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Standards Committee

Meeting Venue

Hybrid meeting - Zoom - County Hall

Meeting date

Thursday, 17 November 2022

Meeting time

2.00 pm

For further information please contact

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County Hall
Llandrindod Wells
Powys
LD1 5LG

8 November 2022

Mae croeso i chi siarad yn Gymraeg neu yn Saesneg yn y cyfarfod.

Rhowch wybod pa iaith rydych am ei defnyddio erbyn hanner dydd, ddau ddiwrnod gwaith cyn y cyfarfod.

You are welcome to speak Welsh or English in the meeting.

Please inform us of which language you wish to use by noon, two working days before the meeting.

AGENDA

The Chair has asked that the Committee meet for the above in the Chamber, County Hall, so that you can meet in person. However a Zoom invitation has been set up if you need to join via online.

1.	APOLOGIES
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To receive apologies for absence.

2.	MINUTES
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To authorise the Chair to sign the minutes of the previous meetings of the Committee held on 17 February 2022 and 15 July 2022 as correct records.

(Pages 3 - 10)

3.	DECLARATIONS OF INTEREST
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To receive any declarations of interest from Members relating to items to be considered on the agenda.

4.	REPORT OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES
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To consider the report of the Head of Legal and Monitoring Officer.
(Pages 11 - 12)

**Following the Standards Committee meeting a training meeting will be held
with the Standards Community Sub-Committee**

**MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD AT BY TEAMS
ON THURSDAY, 17 FEBRUARY 2022**

PRESENT: Mr S Hays (Chair)

Independent Members: Mrs J Evans, Mrs C Moore and Mr N Steward

County Councillors: A Jenner

1.	APOLOGIES
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Apologies for absence were received from County Councillors S McNicholas and K Roberts-Jones who were on other Council business.

2.	MINUTES
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The Chair was authorised to sign the minutes of the meeting held on 21 January 2022 as a correct record.

3.	DECLARATIONS OF INTEREST
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Mrs J Evans declared a prejudicial interest in Item 4 - Section C – Dispensations as she owned land which could potentially be afforested and would leave the meeting for the item.

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 one member whose mandatory Code of Conduct training had been outstanding, had now been completed.

B. Referral of Councillors to the Public Services Ombudsman

B1. County Council Referrals

The current position regarding matters with the Ombudsman is as follows:

02/CC/2020 Ombudsman investigating

01/CC/2021 Ombudsman deciding whether or not to investigate

03/CC/2021 It was noted that since the Agenda had been published, the Ombudsman had advised that no action would be taken following investigation

04/CC/2021 Ombudsman investigating

Mrs J Evans having declared an interest left the meeting for the next item.

C. Dispensations

C1. Applications - County Councillors

The Chair welcomed County Councillor E Vaughan to the meeting. He thanked the Committee for the opportunity to speak about his application for a dispensation. He advised that the latest information from officers showed that 75% of councillors had some link to farming and the agriculture industry. He advised that if a dispensation was not available a lot of knowledge and experience would not be available to other councillors when farming and agriculture industry issues are debated. Councillor Vaughan advised he was applying for a dispensation to allow these councillors to participate in debates but not vote on any issue and stated that Carmarthenshire County Council and other councils were following the same model.

The Committee members noted that it would be important for the Council to hear from those with knowledge and experience of farming and the agriculture industry before the Council made decisions on issues relating to these. The committee supported the application.

In response to comments the Head of Legal and Democratic Services advised that if the dispensation was granted, whenever an issue covered by the dispensation was included on an agenda, councillors would need to state they were using the dispensation when they were asked to declare any interests. In addition, he advised that the reliance by councillors on the dispensation would also be reiterated prior to the item being discussed.

It was moved and duly seconded to approve the dispensation.

RESOLVED	Reason for decision
<p>i. a dispensation be granted to allow Members to speak but not vote and /or make written representations in relation to any matters relating to or likely affect farming and agriculture</p> <p>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 Committee revokes, amends or alters the dispensation.</p>	<p>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</p> <p>ii. that no fewer than half of the members of the Authority or a committee of the Authority by which the business is to be 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</p>

	<p>to which the interest relates would not damage public confidence in the conduct of the relevant Authority's business.</p>
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The Chair thanked County Councillor E Vaughan for attending the meeting.

Mrs J Evans returned to the meeting.

D. Independent Review of the Ethical Standards Framework in Wales and the All Wales Standards Conference held on 9 February 2022.

