

Pecyn Dogfennau



Mark James LLM, DPA, DCA
Prif Weithredwr,
Chief Executive,
Neuadd y Sir, Caerfyrddin. SA31 1JP
County Hall, Carmarthen. SA31 1JP

DYDD MAWRTH, 24 TACHWEDD 2015

AT: HOLL AELODAU'R PWYLLGOR SAFONAU

YR WYF DRWY HYN YN EICH GALW I FYNYCHU CYFARFOD O'R
**PWYLLGOR SAFONAU A GYNHELIR YN SIAMBR, 3 HEOL SPILMAN,
CAERFYRDDIN AM 10.00 AM, DYDD IAU, 3YDD RHAGFYR, 2015 ER
MWYN CYFLAWNI'R MATERION A AMLINELLIR AR YR AGENDA SYDD
YNGHLWM**

Mark James

PRIF WEITHREDWR



AILGYLCHWCH OS GWELWCH YN DDA

Swyddog Democrataidd:	Mr Kevin Thomas
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EICH CYNGOR arleinamdani

www.sirgar.llyw.cymru

YOUR COUNCIL doitonline

www.carmarthenshire.gov.wales

PWYLLGOR SAFONAU

AELODAETH: 9 AELOD

Aelodau Annibynnol (5)

1. Mrs. Mary Dodd
2. Mr. Christopher A. Downward Is-Gadeirydd y Pwyllgor
3. Mr. M. Andre Morgan
4. Mr. Alun Williams
5. Lle Gwag

Aelod Pwyllgor Cymunedol (1)

1. Y Cynghorydd Jeanette Gilasbey

Aelodau Etholedig y Cyngor Sir (3)

1. Y Cynghorydd Susan M. Allen
2. Y Cynghorydd B.A. Louvain Roberts
3. Y Cynghorydd Gareth B. Thomas

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Y PWYLLGOR SAFONAU 3YDD RHAGFYR 2015

PENODI CADEIRYDD AC IS-GADEIRYDD

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:

Bod y pwyllgor yn penodi Cadeirydd ac Is-gadeirydd o blith yr aelodau annibynnol sydd wedi dangos diddordeb yn y swyddi.

Y rhesymau:

Rhaid dewis Cadeirydd ac Is-gadeirydd y Pwyllgor o blith yr aelodau annibynnol o'r Pwyllgor .

Argymhellion / Sylwadau'r Pwyllgor Craffu:

Ddim yn berthnasol

Angen i'r Bwrdd Gweithredol wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y Cyng E Dole (Arweinydd y Cyngor)

Y Gyfarwyddiaeth:

Y Prif Weithredwr

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:

Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth a'r Gyfraith

Rheolwr Dros Dro y Gwasanaethau Cyfreithiol

Rhifau ffôn:

01267 224018

Cyfeiriadau E-bost:

RJEdgeco@sirgar.gov.uk.

**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
3RD DECEMBER 2015**

ELECTION OF CHAIR OF STANDARDS COMMITTEE

Following the passing of Mr Paul Stait in September, the committee is required to elect a new Chair from amongst those independent co-opted members of the committee that have expressed an interest.

All members of the committee will be entitled to participate in the vote which is by way of secret ballot.

Standing Orders will need to be suspended in order for this election to take place.

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: L. 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: L. Rees-Jones

Head of Administration and Law

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Not applicable

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. 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-0000	Legal Services, County Hall

Dydd Gwener, 11 Medi, 2015

YN BRESENNOL: Mr C.A. Downward (Yr Is-gadeirydd yn cadeirio)

Aelodau Annibynnol:

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

Y Cynghorwyr:

S.M. Allen a B.A.L. Roberts

Roedd y swyddogion canlynol yn gwasanaethu yn y cyfarfod:

Ms L. Rees-Jones, Pennaeth Gweinyddiaeth a'r Gyfraith

Mr R. Edgecombe, Rheolwr y Gwasanaethau Cyfreithiol

Mrs A. Clarke, Rheolwr Polisi

Mrs M. Evans Thomas, Swyddog Gwasanaethau Democrataidd

Y Siambr, Neuadd y Sir, Caerfyrddin : 10.00 a.m. - 11.10 a.m.

1. YMDDIHEURIADAU AM ABSENOLDEB

Derbyniwyd ymddiheuriadau am absenoldeb gan y Cyngorydd G.B. Thomas, Mr P. Stait a'r Cyngorydd Cymuned J. Gilasbey.

Dywedodd yr Is-gadeirydd wrth y Pwyllgor fod y Cadeirydd yn dost ac, ar ran y Pwyllgor, dymunodd wellhad llwyr a buan i Mr Stait.

2. DATGAN BUDDIANNAU PERSONOL

Ni ddatganwyd dim buddiannau personol yn y cyfarfod.

3. LLOFNODI BOD COFNODION CYFARFOD Y PWYLLGOR A OEDD WEDI'I GYNNAL AR 29 GORFFENNAF 2015 YN GYWIR

PENDERFYNWYD Ilofnodi bod cofnodion cyfarfod y Pwyllgor a oedd wedi'i gynnal ar 29 Gorffennaf 2015 yn gywir.

4. NEWID TREFN Y MATERION

Ar wahoddiad y Cadeirydd ac yn unol â Rheol 2 [3] o Weithdrefn y Cyngor, cytunodd y Pwyllgor i newid trefn y materion oedd yn weddill ar yr agenda.

5. ADOLYGU'R POLISI CORFFORAETHOL YNGHYLCH DATGELU CAMARFER

Rhoddodd y Pwyllgor ystyriaeth i adroddiad oedd yn darparu adolygiad blynyddol o'r Polisi Corfforaethol ynghylch Datgelu Camarfer, gyda golwg ar gynnwys gwybodaeth berthnasol yn ei gylich yn Adroddiad Blynyddol y Cadeirydd i'r Cyngor.

Adroddwyd bod y Cyngor wedi cael tair o gwynion datgelu camarfer newydd rhwng 1 Ebrill 2014 a 31 Mawrth 2015, o gymharu ag un gŵyn newydd yn

2013/14. Daethpwyd â'r cwynion hyn i derfyn fel a ganlyn:-

1. Daethpwyd ag un gŵyn i derfyn yn dilyn cyswllt â'r achwynydd honedig;
2. Ymchwiliwyd i un gŵyn ond ni chafwyd hyd i dystiolaeth i gadarnhau'r gŵyn;
3. Ymchwiliwyd i un gŵyn ac arweiniodd hynny at gynnal ymchwiliad disgyblu ffurfiol.

Nid oedd unrhyw gwynion wedi eu cario ymlaen o 2013/14 ac nid oes unrhyw gwynion wedi eu cario ymlaen i 2015/16.

Mae'r Cyngor wedi parhau i gymryd camau i godi ymwybyddiaeth y staff o'r polisi a sicrhau bod rheolwyr wedi cael eu hyfforddi'n llawn i adnabod cwynion datgelu camarfer ac ymdrin â nhw'n briodol.

Codwyd y sylwadau/materion canlynol wrth drafod yr adroddiad:-

- roedd y Pwyllgor yn falch o nodi'r gwelliant yn y cyfraddau cwblhau mewn perthynas â'r modiwl e-ddysgu ynghylch datgelu camarfer ac, yn benodol, canmolodd Adran y Prif Weithredwr am ei chyfradd gwblhau o 100%.

Llongyfarchwyd y swyddogion ar lunio adroddiad cynhwysfawr oedd wedi'i gyflwyno'n dda.

PENDERFYNWYD derbyn yr adroddiad.

6. ADRODDIAD BLYNYDDOL Y PWYLLGOR SAFONAU 2014/2015

Rhoddodd y Pwyllgor ystyriaeth i'r Adroddiad Blynyddol drafft ynghylch y gwaith oedd wedi ei gyflawni gan y Pwyllgor yn ystod 2014/15 a nododd, petai'r adroddiad yn cael ei fabwysiadu, y byddai'n cael ei roi gerbron cyfarfod y Cyngor Sir naill ai ym mis Tachwedd neu ym mis Rhagfyr i'w gymeradwyo.

Nodwyd bod y rhan ynghylch y Gynhadledd Safonau Flynyddol wedi'i gadael yn wag yn fwriadol oherwydd teimlwyd y gellid ei chwblhau ar ôl mynychu'r gynhadledd.

Tynnwyd sylw at y ffaith bod angen diweddarau'r rhan ynghylch datgelu camarfer a bod y dyddiad anghywir wedi'i gynnwys o dan bwynt 2. Cadarnhaodd Rheolwr y Gwasanaethau Cyfreithiol y byddai'r gwallau hyn yn cael eu cywiro ac y byddai'n dosbarthu drafft diwygiedig i'r aelodau i'w gymeradwyo cyn bod yr adroddiad yn cael ei gyflwyno i'r Cyngor.

PENDERFYNWYD ARGYMELL I'R CYNGOR, yn amodol ar y newidiadau y cyfeiriwyd atynt uchod, y dylid mabwysiadu Adroddiad Blynyddol y Pwyllgor Safonau 2014/15.

7. CYDYMFFURFIO Â'R CÔD YMDDYGIAD GAN GYNGHORWYR TREF A CHYNGHORWYR CYMUNED

Yn ei gyfarfod ar 13 Mawrth 2015, rhoddodd y Pwyllgor ystyriaeth i adroddiad ynghylch i ba raddau roedd aelodau Cyngorau Tref a Chymuned yn cydymffurfio â'r Côt Ymddygiad (gweler cofnod 5). Fodd bynnag, gan nad oedd yr holl Gyngorau Tref a Chymuned wedi ymateb i geisiadau am wybodaeth, roedd bylchau sylweddol yn yr adroddiad ac roedd y Pwyllgor wedi gofyn am adroddiad

diweddarau pellach yn y cyfarfod heddiw.

Nododd Rheolwr y Gwasanaethau Cyfreithiol y dylai'r ffigurau mewn perthynas â Llansteffan a Llan-y-bri fod fel a ganlyn: 0 Cwyn ynghylch y Côd 2012/2013 a 40 Datganiad 2012/2013. Hefyd, rhoddodd y wybodaeth ddiweddaraf ganlynol i'r Pwyllgor a oedd wedi'i derbyn ar ôl dosbarthu'r agenda:-

Llanllwni: 2012/13 – 0 Hyfforddiant ynghylch y Côd, 3 Datganiad
2013/14 – 0 Hyfforddiant ynghylch y Côd, 1 Datganiad
2014/15 – 0 Hyfforddiant ynghylch y Côd, 3 Datganiad

Cynwyl 2012/13 – 0 Hyfforddiant ynghylch y Côd, 1 Datganiad
Gaeo: 2013/14 – 2 Hyfforddiant ynghylch y Côd, 2 Ddatganiad
2014/15 – 3 Hyfforddiant ynghylch y Côd, 2 Ddatganiad

PENDERFYNWYD derbyn yr adroddiad.

8. ADRODDIAD OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU 2014/15

Rhoddodd y Pwyllgor ystyriaeth i Adroddiad Blynyddol Ombwdsmon Gwasanaethau Cyhoeddus Cymru am y cyfnod 2014/15 a oedd yn cynnwys manylion ynghylch cwynion o gamweinyddu a methiant gwasanaeth yn erbyn cyrff cyhoeddus a honiadau yn erbyn aelodau awdurdodau lleol eu bod wedi torri'r Côd Ymddygiad.

Adroddwyd bod nifer cyffredinol y cwynion o gamweinyddu yn erbyn awdurdodau cyhoeddus wedi cynyddu 7%, o gymharu â chynnydd o 8% y flwyddyn flaenorol. Roedd y gyfran fwyaf o gwynion yn dal yn ymwneud ag awdurdodau lleol ac roedd nifer y cwynion a gofnodwyd yn erbyn awdurdodau lleol wedi cynyddu 5%, o gymharu â chynnydd o 9.5% y flwyddyn flaenorol. O'r 2,015 o gwynion o gamweinyddu a ddaeth i derfyn, dim ond 428 y bwriwyd ymlaen â nhw a dim ond 349 o'r rheiny (82%) a arweiniodd at gadarnhau'r gŵyn neu ei chadarnhau'n rhannol.

Cyhoeddwyd cyfanswm o 12 Adroddiad er Budd y Cyhoedd, ac roedd un ohonynt yn ymwneud â Chyngor Sir Caerfyrddin. Roedd y mater hwn yn ymwneud â digwyddiadau yn 2012 a chyflwynwyd adroddiad yr Ombwdsmon i'r Cyngor Llawn ar 24 Chwefror 2015.

Penderfynwyd ynghylch cyfanswm o 58 o gwynion o gamweinyddu yn ymwneud â Chyngor Sir Caerfyrddin. Yn gyffredinol, roedd nifer y cwynion ynghylch y Côd Ymddygiad wedi cynyddu 1%, o gymharu â gostyngiad o 22% yn 2013/14. Roedd nifer y cwynion ynghylch y Côd yn erbyn Cyngorwyr Sir wedi cynyddu 13% tra bod nifer y cwynion yn erbyn Cyngorwyr Cymuned wedi gostwng 8%. O'r 239 o gwynion ynghylch y Côd a ddaeth i derfyn yn ystod y flwyddyn, dim ond 34 o achosion oedd yn destun ymchwiliad. O'r rhain, mewn 17 o achosion nid oedd tystiolaeth o dorri'r Côd, mewn 8 o achosion nid oedd angen cymryd unrhyw gamau, cyfeiriwyd 1 achos at Banel Dyfarnu Cymru a chyfeiriwyd 8 achos at Bwyllgorau Safonau Lleol. Daethpwyd â chyfanswm o 15 o gwynion ynghylch y Côd yn ymwneud â Chyngorwyr Sir a Chyngorwyr Tref a Chymuned o Sir Gaerfyrddin i derfyn.

PENDERFYNWYD derbyn yr adroddiad.

9. CYFARWYDDYD DIWYGIEDIG YR OMBWDSMON

Dywedwyd wrth y Pwyllgor fod Ombwdsmon Gwasanaethau Cyhoeddus Cymru wedi cyhoeddi cyfarwyddyd diwygiedig mewn perthynas â'r Côd Ymddygiad i Aelodau Awdurdodau Lleol yng Nghymru.

Roedd y prif newidiadau i fersiynau blaenorol o'r Cyfarwyddyd fel a ganlyn:-

1. Esboniad ynghylch y prawf dau gam a ddefnyddir gan yr Ombwdsmon wrth benderfynu a ddylid ymchwilio neu beidio;
2. Cyfarwyddyd pellach ynghylch defnyddio'r cyfryngau cymdeithasol a mynegiant gwleidyddol;
3. Cyfarwyddyd pellach ynghylch datgan buddiannau.

Gan fod y cyfarwyddyd wedi'i gyhoeddi ym mis Ebrill eleni, rhoddwyd ystyriaeth iddo wrth baratoi a chyflwyno'r hyfforddiant ynghylch y Côd Ymddygiad ym mis Mehefin.

PENDERFYNWYD derbyn yr adroddiad.

10. PANEL DYFARNU CYMRU - COFNOD PENDERFYNIADAU - Y CYNGHORYDD CYMUNED HAULWEN LEWIS

Rhoddwyd gwybod i'r Pwyllgor, ar 13 Awst 2015, y cynullwyd Tribiwnlys Achos o Banel Dyfarnu Cymru er mwyn rhoi ystyriaeth i atgyfeiriad gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru mewn perthynas â'r Cyngorydd Haulwen Lewis o Gyngor Cymuned Llanfihangel-ar-arth.

Roedd yr atgyfeiriad yn ymwneud â honiad bod y Cyngorydd Lewis wedi torri Côd Ymddygiad yr Aelodau mewn cyfarfod o'r Gyngor Cymuned ar 16 Ionawr 2012. Honnwyd bod y Cyngorydd Lewis wedi methu â datgan buddiant personol a rhagfarnol pan roedd ystyriaeth yn cael ei rhoi i gais cynllunio am fferm wynt ar dir wrth ymyl tir yr oedd hi'n berchen arno a'i bod hefyd wedi cymryd rhan mewn pleidlais gudd mewn perthynas â'r cais.

Cafodd y Tribiwnlys Achos yn unfrydol fod y Cyngorydd Lewis, drwy ei hymddygiad, wedi mynd yn groes i baragraffau 11(1) a 14(1)(a) y Côd. Hefyd, penderfynodd y Tribiwnlys Achos yn unfrydol y dylai'r Cyngorydd Lewis gael ei hatal rhag gweithredu fel aelod o Gyngor Cymuned Llanfihangel-ar-arth am gyfnod o 3 mis, gan ddechrau ar 13 Awst 2015.

PENDERFYNWYD

10.1 bod yr adroddiad yn cael ei dderbyn;

10.2 gofyn i'r Swyddog Monitro ysgrifennu at holl Glercod y Cyngorau Tref a Chymuned i'w hatgoffa o'u rôl o ran rhoi cyngor i aelodau ynghylch y Côd Ymddygiad ac, yn benodol, y gofyniad i wneud datganiadau pan fo angen.

11. CAIS AM OLLYNGIAD GAN BYMTHEG O GYNGHORWYR O GYNGOR CYMUNED GORS-LAS

Rhoddodd y Pwyllgor ystyriaeth i gais a gyflwynwyd gan Glerc Cyngor Cymuned Gors-las, ar ran y Cyngorwyr Ellis Davies, Huw Davies, Terrence Davies, Dewi Wyn Edwards, Clive Green, Gavin Griffiths, Terry Jones, Tina Jukes, Brian Kirby, Nia Lewis, Simon David Martin, Aled Owen, Darren Price, Janice Ann Price, ac Anthony Rees, o Gyngor Cymuned Gors-las, am ollyngiad o dan ddarpariaethau Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 i siarad a phleidleisio yng nghyfarfodydd Cyngor Cymuned Gors-las mewn perthynas â materion yn ymwneud â 3 parc hamdden sy'n eiddo i'r Cyngor Cymuned ac sy'n cael eu cynnal a'u cadw ganddo.

Adroddwyd bod cais wedi'i wneud am ollyngiad gan fod gan bob un o'r 15 Cyngorydd fuddiant personol yn y materion hyn, yn unol â pharagraff 10(2)(ix)(ee) y Côd, yn yr ystyr eu bod yn aelodau o Bwyllgorau Cymdeithasau Lles lleol sy'n ymwneud â chynnal y parciau hynny. Nid oedd y Cyngorwyr wedi'u penodi i'w rolau ar y pwyllgorau hynny gan y Cyngor Cymuned.

Roedd buddiannau'r Cyngorwyr yn rhagfarnol gan y byddai'n rhesymol i aelod o'r cyhoedd a oedd yn gwybod y ffeithiau perthnasol ystyried bod y buddiant hwnnw mor arwyddocaol fel ei fod yn debygol o ddylanwadu ar farn y Cyngorwyr ynghylch budd y cyhoedd. Er enghraifft, pan mae'r Cyngor Cymuned yn penderfynu a ddylid gwario arian ar y parciau neu beidio, byddai'n rhesymol i aelod o'r cyhoedd ddod i'r casgliad y byddai'r ffaith bod Cyngorydd yn aelod o Bwyllgor y Gymdeithas Les berthnasol yn dylanwadu ar ei farn/barn ynghylch a ddylid gwario'r arian ar y parc neu ar ryw fater arall nad yw'n gysylltiedig â'r Gymdeithas. Nodwyd nad oedd gan y Cyngorwyr fuddiant ariannol uniongyrchol yn eu Cymdeithasau Lles priodol.

Yn dilyn trafodaeth fanwl,

PENDERFYNWYD caniatáu gollyngiad hyd at 11 Mawrth 2016, i'r 15 aelod uchod o Gyngor Cymuned Gors-las SIARAD A PHLEIDLEISIO yng nghyfarfodydd Cyngor Cymuned Gors-las mewn perthynas ag unrhyw drafodaethau ynghylch y tri parc hamdden sy'n eiddo i'r Cyngor Cymuned ac sy'n cael eu cynnal a'u cadw ganddo, o dan Reoliad 2(a) o Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001.

12. CAIS AM OLLYNGIAD GAN Y CYNGHORYDD SHAHID HUSSAIN

Rhoddodd y Pwyllgor ystyriaeth i gais a gyflwynwyd gan y Cyngorydd Shahid Hussain, a oedd yn aelod o Gyngor Tref Cwmaman, am ollyngiad o dan ddarpariaethau Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 i siarad a phleidleisio yng nghyfarfodydd Cyngor Tref Cwmaman ar faterion yn ymwneud ag adleoli Swyddfa Bost Glanaman.

Adroddwyd bod cais wedi'i wneud am ollyngiad gan fod gan y Cyngorydd Hussain fuddiant personol yn y mater yn rhinwedd paragraff 10(2)(a)(i) y Côd Ymddygiad, gan ei fod yn ymwneud â busnes a gynhelir ganddo, ac yn debygol o effeithio ar y busnes hwnnw, yn yr ystyr bod y safle y bwriedir symud Swyddfa'r

Post iddo yn orsaf betrol sy'n eiddo i'r Cynghorydd Hussain.

Roedd buddiant y Cynghorydd Hussain hefyd yn rhagfarnol gan y byddai'n rhesymol i aelod o'r cyhoedd a oedd yn gwybod am fuddiant busnes ac ariannol y Cynghorydd Hussain yn y mater ystyried bod y buddiant hwnnw mor arwyddocaol fel ei fod yn debygol o ddylanwadu ar ei farn ynghylch budd ehangach y cyhoedd.

Gofynnodd y Cynghorydd Hussain am ollyngiad o dan Reoliad 2(f) o Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 oherwydd bod ei rôl neu ei arbenigedd penodol yn cyfiawnhau ei fod yn cymryd rhan. Dywedodd y Cynghorydd Hussain fod ei brofiad blaenorol o adleoli swyddfeydd post a'r goblygiadau ariannol yn sgil hynny yn unigryw ymhlith aelodau'r Cyngor a, phe na fyddai'n gallu cymryd rhan, y byddai'r Cyngor mewn perygl o wneud penderfyniad heb yr holl wybodaeth berthnasol.

Yn dilyn trafodaeth fanwl,

PENDERFYNWYD caniatáu gollyngiad o dan Reoliad 2(f) o Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 i'r Cynghorydd Shahid Hussain SIARAD OND NID PLEIDLEISIO yng nghyfarfodydd Cyngor Tref Cwmaman mewn perthynas ag unrhyw drafodaethau ynghylch adleoli Swyddfa Bost Glanaman, hyd at 4 Rhagfyr 2015.

Y CADEIRYDD

Y DYDDIAD

Y PWYLLGOR SAFONAU 3YDD RHAGFYR 2015

CAIS AM OLLYNGIAD GAN Y CYNGHORYDD COUNCILLOR B REES

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:
Ystyried y cais a phenderfynu arno

Y rhesymau:

Mae'r testun dan sylw yn yr adroddiad hwn yn rhan o gylch gorchwyl y Pwyllgor

Argymhellion / Sylwadau'r Pwyllgor Craffu:

Ddim yn berthnasol

Angen i'r Bwrdd Gweithredol wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y
Cyngorydd E Dole (Arweinydd y Cyngor)

Y Gyfarwyddiaeth:

Y Prif Weithredwr

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:

Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth a'r
Gyfraith

Rheolwr Dros Dro y
Gwasanaethau Cyfreithiol

Rhifau ffôn:

01267 224018

Cyfeiriadau E-bost:

RJEdgeco@sirgar.gov.uk

**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
3RD DECEMBER 2015**

APPLICATION FOR DISPENSATION BY COUNCILLOR B REES

An application for dispensation to speak and vote in relation to matters regarding the transfer of bowls facilities from the County Council to the Community Council has been received from Community Councillor B Rees of Llandybie Community Council.

Councillor Rees has a personal interest in such matters by virtue of paragraph 10(2)(a)(ix)(ee) of the Code of Conduct as he is the President of Llandybie Bowls Club.

This interest is also a prejudicial interest 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.

The application is submitted on 5 grounds specified in the Standards Committees (Grant of Dispensation)(Wales) Regulations 2001 namely;

- (d) no damage to public confidence
- (e) common interest with significant proportion of the general public
- (f) participation justified due to the member's special expertise
- (h) interest relates to a voluntary organisation (limited to speaking only)
- (i) granting the application is in the interests of the inhabitants of the area

Of these, paragraphs (e) and (i) are not appropriate.

If the committee is minded to grant the application, it has an absolute discretion as to duration, it may grant it until the end of the Councillor's term of office, or some other date, such as the date of a future meeting of this committee.

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: L. 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: L. Rees-Jones

Head of Administration and Law

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Not applicable

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. 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-140	Legal Services, County Hall

CARMARTHENSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

APPLICATION for a dispensation under Section 2 of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001

The Carmarthenshire County Council Standards Committee are requested to grant the Member/s listed below a Dispensation to cover the interest/s declared in Section 2 below. My reasons for requesting same are set out in Section 4

SECTION 1	Name(s) of Member(s)	Name of member's authority
	BRYAN REES	LLANDYBIE COMMUNITY COUNCIL

SECTION 2	Matter to be discussed on which member seeks dispensation
	ASSET TRANSFER OF BOWLS FACILITIES AT LLANDYBIE.
Date of meeting at which the matter is to be discussed:	ON GOING NEGOTIATIONS.

Dispensation being sought to speak and vote	YES
Dispensation being sought to speak only	

SECTION 3	The interest which the member must disclose, and the nature of that interest in relation to the matter to be discussed
	PRESIDENT OF TYBIE BOWLS CLUB

SECTION 4	Criteria for seeking dispensation	
~ 50% of members affected		<input type="checkbox"/>
~ Political balance would be affected (county borough only)		<input type="checkbox"/>
~ No damage to public confidence		<input checked="" type="checkbox"/>
~ Common interest with general public		<input checked="" type="checkbox"/>
~ Justified because of special expertise		<input checked="" type="checkbox"/>
~ Scrutiny committee business <u>and</u> not financial interest		<input type="checkbox"/>
~ Voluntary organisation <u>and</u> not financial interest		<input checked="" type="checkbox"/>
~ In the interests of inhabitants		<input checked="" type="checkbox"/>
<i>(See appendix for more details)</i>		

SECTION 5	Reason/s in support of my/our application (use a separate sheet of paper if necessary)
<p>As President of Tyne Bowls Club I have a lot of knowledge of this facility including the costs of running such a facility.</p>	

SIGNED BR es (Member of County Council)

DATED: 17/11/15

APPENDIX

Circumstances when a standards committee may grant dispensations

The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 specify that a standards committee of a relevant authority may grant dispensations under Section 81 of the Act where:

- a. no fewer than half of the members of the relevant authority or of a committee of the authority (as they case may be) by which the business is to be considered has an interest which relates to that business;
- b. 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;
- c. 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 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.
- d. 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 a 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 7 days in such manner as it may specify.

Mae'r dudalen hon yn wag yn fwriadol

Y PWYLLGOR SAFONAU 3YDD RHAGFYR 2015

CAIS AM OLLYNGIAD GAN Y CYNGHORYDD COUNCILLOR E W NICHOLAS

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:
Ystyried y cais a phenderfynu arno

Y rhesymau:

Mae'r testun dan sylw yn yr adroddiad hwn yn rhan o gylch gorchwyl y Pwyllgor

Argymhellion / Sylwadau'r Pwyllgor Craffu:

Ddim yn berthnasol

Angen i'r Bwrdd Gweithredol wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y Cyngorydd E Dole (Arweinydd y Cyngor)

Y Gyfarwyddiaeth:

Y Prif Weithredwr

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:

Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth a'r Gyfraith

Rheolwr Dros Dro y Gwasanaethau Cyfreithiol

Rhifau ffôn:

01267 224018

Cyfeiriadau E-bost:

RJEdgeco@sirgar.gov.uk

**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
3RD DECEMBER 2015**

APPLICATION FOR DISPENSATION BY COUNCILLOR E W NICHOLAS

An application for dispensation to speak and vote in relation to matters regarding the transfer of tennis facilities from the County Council to the Community Council has been received from Community Councillor E W Nicholas of Llandybie Community Council.

Councillor Nicholas has a personal interest in such matters by virtue of paragraph 10(2)(a)(ix)(ee) of the Code of Conduct as he is the President of Llandybie Tennis Club.

This interest is also a prejudicial interest 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.

The application is submitted on 5 grounds specified in the Standards Committees (Grant of Dispensation)(Wales) Regulations 2001 namely;

- (d) no damage to public confidence
- (e) common interest with significant proportion of the general public
- (f) participation justified due to the member's special expertise
- (h) interest relates to a voluntary organisation (limited to speaking only)
- (i) granting the application is in the interests of the inhabitants of the area

Of these, paragraphs (e) and (i) are not appropriate.

If the committee is minded to grant the application, it has an absolute discretion as to duration, it may grant it until the end of the Councillor's term of office, or some other date, such as the date of a future meeting of this committee.

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: L. 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: L. Rees-Jones

Head of Administration and Law

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Not applicable

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. 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-140	Legal Services, County Hall

CARMARTHENSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

APPLICATION for a dispensation under Section 2 of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001

The Carmarthenshire County Council Standards Committee are requested to grant the Member/s listed below a Dispensation to cover the interest/s declared in Section 2 below. My reasons for requesting same are set out in Section 4

SECTION 1	Name(s) of Member(s)	Name of member's authority
	EMYR WYN NICHOLAS	LLANDYBIE COMMUNITY COUNCIL


SECTION 2	Matter to be discussed on which member seeks dispensation
	Asset transfer of Tennis Facilities at Llandybie
Date of meeting at which the matter is to be discussed:	On going negotiations

Dispensation being sought to speak and vote	YES
Dispensation being sought to speak only	

SECTION 3	The interest which the member must disclose, and the nature of that interest in relation to the matter to be discussed
	President of Llandybie Tennis Club.

