

CYNGOR SIR POWYS COUNTY COUNCIL.

Standards Committee
6th November 2013**REPORT BY:** Solicitor to the Council**SUBJECT:** Matters appertaining to Standards Issues

REPORT FOR: Decision, Information and Discussion

A. General Standards Issues for County Councillors and Co-opted Members**A1 Code of Conduct Training**

All current County Councillors and Co-opted Members have received Code of Conduct training. New Members and Co-Opted Members will receive training as they are appointed.

A2 Member Development

Role Descriptions – The role descriptions for the Chair and Vice-Chair / Members of the Standards Committee and the Standards Community Sub-Committee have been slightly amended by the Member Development Working Group and the Democratic Services Committee. A copy is attached for the committee's information. **Appendix 1**

B. Referral of Councillors to Public Services Ombudsman**B1. County Councillor Referrals****B1.1** Since the last meeting the Ombudsman has advised that:

1/13/CC – to investigate

6/13/CC – deciding whether or not to investigate

C. Other Standards Issues**C1.1 Local Government (Democracy) (Wales) Bill**

The Local Government (Democracy) (Wales) Bill received Royal Assent on 30th July 2013 to become the Local Government (Democracy) (Wales) Act 2013.

At the last meeting the Committee asked for a further report regarding the provisions relating to Town and Community Councils which is set out below.

The Act places a duty of Town and Community Councils to make available electronically, information on how to contact its clerk and information about its

members It also requires the council to publish electronically its notices, agendas and meeting documents (unless exempt), the minutes of the Council's meetings, an audited statement of the Council's accounts, and public notices.

There was a suggestion made at the last meeting that Community Council clerks would be taking on the role of Monitoring Officer for their authorities. However following clarification of this point with Welsh Government the position remains unchanged with the County Council's Monitoring Officer being the Monitoring Officer for Town and Community Councils.

Town and Community Councils will also when the section of the Democracy Act is enacted be required to publish declarations of interest electronically on their websites.

D Dispensations

D1. Applications - County Councillors

D1.1 An application for dispensation has been received from County Councillor Hywel Lewis. **Appendix 2**. Councillor Lewis will be attending the Committee to present his application.

D1.2 A question has been raised by a Member for discussion by the Cabinet or County Council relating to changes to single farm payments. A request has been sent to Members of the Council to determine how many Members of the Council or families / business associates are in receipt of the payment which might lead to a personal and prejudicial interest in accordance with the Members' Code of Conduct.

To date 25 Members have indicated that they might have an interest and 11 Members have no interests. It is likely that once further responses have been received at least half of the Council might have an interest in this matter and therefore it has been suggested that the Standards Committee should consider granting a general dispensation so that as many Members as possible can take part in the debate.

The general trend by the Committee for similar requests has been to grant a dispensation except where there is a pecuniary interest, so for example the committee could be minded to grant a dispensation to those members where it was their families or business associates who received the single farm payment. However, those Members who received the payment themselves might be excluded from the dispensation. From the information currently received this would mean that only 7 of the 25 with interests could be granted a dispensation.

The committee's view is sought as to whether to grant a general dispensation and in which circumstances.

D1.3 A Notice of Motion to the County Council meeting on 24th October in relation to the "Bedroom Tax" was deferred as over 50% of Members present had disclosable interests which were both personal and prejudicial and therefore Members could not take part in the debate (i.e. the Member was either a private landlord, a tenant, or a member of their family or friend was a private

landlord or a tenant). The Council referred the issue to the Standards Committee for consideration of a dispensation to enable a greater number of Members to take part in the debate.

The committee's view is sought as to whether to grant a general dispensation and in which circumstances.

E. Late payment of expenses

Claims for payment of expenses have been submitted by the following Member:

Councillor Peter Harris – a claim for mileage submitted on 29th July 2013 for March and April 2013.

Details will be provided at the meeting and the Member has been invited to attend.

F. Attendance

Correspondence has been received from Cllr William Powell regarding his attendance which will be circulated at the meeting.

