

# Public Document Pack

## Standards Community Sub-Committee

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Meeting Venue

**Hybrid meeting - Zoom - County Hall**

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Meeting date

**Wednesday, 21 June 2023**

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Meeting time

**11.00 am – NOTE the Standards Committee meeting will follow this meeting**

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For further information please contact

**Carol Johnson**

01597 826206

carol.johnson@powys.gov.uk

15 June 2023



County Hall  
Llandrindod Wells  
Powys  
LD1 5LG

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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.

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### AGENDA

<b>1.</b>	<b>APOLOGIES</b>
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To receive apologies for absence.

<b>2.</b>	<b>MINUTES</b>
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To authorise the Chair to sign the minutes of the previous meeting of the Committee held on 8 February 2023 as a correct.

(Pages 3 - 4)

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

<b>4.</b>	<b>ONE VOICE WALES [OVW] - CIVILITY &amp; RESPECT PROJECT</b>
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Paul Egan, Deputy Chief Executive and Resources Manager will attend the meeting to talk about the Civility and Respect Project.

<b>5.</b>	<b>REPORT OF THE HEAD OF LEGAL AND MONITORING OFFICER</b>
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To receive the report of the Head of Legal and Monitoring Officer.

(Pages 5 - 10)

**MINUTES OF A MEETING OF THE STANDARDS COMMUNITY SUB-COMMITTEE  
HELD AT BY ZOOM ON WEDNESDAY, 8 FEBRUARY 2023**

PRESENT: Mr S Hays (Chair)

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

Town and Community Council Representatives: Community Councillor N Dodman

<b>1.</b>	<b>APOLOGIES</b>
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Apologies for absence were received from County Councillor I McIntosh and  
Town Councillor R White.

<b>2.</b>	<b>MINUTES</b>
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The Chair was authorised to sign the minutes of 5 December 2022 as a correct  
record.

<b>3.</b>	<b>DECLARATIONS OF INTEREST</b>
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There were no declarations of interest.

<b>4.</b>	<b>REPORT OF THE HEAD OF LEGAL AND MONITORING OFFICER</b>
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The Committee received the report of the Head of Legal and Monitoring Officer  
(copy filed with signed minutes).

**A Referral of Councillors to Public Services Ombudsman**

**A1. Town and Community Councillor Referrals**

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

11/21/TCC Ombudsman investigating

12/21/TCC Referred to the Adjudication Panel for Wales [APW] – as  
reported verbally at the last meeting

03/22/TCC Ombudsman deciding whether or not to investigate.

**B. Dispensations**

**B1. Applications - Town and Community Councillors**

No applications for dispensation had been received from Town or  
Community Councillors.

**C. Ombudsman Wales – Our Findings**

**D. Meeting Dates**

The following Committee dates were noted:

2023

14 June at 2pm

25 October at 2pm

An Independent Member referred to a document titled “Positive conduct equals positive democracy toolkit” produced by Wiltshire County Council for the parish councils in its area. The toolkit provides a guide on how to behave at meetings which may assist new community councillors. The Head of Legal and Monitoring Officer thanked the Independent Member for bringing this to his attention and he advised he would circulate a copy to the Committee. It was noted that it was something which could be discussed with One Voice Wales [OVW].

The training of town and community councillors on the Code of Conduct was raised as an issue. The Head of Legal and Monitoring Officer advised that:

- (i) he would establish whether the trainer who provided the Code of Conduct training to new county councillors in May 2022 would agree to the video of the training being shared with town and community councils in Powys. It was noted that there may be a cost to this.
- (ii) he would establish if OVW currently provided such training. It was noted however, that not all town and community councils are members of OVW.
- (iii) he also advised he would raise this with other Monitoring Officers as training on the Code of Conduct may be an issue which needs addressing across Wales.

An Independent Member advised that OVW and the Society of Local Council Clerks were stakeholders in this discussion regarding the provision of Code of Conduct training. He understood that the Smaller Authorities Audit Arrangements Company may have some money for some development work. There were also opportunities for larger town councils to host training events on the Code by using a training video and also giving participants the opportunity to discuss issues.

