

**CYNGOR SIR POWYS COUNTY COUNCIL.****Standards Community Sub- Committee  
27<sup>th</sup> April 2011**

**REPORT BY:** Strategic Director – Law and Governance  
**SUBJECT:** Matters appertaining to Standards Issues

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

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**A. Referral of Councillors to Public Services Ombudsman****A1. Town and Community Councillor Referrals**

The Ombudsman has advised that one new Code of Conduct Complaint has been received (ref 1/11TCC). The Ombudsman has decided not to investigate the complaint as he did not believe on the basis of the information provided that the Councillors behaviour could be said to be sufficient to amount to a breach of the Code of Conduct.

**B. Dispensations****B1. Applications - Town and Community Councillors****B1.1 Llanbadarn Fynydd**

Three applications have been received from Councillors at Llanbadarn Ffynydd Community Council. The applicants are seeking dispensation on the grounds that 5 out of 7 Community Councillors have an interest in matters relating to windfarms. The Clerk has been asked to provide further information which has not been submitted to date.

**B1.2 School Modernisation Interests**

Two applications have been received from Presteigne and Norton Town Councillors Jennie Simpson and John Kendall. Copies of the applications are attached to this report for information.

The Standards Committee at its meeting in July 2010 granted a dispensation to County Councillors (who will be decision makers) to speak and vote at meetings of the County Council in relation to the Schools Modernisation Programme, subject to certain caveats. A copy of this minute is attached for information. These application are likely to be the first of many on behalf of Town and Community Councillors in relation to this subject, and the Sub-Committee is requested to consider whether a blanket dispensation should in addition be granted to Town and Community Councillors (who will not be decision makers) to speak and vote on this issue at Town and Community Council meetings.

### **B1.3 Scottish Power Energy Networks proposal to Connect Windfarms to the National Grid.**

Scottish Power and the National Grid are currently undertaking a consultation exercise in relation to the connection of windfarms in Powys to the National Grid, which will involve the installation of an electricity hub together with associated pylons. This project will predominantly affect Montgomeryshire but will also have an impact on Radnorshire.

Following conversations with the clerk to one Town and Community Council in Montgomeryshire regarding the issue of Members' interests, the impact this could have on councillors' individual and collective ability to discuss these issues became apparent, including the possibility of Councils being inquorate for consideration of these items. Due to the scale of the proposal, it is also apparent that a large number of Town and Community Councils could be affected as indicated above, and therefore it was considered appropriate that the Sub-Committee's view be sought as to whether a blanket dispensation should be granted to Town and Community Councillors to speak and / or vote on these proposals.

In addition the question of County Councillors who are also Town and Community Councillors and who may also be members of the County Council's Planning Committee (who it is understood will be the decision making body in relation to the electricity hub) needs to be considered and this matter is raised separately on the main Standards Committee report.

#### **C. Standards Conference**

To be discussed at the Standards Committee.

#### **D. Meeting Dates.**

**D1.** To note dates of future meetings as follows:

29<sup>th</sup> June, 2011

7<sup>th</sup> September, 2011

30<sup>th</sup> November, 2011

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

Contact Officer Name:	Tel:	Fax:	Email:
<i>Clarence Meredith, Strategic Director – Law and Governance.</i>	01597 826395	01597 826220	<a href="mailto:Clarence@powys.gov.uk">Clarence@powys.gov.uk</a>

**POWYS STANDARDS COMMITTEE / COMMUNITY SUB-COMMITTEE**

**APPLICATION FOR DISPENSATION BY MEMBER WITH PREJUDICIAL INTEREST**

I, Councillor JENNI SIMPSON

of PRESTEIGNE AND NORTON TOWN COUNCIL

hereby apply to the Powys Standards Committee/Community Sub-Committee for a Dispensation to participate, as described in Section 1 below, in that business of the Council described in Section 2 below notwithstanding that I have the Prejudicial Interest(s) detailed in Section 3 below.

I make this application on the ground(s) set out in Section 4 below which I submit apply because of the reasons detailed in Section 5 below.

**SECTION 1**

How you wish to participate – please tick all relevant categories below:

Attend a meeting	/
Speak at a meeting	/
Vote at a meeting	
Seek to influence a decision on a matter	/
Make written representations	/
Make oral representations	/
Exercise Board functions (County Councillor only)	

**SECTION 2**

(A) Describe in the box below:

- i) the business in which you wish to participate;
- ii) how your Council will deal with the matter;
- iii) how many Members there are on your Council;
- iv) what meetings will be held to consider it, when and where they will be held; and
- v) those taking part.

- (i) discussion of the Powys County Council School Modernisation programme
- (ii) debate and resolutions
- (iii) 13
- (iv) Monthly council meetings for the foreseeable future
- (v) All councillors plus members of the public as permitted by standing orders

(B) If the business relates to or affects an organisation(s) please detail below:

- how were you appointed to that organisation (i.e. by appointment by the Town or Community Council or by other means), and
- what is the nature of the business:
  - A Funding
  - B Planning – applications, building improvement/changes
  - C Licences – liquor/entertainment
  - D Land
  - E Management/operation of the organisation
  - F General matters

I am a one of the parent governors of John Beddoes School Presteigne. I was not appointed by the council.

The business concerns issues potentially arising under heads A, B, D, E and F

(C) Is the organisation a registered charity? If so, are you a Trustee of the charity?

No.

**SECTION 3**

**Detail the PREJUDICIAL interest(s) you have in the business referred to in Section 2 above. Please refer to the attached Guidance Notes (Attached) and include the relevant category reference e.g C.4 if the matter concerns a good friend of yours who stands to benefit as a result of a decision on the matter.**

I am one of the parent governors of John Beddoes School Presteigne.



## SECTION 4

**Set out the GROUND(S) upon which you rely by placing a tick in the right hand column against the relevant category/ies below.**

Eligible Applicant	Ground		
County Councillors and Town and Community Councillors	(a) 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;	Speak and Vote Speak only	/
County Councillors only	(b) No fewer than half of the Members of a leader and cabinet executive of the relevant Authority by which the business is to be considered has an interest which relates to that business and either Paragraph (d) or (e) also applies;	Speak and Vote Speak only	-
County Councillors only	(c) In the case of a County or County Borough Council, the inability of the Member to participate would upset the political balance of the relevant Authority or of the committee of the Authority by which the business is to be considered to such an extent that the outcome would be likely to be affected.	Speak and Vote Speak only	-
County Councillors and Town and Community Councillors	(d) 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;	Speak and Vote Speak only	/
County Councillors and Town and Community Councillors	(e) The interest is common to the Member and a significant proportion of the general public;	Speak and Vote Speak only	/
County Councillors and Town and Community Councillors	(f) The participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;	Speak and Vote  Speak only	  /
County Councillors only	(g) The business to which the interest relates is to be considered by an Overview and Scrutiny Committee of the relevant Authority and the Member's interest is not a pecuniary interest.	Speak and Vote Speak only	-
County Councillors and Town and Community Councillors	(h) 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; or	Speak only	/
County Councillors and Town and Community Councillors	(i) It appears to the committee to be in the interests of the inhabitants of the area of the relevant Authority that the disability should be removed provided that written	Speak and Vote Speak only	/

Councillors	notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.		
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**SECTION 5**

**Detail in full the reasons why you submit the grounds selected in Section 4 apply in the case of your application and justify the grant of the dispensation you seek**

1. I have been a parent governor of John Beddoes High School, Presteigne since September 2008. It is well known that I hold that position along with other positions of trust in the community as a volunteer.
2. The high school is a vital part of the local community.
3. The modernisation process is likely to change, permanently and radically, the way schools are provided here.
4. I am able to give the council important information about the modernisation programme and the school's reaction to the programme.
5. It is in the public interest for the town council to receive information about this mater from those most involved.
6. If I am excluded from the discussion the town council will not get all the information it would get if I am not excluded.
7. I have no pecuniary interest in the matter.
8. I am asking to take part in the discussion, but would leave the room for the vote.
9. I do not believe the proverbial reasonable person in possession of all the facts would object to my presence at the meeting.
10. The county council refused to allow community councils to be represented on the project board dealing with the primary schools aspect. All community councils, including our own, should have access to information about these developments.

