

## MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD AT COUNTY HALL, LLANDRINDOD WELLS ON WEDNESDAY 23<sup>RD</sup> JUNE 2011

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

Mrs M. Harris, Mrs S. Jarman, County Councillors F. Barker, Miss V. E. Evans and M. Hodges.

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

**Officers in attendance:** C. Meredith (Strategic Director – Law and Governance), Ms J Kealey (Head of Legal, Scrutiny and Democratic Services), Ms L. Coughlan (Principal Solicitor – Shire), Ms S. Tamboo (Solicitor – Corporate), A. Southerby (Senior Manager – Development Management), W. Richards (Scrutiny Services Manager) and Mrs E. Patterson (Committee Clerk).

**Also in attendance:** County Councillor Mrs J. G. Shearer.

<b>1.</b>	<b>APOLOGIES</b>	<b>S611– 2011</b>
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Apologies were received from Councillor K. Curry and Independent Members R. Miller and Mrs H. Rhydderch-Roberts

<b>2.</b>	<b>MINUTES</b>	<b>S12– 2011</b>
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The Chair was authorised to sign the minutes of the meeting held on 27 April 2011 as a correct record.

<b>3.</b>	<b>DECLARATIONS OF INTEREST</b>	<b>S13 – 2011</b>
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Cllr Miss Evans declared a Personal but not Prejudicial interest in Item 5 in relation to the Scottish Power Energy Network proposal to connect the windfarms to the National Grid on the grounds that one of the proposed routes for the pylons passes through her ward which will also be affected by construction traffic if the Cefn Coch site is chosen for the Hub. Cllr Miss Evans is also a Town Councillor for Llanfair Caereinion.

<b>4.</b>	<b>CORRESPONDENCE</b>	<b>S14 – 2011</b>
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The Chairman confirmed that a letter had been sent to the six Assembly Members who cover the Powys area and a copy of that letter would be circulated to the Chairmen of the other Standards Committees in Wales.

<b>5.</b>	<b>REPORT OF THE STRATEGIC DIRECTOR – LAW AND GOVERNANCE</b>	<b>S15 – 2011</b>
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The Committee received the report of the Strategic Director – Law and Governance. (Copy filed with signed minutes).

**A. General Training for Members**

**A1 Training of County Council Members – Member Development Strategy/Programme**

The notes of the meeting of the Member Development Working Group held on 11<sup>th</sup> March 2011 and 8<sup>th</sup> April 2011 were received for information. (Copy filed with signed minutes).

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

**B1 County Councillor referrals**

The Ombudsman has advised that he has received a Code of Conduct complaint against one Member of Powys County Council (ref 3/11CC).

No decision had been received on the complaint to the Ombudsman reported to the April Committee (ref 1/11C)

**C. Other Standards Issues**

**C1.1 Use of laptops and electronic media during Council meetings**

This would be included in the work on the revisions to the Constitution now the Local Government (Wales) Measure has come into force.

**C1.2 Social Media Protocol**

The Member Development Working Group has considered an initial draft of this Protocol. There is a need to ensure that guidance to officers and members is uniform and therefore a joint protocol is being developed.

**D. Minutes of Meetings**

**D1. Meeting of Chairs and Vice Chairs of Scrutiny, Audit and Standards Committees**

The notes of the meetings held on 14<sup>th</sup> April 2011 and 10<sup>th</sup> June 2011 were received. (Copies filed with signed minutes).

**E. Dispensations**

**E1.1 Applications – County Councillors**

No applications had been received.

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

**F1. Standards in Local Government**

The document had been prepared for publication on the Powys website.

**G. Renewable Energy Issues (Electricity Sub Station, Pylons, Overhead Power Lines, Wind Farms etc)**

The Strategic Director – Law and Governance outlined the current position relating to renewable energy issues as set out in the report.

A copy of the First Minister's Statement in connection with renewably energy issues and TAN8 issued on 17<sup>th</sup> June was circulated.

A number of members had been in discussions with officers regarding their interests. Twenty seven members had returned the questionnaire relating to interests. Sixteen members had identified that they had no interests, the remaining eleven members outlined interests including:-

- Financial/land interests
- family interests
- being a Governor of a school on the potential path of pylons
- being a member of a trust dispensing community benefits
- business under contract with a wind farm developer
- conflict between the members electoral division role and their role on behalf of the Council
- being a trustee of a charity which could be affected.

