

Public Document Pack

Standards Committee

Meeting Venue

Hybrid meeting - Zoom - County Hall

Meeting date

Wednesday, 12 June 2024

Meeting time

2.00 pm

For further information please contact

Carol Johnson

carol.johnson@powys.gov.uk



County Hall
Llandrindod Wells
Powys
LD1 5LG

6 June 2024

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 7 February 2024 as a correct record.

(To Follow)

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 3 - 20)

5.	ANNUAL MEETING WITH GROUP LEADERS
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To review and agree the summary report of the annual meeting with Group Leaders, for inclusion in the 2023-24 Annual Report.

(Pages 21 - 22)

6.	ANNUAL REPORT
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To consider and agree the Annual report.

(Pages 23 - 44)

7.	OBSERVING COUNTY COUNCIL MEETINGS BY STANDARDS COMMITTEE MEMBERS
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To consider the observation reports in respect of the Full Council meetings held on 22 February and 7 March 2024. To agree any actions resulting from the reports and to consider the changes to the report template – adding sections for Conclusions and Recommendations or Suggestions [if appropriate] - as shown in the report of 22 February 2024.

(Pages 45 - 50)

8.	ANNUAL REVIEW OF REGISTER OF INTEREST OF MEMBERS, CO-OPTED MEMBERS AND CHURCH AND PARENT GOVERNOR REPRESENTATIVES AND OFFICERS
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To consider the report.

(Pages 51 - 56)

9.	ANNUAL REVIEW OF THE USE OF GENERAL DISPENSATIONS
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To receive a verbal report.

CYNGOR SIR POWYS COUNTY COUNCIL
Standards Committee
12 June 2024

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

A refresher mandatory Code of Conduct training course took place on 15 April 2024, via Teams. The training was for councillors, co-opted members, independent members of the Standards Committee and town and community council representatives on the Standards Community Sub-Committee. The session was recorded and was sent to councillors and others who were unable to attend the “live” session. As of 6 June 2024 the following need to complete the training: two councillors plus two other councillors who only attended part of the “live” session and one co-opted member.

B. Members attendance

Attendance for Members at main Committees for the period 18 May 2023 to 15 May 2024 inclusive has been calculated. Four members had an attendance of less than 60% and were asked to review their records. Errors were found in the records for two councillors and were adjusted which brought their attendance levels above 60%. One councillor advised their attendance level was below 60% due to health reasons and one councillor has been asked to provide an explanation of their attendance level to the next meeting.

C. Referral of County Councillors to the Ombudsman Wales

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			

D. Dispensations Applications - County Councillors

At its meeting on 7th March 2024, full council considered a motion on sustainable farming scheme which led to a request from many Councillors for the Standards Committee to reconsider the dispensation granted in relation to farming and agricultural matters.

Background

Some members may recall that on 17th February 2022, the Standards Committee were asked to consider an application for dispensation from Councillor Elwyn Vaughan to allow Members who had a personal and prejudicial interest in farming and agricultural matters to be able to speak, make written representations but **not** to vote on such issues.

At the time, the Committee was advised that research from officers suggested that about 75% of the Councillors had some link to the farming and agricultural industries.

The Standards Committee granted the dispensation on the basis of the rural nature of the county and the significant proportion of the council that would otherwise be unable to take part in a discussion of such matters resulting in the Council losing their expert advice on such issues.

The dispensation was re-approved by Standards Committee for the term of the existing Council at its meeting on 5th December 2024 in the following terms:-

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 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</p>

	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.
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Council meeting on 7th March 2024.

The motion considered by council on 7th March 2024 consisted of a request by the council to pause the consultation on the sustainable farming scheme and to renew engagement with farming unions before approaching the agricultural sector once serious amendments had been made to the scheme.

In advance of the meeting on 7th of March 2024, the monitoring officer emailed all councillors to remind them all of the standards dispensation with regard to farming and agricultural issues. In particular, Members were advised that if they in receipt of a farming subsidy, or had relatives or close personal acquaintances who were in receipt of a farming subsidy, the member should declare their interest in the debate and rely on the dispensation to allow them to participate in the debate, but not to vote.

55 members were present for the debate of which 25 declared an interest and the motion was passed with 28 votes for and 1 against .

I have asked Group Leaders to nominate 1 councillor from each of their groups to attend the Standards Committee meeting in order to put the views of their group to the Standards Committee before the committee reviews its decision.

The Code of Conduct

The full version of Part 3 of the Code of contact is found at Appendix 1, but it is accepted that Members who are farmers or work in the agricultural industry, or have relatives or close personal acquaintances who are farmers or work in the agricultural industry have both personal and prejudicial interests .

Decision Required

Members are asked to reconsider their previous decision which allows Members to speak and make representations but not vote on farming on and agricultural issues. In other words, does the committee consider that members should be allowed to vote notwithstanding the existence of a declared personal and prejudicial interest?

E. 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

At a recent meeting of all Welsh Monitoring Officers, the Ombudsman's office was asked to consider re-instating the "Casebook", which was considered to be more helpful. The Ombudsman has declined to reinstate the casebook but is committed to improve the searchability of its website.

F. Adjudication Panel for Wales

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 Committees

As advised at the last meeting the Forum met on 29 January 2024. Notes from Stephan A copy of the notes are attached at Appendix 2. The next meeting is scheduled for 24 June 2024.

H. Meeting Dates

To note the date of the next meeting: 30 October 2024 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

Appendix 1

Extract from Code of Conduct

PART 3 INTERESTS

Personal Interests

10.—(1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

(2) You must regard yourself as having a personal interest in any business of your authority if —
(a) it relates to, or is likely to affect —

- (i)** any employment or business carried on by you;
- (ii)** any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;
- (iii)** any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;
- (iv)** any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
- (v)** any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
- (vi)** any land in which you have a beneficial interest and which is in the area of your authority;
- (vii)** any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in subparagraph (iv) above;
- (viii)** any body to which you have been elected, appointed or nominated by your authority;
- (ix)** any —
 - (aa)** public authority or body exercising functions of a public nature;
 - (bb)** company, registered society, charity, or body directed to charitable purposes;
 - (cc)** body whose principal purposes include the influence of public opinion or policy;
 - (dd)** trade union or professional association; or
 - (ee)** private club, society or association operating within your authority's area, in which you have membership or hold a position of general control or management;
- (x)** any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

[Note: subparagraph (b) is omitted.]

