

STANDARDS COMMITTEE

Friday, 11 March 2016

PRESENT: C.A. Downward (Chair)

Independent Members:

M. Dodd, M.A. Morgan and A. Williams

The following Officers were in attendance:

R. Edgecombe, Legal Services Manager

L.R. Jones, Head of Administration and Law

K. Thomas, Democratic Services Officer

Chamber, 3 Spilman Street, Carmarthen - 10.00 - 11.30 am

1. APOLOGIES FOR ABSENCE.

An apology for absence was received from Community Councillor J. Gilasbey.

2. DECLARATIONS OF PERSONAL INTEREST.

No declarations of personal interest were made at the meeting

3. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON THE 3RD DECEMBER 2015.

Reference was made to the discussion undertaken at the previous meeting in relation to minute 10, and to the Committee's previous decision to write to the clerks of town and Community Councils reminding them of their roles in advising their members on the Code of Conduct. A question was asked as to whether the letters had been sent.

The Acting Legal Service Manager confirmed that he would make the appropriate enquiries.

UNANIMOUSLY RESOLVED that the minutes of the meeting of the Committee held on the 3rd December, 2015 be signed as a correct record

4. APPLICATION FOR DISPENSATION BY COUNCILLORS FROM GORSLAS COMMUNITY COUNCIL

The Committee considered an application submitted by the Clerk to Gorslas Community Council on behalf of the following eight councillors, being members of Gorslas Community Council, for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 to speak and vote at meetings of Gorslas Community Council in respect of their involvement with four schools in the area as detailed below:-

Maes y Gwendraeth School – Councillor T. Davies

Cefneithin School – Councillor S.D. Martin

Drefach School – Councillors D. Price and C. Green

Gorslas School – Councillors T. Davies, J.A. Price, E. Davies and G. Griffiths

It was reported that dispensation was sought on the basis all eight councillors were members of the governing bodies of the above schools, but not appointed by the Community Council, and that, as such, they had a personal interest in matters appertaining thereto under 10(2)(a)(ix)(ee) of the Code. That interest was also prejudicial as a member of the public with knowledge of the facts could reasonably regard it as so significant that it was likely to prejudice the Councillor's judgement of the public interest.

It was reported that in view of the continuing nature of the interest, the applicants had requested that if the Committee was minded to grant the dispensation, it be for the remainder of their current term of office i.e. until the local government elections in May 2017.

The Committee was advised that if it was minded to grant the applications, the grant could be on the basis of 2(a) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001, namely that the interest affected no fewer than half the members of the authority.

Following a detailed discussion, it was

UNANIMOUSLY RESOLVED that dispensation be granted under Regulation 2(a) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001, to Councillors T. Davies, S.D. Martin, D. Price, C. Green, J.A. Davies, E. Davies and G. Griffiths to SPEAK AND VOTE at meetings of the Gorslas Community Council in relation to any discussions regarding their position as governors of Ysgol Maes y Gwendraeth, Cefneithin Primary, Drefach Primary and Gorslas Primary schools until the end of their current term of office at the Local Government Elections in May 2017.

5. APPLICATION FOR DISPENSATION BY COUNCILLORS FROM GORSLAS COMMUNITY COUNCIL

The Committee was reminded that at its meeting held on the 11th September, 2015 (minute 11 refers) it had granted dispensation, until 11th March, 2016, to the following 15 members of Gorslas Community Council to speak and vote at meetings of the Community Council, under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 in relation to any discussions regarding the three recreation parks owned and maintained by the Community Council:-

Cefneithin Park:- Councillors S.D. Martin, T. Jones, H. Davies, B. Kirby and D. Price.

Drefach Park:- Councillors D.W. Edwards, C. Green, A. Rees, T. Jukes and N.

Lewis

Gorslas Park:- T. Davies, A. Owen, J.A. Price, E. Davies and G. Griffiths

The Committee was advised that subsequent to the above, an application had been submitted by the Clerk to Gorslas Community Council, on behalf of the same councillors, seeking an extension of the dispensation and requesting that if the Committee were to be minded to grant the application then, in view of the continuing nature of the interest, the grant be for the remainder of the Councillors current term of office i.e. until the local government elections in May 2017.

