

MINUTES OF A MEETING OF THE STANDARDS COMMUNITY SUB-COMMITTEE HELD AT COUNTY HALL, LLANDRINDOD WELLS ON 2ND FEBRUARY 2011

PRESENT: P. Swanson (Chair)

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

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

Officers in attendance: C. Meredith (Strategic Director – Law and Governance), Ms S. Tamboo (Solicitor), W. Richards (Scrutiny Services Manager) and Mrs E. Patterson (Committee Clerk).

1.	APOLOGIES	STCS1-2011
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No apologies were received.

2.	MINUTES	STCS2-2011
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The Chair was authorised to sign the minutes of the meeting held on 1st December 2011 as a correct record.

3.	DECLARATIONS OF INTEREST	STCS3-2011
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No declarations of interest were received.

3.	CORRESPONDENCE	STCS4-2011
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No correspondence was received.

4.	REPORT OF THE STRATEGIC DIRECTOR – LAW AND GOVERNANCE - STANDARDS COMMUNITY SUB-COMMITTEE BUSINESS	STSC5-2011
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The Sub-Committee received the report of the Strategic Director – Law and Governance (Copy filed with signed Minutes).

A. Referral of Councillors to Public Services Ombudsman

The Monitoring Officer reported on the findings of the Ombudsman in five cases as below:

i) not to investigate the complaint due to lack of independent corroborative evidence

ii), iii) and iv) that whilst a breach of the Code may have occurred he was not persuaded that the breach would attract a sanction from a Standards

Committee and that to investigate the issue would be disproportionate to any potential breach.

v) not to investigate as it related to a concern over the use of public funds. The complainant was directed to the Wales Audit Office.

This matter was also on the agenda for the main Standards Committee and it was agreed to consider the item at that meeting.

C. Dispensations

Llanbadarn Fynydd Community Council

Applications for dispensation had been received from three Members of Llanbadarn Fynydd Community Council on the grounds that out of the 7 Community Councillors 5 had interests relating to Wind Farms and any meeting would be inquorate. Further information was being sought from the Clerk regarding this matter which would then be considered at the next meeting of the Standards Community Sub-Committee.

Presteigne and Norton Town Council

Applications had been received from three Members of Presteigne and Norton Town Council namely Councillors J. Kendall, Ms J. Simpson and J. Tennant-Eyles. Councillor Tennant-Eyles attended the Committee where he spoke on behalf of himself and the other two Town Councillors.

Councillor Tennant-Eyles explained that the application for a dispensation to speak but not vote at Presteigne and Norton Town Council when matters relating to the organisations to which each Councillor belonged was being discussed. The grounds for the request were outlined:

- i) The the Councillors consider that they have a personal interest but not a prejudicial interest.
- ii) That each of the Councillors has a long association with the organisation to which they belong and this is well know throughout the community. This meant that the Councillors were able to inform the Town Council of matters relating to each organisation and for the Town Council to have this information would add value to the discussion.
- iii) That none of the Councillors have a pecuniary interest in these matters.
- iv) That a reasonable person in possession of all the facts would not be unhappy with the Councillors taking part in the discussion.

Councillor Tennant-Eyles also added that the Councillors were of the opinion that the Members' Code of Conduct was too heavy handed in dealing with Town and Community Councillors in a small community.

The Chairman thanked Councillor Tennant-Eyles for his comments and as there were no further questions Councillor Tennant-Eyles left the room whilst the Committee considered the applications.

RESOLVED that	REASON for decision
<p>1. Councillor John Kendall be granted a dispensation to speak only at meetings of Presteigne and Norton Town Council on issues relating to the Presteigne Festival of Music and the Arts until the next elections in 2012 subject to:</p> <p>(a) Councilor Kendall leaving the meeting room whilst any decision is discussed and taken.</p> <p>b) any change in circumstances to be notified immediately to the Community Sub-Committee</p> <p>c) 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 Members' Code of Conduct.</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>(d) That 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>a) That where a Councillor has been given a dispensation to speak but not vote that Councilor 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>b) to ensure that the dispensation is reviewed should circumstances change</p> <p>c) that the code does not allow dispensations relating to regulatory type functions.</p>

RESOLVED that	REASON for decision
<p>1. Councillor Jennie Simpson be granted a dispensation to speak only at meetings of Presteigne and Norton Town Council on issues relating to the Presteigne Chamber of Trade and Commerce and Industry until the next elections in 2012 subject to:</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>(d) That 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>(a) Councillor Simpson leaving the meeting room whilst any decision is discussed and taken.</p> <p>b) any change in circumstances to be notified immediately to the Community Sub-Committee</p> <p>c) 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 Members' Code of Conduct.</p>	<p>a) 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>b) to ensure that the dispensation is reviewed should circumstances change</p> <p>c) that the code does not allow dispensations relating to regulatory type functions.</p>
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RESOLVED that	REASON for decision
<p>1. Councillor James Tennant-Eyles be granted a dispensation to speak only at meetings of Presteigne and Norton Town Council on issues relating to the Presteigne Festival of Music and the Arts, the Presteigne Chamber of Trade, Commerce and Industry and the Presteigne and Norton Community Trust Ltd until the next elections in 2012 subject to:</p> <p>(a) Councillor Tennant-Eyles leaving the meeting room whilst any decision is discussed and taken.</p> <p>b) any change in circumstances to be notified immediately to the Community Sub-Committee</p> <p>c) the dispensation not applying where the business relates to the determination of any approval,</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>(d) That 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>a) 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>b) to ensure that the dispensation is reviewed should circumstances change</p> <p>c) that the code does not allow dispensations relating to regulatory type functions.</p>

consent, licence, permission or registration as referred to in paragraph 12 (3) of the Members' Code of Conduct.	
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Councillor Tennant-Eyles was advised of the decision and it was confirmed that each of the applicants would receive a letter setting out the decision which would be copied to the Clerk.

The Sub-Committee was asked to consider, as it had set a precedent, to grant dispensations to speak but not vote on matters over the £500 exemption limit set by the Code, whether this should become a blanket dispensation. The Sub-Committee considered that it should discuss this issue further as to whether or not this should be a blanket dispensation.

RESOLVED that	REASON for decision
A further report is presented to the Sub-Committee regarding the approval or not of a blanket dispensation to speak but not vote where applicants wished to discuss financial matters over and above the £500 exemption threshold set by the Code of Conduct.	To improve the administrative process relating to the granting of dispensations.

D. Standards Conference

This item to be discussed at the Standards Committee.

E. Meeting dates

Wednesday 27th April, 2011
 Wednesday 29th June, 2011
 Wednesday 7th September, 2011
 Wednesday 30th November, 2011

P. SWANSON
Chairman