

Pwyllgor Safonau

Man Cyfarfod
**Ystafell Bwyllgor A - Neuadd y Sir,
Llandrindod, Powys**

Dyddiad y Cyfarfod
Dydd Mercher, 24 Chwefror 2016

Amser y Cyfarfod
10.30 am



Neuadd Y Sir
Llandrindod
Powys
LD1 5LG

I gael rhagor o wybodaeth cysylltwch â
Elizabeth Patterson
01597 826980
elizabeth.patterson@powys.gov.uk

18/02/2016

AGENDA

1.	COFNODION	S1-2016
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Awdurdodi'r Cadeirydd i lofnodi cofnodion cyfarfod(ydd) blaenorol y Pwyllgor a gynhaliwyd ar y dyddiad(au) canlynol fel cofnod cywir.
([Tudalennau 3 - 8](#))

2.	ETHOL IS-GADEIRYDD	S2-2016
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Ethol Is-Gadeirydd y Pwyllgor Safonau.

3.	YMDDIHEURIADAU	S3-2016
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Derbyn ymddiheuriadau am absenoldeb.

4.	DATGANIADAU O DDIDDORDEB	S4-2016
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Derbyn unrhyw ddatganiadau o ddiddordeb gan Aelodau yn gysylltiedig at eitemau i'w hystyried ar yr agenda.

5.	ADRODDIAD CYFREITHIWR Y CYNGOR	S5-2016
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Derbyn adroddiad Cyfreithiwr y Cyngor.
([Tudalennau 9 - 12](#))

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

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

PRESENT

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

Observers: County Councillors M Mackenzie, K Roberts-Jones and P Medicott

Officers in attendance: C Pinney (Solicitor to the Council), N Vaughan (Professional Lead – Legal), W Richards (Head of Democratic Services), E Patterson (Scrutiny Officer)

1.	APOLOGIES	STCS9 - 2015
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No apologies were received.

2.	MINUTES	STCS10 - 2015
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The Chair was authorised to sign the minutes of the previous meeting held on 17th June 2015 as a correct record.

Town and Community Council members noted that there was no reference to the Standards Conference delegate nominees in the minutes. It had been practice in the past in Powys for the County Council to include Town and Community Council representatives amongst the delegates sent from Powys. It was requested that when delegates are chosen for the next conference the practice of not sending delegates from the Town and Community Councillors be reviewed. It was understood that the conference this year had been a smaller event which had meant restricted nominees from each authority. It was also understood that Town and Community Councils would receive invitations separately from the Conference organisers but this had not been done and this observation should be fed back to One Voice Wales.

3.	DECLARATIONS OF INTEREST	STCS11 - 2015
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No declarations of interest were received.

4.	REPORT OF THE SOLICITOR TO THE COUNCIL	STCS12 - 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

Further Code of Conduct training was arranged for the eleven Members who had yet to attend mid-term refresher training (ten who had not yet attended and a newly elected Member). This had been held on 23rd September 2015 and seven Members had attended. Arrangements had been made for the remaining four Members to receive refresher training by means of the Members providing written responses to 3 or 4 questions considered at the refresher training sessions. One of these Members was investigating if training dates at another authority would be available.

The Sub-Committee noted that as this related to the training of County Councillors it was not relevant for this report, and it was suggested that only training matters relating to Town and Community councillors be included in future.

B Referral of Councillors to Public Services Ombudsman

B1. Town and Community Councillor Referrals

The following matters have been referred to the Ombudsman:

02/15/TCC	decided not to investigate
03/15/TCC	decided not to investigate
04/15/TCC	decided not to investigate
05/15/TCC	decided not to investigate
06/15/TCC	decided not to investigate
07/15/TCC	investigating
08/15/TCC	awaiting decision whether or not to investigate

C. Dispensations

C1. Applications - Town and Community Councillors

The following applications for dispensation have been received:

One application for dispensation was received from Community Councillor E Jones from Old Radnor Community Council.

