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Neuadd y Sir / County Hall, Llandrindod, Powys, LD1 5LG

Os yn galw gofynnwch am - If calling please ask for
Carol Johnson

Ffôn / Tel: 01597 826206

Ffôn Symudol / Mobile:

Llythyr Electronig / E-mail: carol.johnson@powys.gov.uk

STANDARDS COMMITTEE Wednesday, 13th October, 2021

The use of Welsh by participants is welcomed. If you wish to use Welsh please inform us by noon, two working days before the meeting

S U P P L E M E N T A R Y P A C K

1.	MINUTES
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To authorise the Chair to sign the minutes of the previous meeting(s) of the Committee held on the following dates(s) as a correct record.

(Pages 1 - 6)

2.	REPORT OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES
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To receive the report of the Head of Legal and Democratic Services. – Item C

(Pages 7 - 8)

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MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD BY ZOOM ON WEDNESDAY, 23 JUNE 2021

PRESENT: Mr S Hays (Chair)

Independent Members: Mrs C Moore, Mrs J Evans and Mrs C Mulholland

County Councillors: A Jenner, S McNicholas, K M Roberts-Jones and K S Silk

1.	APOLOGIES
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There were no apologies for absence.

2.	MINUTES
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The Chair was authorised to sign the minutes of the meeting held on 12 February 2020 as a correct record.

3.	DECLARATIONS OF INTEREST
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No declarations were received.

4.	REPORT OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES
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The Committee received the report of the Head of Legal and Democratic Services (copy filed with signed minutes).

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

A1. Code of Conduct Training

The Committee noted that the Mid-term mandatory Code of Conduct training, delayed from June 2020, due to Covid19, was undertaken via Teams in December 2020. The Committee noted that one Member has to complete this training and this is being followed up.

B. Members attendance

The Committee noted that no councillors had attendance below 60% for the period 14 May 2020 to 12 May 2021.

C. Referral of Councillors to the Public Services Ombudsman

C1. County Council Referrals

The current position regarding matters with the Ombudsman is detailed below:

04/CC/2019	Ombudsman deciding whether or not to investigate
05/CC/2019	Not investigating
06/CC/2019	Concluded not investigating
08/CC/2019	Not investigating
09/CC/2019	Not investigating

10/CC/2019 Not investigating
11/CC/2019 Not investigating

01/CC/2020 Not investigating
02/CC/2020 Ombudsman investigating
03/CC/2020 Not investigating
04/CC/2020 Not investigating
05/CC/2020 Not investigating
06/CC/2020 Not investigating

Concerns were raised about the length of time it takes to investigate some of the complaints. The Chair advised that it was an issue he would raise at the North Wales Standards Committees Forum meeting the next day. The Deputy Monitoring Officer advised that the Ombudsman had reported that the number of complaints received had significantly increased since June 2020. It was noted that the Ombudsman has at least 12 months to consider whether to investigate a complaint and if an investigation is undertaken a further 12 months can lapse. It was acknowledged that the length of time placed all parties involved in a complaint in a difficult position.

D Dispensations

D1. Applications - County Councillors

The Chair welcomed County Councillor Vaughan to the meeting and considered his application for dispensation for all councillors who are farmers.

Councillor Vaughan advised the Committee that his application arose as a result of a motion he had made to the Council meeting in November 2020. The Committee were referred to the motion, which was as follows:

“The agricultural sector is of paramount importance to our economy and communities of Powys as indicated in this this map. With 9.5 million sheep in Wales we have seen one of the main natural products, wool, having extremely low prices in recent times.

We have wool grading centres in Newtown and Brecon, and the sheep sector is of huge importance in Powys. Wool is also a natural, environmentally friendly and fire retardant product.

In view of this, the Council proposes that the authority, as part of the Mid Wales Growth deal, looks at opportunities to add value to our agricultural products and specifically to work with the farming unions and the British Wool Marketing Board with a view of facilitating the establishment of the equivalent of WRONZ, Wool Research Organisation New Zealand in Mid Wales hence being a catalyst for innovative ideas, products and commercial spin offs using wool.”

Councillor Vaughan commented that this is one example where, if a dispensation was not granted, only a handful of members would be able to debate the issue. He advised that other issues affecting the rural

sector may also arise in the future, such as environmental projects, where the number of members able to debate the issue would be limited if no dispensations were available. He felt the test would be whether there is a direct financial gain or benefit to the members in light of a motion.

The Head of Democratic Services advised that a set of principles of a dispensation needed to be considered first, prior to consideration of dispensations relating to specific issues/topics. Such principles could include how far would you allow a person with an involvement in farming or a person related to someone with such involvement etc, being involved in a discussion. The Committee noted that having members, who are involved in specific issues, such as wool, can bring important knowledge and skills to a debate at council meetings. However, the Committee needed to ensure that such involvement was not providing these individuals or their relatives etc. with advantages and/or financial gain. A balance may also need to be considered between immediate financial gain against possible and indeterminate financial gain sometime in the future. A red line may be that where there is direct financial interest a member would be ruled out from a discussion. Concerns were raised about agreeing dispensations which may be too wide ranging and provide inappropriate dispensations. The Committee noted that there was a process for considering dispensations and applications should be made in respect of specific issues.

