010</b>
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Apologies were received from County Councillor F. Barker and C. Meredith (Strategic Director – Law and Governance).

<b>2.</b>	<b>MINUTES</b>	<b>S12– 2010</b>
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The Chair was authorised to sign the minutes of the meeting held on 28<sup>th</sup> April 2010 as a correct record.

<b>3.</b>	<b>DECLARATIONS OF INTEREST</b>	<b>S13 – 2010</b>
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No declarations of interest were received.

<b>4.</b>	<b>REPORT OF THE STRATEGIC DIRECTOR – LAW AND GOVERNANCE</b>	<b>S14 – 2010</b>
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The Committee received the report of the Strategic Director – Law and Governance. (Copy filed with signed minutes).

### **A. Members' Code of Conduct**

#### **A1 Training of Standards Committee in respect of Members' Code of Conduct**

It was confirmed that training had been arranged for County Councillors and Co-opted Members on the Members' Code of Conduct on the following dates:

- 7<sup>th</sup> July 2010
- 14<sup>th</sup> July 2010
- 28<sup>th</sup> July 2010

Attendance at these training sessions would be reported to the next Standards Committee.

**A2 Training of County Councillors in respect of the Members' Code of Conduct and the Local Development Plan**

Training had been provided at the Shire Meetings in May and June. 86% of Members had attended this training.

**B. General Training for Members**

**B1 Training of County Council Members – Member Development Strategy/Programme**

The notes of the meeting of the Member Development Working Group held on the 30<sup>th</sup> April 2010 were received for information. (Copy filed with signed minutes).

**C. Referral of Councillors to the Public Services Ombudsman**

**C1 County Councillor referrals**

No new referrals had been received by the Ombudsman.

**D. Other Standards Issues**

**D1 Advice by the Ombudsman**

The Ombudsman had published advice which had been circulated to the Standards Committee. The Committee expressed disappointment that the Ombudsman did not appear to have taken into account the replies submitted during consultation.

The Ombudsman had replied to the letter from the Chairman querying the two phased approach by the Ombudsman to investigating complaints. The Committee considered the response to be bland and it did not address the issues raised by the Chairman.

**D2 Liaison with the Brecon Beacons National Park Standards Committee.**

A date for this meeting has been arranged for 2.00pm on Wednesday 1<sup>st</sup> December 2010.

**D3 Social Media**

It was confirmed that the Member Development Working Group would draft a Social Media Protocol for consideration by the Standards Committee and then Council.

**E. Recording of Members Interests**

**E1 Placing the Register on the Council's Public Website**

Work on this was nearing completion.

**F Meeting of Chairs and Vice Chairs of Scrutiny, Audit and Standards Committees**

The notes of the meetings held on 22<sup>nd</sup> April 2010 and 14<sup>th</sup> June 2010 were received.

**G. Dispensations**

**G1. Applications – County Councillors**

One application for dispensation from County Councillor C. G. Gwillim had been received. The decision on this application was dependent on the outcome of Item G2 (see below).

An application for dispensation was received by County Councillor L. G. Davies (copy filed with signed minutes)

Councillor Davies attended the meeting and outlined his position. His wife worked as a Domiciliary Care worker for Powys County Council. In May Councillor Davies had been appointed as Portfolio Holder for Children's Services. As Portfolio Holder he attends the Social Services Steering Group which is a Member/Officer Group taking decisions on Care and Well-Being matters including (as part of the Adult Services Portfolio) Domiciliary Care.

Councillor Davies sought the views of the Standards Committee as to whether he should take part in meetings where Domiciliary Care matters were discussed and decisions taken.

It was confirmed that as Portfolio Holder for Children's Services Councillor Davies had no responsibility for the Domiciliary Care service which was the sole responsibility of the Portfolio Holder for Adult Services.

<b>RESOLVED</b>	<b>REASON for decision</b>
<b>That Councillor L R E Davies be not granted a dispensation to discuss and decide on matters relating to the Domiciliary Care Service.</b>	<b>Councillor Davies will still be able to undertake his role as Portfolio Holder for Children's Services without a dispensation.</b>

The Committee confirmed that Councillor Davies should undertake his role as Portfolio Holder for Children's Services for a further period to determine whether or not his need to declare an interest in relation to the Domiciliary Care service was hampering him in his role as Portfolio Holder for Children's Services. If he determined that this was presenting a problem then he was invited to return to the Standards Committee to further discuss this matter.

**G2. Blanket Dispensations**

The Council is at present undertaking a School Modernisation Programme which has raised a number of complex issues in relation to the Members' Code of Conduct.

The outcome of the consultation on Members Interests in relation to School Modernisation was attached at Appendix 9. It was confirmed that 66 responses had been submitted out of 73 Members.

The Scrutiny Services Manager confirmed that the Monitoring Officer had contacted other authorities in Wales none of whose Standards Committees had needed to consider blanket dispensations.

Discussion centred around the need to allow members of the public to have a voice through their elected representative on an issue of such importance to the whole community and to ensure that the democratic process was not restricted. Whilst it was confirmed that there was no problem with school governors taking part in the process it was uncommon for a Member to be solely a school governor and most members had multiple and complex interests.

The Committee considered that the main area of difficulty for Members arose when pecuniary interests arose which were defined as those Members who

- were employed in a school,
- who had a close personal association with someone employed in a school (spouse, parent, child)
- had a contract for school transport

The Committee emphasised that a pecuniary interest did not go so far as to relate to a change of school for a child where the Member may choose to send their child to a school other than their designated school and thus incur travel expense.

From the consultation exercise it appeared that 14 Members may have a pecuniary interest as defined by the Standards Committee.

<b>RESOLVED that</b>	<b>REASON for decision</b>
<p><b>All County Councillors be granted a dispensation to speak and vote on matters relating to school modernisation save where they have a pecuniary interest where they may speak only</b></p>	<p><b>To ensure that the issue of school modernisation is discussed fully and no community is disadvantaged. But to also ensure that no Member can be accused of taking part in a decision which would be financially advantageous/disadvantageous.</b></p>
<p><b>That each County Councillor submit a full and detailed outline of their personal and prejudicial interests to the Monitoring Officer and this be collated and circulated to all Members</b></p>	<p><b>To ensure that all Members and the public are fully aware of each Member's interest in relation to school modernisation</b></p>

<p><b>before any discussion on school modernisation.</b></p> <p><b>That those Councillors who believe that they have a pecuniary interest may make an individual application to the Standards Committee for dispensation</b></p>	<p><b>To allow Members with a pecuniary interest to make individual applications for dispensation.</b></p>
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Seven Members voted in favour of the resolution with one abstention.

**H. Raising the profile of the Standards Committee/Sub-Committee**

Pen portraits had been received from six Members and the other six Members were asked to submit their pen portraits.

**I. Attendances**

The Committee was pleased to note that all County Councillors had achieved sixty percent attendance. It was confirmed that the Pensions and Investment Committee was now a full regulatory committee of the Council and had been included in the attendance calculations.

**Attendance of Co-opted Members of the People Scrutiny Committee**

It was confirmed that there is no requirement placed on the attendance of the Church Representatives at the People Scrutiny Committee under the Parent Governor Representatives and Church Representatives (Wales) Regulations 2001. However, a six month rule does apply to Parent Governor Representatives under the same regulations whereby if they do not attend or submit apologies for a six month period then they cease to hold office. One Parent Governor has failed to attend or submit apologies and therefore has ceased to hold office. Other Parent Governors have been advised of the requirement under the regulations.

**J. Gifts and Hospitality Record May 2008- April 2009**

The Gifts and Hospitality Register for the period May 2008 – April 2010 was attached at Appendix 12. It was confirmed that the final entry for April 2010 should read Cllr W. B. Thomas.

**K. Meeting dates**

The following dates for the Standards Committee were confirmed:

Wednesday 29<sup>th</sup> September 2010 at 10.00am

Wednesday 1<sup>st</sup> December 2010 at 10.00am

<b>5.</b>	<b>CORRESPONDENCE</b>	<b>S15 – 2010</b>
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No matters were raised.

Meeting closed 12.30pm

**P.SWANSON**  
**Chairman**