

**MINUTES OF A MEETING OF THE STANDARDS COMMUNITY SUB-COMMITTEE,
HELD AT COUNTY HALL, LLANDRINDOD WELLS ON WEDNESDAY 5th DECEMBER
2012.**

PRESENT: Mrs H. Rhydderch-Roberts (Chair)
Mrs J. Evans, Mrs M. Harris, Mrs S. Jarman, Community Councillors Ms C. Evans, H.
Patrick and D. Pugh and County Councillor Mrs K. Roberts-Jones.

Observers: County Councillors Mrs M. Mackenzie, P. Medicott and G. Williams.

Officers in Attendance: C. Meredith (Strategic Director – Law and Governance), Ms S.
Tamboo (Solicitor – Corporate) and Mrs E. Patterson (Scrutiny Officer).

1.	APOLOGIES	STCS15 - 2012
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An apology for absence was received from Mr R. Miller.

2.	MINUTES	STCS16 - 2012
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The Chair was authorised to sign the minutes of the previous meeting held on 5th
September 2012 as a correct record.

2.	DECLARATIONS OF INTEREST	STCS17 - 2012
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No declarations of interest were received.

3.	REPORT OF THE STRATEGIC DIRECTOR – LAW AND GOVERNANCE	STCS18 - 2012
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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 the Public Services Ombudsman.

A1. Town and Community Councillor Referrals.

The following notifications had been received from the Ombudsman since the last
meeting of the committee:-

14/12/TCC}
15/12/TCC} – not to investigate
16/12/TCC}

Since the last meeting the Ombudsman has notified the Council of eight further
complaints and their current position are outlined below:

17/12/TCC – not to investigate
18/12/TCC – not to investigate
19/12/TCC – not to investigate
20/12/TCC – not to investigate
21/12/TCC – awaiting decision on whether to investigate

- 22/12/TCC – awaiting decision on whether to investigate
- 23/12/TCC – awaiting decision on whether to investigate
- 24/12/TCC – awaiting decision on whether to investigate
- 25/12/TCC – awaiting decision on whether to investigate
- 26/12/TCC – awaiting decision on whether to investigate
- 27/12/TCC – awaiting decision on whether to investigate

B. Dispensations.

B1. Applications – Town and Community Councillors.

Applications for dispensation have been received from the following Town and Community Councils. Copies of the applications and comments and observations are filed with the signed minutes.

B1.1 Presteigne Town Council

An application for dispensation has been submitted by Councillor Beverley Baynham in relation to her position as a Parent Governor.

This application is considered and determined in conjunction with item B2 on the agenda relating to the grant of a blanket dispensation with such school governors.

B1.2 Hay Town Council

An application for dispensation has been submitted by 9 Councillors. The Clerk to Hay Town Council attended to clarify matters on the application. The application related to a proposal to sell the site of the existing primary school in Hay-on-Wye to a developer for retail use, with the developer building the Council a new primary school on the site of community land owned by HADSCA (Hay and District Sports and Community Association) together with a Hall for school and community use with the developer also building a new private Care Home ('The Proposal').

There are 11 Members on Hay Town Council of which 8 or 9 have business interests or who are Members of HADSCA or of a pressure group against the proposals. None of the Members have a specific pecuniary interest beyond business interests in the town.

RESOLVED	REASON FOR DECISION
i) that a blanket dispensation be granted to those Hay Town Councillors who have prejudicial interests in respect of 'The Proposal' (see above) to participate, speak and vote in connection with council business relating to 'The Proposal' ii) that this blanket dispensation does not apply where a Town Councillor, or someone with whom the Councillor lives or has a close personal association, has a PECUNIARY prejudicial interest in respect of 'The Proposal'.	i) and ii) to enable Town Councillors to represent their constituents on a matter of great significance for Hay-on-Wye where they do not have a conflict of interest which is pecuniary; the committee being of the view that the grant of this blanket dispensation will not damage public confidence in the conduct of the Council's business.

<p>iii) that if there is a change in circumstances relating to any Town Councillor concerning ‘The Proposal’ then that Town Councillor must reapply to the Standards Committee, and iv) that this dispensation shall continue in forces until the next ordinary council elections in 2017 unless before those elections the Standards Committee revokes, amends or alters this dispensation.</p>	<p>iii) to ensure that the blanket dispensation takes account of any changes in circumstances.</p> <p>iv) to define the duration of the dispensation.</p>
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B1.3 Guilsfield Community Council

An application for dispensation has been submitted by 6 Councillors in relation to various local community groups some of which may have charitable status.

A blanket dispensation for Town and Community Councillors who are Trustees of Charities is granted in B2 below which will cover those applications from Guilsfield by Councillors who are trustees of charities.

However, it was unclear to the Committee how many of these 6 Councillors are applying as trustees of charities. It was agreed therefore that the exact status of these applicants be clarified with the clerk of the Community Council.

In addition it is intended to bring a paper concerning the possibility of granting a blanket dispensation to Town and Community Councillors in respect of their membership of local community groups to the next meeting of Standards Committee in February 2012 and therefore any of these applicants who are not trustees of charities will have their applications determined as part of that process in February.

B1.4 Montgomery Town Council

An application for dispensation has been received from Councillor D Jones to speak but not vote on matters relating to the Thursday and Saturday markets in Montgomery. Councillor Jones is a market stall holder.

