

# Document Pack



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**TUESDAY, 5 APRIL 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 MONDAY, 11TH APRIL, 2016** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

*Mark James*

**CHIEF EXECUTIVE**



PLEASE RECYCLE

|                                 |   |
|---------------------------------|---|
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| <b>Ref:</b>                     | <b>AD016-001</b>  |

# STANDARDS COMMITTEE

## MEMBERSHIP: 9 MEMBERS

### Independent Members (5)

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

### Community Committee Member (1)

1. Councillor Jeanette Gilasbey

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

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

# A G E N D A

1. APOLOGIES FOR ABSENCE
2. DECLARATIONS OF PERSONAL INTEREST
3. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON THE 11TH MARCH 2016 5 - 12
4. APPLICATION FOR DISPENSATION BY COUNCILLOR S DAVIES 13 - 24
5. APPROVAL OF CHANGES TO MEMBERS' CODE OF CONDUCT 25 - 40
6. THE LOCAL GOVERNMENT (STANDARDS COMMITTEES, INVESTIGATIONS, DISPENSATION AND REFERRAL) (WALES) (AMENDMENT) REGULATIONS 2016 41 - 44
7. ANY OTHER ITEMS OF BUSINESS THAT BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR DECIDES SHOULD BE CONSIDERED AS A MATTER OF URGENCY PURSUANT TO SECTION 100B(4)(B) OF THE LOCAL GOVERNMENT ACT 1972

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Friday, 11 March 2016

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

**Independent Members:**

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

**Councillors:**

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

**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 - 11.30 am**

**1. APOLOGIES FOR ABSENCE.**

An apology for absence was received from Community Councillor J. Gilasbey.

**2. DECLARATIONS OF PERSONAL INTEREST.**

No declarations of personal interest were made at the meeting

**3. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON THE 3RD DECEMBER 2015.**

Reference was made to the discussion undertaken at the previous meeting in relation to minute 10, and to the Committee's previous decision to write to the clerks of town and Community Councils reminding them of their roles in advising their members on the Code of Conduct. A question was asked as to whether the letters had been sent.

The Acting Legal Service Manager confirmed that he would make the appropriate enquiries.

**UNANIMOUSLY RESOLVED that the minutes of the meeting of the Committee held on the 3<sup>rd</sup> December, 2015 be signed as a correct record**

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

The Committee considered an application submitted by the Clerk to Gorslas Community Council on behalf of the following eight councillors, being members of Gorslas Community Council, for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 to speak and vote at meetings of Gorslas Community Council in respect of their involvement with four schools in the area as detailed below:-

Maes y Gwendraeth School – Councillor T. Davies

Cefneithin School – Councillor S.D. Martin

Drefach School – Councillors D. Price and C. Green

Gorslas School – Councillors T. Davies, J.A. Price, E. Davies and G. Griffiths

It was reported that dispensation was sought on the basis all eight councillors were members of the governing bodies of the above schools, but not appointed by the Community Council, and that, as such, they had a personal interest in matters appertaining thereto under 10(2)(a)(ix)(ee) of the Code. That interest was also prejudicial as a member of the public with knowledge of the facts could reasonably regard it as so significant that it was likely to prejudice the Councillor's judgement of the public interest.

It was reported that in view of the continuing nature of the interest, the applicants had requested that if the Committee was minded to grant the dispensation, it be for the remainder of their current term of office i.e. until the local government elections in May 2017.

The Committee was advised that if it was minded to grant the applications, the grant could be on the basis of 2(a) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001, namely that the interest affected no fewer than half the members of the authority.

Following a detailed discussion, it was

**UNANIMOUSLY RESOLVED that dispensation be granted under Regulation 2(a) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001, to Councillors T. Davies, S.D. Martin, D. Price, C. Green, J.A. Davies, E. Davies and G. Griffiths to SPEAK AND VOTE at meetings of the Gorslas Community Council in relation to any discussions regarding their position as governors of Ysgol Maes y Gwendraeth, Cefneithin Primary, Drefach Primary and Gorslas Primary schools until the end of their current term of office at the Local Government Elections in May 2017.**

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

The Committee was reminded that at its meeting held on the 11<sup>th</sup> September, 2015 (minute 11 refers) it had granted dispensation, until 11<sup>th</sup> March, 2016, to the following 15 members of Gorslas Community Council to speak and vote at meetings of the Community Council, under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 in relation to any discussions regarding the three recreation parks owned and maintained by the Community Council:-

Cefneithin Park:- Councillors S.D. Martin, T. Jones, H. Davies, B. Kirby and D. Price.

