

**CYNGOR SIR POWYS COUNTY COUNCIL.****Standards Committee  
7<sup>th</sup> July 2012****REPORT BY: Strategic Director – Law and Governance****SUBJECT: Matters appertaining to Standards Issues**

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**REPORT FOR: Decision, Information and Discussion**

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**A. General Standards Issues for County Councillors and Co-opted Members****A1 New Council issues****Undertaking by new Council Members to observe Members' Code of Conduct**

Following the Ordinary County Council Elections in May Powys has a new Council consisting of 73 Members all of whom have now signed their Declarations of Acceptance of Office including an undertaking to observe the Members' Code of Conduct.

**Public Register of Members' Interests**

Within 28 days of their election Members must register their financial and other interests falling within Paragraph 10 (2) (a) of the Members' Code of Conduct. Completed forms have been received all 73 Members.

Changes to such interests or any new ones must similarly be registered within 28 days of the Member becoming aware of the change.

The Register will be available for public inspection online as usual.

**Code of Conduct Training**

A session on the Code of Conduct was held for all Members of Council on 16<sup>th</sup> May 2012 and was facilitated by Bevan Brittan when 67 Members attended. Four of the Independent (Lay) Members of the Standards Committee were also in attendance. Arrangements will now be made to provide training for those six Members who were unable to attend this session.

**Induction Training for County Councillors**

There are 19 new Members of the Council and three induction sessions were held for them on the 9<sup>th</sup>, 17<sup>th</sup> and 28<sup>th</sup> May 2012. Copies of the programmes for the three days are attached at **Appendix 1**. Four new Members were unable to attend the second session and four were unable to attend the third

session and arrangements are being put in hand for these Members to receive this training.

### **Training for co-opted Members**

There are a number of Co-optees who will be appointed to the two new Scrutiny Committees, the Audit Committee and the Standards Community Sub-Committee. Arrangements will be made for these Co-optees to receive the Code of Conduct and Induction training.

### **Committee Specific Training**

Training programmes for the Regulatory (Planning, Rights of Way and Licensing), Licensing Act 2003 (Liquor Licensing), Audit, Scrutiny Committee Members have been established and a number of sessions already held. A copy of the programme and brief details of training involved is attached at **Appendix 2**. Arrangements will be made for training to be provided for those Members who were unable to attend the original sessions – the Regulatory Committee training in respect of Planning for those that missed the original date has been arranged for 5<sup>th</sup> July 2012. In some instances such as the Regulatory Committee the training is mandatory and Members will not be able to participate in the determination of business unless and until they have received the requisite training.

### **Member responsibility and remuneration for 2012-13**

At their meeting on the 24<sup>th</sup> May 2012 the County Council agreed the salaries, allowances and fees to be paid to Members and Co-opted Members for 2012-13. . An outline summary of these is attached at **Appendix 2B**.

A new requirement is for the Council to produce a schedule of Member responsibility and remuneration to be published by the end of July and this is in the course of preparation.

The arrangements for 2012-13 stipulate, as previously that expenses claims must be submitted within two months. These arrangements and the schedule now highlight quite specifically that claims for a Care Allowance, Travel Allowance, Subsistence Allowance and Co-opted Members fee which are outside of the two month time limit will not be paid unless authorised by the Standards Committee whose decision will be final. The new arrangements also make it clear that it is the responsibility of the Councillor or Co-opted Member to apply to the Standards Committee in respect of a claim which is out of time. As with dispensation applications a Councillor or Co-opted Member making such an application will be given the opportunity to attend a meeting of the Standards Committee to speak to his or her application.

The new arrangements and the new schedule are also required to detail arrangements for recovering overpayment of any salary, allowance or fee erroneously paid to a Member or Co-opted Member (eg. during a period of suspension or after they have ceased being a Member). The procedure in this connection will involve the Chief Finance Officer serving a Repayment Notice on the Councillor or Co-opted Member who will have a right of appeal to the Standards Committee, again with a right of attendance.

## **A2 Authority Changes following Local Government Election**

For the information of the Independent (Lay) Members of the Committee there appears as **Appendix 3** a brief summary of the changes which have occurred following the Local Government elections in May particularly around the composition of political groups, non-aligned Members, the establishment of a new Cabinet and the new Committee structure.

## **A3. Training of County Council Members – Member Development Strategy/Programme**

The Committee will be familiar with receiving minutes from the Member Development Working Group in relation to Member Development and Training issues.

As a result of the changes introduced by the Local Government (Wales) Measure 2011 the new Democratic Services Committee now has responsibility for the Member Development and Training Strategy/Programme and the Member Development Working Group has been wound up.

The new Democratic Services Committee has yet to hold its first meeting. Appropriate reports on items of business dealt with by that Committee in the future concerning Member Development and Training will feature on the Standards Committee agenda

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

### **B1. County Councillor Referrals**

**B1.1** The Ombudsman received a complaint regarding one County Councillor in April 2012 (ref 2/12/CC) which he has decided to investigate.

## **C. Other Standards Issues**

### **C1.1 Social Networking**

A draft Protocol on Social Networking was prepared sometime ago and feedback is awaited from the Political Groups. The new Democratic Services Committee will take over responsibility for the development and adoption of this Protocol from the former Member Development Working Group. In the meantime this draft Protocol is attached at **Appendix 4** and the preliminary views of the Committee are sought.

## **D Dispensations**

### **D1. Applications - County Councillors**

**D1.1** No individual applications for dispensation have been received but the Committee is being asked but the Committee is being asked to look at the issue of Blanket Dispensations below.

### **D2. Blanket Dispensations – County Councillors**

During the lifetime of the previous Council (2008-2012) the Standards Committee decided to grant blanket dispensations in respect of some high profile contentious issues that were being dealt with at various times by the County Council, its Board/Cabinet and Committees.

These blanket dispensations related to the following areas:

- School Modernisation and,
- Windfarms/Renewable Energy.

And for ease of reference the minutes relating to these two blanket dispensations are attached at **Appendix 5**.

Both School Modernisation and Windfarms/Renewable Energy remain very much on the Authority's agenda and the Committee is asked to consider granting fresh blanket dispensations in respect of these issues.

#### **E. Independent Remuneration Panel – Care Allowances**

The Chair of the Standards Committee has written to the Chair of the Independent Remuneration Panel for Wales as requested at the last meeting and an oral update will be given at the meeting.

#### **G. Member Attendance**

Councillors have been circulated with the Attendance statistics for the period 1<sup>st</sup> November 2011 – 7<sup>th</sup> May 2012 and thus given an opportunity to comment on their attendance figures. Those Members below the 60% threshold have been asked to provide an explanation.

A copy of the letter sent to Members together with the attendance statistics are attached at **Appendix 6**. Copies of queries received from Members are also attached at **Appendix 6**. Any explanations received will be circulated at the meeting.

#### **H. Gifts and Hospitality Register**

The Gifts and Hospitality Register for the period May 2010 to April 2012 is attached at **Appendix 7**.

#### **I. Meeting Dates**

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

5<sup>th</sup> September 2012

5<sup>th</sup> December 2012

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

Contact Officer Name:	Tel:	Fax:	Email:
Clarence Meredith,	01597 826395	01597 826220	<a href="mailto:clarence.meredith@powy">clarence.meredith@powy</a>

<i>Strategic Director – Law and Governance</i>			<a href="http://s.gov.uk">s.gov.uk</a>
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X/Admin/Committee Reports/Standards/2011/2012-07-04 Standards Committee Report

**POWYS COUNTY COUNCIL  
MEMBER DEVELOPMENT**

<b>Title</b>	<b>New Members' Induction Day 1</b>
<b>Date</b>	<b>9 May, 2012</b>
<b>Time</b>	<b>10.00 a.m. – 4.45 p.m.</b>
<b>Venue</b>	<b>The Chamber, County Hall</b>

**9.30 – 10.00                      Coffee/tea**

<b>Time</b>	<b>Agenda item</b>	
<b>10.00 – 10.15</b>	<b>Welcome and general introduction</b> <ul style="list-style-type: none"> <li>• Chairman of the Council</li> <li>• Chief Executive</li> </ul>	County Councillor Barry Thomas, Chairman Jeremy Patterson, Chief Executive
<b>10.15 – 10.30</b>	<b>Housekeeping</b> <ul style="list-style-type: none"> <li>• Signing in at Offices and Fire Regulations / Car Parking / Toilets / Restaurant.</li> </ul>	Steve Boyd, Cabinet Business Manager, Wyn Richards, Scrutiny Services Manager
<b>10.30 – 11.30</b>	<b>Your Role as a Councillor</b> – general introduction: <ul style="list-style-type: none"> <li>• Councillor role - local member/ community leader/Council member/committee member/role in collaboration</li> </ul>	Jeremy Patterson, Chief Executive
<b>11.30 – 11.45</b>	<b>Coffee /tea</b>	
<b>11.45 – 12.30</b>	<b>How the Council is organised</b> <ul style="list-style-type: none"> <li>• Briefing on Council Committee Structure</li> <li>• Briefing on Council Management Structure</li> <li>• Briefing regarding Political Groups</li> <li>• Council meetings</li> </ul>	Jeremy Patterson, Chief Executive, Clarence Meredith Strategic Director – Law and Governance and Chairman
<b>12.30 - 1.00</b>	<b>Walk around County Hall and information about Neuadd Brycheiniog and Neuadd Maldwyn</b> <ul style="list-style-type: none"> <li>• Opportunity to view Members Lounge and Resource Area, Committee Rooms, Restaurant, signing in system etc.</li> </ul>	Steve Boyd, Cabinet Business Manager, Wyn Richards, Scrutiny Services Manager
<b>1.00 – 2.00</b>	<b>Lunch</b> with Chief Executive, Strategic Director – Finance & Infrastructure, Strategic Director – Communities, Skills & Learning, Strategic Director – Care & Well-being,	

	Strategic Director – Law and Governance, Head of Human Resources, Head of ICT & Customer Services, Head of Legal, Scrutiny & Democratic Services and Senior Communications Manager and Democratic and Scrutiny Services and Member Support Unit officers	
<b>2.00 – 2.30</b>	<b>What happens between now and the Annual Meeting of Council and beyond (i.e. training)</b> <ul style="list-style-type: none"> <li>• Meeting with Groups Leaders</li> <li>• Appointments to Committees</li> <li>• Member Development Programme</li> <li>• Appointments to Outside Bodies</li> </ul>	Wyn Richards, Scrutiny Services Manager
<b>2.30 – 3.30</b>	<b>Topic Briefings</b> <ul style="list-style-type: none"> <li>• Powys Change Plan and other important strategies</li> <li>• Role of National Assembly for Wales, Corporate Improvement Plan, Community Strategy, Overview and Scrutiny</li> <li>• The Council's budget</li> </ul>	Jeremy Patterson, Chief Executive, Geoff Petty, Strategic Director – Finance & Infrastructure
<b>3.30 – 3.45</b>	<b>Coffee/tea</b>	
<b>4.00 – 4.30</b>	<b>Communications briefing</b>	Anya Richards, Senior Communications Manager
<b>4.30 – 4.45</b>	<b>Closing remarks</b>	County Councillor Barry Thomas, Chairman
	During the day Members will complete various forms and have their photograph taken.	