G. Local Resolution Panels

The Public Services Ombudsman for Wales has been in discussion with the Welsh Local Government Association (WLGA) and the Lawyers in Local Government (LLG) Group regarding concerns regarding certain aspects of the Code of Conduct and the use of complaints for political purposes. The discussion focussed on a range of measures designed to reform the current Code of Conduct system which could be achieved without the need for legislation. The aim was that these measures would enable a local resolution process to be introduced across Wales with the intention to reduce the number of complaints brought by councillors against other councillors, thus reducing the numbers of complaints to the Ombudsman.

As an all Wales approach is yet to be adopted, some county councils have adopted their own model. Typically these complaints involve the paragraphs of the Code relating to the requirement to show respect and consideration for others and not making frivolous and malicious complaints.

The Ombudsman in his latest report has indicated that where these arrangements exist he will refer such complaints back to the Council for a local resolution. An example of the local resolution process is attached as **Appendix 3 – to follow**. This is the model adopted by the City and County of Swansea and is recommended as the approach for adoption in Powys.

The Committee is requested to consider adopting Swansea City and County Council's model for use in Powys.

Another element of the new approach applies to members of County Councils or Town and Community Councils. Where the Ombudsman is minded not to investigate a complaint or closes an investigation and / or in his view the Standards Committee would (even if a breach of the Code was found) be

unlikely to apply a sanction, the revised approach is that the Monitoring Officer can consider the case and if he / she considers that the local Standards Committee might impose a sanction if a breach were found, the Ombudsman can transfer the investigation to the Monitoring Officer.

H. Indemnity Cap

The Public Services Ombudsman for Wales has made it clear to Councils that the situation in relation to the levels of indemnity enjoyed by Members who are accused of a breach needs to be addressed. The concern of the Ombudsman is that Councils should not have an unlimited indemnity as to do so could result in significant cost for the Council, particularly as some tribunal cases take a long time to reach a resolution.

The ceiling proposed by the Welsh Local Government Association following discussions with the Ombudsman is £20,000, which has been accepted by the Ombudsman. The Council currently has no limit within its scheme of indemnity and a decision to set a cap at £20,000 will require an amendment to the Council's Constitution.

The Committee is requested to consider recommending to the County Council that a cap of £20,000 for the Members' indemnity scheme is set by the Council, in accordance with the guidance by the Ombudsman and the Welsh Local Government Association.

I. Membership of Standards Committee

On 24th October 2013 the first 6 year term of office of Independent Member Mrs Susan Jarman came to an end. Mrs Jarman had indicated that she would wish to continue for a second term of 4 years and at County Council on 24th October 2013 this extension was agreed.

The Council was also advised that the term of office of Independent Member Mrs Marian Harris will end in June 2014. Mrs Harris will have completed the two terms of office permitted under the regulations and therefore the Council will have to undertake an appointment process to fill this vacancy. The Council has approved the timetable, **Appendix 4**, for the appointment process which will commence in January 2014 with the aim of taking a nomination for approval by the Council on 30th April, 2014.

J. Independent Remuneration Panel for Wales.

A draft supplementary report has been received from the Independent Remuneration Panel for Wales for consultation following its visits to Councils during the summer of 2013. The Panel has decided that items which had been removed in the 2012 report (which set the criteria for payments to be made from May 2013) will now be reintroduced in advance of the Panel's next annual report. These items will include:

- (a) reasonable time for pre-meeting preparation;
- (b) travelling time to and from the place of the meeting (up to the maximum daily rate)

A review of the current limits set by the Council (for Standards Committee and Sub-Committee Lay and Town and Community Council representatives – currently 10 days) has been undertaken to take account of a full year’s claims and also taking into account potential additional factors such as the proposed changes from the Independent Remuneration Panel for Wales. The review has identified that the current limit for Standards Committee Lay members and Town and Community Council representatives should remain at a maximum of 10 days. However for the Chair of the Standards Committee it has been suggested that the maximum be raised to 12 days.

This matter was considered at the recent meeting of the Democratic Services Committee and the recommendation outlined above was considered at the meeting of the County Council on 24th October for approval. The Council agreed to amend the limit for the Chair of the Standards Committee to 12 days.

