

MINUTES OF A MEETING OF THE STANDARDS COMMITTEE, HELD AT COUNTY HALL, LLANDRINDOD WELLS ON WEDNESDAY 25th February 2015.

PRESENT: H. Rhydderch-Roberts (Chair)
J. Evans, C. Jackson, S. Jarman, County Councillors M. Mackenzie, S. Hayes, P. Medlicott 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 Head of Democratic Services) and E Patterson (Scrutiny Officer).

1.	APOLOGIES	S1 – 2015
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Apologies were received from Independent Member R. Miller

2.	MINUTES	S2 – 2015
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The Chair was authorised to sign the minutes of the previous meeting held 3rd December 2015 as a correct record subject to amendments to the resolution relating to Council Tax Discount namely:

- (i) ***A dispensation be granted to a Member who personally has (or has a close relative, person living with him/her or a close personal associate who has) a property in Powys available or potentially available to see of let to make written representation to the Monitoring Officer by 5.00pm on 21st October 2014. Such Representations may not attempt to persuade Members on the outcome of the debate but may give information or scenarios that should be taken into account. Any representations received to be made available to Members eligible to participate in the debate.***

3.	DECLARATIONS OF INTEREST	S3 – 2015
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No declarations of interest were received.

4.	REPORT OF THE SOLICITOR TO THE COUNCIL	S4 – 2015
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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

Mid-term refresher training on the Code of Conduct for the 18 County Councillors and 2 Co-opted Members who had been unable to attend the first session held on 10th October 2014 has been arranged for 9th March 2015. Members were advised that one Co-opted Member had resigned and Code of

Conduct training for the new representative and the newly elected Parent Governor Representative would be arranged.

A2 Member Development

Mandatory Training

Members discussed the process for monitoring attendance at mandatory training sessions. At present the Standards Committee have no statutory powers in this regard however, were Council minded then such powers could be delegated to the Standards Committee.

The Standards Committee debated principles regarding mandatory training including that Members should be given the choice of two sessions to attend. If neither session was attended then the Standards Committee should have a range of sanctions at their disposal to apply. A range of sanctions would enable mitigating circumstances to be taken into account.

The potential for recording training and offering an e-learning session (including a 'test' at the end) should be investigated and the possibility of some form of financial penalty for missing training was considered. Such a sanction could be that a Member could be suspended for 2 weeks for missing mandatory training without a mitigating reason for their absence, which would lead to a consequential loss of allowances for that 2 week period. The Committee also considered whether it would be a role for the Chair of Council to determine whether mitigating reasons for absence were acceptable, and also whether Members should have to sign in and out of mandatory training sessions to prevent Members leaving training sessions part way through.

The Solicitor to the Council advised that this would be considered by the Member Development Working Group including the matters discussed by the Standards Committee.

A3 Webcasting Training

51 Members and 2 Co-opted Members attended the webcasting training held on 8th and 19th December 2015. The second session was recorded as part of a trial for e-learning. This has yet to be analysed, but the intention is to make this available on the Council's intranet for Members to access.

B Referral of Councillors to Public Services Ombudsman

B1 County Councillor Referrals

B1.1 There are no outstanding matters with the Ombudsman.

C Other Standards Issues

There were no other standards issues.

D Dispensations

D1.1 Applications - County Councillors

No applications for dispensation have been received.

D2. General Dispensation – School Modernisation and School Transport Review

On 4th July 2012 a general dispensation was granted to Members relating to School Modernisation and School Transport Review. A further review of school modernisation and transport has commenced and for clarity it has been necessary to update the dispensation.

RESOLUTION	REASON FOR DECISION
<p>That a blanket dispensation (the dispensation) in relation to any school modernisation review and any school transport review be granted to all county councillors in accordance with and, subject to, the following provisions of this resolution:-</p> <p>(a) the dispensation shall relate to all prejudicial interests under the Members Code of Conduct PROVIDED ALWAYS that the dispensation shall not apply where the councillor (irrespective of whether or not he/she is a member of the Cabinet or Scrutiny Committee) has a pecuniary prejudicial interest;</p> <p>(b) “school modernisation” means any modernisation review being undertaken by or for the Cabinet as part of the One Powys Plan (or its successor) in relation to both primary and secondary schools but does not include issues which are specific to a particular school (e.g. the budget, inspection, employment matters, ICT, catering, cleaning, refurbishment, repair or property items) unrelated to such review;</p> <p>(c) “school transport review” means any review being undertaken by or for the Cabinet as part of the overall review of school modernisation in relation to the planning, commissioning and procurement of transport for pupils attending primary, secondary and special schools both in and outside of Powys where the Council has a duty to provide such transport but does not include issues which are specific to a particular school, route or pupil unrelated to such review;</p> <p>(d) “pecuniary prejudicial interest” means a prejudicial interest under the Members Code of Conduct which</p>	<p>To enable members to represent their constituents in matters of great significance for Powys where they do not have a conflict of interest which is pecuniary; the committee being of the view that the grant of this blanket dispensation will not damage public confidence in the conduct of the Council’s business.</p>

