

CYNGOR SIR POWYS COUNTY COUNCIL.**Standards Committee
2nd February 2011****REPORT BY: Strategic Director – Law and Governance****SUBJECT: Matters appertaining to Standards Issues**

REPORT FOR: Decision, Information and Discussion

A. General Training for Members**A1. Training of County Council Members – Member Development Strategy/Programme**

A1.1 Copies of notes of the last meeting of the Member Development Working Group held on the 5th November 2010 are attached to this report as **Appendix 1** for information.

B. Referral of Councillors to Public Services Ombudsman**B1. County Councillor Referrals**

B1.1 The Ombudsman has concluded his investigations regarding the complaint made against two Members reported to the previous Standards Committee. He has concluded that in the case of both Councillors there was sufficient evidence of breaches of paragraph 4 (b) of the Code but that he was not persuaded that the breaches were sufficiently serious as to lead to the imposition of a sanction if they were referred to the Council's Standards Committee.

C. Other Standards Issues**C1.1 Use of laptops and electronic media during Council meetings**

This will be included in the work of the Constitution Working Group.

C1.2 Social Media Protocol

This is an item on the forward work programme of the Member Development Working Group.

C1.3 Local Development Plan

The Local Development Plan process is commencing in January 2011 and will continue until December 2014. It will plan for the period up to 2026. The process for identifying candidate sites runs from February to May 2011 and an advice note has been produced for Members which is copied at **Appendix 2**.

D. Meetings of Chairs and Vice Chairs of Scrutiny, Audit and Standards Committees

D1. Notes of the meeting held on the 6th December 2010 are attached as **Appendix 3.**

E Disclosure of Interests –

At the last meeting it was agreed that those Members appointed as representatives to the following bodies receive a letter confirming their responsibilities for disclosure of interests:

Brecon Beacons National Park,
Dyfed Powys Police Authority
Mid and West Wales Fire and Rescue Authority
WLGA

A copy of the letter sent to Members is attached at **Appendix 4.**

F. Dispensations

F1. Applications - County Councillors

F1.1 No applications for dispensation have been received.

G. Raising the profile of the Standards Committee/Sub-Committee

G1. Standards in Local Government

The document on Standards in Powys is with the Graphics Department and is also being translated.

H. Standards Conference

ACSeS have welcomed Powys' offer to host the Standards Conference. Staff are researching venues and will be working with ACSeS to identify speakers and the programme.

I Observing other Committees

The Clerk has received information from three Members regarding attendance at other committees as an Observer. Please can Independent and Town and Community Members advise the Clerk which committees they wish to attend so that arrangements can be made for agendas to be made available.

J. Meeting Dates.

J.1 To note dates of future meetings as follows:

27th April, 2011
29th June, 2011
7th September, 2011
30th November, 2011

All meetings to commence at 10.00am with the option of training available afterwards.

Contact Officer Name:	Tel:	Fax:	Email:
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X/Admin/Committee Reports/Standards/2010/2010-09-29 Standards Committee Report

**NOTES OF A MEETING OF THE MEMBER DEVELOPMENT WORKING
GROUP HELD AT COUNTY HALL, LLANDRINDOD WELLS ON
FRIDAY 5 NOVEMBER, 2010**

PRESENT: County Councillor Mrs S.C. Davies [Chair]
County Councillors S.M. Hayes and Mrs M.E. Morris

Officers in Attendance: Stephen Boyd (Board Business Manager) and Carol Johnson (Committee Clerk), Wyn Richards (Scrutiny Services Manager) and Shane Thomas (Member Support Manager).

Apologies were received from County Councillor P.J. Ashton and Miss S.J. Millington

1. NOTES OF PREVIOUS MEETING

- (a) The notes of the previous meeting held on 24 September, 2010 were agreed as a correct record.
- (b) Matters arising not included elsewhere on the Agenda.
- Implications of an adverse CRB check for a newly appointed councillor – the draft letter had been approved by the Legal Department.
 - Member Development Conference 26 November, 2010 – County Councillor Mrs Morris advised she was now unable to attend this meeting. It was agreed that other Members on the Working Group be asked if they could attend.
 - Personal Development Reviews – Members on Brecon Beacons National Park Authority were unable to attend this meeting and would be invited to a future meeting.

