

# STANDARDS COMMITTEE

18<sup>th</sup> December 2012

Present: Mr R Barrett-Evans (Chair)  
Mr J Evans, Mrs G Hayward, Councillors M James and B Kilmister;  
Mr B Powdrill

(Oriel y Parc, St Davids: 10.15am – 11.55am)

## 1. Apologies for Absence

There were no apologies for absence.

## 2. Disclosures

There were no disclosures of interest.

## 3. Minutes

The minutes of the meetings held on 28<sup>th</sup> September 2011 and 14<sup>th</sup> November 2012 were presented for confirmation and signature.

It was **RESOLVED** that the minutes of the meetings held on the 28<sup>th</sup> September 2011 and 14<sup>th</sup> November 2012 be confirmed and signed.

## 4. Pre-Determination by Members

The report by the Monitoring Officer updated members of the Committee on the provisions and implications of Section 25 of the Localism Act 2011. This related to the ability to challenge the validity of an Authority's decision on the basis of bias or pre-determination or otherwise. Where such a case relied to any extent on proving that the decision maker had a closed mind, the person bringing the case could not rely on anything previously done or said which related to the decision as evidence of a closed mind on the part of a decision maker or makers. This included statements at public meetings or participation in Community Council or County Council meetings. However the Monitoring Officer went on to advise Members that it was probably best not to vote on a relevant issue at a Community Council Meeting in case this prejudiced a decision taken at a subsequent National Park Authority meeting, however the decision was up to the individual. Members of the Authority had been made aware of this change of rules at a recent training session.

**NOTED.**

## 5. New Member Training on the Code of Conduct

The report updated the Committee on the training provided by the Monitoring Officer since the Local Government elections earlier in the year. Two training sessions had been held and these had been attended



by the new Members of the Authority in addition to many of the returning Members.

The report noted that new Members of the Development Management Committee were discouraged from taking an active part in the Committee until they had received planning training. The Monitoring Officer suggested that the Authority should amend Standing Orders to preclude such members from undertaking any role other than an observatory role prior to undertaking training.

**NOTED.**

## **6. Grant of Dispensations**

The report of the Monitoring Officer set out the circumstances under which the Committee could grant a dispensation, through the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001.

Applications had been received from all Members of Pembrokeshire County Council seeking dispensation to determine issues relating to Pembrokeshire County Council. However it was noted that if such dispensations were granted it did not preclude the operation of any other part of the Code and, for example, individual Members would still have to disclose an interest if they had a prejudicial interest in a matter being considered by the Authority. The Monitoring Officer felt that it would be in the interests of the Authority to grant the dispensations requested.

A further application for a dispensation had been received from Councillor M Williams, who owned a mooring and lockup at Tenby Harbour, seeking dispensation to speak but not vote on any issues relating to Tenby Harbour. The Committee considered that Councillor Williams had great knowledge and expertise and that that the Authority would be disadvantaged by the loss of that knowledge if he were not able to speak.

It was **RESOLVED** that:

- a) dispensation be granted to Members of the Authority appointed by Pembrokeshire County Council to enable them to take a full part in the determination of issues relating to Pembrokeshire County Council for a period up to 30<sup>th</sup> May 2017 and to stay and vote, subject to compliance with the code of Conduct.
- b) Councillor M Williams be granted dispensation to speak, but not vote, on matters relating to Tenby Harbour.



**7. Promoting Local Democracy White Paper**

The Committee was informed that the Welsh Government had issued a White Paper entitled Promoting Local Democracy. The Authority's officers had prepared a response to the consultation and a copy of this was attached to the report as some of the queries raised and responses given were of relevance to the work of the Standards Committee.

**NOTED.**

**8. Report on the new guidance from the Public Service Ombudsman for Wales, September 2012**

The Monitoring Officer reported that the Public Service Ombudsman for Wales had issued guidance through a letter to another local authority that had come into the public domain. In this he made it plain that he would not be intervening in disputes between members where the issues related to vigorous criticism of fellow members and senior officers. This represented a departure from his previous position.

Members of the Authority had been advised of this change in approach at a training session held in October 2012 and the Monitoring Officer took the opportunity to outline the new guidance to members of the Standards Committee.

**NOTED.**

**9. Standards Conference Wales**

The Committee was advised that the annual Standards Conference would be held in Llandudno on Friday 19<sup>th</sup> April. Members of the Committee had in the past attended the Conference, however given the distance and feedback from previous events that these had been of limited practical use, members were asked to carefully consider attendance at this year's conference.

The Monitoring Officer advised that on previous occasions, a DVD of the event had been produced, and members agreed that it would be more cost effective for the Authority to obtain a recording or other transcript of the conference than to attend in person.

It was **RESOLVED** that no members of the Standards Committee attend the 2013 Standards Conference as the foreseen benefits would not justify the cost.

**10. Seasons Greetings**

The Chairman concluded the meeting by wishing everyone a Merry Christmas.