K. Meeting Dates

K.1 To note dates of future meetings as follows:

- 4th December 2013
- 5th February 2014
- 9th April 2014
- 25th June 2014
- 3rd September 2014
- 3rd December 2014

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

Contact Officer Name:	Tel:	Fax:	Email:
<i>Clive Pinney – Solicitor to the Council</i>	01597 826746	01597 826220	clive.pinney@powys.gov.uk

Chair and Vice Chair of Standards Committee Role Description

Chair

1 Accountabilities

- Full Council
- Members of the Standards Committee
- The public

2 Role Purpose and Activity

- **Providing leadership and direction**
 - To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly
 - To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice on the Code of Conduct
 - To demonstrate independence, integrity and impartiality in decision making which accord with legal, constitutional and policy requirements
 - To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
 - To attend briefing meetings
 - To lead the committee in its role in:
 - promoting and maintaining high standards of conduct by councillors and co-opted members, church and parent governor representatives;
 - assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
 - advising the Council on the adoption or revision of the Members' Code of Conduct;
 - monitoring the operation of the Members' Code of Conduct;
 - advising, training or arranging to train councillors, co-opted members and church and parent governor representatives on

matters relating to the Members' Code of Conduct;

- granting dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
- dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales.
- overseeing the Council's whistle-blowing regime;
- providing advice to individual councillors on such issues as the treatment of personal interest and on conduct matters generally;
- determining appropriate action on matters referred to it by the Public Services Ombudsman for Wales.
- overseeing the Register of Interest of Members, Co-opted members and Church and Parent Governor Representatives and Officers.
- overseeing the Council's rules and protocols on accountability of members.
- overseeing the attendance of Members and Co-opted Members at committees;
- overseeing the training of Members serving on all committees of the Council.
- exercising appellate role (independent members only) under the Habitual or Vexatious Complainants policy.

○

3 Values

- To be committed to the values of the council and the following values in public office:
 - Openness and transparency
 - Honesty and integrity
 - Tolerance and respect

- Equality and fairness
- Appreciation of cultural differences
- Sustainability

Vice-Chair

- To fulfil the duties of the Chair in his or her absence
- To assist the Chair in specific duties as required
- To attend briefing meetings

DRAFT

Member of a Standards Committee Role Description

1 Accountabilities

- Chair of the Standards Committee
- Full Council
- The public

2 Role purpose and activity

- **Understanding the nature of the Standards Committee and effectively fulfilling its functions by:**
 - promoting and maintaining high standards of conduct by councillors and co-opted members, church and parent governor representatives;
 - assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
 - advising the Council on the adoption or revision of the Members' Code of Conduct;
 - monitoring the operation of the Members' Code of Conduct;
 - advising, training or arranging to train councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
 - granting dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
 - dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales.
- overseeing the Council's whistle-blowing regime;
- providing advice to individual councillors on such issues as the treatment of personal interest and on conduct matters generally;
- determining appropriate action on matters referred to it by the Public Services Ombudsman for Wales.

- overseeing the Register of Interest of Members, Co-opted members and Church and Parent Governor Representatives and Officers.
 - overseeing the Council's rules and protocols on accountability of members.
 - overseeing the attendance of Members and Co-opted Members at committees;
 - overseeing the training of Members serving on all committees of the Council.
 - exercising appellate role (independent members only) under the Habitual or Vexatious Complainants policy.
- To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee.
 - To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the committee
- **Participating in meetings and making decisions**
 - To participate effectively in meetings of the Standards Committee,
 - To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements
- **Internal governance, ethical standards and relationships**
 - To ensure the integrity of the committee's decision making and of his/ her own role by adhering to the Code of Conduct(s) and other constitutional and legal requirements
 - To promote and support good governance by the Council
 - To understand the respective roles of members, officers and external parties operating within the Standards Committee's area of responsibility

3 Values

- To be committed to the values of the Council and the following values in public office:
 - Openness and transparency
 - Honesty and integrity
 - Tolerance and respect
 - Equality and fairness
 - Appreciation of cultural difference
 - Sustainability

DRAFT

Chair and Vice Chair of Standards Community Sub-Committee Role Description

Chair

1 Accountabilities

- Full Council
- Members of the Standards Community Sub-Committee
- Chair of the Standards Committee
- The public

