

STANDARDS COMMITTEE

13TH JANUARY 2017

PRESENT: Mr C.A. Downward (Chair)

Councillors:

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

Independent Members:

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

Community Member:

J. Gilasbey

The following Officers were in attendance:

L.R. Jones, Head of Administration and Law
R. Edgecombe, Acting Legal Services Manager
J. Owen, Democratic Services Officer

Chamber, County Hall, Carmarthen – 10:00 - 10:40am

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF PERSONAL INTEREST

| Councillor | Minute Item(s) | Nature of Interest |
|-------------------|--|--|
| J Gilasbey | 5. Application for Dispensation by Councillor P. N. Thompson | Cllr J Gilasbey is a Councillor for Kidwelly Town Council. |

3. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON THE 9TH SEPTEMBER, 2016

RESOLVED that the minutes of the meeting of the Committee held on the 9th September, 2016 be signed as a correct record.

4. APPLICATION FOR DISPENSATION BY COUNCILLOR S. HUSSAIN

The Committee was reminded that at its meeting held on the 11th September 2015 (minute 12 refers) it had granted dispensation, until the 4th December 2016, to Councillor S. Hussain, a member of Cwmamman Community Council to speak, but not vote, at meetings of Cwmamman Town Council in relation to any discussions regarding the relocation of Glanamman Post Office.

It was reported that a dispensation was sought as Councillor Hussain had a personal interest in the matter by virtue of the following paragraphs in that the proposed site of the relocated Post Office was a petrol station owned by Councillor Hussain;-

1. 10(2)(a)(i) as the matter relates to or is likely to affect a business carried on by him,
2. 10(2)(a)(ix)(bb) as the matter relates to or is likely to affect a company in which he holds a position of general control or management,
3. 10(2)(b)(i) as the matter might reasonably be regarded as affecting his well-being.

Councillor Hussain's interest was also prejudicial as a member of the public with knowledge of Councillor Hussain's business and financial interest in the issue would reasonably regard that interest as so significant as to be likely to prejudice his judgement of the wider public interest.

Councillor Hussain had accordingly requested that a dispensation be granted under regulation 2 (f) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 in that his participation was justified because of his particular role or expertise.

Councillor Hussain submitted that his experience of such post office re-locations and the financial implications that result was unique amongst members of the Council and that if he were unable to participate the Council would be at risk of making uniformed decisions.

The general consensus of the Committee was that they would have liked to have had more information about the business that was to be transacted at the Town Council meeting/s in relation to the matter and that any future applications that Councillor Hussain submits should include more detailed information in order to help the Committee to make an informed decision.

Following a detailed discussion, it was

RESOLVED that dispensation be granted under Regulation 2(f) of the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001 to Councillor Shahid Hussain to **SPEAK BUT NOT VOTE** at meetings of Cwmamman Town Council in relation to any discussions regarding the relocation of Glanamman Post Office until 4th May, 2017.

5. APPLICATION FOR DISPENSATION BY COUNCILLOR P. N. THOMPSON

At this point Councillor J Gilasbey declared an interest and left the room.

The Committee considered an application submitted by Councillor Phillip Nigel Thompson of Kidwelly Town Council for the grant of a dispensation under the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001 to speak and make written representations at meetings of Kidwelly Town Council in relation to the following:-

- 1) Councillor Thompson's involvement with the Ynghyd Community Interest Company (of which he is a director) in particular the asset transfer of Kidwelly Town Council's public conveniences and
- 2) Councillor Thompson's involvement with the Kidwelly Community Hub of which he is a member of the Management Committee.

It was reported that a dispensation was sought as Councillor Thompson had a personal interest in the matter by virtue of the following paragraphs of the Code of Conduct:-

- 1) 10(2)(a)(ix)(bb) as the matter relates to or is likely to affect a company in which he holds a position of general control or management
- 2) 10(2)(a)(ix)(ee) as the matter relates to or is likely to affect a private association in which he holds a position of general control or management

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

Councillor Thompson had accordingly requested that a dispensation be granted under regulation 2 (d)(f)(g) and (h) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001.

With regard to Councillor Thompson's personal interest in the Ynghyd Community Interest Company, the Acting Legal Services Manager informed the Committee that a Community Interest Company (CIC) was a limited company, with special additional features, created for the use of people who want to conduct a business or other activity for community benefit, and not purely for private advantage.

Following a query raised regarding the difference between speaking and making a written representation, the Head of Administration and Law reminded the Committee of the relevant extracts from the Code of Conduct for Members

In light of the query relating to the dispensation to make written representations, it was suggested that the application form be amended to provide clarity for both the applicant and the Committee considering the application. The Acting Legal Services Manager stated that he would consider amending the form.

Following a detailed discussion it was;

UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 2(d)(f)(g) and (h) of the Standards Committees (Grant of Dispensations) (Wales) Regulations to Councillor Philip Nigel Thompson to **SPEAK BUT NOT MAKE WRITTEN REPRESENTATIONS** at meetings of Kidwelly Town Council in relation to any discussion regarding the asset transfer of Kidwelly Town Council's public conveniences and the operation by Ynghyd CIC and Kidwelly Community Hub, and that the Dispensation be valid until the 4th May 2017.

6. **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.**

Councillor J. Gilasbey re-joined the meeting.

The Chair announced that he had presented the Annual Report of the Standards Committee for the 2015/16 period to the County Council on the 9th November 2016 where it was received.

Following a query, the Acting Legal Services Manager stated that he would e-mail the future Standards Committee meeting dates to Members.

CHAIR

DATE