

Standards Committee

Meeting Venue

By Zoom

Meeting date

Wednesday, 8 February 2023

Meeting time

2.00 pm

For further information please contact

Carol Johnson

01597 826206

carol.johnson@powys.gov.uk



County Hall
Llandrindod Wells
Powys
LD1 5LG

2 February 2023

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

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 meeting of the Committee held on 5 December 2022 as a correct record.

(Pages 3 - 16)

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 MONITORING OFFICER
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To receive the report of the Head of Legal and Monitoring Officer.

(Pages 17 - 22)

5.	STANDARDS COMMITTEE DRAFT ANNUAL REPORT 2022-2023
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To consider the draft Annual report.
(Pages 23 - 34)

6.	WORK PROGRAMME
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To note the tracked changes shown in the Work Programme.
(Pages 35 - 38)

MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD AT HYBRID MEETING - ZOOM - COUNTY HALL ON MONDAY, 5 DECEMBER 2022

PRESENT: Mr S Hays (Chair)

Independent Members: Mrs C Moore, Mr J Goolden, Mr R Stafford-Tolley and Mr N Steward

County Councillors: County Councillors I McIntosh and L Rijnenberg

1.	APOLOGIES
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Apologies were received from County Councillor Beecham.

2.	MINUTES
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The Chair was authorised to sign the minutes of the meeting held on 17 November 2022 as a correct record.

3.	DECLARATIONS OF INTEREST
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No declarations were received.

4.	REPORT OF THE HEAD OF LEGAL AND MONITORING OFFICER
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The Committee received the report of the Head of Legal Services and Monitoring Officer (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 all County Councillors and co-opted/ lay members had completed the Code of Conduct training.

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 referred to Standards Committee

01/CC/2021 Ombudsman not investigating

04/CC/2021 Ombudsman investigating

05/CC/2021 Ombudsman not investigating

06/CC/2021 Ombudsman not investigating

07/CC/2021 Ombudsman not investigating

08/CC/2021 Ombudsman not investigating

01/CC/2022 Ombudsman not investigating

02/CC/2022 Ombudsman not investigating

In response to comments the Head of Legal Services and Monitoring Officer acknowledged the time the Ombudsman takes to consider complaints but advised this was outside the Council's control. The Chair commented that with the establishment of the National Forum the time for complaints to be considered by the Ombudsman could be discussed at this.

C. Dispensations

C1. General Dispensations

The Committee considered general dispensations which had been previously agreed by the Committee during the last term of the Council.

The Head of Legal Services and Monitoring Officer advised that the delegation of non-controversial applications for dispensations had not been used during the last Council term. A question was raised whether the delegation to the Chair and Vice Chair was correct and whether it complied with the 1972 Act. The Head of Legal Services and Monitoring Officer advised that the delegation to the Chair and Vice Chair, with advice from the Monitoring Officer was correct. In response to a question he advised that the Chair and Vice Chair would consider if an issue was non-controversial, with advice from the Monitoring Officer. If agreement could not be reached a meeting of the Committee would be arranged to consider such an application.

The Committee agreed the following dispensations which would continue until the first meeting of the Committee after the election in 2027 unless before those elections the Standards Committee revokes, amends or alters the dispensation.

School Modernisation and School Transport Reviews:

RESOLVED THAT:	REASON FOR DECISION
<p>a blanket dispensation (the dispensation) in relation to school modernisation and any school transport issue be granted to all county councillors in accordance with and, subject to, the following provisions of this resolution:</p> <p>(a) the dispensation shall relate to all prejudicial interests under the Members Code of Conduct PROVIDED ALWAYS that the dispensation shall not apply where the councillor (irrespective of whether or not he/she is a member of the Cabinet or Scrutiny Committee) has a pecuniary prejudicial interest other than one that relates to out of school transport costs;</p> <p>(b) "school modernisation" means any modernisation proposal being undertaken by or for the Cabinet in relation to both primary, secondary and special schools but does not include non-modernisation issues (e.g. the</p>	<p>To enable members to represent their constituents in matters of great significance for Powys 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</p>

