

CYNGOR SIR POWYS COUNTY COUNCIL.

Standards Committee
25th February 2015**REPORT BY:** Solicitor to the Council**SUBJECT:** Matters appertaining to Standards Issues

REPORT FOR: Decision, Information and Discussion

A. General Standards Issues for County Councillors and Co-opted Members**A1 Code of Conduct Training**

18 Councillors and 2 Co-opted Members did not undertake the Mandatory Code of Conduct Training and further session has been arranged for 9th March 2015. The Solicitor to the Council will be writing to these Members and Co-opted Members to advise them of the requirement that they attend this session.

A2 Member Development

There is an ongoing discussion by the member Development Working Group in relation to mandatory Training and what sanctions can be imposed and by whom on Members who fail to attend these sessions. This will involve the Standards Committee in recommending to Council the imposition of sanctions (or applying any sanctions agreed by the Council). This will require further discussion at the next meeting of the Committee.

A.3 Webcasting Training

Training on webcasting was held on the 8th and 19th December 2014. Fifty one Members and two Co-opted Members attended this training.

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

None.

D Dispensations**D1. Applications - County Councillors**

No applications for dispensation have been received.

D2. General Dispensation – School Modernisation and School Transport Review

To consider minor amendments to the Committee's resolution of 4th July 2012 (original resolution attached at **Appendix A**).

E. Late payment of expenses

One late payment of expense claim has been received by Cllr D. O Evans for broadband expenses. A copy of the claim will be provided at the meeting.

F. Attendance

Attendance calculations for the period 14th May 2014 – 30th November 2014 have been undertaken. Four Members had an attendance below 60% however Officers are aware of mitigating circumstances in these four cases. County Councillor P. Harris also has an attendance below 60% and has been asked to account for this position. . The response will be reported verbally to Committee.

At the meeting of Powys County Council on 11th February 2015 the following resolution was passed:

RESOLVED	Reason for Decision
<i>That attendance at Shire Committees no longer counts towards the 60% attendance target for Members.</i>	<i>To determine a future direction for the Area (Shire) Committees.</i>

This will be taken into account when the attendances are calculated for the period 1st December 2014 – 12th May 2015.

G. Whistleblowing Policy

The Solicitor to the Council will report verbally on this item.

H Standards Conference

Cardiff Council have given advance notice that they are planning to host the next Standards Conference in September 2015. Confirmation of the date will be provided when it has been agreed.

I. Meeting Dates

I 1 To note dates of future meetings as follows:

The meeting previously advised as on 15th April 2015 has been CANCELLED and rearranged.

Wednesday 8th April 2015 NB THIS MEETING WILL START AT 2.00pm
Wednesday 17th June 2015
Wednesday 16th September 2015
Wednesday 25th November 2015

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

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Dispensation on School Modernisation and School Transport Review

RESOLUTION	REASON FOR DECISION
<p>That a blanket dispensation (the dispensation) in relation to both any school modernisation <u>review</u> and the 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 the any modernisation <u>programme review</u> being undertaken by the Cabinet as part of the <u>One Powys Change Plan Programme (or its successor)</u> in relation to both primary and secondary schools predominantly on the 13 secondary school catchment area basis and also in respect of individual small schools with falling pupil numbers 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 programme<u>review</u>;</p> <p>(c) “school transport review” means the any review being undertaken by the Cabinet as part of the overall programme 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 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> <p style="padding-left: 40px;">(i) the councillor in question; or</p> <p style="padding-left: 40px;">(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> <p>(e) the dispensation extends to:-</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>(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;</p> <p>(ii) speaking and voting at such meetings; and</p> <p>(iii) making oral or written representations and generally playing a full role in representing constituents;</p> <p>(f) the dispensation is subject to compliance with:-</p> <p style="padding-left: 40px;">(i) any legislative requirement;</p> <p style="padding-left: 40px;">(ii) any common law rule including bias/predetermination;</p> <p style="padding-left: 40px;">(iii) the council's constitution;</p> <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> <p style="padding-left: 40px;">(i) the dispensation applies to all members including those who are Decision Makers such as those members who sit on the Cabinet;</p> <p style="padding-left: 40px;">(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 style="padding-left: 40px;">(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 style="padding-left: 40px;">(iv) it is always a matter for the individual member to decide whether the interest is prejudicial;</p> <p style="padding-left: 40px;">(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 style="padding-left: 40px;">(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: 80px;">(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</p>	
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dispensation; and

(2) the giving of the requisite written notification in connection with these disclosure requirements;

(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 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;