Drefach Park:- Councillors D.W. Edwards, C. Green, A. Rees, T. Jukes and N.

Lewis

Gorslas Park:- T. Davies, A. Owen, J.A. Price, E. Davies and G. Griffiths

The Committee was advised that subsequent to the above, an application had been submitted by the Clerk to Gorslas Community Council, on behalf of the same councillors, seeking an extension of the dispensation and requesting that if the Committee were to be minded to grant the application then, in view of the continuing nature of the interest, the grant be for the remainder of the Councillors current term of office i.e. until the local government elections in May 2017.

It was reported that the renewed dispensation was sought on the basis that all 15 councillors had a personal interest in these matters pursuant to paragraph 10(2)(ix)(ee) of the Code in that they were members of local Welfare Association Committees involved in the running of those parks, but that they had not been appointed to their roles on those committees by the Community Council.

The Councillors' interests were also prejudicial as a member of the public with knowledge of the relevant facts would reasonably regard that interest as so significant that it was likely to prejudice the councillors' judgement of the public interest. For example, when the Community Council was deciding whether or not to spend monies on the parks, a member of the public could reasonably conclude that the fact a councillor was a member of the relevant Welfare Association Committee could influence their view as to whether the money should be spent on the park, or on some other issue unconnected with the Association. It was noted that the councillors had no direct financial interest in their respective Welfare Associations.

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

Following a detailed discussion, it was

**RESOLVED that pursuant to Regulation 2(a) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001, dispensation be granted to the above-named 15 members of Gorslas Community Council until the end of their current term of office at the Local Government Elections in May, 2017 to SPEAK AND VOTE at meetings of Gorslas Community Council in relation to any discussions regarding their respective membership of the relevant Welfare Association for the three recreation parks owned and maintained by the Community Council at Cefneithin, Drefach and Gorslas.**

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

The Committee was reminded that at its meeting held on the 3<sup>rd</sup> December 2015 (minute 5 refers) it had granted dispensation, until the 31<sup>st</sup> March, 2016, to Councillor B Rees, a member of Llandybie Community Council to speak, but not vote, at meetings of the Community Council in relation to any discussion regarding the transfer of bowls facilities from the County Council to the Community Council.

The Committee was advised that subsequent to the above, an application had

been submitted by Councillor Rees seeking the renewal of his dispensation and requesting that, as he had not made use thereof to date, the application, if granted, be for the period until at least the meeting of the Standards Committee in September 2016.

The Committee thereupon considered the renewal application submitted by Councillor B Rees, a member of the Llandybie Community Council, for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote at meetings of Llandybie Community Council in relation to the proposed transfer of bowls facilities from the County Council to the Community Council.

It was reported that a dispensation was sought as Councillor Rees had a personal interest in the matter by virtue of paragraph 10(2)(a)(ix)(ee) of the Code of Conduct in that he was President of the Llandybie Bowls Club.

Councillor Rees' interest was also prejudicial, as a member of the public with full knowledge of the facts could reasonably regard that interest as being so significant as to prejudice his judgement of the public interest.

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 9<sup>th</sup> September, 2016.**

## **7. APPLICATION FOR DISPENSATION BY COUNCILLOR E W NICHOLAS**

The Committee was reminded that at its meeting held on the 3<sup>rd</sup> December 2015 (minute 6 refers) it had granted dispensation, until the 31<sup>st</sup> March, 2016, to Councillor E.W. Nicholas, a member of Llandybie Community Council to speak, but not vote, at meetings of the Community Council in relation to any discussion regarding the transfer of tennis facilities from the County Council to the Community Council.

The Committee was advised that subsequent to the above, an application had been submitted by Councillor Nicholas seeking the renewal of his dispensation and requesting that, as he had not made use thereof to date, the application, if granted, be for the period until at least the meeting of the Standards Committee in September 2016.



The Committee thereupon considered the renewal application submitted by Councillor E. W. Nicholas, a member of the Llandybie Community Council, for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote at meetings of Llandybie Community Council in relation to the proposed transfer of tennis facilities from the County Council to the Community Council.

It was reported that a dispensation was sought as Councillor Nicholas had a personal interest in the matter by virtue of paragraph 10(2)(a)(ix)(ee) of the Code of Conduct in that he was President of the Llandybie Tennis Club.

Councillor Nicholas' interest was also prejudicial as a member of the public with full knowledge of the facts could reasonably regard that interest as being so significant as to prejudice his judgement of the public interest.

