

**MINUTES OF A MEETING OF THE STANDARDS COMMUNITY SUB-COMMITTEE,  
HELD AT COUNTY HALL, LLANDRINDOD WELLS ON WEDNESDAY 5<sup>th</sup> SEPTEMBER  
2012.**

**PRESENT:** Mrs H. Rhydderch-Roberts (Chair)  
Mrs J. Evans, Mrs M. Harris, Mrs S. Jarman, Mr R. Miller, Community Councillors Ms C. Evans and D. Pugh and County Councillor G. Williams.

**Observers:** County Councillors Mrs M. Mackenzie and P. Medicott.

**Officers in Attendance:** C. Meredith (Strategic Director – Law and Governance), Ms S. Tamboo (Solicitor – Corporate), W. Richards (Scrutiny Manager), Mrs E. Patterson (Scrutiny Officer).

<b>1.</b>	<b>APOLOGIES</b>	<b>STCS12 - 2012</b>
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An apology for absence was received from Community Councillor H. Patrick.

<b>2.</b>	<b>DECLARATIONS OF INTEREST</b>	<b>STCS13 - 2012</b>
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Community Councillor Ms C. Evans and Independent Member Mrs M. Harris declared a interests in the applications for dispensation from Rhayader Town Council Members.

<b>3.</b>	<b>REPORT OF THE STRATEGIC DIRECTOR – LAW AND GOVERNANCE</b>	<b>STCS14 - 2012</b>
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The Sub-Committee received the report of the Strategic Director – Law and Governance. (Copy filed with signed minutes)

**A. Referral of Councillors to the Public Services Ombudsman.**

**A1. Town and Community Councillor Referrals.**

The following notifications had been received from the Ombudsman since the last meeting of the committee:-

7/11/TCC – to discontinue the investigation and conclude that no further action is necessary

3/12/TCC – not to investigate

4/12/TCC – not to investigate

5/12/TCC – not to investigate

6/12/TCC – not to investigate

7/12/TCC – not to investigate

8/12/TCC – not to investigate

Since the last meeting the Ombudsman has notified the Council of eight further complaints and their current position are outlined below:

09/12/TCC – not to investigate

10/12/TCC} – not to investigate

11/12/TCC}

12/12/TCC – not to investigate

13/12/TCC – not to investigate  
14/12/TCC}  
15/12/TCC} – awaiting decision on whether to investigate  
16/12/TCC}

**B. Dispensations.**

**B1. Applications – Town and Community Councillors.**

Applications for dispensation have been received from the following Town and Community Councils. Copies of the applications and comments and observations are filed with the signed minutes.

**B1.1 Abermule and Llandyssil Community Council**

An application for dispensation has been submitted by the Clerk in relation to two Charities with which the Community Council is involved, namely

- (a) The Millfield Amenity Land Trust; and
- (b) The Abermule Community Centre.

All Members of the Community Council become, on acceptance of office Community Councillor trustees on both the Millfield Amenity Land Trust, and the Abermule Community Centre. The Abermule Community Centre has a number of other trustees. The Millfield Amenity Land Trust has only one other trustee (the local County Councillor).

<b>RESOLVED THAT</b>	<b>REASON FOR RESOLUTION</b>
<p><b>1. All Members of Abermule and Llandyssil Community Council be granted a dispensation in respect of the prejudicial interest arising from them being trustees of these two charitable trusts (but not in respect of any other prejudicial interest) to speak and vote on all matters relating to the Millfield Amenity Land Trust and the Abermule Community Centre until the next elections in 2017.</b></p> <p><b>2. That a report on the issue of a blanket dispensation in respect of members who were trustees of charities be brought to a future meeting</b></p>	<p><b>1. That without the grant of this dispensation the Community Council would be unable to conduct any business relating to these two trusts as its meetings would not be quorate and thus the Community Sub-Committee are satisfied that the following ground in the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 justifies the granting of this dispensation namely:-</b></p> <p><b>(a) no fewer than half 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.</b></p> <p><b>2. To further consider the issue.</b></p>

