

## **MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD AT HYBRID MEETING - ZOOM - COUNTY HALL ON WEDNESDAY, 12 JUNE 2024**

PRESENT: Mr S Hays (Chair)

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

County Councillors: B Baynham, WD Powell and L Rijnenberg

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

<b>2. MINUTES</b>
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The Chair was authorised to sign the minutes of the meeting held on 7 February 2024 as a correct record.

<b>3. DECLARATIONS OF INTEREST</b>
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Mrs Moore, Councillors Baynham and Powell declared personal and prejudicial interests in Item 4 – D as they had farming connections.

<b>4. 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. General Standards Issues for County Councillors and Co-opted Members**

The Committee noted that two councillors and one co-opted member still needed to complete the Code of Conduct refresher training. In addition, two other councillors who had only attended part of the “live” session, still needed to complete the remainder of the training. Reminders would be sent to these individuals asking them to complete this mandatory training.

**B. Members Attendance**

The Committee noted that one member, whose attendance level was less than 60% after checking their records, would be asked for an explanation of their attendance level.

In response to a question, the Head of Legal and Monitoring Officer advised he would remind members that if they missed a committee meeting due to attending another meeting on other council business, that attendance would be credited to their attendance details.

**C. Referral of Councillors to the Public Services Ombudsman**

The abbreviations used in the headings are as follows:  
MO – Monitoring Officer

OW – Ombudsman Wales  
 Stds – Standards Committee  
 APW - Adjudication Panel for Wales

Ref	Date OW notified MO of complaint	Date OW advised investigating or not investigating	Date OW's decision	Date considered by Stds	Date considered by APW
03/CC/22		17/04/23 investigating			
05/CC/22		28/06/22 investigating	20/11/23 referred to Stds	07/02/24 referred to another Stds	
02/CC/23		26/02/24 investigating			

The Committee noted that above and comment was made about the time for complaints to be investigated by the Ombudsman. The Committee agreed that the Chair should write to the Ombudsman expressing concerns that investigations can take over a year to come to a conclusion or referral to the next stage. The length of time must have an impact on the wellbeing of those involved in a complaint.

#### **D. Dispensations Applications - County Councillors**

Following the request of Full Council on 7 March 2024, the Committee reconsidered the dispensation granted in relation to farming and agricultural matters. The Committee noted the details provided in the report and that the original request for the dispensation was for councillors to be able to participate in discussions but not vote.

The Head of Legal and Monitoring Officer advised that he had invited Group Leaders to nominate a member of their Group to attend this meeting to reflect the views of their Group on the issue of whether members with personal and prejudicial interests in farming and agricultural matters should be allowed to vote on such issues. The Head of Legal and Monitoring Officer welcomed Councillor Aled Davies, Group Leader Welsh Conservatives to the meeting and it was noted that Councillor Ange Williams, Joint Group Leader Independent Group had sent a written statement. Councillor Elwyn Vaughan, Group Leader Plaid Cymru had advised that no one was available to attend from his Group.

Councillor Davies advised that he thought the discussion would be about dispensations in general across the Council. He advised that councillors needed to be able to reflect the views of and represent their communities. He thought 75% of his community had a connection to farming. He advised that members were frustrated that the dispensation did not allow this and that it was too restrictive. He indicated that during

the debate at the Council meeting on 7 March there were people that had links with a political organisation and were allowed to vote. He considered that at the start of a debate everyone should be clear on their connections and then be allowed to debate and vote. This restriction is far too tight and should not be in place.

Councillor Williams' statement was read out: "As a lot of members represent rural communities, I felt that this particular item did not have a monetary value or represent any personal gain to anybody, we should have been able to represent our communities by voting. I do understand that it was a request to Welsh Government on the wider subject and asking for a longer consultation time, as we know nothing about what they are likely to do, so representing our residents was most important to us with rural wards. Not being able to do this was very concerning."

In response to a question the Head of Legal and Monitoring Officer advised that the issue being debated at the Council meeting was regarding farming subsidy and what might replace it. Therefore anyone who has a farming business, in receipt of a subsidy or has a close relative or close associate in receipt of a subsidy, would be potentially affected by any change in the system. The Code requires such individuals to declare their personal and prejudicial interest and precludes them from participating in the debate and voting, unless there is a dispensation from the Standards Committee. The Standards Committee has considered that due to the rural nature of the County and the fact that 75% of members had a link to agriculture, their expertise should be available to inform the debate on issues. The dispensation was agreed allowing such councillors to be involved in a debate but due to their pecuniary interest they would not be allowed to vote. He advised that the Standards Committee could not ignore the Code of Conduct for members. He stated that there will always be debates and votes about agriculture at Council meetings.

