

Pecyn Dogfennau



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

DYDD GWENER, 2 MEHEFIN 2017

AT: HOLL AELODAU'R PWYLLGOR SAFONAU

YR WYF DRWY HYN YN EICH GALW I FYNYCHU CYFARFOD O'R PWYLLGOR SAFONAU A GYNHELIR YN Y SIAMBR, NEUADD Y SIR, CAERFYRDDIN AM 10.00 AM, DYDD GWENER, 9FED MEHEFIN, 2017 ER MWYN CYFLAWNI'R MATERION A AMLINELLIR AR YR AGENDA ATODEDIG.

Mark James DYB

PRIF WEITHREDWR



AILGYLCHWCH OS GWELWCH YN DDA

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EICH CYNGOR arleinamdani

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PWYLLGOR SAFONAU

AELODAETH: 9 AELOD

Aelodau Annibynnol (5)

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

Aelod Pwyllgor Cymunedol (1)

1. Lle Gwag

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

AGENDA

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2. DATGAN BUDDIANNAU PERSONOL.
3. LLOFNODI FEL COFNOD CYWIR COFNODION CYFARFOD Y PWYLLGOR A GYNHALIWDYD AR Y 17EG MAWRTH 2017. 5 - 8
4. ADOLYGU'R POLISI DATGELU CAMARFER CORFFORAETHOL. 9 - 30
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Mae'r dudalen hon yn wag yn fwriadol

PWYLLGOR SAFONAU

17^{EG} MAWRTH 2017

YN BRESENNOL: Mr M.A. Morgan (yr Is-gadeirydd yn cadeirio)

Aelodau Annibynnol:

M. Dodd, A. Williams

Y Cynghorwyr:

S.M. Allen and G.B. Thomas

Aelod Cymunedol:

J. Gilasbey

Roedd y swyddogion canlynol yn bresennol yn y cyfarfod:

L.R. Jones, Pennaeth Gweinyddiaeth a'r Gyfraith

R. Edgecombe, Rheolwr Dros Dro y Gwasanaethau Cyfreithiol

J. Owen, Swyddog y Gwasanaethau Democraidd

Y Siambr, Neuadd y Sir, Caerfyrddin, 10.00am - 10.55am

1. YMDDIHEURIADAU AM ABSENOLDEB

Derbyniwyd ymddiheuriadau am absenoldeb gan Mr C. Downward.

2. DATGAN BUDDIANNAU PERSONOL

Ni chafwyd dim datganiadau o fuddiant personol.

3. LLOFNODI FEL COFNOD CYWIR COFNODION CYFARFOD Y PWYLLGOR A GYNHALIWDYD AR Y 13EG O IONAWR 2017

PENDERFYNWYD llofnodi cofnodion cyfarfod y Pwyllgor a gynhaliwyd ar 13 Ionawr 2017, gan eu bod yn gywir.

4. LLYFR ACHOSION Y CÔD YMDDYGIAD

Cafodd y Pwyllgor, er gwybodaeth, adroddiad ynghylch Coflyfr Côd Ymddygiad yr Ombwdsmon, Rhifyn 11, a oedd yn cynnwys crynodebau o ymchwiliadau ynghylch y côd a oedd wedi dod i ben. Nododd y Pwyllgor ddau achos penodol yn ymwneud ag aelodau o Gyngor Sir Fynwy a Chyngor Tref Tywyn.

Gofynnodd Rheolwr Dros Dro y Gwasanaethau Cyfreithiol a oedd aelodau'r Pwyllgor yn dymuno parhau i dderbyn ac ystyried Coflyfr y Côt Ymddygiad bob chwarter. Cytunodd y Pwyllgor fod y wybodaeth yn y Coflyfrau yn fuddiol ac y byddai Coflyfrau yn y dyfodol yn cael eu croesawu gan y Pwyllgor.

Yn dilyn cwestiwn ynghylch ymddiswyddo yn ystod y cyfnod ymchwilio i gŵyn, dywedodd y Pennaeth Gweinyddiaeth a'r Gyfraith na fyddai ymddiswyddiad mewn amgylchiadau arferol yn atal proses gwynion.

Mewn perthynas ag achos ynghylch Cyngor Sir Fynwy, cafwyd trafodaeth ynghylch argraff y cyhoedd o gydraddoldeb a pharch. Dywedodd y Pennaeth Gweinyddiaeth a'r Gyfraith mai un o ofynion y Côt Ymddygiad oedd bod angen trin pobl â pharch a dylid gwneud hyn bob amser.

PENDERFYNWYD YN UNFRYDOL dderbyn yr adroddiad.

5. HYFFORDDIANT AR Y CÔD YMDDYGIAD I GYNGHORWYR SIR

Bu'r Pwyllgor yn ystyried adroddiad ar yr Hyfforddiant ynghylch y Côt Ymddygiad ar gyfer Cynghorwyr Sir a oedd yn cynnwys cyflwyniad hyfforddiant a phecyn briffio ynghylch moeseg a safonau ar gyfer hwyluswyr.