It was reported that the renewed dispensation was sought on the basis that all 15 councillors had a personal interest in these matters pursuant to paragraph 10(2)(ix)(ee) of the Code in that they were members of local Welfare Association Committees involved in the running of those parks, but that they had not been appointed to their roles on those committees by the Community Council.

The Councillors' interests were also prejudicial as a member of the public with knowledge of the relevant facts would reasonably regard that interest as so significant that it was likely to prejudice the councillors' judgement of the public interest. For example, when the Community Council was deciding whether or not to spend monies on the parks, a member of the public could reasonably conclude that the fact a councillor was a member of the relevant Welfare Association Committee could influence their view as to whether the money should be spent on the park, or on some other issue unconnected with the Association. It was noted that the councillors had no direct financial interest in their respective Welfare Associations.

The Committee was advised that if it was minded to grant the renewal applications it could do so pursuant to 2(a) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 in that the interest affected no fewer than half the members of the Authority

Following a detailed discussion, it was

RESOLVED that pursuant to Regulation 2(a) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001, dispensation be granted to the above-named 15 members of Gorslas Community Council until the end of their current term of office at the Local Government Elections in May, 2017 to SPEAK AND VOTE at meetings of Gorslas Community Council in relation to any discussions regarding their respective membership of the relevant Welfare Association for the three recreation parks owned and maintained by the Community Council at Cefneithin, Drefach and Gorslas.

6. APPLICATION FOR DISPENSATION BY COUNCILLOR B REES

The Committee was reminded that at its meeting held on the 3rd December 2015 (minute 5 refers) it had granted dispensation, until the 31st March, 2016, to Councillor B Rees, a member of Llandybie Community Council to speak, but not vote, at meetings of the Community Council in relation to any discussion regarding

the transfer of bowls facilities from the County Council to the Community Council.

The Committee was advised that subsequent to the above, an application had been submitted by Councillor Rees seeking the renewal of his dispensation and requesting that, as he had not made use thereof to date, the application, if granted, be for the period until at least the meeting of the Standards Committee in September 2016.

The Committee thereupon considered the renewal application submitted by Councillor B Rees, a member of the Llandybie Community Council, for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote at meetings of Llandybie Community Council in relation to the proposed transfer of bowls facilities from the County Council to the Community Council.

It was reported that a dispensation was sought as Councillor Rees had a personal interest in the matter by virtue of paragraph 10(2)(a)(ix)(ee) of the Code of Conduct in that he was President of the Llandybie Bowls Club.

Councillor Rees' interest was also prejudicial, as a member of the public with full knowledge of the facts could reasonably regard that interest as being so significant as to prejudice his judgement of the public interest.

Councillor Rees had accordingly requested that a dispensation be granted under regulation 2 (d)(e)(f)(h) and (i) of the Standards Committees (Grant of Dispensations) (Wales) Regulations.

The Acting Legal Service Manager advised the Committee that in considering the application, it should note that regulations 2(e) and (i) were not appropriate with regard to Councillor Rees' application.

Following a detailed discussion it was

UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 2(d)(f) and (h) of the Standards Committees (Grant of Dispensations) (Wales) Regulations to Councillor B Rees to SPEAK BUT NOT VOTE at meetings of the Llandybie Community Council in relation to any discussion regarding the transfer of bowls facilities from the County Council to the Llandybie Community Council, and that the Dispensation be valid until the 9th September, 2016.

7. APPLICATION FOR DISPENSATION BY COUNCILLOR E W NICHOLAS

The Committee was reminded that at its meeting held on the 3rd December 2015 (minute 6 refers) it had granted dispensation, until the 31st March, 2016, to Councillor E.W. Nicholas, a member of Llandybie Community Council to speak, but not vote, at meetings of the Community Council in relation to any discussion regarding the transfer of tennis facilities from the County Council to the Community Council.

The Committee was advised that subsequent to the above, an application had been submitted by Councillor Nicholas seeking the renewal of his dispensation

and requesting that, as he had not made use thereof to date, the application, if granted, be for the period until at least the meeting of the Standards Committee in September 2016.

The Committee thereupon considered the renewal application submitted by Councillor E. W. Nicholas, a member of the Llandybie Community Council, for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote at meetings of Llandybie Community Council in relation to the proposed transfer of tennis facilities from the County Council to the Community Council.

