

MINUTES OF A MEETING OF THE STANDARDS COMMUNITY SUB-COMMITTEE HELD AT COUNTY HALL, LLANDRINDOD WELLS ON MONDAY 24TH NOVEMBER 2008

PRESENT: P. Swanson (Chairman)

Mrs S. Jarman, Mrs M. Harris, and Councillors B. Couzens, Ms C Evans and H. Evans.

Observers: County Councillors K. Curry, M. Hodges and W. G. Lewis.

Officers in attendance: Mr Clarence Meredith (Head of Legal, Scrutiny and Democratic Services), Ms S. Tamboo (Solicitor) and Mrs L. Patterson (Committee Clerk).

The Community Sub-Committee were advised that Independent Member L. Morelli had that morning communicated his resignation from the Standards Committee for business and personal reasons. Steps would now be taken to fill that vacancy and the appointment of a new Vice-Chairman would be considered at the January meeting of the Community Sub-Committee.

1.	APOLOGIES	STCS6-2008
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No apologies were received.

2.	MINUTES	STCS7-2008
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The minutes of the meeting held on 29th September 2008 were approved as a correct record

3	DECLARATIONS OF INTEREST	STCS8-2008
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No declarations of interest were received. The Chairman indicated that he knew one of the applicants for dispensation Mr Mark Michaels but having checked the Member's Code of Conduct was satisfied that he had no interest to declare.

5.	CONSIDERATION OF APPLICATIONS FOR DISPENSATION	STSC9-2008
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The Sub-Committee received the report of the Head of Legal, Scrutiny and Democratic Services (copy filed with the signed Minutes of the Standards Committee 24th November 2008).

i) Montgomery Town Council – application from Councillor M Michaels who appeared in person in support of his written application for dispensation to speak at Town Council meetings on matters relating to Montgomery Community Care Project (registered charity). The Sub-Committee were of the view that a case could be made out for this being a situation where the exemption in paragraph 12 (2) (a) (ii) of the Members Code of Conduct would apply and therefore a dispensation would not be required ie it could be argued that business concerning the Care Project was business relating to a body exercising functions of a public nature in which the Councillor holds a position of general control and management. To remove any doubt however the sub-committee considered that a dispensation to speak (which was the type of dispensation sought) should be granted and accordingly it was

RESOLVED	REASON for decision
<p>that Councillor Mark Michaels be granted a dispensation to speak on matters concerning the finances and property of the Montgomery Community Care Project at meetings of Montgomery Town Council until the next ordinary elections in 2012 subject to:-</p> <p>i) the dispensation not applying where the business relates to the determination of any approval, consent, licence, permission or registration as referred to in paragraph 12 (3) of the Member's Code of Conduct; and</p> <p>ii) any change in circumstances to be notified immediately to the Community Sub-Committee</p>	<p>that the Community Sub-Committee are satisfied that the following grounds in the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 justify the granting of a dispensation namely:-</p> <p>(d) 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, and</p> <p>(h) that the business which is to be considered relates to the finances or property of a voluntary organisation of whose Management Committee or Board the Member is a Member otherwise than as a representative of the relevant Authority and the Member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; and</p> <p>that in relation to the type of business referred to in paragraph 12(3) of the Members Code of Conduct the Sub-Committee were of the view that a dispensation should not be granted because this was a particularly sensitive and potentially contentious area of activity where a significant conflict of interest clearly and obviously arose and it was considered unethical for a member to be a decision maker or consultee within their Council in relation to regulatory type applications etc submitted by bodies and organisations with which they are closely connected.</p>

ii) Montgomery Town Council – application from Councillor M Michaels who appeared in person in support of his written application for dispensation to speak at Town Council meetings on matters relating to Montgomery Community Buildings Preservation Trust (registered charity).