Nododd y Pwyllgor fod trefniadau wedi cael eu gwneud i gynnal sesiwn hyfforddiant ar gyfer y Cynghorwyr etholedig newydd ynghylch Côt Ymddygiad yr Aelodau yn dilyn yr etholiadau llywodraeth leol ym mis Mai 2017 ac y byddai'r sesiwn hwn yn cael ei gynnal ar 15 Mai 2017. Hefyd, dywedwyd bod sesiwn ymsefydlu ar wahân ar gyfer unrhyw aelodau newydd o'r Pwyllgor Safonau yn cael ei gynnal ar 9 Mehefin 2017. Estynnwyd gwahoddiad i aelodau cyfetholedig y Pwyllgor fod yn bresennol yn y ddau sesiwn.

Dywedodd Rheolwr Dros Dro y Gwasanaethau Cyfreithiol mai'r bwriad oedd defnyddio deunyddiau hyfforddiant a ddatblygwyd gan Gymdeithas Llywodraeth Leol Cymru wrth ddarparu hyfforddiant, fel y gwnaed yn ystod y blynyddoedd blaenorol. Ychwanegodd er nad oedd sesiynau hyfforddiant pwrpasol ar gael ar hyn o bryd ar gyfer y Pwyllgor Safonau, y byddai'n fodlon darparu hyfforddiant penodol petai'r Pwyllgor yn barnu bod hynny'n angenrheidiol.

Dywedodd y Pennaeth Gweinyddiaeth a'r Gyfraith fod angen newid dyddiad sesiwn hyfforddiant y Pwyllgor Safonau i 5 Mehefin 2017 a gofynnodd fod y dyddiad newydd yn cael ei nodi.

Ar sail sesiynau hyfforddiant blaenorol, awgrymwyd y byddai'n fuddiol defnyddio microffon i sicrhau bod modd i bawb sy'n bresennol glywed y siaradwr. Cytunodd Rheolwr Dros Dro y Gwasanaethau Cyfreithiol ac fe'i nodwyd yn unol â hynny.

PENDERFYNWYD YN UNFRYDOL dderbyn yr adroddiad.

6. HYFFORDDIANT YNGHYLCH Y CÔD YMDDYGIAD AR GYFER CYNGHORWYR TREF A CHYMUNED

Atgoffwyd y Pwyllgor ei fod, ers nifer o flynyddoedd, wedi bod yn trefnu sesiynau hyfforddiant ynghylch y Côt Ymddygiad ar gyfer Cyngorwyr Tref a Chymuned. Yn unol â'r arfer hwnnw, bu'n ystyried y cyflwyniad arfaethedig ar gyfer sesiynau 2017, a oedd yn ymgorffori adborth o ddiwyddiadau 2016.

Nododd y Pwyllgor fod y prif newidiadau yn cynnwys ailysgrifennu'r adran ynghylch buddiant personol ac er bod y cyfeiriad at ganllaw 'hwylus' wedi cael ei gadw, roedd y sleidiau a oedd yn egluro'r amrywiol resymau sy'n rhoi bod i fuddiant personol wedi cael eu hailosod er mwyn esbonio'n well i'r Cyngorwyr newydd beth yw eu rhwymedigaethau o dan y rhan hon o'r Côt. Hefyd, mae adran newydd wedi'i chynnwys sy'n egluro'r buddiannau personol hynny NAD ydynt yn rhagfarnol ac adrannau newydd eraill sy'n nodi lle y gellid cael cyngor ac yn pwysleisio rôl y Clerc.

Ar ôl trafodaeth ynghylch nifer y sesiynau hyfforddiant yn 2017 a'u lleoliadau, cynigiwyd cynnal dau sesiwn hyfforddiant yn Neuadd y Sir, Caerfyrddin yn ystod mis Mehefin, ac na fyddai terfyn o ran nifer y bobl allai fynychu o bob awdurdod. Cafodd hyn ei eilio a chytunwyd arno, gan y byddai'r fformat hwn yn gyfle i gynghorwyr tref a chymuned gwrdd â'i gilydd.

Dywedodd Rheolwr Dros Dro y Gwasanaethau Cyfreithiol y byddai'n anfon dyddiadau'r sesiynau hyfforddiant ymlaen at y Pwyllgor yn y man.

PENDERFYNWYD YN UNFRYDOL:

- 6.1 **cymeradwyo'r cyflwyniad ar gyfer Sesiynau Hyfforddiant 2017 ynghylch y Côt Ymddygiad ar gyfer Cyngorwyr Tref a Chymuned.**
- 6.2 **y byddai dau sesiwn hyfforddiant yn cael eu cynnal yn Neuadd y Sir heb derfyn o ran nifer y bobl a allai fynychu o bob Awdurdod.**

7. BLAENRAGLEN WAITH Y PWYLLGOR SAFONAU

Bu'r Pwyllgor yn ystyried y flaenraglen waith ddrafft am flwyddyn y cyngor 2017/18. Datblygwyd y rhaglen ddrafft i ddsbarthu'r gwaith yn gyfartal drwy'r flwyddyn.

Cynigiodd Rheolwr Dros Dro y Gwasanaethau Cyfreithiol fod Adroddiad Blynyddol y Cadeirydd yn cael ei gyflwyno i'r cyngor llawn ym mis Ionawr 2018 yn lle ym mis Rhagfyr 2017. Byddai hynny'n caniatáu i'r Adroddiad Blynyddol drafft gael ei ystyried gan y Pwyllgor yn ei gyfarfod ym mis Rhagfyr 2017, ynghyd â'r Adroddiad Blynyddol ynghylch Cydymffurfio â'r Côt o ran Cyngorau Tref a Chymuned gan ganiatáu amser ychwanegol i gynnwys gwybodaeth angenrheidiol.