Councillor Davies commented that the debate at the Council meeting was regarding a Welsh Government consultation on farming and so the Council was not the decision maker and so this was an arm's length issue. In response to a question Councillor Davies advised that the current dispensation excludes 75% of councillors with some connection to farming, but it is sometimes difficult to understand how strong those connections are. At the start of a debate councillors with a link to farming should be allowed to state their connection and be free to represent their communities. If people think that someone has done something wrong they can be reported to the Ombudsman or the Monitoring Officer. He indicated that where 75% of councillors are excluded from a vote the others could be whipped to vote in a certain way, irrespective of the debate. In response to a question he stated that the concerns regarding dispensations related to other issues such as school re-organisations where the dispensations restricted members in their ability to represent their communities.

In response to a question the Head of Legal and Monitoring Officer advised that the Code of Conduct, which applies across Wales, requires

individuals to declare their personal and prejudicial interest and precludes them from participating in the debate and voting, unless there is a dispensation. The Committee and members cannot ignore the Code of Conduct.

It was noted that The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 sets a number of criteria where dispensations may be granted. The number of members is significant as one of the criteria for considering a dispensation is that - no fewer than half of the Members may have that interest. Other criteria included the inability of the Member to participate would upset the political balance; the nature of the Member's interest would not damage public confidence in the conduct of the relevant Authority's business and the interest is common to the Member and a significant proportion of the general public.

Mr Goolden, Independent Member advised that he has two relatives engaged in farming and he had considered his position. As the item being discussed is whether or not to extend the current dispensation to members of Powys County Council, his relatives are not members of the Authority and so he concluded that he does not have an interest.

It was noted that the Code of Conduct is clear where members have personal and prejudicial interest, they are not allowed to participate in the debate or vote. The criteria for allowing dispensations is another set of formal rules which the Standards Committee has to follow to enable the Committee to make a decision. The current dispensation allows members with a personal and prejudicial interest to participate in debates and allows them to represent their communities. However, where they also have a pecuniary interest, they should not be allowed to vote.

#### **Resolved that**

**the current dispensation in relation to farming and agricultural matters, whereby members with a personal and prejudicial interest are allowed to debate but not vote should continue.**

The Chair thanked Councillor Davies for attending the meeting.

#### **E. Ombudsman Wales – Our Findings**

The Committee noted the [Ombudsman Wales - Our Findings](#)

#### **F. Adjudication Panel for Wales [APW]**

Details of cases considered by the APW are available via the following link: [Decisions | The Adjudication Panel for Wales \(gov.wales\)](#)

#### **G. National Forum for Standards Committee**

The Committee noted the minutes of the meeting held on 29 January 2024.

## H. Meeting dates

The next meeting is on 30 October 2024 at 2pm.

### 5. ANNUAL MEETING WITH GROUP LEADERS

The Committee noted the summary of the meetings with Group Leaders regarding the Code of Conduct and their duties. The summary was approved subject to the 7<sup>th</sup> bullet point being amended to say that Group Leaders should be encouraged to have the support of a Group member at the meeting if they do not have a Chief Whip in the Group.

The Committee noted that the form had now been used for two years and it was considered that it was not well designed and that examples of what the Committee was seeking in response to questions might assist Group Leaders when completing the form. The Head of Legal and Monitoring Officer advised that the form was used across Wales but was not prescribed and the Committee could change it, if it wished.

After discussion, it was agreed that after the Committee meeting in October 2024 a workshop, with Group Leaders, will be held to review the form.

### 6. ANNUAL REPORT

The Committee considered the Annual report. It was noted that the summary report of the meeting with Group Leaders would be added at Appendix 3. The report was agreed.

### 7. OBSERVING COUNTY COUNCIL MEETINGS BY STANDARDS COMMITTEE MEMBERS

The Committee received the observation reports of the Council meetings held on 22 February and 7 March 2024.

Concerns were raised about the cameras in the Chamber showing members behind the speaker, using their laptops or phones and the public perception may be that they are not engaged in the meeting. The Head of Legal and Monitoring Officer advised he would raise this issue with Group Leaders.

The Committee agreed that the sections – Conclusion and Recommendations or Suggestions [if appropriate] would be added to the form.

### 8. ANNUAL REVIEW OF REGISTER OF INTEREST OF MEMBERS, CO-OPTED MEMBERS AND CHURCH AND PARENT GOVERNOR REPRESENTATIVES AND OFFICERS

The Committee considered the report in respect of its Annual review of Register of Interest of members, Co-opted members and Church and Parent Governor representatives and Officers. It was noted that since the Agenda was published

nine members still need to complete the review and all co-opted members have now completed the review.

<b>RESOLVED that</b>	<b>Reason for decision</b>
<b>1. The report is noted and 2. the Chair writes to the nine members who need to complete their reviews.</b>	<b>To ensure the Committee undertakes an annual review of the Register of Interest of members, Co-opted members and Church and Parent Governor representatives and Officers as part of its work programme.</b>

<b>9.</b>	<b>ANNUAL REVIEW OF THE USE OF GENERAL DISPENSATIONS</b>
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The Committee was advised that during the year 17 May 2023 -18 May 2024 inclusive, the General dispensation – Farming and Agriculture was used by 25 members at the Council meeting on 7 March, 2024.

**Mr S Hays (Chair)**