RESOLVED	REASON for decision
<p>that Councillor Mark Michaels be granted a dispensation to speak on matters relating to the finances and</p>	<p>that the Community Sub-Committee are satisfied that the following ground in the Standards Committee (Grant of</p>

<p>property of the Montgomery Community Buildings Preservation Trust at meetings of Montgomery Town Council until the next ordinary elections in 2012 subject to:-</p> <p>i) the dispensation not applying where the business relates to the determination of any approval, consent, licence, permission or registration as referred to in paragraph 12 (3) of the Member's Code of Conduct; and</p> <p>ii) any change in circumstances to be notified immediately to the Community Sub-Committee</p>	<p>Dispensations) (Wales) Regulations 2001 justifies the granting of a dispensation namely:- (h) that the business which is to be considered relates to the finances or property of a voluntary organisation of whose Management Committee or Board the Member is a Member otherwise than as a representative of the relevant Authority and the Member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business. and that in relation to the type of business referred to in paragraph 12(3) of the Members Code of Conduct the Sub-Committee were of the view that a dispensation should not be granted because this was a particularly sensitive and potentially contentious area of activity where a significant conflict of interest clearly and obviously arose and it was considered unethical for a member to be a decision maker or consultee within their Council in relation to regulatory type applications etc submitted by bodies and organisations with which they are closely connected.</p>
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iii) Ystradgynlais Town Council – application from Councillor Evan Evans who appeared in person in support of his written application to speak and vote on matters relating to the Miners Welfare Hall Ystradgynlais Trust Limited who employed his niece in a remunerated capacity. The Community Sub-Committee were of the view that given the nature of this personal interest (remunerated employment of the niece) it would not be appropriate to grant Councillor Evans a dispensation as to do so would damage public confidence.

RESOLVED	REASON for decision
<p>that Councillor Evan Evans be not granted a dispensation to speak and vote on matters concerning the Miners Welfare Hall Ystradgynlais Trust Limited at meetings of Ystradgynlais Town Council.</p>	<p>that the Community Sub-Committee are of the view that given that the interest concerned related to a close relative employed by the Trust it would damage public confidence to grant Councillor Evans a dispensation.</p>

iv) Penybontfawr Community Council – applications from Councillors Roger Lloyd, Meirion H Jones, Peter Williams, John Elfin Jones, Richard Peter Williams and

Emrys Griffiths for dispensations to attend, speak and vote on matters relating to the Canolfan Pennant Community Centre at meetings of the Community Council.

5 of the 6 Councillors, namely Emrys Griffiths, John Elfin Jones, Meirion H Jones, Peter Williams and Richard Peter Williams sat on the Community Centre Management Committee otherwise than by Community Council appointment

Councillors Meirion H. Jones and Roger Lloyd both had wives serving on the Management Committee and, therefore, Paragraph 10(2)(c)(v) of the Members Code of Conduct will also be relevant in their case.

Councillor Meirion H. Jones' wife, in addition to serving on the Management Committee, is also a Caretaker. Arguably, therefore, Paragraph 10(2)(c)(i) of the Members Code of Conduct also applied.

The Community Sub-Committee acknowledged that had this been an application from just one or two Community Councillors then the likelihood was that they would have been dealt with on the basis of ground (h) of the 2001 Regulations and the Sub-Committee would have granted a dispensation to speak but not to vote. However given the fact that so many of Members of this Community Council had prejudicial interests the Community Sub-Committee concluded that the grounds contained in paragraph (a) of the 2001 Regulations must apply in this case. Additionally the Sub-Committee also concluded that given the additional interests that Councillors Meirion H. Jones and Roger Lloyd had, they would not favour dispensations being granted to these two Community Councillors.

RESOLVED	REASON for decision
<p>1. that Councillors Emrys Griffiths, John Elfin Jones, Peter Williams and Richard Peter Williams be granted dispensations to speak and vote on matters regarding the Canolfan Pennant Community Centre at meetings of Penybontfawr Community Council until the next ordinary elections in 2012 subject to:-</p> <p>i) the dispensation not applying where the business relates to the determination of any approval, consent, licence, permission or registration as referred to in paragraph 12 (3) of the Member's Code of Conduct; and</p> <p>ii) any change in circumstances to be notified immediately to the Community Sub-Committee</p>	<p>1. that the Community Sub-Committee are satisfied that the following ground in the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 justifies the granting of a dispensation namely:-</p> <p>(a) that no fewer than half of the Members of the relevant Authority or a committee of the Authority (as the case may be) by which the business is to be considered has an interest which relates to that business. and that in relation to the type of business referred to in paragraph 12(3) of the Members Code of Conduct the Sub-Committee were of the view that a dispensation should not be granted because this was a particularly sensitive and potentially contentious area of activity where a significant conflict of interest clearly and obviously arose and it was considered unethical for a member to be a decision maker or consultee within their Council in relation to</p>