SECTION 4	Criteria for seeking dispensation
~ 50% of members affected	
~ Political balance would be affected (county borough only)	
~ No damage to public confidence	✓
~ Common interest with general public	✓
~ Justified because of special expertise	✓
~ Scrutiny committee business <u>and</u> not financial interest	
~ Voluntary organisation <u>and</u> not financial interest	✓
~ In the interests of inhabitants	✓
<i>(See appendix for more details)</i>	

SECTION 5	Reason/s in support of my/our application (use a separate sheet of paper if necessary)
<p>As president of Llandybie Tennis Club I have a lot of knowledge of this facility including the cost in running the facility.</p>	

SIGNED  (Member of County Council)

DATED: 17.11.2015

APPENDIX

Circumstances when a standards committee may grant dispensations

The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 specify that a standards committee of a relevant authority may grant dispensations under Section 81 of the Act where:

- a. no fewer than half of the members of the relevant authority or of a committee of the authority (as they case may be) by which the business is to be considered has an interest which relates to that business;
- b. 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;
- c. 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 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.
- d. 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 a 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 7 days in such manner as it may specify.

Mae'r dudalen hon yn wag yn fwriadol

Y PWYLLGOR SAFONAU 3YDD RHAGFYR 2015

CAIS AM OLLYNGIAD GAN Y CYNGHORYDD COUNCILLOR W R A DAVIES

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:
Ystyried y cais a phenderfynu arno

Y rhesymau:

Mae'r testun dan sylw yn yr adroddiad hwn yn rhan o gylch gorchwyl y Pwyllgor

Argymhellion / Sylwadau'r Pwyllgor Craffu:

Ddim yn berthnasol

Angen i'r Bwrdd Gweithredol wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y Cyngorydd E Dole (Arweinydd y Cyngor)

Y Gyfarwyddiaeth:

Y Prif Weithredwr

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:

Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth a'r Gyfraith

Rheolwr Dros Dro y Gwasanaethau Cyfreithiol

Rhifau ffôn:

01267 224018

Cyfeiriadau E-bost:

RJEdgeco@sirgar.gov.uk

**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
3RD DECEMBER 2015**

APPLICATION FOR DISPENSATION BY COUNCILLOR W R A DAVIES

An application for dispensation to speak and vote in relation to matters regarding the transfer of tennis facilities from the County Council to the Community Council has been received from Community Councillor W R A Davies of Llandybie Community Council.

Councillor Davies has a personal interest in such matters by virtue of paragraph 10(2)(a)(ix)(ee) of the Code of Conduct as he is the secretary and treasurer of Llandybie Tennis Club.

This interest is also a prejudicial interest 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.

The application is submitted on 5 grounds specified in the Standards Committees (Grant of Dispensation)(Wales) Regulations 2001 namely;

- (d) no damage to public confidence
- (e) common interest with significant proportion of the general public
- (f) participation justified due to the member's special expertise
- (h) interest relates to a voluntary organisation (limited to speaking only)
- (i) granting the application is in the interests of the inhabitants of the area

Of these, paragraphs (e) and (i) are not appropriate.

If the committee is minded to grant the application, it has an absolute discretion as to duration, it may grant it until the end of the Councillor's term of office, or some other date, such as the date of a future meeting of this committee.

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: L. 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: L. Rees-Jones

Head of Administration and Law

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Not applicable

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. 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
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Legal file	DPSC-140	Legal Services, County Hall

CARMARTHENSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

APPLICATION for a dispensation under Section 2 of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001

The Carmarthenshire County Council Standards Committee are requested to grant the Member/s listed below a Dispensation to cover the interest/s declared in Section 2 below. My reasons for requesting same are set out in Section 4

SECTION 1	Name(s) of Member(s)	Name of member's authority
	William Richard Anthony Davies	Llandybie Community Council

SECTION 2	Matter to be discussed on which member seeks dispensation
	Asset TRANSFER of Tennis Facilities at Llandybie
Date of meeting at which the matter is to be discussed:	ONGOING negotiations

Dispensation being sought to speak and vote	yes
Dispensation being sought to speak only	yes <i>John</i>

SECTION 3	The interest which the member must disclose, and the nature of that interest in relation to the matter to be discussed
	Secretary and Treasurer of Llandybie Tennis Club

SECTION 4	Criteria for seeking dispensation	
~	50% of members affected	
~	Political balance would be affected (county borough only)	
~	No damage to public confidence	✓
~	Common interest with general public	✓
~	Justified because of special expertise	✓
~	Scrutiny committee business <u>and</u> not financial interest	
~	Voluntary organisation <u>and</u> not financial interest	✓
~	In the interests of inhabitants	✓
<i>(See appendix for more details)</i>		

SECTION 5	Reason/s in support of my/our application (use a separate sheet of paper if necessary)
<p>As Secretary and Treasurer of Llandybie Tennis Club I have a lot of knowledge of this Facility including the costs of Running such a Facility. Interest not solely limited to tennis club members but also to wider benefits such as coaching children.</p>	

SIGNED  (Member of County Council)

DATED: 17/11/2015

APPENDIX

Circumstances when a standards committee may grant dispensations

The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 specify that a standards committee of a relevant authority may grant dispensations under Section 81 of the Act where:

- a. no fewer than half of the members of the relevant authority or of a committee of the authority (as they case may be) by which the business is to be considered has an interest which relates to that business;
- b. 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;
- c. 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 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.
- d. 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 a 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 7 days in such manner as it may specify.

Mae'r dudalen hon yn wag yn fwriadol

**Y PWYLLGOR SAFONAU
3YDD RHAGFYR 2015**

CAIS AM OLLYNGIAD GAN Y CYNGHORYDD J JONES

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:
Ystyried y cais a phenderfynu arno

Y rhesymau:

Mae'r testun dan sylw yn yr adroddiad hwn yn rhan o gylch gorchwyl y Pwyllgor

Argymhellion / Sylwadau'r Pwyllgor Craffu:

Ddim yn berthnasol

Angen i'r Bwrdd Gweithredol wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

**YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y
Cyngorydd E Dole (Arweinydd y Cyngor)**

Y Gyfarwyddiaeth:

Y Prif Weithredwr

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:

Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth a'r
Gyfraith

Rheolwr Dros Dro y
Gwasanaethau Cyfreithiol

Rhifau ffôn:

01267 224018

Cyfeiriadau E-bost:

RJEdgeco@sirgar.gov.uk

**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
DATE**

APPLICATION FOR DISPENSATION BY COUNCILLOR J JONES

An application for dispensation to speak only in respect of matters relating to or likely to affect the Annual Llandeilo Fawr Festival of Music has been received from Councillor Julia Jones of Llandeilo Town Council.

Councillor Jones has a personal interest in matters relating to or likely to affect the Festival by virtue of paragraph 10(2)(ix)(bb) of the code, namely that she is a Trustee and its Artistic Director.

Councillor Jones seeks a dispensation on the following grounds in the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001;

- (d) No damage to public confidence
- (e) Common interest to significant proportion of the general public
- (f) Justified due to special expertise
- (h) Voluntary organisation (does not extend to voting)
- (i) In the interests of the inhabitants of the area

Paragraphs (e) and (i) are not appropriate in this case.

If the Committee is minded to grant the application, it has an absolute discretion as to the duration that dispensation is granted for. It may grant dispensation until the end of the Councillors term of office, or for a shorter period such as until the committee's meetings on the 11th March 2016 or 10th June 2016.

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: L. 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: L. Rees-Jones

Head of Administration and Law

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Not applicable

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. 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
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Legal file	DPSC-140	Legal Services, County Hall

**CARMARTHENSHIRE COUNTY COUNCIL
PREJUDICIAL INTEREST-APPLICATION FOR
DISPENSATION TO STANDARDS COMMITTEE**

I request the Standards Committee to grant me a dispensation under Regulation 2 of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 to cover the prejudicial interest/s declared in Section 3 below. My reasons for making this request are set out in Section 4.

SECTION 1	Name(s) of Member(s)	Name of member's authority
	Julia Jones	LlandeiloTown Council

SECTION 2	Matter to be discussed on which member seeks dispensation	
	THE ANNUAL LLANDEILO FAWR FESTIVAL OF MUSIC (Registered Charity No 1138432)	
	Date of meeting at which the matter is to be discussed:	
	Dispensation sought to speak only	YES
	Dispensation sought to speak and vote	NO

SECTION 3	details of the prejudicial interest
	<p>As the Artistic Director and one of the Trustees of the Festival (which is a voluntary organisation) I am charged with the detailed organisation of each year's event. As such I have responsibility for the selection and contracting of artists, all aspects of advance publicity, the selection and booking of the various Festival venues, press coverage and photographs, the reservation of accommodation and detailed arrangements for transporting artists both to and from their points of arrival, negotiations with sponsors and potential sponsors and catering for their pre-concert receptions, as well as encouraging and planning the involvement of local schools in masterclasses.</p> <p>My involvement in the Festival., ever since its inception over fifteen years ago, has been entirely voluntary. I do not receive any kind of remuneration and I have never been reimbursed in any way for any of the expenses which I have inevitably incurred over the years.</p> <p>I therefore have no financial interest and all monies are reinvested in the festival</p>

SECTION 4	Criteria for seeking dispensation-see appendix for full wording
~ 50% of members affected	<input type="checkbox"/>
~ Political balance would be affected (county borough only)	<input type="checkbox"/>
~ No damage to public confidence	<input checked="" type="checkbox"/>
~ Common interest with general public	<input checked="" type="checkbox"/>
~ Justified because of special expertise	<input checked="" type="checkbox"/>
~ Scrutiny committee business <u>and</u> not financial interest	<input type="checkbox"/>
~ Voluntary organisation <u>and</u> not financial interest	<input checked="" type="checkbox"/>
~ In the interests of inhabitants	<input checked="" type="checkbox"/>

SECTION 5	Reasons in support of my/our application (continue on separate sheet if necessary)
<p>As the founder and artistic director of the Llandeilo Fawr Festival of Music, an event which has assumed ever-increasing importance in the cultural life of the town, I constantly need to raise the profile of the event, both in Llandeilo and the surrounding area. It is an immensely challenging undertaking to bring internationally-renowned artists to a small town, especially one which does not have a recognised concert venue and where ticket receipts are therefore invariably insufficient to cover the great expense involved. It becomes ever more important therefore to 'spread the message' and to do everything possible to enthuse music-lovers and others with what we are trying to do. In that task the involvement of the Llandeilo Town Council assumes enormous importance and it would be no exaggeration to assert that , without its support and goodwill, the Festival would probably not have continued as long as it has done.</p> <p>In my submission therefore it makes no sense whatsoever for me to be constantly denied the opportunity of keeping the other members of the Town Council fully informed of the Festival's plans, of the world-ranking artists who will be visiting the town each July and of the aspirations of myself and the other trustees in our continuing attempts to make Llandeilo more and more of a cultural mecca, here in the heart of rural Wales. I do not seek in any way to use my position to influence the Council in any financial matters (e.g. grant-aid to the Festival) but I feel it is crucial that i am permitted to keep everyone fully abreast of Festival affairs.</p>	

SIGNED: *J. Jones* (Julia Jones)

a member of Llandeilo Town/Community Council

DATE 10 November 2015

**Y PWYLLGOR SAFONAU
3YDD RHAGFYR 2015**

CAIS AM OLLYNGIAD GAN Y CYNGHORYDD G THOMAS

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:
Ystyried y cais a phenderfynu arno

Y rhesymau:

Mae'r testun dan sylw yn yr adroddiad hwn yn rhan o gylch gorchwyl y Pwyllgor

Argymhellion / Sylwadau'r Pwyllgor Craffu:

Ddim yn berthnasol

Angen i'r Bwrdd Gweithredol wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

**YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y
Cyngorydd E Dole (Arweinydd y Cyngor)**

Y Gyfarwyddiaeth:

Y Prif Weithredwr

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:

Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth a'r
Gyfraith

Rheolwr Dros Dro y
Gwasanaethau Cyfreithiol

Rhifau ffôn:

01267 224018

Cyfeiriadau E-bost:

RJEdgeco@sirgar.gov.uk

**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
DATE**

APPLICATION FOR DISPENSATION BY COUNCILLOR G THOMAS

An application for dispensation has been received from County Councillor Gareth Thomas to speak and/or make written representations concerning any matter relating to farming in general.

Councillor Thomas has a personal interest in such matters by virtue of paragraph 10(2)(a)(i) of the Code of Conduct as they relate to any employment or business carried on by Councillor Thomas who is himself a farmer.

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

The application is submitted on 2 grounds specified in the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001, namely;
(d) No damage to public confidence
(f) Participation is justified by the member's special expertise.

Councillor Thomas was granted a dispensation on similar terms (but limited to matters relating to dairy farming only) on the 29th July 2015. This dispensation expires on the 4th December 2015. Councillor Thomas was also granted a dispensation in 2013, but this related to a different interest.

If the committee is minded to grant the application, it has an absolute discretion as to duration. It may grant the dispensation until the end of the Councillor's term of office, or until the Committee's meetings on the 11th March 2016, 10th June 2016 , 9th September 2016 or 2nd December 2016.

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: **L. 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: **L. Rees-Jones** **Head of Administration and Law**

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

- 1. Scrutiny Committee**
Not applicable
- 2. Local Member(s)**
Not applicable
- 3. Community / Town Council**
Not applicable
- 4. Relevant Partners**
Not applicable
- 5. 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
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Legal file	DPSC- XXX	Legal Services, County Hall

CARMARTHENSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

APPLICATION for a dispensation under Section 2 of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001

The Carmarthenshire County Council Standards Committee are requested to grant the Member/s listed below a Dispensation to cover the interest/s declared in Section 2 below. My reasons for requesting same are set out in Section 4

SECTION 1	Name(s) of Member(s)	Name of member's authority
	Cllr. Gareth Thomas Cllr. Jean Lewis	Carmarthenshire

SECTION 2	Matter to be discussed on which member seeks dispensation
	Farming in general.
Date of meeting at which the matter is to be discussed:	

Dispensation being sought to speak and vote	
Dispensation being sought to speak only	

SECTION 3	The interest which the member must disclose, and the nature of that interest in relation to the matter to be discussed
	We both are farmers, working and farming in the county.

SECTION 4	Criteria for seeking dispensation
~ 50% of members affected	
~ Political balance would be affected (county borough only)	
~ No damage to public confidence	X
~ Common interest with general public	
~ Justified because of special expertise	X
~ Scrutiny committee business <u>and</u> not financial interest	
~ Voluntary organisation <u>and</u> not financial interest	
~ In the interests of inhabitants	
<i>(See appendix for more details)</i>	

SECTION 5	Reason/s in support of my/our application (use a separate sheet of paper if necessary)
	<p>Any issues relating to farming, especially dairy farming in the County and the problems it faces are often the subject of discussion and debate in council meetings. Two meetings of the Full Council have taken place already this year when it considered a notice of motion in relation to the plight of the industry.</p> <p>We feel that we have considerable expertise which would be of benefit to any future debate or discussion and that it would not harm public confidence in the conduct of the Council's business if we were allowed to speak on such matters or make written representation.</p>

SIGNED G. An Lu J. J. Lewis (Member of County Council)

DATED: 11/11/15

Mae'r dudalen hon yn wag yn fwriadol

**Y PWYLLGOR SAFONAU
3YDD RHAGFYR 2015**

CAIS AM OLLYNGIAD GAN Y CYNGHORYDD J LEWIS

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:
Ystyried y cais a phenderfynu arno

Y rhesymau:

Mae'r testun dan sylw yn yr adroddiad hwn yn rhan o gylch gorchwyl y Pwyllgor

Argymhellion / Sylwadau'r Pwyllgor Craffu:

Ddim yn berthnasol

Angen i'r Bwrdd Gweithredol wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

**YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y
Cyngorydd E Dole (Arweinydd y Cyngor)**

Y Gyfarwyddiaeth:

Y Prif Weithredwr

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:

Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth a'r
Gyfraith

Rheolwr Dros Dro y
Gwasanaethau Cyfreithiol

Rhifau ffôn:

01267 224018

Cyfeiriadau E-bost:

RJEdgeco@sirgar.gov.uk

**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
3RD DECEMBER 2015**

APPLICATION FOR DISPENSATION BY COUNCILLOR J LEWIS

An application for dispensation has been received from County Councillor Jean Lewis to speak and/or make written representations concerning any matter relating to farming in general.

Councillor Lewis has a personal interest in such matters by virtue of paragraph 10(2)(a)(i) of the Code of Conduct as they relate to any employment or business carried on by Councillor Lewis who is herself a farmer.

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

The application is submitted on 2 grounds specified in the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001, namely;
(d) No damage to public confidence
(f) Participation is justified by the member's special expertise.

Councillor Lewis was granted a dispensation on similar terms (but limited to matters relating to dairy farming only) on the 29th July 2015. This dispensation expires on the 4th December 2015.

If the committee is minded to grant the application, it has an absolute discretion as to duration. It may grant the dispensation until the end of the Councillor's term of office, or until the Committee's meetings on the 11th March 2016, 10th June 2016 , 9th September 2016 or 2nd December 2016.

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: L. 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: L. Rees-Jones

Head of Administration and Law

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Not applicable

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. 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-140	Legal Services, County Hall

CARMARTHENSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

APPLICATION for a dispensation under Section 2 of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001

The Carmarthenshire County Council Standards Committee are requested to grant the Member/s listed below a Dispensation to cover the interest/s declared in Section 2 below. My reasons for requesting same are set out in Section 4

SECTION 1	Name(s) of Member(s)	Name of member's authority
	Cllr. Gareth Thomas Cllr. Jean Lewis	Carmarthenshire

SECTION 2	Matter to be discussed on which member seeks dispensation
	Farming in general.
Date of meeting at which the matter is to be discussed:	

Dispensation being sought to speak and vote	
Dispensation being sought to speak only	

SECTION 3	The interest which the member must disclose, and the nature of that interest in relation to the matter to be discussed
	We both are farmers, working and farming in the county.

SECTION 4	Criteria for seeking dispensation
~ 50% of members affected	
~ Political balance would be affected (county borough only)	
~ No damage to public confidence	X
~ Common interest with general public	
~ Justified because of special expertise	X
~ Scrutiny committee business <u>and</u> not financial interest	
~ Voluntary organisation <u>and</u> not financial interest	
~ In the interests of inhabitants	
<i>(See appendix for more details)</i>	

SECTION 5	Reason/s in support of my/our application (use a separate sheet of paper if necessary)
	<p>Any issues relating to farming, especially dairy farming in the County and the problems it faces are often the subject of discussion and debate in council meetings. Two meetings of the Full Council have taken place already this year when it considered a notice of motion in relation to the plight of the industry.</p> <p>We feel that we have considerable expertise which would be of benefit to any future debate or discussion and that it would not harm public confidence in the conduct of the Council's business if we were allowed to speak on such matters or make written representation.</p>

SIGNED G. An Lu J. J. Lewis (Member of County Council)

DATED: 11/11/15

Mae'r dudalen hon yn wag yn fwriadol

**Y PWYLLGOR SAFONAU
3YDD RHAGFYR 2015**

CAIS AM OLLYNGIAD GAN Y CYNGHORYDD I R LLEWELLYN

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:
Ystyried y cais a phenderfynu arno

Y rhesymau:

Mae'r testun dan sylw yn yr adroddiad hwn yn rhan o gylch gorchwyl y Pwyllgor

Argymhellion / Sylwadau'r Pwyllgor Craffu:

Ddim yn berthnasol

Angen i'r Bwrdd Gweithredol wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

**YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y
Cyngorydd E Dole (Arweinydd y Cyngor)**

Y Gyfarwyddiaeth:

Y Prif Weithredwr

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:

Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth a'r
Gyfraith

Rheolwr Dros Dro y
Gwasanaethau Cyfreithiol

Rhifau ffôn:

01267 224018

Cyfeiriadau E-bost:

RJEdgeco@sirgar.gov.uk

**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
3RD DECEMBER 2015**

APPLICATION FOR DISPENSATION BY COUNCILLOR I R LLEWELYN

An application for dispensation to speak and vote in respect of the transfer of County Council assets to Llandybie Community Council has been received from Councillor I R Llewelyn of Llandybie Community Council. (Copy attached)

Councillor Llewelyn has a personal interest in these matters by virtue of paragraph 10(2)(ii) of the Code in that it relates to or is likely to affect his employer, namely Carmarthenshire County Council.

This interest is prejudicial as a member of the public with knowledge of the facts would reasonably regard that interest as so significant as to be likely to influence the Councillor's judgement of the public interest.

Councillor Llewelyn's application is based on one ground in the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001, namely paragraph (d) that his participation will not damage public confidence.

In coming to a decision the Committee may wish to note that a County Councillor who is also a Community Councillor would also have a personal interest in this situation, but that by virtue of paragraph 12(2)(a)(i) of the Code such an interest would not be considered prejudicial and therefore the Councillor would be able to participate fully in any debate or vote without the need for a dispensation.

If the committee is minded to grant a dispensation, it has an absolute discretion as to duration. It may wish to grant the dispensation until its meetings on the 11th March 2016 or the 10th June 2016 or until the Councillor's term of office comes to an end.

DETAILED REPORT ATTACHED ?

YES

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: L. 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: L. Rees-Jones

Head of Administration and Law

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Not applicable

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. 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
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CARMARTHENSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

APPLICATION for a dispensation under Section 2 of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001

The Carmarthenshire County Council Standards Committee are requested to grant the Member/s listed below a Dispensation to cover the interest/s declared in Section 2 below. My reasons for requesting same are set out in Section 4

SECTION 1	Name(s) of Member(s)	Name of member's authority
	Ian Llewelyn	Llandybie Community Council

SECTION 2	Matter to be discussed on which member seeks dispensation	
	The transfer of County Council assets to the Community Council	
Date of meeting at which the matter is to be discussed:	Ongoing	

Dispensation being sought to speak and vote	Yes
Dispensation being sought to speak only	

SECTION 3	The interest which the member must disclose, and the nature of that interest in relation to the matter to be discussed
	The transfer of County Council assets to the Community Council relates to and affects my employer, namely Carmarthenshire County Council.

SECTION 4	Criteria for seeking dispensation								
<ul style="list-style-type: none"> ~ 50% of members affected ~ Political balance would be affected (county borough only) ~ No damage to public confidence ~ Common interest with general public ~ Justified because of special expertise ~ Scrutiny committee business <u>and</u> not financial interest ~ Voluntary organisation <u>and</u> not financial interest ~ In the interests of inhabitants <p><i>(See appendix for more details)</i></p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="text-align: center;">x</td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> </table>			x					
x									

SECTION 5	Reason/s in support of my/our application (use a separate sheet of paper if necessary)
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The Community Council is currently in discussion with the County Council regarding the possible lease of a number of open space, play and recreation sites to the Community Council.

As a member of the Community Council the issue of Asset Transfer requires a collective view across the whole Community area. It involves members from all the wards within the Community.

The potential for asset transfer outcomes to impact on the future responsibilities of the Community Council is notable. In this respect the opportunity to participate in any debates and vote on any decisions would allow me to represent my area and constituents more effectively.

Although an employee of the County Council my role as Forward Planning Manager in Planning Services does not involve me in any direct engagement with the Asset Transfer Strategy. I do not have any involvement in the decision making process at County Council level and have no influence over the terms of any lease to the Community Council.

SIGNED  (Member of Community Council)

DATED: 9/11/15

APPENDIX

Circumstances when a standards committee may grant dispensations

The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 specify that a standards committee of a relevant authority may grant dispensations under Section 81 of the Act where:

- a. no fewer than half of the members of the relevant authority or of a committee of the authority (as they case may be) by which the business is to be considered has an interest which relates to that business;
- b. 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;
- c. 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 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.
- d. 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 a 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 7 days in such manner as it may specify.

CYNGOR SIR CAERFYRDDIN

PWYLLGOR SAFONAU

CAIS am ganiatáu gollyngiad yn unol ag Adran 2(i) o Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001

Gofynnir i Bwyllgor Safonau Cyngor Sir Caerfyrddin ganiatáu Gollyngiad i'r Aelod(au) a restrir isod i gwmpasu'r buddiant / buddiannau a ddatganwyd yn Adran 2 isod. Mae fy / ein rhesymau dros gyflwyno cais am hynny wedi eu nodi yn Adran 4

ADRAN 1	Enw(au)'r Aelod(au)	Enw awdurdod yr aelod(au)

ADRAN 2	Y mater sydd i'w drafod y mae'r aelod yn gofyn am ollyngiad yn ei gylch
Dyddiad y cyfarfod pryd y trafodir y mater:	

ADRAN 3	Y buddiant y mae'n rhaid i'r aelod ei ddatgelu, a beth yw'r berthynas rhwng y buddiant hwnnw a'r mater sydd i'w drafod

ADRAN 4	Y meini prawf dros ofyn am ollyngiad								
<ul style="list-style-type: none"> ~ Byddai'n effeithio ar 50% o'r aelodau ~ Byddai'n effeithio ar y cydbwysedd gwleidyddol (bwrdeistrefi sirol yn unig) ~ Ni fyddai'n amharu ar hyder y cyhoedd ~ Byddai'r buddiant yn gyffredin i'r cyhoedd yn gyffredinol ~ Byddai modd cyfiawnhau hynny ar sail sgiliau arbenigol ~ Byddai'n fater i bwyllgor craffu, <u>ac</u> ni fyddai'n ymwneud â buddiant ariannol ~ Byddai a wnelo'r mater â chorff gwirfoddol, <u>ac</u> ni fyddai'n ymwneud â buddiant ariannol ~ Byddai er budd y trigolion 	<table border="1" style="width: 100%; height: 100%;"> <tr><td style="width: 20px; height: 20px;"></td></tr> <tr><td style="width: 20px; height: 20px;"></td></tr> <tr><td style="width: 20px; height: 20px;"></td></tr> <tr><td style="width: 20px; height: 20px;"></td></tr> <tr><td style="width: 20px; height: 20px;"></td></tr> <tr><td style="width: 20px; height: 20px;"></td></tr> <tr><td style="width: 20px; height: 20px;"></td></tr> <tr><td style="width: 20px; height: 20px;"></td></tr> </table>								
<i>(gweler yr atodiad i gael rhagor o fanylion)</i>									

ADRAN 5	Y rhesymau dros gyflwyno fy / ein cais (defnyddier dalen arall lle bo angen)

LLOFNODWYD: _____ (Aelod o Gyngor Sir Caerfyrddin)

DYDDIAD:

ATODIAD

Pennir yn Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 y caiff pwyllgor safonau awdurdod perthnasol ganiatáu gollyngiadau dan Adran 81 (4) o Ddeddf Llywodraeth Leol 2000 yn yr achosion canlynol:-

- a. os oes gan ddim llai na hanner aelodau'r awdurdod perthnasol neu hanner aelodau un o bwyllgorau'r awdurdod (yn ôl fel y digwydd) y mae'r busnes i gael ei ystyried ganddo fuddiant sy'n berthnasol i'r busnes hwnnw
- b. os oes gan ddim llai na hanner aelodau gweithrediaeth arweinydd a chabinet yr awdurdod perthnasol y mae'r busnes i gael ei ystyried ganddo fuddiant sy'n berthnasol i'r busnes hwnnw a bod naill ai paragraff (ch) neu baragraff (d) hefyd yn gymwys;
- c. yn achos cyngor sir neu gyngor bwrdeistref sirol, os byddai anallu aelod i gymryd rhan yn tarfu ar gydbwysedd gwleidyddol yr awdurdod perthnasol neu'r pwyllgor o'r awdurdod y mae'r busnes i'w ystyried ganddo i'r fath raddau nes y byddai'r canlyniad yn debygol o gael ei effeithio;
- ch. os yw natur buddiant yr aelod yn gyfryw fel na fyddai cyfranogiad yr aelod yn y busnes y mae'r buddiant yn berthnasol iddo yn niweidio hyder y cyhoedd yn y modd y mae busnes yr awdurdod perthnasol yn cael ei gynnal;
- d. os yw'r buddiant yn gyffredin i'r aelod ac i gyfran arwyddocaol o'r cyhoedd;
- dd. os oes cyfiawnhad i'r aelod gymryd rhan yn y busnes y mae'r buddiant yn berthnasol iddo oherwydd rôl neu arbenigedd penodol yr aelod;
- e. os yw'r busnes y mae'r buddiant yn berthnasol iddo i'w ystyried gan bwyllgor trosolygu a chraffu i'r awdurdod perthnasol ac nad yw buddiant yr aelod yn fuddiant ariannol;
- f. os yw'r busnes sydd i'w ystyried yn berthnasol i arian neu eiddo corff gwirfoddol y mae'r aelod yn aelod o'i bwyllgor neu ei fwrdd rheoli heblaw fel cynrychiolydd yr awdurdod perthnasol ac nad oes gan yr aelod unrhyw fuddiant arall yn y busnes hwnnw ar yr amod na fydd unrhyw ollyngiad yn ymestyn i gymryd rhan mewn unrhyw bleidlais mewn perthynas â'r busnes hwnnw; neu
- ff. os yw'n ymddangos i'r pwyllgor ei bod o les i drigolion ardal yr awdurdod perthnasol i'r anallu gael ei godi, ar yr amod bod hysbysiad ysgrifenedig bod y gollyngiad yn cael ei ganiatáu yn cael ei roi i Gynulliad Cenedlaethol Cymru o fewn saith diwrnod a hynny mewn unrhyw fodd y gall ei bennu.

Mae'r dudalen hon yn wag yn fwriadol

**Y PWYLLGOR SAFONAU
3YDD RHAGFYR 2015**

CAIS AM OLLYNGIAD GAN Y CYNGHORYDD A SMITH

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:
Ystyried y cais a phenderfynu arno

Y rhesymau:

Mae'r testun dan sylw yn yr adroddiad hwn yn rhan o gylch gorchwyl y Pwyllgor

Argymhellion / Sylwadau'r Pwyllgor Craffu:

Ddim yn berthnasol

Angen i'r Bwrdd Gweithredol wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

**YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y
Cyngorydd E Dole (Arweinydd y Cyngor)**

Y Gyfarwyddiaeth:

Y Prif Weithredwr

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:

Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth a'r
Gyfraith

Rheolwr Dros Dro y
Gwasanaethau Cyfreithiol

Rhifau ffôn:

01267 224018

Cyfeiriadau E-bost:

RJEdgeco@sirgar.gov.uk

**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
3RD DECEMBER 2015**

APPLICATION FOR DISPENSATION BY CLLR A SMITH

An application for dispensation to speak and vote has been received from Councillor Alexander Smith of Ammanford Town Council in respect of matters relating to the Ammanford Enterprise Partnership Limited. (Copy attached)

Councillor Smith has a personal interest in these matters by virtue of paragraph 10(2)(x)(c)(v) of the Code in that his partner is a Director of the company and paragraph 10(2)(ix)(bb) in that he appears to be a member of that company.

