

Is-Bwyllgor Cymuned Safonau

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

Dyddiad y Cyfarfod
Dydd Mercher, 24 Chwefror 2016

Amser y Cyfarfod
10.00 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.	YMDDIHEURIADAU	STCS1-2016
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Derbyn ymddiheuriadau am absenoldeb.

2.	ETHOL IS-GADEIRYDD	STCS2-2016
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Ethol Is-Gadeirydd yr Is-Bwyllgor Cymuned Safonau.

3.	COFNODION	STCS3-2016
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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)

4.	DATGANIADAU O DDIDDRORDEB	STCS4-2016
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Derbyn unrhyw ddatganiadau o ddiddordeb gan Aelodau yn ymwneud ag eitemau i'w hystyried ar yr agenda.

5.	ADRODDIAD CYFREITHIWR Y CYNGOR	STCS5-2016
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Derbyn adroddiad Cyfreithiwr y Cyngor.

(Tudalennau 9 - 18)

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 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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STCS5-2016

CYNGOR SIR POWYS COUNTY COUNCIL.

Standards Community Sub - Committee 24th February 2016

REPORT BY: Solicitor to the Council

SUBJECT: Matters relating to Standards Issues

REPORT FOR: Decision, Information and Discussion

A Referral of Councillors to Public Services Ombudsman

A1. Town and Community Councillor Referrals

The following matters have been referred to the Ombudsman:

07/15/TCC	Ombudsman investigating
08/15/TCC	not investigating
09/TCC/15	Ombudsman investigating
10/TCC/15	not investigating
11/TCC/15	Ombudsman investigating
12/TCC/15	not investigating
13/TCC/15	not investigating
1/16/TCC	not investigating
2/16/TCC	not investigating
3/16/TCC	not investigating

B. Dispensations

B1. Applications - Town and Community Councillors

An application for dispensation has been received from Councillor M. Lloyd, Rhayader Town Council. A copy of the application together with an advice note are attached. **[Appendix 1]**

C. Meeting Dates.

C1. To note dates of future meetings as follows:

Wednesday 24th February 2016
Wednesday 29th June 2016
Wednesday 5th October 2016

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

Contact Officer Name:	Tel:	Fax:	Email:
<i>Clive Pinney – Solicitor to the Council</i>	01597 826746	01597 826220	clive.pinney@powys.gov.uk

POWYS STANDARDS COMMITTEE / COMMUNITY SUB-COMMITTEE

APPLICATION FOR DISPENSATION BY MEMBER WITH PREJUDICIAL INTEREST

I, Councillor MTM LLOYD

of RHAYADER 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	<input checked="" type="checkbox"/>
Speak at a meeting	<input checked="" type="checkbox"/>
Vote at a meeting	<input checked="" type="checkbox"/>
Seek to influence a decision on a matter	<input type="checkbox"/>
Make written representations	<input type="checkbox"/>
Make oral representations	<input type="checkbox"/>
Exercise Board functions (County Councillor only)	<input type="checkbox"/>

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.

RHAYADER TOWN CEMETERY

— general discussions relating to management and maintenance of the PCC owned and operated facility.

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

- o 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

/ N/A

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

/ N/A

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 a Funeral Director using Rhayader Town Cemetery. Any decision made by Council would (C1) affect not my well being or financial position – but the financial position of Bereaved Families.

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 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.	Speak and Vote Speak only	-

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

My expertise and 50 years experience of Funeral Directing would greatly benefit any discussions relating to the Powys CIC owned Rhayader Town Cemetery

Applicant's home address:	
Applicant's telephone number:	
Applicant's fax number:	same
Applicant's E Mail address:	

SIGNED: _____

DATED: 28-1-16

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

From whom further information and advice may be obtained.

APPENDIX 1.

Applicant:	Councillor M. Lloyd
Council:	Rhayader Town Council
Involvement With / Business To Be Considered	Rhayader Town Cemetery – general discussions relating to management and maintenance of the Powys County Council owned and operated facility.