**POWYS COUNTY COUNCIL  
MEMBER DEVELOPMENT**

<b>Title</b>	<b>New Members' Induction Day 2</b>
<b>Date</b>	<b>17 May, 2012</b>
<b>Time</b>	<b>2.00 p.m. – 4.30 p.m. [subject to the Council and Shire AGMs being completed]</b>
<b>Venue</b>	<b>The Chamber, County Hall</b>

	<b>Welcome</b>	County Council Chairman
<b>Session 1</b>	<b>An overview of Members' expenses</b>	Mark Evans, Employment Services Manager
<b>Session 2</b>	<b>ICT Member support</b> To receive information on the ICT Member support	Elaine Worgan, ICT Contracts & Business Continuity Manager
<b>3.15 p.m.</b>	<b>Tea/coffee</b>	
<b>Session 3</b>	<b>Data Controller responsibilities</b> To receive information regarding Councillor's responsibilities as data controllers	<b>This session was not provided as the relevant officer was on sick leave and no one was able to stand in at short notice. This session will be rescheduled</b>
	<b>Thanks and close</b>	County Council Chairman



## POWYS COUNTY COUNCIL MEMBER DEVELOPMENT

<b>Title</b>	<b>New Members' Induction Day 3</b>
<b>Date</b>	<b>28 May, 2012</b>
<b>Time</b>	<b>10.00 a.m. – 4.45 p.m.</b>
<b>Venue</b>	<b>The Chamber, County Hall</b>

**9.30 – 10.00**      **Coffee/tea**

<b>10.00</b>	<b>Welcome</b>	Chairman County Council Mrs Susan McNicholas
<b>10.00 – 10.15</b>	<b>Recap on Day one</b> – Questions & Answers	Jeremy Patterson, Chief Executive
<b>10.15 -12.45</b>	<b>Topic Briefings</b> <ul style="list-style-type: none"> <li>• Council Structure</li> <li>• Presentations by Strategic Directors [introducing Heads of Service (20 minutes plus 10 minutes Qs &amp; As each):</li> </ul>	Strategic Directors & Jeremy Patterson, Chief Executive
<b>10.15 -10.45</b>	<ul style="list-style-type: none"> <li>○ Geoff Petty, Strategic Director – Finance &amp; Infrastructure</li> </ul>	
<b>10.45 - 11.15</b>	<ul style="list-style-type: none"> <li>○ Paul Griffiths, Strategic Director – Communities, Skills &amp; Learning</li> </ul>	
<b>11.15 – 11.45</b>	<ul style="list-style-type: none"> <li>○ Parry Davies, Strategic Director [interim] – Care and Well-being</li> </ul>	
<b>11.45 – 12.15</b>	<ul style="list-style-type: none"> <li>○ Clarence Meredith, Strategic Director – Law and Governance</li> </ul>	
<b>12.15 – 12.45</b>	<ul style="list-style-type: none"> <li>○ Jason Lewis, Senior Manager Human Resources &amp; Organisational Development and Nick Philpott, Head of ICT &amp; Customer Services</li> </ul>	
<b>12.45 – 1.45</b>	<b>Lunch</b>	
<b>1.45</b>	<b>Visits to service areas – Contact Centre, Gwalia and Penybont Depot -</b>  Further visits will be arranged over the ensuing months.	

**POWYS COUNTY COUNCIL  
MEMBER DEVELOPMENT**

<b>Title</b>	<b>Regulatory Committee - Licensing Act 2003</b>
<b>Date</b>	<b>31 May, 2012</b>
<b>Time</b>	<b>10.00 a.m. – 4.45 p.m.</b>
<b>Venue</b>	<b>County Hall</b>

<b>Time</b>	<b>Agenda item</b>	
	<p><b>Licensing Act 2003 – An update including the Police Reform and Social Responsibility and Localism Act</b></p> <p><b>Welcome and general introduction</b></p> <ul style="list-style-type: none"> <li>• What does the law do?</li> <li>• Licensable Activities</li> <li>• Discharge of functions</li> </ul> <p><b>Licensing Committee</b></p> <ul style="list-style-type: none"> <li>• the Committee's role</li> <li>• Human Rights Act 1998</li> </ul> <p><b>Statement of Licensing Policy</b></p> <ul style="list-style-type: none"> <li>• Need for Sub-Committee meetings and procedures</li> <li>• Evidence</li> <li>• Predetermination and bias</li> <li>• Reasonableness of the decision</li> </ul> <p><b>Mandatory Conditions</b></p> <p><b>Temporary Event Notices</b></p> <p><b>Designated Premises Supervisor and Personal Licensees</b></p> <ul style="list-style-type: none"> <li>• Grant or refuse</li> <li>• Convictions</li> </ul>	Jayne Foxley, Independent trainer

	<p><b>Offences, Enforcement and Closure powers</b></p> <ul style="list-style-type: none"><li>• What to consider</li><li>• Powers</li></ul> <p><b>Applications, alterations to licences and transfers</b></p> <p><b>Reviews</b></p> <p><b>Late night levy [proposed] and the future</b></p>	
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**POWYS COUNTY COUNCIL  
MEMBER DEVELOPMENT**

<b>Title</b>	<b>Regulatory Committee - Taxis and Gambling Act 2005</b>
<b>Date</b>	<b>8 June, 2012</b>
<b>Time</b>	<b>10.00 a.m. – 4.45 p.m.</b>
<b>Venue</b>	<b>County Hall</b>

<b>Time</b>	<b>Agenda item</b>	
	<p><b>An introductory course on the Law and Practice governing Hackney Carriages [HC] and Private Hire [PH] Vehicles outside London</b></p> <p><b>Welcome and general introduction</b></p> <ul style="list-style-type: none"> <li>• What does the law do?</li> <li>• Discharge of functions</li> <li>• Human Rights Act 1998</li> </ul> <p><b>Rehabilitation of Offenders Act 1974</b></p> <ul style="list-style-type: none"> <li>• Issues to consider</li> <li>• Implications for HC and PH licensing</li> </ul> <p><b>CRB checks</b></p> <p><b>HC and PH licensing</b></p> <ul style="list-style-type: none"> <li>• Policies and conditions</li> </ul> <p><b>Fees for licences</b></p> <p><b>HC vehicles and HC drivers</b></p> <ul style="list-style-type: none"> <li>• Proprietors licence and conditions</li> <li>• Fares</li> <li>• “Fit &amp; proper person”</li> </ul> <p><b>PH operators and vehicles</b></p> <ul style="list-style-type: none"> <li>• Licenses and conditions</li> </ul> <p><b>Case studies</b></p> <ul style="list-style-type: none"> <li>• Consideration of actual applications for licences</li> </ul>	<p>Jayne Foxley Independent trainer</p>

	<b>Gambling Act 2005</b>	
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- Overview of the Act
- The Gambling Commission
- Role of Licensing Authorities
- Different types of gambling
- Operating licences
- Personal licences
- Premises licences
- Process for considering applications
- Reviews and appeals

**POWYS COUNTY COUNCIL  
MEMBER DEVELOPMENT**

<b>Title</b>	<b>Regulatory Committee - Rights of Way</b>
<b>Date</b>	<b>9 July, 2012</b>
<b>Time</b>	<b>10.00 a.m. – 4.45 p.m.</b>
<b>Venue</b>	<b>Gwalia</b>

<b>Time</b>	<b>Agenda item</b>	
	<p><b>Introduction to the legislation</b></p> <p><b>The process for considering the following:</b></p> <ul style="list-style-type: none"> <li>• Public path orders</li> <li>• Definitive Map Modification Orders</li> <li>• Commons Registration and Village Greens</li> </ul> <p><b>The role of Councillors</b></p> <p><b>Public speaking protocol</b></p> <p><b>Visit to a local site which was recently considered by the previous Council</b></p>	<p>Stuart Mackintosh, Senior Manager Countryside &amp; Contracted Services</p> <p>Sian Barnes, Rights of Way Officer</p> <p>Jenny Griffiths, Commons Registration Officer</p>

**Audit Committee Training**  
**30<sup>th</sup> May 2012**

**Programme**

9.30	Coffee and Registration	
9.45	Introduction	Clare Williams – Head of Finance
9.50	Finance	Carl Leah – Principal Accountant
10.20	External Audit	Mike Jones – Wales Audit Office
11.05	Coffee	
11.15	Internal Audit	Ian Halstead – Internal Audit Manager
11.45	Risk	Jenna Smith – Risk and Resilience Manager
12.05	Corporate Governance	Clare Williams – Head of Finance
12.30	Lunch	
13.15	Performance Monitoring	Tony Price – Head of BPU
14.00	Finance Monitoring	Jane Thomas – Accountancy Manager
14.45	Close	

## **Aims and Objectives**

This session has been designed to assist overview & scrutiny members to:

- understand and reflect on the role of overview & scrutiny within the governance arrangements of the council
- understand the way in which overview & scrutiny operates in the Council
- possess the essential information to help the newly elected member settle into their new role on Overview and Scrutiny Committees quickly
- explore the purpose of asking questions in scrutiny, approaches to planning and asking questions, some practical considerations that can impact on the effectiveness of questioning in scrutiny meetings.

## **About the WLGA**

The Association is part of the local government family in Wales and aims to provide advice, support and development to assist authorities to reach their potential. We are apolitical and provide services that are informed by an in-depth knowledge of the theory and practice of local government.

The Association works extensively with national partners and councils in promoting scrutiny and supporting its development and improvement. Our approach is guided by the four core principles developed by the Centre for Public, "to help people understand the most important qualities of scrutiny and accountability:

- constructive 'critical friend' challenge
- amplifies the voices and concerns of the public
- led by independent people who take responsibility for their role
- drives improvement in public services."\*

(\*[www.cfps.org.uk](http://www.cfps.org.uk))

In continuing this work, the Association seeks to:



- Develop the case for scrutiny, raising its profile nationally as an effective means of self regulation, and developing the scrutiny of other public bodies;
- Share good practice and scrutiny solutions, exploring tools for use by authorities and supporting implementation;
- Promote shared learning between scrutiny practitioners at local and national government level;
- Use shared learning to inform the development of models of good practice in different aspects of scrutiny, including policy development and monitoring performance; and
- Support councils in strengthening their audit function and ensuring appropriate transparency and clarity in its relationship with scrutiny and other parts of the council.

**Facilitators: Tim Buckle & Sarah Titcombe**

### **Programme**

<b>A.M. Session</b>	<b>P.M. Session</b>	
<b>10.00</b>	<b>2.00</b>	<b>Welcome, Introductions, Objectives</b>
<b>10:10</b>	<b>2.10</b>	<b>Introduction to Overview &amp; Scrutiny</b>
		<ul style="list-style-type: none"> <li>• <b>Scrutiny in Context, The Role of Overview &amp; Scrutiny and the Principles of Effective Scrutiny</b></li> </ul>
		<ul style="list-style-type: none"> <li>• <b>Overview &amp; Scrutiny Structures, Powers and Processes</b></li> </ul>
		<ul style="list-style-type: none"> <li>• <b>Officers and Overview &amp; Scrutiny, Ways of Working</b></li> </ul>
		<ul style="list-style-type: none"> <li>• <b>Planning Scrutiny Activity</b></li> </ul>
		<ul style="list-style-type: none"> <li>• <b>Further Information and Resources</b></li> </ul>
<b>11.15</b>	<b>3.15</b>	<b>Break</b>
<b>11:30</b>	<b>3.30</b>	<b>Questioning Techniques for Scrutiny:</b>
		<ul style="list-style-type: none"> <li>• <b>The Questioning Process – Purpose and Pitfalls: Discussion</b></li> </ul>
		<ul style="list-style-type: none"> <li>• <b>The Questioning Process and Different Types of Questions</b></li> </ul>
<b>12.30</b>	<b>4.30</b>	<b>Close</b>



**POWYS COUNTY COUNCIL**  
**IN-HOUSE TRAINING FOR COUNCILLORS**

**A BRIEFING ON PLANNING IN WALES**

*Tuesday 22<sup>nd</sup> May, 2012*  
*9.15am – 4.45pm*

**THE ROLE OF COUNCILLORS IN PLANNING:  
PROPRIETY AND GOOD PRACTICE**

*Wednesday 23<sup>rd</sup> May, 2012*  
*9.15am – 4.45pm*

**PLANNING FOR WINDFARMS: A SEMINAR FOR COUNCILLORS**

*Friday 25<sup>th</sup> May, 2012*  
*9.15am – 12.45pm*

**Organised and presented for the Council by:**

**Trevor Roberts Associates**  
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### Introduction

This three day training series for Councillors has been specifically arranged at the request of the Authority by Trevor Roberts Associates (TRA), the leading specialists in training for Councillors involved or interested in planning.

