

STANDARDS COMMITTEE

MONDAY, 21 NOVEMBER 2022

PRESENT: M. Dodd (Ph)(Chair)

Independent Members:

D. Evans (Ph), J. James (Ph) and F. Phillips(R)

Community Member:

P. Rogers (R)

Councillors

B. Jones (Ph) and GB Thomas (R)

Also Present (In Person):

R. Edgecombe, Legal Services Manager

A. Eynon, Principal Translator

K. Thomas, Democratic Services Officer

Also Present (Virtually):

M.S. Davies, Democratic Services Officer

[Ph = physical attendance at County Hall R = remote attendance via Zoom]

Chamber - County Hall, Carmarthen. SA31 1JP and remotely - 2.00 - 3.20 pm

1. APOLOGIES FOR ABSENCE.

An apology was received from C. Davies

2. DECLARATIONS OF PERSONAL INTEREST.

Councillor Gareth Thomas	9 – Dispensation Application by Councillors Jean Lewis, Ann Davies, Gareth Beynon Thomas, Ken Howell, Hefin Jones, Arwel Davies, Mansel Charles, Tyssul Evans, Linda Davies Evans, Andrew Davies, Bryan Davies, Hazel Evans and Elwyn Williams	Cllr. Thomas is one of the applicants for dispensation.
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3. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON THE:

3.1. 25TH AUGUST 2022;

RESOLVED that the minutes of the meeting of the Standards Committee held on 25th August, 2022 be signed as a correct record,

3.2. 14TH OCTOBER 2022;

RESOLVED that the minutes of the meeting of the Standards Committee held on 14th October, 2022 be signed as a correct record,

3.3. 26TH OCTOBER 2022.

RESOLVED that the minutes of the meeting of the Standards Committee held on 26th October, 2022 be signed as a correct record,

4. DISPENSATIONS GUIDANCE.

The Committee was reminded that at its meeting held on the 13th June, 2022 it had requested that in determining dispensation applications for farming and agricultural matters generally and the provision of social care services in Carmarthenshire and across the South West Wales Region requested further guidance in relation to such applications given how wide ranging they could be in nature, scope and effect.

In accordance with that request the committee received a report on legislation and guidance and noted that The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 offered no specific legislative or statutory guidance on the subject matter but merely prescribed the grounds on which a dispensation could be granted, as set out in the dispensation application form. However, guidance issued by the Public Ombudsman Service for Wales on the Members Code of Conduct stated within paragraph 3.64:-

“The Standards Committee will need to balance the public interest in preventing members with prejudicial interests from taking part in decisions, against the public interest in decisions being taken by a reasonably representative group of members of the authority”.

Having regard to the above the Legal Services Manager stated that the committee’s historic approach to the determination of dispensation applications on a ‘case by case’ basis, with a presumption in favour of granting, wherever practicable, particularly in relation to granting a dispensation to speak only demonstrated good practice and was in accord with the guidance.

UNANIMOUSLY RESOLVED that the report be received.

5. DISPENSATION APPLICATION BY GORSLAS COMMUNITY COUNCILLORS S. D. MARTIN, R. JAMES, N. LEWIS AND E. GOLDSMITH.

The Committee considered an application submitted by the Clerk of Gorslas Community Council on behalf of Community Councillors S.D. Martin, R. James, N. Lewis and E. Goldsmith for the grant of a dispensation under the provisions of

the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote in relation to their role as school governors at the following schools located within the Community Council's administrative area:-

Cefneithin School – Councillors S.D. Martin and R. James

Drefach and Cross Hands CP Schools Federation – Councillor N.Lewis

Gorslas CP School – Councillor E. Goldsmith

It was reported that a dispensation was sought as all 4 councillors had a personal interest in these matters pursuant to paragraph 10(2)(a)(ix)(aa) of the Code, and that such dispensation would enable the councillors in question to participate in council business relating to the schools and would not damage public confidence in the conduct of that business.

It was noted that whilst there was an exemption in paragraph 12(2)(a)(iv) of the Code relating to school governors that would not apply if the business related to the specific school of which the Councillor was a governor

Following a discussion it was

UNANIMOUSLY RESOLVED that dispensation be granted under Regulation 2(d) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001, to Councillors S.D. Martin, R. James, N. Lewis and E. Goldsmith to SPEAK AND VOTE at meetings of the Gorslas Community Council in relation to any discussions regarding their position as governors of Cefneithin School, Drefach and Cross Hands CP Schools Federation and Gorslas CP school within the Community Council's administrative area until the end of the current electoral term.