<p>2. that no dispensations be granted to Councillors Meirion H. Jones and Roger Lloyd</p>	<p>regulatory type applications etc submitted by bodies and organisations with which they are closely connected.</p> <p>2. that in the view of the Sub-Committee given the personal interests of these two Councillors it might damage public confidence to grant them dispensations; furthermore the Sub-Committee were mindful of the fact that the Community Council would be quorate in relation to business concerning the Community Centre without the participation of these two Councillors.</p>
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v) Montgomery Community Council – application from Councillor Margery Elizabeth Richards for a dispensation to attend, speak and vote on matters relating to the Montgomery Library at meetings of Montgomery Town Council.

The Community Sub-Committee were made aware of the contents of an email from a senior officer in Library Services confirming that the current arrangements regarding the Montgomery Library (which dated back to 1997) were between Powys County Council and Montgomery Town Council. Accordingly the Community Sub-Committee were advised and accepted that the Montgomery Library was in essence to be regarded as an enterprise run by the Town Council itself and that Councillor Mrs Richards did not therefore have a personal and prejudicial interest as there was no ‘Outside Body’. Therefore Councillor Mrs Richards did not require a dispensation in this instance.

RESOLVED	REASON for decision
<p>that no dispensation be granted to Councillor Mrs Richards</p>	<p>that Councillor Mrs Richards does not have a personal and prejudicial interest in the Montgomery Library which would require a dispensation to be granted.</p>

vi) Montgomery Community Council – application from Councillor Margery Elizabeth Richards for a dispensation to attend, speak and vote on matters relating to the Montgomery Christmas Lights Festival Committee at meetings of Montgomery Town Council.

The Community Sub-Committee noted the very limited involvement of the Town Council with the Montgomery Christmas Lights Festival Committee. The Committee was totally separate from and unconnected with the Town Council. The Town Council made no financial contribution towards the expenditure on Christmas Lights. The only involvement the Town Council appeared to have was in supporting applications for road closures.

RESOLVED	REASON
<p>that no dispensation be granted to Councillor Margery Richards</p>	<p>That in the view of the Community Sub-Committee the Councillor’s</p>

	<p>interest in question (Membership of the Montgomery Christmas Lights Festival Committee) was one which was unlikely to be regarded as so significant by the public as to prejudice her judgement of the public interest at meetings of the Town Council when (on very limited occasions business concerning the Christmas Lights was discussed ie Councillor Mrs Richards did not have in the Sub-Committee's view a prejudicial interest in this instance.</p>
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vii) Montgomery Community Council – application from Councillor Margery Elizabeth Richards for a dispensation to attend, speak and vote on matters relating to the Institute Management Committee at meetings of Montgomery Town Council.

The Community Sub-Committee noted that Councillor Mrs Richards had not been appointed to the Institute Management Committee by the Town Council.

RESOLVED	REASON for decision
<p>that Councillor Margery Richards be granted a dispensation to speak but not vote on matters relating to the finances and property of the Institute Management Committee at meetings of Montgomery Town Council until the next ordinary elections in 2012 subject to:-</p> <p>i) the dispensation not applying where the business relates to the determination of any approval, consent, licence, permission or registration as referred to in paragraph 12 (3) of the Member's Code of Conduct; and</p> <p>ii) any change in circumstances to be notified immediately to the Community Sub-Committee</p>	<p>that the Community Sub-Committee are satisfied that the following ground in the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 justifies the granting of a dispensation namely:-</p> <p>(h) that the business which is to be considered relates to the finances or property of a voluntary organisation of whose Management Committee or Board the Member is a Member otherwise than as a representative of the relevant Authority and the Member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business. and that in relation to the type of business referred to in paragraph 12(3) of the Members Code of Conduct the Sub-Committee were of the view that a dispensation should not be granted because this was a particularly sensitive and potentially contentious area of activity where a significant conflict of interest clearly and obviously arose and it was considered unethical for a member to be a decision maker or consultee within their Council in relation to</p>

	regulatory type applications etc submitted by bodies and organisations with which they are closely connected.
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viii) Montgomery Community Council – application from Councillor Margery Elizabeth Richards for a dispensation to attend, speak and vote on matters relating to the Montgomery Buildings Preservation Trust at meetings of Montgomery Town Council.

