

# STANDARDS COMMITTEE

Friday, 9 June 2017

**PRESENT:** Councillor C.A. Downward (Chair)

## **Independent Members**

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

## **Councillors:**

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

## **The following Officers were in attendance:**

S. Murphy, Senior Solicitor

M.S. Davies, Democratic Services Officer

**Chamber, County Hall, Carmarthen - 10.00 am - 10.30 am**

### **1. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **2. DECLARATIONS OF PERSONAL INTEREST**

There were no declarations of personal interest.

### **3. MINUTES - 17TH MARCH, 2017**

**RESOLVED** that the minutes of the meeting of the Committee held on the 17<sup>th</sup> March 2017 be signed as a correct record.

### **4. REVIEW OF CORPORATE WHISTLEBLOWING POLICY**

The Committee considered a report on the annual review of the Corporate Whistle Blowing Policy, with a view to incorporating relevant information thereon within the Chair's Annual Report to the Council. It was noted that the Council had continued to take steps to raise staff awareness of the policy and ensure managers were fully trained to recognise whistle blowing complaints and deal with them properly. The corporate Whistle blowing Policy had been updated to reflect organisational changes and feedback from the elected members briefing session earlier in the year.

**RESOLVED** that the report be received and the revised policy approved.

### **5. CODE OF CONDUCT CASEBOOK**

The Committee considered the Public Services Ombudsman for Wales' latest issue of the 'Code of Conduct Casebook' containing summaries of 13 code investigations relating to members of both County and Community Councils which had been brought to a conclusion during the preceding quarter.

**RESOLVED** that the report be noted but that further clarification be sought on the 5 cases referred to Standards Committee in 2016/17 and the finding by the Adjudication Panel for Wales.

### **6. APPLICATION FOR DISPENSATION BY COUNCILLOR G. HOWELLS**

The Committee considered an application submitted by Councillor Gerald Howells 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 Llansteffan and Llanybri Community Council in respect of matters relating to Llansteffan Primary School, Llansteffan Parish Church and the Carmarthen Bay Ferries Community Interest Company.

It was reported that a dispensation was sought as Councillor Howells had a personal interest in these matters by virtue of paragraph 10(2)(ix)(aa) of the Code of Conduct in respect of the school, 10(2)(ix)(ee) in respect of the Parish Church and 10(2)(ix)(bb) in respect of the Carmarthen Bay Ferries Community Interest Company in that:-

- (1) The school is a body exercising functions of a public nature in which, as Chairman of Governors, he holds a position of general control or management. Councillor Howells was appointed to his current position as a school governor by his Community Council;
- (2) The church should be considered as a private association in which, as a Church Warden, he is a member;
- (3) He is a Director of the Company.

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

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

Councillor Howells had previously been granted a dispensation to speak but not vote in respect of matters (1) and (2) above in June 2016 and that dispensation had expired in May 2017.

Following a detailed discussion it was

#### **UNANIMOUSLY RESOLVED**

**6.1 that dispensation be granted under Regulations 2(d) and (f) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 to Councillor Gerald Howells to SPEAK AND TO MAKE WRITTEN REPRESENTATIONS BUT NOT VOTE at meetings of the Llansteffan and Llanybri Community Council in relation to any discussion regarding Llansteffan Primary School, Llansteffan Parish Church and the Carmarthen Bay Ferries Community Interest Company and that the dispensation be valid until the end of his current term of office;**

**6.2 Councillor Howells be advised to notify the Monitoring Officer of any material change in his Directorship of the Carmarthen Bay Ferries Community Interest Company.**

#### **7. APPLICATION FOR DISPENSATION BY COUNCILLOR I. R. LLEWELYN**

The Committee was reminded that at its meeting held on the 9<sup>th</sup> September 2016 (minute 9 refers) it had granted Councillor I.R. Llewellyn, a member of Llandybie Community Council, dispensation, until the end of the electoral term ending in May 2017, to speak but not vote at meetings of the Community Council in relation to any discussion regarding the transfer of County Council assets to the Community Council.

The Committee was advised that subsequent to the above, an application had been submitted by Councillor Llewellyn seeking dispensation to speak and vote at meetings of the Community Council in relation to any discussion regarding the transfer of County Council assets to the Community Council.

The Committee thereupon considered the application submitted by Councillor 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 in that 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 could 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 on the basis his participation in any debate at meetings of the Community Council would not damage public confidence.

Following a detailed discussion it was

**UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 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 end of his current term of office.**

**8. APPLICATION FOR DISPENSATION BY COUNCILLOR W.R. A. DAVIES**

The Committee was reminded that at its meeting held on the 9<sup>th</sup> September 2016 (minute 10 refers) it had granted dispensation to Councillor W.R.A. Davies, a member of Llandybie Community Council, until May 2017, to speak but not vote at meetings of the Community Council in relation to any discussion regarding the transfer of tennis facilities from the County Council to the Community Council.

The Committee was advised that subsequent to the above, an application had been submitted by Councillor Davies seeking dispensation to speak but not vote at

meetings of the Community Council in relation to any discussion regarding the transfer of bowls facilities from the County Council to the Community Council.

The Committee thereupon 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 bowls 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 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 could reasonably regard that interest as being so significant as to prejudice his judgement of the public interest.

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 bowls facilities from the County Council to the Llandybie Community Council, and that the Dispensation be valid until the end of the current electoral term.**

#### **9. APPLICATION FOR DISPENSATION BY COUNCILLOR E. W. NICHOLAS**

The Committee was reminded that at its meeting held on the 9<sup>th</sup> September 2016 (minute 11 refers) it had granted dispensation to Councillor E.W. Nicholas, a member of Llandybie Community Council, until May 2017, to speak but not vote at meetings of the Community Council in relation to any discussion regarding the transfer of tennis facilities from the County Council to the Community Council.

