

# Document Pack



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County Hall, Carmarthen. SA31 1JP

**WEDNESDAY, 4 JANUARY 2017**

**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 FRIDAY, 13TH JANUARY, 2017** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

*Mark James* CBE

**CHIEF EXECUTIVE**



PLEASE RECYCLE

<b>Democratic Officer:</b>	<b>Janine Owen</b>
<b>Telephone (direct line):</b>	<b>01267 224030</b>
<b>E-Mail:</b>	<b>JanineOwen@carmarthenshire.gov.uk</b>
<b>Ref:</b>	<b>AD016-001</b>

# STANDARDS COMMITTEE

## MEMBERSHIP: 9 MEMBERS

### Independent Members (5)

1. Mrs Mary Dodd
2. Mr Christopher A. Downward Chair of the Committee
3. Mr M. Andre Morgan Vice Chair of the Committee
4. Mr Alun. Williams
5. Vacancy

### Community Committee Member (1)

1. Councillor Jeanette Gilasbey

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

1. Councillor Susan M. Allen
2. Councillor B.A. Louvain Roberts
3. Councillor Gareth B. Thomas

# A G E N D A

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 9TH SEPTEMBER, 2016 5 - 10
4. APPLICATION FOR DISPENSATION BY COUNCILLOR S. HUSSAIN 11 - 20
5. APPLICATION FOR DISPENSATION BY COUNCILLOR P. N. THOMPSON 21 - 30
6. 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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Friday, 9 September 2016

**PRESENT:** Mr. C.A. Downward (Chair);

**Independent Members:**

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

**County Council Members:**

S.M. Allen, B.A.L. Roberts and G.B. Thomas;

**Community Member:**

J. Gilasbey;

**The following Officers were in attendance:**

R. Edgecombe, Legal Services Manager;

M.S. Davies, Democratic Services Officer.

**Chamber, 3 Spilman Street, Carmarthen - 10.00 - 11.10 am**

**1. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**2. DECLARATIONS OF PERSONAL INTEREST**

There were no declarations of personal interest.

**3. MINUTES**

**RESOLVED** that the minutes of the meeting of the Committee held on the 3<sup>rd</sup> June 2016 be signed as a correct record.

**4. CODE OF CONDUCT TRAINING FOR TOWN AND COMMUNITY COUNCILLORS**

Further to minute 12 of the meeting held on the 11<sup>th</sup> March 2016 the Committee received a report on the Code of Conduct training sessions held in June for representatives of local Town and Community Councils. The sessions had been well attended and feedback overwhelmingly positive with delegates being particularly appreciative of the guidance booklet on personal and prejudicial interests.

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

**5. CODE OF CONDUCT COMPLIANCE BY TOWN AND COMMUNITY COUNCILLORS**

The Committee, in accordance with its role in monitoring Code of Conduct compliance by Town and Community Councillors, received a report detailing the levels of code training received, declarations of interest made, dispensation requests granted and Code complaints registered in respect of Town and Community Councils within the County.

**RESOLVED** that the report be noted.

## 6. REVIEW OF CORPORATE WHISTLEBLOWING POLICY

The Committee considered a report on the annual review of the Corporate Whistle Blowing Policy, with a view to incorporating relevant information thereon within the Chair's Annual Report to the Council. It was noted that the Council had continued to take steps to raise staff awareness of the policy and ensure managers were fully trained to recognise whistle blowing complaints and deal with them properly. The corporate Whistle blowing Policy had been updated to reflect organisational changes and feedback from the elected members briefing session earlier in the year.

The following observations/issues were raised on the report:-

- The Acting Legal Services Manager, in response to comment, stated that he had stressed to officers the need to keep staff apprised of developments in terms of their complaints subject to restrictions regarding personal information;
- The Acting Legal Services Manager agreed to follow up a concern relating to the appropriateness of including Whistleblowing case study 3, particularly if it was an actual case, given the outcome which indicated that 'the Council would be keeping a watchful eye over the home....'