Cllr Jones farms land adjoining a quarry, this land includes a water supply that comes from the quarry. He attends six monthly Quarry Liaison Committee meetings as a private individual and wishes to speak at Community Council on matters related to the quarry. The Community Council have the right to appoint two representatives to the Quarry Liaison Committee but have not taken up this opportunity.

Members were of the opinion that the Community Council could achieve the result of feedback from the Quarry Liaison Committee by way of appointing Community Councillors to attend the Liaison meeting. These members would then have the right to speak on matters relating to the quarry at Community Council.

With regard to the application before the meeting Members concluded that Cllr Jones does have a personal, prejudicial and pecuniary interest in

matters relating to the quarry however, were minded to grant a dispensation to speak but not vote on such matters for a time limited period to end when the Community Council appointed representatives to the quarry liaison committee.

RESOLVED	Reason for resolution
<p>(i) That Community Councillor E Jones be granted a dispensation to speak only on matters relating to the quarry at meetings of the Community Council</p> <p>(ii) That this dispensation be effective until such time as the Community Council appoint a representative to the Quarry Liaison Committee</p>	<p>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 relevant Authority's business.</p>

Applications for dispensation were received from Town Councillors C Carmichael and C Rouse from Llandrindod Town Council. As both applications related to similar matters the Sub-Committee considered both applications together.

Cllr Carmichael lives in a property in Tremont Road and Cllr Rouse lives in a property near the Ridgebourne neither of which have off road parking. At present they park in public car parks on which the County Council are proposing to introduce charges. Both Councillors have been approached by residents and would wish to put these views forward when this is discussed at Town Council.

Members considered that both Councillors clearly have a personal, prejudicial and pecuniary interest in this matter but felt that by giving a dispensation to speak only on this matter the Councillors would be able to fulfil their representative role without compromising their pecuniary interest. However both councillors would having spoken, be required to leave the room.

RESOLVED	Reason for resolution
<p>That Town Councillors C Carmichael and C Rouse be granted a dispensation to speak only on matters relating to the car parks at Tremont Road and Ridgebourne at meetings of Llandrindod Town Council, and having spoken would have to leave the room.</p>	<p>That whilst the Members have a personal, prejudicial and pecuniary interest in this matter allowing the Members to speak only on the matter would mean they could fulfil their representative role without compromising their pecuniary interest.</p>

D Standards Conference

The Standards Conference took place in Cardiff on 20th October 2015. The focus of the Conference was around the current relevance of the Nolan Principles and the keynote speaker was the new Public Services

Ombudsman for Wales. Reports from delegates are attached at **Appendix A** to the agenda.

E Standards case – Kelton –v- Wiltshire Council

Standards case - [Kelton v Wiltshire Council \[2015\] EWHC 2853 \(Admin\) \(Admin Ct\)](#):

The outcome of the case was reported to Standards Committee for information.

F Ombudsman’s Office

F1 Fact sheets for interviewees

The Ombudsman had recently published the following Factsheets for:

Code of Conduct complaints – fact sheets for interviewees; and
Code of Conduct complaints – fact sheets for Member interviewees

These could be accessed at:

<http://www.ombudsman-wales.org.uk/en/publications/Factsheets.aspx>

F2 Ombudsman’s Casebook

The Ombudsman had published Code of Conduct Casebooks for the period April 2015 – June 2015. Copies of the Casebooks could be at:

<http://www.ombudsman-wales.org.uk/en/publications/The-Code-of-Conduct-Casebook.aspx>

F3 Review of the Ombudsman’s Powers

The Welsh Assembly’s Finance Committee had been undertaking a review of the powers of the Ombudsman and a Draft Bill has recently been issued. It was unlikely that the final Bill will be tabled until following the Assembly elections in 2016.

The Draft Bill focussed on the Ombudsman’s original submission such as own-initiative investigations, investigating private suppliers e.g. in health, oral complaints and setting of complaints standards. Although the Bill would eventually repeal the 2005 Act, the conduct of local government members and employees does not feature in the Draft Bill. The Welsh Local Government Association had advised that they are had been in contact with the Ombudsman’s office as to the significance of this.

