

**MINUTES OF A MEETING OF THE STANDARDS COMMUNITY SUB-COMMITTEE,
HELD AT COUNTY HALL, LLANDRINDOD WELLS ON WEDNESDAY 25th FEBRUARY
2015**

PRESENT: H. Rhydderch-Roberts (Chair)
J. Evans, C. Jackson, S. Jarman, Community Councillors C. Evans, H. Pattrick and D. Pugh and County Councillor G. Williams.

Observers: County Councillors M. Mackenzie, S. Hayes and P. Medicott

Officers in Attendance: C. Pinney (Solicitor to the Council), W. Richards (Scrutiny Manager and Head of Democratic Services) and E Patterson (Scrutiny Officer).

1.	APOLOGIES	STCS1 – 2015
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Apologies were received from Independent Member R. Miller.

2.	MINUTES	STCS2 – 2015
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The Chair was authorised to sign the minutes of the previous meeting held on 3rd December 2014 as a correct record.

3.	DECLARATIONS OF INTEREST	STCS3 – 2015
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No declarations of interest were received.

3.	REPORT OF THE SOLICITOR TO THE COUNCIL	STCS4 – 2015
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The Sub-Committee received the report of the Solicitor to the Council. (Copy filed with signed minutes)

A General Standards Issues for County Councillors and Co-opted Members

A1 Code of Conduct Training

Mid-term refresher training on the Code of Conduct for the 18 County Councillors and 2 Co-opted Members who had been unable to attend the first session held on 10th October 2014 has been arranged for 9th March 2015. Members were advised that one Co-opted Member had resigned and Code of Conduct training for the new representative and the newly elected Parent Governor Representative would be arranged.

B. Referral of Councillors to the Public Services Ombudsman.

B1. Town and Community Councillor Referrals.

Since the last meeting there have been no new referrals to the Ombudsman.

C. Dispensations.

No applications for dispensation were received.

C2. General Dispensation – School Modernisation and School Transport Review

Although this was not included in the report of the Council's Solicitor, the sub-committee considered that to ensure consistency, the dispensation considered by the Standards Committee should also be considered by the Sub-Committee as it would apply equally to Town and Community Councils.

On 4th September 2012 a general dispensation was granted to Town and Community Councillors relating to School Modernisation and School Transport Review. A further review of school modernisation and transport has commenced and for clarity it has been necessary to update the dispensation.

RESOLVED	REASON FOR DECISION
<p><i>That a blanket dispensation (the dispensation) in relation to any school modernisation review and any school transport review be granted to all Town and Community councillors in accordance with and, subject to, the following provisions of this resolution:-</i></p> <p><i>(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;</i></p> <p><i>(b) “school modernisation” means any modernisation review being undertaken by or for the County Council’s Cabinet as part of the One Powys Plan (or its successor) in relation to both primary and secondary schools 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 review;</i></p> <p><i>(c) “school transport review” means any review being undertaken by or for the County Council’s Cabinet as part of the overall review of 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;</i></p> <p><i>(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 of the school transport review) from the provision of school transport, to:-</i></p>	<p><i>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.</i></p>

- (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**

<p><i>responsibility for a child at a school;</i></p> <p><i>(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;</i></p> <p><i>(iv) it is always a matter for the individual member to decide whether the interest is prejudicial;</i></p> <p><i>(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:-</i></p> <p style="padding-left: 40px;"><i>(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</i></p> <p style="padding-left: 40px;"><i>(2) the giving of the requisite written notification in connection with these disclosure requirements;</i></p> <p><i>(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;</i></p>	
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D Meeting Dates

Members agreed that the Standards Sub-Committee should move to a quarterly cycle from 2016 with the opportunity to call an extraordinary meeting if required.

The following dates for the Standards Committee were confirmed:

Wednesday 17th June 2015

Wednesday 25th November 2015

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

Standards Community Sub-Committee
25th February 2015

Mrs H Rhydderch-Roberts
Chair