2. IT MEMBER SUPPORT

The Chair welcomed County Councillor R.I. George, Portfolio Holder Customer Services and ICT, Nick Philpott, Interim Head of Information & Customer Services and Elaine Worgan, ICT Contracts & Business Continuity Manager to the meeting.

County Councillor R.I. George thanked the Working Group for the invitation. The Group discussed the issues of concern to Members. Nick Philpott advised that:

- the speed of start up scripts for computers would be reviewed,
- ICT Support Officers would be reminded to alert managers of any trends in IT problems experienced/support requested by Members
- The Local Health Board had better video conference facilities and linking into these would be explored and
- Members would receive training on Outlook in January.

Elaine Worgan advised she would be reviewing the Welsh Local Government Association's [WLGA] IT skills assessment. ***Agreed to link Members' IT skills assessment to the Members role description and competencies and the Member Development Charter.***

Members thanked Kay Jones and Alicia Ayadi, ICT Support Officers for their work.

County Councillor R.I. George noted that Members needed to be kept informed of changes and acknowledged that the Portfolio Holder for Corporate Governance and Property should be advised of trends which may have implications for the use of property.

The Chair thanked the Portfolio Holder and officers for attending the meeting.

3. MEMBER ROLE PROFILE, PERSON SPECIFICATION AND COMPETENCIES RELATING TO EXECUTIVE MEMBERS

The Working Group received the draft member role profile, person specification and competencies relating to Executive Members. Amendments were discussed and agreed. ***Agreed to circulate the draft to the Political Group Leaders and seek comment.***

The following items were deferred to the next meeting.

4. ATTENDANCE BY MEMBERS AT EXTERNAL TRAINING SESSIONS

6. WORKSTREAM LEADS

7. MEMBER DEVELOPMENT PROGRAMME

5. MEMBER SUPPORT

Shane Thomas re-iterated the need for Members to identify their support needs. ***Agreed to ask the Political Groups to specify the support Members require from a Member Support Service. Agreed to consider the Members Portal and location of support staff at the next meeting.***

8. Date of next meetings

Dates of future meetings would be considered at the next meeting.

County Councillor Mrs S.C. Davies
Chair

Local Development Plan.

Code of Conduct Issues – Candidate Sites - Advice Note.

This note has been prepared to assist Members decide whether they have a Personal Interest and a Prejudicial Interest relating to any candidate sites **INCLUDED / TO BE INCLUDED ONLY** in the Local Development Plan arising from:

- (i) Membership of any organisation (whether appointed by the County Council or not) which will have land affected by the LDP i.e.;
 - The land is in the ownership of an organisation or body, Councillor, Member of the Family, Person with whom the Councillor Lives, their friends or business associates; or
 - The land is owned by the business for whom the Councillor, their family, person with whom they live, friends or business associates; AND
 - The land is to be included, or is already included in the Local Development Plan for current, future or potential development, or for sale as development land.
- (ii) “Well-Being and Financial” interests (relating to land, employment or persons with whom Members have a close personal association) i.e. family and friends;

NOTE.

This guidance has been prepared to assist Members. It is not intended to be an authoritative statement of the law. Ultimately the decision as to whether a member has a Personal and Prejudicial Interest is one solely for them to take.

Any Member in any doubt should seek the advice of the Monitoring Officer as to their position in advance of the day of the meeting.

1. Membership of Organisations / Bodies by County Councillors.

1.1 Membership of Organisations / Bodies - Appointed or Nominated by the County Council (including school governors appointed by the County Council).

Personal Interest	Prejudicial Interest
YES - Paragraph 10(2)(a)(viii)	NO – exemption Paragraph 12(2)(a)(iii)

1.2 Members Who Are Also Town and Community Councillors.

Personal Interest	Prejudicial Interest
YES - Paragraph 10(2)(a)(ix)	NO – exemption Paragraph 12(2)(a)(i) [Town and Community Councils]

1.3 Members Who Are School Governors (not appointed by the County Council).

Personal Interest	Prejudicial Interest
YES - Paragraph 10(2)(a)(ix)(aa)	YES – Paragraph 12(1) - as the discussion is likely to be in relation to individual school sites, where the Member is a Governor, then this will be a

	Prejudicial Interest and the exemption for general matters under Paragraph 12(2)(a)(ii) will not apply.
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1.4 Membership of Organisations / Bodies - Not Appointed by the County Council.

Personal Interest	Prejudicial Interest
YES - Paragraph 10(2)(a)(ix) – (bb) to (ee)	YES – Likely to be a Prejudicial Interest – Paragraph 12(1)

NOTE: The exemptions indicated above will not apply where the matter relates to a planning application regarding the particular site in question.

2. Well-Being or Financial Interests of County Councillors and Others.

2.1 Members:

2.1.1 Members’ Own Employment or Business.

Personal Interest	Prejudicial Interest
YES - Paragraphs 10(2)(c)(i) or (ii) and Paragraphs 10(2)(c)(i), (ii) and (iii)	YES – Very Likely to be a Prejudicial Interest - Paragraph 12(1)

2.1.2 Members’ Land.

Personal Interest	Prejudicial Interest
YES - Paragraphs 10(2)(c)(vi), (vii) or (x) and Paragraphs 10(2)(c)(i) and (ii)	YES – Very Likely to be a Prejudicial Interest - Paragraph 12(1)

2.2 Members’ Family / Friends / Persons With Whom They Have a Close Personal Association:

2.2.1 (a) Person(s) with Whom the Councillor Lives; or (b) Person(s) with Whom A Member Has A Close Personal Association (i.e. Friends, Business Associates).

Personal Interest	Prejudicial Interest
YES - Paragraph 10(2)(c)(i) and (ii)	YES – Very Likely to be a Prejudicial Interest - Paragraph 12(1)

2.2.2 (a) Employment or Business of Person(s) with Whom the Councillor Lives; or (b) Employment or Business of Person(s) with Whom A Member Has A Close Personal Association (i.e. Friends, Business Associates).

Personal Interest	Prejudicial Interest
YES - Paragraph 10(2)(c)(ii) and (iii)	YES – Very Likely to be a Prejudicial Interest - Paragraph 12(1)

- 2.2.3 **(a) Any Organisation or Body in which Person(s) with Whom the Councillor Lives holds a position of general management or control; or**
(b) Any Organisation or Body in which Person(s) with Whom A Member Has A Close Personal Association (i.e. Friends, Business Associates) holds a position of general management or control.

Personal Interest	Prejudicial Interest
YES - Paragraph 10(2)(c)(v)	YES – Very Likely to be a Prejudicial Interest - Paragraph 12(1)

DISCLOSURES OF INTEREST – REQUIREMENTS OF THE CODE OF CONDUCT.

PERSONAL INTEREST.

Where you have a PERSONAL INTEREST you MUST disclose it at a meeting, in a discussion, in any correspondence etc.

PREJUDICIAL INTEREST.

Single test for Prejudicial Interest:

Would a reasonable member of the public with knowledge of the relevant facts (including knowledge of your personal interest) believe that your interest is so significant that it is LIKELY to harm or impair your ability to take an objective decision.

NOTES:

- A councillor should always consider this from the viewpoint of the public not their own by asking the question - “What would a reasonable member of the public think about my taking part in this decision?”
- Councillors should act in the public interest – not in the interests of family, close friends or business associates.
- Local knowledge or connections with the local community are not sufficient to meet the test.
- There must be some factor which might positively harm the councillor’s ability to judge the public interest objectively, even if the councillor decides to take a decision based on the merits of the case.
- Are a large number of people equally affected by the decision or just the councillor and a smaller group of people.

Disclosure - Where you have a PREJUDICIAL INTEREST you MUST disclose it AND TAKE NO PART IN THE BUSINESS OF THE COUNCIL i.e. leave the room.

In addition you **MUST NOT**:

- Exercise Board Functions (County Councillors only);
- Seek to influence a decision about that business;
- Make written representations in relation to that business;
- Make oral representations in relation to that business.