Councillor Nicholas 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 Services 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 9<sup>th</sup> September, 2016.**

## **8. APPLICATION FOR DISPENSATION BY COUNCILLOR W R A DAVIES**

The Committee was reminded that at its meeting held on the 3<sup>rd</sup> December 2015 (minute 7 refers) it had granted dispensation, until the 31<sup>st</sup> March, 2016, to Councillor W.R.A. Davies, a member of Llandybie Community Council, to speak but not vote at meetings of the Community Council in relation to any discussion regarding the transfer of tennis facilities from the County Council to the Community Council.

The Committee was advised that subsequent to the above, an application had been submitted by Councillor Davies seeking the renewal of his dispensation and requesting that, as he had not made use thereof to date, the application, if granted, be for the period until at least the meeting of the Standards Committee in September 2016.

The Committee thereupon considered the renewal application submitted by Councillor W.R.A. Davies, a member of the Llandybie Community Council, for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote at meetings of Llandybie Community Council in relation to the proposed transfer of tennis facilities from the

County Council to the Community Council.

It was reported that a dispensation was sought as Councillor Davies had a personal interest in the matter by virtue of paragraph 10(2)(a)(ix)(ee) of the Code of Conduct in that he was Secretary and Treasurer of the Llandybie Tennis Club.

Councillor Davies' interest was also prejudicial as a member of the public with full knowledge of the facts could reasonably regard that interest as being so significant as to prejudice his judgement of the public interest.

Councillor Davies 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 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 9<sup>th</sup> September, 2016.**

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

The Committee was reminded that at its meeting held on the 3<sup>rd</sup> December 2015 (minute 11 refers) it had granted dispensation, until the 10<sup>th</sup> March, 2016, to Councillor I.R. Llewellyn, a member of Llandybie Community Council, to speak but not vote at meetings of the Community Council in relation to any discussion regarding the transfer of County Council assets to the Community Council.

The Committee was advised that subsequent to the above, an application had been submitted by Councillor Llewellyn seeking the renewal of his dispensation.

The Committee thereupon considered the renewal application submitted by Councillor Llewellyn, a member of the Llandybie Community Council, for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote at meetings of Llandybie Community Council in relation to the proposed transfer of County Council Assets to the Community Council.

It was reported that a dispensation was sought as Councillor Llewellyn had a personal interest in the matter by virtue of paragraph 10(2)(ii) of the Code of Conduct in that it related to or was likely to affect his employer, namely Carmarthenshire County Council.

Councillor Llewellyn's interest was also prejudicial as a member of the public with full knowledge of the facts could reasonably regard that interest as being so

significant as to prejudice his judgement of the public interest.

Councillor Llewellyn had accordingly requested that a dispensation be granted under regulation 2 (d) of the Standards Committees (Grant of Dispensations) (Wales) Regulations on the basis his participation in any debate at meetings of the Community Council would not damage public confidence.

Following a detailed discussion it was

**UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 2(d) of the Standards Committees (Grant of Dispensations) (Wales) Regulations to Councillor I.R. Llewellyn to SPEAK BUT NOT VOTE at meetings of the Llandybie Community Council in relation to any discussion regarding the transfer of County Council assets to the Llandybie Community Council, and that the Dispensation be valid until the 9<sup>th</sup> September, 2016.**

## 10. CODE OF CONDUCT EASY USE GUIDE

The Committee was reminded that Part 2 paragraph 9.3 (a) of the Council's constitution placed a requirement on the Standards Committee to 'assist councillors and co-opted members to observe the Members' Code of Conduct' and included the provision of assistance to Town and Community Councillors within the County in relation to the Code and adherence to its principles.

The Committee was advised that as one of the main aspects of the Code that caused the most difficulty for members related to personal and prejudicial interests, a pocket sized guide had been produced (in Welsh and English) that aimed to take the reader through the relevant parts of the Code in three steps thereby helping councillors and co-opted members apply that particular part of the Code. If adopted by the Committee, the guide would be formally launched at the forthcoming Code of Conduct Training sessions to be held during the summer period.

The Committee in considering the draft guide expressed its support therefor, but suggested that it be date marked for ease of identifying when any changes occurred thereto. The Acting Legal Services Manager confirmed that the guide would be amended accordingly.

**UNANIMOUSLY RESOLVED that the Code of Conduct Easy Use Guide be adopted and formally launched at the Code of Conduct Training Sessions to be held in the Summer of 2016.**

## 11. REVISED DISPENSATION APPLICATION FORM

The Committee was reminded that under the provisions of Part 2 paragraph 9.3 (f) of the Council's constitution it had delegated authority to grant dispensations to councillors and co-opted members where they had a personal and prejudicial interest under the member's Code of Conduct.

