

**MINUTES OF A MEETING OF THE STANDARDS COMMUNITY SUB-COMMITTEE
HELD AT COMMITTEE ROOM A - COUNTY HALL, LLANDRINDOD WELLS, POWYS
ON WEDNESDAY, 25 NOVEMBER 2015**

PRESENT

H Rhydderch-Roberts (Chair)
R Miller, J Evans, C Jackson, S Jarman, County Councillor G I S Williams, Community Councillors C Evans, H Pattrick and D Pugh

Observers: County Councillors M Mackenzie, K Roberts-Jones and P Medicott

Officers in attendance: C Pinney (Solicitor to the Council), N Vaughan (Professional Lead – Legal), W Richards (Head of Democratic Services), E Patterson (Scrutiny Officer)

1.	APOLOGIES	STCS9 - 2015
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No apologies were received.

2.	MINUTES	STCS10 - 2015
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The Chair was authorised to sign the minutes of the previous meeting held on 17th June 2015 as a correct record.

Town and Community Council members noted that there was no reference to the Standards Conference delegate nominees in the minutes. It had been practice in the past in Powys for the County Council to include Town and Community Council representatives amongst the delegates sent from Powys. It was requested that when delegates are chosen for the next conference the practice of not sending delegates from the Town and Community Councillors be reviewed. It was understood that the conference this year had been a smaller event which had meant restricted nominees from each authority. It was also understood that Town and Community Councils would receive invitations separately from the Conference organisers but this had not been done and this observation should be fed back to One Voice Wales.

3.	DECLARATIONS OF INTEREST	STCS11 - 2015
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No declarations of interest were received.

4.	REPORT OF THE SOLICITOR TO THE COUNCIL	STCS12 - 2015
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The Sub-Committee received the report of the Solicitor to the Council. (Copy filed with signed minutes)

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

A1 Code of Conduct Training

Further Code of Conduct training was arranged for the eleven Members who had yet to attend mid-term refresher training (ten who had not yet attended and a newly elected Member). This had been held on 23rd September 2015 and seven Members had attended. Arrangements had been made for the remaining four Members to receive refresher training by means of the Members providing written responses to 3 or 4 questions considered at the refresher training sessions. One of these Members was investigating if training dates at another authority would be available.

The Sub-Committee noted that as this related to the training of County Councillors it was not relevant for this report, and it was suggested that only training matters relating to Town and Community councillors be included in future.

B Referral of Councillors to Public Services Ombudsman

B1. Town and Community Councillor Referrals

The following matters have been referred to the Ombudsman:

02/15/TCC	decided not to investigate
03/15/TCC	decided not to investigate
04/15/TCC	decided not to investigate
05/15/TCC	decided not to investigate
06/15/TCC	decided not to investigate
07/15/TCC	investigating
08/15/TCC	awaiting decision whether or not to investigate

C. Dispensations

C1. Applications - Town and Community Councillors

The following applications for dispensation have been received:

One application for dispensation was received from Community Councillor E Jones from Old Radnor Community Council.

Cllr Jones farms land adjoining a quarry, this land includes a water supply that comes from the quarry. He attends six monthly Quarry Liaison Committee meetings as a private individual and wishes to speak at Community Council on matters related to the quarry. The Community Council have the right to appoint two representatives to the Quarry Liaison Committee but have not taken up this opportunity.

Members were of the opinion that the Community Council could achieve the result of feedback from the Quarry Liaison Committee by way of appointing Community Councillors to attend the Liaison meeting. These members would then have the right to speak on matters relating to the quarry at Community Council.

With regard to the application before the meeting Members concluded that Cllr Jones does have a personal, prejudicial and pecuniary interest in

matters relating to the quarry however, were minded to grant a dispensation to speak but not vote on such matters for a time limited period to end when the Community Council appointed representatives to the quarry liaison committee.

RESOLVED	Reason for resolution
<p>(i) That Community Councillor E Jones be granted a dispensation to speak only on matters relating to the quarry at meetings of the Community Council</p> <p>(ii) That this dispensation be effective until such time as the Community Council appoint a representative to the Quarry Liaison Committee</p>	<p>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 relevant Authority's business.</p>

Applications for dispensation were received from Town Councillors C Carmichael and C Rouse from Llandrindod Town Council. As both applications related to similar matters the Sub-Committee considered both applications together.

Cllr Carmichael lives in a property in Tremont Road and Cllr Rouse lives in a property near the Ridgebourne neither of which have off road parking. At present they park in public car parks on which the County Council are proposing to introduce charges. Both Councillors have been approached by residents and would wish to put these views forward when this is discussed at Town Council.

Members considered that both Councillors clearly have a personal, prejudicial and pecuniary interest in this matter but felt that by giving a dispensation to speak only on this matter the Councillors would be able to fulfil their representative role without compromising their pecuniary interest. However both councillors would having spoken, be required to leave the room.

RESOLVED	Reason for resolution
<p>That Town Councillors C Carmichael and C Rouse be granted a dispensation to speak only on matters relating to the car parks at Tremont Road and Ridgebourne at meetings of Llandrindod Town Council, and having spoken would have to leave the room.</p>	<p>That whilst the Members have a personal, prejudicial and pecuniary interest in this matter allowing the Members to speak only on the matter would mean they could fulfil their representative role without compromising their pecuniary interest.</p>

D Standards Conference

The Standards Conference took place in Cardiff on 20th October 2015. The focus of the Conference was around the current relevance of the Nolan Principles and the keynote speaker was the new Public Services

Ombudsman for Wales. Reports from delegates are attached at **Appendix A** to the agenda.

E Standards case – Kelton –v- Wiltshire Council

Standards case - [Kelton v Wiltshire Council \[2015\] EWHC 2853 \(Admin\) \(Admin Ct\)](#):

The outcome of the case was reported to Standards Committee for information.

F Ombudsman’s Office

F1 Fact sheets for interviewees

The Ombudsman had recently published the following Factsheets for:

Code of Conduct complaints – fact sheets for interviewees; and
Code of Conduct complaints – fact sheets for Member interviewees

These could be accessed at:

<http://www.ombudsman-wales.org.uk/en/publications/Factsheets.aspx>

F2 Ombudsman’s Casebook

The Ombudsman had published Code of Conduct Casebooks for the period April 2015 – June 2015. Copies of the Casebooks could be at:

<http://www.ombudsman-wales.org.uk/en/publications/The-Code-of-Conduct-Casebook.aspx>

F3 Review of the Ombudsman’s Powers

The Welsh Assembly’s Finance Committee had been undertaking a review of the powers of the Ombudsman and a Draft Bill has recently been issued. It was unlikely that the final Bill will be tabled until following the Assembly elections in 2016.

The Draft Bill focussed on the Ombudsman’s original submission such as own-initiative investigations, investigating private suppliers e.g. in health, oral complaints and setting of complaints standards. Although the Bill would eventually repeal the 2005 Act, the conduct of local government members and employees does not feature in the Draft Bill. The Welsh Local Government Association had advised that they had been in contact with the Ombudsman’s office as to the significance of this.

G. Meeting Dates

G1 To note dates of future meetings as follows:

Wednesday 24th February 2016

Wednesday 29th June 2016

Wednesday 5th October 2016

All meetings to commence at 10.00am.

Mrs H Rhydderch-Roberts
Chair