NOTES OF A MEETING OF THE CHAIRS AND VICE-CHAIRS OF THE SCRUTINY COMMITTEES AND THE STANDARDS AND AUDIT COMMITTEES HELD AT COUNTY HALL, LLANDRINDOD WELLS ON MONDAY 6TH DECEMBER 2010

PRESENT: County Councillor J G Morris. (Chair)
County Councillors J. H. Brunt, A W Davies, D. Price, Mrs K Roberts-Jones, and Independent Members R. Miller and P. Swanson.

Officers in Attendance: Janet Kealey (Interim Head of Legal and Democratic Services), Steve Holdaway (Head of Local and Environmental Services), Wyn Richards (Scrutiny Services Manager), Lisa Richards (Senior Committee Clerk), Liz Patterson (Committee Clerk).

1. Apologies

Apologies for absence were received from Councillors G. Morgan, Mrs J.G. Shearer, Mrs S C Davies, L. R. E. Davies and Mrs D. G. Thomas.

2. Notes of Last Meeting

The notes of the last meeting held on 28th October 2010 were received.

3. Joint Working between Councils.

The Head of Local and Environmental Services outlined the background to the current Joint Working with Ceredigion.

About two and a half years ago there had been concern regarding the capacity and capability to deliver the Council's asset management function especially with regard to the forthcoming school modernisation programme. Discussions were entered into with Gwynedd and Ceredigion exploring the possibility of setting up a Joint Venture Company with the private sector which would give an opportunity to move work around within the three authorities. Gwynedd were keen on this proposal whereas Ceredigion were reluctant to work with the private sector. A grant of £200,000 was given by WAG to progress the project and Deloitte and Bevan Brittan were commissioned to investigate the viability of such a proposal. However, circumstances changed with the Credit Crunch and it was deemed that a joint venture with the private sector would not be viable. The three Councils then looked to undertake a joint public sector venture but Gwynedd did not pursue this as they were looking to access external markets. An inter-authority agreement was signed between Ceredigion and Powys in November and the first Joint meeting was recently held. The two authorities are looking to deliver services on a regional basis and make joint appointments where possible. There are five areas being examined under the new committee namely Waste, Property, Transport, Engineering Operations and Engineering Strategy.

It will be necessary to set up a Joint Scrutiny Committee which will examine matters the responsibility of the Joint Committee. These will then not be matters which are the responsibility of the home scrutiny committees. Joint

Scrutiny Committees can only be constituted after the Local Measure has been implemented.

Whilst the original consideration of Shared Services had been led by capacity and capability issues (ie to share resources between Councils preventing the necessity of using consultants) the savings produced by joint working was a by product which is now the driver.

4. Scrutiny Structures.

It was confirmed that the Constitution Working Group is examining the potential structures and will report to Principal Scrutiny Committee. The paper will then go to the Political Group Leaders before being considered by Full Council.

The details of the allocation of Chairs and Joint Chairs on scrutiny committees across Wales was made available. Members were of the opinion that Chairs should be appointed on a political balance basis. Members were also asked for comments on the suggested names and remits of the four scrutiny committees, post May 2011.

Members were advised that there are at present spaces for 7 co-optees on the People Scrutiny Committee (2 Faith representatives and 5 Parent Governor Representatives). On a Committee of 15 this was felt to be over representation of co-optees. No other Welsh authority had 5 Parent Governor Representatives and the most common number was 2. The Constitution Working Group would also be examining the number of co-optees. The suggestion to reduced the number of Parent Governor Representatives to 3 based on 1 per Shire was supported.

5. Allocation of Work/Work Programmes

(i) Board

The Schools Modernisation Paper would be discussed at Board on 7th December. A request had been made for Principal Scrutiny Committee to examine the paper but this request had been rejected on the basis that no decisions had been made at this time.

(ii) Scrutiny Committees

Principal Scrutiny and Crime and Disorder Committee

The Committee had received information on the Catering Service confirming that they had started to make a profit. The Strategic Director – Finance and Infrastructure had explained that this did not include the subsidy for Schools Meals made by the Council in the region of £1million. The Committee would respond to the Board with pointes for the Board to consider in undertaking a review of the Catering Service.

