

**MINUTES OF A MEETING OF THE STANDARDS COMMUNITY SUB-COMMITTEE HELD AT COUNTY HALL, LLANDRINDOD WELLS ON MONDAY 5<sup>TH</sup> JULY 2010**

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

Mrs M. Harris, Mrs S. Jarman, R. Miller, Mrs H. Rhydderch-Roberts, Community Councillors Ms C. Evans, H. Evans and Revd A. Jevons (arrived 10.40am) and County Councillor K. Curry.

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

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

<b>1.</b>	<b>APOLOGIES</b>	<b>STCS11-2010</b>
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Apologies were received from C. Meredith (Strategic Director – Law and Governance).

<b>2.</b>	<b>MINUTES</b>	<b>STCS12-2010</b>
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The Chair was authorised to sign the minutes of the meeting held on 28<sup>th</sup> April 2010 as a correct record.

<b>3.</b>	<b>DECLARATIONS OF INTEREST</b>	<b>STCS13-2010</b>
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Independent Member Mrs Rydderch-Roberts advised that she knew the applicant for dispensation to greet but confirmed that there was no close personal association. Therefore there was no personal or prejudicial interest.

<b>4.</b>	<b>REPORT OF THE STRATEGIC DIRECTOR – LAW AND GOVERNANCE - STANDARDS COMMUNITY SUB-COMMITTEE BUSINESS</b>	<b>STSC14-2010</b>
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The Sub-Committee received the report of the Strategic Director – Law and Governance (Copy filed with signed Minutes).

**A. Members' Code of Conduct**

Refresher training had been arranged for Town and Community Councils as follows:

- Tuesday 22<sup>nd</sup> June 2010 Llandrindod Wells 4.00-5.30pm
- Wednesday 30<sup>th</sup> June Llandrindod Wells 7.00-8.30pm
- Tuesday 6<sup>th</sup> July Brecon 7.00-8.30pm
- Wednesday 7<sup>th</sup> July Welshpool 2.00-3.30pm
- Tuesday 13<sup>th</sup> July Welshpool 7.00-8.30pm
- Wednesday 28 July Brecon 2.00-3.30pm

It was confirmed that 20 Community Councils had been represented at the first two meetings. A full analysis of the attendance would be reported to the next meeting of the Standards Community Sub-Committee.

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

The Ombudsman has determined the outstanding case he was considering and concluded that the councillor had a personal and prejudicial interest in the matters to be discussed and should have declared the interest and left the room and therefore there had been a breach of paragraph 12 (1) of the Code. However, the Ombudsman concluded that the breach had been unintentional and he did not think that it would result in sanction from a Standards Committee.

The Standards Committee expressed the view that since a breach had been identified the process should be for the Standards Committee to consider the issue of a sanction.

## **C. Dispensations**

### **D1. Applications Town and Community Councillors**

Two applications from Community Councillors from Llangattock received at the last meeting and deferred for additional information were considered. The Clerk confirmed that the Local Member had been contacted but was unable to add any further information. Details of the memoranda of understanding of the Community Interest companies had been received.

Councillor Andrew Fryer attended the meeting and outlined his application together with the application by Ms Charlton who was unable to attend.

Councillor Fryer confirmed that he was a Director of Llangattock Green Valleys Community Interest Company and Treasurer of the Llangattock Woodlands Group and Ms Charlton was a Director of the Llangattock Green Valleys Community Interest Company and also of the Green Valleys Community Interest Company (the 'three Community Interest Companies') and both undertook this work on a voluntary basis receiving expenses but no remuneration. To date he, together with Ms Charlton, had declared an interest and withdrawn at Community Council meetings when matters relating to the three Community Interest Companies were raised. However, this meant that there was no-one with expert knowledge on the Community Council able to advise during the debate. Both applicants wished to be able to speak but not vote on issues relating to the three Community Interest Companies at Llangattock Community Council.

