

**MINUTES OF A MEETING OF THE STANDARDS COMMUNITY SUB-COMMITTEE,
HELD AT COUNTY HALL, LLANDRINDOD WELLS ON WEDNESDAY 6TH FEBRUARY
2013**

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

Observers: County Councillors Mrs M. Mackenzie, P. Medicott and G. Williams.

Officers in Attendance: C. Meredith (Strategic Director – Law and Governance), Ms J. Kealey (Head of Legal, Scrutiny and Democratic Services), W. Richards (Scrutiny Manager), Ms S. Tamboo (Solicitor – Corporate) and Mrs E. Patterson (Scrutiny Officer).

1.	APOLOGIES	STCS1 - 2013
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No apologies for absence were received.

2.	MINUTES	STCS2 - 2013
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The Chair was authorised to sign the minutes of the previous meeting held on 5th December 2012 as a correct record.

It was agreed that for the avoidance of doubt clarification should be sent to Town and Community Councils advising that where a charitable trust was managed through a Company Limited by Guarantee the Directors of that company were also trustees and therefore the dispensation granted at the previous meeting also applied to those directors.

2.	DECLARATIONS OF INTEREST	STCS3 – 2013
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No declarations of interest were received.

3.	REPORT OF THE STRATEGIC DIRECTOR – LAW AND GOVERNANCE	STCS4 - 2013
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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 Sub-Committee noted that the Ombudsman had made the following decisions as to whether or not to investigate complaints reported to the last meeting of the committee:

- 17/12/TCC – not to investigate
- 18/12/TCC – investigate
- 21/12/TCC – not to investigate
- 22/12/TCC – not to investigate
- 22/12/TCC – not to investigate

23/12/TCC – not to investigate
24/12/TCC – not to investigate
25/12/TCC – not to investigate
26/12/TCC – not to investigate
27/12/TCC – not to investigate
28/12/TCC – not to investigate
29/12/TCC – not to investigate

Since the last meeting the Ombudsman had notified the Council of one further complaint and the current position was outlined below:

01/13/TCC - awaiting decision whether to investigate.

B. Dispensations.

B1. Blanket Dispensations – Councillors who are Trustees of Registered Charities and/or Members of Local Non Profit making Community Groups or Organisations.

At the last meeting the Sub-Committee decided to grant a blanket dispensation to town and community councillors who were trustees of registered charities (including those councillors who were directors of companies limited by guarantee) in respect of prejudicial interests which arose from their role as a trustee where they had not been elected, appointed or nominated to that position of trustee by their Council.

It was acknowledged however that Town and Community Councillors also had membership (often not through appointment by their councils) of a considerable and varied number of non-profit making clubs, associations, societies, groups and organisations such as football, cricket, tennis clubs, allotment associations, history or drama groups, local festivals etc which existed in, and contributed significantly to, the local communities throughout Powys but were not registered charities (hereinafter referred to as “Voluntary Organisations”).

Given that these Voluntary Organisations have similar features to registered charities; had voluntary aims; were non profit making and conferred no financial reward or gain on Councillors whether they were either ordinary or management members it had been agreed to look at whether a blanket dispensation should be considered appropriate in connection with these Voluntary Organisations

The Sub-Committee therefore considered a paper as to whether membership at whatever level of Voluntary Organisations by a Town or Community councillors where membership was not as a result of being elected, appointed or nominated to the Voluntary Organisation by their council should be viewed in the same light as trustees of registered charities for the purpose of granting a blanket dispensation and were of the view that it should.

The Sub Committee were also of the view that such a blanket dispensation should extend to regulatory matters such as planning applications. The Sub-Committee noted that at their last meeting the blanket dispensation granted to trustees of registered charities had excluded regulatory matters. On further reflection however they were now of the view trustees of registered charities and members of

Voluntary Organisations should be placed on an equal footing and both have blanket dispensations which included regulatory matters such as planning applications.

The Sub-Committee were also of the view that these blanket dispensations should have the effect of removing the £500 ceiling in respect of members taking part in council business involving the grant, loan or other form of financial assistance to registered charities or Voluntary Organisations.