**B1.2 Presteigne Town Council**

An application for dispensation had been received from Town Councillor Tennant-Eyles. Councillor Tennant-Eyles was seeking a dispensation to speak but not vote at meetings of Presteigne Town Council in connection with issues relating to:

- Presteigne Festival of Music and the Arts (the 'Presteigne Festival')
- Presteigne Chamber of Trade, Commerce and Industry,
- Presteigne and Norton Community Trust Limited
- Transition Presteigne
- Presteigne Youth Project Ltd, and
- Presteigne Zero Waste

<b>RESOLVED that</b>	<b>REASON for decision</b>
<p><b>1. Councillor James Tennant-Eyles be granted a dispensation to speak but not vote at meetings of Presteigne and Norton Town Council on issues relating to bodies of which he is a member, namely, the Presteigne Festival of Music and the Arts, the Presteigne Chamber of Trade, Commerce and Industry, the Presteigne and Norton Community Trust Ltd, Transition Presteigne, Presteigne Youth Project Ltd and Presteigne Zero Waste until the next elections in 2017 subject to:</b></p> <p><b>(a) Councilor Tennant-Eyles having spoken leaving the room prior to a discussion/vote taking place.</b></p> <p><b>b) any change in circumstances to be notified immediately to the Community Sub-Committee.</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 (subject to the limitations in (a) and (b) namely:-</b></p> <p><b>(f) 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 by not remaining in the meeting room after speaking this removes any suggestion that the Member has unduly influenced such vote.</b></p> <p><b>b) to ensure that the dispensation is reviewed should circumstances change.</b></p>

B1.3 Dissersh and Trecoed Community Council, and

B1.4 Crickhowell Town Council (Dispensation Applications in respect of Co-option)

Applications for dispensation have been received from Community Councillors L. Davies, P. Hales, J. Hamer and L. Myhill who wished to speak and vote on the co-option of individuals with whom they had close personal association on to the Dissersh and Trecoed Community Council.

Similarly applications for dispensation have been received from Crickhowell Town Councillors G. Jackson, V. P. Games and Ms R. Dykes who wished to speak and vote on the co-option of individuals with whom they had close personal association on to the Crickhowell Town Council.

Dissersh and Trecoed Community Council had 5 Councillors elected unopposed from a Council of 11 which left 6 vacancies.

Crickhowell Town Council had 8 Councillors elected unopposed from a Council of 12 which left 4 vacancies.

The applications for dispensations were made principally on the ground that without a dispensation, co-options would be considered by a very small number of Councillors and might result in the Council being inquorate.

The Sub-Committee gave general consideration to the matter of co-options and were of the view that whilst this did not present a problem where there were only a small number of vacancies, where there were a large number of vacancies and only a small number of sitting Councillors some of whom had a close personal relationship with potential co-optees this became far more problematic.

The Sub-Committee concluded that the involvement of members with clear conflicts of interest in a democratic process of this significance was inappropriate; could not be justified and was likely to damage public confidence.

Accordingly the Sub-Committee declined all the applications for a dispensation and these members will therefore not be able to speak or vote at meetings dealing with co-opting individuals on to the Council to fill the current vacancies.

Both Councils would need to decide how to take matters forward. The Sub-Committee appreciated the difficulties created by so few members being able to participate but was advised that it was open to both Councils to apply to the County Council requesting the County council to arrange an election albeit that there would be a cost to the Community/Town Council.

