

# STANDARDS COMMITTEE

FRIDAY, 3<sup>RD</sup> JUNE, 2016

**PRESENT:** Mr C.A. Downward [Chair]

**Independent Members:**

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

**County Council Members:**

Councillor S.M. Allen

**Community Members:**

Councillor J. Gilasbey

**The following Officers were in attendance:**

Mr R. Edgecombe	-	Legal Services Manager
Mrs M. Evans Thomas	-	Principal Democratic Services Officer
Miss N. Rees	-	Trainee Solicitor

**Chamber, County Hall, Carmarthen : 10.00 a.m. - 10.50 a.m.**

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors B.A.L. Roberts and G.B. Thomas.

**2. DECLARATIONS OF PERSONAL INTEREST**

There were no declarations of personal interest.

**3. MINUTES**

**RESOLVED** that the minutes of the meetings of the Committee held on the 11<sup>th</sup> April and 3<sup>rd</sup> May, 2016 be signed as correct records.

**4. APPLICATION FOR DISPENSATION BY COUNCILLOR A. SMITH**

The Committee considered an application submitted by Councillor Alexander Smith of Ammanford Town Council, for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak at meetings of Ammanford Town Council in respect of matters relating to the Ammanford Enterprise Partnership Limited.

It was reported that a dispensation was sought as Councillor Smith had a personal interest in these matters by virtue of paragraph 10(2)(x)(c)(v) of the Code of Conduct in that his partner is a Director of the company.

Councillor Smith's interest was also prejudicial as a member of the public with knowledge of the relevant facts would reasonably regard the interest as being so significant that it would be likely to prejudice the Councillor's judgement of the public interest when considering matters relating to or likely to affect the company.

Councillor Smith had accordingly requested that a dispensation be granted under regulation 2 (c)(d)(e) and (f) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001.

The Acting Legal Service Manager advised the Committee that in considering the application it should note that regulation 2(c) only applies to members of a County or Borough Council.

Following a detailed discussion and in view of the fact that the Committee was not satisfied that any of the grounds specified in the application were satisfied, it was

**UNANIMOUSLY RESOLVED that the application submitted by Councillor Alexander Smith for dispensation to SPEAK at meetings of Ammanford Town Council in respect of matters relating to the Ammanford Enterprise Partnership Limited be refused.**

## **5. APPLICATION FOR DISPENSATION BY COUNCILLORS FROM LLANBOIDY COMMUNITY COUNCIL**

The Committee considered an application submitted on behalf of 7 members of Llanboidy Community Council for the grant of dispensations under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote at meetings of Llanboidy Community Council in respect of matters relating to Llanboidy Market Hall.

It was reported that dispensations were sought as the Councillors had a personal interest in these matters by virtue of paragraph 10(2)(ix)(ee) of the Code of Conduct in that they are members of the Market Hall Committee which is involved in the running of the hall. The Councillors were not appointed to the Committee by the Community Council.

The Councillors' interests were prejudicial as a member of the public with knowledge of the relevant facts would reasonably regard the interest as being so significant that it would be likely to prejudice the Councillors' judgement of the public interest. In particular, the Council had received a request from the Hall Committee for a grant of £1,000 and was in negotiation with the Committee regarding the lease or purchase of Council owned land surrounding the Hall.

The Councillors had no direct financial interest in the running of the Hall or the particular matters currently requiring discussion.

The Clerk to the Council had advised that without these members receiving dispensations, the Council would be unable to form a quorum to discuss these matters.

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

Following a detailed discussion it was

**UNANIMOUSLY RESOLVED** that dispensation be granted under Regulation 2(a) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001 to Councillors L. Davies, D. Phillips, S. Thomas, N. Thomas, R. Williams, J. Gibbin and H. Phillips to **SPEAK AND VOTE** at meetings of the Llanboidy Community Council in relation to any discussions regarding Llanboidy Market Hall until the end of their current term of office at the Local Government Elections in May 2017.

## **6. APPLICATION FOR DISPENSATION BY COUNCILLOR G. HOWELLS**

The Committee considered an application submitted by Councillor Gerald Howells of Llansteffan and Llanybri 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 Llansteffan and Llanybri Community Council in respect of matters relating to Llansteffan Primary School and Llansteffan Parish Church.