The Committee was advised that, currently, all applications for dispensation were submitted on a standard form aimed to capture sufficient information to enable it to make an informed decision on an application. However, following a review of 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, the Committee was requested to approve the revised form, appended to the report. If adopted, it was proposed the revised form would be operational in time for the Committee's next scheduled meeting on the 10<sup>th</sup> June, 2016 and also be promoted at the Code of Conduct training events to be held in the summer.

**UNANIMOUSLY RESOLVED that the revised Dispensation Application Form be approved.**

## **12. CODE OF CONDUCT TRAINING FOR TOWN AND COMMUNITY COUNCILLORS**

The Committee was reminded that for several years it had arranged training sessions on the Member's Code of Conduct for Town and Community Councillors. In accordance with that practice, it gave consideration to the proposed presentation for the 2016 sessions, incorporating feedback from the 2015 events, with the main changes being:-

1. The deletion of the specific section on 'Equality & Respect' and the 'Calver Case',
2. The re-writing of the section on Personal Interests so that as opposed to continuing with a 'lecture style' approach it was intended to work through case studies with the assistance of an easy use guide,
3. The inclusion of a separate Q & A session at the end.

The Committee was advised that with regard to the 2016 training sessions, it was proposed they be held in County Hall, Carmarthen during June, and that no limit would be placed on the number of delegates that could attend from each authority.

**UNANIMOUSLY RESOLVED that the presentation for the 2016 Members Code of Conduct Training Sessions for Town and Community Councillors be approved.**

## **13. LOCAL GOVERNMENT (WALES) BILL**

The Committee received for information a report on The Draft Local Government (Wales) Bill, published on the 24<sup>th</sup> November. It was noted that whilst media attention had focussed on the Bill's proposals to reduce the number of County and Borough Council's it also contained other provisions relevant to the work of Standards Committee, as detailed within the report.

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

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**CHAIR**

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**DATE**

## STANDARDS COMMITTEE

11<sup>th</sup> April, 2016

### APPLICATION FOR DISPENSATION BY COUNCILLOR S 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

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**EXECUTIVE SUMMARY  
STANDARDS COMMITTEE  
11<sup>TH</sup> APRIL 2016**

**APPLICATION FOR DISPENSATION BY COUNCILLOR S DAVIES**

An application has been received from County Councillor Sharen Davies for the grant of a dispensation in respect of a proposed decision to charge rent to Ty Enfys Family Centre in Llanelli.

Councillor Davies has a personal interest in this matter as she is a committee member of the family centre. This interest is also prejudicial as a member of the public with knowledge of the facts would reasonably think that interest so significant that it would be likely to prejudice the Councillor's judgement of the wider public interest.

Councillor Davies seeks a dispensation to make written and oral representations and vote about this issue.

The grounds upon which the application is made are;

1. Her involvement in this matter will no damage public confidence in the conduct of the Council's business
2. Her involvement is justified by her special knowledge and expertise in the work of the centre
3. The matter relates to her involvement with a voluntary organisation and she has no direct financial interest in the matter. Granting a dispensation on this ground alone would not allow the Councillor to participate in any vote.

If the committee is minded to grant Councillor Davies a dispensation, it may do so;

1. Until the end of her term of office as a Councillor
2. Until such other earlier date as the committee chooses. This could, for example be to the committee meetings on the 10<sup>th</sup> June, 9<sup>th</sup> September or 2<sup>nd</sup> December 2016.

DETAILED REPORT ATTACHED ?

YES

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees-Jones

Head of Administration and Law

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

## CONSULTATIONS

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

Signed: Linda 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 |
|-------------------|-----------------|---|
| <b>Legal file</b> | <b>DPSC-142</b> | <b>Legal Services, County Hall</b>                            |
|                   |                 |   |



# 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

| <b>SECTION 1</b> | <b>Name(s) of Member(s)</b> | <b>Name of member's authority</b>     |
|------------------|-----------------------------|---------------------------------------|
|                  | Cllr Sharen Davies          | <b>Carmarthenshire County Council</b> |

| <b>SECTION 2</b>   | <b>Matter to be discussed on which member seeks dispensation</b>   |
|--|--|
|  | I wish to be able to make written and oral representations and speak and vote in any meeting of the Council or its committees about proposals by the Council to charge rent to the Ty Enfys Family Centre for its occupation of a Council owned building |
| <b>Date of meeting at which the matter is to be discussed:</b> | <b>To be confirmed</b>   |

|  |            |
|--|------------|
| <b>Dispensation being sought to make written and oral representations and speak and vote at meetings</b> | <b>Yes</b> |
| <b>Dispensation being sought to speak only</b>   | <b>No</b>  |

| <b>SECTION 3</b> | <b>The interest which the member must disclose, and the nature of that interest in relation to the matter to be discussed</b>  |
|------------------|--|
|                  | <p>I am a committee member of the Ty Enfys family centre in Llanelli.</p> <p>The family centre aims to promote and protect health and relieve stress within family relationships by the provision of a safe, stimulating and relaxing environment. Activities include language and play courses, a Lunch Club, a Breakfast Club, Outings and Daytrips, Arts &amp; Crafts, Child Safety and Computer Courses.</p> <p>The Centre occupies a Council owned building and the Council is now proposing to charge rent for the first time.</p> |

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

| <b>SECTION 5</b> | <b>Reason/s in support of my/our application (use a separate sheet of paper if necessary)</b>   |
|------------------|---|
|                  | <p>The family centre has a vital role in supporting families in the community that I represent. The centre works very closely with various Council services and has been allowed to use Council premises rent free.</p> <p>The centre is run on a voluntary basis by members of the local community (myself included). We are not paid for our time and I personally do not stand to gain or lose financially from the proposal to charge the centre rent.</p> <p>My constituents are however concerned that any rent charged to the centre will reduce its ability to provide the much needed services listed in section 3 and rightly expect me as their local councillor to speak on their behalf and try and persuade the Council not to do this.</p> <p>Due to my role as a committee member, I have a valuable insight into the benefit that the centre brings to the community and the impact a rental charge would have. Fellow councillors would not have this knowledge or understanding.</p> |

**SIGNED** S Davies (Member of County Council)

**DATED:** 05/04/16

## **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.

# CYNGOR SIR CAERFYRDDIN

## PWYLLGOR SAFONAU

### CAIS am ganiatáu gollyngiad yn unol ag Adran 2(i) o Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001

Gofynnir i Bwyllgor Safonau Cyngor Sir Caerfyrddin ganiatáu Gollyngiad i'r Aelod(au) a restrir isod i gwmpasu'r buddiant / buddiannau a ddatganwyd yn Adran 2 isod. Mae fy / ein rhesymau dros gyflwyno cais am hynny wedi eu nodi yn Adran 4

| <b>ADRAN 1</b> | <b>Enw(au)'r Aelod(au)</b> | <b>Enw awdurdod yr aelod(au)</b> |
|----------------|----------------------------|----------------------------------|
|                |                            |                                  |

| <b>ADRAN 2</b>                                     | <b>Y mater sydd i'w drafod y mae'r aelod yn gofyn am ollyngiad yn ei gylch</b> |
|--|--|
|  |  |
| <b>Dyddiad y cyfarfod pryd y trafodir y mater:</b> |  |

| <b>ADRAN 3</b> | <b>Y buddiant y mae'n rhaid i'r aelod ei ddatgelu, a beth yw'r berthynas rhwng y buddiant hwnnw a'r mater sydd i'w drafod</b> |
|----------------|---|
|                |   |

|  |  |  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|--|--|
| <b>ADRAN 4</b>   | <b>Y meini prawf dros ofyn am ollyngiad</b>  |  |  |  |  |  |  |  |  |
| <ul style="list-style-type: none"> <li>~ Byddai'n effeithio ar 50% o'r aelodau</li> <li>~ Byddai'n effeithio ar y cydbwysedd gwleidyddol (bwrdeistrefi sirol yn unig)</li> <li>~ Ni fyddai'n amharu ar hyder y cyhoedd</li> <li>~ Byddai'r buddiant yn gyffredin i'r cyhoedd yn gyffredinol</li> <li>~ Byddai modd cyfiawnhau hynny ar sail sgiliau arbenigol</li> <li>~ Byddai'n fater i bwyllgor craffu, <u>ac</u> ni fyddai'n ymwneud â buddiant ariannol</li> <li>~ Byddai a wnelo'r mater â chorff gwirfoddol, <u>ac</u> ni fyddai'n ymwneud â buddiant ariannol</li> <li>~ Byddai er budd y trigolion</li> </ul> | <table border="1" style="width: 100%; height: 100%;"> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> </table> |  |  |  |  |  |  |  |  |
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| <i>(gweler yr atodiad i gael rhagor o fanylion)</i>  |  |  |  |  |  |  |  |  |  |

|                |   |
|----------------|---|
| <b>ADRAN 5</b> | <b>Y rhesymau dros gyflwyno fy / ein cais (defnyddier dalen arall lle bo angen)</b> |
|                |   |

**LLOFNODWYD:** \_\_\_\_\_ (Aelod o Gyngor Sir Caerfyrddin)

**DYDDIAD:** .....

## ATODIAD

Pennir yn Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 y caiff pwyllgor safonau awdurdod perthnasol ganiatáu gollyngiadau dan Adran 81 (4) o Ddeddf Llywodraeth Leol 2000 yn yr achosion canlynol:-