<p>budget, inspection, employment matters, ICT, catering, cleaning, refurbishment, repair or property items);</p> <p>(c) “school transport issue” means any issue relating to the planning, commissioning and procurement of transport for pupils attending primary, secondary and special schools both in and outside of Powys where the Council has a duty to provide such transport but does not include interests which are specific to a particular school, route or pupil unrelated to such review;</p> <p>(d) “pecuniary prejudicial interest” means a prejudicial interest under the Members Code of Conduct which results in financial gain, or financial loss, either immediately, or in the foreseeable future, arising (in the case of school modernisation) from employment as a teacher or otherwise at a school or, (in the case of the school transport) from the Council’s provision of school transport, to:</p> <p>(i) the councillor in question; or</p> <p>(ii) someone with whom the councillor lives or has a close personal association e.g. close friends, close relatives, colleagues with whom the councillor has particularly strong connections, business associates and someone with whom the councillor has been in dispute with (NB1 Councillors should note however that “close personal association” does not include casual acquaintances, distant relatives or people you simply come into contact with through your role as member or your work in the local community) (NB2 Pecuniary Prejudicial Interest does not include the additional out of school transport costs incurred by a parent, grandparent, guardian, carer or person having parental responsibility);</p> <p>(e) the dispensation extends to:</p> <p>(i) attending any meeting formal or informal (as defined in the Members Code of Conduct) including meetings of the full County Council, Cabinet, Scrutiny or other Committee or Project Board;</p> <p>(ii) speaking and voting at such meetings; and</p> <p>(iii) making oral or written representations and generally playing a full role in representing constituents;</p> <p>(f) the dispensation is subject to compliance with:</p>	<p>in the conduct of the Council’s business.</p>
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| <ul style="list-style-type: none"> (i) any legislative requirement; (ii) any common law rule including bias/predetermination; (iii) the council's constitution; (g) the dispensation shall continue in force until the first meeting of the Standards Committee after the next ordinary council elections in 2027 unless before those elections the Standards Committee revokes, amends or alters the dispensation; (h) for the avoidance of all doubt: <ul style="list-style-type: none"> (i) the dispensation applies to all members including those who are Decision Makers; (ii) other than where a specific pecuniary prejudicial interest exists, as detailed above, the dispensation applies to all other types of prejudicial interests such as those arising from being a school governor or being the parent, grandparent, guardian, carer or person having parental responsibility for a child at a school; (iii) the dispensation does not apply where directly or through someone with whom the member lives or has a close personal association a pecuniary prejudicial interest exists as defined above; (iv) it is always a matter for the individual member to decide whether the interest is prejudicial; (v) a member who takes advantage of the dispensation must continue to comply with the Members' Code of Conduct including the requirements in relation to:- <ul style="list-style-type: none"> (a) the disclosure of his/her personal and prejudicial interest at meetings and in discussions indicating the nature of such interest and confirming that he/she is participating with the benefit of the dispensation; and (b) the giving of the requisite written notification in connection with these disclosure requirements; (vi) the dispensation, whilst it does not apply to any member (irrespective of whether or not he/she is a member of the Cabinet) with a pecuniary prejudicial interest, does not affect the right (under the Members' Code of Conduct) of a member who has a | |
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<p>pecuniary prejudicial interest to speak and then withdraw from a meeting where the public are accorded the right to speak at such meeting.</p>	
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Renewable Energy:

RESOLVED THAT	REASON FOR DECISION
<p>a blanket dispensation (the dispensation) in relation to renewable energy issues be granted to all county councillors in accordance with and, subject to, the following provisions of this resolution:</p> <p>(a) the dispensation shall relate to all prejudicial interests under the Members Code of Conduct PROVIDED ALWAYS that the dispensation shall not apply in respect of a specific planning application or site specific matter where the councillor (irrespective of whether or not he/she is a member of the Cabinet or Regulatory Committee) has a pecuniary prejudicial interest;</p> <p>(b) “renewable energy issues” means any question, motion, report, notification, communication, discussion, consultation, proposal, application, appeal, process or proceedings, development or works, involving, related to, concerning, or connected with, a renewable energy development including any associated :</p> <p>(i) Turbines, solar panels, hydro schemes, substations, pylons, overhead or underground cables or wires or any other infrastructure;</p> <p>(ii) Infrastructure transport, highway, tourism and regeneration issues;</p> <p>(iii) community benefits; and</p> <p>(iv) national or local policy, plan or guidance, white or green paper;</p> <p>(c) “pecuniary prejudicial interest” means a prejudicial interest under the Members Code of Conduct which results in financial gain or financial loss either immediately or in the foreseeable future to:</p> <p>(i) the councillor in question; or</p> <p>(ii) someone with whom the councillor lives or has a close personal association e.g. close friends, close relatives, colleagues with whom the councillor has particularly strong connections, business associates</p>	<p>To enable members to represent their constituents in matters of great significance for Powys 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>

and someone with whom the councillor has been in dispute with (NB Councillors should note however that “close personal association” does not include casual acquaintances, distant relatives or people you simply come into contact with through your role as member or your work in the local community);

(d) the dispensation extends to:

- (i) attending any meeting, formal or informal (as defined in the Members Code of Conduct), including meetings of the full County Council, Cabinet, Scrutiny, Regulatory or other Committee;
- (ii) speaking and voting at such meetings; and
- (iii) making oral or written representations and generally playing a full role in representing constituents;

(e) the dispensation is subject to compliance with:

- (i) any legislative requirement;
- (ii) any common law rule including bias / predetermination;
- (iii) the council’s constitution including the Planning Protocol which, inter alia, provides that a “Local Member” must never seek to lobby or improperly influence a “Decision Maker”;

(f) the dispensation shall continue in force until the first meeting of the Standards Committee after the next ordinary council elections in 2027 unless before those elections the Standards Committee revokes, amends or alters the dispensation;