Outline programmes for each session are included in this pack; all Councillors will be expected to attend each session, which will run on the following dates/times:

- **A BRIEFING ON PLANNING IN WALES**  
Tuesday 22<sup>nd</sup> May, 2012: 9.15am – 4.45pm
- **THE ROLE OF COUNCILLORS IN PLANNING**  
Wednesday 23<sup>rd</sup> May, 2012: 9.15am – 4.45pm
- **PLANNING FOR WINDFARMS: A SEMINAR FOR COUNCILLORS**  
Friday 25<sup>th</sup> May, 2012: 9.15am – 12.45pm

The **BRIEFING ON PLANNING** session covers the basic policy and procedural aspects of the planning system. It is a “briefing”, giving an introduction and an overview for the benefit of any Councillors involved/interested in the topic. Although the focus is on development management, the aspect of planning with which most Councillors have most contact, it does cover other important elements as well as providing a crucial general context/framework so that Councillors can see where they fit into the overall picture.

The **ROLE OF COUNCILLORS IN PLANNING** session focuses on the often complex issues around a Councillor’s role and the manner in which they must conduct him or her self. It provides an insight into good practice and reflects current legislation and the model code of conduct for Councillors, exploring in detail the implications for planning. It is of particular interest to Councillors serving on planning committees, but it is also highly relevant to all Councillors, who frequently become involved in planning matters directly or indirectly (and who might well at some future stage be called upon to serve on a planning committee).

The purpose of the half-day training session on **WINDFARMS** is to explain the context for wind farm technology; outlining the policy framework for Wales and setting out the planning considerations with regards to development management.

*It does not matter whether Councillors are relatively experienced in planning or not: TRA presenters relate the detail of the workshop content to suit the needs of all participants.*

Trevor Roberts Associates is very experienced in training Councillors in planning. It has been specialising in this for over 15 years, and has conducted in house assignments involving many thousands of Councillors in over 210 authorities throughout England, Wales and Scotland.

***Please note that this material includes some simple pre-course questionnaires/profiles which we would like you to complete. Please bring them with you on the day and hand to the presenters on your arrival.***

## Methods

Methods include:

- inputs by the course presenters, supported by visual aids and simple course documentation
- group discussion of pre-prepared case studies
- informal question and answer sessions
- reference where possible to participants' pre-course material to allow the session to be calibrated to specific requirements.

Within a broad presentational structure, the intention is to make the training participatory and informal. Participants will be split up into sub-groups for discussion purposes.

Our techniques are varied, our presenters lively and discussion breaks frequent. This is not a "classroom" situation, we encourage debate and challenge. We want participants to **enjoy** our training sessions as well as to find them helpful and useful.

## Presenters

**Jed Griffiths** BA MA DipTP FRTPI Chartered Town Planner, Principal of Griffiths Environmental Planning and Senior Associate with TRA. Prior to establishing as an independent consultant in 1994, Jed Griffiths worked in local government for many years, principally for Hertfordshire County Council and latterly for East Sussex County Council, in a succession of posts concerned with strategic and environmental planning. He is actively involved in the RTPI nationally and was the Institute's President in 1995. One of the most experienced members of TRA's team of presenters, he has been involved in numerous training sessions for officers and Councillors in various parts of the UK.

**Andrew Ashcroft** is Assistant Director - Environment, Planning & Waste at Herefordshire Council, where he was previously Head of Planning Services and Transportation. Before moving to Herefordshire, he was Head of Planning Services at the Isle of Wight Council and both Development Control Manager and Planning Policy Manager at Harborough District Council. Andrew has a particular interest in Member training. In both Herefordshire and the Isle of Wight this has been extended to working with Town and Parish Councils on improving their understanding and engagement in the planning process.

## Pre-course questionnaires

Included in this pack are some simple questionnaires/profiles. Please complete these and bring them along with you on the day to be collected at the outset of the session.

## Venue

The venue has been arranged directly by the authority. Details will be provided separately.

## TREVOR ROBERTS ASSOCIATES / POWYS COUNTY COUNCIL

### A BRIEFING ON PLANNING FOR COUNCILLORS IN WALES

Tuesday 22<sup>nd</sup> May 2012

#### Programme

**9.15am** Arrival and coffee

**9.30am** *Introduction to the session*

- the structure of the planning system
- the purpose of planning: the context of sustainable development
- planning law and policy: the basic framework in Wales

**10.00am** *Introduction to the Case Study*

Development Management – some basic considerations

- what is development?
- when is planning permission needed?
- types of planning permission

**10.45am** Coffee Break

**11.00am** *The development control System: the decision-making process*

*This session will be based on the case study – participants will be divided into small groups to discuss the main issues raised by the case study, focusing on:*

- registration, validation and publicity
- delegated and non-delegated decisions
- deferrals
- site inspections
- committee reports and their interpretation
- the key role of policy and the Local Development Plan
- “material considerations”

*These aspects will be pulled together by the presenters in one or two short review sessions.*

**12.45pm** Lunch

**1.30pm** *General Question and Answer Session*

- covering issues raised not otherwise referred to in the Briefing

**2.30pm**      *Development Management - approvals, conditions, refusals and appeals*

*This will be based on the case study*

- reasons for the decision
- conditions
- planning obligations and Community Infrastructure Levy
- the significance of appeals
- rights of appeal in planning
- mechanisms for handling appeals
- cost claims
- Ombudsman and judicial review
- Codes of Conduct

**3.00pm**      Tea

**3.15pm**      *The Development Plan Framework*

- the UK national context
- the Wales Spatial Plan
- Planning Policy Wales, TANs, Circulars and Ministerial Statements
- components of the Local Development Plan
- the significance of the development plan in planning decisions
- stages in plan preparation
- monitoring and review

**3.30pm**      *Planning Enforcement: An Introduction*

- basic principles of planning enforcement
- what constitutes a breach of planning control?
- should action be taken? (the concept of expediency)
- the tools of enforcement

**4.00pm**      *Modernising the Planning System: Culture Change*

- implications for Wales
- the Welsh Government agenda: One Wales
- performance and quality
- pre-application advice
- Planning: Delivering for Wales
- the Planning Bill: progress

**4.30pm**      *Concluding Session*

- where do Councillors fit in?
- being effective at Committee

**4.45pm**      End of Briefing.

## TREVOR ROBERTS ASSOCIATES / POWYS COUNTY COUNCIL

### THE ROLE OF COUNCILLORS IN PLANNING: PROPRIETY AND GOOD PRACTICE

Wednesday 23<sup>rd</sup> May, 2012

#### Programme

- 9.15am** Coffee and registration
- 9.30am** *Introduction and background*
- objectives of the workshop
  - aspects covered / structure of the workshop
  - why Members matter: the special role of Councillors in the statutory planning system
  - the significance of probity in planning
  - the Model Code Of Conduct for Councillors in Wales
  - the conflicting roles of Councillors
- 10.00am** *Introduction to the case study*
- Participants will be divided into groups for consideration of a structured case study of a planning application. This will be returned to at various stages throughout the workshop.
- Role of members at the pre-application / application stage
- arrangements for informing/consulting members
  - “lobbying” - what it is and how to deal with it
  - the relationship between ward representation and planning committee membership
  - handling pressure from press and public
- 10.45am** Coffee
- 11.00am** *Relationships with Town / Community Councils*
- the formal situation
  - joint membership / suggested good practice
  - a positive role for Town/Community Councils
- 11.30am** *Conflicts / disclosures of interest*
- the Localism Act 2011 and pre-determination
  - the Code of Conduct and its requirements
  - typical situations in planning:
    - “personal” interests
    - contacts with applicants, objectors etc
    - membership of public bodies and external organisations
    - membership of political and pressure groups
    - membership of other council groupings
    - what to do - general good practice guidelines
- Presentations interspersed with consideration of case examples.
- 12.45pm** Lunch

**1.30pm** *Role of members at the Committee/decision stage*

- analysing the Committee report
- officer advice / recommendations
- reasons for / minuting of decisions
- material and non-material considerations
- site visits / meetings

Group consideration of the case study interspersed with a mixture of short presentations

**3.00pm** Tea

**3.15pm** General discussion session: issues / questions raised by members

**4.00pm** *Decisions contrary to officer advice*

- what members should expect of officers when departing from their advice
- RTPi Code of Professional Conduct
- valid planning reasons
- appeals and the role of members / officers in appeals
- what happens if members make unreasonable or indefensible decisions

Examples from the case study and presentations.

**4.30pm** *Concluding session*

- outstanding questions
- case study conclusion
- key points and possible actions

**4.45pm** End of Workshop.



## TREVOR ROBERTS ASSOCIATES / POWYS COUNTY COUNCIL

### PLANNING FOR WIND FARMS: A SEMINAR FOR COUNCILLORS

Friday 25<sup>th</sup> May 2012

#### Programme

**9.15 am** Coffee and Registration

**9.30 am** Introduction

- climate change – the context
- UK Climate Change Act 2008
- sources of renewable energy
- UK policy on wind farms: an update

**10.00 am** Wales: the Policy Framework

- Planning for Renewable Energy in Wales
- Planning Policy Wales 2011
- TAN8 Renewable Energy update
- update on progress and developer interest
- Local Development Plan requirements

**10.45 am** Coffee Break

**11.00 am** Development Control in Powys

- the Interim Development Control Guidance 2008(IDCG)
- County Council guidance and the policy framework
- policy in the Strategic Search Areas (SSAs) and elsewhere
- planning considerations and information requirements
- issues emerging from recent development proposals

**11.45 am** Case Study

*Members will be asked to consider a simple wind farm application, to discuss the processes and procedures and the possible planning issues.*

**12.30 pm** Summary and Conclusions

- any outstanding questions and issues raised by Members
- the way ahead for wind farms in Wales
- implications for Powys
- key issues and action points

**12.45 pm** End of Seminar.

## Summary of responsibility and remuneration for members of relevant authorities

### Local authorities, National Park authorities and Welsh fire and rescue authorities in 2012/2013

An annual Basic Salary shall be paid to all members as follows:

Local Authority (LA)	£13,175
National Park authority (NPA)	£ 3,550
Welsh fire and rescue authority (FRA)	£ 1,350

#### Senior Salaries (see note 1)

Where a Council decides to pay a Senior Salary it shall be paid at the following prescribed annual levels:

Band 1	Leader (LA Group A)	£52,700	(Cardiff, Rhondda Cynon Taf, Swansea)
	Leader (LA Group B)	£47,500	(Bridgend, Caerphilly, Carmarthenshire, Conwy, Flintshire, Gwynedd, Newport, Neath Port Talbot, Pembrokeshire, Powys, Vale of Glamorgan, Wrexham)
	Leader (LA Group C)	£42,300	(Blaenau Gwent, Ceredigion, Denbighshire, Merthyr Tydfil, Monmouthshire, Torfaen)
	Deputy Leader (LA Group A)	£37,100	(as above)
	Deputy Leader (LA Group B)	£33,460	(as above)
	Deputy Leader (LA Group C)	£29,820	(as above)
	Band 2	Other Executive (LA Group A)	£31,900
Other Executive (LA Group B)		£28,780	(as above)
Other Executive (LA Group C)		£25,660	(as above)
Band 3	Committee Chairs (LA)	£21,910	
	Group Leader (LA)	£21,910	(Leader of largest opposition group)
	Chair of NPA	£8,875	(Brecon Beacons, Pembrokeshire, Snowdonia)
	Chair of Welsh FRA	£10,085	(Mid and West Wales, North Wales, South Wales)

Band 4	Group Leader (LA)	£16,920	(Leader of political groups not less than 10% of all council members)
	Deputy Chair of Authority / Committee Chair (NPA)	£5,920	(Brecon Beacons, Pembrokeshire, Snowdonia)
	Deputy Chair of Authority / Committee Chair (FRA)	£5,095	(Mid and West Wales, North Wales, South Wales)

### Civic Salaries

Civic Head (LA Group A)	£23,715	(Mayor/Chair of Council)
Civic Head (LA Group B)	£21,375	(Mayor/Chair of Council)
Civic Head (LA Group C)	£19,035	(Mayor/Chair of Council)
Deputy Civic Head (LA Group A)	£18,445	(Deputy Mayor/ Deputy Chair of Council)
Deputy Civic Head (LA Group B)	£16,625	(Deputy Mayor/ Deputy Chair of Council)
Deputy Civic Head (LA Group C)	£14,805	(Deputy Mayor/ Deputy Chair of Council)

### Notes

(1) The maximum proportion of the membership of a council which can be paid a Senior Salary (inclusive of the Basic Salary) is set out in Table 1 of paragraph 3.17.