(c) a decision upon it might reasonably be regarded as affecting —

- (i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
- (ii) any employment or business carried on by persons as described in 10(2)(c)(i);
- (iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;
- (iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
- (v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,

to a greater extent than the majority of—

- (aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
- (bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure of Personal Interests

11.—(1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority and you make —

- (a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or
- (b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

(3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer, or in relation to a community council, your authority's proper officer from time to time but, as a minimum containing —

- (a) details of the personal interest;
- (b) details of the business to which the personal interest relates; and
- (c) your signature.

(5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this

paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

(7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

Prejudicial Interests

12.—(1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—

(a) relates to —

(i) another relevant authority of which you are also a member;

(ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;

(iii) a body to which you have been elected, appointed or nominated by your authority;

(iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;

(v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to —

(i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;

(ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;

(iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;

(iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;

(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

Overview and Scrutiny Committees

13. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint subcommittees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in subparagraph (a) and you were present when that decision was made or action was taken.

Participation in Relation to Disclosed Interests

14.—(1) Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee —

(a) withdraw from the room, chamber or place where a meeting considering the business is being held—

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise executive or board functions in relation to that business;

(c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(2A) Where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under statutory right or otherwise.

(2B) When submitting written representations under sub-paragraph (2A) you must comply with any procedure that your authority may adopt for the submission of such representations.

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if —

(a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or

(b) you have the benefit of a dispensation provided that you —

(i) state at the meeting that you are relying on the dispensation; and

(ii) before or immediately after the close of the meeting give written notification to your authority containing —

(aa) details of the prejudicial interest;

(bb) details of the business to which the prejudicial interest relates;

(cc) details of, and the date on which, the dispensation was granted; and

(dd) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

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Standards Committees Chairs Forum - Wales
Monday, 29th of January 2024 @ 2pm, via Teams
Notes

1. Chairs Announcements

- a) Welcome new Panel Advisor, Justine Cass, Deputy Monitoring Officer and Solicitor, Legal Services, Torfaen County Borough Council.

2. Notes from the previous meeting – 30th of June 2023.

- Notes shared with Standards Committees would be in the public domain, and must be published as they are received, to ensure that any issues raised on individual ongoing cases or potential cases to assist with the process/problem solving/best practise were anonymised to ensure individual members and councils could not be identified.

3. Michelle Morris, Public Services Ombudsman for Wales – Update

Code of Conduct Cases 2023/24.

- Increase in the number of cases since last year – 18% Increase – 116 Open Cases
- Increase in Closed Cases
 - Pre-Assessment +18%
 - Assessment +2%
 - Investigation +32%

- Challenge of “Aged Cases” (over 12 months)
 - Quarter (15 cases) of investigations at end of December '23
 - Target to halve by end of the financial year.

Referrals & Hearings

- 11 concluded to end of December '23
- 9 pending, 2 Adjudication Panel for Wales (APW) including 1 Appeal.
- Anticipate further referrals before end of the financial year.

Points of Interest – APW granted Interim Suspension (July 2023) – final report will be with Panel next month.

Questions and comments

- The dynamics of the situation – “aged cases” and increase in number of current cases, balancing with an increase in health board cases, challenge in terms of staffing resources. Is that likely to slow down progress?
 - It was a challenge, and the increase of maladministration cases was 5% - a smaller figure but in the context of a much larger case load. It was a challenge to look at the best use of resources. Finance Committee in the Senedd had agreed to recommend an increase in budget for two extra members of staff, which will be hopefully agreed in the draft budget. Must focus on the most serious cases, there is an impact and a judgement call to be made.
- Is there anything more that Standards Committees can do in terms of helping with the PSOW workload?
 - Local resolution is important, particularly if there are patterns emerging locally where perhaps things can be “nipped in the bud” – Group Leaders have a role in this with having conversations about appropriate behaviours.
- If a hearing is conducted and a decision made with a sanction given on a LA councillor, if the complainant doesn't agree – what is the process for the Standards Committee?

- The issue with this case is that the PSOW has not investigated it before going to the Standards Committee. The normal process would be for the PSOW to investigate and refer to the Standards Committee to conduct the hearing. PSOW will confirm the process to the LA with this case.
- The recently circulated PSOW newsletter for Q3 was very useful, particularly the links.
- There was positive feedback from a Local Authority in terms of their engagement with PSOW who had been most helpful and supportive with two recent hearings.
- In a recent case there was a hearing concerning a community councillor, and the outcome was a decision to suspend him. After this, the councillor said he was a community councillor at a neighbouring community council– the decision was to just suspend him for the community councillor that the complaint had been raised. Was this the wrong decision?
 - The circumstances mentioned previously in a different case would have been different, and if the Standards Committee had sought advice from the PSOW team, their advice would be correct.

4. Corporate Joint Committees (CJCs) and Joint Standards Committees – Iwan Gwilym Evans

- See attached presentation.



CJC_Overview-Biling
ual - Fforwm Forum.p

Questions and comments

- Powys and Ceredigion are one CJC – there seems to be a duplication of effort and cost. What are your thoughts on two separate Standards Committees?

- The regulations mean that a Standards Committee must be established going forward, reflects the approach Welsh Government are taking of CJs as a developing body who may have more influence.
- Members are allocated to the National Park Authorities, the formation of the CJs had the thoughts about the powers that the CJC Standards Committee has. Some of their members are allocated to the Authorities and Standards Committees do not have the same powers of sanction.
 - Will have the same powers as a local authority Standards Committee but will only deal with issues relevant to the member CJC.

ACTION: PowerPoint slides to be circulated to the Chairs. IE, CT

ACTION: Consider how the Forum engages with the emerging CJC Standards protocols and groups before the next meeting. CW, JC, CT.