- a. os oes gan ddim llai na hanner aelodau'r awdurdod perthnasol neu hanner aelodau un o bwyllgorau'r awdurdod (yn ôl fel y digwydd) y mae'r busnes i gael ei ystyried ganddo fuddiant sy'n berthnasol i'r busnes hwnnw
- b. os oes gan ddim llai na hanner aelodau gweithrediaeth arweinydd a chabinet yr awdurdod perthnasol y mae'r busnes i gael ei ystyried ganddo fuddiant sy'n berthnasol i'r busnes hwnnw a bod naill ai paragraff (ch) neu baragraff (d) hefyd yn gymwys;
- c. yn achos cyngor sir neu gyngor bwrdeistref sirol, os byddai anallu aelod i gymryd rhan yn tarfu ar gydbwysedd gwleidyddol yr awdurdod perthnasol neu'r pwyllgor o'r awdurdod y mae'r busnes i'w ystyried ganddo i'r fath raddau nes y byddai'r canlyniad yn debygol o gael ei effeithio;
- ch. os yw natur buddiant yr aelod yn gyfryw fel na fyddai cyfranogiad yr aelod yn y busnes y mae'r buddiant yn berthnasol iddo yn niweidio hyder y cyhoedd yn y modd y mae busnes yr awdurdod perthnasol yn cael ei gynnal;
- d. os yw'r buddiant yn gyffredin i'r aelod ac i gyfran arwyddocaol o'r cyhoedd;
- dd. os oes cyfiawnhad i'r aelod gymryd rhan yn y busnes y mae'r buddiant yn berthnasol iddo oherwydd rôl neu arbenigedd penodol yr aelod;
- e. os yw'r busnes y mae'r buddiant yn berthnasol iddo i'w ystyried gan bwyllgor trosolygu a chraffu i'r awdurdod perthnasol ac nad yw buddiant yr aelod yn fuddiant ariannol;
- f. os yw'r busnes sydd i'w ystyried yn berthnasol i arian neu eiddo corff gwirfoddol y mae'r aelod yn aelod o'i bwyllgor neu ei fwrdd rheoli heblaw fel cynrychiolydd yr awdurdod perthnasol ac nad oes gan yr aelod unrhyw fuddiant arall yn y busnes hwnnw ar yr amod na fydd unrhyw ollyngiad yn ymestyn i gymryd rhan mewn unrhyw bleidlais mewn perthynas â'r busnes hwnnw; neu
- ff. os yw'n ymddangos i'r pwyllgor ei bod o les i drigolion ardal yr awdurdod perthnasol i'r anallu gael ei godi, ar yr amod bod hysbysiad ysgrifenedig bod y gollyngiad yn cael ei ganiatáu yn cael ei roi i Gynulliad Cenedlaethol Cymru o fewn saith diwrnod a hynny mewn unrhyw fodd y gall ei bennu.



## STANDARDS COMMITTEE 11<sup>TH</sup> APRIL 2016

|   |  |   |
|---|--|---|
| <b>APPROVAL OF CHANGES TO MEMBERS CODE OF CONDUCT</b>   |  |   |
| <b>Recommendations / key decisions required:</b><br>To consider the report and make recommendations to full council   |  |   |
| <b>Reasons:</b><br>The subject matter of this report falls within the remit of the Committee                          |  |   |
| Scrutiny Committee recommendations / comments:<br>Not applicable  |  |   |
| Exec Board Decision Required  | NO   |   |
| Council Decision Required   | YES  |   |
| EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)  |  |   |
| Directorate<br>Chief Executives<br>Name of Head of Service:<br>Linda Rees-Jones<br>Report Author:<br>Robert Edgecombe | Designations:<br>Head of Administration & Law<br><br>Acting Legal Services Manager | Tel Nos.<br>01267 224018<br>E Mail Addresses:<br>RJEdgeco@carmarthenshire.gov.uk. |

**EXECUTIVE SUMMARY  
STANDARDS COMMITTEE  
11<sup>TH</sup> APRIL 2016**

**APPROVAL OF CHANGES TO MEMBERS CODE OF CONDUCT**

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

The key changes arising from this legislation are;

1. The removal of the duty under paragraph 6 of the Code to report breaches of the Code to the Ombudsman
2. The removal of paragraph 10(2) (b) in relation to the conflict between the ward interests of a member and the wider community interest.
3. The removal of references to the Monitoring Officer in paragraph 1(2) in relation to the maintenance of registers of interests by Town and Community Councils.

