

STANDARDS COMMITTEE

9/6/17

APPLICATION FOR DISPENSATION BY COUNCILLORS FROM GORSLAS COMMUNITY COUNCIL

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

Tel Nos.

01267 224018

E Mail Addresses:

RJEdgeco@carmarthenshire.gov.uk.

**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
9/6/17**

APPLICATION FOR DISPENSATION BY COUNCILLORS FROM GORSLAS COMMUNITY COUNCIL

An application has been received on behalf of elected members of Gorslas Community Council for the grant of a dispensation to speak and vote on any matters relating to schools for which they serve as governors. A copy of the application is attached to this report, together with a table setting out the position of each councillor under the code.

The Councillors have a personal interest in these matters pursuant to paragraph 10(2)(ix)(ee) of the code in that they are governors of those schools.

Where a councillor was nominated to the position of school governor by the community council they will benefit from the exemption under paragraph 12(2)(iii) of the Code.

Furthermore, although a councillor who was not nominated by the community council will benefit from the exemption under paragraph 12(2)(iv) of the code, it does not allow them to participate in discussions that relate particularly to the school of which they are a governor.

Neither exemption applies where the business under discussion relates to the determination of any approval, consent, licence, permission or registration.

Therefore where the Council discusses matters that particularly relate to an individual school a Councillor's personal interest as a school governor would potentially be prejudicial as a member of the public with knowledge of the relevant facts would reasonably regard that interest as so significant that it is likely to prejudice the Councillors judgement of the wider public interest.

Dispensations were granted to Councillors from Gorslas Community Council during the previous term, but these have now expired. Furthermore the identity of some of the Councillors has since changed due to the local authority elections.

In view of the continuing nature of these interests, the applicants ask that dispensation be granted for the remainder of their term of office.

If the committee is minded to grant these applications it is suggested that this be on ground 2(d) in the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001, namely that the Councillors participation in those discussions would not damage the public's confidence in the conduct of the community council's business.

In granting a dispensation the Committee has absolute discretion as to how long it lasts for and may grant dispensation for a shorter period if it so wishes.

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	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	NONE	NONE	NONE	NONE	NONE	NONE

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

Scrutiny Committee Not applicable
Local Member(s) Not applicable
Community / Town Council Not applicable
Relevant Partners Not applicable
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-153	Legal Services, County Hall