<p>results in financial gain, or financial loss, either immediately, or in the foreseeable future, arising (in the case of school modernisation) from employment as a teacher or otherwise at a school or, (in the case of the school transport review) from the provision of school transport, to:-</p> <ul style="list-style-type: none">(i) the councillor in question; or(ii) someone with whom the councillor lives or has a close personal association e.g. close friends, close relatives, colleagues with whom the councillor has particularly strong connections, business associates and someone with whom the councillor has been in dispute with (NB Councillors should note however that “close personal association” does not include casual acquaintances, distant relatives or people you simply come into contact with through your role as member or your work in the local community); <p>(e) the dispensation extends to:-</p> <ul style="list-style-type: none">(i) attending any meeting formal or informal (as defined in the Members Code of Conduct) including meetings of the full County Council, Cabinet, Scrutiny or other Committee or Programme Board;(ii) speaking and voting at such meetings; and(iii) making oral or written representations and generally playing a full role in representing constituents; <p>(f) the dispensation is subject to compliance with:-</p> <ul style="list-style-type: none">(i) any legislative requirement;(ii) any common law rule including bias/predetermination;(iii) the council’s constitution; <p>(g) the dispensation shall continue in force until the next ordinary council elections in 2017 unless before those elections the Standards Committee revokes, amends or alters the dispensation;</p> <p>(h) for the avoidance of all doubt:-</p>	
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| <p>(i) the dispensation applies to all members including those who are Decision Makers such as those members who sit on the Cabinet;</p> <p>(ii) other than where a specific PECUNIARY prejudicial interest exists, as detailed above, the dispensation applies to all other types of prejudicial interests such as those arising from being a school governor or being the parent, grandparent, guardian, carer or having parental responsibility for a child at a school;</p> <p>(iii) the dispensation does not apply where directly or through someone with whom the member lives or has a close personal association a pecuniary prejudicial interest exists;</p> <p>(iv) it is always a matter for the individual member to decide whether the interest is prejudicial;</p> <p>(v) the dispensation does not affect a member's ability to exercise the right not to be a Decision Maker but instead play the role of Local Member;</p> <p>(vi) a member who takes advantage of the dispensation must continue to comply with the Members Code of Conduct including the requirements in relation to:-</p> <p style="padding-left: 40px;">(1) the disclosure of his/her personal and prejudicial interest at meetings and in discussions indicating the nature of such interest and confirming that he/she is participating with the benefit of the dispensation; and</p> <p style="padding-left: 40px;">(2) the giving of the requisite written notification in connection with these disclosure requirements;</p> <p>(iv) the dispensation, whilst it does not apply to any member (irrespective of whether or not he/she is a member of the Cabinet) with a pecuniary prejudicial interest, does not affect</p> | |
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<p>the right (under the Members Code of Conduct) of a member who has a pecuniary prejudicial interest to speak and then withdraw from a meeting where the public are accorded the right to speak at such meeting;</p>	
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E Late payment of expenses

Community Councillor C. Evans declared a personal and prejudicial interest and left the room.

Councillor David Evans – a claim for broadband submitted on 10th October 2014 for May 2012 - August 2014.

The Committee were provided with a summary of late payment claims and decisions made since 2012.

Advice from the Council's Section 151 (Finance) Officer had been sought and it was confirmed that accounting rules meant that it was not possible to make retrospective payments beyond the current financial year.

Members expressed concern regarding the payment of broadband expenses as broadband today is widely available rather than when the scheme commenced when only a few people had access to broadband and wished to refer this matter to the Democratic Services Committee. It would be necessary to take any proposed amendment to the levels of claim through County Council. This would be a demonstration of self regulation.

RESOLVED THAT:	REASON FOR DECISION
<p>i) the payment of the late claim submitted by Cllr D. O. Evans for broadband be paid for the period April 2014 – August 2014.</p> <p>ii) The payment of the late claim submitted for broadband for the period May 2012 – March 2014 not be paid</p>	<p>To reimburse expenses incurred by Cllr D. Evans for the period which falls within the current financial period.</p>

Recommended that: the Democratic Services Committee consider what would be acceptable for Members to claim for support in their role as Councillor including telephone, postage and IT equipment.

F Attendance

Officers confirmed that a total of five Members had attendance below 60% for the period 14th May 2014 – 30th November 2014. Officers confirmed that in each of these five cases mitigating circumstances were known.

Members sought confirmation that the 'sifting' undertaken by officers related to personal medical or family reasons. To provide this assurance it was confirmed that the Chair in future would be advised at a pre-meeting in each case.

Members agreed that the names of those Members with attendance below 60% be included in the Committee's minutes.

- Councillor Tom Turner (attendance at three month training course outside Powys)
- Councillor Dai Jones – personal circumstances
- Councillor Peter Harris – personal circumstances
- Councillor Liam Fitzpatrick – personal circumstances
- Councillor Kathryn Silk – personal circumstances

G Whistleblowing Policy

An amended copy of the Whistleblowing Policy was circulated. It was confirmed that the policy would be proof read prior to submission to Council.

Recommended that the Whistleblowing Policy be approved.

H Standards Conference

The date for this Conference will be advised when it has been confirmed.

I Meeting Dates

Members agreed that the Standards Committee should move to a quarterly cycle from 2016 with the opportunity to call an extraordinary meeting if required.

The following dates for the Standards Committee were confirmed:

Wednesday 17th June 2015

Wednesday 25th November 2015

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

**H Rhydderch-Roberts
Chair**