5. Resourcing of Standards Committees

- Resourcing issues to ensure they are fit for purpose to undertake the work that is required.
- Missed the opportunity to respond to this year's IRPW report but want to look at how we engage going forward. Standards committee co-opted members not consulted as part of IRPW stakeholder engagement. Payments to co-opted members did not seem to be a focus for the IRPW.
- The determination around the interpretation of remuneration is different across Councils as well as different levels of support e.g., provision of IT equipment and an email address. Do we want to map out the differences between councils?
- Do we want to engage with the issue, if we do, do we ask someone from IRPW to come along, mapping to feed into a future report?

Comments

- Fully support the thoughts in terms of engaging with the IRPW. The way forward is to do some mapping to ensure there is an understanding of issues.

- Consistency with the application of remuneration and support was important to ensure it attracted people to the role. Monitoring vacancies might be an indicator the IRPW would consider as part of their work.
- Monitoring officers interested in changes going forward, in terms of hourly rates etc. ensure that there are different scenarios in the mapping exercise.
- Head of Democratic Services (HoDS) in Swansea was consulted by the IRPW – supported the hourly rate. It would be an additional hour – if it went over the 8 hours day rate, it would allow additional payment over the full day rate. Up to the HoDS to say how long the meeting lasts, if the HoDS said 8 hours but the meeting only lasts 30 minutes, the HoDS is still obliged to pay 8 hours to ensure there was no detriment to the members who might otherwise have cleared their diary resulting in lost opportunity costs or additional costs incurred.

ACTION: Issue to be highlighted with Monitoring Officers at their national governance group meeting. JC, CT.

ACTION: Response to the 2024/25 report from IRPW, what the role ought to be in future consultations and discussions. Need to ensure the forum is a part of the discussion for the future All.

ACTION: Issue of the hourly rate – how attendance is regarded and funded – consistency across Wales would be welcomed, need to give this consideration All.

ACTION: The broader question, how does the forum engage going forward? The mechanism rather than the practicalities All.

ACTION: Invite Chair of the IRPW to the next meeting CT.

ACTION: Julia Hughes to share mapping template with the Forum JH.

6. **Local resolution protocols, how do they operate in your area and are they effective?**

- Feedback from council said that local resolution had not been used often, in situations when it had been used it was a mediation type meeting resulting in an apology or a handshake, and both parties moved forward. Some members did not want to go down the local resolution route and had decided to be civil with each other. Within group Leaders interest to involve themselves in this process to fulfil their duties. It works if both parties want to make it work.
- Recommended to 26 town and community councils in VoG and all but one had adopted the protocol. It seemed to be working well.
- A lot depends on local politics in the area, whether the constitution includes a clear process for a local resolution protocol and the dynamics of local relationships. Issues sometimes increased around elections and it's not always easy to progress matters using a local protocol.
- If it's not possible to resolve matters informally and they eventually result in a hearing, that can be a difficult process to manage involving time and expense. The informal resolution option was preferable where possible.
- Some local resolution schemes did not allow for an appeal.

7. Items raised by the Monitoring Officers Group - JC

- a) Group Leaders duty to promote good standards – potential for perceived conflict of interest, assessing their own performance and the performance of their political opponents if they were to join their Standards Committee.
- A scenario referenced where this was put this forward to the MO. Two examples which are very different, on one standards committee – county councillor on the standards committee, became a group leader and said it was now a conflict of interest for him and stood down. Another standards committee which has a group leader on the committee, not considering standing down.
 - Personal view that it is a conflict of interest. The person of interest in another council, does not turn up to meetings, does not send apologies and does not send a sub. A letter has been sent to the group leader by the chair noting this.

ACTION: Ongoing, place on agenda of next meeting.

- b) Progress on adopting the agreed common threshold of £25 for the registration of gifts and hospitality. Not perceived as an issue.
- Two of the committees have agreed £25, constitutional democratic committee decided to stick at £10.
- c) Do authorities have any guidance on the use of social media over and above that published by the WLGA.

ACTION Circulate the link to WLGA guidance CT.

<https://www.wlga.wales/social-media-and-online-abuse>

ACTION WLGA Cyber training details to be made available CT.

- d) Whether authorities encourage their town & community councils to sign the civility and respect pledge. If they do not whether they would consider doing so.
- Flintshire hold joint Standards Committee meetings once a year with Town and Community Councils. They are beneficial and attendance is encouraged and promoted.

8. Training for Standards Committee Chairs

- Email about two training sessions.
- Generic chairing skills session – 12th February 2pm-4pm
- Training around how to conduct hearings – external provider who is able to facilitate the training on behalf of the WLGA. Ideally, we would like to deliver this training before the end of this financial year. Alternatively, we may need to arrange it in April.

9. AOB

- Are members of Standards Committees required to be DBS checked?
 - The Chairs in attendance are not required to have a DBS check for their role.

ACTION Update on the rules for DBS checks to be provided at the next meeting JC.

10. Date of next meeting

- Monday, 24th of June 2024.

Standards Committee meeting with Group Leaders to discuss the Group Leaders duties 1 May and 9 May 2024

The following is a summary of the main points from the above. The Standards Committee welcomed the opportunity to meet with the Group Leaders. All meetings were held online.

Issues highlighted by the Standards Committee as an outcome of the meetings:

A guide for group leaders should be developed to assist them in their roles and this would support new group leaders. This would also support leaders of independent groups which do not have the political structures to support them.

Groups should consider adopting a policy regarding the need to adhere to the Code of Conduct.

There is a need to promote the role of the Standards Committee, either by presentation to Full Council, a member development session or information sheet [FAQ].

The content of the form should be reviewed and a guide, indicating the issues and information the Standards Committee is requiring, should be developed to assist group leaders in completing the form. The form should not only refer to compliance with the group leaders' new duties but also refer to the wellbeing and pastoral care of members.

When the forms are returned by Group Leaders, officers should ask them to provide examples of what they have done in respect of the issues highlighted on the form, where none are given. This would assist the Committee in its meeting with Group Leaders.

A review of the Local Resolution process should be undertaken.