Yn ogystal, nododd y Pwyllgor fod eitem sefydlog ar agenda pob cyfarfod wedi'i chynnwys er mwyn i'r Pwyllgor ystyried unrhyw ddatblygiadau mewn cyfraith achosion neu ganllawiau ac ystyried Coflyfr Côt Ymddygiad Ombwdsmon Gwasanaethau Cyhoeddus Cymru.

Dywedodd y Pennaeth Gweinyddiaeth a'r Gyfraith y byddai'r Adroddiad Blynyddol ar gyfer Panel Annibynnol Cymru ar Gydabyddiaeth Ariannol hefyd yn cael ei ychwanegu at y flaenraglen waith. Yn ogystal, dywedwyd wrth y Pwyllgor y byddai'r Gynhadledd Safonau a gynhelir bob dwy flynedd yn digwydd yn ddiweddarach eleni ac nad oedd y lleoliad wedi'i gadarnhau eto.

Dywedodd y Pennaeth Gweinyddiaeth a'r Gyfraith fod y Papur Gwyn: Diwygio Llywodraeth Leol a oedd yn destun ymgynghori ar hyn o bryd yn cynnwys nifer o newidiadau arfaethedig a fyddai'n effeithio ar y Pwyllgor Safonau. Un o'r cynigion arfaethedig oedd y byddai Pwyllgorau Safonau'n clywed achosion o fethiant honedig gan aelodau i gyflawni dyletswyddau perfformiad penodedig, yn ogystal ag achosion o dorri Côt Ymddygiad yr Aelodau.

Er mwyn sicrhau bod y Pwyllgor yn cael gwybodaeth lawn, dywedodd Rheolwr Dros Dro y Gwasanaethau Cyfreithiol y byddai'n darparu adroddiad ynghylch yr holl newidiadau ac adroddiad ynghylch Cydymffurfio â'r Côt Ymddygiad ar gyfer Cynghorau Tref a Chymuned mewn cyfarfod o'r Pwyllgor yn y dyfodol.

PENDERFYNWYD yn unfrydol fod Blaenraglen Waith y Pwyllgor Safonau 2017/18 yn cael ei chymeradwyo.

CADEIRYDD

DYDDIAD

Y PWYLLGOR SAFONAU

9/6/17

ADOLYGU'R POLISI DATGELU CAMARFER CORFFORAETHOL

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:

Ystyried yr adroddiad

Y rhesymau:

Mae'r testun dan sylw yn 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 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 9/6/17

REVIEW OF CORPORATE WHISTLE BLOWING POLICY

The remit of the Standards Committee includes the receipt of an annual report upon the operation of the Council's Whistle Blowing Policy, with a view to the inclusion of relevant information within the Chairman's Annual Report to Full Council.

Between the 1st April 2016 and 31st March 2017 three new whistle blowing complaints were received by the Council. This compares with nine new complaints in 2015/2016.

Three complaints were carried over from 2015/2016.

Details of these complaints, including outcome and feedback (where received) are set out in the attached table.

The Council has continued to take steps to raise staff awareness of the policy and ensure managers are fully trained to recognise whistle blowing complaints and deal with them properly.

The corporate Whistle blowing Policy has been updated to reflect organisational and personnel changes since the last review. The revised policy is attached to this report for approval.

DETAILED REPORT ATTACHED?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees Jones

Head of Administration and Law

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-153	Legal Services, County Hall
Legal file	CCCN-061	Legal Services, County Hall

Mae'r dudalen hon yn wag yn fwriadol



WHISTLEBLOWING POLICY



Legal Protection for Workers with Concerns at Work:

**Employee; Casual Worker; Volunteer; Contractor;
Agency Worker: Consultant.**

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What is this about?

1. We (the 'Council') want to ensure a working environment where you (the 'worker') feel confident to raise any concerns about malpractice within the Council. However, some people are reluctant to voice their concerns because of fears about possible repercussions, or a feeling of disloyalty to colleagues. Some might consider it easier to ignore the concern rather than report what may just be a suspicion of malpractice.
2. Malpractice can include fraud, corruption, bribery, dishonesty, financial irregularities, serious maladministration because of deliberate and improper conduct, unethical activities (which may be of a criminal nature) and dangerous acts or omissions which create a risk to health, safety or the environment, criminal offences, or failure to comply with a legal or regulatory obligation.
3. Whistleblowing does not include mismanagement as this may arise from weak management, for example, rather than malpractice. Mismanagement may be dealt with under the Council's Capability Policy or Disciplinary Procedure, as appropriate.
4. This policy is intended to encourage and support you to raise serious concerns **within** the Council safely and with confidence and view this as a **duty**, rather than overlooking the problem. 'Whistle-blowing' refers to the disclosure, by workers, of malpractice as well as illegal acts or omissions at work.
5. This policy will be applied consistently to everyone irrespective of race, colour, nationality, ethnic or national origins, language, disability, religion, belief or non belief, age, sex, gender reassignment, sexual orientation, parental, marital or civil partnership status.
6. If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR Team who will, if necessary, ensure the policy/procedure is reviewed accordingly

What legal protection do I have?