**RESOLVED that the report be received and the revised policy approved.**

## 7. PUBLIC SERVICES OMBUDSMAN FOR WALES REPORT 2015/16

The Committee considered the Annual Report of the Public Services Ombudsman for Wales for the period 2015/16 which contained details of complaints of maladministration and service failure against public bodies and allegations against members of Local Authorities that they had broken the Code of Conduct. Overall the number of maladministration complaints against public authorities had risen by 4% compared to a 7% increase the previous year. Complaints against local authorities had fallen slightly from 938 to 906, the overall rise in complaints being due to a further increase in complaints against the NHS. Only 1 Public Interest Report had been issued against a local authority during this period and this had not related to Carmarthenshire County Council. The number of maladministration complaints against Carmarthenshire County Council had fallen by 57% to 40 in 2015/2016. This compared well with the Welsh average of 53 complaints. There had been a 19% increase in Code of Conduct complaints compared with last year, largely due to a 49% increase in complaints against Town and Community Councillors. A total of 8 Code complaints had been made against elected members of Carmarthenshire County Council although some of these had related primarily to the member's role as a Town and Community Councillor.

**RESOLVED that the report be received.**

## 8. COMPLAINTS AND COMPLIMENTS

The Committee considered the End of Year Complaints and Compliments report which provided an analysis of the complaints and compliments received by the Authority during 2015/16.

It was reported that the authority had received 501 complaints during 2015/2016, compared to 573 in 2014/2015. This represented a continuing trend which had seen the number of complaints reduce from 727 in 2012/2013. A total of 463 complaints had been responded to during the year, including a number carried over from the previous municipal year. The number of cases responded to within

the required time period had fallen from 66% to 62%, reversing the previous trend. Owing to significant departmental re-organisations during the relevant period it had been difficult to make direct comparisons with previous years. However the new Environment Department (which included planning and waste services) continued to account for the majority of complaints, followed by the new Communities Department, which would also be responsible for a proportion of the Statutory Complaints referred to in the report. The number of compliments received had fallen slightly from 545 to 542 with the Communities and Environment Departments accounting for 78% of the compliments received.

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

**9. APPLICATION FOR DISPENSATION BY COUNCILLOR I.R. LLEWELYN**

The Committee was reminded that at its meeting held on the 11<sup>th</sup> March 2016 (minute 9 refers) it had granted dispensation, until the 9<sup>th</sup> September, 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 end of the current electoral term [May 2017].**

**10. APPLICATION FOR DISPENSATION BY COUNCILLOR W.R.A. DAVIES**

The Committee was reminded that at its meeting held on the 11<sup>th</sup> March 2016 (minute 8 refers) it had granted dispensation, until the 9<sup>th</sup> September, 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.

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.

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 end of the current electoral term [May 2017].**

**11. APPLICATION FOR DISPENSATION BY COUNCILLOR E.W. NICHOLAS**

The Committee was reminded that at its meeting held on the 11<sup>th</sup> March 2016 (minute 7 refers) it had granted dispensation, until the 9<sup>th</sup> September, 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.

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.

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 end of the current electoral term [May 2017].**

## **12. APPLICATION FOR DISPENSATION BY COUNCILLOR B. REES**

The Committee was reminded that at its meeting held on the 11<sup>th</sup> March 2016 (minute 6 refers) it had granted dispensation, until the 9<sup>th</sup> September, 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.

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.

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 end of the current electoral term [May 2017].**

**13. STANDARDS COMMITTEE ANNUAL REPORT 2015/16**

The Committee considered the draft Annual Report on the work undertaken by the Committee during 2015/16 and noted that, if adopted, it would be presented to either the November or December meeting of the County Council for approval.

The Chair agreed to provide a 'Conclusion' to the report.

**RESOLVED TO RECOMMEND TO COUNCIL that the Standards Committee Annual Report 2015/16 be adopted.**

\_\_\_\_\_  
**CHAIR**

\_\_\_\_\_  
**DATE**

## STANDARDS COMMITTEE 13<sup>TH</sup> JANUARY 2017

<b>APPLICATION FOR DISPENSATION BY COUNCILLOR SHAHID HUSSAIN</b>		
<b>Recommendations / key decisions required:</b> To consider and determine the application		
<b>Reasons:</b> 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  Acting Legal Services Manager	Tel Nos. 01267 224018 E Mail Addresses: RJEdgeco@carmarthenshire.gov.uk

**EXECUTIVE SUMMARY  
STANDARDS COMMITTEE  
13<sup>TH</sup> JANUARY 2017**

**APPLICATION FOR DISPENSATION BY COUNCILLOR SHAHID HUSSAIN**

An application for dispensation to speak, vote and make written representations has been received from Councillor Shahid Hussain of Cwmamman Town Council in relation to the re-location of the village post office in Cwmamman to premises in which Councillor Hussain has a business interest.