<b>RESOLVED THAT</b>	<b>REASON FOR RESOLUTION</b>
<p><b>i) Dispensations be not granted to Community Councillors L. Davies, P. Hales, J. Hamer and L. Myhill of Disserth and Trecoed Community Council to speak and vote in respect of co-options on to Disserth and Trecoed Community Council to fill the current vacancies on that council;</b></p>	<p><b>i) That to grant a dispensation would damage public confidence in respect of the business and democratic processes of Disserth and Trecoed Community Council.</b></p>
<p><b>ii) Dispensations be not granted to G. Jackson, V. P. Games and Ms R. Dykes of Crickhowell Town Council to speak and vote in respect of co-options on to Crickhowell Town Council to fill the current vacancies on that council.</b></p>	<p><b>ii) That to grant a dispensation would damage public confidence in respect of the business and democratic processes of Crickhowell Town Council.</b></p>

**B1.5 Crickhowell Town Council (Dispensation Applications in respect of Development matters)**

Applications had been received from Town Councillor Mrs R. Dykes and V. P. Games requesting dispensations to speak and vote on matters relating to certain development sites in Crickhowell namely the Salt Sites 072, 073 and 061 and the potential Cemetery Site. Given the proximity of these sites to the applicants homes and/or their close connections to landowners/developers the Committee concluded

that it would not be appropriate to grant any form of dispensation on this occasion as to do so would undermine public confidence in the Town Council's business and democratic processes.

<b>RESOLVED THAT</b>	<b>REASON FOR RESOLUTION</b>
<b>i) Dispensations be not granted to V. P. Games and Ms R. Dykes of Crickhowell Town Council to speak and vote in respect the development sites in Crickhowell.</b>	<b>i) That to grant a dispensation would damage public confidence in respect of the business and democratic processes of Crickhowell Town Council.</b>

#### B1.6 Rhayader Town Council

Community Councillor Ms C. Evans declared an interest as the Chair of Rhayader Town Council.

Independent Member Mrs M. Harris declared a personal interest due to a close personal friendship with one of the applicants and the wife of a second applicant. Mrs Harris left the room.

Applications had been received from Town Councillors E. Narborough, Mrs G. Williams and Mrs L. Price requesting a dispensation to to speak and vote at meetings of Rhayader Town Council and at the Rhayader Town Council Allotment Sub-Committee. It was confirmed that the Allotment Sub-Committee had no delegated powers. However, without dispensations the Allotment Sub-Committee would not be able to operate as it would not have a quorum. The Sub-Committee was requested to consider a dispensation in relation to non-financial matters only.

<b>RESOLVED THAT</b>	<b>REASON FOR RESOLUTION</b>
<p><b>1. Town Councillors E. Narborough, Mrs G. Williams and Mrs L. Price be granted a dispensation to speak and vote on matters relating to the allotments run by Rhayader Town Council at Town Council meetings and meetings of the Allotment Sub-Committee until the elections in 2017 subject to</b></p> <p><b>i) the dispensation not applying in respect of any financial matter including the setting of rents,</b></p>	<p><b>1. that the Community Sub-Committee are satisfied that the following grounds in the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 justifies the granting of a dispensation particularly given that the dispensation does not extend to financial matters (including the setting of rents)namely:-</b></p> <p><b>(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.</b></p> <p><b>(f) 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>2. The applicants be advised that if powers relating to financial matters (including the setting of rents) are subsequently delegated to the Allotment Sub-Committee then they are at liberty to reapply to Standards Community-Sub Committee for the matter to be reconsidered.</b></p>	<p><b>2. To advise the applicants of the option of making further applications should present circumstances change.</b></p>
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Independent Member Mrs M. Harris returned to the room

An application for dispensation had been received from Town Councillor M Lloyd to speak and vote on matters relating to the Town Cemetery. Councillor Lloyd owns a funeral business in the town.