(g) for the avoidance of all doubt:

- (i) the dispensation applies to all members including those who are Decision Makers such as those members who sit on the Cabinet or the Regulatory Committee;
- (ii) the dispensation does NOT apply where directly, or, through someone with whom the member lives or has a close personal association, a pecuniary prejudicial interest exists;
- (iii) other than where a specific PECUNIARY prejudicial interest exists, as detailed above, the dispensation applies in the case of all other types of prejudicial interests;

<p>(iv) it is always a matter for the individual member to decide whether the interest is prejudicial;</p> <p>(v) the dispensation does not affect a member's ability to exercise the right not to be a Decision Maker but, instead, play the role of Local Member;</p> <p>(vi) a member who takes advantage of the dispensation must continue to comply with the Members Code of Conduct including the requirements in relation to:</p> <ol style="list-style-type: none"> 1. the disclosure of his/her personal and prejudicial interest at meetings and in discussions indicating the nature of such interest and confirming that he/she is participating with the benefit of the dispensation; and 2. the giving of the requisite written notification in connection with these disclosure requirements; <p>(vii) the dispensation, whilst it does not apply to any member (irrespective of whether or not he/she is a member of the Cabinet or the Regulatory Committee) with a pecuniary prejudicial interest, does not affect the right (under the Members Code of Conduct) of a member who has a pecuniary prejudicial interest to speak and then withdraw from a meeting where the public are accorded the right to speak at such meeting (as is the case currently with the Regulatory Committee).</p>	
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School Governors:

RESOLVED THAT	REASON FOR DECISION
<p>(i) a blanket dispensation be granted to councillors who are school governors appointed otherwise than by the Council to 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) 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. (A Pecuniary Prejudicial Interest does not include the additional out of school</p>	<p>(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 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>

<p>transport costs incurred by a parent, grandparent, guardian, carer or person having parental responsibility)</p> <p>(iii) this dispensation is subject to the existing blanket dispensation granted by the Committee in respect of school modernisation and school transport</p> <p>(iv) the dispensation shall continue in force until the first meeting of the Standards Committee after the next ordinary council elections in 2027 unless before those elections the Standards Committee revokes, amends or alters the dispensation.</p>	
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Membership of Voluntary Organisations:

RESOLVED THAT	REASON FOR DECISION
<p>a blanket dispensation be granted to all County Councillors who are elected, appointed or nominated otherwise than by the County Council as:</p> <p>(a) trustees of registered charities (including where they are directors of limited companies running the charities); and</p> <p>(b) members (at whatever level) of Voluntary Organisations to participate, speak and vote in connection with council business relating to the charity of which the councillor is a trustee or the Voluntary Organisation of which the councillor is a member (at whatever level) including:</p> <p>(i) regulatory matters concerning the registered charity of which the councillor is a trustee or the Voluntary Organisation of which the councillor is a member; and</p> <p>(ii) the grant, loan or other form of financial assistance of more than £500 to the registered charity of which the councillor is a trustee or the Voluntary Organisation of which the councillor is a member but subject to the following:</p> <p>(1) that the registered charity or Voluntary Organisation must be non-</p>	<p>1 To place all councillors who are trustees of registered charities or members (of whatever level) of Voluntary Organisations (howsoever elected, appointed or nominated) on an equal footing with regard to prejudicial interests so as to facilitate the democratic process and assist council business; the Standards Committee being of the view that to do so will not damage public confidence in the conduct of the council's business and therefore the Standards Committee is satisfied that the grounds in Paragraph (d) of Regulation 2 of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 are met.</p>

<p>profit making and the Councillor (or a close personal associate) must not be in receipt of any financial reward or remuneration from the registered charity or Voluntary Organisation</p> <p>(2) this blanket dispensation only relates to a prejudicial interest arising from the Councillor's role as a trustee of the registered charity or member or as a member of the Voluntary Organisation and does not confer a dispensation in respect of any other type of prejudicial interest such as a pecuniary prejudicial interest.</p> <p>(3) the dispensation shall continue in force until the first meeting of the Standards Committee after the next ordinary council elections in 2027 unless before those elections the Standards Committee revokes, amends or alters the dispensation.</p>	
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Lobbying:

RESOLVED THAT:

A dispensation to speak and vote should be granted if the following general principles were met:

- (1) That the motion / decision involves lobbying for a revocation or variation or the influencing of a decision or proposed decision that has been made or is to be made by a body other than Powys County Council; and**
- (2) Where the matter affects a significant proportion of the Council / Cabinet / Committee so as either (a) no fewer than half of the members of the Council / Cabinet / Committee which is to consider the business has a personal and prejudicial interest in that business or (b) the inability of member(s) to participate would upset the political balance of the Authority or committee or Cabinet such that the outcome would be likely to be affected; and**
- (3) The issue is not one in which the Council is being consulted upon by an outside body (as those matters will be dealt with by officers and / or portfolio holders and influence / lobbying occurs as part of the consultation process).**
- (4) the dispensation shall continue in force until the first meeting of the Standards Committee after the next ordinary council elections in**

