

**MINUTES OF A MEETING OF THE STANDARDS COMMUNITY SUB-COMMITTEE HELD AT COUNTY HALL, LLANDRINDOD WELLS ON MONDAY 30TH NOVEMBER 2009**

**PRESENT:** P. Swanson (Chair)

Mrs M Harris, Mrs S. Jarman, R. Miller, Mrs H. Rhydderch-Roberts, County Councillor K. Curry and Community Councillors H. Evans and Revd A. Jevons.

**Observers:** County Councillors F. Barker, Miss V. Evans and M. Hodges.

**Officers in attendance:** W. Richards (Scrutiny Services Manager), Ms S. Tamboo (Solicitor) and Mrs L. Richards (Committee Clerk).

<b>1.</b>	<b>APOLOGIES</b>	<b>STCS18-2009</b>
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Apologies were received from Community Councillor Ms C. Evans.

<b>2.</b>	<b>MINUTES</b>	<b>STCS19-2009</b>
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The Chair was authorised to sign the minutes of the meeting held on 28th September 2009 as a correct record, subject to amending page 10, paragraph prior to the resolution, should read ' *...would enable Councillor Jones to both speak and vote at meetings of Llanidloes Town Council.*

<b>3.</b>	<b>DECLARATIONS OF INTEREST</b>	<b>STCS20-2009</b>
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No declarations of interest were received.

<b>4.</b>	<b>REPORT OF THE HEAD OF LEGAL, SCRUTINY AND DEMOCRATIC SERVICES - STANDARDS COMMUNITY SUB-COMMITTEE BUSINESS</b>	<b>STSC21-2009</b>
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The Sub-Committee received the report of the Head of Legal, Scrutiny and Democratic Services (Copy filed with signed Minutes).

**A1. Adoption of new Model Member's Code of Conduct**

It was noted that all Town and Community Councils had now provided the appropriate documentation which completed the Sub-Committee's scrutiny of the adoption of the new Members' Code of Conduct by community councils in Powys

**B. Town and Community Councillor Referrals to the Ombudsman**

There had been no referrals since the last meeting of the Standards Community Sub-Committee.

**C. Other Standards Issues**

**C1 Supportive Action for Town and Community Councils**

The Scrutiny Services Manager outlined the difficulties experienced by some community councils. In particular cases the Standards Sub-Committee could request that a councillor appear before them, but it was recognised that there were very few sanctions that could be brought to bear. The Sub-Committee was disappointed that a recent Ombudsman's report had determined that no action be taken against a community councillor who had been found to have a personal and prejudicial interest. It was hoped that greater public awareness, which the Standards Committee was addressing, would also assist in making the general public more aware of work undertaken by Town and Community Councils.

## **C2 One Voice Wales Presentations to Shire Committees**

One Voice Wales had been scheduled to make presentations on their role to Shire meetings of the County Council as follows:

Montgomeryshire	Wednesday 9 <sup>th</sup> December 2010
Radnorshire	Wednesday 17 <sup>th</sup> February 2010 (provisional)
Brecknockshire	Wednesday 24 <sup>th</sup> March 2010 (provisional)

Members of the Standards Community Sub-Committee were invited to attend these presentations.

## **D. Dispensations**

### **D1. Applications– Town and Community Councils**

#### **Applications from 7 Members of Llansantffraid Community Council**

##### **Outline of Applications**

Llansantffraid Community Council has a total of 11 Members. 7 of their Members had applied for dispensations to participate (i.e. to speak and vote) in Council business effecting local community groups/bodies/organisations of which they were members or in some way connected. Listed below are the groups/bodies/organisations concerned indicating which Councillors are members of/connected with them. Unless otherwise indicated they have not been appointed to these bodies by the Council.