Group Leaders should be advised that they can have the support of a Group member at the meeting, if they do not have a Chief Whip within their Group.

The time slots for the meetings with Group Leaders should be increased from 20 to 30 minutes each.

Although outside the remit of the Committee, the support to councillors to manage contact with the public and how to manage possible intimidation, should be provided to councillors. It was noted that the Welsh Local Government and Local Government Association has produced guides. See <https://www.wlga.wales/councillors-guide-to-handling-intimidation>

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Powys County Council Standards Committee Annual Report 2023-24



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Chair's statement

This is the second report of this type to the Full Council and I hope you will find it useful. We welcomed an opportunity to meet with Group Leaders and develop a collaborative relationship. This year the meetings were more productive and we decided to increase the time allocated to each meeting with a Group Leader by 10 minutes next year. Our goal is to maintain high standards of conduct by members and so improve their standing and trust amongst the public. We would welcome any suggestions you might have about content or format of this report.

Stephan Hays

Chair, Standards Committee and Standards Community Sub-Committee

DRAFT

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. The annual report is to relate to the financial year, that is, the 12 month period ending on 31st March. However, the Committee has agreed to report its activities for the period 13 June 2023 – 9 May 2024 to enable it to report on its meetings with Group Leaders.

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 Community 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 from 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 13 June 2023 – 9 May 2024 was as follows:

Standards Committee:

Independent (Lay) Members [5]:

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

County Councillors [4]:

- Councillor Iain McIntosh
- Councillor Liz Rijnenberg
- Councillor Beverley Baynham
- Councillor William Powell

**Standards Community Sub-Committee:
Independent (Lay) Members [5]:** as Standards Committee
County Councillors [1]:

- Councillor Iain McIntosh

Town and Community Councillors [3]:

- Councillor Karen Coldrick [from 21 June 2023]
- Councillor Stephen Deeks-D’Silva [from 25 October 2023]
- Councillor Richard White

Biographies of current members, where they wish to provide one, are provided in Appendix 1.

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 2.

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.
- (x) 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.
- (xi) 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 Committee also considers any late claims for travel expenses submitted by members.

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 Committees' Work in 2023-2024

Standards Committee

Code of Conduct training – During the year there were three by elections and the Committee was advised that the elected members had completed the mandatory training on the Code of Conduct. Mid-term refresher Code of Conduct training was provided on 15 April 2024 for all councillors and co-opted members. At the time of writing this report 10 councillors and two co-opted members, who were unable to attend the session, had not completed the training. Two other councillors only attended part of the training. These members and co-opted members have been asked to view the recording.

Dispensations – the Standards Committee did not receive any requests from county councillors for dispensations. An annual review of the use of the General Dispensations agreed in December 2022 was undertaken. During the period 9 May 2022 – 17 May 2023 inclusive, the General dispensation - School Governors [councillors who are school governors appointed otherwise than by the Council] – was used by one councillor at a County Council meeting.

Complaints of breach of the Code of Conduct – the Committees receive reports on the complaints made to the Public Service Ombudsman for Wales (PSOW), in respect of county councillors and town and community councillors and the status of

the complaints. During the period of this report the Ombudsman received the following number of complaints:

2 in respect of County Councillors:

- not investigating - 1
- investigating - 1

5 town and community councillors:

- not investigating - 4
- investigating - 1

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 [APW] – a complaint regarding former County Councillor Tim Van-Rees was referred by the Ombudsman for consideration by the Standards Committee. As reported in last year's report the Standards Committee held an initial hearing in July 2022 and agreed to proceed to a hearing. A preliminary hearing was held in January 2023 and a hearing took place in late June 2023. The Standards Committee at a hearing on the 26 June 2023, concluded that the former Member had breached the County Council's Code of Conduct for Members, namely paragraphs:

- 4. You must (a) - carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
- (b) show respect and consideration for others
- 6 (i)(a) 1 You must – (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
- 7 (b) (i) use, or authorise others to use, the resources of your authority - imprudently;
- (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
- (vi) improperly for private purposes.

The Committee concluded that the former councillor should be censured.

A complaint in respect of a county councillor referred to the Standards Committee by the Ombudsman was considered at a preliminary hearing by the Standards Committee in May 2024. The Committee agreed to refer the complaint to Ceredigion County Council's Standards Committee for determination. The Committee came to this decision to address any issues of public perception and to ensure natural justice and fair treatment for the member involved. The outcome of the hearing will be included in next year's report.

As reported in the 2022-23 Annual Report a complaint in respect of former County Councillor Karen Laurie-Parry was referred to the APW. At its meeting in July 2023

the APW imposed a suspension of 18 months on the former councillor. As previously reported the APW also considered a complaint in respect of former Councillor Donald Jenkins [St Harmon Council] in July 2023. The APW resolved that former Councillor Donald Jenkins [St Harmon Community Council] be disqualified for 15 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.

Annual meeting with Political Group Leaders regarding their new duties to promote and maintain high standards of conduct – hybrid meetings were held with Group Leaders on 1 and 9 May 2024. The Committee and Group Leaders welcomed the opportunity to meet to consider the Group Leaders’ new duties and how these had been addressed. Appendix 3 provides a summary of the meetings. The Committee has identified a number of issues which will be actioned and will report on these in its next annual report.

Councillors’ attendance at committee meetings – the Committee reviews the attendance of councillors at committee meetings. Councillors are required to have an attendance level of at least 60%. The Chair of the Standards Committee writes to councillors with attendance levels below 60%, asking them to check the records of their attendance and if, after checking, the level remains below 60% that are asked to explain the reason for absences.

At its meeting in June 2023 the Committee was advised that five members had attendance under 60% for the period 9 May 2022 to 17 May 2023 inclusive. The Committee noted that four had absences due to personal reasons and one due connectivity issues for online meetings.

Observing County Council meetings by Standards Committee members – the Committee agreed that as part of its Work Programme, Independent members, on a rota basis, would observe Council meetings. The purpose of this is to observe meetings in respect of the Code of Conduct, standards and ethical issues. A reporting template was produced and is used by the Independent Member to feedback their observations.