(2) The posts of civic head and deputy civic head do not count towards the maximum proportion of Senior Salaries that a council is allowed to pay.

(3) The Panel's Supplementary Report dated 13 April 2011 (see Annex 4) shall continue to apply in respect of payments to members of the Isle of Anglesey County Council until such time as the functions of the authority and its executive are fully the responsibility of elected members.

### Co-opted member payments

Chair, Standards Committee (LA)	£256 daily fee	
Chair, Standards Committee (NPA)	£256 daily fee	
Chair, Standards Committee (FRA)	£256 daily fee	
Ordinary member (LA)	£198 daily fee	(Standards committee; education scrutiny committee; and crime and disorder scrutiny committee)

## APPENDIX 3

### Authority Changes following Local Government Election

1. The Ordinary Local Government elections in Wales were held on Thursday 3rd May 2012.
2. Of the 73 electoral divisions 23 Members were returned unopposed.
3. There are 19 new Members.
4. The gender split for the 73 Council is 52 male and 21 female.
5. There remain 5 Political Groups and 5 Non-aligned Councillors.
6. The make-up of the 5 Political Groups is as follows:

<b>Group Name</b>	<b>Number in Group</b>	<b>Percentage of whole Council</b>
Powys Independent Alliance	• 24	27.40
Shires Independent Group	• 20	32.88
Welsh Liberal Democrats	• 9	12.33
Welsh Conservatives	• 9	12.33
Welsh Labour	• 6	8.22

7. The make-up of the Cabinet and their respective Portfolios are found at the end of this Appendix.
8. The new Committee structure is also found at the end of this Appendix.

## Cabinet Portfolios

<b>Portfolio &amp; Portfolio Holders</b>	<b>Portfolio Responsibilities</b>
<p><b>Leader</b></p> <p><i>D.R. Jones</i></p>	<p>Business Manager            Corporate Policy and Performance (Shared with designated Portfolio holder)            Powys Change Plan            One Powys Plan            Local Service Board            To appoint and remove individuals to the Cabinet and to allocate Cabinet Portfolios.            To determine any amendments to the content of Portfolios of individual Cabinet Members and to determine the scope of delegation of individual Cabinet Members.            Overview of Partnerships</p>
<p><b>Finance</b></p> <p><i>D.E. Davies</i></p>	<p>Finance            Section 151 Officer            Corporate Procurement (not incl. building procurement)            Consultee on all grants made to individuals by portfolio holders</p>
<p><b>Human Resources</b></p> <p><i>G.W. Ratcliffe</i></p>	<p>Human Resources Strategy, Advice and Policy Development            Organisational Development (Equalities, Training, Pay and Policy)            Occupational Health and Safety            Employment Services</p> <p>Corporate Policy            Equalities            Corporate Improvement Planning.            Corporate Programme and Project Management.            Process and Efficiency Improvement Support.            Performance Management/Framework.</p>
<p><b>Children &amp; Partnerships</b></p> <p><i>M.J.B. Davies</i></p>	<p>Community Safety            Partnership Coordination            Youth Offending Service            Child Protection            Commissioning and Policy for Children's Services.            Local Safeguarding Children's Board.            Children with Disabilities including Residential Respite Unit.            Family Placement Teams.            Children's Social Work Teams.            Children and Young People's Partnership            Childcare.            Adoption.            Leaving Care.</p>

	<p>Out of Hours Service Corporate Parenting Looked After Children</p> <p>Community Safety Partnership</p>
<p><b>Corporate Governance</b></p> <p><i>G.D. Price</i></p>	<p>Member Development &amp; Support Legal Services Scrutiny Services Democratic Services Monitoring Officer Electoral Registration and Elections Land Charges Ombudsman Members' Standards and Ethical Issues Coroner's Service</p> <p>Communications Customer Services Complaints Management Information Technology Information Management &amp; Compliance Registration of Births, Deaths and Marriages Statistics and Analysis Research Design and Print</p> <p>BPU</p>
<p><b>Property &amp; Assets</b></p> <p><i>G.R. Banks</i></p>	<p>Corporate Property Building Design Gypsies</p> <p>Catering &amp; Cleaning</p> <p>Central Wales Infrastructure Partnership</p>
<p><b>Social Services, Care, Health &amp; Housing</b></p> <p><i>Mrs. M.R. Harris</i></p>	<p>Lead on Strategic Social Services.</p> <p>Mental Health. Older People. Disabled People. Learning Disabilities. Carers Services. Substance Misuse. (Operational services covers both care management and provider services). Commissioning and Contracting Adult Social Services Policy Interpretation and Development. Domiciliary Care Health and Well Being Health Intervention Programme, Exercise on Prescription, Cardiac Rehabilitation).</p> <p>Health, Social Care and Well-Being Partnership</p>

	<p>Public Sector Housing (Landlord function).  Supporting People  Homelessness  Private Sector Housing  Housing Strategy</p>
<p><b>Highways</b>   <b><i>W.B. Thomas</i></b></p>	<p>Highways</p> <p>Transport Planning and Policy  Traffic management  Road safety  Development Control  Transport Co-ordination  Highway asset Management  Network management  School Transport  Highways Engineering Design – Contract, Procurement, Administration &amp; Supervision  Highways Maintenance (Technical Advice).  Highways Maintenance Operations (e.g. Winter Maintenance).  Fleet Management (including Fuel Management).  Car parks</p> <p>Statutory Compliance  Building Maintenance Operations  Servicing Contracts and testing  Street Cleaning  Public Conveniences  Grounds Maintenance  Markets  Land Drainage</p> <p>Environmental Health.  Trading Standards.  Emergency Planning.</p> <p>Waste Management  Refuse Collection  Climate Change &amp; Sustainable Development  Sustainability, Green Dragon and Carbon Management  Sustainability Strategy</p> <p>Central Wales Waste Partnership  Central Wales Infrastructure Partnership  North &amp; Mid Wales Trunk Road Agency Partnership Board  TraCC</p>
<p><b>Learning &amp; Leisure</b>   <b><i>M.C. Alexander</i></b></p>	<p>Special Educational Needs  Exclusions  Attendance  Education other than at school  Looked after children within Schools  English as an additional language</p>

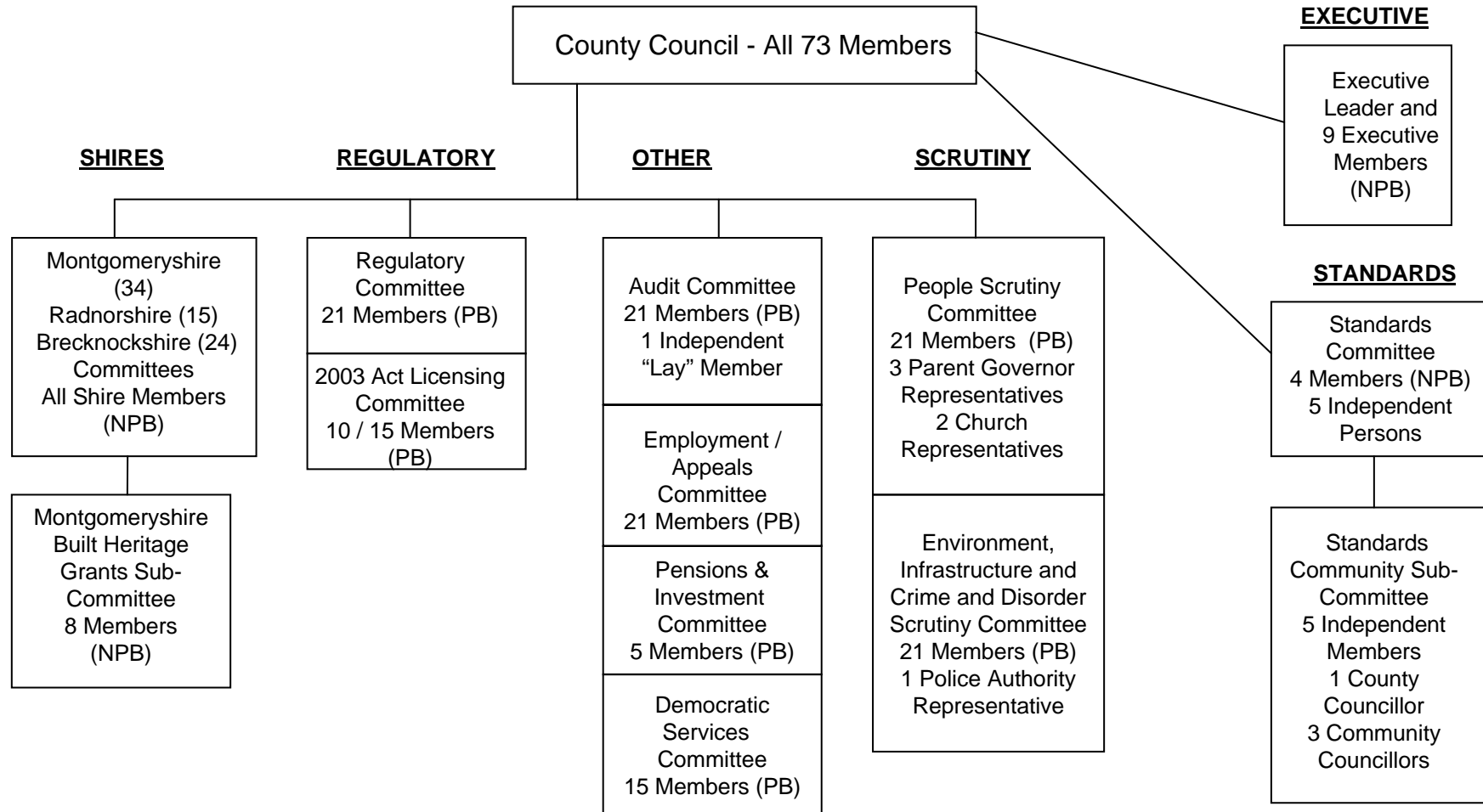


	<p>Migrant and Traveller Children  Admissions  Behaviour management within Schools  Complementary education  Education Psychology  Monitoring, challenging and supporting schools and providing intervention when necessary  Support for teaching and learning  Support for leadership and management including governance  Provision of and support for use of data  Early years education  Welsh Medium/ Bilingual Education  Welsh Education scheme  14-19 Learning Pathways  Basic skills strategic intervention programme  Workforce remodelling  School Organisation Review  Post 16 Education</p> <p>Welsh Language</p> <p>Leisure (Recreation and Leisure policy, Leisure and Sports Centres, Outdoor Pursuits Centres, Indoor Bowling Centre, Sports Development (Generic Sports Development, Sports Specific Sports Development – Football, Rugby, Cricket, Netball, Hockey, Disability Sport) Outdoor Recreation (Parks and Open Spaces, Playgrounds, Sports Pitches – Bowls, Football, Rugby</p> <p>Lifelong Learning (adult continuing education incl. Welsh for Adults)  Village Halls</p> <p>Libraries and Archives (Public Library Service, Schools Library Service, Archives)  Arts and Culture (Theatres, Galleries, Museums, Arts Strategy, Music Strategy, Arts Development, Theatre Development, Powys Dance)  Youth Service  YFC</p> <p>Powys Training</p>
<p><b>Planning</b></p> <p><b>R.G. Brown</b></p>	<p>Partnership Management</p> <p>Development Management and Planning Control. and enhancement of Conservation Areas.  Listed Building control and advice.  Built Heritage Conservation grants.  Designation and safeguarding of trees the subject of Tree Preservation Orders.  Planning Enforcement.  Building Control, including health and safety of buildings,</p>