Councillor Hussain has a personal interest in this matter by virtue of the following paragraphs of the Code of Conduct;

1. 10(2)(a)(i) as the matter relates to or is likely to affect a business carried on by him.
2. 10(2)(a)(ix)(bb) as the matter relates to or is likely to affect a company in which he holds a position of general control or management
3. 10(2)(b)(i) as the matter might reasonably be regarded as affecting his well-being

This interest is also a prejudicial interest as a member of the public, with full knowledge of the facts, would reasonably regard that interest as so significant as to prejudice the Councillor's judgement of the public interest.

The application is submitted on 1 grounds specified in the Standards Committees (Grant of Dispensation)(Wales) Regulations 2001 namely;

(f) participation justified due to the member's particular role or expertise

Cllr Hussain has previously been granted dispensation to speak only in respect of this interest on the 11<sup>th</sup> September 2015. This dispensation expired on the 4<sup>th</sup> December 2015.

If the committee is minded to grant the application, it has an absolute discretion as to duration, it may grant it until the end of the Councillor's term of office, or some other date, such as the date of a future meeting of this committee.

**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: : L. Rees Jones Head of Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	NONE	NONE	NONE	NONE	NONE	NONE

## CONSULTATIONS

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

Signed: : L. 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-149	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: Shahid Hussain

Name of your Council: Cwmamman Town Council

Your address and postcode: 1, Clos Tygwyn , Gowerton, Swansea, SA4 3GF

Contact telephone number(s): 01269 826394 / 07968154466

Email address: shahid-huss@live.com

**2. DETAILS OF YOUR INTEREST**

What is the matter under consideration? Relocation of Post Office from existing premises to my Forecourt Outlet

What is your interest in the above matter? I am a Director of Petro Express, The outlet which has been verified by Post Office Ltd, to be the new location for village Post Office.

When will the above matter be considered? Ongoing

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 checked="" 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)***

I was granted dispensation last year for the same issue, I thought the matter was closed so did not renew or use the dispensation at the time. However, the matter has now come back up and I wish to talk about it and give an expert opinion


Having gone through the network transformation process on another of my sites 2.5 years ago. I am well placed to know what the process is , what risks are involved and what timescale/costs etc will be. Having been a Postmaster for 5 years on another site also, I am well versed in what the customer needs and requires from a Post Office and how their needs can be met. The other councillors do not have this expertise and background, and therefore I feel they will be making uninformed choices/decisions.

Having already been verified and chosen by Post Office Ltd to have the Post office relocate to my premises, this is not about making a decision, But only to clarify matters. Therefore the decision per se of the Council is irrelevant, so my contributing to the discussion will have no impact on the outcome. Therefore I feel I should be allowed to speak.

I also feel the other councillors have a prejudicial interest, in this matter as they wanted to Post office relocated to Glanamman community Centre, which is run and operated by Cwmamman Town Council. Therefore, they would benefit financially from Post Office moving there. Therefore I feel they would negatively impact upon my suitability

(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: 01/12/2016



### 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

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 13<sup>TH</sup> JANUARY 2017

### APPLICATION FOR DISPENSATION BY COUNCILLOR PHILIP NIGEL THOMPSON

**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

Acting Legal Services Manager

Tel Nos.

01267 224018

E Mail Addresses:

RJEdgeco@carmarthenshire.gov.uk



# EXECUTIVE SUMMARY STANDARDS COMMITTEE 13<sup>TH</sup> JANUARY 2017

## APPLICATION FOR DISPENSATION BY COUNCILLOR PHILIP NIGEL THOMPSON

An application for dispensation to speak and make written representations has been received from Councillor Philip Nigel Thompson of Kidwelly Town Council in relation to his involvement with Ynghyd Community Interest Company (of which he is a director) and the Kidwelly Community Hub (of which he is a member of the management committee).

Councillor Thompson has a personal interest in this matter by virtue of the following paragraphs of the Code of Conduct;

1. 10(2)(a)(ix)(bb) as the matter relates to or is likely to affect a company in which he holds a position of general control or management
2. 10(2)(a)(ix)(ee) as the matter relates to or is likely to affect a private association in which he holds a position of general control or management

This interest is also a prejudicial interest as a member of the public, with full knowledge of the facts, would reasonably regard that interest as so significant as to prejudice the Councillor's judgement of the public interest.