Observations were made at the Council meetings on 20 July and 5 October 2023. The reports were considered at the Standards Committee meeting on 25 October 2023. It was noted that observing the meeting in person in County Hall may give the observer a better feel of the meeting and issues discussed. It was agreed by the Committee that the observation reports would be shared with the Chair of Council and the Chairs of other committees.

Annual Review of Register of interests of members, co-opted members and Church and Parent Governor representatives and officers – the Committee, at its meeting in June 2023 noted that all councillors had reviewed their register of interests and the Monitoring Officer would continue to remind the three co-opted

members and Church and Parent Governor representatives to complete their reviews. These reviews were completed.

Overseeing the Council's rules and protocols on accountability of members –

The Committee has a role overseeing the Council's rules and protocols on accountability of members, the relevant sections of the Constitution relating to these are Section 21 - Protocol on member/officer relations and Section 25 Local Resolution Process. At its meeting in October 2023 the Committee was advised that during the period May 2022 – September 2023 inclusive there were no complaints about potential breaches by members/officers in respect of Section 21 and no complaints had been dealt with under the Local Resolution Process during the period May 2022 – September 2023 inclusive.

Annual review of acceptance of gifts and hospitality by members - The Code of Conduct for Members states the following:

“9 You must – (b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.”

However, where a member does accept a gift etc paragraph 18.5.6.1 states: “Where you accept any gift or hospitality which you estimate to have a market value or cost of provision of £25 or greater,(or where you accept a working lunch of the type described in paragraph 3.1 (vi) above where the cost or value exceeds £10) you must, as soon as possible after receipt of the gift or hospitality, make a declaration in writing to the Monitoring Officer officer...”. Members are required to register gifts and hospitality on a form or via an online form and details are available to view on their Council webpage.

The annual review of acceptance of gifts and hospitality by Members was undertaken for the period 19 May 2022 and 1 February 2024 and considered by the Committee on 7 February 2024. The Committee noted that six members had declared gifts and /or hospitality during this period. The Committee had no concerns about the level of hospitality recorded by members and noted the hospitality offered by the Green Man Festival. It was considered that this current level was not of concern but if it was found that the majority of members were being offered hospitality by an organisation, such as a festival, the Committee may wish to look at this.

Whistleblowing Policy – the Committee considered the Whistleblowing cases and outcomes since 2019/20 at its meeting in February 2024. It was noted that Section 115 of the Local Government and Elections (Wales) Act 2021 now requires the Council's Governance and Audit Committee to review and assess the authority's ability to handle complaints effectively, including the handling of Whistleblowing complaints and therefore the reporting of whistleblowing complaints will be made to the Governance and Audit Committee and not to the Standards Committee. The

Committee was advised that the Council's Constitution would need to be amended to reflect this new legislation.

National Standards Committee Forum - The Chairs of the Standards Committees of the 22 Councils, three Fire Authorities and three National Park Authorities participate in the Forum. The purpose of the Forum is to share best practice and provide a forum for problem solving across Wales. The Forum met on 30 June 2023 and 29 January 2024.

Standards Community Sub-Committee

One Voice Wales [OVW] – Civility and Respect Project – at the meeting in June 2023 the Sub-Committee welcomed Mr Paul Egan, Deputy Chief Executive and Resources Manager, OVW to talk about this project. OVW was involved in the project and the main partners were the Society of Clerks and the National Association of Local Councils. It was noted that because of the different ethical framework in Wales some elements of the project may not be entirely suitable or relevant for councils in Wales. The project was set up due to many councillors and clerks leaving the sector as a result of disrespectful and bullying treatment. OVW would review all the materials produced by the project and develop a Civility and Respect Pledge specifically for Wales. It would contact the Monitoring Officers in Wales and ask them to ask Standards Committees to endorse it and encourage councils to adopt the Pledge.

Dispensations - The Standards Community Sub-Committee granted a dispensation to Councillor Barry Thomas, Llangyniew Community Council to make written representations only in respect of proposals to develop the caravan and chalet park in the area.

Recommendations made by the Public Service Ombudsman for Wales (PSOW) or Adjudication Panel for Wales [APW] – As reported in the 2022-23 Annual Report the APW considered a complaint in respect of former Councillor Donald Jenkins [St Harmon Council] in July 2023. The APW resolved that former Councillor Donald Jenkins [St Harmon Community Council] be disqualified for 15 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.

Committee meetings and attendance record

Details of the number of meetings and attendance details are provided in Appendix 4. Meetings are held in public unless the Committee determines that an exemption exists and the meeting needs to be held in private to protect individuals.

Future work priorities

The Committee's Work Programme is provided in Appendix 5. The Programme is updated at each meeting.

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Standards Committee

Independent Members

Claire Moore

Independent Member of Standards Committee since May 2019 and Deputy Chair of Standards Committee.

Claire has a degree in politics and has extensive experience in the public sector which includes specialising in strategy development, expanding and leading multi-agency partnerships and commissioning services for large organisations.

Claire lives on her family farm in the Brecon Beacons and is currently an independent member of Brecon Beacons National Park Authority Standards Committee, Chair of governors at Sennybridge Primary School and a trustee at Brecon MIND.

Jonathan Goolden

Jonathan's roots are in the Mid Wales Marches. He is a solicitor and partner in a large regional law firm in England and splits his time between Welshpool and Lincolnshire. He is the Monitoring Officer for a national park authority in England and advises local authorities, schools and businesses on a range of governance, ethics and regulatory issues as well as conducting complex investigations in the public sector.

Russell Stafford-Tolley

Russell served as a Royal Engineer Officer from 1973 to 2001. During this time he served in the UK and Germany and then with Commando Forces deploying to the Falkland Islands as an operations officer. Other appointments included unit command, an instructor at the Royal School of Military Engineering from where he led unit training in Gibraltar, Hong Kong, Cyprus, Brunei and Columbia, before taking command of Sennybridge Training Area which at the time required the coordination of a £20M refurbishment programme on the ranges and the early development of the Army Training Estate Wales and West Midlands. Russell was the first Joint Regional Liaison Officer for Headquarters 160 (Wales) Brigade based in Brecon, working with local authorities and emergency services across Wales, before retiring in November 2006 when he then became Commandant to Gwent and Powys Army Cadet Force (ACF). There followed a spell as the Army Cadet Force Association OUTREACH Coordinator for Wales, helping to develop and inspire young people, and then Chairman before his second retirement in 2013. He is married to Susan, lives near Brecon and interests include horses, sheepdog trials, tractors, walking and singing with a local male voice choir.