7. The Public Interest Disclosure Act (PIDA) 1998 gives you legal protection against dismissal and other detriments where you disclose certain types of information in the public interest, to the Council, either as your employer or (in the case of a contractor disclosing information) to the organisation that has legal responsibility for that matter.

Will I be protected if I make a public disclosure?

8. You are encouraged to raise your concerns via your line manager (para.32), the Council's dedicated Whistleblowing Officers (para.32); a confidential mailbox (para.33), Senior Officers (para.34) or a recognised Trade Union Representative

(para.35). You can also seek advice from prescribed organisations independent of the Council regarding your concerns (para.49). If you raise concerns to someone else other than those detailed within this procedure, e.g. to the local paper, depending on your disclosure and to whom it is made, you may not receive the legal protection as a 'whistleblower'. You are therefore strongly advised to seek advice before taking this action.

9. If you do take the matter outside the Council you should ensure that you do not disclose any confidential information, e.g. client case notes, given to you in confidence, unless you have consent in writing from the person to whom the information relates.

What support can I expect?

10. At all times, when raising and investigating your concerns:

- Directors and Heads of Service, will support the investigation process
- your concerns will be taken seriously
- the Council will do all it can to support you throughout the investigation, e.g. provide advocacy services, interpreters, counselling etc.

If appropriate, and after full consultation the Council may consider temporarily re-deploying you or others for the period of the investigation.

What is the Council's attitude to malpractice in the workplace?

11. We take any malpractice within the Council very seriously, as we are committed to maintaining the highest standards of openness, probity and accountability. If you have serious concerns about any aspect of the Council's work then you are encouraged and expected to come forward and voice those concerns.
12. We understand that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. However, if you raise your concerns you will have nothing to fear as you will be doing your duty to your employer, your colleagues and those to whom you provide a service.
13. Harassment or victimisation of individuals, who have raised concerns, including informal pressures, will not be tolerated and will be treated as a serious disciplinary offence which will be dealt with under the disciplinary procedure.
14. We will not tolerate any attempt on the part of any worker, councillor, council contractor or supplier to apply any sanction or detriment to anybody who has

reported to the Council any serious and genuine concern that they may have about apparent wrongdoing.

15. We will treat such conduct by an employee of the Council as a serious disciplinary matter, and any such conduct by a Councillor is liable to be reported as a breach of the Members Code of Conduct.
16. Where any such conduct is undertaken by any contractor or supplier of the Council we will regard that as a serious breach of contract.
17. Any such behaviour by any recipient of a Council service will be regarded as a breach of the condition under which that service is provided.

Who can blow the whistle?

18. This policy applies to:

- Workers for Carmarthenshire County Council including all employees, centrally employed teachers and casual workers
- Employees of contractors working for the Council on Council premises, for example, agency staff, builders, drivers
- Those providing services under a contract or other agreement with the Council in their own premises, for example care homes
- Voluntary workers working with the Council
- Consultants engaged by the Council

19. However, this policy does not cover staff on the complement of locally managed schools for which local arrangements exist. In the absence of local arrangements school governing bodies are recommended to adopt the principles contained within this policy.

What can I blow the Whistle about?

20. You are encouraged to 'blow the whistle' where you reasonably believe malpractice has taken place or is likely to take place, in one or more of the following six areas:

- Criminal offences
- Breach of legal obligation
- Miscarriages of justice
- Danger to the health and safety of an individual
- Damage to the environment
- The deliberate concealing of information about any of the above

21. You can raise serious concerns about any aspect of service provision or conduct of officers or Members of the Council or others acting on behalf of the Council. The

event may already have occurred or it may be likely to be committed in the future. For example, your concerns might fall into one or more of the six areas of malpractice describe above that:

- is potentially unlawful, fraudulent or corrupt
- might contravene our Standing Orders, our Financial Procedure Rules, our policies, codes of conduct or other legal obligations
- could amount to improper conduct by an officer or a member
- might fall below established standards of practice
- constitutes sexual, physical or emotional abuse
- potentially endangers the health and safety of an individual
- is causing, or is likely to cause, damage to the environment
- might involve a miscarriage of justice
- is an attempt to cover up any of the above examples

22. Whistle blowing is where a worker has a concern about danger or illegality that has a public interest aspect to it, and usually this is because it threatens others (e.g. customers or the public). In contrast, a grievance is a dispute about your own employment position and has no additional public interest dimension. A whistle blowing issue could be entangled within a grievance or concerns about standards of behaviour, in which case the Council will need to consider the facts, assess the risks and decide how to best deal with the issue (See Appendix A Whistleblowing Flowchart).
23. If your concerns fall outside the six areas illustrated above you will be advised of the correct procedure to follow as described below.

How does the policy fit in with other Council policies?

24. The Whistle-blowing Policy is intended to cover major concerns that **fall outside** the scope of other procedures **and are in the public interest**, i.e. any **serious concerns** that you have about any aspect of service provision or the conduct of officers or Members of the Council or others acting on behalf of the Council can be reported under this policy.
25. Concerns you may have about your own employment with the authority, such as, terms and conditions of employment, health & safety, work relations, new working practices, working environment or organisational change should be raised through the Grievance procedure.
26. Concerns you may have about allegations of bullying, harassment, victimisation or discrimination in work should be raised in line with the Council's Behavioural Standards guidance.
27. This policy should be read in conjunction with the Council's Officer Code of Conduct and any corporate and/or departmental procedures for investigating concerns which may be developed from time to time and which will be drawn to the notice of employees and others to whom this policy applies.

