

Document Pack



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Prif Weithredwr,
Chief Executive,
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County Hall, Carmarthen. SA31 1JP

WEDNESDAY, 2 MARCH 2016

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, 3 SPILMAN STREET, CARMARTHEN AT 10.00 AM, ON FRIDAY, 11TH MARCH, 2016** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

Mark James

CHIEF EXECUTIVE



PLEASE RECYCLE

Democratic Officer:	Mr Kevin Thomas
Telephone (direct line):	01267 224027
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E-Mail:	kjthomas@carmarthenshire.gov.uk
Ref:	AD016-001

STANDARDS COMMITTEE

MEMBERSHIP: 9 MEMBERS

Independent Members (5)

1. Mrs Mary Dodd
2. Mr Christopher A. Downward Vice-Chair of the Committee
3. Mr M. Andre Morgan
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

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 3RD DECEMBER 2015. 5 - 14
4. APPLICATION FOR DISPENSATION BY COUNCILLORS FROM GORSLAS COMMUNITY COUNCIL 15 - 22
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10. CODE OF CONDUCT EASY USE GUIDE 57 - 62
11. REVISED DISPENSATION APPLICATION FORM 63 - 72
12. CODE OF CONDUCT TRAINING FOR TOWN AND COMMUNITY COUNCILLORS 73 - 110
13. LOCAL GOVERNMENT (WALES) BILL 111 - 114
14. 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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THURSDAY, 3 December 2015

PRESENT: C.A. Downward (Chair)

Independent Members:

M.A. Morgan and A. Williams

Councillors:

S.M. Allen, J. Gilasbey and B.A.L. Roberts

The following Officers were in attendance:

R. Edgecombe, Legal Services Manager

L.R. Jones, Head of Administration and Law

K. Thomas, Democratic Services Officer

Chamber, 3 Spilman Street, Carmarthen - **10.00** - 11.55 am

1. APOLOGIES FOR ABSENCE.

Apologies for absence were received from Mrs M. Dodd and from Councillor G.B. Thomas.

2. DECLARATIONS OF PERSONAL INTEREST.

No declarations of personal interest were made at the meeting.

3. ELECTION OF CHAIR AND VICE CHAIR

RESOLVED

3.1 that Mr C. Downward be appointed Chair of the Standards Committee.

3.2 that Mr A. Morgan be appointed Vice- Chair of the Standards Committee.

4. MINUTES

UNANIMOUSLY RESOLVED that the minutes of the meeting of the Committee held on the 11th September, 2015 be signed as a correct record.

5. APPLICATION FOR DISPENSATION BY COUNCILLOR B REES

The Committee considered an 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 would reasonably regard that interest as being so significant as to prejudice his judgement of the public interest.

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

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

Following a detailed discussion it was

UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 2(d)(f) and (h) of the Standards Committees (Grant of Dispensations) (Wales) Regulations to Councillor B Rees to SPEAK BUT NOT VOTE at meetings of the Llandybie Community Council in relation to any discussion regarding the transfer of bowls facilities from the County Council to the Llandybie Community Council, and that the Dispensation be valid until the 31st March 2016.

6. APPLICATION FOR DISPENSATION BY COUNCILLOR E.W. NICHOLAS

The Committee considered an 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 would reasonably regard that interest as being so significant as to prejudice his judgement of the public interest.

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

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

Following a detailed discussion it was

UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 2(d)(f) and (h) of the Standards Committees (Grant of Dispensations) (Wales) Regulations to Councillor E.W. Nicholas to SPEAK BUT NOT VOTE at meetings of the Llandybie Community Council in relation to any discussion

regarding the transfer of tennis facilities from the County Council to the Llandybie Community Council, and that the Dispensation be valid until the 31st March 2016.

7. APPLICATION FOR DISPENSATION BY COUNCILLOR W.R.A. DAVIES

The Committee considered an 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 the 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 would reasonably regard that interest as being so significant as to prejudice his judgement of the public interest.

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

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

Following a detailed discussion it was

UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 2(d)(f) and (h) of the Standards Committees (Grant of Dispensations) (Wales) Regulations to Councillor W.R.A. Davies to SPEAK BUT NOT VOTE at meetings of the Llandybie Community Council in relation to any discussion regarding the transfer of tennis facilities from the County Council to the Llandybie Community Council, and that the Dispensation be valid until the 31st March 2016.

8. APPLICATION FOR DISPENSATION BY COUNCILLOR J. JONES

The Committee considered an application submitted by Councillor J. Jones, a member of the 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 the matter by virtue of paragraph 10(2)(ix)(bb) of the Code of Conduct in that she was a both a Trustee of the Festival and its Artistic Director.

Councillor Jones had accordingly requested that a dispensation be granted under

regulations 2 (d)(e)(f)(h) and (i) of the Standards Committees (Grant of Dispensations) (Wales) Regulations.

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

Following a detailed discussion it was

UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 2(d)(f) and (h) of the Standards Committees (Grant of Dispensations) (Wales) Regulations to Councillor J. Jones to SPEAK BUT NOT VOTE at meetings of the Llandeilo Town Council in relation to any discussion regarding the Annual Llandeilo Fawr Festival of Music, and that the Dispensation be valid until the 10th June 2016.

9. 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 in respect of matters 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 related to any employment or business carried out by Councillor Thomas, who was a farmer.

Councillor Thomas' 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 as to prejudice his judgement of the public interest.

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

The Acting Legal Services Manager reminded the Committee that at its meeting held on the 29th July 2015 (minute 6 refers) it had granted Councillor Thomas dispensation to speak and not vote and to make written representations in relation to any discussions regarding dairy farming until 4th December 2015. That dispensation had been exercised on one occasion with regard to a Notice of Motion considered by the County Council on the 14th October, 2015. He further advised that the current application sought to vary that previously granted to include any matters relating to farming in general, and not just the dairy industry.

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 to County Councillor G. Thomas to SPEAK, BUT NOT VOTE, AND TO MAKE WRITTEN REPRESENTATIONS at meetings of Carmarthenshire County Council in relation to any matters relating to

farming in general, and that the Dispensation be valid until the 10th June 2016.

10. 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 in respect of matters 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 related to any employment or business carried out by Councillor Lewis who was a farmer.

Councillor Lewis' 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 as to prejudice her judgement of the public interest.

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

The Acting Legal Services Manager reminded the Committee that at its meeting held on the 29th July 2015 (minute 6 refers) it had granted Councillor Lewis dispensation to speak and not vote and to make written representations in relation to any discussions regarding dairy farming until 4th December 2015. That dispensation had been exercised on one occasion since with regard to a Notice of Motion considered by the County Council on the 14th October, 2015. He further advised that the current application sought to vary that previously granted to include any matters relating to farming in general, and not just the dairy industry.

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 to County Councillor J. Lewis to SPEAK, BUT NOT VOTE, AND TO MAKE WRITTEN REPRESENTATIONS at meetings of Carmarthenshire County Council in relation to any matters relating to farming in general, and that the Dispensation be valid until the 10th June 2016.

11. APPLICATION FOR DISPENSATION BY COUNCILLOR I.R. LLEWELLYN.

The Committee considered an application submitted by Councillor I.R. 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 as 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 would 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.

