

# STANDARDS COMMITTEE

21 October 2015

Present: Mr R Barrett-Evans (Chair)  
Mrs G Hayward, Councillor R Kilmister, Councillor R Owens, Mrs V Tomlinson and Mrs J Wainwright

(NPA Offices, Llanion Park, Pembroke Dock: 10.00am – 11.50am)

## 1. Apologies for Absence

There were no apologies for absence

## 2. Welcome

The Chairman welcomed Mrs Victoria Tomlinson to her first meeting of the Committee.

## 3. Election of Deputy Chair

It was **UNANIMOUSLY RESOLVED** that Mrs J Wainwright be elected Deputy Chair of the Committee.

## 4. Disclosures

Councillor R Kilmister disclosed an interest in report 01/15 and announced his intention to withdraw from the meeting while the item was discussed, however he asked the Chairman for an opportunity to address the Committee prior to its consideration of his case.

## 5. Minutes

The minutes of the meeting held on 19 November 2014 were presented for confirmation and signature.

It was **RESOLVED** that the minutes of the meeting held 19 November 2014 be confirmed and signed.

## 6. Matters Arising

### a) Training Day (Minute 6)

The Monitoring Officer reported that a Code of Conduct Workshop for Members had been held on 27<sup>th</sup> May 2015 and this had provided an opportunity to update Members on topical subjects.

### **NOTED.**

### b) Standards Conference 2015 (Minute 9)

No one would be attending the Conference from the Pembrokeshire Coast National Park Authority as Members felt it was of limited relevance to them.



## NOTED.

*[Councillor R Kilmister disclosed an interest in the following item and withdrew from the meeting while it was considered]*

### 7. Grant of Dispensations

A dispensation had been sought by Councillor RP Kilmister to participate in agenda item NP/15/0252/s73 at the Development Management Committee to be held on 11 November 2015. The report set out an overview of the regulations, including the circumstances under which the Standards Committee could grant such a dispensation.

Having looked at his application, the Committee agreed that Councillor Kilmister did have a personal and prejudicial interest, by reason of his close personal relationship with the planning applicants, and invited him back into the room to outline his case.

Councillor Kilmister explained that he understood that when sitting on the National Park Authority there were no wards, however he maintained that he still had a role as a County Councillor to represent his constituents. He stated that at the next meeting, officers could set out the Authority's position, however as the person who knew most about the case, he was precluded from participating due to his interest. He felt he was the Member best placed, for example, to propose planning reasons for going against the officer's recommendation should these be required. He asked to be able to speak and vote, but at a minimum to be able to speak, which would put him in the same position as officers.

A Member of the Committee asked Councillor Kilmister if he had taken up his constituents' case in this instance because he felt it to be an injustice or because they were friends of his. Councillor Kilmister replied that he was representing them only as their County Councillor and had never shared a drink or a cup of coffee with them. He felt the couple had been unfairly treated and that the officer recommendation represented an injustice.

Councillor Kilmister then left the room while the Committee considered his application.

Having considered all the arguments both in favour and against granting Councillor Kilmister's request for dispensation, it was **RESOLVED** that Councillor Kilmister be allowed to speak but not vote at the meeting of the Development Management Committee when application NP/15/0252/s73 was reconsidered. There was one abstention.

The Monitoring Officer then advised the Committee that he had received a second application for a dispensation from Councillor M James. This



also sought permission to participate in the Development Management Committee to be held on 11 November 2015, but on a different agenda item - NP/15/0194/FUL. Councillor James was also seeking to represent his constituents, however he had a prejudicial interest by virtue of his position as a board member on the Housing Association which was a party to the development as set out in the report to the Development Management Committee on 30 September 2015.

Prior to their consideration of the request, the Monitoring Officer drew the attention of the Committee to a recent, and very pertinent, decision whereby a High Court Judge had quashed a planning decision made by Wiltshire Council as a Member of the planning Committee had been a director of the Housing Association linked to the development and his participation in the decision to grant permission gave an appearance of bias.

