

**MINUTES OF A MEETING OF THE STANDARDS COMMUNITY SUB-COMMITTEE HELD AT COUNTY HALL, LLANDRINDOD WELLS ON MONDAY 28<sup>TH</sup> SEPTEMBER 2009**

**PRESENT:** R. Miller (Chair)

Mrs S. Jarman, Mrs M. Harris, County Councillor K. Curry and Community Councillors H. Evans, Revd A. Jevons and Ms C. Evans.

**Observers:** County Councillors F. Barker, Miss V. Evans and M. Hodges.

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

<b>1.</b>	<b>APOLOGIES</b>	<b>STCS13-2009</b>
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Apologies was received from Independent Members P. Swanson and Mrs H. Rhydderch-Roberts.

<b>2.</b>	<b>MINUTES</b>	<b>STCS14-2009</b>
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The Chair was authorised to sign the minutes of the meeting held on 22<sup>nd</sup> June 2009 as a correct record.

<b>3.</b>	<b>DECLARATIONS OF INTEREST</b>	<b>STCS15-2009</b>
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Independent Member Mrs Jarman declared an interest in respect of the application by Mrs A M Jones of Llanidloes. Both Mrs Jarman and Mrs Jones are members of the Hospital League of Friends. This is both a personal and prejudicial interest and Mrs Jarman left the room for consideration of Mrs Jones' application for dispensation.

<b>4.</b>	<b>REPORT OF THE HEAD OF LEGAL, SCRUTINY AND DEMOCRATIC SERVICES - STANDARDS COMMUNITY SUB-COMMITTEE BUSINESS</b>	<b>STSC16-2009</b>
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The Sub-Committee received the report of the Head of Legal, Scrutiny and Democratic Services (Copy filed with signed Minutes).

**A1. Adoption of new Model Member's Code of Conduct**

One remaining Community Council had failed to provide the required documentation in respect of the adoption of the Code of Conduct. The local Member had contacted the Chair and had been assured that the matter was in hand. Members expressed concern at the lack of progress with this issue and suggested that if the necessary documentation was not received in the period prior to the next meeting then the Chair of the Community Council would be invited to the next meeting of the Standards Community Sub-Committee to explain the position

<b>RESOLVED that</b>	<b>REASON FOR RECOMMENDATION</b>
<b>i) The Scrutiny Services Manager and</b>	<b>To ensure compliance by all</b>

<p><b>the Chairman discuss with the Local Member for Bettws the position regarding the Code of Conduct, and ii) if no papers are forthcoming the Chairman of Bettws Community Council be invited to attend the Standards Community Sub-Committee to explain their lack of compliance in respect of the Code of Conduct</b></p>	<p><b>Community Councillors in adopting the Member's Code of Conduct.</b></p>
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**B Referrals to the Ombudsman**

The Ombudsman had completed his investigation into three Members of one Community Council. In the case of two of the Community Councillors the Ombudsman found there was no evidence of failure to comply with the Code of Conduct. In the case of the remaining Community Councillor the Ombudsman found that no further action needed to be taken in relation to the matter.

In relation to a referral reported for the first time at the last meeting, notification had now been received from the Ombudsman that the complainant had withdrawn the complaint and no further action was being taken.

One new referral had been made to the Ombudsman since the last meeting. The Ombudsman had decided not to investigate the complaint since the complainant had not provided independent evidence.

**C. Other Standards Issues**

**C1 Breaches of Confidentiality**

The copy of the letter sent by the Chair to all Town and Community Councils concerning breaches of confidentiality set out at Appendix 1 was noted.

**C2 The National Assembly for Wales (Legislative Competence) (Local Government) Order 2009.**

The Committee noted the making of this Order which would enable the National Assembly to introduce a national programme to assess the competence of Town and Community Councils likely to be based on a scheme already in existence in England called the Quality Town and Parish Council scheme.

