

STANDARDS COMMITTEE

MONDAY, 13 JUNE 2022

PRESENT: Councillor M. Dodd (Chair)

Independent Members:

C. Davies*, D. Evans*, J. James and F. Phillips*;

Councillors:

R. James* and G.B. Thomas*;

In attendance:

L.R. Jones, Head of Administration and Law;

R. Edgecombe, Legal Services Manager;

M.S. Davies, Democratic Services Officer;

J. Owens, Democratic Services Officer*

[* Virtual attendees]

Chamber, County Hall, Carmarthen and remotely: 10.00 am - 11.15 am

1. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor B. Jones.

2. DECLARATIONS OF PERSONAL INTEREST

Member	Item Number	Nature of Interest
Councillor Gareth Thomas	9 – Applications for Dispensation regarding farming and agricultural matters generally;	Cllr. Thomas is one of the applicants for dispensation.

3. APPOINTMENT OF CHAIR AND VICE CHAIR

The Committee considered nominations for Chair and Vice-Chair of the Standards Committees for the Municipal Year 2022-23.

UNANIMOUSLY RESOLVED

3.1 that M. Dodd be appointed Chair of the Standards Committee for the Municipal Year 2022-23;

3.2 that J. James be appointed Vice-Chair of the Standards Committee for the Municipal Year 2022-23.

4. MINUTES - 8TH MARCH 2022

RESOLVED that the minutes of the meeting of the Standards Committee held on the 8th March, 2022 be signed as a correct record.

5. REVIEW OF WHISTLEBLOWING POLICY

The Committee considered a report wherein it was stated that officers had reviewed the Council's Whistleblowing Policy and, save for reflecting the appointment of a new Chair of the Standards Committee no other changes were considered necessary as there had been no developments in legislation, case law or guidance which necessitated any amendment.

It was noted that since the last policy review in June 2021 a total of 5 whistleblowing complaints had been recorded all but one of which had been resolved. The remaining matter was ongoing. Progress of ongoing matters was routinely monitored by officers of the Human Resources and Legal Departments.

UNANIMOUSLY RESOLVED that the updated Council's Whistleblowing Policy be approved.

6. PROCEDURE FOR CONDUCTING DISCIPLINARY HEARINGS

The Committee considered a document setting out a recommended procedure for the Standards Committee to follow where it was required to make a decision as to the conduct of a councillor, town/community councillor or co-opted member following a referral by the Public Service Ombudsman for Wales. It was noted that the reference to 'City and County of Swansea' in paragraph 7.4 should read 'Carmarthenshire County Council'.

Part 3 of the Local Government Act 2000 (the Act) enabled the Public Services Ombudsman for Wales to require Standards Committees to determine whether a councillor or co-opted member had breached the code of conduct, where the Ombudsman considered that the facts of the alleged breach did not warrant an immediate reference to the Adjudication Panel for Wales.

UNANIMOUSLY RESOLVED

6.1 to approve the procedures to be followed in the event of the Committee being required to conduct a disciplinary hearing into an alleged breach of the Members Code of Conduct;

6.2 that the Committee be provided with appropriate training for conducting a disciplinary hearing.

7. DISPENSATION APPLICATION FROM COUNCILLOR MARTYN PALFREMAN

The Committee considered an application submitted by County Councillor Martyn Palfreman for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and make written representations in respect of matters relating to the provision of Health and Social Care services.

It was reported that a dispensation was sought as Councillor Palfreman had a personal and prejudicial interest in Council business relating to this issue as he undertook work as a consultant for public bodies (including this authority) advising on these issues and that a member of the public, with full knowledge of the facts, would reasonably regard that interest as being so significant that it would be likely to prejudice the Councillor's judgement of the public interest.

Following a discussion it was

UNANIMOUSLY RESOLVED

7.1 that dispensation be granted under Regulations 2 (d) and (f) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001 to Councillor Martyn Palfreman, until the end of the current electoral term, to SPEAK AND MAKE WRITTEN REPRESENTATIONS ONLY on matters relating to the provision of Health and Social Care services;

7.2 that the dispensation does not, however, apply on any occasion where the Council or Committee are specifically discussing any work in which Cllr. Palfreman has, or potentially could be, directly involved through his business or associated professional activities.