This interest is also prejudicial as a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it would be likely to prejudice the Councillor's judgement of the public interest when dealing with applications from the company to the Council for financial assistance, or in respect of other dealings between the company and the council.

The application is submitted on the following grounds in the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001, namely;

- (d) no damage to public confidence
- (e) common interest with the general public
- (f) the member's particular role or expertise
- (h) relates to the finances of a voluntary organisation (would not allow Cllr to vote)
- (i) in the interests of the inhabitants of the area

Of these it is suggested that (d), (f) and (h) are the most appropriate

If the committee is minded to grant the application, it has absolute discretion as to its duration. It may grant the dispensation for the remainder of the councillor's term of office or until its meetings on the 11th March 2016 or 10th June 2016

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: L. 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: L. Rees-Jones

Head of Administration and Law

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Not applicable

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. 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-140	Legal Services, County Hall

CARMARTHENSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

APPLICATION for a dispensation under Section 2 of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001

The Carmarthenshire County Council Standards Committee are requested to grant the Member/s listed below a Dispensation to cover the interest/s declared in Section 2 below. My reasons for requesting same are set out in Section 4

SECTION 1	Name(s) of Member(s)	Name of member's authority
	Alexander Smith	Ammanford Town Council

SECTION 2	Matter to be discussed on which member seeks dispensation
	Ongoing discussions regarding Partnership and funding for Town and Community Events from Ammanford Enterprise Partnership (Not for profit Limited by Guarantee Company)
Date of meeting at which the matter is to be discussed:	13th October 2015 - ongoing

Dispensation being sought to speak and vote	X
Dispensation being sought to speak only	

SECTION 3	The interest which the member must disclose, and the nature of that interest in relation to the matter to be discussed
	My partner is a Company Director at The Ammanford Enterprise Partnership (Not for profit Limited by Guarantee Company) and therefore I am associated with it. I have represented The Ammanford Enterprise Partnership on various occasions in the past.

SECTION 4	Criteria for seeking dispensation
~ 50% of members affected	
~ Political balance would be affected (county borough only)	
~ No damage to public confidence	X
~ Common interest with general public	X
~ Justified because of special expertise	X
~ Scrutiny committee business <u>and</u> not financial interest	
~ Voluntary organisation <u>and</u> not financial interest	X
~ In the interests of inhabitants	X
<i>(See appendix for more details)</i>	

SECTION 5	Reason/s in support of my/our application (use a separate sheet of paper if necessary)
	<p>As I have a strong association to Ammanford Enterprise Partnership and I am an active member of the organising committee for the community Events that they are involved with.</p> <p>I am in a unique position to provide information to the Town Council with regard to what the requested partnership or monetary donations would be used for.</p> <p>I will be able to answer any questions they may have immediately and as such allow the council to come to a decision swiftly.</p> <p>The inhabitants of my ward are directly affected by the outcomes of the council's decisions and such should be represented in the decision.</p>

SIGNED  (Member of Town Council)

DATED: 06/10/2015

APPENDIX

Circumstances when a standards committee may grant dispensations

The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 specify that a standards committee of a relevant authority may grant dispensations under Section 81 of the Act where:

- a. no fewer than half of the members of the relevant authority or of a committee of the authority (as they case may be) by which the business is to be considered has an interest which relates to that business;
- b. 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;
- c. 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 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.
- d. 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 a 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 7 days in such manner as it may specify.

CYNGOR SIR CAERFYRDDIN

PWYLLGOR SAFONAU

CAIS am ganiatáu gollyngiad yn unol ag Adran 2(i) o Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001

Gofynnir i Bwyllgor Safonau Cyngor Sir Caerfyrddin ganiatáu Gollyngiad i'r Aelod(au) a restrir isod i gwmpasu'r buddiant / buddiannau a ddatganwyd yn Adran 2 isod. Mae fy / ein rhesymau dros gyflwyno cais am hynny wedi eu nodi yn Adran 4

ADRAN 1	Enw(au)'r Aelod(au)	Enw awdurdod yr aelod(au)

ADRAN 2	Y mater sydd i'w drafod y mae'r aelod yn gofyn am ollyngiad yn ei gylch
Dyddiad y cyfarfod pryd y trafodir y mater:	

ADRAN 3	Y buddiant y mae'n rhaid i'r aelod ei ddatgelu, a beth yw'r berthynas rhwng y buddiant hwnnw a'r mater sydd i'w drafod

ADRAN 4	Y meini prawf dros ofyn am ollyngiad								
<ul style="list-style-type: none"> ~ Byddai'n effeithio ar 50% o'r aelodau ~ Byddai'n effeithio ar y cydbwysedd gwleidyddol (bwrdeistrefi sirol yn unig) ~ Ni fyddai'n amharu ar hyder y cyhoedd ~ Byddai'r buddiant yn gyffredin i'r cyhoedd yn gyffredinol ~ Byddai modd cyfiawnhau hynny ar sail sgiliau arbenigol ~ Byddai'n fater i bwyllgor craffu, <u>ac</u> ni fyddai'n ymwneud â buddiant ariannol ~ Byddai a wnelo'r mater â chorff gwirfoddol, <u>ac</u> ni fyddai'n ymwneud â buddiant ariannol ~ Byddai er budd y trigolion 	<table border="1" style="width: 100%; height: 100%; border-collapse: collapse;"> <tr><td style="width: 20px; height: 20px;"></td></tr> <tr><td style="width: 20px; height: 20px;"></td></tr> <tr><td style="width: 20px; height: 20px;"></td></tr> <tr><td style="width: 20px; height: 20px;"></td></tr> <tr><td style="width: 20px; height: 20px;"></td></tr> <tr><td style="width: 20px; height: 20px;"></td></tr> <tr><td style="width: 20px; height: 20px;"></td></tr> <tr><td style="width: 20px; height: 20px;"></td></tr> </table>								
<p><i>(gweler yr atodiad i gael rhagor o fanylion)</i></p>									

ADRAN 5	Y rhesymau dros gyflwyno fy / ein cais (defnyddier dalen arall lle bo angen)

LLOFNODWYD: _____ (Aelod o Gyngor Sir Caerfyrddin)

DYDDIAD:

The Companies Act 2006

Community Interest Company Limited by Guarantee

Articles of Associationⁱ

of

Ammanford Enterprise Partnership LTD - Community Interest Company

(CIC Limited by Guarantee, Schedule 1, Large Membership)

The Companies Act 2006

Community Interest Company Limited by Guarantee

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ⁱ On articles of association generally, see [Part 5] of the Regulator’s information and guidance notes. If you are an existing company wishing to become a community interest company, there is no need to adopt completely new articles, but you must comply with the requirements of the Community Interest Company Regulations 2005 (as amended) (“the Regulations”) by including the provisions set out in Schedule 1 to the Regulations in the articles of your company.

The Companies Act 2006

Articles of Association

of

Ammanford Enterprise Partnership LTD - Community Interest Company

INTERPRETATION

1. Defined Terms

The interpretation of these Articles is governed by the provisions set out in the Schedule at end of the Articles.

COMMUNITY AND INTEREST COMPANY AND ASSET LOCK

2. Community Interest Company

The Company is to be a community interest company.

3. Asset Lockⁱⁱ

3.1 The Company shall not transfer any of its assets other than for full consideration.

3.2 Provided the conditions in Article 3.3 are satisfied, Article 3.1 shall not apply to:

(a) the transfer of assets to any specified asset-locked body, or (with the consent of the Regulator) to any other asset-locked body; and

(b) The transfer of assets made for the benefit of the community other than by way of a transfer of assets into an asset-locked body.

3.3 The conditions are that the transfer of assets must comply with any restrictions on the transfer of assets for less than full consideration which may be set out elsewhere in the Memorandum and Articles of the Company.

3.4 If:

3.4.1 the Company is wound up under the Insolvency Act 1986; and

3.4.2 all its liabilities have been satisfied

Any residual assets shall be given or transferred to the asset-locked body specified in Article 3.5 below.

3.5 For the purposes of this Article 3, the following asset-locked body is specified as a potential recipient of the Company's assets under Articles 3.2 and 3.4:

Name:	Mentor	Bro	Dinefwr
-------	--------	-----	---------

ii See [Part 6] of the Regulator's information and guidance notes. Inclusion of the provisions contained in article 3.1 to 3.3 is mandatory, reflecting sub-paragraphs (1) to (3) of paragraph 1 of Schedule 1 to the Regulations.

Company Registration Number (if applicable): 05709847

Registered Office: SWYDDFEYDD Y CYNGOR
HEOL CILGANT
LLANDEILO
SIR GAERFYRDDIN
SA19 6HW

4. **Not for profit**

The Company is not established or conducted for private gain: any surplus or assets are used principally for the benefit of the community.

OBJECTS, POWERS AND LIMITATION OF LIABILITY

5. **Objectsⁱⁱⁱ**

The objects of the Company are to carry on activities which benefit the community and in particular (without limitation) to the promotion of The Amman Valley and Ammanford Town, its Businesses and Services. Including the organisation of town events, fairs, markets and festivals.

6. **Powers**

To further its objects the Company may do all such lawful things as may further the Company's objects and, in particular, but, without limitation, may borrow or raise and secure the payment of money for any purpose including for the purposes of investment or of raising funds.

7. **Liability of members^{iv}**

The liability of each member is limited to £1, being the amount that each member undertakes to contribute to the assets of the Company in the event of its being wound up while he or she is a member or within one year after he or she ceases to be a member, for:

- 7.1 payment of the Company's debts and liabilities contracted before he or she ceases to be a member;
- 7.2 payment of the costs, charges and expenses of winding up; and
- 7.3 Adjustment of the rights of the contributories among themselves.

DIRECTORS

DIRECTORS' POWERS AND RESPONSIBILITIES

8. **Directors' general authority**

Subject to the Articles, the Directors are responsible for the management of the Company's business, for which purpose they may exercise all the powers of the Company.

9. **Members' reserve power**

9.1 The members may, by special resolution, direct the Directors to take, or refrain from taking, specific action.

9.2 No such special resolution invalidates anything which the Directors have done before the passing of the resolution.

10. **Chair**

The Directors may appoint one of their number to be the chair of the Directors for such term of office as they determine and may at any time remove him or her from office.

11. **Directors may delegate^v**

11.1 Subject to the Articles, the Directors may delegate any of the powers which are conferred on them under the Articles:

11.1.1 to such person or committee;

11.1.2 by such means (including by power of attorney);

11.1.3 to such an extent;

11.1.4 in relation to such matters or territories; and

11.1.5 on such terms and conditions;

as they think fit.

11.2 If the Directors so specify, any such delegation may authorise further delegation of the Directors' powers by any person to whom they are delegated.

11.3 The Directors may revoke any delegation in whole or part, or alter its terms and conditions.

12. **Committees**

12.1 Committees to which the Directors delegate any of their powers must follow procedures which are based as far as they are applicable on those provisions of the Articles which govern the taking of decisions by Directors.

12.2 The Directors may make rules of procedure for all or any committees, which prevail over rules derived from the Articles if they are not consistent with them.

DECISION-MAKING BY DIRECTORS

13. **Directors to take decisions collectively^{vi}**

Any decision of the Directors must be either a majority decision at a meeting or a decision taken in accordance with Article 19.

14. **Calling a Directors' meeting**

14.1 Two Directors may (and the Secretary, if any, must at the request of two Directors) call a Directors' meeting.

14.2 A Directors' meeting must be called by at least seven Clear Days' notice unless either:

14.2.1 all the Directors agree; or

14.2.2 Urgent circumstances require shorter notice.

14.3 Notice of Directors' meetings must be given to each Director.

14.4 Every notice calling a Directors' meeting must specify:

14.4.1 the place, day and time of the meeting; and

14.4.2 If it is anticipated that Directors participating in the meeting will not be in the same place, how it is proposed that they should communicate with each other during the meeting.

14.5 Notice of Directors' meetings need not be in Writing.

14.6 Notice of Directors' meetings may be sent by Electronic Means to an Address provided by the Director for the purpose.

15. **Participation in Directors' meetings**

15.1 Subject to the Articles, Directors participate in a Directors' meeting, or part of a Directors' meeting, when:

15.1.1 the meeting has been called and takes place in accordance with the Articles; and

15.1.2 They can each communicate to the others any information or opinions they have on any particular item of the business of the meeting.

15.2 In determining whether Directors are participating in a Directors' meeting, it is irrelevant where any Director is or how they communicate with each other.^{vii}

15.3 If all the Directors participating in a meeting are not in the same place, they may decide that the meeting is to be treated as taking place wherever any of them is.

16. **Quorum for Directors' meetings**^{viii}

16.1 At a Directors' meeting, unless a quorum is participating, no proposal is to be voted on, except a proposal to call another meeting.

16.2 The quorum for Directors' meetings may be fixed from time to time by a decision of the Directors, but it must never be less than two, and unless otherwise fixed it is [two].

16.3 If the total number of Directors for the time being is less than the quorum required, the Directors must not take any decision other than a decision:

16.3.1 to appoint further Directors; or

16.3.2 To call a general meeting so as to enable the members to appoint further Directors.

17. **Chairing of Directors' meetings**

The Chair, if any, or in his or her absence another Director nominated by the Directors present shall preside as chair of each Directors' meeting.

18. **Decision making at a meeting^{ix}**

18.1 Questions arising at a Directors' meeting shall be decided by a majority of votes.

18.2 In all proceedings of Directors each Director must not have more than one vote.^x

18.3 In case of an equality of votes, the Chair shall have a second or casting vote.

19. **Decisions without a meeting^{xi}**

19.1 The Directors may take a unanimous decision without a Directors' meeting by indicating to each other by any means, including without limitation by Electronic Means, that they share a common view on a matter. Such a decision may, but need not, take the form of a resolution in Writing, copies of which have been signed by each Director or to which each Director has otherwise indicated agreement in Writing.

19.2 A decision which is made in accordance with Article 19.1 shall be as valid and effectual as if it had been passed at a meeting duly convened and held, provided the following conditions are complied with:

19.2.1 approval from each Director must be received by one person being either such person as all the Directors have nominated in advance for that purpose or such other person as volunteers if necessary ("the Recipient"), which person may, for the avoidance of doubt, be one of the Directors;

19.2.2 following receipt of responses from all of the Directors, the Recipient must communicate to all of the Directors by any means whether the resolution has been formally approved by the Directors in accordance with this Article 19.2;

19.2.3 the date of the decision shall be the date of the communication from the Recipient confirming formal approval;

19.2.4 the Recipient must prepare a minute of the decision in accordance with Article 478.

20. **Conflicts of interest**^{xii}

- 20.1 Whenever a Director finds himself or herself in a situation that is reasonably likely to give rise to a Conflict of Interest, he or she must declare his or her interest to the Directors unless, or except to the extent that, the other Directors are or ought reasonably to be aware of it already.
- 20.2 If any question arises as to whether a Director has a Conflict of Interest, the question shall be decided by a majority decision of the other Directors.
- 20.3 Whenever a matter is to be discussed at a meeting or decided in accordance with Article 19 and a Director has a Conflict of Interest in respect of that matter then, subject to Article 21, he or she must:
- 20.3.1 remain only for such part of the meeting as in the view of the other Directors is necessary to inform the debate;
- 20.3.2 not be counted in the quorum for that part of the meeting; and
- 20.3.3 Withdraw during the vote and have no vote on the matter.
- 20.4 When a Director has a Conflict of Interest which he or she has declared to the Directors, he or she shall not be in breach of his or her duties to the Company by withholding confidential information from the Company if to disclose it would result in a breach of any other duty or obligation of confidence owed by him or her.

21. **Directors' power to authorise a conflict of interest**

- 21.1 The Directors have power to authorise a Director to be in a position of Conflict of Interest provided:
- 21.1.1 in relation to the decision to authorise a Conflict of Interest, the conflicted Director must comply with Article 20.3;
- 21.1.2 in authorising a Conflict of Interest, the Directors can decide the manner in which the Conflict of Interest may be dealt with and, for the avoidance of doubt, they can decide that the Director with a Conflict of Interest can participate in a vote on the matter and can be counted in the quorum;
- 21.1.3 the decision to authorise a Conflict of Interest can impose such terms as the Directors think fit and is subject always to their right to vary or terminate the authorisation; and
- 21.2 If a matter, or office, employment or position, has been authorised by the Directors in accordance with Article 21.1 then, even if he or she has been authorised to remain at the meeting by the other Directors, the Director may absent himself or herself from meetings of the Directors at which anything relating to that matter, or that office, employment or position, will or may be discussed.
- 21.3 A Director shall not be accountable to the Company for any benefit which he or she derives from any matter, or from any office, employment or position, which has been

authorised by the Directors in accordance with Article 21.1 (subject to any limits or conditions to which such approval was subject).

22. **Register of Directors' interests**

The Directors shall cause a register of Directors' interests to be kept. A Director must declare the nature and extent of any interest, direct or indirect, which he or she has in a proposed transaction or arrangement with the Company or in any transaction or arrangement entered into by the Company which has not previously been declared.

APPOINTMENT AND RETIREMENT OF DIRECTORS^{xiii}

23. **Methods of appointing directors**

23.1 Those persons notified to the Registrar of Companies as the first Directors of the Company shall be the first Directors.

23.2 Any person who is willing to act as a Director, and is permitted by law to do so, may be appointed to be a Director:

- (a) by ordinary resolution; or
- (b) By a decision of the Directors.

23.3 In any case where, as a result of death, the Company has no members and no Directors, the personal representatives of the last member to have died have the right, by notice in writing, to appoint a person to be a member.

23.4 For the purposes of Article 23.3, where two or more members die in circumstances rendering it uncertain who was the last to die, a younger member is deemed to have survived an older member.

24. **Termination of Director's appointment^{xiv}**

A person ceases to be a Director as soon as:

- (a) that person ceases to be a Director by virtue of any provision of the Companies Acts, or is prohibited from being a Director by law;
- (b) a bankruptcy order is made against that person, or an order is made against that person in individual insolvency proceedings in a jurisdiction other than England and Wales or Northern Ireland which have an effect similar to that of bankruptcy;
- (c) a composition is made with that person's creditors generally in satisfaction of that person's debts;
- (d) notification is received by the Company from the Director that the Director is resigning from office, and such resignation has taken effect in accordance with its terms (but only if at least two Directors will remain in office when such resignation has taken effect);

- (e) the Director fails to attend three consecutive meetings of the Directors and the Directors resolve that the Director be removed for this reason; or
- (f) At a general meeting of the Company, a resolution is passed that the Director be removed from office, provided the meeting has invited the views of the Director concerned and considered the matter in the light of such views.

25. **Directors' remuneration**^{xv}

25.1 Directors may undertake any services for the Company that the Directors decide.

25.2 Directors are entitled to such remuneration as the Directors determine:

- (a) for their services to the Company as Directors; and
- (b) For any other service which they undertake for the Company.

25.3 Subject to the Articles, a Director's remuneration may:

- (a) take any form; and
- (b) Include any arrangements in connection with the payment of a pension, allowance or gratuity, or any death, sickness or disability benefits, to or in respect of that director.

25.4 Unless the Directors decide otherwise, Directors' remuneration accrues from day to day.

25.5 Unless the Directors decide otherwise, Directors are not accountable to the Company for any remuneration which they receive as Directors or other officers or employees of the Company's subsidiaries or of any other body corporate in which the Company is interested.

26. **Directors' expenses**

The Company may pay any reasonable expenses which the Directors properly incur in connection with their attendance at:

- (a) meetings of Directors or committees of Directors;
- (b) general meetings; or
- (c) separate meetings of any class of members or of the holders of any debentures of the Company,

Or otherwise in connection with the exercise of their powers and the discharge of their responsibilities in relation to the Company.

MEMBERS^{xvi}

BECOMING AND CEASING TO BE A MEMBER^{xvii}

27. **Becoming a member**^{xviii}

- 27.1 The subscribers to the Memorandum are the first members of the Company.
- 27.2 Such other persons as are admitted to membership in accordance with the Articles shall be members of the Company.
- 27.3 No person shall be admitted a member of the Company unless he or she is approved by the Directors.
- 27.4 Every person who wishes to become a member shall deliver to the Company an application for membership in such form (and containing such information) as the Directors require and executed by him or her.
28. **Termination of membership**^{xix}
- 28.1 Membership is not transferable to anyone else.
- 28.2 Membership is terminated if:
- 28.2.1 the member dies or ceases to exist;
- 28.2.2 otherwise in accordance with the Articles; or
- 28.2.3 At a meeting of the Directors at which at least half of the Directors are present, a resolution is passed resolving that the member be expelled on the ground that his or her continued membership is harmful to or is likely to become harmful to the interests of the Company. Such a resolution may not be passed unless the member has been given at least 14 Clear Days' notice that the resolution is to be proposed, specifying the circumstances alleged to justify expulsion, and has been afforded a reasonable opportunity of being heard by or of making written representations to the Directors. A member expelled by such a resolution will nevertheless remain liable to pay to the Company any subscription or other sum owed by him or her.

ORGANISATION OF GENERAL MEETINGS^{xx}

29. **General meetings**

- 29.1 The Directors may call a general meeting at any time.
- 29.2 The Directors must call a general meeting if required to do so by the members under the Companies Acts.^{xxi}

30. **Length of notice**

All general meetings must be called by either:

- 30.1 at least 7 Clear Days' notice; or
- 30.2 shorter notice if it is so agreed by [a majority of the members having a right to attend and vote at that meeting. Any such majority must together represent at least [90%] of the total voting rights at that meeting of all the members].

31. Contents of notice

- 31.1 Every notice calling a general meeting must specify the place, day and time of the meeting, whether it is a general or an annual general meeting, and the general nature of the business to be transacted.
- 31.2 If a special resolution is to be proposed, the notice must include the proposed resolution and specify that it is proposed as a special resolution.
- 31.3 In every notice calling a meeting of the Company there must appear with reasonable prominence a statement informing the member of his or her rights to appoint another person as his or her proxy at a general meeting.

32. Service of notice

Notice of general meetings must be given to every member, to the Directors and to the auditors of the Company.

33. Attendance and speaking at general meetings

- 33.1 A person is able to exercise the right to speak at a general meeting when that person is in a position to communicate to all those attending the meeting, during the meeting, any information or opinions which that person has on the business of the meeting.
- 33.2 A person is able to exercise the right to vote at a general meeting when:
- 33.2.1 that person is able to vote, during the meeting, on resolutions put to the vote at the meeting; and
- 33.2.2 That person's vote can be taken into account in determining whether or not such resolutions are passed at the same time as the votes of all the other persons attending the meeting.
- 33.3 The Directors may make whatever arrangements they consider appropriate to enable those attending a general meeting to exercise their rights to speak or vote at it.
- 33.4 In determining attendance at a general meeting, it is immaterial whether any two or more members attending it are in the same place as each other.
- 33.5 Two or more persons who are not in the same place as each other attend a general meeting if their circumstances are such that if they have (or were to have) rights to speak and vote at that meeting, they are (or would be) able to exercise them.

34. Quorum for general meetings

- 34.1 No business (other than the appointment of the chair of the meeting) may be transacted at any general meeting unless a quorum is present.
- 34.2 Three persons entitled to vote on the business to be transacted (each being a member, a proxy for a member or a duly Authorised Representative of a member); or 10% of

the total membership (represented in person or by proxy), whichever is greater, shall be a quorum.

- 34.3 If a quorum is not present within half an hour from the time appointed for the meeting, the meeting shall stand adjourned to the same day in the next week at the same time and place, or to such time and place as the Directors may determine, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting those present and entitled to vote shall be a quorum.

35. Chairing general meetings

- 35.1 The Chair (if any) or in his or her absence some other Director nominated by the Directors will preside as chair of every general meeting.

- 35.2 If neither the Chair nor such other Director nominated in accordance with Article 35.1 (if any) is present within fifteen minutes after the time appointed for holding the meeting and willing to act, the Directors present shall elect one of their number to chair the meeting and, if there is only one Director present and willing to act, he or she shall be chair of the meeting.

- 35.3 If no Director is willing to act as chair of the meeting, or if no Director is present within fifteen minutes after the time appointed for holding the meeting, the members present in person or by proxy and entitled to vote must choose one of their number to be chair of the meeting, save that a proxy holder who is not a member entitled to vote shall not be entitled to be appointed chair of the meeting.

36. Attendance and speaking by Directors and non-members

- 36.1 A Director may, even if not a member, attend and speak at any general meeting.
- 36.2 The chair of the meeting may permit other persons who are not members of the Company to attend and speak at a general meeting.

37. Adjournment

- 37.1 The chair of the meeting may adjourn a general meeting at which a quorum is present if:

37.1.1 the meeting consents to an adjournment; or

37.1.2 it appears to the chair of the meeting that an adjournment is necessary to protect the safety of any person attending the meeting or ensure that the business of the meeting is conducted in an orderly manner.

- 37.2 The chair of the meeting must adjourn a general meeting if directed to do so by the meeting.

- 37.3 When adjourning a general meeting, the chair of the meeting must:

37.3.1 either specify the time and place to which it is adjourned or state that it is to continue at a time and place to be fixed by the Directors; and

- 37.3.2 Have regard to any directions as to the time and place of any adjournment which have been given by the meeting.
- 37.4 If the continuation of an adjourned meeting is to take place more than 14 days after it was adjourned, the Company must give at least seven Clear Days' notice of it:
- 37.4.1 to the same persons to whom notice of the Company's general meetings is required to be given; and
- 37.4.2 Containing the same information which such notice is required to contain.
- 37.5 No business may be transacted at an adjourned general meeting which could not properly have been transacted at the meeting if the adjournment had not taken place.

VOTING AT GENERAL MEETINGS

38. Voting: general

- 38.1 A resolution put to the vote of a general meeting must be decided on a show of hands unless a poll is duly demanded in accordance with the Articles.
- 38.2 A person who is not a member of the Company shall not have any right to vote at a general meeting of the Company; but this is without prejudice to any right to vote on a resolution affecting the rights attached to a class of the Company's debentures.^{xxii}
- 38.3 Article 38.2 shall not prevent a person who is a proxy for a member or a duly Authorised Representative from voting at a general meeting of the Company.

39. Votes

- 39.1 On a vote on a resolution on a show of hands at a meeting every person present in person (whether a member, proxy or Authorised Representative of a member) and entitled to vote shall have a maximum of one vote.
- 39.2 On a vote on a resolution on a poll at a meeting every member present in person or by proxy or Authorised Representative shall have one vote.
- 39.3 In the case of an equality of votes, whether on a show of hands or on a poll, the chair of the meeting shall not be entitled to a casting vote in addition to any other vote he or she may have.
- 39.4 No member shall be entitled to vote at any general meeting unless all monies presently payable by him, her or it to the Company have been paid.
- 39.5 The following provisions apply to any organisation that is a member ("a Member Organisation"):
- 39.5.1 a Member Organisation may nominate any individual to act as its representative ("an Authorised Representative") at any meeting of the Company;

- 39.5.2 The Member Organisation must give notice in Writing to the Company of the name of its Authorised Representative. The Authorised Representative will not be entitled to represent the Member Organisation at any meeting of the Company unless such notice has been received by the Company. The Authorised Representative may continue to represent the Member Organisation until notice in Writing is received by the Company to the contrary;
- 39.5.3 a Member Organisation may appoint an Authorised Representative to represent it at a particular meeting of the Company or at all meetings of the Company until notice in Writing to the contrary is received by the Company;
- 39.5.4 Any notice in Writing received by the Company shall be conclusive evidence of the Authorised Representative's authority to represent the Member Organisation or that his or her authority has been revoked. The Company shall not be required to consider whether the Authorised Representative has been properly appointed by the Member Organisation;
- 39.5.5 an individual appointed by a Member Organisation to act as its Authorised Representative is entitled to exercise (on behalf of the Member Organisation) the same powers as the Member Organisation could exercise if it were an individual member;
- 39.5.6 on a vote on a resolution at a meeting of the Company, the Authorised Representative has the same voting rights as the Member Organisation would be entitled to if it was an individual member present in person at the meeting; and
- 39.5.7 The power to appoint an Authorised Representative under this Article 39.5 is without prejudice to any rights which the Member Organisation has under the Companies Acts and the Articles to appoint a proxy or a corporate representative.

40. **Poll votes**

- 40.1 A poll on a resolution may be demanded:
- 40.1.1 in advance of the general meeting where it is to be put to the vote; or
- 40.1.2 at a general meeting, either before a show of hands on that resolution or immediately after the result of a show of hands on that resolution is declared.
- 40.2 A poll may be demanded by:
- 40.2.1 the chair of the meeting;
- 40.2.2 the Directors;
- 40.2.3 two or more persons having the right to vote on the resolution;
- 40.2.4 any person, who, by virtue of being appointed proxy for one or more members having the right to vote at the meeting, holds two or more votes; or

- 40.2.5 a person or persons representing not less than one tenth of the total voting rights of all the members having the right to vote on the resolution.
- 40.3 A demand for a poll may be withdrawn if:
- 40.3.1 the poll has not yet been taken; and
- 40.3.2 The chair of the meeting consents to the withdrawal.
- 40.4 Polls must be taken immediately and in such manner as the chair of the meeting directs.
41. **Errors and disputes**
- 41.1 No objection may be raised to the qualification of any person voting at a general meeting except at the meeting or adjourned meeting at which the vote objected to is tendered, and every vote not disallowed at the meeting is valid.
- 41.2 Any such objection must be referred to the chair of the meeting whose decision is final.
42. **Content of proxy notices**
- 42.1 Proxies may only validly be appointed by a notice in writing (a “Proxy Notice”) which:
- (a) states the name and address of the member appointing the proxy;
 - (b) identifies the person appointed to be that member’s proxy and the general meeting in relation to which that person is appointed;
 - (c) is signed by or on behalf of the member appointing the proxy, or is authenticated in such manner as the directors may determine; and
 - (d) is delivered to the Company in accordance with the Articles and any instructions contained in the notice of the general meeting to which they relate.
- 42.2 The Company may require Proxy Notices to be delivered in a particular form, and may specify different forms for different purposes.
- 42.3 Proxy Notices may specify how the proxy appointed under them is to vote (or that the proxy is to abstain from voting) on one or more resolutions.
- 42.4 Unless a Proxy Notice indicates otherwise, it must be treated as:
- (a) allowing the person appointed under it as a proxy discretion as to how to vote on any ancillary or procedural resolutions put to the meeting; and
 - (b) appointing that person as a proxy in relation to any adjournment of the general meeting to which it relates as well as the meeting itself.
43. **Delivery of proxy notices**

- 43.1 A person who is entitled to attend, speak or vote (either on a show of hands or on a poll) at a general meeting remains so entitled in respect of that meeting or any adjournment of it, even though a valid Proxy Notice has been delivered to the Company by or on behalf of that person.
- 43.2 An appointment under a Proxy Notice may be revoked by delivering to the Company a notice in Writing given by or on behalf of the person by whom or on whose behalf the Proxy Notice was given.
- 43.3 A notice revoking the appointment of a proxy only takes effect if it is delivered before the start of the meeting or adjourned meeting to which it relates.