**D. Dispensations**

**D1. Applications– Town and Community Councils**

**Applications from 7 Members of Llanbrynmair Community Council**

<p>Application by</p>	<p>7 Councillors D.C. Jones, J.N. Owen, C. Rees, E. Davies, T.P. Jones, R.W. Morgan and E. Lewis – Llanbrynmair Community Council – Involvement with grant application to the Council for improvements to the Cemetery at Hen</p>
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	Gapel (Old Chapel), Llanbrynmair.
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All 7 Community Councillors are Members of the Old Chapel Llanbrynmair otherwise than by Community Council appointment. Cllr R W Morgan is also a Trustee of the Old Chapel. The Sub-Committee concluded this was a personal interest under paragraph 10 (2) (a) (ix) (ee) of the Code of Conduct. In applying the prejudicial interest test it was also concluded that this would be a prejudicial interest. As seven of the ten Councillors had an interest this was considered for dispensation under ground (a) ie. no fewer than half the Council has an interest. The Sub-Committee discussed whether a dispensation should be granted to all seven members or sufficient numbers to ensure a quorum.

RESOLVED	REASON FOR DECISION
<p>i) That a dispensation to speak and vote at meetings of Llanbrynmair Community Council on an application for grant from the Windfarm Community Fund towards improvements to be made to the cemetery at Hen Gapel, Llanbrynmair be granted to two Members together with a reserve, those Members to be selected in alphabetical order i.e. Councillors E. Davies and D. C. Jones with Councillor T. P. Jones as a reserve.</p> <p>ii) That in the event of any of those Members identified above having an additional interest the Standards Sub-Committee be advised.</p>	<p>i) 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</p> <p>ii) by limiting the dispensation to 2 Members any Quorum difficulties are overcome while at the same time ensuring that the involvement of members with an interest is kept to a minimum.</p> <p>iii) To ensure that the dispensation is reviewed should circumstances be different to those disclosed by the application or subsequently change.</p>

Applications from 5 Members of Guilsfield Community Council

Councillor P. Harding

Application by	Councillor Paul Harding – Guilsfield Community Council - Involvement with
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	Guilfield Football Club and Guilfield Community Centre.
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Councillor Harding is a member of the Community Centre Management Committee and Football club otherwise than by a Community Council appointment. He is currently Chairman of the Football Club and Vice-Chairman on the Community Centre Management Committee.

Therefore it appeared to be a personal interest under paragraph 10 (2) (a) (ix) (bb).

The Sub-Committee considered whether there was a prejudicial interest in both financial and non-financial matters relating to both organisations and concluded that there would be a prejudicial interest and therefore considered a dispensation under ground (h) to speak but not vote - the business relates to the finances or property of a voluntary organisation of whose management committee or board the Councillor is a member otherwise than as a representative of his/her Council.

It was noted that in relation to financial matters up to £500 there was no need to grant a dispensation as Councillor Harding was already able to speak and vote on such matters in accordance with the Code. The Sub-Committee did not consider that a dispensation should be granted to enable Councillor Harding to speak or vote in relation to financial assistance above £500.

RESOLVED	REASON FOR DECISION
<p>That Councillor Paul Harding be granted a dispensation until the next ordinary elections in 2012 to speak but not vote on general matters relating the Guilfield Football Club and Guilfield Community Centre at meetings of Guilfield Community Council subject to :-</p> <p>a) the dispensation not applying in relation to a grant, loan or other form of financial assistance over £500 made by Guilfield Community Council to the Football Club or Community Centre;</p> <p>b) the dispensation not applying where the business relates to the determination, consent, licence, permission or of any approval, registration as referred to in paragraph 12 (3) of the Member's Code of Conduct;</p> <p>c) subject to Councillor Harding leaving the meeting room before a vote is taken where he has spoken in pursuance of the dispensation;</p>	<p>i) 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>(h) that the business which is to be considered relates to the finances or property of voluntary organisations 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.</p> <p>ii) That it would damage public</p>

