

STANDARDS COMMITTEE

Monday, 11 April 2016

PRESENT: C.A. Downward (Chair)

Independent Members:

M.A. Morgan and A. Williams

The following Officers were in attendance:

R. Edgecombe, Legal Services Manager

K. Thomas, Democratic Services Officer

Chamber, 3 Spilman Street, Carmarthen - 10.00 - 10.35 am

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from M. Dodd, Community Councillor J. Gilasbey and County Councillors S.M. Allen and B.A.L. Roberts

2. DECLARATIONS OF PERSONAL INTEREST

No declarations of personal interest were made at the meeting.

3. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON THE 11TH MARCH 2016

UNANIMOUSLY RESOLVED that the minutes of the meeting of the Committee held on the 11th March, 2016 be signed as a correct record.

4. APPLICATION FOR DISPENSATION BY COUNCILLOR S DAVIES

The Committee considered an application submitted by County Councillor Sharen Davies for the grant of a dispensation under the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001 to make written and oral representations and vote at meetings of Carmarthenshire County Council, or its Committees, in respect of matters relating to the Council's proposals to charge rent to the Ty Enfys Family Centre in Llanelli.

It was reported that a dispensation was sought as Councillor Davies had a personal interest in such matters by virtue of paragraph 10(2)(a)(ix)(ee) of the Code of Conduct as she was a committee member of the family centre, but had not been appointed to that position by either Carmarthenshire County Council or the Llanelli Rural Council.

Councillor Davies' interest was also prejudicial as a member of the public with full knowledge of the facts would reasonably regard that interest as being so significant that it would be likely to prejudice the Councillor's judgement of the wider public interest.

Councillor Davies had accordingly requested that a dispensation be granted under regulations 2 (d), (f) and (h) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001

Following a detailed discussion it was

UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 2(d) (f) and (h) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001 to County Councillor S. L. Davies to **SPEAK, BUT NOT VOTE, AND TO MAKE WRITTEN REPRESENTATIONS** at meetings of Carmarthenshire County Council, or its Committees in relation to any matters relating to the Council's proposals to charge rent to the Ty Enfys Family Centre, and that the dispensation be valid until the 9th September, 2016.

5. APPROVAL OF CHANGES TO MEMBERS' CODE OF CONDUCT

The Committee considered a report on changes introduced on the 1st April 2016 by the Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016 to the Model Code of Conduct for elected and co-opted members, with the key changes being:-

1. The removal of the duty under Paragraph 6 of the Code to report breaches of the Code to the Ombudsman;
2. The removal of Paragraph 10 (2) (b) in relation to the conflict between the ward and interests of a member and the wider community interest;
3. The removal of references to the Monitoring Officer in Paragraph 1(2) in relation to the maintenance of registers of interests by Town and Community Councils.

The Acting Legal Services Manager informed the Committee that whilst the Council was obliged to adopt the revised Code of Conduct by the 26th July, 2016, the Welsh Government had recommended its adoption by no later than at its forthcoming annual meeting. He reported that a revised version of the Code reflecting the changes had been appended to the report, and the Committee was being requested to endorse the changes and recommend to the Council that it re-adopt the Code in its revised form.

UNANIMOUSLY RESOLVED that

- 5.1 The changes introduced by the Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016 to the Model Code of Conduct for elected and co-opted members be approved.**
- 5.2 The Council be recommended to re-adopt the Model Code of Conduct for elected and co-opted members, in its revised form, at its forthcoming Annual General Meeting.**

6. THE LOCAL GOVERNMENT (STANDARDS COMMITTEES, INVESTIGATIONS, DISPENSATION AND REFERRAL) (WALES) (AMENDMENT) REGULATIONS 2016

The Committee considered a report on the introduction, on the 1st April 2016 of the Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 which amended the following legislation:-

- The Standards Committees (Wales) Regulations 2001;

- The Local Government Investigations (Functions of Monitoring Officers and Standards Committee) (Wales) Regulations 2001,
- Local Authorities (Grant of Dispensations) (Wales) Regulations 2001.

The Acting Legal Services Manager informed the Committee that the effect of the amended regulations were:-

1. To allow two or more authorities to establish a joint standards committee
2. To enable the Council to extend the term of office of county council and community council members of Standards Committee until the next ordinary election in 2017.
3. To remove the current limit on the duration of a county council or community council member of the committee of 4 years.
4. To enable the committee to delay publication of agendas and other information relating to a misconduct investigation until the misconduct proceedings are concluded
5. To allow a Standards Committee (or a Monitoring Officer with the agreement of the Chair of Standards Committee) to refer a misconduct investigation to another authority's Standards Committee for determination.
6. Confirms the powers of Standards Committees to suspend a member are limited to 6 months or the member's term of office if that is less than 6 months.
7. Introduces a general category of dispensation - 'if considered appropriate in all the circumstances to do so where not otherwise possible to make reasonable adjustments to accommodate a person's disability'. An ongoing dispensation granted under this ground is subject to annual review.

UNANIMOUSLY RESOLVED that the changes introduced by the Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 be noted

CHAIR

DATE