44. **Amendments to resolutions**

- 44.1 An ordinary resolution to be proposed at a general meeting may be amended by ordinary resolution if:
- 44.1.1 notice of the proposed amendment is given to the Company in Writing by a person entitled to vote at the general meeting at which it is to be proposed not less than 48 hours before the meeting is to take place (or such later time as the chair of the meeting may determine); and
- 44.1.2 the proposed amendment does not, in the reasonable opinion of the chair of the meeting, materially alter the scope of the resolution.
- 44.2 A special resolution to be proposed at a general meeting may be amended by ordinary resolution, if:
- 44.2.1 the chair of the meeting proposes the amendment at the general meeting at which the resolution is to be proposed; and
- 44.2.2 the amendment does not go beyond what is necessary to correct a grammatical or other non-substantive error in the resolution.
- 44.3 If the chair of the meeting, acting in good faith, wrongly decides that an amendment to a resolution is out of order, the chair's error does not invalidate the vote on that resolution.

WRITTEN RESOLUTIONS

45. **Written resolutions**

- 45.1 Subject to Article 45.3, a written resolution of the Company passed in accordance with this Article 45 shall have effect as if passed by the Company in general meeting:
- 45.1.1 A written resolution is passed as an ordinary resolution if it is passed by a simple majority of the total voting rights of eligible members.
- 45.1.2 A written resolution is passed as a special resolution if it is passed by members representing not less than 75% of the total voting rights of eligible members. A written resolution is not a special resolution unless it states that it was proposed as a special resolution.

- 45.2 In relation to a resolution proposed as a written resolution of the Company the eligible members are the members who would have been entitled to vote on the resolution on the circulation date of the resolution.
- 45.3 A members' resolution under the Companies Acts removing a Director or an auditor before the expiration of his or her term of office may not be passed as a written resolution.
- 45.4 A copy of the written resolution must be sent to every member together with a statement informing the member how to signify their agreement to the resolution and the date by which the resolution must be passed if it is not to lapse. Communications in relation to written notices shall be sent to the Company's auditors in accordance with the Companies Acts.
- 45.5 A member signifies their agreement to a proposed written resolution when the Company receives from him or her an authenticated Document identifying the resolution to which it relates and indicating his or her agreement to the resolution.
- 45.5.1 If the Document is sent to the Company in Hard Copy Form, it is authenticated if it bears the member's signature.
- 45.5.2 If the Document is sent to the Company by Electronic Means, it is authenticated [if it bears the member's signature] or [if the identity of the member is confirmed in a manner agreed by the Directors] or [if it is accompanied by a statement of the identity of the member and the Company has no reason to doubt the truth of that statement] or [if it is from an email Address notified by the member to the Company for the purposes of receiving Documents or information by Electronic Means].
- 45.6 A written resolution is passed when the required majority of eligible members have signified their agreement to it.
- 45.7 A proposed written resolution lapses if it is not passed within 28 days beginning with the circulation date.

ADMINISTRATIVE ARRANGEMENTS AND MISCELLANEOUS

46. **Means of communication to be used**
- 46.1 Subject to the Articles, anything sent or supplied by or to the Company under the Articles may be sent or supplied in any way in which the Companies Act 2006 provides for Documents or information which are authorised or required by any provision of that Act to be sent or supplied by or to the Company.
- 46.2 Subject to the Articles, any notice or Document to be sent or supplied to a Director in connection with the taking of decisions by Directors may also be sent or supplied by the means by which that Director has asked to be sent or supplied with such notices or Documents for the time being.
- 46.3 A Director may agree with the Company that notices or Documents sent to that Director in a particular way are to be deemed to have been received within an agreed time of their being sent, and for the agreed time to be less than 48 hours.

47. **Irregularities**

The proceedings at any meeting or on the taking of any poll or the passing of a written resolution or the making of any decision shall not be invalidated by reason of any accidental informality or irregularity (including any accidental omission to give or any non-receipt of notice) or any want of qualification in any of the persons present or voting or by reason of any business being considered which is not referred to in the notice unless a provision of the Companies Acts specifies that such informality, irregularity or want of qualification shall invalidate it.

48. **Minutes**

48.1 The Directors must cause minutes to be made in books kept for the purpose:

48.1.1 of all appointments of officers made by the Directors;

48.1.2 of all resolutions of the Company and of the Directors; and

48.1.3 of all proceedings at meetings of the Company and of the Directors, and of committees of Directors, including the names of the Directors present at each such meeting;

And any such minute, if purported to be signed (or in the case of minutes of Directors' meetings signed or authenticated) by the chair of the meeting at which the proceedings were had, or by the chair of the next succeeding meeting, shall, as against any member or Director of the Company, be sufficient evidence of the proceedings.

48.2 The minutes must be kept for at least ten years from the date of the meeting, resolution or decision.

49. **Records and accounts**^{xxiii}

The Directors shall comply with the requirements of the Companies Acts as to maintaining a members' register, keeping financial records, the audit or examination of accounts and the preparation and transmission to the Registrar of Companies and the Regulator of:

49.1 annual reports;

49.2 annual returns; and

49.3 Annual statements of account.

50. **Indemnity**

50.1 Subject to Article 50.2, a relevant Director of the Company or an associated company may be indemnified out of the Company's assets against:

(a) any liability incurred by that Director in connection with any negligence, default, breach of duty or breach of trust in relation to the Company or an associated company;

- (b) any liability incurred by that Director in connection with the activities of the Company or an associated company in its capacity as a trustee of an occupational pension scheme (as defined in section 235(6) of the Companies Act 2006); and
- (c) Any other liability incurred by that Director as an officer of the Company or an associated company.

50.2 This Article does not authorise any indemnity which would be prohibited or rendered void by any provision of the Companies Acts or by any other provision of law.

50.3 In this Article:

- (a) companies are associated if one is a subsidiary of the other or both are subsidiaries of the same body corporate; and
- (b) A “relevant Director” means any Director or former Director of the Company or an associated company.

51. Insurance

51.1 The Directors may decide to purchase and maintain insurance, at the expense of the Company, for the benefit of any relevant Director in respect of any relevant loss.

51.2 In this Article:

- (a) a “relevant Director” means any Director or former Director of the Company or an associated company;
- (b) a “relevant loss” means any loss or liability which has been or may be incurred by a relevant Director in connection with that Director’s duties or powers in relation to the Company, any associated company or any pension fund or employees’ share scheme of the company or associated company; and
- (c) Companies are associated if one is a subsidiary of the other or both are subsidiaries of the same body corporate.

52. Exclusion of model articles

The relevant model articles for a company limited by guarantee are hereby expressly excluded.

ⁱⁱⁱ On the specification of the company’s objects, see [Part 5] of the Regulator’s information and guidance notes.

^{iv} On limited liability, see [Part 3] of the Regulator’s information and guidance notes. On guarantees generally see [Chapter 3.2] of the Regulator’s information and guidance notes.

^v Articles 11 and 12 allow the directors to delegate any of their functions. Delegation may take the form of, for instance, the Directors giving a managing director general authority to run the company’s day to day business, or responsibility for specific matters being delegated to particular directors (e.g. financial matters to a finance director); or may be equally appropriate to delegate matters to persons other than Directors. In all cases, it is important to remember that delegation does not absolve Directors of their general duties towards the

company and their overall responsibility for its management. This means, amongst other things, that Directors must be satisfied that those to whom responsibilities are delegated are competent to carry them out.

^{vi} Article 13 states that the Directors must make decisions by majority at a meeting in accordance with article 15; or unanimously if taken in accordance with article 19.

^{vii} Article 15.2 is designed to facilitate the taking of decisions by the directors communicating via telephone or video conference calls. Note the requirement to keep a written record of meetings and decisions (article 48).

^{viii} The quorum may be fixed in absolute terms (e.g. “two Directors”) or as a proportion of the total number of Directors (e.g. “one third of the total number of Directors”). You may even wish to stipulate that particular named Directors, or Directors representing particular stakeholder interests, must be present to constitute a quorum. In any event, it is recommended that the quorum should never be less than half of the total number of Directors.

^{ix} Article 18 reflects paragraph 4 of Schedule 1 to the Regulations, which is required to be included in the articles of all community interest companies.

^x You may wish to include a provision which gives the chair of the board a casting vote. This will enable the directors to resolve any deadlock at board level.

^{xi} Article 19 is designed to facilitate the taking of decisions by directors following discussions in the form of, for example, email exchanges copied to all the directors. Note the requirements as to recording the decision in articles 19.2 and 48.

^{xii} The provisions in articles 20 and 21 reflect the position under the Companies Act 2006. However, it is recommended that, as a matter of good practice, all actual and potential conflicts of interest are disclosed in writing or at a meeting, as the case may be.

^{xiii} Private companies are obliged to have at least one director. Provisions can be inserted into the articles providing for a minimum number of directors. Where the company has just one director, that director must be a natural person. You may wish to consider whether provision should also be made for a maximum number of directors (eg. “and the total number of directors in office at any one time shall not exceed four”). While it is often important to ensure proper representation of a number of different groups on a board of directors, very large boards can become unwieldy and a maximum number of directors provision may help to guard against this.

^{xiv} The board of directors cannot remove a director other than in accordance with the provisions in article 24 and the Companies Act 2006.

^{xv} See the guidance on directors’ remuneration in [Part 9] of the Regulator’s information and guidance notes.

^{xvi} See section 112 of the Companies Act 2006. A company’s members are (i) the subscribers to its memorandum; and (ii) every other person who agrees to become a member of the company and whose name is entered in its register of members.

^{xvii} There is no need for all those who wish to become Members to subscribe to the Memorandum on incorporation; they can become Members and be entered in the register of Members after the company has been formed.

^{xviii} Inclusion of the provisions in article 27 (other than 27.3) (reflecting paragraphs 2(1)-(4) of Schedule 1 to the Regulations) is mandatory. [Directors should ensure that the information to be included on an application form includes all the information which will be required to fill in Companies House Form [288a] on the appointment of the new Member as a Director (see <http://www.companieshouse.gov.uk/forms/generalForms/288A.pdf>).]

^{xix} Inclusion of the provisions of article 28.1 and 28.2.1 – 28.2.2 (reflecting sub-paragraphs (5) and (6) of paragraph 2 of Schedule 1 to the Regulations), is mandatory.

^{xx} The Companies Act 2006 has removed the need for private companies to hold annual general meetings and therefore these Articles follow suit; however, if you wish, you can insert an additional provision which obliges the company to hold annual general meetings.

^{xxi} Article 29.2 provides that general meetings must be held in accordance with the provisions of the Companies Act 2006. You must specify how many Members are required to be present to hold a valid general meeting. The quorum may be fixed in absolute terms (e.g. “four Members”) or as a proportion of the total number of Members (e.g. “three quarters of the Members from time to time”). You may even wish to stipulate that particular named Members, or Members representing particular stakeholder interests, must be present to constitute a quorum. In any event, it is recommended that the quorum should never be less than half of the total number of Members.

^{xxii} Inclusion of article 38.2 (reflecting paragraph 3(1) of Schedule 1 to the Regulations) is mandatory.

^{xxiii} See the Companies House guidance booklet, “Accounts and Accounting Reference Dates” (available online at <http://www.companies-house.gov.uk/about/gbhtml/gba3.shtml>).] On the annual community interest company report, see [Part 8] of the Regulator’s information and guidance notes.

SCHEDULE
INTERPRETATION

Defined terms

1. In the Articles, unless the context requires otherwise, the following terms shall have the following meanings:

Term	Meaning
1.1 “Address”	includes a number or address used for the purposes of sending or receiving Documents by Electronic Means;
1.2 “Articles”	the Company’s articles of association;
1.3 “Authorised Representative”	means any individual nominated by a Member Organisation to act as its representative at any meeting of the Company in accordance with Article 39;
1.4 “asset-locked body”	means (i) a community interest company, a charity ^{xxiv} or a Permitted Industrial and Provident Society; or (ii) a body established outside the United Kingdom that is equivalent to any of those;
1.5 “bankruptcy”	includes individual insolvency proceedings in a jurisdiction other than England and Wales or Northern Ireland which have an effect similar to that of bankruptcy;
1.6 “Chair”	has the meaning given in Article 10;
1.7 “chairman of the meeting”	has the meaning given in Article 35;
1.8 “Circulation Date”	in relation to a written resolution, has the meaning given to it in the Companies Acts;
1.9 “Clear Days”	in relation to the period of a notice, that period excluding the day when the notice is given or deemed to be given and the day for which it is given or on which it is to take effect;
1.10 “community”	is to be construed in accordance with accordance with Section 35(5) of the Company’s (Audit Investigations and Community Enterprise) Act 2004;
1.11 “Companies Acts”	means the Companies Acts (as defined in Section 2 of the Companies Act 2006), in so far as they apply to the Company;

^{xxiv} Section 1(1) of the Charities Act 2006 defines “charity” as an institution which “is established for charitable purposes only, and falls to be subject to the control of the High Court in the exercise of its jurisdiction with respect to charities.”

1.12	“Company”	[] [Community Interest Company/C.I.C.];
1.13	“Conflict of Interest”	any direct or indirect interest of a Director (whether personal, by virtue of a duty of loyalty to another organisation or otherwise) that conflicts, or might conflict with the interests of the Company;
1.14	“Director”	a director of the Company, and includes any person occupying the position of director, by whatever name called;
1.15	“Document”	includes, unless otherwise indicated, any Document sent or supplied in Electronic Form;
1.16	“Electronic Form” and “Electronic Means”	have the meanings respectively given to them in Section 1168 of the Companies Act 2006;
1.17	“Hard Copy Form”	has the meaning given to it in the Companies Act 2006;
1.18	“Memorandum”	the Company’s memorandum of association;
1.19	“paid”	means paid or credited as paid;
1.20	“participate”	in relation to a Directors’ meeting, has the meaning given in Article 15;
1.21	“Permitted Industrial and Provident Society”	an industrial and provident society which has a restriction on the use of its assets in accordance with Regulation 4 of the Community Benefit Societies (Restriction on Use of Assets) Regulations 2006 or Regulation 4 of the Community Benefit Societies (Restriction on Use of Assets) Regulations (Northern Ireland) 2006;
1.22	“Proxy Notice”	has the meaning given in Article 42;
1.23	“the Regulator”	means the Regulator of Community Interest Companies;
1.24	“Secretary”	the secretary of the Company (if any);
1.25	“specified”	means specified in the memorandum and articles of association of the Company for the purposes of this paragraph;
1.26	“subsidiary”	has the meaning given in section 1159 of the Companies Act 2006;
1.27	“transfer”	includes every description of disposition, payment, release or distribution, and the creation or extinction of an estate or interest in, or right over, any property; and
1.28	“Writing”	the representation or reproduction of words, symbols or other information in a visible form by

any method or combination of methods, whether sent or supplied in Electronic Form or otherwise.

2. Subject to clause 3 of this Schedule, any reference in the Articles to an enactment includes a reference to that enactment as re-enacted or amended from time to time and to any subordinate legislation made under it.
3. Unless the context otherwise requires, other words or expressions contained in these Articles bear the same meaning as in the Companies Act 2006 as in force on the date when the Articles become binding on the Company.

Explanatory Notes : CIC Limited by Guarantee, Schedule 1, Large Membership

Mae'r dudalen hon yn wag yn fwriadol

**Y PWYLLGOR SAFONAU
3YDD RHAGFYR 2015**

CAIS AM OLLYNGIAD GAN Y CYNGHORYDD J F GWYNFRYN - EVANS

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:
Ystyried y cais a phenderfynu arno

Y rhesymau:

Mae'r testun dan sylw yn yr adroddiad hwn yn rhan o gylch gorchwyl y Pwyllgor

Argymhellion / Sylwadau'r Pwyllgor Craffu:

Ddim yn berthnasol

Angen i'r Bwrdd Gweithredol wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y Cyngorydd E Dole (Arweinydd y Cyngor)

Y Gyfarwyddiaeth:

Y Prif Weithredwr

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:

Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth a'r Gyfraith

Rheolwr Dros Dro y Gwasanaethau Cyfreithiol

Rhifau ffôn:

01267 224018

Cyfeiriadau E-bost:

RJEdgeco@sirgar.gov.uk

**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
3RD DECEMBER 2015**

APPLICATION FOR DISPENSATION BY CLLR J F GWYNFRYN - EVANS

An application for dispensation to speak and vote has been received from Councillor Jonathan Francis Gwynfryn-Evans of Ammanford Town Council in respect of matters relating to the Ammanford Enterprise Partnership Limited. (Copy attached)

Councillor Gwynfryn-Evans has a personal interest in these matters by virtue of paragraph 10(2)(x)(c)(v) of the Code in that his friends are a Director and a member of that company. The nature of the friendship is such that these individuals should properly be considered close personal associates of the company.

This interest is also prejudicial as a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it would be likely to prejudice the Councillor's judgement of the public interest when dealing with applications from the company to the Council for financial assistance, or in respect of other dealings between the company and the council.

The application is submitted on the following grounds in the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001, namely;

(d) no damage to public confidence

(f) the member's particular role or expertise

(h) relates to the finances of a voluntary organisation (would not allow Cllr to vote)

(i) in the interests of the inhabitants of the area

Of these it is suggested that (d), (f) and (h) are the most appropriate

If the committee is minded to grant the application, it has absolute discretion as to its duration. It may grant the dispensation for the remainder of the councillor's term of office or until its meetings on the 11th March 2016 or 10th June 2016

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: L. 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: L. Rees-Jones

Head of Administration and Law

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Not applicable

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. 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-140	Legal Services, County Hall

CARMARTHENSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

APPLICATION for a dispensation under Section 2 of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001

The Carmarthenshire County Council Standards Committee are requested to grant the Member/s listed below a Dispensation to cover the interest/s declared in Section 2 below. My reasons for requesting same are set out in Section 4

SECTION 1	Name(s) of Member(s)	Name of member's authority
	Jonathan Francis Gwynfryn-Evans	Ammanford Town Council (ATC)

SECTION 2	Matter to be discussed on which member seeks dispensation
	Support for organisations including the Ammanford Enterprise Partnership Ltd, involved with promoting Ammanford and co-ordinating events within the town.
Date of meeting at which the matter is to be discussed:	Any Ammanford Town Council Meetings over the next 6 month period.

Dispensation being sought to speak and vote	X
Dispensation being sought to speak only	

SECTION 3	The interest which the member must disclose, and the nature of that interest in relation to the matter to be discussed
	Association through friendship with Mr Alex Smith (Deputy Mayor) of Ammanford Town Council and his partner Ms Fiona Wilkins (Director of Ammanford Enterprise Partnership).

SECTION 4	Criteria for seeking dispensation	
~	50% of members affected	
~	Political balance would be affected (county borough only)	
~	No damage to public confidence	X
~	Common interest with general public	
~	Justified because of special expertise	X
~	Scrutiny committee business <u>and</u> not financial interest	
~	Voluntary organisation <u>and</u> not financial interest	X
~	In the interests of inhabitants	X
<i>(See appendix for more details)</i>		

SECTION 5	Reason/s in support of my/our application (use a separate sheet of paper if necessary)
<p>As a town council member I believe it is my duty to support all initiatives that aim to benefit and positively promote the town. I recognise that I must remain impartial regarding all the decisions I make, as I do so as a representative of the community. I have participated in many events over the last year as a volunteer helper and as a town council member involving numerous organisations, providing physical labour, transportation and intellectual support. Some of these have received funding either by donation or through partnership with the ATC, CCC and ATAT (Ammanford On Track Action Team).</p> <p>However at Town Council Meetings it has been suggested that due to my association with Mr Smith and Ms Wilkins, that I should not be able to speak or vote in relation to events with which the AEP is associated. I have participated meetings associated with the AEP, ATAT, the Ammanford Chamber of Trade and Bro Menter to establish how members of the community might support their to hold events in the community and to try to identify other promotional activities in which the organisations might get involved. As the AEP is a not-for profit company, I can see no reason that might suggest I have anything to gain personally from my association with Mr Smith and Ms Wilkins. I might gain recognition as someone who is active within the community and wants positive things to happen in Ammanford, but I consider this to be the purpose of being a councillor. I am prepared to get my hands dirty by mucking in to set up and clear away the equipment necessary for any event. This has given me insight into just how much effort and hard work is put in by other volunteers and of course, any members of the AEP.</p> <p>I attend meetings associated with a whole manner of organisations involved in Ammanford's promotion. As such I believe that I am fairly well informed and can provide details to my ATC colleagues concerning associated questions that might arise. My support toward AEP events over the last year simply relates to the fact that this organisation's purpose is to promote Ammanford and it seems that it is by far the most active organisation within the community.</p>	

SIGNED _____ (Member of Town Council)

DATED: ___06/10/2015_____

APPENDIX

Circumstances when a standards committee may grant dispensations

The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 specify that a standards committee of a relevant authority may grant dispensations under Section 81 of the Act where:

- a. no fewer than half of the members of the relevant authority or of a committee of the authority (as they case may be) by which the business is to be considered has an interest which relates to that business;
- b. 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;
- c. 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 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.
- d. 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 a 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 7 days in such manner as it may specify.

CYNGOR SIR CAERFYRDDIN

PWYLLGOR SAFONAU

CAIS am ganiatáu gollyngiad yn unol ag Adran 2(i) o Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001

Gofynnir i Bwyllgor Safonau Cyngor Sir Caerfyrddin ganiatáu Gollyngiad i'r Aelod(au) a restrir isod i gwmpasu'r buddiant / buddiannau a ddatganwyd yn Adran 2 isod. Mae fy / ein rhesymau dros gyflwyno cais am hynny wedi eu nodi yn Adran 4

ADRAN 1	Enw(au)'r Aelod(au)	Enw awdurdod yr aelod(au)

ADRAN 2	Y mater sydd i'w drafod y mae'r aelod yn gofyn am ollyngiad yn ei gylch
Dyddiad y cyfarfod pryd y trafodir y mater:	

ADRAN 3	Y buddiant y mae'n rhaid i'r aelod ei ddatgelu, a beth yw'r berthynas rhwng y buddiant hwnnw a'r mater sydd i'w drafod

ADRAN 4	Y meini prawf dros ofyn am ollyngiad								
<ul style="list-style-type: none"> ~ Byddai'n effeithio ar 50% o'r aelodau ~ Byddai'n effeithio ar y cydbwysedd gwleidyddol (bwrdeistrefi sirol yn unig) ~ Ni fyddai'n amharu ar hyder y cyhoedd ~ Byddai'r buddiant yn gyffredin i'r cyhoedd yn gyffredinol ~ Byddai modd cyfiawnhau hynny ar sail sgiliau arbenigol ~ Byddai'n fater i bwyllgor craffu, <u>ac</u> ni fyddai'n ymwneud â buddiant ariannol ~ Byddai a wnelo'r mater â chorff gwirfoddol, <u>ac</u> ni fyddai'n ymwneud â buddiant ariannol ~ Byddai er budd y trigolion 	<table border="1" style="width: 100%; height: 100%; border-collapse: collapse;"> <tr><td style="width: 20px; height: 20px;"></td></tr> <tr><td style="width: 20px; height: 20px;"></td></tr> <tr><td style="width: 20px; height: 20px;"></td></tr> <tr><td style="width: 20px; height: 20px;"></td></tr> <tr><td style="width: 20px; height: 20px;"></td></tr> <tr><td style="width: 20px; height: 20px;"></td></tr> <tr><td style="width: 20px; height: 20px;"></td></tr> <tr><td style="width: 20px; height: 20px;"></td></tr> </table>								
<p><i>(gweler yr atodiad i gael rhagor o fanylion)</i></p>									

ADRAN 5	Y rhesymau dros gyflwyno fy / ein cais (defnyddier dalen arall lle bo angen)

LLOFNODWYD: _____ (Aelod o Gyngor Sir Caerfyrddin)

DYDDIAD:

**Y PWYLLGOR SAFONAU
3YDD RHAGFYR 2015**

CAIS AM OLLYNGIAD GAN Y CYNGHORYDD G HOWELLS

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:
Ystyried y cais a phenderfynu arno

Y rhesymau:

Mae'r testun dan sylw yn yr adroddiad hwn yn rhan o gylch gorchwyl y Pwyllgor

Argymhellion / Sylwadau'r Pwyllgor Craffu:

Ddim yn berthnasol

Angen i'r Bwrdd Gweithredol wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

**YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y
Cyngorydd E Dole (Arweinydd y Cyngor)**

Y Gyfarwyddiaeth:

Y Prif Weithredwr

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:

Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth a'r
Gyfraith

Rheolwr Dros Dro y
Gwasanaethau Cyfreithiol

Rhifau ffôn:

01267 224018

Cyfeiriadau E-bost:

RJEdgeco@sirgar.gov.uk

**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
3RD DECEMBER 2015**

APPLICATION FOR DISPENSATION BY COUNCILLOR G HOWELLS

An application for dispensation to speak and vote has been received from Councillor Gerald Howells of Llansteffan and Llanybri Community Council. (Copy and covering letter enclosed).

By virtue of paragraph 10 (2) (c) (i) of the Members Code of Conduct Councillor Howells has a personal interest in a dispute relating to a right of way to Croft Cottage, Llansteffan as he has been friends with one of the parties to the dispute for many years. The dispute potentially impacts upon land leased by the Council.

This personal interest is also 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 his judgement of the public interest.

Councillor Howells seeks a dispensation on the basis of the following grounds in the Standards Committee (Grant of Dispensations)(Wales) Regulations 2011;

- (d) No damage to public confidence
- (e) Common interest with a significant proportion of the general public
- (f) involvement is justified by the members special expertise
- (i) involvement is in the interests of the inhabitants of the area.

Paragraphs (e) and (i) do not appear to be appropriate. In relation to paragraph (f) Cllr Howells is a retired solicitor with considerable experience in acting in property related matters, including on behalf of the Council. The committee may therefore feel that he will have both technical legal knowledge and an understanding of relevant past legal transactions which will assist fellow councillors in their discussions.

If the committee is minded to grant a dispensation, it has an absolute discretion as to duration, up to and including granting a dispensation until the end of the Councillors term of office. Alternately the Committee could decide to grant a dispensation until its next meetings on the 11th March 2016 or the 10th June 2016.

DETAILED REPORT ATTACHED ?

YES

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: L. 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: L. Rees-Jones

Head of Administration and Law

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Not applicable

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. 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-140	Legal Services, County Hall

GERALD HOWELLS. LL.B
Solicitor (Non - Practicing)
SRA Number - 108786

RJE

10 , Glan - y - Mor ,

Llansteffan ,
Carmarthen ,
Carmarthenshire .
SA33 5LL.
Tel : 01267241255.
Mobile : 07492427359

CARMS C.C.

- 6 NOV 2015

PRIF WEITHREDWR
CHIEF EXECUTIVE

E - mail : gerald.howells@tesco.net

2nd November 2015 ,

Dear Mr Edgecombe ,

Llansteffan and Llanybri Community Council .

I can assure you that this is not my usual letterhead but I just wanted to let you see why I have taken this action to cover the situation in what has the makings of a major problem .

I have seen the correspondence between the parties involved and although both parties are known to me Mr and Mrs Rees have been friends for many years and as a Solicitor I acted for them many years ago but not in anything involving Croft Cottage and in fact not in anything involving property in the area of Llansteffan and Llanybri .

Whilst my reading of the Code of Conduct indicates that I do not need dispensation bearing in mind that I remain on the Roll of Solicitors in a Non-Practicing capacity I do not wish to jeopardise my own strict personal and professional standards . I have not been a practicing Solicitor due to personal problems for some 15 years and have not acted for anyone professionally in that time . With a short period when I felt unable to be a Community Councillor once again I have been one of the Community Councillors for this ward for over 20 years . I have lived in Llansteffan since 1982 and having been involved in local community matters over that time so I have a great deal of local knowledge as well as my professional background .

Having set out the reasons why I feel that even if you feel that I should get

Dispensation these are the matters which I feel that I have to consider :-
I know the parties well but then that is inevitable in a small community .
I have previously acted professionally for Mr & Mrs Rees but never in the
Llansteffan and Llanybri area and over 20 years ago .

I was involved professionally as the Solicitor who negotiated for and acted
for the Community Council when it took a Lease of The Morfa from the
Carmarthen District Council . The Morfa is affected as it adjoins land
which is now the subject of the dispute . I believe my knowledge and
professional background could assist Community Council in adopting a
proper course of action in this matter .

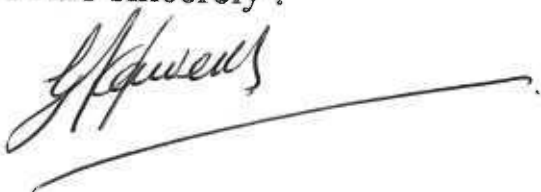
I have previously acted for Clients regarding the use of a long standing
Right of Way by one party who could be prejudiced by this behaviour and
could have serious implications in the long run for many people with rear
entrances along The Green together with the Community Council itself and
the County Council as the successor in title of the Freehold interest . I have
not practiced as a Solicitor for some 15 years and do not have any personal
interest on the Right of Way as my property does not abut The Morfa .

Whilst this dispute is between 2 parties I believe it has far reaching
implications and one has to consider whether any Vendors of properties on
The Green would have to disclose on a Sale the fact that the Right of Way
was queried in one case .

I am involved in discussions with the County Council regarding the
Community Council extending the present Lease on The Morfa and
obviously this could have a bearing on these discussions .