2027 unless before those elections the Standards Committee revokes, amends or alters the dispensation

Spare Room Subsidy (“Bedroom Tax”):

RESOLVED THAT	REASON FOR RESOLUTION
<p>(i) a dispensation be granted to all Members, irrespective of any interest (including pecuniary interest) to speak on matters relating to the Spare Room Subsidy, and</p> <p>(ii) a dispensation be granted to all Members to vote on matters relating to the Spare Room Subsidy <u>EXCEPT</u> in the following circumstances:</p> <p>(a) if the Member is a private landlord and knowingly has a tenant who has moved into the private sector from the public sector due to the impact of the Spare Room Subsidy, and</p> <p>(b) if the Member is a tenant who has been affected by the Spare Room Subsidy.</p> <p>(iii) the dispensation shall continue in force until the first meeting of the Standards Committee after the next ordinary council elections in 2027 unless before those elections the Standards Committee revokes, amends or alters the dispensation</p>	<p>i) 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 considered has an interest which relates to that business,</p> <p>ii) 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>

Single Farm Payments:

RESOLVED THAT	REASON FOR DECISION
<p>(i) a dispensation be granted to those Members who are in direct receipt of a single farm payment (including Members whose spouse or partner is in receipt of the payment) to speak but not vote on matters relating to Single Farm Payments and having spoken to leave the room.</p> <p>(ii) a dispensation be granted to those</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</p> <p>ii) that no fewer than half of the Members of the Authority or of</p>

<p>Members who are not directly in receipt of a Single Farm Payment but whose family or close personal associates are in receipt of the payment, to speak and vote on matters relating thereto.</p> <p>(iii) the dispensation shall continue in force until the first meeting of the Standards Committee after the next ordinary council elections in 2027 unless before those elections the Standards Committee revokes, amends or alters the dispensation</p>	<p>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 to which the interest relates would not damage public confidence in the conduct of the relevant Authority’s business.</p>
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Wool Production:

RESOLVED THAT	REASON FOR DECISION
<p>(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</p> <p>(ii) the dispensation shall continue in force until the first meeting of the Standards Committee after the next ordinary council elections in 2027 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 of 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 to which the interest relates would not damage public confidence in the conduct of the relevant Authority’s business.</p>

Farming and agriculture:

RESOLVED THAT	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</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>force until the first meeting of the Standards Committee after the next ordinary council elections in 2027 unless before those elections the Standards Committee revokes, amends or alters the dispensation.</p>	<p>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 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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Delegation of non-controversial applications for dispensations:

RESOLVED THAT	REASON FOR DECISION
<p>Committee delegate non-controversial applications for dispensation to the Chair and Vice-Chair of the Standards Committee in consultation with the Monitoring Officer to grant a temporary dispensation subject to confirmation at Standards Committee.</p>	<p>To allow applications for dispensation to be decided in a timely manner but confirmed at a meeting of the Standards Committee.</p>

Resolved:

That details of the number of times the dispensations are used be collated and presented to the Committee.

C2. Applications - County Councillors

No applications for dispensation have been received from County Councillors.

D. Ombudsman's Casebook

The Committee noted that the Ombudsman had replaced the Code of Conduct Casebooks, which were published on a Quarterly basis, with [Ombudsman Wales - Our Findings](#)

A new report was issued last week after the agenda had been circulated. A link to this would be sent to the Committee and included in the next agenda.

E. National Standards Forum

The Head of Legal Services and Monitoring Officer advised that the meeting scheduled for 8 December 2022 had been cancelled as 50% of the Standards Committee Chairs are unable to attend. A new date would be arranged in January 2023.

It was noted that the recording of the Standards Committee Conference held in February 2022 had been circulated. It was agreed that this would be circulated to the new committee members.

F. Standards Committee for Mid Wales Corporate Joint Committee (“CJC”)

The Committee noted the need to make appointments to the Standards Committee for the Mid Wales Corporate Joint Committee. It was noted that the Terms of Reference for this new Committee was based on the Powys Standards Committee’s Terms of Reference.

Resolved:

That the following be appointed to the Standards Committee of the Mid Wales Corporate Joint Committee:

- **Independent Members – Stephan Hays and Russell Stafford-Tolley**
- **County Councillor Liz Rijnenberg**

G. Meeting Dates

To note dates of meetings in 2023 as follows:

8 February at 2pm
14 June at 2pm
25 October at 2pm

The Head of Legal and Monitoring Officer, with the Chair’s permission, referred the Committee to the Whistleblowing Policy which had been emailed to them the previous day. The Policy was being revised and he asked the Committee to forward comments to him by email.