Nigel Steward

Nigel has worked in the public and charitable sectors for more than 40 years. He originally specialised in financial control and computer audit and latterly gained

considerable experience covering GDPR as well as corporate governance and performance management. His last role was acting as a Deputy Chief Executive Officer of a Charity Infrastructure Organisation.

He holds professional qualifications in finance and computer audit and is a Fellow of the Chartered Management Institute.

Having visited the Brecon Beacons for more than 40 years, he and his wife moved to Powys in 2018. Since their move he has enjoyed being a trustee, treasurer and vice-chair of several small organisations and charities and has recently been elected as a Trustee of ScoutsCymru.

County Councillors

Councillor Beverley Baynham

Councillor Beverley Baynham was appointed to the Standards Committee at Powys County Council's AGM in May 2023.

Councillor Beverley has served as a Community Council since June 2008 and been Mayor of Presteigne & Norton Town Council twice in that time. Elected as a County Councillor in May 2017, representing the Presteigne Ward, she has held a variety of roles including Chair of the Radnorshire Committee, Assistant Vice Chair, Vice-Chair & Chair of Council as well as serving a short time as a Cabinet Member from June 2021 to May 2022. As a Cabinet Member responsibilities included the workforce, public protection and ICT. She has also served on various committees including Audit and Employment & Appeals.

In May 2022 Councillor Beverley was appointed Vice Chair of Council for a second time and took over as Chairman at the AGM in May 2023.

In her professional career Beverley has worked as a Social Care Manager for a charitable organisation since 2001. She has professional qualifications in Accountancy and a Diploma in Leadership & Management.

Councillor Iain McIntosh

Councillor Iain currently sits as the elected Powys County Councillor for the Yscir with Honddu Isaf and Llanddew ward, just to the North of Brecon in Powys. Since taking this role in June 2017 he spent time as a Cabinet member, with responsibilities for Housing, Planning and Economic Regeneration. Councillor Iain has been a member of the following Council committees; 'Planning, Taxi Licencing and Rights of Way', 'Licensing Act 2003', 'Economy, Residents and Communities Scrutiny', 'Learning and Skills Scrutiny', and 'Standards'. He has also represented Powys County Council as a member of the Bannau Brycheiniog/Brecon Beacons National Park Authority.

Outside his Council commitments Iain runs a family business in Brecon, established in April 1994.

Councillor Liz Rijnenberg

Councillor Liz Rijnenberg, Welsh Labour, was elected to Powys County Council in November 2019. She is a member of the Standards, Health and Social Care and Economy Residents and Communities Committees.

Councillor Liz represents Powys County Council on the Dyfed Powys Police and Crime Panel and has recently been nominated to join the Powys County Council Foster Panel.

After completing a degree in Social Policy and Administration at Nottingham University Liz completed an MA in Social Work. She later joined the Probation Service where she worked as a practitioner, subsequently moving into strategic roles including CEO positions in both England and Wales. During her working career Liz developed community services for women offenders as alternatives to custody and served on the Advisory Board for Female Offenders. She completed a MSt in Criminology at Cambridge University which included research into the impact of parental imprisonment on children. She was made an OBE in 2016 in recognition of her services to Probation.

Councillor William Powell

William Powell was educated at Talgarth CP School, Gwernyfed High School and Pembroke College, Oxford, graduating with a 2:1 degree in Modern Languages in 1983.

Brought up in the Black Mountains, William has been a partner in the family farm since August 1986 and taught French and German in several state and independent schools in Herefordshire and Gloucestershire for 17 years, latterly as Head of German and European Officer at Hereford Sixth Form College.

Elected to Powys County Council as Welsh Liberal Democrat County Councillor for Talgarth in June 2004, William has been re-elected on four subsequent occasions. As well as joining the PCC Standards Committee recently, Councillor William has served on the Governance and Audit Committee, as well as previously on the Planning and Licensing Committees. He has also been a member of the Dyfed-Powys Police and Crime Panel since June 2017.

As a member of the National Assembly for Wales (now Senedd Cymru) for Mid and West Wales 2011 – 2016, he served as Chair of the Cross-Party Petitions Committee, as well as a member of the Environment and Sustainability and Constitutional Affairs Committees. Throughout the term, he also represented his party on the Commonwealth Parliamentary Association and the British-Irish Parliamentary Assembly.

A member of the Brecon Beacons National Park Authority 2004 – 2011, Councillor William rejoined the now restyled Bannau Brycheiniog National Park Authority in May 2022 and currently chairs the Audit & Risk Committee. He is working with members, senior officers and Audit Wales to help restore confidence in the Authority's governance arrangements, following a recent period of turbulence.

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.

DRAFT

Standards Committee meeting with Group Leaders to discuss the Group Leaders duties - 1 May and 9 June 2024 – to be added after the Standards Committee approves the report on 12 June 2024

DRAFT

Committee meetings and attendance record

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

Six Standards Committee meetings were held in the period 13 June 2023 – 9 May 2024 [inclusive] as follows:

- 21 June
- 26 June
- 25 October
- 7 February
- 1 May – meeting with Group Leaders
- 9 May – meeting with Group Leader

Meetings of the Standards Community Sub-Committee were held on 21 June and 25 October 2023.

