

APPLICATION TO THE STANDARDS COMMITTEE FOR DISPENSATION

Please note that each section **MUST** be completed. Please refer to the attached
Guidance Notes when completing the form.

1. YOUR DETAILS

Your full name: Cllr. 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.

Name of your Council: Carmarthenshire County Council.

Your address and postcode: c/o County Hall, Carmarthen SA31 1JP

Contact telephone number(s):

Email address:

2. DETAILS OF YOUR INTEREST

What is the matter under consideration?

Motion on Notice regarding TB testing at forthcoming council meeting

What is your interest in the above matter?

We are all either actively engaged in farming activities, own agricultural land which is rented out for farming activities or have close personal associates who are actively engaged on farming activities or own agricultural land. Further information is contained in the supporting statement below.

When will the above matter be considered?

Forthcoming full council meeting (date to be confirmed)

Are you applying for dispensation to:

Speak only:

Speak and vote: X

Make written
Representations X

Exercise Executive
Powers

3. GROUNDS FOR DISPENSATION

Regulations issued by the National Assembly for Wales prescribe the circumstances in which the Standards Committee may grant a dispensation. These grounds for granting a dispensation are summarised below and are set out in full in the attached guidance notes. On which of the following grounds do you believe that a dispensation should be granted in this case? Please tick the appropriate box(es).

• at least half of the members considering the business has an interest	<input type="checkbox"/>
• my inability to participate would upset the political balance of the meeting to such an extent that the outcome would be likely to be affected;	X <input type="checkbox"/>
• my participation would not damage public confidence	X <input type="checkbox"/>
• the interest is common to me and a significant proportion of the general public;	X <input type="checkbox"/>
• my participation in the business is justified by my particular role or expertise;	X <input type="checkbox"/>
• the business is to be considered by an overview and scrutiny committee and my interest is not a pecuniary interest;	<input type="checkbox"/>
• the business relates to the finances or property of a voluntary organisation of whose management committee or board I am a member and I have no other interest	<input type="checkbox"/>
• it is appropriate to do so in all the circumstances where not otherwise possible to make reasonable adjustments to accommodate a person's disability	<input type="checkbox"/>

4. INFORMATION IN SUPPORT OF YOUR APPLICATION

Please set out below the reasons why you consider that the Standards Committee should grant a dispensation in this case:

(Please note that failure to complete this section will result in the application form being returned to you)

Cllr. Jean Lewis

Councillor Lewis is the owner of agricultural land and actively engaged in the running of the family's farming business.

Cllr. Ann Davies

Councillor Davies is actively engaged in the running of the family farm and her family owns and rents agricultural land in the County.

Cllr. Arwel Davies

Councillor Davies is the owner of agricultural land and actively engaged in the running of the family's farming business. He also rents agricultural land.

Cllr. Tyssul Evans

Councillor Evans owns agricultural land in the County which is rented out for the farming activities by other farmers.

Cllr. Ken Howell

Councillor Howell is the owner of farm land.

Cllr. Gareth Thomas

Councillor Tomas owns farm land and works as a farmer.

Cllr. Mansel Charles

Councillor Charles is the owner of farm land and is a working farmer.

Cllr Hefin Jones

Councillor Jones is the owner of agricultural land and a shareholder in a farming business. He is also involved in the following Glastir agri-environmental schemes – Glastir woodland creation and management, Glastir advanced, Glastir Small Grants schemes.

Cllr Elwyn Williams

Councillor Williams owns and rents out agricultural land.

Cllr. Linda Davies Evans

Councillor Davies Evans' daughter and son in law own and farm agricultural land.

Cllr. Andrew Davies

Councillor Davies' brother owns agricultural land and is a working farmer.

Cllr. Bryan Davies

Councillor Davies' nephew owns agricultural land and is a working farmer.

Cllr. Hazel Evans

Councillor Evans' sister and her family own agricultural land and are working farmers.