The Chair, having briefly looked at the document, made the following comments:
8.3 – states “a manager with no prior involvement” but he wondered if this should be “senior manager with no connection”

8.5.2 – a whistleblower can have a union representative or colleague but he asked if they could have legal representative. The Head of Legal Services and Monitoring Officer advised that a legal representative was not allowed unless there was a professional reason for doing so.

5.	WORK PROGRAMME
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The Committee considered and welcomed the draft Work programme. The Committee would need to consider the process and format of how the it would meet with Group Leaders to discuss their new duties. Group Leaders could be invited to a meeting as a group or individually. The Chair advised he had drafted a form on which Group Leaders could record information relating to their new duties. The Head of Legal Services and Monitoring Officer advised that Flintshire County Council had drafted a form which he would circulate to the Committee.

The Committee agreed the draft Work programme with the addition of the following topics to be added to the June meeting:

- a report on the use of General dispensations and
- an anonymised report on the number of whistleblowing cases and outcomes.

Mr S Hays (Chair)

CYNGOR SIR POWYS COUNTY COUNCIL
Standards Committee
8 February 2023

REPORT BY: Head of Legal and Monitoring Officer

SUBJECT: Standards Issues

REPORT FOR: Decision, Information and Discussion

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

No update required.

B. Referral of Councillors to Public Services Ombudsman

B1. County Councillor Referrals

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

02/CC/2020 Ombudsman referred to Standards Committee

04/CC/2021 Ombudsman investigating

C. Dispensations

C1. Applications - County Councillors

No applications for dispensation have been received from County Councillors.

D. Ombudsman Wales – Our Findings

Details of cases are available in [Ombudsman Wales - Our Findings](#)
It should be noted that “Our Findings” covers all matters investigated by the Ombudsman and not just Code of Conduct matters. “Our Findings” is updated on a monthly basis.

‘Our Findings’ contains a search facility, which includes “Subject”. Under the “Subject” heading the following categories of the Code are listed:

- Integrity
- Promotion of equality and respect
- Disclosure and registration of interest
- Duty to uphold the law
- Selflessness and Stewardship

E. National Forum for Standards Committees

The first meeting of the Forum took place on 27 January 2023. The Chair will provide a verbal report to the Committee.

F. Group Leaders Duty to Promote Good Conduct

The Committee is asked to consider and comment upon the attached template for the use of Group Leaders in evidencing the performance of their duty. The template is based upon one prepared by the Chair and one used in other Welsh Local Authorities.

G. Meeting Dates

To note dates of meetings in 2023 as follows:

14 June at 2pm

25 October at 2pm

Contact Officer Name:	Tel:	Fax:	Email:
Clive Pinney – Head of Legal and Monitoring Officer	01597 826746	01597 826220	clive.pinney@powys.gov.uk

Promoting Compliance With the Code of Conduct

Report by:			
Political Group:			
No. of members:		No. trained on Code:	X (Y%)
For the period:			

Number, Source and Level of Complaints

From	Informal	Local Resolution		PSOW	
		No	Outcome	Number	Outcome
Public		Not applicable			
Officers					
Councillors					

Steps taken to Promote Compliance (To Be Completed by Group Leader)

	Any Issues Noted ?	Numbers Involved	Action Taken (numbers)		Comments
			Resolved	Outstanding	
Nolan Principles					
Selflessness					
Integrity,					
Objectivity,					
Accountability,					
Openness,					
Honesty					

Leadership.					
Other Considerations					
Training					
Harassment					
Bullying					
Equality and respect					
Unconscious bias					
Prejudice					

GROUP LEADER'S GENERAL COMMENTS

Include matters such as:

- demonstrating personal commitment to and attending relevant development or training around equalities and standards;
- encouraging group members to attend relevant development or training around equalities and standards;
- ensuring nominees to a Committee have received the recommended training for that Committee;

- promoting civility and respect within group communications and meetings and in formal Council meetings;
- promoting informal resolution procedures in the Council, and working with the Standards Committee and monitoring officers to achieve local resolution;
- promoting a culture within the group which supports high standards of conduct and integrity;
- attend a meeting of the Council's Standards Committee if requested to discuss Code of Conduct issues;

- work to implement any recommendations from the Standards Committee about improving standards;
- work together with other group leaders, within reason, to collectively support high standards of conduct within the Council.

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CYNGOR SIR POWYS COUNTY COUNCIL

Standards Committee

8 February 2023

REPORT BY: Head of Legal and Monitoring Officer

SUBJECT: Standards Committee draft Annual Report 2022-2023

REPORT FOR: Decision

1. Purpose of Report

1.1 The Committee is asked to consider the draft Annual Report 2022-2023.

2. Background

2.1 The Local Government Act 2000 requires Councils to establish a Standards Committee to promote and maintain high standards of conduct and probity in the conduct of Councillors. The Local Government & Elections (Wales) Act 2021 introduced a mandatory requirement for Standards Committees to present an annual report to full Council. This statutory report must describe how the Committee has discharged its functions during the previous year and must include a summary of any reports, actions or recommendations made or referred to the Committee. Full Council must consider the Committee's annual report within three months from receiving the report.

