

MINUTES OF A MEETING OF THE STANDARDS COMMITTEE, HELD AT COUNTY HALL, LLANDRINDOD WELLS ON WEDNESDAY 5th SEPTEMBER 2012.

PRESENT: Mrs H. Rhydderch-Roberts (Chair)

Mrs J. Evans, Mrs M. Harris, Mrs S. Jarman, Mr R. Miller. County Councillors Mrs M, Mackenzie, P. Medlicott and G. Williams.

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

1.	APOLOGIES	S16 - 2012
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An apology for absence was received from County Councillor Mrs K. Roberts-Jones.

2.	MINUTES	S17 - 2012
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The Chair was authorised to sign the minutes of the previous meeting held on 4th July 2012 as a correct record.

3.	DECLARATIONS OF INTEREST	S18 - 2012
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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	S19 - 2012
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The Committee received the report of the Strategic Director – Law and Governance. (Copy filed with signed minutes)

Councillor G. Williams declared an interest and left the room.

Arising from the minutes the Committee invited Councillor Aled Davies to explain why he had submitted late claims for expenses.

Councillor Davies explained that he had originally submitted expense claims and had always known that there was a two month limit for submitting claims. He had then failed to submit claims for over a year due to work commitments during which time he had incurred considerable expense as his record of attending meetings was good. When he became aware of the length of time that he had not submitted expenses he submitted claims for the last four month period. In the intervening period the method for approving late claims had changed and it was now the role of the Standards Committee to consider such applications. He confirmed that from now on he would make every effort to submit claims promptly.

The Committee noted the reason for imposing a 2 month limit on late claims being the proper management of public funds.

RESOLVED THAT	REASON FOR RESOLUTION
The payment of late claims submitted by Cllr Aled Davies for the period December 2011 to February 2012 be approved and noted that Cllr Davies had confirmed that he had since put in place appropriate measures to ensure future expense claims would be submitted within the 2 month period	To allow Councillor Aled Davies to receive payment for expenses incurred but submitted out of time as this was his first application under the new process and the Committee were assured that no further late claims would be submitted.

Councillor G. Williams returned to the meeting.

A. General Standards Issues for County Councillors and Co-opted Members

A1. Appointment of Standards Community Sub-Committee

In July 2008 the County Council formally established a Single Standards Community Sub-Committee and empowered the Standards Committee to appoint the Members of the new Sub-Committee including Town and Community Councillor representatives (one from each Shire) and one County Councillor .

A ballot of Community Councillors had been held and the results were

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

RESOLVED :	
1. That the Standards Community Sub-Committee comprise the undermentioned 9 Members :-	To constitute the Standards Community Sub-Committee.
(i) All 5 Independent (Lay) Members of the main Standards Committee.	
(ii) County Councillor Gwylim Williams.	
(iii) Town Councillor Hugh Patrick (Ystradfellte Community Council) – elected by the Town and Community Councils in Brecknockshire.	
(iv) Community Councillor Derrick Pugh (Trefeglwys Community Council) – elected by the Town and Community Councils in Montgomeryshire.	
(v) Town Councillor Clare Evans (Rhayader Town Council) – elected by	

<p>the Town and Community Councils in Radnorshire.</p> <p>2. That the terms of office of the 5 Independent (Lay) Members be for the remainder of their terms of office as Independent Members on the main Standards Committee.</p> <p>3. That the terms of office of the County Councillor and Town and Community Councillors be for the maximum term permitted by the existing regulations or by any amending regulations (currently a maximum of four years) or until they cease to be Councillors or resign whichever shall first occur.</p>	
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A2 Code of Conduct Training

A training session on the Code of Conduct will be arranged when all the Co-opted Members required on Committees of the Council have been appointed.

The following Members will be invited:

- 6 County Councillors unable to attend the first session
- 1 Independent Member of Standards Committee unable to attend the first session
- 3 Parent Governor Representatives
- 1 Independent Member of Audit Committee
- The 3 Town and Community Members of the Standards Community Sub-Committee

A3. Member Development

The Democratic Services Committee had held its first meeting, agreed its terms of reference and had set up a Member Development Working Group. The Committee had asked Management Team for a recommendation for the appointment of the Head of Democratic Services which it is hoped would be approved at the next meeting of the Committee in October 2012.

B. Referral of Councillors to Public Services Ombudsman

B1. County Councillor Referrals

- B1.1** The Ombudsman is still investigating a complaint regarding one County Councillor (ref 2/12/CC).

C. Other Standards Issues

C1.1 Social Networking

The Chair had written to the Chair of Council and the Committee Chairs regarding the use of laptops and electronic media during training sessions and presentations suggesting that consideration be given to the Council establishment of a protocol in this connection.