	<p>dangerous structures. Street naming and numbering service</p> <p>Development and Planning Policy, input into regional planning policy development. Minerals and Waste Planning. Designation Land Drainage Community Regeneration Community Enablement Fund/Welsh Church Acts Communities First</p> <p>Business Services Workshop portfolio Business Grants Business Advice. Opportunity Wales and other contracts</p> <p>Smallholdings Estate</p> <p>Tourism Tourist Information Service</p> <p>Europe European funds Powys Regeneration Partnership European policy External funding</p> <p>Economic Development</p> <p>Affordable Housing</p> <p>Woodland Management, Landscape Design</p> <p>Countryside Services (Countryside Rights of Way, Maintenance, Open Access, Biodiversity, Coed Cymru, Commons Registration, National Trails).</p> <p>TraCC</p>
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# County Council Committee and Executive Structure



KEY: PB = Politically Balanced; NPB = Non Politically Balanced;

## Blogging and Social Networking.

The following text has been taken from the Standards Board for England Guidance as published on their website as follows:

<http://www.standardsforengland.gov.uk/Guidance/TheCodeofConduct/CodeGuidance/Onlineguides/Quickcodeguides/BloggingQuickGuide/>

<http://www.standardsforengland.gov.uk/Guidance/TheCodeofConduct/CodeGuidance/Onlineguides/Guidance/TheCodeofConduct/CodeGuidance/Topicguides/Blogging/>

### Blogging Quick Guide

Blogging and social networking are effective methods for councillors to interact with constituents and support local democracy. Used effectively, they can engage those who would not normally have access to local councillors and politics.

The County Council supports the use of such media and encourage councillors to get online. You should think about what you say and how you say it, in just the same way as you would when making statements in person or in writing,

You will also need to think about whether you are seen to be, or give the impression that you are acting in your official capacity as a councillor. To make sure you comply with the Code of Conduct (the Code) and to ensure your use of online media is well received we suggest the following general hints.

#### Do

- **remember, what you say is permanent and findable**
- set appropriate privacy settings for your blog or networking site – especially if you have a private, non-political blog
- keep an eye out for defamatory or obscene posts from others on your blog or page and remove them as soon as possible to avoid the perception that you condone such views
- be aware that the higher your profile as a councillor, the more likely it is you will be seen as acting in your official capacity when you blog or network
- ensure you use council facilities appropriately; if you use a council provided blog site or social networking area, any posts you make will be viewed as made in your official capacity
- be aware that by publishing information that you could not have accessed without your position as a councillor you will be seen as acting in your official capacity
- make political points, but be careful about being too specific or personal if referring to individuals. An attack on individuals may be seen as disrespectful, whereas general comments about another party or genuine political expression is less likely to be viewed as disrespect.

#### Don't

- blog in haste.
- post comments that you would not be prepared to make in writing or face to face
- use council facilities for personal or political blogs.

## **When the Code may apply**

Bear in mind the Code when you blog or use social networking sites. You should pay particular attention to the following paragraphs of the Code:

- Disrespect
- Bullying
- Disclosure of confidential information
- Disrepute
- Misuse of authority resources

However, it is difficult to give definitive advice on the application of the Code as each blog and social networking page is different. The content of a blog or other social networking tool and the circumstances surrounding its creation will determine whether or not it might be covered by the Code.

Ethical use of online social media is not limited to what is covered in the Code. We encourage members to respect the **Ten General Principles of Public Life** as set out in The Conduct of Members (Principles) (Wales) Order 2001 and in Part 5, Section 1 of the Council's Constitution. While your conduct may not be a breach of the Code it may still be viewed as less than exemplary and attract adverse publicity for your office and authority.

## **Blogging**

### **Introduction**

Blogging is increasingly becoming an important and legitimate part of the operation of a democratic society. It is an efficient, cost-effective and enjoyable way to get in touch with constituents and discuss important issues with the community you represent.

This guide is aimed at members who are new to blogging and social networking as well as experienced bloggers and networkers. It may also be helpful for standards committee members and monitoring officers. It explains the positive role of blogging. It provides information on how the Code of Conduct (the Code) may apply to blogging and social networking and gives some examples of tribunal cases that have dealt with the issues.

### **What is a blog?**

A blog is a frequently updated individual website discussing subjects ranging from the personal to the political. It may focus on one narrow subject or a whole range of subjects.

### **What is social networking?**

Social networking is an online method of sharing information, photos and views with contacts and associates. Examples of social networking sites are Facebook, Twitter and MySpace.

### **How do members use blogging and social networking?**

There are a number of different ways you can use social networking or blogging.

Social networking or blogging can be:

- sponsored by your authority e.g. a leader or members blog
- carried out as an individual
- carried out anonymously

It is important to note that when blogging the Code may apply. This will depend on the factors explored below.

### **Using council provided media**

If you use online media to promote your work as a member or through council websites you will be regarded as conducting the business of the authority. Communicating in this way is most likely to engage the Code.

### **As an individual**

The content of private, non-political blogs are less likely to engage the Code. It will again depend upon the particular facts whether or not the Code applies.

It is the content of a blog and the circumstances surrounding its creation that will determine whether or not its content falls under the Code. A disclaimer in a private blog which says that any comments are not made in an official capacity will not necessarily prevent breaches of the code being found. See Mullaney and Dorrian cases below.

### **Anonymous blogging**

Anonymous satirical websites raise other issues. The first point to consider is whether it can be proved that you uploaded the site content. Although this may be generally suspected, the Ombudsman would expect an investigating officer to be able to prove (on a balance of probabilities) that the content has been uploaded by a member. A standards committee would also expect similar proof from an investigating officer. If proof is established it is then necessary to show that you acted, claimed to act or gave the impression that you were acting as a member when you posted the offending comments.

## **How does the Code of Conduct apply to blogging?**

When considering the application of the Code to blogging and social networking, it is essential to consider whether the Code will apply to your blog and which paragraphs you should be aware of in order to ensure ethical blogging.

For the Code to apply to your blog paragraph 2 of the Code needs to be satisfied. Paragraph 2 makes it clear that the Code only applies when you are acting in your official capacity. Official capacity is defined as conducting the business of the authority or acting, claiming to act or giving the impression that you are acting as a councillor. For further information on official capacity please see our quick guide to official capacity.

The decision as to whether you are acting in your official capacity will depend on the particular facts of each case and the circumstances surrounding your blog. There are a number of factors that will be taken into account when assessing this. These include:

- **How well known or high profile you are as a member.** The more high profile you are, the more likely it is that you will be seen as acting in your official capacity when you blog or use a social networking site.

- **The privacy settings on your blog or social networking site.** If you have a private, personal blog, ensure that you have appropriate privacy settings so that you decide who can read your posts. If you have a political blog this may well be open to all readers. If constituents are able to see your posts, they may assume that you are acting in your official capacity as their representative.
- **The profile on your blog or social networking site.** You should set out clearly in your profile if this is a political or personal blog. Identifying this will enable readers to better understand if you are seeking to act in your official capacity or not. Nevertheless it may be possible in a personal blog to give the impression that you are acting as a member even though you have stated otherwise. Also, you cannot discuss council business on a personal blog and/or make gratuitously offensive remarks about others who are linked to the council and then claim to be doing so in a private capacity.

When blogging you should bear in mind the following paragraphs of the Code (Part 2 – General Provisions) will apply to your online behaviour just as they would to any other form of communication. (See Part 5, Section 1 of the Council's Constitution)

Part 2 – General Provisions of The Local Authorities (Model Code of Conduct) (Wales) Order 2008.

- **Paragraph 4(b) / 4(c) and 4(d) - Treating others with respect:** The aim of the Code is not to stifle political opinions and arguments. As such, political comments and comments about ideas are less likely to be seen as disrespectful and result in a breach of the Code. However, personal jibes or remarks aimed at an individual may well be seen as disrespectful and could lead to a breach of the Code and possible sanctions.
- **Paragraph 5(a) – Disclosing confidential information:** Before releasing any information on your blog or networking site, check if it is confidential and if you have the right to release it.
- **Paragraph 6(1)(a) – Disrepute:** Because of your role, your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an impact on your office or authority. Dishonest or deceitful behaviour in your role as a member may bring your office or the authority into disrepute.
- **Paragraph 7(a) and 7(b) (i) to (vi) – Use of resources:** You must not use local authority resources “improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.” Also you must ensure that these resources are not used improperly “for political purposes” - including party political purposes. See the Johnson case below.

You should also consider other online activities where the Code may apply:

- **Forum posts.** If you go on to a forum and identify yourself as a member then it is likely that the Code will apply when you post entries. If you put content on the site which you could only have obtained as a member it is possible to argue that you have given the impression that you were acting as a member even if you did not identify yourself as such when you made the posting.

- **Comments made by others.** It is also important to regularly check your own blog or networking site to ensure there are no defamatory or obscene comments posted by others. If this does happen you should remove the posts as soon as you become aware of them. You should also take steps to discourage users from posting such comments in the future.
- **“Friends” on social networking sites.** You should be aware that anyone you include as a friend on social networking sites could be regarded as a “person with whom you have a close association” within the meaning of paragraph 10 of Part 3 – Interests of the 2008 code – personal interests. Simply including someone on a site as a friend does not establish a close association but it is one factor that would be taken into account in deciding whether such an association exists.

## Human rights considerations

In considering whether your use of social networking media have breached the Code, Article 10 of the European Convention on Human Rights (the right to freedom of expression) must also be taken into account. The First Tier Tribunal and court cases have made a number of decisions about this issue.

You are less likely to breach the Code where you are making genuine political statements. This means that you are less likely to breach the Code if your comments are about another member’s political position or are a genuine expression of political differences with someone. The courts have established that this is because of the fundamental importance of freedom of political expression in a democratic society. However, any political expression should avoid being just an expression of personal anger or abuse towards someone since insults and abuse do not normally qualify for the protection of Article 10. If you make rude comments about a member of the public or an officer of an authority it is more likely that you will be found to have breached the Code.

