

MINUTES OF A MEETING OF THE STANDARDS COMMUNITY SUB-COMMITTEE HELD AT COUNTY HALL, LLANDRINDOD WELLS ON MONDAY 27TH APRIL 2009

PRESENT: P. Swanson (Chair)

Mrs S. Jarman, Mrs M. Harris, R. Miller County Councillor K. Curry and Community Councillors H. Evans.

Observers: County Councillors M. Hodges and W. G. Lewis.

Officers in attendance: Mr Clarence Meredith (Head of Legal, Scrutiny and Democratic Services), Ms S. Tamboo (Solicitor) and Mrs L. Patterson (Committee Clerk).

1.	APOLOGIES	STCS5-2009
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An apology was received from Community Councillor Ms C Evans.

2.	MINUTES	STCS6-2009
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The minutes of the meeting held on 19th January 2009 were approved as a correct record.

3.	DECLARATIONS OF INTEREST	STCS7-2009
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In relation to the application for a dispensation from a Member of Beguildy Community council concerning windfarms Councillor K. Curry who sits on the Planning Committee which may consider applications for Windfarms. Councillor Curry left the room during consideration of this item and was replaced by Councillor M. Hodges.

4.	REPORT OF THE HEAD OF LEGAL, SCRUTINY AND DEMOCRATIC SERVICES - STANDARDS COMMUNITY SUB-COMMITTEE BUSINESS	STSC8-2009
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The Sub-Committee received the report of the Head of Legal, Scrutiny and Democratic Services (Copy filed with the signed Minutes).

1. Adoption of new Model Member's Code of Conduct - Appendix 1.

Two remaining Community Councils had failed to submit some or all of the documentation. It was understood that Llanbister were in the process of copying the remaining outstanding documents. However, it appeared that Bettws had not advertised the adoption of the Code and had failed to respond despite repeated attempts to make contact. The County Councillor for the area had offered to assist in following this up.

RESOLVED that	REASON FOR RECOMMENDATION
The Chairman contact the local County Councillor for Bettws to engage him in securing the co-	To ensure compliance by all Community Councillors in adopting the Member's Code of Conduct.

<p>operation of Bettws Community Council submitting the papers required in relation to the Member's Code of Conduct.</p>	
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2. Training of Town and Community Council Clerks in respect of New Members' Code of Conduct - Appendices 2 and 3.

Details of attendance at training sessions were outlined in the Appendix. Concern was expressed that not all Community Councils had been represented at the training sessions offered. The Chairman agreed to write to all Town and Community Councils thanking those who had attended; expressing regret that a number had not taken up the offer of training and explaining that the Code applies to Town and Community Councillors and must be complied with in undertaking their role.

RESOLVED THAT	REASON FOR RECOMMENDATION
<p>The Chairman write to all Town and Community Councils.</p>	<p>To highlight to all Town and Community Councils the importance of both understanding and observing the Code of Conduct.</p>

The possibility of providing joint training with Gwynedd, Ceredigion and Neath Port-Talbot had been canvassed with all three Councils and positive responses had been received. The provision of joint training with neighbouring Councils would be further explored when the next tranche of training for Town and Community Councils on Standards and ethical issues was undertaken. The Committee were advised that it was proposed that Town and Community Councils would be consulted after the European elections in June on what training topics they would like to be covered at future sessions.

The Sub-Committee considered a letter from the Chairman/Acting Clerk of Llywel Community Council. The Committee expressed concern regarding certain parts of the letter. It was agreed that the Head of Legal, Scrutiny and Democratic Services would in consultation with the Chair send a suitable response and discuss the issue with the local County Councillor.

3. Town and Community Councillor Referrals to the Ombudsman

Since the last meeting referrals had been made to the Ombudsman regarding three town/community councils and a total of four councillors. The Ombudsman has declined to investigate any of these cases.

The Ombudsman continues to investigate allegations against three Members of one Community Council.

4. Advice concerning Town and Community Councils

The Chair had now met with representatives of three Community Councils and there was the potential of three further meetings in the near future. The Chair and

Monitoring Officer were endeavouring to be proactive in offering advice to and supporting Councils.

5. Member Support

Laptops had now been ordered for all Co-opted Members of the Standards Committee and training would be offered when the laptops were available.

A single point of reference had been introduced for Town and Community Councils to contact the Council. The Executive and Member Support Section would undertake this role which had proved successful for County Council Members. Members were advised that the situation would be monitored.

6. Applications for Dispensation – Town and Community Councils

Correspondence had been received from Penybontfawr Community Council with regard to dispensation applications considered in November 2008. Councillor D R Lloyd had not been granted a dispensation on the understanding that he was a Member of Canolfan Pennant Community Centre. Correspondence from the Clerk confirms that this is not the case.

RESOLVED	REASON for decision
<p>1. that Councillor D. R Lloyd be granted a dispensation to speak and vote on matters regarding the Canolfan Pennant Community Centre at meetings of Penybontfawr Community Council until the next ordinary elections in 2012 subject to:-</p> <p>i) the dispensation not applying where the business relates to the determination of any approval, consent, licence, permission or registration as referred to in paragraph 12 (3) of the Member's Code of Conduct; and</p> <p>ii) any change in circumstances to be notified immediately to the Community Sub-Committee</p>	<p>1. that the Community Sub-Committee are satisfied that the following ground in the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 justifies the granting of a dispensation namely:-</p> <p>(a) that no fewer than half of the Members of the relevant Authority or 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, and that in relation to the type of business referred to in paragraph 12(3) of the Members Code of Conduct the Sub-Committee were of the view that a dispensation should not be granted because this was a particularly sensitive and potentially contentious area of activity where a significant conflict of interest clearly and obviously arose and it was considered unethical for a member to be a decision maker or</p>

	consultee within their Council in relation to regulatory type applications etc submitted by bodies and organisations with which they are closely connected.
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An application for dispensation had been received from Councillor Phillip Swancott of Beguildy Community Council.

