

Document Pack



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

WEDNESDAY, 24 MAY 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 **DEMOCRATIC SERVICES COMMITTEE ROOM, COUNTY HALL, CARMARTHEN AT 10.00 AM, ON THURSDAY, 1ST JUNE, 2017** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA.

Mark James CBE

CHIEF EXECUTIVE



PLEASE RECYCLE

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

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. | Vacancy |
|----|---------|

Elected Members of the County Council (3)

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

AGENDA

1. APOLOGIES FOR ABSENCE.
2. DECLARATIONS OF PERSONAL INTEREST.
3. APPLICATION FOR DISPENSATION BY COUNTY COUNCILLOR E. DOLE. 5 - 14
4. ANY OTHER ITEMS OF BUSINESS THAT BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR DECIDES SHOULD BE CONSIDERED AS A MATTER OF URGENCY PURSUANT TO SECTION 100B(4)(B) OF THE LOCAL GOVERNMENT ACT 1972.

This page is intentionally left blank

STANDARDS COMMITTEE 1ST JUNE 2017

APPLICATION FOR DISPENSATION BY COUNTY COUNCILLOR E. DOLE		
RECOMMENDATIONS / KEY DECISIONS REQUIRED: To consider and determine the application		
REASONS: In accordance with the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001		
Exec Board Decision Required		NO
Council Decision Required		NO
Directorate Chief Executives Name of Head of Service: Linda Rees Jones Report Author: Robert Edgecombe	Designations: Head of Administration and Law Legal Services Manager	Tel Nos. 01267 224018 E Mail Addresses: RJEdgeco@carmarthenshire.gov.uk

EXECUTIVE SUMMARY
STANDARDS COMMITTEE
1st JUNE 2017

APPLICATION FOR DISPENSATION BY COUNTY COUNCILLOR E DOLE

County Councillor Emlyn Dole has submitted an application for the grant of a dispensation in relation to the appointment of members of the Executive Board.

Following his appointment as the leader of the Council, Councillor Dole is required by the constitution to appoint the members of the Executive Board

One of the Councillors that Councillor Dole wishes to appoint to the Executive Board is Councillor Linda Evans.

A copy of the application is attached at appendix 1.

Councillor Dole previously submitted a similar application in May 2015 which was granted by the Committee. This enabled Councillor Dole to appoint Councillor Evans to the Executive Board at that time and she remained in office until the local authority elections on the 4th May 2017. Both that appointment and the previous dispensation expired on that date.

Councillor Evans was returned unopposed in the local elections on the 4th May 2017.

Prior to her appointment to the Executive Board in May 2015 Councillor Evans had previously served as a member of the shadow Executive Board and as opposition spokesperson for the Housing portfolio since 2012, having been appointed to that position by the then leader of the opposition Cllr Peter Hughes-Griffiths. Cllr Evans had also previously held the salaried post of chair of a scrutiny committee, having been nominated to that role by full council.

Councillor Dole would have a personal interest in the appointment of Cllr Evans as she is a close personal associate of his, by virtue of her being his sister in law. Her appointment to the Executive Board would be likely to affect her well-being and financial position as the post carries a senior salary greater than that received by non-executive board members. Councillor Dole's personal interest could be prejudicial as a member of the public with knowledge of the relevant facts might reasonably regard the personal interest as so significant that it is likely to prejudice his judgement of the public interest.

Where a Councillor has a personal and prejudicial interest, paragraph 14(1)(b) of the Code prevents the Councillor from exercising any executive function to which the interest relates.

As before, strict adherence to the Code in this instance would hinder Councillor Dole in fulfilling his obligation to appoint members of the Executive Board and in particular to freely select from any Councillor that currently serves as a member of the authority.

It is suggested that in light of the fact that Councillor Evans has been a member of the Executive Board for the last 2 years if the committee decides to grant the application, it does so on the following grounds in the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001;

(d) the nature of the interest is such that participation in the business to be considered would not damage public confidence in the conduct of that business.

If the committee is minded to grant a dispensation, it is suggested that it be to enable Cllr Dole to appointed Councillor Linda Evans to the Executive Board if he considers it appropriate to do so.

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	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	YES	NONE	NONE	NONE	NONE	NONE

2. Legal

The circumstances in which a dispensation may be granted are set out in the 2001 regulations.

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 N/A
2. Local Member(s) N/A
3. Community / Town Council N/A
4. Relevant Partners N/A
5. Staff Side Representatives and other Organisation N/A

Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal File	DPSC-0000	County Hall, Carmarthen

This page is intentionally left blank

**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: **Councillor Emlyn Dole**

Name of your Council: **Carmarthenshire County Council**

Your address and postcode: **County Hall, Carmarthen, SA32 8AJ**

Contact telephone number(s):

Email address:

2. DETAILS OF YOUR INTEREST

What is the matter under consideration?

The appointment of Councillor Linda Evans to the Executive Board

What is your interest in the above matter?

Councillor Evans is my sister – in - law

When will the above matter be considered?

Imminently

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	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)

As the leader of the Council, I am required by the constitution to appoint the members of the Executive Board

One of the Councillors that I wish to appoint to the Executive Board Councillor Linda Evans.

I previously submitted a similar application in May 2015 which was granted by the Committee. This enabled me to appoint Councillor Evans to the Executive Board at that time and she remained in office until the local authority elections on the 4th May 2017. Both that appointment and the previous dispensation expired on that date.

Councillor Evans has considerable experience, both during her previous term as an Executive Board Member and prior to that as an opposition spokesperson on Housing issues and Scrutiny Committee chair. The she was nominated to the latter positions by my predecessor as group leader and Full council respectively.

I believe that this experience would be invaluable in helping the authority to meet the many challenges that it faces.

Councillor Evans was returned unopposed at the recent local elections.

I have a personal interest in the appointment of Cllr Evans given that she is my sister in law and her appointment to the Executive Board would be likely to affect her well-being and financial position as the post carries a senior salary greater than that received by non-executive board members.

However I believe that such is the knowledge and experience that Cllr Evans would bring to the Executive Board the public interest is best served by my being allowed to appoint her.

(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:

T. L. D. L.

Date:

24 10 17

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"> • your employment or business, • your employer, firm or company • a contract made between the Council and you • any land, lease or licence in which you have an interest • a public body or other association in which you have membership or hold a position of general control or management 	
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