The Council is obliged to adopt a revised Members Code of Conduct incorporating these changes by the 26<sup>th</sup> July 2016. However the Welsh Government has recommended that any such changes to adopt a revised code “no later than at their forthcoming annual meetings.’

A revised version of the Code adopted by the Council is attached to this report and the Committee is requested to recommend to Full Council that it re-adopt the Code in its revised form.

**DETAILED REPORT ATTACHED ?**

**YES**

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: **Linda Rees Jones** **Head of Administration and Law**

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

## CONSULTATIONS

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

Signed: **Linda Rees Jones** **Head of Administration and Law**

*(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-142     | Legal Services, County Hall                                   |

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**PART 5**  
**CODES AND PROTOCOLS**

**PART 5.1**

**CARMARTHENSHIRE COUNTY COUNCIL**

**CODE OF CONDUCT FOR MEMBERS AND CO-OPTED MEMBERS**

**PART 1**

**INTERPRETATION**

1.—(1) In this code —

“co-opted member” in relation to a relevant authority, means a person who is not a member of the authority but who —

- (a) is a member of any committee or sub-committee of the authority, or
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority, and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee;

“meeting” means any meeting —

- (a) of the relevant authority,
- (b) of any executive or board of the relevant authority,
- (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or
- (d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

“member” includes, unless the context requires otherwise, a co-opted member;

“relevant authority” means—

- (a) a county council,
- (b) a county borough council,
- (c) a community council,
- (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,
- (e) a National Park authority established under section 63 of the Environment Act 1995;

“you” (“*chi*”) means you as a member or co-opted member of a relevant authority; and

“your authority” means the relevant authority of which you are a member or co-opted member.

(2) In relation to a community council—

(a) “proper officer” (“*swyddog priodol*”) means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972; and

(b) “standards committee” (“*pwyllgor safonau*”) means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

**PART 2**  
**GENERAL PROVISIONS**

**2.—(1)** Save where paragraph 3(a) applies, you must observe this code of conduct —

- (a) whenever you conduct the business, or are present at a meeting, of your authority;
- (b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;
- (c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or
- (d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

(2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

**3.**Where you are elected, appointed or nominated by your authority to serve —

- (a) on another relevant authority, or any other body, which includes a police authority or Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or
- (b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

**4.** You must —

- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
- (b) show respect and consideration for others;
- (c) not use bullying behaviour or harass any person; and
- (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

**5.**You must not —

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

**6.—(1) You must —**

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
- (b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
- (c) report your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
- (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

**7. You must not —**

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of your authority —
  - (i) imprudently;
  - (ii) in breach of your authority's requirements;
  - (iii) unlawfully;
  - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
  - (v) improperly for political purposes; or
  - (vi) improperly for private purposes.



**8. You must —**

- (a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —
  - (i) the authority's head of paid service;
  - (ii) the authority's chief finance officer;
  - (iii) the authority's monitoring officer;
  - (iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);
  
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

**9. You must —**

- (a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;
- (b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

**PART 3  
INTERESTS  
Personal Interests**

- 10.—**(1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.
- (2) You must regard yourself as having a personal interest in any business of your authority if —
- (a) it relates to, or is likely to affect —
    - (i) any employment or business carried on by you;
    - (ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;
    - (iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

- (iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
- (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
- (vi) any land in which you have a beneficial interest and which is in the area of your authority;
- (vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
- (viii) any body to which you have been elected, appointed or nominated by your authority;
- (ix) any —
  - (aa) public authority or body exercising functions of a public nature;
  - (bb) company, industrial and provident society, charity, or body directed to charitable purposes;
  - (cc) body whose principal purposes include the influence of public opinion or policy;
  - (dd) trade union or professional association; or
  - (ee) private club, society or association operating within your authority's area, in which you have membership or hold a position of general control or management;
- (x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

~~(b) a member of the public might reasonably perceive a conflict between your role in taking a decision, upon that business, on behalf of your authority as a whole and your role in representing the interests of constituents in your ward or electoral division; or (repealed by The Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016)~~

- (c) a decision upon it might reasonably be regarded as affecting —
  - (i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
  - (ii) any employment or business carried on by persons as described in 10(2)(c)(i);
  - (iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;

- (iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
- (v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management, to a greater extent than the majority of—
  - (aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
  - (bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

### **Disclosure of personal interests**

**11.—**(1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority and you make —

- (a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or
- (b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

(3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

- (4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer from time to time but, as a minimum containing —
  - (a) details of the personal interest;
  - (b) details of the business to which the personal interest relates; and
  - (c) your signature.
- (5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.
- (6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.
- (7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