Personal Interest:	YES
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Applicant Seeking to:	
(i) Attend a meeting	Y
(ii) Speak at a meeting	Y
(iii) Vote at a meeting	Y
(iv) Seek to influence a decision on the matter	
(v) Make written representations	
(vi) Make oral representations	

Any Exemptions Applicable:	NO
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Prejudicial Interest:	YES / NO (see questions below)
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Pecuniary Interest:	YES / NO (see questions below)
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Applicant is Seeking a Dispensation on Ground:	
(a) No fewer than ½ Members has an interest	
(b) No fewer than ½ Members has an interest (Cabinet only)	
(c) Would upset the political balance (County Councils only)	
(d) Nature of interest not damage public confidence	
(e) Interest common to member and majority of public.	
(f) Participation justified by Member's expertise	Y
(g) Business to be considered by scrutiny committee (County Council only)	
(h) Business – finance or property of voluntary organisation – Member not appointed by Council.	
(i) Inhabitants of Authority's area believe disability should be removed.	

Questions for the Committee to Consider:	
(i)	Does Councillor Lloyd have a prejudicial interest?
(ii)	Does Councillor Lloyd have a pecuniary interest?

Application by	Councillor M. Lloyd
Council	Rhayader Town Council
Background	<p>Councillor Lloyd is a funeral director who uses Rhayader Town Cemetery. Councillor Lloyd states that any decision made by the Council (Powys CC?) would not affect Councillor Lloyd's well being or financial position but would affect the financial position of bereaved families.</p> <p>Councillor Lloyd states that 50 years experience of funeral directing would greatly benefit any discussions relating to the PCC owned Rhayader Town Cemetery.</p>

Personal Interests:

The Councillor is likely to have the following Personal interests under paragraph 10 of the Code:

10 (2) (a) (ii) - You must regard yourself as having a personal interest in any business of your authority if it relates to, or is likely to affect any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director

10 (2) (c) (i) (bb) - You must regard yourself as having a personal interest in any business of your authority if a decision upon it might reasonably be regarded as affecting your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association to a greater extent than the majority of in all other cases, other council tax payers, rate payers or inhabitants of the authority's area

10 (2) (c) (ii) (bb) - You must regard yourself as having a personal interest in any business of your authority if a decision upon it might reasonably be regarded as affecting any employment or business carried on by persons as described in 10 (2) (c) (i) to a greater extent than the majority of in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area

10 (2) (c) (iii) (bb) - You must regard yourself as having a personal interest in any business of your authority if a decision upon it might reasonably be regarded as affecting any person who employs or has appointed such persons as described in 10 (2) (c) (i), any firm in which they are a partner, or any company of which they are directors to a greater extent than the majority of in all other cases, other council tax payers, rate payers or inhabitants of the authority's area

Exemptions which Apply:

Exemptions available under paragraph 12 (2) & (3) of the Code:

None.

Prejudicial Interest Test:

Application of "public perception" test under paragraph 12 (1) of the Code.

"Is it reasonable to suppose that the public perception would regard the Councillor's personal interest, as so significant that whenever the matter was discussed the potential

conflict of interest would be likely to prejudice his / her judgement of the public interest in performing his / her role as a Councillor?"

In applying the Paragraph 12(1) test in relation to this matter (and particular interest) the Committee will need to consider whether any decisions by the County Council (e.g. an increase in burial fees) will impact on Councillor Lloyd's well being and business interests, or whether it will have no impact as he suggests in that it affects the families only.

Determination of the Application:

Options for the Committee to consider:

- (i) Refuse the Request
- (ii) Approve:-
 - (a) attend
 - (b) speak
 - (c) vote
 - ~~(d) exercise Cabinet Functions (County Council only)~~
 - (e) seek to influence
 - (f) make written communications
 - (g) make oral representations

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