The Committee in considering the application, had regard to Councillor Llewellyn's employment as the County Council's Forward Planning Manager, the statement in his application that his role did not involve any direct engagement with the Asset Transfer Strategy, the decision making process at County Council Level and that he had no influence over the terms of any lease to the Llandybie Community Council. Whilst acknowledging those points, the Committee felt that Councillor Llewellyn's employment could provide him with an insight into the Asset Transfer Process, and that whilst it had no objection to granting him dispensation to speak at meetings of the community council, it was of the view that to extend the dispensation to include voting would not be appropriate.

RESOLVED that dispensation be granted under Regulation 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 10th March 2016.

12. APPLICATION FOR DISPENSATION BY COUNCILLOR A. SMITH

The Committee considered an application submitted by Councillor A Smith, a member 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 Smith had a personal interest in the matter by virtue of paragraph 10(2)(x)(c)(v) , in that his partner was a Director of the Company, and 10 (2)(ix)(bb) as he appeared to be a member of that company.

Councillor Smith'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 as to prejudice his judgement of the public interest when dealing with applications from the company to the community council for financial assistance, or in respect of other dealings between the company and the council.

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

The Acting Legal Service Manager advised the Committee that in considering the application it should note that regulations 2(d)(f) and (h) were the most appropriate.

The Committee, having regard to Councillor Smith's, and his partner's, level of involvement with the Ammanford Enterprise Partnership Limited,

UNANIMOUSLY RESOLVED that the application submitted by Councillor A Smith to speak and vote at meetings of Ammanford Town Council in relation to the Ammanford Enterprise Partnership Limited BE REFUSED.

13. APPLICATION FOR DISPENSATION BY COUNCILLOR J F GWYNFRYN-EVANS

The Committee considered an application submitted by Councillor J.F. Gwynfryn-Evans, a member 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 the matter by virtue of paragraph 10(2)(x)(c)(v) of the Code of Conduct in that his friends were a Director and a member of the above company and the nature of the friendship was such that those individuals should properly be considered as close personal associates of the company.

Councillor Gwynfryn-Evans' 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 as to prejudice his judgement of the public interest when dealing with applications from the company to the community council for financial assistance, or in respect of other dealings between the company and the council.

Councillor Gwynfryn-Evans had accordingly requested that a dispensation be granted under regulations 2 (d)(f)(h) and (i) of the Standards Committees (Grant of Dispensations) (Wales) Regulations.

The Acting Legal Service Manager advised the Committee that in considering the application it should note that regulations 2(d)(f) and (h) were the most appropriate.

The Committee, having regard to Councillor Gwynfryn-Evans close personal relationship with both the Director and a member of the Ammanford Enterprise Partnership Limited,

RESOLVED that the application submitted by Councillor J.F. Gwynfryn-Evans to speak and vote at meetings of Ammanford Town Council in relation to the Ammanford Enterprise Partnership Limited BE REFUSED.

14. APPLICATION FOR DISPENSATION BY COUNCILLOR G HOWELLS

The Committee considered an application submitted by Councillor G. Howells, a member 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 the Llansteffan and Llanybri Community Council Ammanford Town Council in respect of matters relating to a disputed right of way to Croft Cottage, Llansteffan which could also potentially impact upon land leased by the Community Council.

It was reported that a dispensation was sought as Councillor Howells had a personal interest in the matter by virtue of paragraph 10(2)(c)(i) of the Code of Conduct in that he had been friends with one of the parties to the dispute for a number of years.

Councillor Howells' 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 as to prejudice his judgement of the public interest.

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

The Acting Legal Service Manager advised the Committee that in considering the application it should note that regulations 2(e) and (i) did not appear to be appropriate. In relation to (f), the Councillor was a retired solicitor with considerable experience in acting in property related matters, including on behalf of the Community Council. As such, the Committee may consider that he would have both technical and legal knowledge and an understanding of relevant past legal transactions which would assist fellow councillors in their discussions.

The Committee, having regard to Councillor Howell's long standing personal friendship with one of the parties to the dispute,

UNANIMOUSLY RESOLVED that the application submitted by Councillor G. Howells to speak and vote at meetings of Llansteffan and Llanybri Community Council in relation to a dispute over a right of way to Croft Cottage, Llansteffan BE REFUSED.

15. APPLICATION FOR DISPENSATION BY COUNCILLOR G HOWELLS

The Committee considered an application submitted by Councillor G. Howells, a member of the 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 Llandybie Community Council on 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 both matters by virtue of paragraph 10(2)(ix)(aa) in respect of the school and 10 (2) (ix) (ee) in respect of the Parish Church in that:-

1. The school was a body exercising functions of a public nature in which, as Chairman, Councillor Howells held a position of general control or management and that he had not been appointed as a school governor by the community council;
2. The Church should be considered as a private association in which, as a Church Warden, he was a member.

Councillor Howells' 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 as to prejudice his judgement of the public interest.

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

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 to Councillor G. Howells to SPEAK BUT NOT VOTE 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 10th June 2016.

16. ADJUDICATION PANEL FOR WALES-DECISION NOTICE - COMMUNITY COUNCILLOR HAULWEN LEWIS

The Committee, further to Minute 10 of its meeting held on the 11th September 2015 received the Adjudication Panel for Wales' full reasoned decision to suspend Community Councillor Haulwen Lewis, a member of the Llanfihangel ar Arth Community Council, for a period of three months in respect of breaches of paragraphs 11(1) and 14(1) (a) of the Members Code of Conduct.

UNANIMOUSLY RESOLVED, that the Adjudication Panel for Wales' report be received.

17. ALL WALES STANDARDS CONFERENCE 2015

The Committee received a report on the All Wales Standards Conference held on the 20th October 2015, the theme of which was whether the Nolan Principles continued to be fit for purpose 20 years after their introduction with workshops having been held on Whistle Blowing, Social Media – Staying out of Trouble, Local Complaints Resolution, and Town and Community Councils – Governance.

UNANIMOUSLY RESOLVED, that the report of the All Wales Standards Conference 2015 be received.

18. WALES AUDIT OFFICE WHISTLE-BLOWING CONFERENCE

The Committee received a report on the Wales Audit Office's Whistle Blowing Conference held in Cardiff on the 29th October, 2015 the purpose of which was to share best practice across a wide variety of public and third sector agencies from across the United Kingdom and the Republic of Ireland.

UNANIMOUSLY RESOLVED, that the report of the Wales Audit Office's Whistle Blowing Conference 2015 be received.

19. CODE OF CONDUCT FACTSHEETS

The Committee received copies of the following fact sheets published by the Public Services Ombudsman for Wales appertaining to:-

1. How the Ombudsman determined whether or not to investigate a complaint;
2. What Councillors can expect when interviewed as part of a Code investigation.

The Committee, in welcoming the information provided by the fact sheets, was of the view they should be circulated to all members of Council and to the Clerks of Town and Community Councils.

UNANIMOUSLY RESOLVED

19.1 that the factsheets issued by the Public Services Ombudsman be received.