What if I am already involved in another HR procedure?

28. Any investigation into allegations of malpractice will not influence or be influenced by any disciplinary, grievance, sickness, capability, redundancy or any other procedures that already affect you or may affect you in the future. On the other hand, any disciplinary grievance, sickness, capability, redundancy or any other procedures to which you are already subject will not be halted as a result of raising concerns.

How does this policy fit with the Member's Code of Conduct?

29. The Council has no power to deal with Code of Conduct complaints against an elected member. If you raise concerns about an elected member under this policy you will be given the appropriate legal protection against any acts of detriment and advised to make your concerns to the Public Services Ombudsman for Wales. Alternatively the Monitoring Officer may decide to refer the matter to the Ombudsman if it is considered appropriate to do so. Details of the Ombudsman's complaints process can be found at www.ombudsman-wales.org.uk

What if I want to make anonymous allegations?

Members

Am I covered by the PIDA?

No, this legislation provides protection to 'workers' and this does not extend to Members who hold positions of public office.

What is my role as a Member in the Whistleblowing Process?

You may witness or be approached by a 'worker' about a potential whistleblowing concern. In this situation it is not appropriate for you to seek further information or make your own enquiries and are therefore advised to speak directly to the Monitoring Officer, Deputy Monitoring Officer or Chair of Standards Committee.

30. You can raise concerns anonymously but they are much less powerful and will be considered under this policy at the discretion of the Monitoring Officer. Remember, the purpose of this policy is to protect and support you, and ensure that you can raise your concerns with confidence. If you do not tell us who you are, it will be much more difficult for us to look into the matter, to support and protect you, or to give you feedback.

Is my identity kept confidential?

31. All disclosures will be treated in confidence and every effort will be made not to reveal your identity if you so wish. It must be appreciated however that the investigation process may reveal the source of the information and a formal statement may be required from you as part of the evidence. If you are required to give evidence in criminal or disciplinary proceedings we will arrange for you to receive advice about the procedure. If disclosure of your identity becomes unavoidable then the Council will support you through the process.

How do I raise a concern?

32. You should not approach or accuse individuals directly or attempt to investigate the matter yourself. Instead can raise your concerns with your line manager or if you prefer, one of the Council's dedicated Whistleblowing Officers, as shown below:

Whistleblowing Officer	Job Title/e-mail address	Phone number
Noelwyn Daniel 	Interim Head of ICT Service NDaniel@carmarthenshire.gov.uk	01267 224476 (extension 4476)
Nigel J Evans	Practice Support Manager njevans@carmarthenshire.gov.uk	01267 224694 (extension 4694)
Tracey Thomas	Principal Development Officer TrThomas@carmarthenshire.gov.uk	01267 226202 (extension 6202)
Stefan Smith	Head of Children's Services SJSmith@carmarthenshire.gov.uk	01267 246530 (extension 6530)
Nicola Williams	Business Support Manager NiJWilliams@carmarthenshire.gov.uk	01269 590232 (extension 3232)
Alan Howells	Business and Development Manager aehowells@carmarthenshire.gov.uk	01267 228140 (extension 5140)
Cathy Richards	Safeguarding and Complaints Manager CRichards@carmarthenshire.gov.uk	01267 228995 (extension 2995)



You are welcome to contact me in Welsh or English

33. If you do not wish to raise your concerns with your line manager or one of the Council's dedicated Whistleblowing Officers you can raise your concerns through the Council's confidential Whistleblowing mailbox by emailing CEWhistleBlowing@carmarthenshire.gov.uk. This mailbox is only viewed by the Monitoring Officer and Deputy Monitoring Officer in the Legal Department.
34. Alternatively, you could contact one of the people listed below;

Name	Job Title/e-mail address	Phone number
Mark James	Chief Executive mjames@carmarthenshire.gov.uk	01267 224111

Linda Rees-Jones 	Head of Administration and Law/Monitoring Officer lrjones@cararthenshire.gov.uk	01267 224012
Robert Edgecombe	Legal Services Manager/Deputy Monitoring Officer rjedgecombe@cararthenshire.gov.uk	01267 224018
Chris Moore	Director of Corporate Services (including responsibility for proper administration of financial affairs) cmoore@cararthenshire.gov.uk	01267 224160
Paul Thomas 	Assistant Chief Executive (People Management) prthomas@cararthenshire.gov.uk	01267 226123
Christopher Downward	Chair of Standards Committee cadownward@hotmail.com	01550 740324
Helen Pugh	Acting Head of Audit, Risk and Procurement HLPugh@cararthenshire.gov.uk	01267 246223



You are welcome to contact me in Welsh or English

35. You may seek the support of a companion, i.e. a recognised trade union official or representative or a work colleague, to assist you in raising your concerns and accompany you at any meeting through this procedure.