## Examples of cases

Examples which illustrate how the First Tier Tribunal and standards committees in England have viewed cases involving social networking can be found in(1):

### **Councillor Mullaney APE 0400 and High Court judgment**

Birmingham City Council

In this decision factors relevant to the conclusion that conduct was within “official capacity” included the following

- The subject member trespassed onto an individual’s property and shot a video that he subsequently posted on You Tube. The aim of the video was to galvanise the planning department into taking action concerning the building.
- The YouTube video concerned identified the subject member at the outset.
- The subject member identified himself several times as a member.
- The video was subsequently published on the subject member’s website - the homepage of which identified him as a member.
- References were made in the video to the jurisdiction of the subject member’s council.
- The subject member failed to remove or edit the video when requested.

- The tribunal decision on breach was upheld by the High Court and the case was sent back to the Appeals Tribunal to consider if the sanction they applied was appropriate.
- The sanction applied was a one month suspension.

### **Councillor McTigue APE 0421**

Middlesbrough Council

The Appeals Tribunal accepted that

- Even if it became clear from the forum (an on-line forum hosted by the local newspaper) that an individual who was posting on the forum was a member, the Code would not automatically be engaged.
- The question was whether in the postings on the forum the member was deemed to be, or gave the impression that he or she was “acting in the role of member”.
- This was fact-sensitive and would very much depend on the content of the postings.
- The subject member had used a pseudonym and stated that she was on the forum as a resident who just happened to be a member. Taking the contents of the postings as a whole the member did give the impression that she was acting in the role of member and representing the council. In a series of posts the subject member discussed council business, outlined what had happened at council meetings and referred to herself as a councillor.
- Sanction applied was a two month suspension.

### **Mayor Johnson**

Greater London Authority Standards Committee Decision

- The Mayor of London linked in his tweet to the front page of the Sun, which on that day had announced its decision to endorse the Conservative party.
- The standards committee found that he had breached paragraph 6(b) (ii) of the authority’s Code because he tweeted using his mayoral twitter feed (thus using GLA resources) and was considered to be seeking to affect party political support.
- Sanction applied was for the monitoring officer to speak to the Mayor about his responsibilities under the code.

### **Councillor Sharratt APE 0458**

South Ribble Borough Council

- The member was a journalist who published a small journal.
- The member neither claimed nor gave the impression of acting as a representative of the council. The magazine was ‘published for fun’, and a member of the public would be in no doubt, the panel said, that the journal was not a matter that was the business of the council.
- The Standards Committee accepted the argument that Cllr Sharratt used the magazine to conduct public discourse on the council and party issues, and that his activities on the council, the magazine and the party were seamlessly connected. However, the First-tier Tribunal disagreed. It said the decision in Livingstone (Livingstone v APE (2006) EWHC 2533) referring to ‘activities which are apparently within the performance of a member’s functions’ should be narrowly construed.



- The appeals tribunal rejected the finding of the standards committee and concluded there had been no breach of the Code.
- No breach.

## **Councillor Barnbrook APE 470/471**

London Borough of Barking and Dagenham

- The member appealed the decision of the standards committee of the London Borough of Barking and Dagenham.
- The member published a video on a website concerning statements about knife crime that were inaccurate.
- The key question considered by the tribunal was whether the member was acting in his official capacity when making the video.
- There was no evidence to support the position that the member was conducting the 'business of the Council' and the parties did not put forward any arguments to this effect
- The Tribunal was drawn to the conclusion that the making of the video was not proximate enough to the role of member so as to bring him into the ambit of acting in his capacity as a member. The Tribunal considered the following factors in reaching its conclusion:
  - The member was making a video on behalf of the BNP with its primary purpose being party political;
  - He was not identified as a member for the London Borough of Barking & Dagenham;
  - He was not taking forward an issue relevant primarily to the London Borough of Barking & Dagenham;
  - He was not taking forward an issue on behalf of an individual constituent; and,
  - The video dealt with a range of issues and the Appellant did not concentrate upon issues within the London Borough of Barking & Dagenham.
- No breach.

## **Other issues to consider**

There are also considerations apart from the Code that should be taken into account when using online media. The following is a brief guide to some of the legal pitfalls(2) in establishing personal blogs. Almost all of these can be avoided if your online content is objective, balanced, informative and accurate.

In the main, you have the same legal duties online as anyone else, but failures to comply with the law may have more serious consequences.

### **Libel**

If you publish an untrue statement about a person which is damaging to their reputation they may take a libel action against you. This will also apply if you allow someone else to publish something libellous on your website if you know about it and do not take prompt action to remove it. A successful libel claim will result in an award of damages against you.

## **Bias and Predetermination**

If you are involved in determining planning or licensing applications, you should avoid publishing anything on your blog that might suggest you have already made up your mind about a matter you may be involved in determining. Otherwise, the decision runs the risk of being invalidated.

## **Copyright**

Placing images or text on your site from a copyrighted source (e.g. extracts from publications, photos etc) without permission is likely to breach copyright. Avoid publishing anything you are unsure about or seek permission in advance. Breach of copyright may result in an award of damages against you.

## **Data protection**

Avoid publishing the personal data of individuals unless you have their express written permission.

## **Obscene material**

It goes without saying that you should avoid publishing anything in your blog that people would consider obscene. Publication of obscene material is a criminal offence.

## **Conclusion**

Blogging and social networking are excellent ways to engage a wider audience. In order to blog successfully, you should ensure that you comply with the Code and any other legal requirements.

It is also important to note that, the ethical use of online social media is not limited to what is covered in the Code. You should also consider the Ten General Principles of Public Life as set out in The Conduct of Members (Principles) (Wales) Order 2001 and in Part 5, Section 1 of the Council's Constitution. While you may not be investigated or censured for using online media in certain ways, your conduct might still be viewed as less than exemplary and attract adverse publicity for your office and authority.

## **Helpful links:**

You can find further guidance and information on blogging and social networking as a member from the sources below:

- [www.civicsurf.org.uk](http://www.civicsurf.org.uk) a resource for blogging members
- [www.socialbysocial.com](http://www.socialbysocial.com) a primer for harnessing social media for social good
- IDeA's Connected Members: A guide to using social media

(1) These cases were heard during the period where the Adjudication Panel for England was in operation. The functions of the Adjudication Panel for England have now been transferred to the First-Tier Tribunal (Local Government Standards in England) and the Adjudication Panel for England has been abolished.

(2) This section is based on material produced by and with the permission of Victoria McNeill, Head of Legal at Norfolk County Council.

**Extract from Minutes of Standards Committee relating to blanket dispensations**

Standards Committee  
2010-07-05

**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>
<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</b>	<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</b>

**Extract from Minutes of Standards Committee relating to blanket dispensations**

<p>only</p> <p>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 before any discussion on school modernisation.</p> <p>That those Councillors who believe that they have a pecuniary interest may make an individual application to the Standards Committee for dispensation</p>	<p>advantageous/disadvantageous.</p> <p>To ensure that all Members and the public are fully aware of each Member's interest in relation to school modernisation</p> <p>To allow Members with a pecuniary interest to make individual applications for dispensation.</p>
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Seven Members voted in favour of the resolution with one abstention.

Standards Committee  
2010-09-29

**G2. Blanket Dispensations**

It was confirmed that 62 Members had submitted their declaration of interests in respect of school modernisation and a summary of the declarations had been compiled. The remaining Members had received reminders to submit their forms.

Members reported that there was evidence that the blanket dispensation granted for matters relating to the School Modernisation process was being used by Members in relation to any matters relating to schools. The Committee confirmed that the blanket dispensation related only to the School Modernisation process.

RESOLVED THAT	REASON FOR RESOLUTION
<p>The Chair write to the Chairs of Council, the Board, People Scrutiny and Corporate Scrutiny Committee reminding them of the extent of the dispensation on School Modernisation</p>	<p>To ensure that dispensation to speak is correctly used.</p>

**Extract from Minutes of Standards Committee relating to blanket dispensations**

Standards Committee  
2011-04-27

**E1.2 Scottish Power Energy Networks proposal to connect windfarms to the National Grid**

Cllr Miss Evans declared an interest in this matter. Cllr Curry advised the Committee that he was a Member of the Planning Committee.

The Strategic Director explained that there is a proposal in Montgomeryshire to build an electricity sub-station ('Hub') at either Abermule or Cefn Coch to collect electricity from proposed windfarms in the area and convert it to a higher voltage which will then be sent down the Severn Valley by overhead pylons to join the National Grid in Shropshire. The planning application to build the Hub (which has yet to be submitted) will be dealt with by the Planning Committee of Powys County Council (provided it is not called in by WAG) whereas the planning application to build the pylons (which has yet to be submitted) will be dealt with by the IPC (Infrastructure Planning Commission). Powys County Council will be a consultee for the Pylons planning application.

Given the extent to which these proposals affect a large part of Montgomeryshire and Northern Radnorshire, and the position in which very many County Councillors for the area find themselves, the Committee was being asked to consider the desirability of granting some, or all, of these Councillors (in their various roles) a blanket dispensation or dispensations to speak or speak and vote at meetings (including both formal meetings and meetings under the Members Code involving another Member and/or officer); to make representations in writing and orally and generally to play a full role (subject to compliance with the general law and the Council's Constitution – e.g. Planning Protocol) in representing their constituents in relation to this matter.

It was suggested that the County Councillors affected by this development could be considered to fall into three categories in relation to this matter, (i) those that are on the Planning Committee or Board / Cabinet and can be classed as "Decision Makers" (Planning Committee members in relation to the Hub; and Board / Cabinet members in relation to the Pylon Consultation); (ii) those who are "Local Members" and (iii) the relevant Portfolio Holder. It was further noted that some County Councillors were also Town or Community Councillors.

In their deliberations the Committee took note of the following:

- That this development affected a very large area of North Powys;
- It had generated a considerable amount of local interest much of

**Extract from Minutes of Standards Committee relating to blanket dispensations**

which opposed the development;

- It was perceived that constituents would wish their local County Councillor to be free to put forward the views of the local communities in relation to this development and to clearly articulate and make public their own view irrespective of any personal and prejudicial interest a member may have under the Members Code of Conduct;
- The likelihood was, given the wide spread impact of this development, that many Members would be directly and indirectly affected whether adversely or possibly beneficially resulting in them having personal and prejudicial interests under the Members' Code of Conduct;
- Those Members in areas affected who wish to act as Decision Makers on either the Board/Cabinet or Planning Committee would find difficulty in playing any significant "constituency role" in their elected division due to the difficulties caused by paragraph 10 (2) (b) of the Members Code of Conduct and also the likely perception that as a consequence of their role locally they had formed a "closed mind" and were "predetermined"; and
- The different types of personal and prejudicial interests that could arise appeared to be diverse and it would be difficult, if not impossible, to categorise all such interests in terms of those which ought to be the subject of dispensations and those which should not.
- The uncertainty around the timescale relating to the submission of the formal planning applications might result in there being changes to the current membership of the Cabinet and Planning Committee by the time the applications are actually considered.
- The benefit of providing an initial view/decision on the matter to provide a steer and assistance to members and for this to be reviewed at the next meeting

The Standards Committee were firmly of the view that a member of the Planning Committee who had a personal and prejudicial interest in this development within the terms of the Members' Code of Conduct should not be given a dispensation to take part in the Planning Committee process regarding the Hub as "Decision Makers". Whilst it was considered neither appropriate or justified to consider granting dispensations to members of the Planning Committee in respect of their decision making role the Standards Committee were of the view that if a Planning Committee Member elected to step aside from their decision making role to undertake a "Local Member" role in relation to this development such a Member should be granted a dispensation to

**Extract from Minutes of Standards Committee relating to blanket dispensations**

attend meetings, speak, make representations etc. in order to effectively represent their constituents notwithstanding the existence of any personal and prejudicial interest. Additionally and irrespective of any dispensation such a Member would the Standards Committee noted, also remain free under the Council's Planning Protocol to play the role of Local Member in addressing the Planning Committee under the public speaking provisions of that protocol.

