

MINUTES OF A MEETING OF THE STANDARDS COMMITTEE, HELD AT COUNTY HALL, LLANDRINDOD WELLS ON WEDNESDAY 4TH JULY 2012.

PRESENT: Mrs H. Rhydderch-Roberts (Chair)

Mrs J. Evans, Mrs M. Harris, Mrs S. Jarman, Mr R. Miller. County Councillors Mrs K. Roberts-Jones, G. Williams.

Officers in Attendance: C. Meredith (Strategic Director – Law and Governance), Ms S. Tamboo (Solicitor – Corporate) and Mrs E Patterson (Scrutiny Officer).

It was confirmed that there would be no Standards Community Sub-Committee today as the Town and Community Council representatives were in the process of being appointed. A ballot was being held with 9 nominations in Brecknockshire, 7 nominations in Montgomeryshire and 2 nominations in Radnorshire.

1.	APOLOGIES	S12 - 2012
-----------	------------------	-------------------

Apologies for absence were received from County Councillor Mrs M. Mackenzie.

2.	MINUTES	S13 - 2012
-----------	----------------	-------------------

The Chair was authorised to sign the minutes of the previous meeting held on 4th April 2012 as a correct record.

3.	DECLARATIONS OF INTEREST	S14 - 2012
-----------	---------------------------------	-------------------

County Councillor G. Williams declared a personal and prejudicial interest in relation to the item on late expense claims. Councillor Williams is in the same political party as County Councillor A. Davies who is the leader of the party. Councillor Davies has submitted a request to Standards Committee for late payment of expenses.

4.	REPORT OF THE STRATEGIC DIRECTOR – LAW AND GOVERNANCE	S15 - 2012
-----------	--	-------------------

The Committee received the report of the Strategic Director – Law and Governance.
(Copy filed with signed minutes)

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 from 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.

It was confirmed that membership of the Freemasons should be declared under the Members' Code of Conduct.

Code of Conduct Training

A session on the Code of Conduct was held for all Members of Council on 16th 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.

The Committee suggested that invitations be sent to all 73 Members to attend the catch-up session arranged for the six Members who were unable to attend the original session as new Members in particular may wish to attend again now they have some experience of Council work.

Concern was expressed at the cost of using external trainers. It was explained that it was cost effective when training a large number of people on technical issues but that follow up or refresher training would be undertaken internally.

The Independent Members had attended the Code of Conduct training and noted that during the presentation Councillors had been using their laptops. The Committee agreed that it was neither conducive to effective training nor courteous to trainers for laptops to be used on these occasions.

RESOLVED	Reason for decision
That the Chair writes to the Chair of Council and Committee Chairs regarding the Standards Committee's views in this connection with the suggestion that consideration be give to the adoption of a protocol to the effect that laptops and electronic media should not be used during training sessions or formal presentations either external or in-house.	To ensure that training is effective and that courtesy is shown to presenters during their presentation.

Induction Training for County Councillors

There are 19 new Members of the Council and three induction sessions were held for them on the 9th, 17th and 28th May 2012. 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.

Training has been arranged for Town and Community Councillors at the following locations:

11th July 6.00pm Neuadd Maldwyn, Welshpool
16th July 6.00pm County Hall, Llandrindod Wells
18th July 6.00pm Theatr Brycheiniog, Brecon

All Members of Standards Committee were invited to attend.

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. Arrangements have been 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 5th July 2012, and for Licensing on the 10th July. It was confirmed that all Members of the Regulatory Committee will be fully trained after 10th July.

Member responsibility and remuneration for 2012-13

At their meeting on the 24th May 2012 the County Council agreed the salaries, allowances and fees to be paid to Members and Co-opted Members for 2012-13. A schedule of Member responsibility and remuneration will be published by the end of July.

The arrangements require expenses to be submitted within 2 months and 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.

Two applications for late payment of expenses have been received.

1. Richard White

Richard White was a former Member of the Council and had submitted a claim for £345.38 for March 2012 on 7th June 2012 which was 7 days late. He had submitted a late claim because he had been preoccupied with the election campaign. This was the first time he had submitted a late claim.

RESOLVED	Reason for decision
That Richard White be paid £345.38 for March 2012.	The reasons given by the applicant for late payment were accepted.

2. County Councillor Aled Davies

Councillor Williams declared an interest in this item and left the room.

Councillor Davies had submitted a late claim for November 2011 to February 2012. He had offered to attend should the Committee wish to question him.

