

# Document Pack



Mark James LLM, DPA, DCA  
Prif Weithredwr,  
Chief Executive,  
Neuadd y Sir, Caerfyrddin. SA31 1JP  
County Hall, Carmarthen. SA31 1JP

**TUESDAY, 6 NOVEMBER 2018**

**TO: ALL MEMBERS OF THE STANDARDS COMMITTEE**

I HEREBY SUMMON YOU TO ATTEND A MEETING OF THE **STANDARDS COMMITTEE** WHICH WILL BE HELD IN THE **CHAMBER, COUNTY HALL, CARMARTHEN AT 10.00 AM, ON MONDAY, 12TH NOVEMBER, 2018** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA.

*Mark James* CBE

**CHIEF EXECUTIVE**



PLEASE RECYCLE

Democratic Officer:	Michelle Evans-Thomas
Telephone (direct line):	01267 224470
E-Mail:	MEEvansThomas@carmarthenshire.gov.uk
Ref:	AD016-001

# STANDARDS COMMITTEE

## MEMBERSHIP: 9 MEMBERS

### Independent Members (5)

- |    |                    |                             |
|----|--------------------|-----------------------------|
| 1. | Mrs Mary Dodd      | Vice-Chair of the Committee |
| 2. | Mrs Daphne Evans   |                             |
| 3. | Mrs Julie James    |                             |
| 4. | Mr M. Andre Morgan | Chair of the Committee      |
| 5. | Mr Alun Williams   |                             |

### Community Committee Member (1)

1. Town Councillor Philip Rogers

### Elected Members of the County Council (3)

1. Councillor Jeanette Gilasbey
2. Councillor Andre McPherson
3. Councillor Gareth Thomas

# AGENDA

1. APOLOGIES FOR ABSENCE.
2. DECLARATIONS OF PERSONAL INTEREST.
3. APPLICATION FOR DISPENSATION BY COUNCILLORS CEFIN CAMPBELL, GARETH THOMAS, JEAN LEWIS, KEN HOWELL, TYSSUL EVANS, MANSEL CHARLES, EIRWYN WILLIAMS, ANN DAVIES AND ARWEL DAVIES 5 - 14
4. ANY OTHER ITEMS OF BUSINESS THAT BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR DECIDES SHOULD BE CONSIDERED AS A MATTER OF URGENCY PURSUANT TO SECTION 100B(4)(B) OF THE LOCAL GOVERNMENT ACT 1972.

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## STANDARDS COMMITTEE

12/11/2018

**APPLICATION FOR DISPENSATION BY COUNCILLORS CEFIN CAMPBELL, GARETH THOMAS, JEAN LEWIS, KEN HOWELL, TYSSUL EVANS, MANSEL CHARLES, EIRWYN WILLIAMS, ANN DAVIES AND ARWEL DAVIES**

### Recommendations / key decisions required:

To consider and determine the application

### Reasons:

The subject matter of this report falls within the remit of the Committee

Scrutiny Committee recommendations / comments:

Not applicable

Exec Board Decision Required NO

Council Decision Required NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)

Directorate		
Chief Executives		
Name of Head of Service:	Designations:	
Linda Rees-Jones	Head of Administration & Law	Tel Nos.
Report Author:		01267 224018
Robert Edgecombe	Acting Legal Services Manager	E Mail Addresses:
		RJEdgeco@carmarthenshire.gov.uk.

**EXECUTIVE SUMMARY  
STANDARDS COMMITTEE  
12/11/2018**

**APPLICATION FOR DISPENSATION BY COUNCILLORS CEFIN  
CAMPBELL, GARETH THOMAS, JEAN LEWIS, KEN HOWELL,  
TYSSUL EVANS, MANSEL CHARLES, EIRWYN WILLIAMS, ANN  
DAVIES AND ARWEL DAVIES**

An application for dispensation to speak and make written representations in respect of any council business relating to or likely to affect farming and agriculture has been received from the above County Councillors.

The Councillors potentially have a personal interest in such business by virtue of paragraphs 10(2) (a)(i), 10(2)(a)(iv), 10(2)(b)(i) and 10(2)(b)(ii) of the members code of conduct in that they are all either actively engaged in farming or farming type activities in the County, own farm land which is actively farmed by others or have close personal associates who are actively engaged in farming.

Those interests should also be considered prejudicial member of the public with knowledge of the relevant facts would reasonably regard the interests as so significant that they would be likely to prejudice the councillors' judgement of the public interest.

The application is made on 2 grounds set out in the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001 namely;

1. The Councillors participation in such matters would not damage public confidence in the conduct of the Council's business
2. That their participation is justified by their particular expertise

Councillors Gareth Thomas and Jean Lewis were previously granted dispensation in respect of these matters in June 2016 until the Local Authority elections in May 2017.

All the above Councillors (except for Cllr. Campbell) were subsequently granted dispensation in respect of these interests from September 2017 to September 2018. Cllr. Arwel Davies was granted dispensation from December 2017 to September 2018.

If the committee is minded to approve the application they have absolute discretion as to the duration of any dispensation granted.

**DETAILED REPORT ATTACHED ?**

**NO**

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees-Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities <b>NONE</b>	Legal <b>NONE</b>	Finance <b>NONE</b>	ICT <b>NONE</b>	Risk Management Issues <b>NONE</b>	Staffing Implications <b>NONE</b>	Physical Assets <b>NONE</b>
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## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees-Jones

Head of Administration and Law

*(Please specify the outcomes of consultations undertaken where they arise against the following headings)*

**1. Scrutiny Committee**

Not applicable

**2. Local Member(s)**

Not applicable

**3. Community / Town Council**

Not applicable

**4. Relevant Partners**

Not applicable

**5. Staff Side Representatives and other Organisations**

*Not applicable*

**Section 100D Local Government Act, 1972 – Access to Information**

**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-166	Legal Services, County Hall

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**APPLICATION TO THE STANDARDS COMMITTEE  
FOR DISPENSATION**

Please note that each section MUST be completed. Please refer to the attached  
Guidance Notes when completing the form.