General information in support of the request

Agriculture makes up an important part of the economy of the County and members of the public working in the industry, or whose families are directly connected with the industry, make up a significant part of the population of many parts of Carmarthenshire.

Many of the functions of the Council relate to or directly affect the farming industry. Decisions taken by elected members relating to farming matters can have a significant impact not just upon individual farms, but also upon the wider agricultural sector and the communities that they are a key part of.

If Councillors who have a personal and prejudicial interest in farming related decisions are unable to speak, not only would farming communities in the County be denied democratic representation when such decisions are made but also those Councillors who do not have such an interest would be denied the benefit of their expert knowledge.

Public confidence in the conduct of the Council's business would not be damaged by allowing these Councillors to speak in any debate or make written representations on farming related matters if any dispensation were to be caveated in the way suggested below.

The 14 applicants represent just over a third of their Plaid Cymru group on the Council and their inability to participate in any farming or agricultural matters would distort the political balance of the Council to such an extent that it could affect the outcome of **any vote on the particular motion**.

Some of these Councillors represent constituencies that are heavily affected by agricultural decisions and policies in terms of economy, employment and language etc. As such it is felt that it unfairly disadvantages those constituencies where their elected Councillor is denied a vote on such issues.

All applicants (apart from Cllrs. Davies Evans, Andrew Davies, Bryan Davies and Hazel Evans) have previously been granted dispensation to speak and make written representations (but not vote) in respect of these in respect of farming and agriculture generally, most recently in June 2022, and before this in 2017, 2018 and 2019.

However the June 2022 dispensation is subject to the caveat that it does not apply to council business that relates directly to the specific farm or agricultural land or activity which gives rise to the councillor's personal interest. Advice has been received from the Monitoring Officer that this caveat means that this previous dispensation would not therefore permit the relevant members to participate in the debate on this particular motion as the motion asks Welsh Government to review Tb testing procedures and all the Councillors above either have cattle on their respective holdings or have family which farm cattle.

Therefore, we require further dispensation which allows the mentioned Councillors to speak and vote on this specific issue in which they are experts. They all live with Tb testing on a bi-monthly basis or at best every 6 months. The Technical Advice Group which has been set up by Welsh Government is currently looking at Terms of Reference and therefore now is the opportune time to influence and provide expert representation. Tb testing affects all agricultural holdings which have cattle and constituents from all Wards need to have representations from their respective knowledgeable Councillors.

I confirm that the information provided on this form is true to the best of my knowledge. I agree that this application and all the information contained within it may form part of a public report to the Standards Committee. I request a dispensation in respect of the above matter.

Signed:

Date:

8 / Nov 2022

Please return this form to the Monitoring Officer, Chief Executive's Department, Carmarthenshire County Council, County Hall, Carmarthen, SA31 1JP.

Guidance notes

- (1) Please read through the Code of Conduct and decide which of the paragraphs is most appropriate to your case. Brief details of the relevant paragraphs are noted in the table below. If you are unsure, please contact the Monitoring Officer for advice.

Para.	Type of personal interest
10(2)(a)	Council business which relates to or is likely to affect: <ul style="list-style-type: none"> • your employment or business, • your employer, firm or company • a contract made between the Council and you • any land, lease or licence in which you have an interest • a public body or other association in which you have membership or hold a position of general control or management
10(2)(c)	Council business which affects your well-being or financial position, or the well-being, financial position or other interests of a person with whom you live or have a close personal association
13	Council business which is being considered by an Overview and Scrutiny Committee and which relates to a decision of the Cabinet or another Committee of which you were a member at the time [County Council only]

- (2) The Standards Committees (Grant of Dispensations)(Wales) Regulations 2001(as amended) state that a Standards Committee may grant dispensations where:

- no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;
- no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;
- the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;

- (e) the interest is common to the member and a significant proportion of the general public;
- (f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;
- (g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;
- (h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or
- (i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.
- (j) It is considered appropriate in all the circumstances to do so where not otherwise possible to make reasonable adjustments to accommodate a persons disability