

# Document Pack



Wendy Walters  
Prif Weithredwr,  
Chief Executive,  
Neuadd y Sir, Caerfyrddin. SA31 1JP  
County Hall, Carmarthen. SA31 1JP

**TUESDAY, 14 JANUARY 2020**

**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 TUESDAY, 21ST JANUARY, 2020** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA.

*Wendy Walters*

**CHIEF EXECUTIVE**



PLEASE RECYCLE

<b>Democratic Officer:</b>	<b>Martin S. Davies</b>
<b>Telephone (direct line):</b>	<b>01267 224059</b>
<b>E-Mail:</b>	<b>MSDavies@carmarthenshire.gov.uk</b>
<b>Ref:</b>	<b>AD016-001</b>

# STANDARDS COMMITTEE

## MEMBERSHIP: 9 MEMBERS

### Independent Members (5)

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

### Community Committee Member (1)

1. **Town Councillor Philip Rogers**

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

1. **Councillor Jeanette Gilasbey**
2. **Councillor Rob James**
3. **Councillor Gareth Thomas**

# AGENDA

1. APOLOGIES FOR ABSENCE.
2. DECLARATIONS OF PERSONAL INTEREST.
3. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON THE 6TH DECEMBER, 2019. 5 - 10
4. APPLICATION FOR DISPENSATION BY COUNCILLOR ANNE CARYS JONES. 11 - 22
5. APPLICATION FOR DISPENSATION BY COUNCILLOR EDWARD THOMAS. 23 - 32
6. APPLICATION FOR DISPENSATION BY COUNCILLOR KEN LLOYD. 33 - 44
7. 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

6 DECEMBER 2019

**PRESENT:** M.A. Morgan (Chair)

**Independent Members:**

Mrs M. Dodd, Mrs D. Evans, Mrs J. James and A. Williams

**Community Member:**

Town Councillor P. Rogers

**Councillors:**

S.J.G. Gilasbey and D.M. Cundy [substitute for R. James]

**The following Officers were in attendance:**

L.R. Jones, Head of Administration and Law,  
R. Edgecombe, Legal Services Manager,  
J. Owen, Democratic Services Officer.

**Chamber, County Hall, Carmarthen, SA31 1JP: 10:00am - 11:10am**

**1. APOLOGIES FOR ABSENCE**

Apologies of absence were received from Councillor R. James and Councillor G. Thomas.

**2. DECLARATIONS OF PERSONAL INTEREST**

There were no declarations of personal interest.

**3. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON THE 18<sup>TH</sup> NOVEMBER 2019**

**RESOLVED** that the minutes of the meeting of the Committee held on the 18<sup>th</sup> November, 2019 be signed as a correct record.

**4. APPLICATION FOR DISPENSATION BY COUNCILLOR CAROL DYER**

The Committee considered an application submitted by Councillor Carol Dyer of Myddfai Community Council, for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote in relation to matters regarding Menter Bro Dinefwr (MBD) and the Welsh Community newspaper Y Lloffwr.

It was reported that a dispensation was sought as Councillor Dyer had a personal interest in these matters by virtue of paragraph 10(2)(a)(ix)(ee) of the Code of Conduct in that she is the Director of Menter Bro Dinefwr (voluntary position) and she is the Chair of the Committee for Y Lloffwr (voluntary position).

Councillor Dyer's interest was also prejudicial as a member of the public, with full knowledge of the facts, would reasonably regard that interest as being so significant that it would be likely to prejudice the Councillor's judgement of the public interest.

Councillor Dyer had accordingly requested that a dispensation be granted under Regulation 2 (d) (e) (f) (g) and (h) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001.

The Legal Services Manager advised the Committee that in considering the application it should note that paragraphs 2 (d) and (h) were the most appropriate grounds should the Committee be minded to approve the request to speak only.