<p>and d) any change in circumstances to be notified to the Community Sub-Committee.</p>	<p>confidence to give this councillor a dispensation to speak or vote where the financial gain (or potential financial gain) to a community or voluntary organisation with which the Councillor was connected exceeded £500.</p> <p>iii) 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 consultee within their Council in relation to regulatory type applications etc submitted by bodies and organisations with which they are closely connected.</p> <p>iv) That where a Councillor has been given a dispensation to speak but not vote that Councillor should not remain in the meeting room during the vote so as to remove any suggestion that the Member had unduly influenced such vote</p> <p>v) To ensure that the dispensation is reviewed should circumstances change.</p>
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Councillor M. T. Jones – Guilsfield Old School Village Hall

<p>Application by</p>	<p>Councillor M.T. Jones – Guilsfield Community Council – Involvement with Guilsfield Old School Village Hall.</p>
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Councillor Jones serves as a Custodian Trustee on the Village Hall Management Committee other than by Town Council appointment and his wife serves as the current secretary

Therefore it appeared to be a personal interest under paragraphs 10 (2) (a) (ix) (bb) and 10(2)(c)(v).

The Sub-Committee considered whether there was a prejudicial interest in both financial and non-financial matters relating the Village Hall Management Committee and concluded that there would be a prejudicial interest and therefore considered a dispensation under ground (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.

It was noted that in relation to financial matters up to £500 there was no need to grant a dispensation as Councillor Jones was already able to speak and vote on such matters in accordance with the Code. The Sub-Committee did not consider that a dispensation should be granted to enable Councillor Jones to speak or vote in relation to financial assistance above £500.

RESOLVED	REASON FOR DECISION
<p>That Councillor M. T. Jones be granted a dispensation until the next ordinary elections in 2012 to speak but not vote on general matters relating to the Village Hall at meetings of Guilsfield Community Council subject to :-</p> <p>a) the dispensation not applying in relation to a grant, loan or other form of financial assistance over £500 made by Guilsfield Community Council to the Village Hall;</p> <p>b) 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;</p> <p>c) subject to Councillor Jones leaving the meeting room before a vote is taken where he has spoken in pursuance of the dispensation; and</p> <p>d) any change in circumstances to be notified to the Community Sub-Committee.</p>	<p>i) 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>d) the nature of the Member’s interest is such that the Member’s participation (speak but not vote) in the business to which the interest relates would not damage public confidence in the conduct of the relevant Authority’s business.</p> <p>ii) That it would damage public confidence to give this councillor a dispensation to speak or vote where the financial gain (or potential financial gain) to a community or voluntary organisation with which the Councillor was connected exceeded £500.</p>

	<p>iii) 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 consultee within their Council in relation to regulatory type applications etc submitted by bodies and organisations with which they are closely connected.</p> <p>iv) That where a Councillor has been given a dispensation to speak but not vote that Councillor should not remain in the meeting room during the vote so as to remove any suggestion that the Member had unduly influenced such vote</p> <p>v) To ensure that the dispensation is reviewed should circumstances change.</p>
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Councillor Mrs J Beaumont – Guilsfield Community Council

Application by	Councillor Mrs Joan Beaumont, Guilsfield Community Council – Involvement in discussions on grant funding to the “Spotlight on Guilsfield” Magazine.
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Councillor Mrs Beaumont is Secretary of the Spotlight on Guilsfield Magazine not appointed by the Community Council.

Therefore it appeared to be a personal interest under paragraph 10 (2) (a) (ix) (ee).

The Sub-Committee noted that the exemption in paragraph 12 (2)(c) would enable Councillor Beaumont to both speak and vote at meetings of Guilsfield Community

Council in relation to a grant, loan or other form of financial assistance to the “Spotlight on Guilsfield” magazine up to a maximum of £500. The Sub-Committee did not consider that a dispensation should be granted to enable Councillor Beaumont to speak or vote in relation to financial assistance above £500.