2.2 The Committee is asked to consider the format and content. The report will need to be finalised by the end of May 2023 and it is recommended that final approval of the report be delegated to the Chair and Vice Chair with the Monitoring Officer. The report will be presented to the Full Council meeting on 20 July 2023.

Recommendation:	Reason for Recommendation:
<p>1. That the Committee consider the format and content of the draft Annual Report.</p> <p>2. That the Committee delegates to the Chair and Vice Chair with the Monitoring Officer to approve the final report by the end of May 2023.</p>	<p>To ensure the report is approved to enable it to be considered at the Full Council meeting on 20 July 2023.</p>

Relevant Policy (ies):	
Within Policy:	Y
Within Budget:	Y

Relevant Local Member(s):	N/A
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Person(s) To Implement Decision:	Clive Pinney
Date By When Decision To Be Implemented:	

Contact Officer Name:	Tel:	Fax:	Email:
Clive Pinney – Head of Legal and Monitoring Officer	01597 826746	01597 826220	clive.pinney@powys.gov. uk

Powys County Council

Standards Committee Annual report 2022-23

Chair's statement

(NB - to be added to the final report)

Introduction

The Local Government Act 2000 requires Councils to establish a Standards Committee to promote and maintain high standards of conduct and probity in the conduct of Councillors. The Local Government & Elections (Wales) Act 2021 introduced a mandatory requirement for Standards Committees to present an annual report to full Council. This statutory report must describe how the Committee has discharged its functions during the previous year and must include a summary of any reports, actions or recommendations made or referred to the Committee. Full Council must consider the Committee's annual report within three months from receiving the report.

Membership of the Standards Committee and Community Sub-Committee

The Committee comprises five Independent (Lay) Members together with four County Councillors. The Committee has a Sub-Committee dealing with all standards relating to town and community councillors. The five Independent (Lay) Members sit on this Community Sub-Committee together with one of the County Councillors on the main Standards Committee and three town community councillors, one from each area Brecknockshire, Radnorshire and Montgomeryshire.

The Chair and Vice Chair of the Standards Committee must be appointed from amongst the independent lay members.

The membership of the Committees during 2022-2023 was as follows:

Standards Committee:

Independent (Lay) Members:

- Stephan Hays, Chair
- Claire Moore, Vice Chair
- Jonathan Goolden
- Russell Stafford-Tolley
- Nigel Steward

County Councillors:

- Councillor Matt Beecham [resigned 19 January 2023]
- Councillor Iain McIntosh
- Councillor Liz Rijnenberg

Standards Community Sub-Committee:

Independent (Lay) Members: as above

County Councillors:

- Councillor Liz Rijnenberg

Town and Community Councillors:

- Councillor Nigel Dodman
- Councillor Richard White
- Vacancy

Principles of public life

The ten general principles of public life based on the principles originally set down by the Nolan Committee in 1995 are detailed in Appendix 1.

Role of the Committees

The Standards Committee has a role in respect of the 68 councillors and the Co-opted members of Powys County Council.

The role of the Standards Committee in relation to County Councillors and Co-opted Members of the County Council, as laid down in the Local Government Act 2000 and the Local Government and Elections (Wales) Act 2021, is as follows:

- (1) promoting and maintaining high standards of conduct by councillors and co-opted members and
- (2) assisting the councillors and co-opted members to observe the Members' Code of Conduct.

In particular the Committee has the following specific functions:

- (3) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (4) monitoring the operation of the Members' Code of Conduct; and
- (5) advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct.

In addition, the Committee also:

- (i) grant dispensations to councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct.
- (ii) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales.
- (iii) oversee the Council's "Whistle-blowing" regime.
- (iv) providing advice to individual councillors on such issues as the treatment of personal interest and on conduct matters generally.
- (v) determine appropriate action on matters referred to it by the Public Services Ombudsman.
- (vi) overseeing the Register of Interest of Members and co-opted members.
- (vii) overseeing the Council's rules and protocols on accountability of members.
- (viii) overseeing the attendance of Members and Co-opted Members at committees.
- (ix) overseeing the training of Members serving on all committees of the Council.

- (iix) ensuring group leaders have access to advice and training to support them in duties to promote and maintain high standards of conduct and to monitor group leaders' compliance with those duties.
- (iiix) after the end of each financial year make an annual report to the authority describing how the committee's functions have been discharged during the financial year and setting out an overview of conduct matters within the council.

The Standards Community Sub-Committee has a role in respect of the 1041 community councillors on the 110 town and community councils in Powys. In respect of town and community councillors the Sub-Committee has a role in respect of 1 – 5 and (i) and (ii) above.

The Committee's Work in 2022-2023

Code of Conduct training – after the Council election in May 2022 all councillors and co-opted members completed the mandatory training.

Dispensations – the Committees consider general dispensations and agreed that dispensations for the following issues will remain in place until the first meeting of the Committees after the next election in 2027 unless the Committees revoke, amend or alter the dispensation.