19.2 that the factsheets be circulated to all members of the County Council and to Clerks of Town and Community Councils within Carmarthenshire

CHAIR

DATE

STANDARDS COMMITTEE 11th MARCH 2016

APPLICATION FOR DISPENSATION BY COUNCILLORS FROM GORSLAS COMMUNITY COUNCIL

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
11TH MARCH 2016**

**APPLICATION FOR DISPENSATION BY COUNCILLORS FROM
GORSLAS COMMUNITY COUNCIL**

An application has been received on behalf of elected members of Gorslas Community Council for the grant of a dispensation to speak and vote on matters relating to 4 schools in the area.

The Councillors have a personal interest in these matters pursuant to paragraph 10(2)(ix)(ee) of the code in that they are school governors of those schools.

The Councillors were not appointed to their positions by the Community Council.

The Councillor's interests are prejudicial as a member of the public with knowledge of the relevant facts would reasonably regard that interest as so significant that it is likely to prejudice the Councillors judgement of the public interest.

In view of the continuing nature of these interests, the applicants ask that dispensation be granted for the remainder of their term of office.

If the committee is minded to grant these applications it is suggested that this be on ground 2(a) in the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001, namely that the interest affects no fewer than half the members of the authority.

In granting a dispensation the Committee has absolute discretion as to how long it lasts for. If the committee is minded to limit the dispensation for a specific period, it may wish to consider doing so until the 10th June (3 months) or 9th September (6mths)

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-141	Legal Services, County Hall

CARMARTHENSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

APPLICATION for a dispensation under Section 2 of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001

The Carmarthenshire County Council Standards Committee are requested to grant the Member/s listed below a Dispensation to cover the interest/s declared in Section 2 below. My reasons for requesting same are set out in Section 4

SECTION 1	Name(s) of Member(s)	Name of member's authority
Please see attached schedule		Cyngor Cymuned Gorslas Community Council

SECTION 2	Matter to be discussed on which member seeks dispensation	
Matters relating to schools of which Community Councillors serve on the Governing Bodies.		
Date of meeting at which the matter is to be discussed:	As and when matters arise.	

Dispensation being sought to speak and vote	Yes
Dispensation being sought to speak only	

SECTION 3	The interest which the member must disclose, and the nature of that interest in relation to the matter to be discussed
That they are members of Governing Bodies of schools in the area and should there be an issue discussed, or support offered by the Council in relation to those schools the Community Councillors would wish, in the interests of transparency for that link to be known.	

SECTION 4	Criteria for seeking dispensation
~ 50% of members affected	<input type="checkbox"/>
~ Political balance would be affected (county borough only)	<input type="checkbox"/>
~ No damage to public confidence	<input type="checkbox"/>
~ Common interest with general public	<input type="checkbox"/>
~ Justified because of special expertise	<input type="checkbox"/>
~ Scrutiny committee business <u>and</u> not financial interest	<input type="checkbox"/>
~ Voluntary organisation <u>and</u> not financial interest	<input checked="" type="checkbox"/>
~ In the interests of inhabitants	<input type="checkbox"/>
<i>(See appendix for more details)</i>	

SECTION 5	Reason/s in support of my/our application (use a separate sheet of paper if necessary)
<p>Community Councillors who are also members of school Governing Bodies provide a valuable service in linking the community with those schools.</p> <p>The Community Council is not involved directly in the running of schools. The public do however refer practical issues as well as any proposed strategic changes to the schools' network in an area to the Community Council.</p> <p>The Community Council is of the view that the current model benefits both the Community as well as the school and provides a valuable channel of communication and dialogue.</p> <p>In the interests of transparency members would wish for the involvement to be noted and for a dispensation to be granted to allow them to speak, participate and vote in any discussion related the Community Council related to the schools on which they serve as Governors.</p>	

SIGNED  Clerk to the Community Council

DATED: 15/02/16.

Appendix A School Governors Gorslas Community Council

Maes Y Gwendraeth

Terence Davies

Cefneithin

Simon David Martin,

Drefach

Darren Price,
Clive Green,

Gorslas

Terrence Davies,
Janice Ann Price,
Ellis Davies,
Gavin Griffiths,

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STANDARDS COMMITTEE 11th MARCH 2016

APPLICATION FOR DISPENSATION BY COUNCILLORS FROM GORSLAS COMMUNITY COUNCIL

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
11TH MARCH 2016**

**APPLICATION FOR DISPENSATION BY COUNCILLORS FROM
GORSLAS COMMUNITY COUNCIL**

An application has been received on behalf of elected members of Gorslas Community Council for the grant of a dispensation to speak and vote on matters relating to 3 recreation parks owned and maintained by the Community Council.

The Councillors have a personal interest in these matters pursuant to paragraph 10(2)(ix)(ee) of the code in that they are members of local Welfare Association Committees which are involved in the running of those parks.

The Councillors were not appointed to their roles on those committees by the Community Council.

The Councillor's interests are prejudicial as a member of the public with knowledge of the relevant facts would reasonably regard that interest as so significant that it is likely to prejudice the Councillors judgement of the public interest. For example when the Community Council is deciding whether or not to spend monies on the parks a member of the public could reasonably conclude that the fact a Councillor is a member of the relevant Welfare Association committee would influence their view as to whether the money should be spent on the park or on some other issue unconnected with the Association.

The Councillors have no direct financial interest in their respective welfare associations.

In September 2015 the Committee granted dispensations to 15 elected members of the Council in relation to the same matters. Those dispensations expire on the 11th March 2016.

In view of the continuing nature of these interests, the applicants ask that dispensation be granted for the remainder of their term of office.

If the committee is minded to grant these applications it is suggested that this be on ground 2(a) in the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001, namely that the interest affects no fewer than half the members of the authority.

In granting a dispensation the Committee has absolute discretion as to how long it lasts for. If the committee is minded to limit the dispensation for a specific period, it may wish to consider doing so until the 10th June (3 months) or 9th September (6mths)

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-141	Legal Services, County Hall

CARMARTHENSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

APPLICATION for a dispensation under Section 2 of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001

The Carmarthenshire County Council Standards Committee are requested to grant the Member/s listed below a Dispensation to cover the interest/s declared in Section 2 below. My reasons for requesting same are set out in Section 4

SECTION 1	Name(s) of Member(s)	Name of member's authority
Please see attached schedule A		Cyngor Cymuned Gorslas Community Council

SECTION 2	Matter to be discussed on which member seeks dispensation	
<p>1.0 Welfare Committees.</p> <p>1.1 The Community Council is the owner of parks at Gorslas, Drefach and Cefneithin and makes strategic and operational decisions relating to both the provision in general or at an individual park.</p> <p>1.2 There are Welfare Associations in each of those communities who have a role in the running of the park in their particular area.</p> <p>1.3 Each Community Councillor is also a member of the Welfare Association for the area in which their electoral Ward falls.</p> <p>1.4 The Community Councillors do not have a direct personal or financial interest in any of the three Welfare Associations.</p> <p>1.5 Dispensation is sought to allow Community Councillors, to speak and vote at meetings of the Community Council on matters related to any of the three parks, including the park for which they are also members of the Welfare Association.</p>		
Date of meeting at which the matter is to be discussed:	Park matters are discussed at each meeting of the Council.	