Hence bearing everything in mind I feel that I do not need Dispensation
but if you feel that I do I consider that it should be given in full . I would
point out that when the matter came up in correspondence at our meeting
last month I chose not to take part and left the room as I had not considered
my position in full which I now have .

Yours sincerely .

A handwritten signature in cursive script, appearing to read 'J. H. Jones', followed by a long horizontal line extending to the right.

CARMARTHENSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

APPLICATION for a dispensation under Section 2 of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001

The Carmarthenshire County Council Standards Committee are requested to grant the Member/s listed below a Dispensation to cover the interest/s declared in Section 2 below. My reasons for requesting same are set out in Section 4

SECTION 1	Name(s) of Member (s)	Name of member's authority
	GERALD HOWELLS	LLANSTEFFAN AND LLANYBRI COMMUNITY COUNCIL

SECTION 2	Matter to be discussed on which member seeks dispensation
	CORRESPONDENCE LIKELY TO ARISE OVER A DISPUTE THAT HAS ARISEN OVER A RIGHT OF WAY THAT IS CLAIMED EXISTS FOR THE OWNERS OF CROFT COTTAGE FROM THE GARDEN TO THE REAR OF THE PROPERTY, DELETED BY THE OWNER OF SUNRAISE BAY CARAVAN PARK
Date of meeting at which the matter is to be discussed:	16 TH MONDAY NOVEMBER 2015 MONTHLY MEETING

Dispensation being sought to speak and vote	<input checked="" type="checkbox"/>
Dispensation being sought to speak only	<input type="checkbox"/>

SECTION 3	The interest which the member must disclose, and the nature of that interest in relation to the matter to be discussed
	I KNOW BOTH PARTIES, BOTH RESIDE IN MY WARD. AS A PRACTISING SOLICITOR PREVIOUSLY ACTED FOR THE OWNERS OF THE CROFT OVER 20 YEARS AGO BUT NOTHING TO DO WITH THIS PROPERTY. ACTED FOR THE COMMUNITY COUNCIL WHEN THEY TOOK THE MATTER LEAST

SECTION 4	Criteria for seeking dispensation	
~ 50% of members affected		<input type="checkbox"/>
~ Political balance would be affected (county borough only)		<input type="checkbox"/>
~ No damage to public confidence		<input type="checkbox"/>
~ Common interest with general public		<input checked="" type="checkbox"/>
~ Justified because of special expertise		<input checked="" type="checkbox"/>
~ Scrutiny committee business <u>and</u> not financial interest		<input checked="" type="checkbox"/>
~ Voluntary organisation <u>and</u> not financial interest		<input type="checkbox"/>
~ In the interests of inhabitants		<input checked="" type="checkbox"/>
<i>(See appendix for more details)</i>		

SECTION 5	Reason/s in support of my/our application (use a separate sheet of paper if necessary)
<p>I AM NOT SURE IF THIS IS NECESSARY, AS A SOLICITOR BEFORE I BECAME A COMMUNITY COUNCILLOR I ACTED FOR THE THEN LANSTEFFAN COMMUNITY COUNCIL WHEN A LEASE WAS TAKEN BY THEM FROM CARMARTHEN RD. C. FOR 50 YEARS FROM 1ST APRIL 1981. HENCE I HAVE KNOWLEDGE OF THE SITUATION. I HAVE ALSO ACTED FOR VARIOUS BUYERS AND SELLERS OF PROPERTIES ON THE GREEN REGARDING REAR ENTRANCES SOME OF WHOM WHO COULD BE AFFECTED ARE ASSOCIATED WITH THE COMMUNITY COUNCIL. I KNOW ALL PARTIES WHO ARE INVOLVED BUT BELIEVE THAT MY TRAINING ALLOWS AN UNBIASED VIEW. THIS PROBLEM COULD LEAD TO PROBLEMS FOR A NUMBER OF MY VARIOUS MEMBERS, THE COUNCIL AS LEASEHOLDERS AND THE COUNTY COUNCIL</p>	

SIGNED G. Howells AS FREEHOLDER (PLEASE SEE ACCOMPANYING LETTER) (Member of County Council)

GERRY HOWELLS,
LANSTEFFAN
LANSTEFFAN
COMMUNITY
COUNCIL

**Y PWYLLGOR SAFONAU
3YDD RHAGFYR 2015**

CAIS AM OLLYNGIAD GAN Y CYNGHORYDD G HOWELLS

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:
Ystyried y cais a phenderfynu arno

Y rhesymau:

Mae'r testun dan sylw yn yr adroddiad hwn yn rhan o gylch gorchwyl y Pwyllgor

Argymhellion / Sylwadau'r Pwyllgor Craffu:

Ddim yn berthnasol

Angen i'r Bwrdd Gweithredol wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

**YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y
Cyngorydd E Dole (Arweinydd y Cyngor)**

Y Gyfarwyddiaeth:

Y Prif Weithredwr

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:

Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth a'r
Gyfraith

Rheolwr Dros Dro y
Gwasanaethau Cyfreithiol

Rhifau ffôn:

01267 224018

Cyfeiriadau E-bost:

RJEdgeco@sirgar.gov.uk

**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
3RD DECEMBER 2015**

APPLICATION FOR DISPENSATION BY CLLR G HOWELLS

An application for dispensation has been received from Councillor Gerald Howells of Llansteffan and Llanybri Community Council to speak and vote in respect of matters relating to Llansteffan Primary School and Llansteffan Parish Church.

Councillor Howells has a personal interest in such 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 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 not 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.

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

The application is based upon two grounds in the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001, namely;

- (d) No damage to public confidence
- (f) Justified by the councillors special expertise

If the committee is minded to grant the application, it has an absolute discretion as to the duration of the grant. It may be until the end of the Councillors term of office, or for a shorter period such as until the committee's meetings on the 11th March 2016 or 10th June 2016.

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: L. 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: L. Rees-Jones

Head of Administration and Law

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Not applicable

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. 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-140	Legal Services, County Hall

CARMARTHENSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

APPLICATION for a dispensation under Section 2 of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001

The Carmarthenshire County Council Standards Committee are requested to grant the Member/s listed below a Dispensation to cover the interest/s declared in Section 2 below. My reasons for requesting same are set out in Section 4

SECTION 1	Name(s) of Member (s)	Name of member's authority
	GERALD HOWELLS	LLANSTEFFAN AND LLANYBRI COMMUNITY

SECTION 2	Matter to be discussed on which member seeks dispensation
	MATTERS AT ANY TIME RELATING TO LLANSTEFFAN PRIMARY SCHOOL OR LLANSTEFFAN PARISH CHURCH.
Date of meeting at which the matter is to be discussed:	ONGOING MATTERS COMING UP NOW AND THEN

Dispensation being sought to speak and vote	
Dispensation being sought to speak only	

SECTION 3	The interest which the member must disclose, and the nature of that interest in relation to the matter to be discussed
	I AM CHAIR OF GOVERNORS OF LLANSTEFFAN PRIMARY SCHOOL AND CHURCHWARDEN OF LLANSTEFFAN CHURCH

SECTION 4

Criteria for seeking dispensation

- ~ 50% of members affected
- ~ Political balance would be affected (county borough only)
- ~ No damage to public confidence
- ~ Common interest with general public
- ~ Justified because of special expertise
- ~ Scrutiny committee business and not financial interest
- ~ Voluntary organisation and not financial interest
- ~ In the interests of inhabitants

✓
✓

(See appendix for more details)

SECTION 5

Reason/s in support of my/our application (use a separate sheet of paper if necessary)

BEARING IN MIND ONGOING SITUATION IN THE COMMUNITY I WANT TO ENSURE THAT MY POSITION IS CORRECT.

I AM CHAIR OF SCHOOL GOVERNORS AND OBVIOUSLY THERE IS INTERACTION WITH THE SCHOOL AND THE COMMUNITY ESPECIALLY AS THE COMMUNITY COUNCIL HAS A LEASE OF THE FIELD ADJOINING THE SCHOOL.

WE ARE A SMALL COMMUNITY AND I AM WELL KNOWN. THERE ARE MATTERS NOW AGAIN RELATING TO CHURCH AND AS WE DO NOT HAVE A VICAR THIS FALLS ON ME. I FEEL DISPENSATION IN GENERAL IS RIGHT

SIGNED

L. J. Jones

(Member of County Council)

LAWTERRAN & LANYBRI COMMUNITY COUNCIL

DATED

16TH NOVEMBER 2015

**Y PWYLLGOR SAFONAU
3YDD RHAGFYR 2015**

**HYSBYSIAD O BENDERFYNIAD PANEL DYFARNU CYMRU
Y CYNGHORYDD CYMUNED HAULWEN LEWIS**

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:
Ystyried yr adroddiad

Y rhesymau:

Mae cynnwys yr adroddiad yn rhan o gylch gorchwyl y Pwyllgor

Argymhellion / Sylwadau'r Pwyllgor Craffu:

Ddim yn berthnasol

Angen i'r Bwrdd Gweithredol wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y Cyng E Dole (Arweinydd y Cyngor)

Y Gyfarwyddiaeth:

Y Prif Weithredwr

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:

Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth a'r Gyfraith

Rheolwr Dros Dro y Gwasanaethau Cyfreithiol

Rhifau ffôn:

01267 224018

Cyfeiriadau E-bost:

RJEdgeco@sirgar.gov.uk.

EXECUTIVE SUMMARY STANDARDS COMMITTEE 3RD DECEMBER 2015

ADJUDICATION PANEL FOR WALES – DECISION NOTICE COMMUNITY COUNCILLOR HAULWEN LEWIS

On the 11th September 2015 the Committee received a report regarding proceedings before the Adjudication Panel for Wales in respect of Councillor Lewis.

On the 13th August 2015 a Case Tribunal of the Adjudication Panel for Wales was convened to consider a reference from the Public Services Ombudsman for Wales in respect of Councillor Haulwen Lewis of Llanfihangel ar Arth Community Council.

The referral related to an alleged breach of the Members Code of Conduct by Councillor Lewis at a meeting of the community council on the 16th January 2012. It was claimed that Councillor Lewis failed to declare a personal and prejudicial interest when consideration was being given to a planning application for a wind farm on land adjacent to land which she owned and that furthermore she had participated in a secret ballot in relation to the application.

The Case Tribunal unanimously found that Councillor Lewis had by her conduct breached paragraphs 11(1) and 14(1)(a) of the Code.

The Case Tribunal also unanimously decided that Councillor Lewis should be suspended from acting as a member of Llanfihangel ar Arth Community Council for a period of 3 months as from the 13th August 2015.

The full decision of the Adjudication Panel has now been received and is attached to this report.

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: L. 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: L. Rees-Jones

Head of Administration and Law

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Not applicable

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. 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-140	Legal Services, County Hall

PDC / APW

PANEL DYFARNU CYMRU
ADJUDICATION PANEL FOR WALES

Mrs L Rees-Jones
Monitoring Officer
Carmarthenshire County Council
County Hall
Carmarthen
Carmarthenshire
SA31 1JP

CECO 66

CARMS C.C.

9 OCT 2015

PRIF WEITHREDWR
CHIEF EXECUTIVE

8 October 2015

Reply to: Leon Mills

Your Ref:
Our Ref: aZ866670

Dear Mrs Rees-Jones

LOCAL GOVERNMENT ACT 2000 – REFERENCE TO ADJUDICATION PANEL FOR WALES ABOUT ALLEGED BREACH OF CODE OF CONDUCT

TRIBUNAL REFERENCE NO. APW/002/2014-015/CT; COMMUNITY COUNCILLOR HAULWEN LEWIS; LLANFIHANGEL AR ARTH COMMUNITY COUNCIL

Please find enclosed for your information a copy of the Tribunal's full reasoned decision in respect of the above case.

A copy of the tribunal's full reasoned decision will be available on the Adjudication Panel web-site in due course (<http://apw.gov.wales>)

If you have any questions please do not hesitate to contact me.

Yours sincerely



LEON MILLS
Registrar to the Panel

Adeiliadau Llywodraeth
Heol Spa Ddwyrain
Llandrindod
LD1 5HA

Ffôn.Tel 01597 829805
Ffacs.Fax 01597 829801
Ebst.Email – adjudication.panel@wales.gsi.gov.uk

Government Buildings
Spa Road East
Llandrindod Wells
LD1 5HA

Tudalen 141



PANEL DYFARNU CYMRU
ADJUDICATION PANEL FOR WALES

Tribunal User Satisfaction Survey

The Adjudication Panel for Wales is always striving to improve its service to users. To help us in this we would be grateful if you would complete and return the following questionnaire.

Please confirm how you were involved in using the service:

- As a Respondent/an Appellant
- As a Witness
- As the Monitoring Officer
- As a representative for the PSOW

If you contacted the Adjudication Panel for Wales during any stage of the case referral/appeal, please indicate how satisfied you were with the following:

Response:

- Slow to respond
- Prompt to respond

We were polite and helpful:

- Disagree
- Agree

How satisfied were you with the information you received:

- Dissatisfied
- Satisfied

How did you correspond with the Adjudication Panel for Wales:

- Telephone
- Letter
- Email

Service

Please indicate how satisfied you were with the service we provided during the appeal/case referral.

I was able to understand the process:

Disagree

Agree

I found the information in the Guidance forms useful:

Disagree

Agree

We processed the appeal/case efficiently:

Disagree

Agree

If you have ticked 'disagree' for any of the questions, please tell us why, so we can improve our processes

Please tell us what you would like the Tribunal to stop doing .	Please tell us what you would like the Tribunal to start doing .
Please tell us what you would like the Tribunal to increase doing .	Please tell us what you would like the Tribunal to reduce doing .

The Tribunal has a new website. Please advise if there are any particular topics you wish to be included on the website.

Please return the completed form to: Adjudication Panel for Wales, Government Buildings, Spa Road East, Llandrindod Wells, Powys, LD1 5HA

**PANEL DYFARNU CYMRU
ADJUDICATION PANEL FOR WALES**

DECISION REPORT

TRIBUNAL REFERENCE NUMBER: APW/002/2014-015/CT
RESPONDENT: Councillor Haulwen Lewis
RELEVANT AUTHORITY: Llanfihangel ar Arth Community Council

1. INTRODUCTION

- 1.1 A Case Tribunal convened by the President of the Adjudication Panel for Wales has considered a reference in respect of the above Respondent.
- 1.2 A hearing was held by the Case Tribunal commencing at 10.00am on Thursday 13 August 2015 at the Ivy Bush Royal Hotel, Carmarthen. The hearing was open to the public.
- 1.3 Councillor Haulwen Lewis attended and was represented by Mr David Daycock of Counsel.

2. PRELIMINARY DOCUMENTS

2.1 Reference from the Public Services Ombudsman for Wales

- 2.1.1 In a letter dated 10 September 2014, the Adjudication Panel for Wales received a referral from the Public Services Ombudsman for Wales ("the Ombudsman") in relation to allegations made against Councillor Lewis. The allegations were that Councillor Lewis had breached Llanfihangel ar Arth Community Council's Code of Conduct by failing to declare a personal and prejudicial interest at a meeting of the Community Council on 16 January 2012, during which a planning application for a wind farm on land adjacent to a farm she owns was considered and a secret ballot held in order to decide whether the Community Council would support or oppose the application.
- 2.2.1 Councillor Haulwen Lewis' written response to the reference to the Case Tribunal is dated 21 October 2014.
 - a. The Respondent accepted that there was a technical breach of the Code, and in particular paragraphs 10(1) and 12(1). However, she contended that it was not in the public interest to determine these matters as there was no prejudice to good decision making, and no benefit to the Respondent in her mistaken and limited participation in the meeting.

- b. She further contended that the ultimate decision of the Council, such as it was, was ultra vires, as the agenda items related to responding to a request that the Council be registered as an interested party, and not to make known its views regarding the merits of the planning issues.
- c. With regard to breaches of paragraphs 11(1) and 14(1), the Respondent contended that since the Ombudsman did not find a breach of paragraph 12(1), there could not be a breach of paragraph 14(1) and there was no requirement for her to leave the meeting, as there was no prejudicial interest in the circumstances to require the Respondent to leave.
- d. Further, the Respondent contended that a member of the public with knowledge of the relevant facts, namely that this was a matter whereby the Community Council was considering whether to register as an interested party, would not consider the interest as so significant as likely to prejudice the Respondent's judgement of the public interest. She further contended that her unlikely participation in the discussion was too remote from the eventual decision as to be regarded as prejudicing the public interest. Furthermore, the decision that the Respondent thought was taking place was to facilitate the public's awareness of, and participation in, the planning process.

2.3 The Ombudsman's Written Representations

- 2.3.1 In his reply to the Respondent's submissions, the Ombudsman argued that the Respondent had misunderstood the application of the Code of Conduct. The Ombudsman contended that paragraph 12 of the Code was descriptive and sets out the definition of a prejudicial interest and the test to be applied in determining whether a prejudicial interest exists. Having been satisfied that the test applies and that a prejudicial interest existed, and since the Respondent took part in the meeting by exercising her right to vote, the relevant provisions of paragraph 14(1) were engaged.
- 2.3.2 The Ombudsman also argued that paragraph 10(1) of the Code was a descriptive paragraph and in light of the facts was engaged. Accordingly, in light of the Respondent's acceptance that there was a technical breach of the Code, which he assumes to be a breach of paragraph 11(1) in that she agrees that she failed declare a personal interest, which is not disputed on the facts.
- 2.3.3 The Ombudsman did not accept the Respondent's argument that the debate at the meeting was restricted merely to a consideration of whether the Community Council should register its interest with the IPC.
- 2.3.4 Furthermore, the Ombudsman argued that a member of the public with knowledge of the relevant facts (and these facts being that the Respondent had entered into a binding contract under which she stood to receive from the wind farm operator a sum approaching £1,000,000 (One million pounds)

over the subsequent 30 years, would consider the Respondent's judgement to be prejudiced in respect of any decision relating to the wind farm.

3. ORAL SUBMISSIONS

- 3.1.1 The Respondent accepted at the commencement of the hearing that she had acted in breach of paragraph 11(1) of the Code of Conduct namely that:

"11(1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent"

- 3.1.2 However, the Respondent (through her Counsel) argued that the relevant test for considering whether a breach of paragraph 14(1) had been made out had not been satisfied and accordingly as a preliminary issue argued that there was in effect no case to answer in so far as paragraph 14(1) is concerned. Paragraph 14(1) provides:

"...where you have a prejudicial interest in any business of your authority, you must, unless you have obtained a dispensation from your authority's Standards Committee, withdraw from the room, chamber or place where a meeting is considering the business is being held..."

- 3.1.3 The Respondent further argued that since she had not engaged in the meeting by not saying anything, let alone supporting the motion, she was acting neutrally and further, by abstaining in the vote, she could not have been taking sides.
- 3.1.4 Katrin Shaw, legal representative on behalf of the Ombudsman argued that this was too narrow an interpretation of the Code. Further, that the test to be applied was an objective one, that what had actually happened at the meeting was irrelevant, and that what the Respondent should have considered were the following, namely:
- (i) She jointly owned the farm.
 - (ii) She had prior to the meeting entered into two legal agreements.
 - (iii) She had already received £25,000 under the said agreements.

Furthermore, Ms Shaw contended that any member of the public presented with such facts would be bound to conclude that the Respondent had an interest which she should have declared.

4. THE TRIBUNAL'S DECISION ON THE PRELIMINARY ISSUE

- 4.1.1 Upon receiving the submissions of Mr Daycock and Ms Shaw, the Tribunal retired to consider the position.
- 4.1.2 They returned to the hearing room and indicated that whereas they had not heard any evidence (save for the facts that were admitted) they were satisfied that there was a case to answer in so far as paragraph 14(1) is concerned.

5. THE RESPONDENT'S POSITION

- 5.1.1 In light of the Tribunal's decision that there was a case to answer in relation to paragraph 14(1) the Respondent accepted that she had acted in breach of the relevant paragraph.
- 5.1.2 Accordingly, the Respondent (albeit belatedly) accepted that she had acted in breach of paragraphs 11(1) and 14(1) of the relevant Code of Conduct.

6. FINDINGS OF FACT

- 6.1 The Case Tribunal found the following undisputed material facts:
 - 6.1.1 The Respondent is a longstanding member of Llanfihangel ar Arth Community Council.
 - 6.1.2 The Respondent is bound by the Community Council's Code of Conduct.
 - 6.1.3 The Respondent and her husband jointly own Carreg Wen Farm, Gwyddgrug, Pencader, SA39 9HP, registered title number CYM66738; they bought this property and other land in title number CYM342717 on 22 June 2010 for £430,000. Both titles are subject to a registered charge dated 22 June 2010 in favour of Barclays Bank Plc.
 - 6.1.4 The charges register for title number CYM66738 refers to part of Carreg Wen Farm being subject to a lease (comprising also other land) dated 12 September 2008 for 30 years from 12 September 2008 ("the 2008 Lease"). The tenant of the 2008 Lease is currently Statkraft Limited who have, by virtue of the 2008 Lease developed a wind farm on the said land comprised in the 2008 Lease being part of title number CYM66738.
 - 6.1.5 On 11 April 2011 the Respondent and her husband (1) and REW Npower (2) entered into two option agreements for a Lease of Rights over land comprised in Title No. CYM66738 (essentially rights to construct an access road and a right of access over it from the main road to a proposed wind farm development). If the option were exercised the lease would be for a term of 30 years with payment of £30,000 on construction of the road plus

£30,000 per annum for the term. The Respondent and her husband were paid £25,000 for entering into the option agreements.

- 6.1.6 The option agreement contains a confidentiality clause.
- 6.1.7 At the meeting of the Community Council on 16 January 2012 a secret ballot was held to decide the Community Council's position, whether to support or oppose the planning application for the wind farm. The Respondent took part in the ballot; she voted to abstain. County Councillor Linda Evans was present at this meeting. She declared an interest in the application and withdrew. She asked the Respondent whether she would also withdraw. The Respondent did not declare an interest nor did she withdraw.
- 6.1.8 The outcome of the secret ballot at this meeting was that five members opposed and two members supported the application with two members casting a vote to abstain, including the Respondent. The Community Council resolved to oppose the application and to submit comments to the consultation on that basis.
- 6.1.9 The Respondent has not registered an interest in the wind farm development in the Council's Register of Members' Interests.
- 6.2 The Respondent also accepted without it being necessary to prove the same that the facts at paragraph 2.1 – 2.4 of the Tribunal's listing direction were made out, namely that:
 - (i) She did have a personal interest in the wind farm at the meeting of the Community Council on 16 January 2012.
 - (ii) She did have a prejudicial interest in the wind farm at the meeting of the Community Council on 16 January 2012.
 - (iii) She did vote (to abstain) in the secret ballot in the meeting on 16 January 2012, which amounted to participation in the meeting, and
 - (iv) Despite the existence of a confidentiality clause in the Option Agreement between her and the wind farm company, she accepted that by law and thus as a serving Councillor she could not hide behind that clause by using it as a reason not to disclose the existence of the agreement at the meeting.

7. ORAL EVIDENCE

- 7.1.1 The Respondent's Counsel indicated that it was not the Respondent's intention to give oral testimony to the Tribunal.
- 7.1.2 In those circumstances, the Tribunal indicated that before they proceeded to receive and consider the Respondent's submissions on mitigation, they would like to clarify some issues with the two witnesses that had been requested to attend the hearing to assist the Tribunal.

7.1.3 The Tribunal called:

(a) Councillor Linda Evans

7.1.4 Councillor Evans confirmed that she was a member of Carmarthenshire County Council and that she nearly always attended meetings of the Llanfihangel ar Arth Community Council as an observer.

7.1.5 Councillor Evans told the Tribunal that without exception she would always declare an interest whenever planning issues were discussed at the Community Council's meetings and would leave the room.

7.1.6 That on the evening in question, namely 16 January 2012, she was present and when the issue of the wind farm was tabled for discussion, she left the room, but before doing so, looked at the Respondent, as if to say to her that she should also leave the room. Councillor Evans confirmed that she had been made aware that the Respondent did have an interest in the wind farm, although she had not either prior to, at or after the meeting in question discussed that interest with the Respondent.

(b) Mrs Anita Evans (Clerk to the Community Council)

7.1.7 Mrs Evans did not have any specific recollection of the events on the evening in question, namely 16 January 2012. She confirmed that she was present and had thereafter prepared the minutes of the meeting. She had been responsible for submitting the Council's response regarding the wind farm to the IPC. She further indicated that she did not see it as her role to advise Councillors on the question of personal and prejudicial interests.

8. THE CASE TRIBUNAL'S DECISION

8.1.1 In light of the Respondent's admissions, the Case Tribunal found by unanimous decision that there was a failure to comply with the Council's Code of Conduct and in particular paragraphs 11(1) and 14(1).

8.1.2 Upon enquiry the Case Tribunal were informed that there were no previous instances of the Respondent acting in breach of the Code of Conduct.

9. SUBMISSIONS ON ACTION TO BE TAKEN

9.1 The Respondent's Submissions

9.1.1 Mr Daycock on behalf of the Respondent submitted that the admitted breaches were not the most serious in all the circumstances; there had been no financial gain to the Respondent; there had not been disregard to advice from a Monitoring Officer, bullying by others and that the issues only came into the public domain a year or so later following the receipt of a complaint.

- 9.1.2 The Respondent argued that the breaches should be viewed as of a technical nature, in that she did not vote positively in favour of the wind farm (she had voted to abstain), she had not attempted to persuade others by speaking at the meeting and she had been caught on the hop with no notice of the issues to be discussed and thus panicked when trying to weigh up her responsibilities under the Option Agreement, including the duty of confidentiality and her responsibilities as a Councillor. In reality, she was confused by the whole issue.
- 9.1.3 The Respondent's whole ethos was to represent the interests of her community which she had served for very many years; she had not received any training on the Code of Conduct; she had offered to her fellow Councillors to resign once the complaint had become public knowledge, which offer had been overwhelmingly rejected and she had not received any advice from the Clerk to the Council on the issues in hand. Despite the situation, she wanted to continue to serve her constituents. The Respondent further submitted that the breaches should be considered towards the bottom end of the appropriate bracket of breaches of this nature and that the Tribunal should view the mitigation as outweighing the aggravating factors in the case. The Respondent also indicated that she was willing to attend training on the Code of Conduct matters.
- 9.1.4 Upon being invited by the Tribunal to address it on Article 10 of the ECHR, the Respondent submitted that whereas it was necessary to maintain public confidence in Code of Conduct issues, it was not necessary to prevent the Respondent from being able to continue to represent her constituents and that despite the publicity given to the events of 16 January 2012, her electors were content for her to continue to represent them.
- 9.1.5 The Tribunal were informed by the Monitoring Officer for Carmarthenshire County Council who was present at the hearing that training on Code of Conduct issues had been offered on several occasions to town and community councillors and their clerks in Carmarthenshire since the election in 2008 and that such training had continued after the election in 2012.

10. CASE TRIBUNAL'S DECISION

- 10.1 The Case Tribunal gave full consideration to all the facts of the case and the Respondent's submissions.
- 10.1.2 The Tribunal concluded that despite the Respondent's suggestion that these were technical breaches of the Code, they were nevertheless serious breaches. The Tribunal stated that members of the public were entitled to openness and transparency on the part of their elected representatives. Such principles are at the heart of the confidence which the public expected of their elected representatives.
- 10.1.3 The Tribunal found that in view of Councillor Lewis' long service as an elected representative she was well aware of the need to declare personal and prejudicial interests. Despite such knowledge she ignored on three

separate occasions during the evening in question, the obligation to step to one side and declare such interests, namely when Councillor Evans left the room when the issues of the wind farm was tabled for discussion, during the discussion itself (although the Tribunal accepted she did not speak) and when the Council voted on whether to support the wind farm (which she did take part in, although by abstaining). By doing so, she allowed her personal interests to prevail and to keep those private and immediately fell into conflict with her duties and responsibilities as an elected representative. Indeed, despite being given the opportunity after the meeting to reflect on her actions, and if necessary to take advice from others, to include the Monitoring Officer, she chose not to volunteer any information to her colleagues about her personal and prejudicial interests.

10.1.4 Moreover, when a complaint was received and the Respondent was contacted by the Ombudsman, instead of recognising the error of her ways, she wrote a particularly aggressive letter to the Ombudsman accusing the complainant of mounting a "nasty malicious attack on me (her) personally". She went on to contend that the complaint was no more than a "vexatious, malicious complaint with no basis in truth", and that "these unfounded allegations" should be disregarded.

10.1.5 Furthermore, and despite the conclusion in the Ombudsman's report she continued to contest the allegations, indicating for the first time, a day before the Tribunal hearing that she would accept a breach of one of the allegations, namely 11(1). Notwithstanding this, she continued during the first part of the hearing to contend that there was no case to answer with regard to the other allegation and upon the Tribunal deciding as a preliminary issue that there was a case to answer, made an immediate about turn and accepted a breach of paragraph 14(1).

10.1.6 The Tribunal concluded that the Respondent had not conducted her response to the allegations in a way that they would have expected a very experienced Councillor to behave. Indeed, she chose not to give evidence before the Tribunal which could have assisted the Tribunal in gaining a greater insight into her decisions not to declare an interest at the meeting on 16 January 2012 and the way she had chosen to contest the complaint, the Ombudsman's findings and the proceedings before the Tribunal.

10.1.7 Nevertheless, the Tribunal gave credit to the Respondent for her lengthy service as an elected representative and for all her hard work in the community, which were evidenced by the body of testimonials that were submitted to the Tribunal to demonstrate her activities.

10.1.8 However, the Tribunal concluded that despite all her experience as a Councillor, she committed a grave error of judgement by failing to declare an interest at the meeting on 16 January 2012, and compounded that error by refusing to accept her difficulties in the wholly unreasonable way that she conducted her response to the complaint, the Ombudsman's findings and the proceedings before the Tribunal.

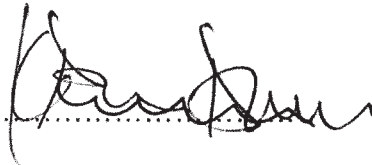
10.1.9 The Tribunal had regard to the guidance available on sanctions before considering the appropriate sanction to impose. The Tribunal also took into account the relevant authority from the High Court on the right to freedom of expression and in particular the Respondent's Article 10 ECHR rights. Whilst of the view that a suspension of 6 months would be justified, the Case Tribunal unanimously concluded that taking into account the Respondent's Article 10 rights, that the appropriate sanction would be a suspension of 3 months.