Dispensations for county councillors:

- School Modernisation and School Transport Reviews
- Renewable Energy
- School Governors
- Membership of Voluntary Organisations
- Lobbying - Principles regarding applications for dispensation relating to
- lobbying
- Spare Room Subsidy ("Bedroom Tax")
- Single Farm Payments
- Wool Production
- Farming and agriculture

Dispensations for town and community councillors:

- School Modernisation and School Transport Reviews
- Renewable Energy
- School Governors
- Membership of Voluntary Organisations

The Committees also agreed to delegate non-controversial applications for dispensation to the Chair and Vice-Chair of the Standards Committee in consultation with the Monitoring Officer to grant a temporary dispensation subject to confirmation at the Standards Committees.

Complaints of breach of the Code of Conduct – the Committees receive reports on the complaints made to the Public Service Ombudsman for Wales (PSOW) and the status of the complaints. (NB - The data on the number of complaints will be added to the final report)

The Committees receive links to the Ombudsman's [Ombudsman Wales - Our Findings](#), which is updated on a monthly basis.

Recommendations made by the Public Service Ombudsman for Wales (PSOW) or Adjudication Panel for Wales – a complaint regarding a former County councillor was referred by the Ombudsman for consideration by the Standards Committee. (NB an update will be added after the outcome of the Standards hearing)

National Standards Committee Forum (NB details to be added to final report)

Annual meeting with Political Group Leaders (NB details to be added to final report)

Committee meetings and attendance record of the Committee and Sub-Committee members - Details of meetings and attendances are provided in Appendix 2

Future work priorities

The Committee has developed a Work Programme (Appendix 3) identifying work to be considered at each meeting. (NB – to be added to the final report) The Programme is updated at each meeting.

Conduct of Members – The Principles¹ [Extract from the Council Constitution]

SELFLESSNESS

18.2.1 Members must act solely in the public interest. They must never use their position as Members to improperly confer advantage on themselves or to improperly confer advantage or disadvantage on others.

HONESTY

18.2.2 Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.

INTEGRITY AND PROPRIETY

18.2.3 Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

DUTY TO UPHOLD THE LAW

18.2.4 Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.

STEWARDSHIP

18.2.5 In discharging their duties and responsibilities Members must ensure that their authority's resources are used both lawfully and prudently.

OBJECTIVITY IN DECISION-MAKING

18.2.6 In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, Members must make decisions on merit. Whilst Members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.

EQUALITY AND RESPECT

18.2.7 Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others.

OPENNESS

18.2.8 Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.

¹ The Conduct of Members (Principles) (Wales) Order 2001 – S.I. 2276

ACCOUNTABILITY

18.2.9 Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a Member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.

LEADERSHIP

18.2.10 Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority's statutory officers and its other employees.

Protocol - Standard of Conduct Expected by Members

18.3 This protocol sets out the standards of conduct expected from Members within Powys County Council in dealing with each other. It should be read in conjunction with the Members Code of Conduct ²and the Member-Officer Protocol³. It adds to these documents and does not detract from them.

Members are expected:

PUBLIC BEHAVIOUR

- 18.3.1.1 to show respect to each other;
- 18.3.1.2 not to make personal abusive comments about each other;
- 18.3.1.3 not to publish anything insulting about each other;
- 18.3.1.4 not to make malicious allegations against each other;
- 18.3.1.5 not to publish or spread any false information about each other;
- 18.3.1.6 to show respect to diversity and equality;

BEHAVIOUR IN MEETINGS

- 18.3.2.1 to behave with dignity;
- 18.3.2.2 to show respect to the Chair and obey his/her decisions;
- 18.3.2.3 not to use indecent language nor make racial remarks or remarks which prejudice any section of society;

CONFIDENTIALITY

- 18.3.3.1 to keep the confidentiality of exempt papers and any other documents which are not public;
- 18.3.3.2 not to release confidential information to the press or the public;
- 18.3.3.3 not to use confidential information for purposes other than intended;

LOCAL MEMBERS

- 18.3.4.1 to work with Members of adjoining electoral divisions for the benefit of the locality;
- 18.3.4.2 if dealing with any matter relating to another electoral division:
 - to explain to anyone seeking assistance that he/she is not the local Member;

² See Section 18.1 above.

³ See Section 21.

- to inform the local Member, unless it would lead to a breach of confidentiality.

Attendance record – (NB final details will be added to the final report)

The Committees usually meet on a quarterly basis with ad hoc meetings held as required. Standards Community Sub-Committee meetings follow the Standards Committee meetings.

The meetings in 2022-2023 were as follows:

17 November 2022 – Standards Committee only

5 December 2022

8 February 2023

In addition, the Standards Committee met on 15 July 2022, 27 January 2023 and xx to consider a referral of a complaint from the PSOW. Attendance at these meetings are indicated as “plus” in the table below.