Dispensation being sought to speak and vote	Yes
Dispensation being sought to speak only	

SECTION 3	The interest which the member must disclose, and the nature of that interest in relation to the matter to be discussed
Discussion and decisions by the Community Council relating to strategic, operational and financial aspects of the management of each of the three parks.	

SECTION 4**Criteria for seeking dispensation**

- ~ 50% of members affected (100%)
- ~ Political balance would be affected (county borough only)
- ~ No damage to public confidence
- ~ Common interest with general public
- ~ Justified because of special expertise
- ~ Scrutiny committee business and not financial interest
- ~ Voluntary organisation and not financial interest
- ~ In the interests of inhabitants

✓
✓

(See appendix for more details)

SECTION 5**Reason/s in support of my/our application (use a separate sheet of paper if necessary)**

The parks represent a significant area of service provision and engagement with the community for the Community Council.

With each of the Community Councillors serving on one of the Welfare Associations in the area the arrangement facilitates the pooling and sharing of experiences and resources as well as providing opportunities for service development and growth.

The arrangement has worked well over a significant number of years and has been a positive development for the Council and the areas which it serves.

Without such an arrangement Community Councillors would have to withdraw from membership of the relevant Welfare Association and a significant link with the Community would be lost as would be the sharing and pooling of the knowledge and resources members have developed over a number of years. Changing the arrangement would provide a poorer service for each community.

Members are anxious therefore that the arrangement continue.

SIGNED


Clerk To Community Council

DATED:

15/02/16

Appendix A GORSLAS COMMUNITY COUNCIL MEMBERS

Cefneithin

Simon David Martin,
Terry Jones,
Huw Davies,
Brian Kirby,
Cllr Darren Price,

Drefach

Dewi Wyn Edwards,
Clive Green,
Anthony Rees,
Tina Jukes,
Nia Lewis,

Gorslas

Terrence Davies,
Aled Owen,
Janice Ann Price,
Ellis Davies,
Gavin Griffiths,

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STANDARDS COMMITTEE 11th MARCH 2016

APPLICATION FOR DISPENSATION BY COUNCILLOR B REES

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
11TH MARCH 2016**

APPLICATION FOR DISPENSATION BY COUNCILLOR B REES

An application for dispensation to speak and vote in relation to matters regarding the transfer of bowls facilities from the County Council to the Community Council has been received from Community Councillor B Rees of Llandybie Community Council.

Councillor Rees has a personal interest in such matters by virtue of paragraph 10(2)(a)(ix)(ee) of the Code of Conduct as he is the President of Llandybie Bowls Club.

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 5 grounds specified in the Standards Committees (Grant of Dispensation)(Wales) Regulations 2001 namely;

- (d) no damage to public confidence
- (e) common interest with significant proportion of the general public
- (f) participation justified due to the member's special expertise
- (h) interest relates to a voluntary organisation (limited to speaking only)
- (i) granting the application is in the interests of the inhabitants of the area

Of these, paragraphs (e) and (i) are not appropriate.

In December 2015 Councillor Rees was granted a dispensation to speak only on these matters until the 31st March 2016. To date Councillor Rees has not made use of that dispensation, and therefore asks that, if his application is successful, the dispensation be granted until at least the meeting of the Standards Committee in September 2016

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

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THESE ARE DETAILED BELOW

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CARMARTHENSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

APPLICATION for a dispensation under Section 2 of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001

The Carmarthenshire County Council Standards Committee are requested to grant the Member/s listed below a Dispensation to cover the interest/s declared in Section 2 below. My reasons for requesting same are set out in Section 4

SECTION 1	Name(s) of Member(s)	Name of member's authority
	BRYAN REES	LLANDYBIE COMMUNITY COUNCIL

SECTION 2	Matter to be discussed on which member seeks dispensation
	ASSET TRANSFER OF BOWLS FACILITIES AT LLANDYBIE
Date of meeting at which the matter is to be discussed:	ON GOING NEGOTIATIONS

Dispensation being sought to speak and vote	YES
Dispensation being sought to speak only	

SECTION 3	The interest which the member must disclose, and the nature of that interest in relation to the matter to be discussed
	PRESIDENT OF TYBIE BOWLS CLUB

SECTION 4	Criteria for seeking dispensation	
~	50% of members affected	
~	Political balance would be affected (county borough only)	✓
~	No damage to public confidence	✓
~	Common interest with general public	✓
~	Justified because of special expertise	
~	Scrutiny committee business <u>and</u> not financial interest	
~	Voluntary organisation <u>and</u> not financial interest	✓
~	In the interests of inhabitants	✓
<i>(See appendix for more details)</i>		

SECTION 5	Reason/s in support of my/our application (use a separate sheet of paper if necessary)
	<p>As President of Tybie Bowls Club I have a lot of knowledge of this facility including the costs of running such a facility.</p>

SIGNED B Rees (Member of County Council)

DATED: 4/2/16

STANDARDS COMMITTEE 11th MARCH 2016

APPLICATION FOR DISPENSATION BY COUNCILLOR E W NICHOLAS

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 11th MARCH 2016

APPLICATION FOR DISPENSATION BY COUNCILLOR E W NICHOLAS

An application for dispensation to speak and vote in relation to matters regarding the transfer of tennis facilities from the County Council to the Community Council has been received from Community Councillor E W Nicholas of Llandybie Community Council.

Councillor Nicholas has a personal interest in such matters by virtue of paragraph 10(2)(a)(ix)(ee) of the Code of Conduct as he is the President of Llandybie Tennis Club.

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 5 grounds specified in the Standards Committees (Grant of Dispensation)(Wales) Regulations 2001 namely;

- (d) no damage to public confidence
- (e) common interest with significant proportion of the general public
- (f) participation justified due to the member's special expertise
- (h) interest relates to a voluntary organisation (limited to speaking only)
- (i) granting the application is in the interests of the inhabitants of the area

Of these, paragraphs (e) and (i) are not appropriate.

In December 2015 the Committee granted Councillor Nicholas a dispensation to speak only in respect of these matters until the 31st March 2016. To date Councillor Nicholas has not made use of that dispensation. Councillor Nicholas therefore asks that if his application is successful, any dispensation be granted at least until the meeting of the Standards Committee in September 2016.