2 Role Purpose and Activity

- **Providing leadership and direction**
 - To act within technical, legal and procedural requirements to oversee the functions of the Sub-Committee fairly and correctly
 - To ensure thoroughness and objectivity in the Sub-Committee, receiving and responding to professional advice on the Code of Conduct
 - To demonstrate independence, integrity and impartiality in decision making which accord with legal, constitutional and policy requirements
 - To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
 - To attend briefing meetings
 - To lead the Sub-Committee in its role in relation to town and community councils in Powys and members of those councils:
 - promoting and maintaining high standards of conduct by councillors and co-opted members, church and parent governor representatives;
 - assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
 - advising the Council on the adoption or revision of the Members' Code of Conduct;

- monitoring the operation of the Members' Code of Conduct;
 - advising, training or arranging to train councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
 - granting dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
 - dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales.
- **Internal governance, ethical standards and relationships**
- To ensure the integrity of the committee's decision making and of his/ her own role by adhering to the Code of Conduct(s) and other constitutional and legal requirements
 - To promote and support good governance by the Council
 - To understand the respective roles of members, officers and external parties operating within the Sub-Committee's area of responsibility.

3 Values

- To be committed to the values of the council and the following values in public office:
 - Openness and transparency
 - Honesty and integrity
 - Tolerance and respect
 - Equality and fairness
 - Appreciation of cultural differences
 - Sustainability

Vice-Chair

- To fulfil the duties of the Chair in his or her absence
- To assist the Chair in specific duties as required
- To attend briefing meetings

DRAFT

Member of a Standards Community Sub-Committee Role Description

1 Accountabilities

- Chair of the Standards Community Sub-Committee
- Full Council
- The public

2 Role purpose and activity

- **Understanding the nature of the Standards Community Sub-Committee and effectively fulfilling its functions by:**

In relation to town and community councils in Powys and members of those councils:

- promoting and maintaining high standards of conduct by councillors and co-opted members, church and parent governor representatives;
- assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- advising the Council on the adoption or revision of the Members' Code of Conduct;
- monitoring the operation of the Members' Code of Conduct;
- advising, training or arranging to train councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
- granting dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
- dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales.

- To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the Sub-Committee.
- To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the Sub-Committee
- **Participating in meetings and making decisions**
 - To participate effectively in meetings of the Sub-Committee,
 - To make informed and balanced decisions, within the terms of reference of the Sub-Committee, which accord with legal, constitutional and policy requirements
- **Internal governance, ethical standards and relationships**
 - To ensure the integrity of the Sub-Committee's decision making and of his/ her own role by adhering to the Code of Conduct(s) and other constitutional and legal requirements
 - To promote and support good governance by the Council
 - To understand the respective roles of members, officers and external parties operating within the Sub-Committee's area of responsibility

3 Values

- To be committed to the values of the Council and the following values in public office:
 - Openness and transparency
 - Honesty and integrity
 - Tolerance and respect
 - Equality and fairness
 - Appreciation of cultural difference
 - Sustainability

POWYS STANDARDS COMMITTEE / COMMUNITY SUB-COMMITTEE

APPLICATION FOR DISPENSATION BY MEMBER WITH PREJUDICIAL INTEREST

I, Councillor HYWEL LEWIS

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	<input checked="" type="checkbox"/>
Speak at a meeting	<input checked="" type="checkbox"/>
Vote at a meeting	<input checked="" type="checkbox"/>
Seek to influence a decision on a matter	<input type="checkbox"/>
Make written representations	<input type="checkbox"/>
Make oral representations	<input type="checkbox"/>
Exercise Board functions (County Councillor only)	<input type="checkbox"/>

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.

Issues relating to County Farm Estate.
Audit / Scrutiny / Radnorshire / Council

(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

All matters relating to County Farm Estate

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

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.

I am a tenant of County Farm Estate.