6. DISPENSATION APPLICATION BY GORSLAS COMMUNITY COUNCILLORS D. W. EDWARDS, C. GREEN, T. JUKES N. LEWIS AND A. KING

The Committee considered an application submitted by the Clerk to Gorslas Community Council, on behalf of Community Councillors D.W. Edwards, C. Green, T. Jukes, N. Lewis and A. King 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 matters relating to 2 welfare associations within the council's administrative area.

It was reported that a dispensation was sought as all 5 councillors had a personal interest in these matters pursuant to paragraph 10(2)(a)(ix)(ee) of the Member Code in that they were members of local Welfare Association Committees which were involved in the running of those parks. The dispensation, if granted, would enable the Councillors to participate in council business relating to their respective welfare associations and would not damage public confidence in the conduct of that business and that the interest related to a voluntary organisation in which the Councillors had a management role and no other personal interest.

Following a detailed discussion, it was

UNANIMOUSLY RESOLVED that dispensation be granted until the end of the current electoral term to the above-mentioned 5 members of Gorslas Community Council to **SPEAK AND VOTE** at meetings of Gorslas Community Council in relation to any discussions regarding the 2 welfare associations within the Council's administrative area under Regulations 2(d) (f) and (h) of the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001.

7. DISPENSATION APPLICATION BY COUNCILLOR SHAREN DAVIES.

The Committee considered an application submitted by Councillor Sharen Davies of Carmarthenshire County Council and Llanelli Rural Council for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak, vote and make written representations in respect of business relating to Dolen Teifi Community Transport.

It was reported that a dispensation was sought as Councillor Davies had a personal and Prejudicial interest in this matter by virtue of paragraph of paragraph 10 (2)(a) of the Members Code of Conduct as Dolen Teifi Community Transport were her employers.

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 Sharen Davies to **SPEAK AND MAKE WRITTEN REPRESENTATIONS ONLY BUT NOT VOTE** at meetings of Carmarthenshire County Council and Llanelli Rural Council on any council business relating to Dolen Teifi Community Transport and the dispensation be valid until the end of the current electoral term.

8. DISPENSATION APPLICATION BY COUNCILLOR EDWARD THOMAS.

The Committee considered an application submitted by County Councillor Edward Thomas for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak only in respect of business relating to a grant application from Tregib Sports Facilities Limited, a not for profit limited company running the sports facilities at the Tregib Site, which would be submitted to a cabinet meeting for consideration.

It was reported that a dispensation was sought as Councillor Thomas had a personal interest in this matter as he was one of the Directors of Tregib Sports Facilities Ltd, which was a non remunerated volunteer post.

Following a discussion it was

UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 2 (d) (f) and (h) of the Standards Committees (Grant of

Dispensation) (Wales) Regulations 2001 to Councillor Edward Thomas to SPEAK ONLY on any council business relating to the Tregib Sports Facilities Ltd and the dispensation be valid until the end of the current electoral term.

9. DISPENSATION APPLICATION BY COUNCILLORS JEAN LEWIS, ANN DAVIES, GARETH BEYNON THOMAS, KEN HOWELL, HEFIN JONES, ARWEL DAVIES, MANSEL CHARLES, TYSSUL EVANS, LINDA DAVIES EVANS, ANDREW DAVIES, BRYAN DAVIES, HAZEL EVANS AND ELWYN WILLIAMS

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

Prior to consideration of the dispensation application the Legal Service Manager referred to the inclusion of Councillr Kim Broom within the list of members on the report's Executive Summary seeking dispensation and advised that she had been included in error and was not one of the Councillors seeking dispensation

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, Linda Davies Evans, Andrew Davies, Bryan Davies, Hazel Evans and Elwyn Williams for the grant of dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote in relation to a proposed Notice on Motion relating to TB testing, which was to be considered at a forthcoming meeting of Carmarthenshire County Council

It was reported that dispensation was sought by each Councillor in that they had a personal and prejudicial interest in such business as they were all farmers (or were related to farmers) who farmed cattle and therefore had an involvement with the TB testing arrangements

The Committee noted that it had previously granted dispensation to these members to speak, but not vote, in relation to farming/ agriculture generally That grant was subject to a caveat that it did not apply to council business that related directly to the specific farm or agricultural land or activity that gave rise to the councillors' personal interest. In line with that caveat, the Council's monitoring officer had advised the previous grant would not permit the relevant members to participate in the debate on the particular Notice on Motion and, therefore, a more specific dispensation would need to be sought

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, Linda Davies Evans, Andrew Davies, Bryan Davies, Hazel Evans and Elwyn Williams TO SPEAK, VOTE AND MAKE WRITTEN REPRESENTATIONS, at meetings of Carmarthenshire County Council in respect of a proposed Notice on Motion relating to TB testing to

be considered at a forthcoming meeting of the County Council and the dispensation be granted until the end of the current municipal year ie 31st March 2023.