Following a discussion it was

**UNANIMOUSLY RESOLVED that dispensations be granted under Regulation 2 (d) and (h) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001 to Councillor Carol Dyer to SPEAK only at meetings of Myddfai Community Council in relation to matters regarding:**

- **Mentor Bro Dinefwr (MBD);**
- **Y Lloffwr,**

**and that the dispensations be valid until the end of the current electoral term.**

## **5. STANDARDS COMMITTEE ANNUAL REPORT 2018/2019**

The Committee considered its 2018/19 Annual Report detailing the work undertaken during that period and noted that, if adopted, it would be presented to the Council meeting in January 2020 for approval.

In accordance with minute 8 of the Standards Committee meeting held on 7<sup>th</sup> December, 2018 the Legal Services Manager provided Members with additional statistical information with regard to the outcomes of the concluded cases. The information provided comparative data taken from annual reports dated from 2012. The Legal Services Manager reported that there had been an increase in 'whistleblowing' complaints during the course of disciplinary proceedings, which made matters very complex and in turn delayed the conclusion of the whistleblowing process. It was commented that having sight of this information was appreciated and that it would be beneficial for the Committee to continue to monitor the future trends of concluded cases.

The Head of Legal and Administration informed the Committee that by way of raising awareness and promoting good conduct, she had included information on the Nolan principles and the Whistleblowing Policy within a recent departmental newsletter to all staff.

Following a suggestion, the Committee were in agreement that it would be beneficial to include a list of the Committee's membership in the report. The Legal Services Manager agreed to include this information prior to the report being presented to full Council in January.

**UNANIMOUSLY RESOLVED TO RECOMMEND TO COUNCIL THAT the Standards Committee Annual Report 2018/19 be adopted subject to the inclusion of the Committee's membership.**

## **6. CODE OF CONDUCT CASEBOOK**

The Committee considered the Public Service Ombudsman for Wales' latest issue of the 'Code of Conduct' Casebook, published in October 2019, which covered cases concluded between July and September 2019.

The Committee noted that the Casebook highlighted two cases referred to local Standards Committees for determination and one case referred to the Adjudication Panel for Wales. Copies of the decision notices issued by the two Standards Committees were appended to the report in Appendix 1 and 2.

Appreciation of the insight of Standards Committee decisions was expressed. It was commented that the given suspension period from duties in the cases provided was not sufficient. The Head of Administration and Law explained that whilst local Standards Committees determined the suspension period, the maximum sanction they could impose was a six-month suspension in line with the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001.

The Legal Services Manager clarified that the determination process of the sanctions made were set out within the appendices.

In response to a query raised regarding payments to Councillors during suspension periods, the Head of Admin and Law clarified that point 18 of the IRPW annual report 2019/20 states "Where a member is suspended or partially suspended from being a member of an authority (Part 3 of the 2000 Act refers) the part of the basic salary payable to that member in respect of the responsibilities or duties from which that member is suspended or partially suspended must be withheld by the authority (Section 155(1) of the Measure). If the partial suspension relates only to the specific responsibility element of the payment, the member may retain the basic salary."

**UNANIMOUSLY RESOLVED that the report be received.**

## **7. CODE OF CONDUCT COMPLIANCE BY TOWN AND COMMUNITY COUNCILLORS**

The Committee, received for consideration, as part of its monitoring role in Code Compliance by Community and Town Councils, a report detailing the levels of Code Training received, declarations of interest made, dispensation requests granted and Code complaints for those authorities during the period 2016/17 – 2018/19. A spreadsheet, appended to the report, included the information provided and allowed for comparison with previous years.

A high proportion of Councils had responded to the request for the abovementioned information with only 11 councils failing to respond.

The Legal Services Manager reported that there was continued variation between councils as to the extent to which declarations of interest were made and/or dispensations sought, however, there did not appear to be any correlation between these factors and the level of code of conduct training provided. Similarly, there appeared to be no clear evidence of any correlation between the provision of code training and the number of code complaints nor was there a consistent pattern of complaints against particular councils.

The Committee noted that overall the statistical evidence appeared to suggest a generally good level of Code compliance by Town and Community Councillors across the County.

