

## CYNGOR SIR POWYS COUNTY COUNCIL.

Standards Committee  
5<sup>th</sup> September 2012

REPORT BY: Strategic Director – Law and Governance

SUBJECT: Matters appertaining to Standards Issues

REPORT FOR: Decision, Information and Discussion

**A. General Standards Issues for County Councillors and Co-opted Members****A1 Appointment of Standards Community Sub-Committee**

A1.1 The Town and Community Council elections in May 2012 brought to a close the term of office for Town and Community Councillors sitting on the Standards Community Sub-Committee. A postal election (nominations followed by ballot) was held to elect three Town and Community Councillors one each to represent Brecknockshire, Montgomeryshire and Radnorshire for the new term of office.

A1.2 The result of this postal ballot is as indicated on the ballot papers attached as **Appendix 1**: the votes for each candidate being shown in Column 4.

Accordingly the successful candidates are: -

Brecknockshire	Hugh Patrick (Ystradfellte CC)
Montgomeryshire	Derrick Pugh (Trefeglwys CC)
Radnorshire	Claire Evans (Rhayader TC)

A1.3 The function of making the formal appointments to the Sub-Committee has been delegated to the Standards Committee and accordingly the Committee is requested to formally appoint the new Sub-Committee to comprise the 5 Independent Members; the 3 Community Councillors referred to above and one of the County Councillors sitting on the main Committee.

A1.4 The term of office to be served by those appointed to the Sub-Committee will be the maximum term permitted by Regulations. Currently this is 4 years but this may be extended by later legislation given that the current term of Councillors is 5 years until May 2017.

**A2 Code of Conduct Training**

It will be necessary to arrange a training session on the Code of Conduct for those six County Councillors and one Independent Member who were unable to attend the session held on 16<sup>th</sup> May 2012.

In addition the following co-opted Members will also be invited to attend this session:

- The three Parent Governor Representatives appointed to the People Scrutiny Committee,

- The one Independent Member appointed to the Audit Committee, and
- The three Town and Community Council representatives appointed to the Standards Community Sub-Committee.

### **A3 Member Development**

To receive a verbal update on progress made by the Democratic Services Committee on Member Development.

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

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

- B1.1** The Ombudsman is still investigating complaint reference 2/12/CC regarding one County Councillor.

### **C. Other Standards Issues**

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

The Chairman has written to the Chair of Powys County Council and the Chairs of the main Council Committees regarding the consideration 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.

The Chair of the Democratic Services Committee has been asked to ensure that the Blogging and Social Networking Guide is clear on the position regarding the use of Council equipment/electronic media for social networking during the election purdah period.

### **D Dispensations**

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

- D1.1** One application for dispensation has been received from County Councillor Ratcliffe. A copy of the application and comments and observations thereon are attached at **Appendix 2**.

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

To receive a verbal update from the Chair of the Committee.

### **G. Member Attendance**

Councillors Peter Harris, Russell George and William Powell have been asked to attend the Standard Committee to discuss attendance.

A letter was written to all Members explaining the current method of calculating attendance. (Copy attached at **Appendix 3**)

### **I. Meeting Dates**

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

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:
<i>Clarence Meredith, Strategic Director – Law and Governance</i>	<i>01597 826395</i>	<i>01597 826220</i>	<a href="mailto:clarence.meredith@powys.gov.uk"><u>clarence.meredith@powys.gov.uk</u></a>

**ELECTION OF TOWN OR COMMUNITY COUNCILLOR TO THE COMMUNITY SUB-COMMITTEE OF THE STANDARDS COMMITTEE**

**BALLOT RESULT 2012**

**MONTGOMERYSHIRE**

<b>Number of Town / Community Councils:</b>	<b>47</b>
<b>Number of Ballot Papers Returned:</b>	<b>22</b>
<b>Percentage Turnout:</b>	<b>46.81%</b>

(1) CANDIDATES NUMBER	(2) CANDIDATES NAME	(3) TOWN/COMMUNITY COUNCIL	(4)
1	Estelle Bleivas	Welshpool Town Council	2
2	Jill Kibble	Abermule with Llandyssil Community Council	3
3	Johnathan Nicholas Wakelam	Churchstoke Community Council	2
4	Derrick Robert Charles Pugh	Trefeglwys Community Council	10
5	Graham Rowlands	Llanidloes Town Council	2
6	Jean Williams	Tregynon Community Council	1
7	Richard John White	Newtown Town Council	2

