

## CYNGOR SIR POWYS COUNTY COUNCIL.

Standards Community Sub- Committee  
27<sup>th</sup> April 2009

**REPORT BY:** Head of Legal, Scrutiny and Democratic Services

**SUBJECT:** Matters appertaining to Standards Issues

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**REPORT FOR:** Decision, Information and Discussion

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**A. Members' Code of Conduct**

**A1 Adoption of the new Model Members' Code of Conduct by Town and Community Councils (Community Sub-Committee Item)**

**A1.1** The monitoring of the adoption of the Code by Town and Community Councils is continuing. Attached as **Appendix 1** are details of the current position. As Members will see this is colour coded and the key is included at the end of the document, At present there remain issues with only 2 Community Councils. A further update will be given at the Meeting

**A2. Training of Town and Community Council Clerks/Councillors in respect of New Members' Code of Conduct**

**A2.1** The Community Sub-Committee is asked to note that further evening training sessions at Welshpool, Llandrindod and Brecon took place as follows:-

19<sup>th</sup> January, 2009 – Brecon 7.00pm  
21<sup>st</sup> January, 2009 – Llandrindod 7.00pm  
26<sup>th</sup> January, 2009 – Welshpool 7.00pm

**A2.2** The Clerks of Town and Community Council's were notified by letter on 23<sup>rd</sup> December 2008 of these arrangements.

**A2.3** **Appendix 2** details attendance at training sessions by Town and Community Councils. held since the introduction of the new Code of Conduct.

**A2.4** Positive responses have been received from both Gwynedd and Ceredigion to the suggestion that in future consideration be given to joint training of Town and Community Councillors. Discussions about taking this forward will ensue.

**A2.5** A response on the possibility of joint training in the south of the County is awaited from Neath Port Talbot

**A2.6** As a result of contact made with Town and Community Councils a letter was received from the Chairman / Acting Clerk to Llywel Community Council. A copy of this letter is attached as **Appendix 3**. It is proposed to respond to this letter by reminding this Community Council that the Monitoring Officer of Powys County Council is also their Monitoring Officer, and that the

Community Sub-Committee of Powys' Standards Committee also has responsibility in relation to Town and Community Councils in Powys.

## **B. General Training for Members**

### **B1. Training of Members of the Standards Committee – Member Development Strategy/Programme**

**B1.1** Proposals from the Member Development Working Group concerning the Member Development Strategy and the training programme that emerges as a result of the work undertaken by this Group will be reported from time to time to the Sub-Committee.

## **C. Referral of Councillors to Public Services Ombudsman**

### **C1. Town and Community Councillor Referrals**

**C1.1** Since the last meeting there have been the following new referrals to the Ombudsman concerning Town and Community Councillors:-

- (a) Case 1/09. Ombudsman considered complaint against 2 Councillors to the effect that they had been involved in a campaign against the complainant which included a series of meetings and a petition to get the complainant out of the neighbourhood. The ombudsman was not persuaded that the evidence presented shows that the Councillors had acted in a way that would constitute a breach of the Code of Conduct He decided therefore not to investigate the complaint.
- (b) Case 2/09. Ombudsman considered complaint against councillor to the effect that the Member was undermining the work of the Council by raising issues regarding the financial status of the Council. The allegation was also made that the councillor sought advice from her son, an accountant, regarding the financial affairs of the council and in so doing released confidential information about the Council's finances. The Ombudsman in deciding not to investigate this complaint indicated that he needed to be satisfied that there was prima facie evidence that the matters alleged represent or are strongly suggestive of a significant breach of the Code of Conduct, one that would be likely to a sanction being imposed on the accused Member by a Standards Committee if the alleged breach were to be proven. The Ombudsman acknowledged that the Councillor highlighted what she perceived to be problems with the finances of the Council. However he concluded that she was entitled to express her opinion and raise concerns and was not persuaded that in doing this she had breached the Code of Conduct. The Ombudsman had sight of an email from the accountant son offering to look at the accounts 'pro bono' as a favour and nothing more and making other suggestions such as consulting with Powys County Council. The Ombudsman was not persuaded that this was proof that the Councillor discussed confidential information with her son without permission. It was not obvious that she went into any kind of detail with him and what she was trying to arrange, at no cost for the Council, could have been to its benefit. He did not consider that this action constituted a breach of the Code of Conduct.