8. DISPENSATION APPLICATION FROM COUNCILLOR CARYS JONES

The Committee considered an application submitted by County Councillor Carys Jones for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and make written representations only in respect of business relating to Llansteffan green.

It was reported that a dispensation was sought as Councillor Jones had a personal interest in this matter by virtue of paragraph 10(2)(a)(vi) of the Members Code of Conduct in that she and her family lived directly opposite the area of land in question.

Councillor Jones' interest was also prejudicial in that a member of the public, with full knowledge of the facts, would reasonably regard that interest as being so significant that it would be likely to prejudice the Councillor's judgement of the public interest.

Following a discussion it was

UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 2 (d) and (f) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001 to Councillor Carys Jones to SPEAK AND MAKE WRITTEN REPRESENTATIONS ONLY on any council business relating to Llansteffan green and the dispensation be valid until the end of the current electoral term.

9. DISPENSATION APPLICATION FROM COUNCILLORS JEAN LEWIS, ANN DAVIES, ARWEL DAVIES, TYSSEL EVANS, KIM BROOM, KEN HOWELL, GARETH THOMAS, MANSEL CHARLES, HEFIN JONES AND ELWYN WILLIAMS

[Note: Councillor Gareth Thomas, having declared an interest in this item, left the meeting.]

The Committee considered applications submitted by County Councillors Jean Lewis, Ann Davies, Gareth Beynon Thomas, Ken Howell, Hefin Jones, Arwel Davies, Mansel Charles, Tyssul Evans, Kim Broom and Elwyn Williams for the grant of dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak, vote and make written representations at meetings of Carmarthenshire County Council in respect of any Council business relating to farming and farming related matters.

It was reported that dispensation was sought by each Councillor in that they could potentially have a personal interest in such business by virtue of paragraphs 10(2) of the Members Code of Conduct in that they were all either actively engaged in farming in the county, owned farm land which was actively farmed by others or had close personal associates who were actively engaged in farming.

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

The Councillors had accordingly requested that they be granted dispensation on the grounds set out in the application.

UNANIMOUSLY RESOLVED

9.1 UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 2(d) and (f) of the Standards Committees (Grant of Dispensations) (Wales) Regulations to County Councillors Jean Lewis, Ann Davies, Gareth Beynon Thomas, Ken Howell, Hefin Jones, Arwel Davies, Mansel Charles, Tyssul Evans, Kim Broom and Elwyn Williams TO SPEAK AND TO MAKE WRITTEN REPRESENTATIONS at meetings of Carmarthenshire County Council in respect of any Council business relating to farming and farming related matters generally, until the end of the current electoral term;

9.2 RESOLVED that dispensation be NOT granted under Regulations 2(d) and (f) of the Standards Committees (Grant of Dispensations) (Wales) Regulations to County Councillors Jean Lewis, Ann Davies, Gareth Beynon Thomas, Ken Howell, Hefin Jones, Arwel Davies, Mansel Charles, Tyssul Evans, Kim Broom and Elwyn Williams TO VOTE at meetings of Carmarthenshire County Council in respect of any Council business relating to farming and farming related matters generally, until the end of the current electoral term;

9.3 UNANIMOUSLY RESOLVED that the above-mentioned Councillors be advised that they should seek further legal advice and, if necessary, apply for another dispensation in the event that they wish to participate in council business which specifically relates to, or is likely to affect, them or close personal associates' farming activities or farm land.

10. ADJUDICATION PANEL DECISION - COUNCILLOR J. BISHOP

The Committee considered a report detailing the Adjudication Panel for Wales (APW) decision on the case of Councillor Jonathan Bishop of Caerphilly County Taff's Well and Nantgarw Community Council.

UNANIMOUSLY RESOLVED to note the Panel's decision.

11. 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

There were no items of urgent business.

CHAIR

DATE