**1. YOUR DETAILS**

Your full name:  
CEFIN CAMPBELL  
GARETH THOMAS  
JEAN LEWIS  
KEN HOWELL  
TYSSUL EVANS  
MANSEL CHARLES  
EIRWYN WILLIAMS  
ANN DAVIES  
ARWEL DAVIES

Name of your Council: CARMARTHENSHIRE COUNTY COUNCIL

Your address and postcode: c/o County Hall, Carmarthen, SA31 1JP

Contact telephone number(s):

Email address:

**2. DETAILS OF YOUR INTEREST**

What is the matter under consideration?

Any matter relating to or likely to affect farms or farming in the County of Carmarthenshire

What is your interest in the above matter?

The applicants are either;

1. Working farmers
2. Close personal associates of working farmers or
3. Owners of working farm land

In the County of Carmarthenshire

When will the above matter be considered?

At any time during the councillors current term of office

Are you applying for dispensation to:

Speak only: x ☐

Speak and vote: ☐

Make written  
Representations x ☐

Exercise Executive  
Powers ☐

### 3. GROUNDS FOR DISPENSATION

Regulations issued by the National Assembly for Wales prescribe the circumstances in which the Standards Committee may grant a dispensation. These grounds for granting a dispensation are summarised below and are set out in full in the attached guidance notes. On which of the following grounds do you believe that a dispensation should be granted in this case? Please tick the appropriate box(es).

• at least half of the members considering the business has an interest	<input type="checkbox"/>
• my inability to participate would upset the political balance of the meeting to such an extent that the outcome would be likely to be affected;	<input type="checkbox"/>
• my participation would not damage public confidence	x <input type="checkbox"/>
• the interest is common to me and a significant proportion of the general public;	<input type="checkbox"/>
• my participation in the business is justified by my particular role or expertise;	x <input type="checkbox"/>
• the business is to be considered by an overview and scrutiny committee and my interest is not a pecuniary interest;	<input type="checkbox"/>
• the business relates to the finances or property of a voluntary organisation of whose management committee or board I am a member and I have no other interest	<input type="checkbox"/>
• it is appropriate to do so in all the circumstances where not otherwise possible to make reasonable adjustments to accommodate a person's disability	<input type="checkbox"/>

#### 4. INFORMATION IN SUPPORT OF YOUR APPLICATION

Please set out below the reasons why you consider that the Standards Committee should grant a dispensation in this case:

***(Please note that failure to complete this section will result in the application form being returned to you)***

The County Councillors making this application all have considerable direct knowledge and experience of the issues affecting farming and those working in the industry. They have experience in both dairy and non-dairy farming and represent constituencies all across Carmarthenshire.

Agriculture makes up an important part of the economy of the County and members of the public working in the industry, or whose families are directly connected with the industry, make up a significant part of the population of many parts of Carmarthenshire.

Many of the functions of the Council relate to or directly affect the farming industry. Decisions taken by elected members relating to farming matters can have a significant impact not just upon individual farms, but also upon the wider agricultural sector and the communities that they are a key part of.

If Councillors who have a personal and prejudicial interest in farming related decisions are unable to speak, not only would farming communities in the County be denied democratic representation when such decisions are made but also those Councillors who do not have such an interest would be denied the benefit of their expert knowledge.

Public confidence in the conduct of the Council's business would not be damaged by allowing these Councillors to speak in any debate or make written representations on farming related matters.

The majority of these councillors have previously been granted dispensation in respect of these interests, but these dispensations have now expired

I confirm that the information provided on this form is true to the best of my knowledge. I agree that this application and all the information contained within it may form part of a public report to the Standards Committee. I request a dispensation in respect of the above matter.

Signed: *Cefin Campbell*

Signed: *Gareth Thomas*

Signed: *Jean Lewis*

Signed: *Ken Howell*

Signed: *Mansel Charles*

Signed: *Eirwyn Williams*

Signed: *Ann Davies*

Signed: *Tyssul Evans*

Signed: *Arwel Davies*

Please return this form to the Monitoring Officer, Chief Executive's Department, Carmarthenshire County Council, County Hall, Carmarthen, SA31 1JP.

### Guidance notes

- (1) Please read through the Code of Conduct and decide which of the paragraphs is most appropriate to your case. Brief details of the relevant paragraphs are noted in the table below. If you are unsure, please contact the Monitoring Officer for advice.

Para.	Type of personal interest	
10(2)(a)	Council business which relates to or is likely to affect: <ul style="list-style-type: none"> <li>• your employment or business,</li> <li>• your employer, firm or company</li> <li>• a contract made between the Council and you</li> <li>• any land, lease or licence in which you have an interest</li> <li>• a public body or other association in which you have membership or hold a position of general control or management</li> </ul>	
10(2)(c)	Council business which affects your well-being or financial position, or the well-being, financial position or other interests of a person with whom you live or have a close personal association	
13	Council business which is being considered by an Overview and Scrutiny Committee and which relates to a decision of the Cabinet or another Committee of which you were a member at the time [County Council only]	

- (2) The Standards Committees (Grant of Dispensations)(Wales) Regulations 2001(as amended) state that a Standards Committee may grant dispensations where:

- (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;
- (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;
- (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;
- (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;
- (e) the interest is common to the member and a significant proportion of the general public;
- (f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;
- (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;
- (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
- (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.
- (j) It is considered appropriate in all the circumstances to do so where not otherwise possible to make reasonable adjustments to accommodate a persons disability

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