It was confirmed that the comments on the Blogging and Social Networking Guide had been forwarded to the Democratic Services Committee for consideration.

D Dispensations

D1. Applications - County Councillors

D1.1 An application for dispensation had been received from Councillor G. Ratcliffe in relation to the School modernisation programme in so far as it relates to the Gwernyfed Catchment area and the provision of a new primary school in Hay on Wye. Councillor Ratcliffe sought a dispensation to speak at a meeting and then leave the room. Councillor Ratcliffe has an interest in the matter as set out in his application attached to the report at Appendix 2.

RESOLVED THAT	REASON FOR RESOLUTION
<p>Councillor Ratcliffe be granted a dispensation in relation to those prejudicial interests identified in his application which are not covered by the blanket dispensation granted by the committee in respect of school modernisation:-</p> <p>(a) to speak but not vote at all meetings including meetings of the Area Project Board, the Cabinet, Audit, Scrutiny and Regulatory Committees and the County Council on all matters relating to, or connected with, the school modernisation process for the Gwernyfed Catchment Area (including development proposals relating to, or connected with, the provision of a new school in Hay on Wye), and having spoken leave the room prior to a discussion/vote taking place;</p>	<p>That to permit Councillor Ratcliffe to speak at meetings and represent his constituents generally is justified under grounds (d) and (f) of the Standards (2001) Regulations 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, and,</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 style="text-align: center;">and</p> <p>(b) to represent his constituents generally in such matters in discussions, making representations or otherwise.</p> <p>until the next ordinary elections in 2017.</p>	
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E. Independent Remuneration Panel – Care Allowances

A reply had been received from the Independent Remuneration Panel advising that the letter from the Chair had been discussed but there was no change in the Panel's view, namely that care allowances should not be annualised.

The Panel offered to consider any evidence the Council may have that a monthly cap on the care allowance is restricting Councillors from carrying out their role.

RESOLVED THAT	REASON FOR RESOLUTION
Evidence be submitted to the Panel on the impact the monthly cap has on Members with caring responsibilities	To enable the Independent Remuneration Panel to reconsider its position with regard to the annualisation of the Care Allowance

F. Member Attendance

Councillor Russell George

Councillor George had been invited to attend this meeting but had telephoned the Chair to apologise that he was on holiday but would be happy to attend a future meeting of the Standards Committee.

Councillor William Powell

Councillor Powell was invited to attend the meeting to discuss attendance for Members who are also Assembly Members.

Councillor Powell explained that in general he was able to balance his requirements to attend meetings of Powys County Council and the Assembly but on occasions Powys meetings had been changed at short notice and therefore it was not possible to attend the rearranged date. In the last period that had happened on two occasions and had those changes not been necessary his attendance would have increased from 54% to 69%. It was confirmed that his attendance from 8th May to 31st July 2012 was 100%. Councillor Powell advised that he was a Member of Audit Committee the meetings of which were held on a Friday which did not clash with Assembly business and he would make it a priority to attend these meetings.

Councillor Peter Harris

Councillor Harris was invited to attend the meeting as his attendance had fallen to 52% in the last period. Councillor Harris explained this was due to a need to attend outside meetings, a period of ill health and of domestic problems. He expressed concern that the method of calculating attendance was not truly representative of member attendances at meetings involving council business as meetings of Panels, which could meet frequently, were not taken into account. In addition the statistics did not reflect that a Member could choose to sit on only one or two committees and have only a few meetings to attend, thus making it easier to achieve a high level of attendance compared to Members who sat on more committees and consequently had many more meetings to attend.

Councillor Harris was invited to suggest an improved method of calculating attendance but he acknowledged that to do so would be overly complex.

The Committee noted that whilst the circulation of Member attendance statistics prior to the last meeting had provoked a degree of comment and criticism from a small number of Members by far the majority of Members had raised no concerns. It was acknowledged that the method of calculation only took into account the main Council Committees and could not, without considerable resource implications, check the attendance of 73 Members at outside bodies or panels. There was some debate regarding the continued inclusion of the Shire Committees in the calculations and it was explained that removing them from the calculations would have an impact on all Members in some cases improving their attendance statistics whilst in other cases reducing their level of attendance. It would be possible to undertake an exercise to compare the attendance statistics including and excluding attendance at the Shire Committees.

RESOLVED THAT

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| i) The explanations provided by Members be accepted, and
ii) the status quo should remain and the Shire Committees should continue to be included in the calculation of attendance statistics |
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G. Meeting Dates

The following dates for the Standards Committee were confirmed:

5th December, 2012

**Mrs H Rhydderch-Roberts
Chair**