Contact names	Trades Union	E-mail address	Phone number
Mark Evans Simon Dunn	UNISON	unisoncarms1@btconnect.com	01267 224942 01792 483915
Mark Preece Allan Card	Unite	MAPreece@cararthenshire.gov.uk Allan.Card@unitetheunion.org	07718925787 01646 690618
Caroline Green Althea Phillips	GMB	CGreen@cararthenshire.gov.uk Althea.phillips@gmb.org.uk	07772 579231 07980 753125

36. If you would prefer to contact an outside organisation instead then a list of useful contacts is given at paragraph 49 below. It is better to contact one of the external organisations listed than to overlook your concerns.

What happens after I have raised my concerns?

37. The person you speak to and raise your concerns will offer you some initial advice and guidance and will normally become your “**Contact Officer**”. This will depend on the nature of your concerns and could be someone else with your agreement. Your

Contact Officer will be the person with whom you will have all future contact in respect of your concern, and if an investigation takes place (see below) s/he will be your primary contact for feedback.

38. We will need to get the details set out in writing as soon as possible. If you do not want to put your concerns in writing, then that's alright, your Contact Officer can do this for you instead and support you in expressing the background and history of your concern, giving names, dates and places where possible and the reason why you are particularly concerned about the situation. The earlier your concerns are expressed the easier it is to take action.
39. Although you are not expected to prove the truth of an allegation, you will need to demonstrate to your Contact Officer that there are reasonable and sufficient grounds for your concern.

How will we deal with your concerns?

40. Action taken by the Council will depend on the nature of the concern. The matters raised may be:
 - investigated internally by an appropriate person in line with the Council's Investigation Policy
 - referred to the Police
 - referred to the Wales Audit Office
 - the subject of an independent inquiry.
41. In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation.
42. The Contact Officer will acknowledge your concern as soon as possible and contact you within 14 calendar days of you raising your concern to:
 - indicate how it is proposed to deal with the matter
 - give you an estimate of how long it may take to provide a final response
 - tell you whether any initial enquiries have been made; and
 - inform you whether a full investigation will take place, and if not, why not.
43. The Contact Officer will give you as much feedback as possible, but sometimes precise action will not be set out where this would infringe upon a duty of confidence owed to the Council by someone else. Time estimates and limits may be amended by agreement between you and the Contact Officer.
44. The frequency of contact between you and the Contact Officer will depend upon the nature of the matters raised, the potential difficulties involved and the clarity of the

information provided. If necessary, the Contact Officer or the officer investigating the matter will seek further information from you.

45. When any meeting is arranged between you and the Contact Officer, you have the right, if you so wish, to be accompanied by a companion (who may be a recognised trade union representative or a work colleague who is not involved in the area of work to which the concern relates). Steps will be taken to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, we will arrange for you to receive advice about the procedure.
46. We understand that you will need to be assured that the matter has been dealt with properly and therefore, subject to legal constraints, your Contact Officer will inform you of the outcome and confirm in writing within 14 calendar days of the conclusion of the matter, i.e. whether your concerns have been upheld, what actions the Council proposes to take (subject to confidentiality constraints) and timescales for implementing. At that point you will be asked to complete a short questionnaire about your experience of the whistle blowing procedure (See Appendix B). Your feedback is important to us, as it will help us to monitor the effectiveness of this policy.

What happens if my concerns are not confirmed after an investigation?

47. If, you raise a concern using through this policy but it is not confirmed by the investigation, no action will be taken against you. If, however, an allegation is made frivolously, maliciously or for personal gain, disciplinary action may be taken against you in accordance with the Council's Disciplinary Procedure.
48. Remember, if you want to take independent advice at any stage, you may contact the independent charity Public Concern at Work (see paragraph 49 for details). Their lawyers can give you free confidential advice at any stage about how to raise concerns about serious malpractice at work.

What happens if I am not happy with the Council's response?

49. This policy is intended to provide you with a way to raise your concerns **within** the Council and we hope that you will be satisfied with the way that we deal with the matter. However, in the event that the issue is not resolved to your satisfaction then you are welcome to contact (assuming that they have not previously been involved in your case) Mr Mark James, the Council's Chief Executive or Mr Christopher Downward, the independent chair of our Standards Committee. Their contact details are given at paragraph 34. As an alternative, we suggest the following possible contact points:

- The charitable organisation Public Concern at Work (See Appendix C). Telephone 020 7404 6609 or e-mail info@pcaw.co.uk or whistle@pcaw.co.uk

- The Auditor General for Wales, Public Interest Disclosure Helpline 01244 525980 or e-mail whistleblowing@wao.gov.uk or web www.wao.gov.uk/whistleblowers-hotline
- The Public Services Ombudsman for Wales. Telephone 0300 790 0203 or e-mail ask@ombudsman-wales.org.uk or web www.ombudsman-wales.org.uk
- Health and Safety Executive. Telephone 0300 003 1647 or Online form: <http://www.hse.gov.uk/contact/raising-your-concern.htm> or web www.hse.gov.uk
- Care and Social Services Inspectorate for Wales. Telephone 0300 790 0126 or e-mail cssiw.@wales.gsi.gov.uk or web www.cssiw.org.uk
- Care Council for Wales Tel: 0300 303 3444 ftp@ccwales.org.uk
- Children's Commissioner for Wales Tel: 01792 765600 or e-mail: post@childcomwales.org.uk or web www.childcomwales.org.uk
- Natural Resource Wales Tel: 0300 065 3000 Email: enquiries@naturalresourceswales.gov.uk
- The Information Commissioner's Office Tel: 0303 123 1113 or e-mail casework@ico.org.uk or web www.ico.org.uk
- Older People's Commissioner Tel: 02920 445 030 or e-mail ask@olderpeoplewales.com or web www.olderpeoplewales.com