The three Community Interest Companies were involved with projects such as 7 Hydro Electric Schemes, working with British Gas to improve the energy efficiency of private and public owned homes, working with the local school and allotment society, and working on a Biomass plant and District Heating Main supplying heat to 400 properties.

It was confirmed that Llangattock Community Council owned some land. The allotments were situated on Community Council land, potentially one hydro electric

scheme would be partly on Community Council land and the District Heating Main would cross land owned by the Community Council.

These Community Interest Companies would be generating approximately 40 planning applications and 5 Better Woodlands projects which the Community Council would need to consider in the next 18 months. It was indicated that there was 60-70% community engagement in these schemes.

It was confirmed that two of the projects had applied to the Community Council for funding namely a litter picking scheme and the allotments scheme but both applicants for funds had been for less than £500.

<b>RESOLVED</b>	<b>REASON for decision</b>
<p><b>1. Councillor Andrew Fryer be granted a dispensation to speak only (but not influence the debate) at meetings of Llangattock Community Council on issues relating to Llangattock Green Valleys Community Interest Company and Llangattock Woodlands Group until the next elections in 2012 subject to:</b></p> <p><b>(a) Councilor Fryer leaving the meeting room whilst any decision is discussed and taken.</b></p> <p><b>b) any change in circumstances to be notified immediately to the Community Sub-Committee</b></p> <p><b>c) that the dispensations not applying in relation to a grant, loan, or other form of financial assistance over £500 made by Llangattock Community Council to the above mentioned bodies/organisations</b></p> <p><b>d) this dispensation being overridden by any other personal interest</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><b>(d) That the participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise.</b></p> <p><b>a) That where a Councillor has been given a dispensation to speak but not vote that Councilor should not remain in the meeting room during the vote so as to remove any suggestion that the Member had unduly influenced such vote.</b></p> <p><b>b) to ensure that the dispensation is reviewed should circumstances change</b></p> <p><b>c) that it would damage public confidence to give a dispensation to speak or vote where the financial gain (or potential financial gain) to a community or voluntary organisation with which the Councillor is connected in excess of £500.</b></p> <p><b>d) it would damage public confidence if the application related to the</b></p>

<p><b>Councillor Fryer may have.</b></p>	<p><b>applicants own land, property or family.</b></p>
<p><b>2. Councillor Jackie Charlton be granted a dispensation to speak only (but not influence the debate) at meetings of Llangattock Community Council on issues relating to Llangattock Green Valleys Community Interest Company and The Green Valleys Community Interest Group until the next elections in 2012 subject to:</b></p> <p><b>(a) Councilor Charlton leaving the meeting room whilst any decision is discussed and taken.</b></p> <p><b>b) any change in circumstances to be notified immediately to the Community Sub-Committee</b></p> <p><b>c) that the dispensations not applying in relation to a grant, loan, or other form of financial assistance over £500 made by Llangattock Community Council to the above mentioned bodies/organisations</b></p> <p><b>d) this dispensation being overridden by any other personal interest Councillor Charlton may have.</b></p>	<p><b>2. 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><b>(d) That the participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise.</b></p> <p><b>a) That where a Councillor has been given a dispensation to speak but not vote that Councilor should not remain in the meeting room during the vote so as to remove any suggestion that the Member had unduly influenced such vote.</b></p> <p><b>b) to ensure that the dispensation is reviewed should circumstances change</b></p> <p><b>c) that it would damage public confidence to give a dispensation to speak or vote where the financial gain (or potential financial gain) to a community or voluntary organisation with which the Councillor is connected in excess of £500.</b></p> <p><b>d) it would damage public confidence if the application related to the applicants own land, property or family.</b></p>

#### **D. Meeting dates**

The following dates for the Standards Community Sub-Committee were confirmed.

Wednesday 29<sup>th</sup> September 2010 at 10.00am

Wednesday 1<sup>st</sup> December 2010 at 10.00am

**P. SWANSON**  
**Chairman**