10.1.10 Accordingly, the Case Tribunal concluded that Councillor Haulwen Lewis should be suspended from acting as a member of Llanfihangel ar Arth Community Council for a period of 3 months.

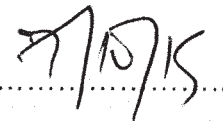
10.1.11 Llanfihangel ar Arth Community Council and Carmarthenshire County Council's Standards Committee are notified accordingly.

10.1.12 The Respondent has the right to seek the permission of the High Court to appeal the above decision. A person considering an appeal is advised to take independent legal advice about how to appeal. It is the Adjudication Panel for Wales' understanding that a notice of appeal to the High Court should be made within 28 days of either the date of notification of the Case Tribunal's decision or the Respondent's receipt of this reasoned decision, if later.

Signed.....



Date.....



J Peter Davies
Chairperson of the Case Tribunal

Helen Cole
Panel Member

Gwyn Davies
Panel Member

Mae'r dudalen hon yn wag yn fwriadol

**Y PWYLLGOR SAFONAU
3YDD RHAGFYR 2015**

CYNHADLEDD SAFONAU CYMRU GYFAN 2015		
Yr argymhellion / penderfyniadau allweddol sydd eu hangen: Ystyried yr adroddiad		
Y Rhesymau: Mae cynnwys yr adroddiad yn rhan o gylch gorchwyl y Pwyllgor		
Argymhellion / Sylwadau'r Pwyllgor Craffu: Amherthnasol		
Angen i'r Bwrdd Gweithredol wneud penderfyniad NAC OES Angen i'r Cyngor wneud penderfyniad NAC OES		
YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y Cynghorydd E Dole (Arweinydd y Cyngor)		
Y Gyfarwyddiaeth Y Prif Weithredwr Enw Pennaeth y Gwasanaeth: Linda Rees-Jones Awdur yr Adroddiad: Robert Edgecombe	Swyddi: Pennaeth Gweinyddiaeth a'r Gyfraith Rheolwr Dros Dro y Gwasanaethau Cyfreithiol	Rhifau ffôn: 01267 224018 Cyfeiriadau e-bost: RJEdgeco@sirgar.gov.uk.

EXECUTIVE SUMMARY STANDARDS COMMITTEE 3RD DECEMBER 2015

ALL WALES STANDARDS CONFERENCE 2015

On the 20th October 2015 the All Wales Standards Conference was held in City Hall, Cardiff. Cllr Louvain Roberts, Mrs Mary Dodd and Mr Christopher Downward represented the Council at the event, together with the Monitoring Officer and Deputy Monitoring Officer.

The theme of the conference was whether the Nolan Principles continued to be fit for purpose 20 years after their introduction.

Following a keynote speech by the Public Services Ombudsman for Wales (attached at Appendix 1) delegates had an opportunity to attend a variety of workshops, details of which are set out below;

Whistle blowing	(Appendix 2)
Social Media – Staying out of Trouble	(Appendix 3)
Local Complaints Resolution	(Appendix 4)
Town & Community Councils-Governance	(Appendix 5)

DETAILED REPORT ATTACHED ?

YES

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: L. 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: L. Rees-Jones

Head of Administration and Law

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Not applicable

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. 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-0000	Legal Services, County Hall

Are the Nolan Principles fit for purpose now & in 20 years?

NICK BENNETT

**Public Services Ombudsman
for Wales**

Context

- Ageing Population
- Public spending unlikely to return to 2011 levels until 2025?
- NHS/Social Services Integration
- Green Paper 'Our Health: Our Health Service'
- Local Government Reform?

The Future

- Constitutional issues
- Size of the state and level of state provision of public services
- Immigration
- Innovation?

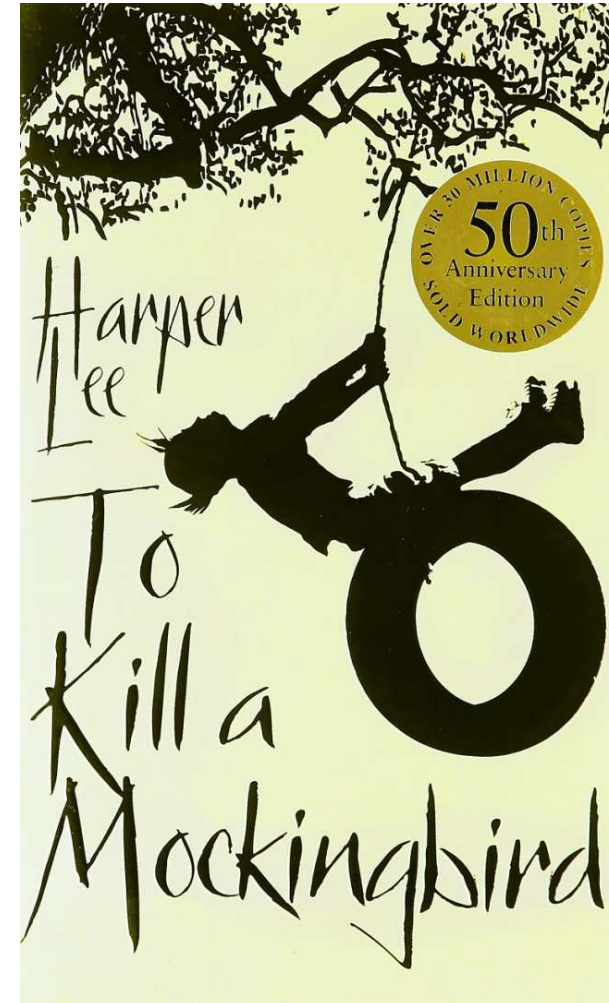
Looking back 20 years ...



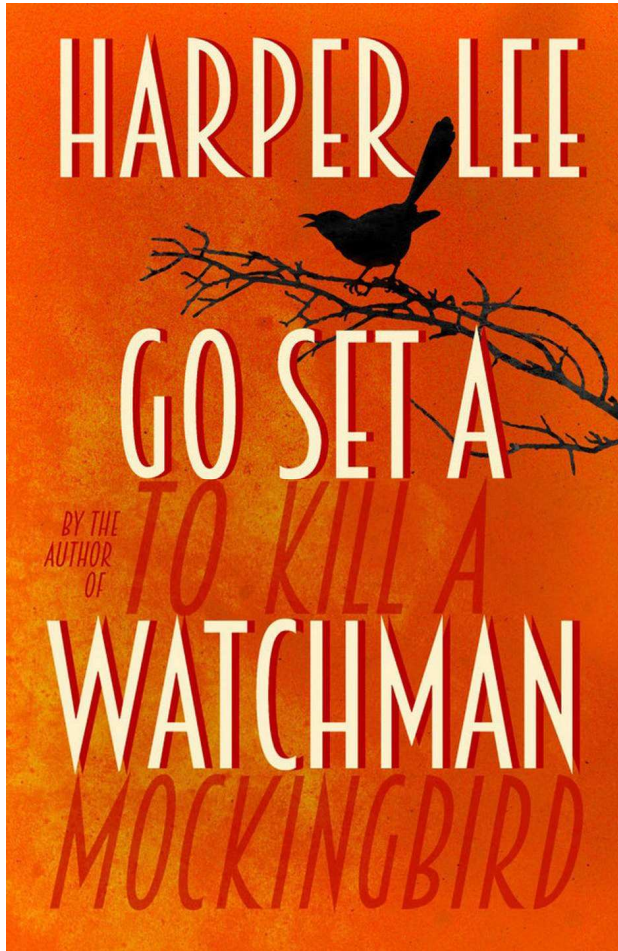
Investigating Complaints
Ymchwilio Cwynion

Improving Services
Gwellhau Gwasanaethau

Back to School ... 1985 ...



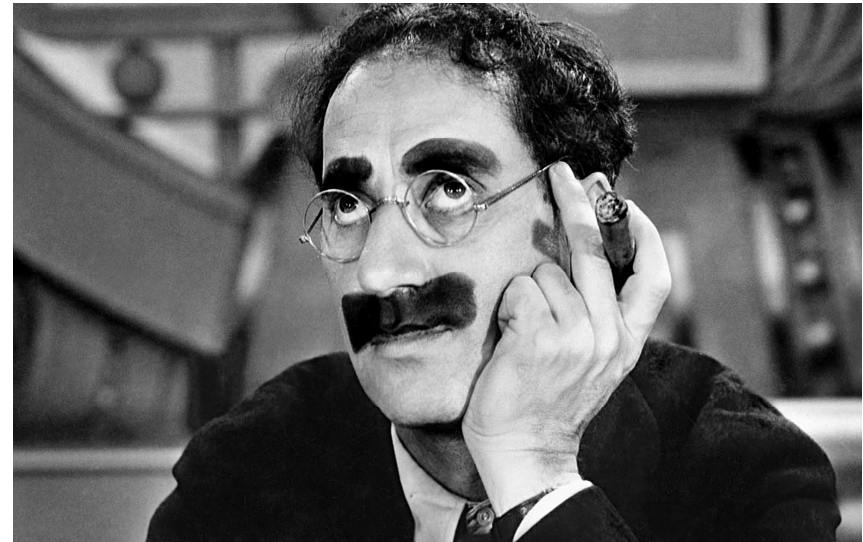
... 2015



“Every man’s island...every man’s watchman, is his conscience. There is no such thing as a collective conscious.”

Groucho Marx said ...

“Those are my principles and if you don't like them ... well, I have some more.”



Dwight D Eisenhower said ...



“A people that values its
privileges above its
principles, soon loses
both.”

The Nolan Principles



1. Selflessness
2. Integrity
3. Objectivity
4. Accountability
5. Openness
6. Honesty
7. Leadership

2014/15 – Code of Conduct Statistics

- **231** Code complaints received
 - **35%** - promotion of equality & respect
 - **22%** - disclosure & registration of interests
 - **16%** - integrity
 - **10%** - accountability & openness

2014/15 – Code of Conduct Statistics

- Of the **231** Code complaints received
 - **17** - identified a breach
 - **8** - no action necessary
 - **8** - referred to Standards Committees
 - **1** - referred to Adjudication Panel for Wales

Leadership



Investigating Complaints
Ymchwilio Cwynion

Improving Services
Gwellhau Gwasanaethau

Examples of vexatious Code complaints received by my office

- “Cllr X refused to shake my hand!”
- “Cllr Y cracked a bad joke in poor taste!”
- “Cllr P tutted and huffed whilst shaking his head!”
- “Cllr M referred to the public gathered in the street as a mob”
- “Cllr S was clicking his pen on and off in an aggressive manner!”

Management Guru, Peter Drucker said ...

“Culture eats strategy
for breakfast.”



A new PSOW Act to provide the Ombudsman with:

- Own initiative investigation powers
- The ability to accept complaints orally, or other communication methods, as well as in writing
- The ability to consider complaints about private hospitals in certain circumstances
- A complaints standards role

And Finally ...

Go set a watchman for Wales!

Diolch yn fawr!

STANDARDS CONFERENCE WALES 2015

WHISTLEBLOWING WORKSHOP

**Sioned Wyn Davies, Deputy Monitoring Officer,
Wrexham County Borough Council**

Kumi Ariyadasa, Solicitor, City of Cardiff Council

What is “Whistleblowing”?

- When a worker reports suspected wrongdoing at work
- In the public interest
- May report the wrongdoing internally or externally
- Good governance requires effective internal whistleblowing arrangements

Legal framework

- Public Interest Disclosure Act 1998 ('PIDA')
- Legal protection for workers disclosing malpractice in the public interest
- Protection for disclosures of: A criminal offence / breach of legal obligation / miscarriage of justice / danger to health or safety / damage to the environment
- External disclosures only protected if justified
- Unlawful for an employer to dismiss or victimise a whistleblower under PIDA

How is it relevant?

- Exposing misconduct, corruption or illegal behaviour
- Supports Nolan principles – Openness, Honesty, Integrity
- “A key component in any strategy to challenge inappropriate behaviour at all levels of an organisation” (10th Report of the Committee on Standards in Public Life)

Effective Whistleblowing Arrangements (1)

- Clear policy to reiterate commitment to principles and effective implementation of PIDA
- Clear procedure for addressing concerns and providing feedback
- Offering an alternative to line management, both inside and outside the organisation

Effective Whistleblowing Arrangements (2)

- Communication – so that all staff are aware of whistleblowing avenues
- Training for managers on dealing appropriately with whistleblowing reports
- Monitoring and review – to consider how procedures are working, identify trends, possible system failures and issues arising

Other Council Service Providers

- Contractors & New service delivery models
- Risk that workers are not aware of their rights or how to report concerns
- NAO recommendations:
 - * Share own policies and procedures with delivery partners
 - * Review delivery partners' arrangements
 - * Seek information from delivery partners to oversee issues and risks

(NAO report, March 2014)

Best Practice Guidance

Public Concern at Work ('PCAW')

- Recommended Code of Practice (2013)

http://www.pcaw.org.uk/files/PCaW_COP_FINAL.pdf

- First 100 Campaign

Department for Business Innovation & Skills

- Guidance for Employers and Code of Practice (March 2015)

- <https://www.gov.uk/government/publications/whistleblowing-guidance-and-code-of-practice-for-employers>

Cardiff's approach

- Standards & Ethics Committee has responsibility:
“To oversee and monitor the Council’s whistleblowing procedures and to consider ethical issues arising”
- Revised Policy and Procedure approved by Cabinet in October 2014
- Communications plan – posters in all Council buildings and leaflets for all staff and managers
- Monitoring Officer records cases and reports regularly to Standards & Ethics Committee

Wrexham's approach

- Standards Committee has responsibility for: “Overseeing the Council's Whistleblowing regime”
- Revised Policy and Procedure approved by Council in February 2015
- Communications plan – published on Council's intranet SAM, Friday Bulletin, management briefings
- Monitoring Officer records cases and reports annually to Standards Committee

Discussion

- What does your authority do?
- How is it being communicated?
- Who is responsible for monitoring?
- How many whistleblowing reports were made this year?
- Role of your Standards Committee?

Mae'r dudalen hon yn wag yn fwriadol



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SOCIAL MEDIA

Staying out of trouble

(Part 1)

Daniel Hurford

Welsh Local Government Association



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SOCIAL MEDIA

Staying...in touch



WLGA • CLILC

Overview

Part 1: Staying in touch

- What is Social Media?
- Why should you use it?
- What types of Social Media are out there?
- How to use it?

Part 2: Staying out of trouble

- Legal Issues
- Code of Conduct
- Reputation



What is social media?

- Social media broadly means online multimedia/apps which allow you to create and publish content and engage in two-way communication.
- Social media can be accessed via apps on your smartphone, computer, tablet, smart TV or smart watch.
- Social media accounts tend to be free can be set up quickly and easily



What is social media?

- It's just a new(ish) form of communication
- Humans have communicated and shared information through graphic, oral or written media for millennia...
- ...why should we be afraid of or dismissive of this relatively new media?
- It's free, available and open to all – information and mass-communication from the palm of your hand!



It's popular!

Facebook:

- Around 30 million users in UK.
- Facebook is the default social networking site for 96% of UK adults who are online (Ofcom)

Twitter:

- Twitter says 15m UK users (end of 2013)
- ONS suggests around 9.5m

Stats from <http://www.rosemcgrory.co.uk/>

Newspapers:

- 8m national newspaper circulation

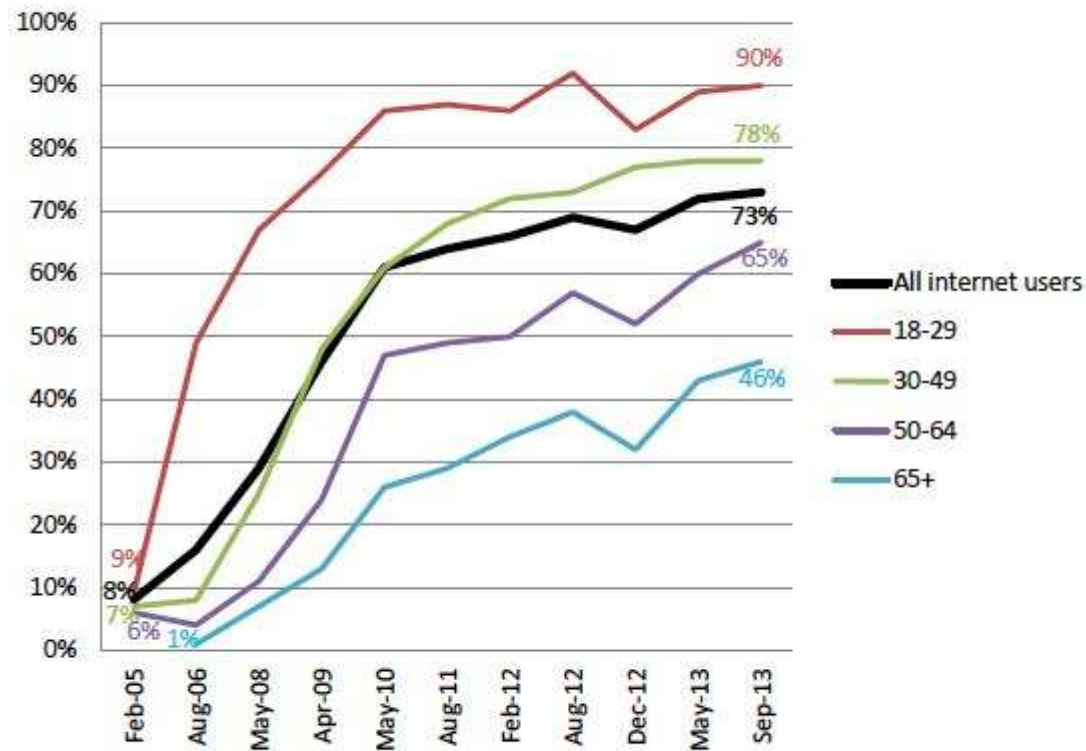


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It's growing!

Social networking site use by age group, 2005-2013

% of internet users in each age group who use social networking sites, over time



Source: Latest data from Pew Research Center's Internet Project Library Survey, July 18 – September 30, 2013. N=5,112 internet users ages 18+. Interviews were conducted in English and Spanish and on landline and cell phones. The margin of error for results based on internet users is +/- 1.6 percentage points.



It's here to stay...or is it?

- **Who still paints caves?**
- **Who still relies on town criers for the latest gossip from Albert Square?**
- **Who still sends a postcard wishing your Great Aunt Mable was with you clubbing in Ayia Napa?**
- **Who still buys a daily newspaper?**
- **Who remembers 'Friends Reunited'?**



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What is Social Media?

...online multimedia/apps allowing you to create and publish content and engage in two-way communication.





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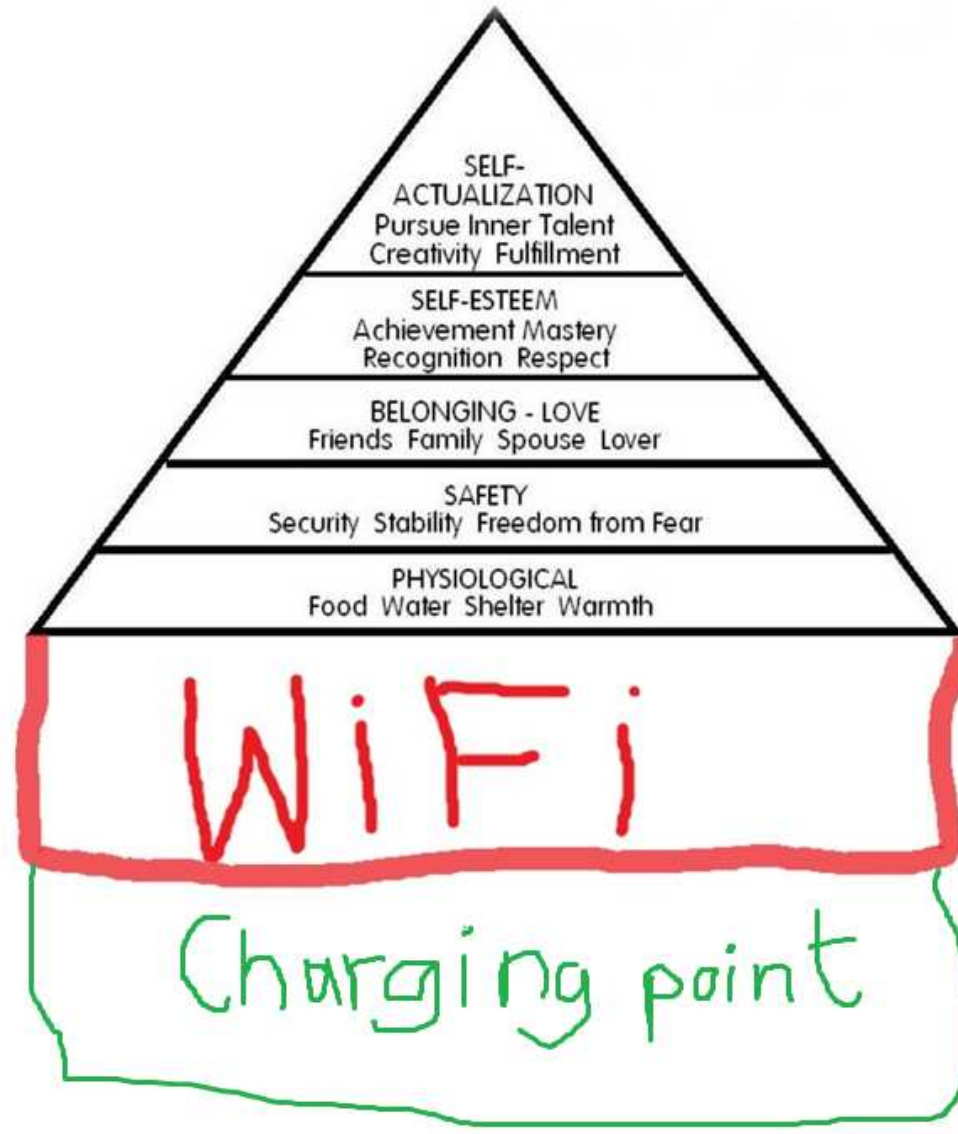
Increasingly part of everyday life





WLGA • CLILC

Increasingly part of everyday life





What is Social Media?

“LinkedIn is for the people you know.
Facebook is for the people you used to
know. Twitter is for people you want to
know” Unknown



Bloggning



- Arguably, where social media started.
- Basically, a personal website which is easy to update and might typically include:
 - Diary or journal
 - Occasional Thoughts
 - Articles or thinkpieces – often to prompt debate and exchange of views.
 - Photos or media.





Some live examples



<https://cardiffleadersblog.wordpress.com/>

The Leader's blog

Cllr Phil Bale

[Home](#) [Cymraeg](#)

Kelda, Cathays Cemetery and the success of the ball in the wall

Posted on [October 13, 2015](#) by [cllrbale](#)

Kelda Ground Breaking

Earlier this year, the City of Cardiff and the Vale of Glamorgan signed a 15-year £13.4m joint organic waste deal with Kelda Organic Energy Limited to build a new facility to convert food waste into a soil fertiliser and use the gases produced to generate renewable energy.

This agreement reinforces the Council's commitment to meet the statutory Welsh Government targets around recycling as we work towards their 'Zero Waste' goal for 2050. The new plant will use the latest technology that will not only treat and recycle the organic waste but will also produce sustainable sources of energy and fertiliser for farming.



RECENT POSTS

- [Kelda, Cathays Cemetery and the success of the ball in the wall](#)
- [Foster for Cardiff and the Cardiff Half](#)
- [City Leaders and the Rugby World Cup visit Cardiff](#)
- [Top Marks for Cardiff Schools!](#)
- [Revamped Central Library and all change at Central Square](#)

RECENT COMMENTS

ARCHIVES

- [October 2015](#)



Some live examples



<https://pgriffithsblog.wordpress.com/>



pgriffithsblog

HOME

ABOUT ME

CONTACT ME

Why have Councillors?

Welsh Government is planning to complete a 40 year programme of reducing the number of councillors by 90%. Does it matter?

As in many walks of life, the less obvious a councillor the more effective she or he is likely to be. I have worked with councillors for many decades. I disagree with many. I like most. I respect almost all.

Let me share some experiences of the past week. I met two councillors who have been leading the governing body of brand new school. They were clearly the bridge between the community and local authority as the school was designed and built. They played their part in creating and supporting the professional leadership of a school which is now achieving well beyond expectations.

I listened to another councillor who shared the experience of working to untie the knots of Welsh Government's disjointed application of three competing anti-poverty programmes to one small community. He could have walked away; he was in no way a responsible player, indeed he was often made unwelcome, but instead he was committed to the hard graft of making the unworkable work better.

For myself, I spent a productive day talking to parents, transport managers and bus companies to ensure that a school bus could be re-routed to avoid a new construction site. Within 24 hours we turned a hostile stand-off into a new route to school.



OCTOBER 12, 2015

PGRIFFITHSBLOG

UNCATEGORIZED

PAUL GRIFFITHS



RECENT BLOG POSTS

October 2015

September 2015

June 2015

February 2015

January 2015

November 2014

October 2014

September 2014

June 2014



Facebook



- Most popular social media platform in the world.
- 1 billion users worldwide and around 30 million users in UK
- Public or Private forum to:
 - Blog
 - Post messages to friends and family
 - Share photos
 - Share things of interest, concern or humour
- Your contacts or “friends” can comment on your posts, share them with their “friends” or “like/dislike” things.



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Some live examples



Facebook page for Plaid Cymru. The header features a green background with a yellow flower graphic and the text "Ymunwch â Phlaid Cymru Join The Party of Wales". The page name is "Plaid Cymru Political Party" with a verified badge. Navigation tabs include "Timeline", "About", "Take Part / Cymryd Rhan", "Events", and "More". A post from 28 minutes ago is visible, featuring a video thumbnail of a crowd and the text: "Never again should Welsh land, Welsh culture, or Welsh communities be allowed to be so drastically undervalued. The Secretary of State has a chance to make his mark on Welsh history - the Wales Bill is an opportunity to put this right. I urge him to take it." The post is attributed to Liz Saville Roberts AS/MP.



Some live examples



The Labour Party

WE'VE BEEN FIGHTING FOR A FAIRER COUNTRY FOR OVER 100 YEARS.

Join us: join.labour.org.uk

The Labour Party Political Party

Sign Up Like Share

Timeline About Videos Photos More

399,360 people like this

Invite friends to like this Page

ABOUT

The Labour Party 15 hrs ·

READ: Why now is exactly the wrong time for a multi-billion pound cut to working people's tax credits:
<http://www.mirror.co.uk/.../six-million-workers-below-living-...>



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Some live examples



Conservatives

Daniel Home 20+

Conservatives ✓
Political Party

Sign Up Like Share

Timeline About Photos Likes Videos

537,575 people like this

Invite friends to like this Page

ABOUT >

Strong leadership. A clear economic plan. A brighter, more secure future.

Conservatives shared David Cameron's post. 1 hr ·

David Cameron 1 hr ·

Today's employment rate is the highest since records began. Our long term plan is delivering security and opportunity for working people.

Like Comment Share



WLGA • CLIC

Some live examples



Facebook interface for the Liberal Democrats page. The header shows the search bar with "Liberal Democrats" and navigation links for "Daniel", "Home", and "20+".

The main banner features a large photo of a crowd holding "Liberal Democrats" signs. To the right of the photo is a yellow and white graphic with the text "Liberal Democrats" and "Join the Fightback". Below the photo is the party's profile picture (a yellow flame logo) and the name "Liberal Democrats Political Party" with a verified badge. Action buttons for "Sign Up", "Like", "Share", and a menu icon are visible.

Navigation tabs include "Timeline", "About", "Likes", "Photos", and "Videos".

On the left sidebar, it shows "127,018 people like this" and an "Invite friends to like this Page" button. Below that is an "ABOUT" section with a right-pointing arrow.

The main content area shows a post from "Liberal Democrats" dated "22 hrs" ago. The post text reads: "Welcome to the first 'Tim Talks' edition, Tim Farron's take on the news." Below the text is a video player showing a man in a blue shirt speaking.





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Some live examples



Facebook profile page for Daniel Hurford.

Profile picture: Daniel Hurford sitting on a scooter in front of a house.

Navigation tabs: Timeline, About, Friends 217, Photos, More.

Left sidebar options:

- + Add a short bio
- + Add info about you
- + Add featured photos

Friends list (217 total):

- Nerys Hurford
- David Cumberbatch
- Rhian Clarke
- John-Paul Davies
- Jacqui Phillips-Jones
- Rhian Edwards

Main content area:

Status: What's on your mind?

Post by Nerys Hurford (shared Liz Laine's photo):

6 October at 09:58 - Public

We need this message shared in our street Daniel Hurford Libby Cronin!

Image of a red truck with text: "Are we getting THROUGH? Please Park Responsibly"



Why use Facebook?



- Very easy to set up
- You can have public or private groups (or pages)
– you can act as an administrator or editor, so you can approve who joins your group and can remove inappropriate postings (if necessary)
- Can be used as a community mini-website



Why use Facebook?



- Useful for seeking views, engaging with people and promoting events etc.
- Easy to promote and share and get more 'friends', exposure and engagement

Watch-out for:

- Hearing things that may be challenging – it's all about engagement after all. These 'negative' comments will be seen by all.
- Inappropriate comments and postings
- It taking over your life!!!