It was asked, out of the Councils who did not respond, how many shared a Clerk? The Legal Services Manager offered to provide this information at the next Committee meeting, as he did not have the information to hand.

It was suggested that as some Councils were proactive in relation to the Code of Conduct training and ensuring that declarations of interest were updated and relevant it may be useful to ask these Councils to assist and form part of the training presentation. The Legal Services Manager agreed to identify up to 3 proactive Councils to invite to participate at the next round of training sessions.

Furthermore, in order that the Standards Committee can assess if the training provided is being put into practice, the Legal Services Manager suggested to undertake a sample of Town and Community Council minutes against the declarations of interest. It was commented that the results from the sampling could be beneficial in providing the Standards Committee with a better understanding of how Councils are administering and recording interests. It was therefore proposed that an annual sample of 25% to be undertaken and the results to be reported to the Committee accordingly.

### **UNANIMOUSLY RESOLVED that:**

- 7.1 the report be received;**
- 7.2 the Legal Services Manager arrange to undertake a sampling of 25% of the Town and Community Council minutes on an annual basis and that the results be reported to the Committee.**

## 8. ANY OTHER ITEMS OF BUSINESS

The Head of Administration and Law informed the Committee that whilst the introduction of the Local Government and Elections (Wales) had no direct repercussions for the Standards Committee, the Bill required leaders of political groups to take reasonable steps to promote and maintain high standards of conduct by the members of their group.

Therefore, it was highlighted that the Standards Committee's new functions under the Bill would be to ensure that group leaders have access to advice and training to support their new duties and to monitor group leaders' compliance with those duties.

In addition, the Bill included a requirement for all principal councils to webcast meetings open to the public as they take place.

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**CHAIR**

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**DATE**

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## STANDARDS COMMITTEE 21/01/20

### APPLICATION FOR DISPENSATION BY COUNCILLOR ANNE CARYS JONES

#### 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:

Linda Rees-Jones

Report Author:

Robert Edgecombe

Designations:

Head of Administration & Law

Legal Services Manager

Tel Nos.

01267 224018

E Mail Addresses:

RJEdgeco@carmarthenshire.gov.uk.

**EXECUTIVE SUMMARY  
STANDARDS COMMITTEE  
21/01/20**

**APPLICATION FOR DISPENSATION BY COUNCILLOR ANNE  
CARYS JONES**

An application for dispensation has been received from County Councillor Anne Carys Jones to speak and make written representations only in respect of business relating to parking on the Green at Llansteffan.

Councillor Jones would have a personal interest in any such business by virtue of paragraph (10)(2)(a) (vi) of the members code as Cllr Jones and her family live directly opposite the area of land in question.

This interest would be prejudicial as a member of the public with knowledge of the relevant facts would reasonably regard the interest is so significant that it is likely to prejudice her judgement of the public interest.

The application is made on 3 grounds specified in the regulations, namely;

1. That her participation would not damage public confidence in the conduct of that business.
2. That her interest is common to her and a significant proportion of the general public
3. Her participation is justified by her particular role or expertise

If the committee is minded to grant Councillor Jones a dispensation in respect of this interest it has an absolute discretion as to the duration of that dispensation.

**DETAILED REPORT ATTACHED ?**

**YES**

## 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

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-180	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: Anne Carys Jones

Name of your Council: Carmarthenshire County Council

Your address and postcode: Y Garth, The Green, Llansteffan, Carmarthen SA33 5LW

Contact telephone number(s): 07970 902996 / 01267 241563

Email address: acarysjones@carmarthenshire.gov.uk / carysjones@cym.ro

### 2. DETAILS OF YOUR INTEREST

What is the matter under consideration?

**PARKING ON THE GREEN, LLANSTEFFAN:** The Green is the strip of land that runs alongside the beach in Llansteffan. Cars have parked on The Green for many years. The majority of The Green is owned by the County Council and a strip of the land is owned by the Community Council. The Green is registered as a village green, therefore parking on it is prohibited. An official complaint has been submitted to the Community Council by a local resident for "permitting" people to park on village green land. Both councils now face a big dilemma as they attempt to resolve the parking issues in Llansteffan.