<b>RESOLVED THAT</b>	<b>REASON FOR RESOLUTION</b>
<p><b>Town Councillor M. Lloyd be granted a dispensation to speak and vote on matters relating to the Town Cemetery at meetings of Rhayader Town Council until the elections in 2017.</b></p>	<p><b>1. that the Community Sub-Committee are satisfied that the following grounds in the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 justifies the granting of a dispensation namely:-</b></p> <p><b>(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</b></p> <p><b>(f) 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>

### **B1.7 Hay on Wye Town Council**

The Sub-Committee noted that Councillor Gareth Ratcliffe had submitted an application for a dispensation in connection with the Schools Modernisation scheme in respect of his member roles with both Powys County Council and Hay on Wye Town Council. All Members of the Sub-Committee had been present at the meeting earlier of the main Standards Committee when County Councillor Ratcliffe's applications as Powys County Councillor had been considered. For the reasons given by the main Committee for granting Councillor Ratcliffe a dispensation to speak and generally represent his constituent the Sub-Committee concluded that he should similarly be granted an identical dispensation in respect of his role as a Hay Town Councillor.

<b>RESOLVED THAT</b>	<b>REASON FOR RESOLUTION</b>
<b>Councillor Ratcliffe be granted a</b>	<b>That to permit Councillor Ratcliffe to</b>

<p>dispensation in relation to those prejudicial interests identified in his application which are not covered by the blanket dispensation granted by the committee in respect of school modernisation:-</p> <p>(a) to speak but not vote at all meetings including meetings of Hay-on-Wye Town Council on all matters relating to, or connected with, the school modernisation process for the Gwernyfed Catchment Area (including development proposals relating to, or connected with, the provision of a new school in Hay on Wye), and having spoken leave the room prior to a discussion/vote taking place; and</p> <p>(b) to represent his constituents generally in such matters in discussions, making representations or otherwise.</p> <p>until the next ordinary elections in 2017.</p>	<p>speaking at meetings and representing his constituents generally is justified under grounds (d) and (f) of the Standards (2001) Regulations namely:</p> <p>(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, and,</p> <p>(f) the participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise.</p>
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## B2 Blanket Dispensations

### B2.1 Windfarms/Renewable Energy

The Sub-Committee noted that wind farms and renewable energy issues remained very much a live and significant topic in the County.

The Sub-Committee decided that as with County Councillors a blanket dispensation should be granted to all Town and Community Councillors provided that no dispensation would apply where, in relation to a specific planning application or a site specific matter, a member had a prejudicial interest which was pecuniary.

RESOLVED	REASON FOR DECISION
<p>That a blanket dispensation (the dispensation) in relation to wind farms and renewable energy issues be granted to all town and community councillors in accordance with and, subject to, the following provisions of this resolution:-</p> <p>(a) the dispensation shall relate to all prejudicial interests under the</p>	<p>To enable members to represent their constituents in matters of</p>