- (c) Case 3/09. Ombudsman considered a complaint against a councillor to the effect that the councillor had openly challenged the financial position of the Council; allegedly leaked confidential information to the press; and remained in the meeting room whilst discussing a matter in which he had a prejudicial interest. The Ombudsman acknowledged that the councillor had challenged the financial position of the Council but he was a member of the Finance Panel and highlighted a number of discrepancies which were raised at full Council and asked for them to be addressed. The Ombudsman was not persuaded that this constituted a breach of the Code of Conduct. The Ombudsman further concluded that there was no evidence supporting the allegation that the councillor was responsible for the leak of confidential information to the press. Neither had direct evidence been provided that the councillor was disruptive on leaving the chamber for an item on which he had an interest or that he had failed to declare an interest. The Ombudsman decided accordingly not to investigate this complaint.

**C1.2** The Ombudsman continues to investigate allegations against three Members of one Community Council.

#### **D. Other Standards Issues**

##### **D1. Advice concerning Town & Community Councils**

**D1.1** The Chairman has met with representatives of two Councils and is seeking to meet with the chair and clerk of another Council.

**D1.2** An oral update relating to these matters will be given to the Community Sub-Committee at the meeting.

#### **E Member Support**

##### **E1. Laptops**

**E1.1** Laptops for non County Councillor Members are on order.

##### **E2. Single Point of Reference.**

**E2.1** To facilitate Town and Community Councils' contact with the County Council, arrangements are being put in place for Executive and Member Support Section to be the main point of contact for Town and Community Councils wishing to contact the Council for advice etc.

#### **F. Dispensations**

##### **F1. Applications - Town and Community Councillors**

**F1.1** At the November meeting the Sub-Committee considered applications for dispensation from Councillors of Penybont Community Council in relation to their membership of the Management Committee of Canolfan Pennant Community Centre. Councillor D.R. Lloyd was not granted a dispensation. A copy of the report considered by the Sub-Committee on the last occasion appears as **Appendix 4**. As will be seen the report is based on the understanding that Councillor D.R. Lloyd was also a member of the

Management Committee but correspondence from the clerk has confirmed that this is not the case. The Sub-Committee is asked to review its decision in this connection.

- F1.2** One application for dispensation has been received from Councillor Philip Swancott of Beguildy Community Council. A copy of the application and comments and observations on them appear as **Appendix 5**.

**G. Membership of the Sub-Committee.**

**G1. Brecknockshire Vacancy.**

- G1.1** Regrettably it is necessary to report that Crickhowell Town Councillor Brian Couzens has resigned his membership of the Community Sub-Committee due to ill health.

- G1.2** The report considered and approved by the County Council on 2<sup>nd</sup> March, 2009 appears as Appendix 4 to the report to the main Standards Committee.

- G1.3** Five nominations have been received from Town and Community Councils in Brecknockshire. A copy of the ballot paper which is being sent to Town and Community Councils in Brecknockshire is attached as **Appendix 6**.

**G2. Independent (Lay) Member Vacancy.**

- G2.1** The Sub-Committee is invited to select one of the two continuing Community Councillor representatives on the Sub-Committee to sit on the Panel to shortlist and select the new Independent (Lay) Member who will upon appointment by the County Council serve on both the main committee and the Sub-Committee.

**H. One Voice Wales.**

- H1.1** A productive meeting between officers of Powys County Council and One Voice Wales took place last month. It represents further evidence of the attempt to foster a closer relationship between the two organisations in supporting Town and Community Councils throughout Powys. Arrangements are being made for One Voice Wales to Make presentations to the three Shire Committees. Members will be advised of the times and dates in order that they can attend those sessions.

**I. Meeting Dates.**

- I1.** To note dates of future meetings as follows:

22<sup>nd</sup> June 2009.

28<sup>th</sup> September 2009.

30<sup>th</sup> November 2009.

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

<b>Recommendation:</b>		<b>Reason for Recommendation:</b>	
<b>Relevant Policy (ies):</b>			
<b>Within Policy:</b>	Yes	<b>Within Budget:</b>	Yes

<b>Contact Officer Name:</b>	<b>Tel:</b>	<b>Fax:</b>	<b>Email:</b>
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