Standards Committee Member	Attendance at Standards Committee	Attendance at Standards Community Sub-Committee
Stephan Hays, Chair		
Claire Moore, Vice Chair		
Jonathan Goolden		
Russell Stafford-Tolley		
Nigel Steward		
Councillor Matt Beecham		N/A
Councillor Iain McIntosh		
Councillor Liz Rijnenberg		N/A
Town/Community Councillor Nigel Dodman	N/A	
Town/Community Councillor Richard White	N/A	
Town/Community Councillor - vacancy	N/A	

Work Programme

Add in programme

Helpful Contacts – do you want to include these?

Stephan Hays, Chair of Standards Committee – contact via the Head of Legal and Monitoring Officer

Clive Pinney, Head of Legal and Monitoring Officer - email address

Public Services Ombudsman for Wales – add website

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- (1) promoting and maintaining high standards of conduct by councillors and co-opted members and
- (2) assisting the councillors and co-opted members to observe the Members' Code of Conduct.

In particular the Committee has the following specific functions:-

- (1) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (2) monitoring the operation of the Members' Code of Conduct; and
- (3) advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct.

In addition, the Committee will also:-

- (i) grant dispensations to councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct.
- (ii) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales
- (iii) oversee the Council's "Whistle-blowing" regime.
- (iv) providing advice to individual councillors on such issues as the treatment of personal interest and on conduct matters generally.
- (v) determine appropriate action on matters referred to it by the Public Services Ombudsman.
- (vi) overseeing the Register of Interest of Members and co-opted members.
- (vii) overseeing the Council's rules and protocols on accountability of members.

- (viii) overseeing the attendance of Members and Co-opted Members at committees.

- (ix) overseeing the training of Members serving on all committees of the Council;

- (ix) ensuring group leaders have access to advice and training to support them in duties to promote and maintain high standards of conduct and to monitor group leaders' compliance with those duties

- (iiix) after the end of each financial year make an annual report to the authority describing how the committee's functions have been discharged during the financial year and setting out an overview of conduct matters within the council.

Standards Committee Work programme

Standing items on agendas:

- Monitoring Officer report – Code of conduct training, Attendance, Referral of Councillors to Public Services Ombudsman, Dispensation requests.
- Other items – Ombudsman Wales – Our Findings reports and Committee’s Work Programme

8 February 2023

Topic	Objective	Who is responsible	Outcome
<ul style="list-style-type: none"> • Standards Committee Annual report 	Approval of Annual Report for submission to Council	Chair and Monitoring Officer	Prepare a report for Council.
<ul style="list-style-type: none"> • Group Leaders duties 	To monitor compliance by leaders of political groups and assist them in their new duties.	Committee and Monitoring Officer	<p>Training to be provided to Group Leaders by Monitoring Officer</p> <p>Request a short report from Group Leaders on members conduct/concerns</p>
<ul style="list-style-type: none"> • Assisting Members to observe the Code of Conduct 	To observe Council and Committee meetings to consider any issues relating to standards and conduct for discussion by the Committee.	Committee	Agree process and forms for recording observations.

14 June 2023

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Topic	Objective	Who is responsible	Outcome
<ul style="list-style-type: none"> Assisting members to observe the Code of Conduct 	<p>Consider any reports from observations of Members at committee meetings and agree any actions. Review the process and form, amend and add as standing item on agendas.</p>	<p>Committee and Monitoring Offer</p>	<p>Observing councillors in committee/Council meetings – report back to Committee</p>
<ul style="list-style-type: none"> Monitor members attendance at relevant meetings 	<p>To review members attendance at relevant meetings and consider any whose attendance is below 60%</p>	<p>Committee</p>	<p>Complete an annual review</p>
<ul style="list-style-type: none"> Oversee the Register of Interest of Members, Co-opted members and Church and Parent Governor Representatives and Officers 	<p>To review the Register of Interest</p>	<p>Committee</p>	<p>Complete an annual review</p>
<ul style="list-style-type: none"> Moved to Oct meeting Monitor and review the acceptance of gifts and hospitality by Members. 	<p>To review the register</p>	<p>Committee</p>	<p>Complete an annual review</p>
<ul style="list-style-type: none"> Whistleblowing Policy 	<p>To review an anonymised report on the number of whistleblowing cases and outcomes over the previous 12 months.</p>	<p>Committee</p>	<p>Complete an annual review</p>

<ul style="list-style-type: none"> • General Dispensations 	To review the use of General dispensations over the previous 12 months	Committee	Complete an annual review
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25 October 2023

Topic	Objective	Who is responsible	Outcome
<ul style="list-style-type: none"> • Oversee the Council's rules and protocols on accountability of members 	Review Section 21 [Protocol on Member / Officer Relations] and Section 25 [Local Resolution Process] of Constitution	Committee	Two yearly review
<ul style="list-style-type: none"> • Monitor and review the acceptance of gifts and hospitality by Members. 	To review the register	Committee	Complete an annual review

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