It was confirmed that Job Evaluation was continuing and the expected end date was late 2012.

Corporate Governance Scrutiny Committee

The Committee are undertaking a review of Contract Management and had been concerned to receive a bill for the cost of providing the information required from the service under review. This position was being investigated.

People Scrutiny Committee

The Chair commented that there was a continuing difficulty in getting Members to stay for the afternoon session on Committee days. At the end of the last meeting the Committee was barely quorate. The Committee has a wide ranging work load and it may be necessary to include an extra date to avoid having such a lengthy agenda again.

Regeneration and Environment Scrutiny Committee

The same problem in retaining Members for the whole meeting as experienced by the People Committee affected this Committee. It appears to be a reflection of the regard in which Members hold scrutiny.

The Committee has a number of ongoing working groups which the Chair hopes will conclude by May as the next Chair may not wish to continue with the current issues under consideration.

Concern was expressed that Legal Officers were able to determine that Scrutiny Reviews should not contain certain statements. It was explained that the Scrutiny Services Manager and Legal Officers considered reports on the grounds of confidentiality. However, there was also a role to ensure that reports would not cause challenges against the Council. It was suggested that the stages a scrutiny report goes through is clearly outlined to include the involvement of other Officers.

Audit Committee

Neither the Chair nor the Vice-Chair were available.

(iii) Chairs and Vice Chairs

The dates for next years meeting were outlined.

(iv) Standards

No comment.

7. Powys Teaching Local Health Board Merger update

Further update to be provided at the next meeting regarding the appointment of a new Chief Executive for the Powys Teaching Local Health Board.

8. Items for the next meeting 28th January 2010 – 10.00am

Training for Members on Ffynnon was requested.

Discussion by Members regarding Performance Management Reports, the Constitution and scrutiny of Shared Services.

Meeting finished 11.30am.

Clarence Meredith,
Strategic Director - Law and Governance,
Cyfarwyddwr Strategol - Y Gyfraith a Llywodraethu.

County Hall / Neuadd y Sir,
Llandrindod Wells,
Powys
LD1 5LG

**TO ALL POWYS REPRESENTATIVES ON
THE:**

- **BRECON BEACONS NATIONAL PARK
AUTHORITY;**
- **DYFED POWYS POLICE AUTHORITY;**
- **MID AND WEST WALES FIRE AND
RESCUE AUTHORITY:**
- **WLGA.**

If calling please ask for / Os yn galw gofynnwch am

	Wyn Richards
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<i>Your ref / Eich cyf:</i>	
<i>Our ref / Ein cyf:</i>	SS/GWR
<i>Date / Dyddiad:</i>	16 th December, 2010

Dear Member,

At the last meeting of the Standards Committee there was a discussion regarding the need for the Council's representatives on the above organisations to complete a disclosure form on every occasion that they (or others) speak at meetings of the County Council regarding those organisations.

(NOTE: For clarity, representatives are reminded that the need for them to disclose an interest applies where another Member of the Council who is not the Council's representative, speaks about the particular organisation to which they have been nominated / appointed, even if they as the Council's representative take no part in the discussion).

Clarence's opinion is that in relation to these particular organisations only, in accordance with the Code, Members need only complete a disclosure form once, following a disclosure of interest at the first meeting when a representative speaks about their particular organisation. However they should continue to disclose interests orally at any meeting where they speak about the organisation which will be recorded in the minutes of that meeting.

Representatives of the above organisations are asked however to use discretion in relation to this advice and if a matter is significant, contentious, politically sensitive or affects the finances and structure of the organisation it would be advisable for them to both disclose orally and to complete a form as added protection.

Representatives on the above organisations are reminded that the ability to speak and vote on matters relating to those organisations does not extend to matters which are regulatory (i.e. approval, consent, licence, permission or

registration) such as planning applications relating to those individual organisations.

Yours sincerely,

Scrutiny Services Manager / Rheolwr Gwasanaethau Craffu.

Copy to:

Strategic Director – Law and Governance.

Head of Legal Services.

Democratic and Scrutiny Teams.