Councillor K. Curry left the room during the consideration of this matter as the application related to windfarms. Councillor M.D. Hodges was appointed to the Sub-Committee for this item.

Councillor Swancott had been unable to attend the meeting and this item was deferred to Wednesday 29th April 2009 at 4.00pm to give Councillor Swancott an opportunity to attend before the Sub-Committee in person.

Councillor Curry returned to the room.

7. Membership of the Sub-Committee – Appendix 6.

Brecknockshire vacancy

The Committee noted the regrettable resignation of Community Councillor Couzens (representative for Brecknockshire) due to illhealth. It was agreed that Councillor Couzens should be invited to a future meeting so that the Sub-Committee may formally thank him for the work he had undertaken.

A ballot for his replacement was in process with 5 nominations received. The closing date for the ballot was 29th May 2009.

Independent (Lay) Member vacancy

RESOLVED that	REASON
Councillor H Evans be appointed as Community Council representative on the Appointment Panel for Independent (Lay) Member of the Standards Committee	To comply with regulations.

8. One Voice Wales

Powys County Council and One Voice Wales were looking to work closer together on Community Council matters. Consideration was being given to invite OneVoice Wales to speak at the three Shire Committees and all Members would be advised when this would take place so that they could attend.

Meeting closed 11.30pm

P. SWANSON
Chairman

**MINUTES OF A RECONVENED MEETING OF THE STANDARDS COMMUNITY
SUB-COMMITTEE HELD AT COUNTY HALL, LLANDRINDOD WELLS ON
WEDNESDAY 29TH APRIL 2009**

Present: P. Swanson (Chairman)

R. Miller, County Councillor M. Hodges, Community Councillor H. Evans.

6. Applications for Dispensation – Town and Community Councils

An application for dispensation had been received from Councillor Phillip Swancott of Beguildy Community Council. This had initially been considered at the meeting of the Sub-Committee on Monday 27th April. Unfortunately Councillor Swancott had been unable to attend that meeting and this item had been deferred to Wednesday 29th April 2009 at 4.00pm to give Councillor Swancott the opportunity to attend before the Sub-Committee.

The Sub Committee had before them Councillor Swancott's application of 29 April 2009 together with some preliminarily observations and comments.

Mr Swancott appeared before the Sub Committee in support of his application and answered questions put to him by the Sub Committee

Mr Swancott sought a dispensation in respect of the following

1. Planning application Bryngydfa Wind Farm Limited – decision item concerning the erection of 12 wind turbines and associated infrastructure
2. Access routes study (Powys Wind Farms) Discussion item

His application in respect of these two matters (“the dispensation matters”) had been prompted out of concerns arising from the fact that one of the Directors of the Wind Farm Company was a second cousin, and that he regarded himself as friendly with other Directors. As a result of the discussions with Mr Swancott it emerged that whilst the second cousin had officiated at his father's funeral this was because of the formal family connection and that in actual fact Mr Swancott had little or no social contact with this Director. It also emerged that in terms of him being on friendly terms with other Directors, he did not in fact have close social contact with these Directors and his connection was no greater than with other individuals that he knew in the local community. It further became apparent that there were four Councillors representing the Beguildy area on the Community Council. Two of those were Directors of the company and a third was on very friendly terms with the Directors and therefore all three were regarded as having prejudicial interests and so were unable to be involved. According if Councillor Swancott was unable to speak and vote on the dispensation matters the electorate of the Beguildy area would have no-one to represent their views.

RESOLVED that	REASON for decision
<ol style="list-style-type: none"> 1. The sub-committee were not satisfied that Councillor Swancott in fact had a personal interest under paragraph 10 (2) (c) of the Members' Code of Conduct in respect of the dispensation matters, 2. If the sub-Committee were wrong in that respect and Councillor Swancott did have a personal interest they were of the view that this was not a prejudicial interest within the test set out in paragraph 12 (2) of the Members' Code of Conduct 3. In any event even if Councillor Swancott did have a prejudicial interest in relation to the dispensation matters, the Sub-Committee would be minded to grant him a dispensation to both speak and vote on the dispensation matters. 4. Councillor Swancott be informed of the Sub-Committee's decision set out above and be advised that that having sought the advice of the Sub-Committee it is now in order for him to both speak and vote at meetings of the Beguildy Community Council on the dispensation matters 5. Councillor Swancott be further advised that the Sub-Committee's decision relates to the dispensation matters only and is based upon the facts and circumstances currently existing; that Councillor Swancott must advise the Sub-Committee of any material changes to the current circumstances which might result in the Sub-Committee taking a different view 	<ol style="list-style-type: none"> 1. That given the facts and circumstances made known to the Sub-Committee by Councillor Swancott and detailed above, it appeared to the Sub-Committee that Councillor Swancott did not in fact have a close personal association with any of the Directors of the Wind Farm Company in question. 2. That given the tenuous connection between Councillor Swancott and the Directors of the Wind Farm Company which the Sub-Committee did not regard as a social connection which was close there was unlikely to be a perception by the public that this was so significant as likely to prejudice his judgement of the public interest in considering the dispensation matters. 3. That given the tenuous connection between Councillor Swancott and the Directors of the Wind Farm Company referred to above and the fact that Councillor Swancott had been elected to represent his constituents views on such matters, his participation in Community Council meetings considering those dispensation matters would not damage public confidence, and 4. To inform Councillor Swancott of the Sub-Committee's decision the basis on which it was made and the need to make the Sub-Committee aware of any relevant future changes which might result in a different outcome