A full list of prescribed persons can be found at:

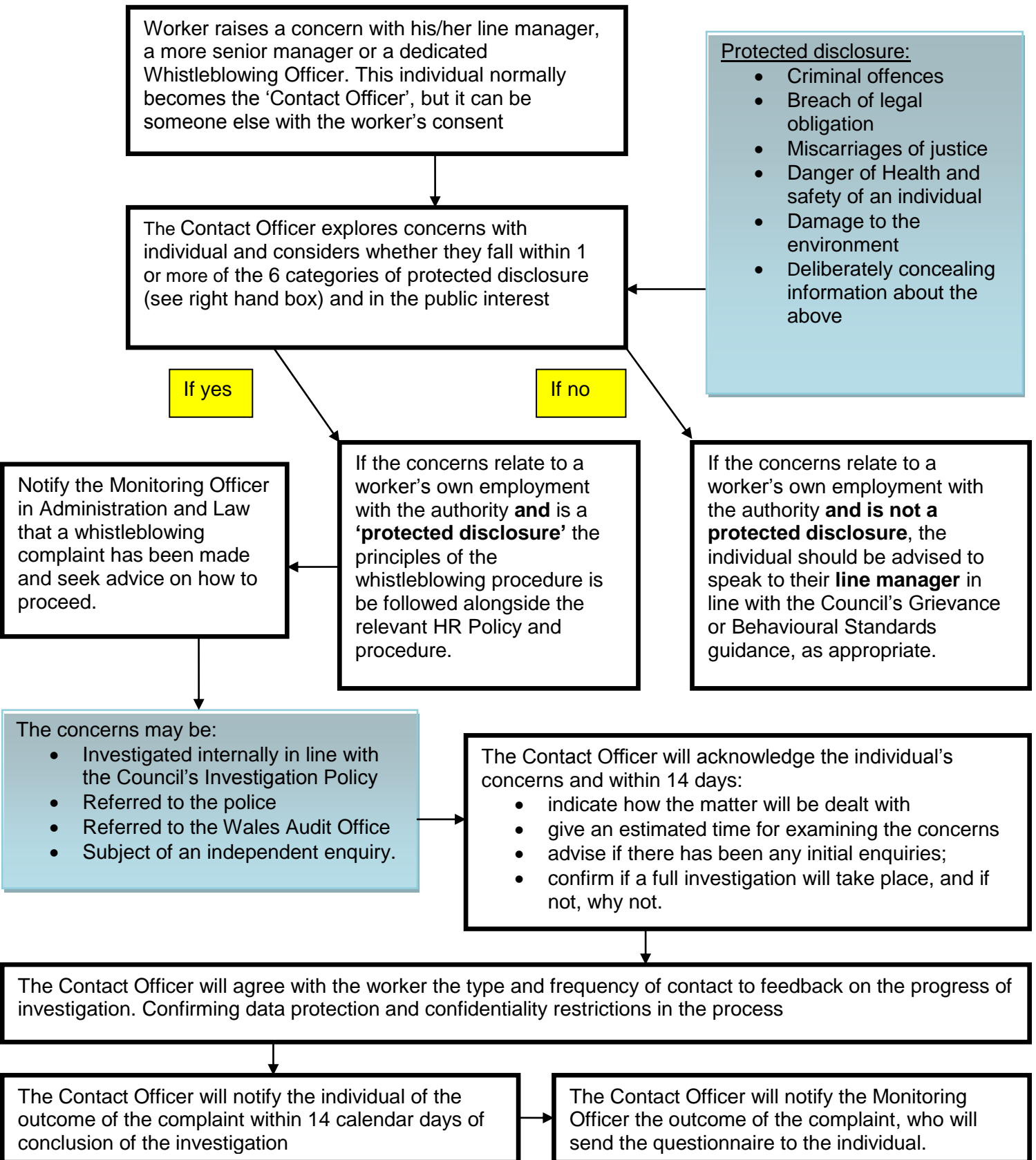
<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

Who is responsible for this policy?

50. Linda Rees-Jones, the Council's Monitoring Officer and Paul Thomas, Assistant Chief Executive share overall responsibility for the maintenance and operation of this policy. Linda Rees-Jones will keep a record of concerns raised and the outcomes (in a format that does not endanger confidentiality) and will report to the Standards Committee annually.
51. This edition of the policy was adopted by the Council's Standards Committee on 12th September 2016. The policy is reviewed annually.

If you require this publication in an alternative format, such as large print, Braille or on audiotape please telephone 01267 224651.

WHISTLEBLOWING FLOWCHART



Policies: Whistleblowing Policy
Adopted: March 2004
Revised: Sept 16 at Standards Com.
(Updated prescribed persons Nov 16)



People Management

CONFIDENTIAL
WHISTLEBLOWING PROCEDURE FEEDBACK FORM

We have recently concluded an investigation into your concerns raised under the Council’s Whistleblowing Policy. We would welcome your feedback in relation to how the matter was handled as this will assist us when dealing with future cases and when reviewing the policy. Your reply will be treated as confidential and will be retained by the Monitoring Officer.