It was reported that a dispensation was sought as Councillor Nicholas had a personal interest in the matter by virtue of paragraph 10(2)(a)(ix)(ee) of the Code of Conduct in that he was President of the Llandybie Tennis Club.

Councillor Nicholas' interest was also prejudicial as a member of the public with full knowledge of the facts could reasonably regard that interest as being so significant as to prejudice his judgement of the public interest.

Councillor Nicholas had accordingly requested that a dispensation be granted under regulation 2 (d)(e)(f)(h) and (i) of the Standards Committees (Grant of Dispensations) (Wales) Regulations.

The Acting Legal Services Manager advised the Committee that in considering the application it should note that regulations 2(e) and (i) were not appropriate with regard to Councillor Nicholas' application.

Following a detailed discussion it was

UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 2(d)(f) and (h) of the Standards Committees (Grant of Dispensations) (Wales) Regulations to Councillor E.W. Nicholas to SPEAK BUT NOT VOTE at meetings of the Llandybie Community Council in relation to any discussion regarding the transfer of tennis facilities from the County Council to the Llandybie Community Council, and that the Dispensation be valid until the 9th September, 2016.

8. APPLICATION FOR DISPENSATION BY COUNCILLOR W R A DAVIES

The Committee was reminded that at its meeting held on the 3rd December 2015 (minute 7 refers) it had granted dispensation, until the 31st March, 2016, to Councillor W.R.A. Davies, a member of Llandybie Community Council, to speak but not vote at meetings of the Community Council in relation to any discussion regarding the transfer of tennis facilities from the County Council to the Community Council.

The Committee was advised that subsequent to the above, an application had been submitted by Councillor Davies seeking the renewal of his dispensation and requesting that, as he had not made use thereof to date, the application, if granted, be for the period until at least the meeting of the Standards Committee in September 2016.

The Committee thereupon considered the renewal application submitted by Councillor W.R.A. Davies, a member of the Llandybie Community Council, for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote at meetings of Llandybie Community Council in relation to the proposed transfer of tennis facilities from the County Council to the Community Council.

It was reported that a dispensation was sought as Councillor Davies had a personal interest in the matter by virtue of paragraph 10(2)(a)(ix)(ee) of the Code of Conduct in that he was Secretary and Treasurer of the Llandybie Tennis Club.

Councillor Davies' interest was also prejudicial as a member of the public with full knowledge of the facts could reasonably regard that interest as being so significant as to prejudice his judgement of the public interest.

Councillor Davies had accordingly requested that a dispensation be granted under regulation 2 (d)(e)(f)(h) and (i) of the Standards Committees (Grant of Dispensations) (Wales) Regulations.

The Acting Legal Service Manager advised the Committee that in considering the application it should note that regulations 2(e) and (i) were not appropriate with regard to Councillor Davies' application.

Following a detailed discussion it was

UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 2(d)(f) and (h) of the Standards Committees (Grant of Dispensations) (Wales) Regulations to Councillor W.R.A Davies to SPEAK BUT NOT VOTE at meetings of the Llandybie Community Council in relation to any discussion regarding the transfer of tennis facilities from the County Council to the Llandybie Community Council, and that the Dispensation be valid until the 9th September, 2016.

9. APPLICATION FOR DISPENSATION BY COUNCILLOR I R LLEWELYN

The Committee was reminded that at its meeting held on the 3rd December 2015 (minute 11 refers) it had granted dispensation, until the 10th March, 2016, to Councillor I.R. Llewellyn, a member of Llandybie Community Council, to speak but not vote at meetings of the Community Council in relation to any discussion regarding the transfer of County Council assets to the Community Council.

The Committee was advised that subsequent to the above, an application had been submitted by Councillor Llewellyn seeking the renewal of his dispensation.

The Committee thereupon considered the renewal application submitted by Councillor Llewellyn, a member of the Llandybie Community Council, for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote at meetings of Llandybie Community Council in relation to the proposed transfer of County Council Assets to the Community Council.

It was reported that a dispensation was sought as Councillor Llewellyn had a

personal interest in the matter by virtue of paragraph 10(2)(ii) of the Code of Conduct in that it related to or was likely to affect his employer, namely Carmarthenshire County Council.

