

STANDARDS COMMITTEE

THURSDAY, 3 December 2015

PRESENT: C.A. Downward (Chair)

Independent Members:

M.A. Morgan and A. Williams

Councillors:

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

The following Officers were in attendance:

R. Edgecombe, Legal Services Manager

L.R. Jones, Head of Administration and Law

K. Thomas, Democratic Services Officer

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

1. APOLOGIES FOR ABSENCE.

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

2. DECLARATIONS OF PERSONAL INTEREST.

No declarations of personal interest were made at the meeting.

3. ELECTION OF CHAIR AND VICE CHAIR

RESOLVED

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

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

4. MINUTES

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

5. APPLICATION FOR DISPENSATION BY COUNCILLOR B REES

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

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

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

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

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

Following a detailed discussion it was

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

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

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

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

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

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

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

Following a detailed discussion it was

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

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

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

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

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

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

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

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

Following a detailed discussion it was

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

8. APPLICATION FOR DISPENSATION BY COUNCILLOR J. JONES

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

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

Councillor Jones had accordingly requested that a dispensation be granted under

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

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

Following a detailed discussion it was

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

9. APPLICATION FOR DISPENSATION BY COUNCILLOR G. THOMAS

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

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

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

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

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

Following a detailed discussion it was

UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 2(d) and (f) of the Standards Committees (Grant of Dispensations) (Wales) Regulations to County Councillor G. Thomas to SPEAK, BUT NOT VOTE, AND TO MAKE WRITTEN REPRESENTATIONS at meetings of Carmarthenshire County Council in relation to any matters relating to

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

10. APPLICATION FOR DISPENSATION BY COUNCILLOR J. LEWIS.

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

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

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

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

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

Following a detailed discussion it was

UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 2(d) and (f) of the Standards Committees (Grant of Dispensations) (Wales) Regulations to County Councillor J. Lewis to SPEAK, BUT NOT VOTE, AND TO MAKE WRITTEN REPRESENTATIONS at meetings of Carmarthenshire County Council in relation to any matters relating to farming in general, and that the Dispensation be valid until the 10th June 2016.

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

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

It was reported that a dispensation was sought as Councillor Llewellyn had a

personal interest in the matter by virtue of paragraph 10(2)(ii) of the Code of Conduct as it related to, or was likely to affect his employer, namely Carmarthenshire County Council.

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

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

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

RESOLVED that dispensation be granted under Regulation 2(d) of the Standards Committees (Grant of Dispensations) (Wales) Regulations to Councillor I.R. Llewellyn to SPEAK BUT NOT VOTE at meetings of the Llandybie Community Council in relation to any discussion regarding the transfer of County Council assets to the Llandybie Community Council, and that the Dispensation be valid until the 10th March 2016.

12. APPLICATION FOR DISPENSATION BY COUNCILLOR A. SMITH

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

It was reported that a dispensation was sought as Councillor Smith had a personal interest in the matter by virtue of paragraph 10(2)(x)(c)(v) , in that his partner was a Director of the Company, and 10 (2)(ix)(bb) as he appeared to be a member of that company.

Councillor Smith's interest was also prejudicial as a member of the public with full knowledge of the facts would reasonably regard that interest as being so significant as to prejudice his judgement of the public interest when dealing with applications from the company to the community council for financial assistance, or in respect of other dealings between the company and the council.

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

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

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

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

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

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

It was reported that a dispensation was sought as Councillor Gwynfryn-Evans had a personal interest in the matter by virtue of paragraph 10(2)(x)(c)(v) of the Code of Conduct in that his friends were a Director and a member of the above company and the nature of the friendship was such that those individuals should properly be considered as close personal associates of the company.

Councillor Gwynfryn-Evans' interest was also prejudicial as a member of the public with full knowledge of the facts would reasonably regard that interest as being so significant as to prejudice his judgement of the public interest when dealing with applications from the company to the community council for financial assistance, or in respect of other dealings between the company and the council.

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

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

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

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

14. APPLICATION FOR DISPENSATION BY COUNCILLOR G HOWELLS

The Committee considered an application submitted by Councillor G. Howells, a member of Llansteffan and Llanybri Community Council, for the grant of a dispensation under the provisions of the Standards Committees (Grant of

Dispensations) (Wales) Regulations to speak and vote at meetings of the Llansteffan and Llanybri Community Council Ammanford Town Council in respect of matters relating to a disputed right of way to Croft Cottage, Llansteffan which could also potentially impact upon land leased by the Community Council.

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

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

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

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

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

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

15. APPLICATION FOR DISPENSATION BY COUNCILLOR G HOWELLS

The Committee considered an application submitted by Councillor G. Howells, a member of the Llansteffan and Llanybri Community Council, for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote at meetings of Llandybie Community Council on matters relating to Llansteffan Primary School and Llansteffan Parish Church.

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

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

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

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

Following a detailed discussion it was

UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 2(d) and (f) of the Standards Committees (Grant of Dispensations) (Wales) Regulations to Councillor G. Howells to SPEAK BUT NOT VOTE at meetings of the Llansteffan and Llanybri Community Council in relation to any discussion regarding Llansteffan Primary School and Llansteffan Parish Church, and that the Dispensation be valid until the 10th June 2016.

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

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

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

17. ALL WALES STANDARDS CONFERENCE 2015

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

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

18. WALES AUDIT OFFICE WHISTLE-BLOWING CONFERENCE

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

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

19. CODE OF CONDUCT FACTSHEETS

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

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

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

UNANIMOUSLY RESOLVED

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

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

CHAIR

DATE