What is your interest in the above?

I live in the terrace that runs alongside The Green. The Morfa recreational land lies behind the house.

No one in the house parks on The Green – we have a garage as well as private parking.

When will the above be considered?

The official complaint was submitted in November 2019, and was discussed at the Community Council meeting held on 16 December where the Community Council voted to seek legal advice before discussing the matter further. I am not a community councillor, but I left the meeting for this item following the Monitoring Officer's advice.

This matter will be considered by several bodies/organisations over the next few months.

Are you applying for dispensation to:

Speak only:  ✓

Speak and vote:

Make written Representations  ✓

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	<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;	<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)***

### **PARKING ON THE GREEN, LLANSTEFFAN - BACKGROUND:**

The Green is the strip of land that runs alongside the beach in Llansteffan. Cars have parked on The Green for many years – evidence of this goes back to the '50s and perhaps as far back as the '30s. There is an official car park at the southern end of The Green, which is owned by the County Council and has 88 parking spaces. During the summer, or on a bank holiday, approximately 250-300 cars will be looking for a place to park in order to access the beach/facilities/chips/shop.

The majority of The Green is owned by the County Council, namely the strip of land that runs from the car park to the football pitch at the northern end of The Green. One strip of land affected by the parking is owned by the Community Council – approximately 10% – which includes the entrance to the northern strip. The Green is registered as a village green, therefore parking is not permitted. Over the past 5 years, campervans have been staying on The Green's northern strip – up to 10-12 on some nights, and this has led to a number of unofficial complaints. Over the years, the Community Council and the County Council have attempted to tackle and resolve the issue of enforcing the parking prohibition for large vehicles/every vehicle. However, this would create dire parking problems in Llansteffan and therefore the issue has not been progressed.

### **WHY NOW?**

An official complaint was recently submitted to the Community Council regarding “permitting” parking on village green land. Both councils now face a dilemma as they attempt to resolve the parking issues in Llansteffan.

Enforcing the parking prohibition on The Green will mean:

- Up to 200 cars looking for a place to park when the car park is full;
- Campervans taking up spaces for 2 cars in the car park;
- Cars parking along the narrow streets and blocking access for emergency vehicles;
- Cars parking on the Morfa land, which is the village's recreational land that belongs to the County Council;
- Cars parking on private property land/entrances in the village.

*(Many of the above are already happening on fine days)*

Therefore, it is obvious that an answer must be sought for these parking issues, and it is not just a matter of shifting the problem to another part of the village. The official complaint means that we cannot avoid the issue any longer.

### **MY ROLE AS A COMMUNITY COUNCILLOR (previously):**

I was a Community Councillor for approximately thirteen years before standing down when I was elected as a County Councillor in 2017. I believe that the community is stronger for having two separate voices representing them, although both voices are completely in agreement most of the time. I see my role as presenting information and offering support to the Community Council so that both councils are able to work hand-in-hand on matters when appropriate.

Every member of the Community Council has been elected after me and the majority of them have only been on the Council for a year or two. Therefore, I am the one who has spent the most time discussing these matters. Many of the community councillors have little knowledge of the history of the discussion regarding parking on The Green. The clerk is also fairly inexperienced.

**Page 17**



I attend every one of the Community Council's monthly meetings but **I DO NOT HAVE A VOTE.** During my time as a Community Councillor, the parking issue on The Green was raised fairly often – under three different clerks and several chairpersons. Every time the issue was discussed, it was believed that the land was owned by the County Council and that the County would be responsible for resolving the problem. Since being elected as a County Councillor (2017), I have discovered that the Community Council owns one strip of The Green – through a gift given as part of an agreement made between the County Council and the private owner in 1981. This includes the entrance to the northern end.