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

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THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-141	Legal Services, County Hall

CARMARTHENSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

APPLICATION for a dispensation under Section 2 of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001

The Carmarthenshire County Council Standards Committee are requested to grant the Member/s listed below a Dispensation to cover the interest/s declared in Section 2 below. My reasons for requesting same are set out in Section 4

SECTION 1	Name(s) of Member(s)	Name of member's authority
	EMIR WYN NICHOLAS	LLANDYBRIE COMMUNITY COUNCIL

SECTION 2	Matter to be discussed on which member seeks dispensation
	Asset transfer of Tennis Facilities at Llandybri
Date of meeting at which the matter is to be discussed:	Ongoing negotiations

Dispensation being sought to speak and vote	<input checked="" type="checkbox"/>
Dispensation being sought to speak only	<input type="checkbox"/>

SECTION 3	The interest which the member must disclose, and the nature of that interest in relation to the matter to be discussed
	President of Llandybri Tennis Club

SECTION 4	Criteria for seeking dispensation	
~	50% of members affected	<input type="checkbox"/>
~	Political balance would be affected (county borough only)	<input type="checkbox"/>
~	No damage to public confidence	<input checked="" type="checkbox"/>
~	Common interest with general public	<input checked="" type="checkbox"/>
~	Justified because of special expertise	<input checked="" type="checkbox"/>
~	Scrutiny committee business <u>and</u> not financial interest	<input type="checkbox"/>
~	Voluntary organisation <u>and</u> not financial interest	<input checked="" type="checkbox"/>
~	In the interests of inhabitants	<input checked="" type="checkbox"/>
<i>(See appendix for more details)</i>		

SECTION 5	Reason/s in support of my/our application (use a separate sheet of paper if necessary)
<p>As president of Llandybie Tennis Club I have a lot of knowledge of this facility including cost in running the facility</p>	

SIGNED  (Member of County Council)

DATED: 5.1.2016

STANDARDS COMMITTEE 11th MARCH 2016

APPLICATION FOR DISPENSATION BY COUNCILLOR W R A DAVIES

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
11TH MARCH 2016**

APPLICATION FOR DISPENSATION BY COUNCILLOR W R A DAVIES

An application for dispensation to speak and vote in relation to matters regarding the transfer of tennis facilities from the County Council to the Community Council has been received from Community Councillor W R A Davies of Llandybie Community Council.

Councillor Davies has a personal interest in such matters by virtue of paragraph 10(2)(a)(ix)(ee) of the Code of Conduct as he is the secretary and treasurer of Llandybie Tennis Club.

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 5 grounds specified in the Standards Committees (Grant of Dispensation)(Wales) Regulations 2001 namely;

- (d) no damage to public confidence
- (e) common interest with significant proportion of the general public
- (f) participation justified due to the member's special expertise
- (h) interest relates to a voluntary organisation (limited to speaking only)
- (i) granting the application is in the interests of the inhabitants of the area

Of these, paragraphs (e) and (i) are not appropriate.

At the meeting of the Standards Committee in December 2015 Councillor Davies was granted a dispensation to speak only in respect of these matters until the 31st March 2016. To date Councillor Davies has not made use of that dispensation and therefore asks that, should his application be successful, any dispensation granted be until at least the meeting of the Standards Committee scheduled for September 2016.

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: 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-141	Legal Services, County Hall

CARMARTHENSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

APPLICATION for a dispensation under Section 2 of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001

The Carmarthenshire County Council Standards Committee are requested to grant the Member/s listed below a Dispensation to cover the interest/s declared in Section 2 below. My reasons for requesting same are set out in Section 4

SECTION 1	Name(s) of Member(s)	Name of member's authority
	William Richards Anthony Davies	Llandybie Community Council

SECTION 2	Matter to be discussed on which member seeks dispensation
	Asset Transfer of Tennis Facilities at Llandybie
Date of meeting at which the matter is to be discussed:	Ongoing negotiations

Dispensation being sought to speak and vote	Yes
Dispensation being sought to speak only	

SECTION 3	The interest which the member must disclose, and the nature of that interest in relation to the matter to be discussed
	Secretary and Treasurer of Llandybie Tennis Club

SECTION 4	Criteria for seeking dispensation
~ 50% of members affected	<input type="checkbox"/>
~ Political balance would be affected (county borough only)	<input type="checkbox"/>
~ No damage to public confidence	<input checked="" type="checkbox"/>
~ Common interest with general public	<input checked="" type="checkbox"/>
~ Justified because of special expertise	<input checked="" type="checkbox"/>
~ Scrutiny committee business <u>and</u> not financial interest	<input type="checkbox"/>
~ Voluntary organisation <u>and</u> not financial interest	<input checked="" type="checkbox"/>
~ In the interests of inhabitants	<input checked="" type="checkbox"/>
<i>(See appendix for more details)</i>	

SECTION 5	Reason/s in support of my/our application (use a separate sheet of paper if necessary)
	<p>As secretary and treasurer of Wandycie Tennis Club I have a lot of knowledge of this Facility including the costs of running such a Facility Interest not solely limited to tennis club members but also to wider benefits such as coaching children.</p>

SIGNED  (Member of County Council)

DATED: 9/2/2016

STANDARDS COMMITTEE 11th MARCH 2016

APPLICATION FOR DISPENSATION BY COUNCILLOR I R LLEWELYN

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

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E Mail Addresses:

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**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
11TH MARCH 2016**

APPLICATION FOR DISPENSATION BY COUNCILLOR I R LLEWELYN

An application for dispensation to speak and vote in respect of the transfer of County Council assets to Llandybie Community Council has been received from Councillor I R Llewelyn of Llandybie Community Council. (Copy attached)

Councillor Llewelyn has a personal interest in these matters by virtue of paragraph 10(2)(ii) of the Code in that it relates to or is likely to affect his employer, namely Carmarthenshire County Council.

This interest is prejudicial as a member of the public with knowledge of the facts would reasonably regard that interest as so significant as to be likely to influence the Councillor's judgement of the public interest.

Councillor Llewelyn's application is based on one ground in the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001, namely paragraph (d) that his participation will not damage public confidence.

In coming to a decision the Committee may wish to note that a County Councillor who is also a Community Councillor would also have a personal interest in this situation, but that by virtue of paragraph 12(2)(a)(i) of the Code such an interest would not be considered prejudicial and therefore the Councillor would be able to participate fully in any debate or vote without the need for a dispensation.

Councillor Llewelyn was granted a dispensation to speak but not vote on these issues on the 3rd December 2015. That dispensation expires on the 10th March 2016.

If the committee is minded to grant a dispensation, it has an absolute discretion as to duration. It may wish to grant the dispensation until one of its scheduled meetings, some other date or until the Councillor's term of office comes to an end.

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

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CARMARTHENSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

APPLICATION for a dispensation under Section 2 of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001

The Carmarthenshire County Council Standards Committee are requested to grant the Member/s listed below a Dispensation to cover the interest/s declared in Section 2 below. My reasons for requesting same are set out in Section 4

SECTION 1	Name(s) of Member(s)	Name of member's authority
	Ian Llewelyn	Llandybie Community Council

SECTION 2	Matter to be discussed on which member seeks dispensation	
	The transfer of County Council assets to the Community Council	
Date of meeting at which the matter is to be discussed:	Ongoing	

Dispensation being sought to speak and vote	Yes
Dispensation being sought to speak only	

SECTION 3	The interest which the member must disclose, and the nature of that interest in relation to the matter to be discussed
	The transfer of County Council assets to the Community Council relates to and affects my employer, namely Carmarthenshire County Council.

SECTION 4	Criteria for seeking dispensation
~ 50% of members affected	<input type="checkbox"/>
~ Political balance would be affected (county borough only)	<input type="checkbox"/>
~ No damage to public confidence	<input checked="" type="checkbox"/>
~ Common interest with general public	<input type="checkbox"/>
~ Justified because of special expertise	<input type="checkbox"/>
~ Scrutiny committee business <u>and</u> not financial interest	<input type="checkbox"/>
~ Voluntary organisation <u>and</u> not financial interest	<input type="checkbox"/>
~ In the interests of inhabitants	<input type="checkbox"/>
<i>(See appendix for more details)</i>	

SECTION 5	Reason/s in support of my/our application (use a separate sheet of paper if necessary)
------------------	---

The Community Council is currently in discussion with the County Council regarding the possible lease of a number of open space, play and recreation sites to the Community Council.