Committee was asked to consider the following issues and matters:

- The debate by the County Council on the 29<sup>th</sup> June relating to TAN 8;
- The extension of the grant of dispensations to County Councillors who are not decision makers to include the additional matters referred to above, including the wind farm applications, the transport infrastructure issues and policy discussions;
- Whether the decision of the Committee at the last Meeting not to grant dispensations to County Councillors who are decision makers needs to be revised and if it is decided to grant dispensations to have regard to the following :-
  - (a) The uncertainty as to which Members will be decision makers at relevant times in the future. This point not only applies in the context of a change to the membership of the Cabinet and/or Planning Committee but also the possibility (however remote) of the full County Council or a Scrutiny Committee making a decision in this connection at some point in the future.

- (b) The problems associated with the common law issues of bias/predetermination.
- (c) The effect of the Council and/or Cabinet formulating a position on these renewable energy issues and/or issuing press/public statements on the matter.
- (d) The implications of the Council's bespoke Planning Protocol.
- (e) The position of Councillors involved in the Community Benefits System.
- (f) The position of the Portfolio Holder for Regeneration and Culture.

Of the 11 members acknowledging interests it appeared that six had a pecuniary (financial) interest (would be likely to benefit or suffer a loss as a result of the proposals).

Concern was expressed at the low level of response from members to the questionnaire which made it difficult for the committee to get a full picture of the number and type of interests amongst County Councillors. Officers were instructed to send a reminder letter regarding the questionnaire.

It was confirmed that Counsels advice had been sought on this matter and this had confirmed the advice that members had received to date. Counsel also advised on matters of bias and pre-determination and it was stressed that members should be careful to be seen to maintain an open mind on all of these related matters.

<b>RESOLVED:</b>	<b>REASON FOR RESOLUTION</b>
<p>(i) That for the avoidance of all doubt a blanket dispensation be granted to all County Councillors (including those who sit on the Cabinet and Planning Committee) to speak and vote at the Council meeting on 29<sup>th</sup> June in relation to the proposed debate concerning TAN 8 irrespective of the nature of any prejudicial interest in renewable energy related matters / issues which a Councillor may have.</p> <p>(ii) That the blanket dispensation granted to non decision making Members (i.e. Councillors who do not sit on the Cabinet or Planning Committee) at the last meeting be extended as recommended in the report, that is to say that such Councillors be granted a blanket</p>	<p>(i) to (iv) That the grant of such dispensations are made on the grounds that:</p> <p>(a) they would not damage public confidence in the conduct of the Council's business;</p> <p>(b) the nature of the interest is common to the members and a significant proportion of the general public;</p> <p>(c) the participation of the Member is justified by the Member's particular role or expertise.</p>

dispensation in relation to all prejudicial interests under the Members' Code of Conduct to attend and speak at meetings (including both formal meetings and meetings under the Members' Code of Conduct involving another Member/Officer); to make representations in writing and orally and to generally play a full role in representing their constituents in relation to all matters and issues concerning renewable energy in Powys including:

- (a) the proposed Electricity Sub-Station, Pylons and overhead lines in North Powys;
- (b) all wind farm developments in Powys;
- (c) all road and other infrastructure issues concerning renewable energy;
- (d) policy issues concerning renewable energy including TAN 8 and the Council's own Local Development plan;
- (e) Community benefits arising out of wind farms / renewable energy projects.

(iii) That the extended blanket dispensation in (ii) above also apply to Councillors with prejudicial interests in relation to these renewable matters and issues who are members of the Cabinet or Planning Committee but who have decided to step aside from a decision making role and solely undertake the role of Local Member.

