

MINUTES OF A MEETING OF THE STANDARDS COMMITTEE, HELD AT COUNTY HALL, LLANDRINDOD WELLS ON WEDNESDAY 6th NOVEMBER 2013.

PRESENT: Mrs H. Rhydderch-Roberts (Chair)
Mrs J. Evans, Mrs M. Harris, Mrs S. Jarman, Mr R. Miller, County Councillors Mrs M, Mackenzie, P. Medlicott, Mrs K. Roberts-Jones and G. Williams.

Observers: Ms 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), Ms S. Tamboo (Solicitor – Corporate) and Mrs E Patterson (Scrutiny Officer).

1.	APOLOGIES	S21 – 2013
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There were no apologies for absence.

2.	MINUTES	S22 – 2013
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The Chair was authorised to sign the minutes of the previous meeting held 9th May 2013 and 3rd July 2013 as a correct record.

3.	DECLARATIONS OF INTEREST	S23 – 2013
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The following declarations of interest were received:

Observer Community Councillor D. Pugh declared a personal and prejudicial interest in Item D1.1 of Section 4 considering an application for dispensation as a relative of the applicant.

In respect of Item D1.2 of Section 4 considering a dispensation for County Councillors to be able to discuss Single Farm Payments the following Members declared personal and prejudicial interests.

County Councillor P. Medlicott (ex-clients and current friends are known to be in receipt of the payment)
Independent Member Mrs H. Rhydderch-Roberts (a farmer uses her land)
Independent Member Mrs M. Harris (in receipt of the payment)
Independent Member Mrs J. Evans (a business associate may be in receipt of the payment)
Town and Community Councillor Representative D. Pugh (landowner) (Observer)
Town and Community Councillor Representative C. Evans (family in receipt of payment) (Observer)

In respect of Item D1.3 in Section 4 considering a dispensation for County Councillors to be able to discuss the 'Bedroom Tax' (i.e. the Spare Room Subsidy) the following Members declared personal and prejudicial interests:

County Councillor P. Medlicott (private landlord)
Independent Member H. Rhydderch-Roberts (private landlord)

Town and Community Councillor Representative D. Pugh (landlord) (Observer)
Town and Community Councillor Representative C. Evans (private landlord)
(Observer)

4.	REPORT OF THE SOLICITOR TO THE COUNCIL
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S24 – 2013

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

All County Councillors and Co-opted Members have now received training on the Members' Code of Conduct except a newly appointed Co-opted Member of the People Scrutiny Committee whose training will be arranged.

A2 Member Development

A copy of the role descriptions for Members of the Standards Committee and Standards Community Sub-Committee and the Chair and Vice-Chair of the Standards Committee and Standards Community Sub-Committee were provided for information.

A number of Personal Development Reviews had been completed starting with Cabinet Members and Committee Chairs. This would be rolled out to all Members and would include co-opted Members of the Standards Committee and Standards Community Sub-Committee. These reviews gave Members an opportunity to discuss training requirements.

32 Members had completed Annual Reports and these were in the process of being added to the Powys County Council website. Other Annual Reports would be added on completion.

Mandatory Training

The following points were raised:

- Members should expect to be required to attend training in the same way that Magistrates or Adoption Panel Members are required to attend training sessions to retain their post
- Did the Acceptance of Office form require Members to sign up to training when they accepted office
- What sanctions could apply to Members who do not attend training
- Mandatory training should not be held on a Friday as some Members perceive this as non-essential

Outcome:

A list of proposed Mandatory training be requested from the Member Development Working Group for consideration at the next meeting.

B Referral of Councillors to Public Services Ombudsman

B1 County Councillor Referrals

- B1.1** The Ombudsman has concluded investigating complaint Ref 1/13/CC and has determined that there was no evidence to suggest a breach of the code of conduct had occurred.

A further complaint has been received Ref 6/13CC which the Ombudsman is deciding whether or not to investigate.

