

MINUTES OF A MEETING OF THE STANDARDS COMMITTEE, HELD AT COUNTY HALL, LLANDRINDOD WELLS ON WEDNESDAY 24th SEPTEMBER 2014.

PRESENT: H. Rhydderch-Roberts (Chair)
J. Evans, C. Jackson, S. Jarman, R. Miller, County Councillors M. Mackenzie, S. Hayes, P. Medicott and G. Williams.

Observers: Community Councillors C. Evans, H. Patrick, D. Pugh.

Officers in Attendance: C. Pinney (Solicitor to the Council), W. Richards (Scrutiny Manager and Head of Democratic Services) and E Patterson (Scrutiny Officer).

1.	APOLOGIES	S13 – 2014
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No apologies were received.

2.	MINUTES	S14 – 2014
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The Chair was authorised to sign the minutes of the previous meeting held 25th June 2014.

3.	DECLARATIONS OF INTEREST	S15 – 2014
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The following declarations of interest were received:

In respect of Item D1.1 of Section 4 considering a dispensation for County Councillors to be able to discuss bovine TB the following Members declared personal and prejudicial interests:

County Councillor G. Williams (a farmer with cattle)
Independent Member S. Jarman (close friends and neighbours who are cattle farmers)
Town and Community Councillor Representative C. Evans (Observer)

In respect of Item D1.2 of Section 4 considering a dispensation for County Councillors to be able to discuss Council Tax discount the following Members declared personal and prejudicial interests:

County Councillor P. Medicott (landlord of property in Powys)
County Councillor G. Williams (landlord of property in Powys)
Independent Member H. Rhydderch-Roberts (the property of a close family member is empty and she is developing a property in Powys currently empty)
Independent Member S. Jarman (owns a property currently vacant until tenancy agreement signed)
Town and Community Councillor Representative D. Pugh (landlord) (Observer)
Town and Community Councillor Representative C. Evans (landlord) (Observer)

4.	REPORT OF THE SOLICITOR TO THE COUNCIL	S16 – 2014
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The Committee received the report of the Solicitor to the Council. (Copy filed with signed minutes)

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

A1 Code of Conduct Training

All Members and Co-opted Members in post have received Code of Conduct training. A mid-term refresher training event has been arranged for 10th October 2014. All Members and Co-opted Members are expected to attend this session.

A2 Member Development

The Democratic Services Committee will consider the proposals regarding discretionary and mandatory training at their meeting on 3rd October 2014.

B Referral of Councillors to Public Services Ombudsman

B1 County Councillor Referrals

B1.1 Since the last meeting the Ombudsman has advised of the following Code of Conduct complaints:

1/14/CC	Is investigating
2/14/CC	Is not investigating
3/14/CC	Is not investigating
4/14/CC	Is not investigating
5/14/CC	Is not investigating
6/14/CC	Is investigating
7/14/CC	Is deciding whether or not to investigate

Cases 2/14/CC through to 5/14/CC and 7/14/CC relate to the same issue.

C Other Standards Issues

C1.1 Local Resolution Process

The draft Local Resolution Process agreed at the last meeting was approved by the Democratic Services Committee in July and will be considered by the County Council as part of the new constitution.

D Dispensations

D1.1 Applications - County Councillors

Applications from County Councillors Aled Davies and Gwynfor Thomas

County Councillor G. Williams and Independent Member S. Jarman declared an interest and left the meeting.

Observer C. Evans left the meeting.

Councillors Davies and Thomas have applied for a dispensation to speak and vote on matters relating to the control of bovine TB. They wish to put a motion to Council regarding the participation of farmers in Powys in a proposed trial on the eradication of TB. It is the case that at least 20 Members may be in a similar position and may have to declare an interest in a debate on bovine TB.

Councillors Davies and Thomas are cattle farmers and therefore would have a personal and prejudicial interest in any debate on bovine TB. The dispensation that is sought is to attend a meeting, speak, seek to influence a decision, make written representations and make oral representations on matters relating to the control of bovine TB. It is noted that decisions regarding the control of bovine TB lie with Welsh Government and the role of Powys is effectively limited to lobbying. As such the decision regarding lobbying made at the Standards Committee meeting of 11th November 2013 applies namely:

The Committee agreed that a dispensation to speak and vote should be granted if the following general principles were met:-

- (1) That the motion/decision involves lobbying for a revocation or variation or the influencing of a decision or proposed decision that has been made or is to be made by a body other than Powys County Council; and***
- (2) Where the matter affects a significant proportion of the Council/ Cabinet/Committee so as either (a) no fewer than half of the members of the Council/Cabinet/Committee which is to consider the business has a personal and prejudicial interest in that business or (b) the inability of member(s) to participate would upset the political balance of the Authority or committee or Cabinet such that the outcome would be likely to be affected; and***
- (3) The issue is not one in which the Council is being consulted upon by an outside body (as those matters will be dealt with by officers and/or portfolio holders and influence/lobbying occurs as part of the consultation process).***

Committee agreed that the general principles had been met in this case and

RESOLVED THAT	REASON FOR RESOLUTION
<p>i) a dispensation be granted to those Members who are cattle farmers (including Members whose spouse or partner is a cattle farmer) to speak and vote on matters relating to bovine TB.</p> <p>ii) a dispensation be granted to those Members whose family or close personal associates are cattle farmers to speak and vote on matters relating to bovine TB.</p>	<p>i) due to the rural nature of the county a significant proportion of the Council was affected and unable to take part in a discussion on this matter, and</p> <p>ii) that no fewer than half of the Members of the Authority or of a committee of the Authority by which the business is to be considered has an interest which relates to that business,</p> <p>iii) that the interest is common to the Member and a significant proportion of the general public, and</p> <p>iv) that 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>

D1.2 Blanket Dispensation – Council Tax Discount

County Councillors P. Medlicott and G. Williams and Independent Members S. Jarman and H. Rhydderch-Roberts declared an interest and left the meeting.