I have undertaken further research into the situation regarding The Green, knowing that the issue would arise sometime. I have maps and documents (from discussions with the appropriate officers in the County Council) that attempt to establish the “status quo” before we move forward, and I would like to continue with this work. This means establishing, once and for all, the village green status of the patchwork of land (the County Council is currently working on this), and what exactly is legally relevant, as many laws contradict each other. Also, the different scenarios that could arise as a result of the parking prohibition need to be presented, so that both councils and the community can consider the obligations thoroughly before coming to any decision on the way forward. External legal advice is needed to answer some of these questions.

### **MY PERSONAL INTEREST:**

I live in the terrace facing The Green and the beach, therefore one could argue that this issue would affect my convenience, or the value of my house. Cars have driven on The Green in front of my house since I have lived living there – for 27 years ago – and neither I, nor anyone in my home, have ever complained. We have private parking and a garage behind the house, therefore parking is not a problem for us. Almost everyone that lives on The Green owns a garage/parking space at the back.

The Green in front of my house is very narrow, and cars drive past rather than park there as parking would cause an obstruction to others. It is fair to say that my house is one of the houses least affected by parking on The Green. I do not have a business interest or otherwise in this matter. The interest of everyone who lives on The Green is important here. Some enjoy parking on The Green and some oppose it. Those living in streets further back from the beach are also affected – some of them, again, significantly more than I am.

The parking, or any changes to the parking, affects everyone in the village in one way or another and therefore I feel I would not be doing my job if I were to withdraw myself completely from the matter. I believe that the public would be disappointed if I were not able to contribute towards ensuring that everything is discussed and decided upon between the two councils in an open and transparent manner.

It is important to note that I do not have an opinion regarding the parking on The Green. The parking has not been a cause for concern for me. However, I have always been aware that the day would come when these problems would have to be faced and an arrangement to resolve this problem would have to be sought. I have had a lot of time to consider the implications of different arrangements, and have made a note of them so that the community and the County Council can consider each option thoroughly.

Ultimately, a plan that resolves the parking issue on The Green must be sought one way or another. I believe that I have an impartial contribution to make towards promoting the process, without influencing, whilst ensuring that everyone considers every possibility and implication – for the benefit of the amenity of residents and visitors.

This is important to me because there is a risk of the complainant taking legal action against the Community Council and/or the County Council. I do not want to see any delay or timewasting in attempting to move this matter forward that would be detrimental to both councils and the community.

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:



Date:

31 / 12 / 19

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)	<p>Council business which relates to or is likely to affect:</p> <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)	<p>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</p>	
13	<p>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]</p>	

- (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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## STANDARDS COMMITTEE 21/01/20

### APPLICATION FOR DISPENSATION BY COUNCILLOR EDWARD THOMAS

**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  
21/01/20**

**APPLICATION FOR DISPENSATION BY  
COUNCILLOR EDWARD THOMAS**

A dispensation application has been received from Councillor Edward Thomas of Llandeilo Fawr Town Council to speak only in respect of any council business relating to grants from the Town Council to the Llandeilo and District Sports Association.

Councillor Thomas would have a personal interest in such council business by virtue of paragraph 10(2)(a)(ix)(ee) of the members code of conduct as he is chairman of the Llandeilo and District Sports Association.

This personal interest would also be prejudicial as a member of the public with knowledge of the relevant facts would reasonably regard the interest as so significant that it would be likely to prejudice the Councillor's judgement of the public interest.

Councillor Thomas has submitted his application on the basis of two grounds set out in the Standards Committees (Grant of Dispensations)(Wales) regulations 2011 (as amended) namely;

1. 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 conduct of the relevant authority's business.
2. That the business in question relates to the finances of a voluntary organisation of whose management committee the councillor is a member AND that he has no other interest.(A dispensation granted under this ground cannot extend to allowing the member to vote)

Committee members should note that paragraph 12(2)(c) of the Code provides that a personal interest is not to be regarded as a prejudicial interest where it relates to a member's role as a community councillor in respect of a grant, loan or other form of financial assistance made by that member's council to a community or voluntary organisation, up to a maximum of £500.