Applicant's home address:	Northwood Slough Lane Presteigne Powys LD8 2NH
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Applicant's telephone number:	<b>01544 267268</b>
Applicant's fax number:	<b>None</b>
Applicant's E Mail address:	<b>simpsonjenni@yahoo.co.uk</b>

SIGNED: *Jenni Simpson*

DATED: 10-2-11

**This form fully completed, signed and dated should be returned to:**

**Mrs Elizabeth Patterson, Committee Clerk, Legal, Scrutiny and Democratic Services, County Hall, Llandrindod Wells, Powys, LD1 5LG.**

**Tel No: 01597 826980**

**Fax No: 01597 826220**

**E-Mail: [Elizabeth.patterson@powys.gov.uk](mailto:Elizabeth.patterson@powys.gov.uk)**

**From whom further information and advice may be obtained.**

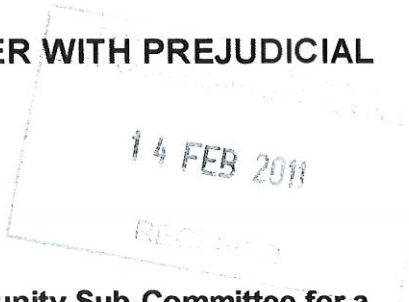


**POWYS STANDARDS COMMITTEE / COMMUNITY SUB-COMMITTEE**

**APPLICATION FOR DISPENSATION BY MEMBER WITH PREJUDICIAL INTEREST**

I, Councillor JOHN KENDALL

of PRESTEIGNE AND NORTON TOWN COUNCIL



hereby apply to the Powys Standards Committee/Community Sub-Committee for a Dispensation to participate, as described in Section 1 below, in that business of the Council described in Section 2 below notwithstanding that I have the Prejudicial Interest(s) detailed in Section 3 below.

I make this application on the ground(s) set out in Section 4 below which I submit apply because of the reasons detailed in Section 5 below.

**SECTION 1**

How you wish to participate – please tick all relevant categories below:

<b>Attend a meeting</b>	<input checked="" type="checkbox"/>
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**SECTION 2**

- (A) Describe in the box below:
- i) the business in which you wish to participate;
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I am chairman of Governors of John Beddoes School Presteigne. I was not appointed by the council.

The business concerns issues potentially arising under heads A, B, D, E and F

**(C) Is the organisation a registered charity? If so, are you a Trustee of the charity?**

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8. I am asking to take part in the discussion, but would leave the room for the vote.
9. I do not believe the proverbial reasonable person in possession of all the facts would object to my presence at the meeting.

Applicant's home address:	The Manor House St David's Street Presteigne Powys LD8 2BP
Applicant's telephone number:	01544 260019
Applicant's fax number:	None
Applicant's E Mail address:	<a href="mailto:jkendall@btinternet.com">jkendall@btinternet.com</a>

SIGNED:  \_\_\_\_\_

DATED: 10.2.11 \_\_\_\_\_

**This form fully completed, signed and dated should be returned to:**

**Mrs Elizabeth Patterson, Committee Clerk, Legal, Scrutiny and Democratic Services, County Hall, Llandrindod Wells, Powys, LD1 5LG.**

**Tel No: 01597 826980**

**Fax No: 01597 826220**

**E-Mail: [Elizabeth.patterson@powys.gov.uk](mailto:Elizabeth.patterson@powys.gov.uk)**