The Committee noted that a general dispensation had been agreed in 2018 regarding lobbying in respect of proposed decisions being made by third parties and not the Council. In such situations the dispensation allowed members with a prejudicial interest to be involved in discussions.

RESOLVED THAT

- i. **Officers draft a dispensation in respect of the specific motion regarding wool made by Councillor Vaughan to council in November 2020 and**
- ii. **that the draft dispensation and the motion be circulated to the Committee, by email, prior to consideration at a Committee meeting.**

Reason for decision

To enable the Committee to consider the draft at a future meeting.

The Chair thanked Councillor Vaughan for attending the meeting.

E. Late Payment of Expenses

The Committee noted there were no late claims for expenses.

F. Independent lay Member on Standards Committee

The Committee noted the delay in appointing to the independent member vacancy.

<p>RESOLVED THAT the Appointments Panel would consist of: Independent Members – Stephan Hays and Claire Moore, with any of the other two Independent Members being reserves County Council representative – County Councillor Kath Roberts-Jones and County Councillor Kathryn Silk being the reserve.</p>	<p>Reason for decision To enable the appointments process to continue.</p>
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G. Ombudsman’s Casebook

The Ombudsman had published the October – December 2019 and January – December 2020 Code of Conduct Casebooks.

H. The North Wales Standards Committee Forum

The Committee noted the meeting would take place on 24 June, 2021. The main topic for discussion is the review of the Ethical Framework [including the code of conduct] which has been commissioned by the Welsh Government. The Chair and the Monitoring Officer will attend the meeting. The Chair advised he would raise the issue regarding the time it takes for cases to be investigated by the Ombudsman.

I. Standards Conference Wales

The Committee noted that the Wales Standards Conference did not take place in October in 2020 due to the pandemic and will hopefully take place in October 2021.

J. Monitoring of Complaints handling

The Local Government and Elections Act (Wales) 2021 requires that in future the Council’s Governance and Audit Committee must review and assess the authority’s ability to handle complaints effectively and to make reports and recommendations in relation to the authority’s ability to handle complaints effectively. This was a function that the Standards Committee undertook but can no-longer undertake due to the 2021 Act.

The Council’s Constitution was amended by full Council on 30th April 2021 to reflect the requirements of the 2021 Act.

The Deputy Monitoring advised she would produce a report for Committee regarding the impact of the new legislation on the Standards Committee.

K. Correspondence - None

There was no correspondence.

L. Meeting dates

The date of the next meeting date was noted: 13 October 2021 – 1400hrs

Mr S Hays (Chair)

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Dispensation request by Councillor Elwyn Vaughan

I would ask that the Standards Committee consider my request for special dispensation for all Cllrs who are farmers, or those closely related to the agricultural sector, to enable them to partake in any discussion surrounding my motion regarding wool.

The motion places emphasis on facilitating innovation, adding value and creating new enterprises using Welsh wool as done in New Zealand. Hence, whilst the overall aim is to boost the market and utilisation for wool, it does not directly relate or benefit any individual farmer and no direct link could be placed between the potential effects of this motion and the overall price of wool for any individual farmer, bearing in mind that wool is a international commodity and sold at open online auctions.

Also, if someone claimed that personal gain could be derived as a result of this motion, then likewise the argument could be made that those other Cllrs who are consumers have a vested interest in keeping the price of wool down. That would mean that nobody could partake in the discussion.

Whilst considering this motion, i suggest that the same principle is taken into consideration with other similar farming related matters. Should similar motions on eg adding value to crops or food products, diversification or environmental changes such as Rewilding or alike come forward, unless individuals have a clear direct benefit as result of that motion then that dispensation is automatically given. It makes a mockery for those that have a understanding of such matters not to be able to partake in a discussion although it's clear they don't benefit directly.

The Standards Committee had an initial debate on this request at its meeting on 23 June 2021. This debate enabled officers to draft the following.

The Standards Committee is asked to consider the following draft dispensation in respect of Wool Production:

RECOMMENDATION	REASON FOR RECOMMENDATION
(i) a dispensation be granted to those Members who are sheep farmers, (including close personal associates involved in sheep farming) to speak but not vote on matters relating to Wool Production and having spoken to leave the room.	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 Council thereby would lose their expertise
(ii) the dispensation shall continue in force until the first meeting of the Standards Committee after the next ordinary council elections in 2022 unless before those elections the Standards	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

<p>Committee revokes, amends or alters the dispensation</p>	<p>considered has an interest which relates to that business,</p> <p>iii) 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>
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