### **Prejudicial interests**

- 12.—**(1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—
- (a) relates to —
    - (i) another relevant authority of which you are also a member;
    - (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
    - (iii) a body to which you have been elected, appointed or nominated by your authority;
    - (iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;

(v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to —

(i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;

(ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;

(iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;

(iv) the functions of your authority in respect of an allowance or payment made under sections 22(5), 24(4) and 173 to 176 of the Local Government Act 1972, an allowance or pension under section 18 of the Local Government and Housing Act 1989 or an allowance or payment under section 100 of the Local Government Act 2000;

(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

### **Overview and scrutiny committees**

**13.** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

### **Participation in Relation to Disclosed Interests**

**14.—**(1) Subject to sub-paragraphs (2), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee —

- (a) withdraw from the room, chamber or place where a meeting considering the business is being held—
  - (i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or
  - (ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;
- (b) not exercise executive or board functions in relation to that business;
- (c) not seek to influence a decision about that business;
- (d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and
- (e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

- (3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if —
- (a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or
  - (b) you have the benefit of a dispensation provided that you —
    - (i) state at the meeting that you are relying on the dispensation; and
    - (ii) before or immediately after the close of the meeting give written notification to your authority containing —
      - (aa) details of the prejudicial interest;
      - (bb) details of the business to which the prejudicial interest relates;
      - (cc) details of, and the date on which, the dispensation was granted; and
      - (dd) your signature.
- (4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.
- 

#### **PART 4**

### **THE REGISTER OF MEMBERS' INTERESTS**

#### *Registration of Financial and Other Interests and Memberships and Management Positions*

**15.—**(1) Subject to sub-paragraph (3), you must, within 28 days of—

- (a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or
- (b) your election or appointment to office (if that is later),

register your financial interests and other interests, where they fall within a category mentioned in paragraph 10(2)(a) in your authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to your authority's monitoring officer.

- (2) You must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under sub-paragraph (1), register that new personal interest or change by providing written notification to your authority's monitoring officer.
- (3) Sub-paragraphs (1) and (2) do not apply to sensitive information determined in accordance with paragraph 16(1).
- (4) Sub-paragraph (1) will not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

### **Sensitive information**

- 16.**—(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
- (3) In this code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

### **Registration of Gifts and Hospitality**

- 17.** You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value of £25, provide written notification to your authority's Monitoring Officer of the existence and nature of that gift, hospitality, material benefit or advantage.



## STANDARDS COMMITTEE 11<sup>TH</sup> APRIL 2016

### THE LOCAL GOVERNMENT (STANDARDS COMMITTEES, INVESTIGATIONS, DISPENSATIONS and REFERRAL) (WALES) (AMENDMENT) REGULATIONS 2016

#### Recommendations / key decisions required:

To note the changes

#### 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

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**EXECUTIVE SUMMARY  
STANDARDS COMMITTEE  
11<sup>TH</sup> APRIL 2016**

**THE LOCAL GOVERNMENT (STANDARDS COMMITTEES,  
INVESTIGATIONS, DISPENSATIONS and REFERRAL) (WALES)  
(AMENDMENT) REGULATIONS 2016**

The above regulations came into force on the 1<sup>st</sup> April 2016 and amend the following legislation;

- The Standards Committees (Wales) Regulations 2001
- The Local Government Investigations (Functions of Monitoring Officers and Standards Committee) (Wales) Regulations 2001
- Local Authorities (Grant of Dispensations) (Wales) Regulations 2001

The effect of these amendments is to;

1. To allow two or more authorities to establish a joint standards committee
2. To enable the Council to extend the term of office of county council and community council members of Standards Committee until the next ordinary election in 2017.
3. To remove the current limit on the duration of a county council or community council member of the committee of 4 years.
4. To enable the committee to delay publication of agendas and other information relating to a misconduct investigation until the misconduct proceedings are concluded
5. To allow a Standards Committee (or a Monitoring Officer with the agreement of the Chair of Standards Committee) to refer a misconduct investigation to another authority's Standards Committee for determination.
6. Confirms the powers of Standards Committees to suspend a member are limited to 6 months or the member's term of office if that is less than 6 months.
7. Introduces a general category of dispensation - 'if considered appropriate in all the circumstances to do so where not otherwise possible to make reasonable adjustments to accommodate a person's disability'. An ongoing dispensation granted under this ground is subject to annual review.

**DETAILED REPORT ATTACHED ?**

**NO**

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: **Linda Rees Jones** **Head of Administration and Law**

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

## CONSULTATIONS

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

Signed: **Linda Rees Jones** **Head of Administration and Law**

*(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-142    | Legal Services, County Hall                                   |

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