Having considered the application it was **UNANIMOUSLY RESOLVED** not to grant the request by Councillor M James for a dispensation to participate in item NP/15/0194/FUL at the Development Management Committee on 11 November 2015.

#### **8. Consultation on Extension of Powers of Ombudsman**

The Monitoring Officer reported that the above mentioned consultation exercise had been undertaken by the National Assembly for Wales Finance Committee in January 2015 which was undertaking an inquiry to consider proposed amendments to the Public Services Ombudsman (Wales) Act 2005. The proposed amendments, and the Authority's response, were appended to the report, however the Monitoring Officer advised that there had been no further information from the National Assembly regarding the outcome of the inquiry.

**NOTED.**

#### **9. Consultation on Redrafting of Principles of Good Administration**

It was reported that the Public Services Ombudsman for Wales in conjunction with the Information Commissioner for both England and Wales, were seeking a closer standardisation of what was expected from public bodies in how they dealt with what were known as the 'General Principles of Good Administration and Good Records Management'. Revised Principles were published in February and circulated electronically to members of the Committee, and the response, which was appended to the report, was based largely on the comments provided by one of its Members. The Monitoring Officer expressed his thanks for her input.

**NOTED.**



## 10. **Bylaws Act 2012**

The Monitoring Officer reported that the above Act was intended to simplify the passing and revocation of byelaws in Wales, however despite having received Royal Assent on 29<sup>th</sup> November 2012 it had only come into force on 31<sup>st</sup> March 2015 due to jurisdictional issues between London and Cardiff.

The effect of the Local Government Bylaws (Wales) Act 2012 was that National Park Authorities in Wales were able to make byelaws without the need for approval from the Welsh Ministers or a Secretary of State, and it was reported to the Committee for information.

**NOTED.**

## 11. **Report on the Revised Guidance to Members on the Code of Conduct Published by the Public Service Ombudsman for Wales**

Members were reminded that the above updated guidance to the Members' Code of Conduct had been published by the Public Service Ombudsman for Wales in March 2015 and circulated to Members on 8<sup>th</sup> April 2015. The revised guidance was considered to be an improvement, being clearer and containing more case studies. The Committee's views were sought on their preference for the focus of the case studies for the Annual Members Training however Members felt that many of the examples provided could usefully be explored further. Finally the Monitoring Officer drew the attention of the Committee to the flowchart on personal and prejudicial interests which was appended to the report, which Members agreed was helpful and should be circulated to all Members of the Authority.

It was **AGREED** that the flowchart on personal and prejudicial interests which was appended to the Ombudsman's revised guidance should be circulated to all Members of the Authority.

## 12. **Annual Report of the Monitoring Officer 2015**

The Monitoring Officer advised the Committee that the reports he produced for the Authority fell into three categories: Section 5 of the Local Government and Housing Act 1989; the Authority's Complaints Procedure; and appeals relating to procedural issues regarding the Sustainable Development Fund. No reports had been prepared under Section 5 or the Sustainable Development Fund and only two reports under the Authority's Complaints Procedure.

**NOTED.**

## 13. **Ombudsman's Annual Report 2014/15**

Members were reminded that the above mentioned report had been circulated to them when it was published earlier in the year. The



Authority featured little in the report and the Monitoring Officer hoped that this trend would continue.

**NOTED.**

**14. Any other Items of Business – Training Needs**

The Monitoring Officer sought the views of the Committee on the areas of training and guidance to be covered in his annual training lecture. Members felt that relevant cases from the Ombudsman's Annual Report should be included, also any guidance that could be provided on dealing with lobbying from planning agents. It was also suggested that it might be helpful to include information for Councillors in dealing with their constituents' concerns within the National Park, when the Councillors were representing Pembrokeshire County Council rather than their individual Wards.

**NOTED.**