The Standards Community Sub-Committee members joined the Committee for the discussion of this item.

The Committee and Sub-Committee received the Independent Review of the Ethical Standards Framework in Wales report [Penn Report] and the summary provided by the Head of Legal and Democratic Services.

In response to a question about the number of inquiries on issues, which may not become formal complaints, the Head of Legal and Democratic Services advised that a lot of minor issues are dealt with by officers on an informal basis and the numbers relating to Code of Conduct issues could be collated. In respect of complaints regarding town and community councillors the Head of Legal and Democratic Services advised that Monitoring Officers are not currently involved in the town and community council local resolution protocol meetings. However, the suggestion that the Ombudsman could refer back complaints under the local resolution protocol to Monitoring Officers would have resource implications for all Monitoring Officers. It was noted and hoped that the recommendation to remove the requirement on the Standards Committee to consider the decision of the Adjudication Panel for Wales on an appeal if it is different to the original decision would be implemented, as the current process was considered to be unnecessary and bureaucratic.

The Committee and Sub-Committee members who attended the "virtual" All Wales Standards Conference reported that it was a good conference attended by 125 people and was a good opportunity to network. The following issues were noted:

- The Penn Report was considered to be excellent and should be implemented in full.
- The Welsh framework was fit for purpose and was considered to be better than the English framework.
- The training of town and community councillors on the Code of Conduct should be mandatory. However, it was noted that how this was resourced and provided was an issue.
- The Welsh Government representative did not commit herself to the recommendations and indicated that if legislation was necessary this would not happen until the end of the year at the earliest.
- A Democracy Handbook had been developed by the Welsh Government.
- All councils in Wales had been asked to sign up to a Fairer Campaigning Pledge for the forthcoming local elections. - The Head of Legal and

Democratic Services advised that this had been discussed with the political group leaders. They were being encouraged to sign up to the pledge and all candidates were being encouraged to do so.

- Local resolution within town and community councils was raised as an issue, in respect of how this would be undertaken, the resources required to provide this, the role of monitoring officers and whether this would be based on good practice or legislation.
- Joint training with other councils, an annual Standards conference and a commitment to promote bilingualism were also encouraged.
- Paul Egan, One Voice Wales [OVW] highlighted the misuse of social media by town and community councillors. He advised that most complaints were between clerks and councillors and vice versa. OVW supports local resolution and 15% of town and community councils have serious issues. OVW was promoting a self-evaluation toolkit, supported mandatory training and supported the Penn Report.
- It was regretted that mandatory training was not going to be legislated.
- There was a need to make standards integral to the way the authority works and embed into the culture. There was also a need to look at the role of the Standards Committee outside of its three or four meetings each year. The leadership role of the chair was important and the Committee would like to see the Chief Executive and political group leaders attending its meetings. - In response to this the Head of Legal and Democratic Services indicated that invitations could be made to the Chief Executive and group leaders.

It was noted that the Conference had agreed to write to the Minister advising her that there was agreement to the report and urging that the recommendations are taken forward.

It was moved and duly seconded that the Standards Committee and Community Sub-Committee should write to the Minister to support the recommendations but expressing reservations regarding the mandatory training of town and community councils on the code of conduct, the resources to provide this and the concerns regarding local resolution procedures. The letter would be drafted by the Chair and Vice Chair in consultation with the Monitoring Officer.

Resolved

That a letter would be sent by the Standards Committee and Community Sub-Committee to the Welsh Minister advising her that the Committees agreed with the findings of the Penn report and urged that the recommendations are taken forward but also expressing reservations regarding the mandatory training of town and community councils on the code of conduct, the resources to provide this and the concerns regarding local resolution procedures.

E. Late Payment of Expenses

There were no requests for late payments of expenses.

F. Correspondence – There was none.

G. Meeting dates

The dates of meetings in 2022 were noted:

9 September 0930hrs – appointment of town and community council
representatives on the Community Sub-Committee and induction training
15 September 1400hrs
5 December 1400hrs.

Mr S Hays (Chair)

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MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD AT BY ZOOM ON FRIDAY, 15 JULY 2022

PRESENT: Mr S Hays (Chair)

Independent Members: Mr R Stafford-Tolley and Mr N Steward

County Councillors: I McIntosh and L Rijnenberg

Mrs E Prysor, Monitoring Officer, Ceredigion County Council on behalf of the
Monitoring Officer Powys County Council

1.	APOLOGIES
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There were no apologies for absence.

2.	DECLARATIONS OF INTEREST
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Stephan Hays declared a personal interest as he was aware, in a professional capacity, of the former councillor who was the subject of the complaint. He also declared a personal interest as he knew of some individuals referred to in some of the correspondence contained in the Ombudsman's report.

