

MINUTES OF A MEETING OF THE STANDARDS COMMITTEE, HELD AT COUNTY HALL, LLANDRINDOD WELLS ON WEDNESDAY 9th APRIL 2014.

PRESENT: H. Rhydderch-Roberts (Chair)
J. Evans, M. Harris, S. Jarman, R. Miller, County Councillors S. Hayes, M, Mackenzie, P. Medicott and G. Williams.

Observers: Community Councillors C. Evans, H. Patrick, D. Pugh.

Officers in Attendance: C. Pinney (Solicitor to the Council), W. Richards (Scrutiny Manager and Interim Head of Democratic Services), S. Tamboo (Solicitor – Corporate) and E Patterson (Scrutiny Officer).

1.	APOLOGIES	S5 – 2014
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There were no apologies for absence.

2.	MINUTES	S6 – 2014
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The Chair was authorised to sign the minutes of the previous meeting held 5th February 2014.

3.	DECLARATIONS OF INTEREST	S7 – 2014
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No declarations of interest were received.

4.	REPORT OF THE SOLICITOR TO THE COUNCIL	S8 – 2014
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The Committee received the report of the Solicitor to the Council. (Copy filed with signed minutes)

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

A1 Code of Conduct Training

The new Church Representative on the People Scrutiny Committee has been nominated by the St Asaph Diocese. Training will be arranged for the Church Representative and the newly appointed Lay Member of the Standards Committee. The appointment process for the remaining Lay Member vacancy on the People Scrutiny Committee will commence after Easter.

A2 Member Development

The Committee discussed the recommendation from the Member Development Working Group that the level of attendance for Committees and Non-Mandatory training should be set at the same level which should be 70% or 80%.

The Committee did not feel that it was necessary to amend the level of attendance required at Committee from the current level of 60%. However, the Committee considered that it was appropriate to expect Members to make

every effort to attend the training provided by the Council and to that end considered it appropriate to set a higher level of required attendance at non-Mandatory training. 100% attendance is required at Mandatory training.

Resolved that:	Reason for resolution
i) Member attendance for non-mandatory training be set at 80%, ii) Member attendance be calculated on half day sessions	i) To encourage a high level of attendance at training sessions ii) To encourage all day attendance when training is provided for both morning and afternoon sessions

B Referral of Councillors to Public Services Ombudsman

B1 County Councillor Referrals

B1.1 There are no outstanding Code of Conduct complaints with the Public Services Ombudsman for Wales.

C Other Standards Issues

C1.1 Local Resolution Panels

The Public Services Ombudsman for Wales is encouraging Local Authorities to introduce Local Resolution Panels for low level Councillor on Councillor complaints. Sixteen out of the 22 local authorities in Powys have introduced Local Resolution Panel processes and the Ombudsman has indicated that, if a local authority does not adopt a Local Resolution Panel process then he would be minded to legislate to impose one.

In preparing a draft process the Solicitor to the Council asked for a series of basic principles to be agreed.

First Principle – How formal should the process be?

Other authorities had introduced processes which varied from the formal (run by Officers) to the informal (run by Group Leaders). The majority had adopted a midway position with resolution facilitation being undertaken by Group Leaders with a Senior Officer (such as the Monitoring Officer or Chief Executive).

It was agreed that a midway position should be adopted with Group Leaders and a Senior Officer being involved in facilitating resolution.

Second Principle – Who should take the place of Group Leader if a Group Leader is the complainant or subject to a complaint?

It was agreed that the Deputy Group Leader should undertake the role of Group Leader where a Group Leader is either the complainant or the Member subject to a complaint.

Principle 3 – is a ‘Second Stage’ process required?

Some, but not all, local authorities have included Second Stage in the process whereby a further attempt at resolution can be tried and including an Independent (Lay) Member of the Standards Committee. The Committee were of the view that it was unlikely that a Second Stage would be successful if the first stage had failed and that the Complainant was likely to exercise their right to make a complaint to the Ombudsman.

Principle 4 – should participants in the Local Resolution Panel process be debarred from submitting a complaint to the Ombudsman?

Resolved that the right of complaint to the Ombudsman should remain an option to complainants.

D Dispensations

D1.1 Applications - County Councillors

County Councillor W. B. Thomas applied for a dispensation to attend a meeting, speak, seek to influence a decision, make written representations and make oral representations on matters relating to the proposed changes to ALN (Additional Learning Needs) provision for primary age children across Powys.

County Councillor Thomas had previously declared a personal and prejudicial interest in this matter as Chair of the Powys Dyslexia Support Group which he helped establish. He understood that there had been public perception that he had a prejudicial interest because dyslexia may result in special educational needs.

Members considered that Councillor Thomas did have a personal and prejudicial interest. They were of the opinion however that it would not damage public confidence in the business of the Council if Councillor Thomas were to attend meetings and speak on matters of fact on this issue. However, Members were of the opinion that public confidence in the business of the authority may be damaged if Councillor Thomas was able to seek to influence or vote on the issue. Dispensation was granted accordingly.

RESOLVED THAT:	REASON FOR RESOLUTION
<p>i) a dispensation be granted to Councillor Barry Thomas in relation to his personal and prejudicial interest in the discussion on ALN provision for primary age children across Powys to attend and speak at a meeting but not to seek to influence (ie to speak on factual issues only). This dispensation does not allow Councillor Thomas to vote, seek to influence, make written</p>	<p>i) It appeared that there is a public perception that Councillor Thomas has a personal and prejudicial interest. The dispensation is granted as the Committee believe that to allow Councillor Thomas to attend a meeting and speak on the issue (although not to seek to influence, make written communications, oral representation (‘lobbying’) or exercise a Cabinet</p>

communications or oral representations or to exercise a Cabinet Function on the discussion of ALN provision for primary age children across Powys.	Function) would not damage public confidence in the Authority's business.
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E Late payment of expenses

An application for late payment of expenses was considered from the following Members:

Councillor Peter Harris – a claim for broadband submitted on 31st January 2014 for the period 22nd January 2013 to 31st October 2014.

Councillor David Evans – a claim for mileage submitted on 16th January 2014 for October 2013.

RESOLVED THAT:	REASON FOR DECISION
i) the payment of the late claim submitted by Cllr P. Harris £116.91 for 22nd January 2013 to 31st October 2013 be approved.	To reimburse expenses incurred by Cllr P. Harris in relation to provision of Broadband which Cllr Harris had not appreciated was claimable. That all Members receive a reminder letter as to what expenses are claimable
ii) The payment of the late claim submitted by Cllr D Evans be disallowed	Cllr Evans has already had a late claim allowed and was made aware at that time that it was necessary to adhere to the two month rule and a further late claim would be unlikely to be granted.

F Appointment of Independent (Lay) Member of Standards Committee

The process for appointing an Independent (Lay) Member to replace Independent Member M. Harris is ongoing.

The Appointment Panel sat on 6th March 2014 and shortlisted six applicants from the 46 eligible applicants. The six applicants were invited to interview on 13th March 2014. The Panel have made a recommendation for ratification at Full Council on 30th April 2014. The new Independent (Lay) Member will start on 22nd June 2014.

G Ombudsman's Case Book

It was agreed that one of the cases would be examined in detail at the next meeting of the Standards Committee.

H Meeting Dates

The following dates for the Standards Committee were confirmed:

25th June 2014
3rd September 2014
3rd December 2014

All meetings to commence at 10.00am with the option of training available afterwards.

**H Rhydderch-Roberts
Chair**