Twitter



- Lot of users – between 9.5m and 15m in UK
- Each post is called a tweet
- Brevity is key - maximum of 140 characters per tweet (including all spaces, letters and numbers)
- You can add pictures and videos or links to websites etc.
- You can ‘favourite’ a tweet or ‘retweet’ a tweet



Twitter



- You can ‘DM’ (Direct Message) someone – i.e. a private message like a text or email
- You can ‘follow’ and have ‘followers’

“On Twitter we get excited if someone follows us. In real life we get really scared and run away.” Unknown via @mozusa



Some Live Examples



The screenshot shows a Twitter profile for Daniel Hurford (@drhhurf). The profile picture is a cartoon avatar of a man in a suit. The bio area shows a photo of a woman with two children. The statistics are: 82 TWEETS, 1,393 FOLLOWING, and 203 FOLLOWERS. Below the profile, there is a 'Trends' section with four items: Lamar Odom (Former NBA star found unconscious at Nevada brothel), #PMQs (Just started trending), Stephen Fry (Stephen Fry has quit as the host of QI - and will be replaced by...), and Sanjiv Bhatt (Sacked IPS Sanjiv Bhatt didn't come with 'clean hands', tried to...). To the right of the profile is a list of tweets. The first tweet is from Fraser Nelson (@FraserNelson) asking about arming the Syrian People's Front. The second is from PoliticsHome (@politicshome) about Karl McCartney's question about job stats. The third is from Faisal Islam (@faisalislam) about PMQs being live on Sky News. The fourth is from Ben Glaze (@benglaze) about a long-term economic plan. At the bottom, a tweet from Alex Wickham is partially visible.



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Some Live Examples





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Some Live Examples



Home 1 Mail

Search Twitter

WLGA
@WelshLGA FOLLOWS YOU

The Welsh Local Government Association. Representing local government, and promoting local democracy in Wales. Tweets by @stu_hodges

Cardiff
wlg.gov.uk
Joined April 2011

TWEETS 3,641 FOLLOWING 1,143 FOLLOWERS 5,521 FAVORITES 141 LISTS 5

Tweets Tweets & replies Photos & videos

WLGA @WelshLGA · 22h
The 16 Oct deadline to submit evidence commission on #localgov finance in #Wales is looming. Instructions here: ow.ly/TkFJW

4

WLGA Retweeted
ICLGF_Wales @ICLGF_Wales · Oct 9
First three responses to the Written Call for Evidence...



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Some Live Examples



TWEETS 738 FOLLOWING 696 FOLLOWERS 1,430 FAVORITES 83 LISTS 1 Following

Peter Fox

@PeterFox61 FOLLOWS YOU

Leader of Monmouthshire County Council, Councillor for Portskewett, White Ribbon Ambassador, livestock Farmer and an advocate of the Cardiff Capital Region

Portskewett, Monmouthshire

peterfox61blog.wordpress.com

Joined April 2010



113 Followers you know



Tweets Tweets & replies Photos & videos

Peter Fox Retweeted



Monmouthshire SpLD @MonSpLD · 18h

Wonderful Mon school staff determined to be dyslexia aware. Jane and Debbie with their certificates @thedellschool





Some Live Examples



TWEETS
11.9K

FOLLOWING
1,102

FOLLOWERS
1,550

FAVORITES
6,043



Following

Ellen ap Gwynn

@EllenapGwynn FOLLOWS YOU

Arweinydd/Leader Cyngor Sir Ceredigion
County Council, Cyng/Cllr Ward
Ceulanamaesmawr. Ganed yn
Albanes /Scots born, magwyd yng
Nghymru/ Welsh bred.

📍 Tal-y-bont, Ceredigion, Wales

🕒 Joined April 2011



👤 93 Followers you know



Tweets

Tweets & replies

Photos & videos



Ellen ap Gwynn Retweeted



Gruffudd Pritchard @grufffion · 13h

Gobeithio bydd defnydd amlwg a balch @FAWales o'r gymraeg yn
ysbrydoli @WelshRugbyUnion





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Some Live Examples



TWEETS 2,355 FOLLOWING 763 FOLLOWERS 1,253 FAVORITES 480



Following

Aaron Shotton

@AaronShotton **FOLLOWS YOU**

Leader of Flintshire County Council / Deputy Leader Welsh Local Government Association / Connah's Quay Central Ward / Labour Party / Evertonian.

📍 Connah's Quay

🕒 Joined July 2011



👤 104 Followers you know



Tweets Tweets & replies Photos & videos

🔄 Aaron Shotton Retweeted



Daily Post Wales @dailypostwales · 16h

North Wales Refugee and Homeless Aid Centre 'inundated' with 6,000kg of donations bit.ly/1LM6EEL



11



8





Some Live Examples






TWEETS
15.6K
FOLLOWING
5,096
FOLLOWERS
11.8K
FAVORITES
2,296
LISTS
1
⚙️
Following

Leighton Andrews
@LeightonAndrews

Assembly Member for the Rhondda. Minister for Public Services in Wales, where Labour is still in government. Sunny disposition. Personal Twitter.

📍 Rhondda, Wales
🔗 leightonandrews.wales
🕒 Joined April 2008

✉️ Tweet to Leighton Andrews

👤 360 Followers you know





Tweets Tweets & replies Photos & videos



Leighton Andrews @LeightonAndrews · 4h

Party on #TogetherStronger



👤 1

🔄 Leighton Andrews Retweeted



Keith Edwards @KeithEdwards121 · 5h

X party Senedd support for new models of public services
[@LeightonAndrews](#) [@SimonThomasAC](#) [@peterblackwales](#)






Why use Twitter?



- Probably the easiest and most accessible social media to use
- Instantaneously communicate with your followers, and potentially within seconds millions of others!
- Share news stories or events from others
- Find out what other people are saying (maybe about you or things you care about – sophisticated searches and alerts)



Why use Twitter?



- Find out about intelligence or breaking news as it happens (careful here though...). Then share it and pass it on.
- Can be very, very funny!
- Can help make you appear human and normal!



Why use Twitter?



What to watch out for:

- ‘Trolls’ and abuse
- Getting drawn into protracted public arguments
- Tweeting when a text might be better
- Tweeting when you’re ‘tired and emotional’



Why use Twitter?



What to watch out for:

- Don't believe everything you read on twitter...
 - Some of it is gossip and rumour
 - Some of it is deliberately untrue
 - There are some spoof accounts – people are not always who they purport to be
- 'Clickbait'



Why use Twitter?



What to watch out for:

- Retweeting some things... 'retweets do not necessarily mean endorsements' doesn't stand up in court
- The 'twitterati bubble' – twitter users are not necessarily a representative sample of society
- A tweet is permanent, even if you think you've deleted it...so think before you tweet something contentious



So, to recap:

1. Social media is simple and free to use
2. Mass and quick communication
3. To make the most of it, don't just tell people what you're doing, listen to feedback too
4. People can find out about the real you
5. It can be fun!
6. It's all going on already – you might be missing out



Tweet within twenty seconds...

- Go to twitter.com
- Sign-up (for free, no strings attached).
- Choose your twitter username (@somebody) and a password.
- Create your 'profile', with as much or as little detail as you'd like and maybe a picture or two.
- Tweet and retweet
- And remember to follow too, that's how you find out what people are doing or saying and how you get followers back...



WLGA • CLILC

Any Questions?



STRONG HERITAGE | STRONG FUTURE

RHONDDA CYNON TAF

TREFTADAETH GADARN | DYFODOL SICR

**LOCAL RESOLUTION PROCESS –
PRACTICALITIES AND THE RCT EXPERIENCE –
FUTURE ROLE?**

Paul Lucas

Monitoring Officer

Rhondda Cynon Taf County Borough Council

BACKGROUND - Nature of Code of Conduct Complaints / Ombudsman's Position

- Majority of complaints received during 2014/15 related to matters of 'equality and respect'.
- In 2014/15 this accounted for 35% of the code of conduct complaints received compared with 36% in 2013/14.
- Arrangements are proving to be effective at resolving many of these kinds of complaints.
- Councillors expected to make their complaints about other Councillors within their authority to their monitoring officer.

- Ombudsman continues to receive 'low level' complaints of this type. Generally involve allegations of failures to show respect and consideration of others under paragraph 4(b) and 6(1)(d) of the code.
- Ombudsman reviewed his practice in dealing with the complaints of this type - will be taking a firmer position in the future - referring these 'low level' complaints back to monitoring officers to be dealt with locally.
- Such complaints more appropriately resolved informally and locally in order to speed up the complaints process and ensure that his resources are devoted to the investigation of serious complaints.
- Where a member has reported a fellow member to their MO under the local resolution process - no need to report the matter to the Ombudsman as well.

REMINDER – Why have a Local Resolution Process?

- Speed up resolution / Resolve matters at an early stage.
- Encourage mediation and reconciliation - avoid the unnecessary escalation of the situation.
- Encourage collective responsibility.
- Reduce 'politically motivated' and vexatious complaints.

RCT Local Resolution Protocol and Procedures

- Adopted Gwynedd protocol model – 2011.
- Striking the balance between the formal and informal – intended to reduce time/administrative burden but requirement for set of procedures to be adopted to support protocol.
- Protocol and procedures amended as lessons were learnt from dealing with cases as they arose - e.g. using social media responsibly.
- Make up of panel dealing with complaints – In RCT - Standards Committee Members.
- Amended Member/Officer protocol to give access to local resolution process.

HEARING DATE	COMPLAINT	BREACH YES/NO	SANCTION
JULY 2011	At a full Council meeting Cllr X said to Cllr Y “ Councillor, give your a**e a chance” – Cllr Y complained	Yes	Cllr X was reprimanded
DECEMBER 2011	At a Development Control meeting Cllr X described the conditions of an application site “as bad as a gypsy site” –Cllr Y complained	No Cllr X accepted he made the remark and apologised immediately after	N/A

HEARING DATE	COMPLAINT	BREACH YES/NO	SANCTION
DECEMBER 2011	At a Development Control meeting Cllr X was alleged to have made abusive remarks to Cllr Y and asked him 'to come outside and sort this' which Cllr Y took as a threat – Cllr Y complained	No Based on evidence no decision could be made on the context of the use of the words 'come outside and sort this' as the wording could be open to wider interpretation	N/A
DECEMBER 2011	At a meeting of full Council Cllr X made inappropriate comments by stating the word 'corrupt' in a venomous manner and which was directed at a particular political groups' Members – Cllr Y complained	No Concluded word corrupt was used but because of differing opinions Committee could not come to an agreement on the context in which the word 'corrupt was used – he could have used the word corrupt to mean 'blatantly wrong' and not to connote any dishonesty on behalf of any Member.	N/A

HEARING DATE	COMPLAINT	BREACH YES/NO	SANCTION
JANUARY 2012	At a full Council meeting Cllr X during a debate referred to Members of a particular political group as 'hypocritical parasites' in a very threatening manner. Cllr Y complained. Cllr Y felt statement went beyond normal cut and thrust of political debate.	Yes Cllr X did not deny using term and evidence he continued to use it on Twitter.	Cllr X was reprimanded
MARCH 2013	At a full Council meeting Cllr X referred to Cllr Y as a 'bigot' during debate in response to a statement made by Cllr Y. Cllr Y complained and Cllr X put in a counter-complaint about the statement made by Cllr Y who referred to polish people as 'poles'	No Conflicting evidence presented to Committee as to the use of the word 'bigot' or 'bigotry' and the context in which the words were used No breach found and Committee Members noted the need for Members to appreciate the cut and thrust of political debate.	N/A

FINDINGS

- Members must take responsibility for the complaint – pursuing it and responding promptly to requests for information.
- Motives – spike in complaints before an election.
- Importance of a strong panel/committee membership hearing and dealing with complaints.
- Has led to improvement in behaviour – No new cases since April 2013 - Led to a better understanding of what would be considered a legitimate complaint – boundaries of cut & thrust of political debate.

FUTURE

- Increase in cases being dealt with under local resolution process.
- Community councils - member/officer protocols, roll out of the local resolution process? & sanctions.

DISCUSSION AND QUESTIONS FROM THE FLOOR

Mae'r dudalen hon yn wag yn fwriadol

STANDARDS CONFERENCE WALES 2015

Workshop Community and Town Councils – Governance and Standards

Un Llais Cymru



One Voice Wales

www.onevoicewales.org.uk



Un Llais Cymru



One Voice Wales

Vision:

“Working with local councils in Wales to shape the places communities want to live in”

Mission Statement:

To represent the interests of community and town councils; raise awareness and understanding of this first tier of government; and work collaboratively with our partners to ensure the sector contributes fully to the goal of developing dynamic and sustainable communities in Wales.





Theme for Today

In this workshop I would like to explore with you the issues of governance and standards in community and town councils, proposed changes facing the sector and ways in which councillors can work more effectively, and efficiently, together



Community Council Governance and Standards

White paper: Power to local people...strong case for bringing more consistency to the sector:

1. Higher standards of governance and financial management
2. Increased professional capacity and capability
3. And, greater democratic accountability



Community Council Governance and Standards

White paper: Power to local people...

Aims:

1. Enable Local Authorities to work with local council sector
2. Provide communities with more confidence in their community and town councils



Competent Community Councils

Competency tests:

A democracy test: at least two-thirds of the Councillors on a Community Council have been declared elected at either an ordinary election or a by-election



Competent Community Councils

Competency tests:

A capability test: the Community Council must employ a clerk with relevant professional qualifications. Relevant qualifications might include Certificate in Local Council Administration; Certificate of Higher Education in Local Policy; Certificate of Higher Education in Local Council Administration; the first level of the foundation degree in Community Engagement and Governance awarded by the University of Gloucestershire; or qualifying professional status such as a lawyer or accountant;



Competent Community Councils

Competency tests:

A **capacity test**: the Council has a minimum annual budget of £200,000 (since abandoned); and



Competent Community Councils

Competency tests:

A governance test: the Council has implemented a sound system of financial management and internal control in line with statutory requirements, and meets certain other criteria such as having a website on which it publishes agendas, minutes and accounts and being contactable by email.



Competent Community Councils

Privileges:

1. Extend the general power of competence to competent Community Councils, while prescribing that Community Council funding can not be used for political purposes. A competent Community Council would not be subject to the section 137 limits of the Local Government Act 1972;
2. They will be deemed to be community bodies, with certain rights or entitlements; and
3. they will not necessarily be subject to capping of the precept. Proposed other Community Councils should be subject to a cap on the annual increase in the precept which could be the same as the percentage increase in the Principal Local Authority's Council Tax in the same financial year.



Competent Community Councils

Expectations:

1. To see more extensive delegation of functions from Principal Local Authorities to competent Community Councils;
2. Community Councils which can demonstrate they meet these competency tests will need to pass a resolution to that effect and notify a committee of the Local Authority in their area.



Competent Community Councils

Potential implications for Principal Authorities:

1. The Local Authority would be required to nominate one of its committees for this purpose.;
2. The committee nominated by the Local Authority should have powers to require a Community Council at any time to demonstrate its continuing competence and if it is not satisfied, revoke the Community Council's competency qualification.



Competent Community Councils

Other potential implications for Community Councils - other governance and transparency arrangements:

1. A requirement on the Chair of the Community Council to publish an annual report;
2. To set objectives for, or otherwise manage the performance of, the clerk to the Community Council.
3. For the public to have a right to attend, speak at and record meetings of their Community Council, including film and video recording.



Members of Community and Town Councillors

The GUIDING PRINCIPLE

Councillors are there to serve
their communities



CODE OF CONDUCT

**Applies to members of
Community and Town
Councillors**

**Reinforces the Guiding Principle
of “service before self”**



Ethics



- **Act openly and honourably in public**
- **Never secure personal advantage or avoid disadvantage, for you, friends, family or associates**
- **Not disadvantage others**
- **Never bring you or the council into disrepute**



What Councillors must do



- **Promote equality**
- **Treat others with respect**
- **Provide access to information**
- **Make decisions on the merits of a case and with regard to the advice of officers**
- **Abide by rules on expenses**
- **Report any breaches of the code or criminal behaviour by another member**



What Councillors must not do



- **Accept unofficial gifts**
- **Disclose information given in confidence**
- **Use Council resources improperly**
- **Make vexatious or malicious complaints**



Personal Interests



- A professional or personal interest outside your role may conflict with your duty as a councillor to serve the community
- You must declare a personal interest as soon as you are aware that you (or people close to you) may benefit more than other people in the community from the outcome of a matter under discussion.



What the Code protects...

- **Your electors**
- **Your council**
- **And YOU**

SELFLESSNESS

STEWARDSHIP

LEADERSHIP

**EQUALITY AND
RESPECT**

OBJECTIVITY



HONESTY

OPENESS

**INTEGRITY &
PROPRIETY**

ACCOUNTABILITY

A DUTY TO UPHOLD THE LAW



SELFLESSNESS

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A DUTY TO UPHOLD THE LAW



Managing Behaviour through Good Governance

What's the problem?

Bullying *“may be characterised as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse of this use of power or authority which tends to undermine an individual or a group of individuals, gradually eroding their confidence and capability, which may cause them to suffer stress.”*

Harassment is *“unwanted conduct that violates a person’s dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.”* This usually covers, but is not limited to, harassment on the grounds of sex, marital status, sexual orientation, race, colour, nationality, ethnic origin, religion, belief, disability or age.

Managing Behaviour through Good Governance

Who bullies who?

- Councillors vs Councillors
- Councillors vs Officers
- Officers vs Councillors
- Members of the Public?

Managing Behaviour through Good Governance

What isn't bullying?

- Performance Management
- Robust Management
- Differences of Opinion
- Complaints about the Council



Independent Scrutiny

Organisation's regulating the local council sector:

1. Wales Audit Office
2. Public Services Ombudsman
3. Independent Remuneration Panel



WAO Financial Management and Governance in Community and Town Councils 2013-14

Findings:

1. Although timeliness of accounts across the sector continues to improve, there remains a small core of councils which fail to provide complete and accurate accounts and other information for audit on a timely basis
2. The number of qualified audit opinions continues to decrease but too many councils have received qualified audit opinions for two or more of the last three years
3. Councils are making progress addressing the issues raised in previous reports but there is evidence of continuing failure to comply with statutory requirements
4. Local councils can learn lessons from the appointed auditor's report in the public interest

Public Services Ombudsman Annual Report 2014/15



Code of Conduct Complaints:

231 complaints received – a 1% increase on 2013/14

125 County Councillor complaints – a 13% increase

106 Community Council complaints – an 8% decrease

- 2 reported to Standards Committee
- 1 taken to Adjudication Panel

Case study Llansannan Community Council – Welsh Language / translation provision



One Voice Wales support

Training:

22 training courses including , for example (see handout for full list):

1. The Council
2. The Councillor
3. Local Government Finance
4. Code of Conduct
5. Devolution of Services

Consultancy:

Bespoke services tailored to individual councils needs including:

1. Accountancy support
2. Health and Safety
3. Human Resources

**Thank you –
any questions**

**Please help yourself to
the handouts**



Un Llais Cymru



One Voice Wales

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Chief Executive, One Voice Wales

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WORKSHOP GROUPS

What are the main barriers to meeting the Competent Councils requirements?

How can we over come these problems ?



**Y PWYLLGOR SAFONAU
3YDD RHAGFYR 2015**

**CYNHADLEDD SWYDDFA ARCHWILIO CYMRU YNGHYLCH
DATGELU CAMARFER**

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:
Ystyried yr adroddiad

Y Rhesymau:

Mae cynnwys yr adroddiad yn rhan o gylch gorchwyl y Pwyllgor

Argymhellion / Sylwadau'r Pwyllgor Craffu:

Amherthnasol

Angen i'r Bwrdd Gweithredol wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

**YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y
Cyngorydd E Dole (Arweinydd y Cyngor)**

Y Gyfarwyddiaeth

Y Prif Weithredwr

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:

Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth a'r
Gyfraith

Rheolwr Dros Dro y
Gwasanaethau Cyfreithiol

Rhifau ffôn:

01267 224018

Cyfeiriadau e-bost:

RJEdgeco@sirgar.gov.uk.

EXECUTIVE SUMMARY STANDARDS COMMITTEE 3RD DECEMBER 2015

WALES AUDIT OFFICE WHISTLE BLOWING CONFERENCE

On the 29th October the Wales Audit Office hosted a Conference on Whistle Blowing at the SWALEC Stadium in Cardiff.

The purpose of the Conference 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.

The Council was represented at the Conference by the Leader Cllr Emlyn Dole, Deputy Leader Cllr David Jenkins and the Deputy Monitoring Officer.

Following a keynote speech by the Auditor General for Wales, presentations were received from;

1. Cathy James of Public Concern at Work (Appendix 1)
2. Ian Hughes of Wales Audit Office (Appendix 2)
3. Neil Gray of the Northern Ireland Audit Office
4. Duncan Warmington of the European Institute for Combating Corruption and Fraud

Carmarthenshire's practice of producing an easy to read guide and distributing it to all staff was highlighted as an example of good practice.

DETAILED REPORT ATTACHED ?

YES

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: L. 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: L. Rees-Jones

Head of Administration and Law

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

- 1. Scrutiny Committee**
Not applicable
- 2. Local Member(s)**
Not applicable
- 3. Community / Town Council**
Not applicable
- 4. Relevant Partners**
Not applicable
- 5. 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-140	Legal Services, County Hall



Making whistleblowing work

Wales Audit Office



Overview

Tudalen 278



- ❑ Whistleblowing – what it is and why it matters
- ❑ PCaW and our approach
- ❑ Myth busting – the real experience of whistleblowing
- ❑ Policy considerations
- ❑ The law and practice
- ❑ Promotion and training

What is **whistleblowing**?

A worker raising a concern about wrongdoing, risk or malpractice with someone in authority either internally and/or externally (i.e. regulators, media, MSPs/MPs)

Source: PCaW

Grievances and concerns

Uddalen 280

Grievances

risk is to self

need to prove case

rigid process

legal determination

private redress

Concerns

risk is to others

tip off or witness

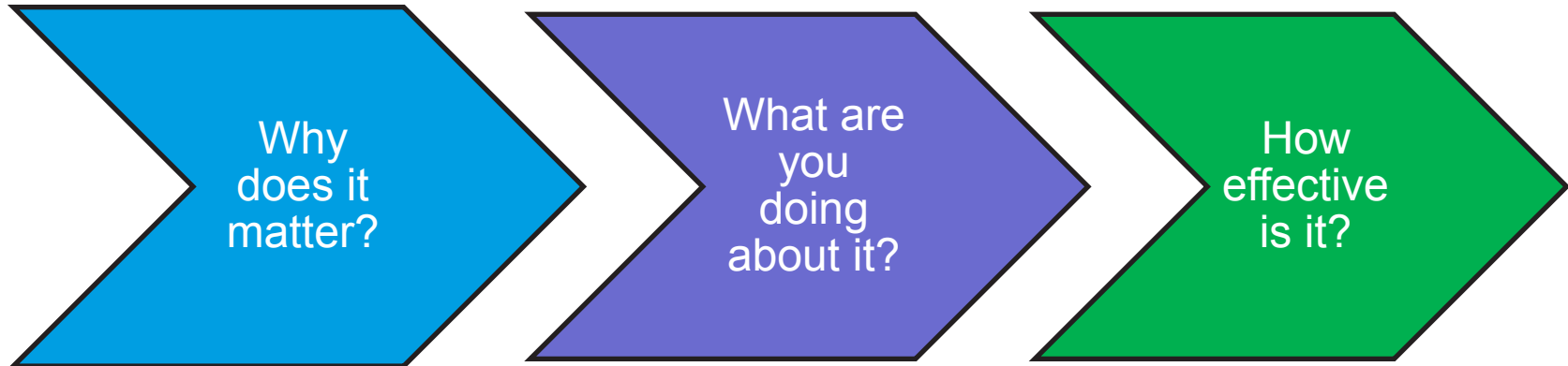
pragmatic approach

accountability

public interest

Group work:

Whistleblowing **in your organisation**



Whistleblowing headlines

Judalen
2012

The whistle was blown, but Enron never heard it

EC clears whistleblower who exposed Brussels fraud

Maxwell may have transferred £400 million without authority

Fraud office inquiry into pension fund

Canoe death firm 'had been warned over safety'

Why I had to blow the whistle on heart unit

Ferry firm admits doors were open

...the tragedy of Zeebrugge

Mid Staffs: Helene Donnelly & Julie Bailey honoured

Two women who led the fight against one of the most shocking failings in NHS history. have been recognised in the New Year honours list.

30 December 2013
BBC News

Ryanair sacks pilot over Channel 4 Dispatches Programme

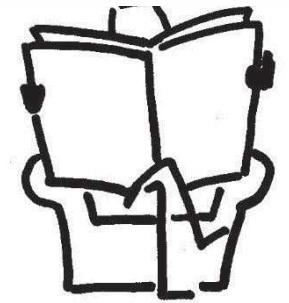
Ryanair has sacked a senior pilot and is preparing legal action against him over “defamatory” comments he made about the airline’s safety policy in a Channel 4 documentary.

15 August 2013
The Telegraph

NSA whistleblower Edward Snowden is nominated for Nobel Peace Prize

Former government contractor could join President Obama, Henry Kissinger and Nelson Mandela in historic list.

29 January 2014
The Independent



Public Concern **at Work**

PCaW is an independent charity, founded in 1993.

We provide:

- free confidential advice** to people concerned about wrongdoing in the workplace who are unsure whether or how to **raise their concern**;
- training** to organisations on policy and law of whistleblowing;
- campaign on **public policy**; and
- promote **public interest whistleblowing** laws.

Advice line

Tudateen 2014

We have advised over **18,000** whistleblowers to date.

Top sectors:
health, care, education, charities, financial services.

Top concerns:
financial malpractice, public safety and patient safety.



Public Concern at Work - Advice

- Key questions:
 - Who or what is at risk?
 - Who knows?
 - What is stopping you from raising this?
- Legally privileged
- Practical and solution focussed
- Empowering individuals
- Working together with unions



Whistleblowing
Is it a dilemma
for your staff?

The dilemma

Keep quiet?



A concern
about
malpractice

It's only a suspicion
No-one else can be bothered
It'll only cause trouble
It suits me
I don't want to be a sneak

The dilemma

Fudalen 288

Keep quiet?



Raise internally?

I'm worried about telling my manager?
Who can I trust?
What if I'm required to prove it?
What if my colleagues find out it was me?
It won't make a difference

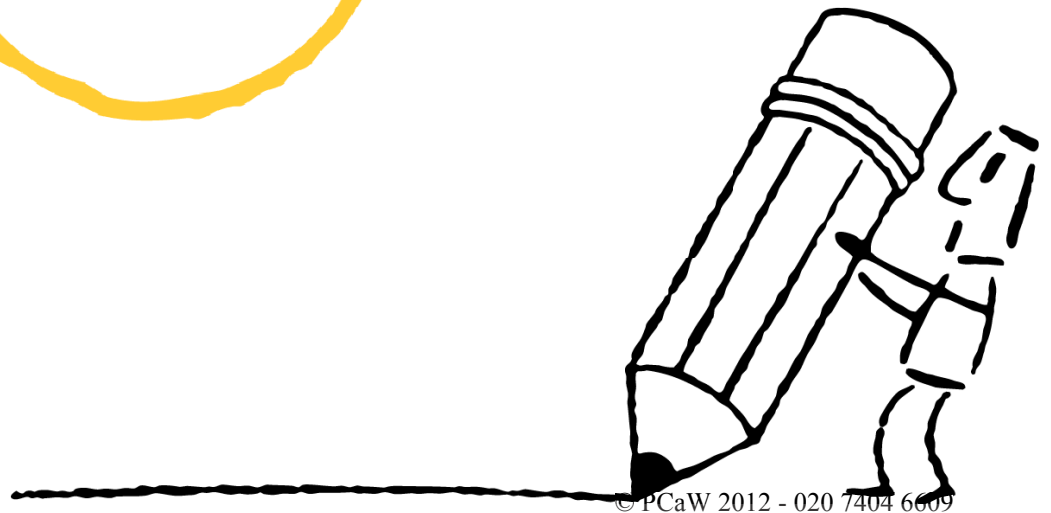


The dilemma



Who?
How?
What will they do?
What about me?