Russell Stafford-Tolley declared a personal interest as he was aware, in a professional capacity, of the former councillor who was the subject of the complaint.

Councillor Iain McIntosh declared a personal interest as he knew of the former councillor.

As none of the above interests were prejudicial the members could participate in the meeting.

3.	CONFIDENTIAL ITEM
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RESOLVED to exclude the public for the following item of business on the grounds that there would be disclosure to them of exempt information under category 8 of The Council's Access to Information Rules.

4.	REPORT OF THE MONITORING OFFICER
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Russell Stafford-Tolley having not had an opportunity to read the reports, withdrew from the meeting.

The Monitoring Officer presented a report on the Public Services Ombudsman for Wales' investigation into allegation of a breach of the Members' Code of Conduct.

RESOLVED	Reason for decision
1. The Standards Committee should adopt and follow the procedures established for such meetings by Powys County Council as set out in	To comply with the requirements under the Local Government Investigations (Functions of Monitoring

<p>Rules 18.4 of the Constitution of Powys County Council and attached as Appendix 1 to the report.</p>	<p>Officers and Standards Committees) (Wales) Regulations 2001.</p>
<p>2. That the Standards Committee on considering the Ombudsman’s Investigation Report dated 17 February 2022 that it considers that there is evidence which might amount to a failure to comply with the code of conduct to give the former county councillor the opportunity to make representations, either orally or in writing at a future meeting in respect of the findings of the investigation and any allegation that he has failed, or may have failed, to comply with the code of conduct in accordance with the procedures adopted under 1 above.</p>	<p>To comply with its obligations under the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001.</p>

Mr S Hays (Chair)

CYNGOR SIR POWYS COUNTY COUNCIL

Standards Committee
17 November 2022

REPORT BY: Head of Legal and Monitoring Officer

SUBJECT: Appointments to the Standards Community Sub-Committee

REPORT FOR: Decision

1. Appointments to the Standards Community Sub-Committee

- 1.1 The Town and Community Council elections in May 2022 brought to a close the term of office for Town and Community Councillors sitting on the Standards Community Sub-Committee. A postal election (nominations followed by ballot) was held to elect three Town and Community Councillors one each to represent Brecknockshire, Montgomeryshire and Radnorshire for the new term of office.
- 1.2 Accordingly the successful candidates are:
Brecknockshire - Councillor Hugh Patrick (Ystradfellte Community Council)
Montgomeryshire - Councillor Richard White (Newtown and Llanllwchaiarn Town Council)
Radnorshire – Councillor Nigel Dodman (New Radnor Community Council).
- 1.3 The function of making the formal appointments to the Sub-Committee has been delegated to the Standards Committee and accordingly the Committee is requested to formally appoint the new Sub-Committee to comprise the 5 Independent Members; the 3 Community Councillors referred to above and one of the County Councillors sitting on the main Committee.
- 1.4 The term of office to be served by the councillors appointed to the Sub-Committee will be the maximum term permitted by Regulations. Currently this is 5 years until May 2027. The term of office to be served by the Independent [Lay] Members will be for the remainder of their terms of office as Independent Members on the Standards Committee.

RECOMMENDED:	
1. That the Standards Community Sub-Committee comprise the undermentioned 9 Members: (i) All 5 Independent (Lay) Members of the Standards Committee.	To constitute the Standards Community Sub-Committee.

<p>(ii) a County Councillor to be nominated by the Standards Committee.</p> <p>(iii) Town Councillor Hugh Pattrick (Ystradfellte Community Council) – elected by the Town and Community Councils in Brecknockshire.</p> <p>(iv) Community Councillor Richard White (Newtown and Llanllwchaiarn Town Council) – elected by the Town and Community Councils in Montgomeryshire.</p> <p>(v) Town Councillor Nigel Dodman (New Radnor Community Council) – elected by the Town and Community Councils in Radnorshire.</p> <p>2. That the terms of office of the 5 Independent (Lay) Members be for the remainder of their terms of office as Independent Members on the main Standards Committee.</p> <p>3. That the terms of office of the County Councillor and Town and Community Councillors be for the maximum term permitted by the existing regulations or by any amending regulations (currently a maximum of five years) or until they cease to be Councillors or resign whichever shall first occur.</p>	
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