(iv) That the extended blanket dispensation in (ii) above also apply to Councillors with prejudicial interests in relation to these renewable energy matters and issues who are members of the Cabinet or Planning Committee subject to such dispensation not

<p>applying where the decision making Councillor's prejudicial interest is pecuniary.</p> <p>(v) That for the purposes of (iv) above a prejudicial interest is pecuniary not only where there is financial gain but also financial loss and in accordance with the Members' Code of Conduct will apply not only in relation to the financial advantage or disadvantage of the Councillor but also to the advantage or disadvantage of a person with whom the Councillor has a close personal association e.g. spouse, partner, family member, friend, business associate etc.</p> <p>(vi) That in advising Councillors who are decision makers of these decisions to grant blanket dispensations Members should be reminded that such dispensations do not remove the requirement to comply with the Council's Planning Protocol nor do they affect the application of the Common Law on Bias / Pre-Determination.</p> <p>(vii) That in advising Members of the decisions of the Standards Committee in this connection Councillors who currently do not sit on the Cabinet or Planning Committee be reminded of the possibility that as they may do so in the future when decisions on these renewable energy matters fall to be taken they should follow Counsel's advice in not adopting a blanket approach to such decisions and should not give the impression of adopting such an approach.</p> <p>(viii) That the Committee noted that their decisions in relation to these dispensations would apply to councillors involved in the</p>	<p>(v) To define the extent of the dispensation.</p> <p>(vi)to (vii) To provide Members with appropriate advice.</p> <p>(viii) To clarify the effect of the Committee's decisions.</p>
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<p>administration or management of community benefits schemes and would also enable the Portfolio Holder for Regeneration and Culture to speak and vote at meetings of the Cabinet when debates and decisions were taken in relation to these renewable energy issues.</p>	
<p>(ix) That Members be reminded of the requirement that notwithstanding any dispensation granted by the Standards Committee a Councillor is required to disclose at a meeting a personal interest in any business to be discussed at that meeting, and to indicate the nature of that interest, and that if that interest is prejudicial and the Councillor is able to participate in the meeting in reliance upon a dispensation granted by the Standards Committee to state that fact at the meeting.</p>	<p>(ix) To provide Members with appropriate advice.</p>
<p>(x) That Members be requested to complete and return the questionnaire detailing any interests they have.</p>	<p>(x) To provide Members of the Standards Committee with information on the matter.</p>

It was further suggested that advice be circulated to all Members by the Monitoring Officer, and a press release issued informing the public as to the dispensations granted.

#### **H. Whistleblowing Policy**

The Committee considered the draft Whistleblowing Policy and had no comments for submission to the Portfolio Holder prior to approval.

**RECOMMENDED that the Portfolio Holder approve the Whistleblowing Policy.**

#### **I Standards Conference**

Members were advised that Peter Keith-Lucus had agreed to run a Mock Hearing. A copy of the revised programme is filed with the signed minutes.

**J. Attendance at Committee**

The attendance at Committee by Members for the period 1 November 2010 to 11 May 2011 was considered by the Committee.

It was confirmed that the new electronic system for calculating Member Attendance had been introduced. A few initial issues had been identified including the inclusion of the Montgomeryshire Built Heritage Committee which was not one of the main committees counting towards the attendance statistics which resulted in a recalculation of a small number of totals.

Correction of this anomaly meant that Cllr Baynes now had attendance of 63% and Cllr Pritchard had attendance of 53%.

Cllr Pritchard had yet to provide an explanation for his attendance.

Cllr Lewis explained that he had missed a couple of meetings in December due to the cold weather which had resulted in frozen and burst pipes on his farm. He had also had family commitments and a ward meeting with his MP which had resulted in missing other meetings.

The Committee were aware that Cllr Barker had suffered with ill health over the period.

The Committee were satisfied with the explanations provided but asked that Cllr Pritchard provide an explanation for the next committee.

**K. Gifts and Hospitality Register**

The details on the register were noted.

**K1 Observing other Committees**

Autumn Committee dates were circulated and Co-opted Members were invited to advise the Clerk of any committees they wished to observe.

**L. Meeting dates**

The following dates for the Standards Committee were confirmed:

Wednesday 7<sup>th</sup> September, 2011  
Wednesday 30<sup>th</sup> November, 2011

1<sup>st</sup> February 2012  
4<sup>th</sup> April 2012  
4<sup>th</sup> July 2012  
5<sup>th</sup> September 2012  
5<sup>th</sup> December 2012

**P.SWANSON**  
Chairman