<p><b>Members Code of Conduct PROVIDED ALWAYS that the dispensation shall not apply in respect of a specific planning application or site specific matter where the councillor has a pecuniary prejudicial interest;</b></p> <p><b>(b) “wind farm and renewable energy issues” means any question, motion, report, notification, communication, discussion, consultation, proposal, application, appeal, process or proceedings, development or works, involving, related to, concerning, or connected with, a single wind turbine or two or more wind turbines including any associated :-</b></p> <p><b>(i) substation, pylon, overhead or underground cables or wires or any other infrastructure;</b></p> <p><b>(ii) transport, highway, tourism and regeneration issues:</b></p> <p><b>(iii) community benefits; and</b></p> <p><b>(iv) national or local policy, plan or guidance, white or green paper;</b></p> <p><b>(c) “pecuniary prejudicial interest” means a prejudicial interest under the Members’ Code of Conduct which results in financial gain or financial loss either immediately or in the foreseeable future to:-</b></p> <p><b>(i) the councillor in question; or</b></p> <p><b>(ii) someone with whom the councillor lives or has a close personal association e.g. close friends, close relatives, colleagues with whom the councillor has particularly strong connections, business associates and someone with whom the councillor has been in dispute with (NB Councillors should note however that “close personal association” does not include casual acquaintances, distant relatives or people you simply come into contact with through your role as member or your work in the local community);</b></p> <p><b>(d) the dispensation extends to:-</b></p> <p><b>(i) attending any meeting, formal or informal (as defined in the Members Code of Conduct), including meetings of the full Town or Community Council or other Committee;</b></p> <p><b>(ii) speaking and voting at such meetings; and</b></p> <p><b>(iii) making oral or written representations and generally playing a full role in representing constituents;</b></p> <p><b>(e) the dispensation is subject to compliance with:-</b></p>	<p><b>great significance for Powys where they do not have a conflict of interest which is pecuniary; the Sub-committee being of the view that the grant of this blanket dispensation will not damage public confidence in the conduct of the Council’s business.</b></p>
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<p><b>(i) any legislative requirement;</b></p> <p><b>(ii) any common law rule including bias/predetermination;</b></p> <p><b>(f) the dispensation shall continue in force until the next ordinary council elections in 2017 unless before those elections the Standards Community Sub-Committee revokes, amends or alters the dispensation;</b></p> <p><b>(g) for the avoidance of all doubt:-</b></p> <p><b>(i) the dispensation applies to all members;</b></p> <p><b>(ii) the dispensation does NOT apply where directly, or, through someone with whom the member lives or has a close personal association, a pecuniary prejudicial interest exists;</b></p> <p><b>(iii) other than where a specific PECUNIARY prejudicial interest exists, as detailed above, the dispensation applies in the case of all other types of prejudicial interests ;</b></p> <p><b>(iii) it is always a matter for the individual member to decide whether the interest is prejudicial;</b></p> <p><b>(iv) a member who takes advantage of the dispensation must continue to comply with the Members Code of Conduct including the requirements in relation to:-</b></p> <p><b>(1) the disclosure of his/her personal and prejudicial interest at meetings and in discussions indicating the nature of such interest and confirming that he/she is participating with the benefit of the dispensation; and</b></p> <p><b>(2) the giving of the requisite written notification in connection with these disclosure requirements;</b></p>	
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## **D2.2 BLANKET DISPENSATIONS – School Modernisation & School Transport Review**

The Sub-Committee noted that, as with wind farms and renewable energy, school modernisation remained a very significant item on the County Council's agenda and was likely to remain so for the foreseeable future.

The Sub-Committee agreed that as with County councillors a blanket dispensation should be granted to all Town and Community councillors in this connection and that it should extend to issues involving school transport which were also the subject of a current review and were intrinsically linked to the school modernisation programme. It was further decided that in relation to school transport review matters the dispensation should not apply in respect of a pecuniary prejudicial interest arising from an involvement with the provision of such transport.

The Sub-Committee also reaffirmed that the dispensation should apply only to matters arising directly under and linked to the actual school modernisation programme/ school transport review. In other words, the dispensation should not apply in circumstances where the issue involved an individual school, pupil or transport issue unrelated to such programme/review.

<b>RESOLVED</b>	<b>REASON FOR DECISION</b>
<p><b>That a blanket dispensation (the dispensation) in relation to both school modernisation and the school transport review be granted to all Town and Community councillors in accordance with and, subject to, the following provisions of this resolution:-</b></p> <p><b>(a) the dispensation shall relate to all prejudicial interests under the Members Code of Conduct PROVIDED ALWAYS that the dispensation shall not apply where the councillor has a pecuniary prejudicial interest;</b></p> <p><b>(b) “school modernisation” means the modernisation programme being undertaken by the County Council’s Cabinet as part of the Powys Change Programme in relation to both primary and secondary schools predominantly on the 13 secondary school catchment area basis and also in respect of individual small schools with falling pupil numbers but does not include issues which are specific to a particular school (e.g. the budget, inspection, employment matters, ICT, catering, cleaning, refurbishment, repair or property items) unrelated to such programme;</b></p> <p><b>(c) “school transport review” means the review being undertaken by the County Council’s Cabinet as part of the overall programme for school modernisation in relation to the planning, commissioning and procurement of transport for pupils attending primary, secondary and special schools both in and outside of Powys where the County Council has a duty to provide such transport but does not include issues which are specific to a particular school, route or pupil unrelated to such review;</b></p> <p><b>(d) “pecuniary prejudicial interest” means a prejudicial interest under the Members Code of Conduct which results in financial gain, or financial loss, either immediately, or in the foreseeable future, arising (in the case of school modernisation) from employment as a teacher or otherwise at a school or, (in the case</b></p>	<p><b>To enable members to represent their constituents in matters of great significance for Powys where they do not have a conflict of interest which is pecuniary; the Sub-Committee being of the view that the grant of this blanket dispensation will not damage public confidence in the conduct of the Council’s business.</b></p>