It was further agreed that it would be helpful for the Monitoring Officer to offer to discuss with each individual member of the Planning Committee affected by this development their own particular circumstances so as to provide advice specifically tailored to that Member. Given the uncertainty around the timing of the Hub planning application it needed to be borne in mind that some or all of the membership of that Committee may be different, in whole or part when the application is determined to that of the current membership.

Similarly where a Board/Cabinet Member had a personal and prejudicial interest in respect of this development the Standards Committee were of the view that (as with Planning Committee Members) such a Member should not be granted a dispensation of any sort so as to enable him/her to undertake a decision making role. If a Board/Cabinet Member elected to step aside from their decision making role to undertake a "Local Member" role such a Member should be granted a dispensation to attend meetings, speak, make representations etc. in order to effectively represent their constituents. Additionally and irrespective of any dispensation such a Member would, the Standards Committee noted, also remain free under the Council's Planning Protocol to play the role of Local Member in addressing the Planning Committee under the public speaking provisions of that protocol.

The Standards Committee were also mindful of the requirements of paragraph 10(2)(b) of the Members' Code of Conduct which in essence attributed a personal interest to a "Decision Maker" where there was a perceived conflict between that Member's ward or electoral division and the County Council as a whole. This also, in the view of the Standards Committee justified the stance that granting dispensations to members of the Planning Committee and Board / Cabinet Members to undertake decision making roles was not appropriate in this situation.

In relation to Councillors who have a personal and prejudicial interest in this development but are neither a Board/Cabinet Member or a Planning Committee Member the Standards Committee were of the view that to avoid all doubt they should be granted dispensations in line with those referred to above for Members of the Board/Cabinet and Planning Committee who opted to stand aside from their decision making role and play the role of "Local Member". That is to say they should be granted dispensations in respect of all and any personal and prejudicial interests under the Members' Code of Conduct arising



**Extract from Minutes of Standards Committee relating to blanket dispensations**

directly or indirectly as a result of this proposed development to enable them to speak and vote at meetings, make oral and written representations and generally to play a full role (subject to compliance with the general law and the Council's Constitution – e.g. Planning Protocol) in representing their constituents in relation to this matter. Members need to be aware however that whilst they may not currently be members of the Board/Cabinet or Planning Committee if they were subsequently to become members their position on the Cabinet or Planning Committee in so far as a decision making role in relation to this development was concerned might be compromised by their previous Local Member role activities.

By way of completeness and to summarise it was emphasised that in so far as a Planning Committee Member was concerned if he/she concluded (at any point in time) that he/she had a personal and prejudicial interest in this matter then the Standards Committee's stance was they should not sit as a decision maker and should not be granted a dispensation to do so. That Councillor could however step aside as a decision maker and declare himself/herself as acting as "Local Member" in respect of this development. This would allow him/her (on the basis of a blanket dispensation granted by the Standards Committee) to play a full role in their local electoral division and, with the permission of the person presiding, to address the Board/Cabinet when it discussed the Pylon representations to be made on behalf of the Council. Having addressed the Board/Cabinet he/she would then leave the room and take no part in the debate. Furthermore under the public speaking protocol the Councillor could make representations to the Planning Committee on the matter and then leave the meeting room.

In the case of a Board/Cabinet Member concluding (at any point in time) that he/she had a personal and prejudicial interest the Standards Committee's view was that such a Member should not sit as a decision maker in relation to the consultation on the pylons and should not be granted a dispensation to do so. Such a Member could however step aside as a Decision Maker and declare himself/herself as acting as "Local Member" in respect of this development. This would allow him/her (on the basis of a blanket dispensation granted by the Standards Committee) to play a full role in their local electoral division and, with the permission of the person presiding, to address the Board/Cabinet when it discussed the Pylon representations to be made on behalf of the Council. Having addressed the Board/Cabinet he/she would then leave the room and take no part in the debate or vote. Additionally under the public speaking protocol he/she could make representations to the Planning Committee on the matter and then leave the meeting room.

The Standards Committee concluded that given all of the circumstances outlined above it was appropriate and would not damage public confidence in the conduct of the Council's business to

**Extract from Minutes of Standards Committee relating to blanket dispensations**

grant a blanket dispensation to Councillors with personal and prejudicial interests under the Members’ Code of Conduct arising out of this development to enable them to play a non decision making role. Such a dispensation would apply to all Councillors who are not Members or the Board/Cabinet or Planning Committee or, if they were, had decided to step aside as decision makers as solely play the role of local Member in relation to this matter. This matter would be reviewed at the next meeting of the Standards Committee on 29<sup>th</sup> June 2011 and in the meantime information would be gathered from relevant Members as to their respective interests in this development

Finally the position of the Portfolio Holder for Regeneration and Development was outlined. This role concerns acting in the best interests of the whole of Powys but the current portfolio holder finds himself in difficult position given the fact that one of the proposed sites of the hub is in his electoral division. This falls under paragraph 10 (2) (b) of the Members’ Code of Conduct. He had agreed to step aside from acting as Portfolio Holder and any decision making role in relation to this development in North Powys. Consequently he could now act as “Local Member” and avoid any perceived conflict in his role. A blanket dispensation for non decision makers granted by the Standards Committee would also assist his position in this regard. The Strategic Director – Law and Governance advised that he was preparing a report for the Board in relation to the Portfolio Holder’s position in this matter.

<b>RECOMMENDED THAT</b>	<b>REASON FOR RECOMMENDATION</b>
<p><b>i) That no dispensations in respect of undertaking a decision making role be granted to Councillors sitting on the Board/Cabinet or Planning Committee with personal and prejudicial interests under the Members’ Code of Conduct in relation to this development.</b></p> <p><b>ii) That a blanket dispensation 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 this matter be granted to Councillors with personal and prejudicial interests under the Members’</b></p>	<p><b>i) That the grant of such dispensations would damage public confidence in the conduct of the Council’s business</b></p> <p><b>ii) &amp; iii) That the grant of such dispensations would not damage public confidence in the conduct of the Council’s business and would enable non decision making Councillors to fully represent their constituents notwithstanding the existence of any personal and prejudicial interests and would remove any doubt as to their ability to undertake a Local Member role.</b></p>

**Extract from Minutes of Standards Committee relating to blanket dispensations**

<p>Code of Conduct in relation to this matter who sit on the Board/Cabinet and the Planning Committee but who decide to step aside from a decision making role and solely undertake the role of Local Member.</p> <p>iii) That a blanket dispensation 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 this matter be granted to Councillors with personal and prejudicial interests under the Members' Code of Conduct in relation to this matter who do not sit on the Board/Cabinet or the Planning Committee.</p> <p>iv) That the dispensations granted in ii and iii above are subject to :-</p> <p>(a) Compliance with any legislative requirement or common law rule;</p> <p>(b) Compliance with the Council's own Constitution including the Planning Protocol which, inter alia, provides that a "Local Member" must never seek to lobby or improperly influence a Decision Maker.</p> <p>(c) Compliance with the requirements in the Members' Code of Conduct as to the disclosure of personal interests;</p> <p>(d) The dispensations being granted in the first instance for an initial period until the next meeting of the Standards Committee on 29<sup>th</sup> June, 2011 when the position</p>	<p>iv) To define the grant of the dispensations.</p> <p>v) To provide Members of the Standards Committee with information on the matter.</p>
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**Extract from Minutes of Standards Committee relating to blanket dispensations**

<p>will be reviewed in the light of the information gained following the process outlined below in (v).</p> <p>v) Information be sought from all Members regarding the types of interest which Members may have on the Hub/Pylon issue.</p> <p>vi) The Monitoring Officer offer to discuss with affected Members of the Planning Committee their individual situation under the Members' Code of Conduct in relation to this development.</p>	<p>vi) To facilitate advice to relevant Planning Committee Members.</p>
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Standards Committee  
2011-06-23

**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;

**Extract from Minutes of Standards Committee relating to blanket dispensations**

- 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>
<b>(i) That for the avoidance of all doubt a blanket dispensation</b>	<b>(i) to (iv) That the grant of such</b>

**Extract from Minutes of Standards Committee relating to blanket dispensations**

<p>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 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:</p> <p>(a) the proposed Electricity Sub-Station, Pylons and overhead lines in North Powys;</p> <p>(b) all wind farm developments in Powys;</p> <p>(c) all road and other infrastructure issues concerning renewable energy;</p> <p>(d) policy issues concerning</p>	<p>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>
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**Extract from Minutes of Standards Committee relating to blanket dispensations**

<p>renewable energy including TAN 8 and the Council's own Local Development plan;</p> <p>(e) Community benefits arising out of wind farms / renewable energy projects.</p> <p>(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.</p> <p>(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 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>(v) To define the extent of the dispensation.</p> <p>(vi)to (vii) To provide Members with appropriate advice.</p>
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**Extract from Minutes of Standards Committee relating to blanket dispensations**

(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.

(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.

(viii) That the Committee noted that their decisions in relation to these dispensations would apply to councillors involved in the 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.

(ix) That Members be reminded of the requirement that notwithstanding any dispensation granted by the Standards Committee a

(viii) To clarify the effect of the Committee's decisions.

(ix) To provide Members with appropriate advice.



**Extract from Minutes of Standards Committee relating to blanket dispensations**

<p>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>(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>
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**Attendance Total per Member 1st November 2011 - 7th May 2012**

<b>Member Name</b>	<b>Total Present</b>	<b>Total Absent</b>	<b>Total Absent on Council Business</b>	<b>Total Number of Meetings</b>	<b>Total with No Record</b>	<b>Total Attendance (%)</b>
Davies, Aled W.	17	0	0	17	0	100
Davies, Leslie G.	21	0	0	21	0	100
Evans, David O.	15	0	0	15	0	100
Evans, Hywel	3	0	0	3	0	100
Evans, Jacqueline	2	0	0	6	4	100
Evans, W. John	15	0	0	15	0	100
Harris, Marian	6	0	0	6	0	100
Jarman, Susan	6	0	0	6	0	100
Jevons, Alan	3	0	0	3	0	100
Jones, E. Michael	21	0	0	21	0	100
Jones, Tegwyn	16	0	0	16	0	100
Miller, Ralph	6	0	0	6	0	100
Rhydderch-Roberts, H	6	0	0	6	0	100
Swanson, Peter	4	0	0	6	2	100
Thomas, Alun	3	0	0	3	0	100
White, Richard J.	16	0	0	16	0	100
Jones, Wynne T.	20	0	1	21	0	95
Thomas, Tony	19	0	1	20	0	95
Brunt, John H.	15	1	0	16	0	94
Curry, Kelvyn W.	30	2	0	32	0	94
Morris, John G.	13	1	0	14	0	93
Jones, Michael J.	22	1	1	24	0	92
Meredith, David W.	10	1	0	11	0	91
Thomas, W. Barry	10	0	1	11	0	91
Corfield, L.V.	16	2	0	18	0	89
Harris, M. Rosemarie	16	1	1	18	0	89
Hopkins, Geraint G.	16	2	0	18	0	89
Mackenzie, Maureen C.	17	1	1	19	0	89
Williams, J. Michael	17	2	0	19	0	89
Brown, R. Graham	15	2	0	17	0	88
Evans, Gwilym T.	23	3	0	26	0	88
Jump, Francesca H.	28	2	2	32	0	88
Price, David R.	23	3	0	26	0	88
Shearer, Joy G.	13	2	0	15	0	87
Vaughan, Beryl	13	2	0	15	0	87
Davies, Melanie J.B.	12	2	0	14	0	86
Hodges, Mike D.	18	3	0	21	0	86
Jones, David R.	12	2	0	14	0	86
Mills, Bob	12	1	1	14	0	86
Pritchard, Phil C.	12	2	0	14	0	86
Roberts-Jones, Kath M.	18	1	2	21	0	86
Millington, Sarah J.	17	3	0	20	0	85
Pathak, Krishn	17	3	0	20	0	85
Jones, E. Arwel	16	2	1	19	0	84
Davies, E. Rachel	24	5	0	29	0	83
Holmes, Jeff C.	10	2	0	12	0	83
Harris, Ken A.	17	4	0	21	0	81
McNicholas, Susan	13	2	1	16	0	81
Thomas, D. Gillian	21	4	1	26	0	81