10. DISPENSATION APPLICATION BY COUNCILLOR ALEX EVANS.

The Committee considered an application submitted by County Councillor Alex Evans for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to make written representations in relation to road improvements required on Heol Y Pentre, Ponthenri.

It was reported that a dispensation was sought as Councillor Evans had a personal and prejudicial interest in this matter in council business relating or likely to affect that road as he lived there.

The Committee in considering the nature of the application had regard councillors role in the community and felt it would be meritorious in extending the scope of the dispensation to enable councillor Evans to also speak on the subject matter.

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 Alex Evans to make SPEAK AND MAKE WRITTEN REPRESENTATIONS only in relation to council business relating or likely to affect Heol Y Pentre, Ponthenri and the dispensation be valid until the end of the current electoral term.

11. DISPENSATION APPLICATION BY COUNCILLOR JOHN JENKINS.

The Committee considered an application submitted by Councillor John Jenkins of Carmarthenshire County Council and Llanelli Town Council for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak, vote and make written representations in relation to council business relating to the provision of domiciliary care or day service provision for adults with learning difficulties.

It was reported that a dispensation was sought as Councillor Jenkins had a personal and prejudicial interest in in council business relating to such matters as he worked for a company contracted to the Council to provide such services.

Councillor Jenkins had advised that should dispensation be granted if any specific debate was undertaken relating to his employer he would declare an interest and withdraw from the meeting during its consideration

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 John Jenkins to SPEAK, and make WRITTEN REPRESENTATIONS ONLY BUT NOT VOTE at meetings of Carmarthenshire County Council and Llanelli Town Council in relation to council business relating to the provision of domiciliary care or day service provision for adults with learning difficulties and the dispensation be valid until the end of the current electoral term.

12. CODE OF CONDUCT COMPLIANCE BY TOWN AND COMMUNITY COUNCILLORS 2021-2022.

The Committee, in accordance with previous practice, received a report on the annual exercise to collect code of compliance data from Town and Community Councils. It was noted that letters were sent to all Town and Community Councils in April 2022 requesting them to provide information regarding code of conduct compliance during the preceding municipal year (1st April 2021 – 31st March 2022) and that as at the end of August 6 of the councils had failed to respond and arrangements made for them to be contacted by telephone.

The Legal Services Manager referred to the revised format of the report compared to that produced in previous years, which had been compiled using Snap Survey Software and suggested that should the Committee endorse the format, he could arrange for future annual exercises to be undertaken using that software. He could also arrange for future reports to incorporate the previous year's analysis as a comparison which could also be replicated for Code of Conduct Training.

A view was expressed that it would be also advantageous if the charts attached with the report could also be provide to the Town and Community Councils for them to view the number of declarations being made countywide.

Reference was made to the 'Dual Hatted' role of County Council Members when attending and Town and Community Council meetings where consideration was being given to the Council's Asset Transfer Policy and that they should be declaring an interest at those meetings. The Legal Service Manager advised he would liaise with the Council's monitoring officer on providing members with such advice

UNANIMOUSLY RESOLVED

- 12.1 to note the progress made to date in obtaining data from Town and Community Councils.**
- 12.2 That future annual exercises to collect Code of Conduct compliance data from Town and Community Councils be undertaken using the Snap Survey Software**

13. CODE OF CONDUCT TRAINING.

The Committee received a report on Code of Conduct Training by the Council following the local government elections in May 2022 and noted the following sessions had been held:

17th May 2022 – County Councillors (38 attendees)

4th July 2022 – Town and Community Councillors (42 attendees)

27th July 2022 – Town and Community Councillors (46 attendees)

It was further noted that Code of Conduct issues were also covered in a separate training session on the 23rd May, 2022 for County Councillors on constitution matters and meeting preparation when there were 29 attendees

UNANIMOUSLY RESOLVED to note the report.

- 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.**

There were no items of urgent business.

CHAIR

DATE