Committee Member	Attendance at Standards Committee	Attendance at Standards Community Sub-Committee
Stephan Hays, Chair	5	2
Claire Moore, Vice Chair	5	2
Jonathan Goolden	4	1
Russell Stafford-Tolley	3	1
Nigel Steward	6	2
Councillor Beverley Baynham	4	N/A
Councillor Iain McIntosh	3	1
Councillor William Powell	4	N/A
Councillor Liz Rijnenberg	4	N/A
Town/Community Councillor Richard White	N/A	2
Town/Community Councillor – Karen Coldrick	N/A	1
Town/Community Councillor – Steve Deeks-D'Silva	N/A	1

Work programme

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 and National Standards Forum.
- Code of Conduct, standards and ethical issues at Council meetings - On a rota basis, Independent Members to observe Council meetings and report back to Committee
- Guidance / briefing notes for Group Leaders on emerging topics - to highlight issues around any emerging topics to support Group Leaders in their role

12 June 2024

Topic	Objective	Who is responsible	Outcome
Annual report	Approval of Annual report for submission to Council	Committee	Presentation of Annual report at the Council meeting on 11 July 2024
Monitor members' attendance at relevant meetings	To review members attendance at relevant meetings and consider any whose attendance is below 60%	Committee	Complete an annual review
Oversee the Register of Interest of Members, Co-opted members and Church and Parent Governor Representatives and Officers	To review the Register of Interest	Committee	Complete an annual review
General Dispensations	To review the use of General dispensations over the previous 12 months	Committee	Complete an annual review.

30 October 2024

Topic	Objective	Who is responsible	Outcome

2025 dates to be added when the Council diary is agreed

The following will be allocated to meetings in 2025, as appropriate, when the Council meetings diary has been agreed. Further topics will be added as required.

- Meeting with Group Leaders regarding duties
- Monitor and review the acceptance of gifts and hospitality by Members.
- General Dispensations
- Annual report
- Monitor members' attendance at relevant meetings
- Oversee the Register of Interest of Members, Co-opted members and Church and Parent Governor Representatives and Officers

Standards Community Sub-Committee Work programme

Standing items on agendas:

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

12 June 2024

Topic	Objective	Who is responsible	Outcome

30 October 2024

Topic	Objective	Who is responsible	Outcome

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Standards Committee

Feedback on Observations of County Council Meetings

Meeting:	County Council
Date:	22 February 2024
Format of meeting	Delete as appropriate: In County Hall / Online only / Hybrid [online and in County Hall]
Independent member observing:	Nigel Steward Independent Lay Member Powys County Council, Standards Committee

Please provide feedback on the following issues relating to standards and conduct.

Declarations of interest made at the start of the meeting: <ul style="list-style-type: none"> ▪ Numbers made and type – personal or prejudicial ▪ If prejudicial interests made did the councillor leave the room/virtual meeting
<ul style="list-style-type: none"> ▪ None.

Declarations made during the meeting when they come to light: <ul style="list-style-type: none"> ▪ Numbers made and type – personal or prejudicial ▪ If prejudicial interests made did the councillor leave the room/virtual meeting
<ul style="list-style-type: none"> ▪ None. (Some casual references to being school governors) <p>Note: The purpose of the meeting was to discuss and agree the Medium Term Budget for the WHOLE Council and so it was surprising that not one formal declaration of interest was made.</p>

Dispensations: <ul style="list-style-type: none"> ▪ Were any dispensations relied on? ▪ State which dispensation
<ul style="list-style-type: none"> ▪ No. ▪ N/A.

Code of Conduct, Standards and Ethic issues: Selflessness / Honesty / Integrity and Propriety / Duty to Uphold the Law / Stewardship / Objectivity and Decision-making / Equality and Respect / Openness / Accountability / Leadership

Comment on any issues observed during the meeting:

One member asked the Chair on several occasions to ensure all those participating in the meeting online were actually in attendance throughout the various debates leading up to voting. On the third or fourth occasion, the Monitoring Officer asked the individual to outline any specific concern.

It was noted that several members made constant use of their mobile phones (they were on silent). Uses included, web browsing, responding to emails and messages. This may have been connected to urgent Council business, but was a distraction to others, disrespectful to the Chair and the member who was presenting at the time. It also provided a perception to the public that they were not fully engaged in the meeting.

Other general observations:

In general, this was a good, well managed meeting.

Conclusion:

Due to the subject and nature of the particular meeting, it lasted a long time (4.5 hours) and at times, the subject matter was complex. In this respect, the Chair should be commended for maintaining order and managing expectations of those many members who requested to speak. Examples of good practice included:

- The microphone system was tested five to ten minutes before the start of the meeting.
- The momentum of the meeting was maintained and the Chair provided intermediate milestones to make it clear when members could ask questions or make comments. Forward notice of the lunch break was also given.
- When it became appropriate to do so, the Chair also sought advice from the Council's Senior Officers.

It was a good meeting, I was made welcome by those that sat nearby or who introduced themselves and it was evident that many members had become aware that an independent member of the Standards Committee was observing the meeting.

Recommendations or Suggestions (if appropriate):

Members of the Standards Committee are asked to consider the expectations of:

- Members making declaration of interests
- The perceived behaviour of those members who attend meetings online, particularly with the ability to disable personal video cameras during debates.
- the use of mobile phones, laptops, tablets etc.

This feedback will be considered at the next Standards Committee. However, any major concerns should be discussed with the Standards Committee Chair, Vice Chair and Monitoring Officer. Any action taken by the Monitoring Officer will be reported to the Standards Committee, as appropriate.

On completion, Email the completed form to: Carol Johnson, Democratic Services Officer carol.johnson@powys.gov.uk

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**STANDARDS COMMITTEE
FEEDBACK ON OBSERVATIONS OF COUNTY COUNCIL MEETINGS**

Meeting:	County Council
Date:	7 March 2024
Format of meeting	Delete as appropriate: In County Hall / Online only / Hybrid [online and in County Hall]
Independent member observing:	Russell Stafford-Tolley

Please provide feedback on the following issues relating to standards and conduct.