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	- ✓
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	- ✓
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 have been a tenant of PCC Farm Estate since 1981, in 2000 I relinquished my lifetime tenancy when more land was added to the holding for a 5yr FBT which will end in 2015 when I will retire from farming. This time spent as a tenant has given me valuable knowledge of the estate which could be valuable when issues regarding the estate are debated in committees. If there were instances where I were affected financially (such as rent increases etc) I would withdraw

Applicant's home address:	NEUADD, BLEDDA, KNIGHTON, POWYS, LD7 1PB.
Applicant's telephone number:	
Applicant's fax number:	
Applicant's E Mail address:	the Clr. Nigel Lewis@powys.gov.uk.

SIGNED: _____

DATED: 16 OCT 2013

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

From whom further information and advice may be obtained.

Application by	County Councillor H Lewis
Council	Powys County Council
Involvement With	(i) Matters relating to the County Farms Estate discussed at meetings of the Audit, Scrutiny and Radnorshire Committees and County Council.
Business To Be Considered	All Matters relating to the County Farms Estate.
Background	<p>The County Council owns a significant farm estate. Councillor Lewis is a Powys County Council farm tenant and has been since 1981 and will continue to be a tenant until 2015.</p> <p>County Councillor Lewis is a member of the Council's Audit Committee, the Environment, Infrastructure and Crime and Disorder Scrutiny Committee, the Radnorshire Committee and the County Council where matters relating to the County Farm Estate could be considered.</p> <p>The types of matters which could be considered at these committees relate to the budget, reviews of how the estate is managed and policies relating to the estate.</p> <p>The applicant is seeking a dispensation to:</p> <ul style="list-style-type: none"> (i) Attend a meeting. (ii) Speak at a meeting (iii) Vote at a meeting.
STEP 1 Personal Interest(s) under paragraph 10 of the Code.	<p>Councillor Lewis has the following personal interests:</p> <p>10 (2) (a) (i) - 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> <p>10 (2) (a) (vi) - 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 land in which you have a beneficial interest and which is in the area of your authority</p> <p>10 (2) (c) (i) (aa) - You must regard yourself as having a personal interest in any business of your authority if a decision upon it might reasonably be regarded as affecting your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association to a greater extent than the majority of in the case of any authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision</p>
STEP 2 Exemptions under paragraph 12 (2) & (3) of the Code.	In relation to County Councillor Lewis, none of the exemptions in Paragraph 12(2) would apply in relation to the personal interests.

<p>STEP 3 Application of “public perception” test under paragraph 12 (1) of the Code.</p>	<p>In applying the Paragraph 12(1) test in relation to the business involving the county farms estate it is suggested that the Committee approach the issue in this way i.e. to ask itself:</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 county farms estate was discussed at a committee 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>STEP 4 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>STEP 5 Determine the application:-</p> <ul style="list-style-type: none"> (i) Refuse (ii) Approve:- <ul style="list-style-type: none"> (a) attend (b) speak (c) vote (d) exercise Board Function (e) seek to influence (f) make written communications (g) make oral representations 	<p>The applicant has requested a dispensation to attend meetings of the committees and to speak and vote, on matters relating to the county farms estate.</p> <p>In relation to scrutiny Councillor Lewis has been offered the ability to give evidence to a scrutiny review on the county farms estate as an “expert witness” without being a Member of the Working Group due to his interests.</p> <p>The issue for consideration is to what extent can Councillor Lewis be involved in discussions whereby a change in policy (even though it may only be a recommendation to the Cabinet of which he is not a Member) or to the County Council (where he is a Member) is considered which can have a material effect on his own wellbeing / financial position.</p>
<p>RECOMMENDATION:</p>	<p>It is difficult to make a recommendation as this is quite complex and the committee will need to consider whether a dispensation</p>

	or partial dispensation can be granted to Councillor Lewis under paragraphs (d) and (f) and under which circumstances.
--	--

Provisional Timetable for Appointments Panel 2014

Agree process at Council	Thurs	24 th October, 2013
Press Notice to papers	Fri	22 nd January, 2014
Notice in the papers	w/c	27 th January, 2014
News release and publication on the Council's website	w/c	27 th January, 2014
2 nd Notice in the papers	w/c	10 th February, 2014
Closing date for applications	Fri	28 th February, 2014
Shortlisting	w/c	3 rd March, 2014
Panel Sitting	w/c	10 th March, 2014
County Council	Fri	30 th April 2014