C Other Standards Issues

C1.1 Local Government (Democracy) (Wales) Bill

This received Royal Assent on 30th July 2013 and is now the Local Government (Democracy) (Wales) Act 2013.

The Act requires Town and Community Councils to publish electronically information regarding their Members, how to contact their Clerk, together with notices, agendas and meeting documents (unless exempt), minutes of Council meetings and an audited statement of the Councils accounts. Town and Community Councils will also be required to publish declarations of interest electronically.

It was confirmed that the Monitoring Officer of the County Council will continue to act as Monitoring Officer for Town and Community Councils.

D Dispensations

D1.1 Applications - County Councillors

Observer Town and Community Councillor Representative D. Pugh declared an interest and left the room.

Councillor H. Lewis attended the meeting to speak in support of his application for a dispensation to speak but not vote when matters relating to the County Farm Estate are discussed at meetings of the County Council including Audit and Scrutiny.

Councillor Lewis advised that he had held a life tenancy of the County Farm Estate since 1991. He had also privately rented some land holding in the locality. Three years ago he had been offered to enlarge his holding but convert to a 5 year Farm Business Tenancy. As he was nearing retirement he took this option. If any changes were proposed to his tenancy (including rents) then notice would need to be given by March 2014 for the changes to be made in April 2015 and would therefore only affect Councillor Lewis for a maximum of 6 months at the end of his tenancy.

Councillor Lewis considers that as the only Councillor on the authority who is a tenant of the County Farm Estate he is in a unique position of being able to provide knowledge and experience of issues affecting the estate. He would not seek to influence decisions where he could personally gain and would seek the advice of the Monitoring Officer if he was in any doubt regarding a particular issue.

The Committee considered that in this instance where the applicant was nearing the end of his tenancy and had considerable experience with little or no opportunity to influence policy which would affect him personally it would be appropriate to approve a dispensation to speak but not vote in matters relating generally to the County Farm Estate but to declare an interest and withdraw where specific matters relating to the County Farm Estate in the immediate vicinity of where he lives or in relation to financial matters were discussed.

RESOLVED THAT	REASON FOR RESOLUTION
<p>i) Councillor H. Lewis be granted a dispensation in relation to all categories of prejudicial interests (excluding pecuniary prejudicial interests) concerning all matters relating to the County Farm Estate:-</p> <p style="padding-left: 40px;">(a) to speak but not vote at all meetings, and having spoken leave the room prior to a discussion/vote taking place</p> <p>ii) in relation to matters directly affecting the section of the estate where Councillor Lewis lives that he seek the advice of the Monitoring Officer as to his involvement in such discussions.</p> <p>iii) this dispensation applies until the next ordinary council elections in 2017 unless before those elections the Standards Committee revokes, amends or alters this dispensation</p>	<p>i) That the participation of the Member in the business to which the interest relates is justified by the Member's particular expertise and,</p> <p>ii) by excluding the Member from participating in debates where there could be a pecuniary prejudicial interest, the nature of the Member's interest is such that the Member's participation in the business to which the interest relates would not damage public confidence in the conduct of the Authority's business.</p>

Town and Community Councillor D. Pugh returned to observe the meeting.

D.1.2 Principles regarding applications for dispensation relating to lobbying

Members had before them two requests from Council to consider granting applications for dispensation for Members to discuss matters where there had been a proposal for the authority to play a lobbying role. A number of Members of the Standards Committee had indicated that they had interests in either one

or both of the issues. It was therefore decided to discuss principles which could then be applied to the specific applications.

The types of applications coming before the Standards Committee were those which could either be high profile or would affect a significant proportion of residents of the county. Inevitably this would mean that a significant number of councillors would also be affected, and therefore would not be able to represent the views of their electorate. The Committee's view previously has been to try to ensure that as many councillors as possible could take part in such debates.