The committee previously granted Councillor Thomas a dispensation to speak only in relation to this interest at its meeting in October 2018. This dispensation expired on the 31<sup>st</sup> December 2019. Councillor Thomas has made use of this dispensation on one occasion, namely the 24<sup>th</sup> October 2018.

If the committee is minded to grant Councillor Thomas a dispensation in respect of this interest it has absolute discretion as to the duration of that dispensation.

**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

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-180	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: Edward Gwynne Thomas

Name of your Council: Llandeilo Fawr Town Council & Carmarthenshire County Council

Your address and postcode: Awelfryn, 8 Bridge Street, Llandeilo, SA19 6BN

Contact telephone number(s): 07842 649261

Email address: egthomas@sirgar.gov.uk

**2. DETAILS OF YOUR INTEREST**

What is the matter under consideration?

Grant from Llandeilo Fawr Town council to Llandeilo & District Sports Association

What is your interest in the above matter?

Chairman of the Sports Association

When will the above matter be considered?

At various times

Are you applying for dispensation to:

Speak only: x

Speak and vote:

Make written  
Representations

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;	<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	x <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 Sports Association is an umbrella organisation for all sports clubs in the area.

The Association applies to the Town Council for an annual grant on behalf of those clubs and then distributes what is awarded between them, retaining a small amount for the Association itself.

The most recent grant received from the Council was for £2000.

Although any grant request is supported by documentary evidence such as an annual statement of accounts, I would like to address the Town Council when it considers such applications and speak in support of the request.

My role as Chairman is purely a voluntary one and I have no personal financial interest in the grant application.

The Standards Committee kindly granted me dispensation to speak in relation to this interest at its meeting in October 2018. The dispensation was granted until the 31<sup>st</sup> December 2019 and I made use of it to address the Council in respect of an application by the Association on the 24<sup>th</sup> October 2018.

I ask that the Committee grants me a further dispensation to speak only in respect of any matter relating to or likely to affect the Llandeilo & District Sports Association until the end of my current term of office as a councillor.

*(please continue on a separate sheet if necessary)*

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:

Date:

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

## STANDARDS COMMITTEE 21/01/20

### APPLICATION FOR DISPENSATION BY COUNCILLOR KEN LLOYD

**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  
21/01/20**

**APPLICATION FOR DISPENSATION BY  
COUNCILLOR KEN LLOYD**

An application for dispensation has been received from County Councillor Ken Lloyd to speak and make written representations only in respect of council business relating to or likely to affect Carmarthenshire Energy Limited, which is a community benefit society operating in the County.

Councillor Lloyd would have a personal interest in any such council business by virtue of paragraphs (10)(2)(a) (ix)(bb) and (ee) and 10(2)(b)(v) of the members code as both Cllr Lloyd and close personal associates of his are members of and hold shares in that organisation.

This interest would be prejudicial as a member of the public with knowledge of the relevant facts would reasonably regard the interest is so significant that it is likely to prejudice his judgement of the public interest.

The application is made on 1 ground specified in the regulations, namely that his participation would not damage public confidence in the conduct of that Council business.

Councillor Lloyd's application, together with a note providing some general information on community benefit societies is attached.

If the committee is minded to grant Councillor Lloyd a dispensation in respect of this interest it has an absolute discretion as to the duration of that dispensation.

Councillor Lloyd was previously granted dispensations in respect of other interests by the committee on the 21<sup>st</sup> January 2019, which are due to expire on the 31<sup>st</sup> December 2020.

**DETAILED REPORT ATTACHED ?**

**YES**

## 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

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:**

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### 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;	<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)***

Carmarthenshire Energy Limited is a Community Benefit Society founded in 2012 following a year of consultation with communities, businesses, councillors and officers. The Society aims to support community groups and those suffering from fuel poverty and concerned about energy security and climate change; creating renewable energy projects run for people not profit, with any surplus generated reinvested in the local economy.