It was reported that a dispensation was sought as Councillor Howells had a personal interest in these matters by virtue of paragraph 10(2)(ix)(aa) of the Code of Conduct in respect of the school and 10(2)(ix)(ee) in respect of the Parish Church in that:-

- (1) The school is a body exercising functions of a public nature in which, as Chairman of Governors, he holds a position of general control or management. Councillor Howells was appointed to his current position as a school governor by his Community Council;
- (2) The church should be considered as a private association in which, as a Church Warden, he is a member.

Councillor Howells' interests were also prejudicial as a member of the public with knowledge of the relevant facts would reasonably regard the interests as being so significant that they would be likely to prejudice the Councillor's judgement of the public interest.

Councillor Howells had accordingly requested that a dispensation be granted under regulation 2 (d) and (f) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001.

Councillor Howells was granted a dispensation to speak but not vote in respect of these matters in December 2015 and that dispensation expires on the 10<sup>th</sup> June, 2016.

Following a detailed discussion it was

**UNANIMOUSLY RESOLVED** that dispensation be granted under Regulations 2(d) and (f) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 to Councillor Gerald Howells to **SPEAK BUT NOT VOTE AND TO MAKE WRITTEN REPRESENTATIONS** at meetings of the Llansteffan and Llanybri Community Council in relation to any discussion regarding Llansteffan Primary School and Llansteffan Parish Church, and that the dispensation be valid until the end of his current term of office at the Local

## Government Elections in May 2017.

### 7. APPLICATION FOR DISPENSATION BY COUNCILLOR G. THOMAS

The Committee considered an application submitted by County Councillor Gareth Thomas for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and/or make written representations at meetings of Carmarthenshire County Council Council in respect of any matter relating to farming in general.

It was reported that a dispensation was sought as Councillor Thomas had a personal interest in such matters by virtue of paragraph 10(2)(a)(i) of the Code of Conduct as they relate to any employment or business carried out by Councillor Thomas who is himself a farmer.

Councillor Thomas' interest was also prejudicial as a member of the public with knowledge of the relevant facts would reasonably regard that interest as being so significant as to prejudice the Councillor's judgement of the public interest.

Councillor Thomas had accordingly requested that a dispensation be granted under regulation 2 (d) and (f) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001.

Councillor Thomas was granted a dispensation on similar terms (but limited to matters relating to dairy farming only) on the 29<sup>th</sup> July, 2015. A dispensation to speak but not vote and to make written representations was also granted to him in relation to farming in general in December, 2015. The latter dispensation expires on the 10<sup>th</sup> June, 2016.

Following a detailed discussion it was

**UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 2(d) and (f) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 to Councillor Gareth Thomas to SPEAK BUT NOT VOTE AND TO MAKE WRITTEN REPRESENTATIONS at meetings of Carmarthenshire County Council in relation to any matter relating to farming in general and that the dispensation be valid until the end of his current term of office at the Local Government Elections in May 2017.**

### 8. APPLICATION FOR DISPENSATION BY COUNCILLOR J. LEWIS

The Committee considered an application submitted by County Councillor Jean Lewis for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and/or make written representations at meetings of Carmarthenshire County Council Council in respect of any matter relating to farming in general.

It was reported that a dispensation was sought as Councillor Lewis had a personal interest in such matters by virtue of paragraph 10(2)(a)(i) of the Code of Conduct as they relate to any employment or business carried out by Councillor Lewis who is herself a farmer.

Councillor Lewis' interest was also prejudicial as a member of the public with

knowledge of the relevant facts would reasonably regard that interest as being so significant as to prejudice the Councillor's judgement of the public interest.

Councillor Lewis had accordingly requested that a dispensation be granted under regulation 2 (d) and (f) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001.

Councillor Lewis was granted a dispensation on similar terms (but limited to matters relating to dairy farming only) in July, 2015. A dispensation to speak but not vote and to make written representations was also granted to her in relation to farming in general in December, 2015. The latter dispensation expires on the 10<sup>th</sup> June, 2016.