As a member of the Community Council the issue of Asset Transfer requires a collective view across the whole Community area. It involves members from all the wards within the Community.

The potential for asset transfer outcomes to impact on the future responsibilities of the Community Council is notable. In this respect the opportunity to participate in any debates and vote on any decisions would allow me to represent my area and constituents more effectively.

Although an employee of the County Council my role as Forward Planning Manager in Planning Services does not involve me in any direct engagement with the Asset Transfer Strategy. I do not have any involvement in the decision making process at County Council level and have no influence over the terms of any lease to the Community Council.

SIGNED  (Member of Community Council)

DATED: 5/2/16

APPENDIX

Circumstances when a standards committee may grant dispensations

The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 specify that a standards committee of a relevant authority may grant dispensations under Section 81 of the Act where:

- a. no fewer than half of the members of the relevant authority or of a committee of the authority (as they 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 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 a 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 7 days in such manner as it may specify.

STANDARDS COMMITTEE 11th MARCH 2016

CODE OF CONDUCT EASY USE GUIDE

Recommendations / key decisions required:

To consider the report and approve the guide

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
11TH MARCH 2016**

CODE OF CONDUCT EASY USE GUIDE

The remit of the Standards Committee includes at Part 2 paragraph 9.3 (a) of the constitution of the Council a requirement to;

'assist councillors and co-opted members to observe the Members' Code of Conduct'

This requirement includes the provision of such assistance to Town and Community Councillors in the County.

One of the aspects of the Code which causes the most difficulty relates to personal and prejudicial interests. To help councillors and co-opted members apply this part of the code whilst attending meetings a pocket sized guide has been developed, taking the reader through the relevant parts of the code in 3 steps.

The guide has been designed to be printed on simple home printers to facilitate its distribution to Town and Community Councillors.

Copies of the guide in Welsh and English are attached to this report

If the committee approves the guide it is proposed that it be formally launched at the Code of Conduct training sessions in the summer.

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-141	Legal Services, County Hall

STEP 4 - If none of the exemptions apply

You have a **PREJUDICIAL INTEREST**

You must:

- declare your personal interest
- leave the room or any other venue in which the meeting is being held
- not take part in or influence the decision-making process

UNLESS

- you have been granted a dispensation by your standards committee to take part and/or vote
- members of the public can make representations, answer questions or give evidence
- you have been called to attend at an overview and Scrutiny Committee meeting.

However, if you have been granted a dispensation to speak only, you must leave the room once you have spoken and must not take part in any further debate or vote.

For further information, or to apply to the Standards Committee for a dispensation please contact:-

Mrs Linda Rees Jones
Monitoring Officer
01267 224010
LRJones@carmarthenshire.gov.uk

Mr. Robert Edgecombe
Deputy Monitoring Officer
01267 224018
RJEDGECO@carmarthenshire.gov.uk

Carmarthenshire County Council The Code of Conduct

Personal Interests Questions to ask yourself

STEP 1 - Does the Code apply?

Are you:

- Conducting the business of your authority?
- Acting, claiming to or giving the impression that you are acting, in your official capacity as a member representative of your authority?
- Acting as your authority's appointee or nominee on any other body without its own code of conduct?

If 'Yes' – consider step 2 overleaf

STEP 2 - Do you have a personal interest?

A. Does the business relate to or is it likely to affect:

1. your job or business?
 2. your employer or company?
 3. any person who has paid towards your election or expense as a councillor?
 4. any company in which you hold shares with the nominal value of more than £25000 or where your holding is more than 1% of the total share capital, which has premises or land in your authority's area?
 5. any contract that your authority makes with your company or a company in which you hold shares? (as described in 4)
 6. any land in which you have an interest?
 7. any land let by your authority to your company? (as described in 4)
 8. any body to which you have been elected or appointed by your authority?
 9. any
 - public authority or body exercising functions of a public nature?
 - company, industrial and provident society, charity or body directed to charitable purposes?
 - body whose main role is influencing public opinion or policy?
 - Trade union or professional association?
 - Private club, society or association operating in your authority's area in which you have membership or are in a position of general control or management?
- or
10. any land in your authority's area which you have a license to occupy for at least 28 days?

B. Might a decision be reasonably regarded as affecting (to a greater extent than other people in your ward/authority's area):

- your well being or financial position?
- The well being or financial position of any person who lives with you or with whom you have a close personal association?
- The employment/business, employer, or company of any person who lives with you or with whom you have a close personal association?
- Any company in which any person who lives with you or with whom you have a close personal association owns shares?

C. Might a member of the public reasonably conclude that when making a decision you are more influenced by issues in your ward than by the interests of your whole authority?

If YES to A, B, or C, you have a **PERSONAL INTEREST**

You must:

- declare your interest and the nature of that interest at:
 - meetings
 - when making written representations
 - when making oral representations (and confirm it in writing within 14 days)
- **consider if you have a prejudicial interest (see STEP 3 opposite)**

STEP 3 - Prejudicial Interests

Questions to ask yourself.

Would a member of the public, who knows the relevant facts, reasonably think your personal interest is so significant that it is likely to prejudice your judgement of the public interest?

If 'Yes' – then you have a prejudicial interest unless one of the following exemptions applies.

Does the business relate to:

- another relevant authority of which you are also a member?
- another public authority or a body exercising functions of a public nature in which you hold a position of general control or management?
- a body to which you have been elected, appointed or nominated by your authority?
- your role as school governor where you have not been appointed or nominated by your authority (e.g. a parent governor) unless the business specifically relates to your school?
- your role as a member of a health board where you have not been appointed by your authority?
- housing, if you hold a tenancy or lease with the authority, as long as the matter does not relate to your particular tenancy or lease and you do not have arrears of rent of more than 2 months?
- school meals or school transport and travelling expenses, if you are a parent, guardian, grandparent of, or have parental responsibility for, a child in full-time education unless it relates particularly to the school your child attends?
- decisions about statutory sick pay if you receive or are entitled to receive it from your authority?
- an allowance or payment for members (subject to certain conditions).
- Is an Overview and Scrutiny Committee considering a decision made or action taken by your authority's executive board or another committee and you were a member of that decision-making body and present body.
- Your role as a Town or Community Councillor in relation to financial assistance to a community or voluntary group up to a value of £500.

If one of the exemptions applies

You are **not** regarded as having a prejudicial interest. You must disclose your personal interest **but you are allowed to participate in the item under discussion.**

If none of the exemptions apply see **STEP 4** overleaf.

STANDARDS COMMITTEE 11TH MATCH 2016

REVISED DISPENSATION APPLICATION FORM		
Recommendations / key decisions required: To consider the report and approve the revised form for future use		
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
11TH MARCH 2016**

REVISED DISPENSATION APPLICATION FORM

Part 2 Paragraph 9.3 (f) of the Council's constitution provides for the Standards Committee to grant dispensations to councillors and co-opted members where they have a personal and prejudicial interest under the members' code of conduct.