Outcome:

The Committee agreed that a dispensation to speak and vote should be granted if the following general principles were met:-

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

D1.3 Single Farm Payments

The following Members and Co-opted Members declared interests and left the meeting:

County Councillor P. Medicott
Independent Member Mrs H Rhydderch-Roberts
Independent Member Mrs M. Harris
Independent Member Mrs J. Evans
Town and Community Councillor Representative D. Pugh (Observer)
Town and Community Councillor Representative C Evans (Observer)

The following Members remained: Independent Members R. Miller and Mrs S. Jarman and Councillors Mrs M. Mackenzie and Mrs K. Roberts-Jones. This fulfilled the requirements for a quorum with at least half the Members being Independent Members.

Independent Member R. Miller took the Chair for this item.

It was confirmed that this issue met the principles detailed above.

All 73 Members had been asked if they had interests regarding Single Farm Payments. The response to date was:

Self or Partner In receipt of Single Farm Payment	21
Self or Partner not in receipt of Single Farm Payment but other family members or friends known to be in receipt of Single Farm Payment	10
No interest in relation to Single Farm Payment	19

The Committee considered that the Notice of Motion to Council/Cabinet on this matter would affect a significant number of Councillors in such a rural area as Powys.

RESOLVED THAT	REASON FOR RESOLUTION
<p>i) a dispensation be granted to those Members who are in direct receipt of a single farm payment (including Members whose spouse or partner is in receipt of the payment) to speak but not vote on matters relating to Single Farm Payments and having spoken to leave the room.</p> <p>ii) a dispensation be granted to those Members who are not directly in receipt of a Single Farm Payment but whose family or close personal associates are in receipt of the payment, to speak and vote on matters relating thereto.</p>	<p>i) due to the rural nature of the county a significant proportion of the Council was affected and unable to take part in a discussion on this matter, and</p> <p>ii) that no fewer than half of the Members of the Authority or of a committee of the Authority by which the business is to be considered has an interest which relates to that business,</p> <p>iii) that the nature of the Member's interest is such that the Member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant Authority's business.</p>

D1.4 Spare Room Subsidy ("Bedroom Tax")

The following Members declared interests and left the meeting:

County Councillor P. Medicott
Independent Member H. Rhydderch-Roberts
Town and Community Councillor Representative D. Pugh (Observer)
Town and Community Councillor Representative C. Evans (Observer)

The following Members remained: Independent Members R. Miller, Mrs J. Evans, Mrs M. Harris and Mrs S. Jarman and Councillors Mrs M. Mackenzie

and Mrs K. Roberts-Jones. This fulfilled the requirements for a quorum with at least half the Members being Independent Members.

Independent Member R. Miller took the Chair for this item.

This item had been a Notice of Motion at the meeting of the County Council on 24th October 2013. The motion stated:

Council resolves to:

- *Work with tenants, housing associations and advice services to mitigate the impacts of the Bedroom Tax;*
- *To share best practice with unitary authorities across Wales;*
- *To pledge that this Council will not evict a tenant who fails to pay the Bedroom Tax and instead, develop affordable repayment plans with tenants;*
- *Make representations to the UK Government and Powys MPs, calling for the abolition of the Bedroom Tax.*

At the meeting of County Council over half the Members declared interests and the matter was deferred for the Standards Committee to consider granting a dispensation.

It is not clear from the Notice of Motion if a pecuniary interest for private landlords would occur, however, the Notice of Motion suggested that this may be the case.

It was confirmed that this issue met the principles detailed above.