G. Meeting Dates

G1 To note dates of future meetings as follows:

Wednesday 24th February 2016

Wednesday 29th June 2016

Wednesday 5th October 2016

All meetings to commence at 10.00am.

Mrs H Rhydderch-Roberts
Chair

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S5-2016

CYNGOR SIR POWYS COUNTY COUNCIL.

Standards Committee 24th February 2016

REPORT BY: Solicitor to the Council

SUBJECT: Matters appertaining to Standards Issues

REPORT FOR: Decision, Information and Discussion

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

A1 Code of Conduct Training

Arrangements will be made for the remaining four Members to receive this refresher training by means of the Members providing written responses to 3 or 4 questions considered at the refresher training sessions. The scenarios have been sent to the four Members and responses are awaited.

The new Independent Member of Standards Committee will have received Code of Conduct training on 22nd February 2016.

A2 Draft Local Government (Wales) Bill

The Draft Local Government (Wales) Bill has proposed a number of new responsibilities for Monitoring Officers and Standards Committees as follows:

- Complaints about a Member's non-compliance with duties (attendance at meetings, holding surgeries, answering correspondence, training) will be made to the Council's Monitoring Officer. The Monitoring Officer in consultation with the Chair of the Standards Committee will decide if the complaint is to be investigated.
- Duty of County Councillors to make annual reports – if the Head of Democratic Services is also the Monitoring Officer, any breaches of this provision can be investigated by the Monitoring Officer in the exercise of his / her responsibilities, but as above has to discuss this with the Chair of the Standards Committee.
- Following an investigation the Monitoring Officer must provide a report to the Standards Committee on the investigation making recommendations which the Monitoring Officer considers appropriate.
- The Standards Committee will consider the report and recommendations and consider if there has been a breach and will have powers to censure or suspend / partially suspend a Member or take no action.
- Leaders of political groups will have a duty to maintain high standards by members of their political group. Standards Committees will have

the responsibility of monitoring compliance by political group leaders of their duties.

- Standards Committees will have a duty to make an annual report to the County Council describing how it discharged its functions during the financial year.

The consultation exercise ended on 15th February, 2016 and the Council will need to await the outcome to see if the proposed provisions become enacted in the final Act.

B. Referral of Councillors to Public Services Ombudsman

B1. County Councillor Referrals

B1.1 The following matters are with the Ombudsman:

6/15/CC	Ombudsman investigating
8/15/CC	Ombudsman investigating
9/15//CC	Ombudsman investigating
10/15/CC	Not investigating
11/15/CC	Not investigating
12/15/CC	Not investigating
13/15/CC	Not investigating
01/16/CC	Awaiting a decision of whether or not to investigate
02/16/CC	Awaiting a decision of whether or not to investigate
03/16/CC	Awaiting a decision of whether or not to investigate
04/16/CC	Awaiting a decision of whether or not to investigate

C. Other Standards Issues

None.

D. Dispensations

D1. Applications - County Councillors

No applications for dispensation have been received.

E. Attendance

E.1 Member attendance

Attendance for Members at main Committees for the period 13th May 2015 to 30th November 2015 has been calculated.

Four Councillors have attendance below 60% namely:

Cllr A Holloway (57%)

Cllr D Bailey (57%)
Cllr P Harris (53%)
Cllr G Ratcliffe (50%)

It is known that Cllr Miss Holloway has had a period of ill-health. The remaining Councillors have received a letter asking for response to put to the Committee.

The responses will be reported verbally to the meeting.

E.2 Calculating attendance

The authority has moved to a new system for managing meetings and this allows greater opportunities for interrogating attendance data for those meetings arranged by the Council. The Committee is asked to consider the list of committees which are currently included for the calculation of attendance statistics should be revised.

F. Meeting Dates

F1 To note dates of future meetings as follows:

Wednesday 29th June 2016
Wednesday 5th October 2016

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

Contact Officer Name:	Tel:	Fax:	Email:
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Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol