

MINUTES OF A MEETING OF THE STANDARDS COMMITTEE, HELD AT COUNTY HALL, LLANDRINDOD WELLS ON MONDAY 7TH SEPTEMBER 2015.

PRESENT: H. Rhydderch-Roberts (Chair)
J. Evans, C. Jackson, S. Jarman, R. Miller, County Councillors M. Mackenzie, P. Medlicott and K. Roberts-Jones.

Officers in Attendance: C. Pinney (Solicitor to the Council), N. Vaughan (Professional Lead – Legal), W. Richards (Scrutiny Manager and Head of Democratic Services) and E Patterson (Scrutiny Officer).

1.	APOLOGIES	S9 – 2015
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Apologies for absence were received from County Councillor G. Williams.

2.	DECLARATIONS OF INTEREST	S10 – 2015
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The following declarations of interest were made in relation to Item 3 on the agenda – application for dispensation from County Councillor A. Davies.

County Councillor P. Medlicott – a Member of the Conservative Party but an Independent Member of Powys County Council. A personal but not prejudicial interest.

Independent Member H. Rhydderch-Roberts – Member of the Conservative Party. A personal but not prejudicial interest.

3.	REPORT OF THE SOLICITOR TO THE COUNCIL	11 – 2015
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A1 Application for dispensation – County Councillor A. Davies

County Councillor A. Davies applied for a dispensation to attend a meeting, speak at a meeting, vote, seek to influence a decision on a matter, make written representations and make oral representations on matters relating to the school modernisation.

Cllr Davies attended the meeting to present his application. His interest is that his wife is an RE teacher at Llanfyllin High School teaching in English and Welsh to years 7 – 11. He suggested to the Committee that his wife had a job today and will have a job tomorrow and that the impact of potential changes to schools in north Powys will not affect his wife. Since submitting his application his daughter has started as a pupil at Llanfyllin High School and is in a Welsh class of 31 pupils.

He confirmed that he had received assurances off the record with undisclosed senior officers and politicians across the Council that the future of Llanfyllin High School is not in question. He was given the opportunity to disclose the identity of those who had given the assurances, but he declined to do so. He acknowledged that it was possible that changes could result in career

opportunities for his wife but that there are very many possibilities. He suggested that if he could not speak on this issue he would not be able to speak on any other tenuously related issues such as school meals as his daughter buys food from the school canteen.

He wished in addition to have a dispensation regarding school modernisation in north Powys as in his role of Group Leader and Opposition Leader he felt it is important that he is able to speak on this matter.

Members clarified a number of points with the applicant including:

- Another Member could fulfil the role of opposition leader (either a deputy from the applicant's own group or from another opposition group)
- No other Member could represent the applicant's ward as the wards in Powys are single member wards. However, at Governors meetings there are other wards that feed the High School and other Members are members of the Governing Body representing the Council (2 Members and 1 Cabinet Member). The applicant is of the view his ward is unique as it is on the furthest edge of Powys
- The applicant has applied for the dispensation as after the last Cabinet meeting he was advised he should not discuss education matters in Montgomeryshire where it might affect Llanfyllin High School
- The applicant was asked if he acknowledged he had a pecuniary interest as he had stated 'because of my pecuniary interest'. The applicant confirmed he did not consider he had a pecuniary interest as he was not a decision maker unless the matter came before the Council for a decision. The Solicitor to the Council confirmed that a pecuniary interest was not restricted to decision makers but to anyone who might seek to influence a decision.

The applicant was advised that the Committee would be discussing the position of Llanfyllin High School with the Council's Head of Schools. The applicant left the meeting whilst the Committee considered the application.

The Committee asked the Head of Schools to attend to advise on the matter of the assurance regarding the future of the Llanfyllin High School. The Head of Schools confirmed that he would be extremely disappointed and concerned if such an assurance had been made. He confirmed that he could not give any assurances regarding any member of staff in north Powys.

The Committee unanimously concluded that Cllr Davies' pecuniary interest was such that a dispensation could not be granted. The matter of representation both at the High School Governing Body and as Opposition Leader was considered and it was observed that there were other people who could fulfil these roles. The claim that assurances had been given with regard to the High School was noted as was the evidence given by the Head of Schools that no such assurance could be made.

The applicant was invited back to the meeting to hear the decision.

RESOLVED THAT:	REASON FOR RESOLUTION
<p>i) a dispensation is not granted to Councillor Aled Davies in relation to his personal and pecuniary interest in the review of secondary education in Montgomeryshire.</p>	<p>i) that the nature of Councillor Davies' interest is such that under 10 (2) (c) (i) (b) a decision on the matter might reasonably be regarded as affecting his well-being or financial position, or that of a person with whom he lives, to a greater extent than the majority of in all other cases, other council tax payers, rate payers or inhabitants of the authority's area.</p>

The applicant asked what sanctions he would incur if he did not have regard to the decision. He was advised that he would potentially be at risk of being reported to the Ombudsman for a breach of the Code of Conduct. The Ombudsman can refer matters to either the Standards Committee or the Adjudication Panel for consideration. The maximum sanction of the Standards Committee is a six month suspension whilst the maximum sanction of the Adjudication Panel is a five year disqualification from office.

B. Appointment of Independent Member

Mr R. Miller Independent Member's second term of office comes to an end on 26th January 2016. The Committee was asked to make arrangements for the appointment of a replacement Independent Member.

Recommended that:

- i) The following members were appointed to the Panel for the Appointment of an Independent Member of the Standards Committee:**

Independent Member S. Jarman (substitute Independent Member Clare Jackson)

County Councillor Member K. Roberts-Jones (substitute County Councillor Member M. Mackenzie)

Community Council Member – this appointment be delegated to the Chair of Standards Committee and Monitoring Officer.

- ii) That the timetable for the appointment be approved subject to the Panel meeting being held on the week commencing 7th December rather than 30th November 2015.**

**H Rhydderch-Roberts
Chair**