RESOLVED	Reason for decision
That Councillor Davies to be invited to attend the next meeting of Standards Committee to explain why the Committee should authorise late claim payment.	To give Councillor Davies the opportunity to explain the reasons for his late claims.

Councillor Williams returned to the meeting.

A2 Authority Changes following the Local Government Election

Appendix 3 to the report outlined the changes at Powys following the election. The group percentages should be:

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

There are also 5 non-aligned Members.

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

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

A development programme for the Cabinet is being developed with the WLGA. (Welsh Local Government Association).

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. The Protocol would be brought back to the Standards Committee for comment but Members did query whether or not Councillors could use council facilities for personal or political blogs as the draft protocol appeared to be contradictory on this point. This was of particular issue during the immediate period prior to election.

RESOLVED	Reason for decision
That the Democratic Services Committee be asked to ensure that the policy is clear on the position regarding the use of Council equipment/electronic media for social networking during the election purdah period.	To ensure clarity within the Social Networking Protocol.

D Dispensations

D1. Applications - County Councillors

D1.1 No individual applications for dispensation have been received.

D2. Blanket Dispensations – County Councillors

D2.1 BLANKET DISPENSATION – Wind Farms/ Renewable Energy

The Committee considered the report of the Strategic Director Law and Governance and took the opportunity to read through previous minutes of the Committee relating to the blanket dispensations granted in 2011 contained in Appendix 5 to the report.

The Committee noted that wind farms and renewable energy issues remained very much a live and significant topic for the Council and broadly agreed with the final stance taken in 2011.

The Committee decided that a blanket dispensation should be granted to all councillors including decision makers on the Cabinet and the Planning (now Regulatory) Committee provided that no dispensation would apply where, in relation to a specific planning application or a site specific matter, a member (irrespective of whether or not he/she is a member of the Cabinet or Regulatory Committee) had a prejudicial interest which was pecuniary.

RESOLVED	REASON FOR DECISION
<p>That a blanket dispensation (the dispensation) in relation to wind farms and renewable energy issues be granted to all county councillors in accordance with and, subject to, the following provisions of this resolution:-</p> <p>(a) the dispensation shall relate to all prejudicial interests under the Members Code of Conduct PROVIDED ALWAYS that the dispensation shall not apply in respect of a specific planning application or site specific matter where the councillor (irrespective of whether or not he/she is a member of the Cabinet or Regulatory Committee) has a pecuniary prejudicial interest;</p> <p>(b) “wind farm and renewable energy issues” means any question, motion, report, notification, communication, discussion, consultation, proposal, application, appeal, process or proceedings, development or works, involving, related to, concerning, or connected with, a single wind turbine or two or more wind turbines including any associated :-</p> <p>(i) substation, pylon, overhead or underground cables or wires or any other infrastructure;</p> <p>(ii) transport, highway, tourism and regeneration issues:</p> <p>(iii) community benefits; and</p> <p>(iv) national or local policy, plan or guidance, white or green paper;</p>	<p>To enable members to represent their constituents in matters of great significance for Powys where they do not have a conflict of interest which is pecuniary; the committee being of the view that the grant of this blanket dispensation will not damage public confidence in the conduct of the Council’s business.</p>

(c) “pecuniary prejudicial interest” means a prejudicial interest under the Members Code of Conduct which results in financial gain or financial loss either immediately or in the foreseeable future to:-

(i) the councillor in question; or

(ii) someone with whom the councillor lives or has a close personal association e.g. close friends, close relatives, colleagues with whom the councillor has particularly strong connections, business associates and someone with whom the councillor has been in dispute with (NB Councillors should note however that “close personal association” does not include casual acquaintances, distant relatives or people you simply come into contact with through your role as member or your work in the local community);

(d) the dispensation extends to:-

(i) attending any meeting, formal or informal (as defined in the Members Code of Conduct), including meetings of the full County Council, Cabinet, Scrutiny, Regulatory or other Committee;

(ii) speaking and voting at such meetings; and

(iii) making oral or written representations and generally playing a full role in representing constituents;

(e) the dispensation is subject to compliance with:-

(i) any legislative requirement;

(ii) any common law rule including bias/predetermination;

(iii) the council’s constitution including the Planning Protocol which, inter alia, provides that a “Local Member” must never seek to lobby or improperly influence a “Decision Maker”;

(f) the dispensation shall continue in force until the next ordinary council elections in 2017 unless before those elections the Standards Committee revokes, amends or alters the dispensation;

(g) for the avoidance of all doubt:-

(i) the dispensation applies to all members including those who are Decision Makers such as those members who sit on the Cabinet or the Regulatory