Applications for dispensation are submitted on a standard form which aims to capture sufficient information to enable the committee to make an informed decision upon the application.

Officers have recently reviewed the content and layout of the application form in response to experience with its use and to reflect examples of good practice by other local authorities in Wales.

A copy of the revised form is attached to this report.

If the Committee approves the form it is proposed that it be translated and put into operation in time for the next scheduled meeting on the 10th June 2016 and be promoted at the Code of Conduct training events to be held in the summer.

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-141	Legal Services, County Hall

**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:

Name of your Council:

Your address and postcode:

Contact telephone number(s):

Email address:

2. DETAILS OF YOUR INTEREST

What is the matter under consideration?

What is your interest in the above matter?

When will the above matter be considered?

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"/>

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)

(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"> • 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)(b)	Council business in which there may be a conflict between your decision-making role and your role in representing constituents in your ward
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 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.

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STANDARDS COMMITTEE 11th MARCH 2016

CODE OF CONDUCT TRAINING FOR TOWN AND COMMUNITY COUNCILLORS		
Recommendations / key decisions required: To consider the training presentation and agree dates for the proposed sessions		
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 11TH MARCH 2016

CODE OF CONDUCT TRAINING FOR TOWN AND COMMUNITY COUNCILLORS

For several years the Standards Committee has arranged training sessions on the Members Code of Conduct for Town and Community Councillors. These have been held in County Hall in June, and the 2015 sessions were particularly well received with over 100 delegates in attendance over two evenings.

Preparations are now being made to repeat these sessions in 2016 and a revised presentation is attached which seeks to incorporate feedback from last year's events. The main changes are;

1. The deletion of the specific section on 'Equality & Respect' and the 'Calver' case.
2. The re-writing of the section on Personal interests. Rather than continuing with a 'lecture style' approach for this part of the session, it is instead proposed to work through the case studies with the help of an easy use guide which will be provided to delegates.
3. The inclusion of a separate Q & A session at the end.

Once the presentation has been finalised it will be sent for translation.

As regards the venue and dates for the session, it is suggested that they again take place in County Hall with a 6pm start. Possible dates would be the 2nd, 9th, 16th, 23rd or 30th June.

It is also suggested that no limit be placed upon the number of delegates that attend from each authority.

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-113	Legal Services, County Hall

COUNCILLORS CODE OF CONDUCT



PROGRAMME

Introduction

When the Code Applies

General Duties

Personal Interests

Dispensations

Enforcement

Predetermination

Conclusion

Questions

INTRODUCTION

Based upon the Nolan Principles for conduct in public life

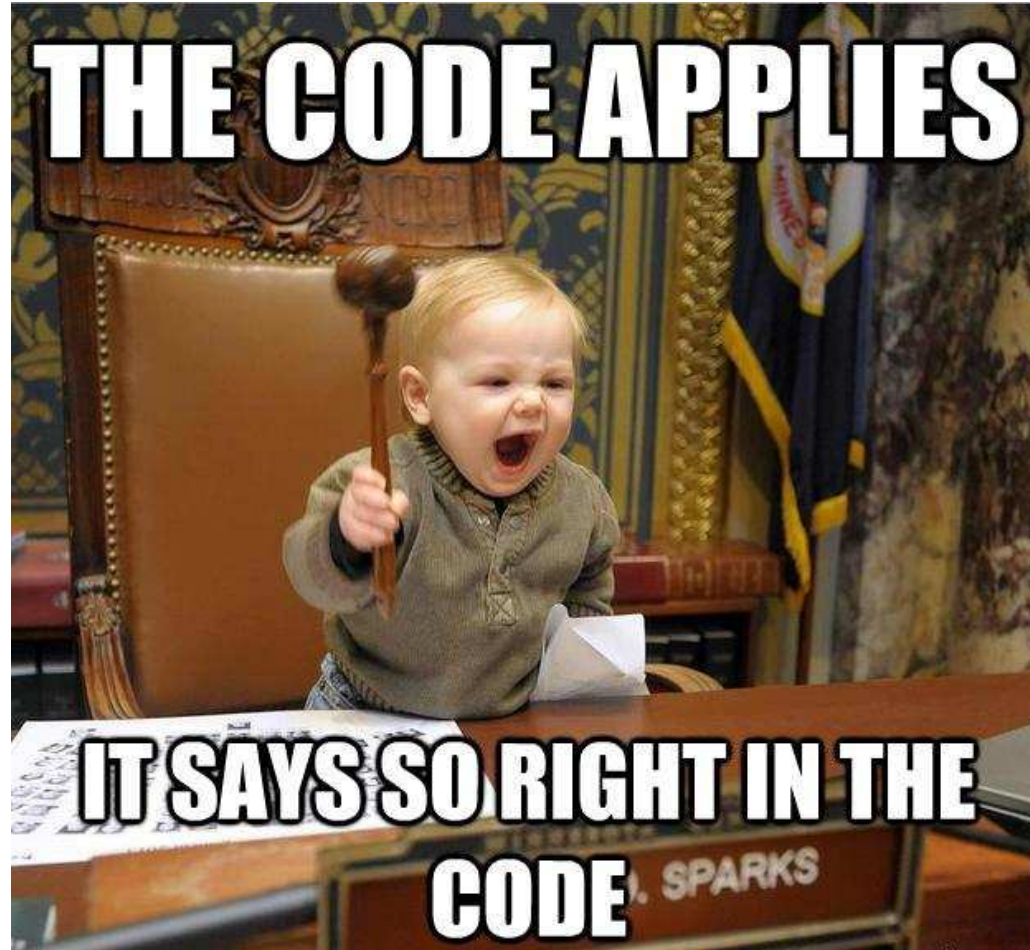
Establishes an ethical framework for

Councillors to work to

The Code shows how to apply the framework in practice

Each Council must adopt its own code based on the WAG model.

WHEN THE CODE APPLIES



WHEN THE CODE APPLIES

In any official council meeting

In any meeting with members or officers

When acting as a Council rep or appearing to do so

If conducting Council business

If acting in any other official role

If a Council rep on another body

AND

WHEN THE CODE APPLIES

AT ANY TIME IF:

Your conduct is likely to bring your office or the Council into disrepute

You use your position to gain an advantage for yourself or another

You misuse Council resources

WHEN THE CODE APPLIES – TEST YOURSELF

DOES THE CODE APPLY:

- **At Council meeting**
- **In the local pub**
- **When giving interviews**
- **When dealing with ward business**
- **When representing the Council at a school governors meeting**
- **When using social media**
- **When on holiday abroad**
- **In the privacy of your own home.**

GENERAL DUTIES



GENERAL DUTIES – YOU MUST

- **Promote Equality**
- **Show respect & consideration to others**
- **Not harass or bully others**
- **Not compromise your officers impartiality**
- **Not disclose confidential information**
- **Not prevent access to information**
- **Not bring your office or council into disrepute**

GENERAL DUTIES – YOU MUST

- **Report code breaches**
- **Not make vexatious complaints**
- **Cooperate with investigations**
- **Not use your position improperly**
- **Not misuse Council resources**
- **Reach decisions objectively**
- **Consider advice and give reasons for not following it**

GENERAL DUTIES – YOU MUST

- **Comply with rules on expenses**
- **Not accept gifts or hospitality that obligates you or appear to do so**

GENERAL DUTIES – TEST YOURSELF

Which of these is not a duty under the code;

- 1. Promote equality**
- 2. Attend meetings**
- 3. Report code breaches**
- 4. Not to bully or harass**
- 5. Not misuse use position**
- 6. Consult constituents**
- 7. Follow officer advice**
- 8. Not misuse resources**
- 9. Show respect to others**
- 10. Apologise for mistakes**

PERSONAL & PREJUDICIAL INTERESTS

“The public must have confidence that Councillors are acting in the public’s best interests, not their own, or those of their family and friends.”