The Society has completed the installation of its first renewable energy project; a 500kW wind turbine that produces clean, low carbon energy. In October 2019 they issued a Share Offer of £100,000 to repay the final loan received for the cost of construction. People were encouraged to become a new member to increase the Society's voice in dealing with our climate emergency, and the Society is in a position to offer all members a fair return on funds.

The Society's structure is based on other successful renewable societies across the UK, including several community owned wind turbines and it has an excellent long standing relationship with the landowner at Salem, near Llandeilo in Carmarthenshire. Each subscriber, whatever the relevant stake, automatically becomes an equal member of the Society on a 'one member, one vote' basis.

The Society's purpose is to generate low-carbon electricity and to benefit the local community. Energy generated by this wind turbine goes into the local grid and it is estimated that the project displaces the equivalent of 820 tonnes of carbon dioxide every year.

I require dispensation to speak and make written representations because the reason I joined the Society is to help increase its voice in dealing with the current climate emergency facing our planet. This I believe is fully in line with Carmarthenshire County Council's corporate vision and core values: having declared a climate emergency in the Spring of 2019, followed by a Council decision in Autumn 2019 to request that Dyfed Pension Fund disinvest from organisations involved in fossil fuel extraction.

Thus, going forward, all decisions taken by the County Council will be seen through the prism of this climate emergency and for this reason I don't think that my participation in any debates or discussions would damage public confidence.

Society has woken up to the need to protect our planet and I have joined Carmarthenshire Energy Company primarily to play my very small part in protecting the planet. As a County Councillor I want to play a possible larger part by being able to speak and make written representations on issues that affect our climate. Now that Carmarthenshire County Council has declared a climate emergency this subject is going to dominate Council business for years to come and I believe I have a lot to offer inside and outside the chamber that I hope will help inform our deliberations, thus I request this dispensation.

*(please continue on a separate sheet if necessary)*

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:

Date:  /  2020

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## Guidance notes

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- (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

# Community benefit societies

The purpose of a community benefit society is to serve the broader interests of the community, in contrast to co-operative societies that serve the interests of members. The Co-operative and Community Benefit Societies Act 2014 requires a community benefit society to “carry on a business, industry or trade” that is “being, or intended to be, conducted for the benefit of the community”. But the Act does not provide any further definition or description of what a community benefit society is, creating a reliance on guidance issued by the Financial Conduct Authority (FCA). The FCA focuses on four key characteristics of a community benefit society:

**Purpose:** The FCA says that “the conduct of a community benefit society’s business must be entirely for the benefit of the community.” There can be no alternative or secondary purposes, including any that may preferentially benefit the members.

**Membership:** In common with all societies, community benefit societies normally have members who hold shares and are accorded democratic rights on the basis of one-member-one-vote. The FCA says “it is not usually appropriate for a community benefit society to give any particular group of members greater rights or benefits, because the society must be conducting its business for the benefit of the community. So, for example, we would expect to see community benefit societies run democratically on the basis of one-member-one-vote.”

**Application of profits:** Any profit made by a community benefit society must be used for the benefit of the community. Unlike a co-operative society, profits cannot be distributed to members of a community benefit society. Interest on share capital is an operating expense and should be subject to a declared maximum rate.

**Use of assets:** Community benefit societies must only use their assets for the benefit of the community. If a community benefit society is sold, converted, or amalgamated with another legal entity, its assets must continue to be used for the benefit of the community and must not be distributed to members. This lock on the assets of a community benefit society can be reinforced by adopting the prescribed wording for a statutory asset lock.

The FCA registration guidance acknowledges that a community benefit society might define the community it serves, but this should not inhibit the benefit to the community at large, in other words, community benefit should not be restricted to members only. The FCA does not provide guidance on who can be a member of a community benefit society. In the context of community shares, it is assumed that membership is open to any person who supports the purpose of the society, without the distinction found in co-operative societies between user and non-user members. Normally, the FCA would expect members to be granted democratic control, based on one-member-one-vote, but it may be prepared to register societies where control has been ceded to a parent body, if that parent body can show that it can run the society for the benefit of the community.

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