Following a detailed discussion it was

**UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 2(d) and (f) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 to Councillor Jean Lewis to SPEAK BUT NOT VOTE AND TO MAKE WRITTEN REPRESENTATIONS at meetings of Carmarthenshire County Council in relation to any matter relating to farming in general and that the dispensation be valid until the end of her current term of office at the Local Government Elections in May 2017.**

## **9. APPLICATION FOR DISPENSATION BY COUNCILLOR J. JONES**

The Committee considered an application submitted by Councillor Julia Jones of Llandeilo Town Council, for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak only at meetings of Llandeilo Town Council in respect of matters relating to or likely to affect the Annual Llandeilo Fawr Festival of Music.

It was reported that a dispensation was sought as Councillor Jones had a personal interest in these matters by virtue of paragraph 10(2)(ix)(bb) of the Code of Conduct, namely that she is a Trustee and its Artistic Director.

Councillor Jones had accordingly requested that a dispensation be granted under regulation 2 (d)(f) and (h) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001.

Councillor Jones was granted a dispensation on identical terms in December 2015 and that dispensation expires on the 10<sup>th</sup> June, 2016.

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 2001 to Councillor Julia Jones to SPEAK BUT NOT VOTE at meetings of the Llandeilo Town Council in relation to any matters relating to or likely to affect the Annual Llandeilo Fawr Festival of Music and that the dispensation be valid until the end of her current term of office at the Local Government Elections in May 2017.**

## 10. APPLICATION FOR DISPENSATION BY COUNCILLOR J.F. GWYNFRYN-EVANS

The Committee considered an application submitted by Councillor Jonathan Francis Gwynfryn-Evans of Ammanford Town 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 Ammanford Town Council in respect of matters relating to the Ammanford Enterprise Partnership Limited.

It was reported that a dispensation was sought as Councillor Gwynfryn-Evans had a personal interest in these matters by virtue of paragraph 10(2)(x)(c)(v) of the Code of Conduct in that his friend is a Director of that company. The nature of the friendship is such that this individual should properly be considered a close personal associate of the applicant.

Councillor Gwynfryn-Evans' interest was also prejudicial as a member of the public with knowledge of the relevant facts would reasonably regard the interest as being so significant that it would be likely to prejudice the Councillor's judgement of the public interest when dealing with matters relating to or likely to affect the company.

Councillor Gwynfryn-Evans had accordingly requested that a dispensation be granted under regulation 2 (c)(d) and (e) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001.

The Acting Legal Service Manager advised the Committee that in considering the application it should note that regulation 2(c) only applies to members of a County or Borough Council.

Following a detailed discussion and in view of the fact that the Committee was not satisfied that any of the grounds specified in the application were satisfied, it was

**UNANIMOUSLY RESOLVED that the application submitted by Councillor Jonathan Francis Gwynfryn-Evans for dispensation to SPEAK AND VOTE at meetings of Ammanford Town Council in respect of matters relating to the Ammanford Enterprise Partnership Limited be refused.**

## 11. APPROVAL OF CHANGES TO MEMBERS CODE OF CONDUCT

The Committee was reminded that on 1<sup>st</sup> April, 2016 the Local Authorities (Model Code of Conduct)(Wales)(Amendment) Order came into force, introducing changes to the Model Code of Conduct for elected and co-opted members.

A report was presented to the Committee on 11<sup>th</sup> April, 2016 (minute 5 refers) seeking approval for the changes to the Code in accordance with the 2016 Order. Unfortunately, the report erroneously omitted several of the changes required by the Order.

The Committee was therefore requested to approve the revised Code of Conduct attached to the report, which included all the required changes.

**UNANIMOUSLY RESOLVED**

- 11.1 that the changes introduced by the Local Authorities (Model Code of Conduct )(Wales)(Amendment) Order 2016 to the Model Code of Conduct for elected and co-opted members be approved;
- 11.2 TO RECOMMEND TO COUNCIL that the Model Code of Conduct for elected and co-opted members be re-adopted in its revised form.

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CHAIR

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DATE