RESOLVED	REASON FOR DECISION
<p>i) That Councillor <b>Mrs</b> Beaumont be informed that the exemption in paragraph 12 (2)(c) of the Members Code of Conduct enabled her to both speak and vote at meetings of Guilsfield Community Council in relation to a grant, loan or other form of financial assistance to the “Spotlight on Guilsfield” magazine up to a maximum of £500;</p> <p>ii) That Councillor <b>Mrs</b> Beaumont be not granted a dispensation to speak or vote at meetings of Guilsfield Community Council in relation to a grant, loan or other form of financial assistance above £500 made by Guilsfield Community Council to the magazine.</p>	<p>i) To advise Councillor <b>Mrs</b> Beaumont of an exemption to which she is entitled.</p> <p>ii) That it would damage public confidence to give this councillor a dispensation to speak or vote where the financial gain (or potential financial gain) to a community or voluntary organisation with which the Councillor was connected exceeded £500.</p>

Councillor J. T. K. Trevor

Application by	Councillor J.T.K. Trevor – Guilsfield Community Council – Involvement in grant funding of Guilsfield Parish Church.
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Councillor Trevor is Treasurer of Guilsfield Parish Church and was not appointed by the Community Council.

Therefore it appeared to be a personal interest under paragraph 10 (2) (a) (ix) (ee).

The Sub-Committee noted that the exemption in paragraph 12 (2)(c) would enable Councillor Trevor to both speak and vote at meetings of Guilsfield Community Council in relation to a grant, loan or other form of financial assistance to Guilsfield Parish Church up to a maximum of £500. The Sub-Committee did not consider that a dispensation should be granted to enable Councillor Trevor to speak or vote in relation to financial assistance above £500.

RESOLVED	REASON FOR DECISION
i) That Councillor Trevor be informed that the exemption in paragraph 12 (2)(c) of the Members’	i) To advise Councillor Trevor of an exemption to which he is entitled.



<p><b>Code of Conduct enabled him to both speak and vote at meetings of Guilsfield Community Council in relation to a grant, loan or other form of financial assistance to Guilsfield Parish Church up to a maximum of £500;</b></p> <p><b>ii) That Councillor Trevor be not granted a dispensation to speak or vote at meetings of Guilsfield Community Council in relation to a grant, loan or other form of financial assistance above £500 made by Guilsfield Community Council to the Church.</b></p>	<p><b>ii) That it would damage public confidence to give this councillor a dispensation to speak or vote where the financial gain (or potential financial gain) to a community or voluntary organisation with which the Councillor was connected exceeded £500.</b></p>
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Councillor Mrs M. Lloyd

Application by	Councillor Mrs M. Lloyd – Guilsfield Community Council – Involvement with Guilsfield Old School Village Hall.
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Councillor Mrs Lloyd sits on the Village Hall Management Committee other than by Town Council appointment. She is also Chairperson of the Old School Village Hall.

Therefore it appeared to be a personal interest under paragraph 10 (2) (a) (ix) (bb).

The Sub-Committee noted that the exemption in paragraph 12 (2)(c) would enable Councillor Lloyd to both speak and vote at meetings of Guilsfield Community Council in relation to a grant, loan or other form of financial assistance to the Village Hall up to a maximum of £500. The Sub-Committee did not consider that a dispensation should be granted to enable Councillor Lloyd to speak or vote in relation to financial assistance above £500.

<b>RESOLVED</b>	<b>REASON FOR DECISION</b>
<p><b>i) That Councillor Mrs Lloyd be informed that the exemption in paragraph 12 (2)(c) of the Members Code of Conduct enabled her to both speak and vote at meetings of Guilsfield Community Council in relation to a grant, loan or other form of financial assistance to the Village Hall up to a maximum of £500;</b></p> <p><b>ii) That Councillor Mrs Lloyd be not granted a dispensation to speak or vote at meetings of Guilsfield Community Council in relation to a grant, loan or other form of financial</b></p>	<p><b>i) To advise Councillor Mrs Lloyd of an exemption to which she is entitled.</b></p> <p><b>ii) That it would damage public confidence to give this councillor a dispensation to speak or vote where the financial gain (or potential financial gain) to a community or voluntary organisation with which the Councillor was connected exceeded £500.</b></p>

<b>assistance above £500 made by Guilsfield Community Council to the Village Hall.</b>	
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Application from 1 Member of Llanidloes Town Council

Independent Member Mrs Jarman declared an interest and left the room for consideration of this item.