RESOLVED THAT:	REASON FOR RESOLUTION
<p>i) a dispensation be granted to all Members, irrespective of any interest (including pecuniary interest) to speak on matters relating to the Spare Room Subsidy, and</p> <p>ii) a dispensation be granted to all Members to vote on matters relating to the Spare Room Subsidy <u>EXCEPT</u> in the following circumstances:</p> <p>a) if the Member is a private landlord and knowingly has a tenant who has moved into the private sector from the public sector due to the impact of the Spare Room Subsidy, and</p> <p>b) if the Member is a tenant who has been affected by the Spare Room Subsidy.</p>	<p>i) that no fewer than half of the Members of the Authority or of a committee of the Authority by which the business is to be considered has an interest which relates to that business,</p> <p>ii) that the nature of the Member's interest is such that the Member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant Authority's business.</p>

E Late payment of expenses

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

Councillor Peter Harris – a claim for mileage submitted on 29th July 2013 for March and April 2013.

The Committee decided to approve this application (which was the first one made by this Member) but indicated that it would be unlikely to look favourably on further applications unless there were exceptional circumstances and requested that the Member put in place appropriate systems to ensure claims were submitted within time.

RESOLVED THAT:	REASON FOR DECISION
i) the payment of the late claim submitted by Cllr P. Harris £151.20 for March and April 2013 be approved.	To reimburse expenses incurred by Cllr P. Harris as this was the first such application made by the Member.

F Member Attendance

The Committee received a letter from County Councillor William Powell giving details of duties he had been undertaking when he was absent from County Council committees that counted towards his attendance figures. In each case he had been attending business in respect of his Assembly Member role. It was noted that had Councillor Powell attended one additional meeting he would not have fallen below the required 60% attendance level.

The meeting was advised that in the period since the last calculations Councillor Powell had an attendance figure of 67%.

RESOLVED:
That Councillor W. Powell be thanked for providing the information in relation to his attendance and it be noted that his current level of attendance was above 60% and it was to be hoped that this would be continued.

G Local Resolution Panels

The Public Services Ombudsman has made representation that Councils institute Local Resolution processes to reduce the number of complaints sent to the Ombudsman. If there is no progress with setting up these processes there is a risk that Councils will be compelled to accept a standardised process established by legislation.

The Committee discussed the following areas:

- the type of complaints that could be considered
- the type of complaints that would not be considered
- who would be involved in the process

- the process to be followed
- what outcomes there could be

RESOLVED:

That a draft Local Resolution Panel process be brought to the next meeting of the Standards Committee for consideration.

H Indemnity Cap

The Public Services Ombudsman for Wales recommended that Councils set a cap on Members' indemnity claims. The Ombudsman had originally suggested a limit of £10,000 but after representations from the WLGA he had acceded to the suggestion of a cap of £20,000.

Recommended to County Council:

That a cap on indemnity claims be set for Powys County Council at £20,000 providing this is in accordance with the requirements of the Council's insurers.

I Membership of Standards Committee

Independent Member Mrs Jarman

Mrs Jarman has been an Independent Member of the Standards Committee since 24th October 2007 and her first term of office came to an end on 24th October 2013. Mrs Jarman indicated that she would be happy to continue to serve for a second term and this extension for a further 4 years to 24th October 2017 was agreed by the County Council on 24th October 2013.

Independent Member Mrs Harris

Mrs Harris is nearing the end of her second and final term of office which will end in June 2014. The County Council on 24th October 2013 approved a timetable for the appointment process to fill the vacancy which will commence in January 2014.

J Independent Remuneration Panel for Wales

A draft supplementary report had been received from the Independent Remuneration Panel for Wales reintroducing items removed in its 2012 report as from January 2014 to include:

- a) reasonable time for pre-meeting preparation.
- b) Travelling time to and from the place of the meeting (up to the maximum of the daily rate)

A review of the current limits set by the Council for the number of days which Co-opted Members could be paid for attending meetings has been undertaken. The County Council has decided to keep the limit for Independent Members and Town and Community Council representatives at 10 days, but increased the limit for the Chair of Standards Committee from 10 to 12 days.

K Meeting Dates

The following dates for the Standards Committee were confirmed:

5th February 2014

9th April 2014

25th June 2014

3rd September 2014

3rd December 2014

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

**Mrs H Rhydderch-Roberts
Chair**