##### **Llansantffraid Recreation Association**

Councillor Mrs M.E. Brown  
Councillor D.V. Williams  
Councillor H. Owen  
Councillor Mrs H. Morton  
Councillor A.E Hughes  
Councillor R.C. Thomas  
Councillor R.S. Dawson – appointed by the Council

**Llansantffraid Community Hall**

Councillor Mrs M.E. Brown  
Councillor D.V. Williams  
Councillor H. Owen  
Councillor Mrs H. Morton  
Councillor A.E Hughes  
Councillor R.S. Dawson

**Llansantffraid Football Club.**

Councillor D.V. Williams  
Councillor R.S. Dawson

**Llansantffraid Bowling Club**

Councillor Mrs H. Morton  
Councillor R.S. Dawson

**St Ffraid's Church in Wales School**

Councillor Mrs M.E. Brown  
Councillor A.E Hughes  
Councillor R.C. Thomas – appointed by the Council

**Llansantffraid Parish Church PCC**

Councillor A.E Hughes

**Personal Interest Categories**

It was considered that the Llansantffraid Recreation Association, Llansantffraid Community Hall, Llansantffraid Football Club and Llansantffraid Bowling Club fell under paragraph 10(2)(a)(ix)(bb) ("company, industrial or provident society, charity, or body directed to charitable purposes") or (ee) ("private club, society or association operating within your authority's area") of the Code. St Ffraid's School in the Sub-Committee's view fell under paragraph 10(2)(a)(ix)(aa) ("public body or body exercising functions of a public nature"), and Llansantffraid Parish Church PCC fell under paragraph 10(2)(a)(ix)(ee) (private club, society or association operating within your authority's area).

**Prejudicial Interests Exemptions/Considerations**

The Sub-Committee noted that Paragraph 12 (2) (a) (iii) of the Code contained an exception which enabled a councillor to participate (speak and vote) in matters concerning a body with which the member was connected where it was "a body to which you have been elected, appointed or nominated by your authority". This exemption however did not apply where the business relates to the determination of any approval, consent, licence, permission or registration (Paragraph 12 (3) of the Code).

Accordingly the Sub-Committee were of the view that Councillor R.S. Dawson did not require a dispensation in relation to his involvement with the Llansantffraid Recreation Association nor did Councillor R.C. Thomas in relation to St Ffraid's Church in Wales School both having been appointed to these bodies by the Council.

Furthermore the Sub-Committee did not consider that it was appropriate to consider granting them dispensations in respect of the regulatory type matters (referred to in Paragraph 12 (3) of the Code) affecting these two bodies.

It was noted that in relation to all the above listed organisations (with the exception of St Ffraid's Church in Wales School and the Parochial Church Council) there was no need to grant dispensations to speak or vote on grant aid type business up to £500 as Paragraph 12 (2) (c) contained an exemption permitting participation in these terms – "your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500". The Sub-Committee were of the view that a dispensation ought not to be given to allow participation in respect of sums in excess of £500.

The Sub-Committee were also of the view that on the basis of fairness and equity any dispensations granted involving the school and the PCC should similarly restrict participation in grant aided type matters to that same maximum of £500.

### **Grounds For Granting Dispensations**

Llansantffraid Community Council has a total of 11 Members. In relation to the Recreation Association and Community Hall 6 of the 7 member applicants would have a prejudicial interest with regard to both organisations, thus leaving a total of 5 members able to participate. The quorum for this Community Council is 4 and the Sub-Committee was asked to consider whether there was an issue in relation to a quorum relating to these two organisations which would require consideration of a dispensation under ground (a) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 ("no fewer than half of the Members of the relevant Authority or of 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"). The Sub-Committee considered that 5 members was adequate and thus there was no issue of quorum in relation to these two organisations which would require the granting of a dispensation under ground (a).

In relation to the Recreation Association, the Community Hall, the Football Club and the Bowling Club the Sub-Committee Committee considered that ground (h) of the Regulations - to speak but not vote – “the business relates to the finances or property of a voluntary organisation of whose management committee or board the Councillor is a member otherwise than as a representative of his/her Council” - would be the normal ground upon which such applications would be considered.

With regard to the school and St Ffraid’s Church the Committee considered granting a dispensation under ground (d) “that the nature of the Members’ 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”.