<p>Declarations of interest made at the start of the meeting:</p> <ul style="list-style-type: none"> • Numbers made and type – personal or prejudicial • If prejudicial interests made did the councillor leave the room/virtual meeting
<p>Questions were raised about the declaration of interest and interpretation. Items 14 and 16 (School Holidays and Sustainable Farming Scheme) were causing the problem. Advice offered that members may speak and debate but not vote. Many not happy. If advice not heeded may be in breach of Code of Conduct – individual decision. Much confusion. Suggested the ruling goes back to the Standards Committee to review the ruling for clarity. This was agreed. There were 36 declarations of interest raised at this point. None were declared as either personal or prejudicial. Most but not all left the room when voting took place on these two items.</p>

<p>Declarations made during the meeting when they come to light:</p> <ul style="list-style-type: none"> • Numbers made and type – personal or prejudicial • If prejudicial interests made did the councillor leave the room/virtual meeting
<p>Declarations made on Item 11 and 13. No type of declaration offered. Not all left the chamber.</p> <p>The names of those who declared an interest on Item 16 (29) were read out.</p>

<p>Dispensations:</p> <ul style="list-style-type: none"> • Were any dispensations relied on? • State which dispensation
<p>None</p>

Code of Conduct, Standards and Ethic issues: Selflessness / Honesty / Integrity and Propriety / Duty to Uphold the Law / Stewardship / Objectivity and Decision-making / Equality and Respect / Openness / Accountability / Leadership

Comment on any issues observed during the meeting:

None

Other general observations:

Trouble with the translation system delayed the start of the meeting. Checks were made with the online members from 10.25. Staff were assisting with some computer issues in the chamber. Online connectivity was sorted but the translation system was still troublesome at 10.36. Legally translation is required although those opting to speak in Welsh were happy to proceed in English. Translation sorted for those online (at home) but not in the chamber. Finally, headphones were plugged into laptops to see if the problem would be solved. Solved the problem at 10.48. Meeting started.

There was a break from 13.00 until 13.45 for lunch. The meeting finished at 15.29

This feedback will be considered at the next Standards Committee. However, any major concerns should be discussed with the Standards Committee Chair, Vice Chair and Monitoring Officer. Any action taken by the Monitoring Officer will be reported to the Standards Committee, as appropriate.

Email the completed form to: Carol Johnson, Democratic Services Officer
carol.johnson@powys.gov.uk

CYNGOR SIR POWYS COUNTY COUNCIL

Standards Committee

12 June 2024

REPORT BY: Head of Legal and Monitoring Officer

SUBJECT: Annual review of Register of Interest of members, Co-opted members and Church and Parent Governor representatives and Officers

REPORT FOR: Decision

1. Purpose of Report

1.1 The Committee is asked to complete the annual review.

2. Background

2.1 The Committee has a role in respect of the Register of Interest as detailed in Section 8 of the Constitution:

8.8.11 overseeing the Register of Interest of Members, Co-opted members and Church and Parent Governor Representatives and Officers.

2.2 Paragraphs 15 – 16 of Section 18 - Code of Conduct for Members of the Constitution refers to The Register of Members' Interests. Members are required to complete a Register of interest form within 28 days of their election. A copy of the form is attached at Appendix 1. Members are required to keep their Register up to date throughout their term of office and update the form within 28 days of any new interests or becoming aware of changes required to interests detailed on the Register.

3 Members

3.1 The Register of Interest is a public document and is found on the Members' respective pages on the Council website [Your Councillors Cyngor Sir Powys County Council \(moderngov.co.uk\)](https://www.moderngov.co.uk)– click on a Member and then the Register of Interest link.

3.2 In January 2024, an email was sent to members asking them to review their Register of interests as part of the preparatory work for closing of the Council's accounts. They were asked to complete the review by 31 March 2024. Where this was not completed a further email was sent on 12 April 2023 asking that the review be completed by 21 April 2023 and the Group Leaders were copied into this where appropriate. Further emails have been sent and 10 members still need to complete the review. A verbal update will be given at the meeting.

4 Co-opted members and Church and Parent Governor Representatives

4.1 Co-opted members and Church and Parent Governor Representatives were emailed on 14 May 2024 asking them to review their current form and/or complete the new form to reflect their current interests. They were reminded that they should declare any interests when they relate to matters under consideration at a meeting, as required under the Council's Code of Conduct and that they should also update the information contained on their Register, when they occur.

The above were asked to return the forms by 31 May 2024. One lay member still needs to complete their review and a reminder has been sent.

5 Officers

The Monitoring Officer has emailed Heads of Service asking them to review the declarations of interest made by officers, which are held by each Service. The Monitoring Officer has the right to audit the Declaration Forms at any time.

Recommendation:	Reason for Recommendation:
1. To note the report 2. To require the Monitoring Officer to continue to remind the members and lay member to return their new forms, as appropriate.	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.

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

Appendix 1

I _____ (FULL NAME)
being a Member of Powys County Council give notice that I have the following
financial and other interests which are required to be recorded in the statutory public
register, as set out below:

1. Details of any employment or business carried on by you?

Name of Employer or Body	Description of Employment Activity

2. Name of any person who employs or has appointed you, name of any firm in which you are a partner and / or name of any company for which you are a remunerated director

Name of Person / Firm / Company

3. Details of any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member

Name of Person / Body Making Payments

4. Details of any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body.

Name of Body / Company

5. Details of any contract for goods, services, or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a corporate body specified in (4) above

Name of Firm / Company / Corporate Body	Type of Contract (i.e. goods, services or works)

6. Details of any land in which you have a beneficial interest and which is in the area of your authority

Address / Description of Land	Nature of Interest in Land

7. Details of any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in (4) above.

Address / Description of Land	Name of Firm / Company / Corporate Body

8. Details of any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer

Address / Description of Land

9. Details of any body to which you have been elected, appointed or nominated by your authority

Name of Body	Position

10. Details of membership of any public authority or body exercising functions of a public nature

Name of Public Authority / Body	Position Held

11. Details of membership of any company, industrial and provident society, charity or body directed to charitable purposes

Name of Company / Society / Charity or Body	Position Held

12. Details of membership of any body whose principal purposes include the influence of public opinion or policy

Name of Body	Position Held

13. Details of membership of any trade union or professional association

Name of trade union / professional association	Position Held

14. Details of membership of any private club, society or association operating within Powys County Council's area, where you hold a position of general control or management

Name of club, society or association	Position Held

Signature: _____ Date: _____

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