Councillor Llewellyn's interest was also prejudicial as a member of the public with full knowledge of the facts could reasonably regard that interest as being so significant as to prejudice his judgement of the public interest.

Councillor Llewellyn had accordingly requested that a dispensation be granted under regulation 2 (d) of the Standards Committees (Grant of Dispensations) (Wales) Regulations on the basis his participation in any debate at meetings of the Community Council would not damage public confidence.

Following a detailed discussion it was

UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 2(d) of the Standards Committees (Grant of Dispensations) (Wales) Regulations to Councillor I.R. Llewellyn to SPEAK BUT NOT VOTE at meetings of the Llandybie Community Council in relation to any discussion regarding the transfer of County Council assets to the Llandybie Community Council, and that the Dispensation be valid until the 9th September, 2016.

10. CODE OF CONDUCT EASY USE GUIDE

The Committee was reminded that Part 2 paragraph 9.3 (a) of the Council's constitution placed a requirement on the Standards Committee to 'assist councillors and co-opted members to observe the Members' Code of Conduct' and included the provision of assistance to Town and Community Councillors within the County in relation to the Code and adherence to its principles.

The Committee was advised that as one of the main aspects of the Code that caused the most difficulty for members related to personal and prejudicial interests, a pocket sized guide had been produced (in Welsh and English) that aimed to take the reader through the relevant parts of the Code in three steps thereby helping councillors and co-opted members apply that particular part of the Code. If adopted by the Committee, the guide would be formally launched at the forthcoming Code of Conduct Training sessions to be held during the summer period.

The Committee in considering the draft guide expressed its support therefor, but suggested that it be date marked for ease of identifying when any changes occurred thereto. The Acting Legal Services Manager confirmed that the guide would be amended accordingly.

UNANIMOUSLY RESOLVED that the Code of Conduct Easy Use Guide be adopted and formally launched at the Code of Conduct Training Sessions to be held in the Summer of 2016.

11. REVISED DISPENSATION APPLICATION FORM

The Committee was reminded that under the provisions of Part 2 paragraph 9.3 (f) of the Council's constitution it had delegated authority to grant dispensations to councillors and co-opted members where they had a personal and prejudicial

interest under the member's Code of Conduct.

The Committee was advised that, currently, all applications for dispensation were submitted on a standard form aimed to capture sufficient information to enable it to make an informed decision on an application. However, following a review of the content and layout of the application form in response to experience with its use and to reflect examples of good practice by other local authorities in Wales, the Committee was requested to approve the revised form, appended to the report. If adopted, it was proposed the revised form would be operational in time for the Committee's next scheduled meeting on the 10th June, 2016 and also be promoted at the Code of Conduct training events to be held in the summer.

UNANIMOUSLY RESOLVED that the revised Dispensation Application Form be approved.

12. CODE OF CONDUCT TRAINING FOR TOWN AND COMMUNITY COUNCILLORS

The Committee was reminded that for several years it had arranged training sessions on the Member's Code of Conduct for Town and Community Councillors. In accordance with that practice, it gave consideration to the proposed presentation for the 2016 sessions, incorporating feedback from the 2015 events, with the main changes being:-

1. The deletion of the specific section on 'Equality & Respect' and the 'Calver Case',
2. The re-writing of the section on Personal Interests so that as opposed to continuing with a 'lecture style' approach it was intended to work through case studies with the assistance of an easy use guide,
3. The inclusion of a separate Q & A session at the end.

The Committee was advised that with regard to the 2016 training sessions, it was proposed they be held in County Hall, Carmarthen during June, and that no limit would be placed on the number of delegates that could attend from each authority.

UNANIMOUSLY RESOLVED that the presentation for the 2016 Members Code of Conduct Training Sessions for Town and Community Councillors be approved.

13. LOCAL GOVERNMENT (WALES) BILL

The Committee received for information a report on The Draft Local Government (Wales) Bill, published on the 24th November. It was noted that whilst media attention had focussed on the Bill's proposals to reduce the number of County and Borough Council's it also contained other provisions relevant to the work of Standards Committee, as detailed within the report.

UNANIMOUSLY RESOLVED that the report be received.

CHAIR

DATE