The Community Sub-Committee noted that Councillor Margery Richards had been appointed to the trust by Montgomery Town Council and therefore by virtue of paragraph 12 (2) (a) (ii) of the Member’s code of Conduct she did not have a prejudicial interest other than in the regulatory matters such as planning and licensing applications under paragraph 12 (3) of the Member’s Code of Conduct.

RESOLVED	REASON for decision
that Councillor Margery Richards be not granted a dispensation	By virtue of paragraph 12 (2) (a) (ii) of the Member’s Code of Conduct Councillor Mrs. Richards does not have a prejudicial interest in business relating to the Trust other than that business type stipulated in paragraph 12(3) of the Code (i.e. business that relates to the determination of any approval, consent, licence, permission or registration). In that latter connection the Community Sub-Committee did not consider it appropriate to grant a dispensation because this was a particularly sensitive and potentially contentious area of activity where a significant conflict of interest clearly and obviously arose and it was considered unethical for a member to be a decision maker or consultee within their Council in relation to regulatory type applications etc submitted by bodies and organisations with which they are closely connected. .

ix) Montgomery Community Council – application from Councillor Paulene Jones to speak and vote on matters relating to the Montgomery Buildings Preservation Trust at meetings of Montgomery Town Council.

The Community Sub-Committee noted that Mrs Jones, unlike Mrs Richards, had not been appointed to the Trust by the Town Council.

RESOLVED	REASON for decision
that Councillor Paulene Jones be granted a dispensation to speak but	that the Community Sub-Committee are satisfied that the following ground

<p>not vote on matters relating to the finances and property of the Montgomery Buildings Preservation Trust at meetings of the Montgomery Town Council until the next ordinary elections in 2012 subject to:-</p> <p>i) the dispensation not applying where the business relates to the determination of any approval, consent, licence, permission or registration as referred to in paragraph 12 (3) of the Member's Code of Conduct; and</p> <p>ii) any change in circumstances to be notified immediately to the Community Sub-Committee</p>	<p>in the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 justifies the granting of a dispensation namely:-</p> <p>(h) that the business which is to be considered relates to the finances or property of a voluntary organisation of whose Management Committee or Board the Member is a Member otherwise than as a representative of the relevant Authority and the Member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business. and that in relation to the type of business referred to in paragraph 12(3) of the Members Code of Conduct the Sub-Committee were of the view that a dispensation should not be granted because this was a particularly sensitive and potentially contentious area of activity where a significant conflict of interest clearly and obviously arose and it was considered unethical for a member to be a decision maker or consultee within their Council in relation to regulatory type applications etc submitted by bodies and organisations with which they are closely connected.</p>
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x) Knighton Town Council – application by Councillor Derrick Geoffrey Price who appeared in person in support of his written application for dispensation to speak at Town Council meetings on matters relating to allotments.

The Community Sub-Committee concluded that Councillor Price did have a prejudicial interest. The Sub-Committee further concluded that his participation at meetings of the Town Council and its Allotment Sub-Committee would damage public confidence given his position as an allotment holder and that his particular expertise and knowledge in this area did not justify the granting of a dispensation as the Town Council and its Allotment Sub-Committee would be able to obtain that expertise and information from other sources.

RESOLVED	REASON
<p>that Councillor Derrick Price be not granted a dispensation.</p>	<p>That the Community Sub-Committee is not satisfied that any of the grounds for granting a dispensation are made out and in particular (given the fact that Councillor Price was an allotment holder) it would damage</p>

	public confidence to grant Councillor Price a dispensation.
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P. SWANSON
Chairman