<p style="text-align: center;">Committee;</p> <ul style="list-style-type: none">(ii) the dispensation does NOT apply where directly, or, through someone with whom the member lives or has a close personal association, a pecuniary prejudicial interest exists;(iii) other than where a specific PECUNIARY prejudicial interest exists, as detailed above, the dispensation applies in the case of all other types of prejudicial interests ;(iv) it is always a matter for the individual member to decide whether the interest is prejudicial;(v) the dispensation does not affect a member’s ability to exercise the right not to be a Decision Maker but, instead, play the role of Local Member;(vi) a member who takes advantage of the dispensation must continue to comply with the Members Code of Conduct including the requirements in relation to:-<ul style="list-style-type: none">(1) the disclosure of his/her personal and prejudicial interest at meetings and in discussions indicating the nature of such interest and confirming that he/she is participating with the benefit of the dispensation; and(2) the giving of the requisite written notification in connection with these disclosure requirements; <p>the dispensation, whilst it does not apply to any member (irrespective of whether or not he/she is a member of the Cabinet or the Regulatory Committee) with a pecuniary prejudicial interest, does not affect the right (under the Members Code of Conduct) of a member who has a pecuniary prejudicial interest to speak and then withdraw from a meeting where the public are accorded the right to speak at such meeting (as is the case currently with the Regulatory Committee).</p>	
--	--

D2.2 BLANKET DISPENSATIONS – School Modernisation & School Transport Review

The Committee considered the report of the Strategic Director Law and Governance and took the opportunity to read through previous minutes of the Committee relating to the blanket dispensation granted in 2010 contained in Appendix 5 to the report.

The Committee noted that, as with wind farms and renewable energy, school modernisation remained a very significant item on the Council's agenda and was likely to remain so for the foreseeable future.

The Committee agreed broadly with the view taken by the Committee in 2010 of the need to allow members of the public to have a voice through their elected representatives on an issue of such importance to the whole community and to ensure that the democratic process was not unduly restricted subject to a limitation in respect of prejudicial interests which were pecuniary arising from employment at a school.

The Committee agreed that a blanket dispensation should be granted to all councillors in this connection and that it should extend to issues involving school transport which were also the subject of a current review and were intrinsically linked to the school modernisation programme. It was further decided that in relation to school transport review matters the dispensation should not apply in respect of a pecuniary prejudicial interest arising from an involvement with the provision of such transport.

The Committee also reaffirmed that the dispensation should apply only to matters arising directly under and linked to the actual school modernisation programme/ school transport review. In other words, the dispensation should not apply in circumstances where the issue involved an individual school, pupil or transport issue unrelated to such programme/review.

RESOLUTION	REASON FOR DECISION
<p>That a blanket dispensation (the dispensation) in relation to both school modernisation and the school transport review be granted to all county councillors in accordance with and, subject to, the following provisions of this resolution:-</p> <p>(a) the dispensation shall relate to all prejudicial interests under the Members Code of Conduct PROVIDED ALWAYS that the dispensation shall not apply where the councillor (irrespective of whether or not he/she is a member of the Cabinet or Scrutiny Committee) has a pecuniary prejudicial interest;</p> <p>(b) “school modernisation” means the modernisation programme being undertaken by the Cabinet as part of the Powys Change Programme in relation to both primary and secondary schools predominantly on the 13 secondary school catchment area basis and also in respect of individual small schools with falling pupil numbers but does not include issues which are specific to a particular school (e.g. the budget, inspection, employment matters, ICT, catering, cleaning, refurbishment, repair or property items) unrelated to such programme;</p> <p>(c) “school transport review” means the review being undertaken by the Cabinet as part of the overall programme for school modernisation in relation to the planning, commissioning and</p>	<p>To enable members to represent their constituents in matters of great significance for Powys where they do not have a conflict of interest which is pecuniary; the committee being of the view that the grant of this blanket dispensation will not damage</p>