(Public Services Ombudsman for Wales)

EASY USE GUIDE

- Developed by the Standards Committee to help you apply the code in relation to personal & prejudicial interests
- Three steps to determine what interest (if any) you have and what you should do.

CASE STUDY ONE

- **Cllr X has a grandchild who attends the village school which is threatened with closure. The matter is on the agenda at the next Governors meeting which the Cllr attends as a Council representative**
- **Does Cllr X have a personal interest?**
- **If he does, is it also prejudicial?**
- **What should Cllr X do?**

CASE STUDY TWO

- **Your Council has been consulted on a planning application by a community group on which Cllr X sits as a council representative**
- **Does Cllr X have a personal interest?**
- **If yes, is it also prejudicial?**
- **What should Cllr X do?**

CASE STUDY THREE

- **Your council receives an application from a community group for a £550 grant. Cllr X is a member of that group.**
- **Is there a personal interest?**
- **If yes, is it also prejudicial?**
- **What should Cllr X do?**

PERSONAL & PREJUDICIAL INTERESTS

- **REMEMBER**
- **The test is not whether you think the interest influences you, but whether you think a hypothetical member of the public would think it does.**

DISPENSATIONS



DISPENSATIONS

- **A Cllr with a prejudicial interest may apply to the Standards Committee for permission to be involved in a matter**
- **Applications must be submitted in sufficient time for a meeting to be called in accordance with rules on publishing agendas etc.**

DISPENSATIONS

- **Applications must be submitted on a standard form**
- **They may be submitted by a clerk on behalf of 1 or more clrs.**
- **They must be based on one or more of the following grounds;**

DISPENSATIONS

- **At least 1/2 of fellow cllrs share the same interest**
- **The nature of the interest is such that it would not damage public confidence**
- **The Cllr has a particular expertise which justifies their contd. involvement**
- **The interest is common to a significant proportion of the public**

DISPENSATIONS

- **The matter relates to a vol. organisation & the Cllr is involved in its management & has no other interest in the matter (*can only speak , not vote under this option*)**
- **(*There are other grounds available but they do not apply to Community Cllrs*)**

DISPENSATIONS

The grounds for seeking a dispensation, plus additional guidance are attached to the application form.

Try to give as much information as possible as to the nature of your interest and why the ground(s) for dispensation apply

DISPENSATIONS

- **In 2013-2014 the Standards Committee granted 97.3% of dispensations sought.**
- **Dispensations are usually granted for a set period of time (often up to 6 months)**
- **The majority of dispensations are to speak only and relate to a cllrs involvement in a voluntary organisation.**

ENFORCEMENT



ENFORCEMENT

- **All complaints regarding breaches of the code should be referred to the PSOW who will decide whether or not to investigate.**
- **If the PSOW decides the case merits investigation, he may do so himself or refer the case to the local Monitoring Officer to do so**

ENFORCEMENT

- **If an investigation finds evidence of a breach it may be referred to the local Standards Committee or the Adjudication Panel for Wales for determination.**
- **The Standards Committee can suspend a Cllr from office**
- **The Adjudication Panel can disqualify a Cllr from office**
- **Both can impose lesser sanctions**

PREDETERMINATION



"I ALWAYS STOOD BY MY STRONG CONVICTIONS BUT SERIOUS ARGUMENTS MADE IT NECESSARY TO CHANGE MY MIND:"

PREDETERMINATION

- **Technically not part of the Code, but ties in with the requirement to act objectively.**
- **Arises where someone makes their decision in advance.**
- **c/f 'Predisposition' – where someone forms a view in advance, but does not come to a decision until the end of the debate.**

PREDETERMINATION

- **Avoid giving the impression that you have predetermined an issue. Instead :**
- ***‘I have a view on the issue, but want to listen to all the arguments before I make up my mind.’***
- **Predetermination can result in a decision being unlawful, as well as risking a Cllr being in breach of the Code**

PREDETERMINATION – TEST YOURSELF

- **Cllr X was elected on a platform of opposing further housing development in his village. Does this mean he has predetermined any such planning application?**
- **What if he is on record as saying ‘If elected I will always vote against any such planning application’**
- **What if he said he would ‘argue against’ applications.**

CONCLUSION

- **Take time to familiarise yourself with the code**
- **Always have it with you when conducting council business**
- **Make use of dispensations to fulfil your democratic role**
- **If unsure – SEEK ADVICE**

QUESTIONS



STANDARDS COMMITTEE 11th MARCH 2016

LOCAL GOVERNMENT (WALES) BILL		
Recommendations / key decisions required: To consider the report		
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.
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EXECUTIVE SUMMARY STANDARDS COMMITTEE 11TH MARCH 2016

LOCAL GOVERNMENT (WALES) BILL

The draft Local Government (Wales) Bill was published on the 24th November 2015. Although media attention has focussed on the proposals to reduce the number of Counties and County Boroughs, the Bill contains other provisions of particular relevance to the work of the Standards Committee. These include;

1. The broadcasting of meetings of Council committees (including the Standards Committee) which are open to the public (Section 76)
2. Placing a statutory duty upon members to attend 'all relevant meetings' (Section 82), to hold surgeries (Section 83), to answer correspondence (section 84) and to attend any training course which the Council has designated as compulsory (section 85) unless they have good reason for not doing so.
3. Complaints in relation to breach of the duties under sections 82-85 are to be made to the Monitoring Officer who must refer them to the Chair of the Standards Committee. If either wishes the complaint to be investigated, then it must be investigated. (Section 88)
4. If such an investigation is undertaken the Monitoring Officer must report to Standards Committee, who must determine whether a breach has taken place and if they consider it has, may censure or suspend the member concerned or take no further action. (Sections 91 to 93)
5. Placing a duty upon Standards Committees to train members in relation to their duties under sections 82-85 of the Bill (Section 96)
6. Placing a duty on Group Leaders to co-operate with the Standards Committee in the exercise of its functions. (Section 98)
7. Placing a duty on Standards Committees to make an annual report setting out how it has discharged its functions and in particular those specified in the Bill (Section 109)
8. Placing a duty on the County Council to consider whether any training for community councillors should be compulsory and securing that such training is provided. (Section 167). Placing a duty on community councillors to undertake such training unless they have a good reason for not doing so (Section 168)

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-141	Legal Services, County Hall