Application by	Councillor Mrs A.M. Jones – Llanidloes Town Council – Involvement with Llanidloes Hospital.
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Councillor Mrs Jones is Practice Manager at the Arwysti Medical Practice. She is not employed by Powys Local Health Board or receive any funding otherwise. She is Chair of the Llanidloes League of Friends of the Hospital.

Therefore it appeared to be a personal interest under paragraph 10 (2) (a) (ix) (ee).

The Sub-Committee considered whether there was a prejudicial interest in both financial and non-financial matters relating to Llanidloes Hospital and concluded that there would be a prejudicial interest and therefore considered a dispensation under grounds (d) (the nature of the Members' interest is such that the Members' participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authorities business) and (f) (the participation of the Member in the business to which the interest relates is justified by the Members' particular role or expertise) to speak but not vote.

The Sub-Committee noted that the exemption in paragraph 12 (2)(c) would enable Councillor Jones to both speak and vote at meetings of Guilsfield Community Council in relation to a grant, loan or other form of financial assistance to Llanidloes Hospital up to a maximum of £500. The Sub-Committee did not consider that a dispensation should be granted to enable Councillor Jones to speak or vote in relation to financial assistance above £500.

<b>RESOLVED</b>	<b>REASON FOR DECISION</b>
<p><b>That Councillor Mrs. A. M. Jones be granted a dispensation until the next ordinary elections in 2012 to speak but not vote on general matters relating to Llanidloes Hospital at meetings of Llanidloes Town Council subject to :-</b></p> <p><b>a) the dispensation not applying in relation to a grant, loan or other form of financial assistance over £500 made by Llanidloes Town Council to the Hospital;</b></p> <p><b>b) the dispensation not applying where the business relates to the</b></p>	<p><b>i) 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:-</b></p> <p><b>d) the nature of the Member's interest is such that the Member's participation (speak but not vote) in the business to which the interest relates would not damage public confidence in the</b></p>

<p>determination of any approval, consent, licence, permission or registration as referred to in paragraph 12 (3) of the Members' Code of Conduct;</p> <p>c) Councillor Jones leaving the meeting room before a vote is taken where she has spoken in pursuance of the dispensation; and</p> <p>d) any change in circumstances to be notified to the Community Sub-Committee.</p>	<p>conduct of the relevant Authority's business.</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 (Practice Manager at the Arwysti Medical Practice)</p> <p>ii) That it would damage public confidence to give this councillor a dispensation to speak or vote where the financial gain (or potential financial gain) to a community or voluntary organisation with which the Councillor was connected exceeded £500.</p> <p>iii) 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 consultee within their Council in relation to regulatory type applications etc submitted by bodies and organisations with which they are closely connected.</p> <p>iv) That where a Councillor has been given a dispensation to speak but not vote that Councillor should not remain in the meeting room during the vote so as to remove any suggestion that the Member had unduly influenced such vote</p> <p>v) To ensure that the dispensation is reviewed should circumstances change.</p>
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Mrs Jarman rejoined the meeting.

**E. Meeting dates**

Monday 30<sup>th</sup> November 2009 at 10.00am  
Wednesday 3<sup>rd</sup> February 2010 at 10.0am  
Wednesday 28<sup>th</sup> April 2010 at 10.00am  
Wednesday 23<sup>rd</sup> June 2010 at 10.00am  
Wednesday 29<sup>th</sup> September 2010 at 10.00am  
Wednesday 1<sup>st</sup> December 2010 at 10.00am

5.	<b>SUCH OTHER ITEMS OF BUSINESS AS IN THE OPINION OF THE CHAIRMAN ARE OF SUCH URGENCY TO WARRANT CONSIDERATION</b>	<b>STCS17 – 2009</b>
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No matters were raised.

Meeting closed 11.45am

R. MILLER  
Chairman