RESOLVED	REASON FOR DECISION
<p>1. To revoke the blanket dispensation granted at the last meeting of the Sub-Committee on 5th December 2012 granted to Councillors who are trustees of registered charities – Minute B2.</p> <p>2. That a blanket dispensation be granted to all Town and Community Councillors who are elected, appointed or nominated otherwise than by their Town or Community Council as :_</p> <p>(a) trustees of registered charities (including where they are directors of limited companies running the charities); and</p> <p>(b) members (at whatever level) of Voluntary Organisations</p> <p>to participate, speak and vote in connection with council business relating to the charity of which the councillor is a trustee or the Voluntary Organisation of which the councillor is a member (at whatever level) including</p> <p>(i) regulatory matters concerning the registered charity of which the councillor is a trustee or the Voluntary Organisation of which the councillor is a member; and</p> <p>(ii) the grant, loan or other form of financial assistance of more than £500 to the registered charity of which the councillor is a trustee or the Voluntary Organisation of which the councillor is a member</p> <p>but subject to the following;-</p>	<p>1. To replace the previous decision. with an amended blanket dispensation.</p> <p>2 & 3 To place all councillors who are trustees of registered charities or members (of whatever level) of Voluntary Organisations (howsoever elected, appointed or nominated) on an equal footing with regard to prejudicial interests so as to facilitate the democratic process and assist council business; the Sub-Committee being of the view that to do so will not damage public confidence in the conduct of the council’s business and therefore the Sub-Committee is satisfied that the grounds in Paragraph (d) of Regulation 2 of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 are met.</p>

(1) that the registered charity or Voluntary Organisation must be non-profit making and the Councillor (or a close personal associate) must not be in receipt of any financial reward or remuneration from the registered charity or Voluntary Organisation

(2) that this blanket dispensation only relates to a prejudicial interest arising from the Councillor's role as a trustee of the registered charity or member or as a member of the Voluntary Organisation and does not confer a dispensation in respect of any other type of prejudicial interest such as a pecuniary prejudicial interest.

(3) that this blanket dispensation shall continue in force until the next ordinary council elections in 2017 unless before those elections the Standards Committee revokes, amends or alters this dispensation

3. That a blanket dispensation be granted to all Town and Community Councillors who are elected, appointed or nominated by their Town or Community Council as :-

(a) trustees of registered charities (including where they are directors of limited companies running the charities); and

(b) members (at whatever level) of Voluntary Organisations

to participate, speak and vote in connection with council business relating to:-

(i) regulatory matters concerning the registered charity of which the councillor is a trustee or the Voluntary Organisation of which the councillor is a member; and

(ii) the grant, loan or other form of financial assistance of more than £500 to the registered charity of which the

<p>councillor is a trustee or the Voluntary Organisation of which the councillor is a member</p> <p>but subject to the following;-</p> <p>(1) that the registered charity or Voluntary Organisation must be non-profit making and the Councillor (or a close personal associate) must not be in receipt of any financial reward or remuneration from the registered charity or Voluntary Organisation</p> <p>(2) that this blanket dispensation only relates to a prejudicial interest arising from the Councillor's role as a trustee of the registered charity or member or as a member of the Voluntary Organisation and does not confer a dispensation in respect of any other type of prejudicial interest such as a pecuniary prejudicial interest.</p> <p>(3) that this blanket dispensation shall continue in force until the next ordinary council elections in 2017 unless before those elections the Standards Committee revokes, amends or alters this dispensation</p>	
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B2 Applications – Town and Community Councillors

B2.3 Guilsfield Community Council

Applications had been received previously from Guilsfield Community Council. The applications were in relation to membership of charities and local community groups and are now covered by the blanket dispensations outlined above.

The Solicitor clarified a point with regard to the charitable position of churches. At present the Church in Wales is a registered charity but individual churches are not registered with the Charity Commission. This position is changing and churches with an income of above £100,000 will have to register as a charitable trust and in future churches with smaller incomes will also have to register as a charitable trust. Church Members will therefore either be covered by the blanket dispensation for local community groups or the blanket dispensation for charity trustees.

B2.4 Llansantffriad and Deuddwr Community Council

Applications for dispensation had been received from nine out of the eleven Community Councillors requesting dispensation to speak and vote on matters relating to the erection of pylons and windfarms. The proposed route corridor for the pylons passes through the community and the Community Council members are affected either by owning property, businesses or farmland crossed by the proposed route corridor. The numbers of Councillors affected means that the Community Council does not have a quorum to be able to discuss these matters.

County Councillor G. Thomas who is also a Community Councillor attended the meeting and confirmed that all Community Councillors may have an interest in this matter as the proposed route corridor may yet change.

RESOLVED	REASON FOR DECISION
<p>(i) That all the councillors of Llansantffraid and Deuddwr Community Council be granted a dispensation in respect of all categories of prejudicial interests to speak and vote on all matters relating to windfarms and pylons affecting that community</p> <p>(ii) that this blanket dispensation shall continue in force until the next ordinary council elections in 2017 unless before those elections the Standards Committee revokes, amends or alters this dispensation</p>	<p>No fewer than half the members of the council have prejudicial interests in wind farms/pylons issues in their community and therefore the Sub Committee consider that the grounds in Paragraph (a) of Regulation 2 of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 are met.</p>

C. Meeting Dates.

The following dates for the Sub-Committee were confirmed:

- 3rd April, 2013
- 3rd July, 2013
- 4th September, 2013
- 4th December, 2013

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

**Mrs H Rhydderch-Roberts
Chair**