Member Name	Total Present	Total Absent	Total Absent on Council Business	Total Number of Meetings	Total with No Record	Total Attendance (%)
Davies, Dai E.	12	3	0	15	0	80
Weale, A. Martin C.	16	4	0	20	0	80
Ashton, Paul J.	11	1	2	14	0	79
Evans, Viola E.	15	4	0	19	0	79
Morgan, Evan T.	11	2	1	14	0	79
Morgan, Gareth	11	2	1	14	0	79
Baynes, Simon R.M.	10	3	0	13	0	77
York, Avril	10	2	1	13	0	77
Silk, Kathryn S.	17	4	2	23	0	74
Davies, L. Roche E.	15	6	0	21	0	71
Hayes, Stephen M.	15	4	2	21	0	71
Holloway, Ann	10	4	0	14	0	71
Steadman, John	15	4	2	21	0	71
Price, Gary D.	11	5	0	16	0	69
Bailey, Dawn	13	6	0	19	0	68
Morris, Margaret E.	23	10	1	34	0	68
Vaughan, Gwilym P.	13	6	0	19	0	68
Fitzpatrick, Liam	12	6	0	18	0	67
Lewis, W. Geoffrey	10	4	1	15	0	67
Roffe, Ian	2	1	0	3	0	67
Jones, Eldrydd M.	17	8	1	26	0	65
Ratcliffe, Gareth W.	11	3	3	17	0	65
Banks, Garry R.	12	7	0	19	0	63
Powell, Clair E.	11	7	0	18	0	61
Van-Rees, Tim J.	14	8	1	23	0	61
Davies, Sandra C.	10	6	1	17	0	59
Lewis, Peter E.	8	6	0	14	0	57
Powell, William D.	7	5	1	13	0	54
Harris, Peter	13	12	0	25	0	52
George, Russell I.	5	6	0	11	0	45
Torrens, Francis A.	10	16	0	26	0	38
Evans, Clare	1	2	0	3	0	33
Jones Powell, Gloria	1	2	0	3	0	33
Owen, W	1	2	0	3	0	33
Morgan, Bob	7	19	0	26	0	27
Gwillim, C. Gwyn	2	6	0	8	0	25
Barker, Fred	3	19	0	22	0	14
Jones, Gareth	0	2	0	2	0	0
Davies, Sandra C.						
Lewis, Peter E.						
Powell, William D.						
Harris, Peter						
George, Russell I.						
Torrens, Francis A.	No longer a Councillor					
Evans, Clare	Town and Community Council representative for 2008-2012					
Jones Powell, Gloria	Church Representative 2011-2012					
Owen, W	Parent Governor Representative 2008-2012					
Morgan, Bob	No longer a Councillor					
Gwillim, C. Gwyn	No longer a Councillor					
Barker, Fred	No longer a Councillor					
Jones, Gareth	Staff Representative 2008-2012					

**Janet Kealey, Pennaeth Gwasanaethau Cyfreithiol,  
Democrataidd a Chraffu/Head of Legal, Scrutiny and  
Democratic Services**

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

To all County Councillors

*If calling please ask for / Os yn galw gofynnwch am*

Liz Patterson

*Tel / Ffôn:* 01597 826980

*Fax / Ffacs:* 01597 826220

*Email/Llythyru electronig* elizabeth.patterson@powys.gov.uk

*Your ref / Eich cyf:*

*Our ref / Ein cyf:*

*Date / Dyddiad:* 25 June 2012

Dear Member

### **Attendance at Council Meetings**

The Standards Committee monitors attendance at the main Council committees on a twice yearly basis. The Committee has set a level of 60% attendance below which it seeks an explanation from Members as to their reasons for absence. The Standards Committee acknowledges that Members have other duties as County Councillors which may require their attendance but consider that the 60% level for Committee attendance allows sufficient time to undertake such other duties. The Standards Committee also acknowledges that there is some Council business which should count towards the attendance calculations and this includes meetings of:

- Brecon Beacons National Park
- Dyfed Powys Police Authority, and
- Mid and West Wales Fire Authority.

The periods for the calculation of attendance levels run from the Annual Council meeting in May to the 31<sup>st</sup> October and the 1<sup>st</sup> November to the Annual Council meeting in May.

The Standards Committee has asked that the attendance information be circulated to all Members prior to the Committee receiving the information and that those Members with attendance levels below 60% be asked to submit an explanation.

It is appreciated that the information relates to the period of the last Council and contains attendance details for former Councillors but it has been provided to all current Members for information.

If you have any queries please do not hesitate to contact me.

Yours sincerely

*E M Patterson*

Mrs Liz Patterson  
Scrutiny Officer

## **Comments from Members in response to the letter regarding attendance**

### **Member A**

can you ask the Standards Committee why when a Councillor is absent but on Council business this is not considered as part of the total attendance percentage?

On the attached xls sheet I missed only 1 meeting out of 14 which I calculate as 92.85% attendance.

Only if you add on being absent but still on Council business do you arrive at an attendance figure of 79%.

No one can be in 2 places at the same time and emphasis on attendance % could sway some Councillors into only attending only those meetings that contribute to a high total attendance %. Especially if these attendance figures are public or possible FOI requests.

### **Member B**

Happily I am not in the position of having to explain my attendance (or lack of it!) to the Standards Committee, but I have to question the figures.

Using my example, I was present at a total of 19 meetings (17 being PCC, and 2 NP meetings - ie absent from PCC on Council business - so my percentage attendance is 19/23 which equals 82.6%, rather than 74% as in the spreadsheet. I suppose this only matters if these figures are published, but I wouldn't want those whom I represent to gain anything other than a correct record of my attendance.

### **Member C**

Which meetings do these refer to please?

It is not clear from the information provided.

I assume it is not just full council meetings?

I have been attending local meetings as a local councillor.

Some clashes have been in relation to school modernisation.

I have been attending meetings in Cardiff in relation to political leader meetings.

### **Member D**

I find it difficult to believe my attendance is as low as indicated could I ask you to check for me and does attendance at Licensing Committee Review Panels count? I believe that I was one of the highest attendees to these.

Further to my first reply. I would need more details of which meetings these figures refer to.

Also I don't believe the % grading system is fair. I am in the top 10 Councillors who have the most possible meetings to attend being 25. Other Councillors have many fewer potential meetings to attend therefore they can easily

achieve ratings of 80% and above

[REDACTED]

[REDACTED]

**County Councillor Mrs Dawn Bailey  
Tynwald  
Middletown  
Welshpool  
Powys SY21 8EJ**

**Tel: 01938 570632**

**Email: [cllr.dawn.bailey@powys.gov.uk](mailto:cllr.dawn.bailey@powys.gov.uk)**

27<sup>th</sup> June 2012

**Chairman of Standards Committee  
Powys County Council**

Dear Sir or Madam

**Councillor attendance**

I was deeply concerned to learn my attendance rate between the period 1<sup>st</sup> November 2011 and the Annual Council meeting held in May 2012 has been calculated as 68% (based on a total of attendance at 13 out of 19 'approved' meetings) and whilst acknowledging I have not fallen below the 60% level for committee attendance that requires an explanation, I do feel inclined to put forward concerns regarding the way the percentage level is currently calculated, a system which I believe not only to be unfair and unjust but has the potential to seriously undermine my position amongst my fellow colleagues and the wider public arena.

During the above period I actually attended 38 meetings in total as follows:

**Council**

Full County Council	5
Shire	6
Children, Adult Social Care Scrutiny	2
Social Services Review Conference	1
Licensing <i>main committee &amp; Panel</i>	2
Members Seminars <i>mandatory and development</i>	7
Various other Working Groups	4

**Outside Bodies**

Age Concern Powys	11
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I consider myself to be a very conscientious person and can account with good reason my 6 notable absences which in the main impacted on my ability to attend meetings of the Children, Adult Social Care & Housing Scrutiny committee, a committee that had such an intense remit, the Chairman made a decision last autumn to hold future scrutiny committee meetings each month instead of every 2/3 months with the inevitable impact that followed on my other council commitments, in particular those of Age Concern Powys to which I was appointed on behalf of the Council.

It is acknowledged councillor attendance at meetings of the Brecon Beacons National Park; Dyfed Powys Police Authority and Mid & West Wales Fire Authority count

towards attendance calculations however I consider this to be unfair and respectfully suggest there are appointments to other Outside Bodies that equally carry a huge workload and commitment depending on the nature of the appointment.

Representation on Age Concern Powys is an Executive appointment, however the Portfolio Holder for Adult Social Care had delegated that function to myself and I had served as the Councils representative on the Board of Age Concern Powys from 2008 to May 2012. As Vice-Chairman of the Board, not only was I heavily involved in the work of the Board but also had full responsibility for all aspects of the organisations HR functions which over the 6 month period relating to my absences were of such an extremely serious nature, they required my attendance on 11 separate occasions.

I therefore respectfully request members of the Standards Committee review the current procedure of calculating the percentage level to ensure Councillors who DO have wide and varied council commitments outside of the normal Council diary are afforded the same 'public' image as those who carry out lesser outside bodies council duties but (as is the current position) appear in data that is available in the public domain, to be more dedicated and committed to their 'approved' council duties by achieving higher percentage levels of attendance at those council meetings that are monitored.

At the very least, I consider some recognition should be given to including all appointments that are or have been delegated from the Executive as counting towards attendance calculations.

Kind regards

*Dawn Bailey*

**County Councillor Mrs Dawn Bailey**



**Gifts and Hospitality Record May 2010 – April 2011**

Cllr G. Banks	5 tickets to RWAS £100
	8 tickets to Presteigne Music Festival for Chairman and High Sheriff from Grants Officer at PCC
	2 glasses and bottle of wine from Mayor of Ebbw Vales (£25)
	Small box of local produce (£15) from Chairman of Monmouthshire
Cllr Miss S. Millington	£10 gift from Tesco at Store opening
Cllr G Morgan	Hospitality from High Sheriff for Councillor and wife

**Gifts and Hospitality Record May 2011 – April 2012**

Cllr P. Ashton	Meal and drink at Gurkha Restaurant Brecon – Civic invitation
Cllr A. G. Thomas	Leaving Reception at Castle Hotel Brecon (£25) from GMB Trade Union
Cllr G Banks	8 tickets for Presteigne Festival of Music and Arts to include Chairman of PCC
Cllr W T Jones	2 tickets to Powys Youth Orchestra Concert £15 as Portfolio Holder
Cllr D R Jones	'No Ordinary Man – A Life of George Carmen' from Gareth Wardell £18.99. Donation of £19 made to Powys Chairman's Dyslexia Charity
Cllr G. Morgan	A voucher for 2 meals in a restaurant (£40) from a couple who he had assisted with a problem