**of the school transport review) from the provision of school transport, to:-**

- (i) the councillor in question; or**
  - (ii) someone with whom the councillor lives or has a close personal association e.g. close friends, close relatives, colleagues with whom the councillor has particularly strong connections, business associates and someone with whom the councillor has been in dispute with (NB Councillors should note however that “close personal association” does not include casual acquaintances, distant relatives or people you simply come into contact with through your role as member or your work in the local community);**
- (e) the dispensation extends to:-**
- (i) attending any meeting formal or informal (as defined in the Members Code of Conduct) including meetings of the full Town or Community Council or other Committee;**
  - (ii) speaking and voting at such meetings; and**
  - (iii) making oral or written representations and generally playing a full role in representing constituents;**
- (f) the dispensation is subject to compliance with:-**
- (i) any legislative requirement;**
  - (ii) any common law rule including bias/predetermination;**
  - (iii) the council’s constitution;**
- (g) the dispensation shall continue in force until the next ordinary council elections in 2017 unless before those elections the Standards Sub-Committee revokes, amends or alters the dispensation;**
- (h) for the avoidance of all doubt:-**
- (i) the dispensation applies to all Town and Community Councillors;**
  - (ii) other than where a specific PECUNIARY prejudicial interest exists, as detailed above, the dispensation applies to all other types of prejudicial interests such as those arising from being a school governor or being the parent, grandparent, guardian, carer or having parental responsibility for a child at a school;**

<p>(iii) the dispensation does not apply where directly or through someone with whom the member lives or has a close personal association a pecuniary prejudicial interest exists;</p> <p>(iv) it is always a matter for the individual member to decide whether the interest is prejudicial;</p> <p>(v) a member who takes advantage of the dispensation must continue to comply with the Members Code of Conduct including the requirements in relation to:-</p> <p style="padding-left: 40px;">(1) the disclosure of his/her personal and prejudicial interest at meetings and in discussions indicating the nature of such interest and confirming that he/she is participating with the benefit of the dispensation; and</p> <p style="padding-left: 40px;">(2) the giving of the requisite written notification in connection with these disclosure requirements;</p> <p>(iv) the dispensation, whilst it does not apply to any member with a pecuniary prejudicial interest, does not affect the right (under the Members' Code of Conduct) of a member who has a pecuniary prejudicial interest to speak and then withdraw from a meeting where the public are accorded the right to speak at such meeting;</p>	
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**C Declaration of Interest Forms**

The County Council has previously circulated declaration of interest forms for use of Town and Community Councils but these have not been circulated recently.

<b>RESOLVED THAT</b>	<b>REASON FOR RESOLUTION</b>
<b>The declaration of interest forms for use by Town and Community Councils be circulated to all Town and Community Councils in Powys.</b>	<b>To advise all Town and Community Councillors of the form to be completed in respect of declarations of dispensation.</b>

**D. Meeting Dates.**

The following dates for the Sub-Committee were confirmed:

5<sup>th</sup> December, 2012

**Mrs H Rhydderch-Roberts  
Chair**