<p>procurement of transport for pupils attending primary, secondary and special schools both in and outside of Powys where the Council has a duty to provide such transport but does not include issues which are specific to a particular school, route or pupil unrelated to such review;</p> <p>(d) “pecuniary prejudicial interest” means a prejudicial interest under the Members Code of Conduct which results in financial gain, or financial loss, either immediately, or in the foreseeable future, arising (in the case of school modernisation) from employment as a teacher or otherwise at a school or, (in the case of the school transport review) from the provision of school transport, to:-</p> <ul style="list-style-type: none">(i) the councillor in question; or(ii) someone with whom the councillor lives or has a close personal association e.g. close friends, close relatives, colleagues with whom the councillor has particularly strong connections, business associates and someone with whom the councillor has been in dispute with (NB Councillors should note however that “close personal association” does not include casual acquaintances, distant relatives or people you simply come into contact with through your role as member or your work in the local community); <p>(e) the dispensation extends to:-</p> <ul style="list-style-type: none">(i) attending any meeting formal or informal (as defined in the Members Code of Conduct) including meetings of the full County Council, Cabinet, Scrutiny or other Committee or Programme Board;(ii) speaking and voting at such meetings; and(iii) making oral or written representations and generally playing a full role in representing constituents; <p>(f) the dispensation is subject to compliance with:-</p> <ul style="list-style-type: none">(i) any legislative requirement;(ii) any common law rule including bias/predetermination;(iii) the council’s constitution; <p>(g) the dispensation shall continue in force until the next ordinary council elections in 2017 unless before those elections the Standards Committee revokes, amends or alters the dispensation;</p>	<p>public confidence in the conduct of the Council’s business.</p>
---	--

(h) for the avoidance of all doubt:-

- (i) the dispensation applies to all members including those who are Decision Makers such as those members who sit on the Cabinet;**
- (ii) other than where a specific PECUNIARY prejudicial interest exists, as detailed above, the dispensation applies to all other types of prejudicial interests such as those arising from being a school governor or being the parent, grandparent, guardian, carer or having parental responsibility for a child at a school;**
- (iii) the dispensation does not apply where directly or through someone with whom the member lives or has a close personal association a pecuniary prejudicial interest exists;**
- (iv) it is always a matter for the individual member to decide whether the interest is prejudicial;**
- (v) the dispensation does not affect a member's ability to exercise the right not to be a Decision Maker but instead play the role of Local Member;**
- (vi) a member who takes advantage of the dispensation must continue to comply with the Members Code of Conduct including the requirements in relation to:-**
 - (1) the disclosure of his/her personal and prejudicial interest at meetings and in discussions indicating the nature of such interest and confirming that he/she is participating with the benefit of the dispensation; and**
 - (2) the giving of the requisite written notification in connection with these disclosure requirements;**
- (iv) the dispensation, whilst it does not apply to any member (irrespective of whether or not he/she is a member of the Cabinet) with a pecuniary prejudicial interest, does not affect the right (under the Members Code of Conduct) of a member who has a pecuniary prejudicial interest to speak and then withdraw from a meeting where the public are accorded the right to speak at such meeting;**

E. Independent Remuneration Panel – Care Allowances

The Chair had written to the Independent Remuneration Panel regarding the annualisation of the Care Allowance and a reply was awaited.

F. Member Attendance

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

This had prompted a number of Members to query their attendance and the way that the attendance statistics had been calculated.

With regard to those Members who had failed to reach 60% attendance the following decisions were made:

Councillor Mrs S Davies	Accept on the grounds that this was the first time that the level had been missed and only by 1%
Councillor P. Lewis	Accept on the grounds of a period of illhealth
Councillor P. Harris	Ask to attend

It was also agreed to invite Councillors W. Powell and R. George to meet with Committee Members to explore how the competing demands of attendance at County Council and National Assembly for Wales could be met.

With regard to those Members who had written in querying the attendance statistics the Chair offered to write to them covering the points raised.

RESOLVED	Reason for Decision
<p>That</p> <p>i) Councillor P Harris be asked to attend the next meeting regarding his attendance</p> <p>ii) Councillors W. Powell and R George be asked to attend the next meeting to discuss attendance at County Council/National Assembly for Wales</p> <p>iii) the Chair to write to those Councillors who had queried the calculation of attendance statistics</p> <p>iv) this matter be reconsidered at the next meeting of the Standards Committee and in the meantime a letter to be written to all Members explaining the current position</p>	<p>i) to ascertain the reasons for his failure to meet 60% attendance</p> <p>ii) to explore how the competing demands of attendance at County Council and National Assembly for Wales could be met</p> <p>iii) to explain the method of calculating attendance</p> <p>iv) to revisit the Committees included in the calculation and the method of calculating attendance prior to writing to all Members to explain the requirements in this regard</p>

It was noted that with regard to the attendance level of Councillor K. Silk her attendance at National Park meetings meant that her attendance level should read 82.6%.

G. Gifts and Hospitality Register

The Gifts and Hospitality Register for the period May 2010 to April 2012 was noted.

H. Meeting Dates

The following dates for the Standards Committee were confirmed:

5th September, 2012

5th December, 2012

**Mrs H Rhydderch-Roberts
Chair**