The Committee was advised that subsequent to the above, an application had been submitted by Councillor Nicholas seeking dispensation to speak but not vote at meetings of the Community Council in relation to any discussion regarding the transfer of bowls facilities from the County Council to the Community Council.

The Committee thereupon 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 bowls 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 Chairman of the Llandybie Tennis Club.

Councillor Nicholas' interest was also prejudicial as a member of the public with full knowledge of the facts could reasonably regard that interest as being so

significant as to prejudice his judgement of the public interest.

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 bowls facilities from the County Council to the Llandybie Community Council, and that the Dispensation be valid until the end of the current electoral term.**

**10. APPLICATION FOR DISPENSATION BY COUNCILLOR B. REES**

The Committee was reminded that at its meeting held on the 9<sup>th</sup> September 2016 (minute 12 refers) it had granted dispensation to Councillor B. Rees, a member of Llandybie Community Council, until May 2017, to speak but not vote at meetings of the Community Council in relation to any discussion regarding the transfer of tennis facilities from the County Council to the Community Council.

The Committee was advised that subsequent to the above, an application had been submitted by Councillor Rees seeking dispensation to speak but not vote at meetings of the Community Council in relation to any discussion regarding the transfer of bowls facilities from the County Council to the Community Council.

The Committee thereupon 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 Llandybie Bowls Club.

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

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 end of the current electoral term.**

**11. APPLICATION FOR DISPENSATION BY COUNCILLOR PHILIP NIGEL THOMPSON**

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);
- 2) Councillor Thompson's involvement with the Kidwelly Community Hub of which he is a member of the Management Committee.
- 3) Kidwelly Luncheon Club (which was jointly run by the above organisations).

It was reported that a dispensation was sought on a similar basis to that granted at the meeting held on 13th January 2017 [minute 5 thereof refers] in that Councillor Thompson had a personal interest in the matters 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.

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 Ynghyd CIC, Kidwelly Community Hub and Kidwelly Luncheon Club and that the Dispensation be valid until the end of the current electoral term.**

## **12. APPLICATION FOR DISPENSATION BY COUNCILLORS FROM GORSLAS COMMUNITY COUNCIL - SCHOOL GOVERNING BODIES**

The Committee considered an application submitted by the Clerk to Gorslas Community Council on behalf of the following councillors, being members of Gorslas Community Council, 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 their involvement with four schools in the area as detailed below:-

Maes y Gwendraeth School – Councillor A.V. Owen;

Cefneithin School – Councillor S.D. Martin;

Drefach School – Councillors D. Price and N. Lewis;

Gorslas School – Councillor J. Price.

It was reported that dispensation was sought on the basis all five councillors were, or had expressed a wish to be, members of the governing bodies of the above schools, but not appointed by the Community Council, and that, as such, they had, or would have, a personal interest in matters appertaining thereto under 10(2)(a)(ix)(ee) of the Code. That interest was also prejudicial as a member of the public with knowledge of the facts could reasonably regard it as so significant that it was likely to prejudice the Councillor's judgement of the public interest.

It was reported that in view of the continuing nature of the interest, the applicants had requested that if the Committee was minded to grant the dispensation, it be for the remainder of their current term of office i.e. until the local government elections in May 2022.

Following a detailed 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 A.V. Owen, S.D. Martin, D. Price, N. Lewis and J. Price to SPEAK AND VOTE at meetings of the Gorslas Community Council in relation to any discussions regarding their position as governors of Ysgol Maes y Gwendraeth, Cefneithin Primary, Drefach Primary and Gorslas Primary schools until the end of the current electoral term.**

### **13. APPLICATION FOR DISPENSATION BY COUNCILLORS FROM GORSLAS COMMUNITY COUNCIL - PARKS**

The Committee considered an application submitted by the Clerk to Gorslas Community Council, on behalf of the following councillors 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 the 3 recreation parks indicated which were owned and maintained by the Community Council.

Cefniethin Park – Cllrs. Simon Martin, Terry Jones, David Mervyn Evans, Brian Kirby and Darren Price;

Drefach Park – Cllrs. Wyn Edwards, Clive Green, Anthony Rees, Tina Jukes and Nia Lewis;

Gorslas Park – Cllrs. Aled Owen and Janice Price.

It was reported that a dispensation was sought as all 12 councillors had a personal interest in these matters pursuant to paragraph 10(2)(ix)(ee) of the Code in that they were members of local Welfare Association Committees which were involved in the running of those parks. The Councillors had not been appointed to their roles on those committees by the Community Council.

The Councillors' interests were prejudicial as a member of the public with

knowledge of the relevant facts would reasonably regard that interest as so significant that it was likely to prejudice the councillors' judgement of the public interest. For example, when the Community Council is deciding whether or not to spend monies on the parks a member of the public could reasonably conclude that the fact a councillor is a member of the relevant Welfare Association Committee would influence their view as to whether the money should be spent on the park or on some other issue unconnected with the Association. It was noted that the councillors had no direct financial interest in their respective Welfare Associations. Following a detailed discussion, it was

**RESOLVED that dispensation be granted until the end of the current electoral term to the above-mentioned 12 members of Gorslas Community Council to SPEAK AND VOTE at meetings of Gorslas Community Council in relation to any discussions regarding the three recreation parks owned and maintained by the Community Council under Regulation 2(a) of the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001.**

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**CHAIR**

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**DATE**