Tudalen 289





UNIVERSITY
of
GREENWICH

**public
concern**
at work

the whistleblowing charity

WHISTLEBLOWING: THE INSIDE STORY

A study of the experiences of 1,000 whistleblowers

Myth 1: Whistleblowers are persistent

- ❑ Most commonly whistleblowers raise a concern only **once (44%)** and a further **39%** go on to raise their concern a **second time**. Majority (83%) will only try internal options once or twice and then give up
 - Small window of opportunity to address wrongdoing
 - Importance of front line and middle management training
- ❑ Very few persist - **only 22** individuals from our research went on to raise their concern **4 or more times**.
- ❑ Worryingly **74%** say their **concern was ignored**

Myth 2: Whistleblowing is always going outside

Tudor
292

- ❑ 83% of whistleblowers blow the whistle internally.
- ❑ Only 0.5% first raise their concern with the media.
- ❑ 81%* of workers would raise the information with their employers if they had a concern about possible corruption, danger or serious malpractice at work

**Survey of working age adults undertaken between 13th - 14th July 2015 by YouGov Plc.*

Myth 3: Whistleblowers are always trashed

- ❑ **60% of whistleblowers did not report any response from management** (either negative or positive)
- ❑ **Of the 40% who told us of a response, the most common action is formal action short of discipline and 15% were dismissed**
- ❑ **An overwhelming majority of British workers 74%* view the term whistleblower as positive or neutral**

Myth 4: Whistleblowers are junior employees

- ❑ **53%** are **skilled or professional** workers
- ❑ **39%** had been working for their employer for **less than two years**
- ❑ **Junior** employees who raise concerns are more likely to be **ignored**
- ❑ **Senior** employees are more likely to be **dismissed**

Myth 5: Whistleblowing is unusual

- ❑ **1 in 10** workers said they had a concern*
- ❑ **Two thirds** of workers raised their concern
- ❑ Of those that **felt unable** to raise their concern, most common barriers are fear:
 - **nothing will be done**
 - **reprisal**

Public Interest Disclosure Act



Public Interest **Disclosure Act**

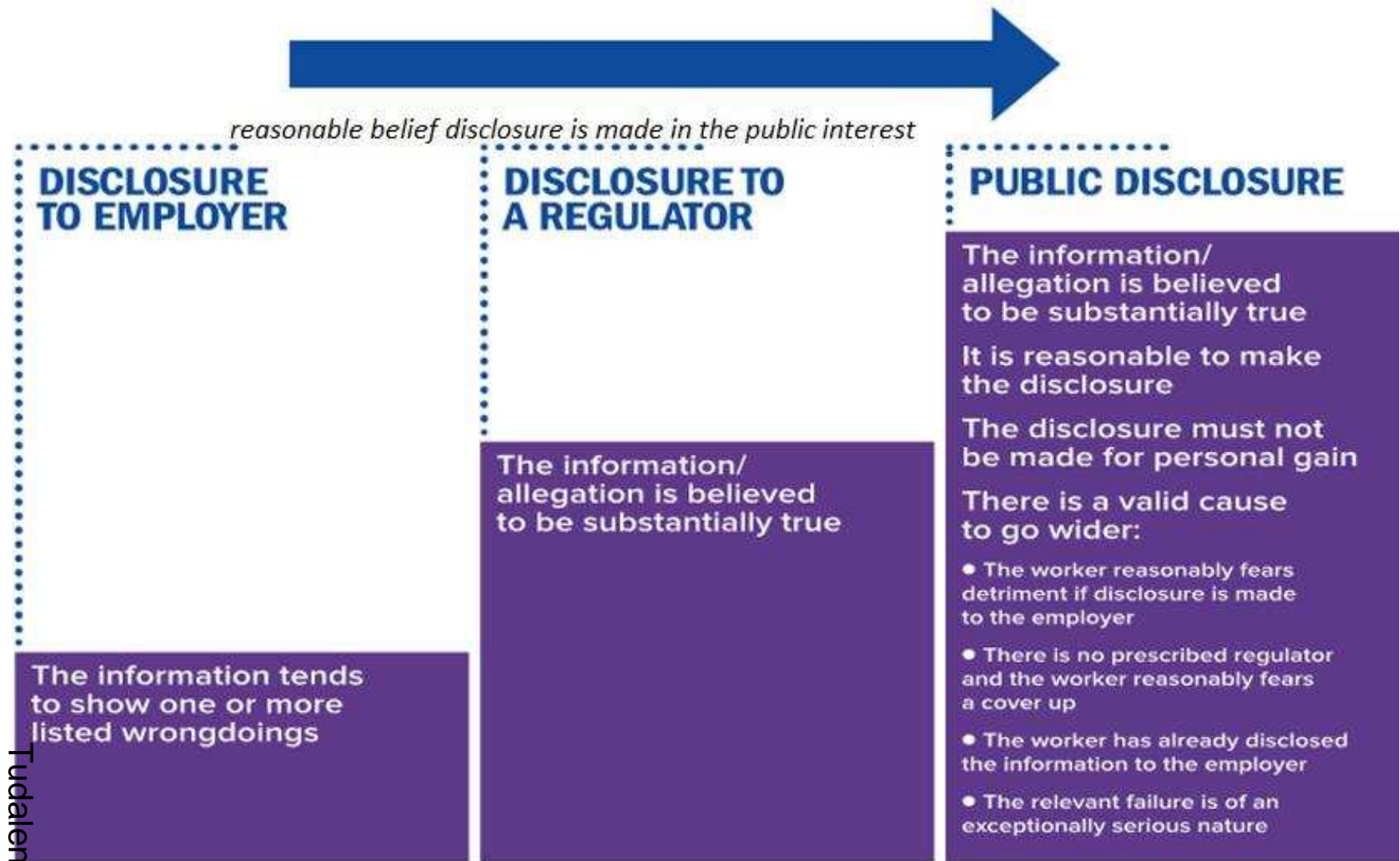
- Promote and protect **open** whistleblowing
- Tiered disclosure regime, which emphasises **internal whistleblowing**, regulatory oversight and recognises **wider accountability**
- Signals a **change in the culture**
- International **benchmark**

Scope of the **protection**

Fudalen 298

- Applies to almost **every worker**
- Wide definition of **wrongdoing**
- Application **overseas**
- **Compensation is unlimited**
- Impacts on **gagging clauses** and secrecy offences

The Public Interest Disclosure Act 1998



Tudalen 299

Lord Nolan's praise for 'so skilfully achieving the essential but delicate balance between the public interest and the interest of the employers'.

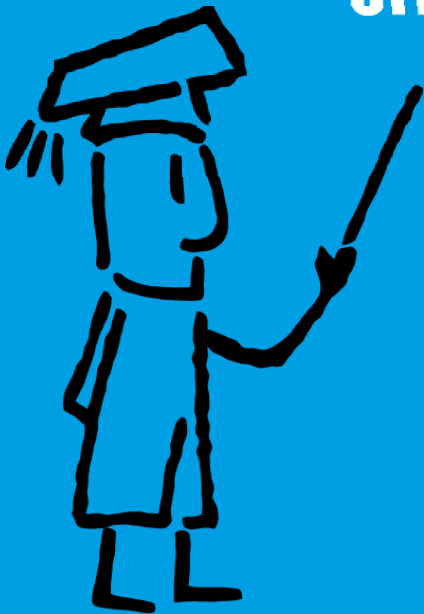
Changes to PIDA

Tudalen 300

- ❑ **Good faith only relevant to compensation** when a claim is won (the tribunal **may** deduct **up to 25%** of the compensation if found the claimant made the disclosure in bad faith)
- ❑ **Liability for co-workers who victimise whistleblowers.**
 - Employers can be held vicariously liable for these employees.
 - Reasonable steps defence for employers.
- ❑ **MPs are now prescribed persons under PIDA** (i.e. same legal tests for disclosure to a regulator)
- ❑ **Job applicants**

Policy and practice

effective whistleblowing arrangements



Tuddalen 301

Where we need to be

Edalen 302

our people need to know that there is a **safe alternative** to silence

we need to make clear that **whistleblowing concerns** differ from **grievances**

ideally our **managers should solicit** and be open to whistleblowing concerns

we need to demonstrate that stakeholders and regulators can have **confidence** in our **good governance**

Policy checklist

scope – people & whistleblowing **concerns**

option to raise outside line management

sanctions **against reprisal** and **abuse**

access to **independent advice**

external disclosures

Key issues

Edalen 304

raising concerns with **whom**?

- line managers / senior officers / hotline

raising concerns **how**?

- openly / confidentially / anonymously

raising concerns **when**?

- when a suspicion or proof?

Practicalities

demonstrating **leadership commitment**

which **function should lead** and be involved?

what about **subcontractors**?

consultation/communication/**awareness**

management **briefing/training**



Whistleblowing arrangements

Practice and audit

Group work

You have been asked to review your whistleblowing arrangements and report to the Audit Committee on its effectiveness.

What information do you **need** and **why**?

Code of Practice **Audit and Oversight**

Conduct periodic audits of effectiveness of whistleblowing arrangements:

- The number and types of concerns raised and outcomes of investigations
- Feedback from individuals who have used the arrangements
- Complaints of victimisation
- Complaints of failure to maintain confidentiality
- Other existing reporting mechanisms
- Adverse incidents that could have been identified by staff (e.g. consumer complaints, publicity or wrongdoing identified by third parties)
- Any relevant litigation
- Staff awareness, trust and confidence in arrangements

Contact us



Cathy James

cj@pcaw.org.uk

+ 44 20 7 404 6609

Further information at www.pcaw.org.uk



**More information on
whistleblowing can be found at
www.pcaw.co.uk**



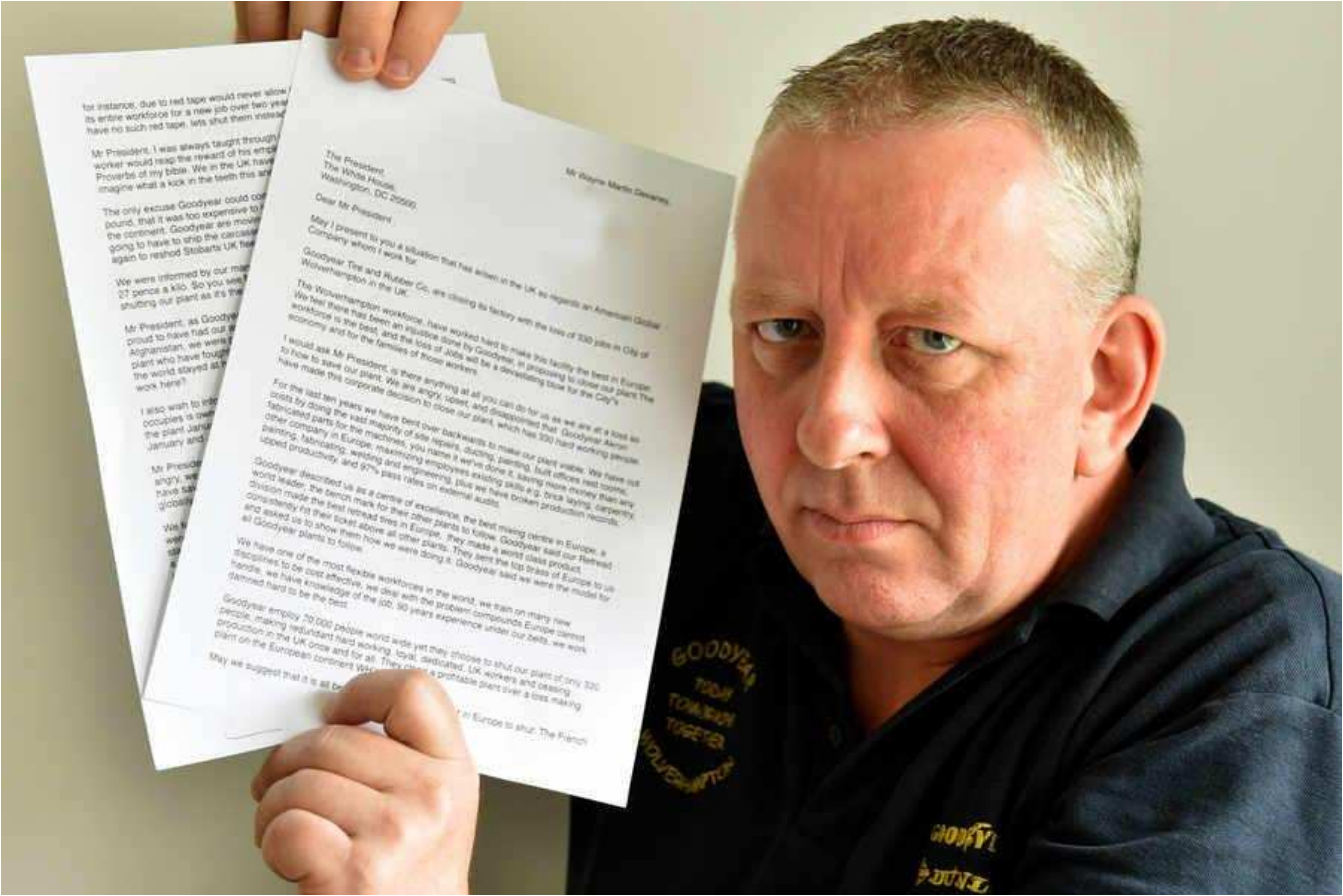
Whistleblowing GPX

Ian Hughes, Wales Audit Office

A Manager's Perspective



What's a concern?



Tudalen 313

Whistleblowing GPX

I wish to remain anonymous



I expect confidentiality



Great – we have a whistleblowing policy

Whistle Blowing Policy

Ways to report what should be reported



They've found out.....



Tudalen 317

Whistleblowing GPX

Slide 7

Sources of Help



Record keeping



Investigations



Feedback



I'm going over your head



Managing successful endings



Mae'r dudalen hon yn wag yn fwriadol

**Y PWYLLGOR SAFONAU
3YDD RHAGFYR 2015**

FFEITHLENNI YNGHYLCH Y CÔD YMDDYGIAD		
Yr argymhellion / penderfyniadau allweddol sydd eu hangen: Ystyried yr adroddiad		
Y Rhesymau: Mae cynnwys yr adroddiad yn rhan o gylch gorchwyl y Pwyllgor		
Argymhellion / Sylwadau'r Pwyllgor Craffu: Amherthnasol		
Angen i'r Bwrdd Gweithredol wneud penderfyniad NAC OES Angen i'r Cyngor wneud penderfyniad NAC OES		
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Y Gyfarwyddiaeth Y Prif Weithredwr Enw Pennaeth y Gwasanaeth: Linda Rees-Jones Awdur yr Adroddiad: Robert Edgecombe	Swyddi: Pennaeth Gweinyddiaeth a'r Gyfraith Rheolwr Dros Dro y Gwasanaethau Cyfreithiol	Rhifau ffôn: 01267 224018 Cyfeiriadau e-bost: RJEdgeco@sirgar.gov.uk.

**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
3RD DECEMBER 2015**

CODE OF CONDUCT FACTSHEETS

The Public Services Ombudsman for Wales has recently published two factsheets giving useful guidance in relation to;

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

Copies of both factsheets (Welsh and English) are annexed to this report.

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YES

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Signed: L. Rees-Jones

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Mae'r daflen ffeithiau hon yn esbonio sut bydd staff yr Ombwdsmon yn gweithredu wrth gynnal cyfweiliadau ag aelodau etholedig sy'n destun ymchwiliad dan weithdrefn Gwyno'r Cod Ymddygiad.

Natur a ffurf y cyfweiliad

Cynhelir cyfweiliadau wyneb yn wyneb fel arfer, ond mewn amgylchiadau eithriadol efallai y gofynnir i chi ddarparu atebion ysgrifenedig i gyfres o gwestiynau ysgrifenedig.

Bydd y Ymchwiliwr yn gwneud recordiad digidol o'r cyfweiliad i wneud yn siŵr bod eich tystiolaeth yn cael ei chofnodi'n gywir. Dylech fod yn barod i ateb unrhyw gwestiwn a ofynnir i chi. Cewch gyfle hefyd i roi sylwadau sy'n berthnasol i'r ymchwiliad yn eich barn chi, ac y dylai'r Ombwdsmon eu hystyried wrth gyrraedd ei benderfyniad ynghylch y gŵyn.

Byddai'n ddefnyddiol pe gallech nodi unrhyw bryder sydd gennych, neu nodi unrhyw dyst rydych yn teimlo y dylid cysylltu ag ef neu hi yn ystod yr ymchwiliad, er mwyn i'r rhain gael eu datrys yn brydlon. Efallai y bydd methu â chydymffurfio ag unrhyw gais a wneir gan y Ymchwiliwr i ddod i gyfweiliad mewn cysylltiad ag ymchwiliad yn cael ei ystyried fel torri'r Cod.

Mae'r Ombwdsmon yn gwerthfawrogi y gallai cyfweiliadau achosi pryder weithiau. Gan hynny, mae croeso i chi gael rhywun gyda chi pan fyddwch yn gweld y swyddog ymchwilio. Mae croeso i chi ddod â chynrychiolydd cyfreithiol gyda chi neu rywun arall i'ch cefnogi os ydych yn dymuno gwneud hynny. Os ydych yn dymuno cael rhywun yn bresennol yn y cyfweiliad i'ch cefnogi chi, rhowch wybod mewn da bryd i'r Ymchwiliwr pwy fydd yr un ddaw gyda chi. Ni ddylai'r unigolyn hwn fod yn rhywun sy'n gysylltiedig â'r ymchwiliad; yr unig reswm y mae ef neu hi yno yw bod yn gefn i chi ac nid i ateb cwestiynau drosoch. Caiff cyfweiliadau eu cofnodi bob amser.

Beth fydd ei angen arnoch ar gyfer y cyfweiliad

Gwnewch yn siŵr eich bod yn deall pwrpas y cyfweiliad. Dylech fod wedi cael manylion am y gŵyn sy'n nodi'r hyn y mae'r Ombwdsmon yn ymchwilio iddo, ynghyd â chopi o'r dystiolaeth berthnasol a gasglwyd. Os oes gennych chi bapurau – fel llythyrau neu ddyddiaduron neu'r ffeil ffurfiol y mae'r gŵyn yn ymwneud â hi – a allai, yn eich barn chi, fod yn berthnasol i'r cyfweiliad, ewch â nhw gyda chi. Os oes gennych nodiadau a wnaethoch pan ddigwyddodd y materion sy'n destun ymchwiliad, fe allai'r rhain helpu'r Ymchwiliwr.

Yn ogystal â dogfennau perthnasol, dylech wneud yn siŵr bod unrhyw eitem arall y gallai fod ei hangen arnoch chi yn ystod y cyfweiliad gennych, er enghraifft sbectol ddarllen, cymhorthion clyw neu feddyginiaeth (mewnanadlyddion ac ati). Oni bai eu bod yn gwbl angenrheidiol, dylech hefyd wneud yn siŵr bod unrhyw ffôn symudol neu ddyfais dabled wedi ei diffodd drwy gydol y cyfweiliad a bod eich cydweithwyr yn ymwybodol na ddylen nhw darfu arnoch chi.

Rhowch wybod i'r Ymchwiliwr cyn y cyfweiliad am ofynion arbennig sydd gennych, gan gynnwys gofynion sy'n codi o unrhyw rai o'r nodweddion gwarchoddedig a ddiffinnir yn Neddf Cydraddoldeb 2010 (fel y'i diwygiwyd) e.e. unrhyw anabledd neu ystyriaethau crefyddol. Cewch gyfle hefyd i gynnal eich cyfweiliad yn Gymraeg os hoffech wneud hynny.

Er y bydd gan y Ymchwiliwr amserlen ac y bydd yn ceisio cadw at yr amserlen honno, weithiau gall cyfweiliadau gymryd mwy o amser. Gan hynny, dylech sicrhau eich bod yn ystyried hyn wrth gynllunio unrhyw beth yn syth ar ôl yr amser a bennwyd ar gyfer gorffen y cyfweiliad.

Materion i'w cadw mewn cof

Yn ogystal, efallai y bydd y Ymchwiliwr yn ysgrifennu nodiadau yn y cyfweiliad ac yn gofyn i chi lofnodi'r rhain a nodi'r dyddiad arnyn nhw ar ddiwedd y cyfweiliad. Ar ddiwedd y cyfweiliad, bydd y recordydd digidol yn cynhyrchu dau gryno ddisg. Bydd un disg yn cael ei selio at ddibenion tystiolaeth a bydd y llall yn cael ei defnyddio gan yr ymchwilydd fel fersiwn weithredol o'r recordiad. Gofynnir i chi lofnodi'r fersiwn a seliwyd fel cadarnhad o'r cyfweiliad a dylech gael hysbysiad yn esbonio sut gallwch chi wneud cais am gopi o'r ddisg.

Cyn gynted ag y bydd yn rhesymol bosib ar ôl y cyfweiliad, bydd y swyddog ymchwilio yn anfon cofnod wedi'i deipio o'r cyfweiliad atoch chi. Caiff y cofnod hwn ei ddefnyddio fel sail eich tystiolaeth.

Dylech gadw mewn cof ei bod yn bosib y bydd yr holl sylwadau a wneir yn ystod y cyfweiliad yn cael eu hatodi wrth unrhyw adroddiad ar yr ymchwiliad y gallai'r Ombwdsmon ei gyfeirio at sylw Pwyllgor Safonau'r Awdurdod, neu at Lywydd Panel Dyfarnu Cymru.

Rhagor o wybodaeth

Dylid cadw unrhyw wybodaeth a ddarperir i chi cyn neu yn ystod eich cyfweiliad yn gwbl gyfrinachol.

Ni ddylid datgelu manylion ynghylch ymchwiliad i neb heblaw am gynghorwr cyfreithiol neu ymgynghorydd arall. Os datgelir yr wybodaeth i unigolion eraill, gallai hynny gael ei ystyried yn achos o dorri amodau paragraffau 5(a) a 7(a) y Cod. Yn ychwanegol, ni ddylech drafod y dystiolaeth rydych chi'n bwriadu ei rhoi mewn cyfweiliad neu ei chynnwys mewn unrhyw ddatganiad tyst ag unrhyw un a allai fod yn rhan o'r ymchwiliad, boed hynny'n uniongyrchol neu'n anuniongyrchol, gan y gellir ystyried cyswllt o'r fath fel torri amodau'r Cod yn yr un modd.

Os ydych yn dymuno mwy o wybodaeth ynglŷn â'r broses yma, cysylltwch â ni:

- **ffoniwch** 0300 790 0203;
- **e-bostiwch** holwch@ombwdsmon-cymru.org.uk;
- **ewch i'r wefan** www.ombwdsmon-cymru.org.uk;
- **dilynwch ni ar Twitter:** @Ombwdsmon;
- **ysgrifennwch at:** Ombwdsmon Gwasanaethau Cyhoeddus Cymru
1 Ffordd yr Hen Gae, Pencoed CF35 5LJ

Taflen ffeithiau i Aelodau Awdurdodau Lleol: Beth fyddwn ni'n ei wneud pan gawn ni gŵyn am eich ymddygiad

Mae'r daflen ffeithiau hon yn egluro beth sy'n digwydd pan fydd yr Ombwdsmon yn cael cwyn am ymddygiad aelodau ac aelodau cyfetholedig awdurdodau lleol, cynghorau cymuned, awdurdodau tân ac achub ac awdurdodau parciau cenedlaethol yng Nghymru. Nid yw'n ymdrin â holl fanylion ein gweithdrefnau, sydd ar gael yma: www.ombwdsmon-cymru.org.uk

Cwynion newydd

Caiff pob cwyn newydd ei hystyried gan Dîm Cyngor ar Gwynion yr Ombwdsmon, a fydd yn cydnabod fod y gŵyn wedi cyrraedd ac yn rhoi gwybod i chi ac i Swyddog Monitro eich awdurdod a/neu Glerc eich Cyngor Cymuned (fel bo'n briodol) am ei bodolaeth. Bydd copi o'r gŵyn yn cael ei darparu hefyd.

Does dim rhaid i chi ymateb i'r llythyr hwn os nad ydych yn dymuno gwneud hynny. Fodd bynnag, os ydych o'r farn y dylai'r Ombwdsmon ystyried gwybodaeth benodol pan fydd yn ystyried y mater hwn am y tro cyntaf, cofiwch roi gwybod i ni. Os byddwch yn penderfynu ymateb neu ddarparu unrhyw wybodaeth, dylech gofio y gall eich sylwadau gael eu datgelu i'r achwynydd hefyd, neu eu defnyddio mewn unrhyw achos dilynol.

Bydd pob cwyn, ac unrhyw wybodaeth ategol, yn cael ei harchwilio drwy brawf dau gam. Yn y cam cyntaf, fe fyddwn ni'n ystyried a oes tystiolaeth uniongyrchol bod y Cod Ymddygiad wedi'i dorri. Yn yr ail gam, byddwn yn ystyried a oes angen ymchwilio neu gyfeirio achos at bwyllgor safonau neu at Banel Dyfarnu Cymru er budd y cyhoedd. Mae hyn yn golygu ystyried sawl ffactor sy'n ymwneud â budd y cyhoedd, fel; a ydych wedi mynd ati'n fwriadol i geisio cael budd personol i chi eich hun neu i rywun arall, wedi camddefnyddio sefyllfa o ymddiriedaeth, a oes angen ymchwilio er mwyn sicrhau y bydd y cyhoedd yn dal yn gallu ymddiried mewn aelodau etholedig, neu a yw ymchwiliad yn ymateb cymesur dan yr amgylchiadau. Fe wnawn ni geisio rhoi gwybod i chi o fewn pedair wythnos a yw'r Ombwdsmon yn bwriadu ymchwilio i'r gŵyn hon ai peidio.

Os na allwn dderbyn y gŵyn

Cewch gopi ysgrifenedig o'r esboniad os nad yw cwyn yn cwrdd â gofynion y prawf dau gam.

Os penderfynwn ymchwilio i'r gŵyn

Os penderfynwn ymchwilio i'r gwyn caiff yr ymchwiliad ei gynnal gan un o ymchwilyr yr Ombwdsmon. Byddwn bob amser yn ysgrifennu atoch chi ac at y rhai sy'n gysylltiedig â'r gŵyn i gadarnhau ein penderfyniad i ymchwilio, ac nid oes angen i chi ymateb os nad ydych yn dymuno gwneud hynny. Fodd bynnag, byddai'n ddefnyddiol pe gallech nodi unrhyw bryder sydd gennych yn ystod yr ymchwiliad er mwyn i'r rhain gael eu datrys yn brydlon.

Fel arfer, cynhelir ymchwiliadau yn breifat. Mae'n bosibl y bydd datgelu manylion yn ymwneud ag ymchwiliad yn arwain at dorri'r Cod Ymddygiad. Gan hynny, fe'ch cynghorir chi i beidio â thrafod y gŵyn â neb (gan gynnwys tystion posibl) ar wahân i'ch cynghorwr cyfreithiol neu ymgynghorwr arall er mwyn osgoi unrhyw ragfarn ynghylch yr ymchwiliad.

Os oes tystion rydych yn meddwl y dylid cysylltu â nhw, dylech roi gwybod i'r Ymchwiliwr cyn gynted â phosibl.

Os daw cais (sy'n cyfeirio atoch wrth eich enw) gan y cyfryngau neu drydydd parti am wybodaeth yn ymwneud ag ymchwiliad, yr unig fanylion y byddwn yn eu cadarnhau yw bod ymchwiliad yn cael ei gynnal.

Bydd y Ymchwiliwr fel arfer yn ceisio cael gafael ar ragor o ddogfennaeth berthnasol a thystiolaeth gan dystion. Mae pob ymchwiliad yn amrywio, ac er y bydd angen cyfweld y rhai sy'n gysylltiedig o bosib, efallai y bydd rhai achosion yn dod i ben drwy archwilio dogfennau yn unig. Anelwn at gwblhau pob ymchwiliad o fewn 12 mis ond cwblheir y rhan fwyaf ynghynt na hynny. Os ystyriwn am ba bynnag reswm ei bod yn angenrheidiol rhoi'r gorau i'n ymchwiliad, byddwn yn ysgrifennu atoch i esbonio'r penderfyniad hwn.

Ar ôl cwblhau pob ymholiad rhesymol, bydd y swyddog ymchwilio yn adolygu'r dystiolaeth a gasglwyd ac yn penderfynu a yw'r dystiolaeth yn ategu achos o dorri'r Cod. Os felly, bydd copiâu o'r dystiolaeth berthnasol a gasglwyd yn cael eu hanfon atoch, ynghyd â gwahoddiad i ddod i gyfweiliad. Caiff cyfweiliadau eu recordio ac fe gawn nhw eu cynnal wyneb yn wyneb fel arfer, ond mewn amgylchiadau eithriadol efallai y gofynnir i chi ateb cyfres o gwestiynau ysgrifenedig. Gellir canfod gwybodaeth fanwl am y broses ymchwilio yn ein taflen ffeithiau 'Taflen Ffeithiau i Aelodau sy'n cael eu cyfweld'.

Yn y cyfweiliad, fe ddylech chi fod yn barod i ateb unrhyw gwestiwn a ofynnir i chi. Cewch gyfle hefyd i roi sylwadau sy'n berthnasol i'r ymchwiliad yn eich barn chi. Mae croeso i chi ddod â chynrychiolydd cyfreithiol gyda chi neu rywun arall i'ch cefnogi os ydych yn dymuno gwneud hynny, cyn belled â'u bod yn annibynnol ar destun yr ymchwiliad. Efallai y bydd methu â chydymffurfio ag unrhyw gais a wneir gan y Ymchwiliwr mewn cysylltiad ag ymchwiliad yn cael ei ystyried fel torri'r Cod i aelodau etholedig.

Pan fydd gennym yr holl wybodaeth sydd ei hangen arnom, byddwn yn ysgrifennu adroddiad neu lythyr yn nodi'r dystiolaeth a ystyriwyd gennym ynghyd â'n casgliadau.

Canlyniadau'r ymchwiliad



Os byddwn yn dod i'r casgliad nad oes unrhyw dystiolaeth i awgrymu bod y Cod Ymddygiad wedi cael ei dorri, byddwn yn cau'r ymchwiliad ac yn rhoi rhesymau ysgrifenedig dros y penderfyniad hwn i holl bartïon y gŵyn.

Os awgrymir ar ôl adolygu'r dystiolaeth bod y Cod wedi cael ei dorri; gall yr Ombwdsmon benderfynu mewn rhai amgylchiadau nad yw camau pellach yn briodol. Unwaith eto, bydd rhesymau ysgrifenedig dros y penderfyniad hwn yn cael eu hanfon at bob parti.

Os bydd yr Ombwdsmon yn canfod bod modd cyfiawnhau'r gŵyn, ac y byddai'n fuddiol cyfeirio'r gŵyn er budd y cyhoedd, gall ei chyfeirio naill ai at Bwyllgor Safonau'r awdurdod perthnasol, neu at driwlynys a gaiff ei gynnull gan Banel Dyfarnu Cymru i wneud penderfyniad ar y materion. Fodd bynnag, cewch gyfle i roi sylwadau ar fersiwn ddrafft o'r adroddiad o fewn amserlen benodol. Bydd unrhyw sylw a wneir yn cael ystyriaeth ddyledus cyn i'r adroddiad gael ei gwblhau, ac mae'n bosibl y caiff ei ymgorffori yn yr adroddiad terfynol.

Bydd copi o adroddiad terfynol yr Ombwdsmon yn cael ei anfon atoch. Bydd y sawl a wnaeth y gŵyn yn cael gwybod am gasgliadau'r Ombwdsmon, a bydd crynodeb o'r adroddiad yn cael ei ddarparu er gwybodaeth. Ni fydd yr adroddiad terfynol yn cael ei ddatgelu gan yr Ombwdsmon nes gwneir penderfyniad ar y materion gan y Pwyllgor Safonau neu'r triwlynys.

Os na fydd y sawl a gwynodd yn fodlon ar ein penderfyniad i beidio ag ymchwilio i gŵyn



Lle byddwn wedi cyhoeddi penderfyniad i beidio ag ymchwilio i gŵyn yn eich erbyn dewis cau'r ymchwiliad, neu penderfynu nad yw camau pellach yn briodol, bydd ein tasg wedi dod i ben i bob pwrpas a chaiff y ffeil ei chau. Ni fyddwn yn ailagor achos dim ond os bydd y sawl a wnaeth y gŵyn yn anghytuno â'n penderfyniad. Fodd bynnag, dylech fod yn ymwybodol y gall y sawl a gwynodd ofyn (o fewn ugain diwrnod gwaith) i ni adolygu'r gŵyn. Os cawn gais i adolygu cwyn, fe wnawn ni roi gwybod i chi a rhoi copi i chi o unrhyw gais a gawn.

Os ydych yn dymuno mwy o wybodaeth ynglŷn â'r broses yma, cysylltwch â ni:

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- **dilynwch ni ar Twitter:** @Ombwdsmon;
- **ysgrifennwch at:** Ombwdsmon Gwasanaethau Cyhoeddus Cymru
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