**RADNORSHIRE**

<b>Number of Town / Community Councils:</b>	<b>27</b>
<b>Number of Ballot Papers Returned:</b>	<b>14</b>
<b>Percentage Turnout:</b>	<b>51.85%</b>

(1) CANDIDATES NUMBER	(2) CANDIDATES NAME	(3) TOWN/COMMUNITY COUNCIL	(4)
1	Nathan Casey	Llandrindod Wells Town Council	1
2	Clare Evans	Rhayader Town Council	13

**BRECKNOCKSHIRE**

<b>Number of Town / Community Councils:</b>	<b>36</b>
<b>Number of Ballot Papers Returned:</b>	<b>14</b>
<b>Percentage Turnout:</b>	<b>38.89%</b>

<b>(1) CANDIDATES NUMBER</b>	<b>(2) CANDIDATES NAME</b>	<b>(3) TOWN/COMMUNITY COUNCIL</b>	<b>(4)</b>
<b>1</b>	<b>Anthony M D'Anna</b>	<b>Crickhowell Town Council</b>	<b>2</b>
<b>2</b>	<b>Anthony Hamnett</b>	<b>Llanfrynach Community Council.</b>	<b>2</b>
<b>3</b>	<b>John Hopkins</b>	<b>Talgarth Town Council</b>	<b>2</b>
<b>4</b>	<b>Alan Neil Jevons</b>	<b>Llangors Community Council</b>	<b>1</b>
<b>5</b>	<b>Rhona Muirhead</b>	<b>Hay on Wye Town Council</b>	<b>0</b>
<b>6</b>	<b>Anne Nicholls</b>	<b>Erwood Community Council</b>	<b>0</b>
<b>7</b>	<b>Hugh Pattrick</b>	<b>Ystradfellte Community Council</b>	<b>3</b>
<b>8</b>	<b>John Steadman</b>	<b>Ystradgynlais Town Council</b>	<b>2</b>
<b>9</b>	<b>Ieuan Williams</b>	<b>Brecon Town Council</b>	<b>2</b>

# POWYS STANDARDS COMMITTEE / COMMUNITY SUB-COMMITTEE

## APPLICATION FOR DISPENSATION BY MEMBER WITH PREJUDICIAL INTEREST

I, Councillor Gareth William Ratcliffe

of Powys County Council

hereby apply to the Powys Standards Committee/Community Sub-Committee for a Dispensation to participate, as described in Section 1 below, in that business of the Council described in Section 2 below notwithstanding that I have the Prejudicial Interest(s) detailed in Section 3 below.

I make this application on the ground(s) set out in Section 4 below which I submit apply because of the reasons detailed in Section 5 below.

### SECTION 1

How you wish to participate – please tick all relevant categories below:

Attend a meeting	
Speak at a meeting	X
Vote at a meeting	
Seek to influence a decision on a matter	
Make written representations	
Make oral representations	
Exercise Board functions (County Councillor only)	

### SECTION 2

(A) Describe in the box below:

- i) the business in which you wish to participate;
- ii) how your Council will deal with the matter;
- iii) how many Members there are on your Council;
- iv) what meetings will be held to consider it, when and where they will be held; and
- v) those taking part.

School modernisation programme in so far as relation to the Gwernyfed Catchment and the provision of a new primary school in Hay on Wye.

(B) If the business relates to or affects an organisation(s) please detail below:

- o how were you appointed to that organisation (i.e. by appointment by the Town or Community Council or by other means), and

- what is the nature of the business:
  - A Funding
  - B Planning – applications, building improvement/changes
  - C Licences – liquor/entertainment
  - D Land
  - E Management/operation of the organisation
  - F General matters

Not Applicable

**(C) Is the organisation a registered charity? If so, are you a Trustee of the charity?**

Former Trustee of Hay and District sports and community association (HDSCA)

### **SECTION 3**

**Detail the PREJUDICIAL interest(s) you have in the business referred to in Section 2 above. Please refer to the attached Guidance Notes (Attached) and include the relevant category reference e.g C.4 if the matter concerns a good friend of yours who stands to benefit as a result of a decision on the matter.**

**A developer has approached Powys County Council with a proposal that in return for a council conveying existing school site in Hay on Wye to them in return they will build a new school on a site currently owned and controlled by HDSCA. It would be the developer's intention to develop the existing school site as a supermarket.**

**My interest arises from the fact I am a former trustee of HDSCA and my father in-law is the chair of HDSCA. I also own and run a take-away business in Hay on Wye and it clearly may be affected if a supermarket is built in Hay**