**Mr S Hays (Chair)**

**CYNGOR SIR POWYS COUNTY COUNCIL****Standards Community Sub-Committee  
21 June 2023****REPORT BY: Head of Legal and Monitoring Officer****SUBJECT: Standards Issues**

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**REPORT FOR: Decision, Information and Discussion**

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**A. Referral of Councillors to Public Services Ombudsman****A1. Town and Community Councillor Referrals**

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

11/21/TCC Referred to Adjudication Panel for Wales [APW] – APW hearing regarding former Councillor Donald Jenkins [St Harmon Community Council] will be held on 4 July 2023 and the hearing will be based on written evidence only.

12/21/TCC Referred to APW – APW held a hearing on 17 March 2023 and resolved that former Councillor Sheila Jenkins [St Harmon Community Council] be disqualified for 12 months from being or becoming a member of the Relevant Authority or any other relevant authority within the meaning of the Local Government Act 2000. The following is a link to the APW report: [APW report former councillor Sheila Jenkins](#)

03/22/TCC Ombudsman deciding whether or not to investigate

04/22/TCC Ombudsman not investigating

05/22/TCC Ombudsman not investigating.

**B. Dispensations****B1. Applications – Town and Community Councillors**

An application for dispensation has been requested by Councillor Barry Thomas, Llangyniew Community Council. This was received via email on 31 May 2023. The request is detailed in Appendix 1.

**C. 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. Meeting Dates**

To note the date of the next meetings:

2023  
25 October at 2pm

Contact Officer Name:	Tel:	Fax:	Email:
Clive Pinney – Head of Legal and Monitoring Officer	01597 826746	01597 826220	<a href="mailto:clive.pinney@powys.gov.uk">clive.pinney@powys.gov.uk</a>

**POWYS STANDARDS COMMITTEE / COMMUNITY SUB-COMMITTEE**

**APPLICATION FOR DISPENSATION BY MEMBER WITH PREJUDICIAL INTEREST**

I, Councillor [REDACTED] BARRY THOMAS  
of LLANGYNIEW COUNCIL

hereby apply to the Powys Standards Committee/Community Sub-Committee for a Dispensation to participate, as described in Section 1 below, in that business of the Council described in Section 2 below notwithstanding that I have the Prejudicial Interest(s) detailed in Section 3 below.

I make this application on the ground(s) set out in Section 4 below which I submit apply because of the reasons detailed in Section 5 below.

**SECTION 1**

How you wish to participate – please tick all relevant categories below:

Attend a meeting	<input checked="" type="checkbox"/>
Speak at a meeting	<input checked="" type="checkbox"/>
Vote at a meeting	<input type="checkbox"/>
Seek to influence a decision on a matter	<input type="checkbox"/>
Make written representations	<input type="checkbox"/>
Make oral representations	<input type="checkbox"/>
Exercise Board functions (County Councillor only)	<input type="checkbox"/>

**SECTION 2**

- (A) Describe in the box below:
- i) the business in which you wish to participate;
  - ii) how your Council will deal with the matter;
  - iii) how many Members there are on your Council;
  - iv) what meetings will be held to consider it, when and where they will be held; and
  - v) those taking part.

i. THE PROPOSAL TO EXTEND HENLLAN CARAVAN & CHALET PARK.  
ii. DISCUSSIONS AT LLANGYNIEW COMMUNITY COUNCIL MEETINGS  
iii. 8 MEMBERS ON THE COUNCIL.  
iv. TO BE HELD AT OUR MONTHLY MEETINGS & POSSIBLY ANY PUBLIC MEETING AT EITHER PONTROBERT COMMUNITY CENTRE OR ST. CYNW'S CHURCH, LLANGYNIEW.  
v. COUNCIL MEMBERS ALSO PUBLIC AT THE DISCRETION OF COUNCIL CHAIRMAN.