<b>RESOLVED:</b>	<b>REASONS FOR DECISION</b>
<p><b>1. That dispensations be granted until the next ordinary elections in 2012 to speak but not vote on general matters concerning:-</b></p> <p><b>Llansantffraid Recreation Association to:-</b></p> <p style="padding-left: 40px;"><b>Councillor Mrs M.E. Brown Councillor D.V. Williams Councillor H. Owen Councillor Mrs H. Morton Councillor A.E Hughes Councillor R.C. Thomas</b></p> <p><b>Llansantffraid Community Hall to:-</b></p> <p style="padding-left: 40px;"><b>Councillor Mrs M.E. Brown Councillor D.V. Williams Councillor H. Owen Councillor Mrs H. Morton Councillor A.E Hughes Councillor R.S. Dawson</b></p> <p><b>Llansantffraid Football Club to:-</b></p> <p style="padding-left: 40px;"><b>Councillor D.V. Williams Councillor R.S. Dawson</b></p> <p><b>Llansantffraid Bowling Club to:-</b></p> <p style="padding-left: 40px;"><b>Councillor Mrs H. Morton Councillor R.S. Dawson</b></p> <p><b>at meetings of Llansantffraid Community Council subject to :-</b></p>	<p><b>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:-</b></p> <p style="padding-left: 40px;"><b>“(h) that the business which is to be considered relates to the finances or property of voluntary organisations 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.”</b></p>

<p>a) the dispensations not applying in relation to a grant, loan or other form of financial assistance over £500 made by Llansantffraid Community Council to the above mentioned bodies/organisations;</p> <p>b) the dispensations 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 concerning the above mentioned bodies/organisations ;</p> <p>c) subject to the Councillor leaving the meeting room before a vote is taken where he/she has spoken in pursuance of the dispensation; and</p> <p>d) any change in circumstances to be notified to the Community Sub-Committee.</p> <p>2. That dispensations be granted until the next ordinary elections in 2012 to</p>	<p>a) That it would damage public confidence to give these councillors dispensations to speak or vote where the financial gain (or potential financial gain) to a community or voluntary organisation with which the Councillors are connected exceeded £500.</p> <p>b) 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> <p>c) That where a Councillor has been given a dispensation to speak but not vote that Councillor should not remain in the meeting room during the vote so as to remove any suggestion that the Member had unduly influenced such vote</p> <p>d) To ensure that the dispensation is reviewed should circumstances change.</p> <p>2. That the Community Sub-Committee are satisfied that the</p>
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<p> <b>speak but not vote on general matters and grants, loans or other form of financial assistance up to £500 concerning:-</b> </p> <p> <b><u>St Ffraid's Church in Wales School to:-</u></b> </p> <p style="text-align: center;"> <b>Councillor Mrs M.E. Brown Councillor A.E Hughes</b> </p> <p> <b><u>Llansantffraid Parish Church PCC to:-</u></b> </p> <p style="text-align: center;"> <b>Councillor A.E Hughes</b> </p> <p> <b>at meetings of Llansantffraid Community Council subject to :-</b> </p> <p> <b>a) the dispensations not applying in relation to a grant, loan or other form of financial assistance over £500 made by Llansantffraid Community Council to the the above mentioned bodies/organisations;</b> </p> <p> <b>b) the dispensations 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 concerning the above mentioned bodies/organisations ;</b> </p> <p> <b>c) subject to the Councillor leaving the meeting room before a vote is</b> </p>	<p> <b>following ground in the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 justifies the granting of a dispensation namely:-</b> </p> <p> <b>“(a) that the nature of the Members'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.”</b> </p> <p> <b>a) That it would damage public confidence to give these councillors dispensations to speak or vote where the financial gain (or potential financial gain) to a body/organisation with which the Councillors are connected exceeded £500.</b> </p> <p> <b>b) 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.</b> </p> <p> <b>c) That where a Councillor has been given a dispensation to</b> </p>
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<p>taken where he/she has spoken in pursuance of the dispensation; and</p> <p>d) any change in circumstances to be notified to the Community Sub-Committee.</p>	<p>speaking but not vote that Councillor should not remain in the meeting room during the vote so as to remove any suggestion that the Member had unduly influenced such vote</p> <p>d) To ensure that the dispensation is reviewed should circumstances change.</p>
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**E. Meeting dates**

Wednesday 3<sup>rd</sup> February 2010 at 10.00am  
Wednesday 28<sup>th</sup> April 2010 at 10.00am  
Wednesday 23<sup>rd</sup> June 2010 at 10.00am  
Wednesday 29<sup>th</sup> September 2010 at 10.00am  
Wednesday 1<sup>st</sup> December 2010 at 10.00am

It was noted that these dates may clash with Police Authority dates. Confirmation would be sought by the Chair.

Meeting closed 12.25pm

**P. SWANSON**  
Chairman