## SECTION 4

**Set out the GROUND(S) upon which you rely by placing a tick in the right hand column against the relevant category/ies below.**

Eligible Applicant	Ground		
County Councillors and Town and Community Councillors	(a) No fewer than half of the Members of the relevant Authority or of a committee of the Authority (as the case may be) by which the business is to be considered has an interest which relates to that business;	Speak and Vote Speak only	-
County Councillors only	(b) No fewer than half of the Members of a leader and cabinet executive of the relevant Authority by which the business is to be considered has an interest which relates to that business and either Paragraph (d) or (e) also applies;	Speak and Vote Speak only	-
County Councillors only	(c) In the case of a County or County Borough Council, the inability of the Member to participate would upset the political balance of the relevant Authority or of the committee of the Authority by which the business is to be considered to such an extent that the outcome would be likely to be affected.	Speak and Vote Speak only	-
County Councillors and Town and Community Councillors	(d) The nature of the Member's interest is such that the Member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant Authority's business;	Speak and Vote Speak only	X
County Councillors and Town and Community Councillors	(e) The interest is common to the Member and a significant proportion of the general public;	Speak and Vote Speak only	-
County Councillors and Town and Community Councillors	(f) The participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;	Speak and Vote Speak only	X
County Councillors only	(g) The business to which the interest relates is to be considered by an Overview and Scrutiny Committee of the relevant Authority and the Member's interest is not a pecuniary interest.	Speak and Vote Speak only	-
County Councillors and Town and Community Councillors	(h) The business which is to be considered relates to the finances or property of a voluntary organisation of whose Management Committee or Board the Member is a Member otherwise than as a representative of the relevant Authority and the Member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or	Speak only	
County Councillors and Town and Community Councillors	(i) It appears to the committee to be in the interests of the inhabitants of the area of the relevant Authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.	Speak and Vote Speak only	-



## SECTION 5

Detail in full the reasons why you submit the grounds selected in Section 4 apply in the case of your application and justify the grant of the dispensation you seek

I am the elected member for Hay on Wye on Powys County Council and my electorate would expect me to represent their views at meetings. I have a considerable knowledge on this matter both as local member and as a former member of HDSCA.

I am applying for a dispensation to speak and not vote and expect if a dispensation is granted I will speak then leave the room.

Applicant's home address:	<b>14 Warren Close Hay on Wye Hereford HR3 5EL</b>
Applicant's telephone number:	<b>07974353121</b>
Applicant's fax number:	
Applicant's E Mail address:	

SIGNED: \_\_\_\_\_  
\_\_\_\_\_

DATED: \_\_\_\_\_

**This form fully completed, signed and dated should be returned to:**

**Mrs Elizabeth Patterson, Committee Clerk, Legal, Scrutiny and Democratic Services, County Hall, Llandrindod Wells, Powys, LD1 5LG.**

**Tel No: 01597 826980  
Fax No: 01597 826220**

**E-Mail: [Elizabeth.patterson@powys.gov.uk](mailto:Elizabeth.patterson@powys.gov.uk)**

**From whom further information and advice may be obtained.**

Application by	County Councillor G. Ratcliffe
Council	Powys County Council
Involvement With	(i) Matters relating to the School Modernisation Programme – Gwernyfed Catchment.
Business To Be Considered	General Matters
<b>Background</b>	<p>The County Council is undertaking a review of its school provision on an area basis. Area Project Groups have been established which consider options which then become recommendations for consideration by the Council’s Cabinet.</p> <p>County Councillor Ratcliffe is a member of the Council’s Cabinet.</p> <p>The Gwernyfed Catchment Area review involve schools in County Councillor Ratcliffe’s electoral division. Councillor Ratcliffe was a former trustee of the Hay and District Sports and Community Association and his father in law is currently Chair of that organisation. He also owns and runs a take-away business in the town of Hay-on-Wye which could be affected by the development of a supermarket in the town which is part of the modernisation proposal for Hay-on-Wye.</p> <p>The Standards Committee at its meeting on 4<sup>th</sup> July, 2011 granted a blanket dispensation to County Councillors to enable them to take part in meetings relating to the school modernisation process unless it related to a pecuniary interest.</p> <p>The applicant is seeking a dispensation to:</p> <p>(i) Speak at a meeting</p>
<b>STEP 1</b> Personal Interest(s) under paragraph 10 of the Code.	<p>In relation to the Hay and District Sports and Community Association (HDSCA) Councillor Ratcliffe has a personal interest under paragraph 10(2)(c)(i)(bb) and 10(2)(c)(v)(bb) of the Code relating to the membership of his father in law of the organisation. However the blanket dispensation issued by the Standards Committee applies to this personal interest, and this is not an issue which requires consideration by the Committee.</p> <p>The other personal interest which Councillor Ratcliffe has is in relation to his business under paragraph 10(2)(a)(i) of the Code.</p> <p>“You must regard yourself as having a personal interest in any business of your authority if it relates to, or is likely to affect any employment or business carried on by you”</p>
<b>STEP 2</b> Exemptions under paragraph 12 (2) & (3) of the Code.	In relation to County Councillor Ratcliffe, none of the exemptions in Paragraph 12(2) would apply in relation to the personal interests.
<b>STEP 3</b> Application of “public perception” test under paragraph 12 (1)	In applying the Paragraph 12(1) test in relation to the business involving the school modernisation process it is suggested that the Committee approach the issue in this way i.e. to ask itself:

<p>of the Code.</p>	<p>“Is it reasonable to suppose that the public perception would regard the Councillor’s personal interest, as so significant that whenever a proposal regarding the school modernisation process was discussed at the Area Project Board / Cabinet / Council the potential conflict of interest would be so significant as to be likely to prejudice his / her judgement of the public interest in performing his / her role as a County Councillor?”</p> <p>In applying the Paragraph 12(1) test in relation to this matter it is difficult to conclude that the Committee would answer this question otherwise than in the affirmative i.e. that a prejudicial interest would exist in this situation, unless the business under discussion is of such a nature that it would be categorised as trivial, insignificant or uncontentious.</p>
<p><b>STEP 4</b> Ground(s) on which dispensation could be granted</p>	<p>In relation to the County Councillor the grounds which could be considered for this matter would be grounds (d) and (f), namely:</p> <p>(d) The nature of the Member’s interest is such that the member’s participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant Authority’s business.</p> <p>This ground enables the grant of dispensation to speak and vote or to speak only.</p> <p>(f) The participation of the Member in the business to which the interest relates is justified by the Member’s particular role or expertise.</p> <p>This ground enables the grant of dispensation to speak and vote or to speak only.</p>
<p><b>STEP 5</b> Determine the application:-</p> <p>(i) Refuse  (ii) Approve:-  (a) attend  (b) speak  (c) vote  (d) exercise Board Function  (e) seek to influence  (f) make written communications  (g) make oral representations</p>	<p>The applicant has requested a dispensation to attend meetings of the County Council (which will include meetings of the Area Project Board, the Cabinet and the County Council) to speak only, on matters relating to the school modernisation process for the Gwernyfed Area Catchment Review.</p> <p>In relation to Councillor Councillor Ratcliffe, it is uncertain as to what extent his business will be affected by the development of a supermarket in Hay-on-Wye. As the school modernisation process is generally a contentious issue there is an expectation that County Councillor Ratcliffe as the local member is involved at meetings representing his electorate.</p>
<p><b>RECOMMENDATION:</b></p>	<p>In view of the fact that County Councillor Ratcliffe has indicated that the dispensation should extend to speaking only at meetings (which will include meetings of the Area Project Board, the Cabinet and the County Council), it is suggested that</p>

	<p>it would not damage public confidence if the councillor was granted a dispensation to speak but not vote on all matters relating to the school modernisation process for the Gwernyfed Catchment Area. Therefore he should be granted a dispensation under paragraphs (d) and (f).</p>
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**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:* 30 August 2012

Dear Member

### **Attendance at Council Meetings**

Prior to the last meeting of the Standards Committee you received a letter and list of Member attendance from November 2011 to May 2012. This communication resulted in some Members querying the way that attendance was calculated for the consideration by the Standards Committee.

The Committee has agreed to re-examine the issue at its September meeting but in the meantime has required that Members receive further clarification on the way that Member attendance is calculated.

The Standards Committee monitors attendance at the main council committees on a twice yearly basis. The periods for 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 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 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 accepts 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 whilst also acknowledging that Councillors undertake many other duties on behalf of their constituents has concluded it is not practical to capture and collate this information and therefore it cannot be taken account of in calculating the set level of 60%.

If Members have any suggestions as to a fairer, proportional method for calculating attendance the Committee will of course consider them.

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

Yours sincerely

Mrs Liz Patterson  
Scrutiny Officer