RESOLVED	REASON FOR DECISION
<p>i) that a dispensation be granted to Councillor D Jones to speak at meetings of Montgomery Town Council regarding the Thursday and Saturday markets and then withdraw from the meeting.</p> <p>ii) that this dispensation only relates to the prejudicial interest arising from Councillor Jones’ being a market stall holder and does not confer dispensation</p>	<p>i) to allow Councillor Jones to speak on matters relating to the Montgomery markets as his expertise as a market trader would be valuable and providing Councillor Jones did not vote on matters relating to the Montgomery markets there would be no damage to public confidence.</p> <p>ii) and iii) to define the dispensation and its duration.</p>

<p>in respect of any other type of prejudicial interest.</p> <p>iii) that this dispensation shall continue in forces until the next ordinary council elections in 2017 unless before those elections the Standards Committee revokes, amends or alters this dispensation..</p>	
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B2 Blanket Dispensations – Charities

The Members' Code of Conduct provides that councillors either appointed by their Town and Community Council or appointed by other means as charitable trustees have a personal interest when matters relating to the charity are being considered.

The Code grants an exemption to those Councillors who have been appointed by the Town or Community Council to take full part in discussions relating to the charity save for regulatory matters. This exemption does not apply to those trustees not appointed by the Town or Community Council who are deemed to have a prejudicial interest and must withdraw.

The Standards Committee considered that all charitable trustees should have the same rights to speak and vote regardless of their means of appointment.

RESOLVED	REASON FOR DECISION
<p>i) that a blanket dispensation be granted to all Town and Community Councillors who are trustees of charities appointed otherwise than by their Town or Community Council to participate, speak and vote in connection with council business relating particularly to the charity of which they are a trustee (unless that business relates to the determination of any approval, consent, licence, permission or registration).</p> <p>ii) that this blanket dispensation only relates to a prejudicial interest arising from the Councillors role as a charity trustee and does not confer a dispensation in respect of any other type of prejudicial interest.</p> <p>iii) that this dispensation shall continue in forces until the next ordinary council elections in 2017 unless before those elections the Standards Committee revokes, amends or alters this dispensation.</p>	<p>i) To place all councillors who are trustees of charities on an equal footing with regard to prejudicial interests so as to facilitate the democratic process and assist council business; the Committee being of the view that to do so will not damage public confidence in the conduct of the council's business.</p> <p>ii) and iii) To define the dispensation and its duration.</p>

B3 Blanket Dispensations – School Governors

The Members Code of Conduct provides that where a Town or Community councillor is a school governor appointed or nominated by the councillor's authority the councillor will not be regarded as having a prejudicial interest in any council business where that business relates to the councillor's role as a school governor save where the business relates to the determination of any approval, consent, licence, permission or registration (e.g. planning application).

The Code goes on to provide that where the Town or Community councillor is a school governor otherwise than by way of appointment or nomination by the councillor's authority (e.g. is a parent governor) the councillor will not be regarded as having a prejudicial interest in any council business where that business relates to the councillor's role as a school governor unless it relates particularly to the school of which the councillor is a governor or relates to the determination of any approval, consent, licence, permission or registration (e.g. planning application).

In other words the Code distinguishes between these two categories of school governors (depending upon their method of appointment) when it comes to business relating particularly to the school where the councillor is a governor.

Only if a councillor is appointed or nominated as a school governor by his/her authority can the councillor regard him/herself as not having a prejudicial interest (by virtue of his/her school governor role) in business relating particularly to the school where he/she is a governor (unless it relates to the determination of any approval, consent, licence, permission or registration).

A councillor appointed otherwise (e.g. a parent governor) does not occupy the same position in respect of council business relating particularly to the school where he/she is a governor. In this case the councillor is unable under the Code to regard him/herself as not having a prejudicial interest in respect of his/her school governor role.

The Committee noted that the position was also subject to the blanket dispensation previously granted in relation to school modernisation and school transport.

The Committee considered that it would assist community council business and not damage public confidence to grant a blanket dispensation to put all Town and Community councillors who were school governors (irrespective of how they were appointed) on the same footing in respect of prejudicial interests relating to their role as school governors. Accordingly the Committee decided that Town and Community councillors who were school governors otherwise than by way of appointment or nomination by their council should be granted a blanket dispensation to participate, speak and vote in respect of Town or Community council business relating particularly to the schools where they are governors.

RESOLVED	REASON FOR DECISION
i) That a blanket dispensation be granted to Town and Community councillors who are school governors appointed otherwise than by their Town or Community Council to	i) To place all councillors who are school governors on an equal footing with regard to prejudicial interests so as to facilitate the democratic process and assist council business; the

<p>participate, speak and vote in connection with council business relating particularly to the schools where they are governors (unless that business relates to the determination of any approval, consent, licence, permission or registration).</p> <p>ii) That this blanket dispensation only relates to a prejudicial interest arising from the councillors role as a school governor and does not confer a dispensation in respect of any other type of prejudicial interest.</p> <p>(iii) that this dispensation is subject to the existing blanket dispensation granted by the Committee in respect of school modernisation and school transport</p> <p>iv) that this dispensation shall continue in force until the next ordinary council elections in 2017 unless before those elections the Standards Committee revokes, amends or alters this dispensation</p>	<p>Committee being of the view that to do so will not damage public confidence in the conduct of the council's business.</p> <p>ii), iii) and iv) To define the dispensation and its duration.</p>
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C. Meeting Dates.

The following dates for the Sub-Committee were confirmed:

6th February, 2013
3rd April, 2013
3rd July, 2013
4th September, 2013
4th December, 2013

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

**Mrs H Rhydderch-Roberts
Chair**