Observers C. Evans and D. Pugh declared an interest and left the meeting.

At a meeting of the County Council on 22nd October 2014 Members will be debating a recommendation from Cabinet that from 2015 the Council tax discount for unoccupied and substantially unfurnished dwellings shall cease.

It is understood that a number of Members may have personal and prejudicial interests with regard to this item particularly those who own property other than that in which they live, who have family or close friends who own property other than that in which they live or who are in receipt of such discount.

Discussion centred around the financial implication of any such decision and the public perception that those taking such a decision should be untainted by any connection to any actual or potential benefit/disbenefit in relation to a council tax discount.

RESOLVED THAT	REASON FOR RESOLUTION
<p>In relation to Council business relating to Council Tax Discount for unoccupied and substantially unfurnished properties:</p>	<p>i) to ensure that any decision on Council tax benefit is only taken by those Members who have no personal and prejudicial interest in such a decision.</p>

(i) A dispensation be granted to Members who personally have (or have a close relative, person living with him/her or a close personal associate who has) a property in Powys which is both unoccupied and substantially unoccupied but available or potentially available to sell or let to make written representation to the Monitoring Officer by 5.00pm on 21st October 2014. Such Representations may not attempt to persuade Members on the outcome of the debate but may give information or provide scenarios that should be taken into consideration. Any representations received to be made available to Members eligible to participate in the debate.

(ii) Members covered by the dispensation in (i) above do not have a general dispensation to participate in the debate and should consider declaring their personal, prejudicial and pecuniary interest in the debate.

(iii) In the event that a debate on the Report cannot take place due to the lack of a quorum of Members without a personal and prejudicial interest, the Standards Committee will be prepared to consider the matter again.

E Late payment of expenses

Applications for late payment of expenses were considered from the following Members:

Councillor Gareth Morgan – a claim for mileage submitted on 10th July 2014 for March 2014.

Councillor William John Evans – a claim for mileage submitted on 5th June 2014 for March 2014.

Councillor Susan McNicholas – a claim for mileage submitted on 10th June 2014 for the period February and March 2014.

Councillor Gareth Ratcliffe – a claim for mileage expenses submitted on 2nd September 2014 for June 2014.

The Committee decided to approve these applications (which were the first ones for mileage made by these Member) but indicated that it would be unlikely to look favourably on further applications unless there were exceptional circumstances and requested that the Member put in place appropriate systems to ensure claims were submitted within time.

RESOLVED THAT:	REASON FOR DECISION
<p>i) the payment of the late claim submitted by Cllr G. Morgan for £61.65 for March 2014 be approved as this is the first late claim submitted by Cllr Morgan.</p> <p>ii) the payment of the late claim submitted by Cllr W. J. Evans for £23.40 for March 2014 be approved as this is the first late claim for mileage submitted by Cllr Evans.</p> <p>iii) the payment of the late claim submitted by Cllr S. McNicholas for £328.50 for February and March 2014 be approved as this is the first late claim submitted by Cllr McNicholas</p> <p>iv) the payment of the late claim submitted by Cllr G. Ratcliffe for £84.60 for February 2014 be approved as this is the first late claim submitted by Cllr Ratcliffe.</p>	<p>To reimburse expenses incurred by these Members.</p>

F Unacceptable Behaviour by Service Users Policy

This policy has been completed but needs to be approved at County Council.

G Whistleblowing Policy

The Whistleblowing Policy was amended as a result of the comments from Standards Committee at the meeting in June 2014. The amended document was circulated to Standards Committee and was then considered by Audit Committee in July 2014. Audit Committee made some further suggested changes which Committee Members wished to have sight of.

Recommended: that the latest version of the Whistleblowing Policy be circulated to Standards Committee by email for information.

H Ombudsman's Annual Report

The Public Service Ombudsman for Wales Annual Report 2013-14 has been published and is available online at www.ombudsman-wales.org.uk

I Gifts and Hospitality Register

Gifts and Hospitality Record May 2012 – April 2013

Cllr G. Banks	8 tickets to Presteigne Music Festival for Chairman and High Sheriff from Grants Officer at PCC
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Gifts and Hospitality Record May 2013 – April 2014

Cllr D. Mayor	1 day motocross and trials experience (£200)
Cllr G. Ratcliffe	Hospitality at launch of Hay Festival (£100)
Cllr J. Jones	4 tickets for Theatr Hafren (£40)

RESOLVED THAT:	REASON FOR DECISION
<p>i) The gifts and hospitality register by published online annually</p> <p>ii) The gifts and hospitality register include additional detail regarding circumstances and /or reason the gift or hospitality was accepted</p> <p>iii) Consideration be given to including the declaration of acceptance of a gift or hospitality on the online expenses claim form and subsequently on the annual summary of members allowances and expenses</p> <p>iv) That Members be issued with a reminder of the requirements in declaring gifts and hospitality</p>	<p>To ensure that full transparency for gifts or hospitality received by Members is achieved.</p>

J. Meeting Dates

The following dates for the Standards Committee were confirmed:

3rd December 2014
 Wednesday 25th February 2015
 Wednesday 15th April 2015
 Wednesday 17th June 2015
 Wednesday 16th September 2015
 Wednesday 25th November 2015

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

**H Rhydderch-Roberts
Chair**