- (B) If the business relates to or affects an organisation(s) please detail below:

- o how were you appointed to that organisation (i.e. by appointment by the Town or Community Council or by other means), and

- o what is the nature of the business:
- A Funding
- B Planning – applications, building improvement/changes
- C Licences – liquor/entertainment
- D Land
- E Management/operation of the organisation
- F General matters

**(C) Is the organisation a registered charity? If so, are you a Trustee of the charity?**

**SECTION 3**

**Detail the PREJUDICIAL interest(s) you have in the business referred to in Section 2 above. Please refer to the attached Guidance Notes (Attached) and include the relevant category reference e.g C.4 if the matter concerns a good friend of yours who stands to benefit as a result of a decision on the matter.**

MY PROPERTY ADJOINS THE APPLICATION SITE AND I ALSO OWN A PROPERTY WHICH IS LEASED AND ALSO ADJOINS THE APPLICATION SITE. THERE IS A WATER PIPE EASEMENT GOING THROUGH MY PROPERTY WHICH IS USED BY THE APPLICATION SITE.



## SECTION 4

**Set out the GROUND(S) upon which you rely by placing a tick in the right-hand column against the relevant category/ies below.**

Eligible Applicant	Ground		
County Councillors and Town and Community Councillors	(a) No fewer than half of the Members of the relevant Authority or of a committee of the Authority (as the case may be) by which the business is to be considered has an interest which relates to that business;	Speak and Vote	-----
		Speak only	✓
County Councillors only	(b) No fewer than half of the Members of a leader and cabinet executive of the relevant Authority by which the business is to be considered has an interest which relates to that business and either Paragraph (d) or (e) also applies;	Speak and Vote	-----
		Speak only	-----
County Councillors only	(c) In the case of a County or County Borough Council, the inability of the Member to participate would upset the political balance of the relevant Authority or of the committee of the Authority by which the business is to be considered to such an extent that the outcome would be likely to be affected.	Speak and Vote	-----
		Speak only	-----
County Councillors and Town and Community Councillors	(d) 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;	Speak and Vote	-----
		Speak only	✓
County Councillors and Town and Community Councillors	(e) The interest is common to the Member and a significant proportion of the general public;	Speak and Vote	-----
		Speak only	✓
County Councillors and Town and Community Councillors	(f) The participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;	Speak and Vote	-----
		Speak only	✓
County Councillors only	(g) The business to which the interest relates is to be considered by an Overview and Scrutiny Committee of the relevant Authority and the Member's interest is not a pecuniary interest.	Speak and Vote	-----
		Speak only	-----
County Councillors and Town and Community Councillors	(h) The business which is to be considered relates to the finances or property of a voluntary organisation of whose Management Committee or Board the Member is a Member otherwise than as a representative of the relevant Authority and the Member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or	Speak only	.
		Speak only	-----
County Councillors and Town and Community Councillors	(i) It appears to the committee to be in the interests of the inhabitants of the area of the relevant Authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.	Speak and Vote	-----
		Speak only	-----

**SECTION 5**

**Detail in full the reasons why you submit the grounds selected in Section 4 apply in the case of your application and justify the grant of the dispensation you seek**

A PUBLIC CONSULTATION MEETING WAS HELD AT THE HENLLAN CLUB WHICH I WAS NOT PRESENT AT. I HAVE SEEN THE PROPOSED PLANS. A LARGE PART OF THE APPLICATION DOES NOT AFFECT MY PROPERTY, HOWEVER, I BELIEVE IT IS ONLY FAIR FOR ME TO SPEAK AND BE PRESENT AT ALL MEETINGS IN THEIR ENTIRETY TO ENSURE, IN THE COMMUNITIES INTEREST, THAT ALL THE INFORMATION IS CORRECT FROM MY MANY YEARS OF LOCAL KNOWLEDGE.

DATED: 31/5/23

**This form fully completed, signed and dated should be returned to:**

**Carol Johnson, Democratic Services Officer, Legal and Democratic Services,  
County Hall, Llandrindod Wells, Powys, LD1 5LG**

**Tel No: 01597 826206**

**email : carol.johnson@powys.gov.uk**