The application is submitted on 4 grounds specified in the Standards Committees (Grant of Dispensation)(Wales) Regulations 2001 namely;

- (d) participation would not damage public confidence
- (f) participation justified due to the member's particular role or expertise
- (g) the business is to be considered by an overview or scrutiny committee (this ground does not apply in these circumstances)
- (h) the business relates to a voluntary organisation and the councillor has no other interest in that matter (the committee may only grant a dispensation to speak under this ground).

If the committee is minded to grant the application, it has an absolute discretion as to duration, it may grant it until the end of the Councillor's term of office, or some other date, such as the date of a future meeting of this committee.

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: **L. Rees Jones** **Head of Administration and Law**

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

## CONSULTATIONS

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

Signed: **L. 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-149	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: Philip Nigel Thompson

Name of your Council: Kidwelly Town Council

Your address and postcode: 27, Llys Gwenllian, Kidwelly, Carmarthenshire, SA17 5JT

Contact telephone number(s): 01554 229079

Email address: philthompsonkidwelly@yahoo.com

**2. DETAILS OF YOUR INTEREST**

What is the matter under consideration?

1: Application by Ynghyd CIC to be involved in an asset transfer of the Town's public conveniences with a view to creating an adult changing place.

2: Operation by Ynghyd CIC and Kidwelly Community Hub of a luncheon club in Kidwelly

What is your interest in the above matter?

I am a non-remunerated director of Ynghyd CIC and a member of the Kidwelly Community Hub Management Committee. (In neither case one of the Members not appointed by the Authority).

When will the above matter be considered?

At Full Council on 10<sup>th</sup> January 2017 and potentially at Full Council and Estates, General Purposes or Finance committees until the elections in May 2017

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
• 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
• <b>the business is to be considered by an overview and scrutiny committee and my interest is not a pecuniary interest;</b>	<b>x</b>
• <b>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</b>	<b>x</b>
• <b>it is appropriate to do so in all the circumstances where not otherwise possible to make reasonable adjustments to accommodate a person's disability</b>	<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)***

In respect of item 1, the application to be involved in the asset transfer of the town's conveniences to the extent of converting the existing accessible toilet into an adult changing place, I am the lead director in Ynghyd CIC on this project.

The matter potentially involves the conversion of the existing accessible toilet into an adult changing place by inclusion of an adult lifting hoist and an adult changing table. The toilet is currently tension in the subject asset transfer County Council to the town council. Ynghyd CIC has acquired the necessary equipment, and would like to make it available to the general public including the disabled population as a whole. The current accessible toilet would make an ideal venue, in addition the current accessible toilet is not up to specification and requires work in any event. This making the time ideal for the convers I am both the lead officer within Ynghyd CIC and am a director and on the on the boards of both Anabledd Cymru / Disability Wales and Disability Rights .

I am therefore, particularly able to comment both on the individual project and on the need for and requirements of adult changing place in general, as I have specialist knowledge of both. This will inform and enhance the Council's discussion, which otherwise may be impaired by the lack of specialist knowledge.

The project is to benefit the entire community in Kidwelly and the surrounding area and will involve Ynghyd CIC contributing assets to the town facilities at a cost to Ynghyd rather than any gain, therefore my involvement is not likely to damage public confidence.

Further, my involvement in the adult changing place project is generally publicly known in any event and as such open involvement in discussions in a public meeting would assist transparency rather than impair public confidence.

Although, the constitution of Ynghyd CIC does provide for the potential payment of directors, this is a standard clause and I do receive any remuneration in the role, nor do I intend to in the foreseeable future and accordingly have no pecuniary interest in the project.

In respect of item 2: the Kidwelly Luncheon Club Project, I am again the lead director from Ynghyd CIC in this project and the main contact for the Kidwelly Community Hub.

I was the contact person in respect of the grant from the Big Lottery, which is the major funder.

The Town Council has already made its decision to grant fund the project, (in which I took no part), therefore the decision to fund has been made without any question of my involvement, therefore future discussions will be report backs and logistical or practical rather than fiscal, which I am in a unique position to participate in and inform the Council's discussion.

Further as this is a community project in which as above my involvement is well known and in which I have no pecuniary interest public confidence is unlikely to be damaged by my inclusion in the discussions.

In respect of neither project am I requesting permission to vote, merely speak and provide written representations, which will serve to inform the Council's discussion, rather than actively voting for the projects, which provides an additional check and / or balance to maintain public confidence as my non-participation in the vote will be recorded as a matter of record.

*(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)	<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>	X
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