- 1. **Who did you report your concern to?**
 - Line Manager
 - Whistleblowing Officer
 - Trade Union Rep
 - Other (please specify)

.....

- 2. **Were you satisfied with the way in which your concern was dealt with by that person?**
 - Yes
 - No

3. **If no, please explain why:**

.....

.....

- 4. **Were you aware of the Whistleblowing Policy at the time you raised your concern?**
 - Yes
 - No

- 5. **If yes, where did you see a copy of the Whistleblowing Policy?**
 - Line Manager
 - Whistleblowing Officer
 - Trade Union Rep
 - Intranet
 - Other (please specify)

- 6. **Were you advised of how the concern was being dealt with and the outcome?**
 - Yes
 - No

- 7. **Overall, are you satisfied with the way your concern has been managed within the Whistleblowing Policy?**
 - Yes
 - No

8. **If no, please explain why:**

.....

Thank you for completing this questionnaire. Please return it to the Monitoring Officer in the envelope provided.



WHISTLEBLOWING CASE STUDIES

The following case studies have been produced by Public Concern at Work (PCaW), the whistleblowing charity, which advises individuals on their whistleblowing dilemmas and organisations on their whistleblowing arrangements.

They are examples of whistleblowing concerns that individuals have raised in other organisations.

Case 1 – Fraud in the NHS

The Story

Tim coordinated training for an NHS Trust. He was concerned that his boss was hiring a friend of his to deliver training on suspicious terms which were costing the Trust over £20,000 a year. More courses were booked than were needed and the friend was always paid when a course was cancelled. Although Tim asked his boss to get a credit note as with other training contracts, he never did. Tim also couldn't understand why the friend was paid for training sessions delivered by NHS staff. One day when the boss was out, Tim saw the friend enter the boss' office and leave an envelope. His suspicions aroused, Tim peeked inside and saw that it was filled with £20 notes, amounting to some £2,000. Unsure what to do, Tim called Public Concern at Work. Tim said his boss had lots of influence in the Trust and he was unsure who to tell, particularly as the Trust was being restructured and none of the directors were secure in their posts. Tim also recognised that the cash in the envelope was so brazen that there could be an innocent explanation.

What PCaW advised

PCaW advised Tim that the options were either to go to a director of the Trust or to the NHS Counter-Fraud Unit. Either way, we advised Tim to stick to the facts and focus on specific suspect arrangements and payments. We also said he should avoid the temptation to investigate the matter himself. Tim said he felt much better and would decide what to do over the holiday he was about to take.

What happened

On his return, Tim raised his concerns with a director at the Trust, who called in NHS Counter Fraud. Tim's suspicions were right: his boss and the trainer pleaded guilty to stealing £9,000 from the NHS and each received 12 month jail terms suspended for two years.

Case 2 - Involving a Regulator

The Story

Ian worked as a safety inspector at an amusement park. He was responsible for maintaining one of the park's most popular rides. Every morning he would carry out a safety inspection on the ride and, if it passed, he would sign the ride off as safe in the log. During one inspection, he noticed that pins on the axles which kept the carriages stable had become loose. Ian thought this presented a serious risk and notified his managers.

After what Ian felt was not a thorough examination, the Operations Manager cleared the ride as safe. Ian was unhappy with this and the next day, as no corrective action had been taken, he again could not sign off the ride as safe. Again the Operations Manager overruled Ian and he was assigned to other rides. Ian contacted us the same day. He was

anxious that the weekend was coming up and that the park would be extremely busy. He was also worried that if he pursued the issue any further he would be dismissed.

What PCaW advised

PCaW advised Ian that they could contact the Health and Safety Executive (HSE) on his behalf and relay the information that he had given us without giving his name. However, it was more than likely that they would want to speak to him, if they felt that the situation was potentially serious. PCaW said they would explain Ian's anxieties about his position and ask the HSE to bear this in mind. Although he was unsure whether he would speak to the HSE, he asked us to make the initial contact. The HSE agreed that the situation sounded potentially serious. However, they told PCaW that they would need to speak to Ian. PCaW explained Ian's fears that if the HSE suddenly turned up to inspect this particular ride, his employers would easily put two and two together and he would be out of a job. The HSE assured us that if they were to carry out an inspection, it could be done in such a way as not to make Ian's role apparent. We went back to Ian and, after talking things through, he agreed that he would speak to the HSE.

What happened

Shortly afterwards the HSE made a 'routine' visit to the park during which they inspected the ride, along with several other rides. As a result of the inspection, the ride was suspended and the repairs were carried out.

Case 3 - Inappropriate Relations

The story

AM was a residential social worker in a children's home. He grew increasingly concerned that a colleague, PE, seemed to have developed a close relationship with a 12 year old girl in the home.

Colleagues and some of the children joked that PE was becoming rather infatuated with the girl. During a holiday trip, AM was alarmed that PE insisted that the girl should travel in his car alone with him and that he spent a lot of time with her during the holiday. AM raised the issue with PE who just laughed it off. On return from the holiday, AM decided with a colleague that they should raise their concerns discreetly with the Council. They were told they had a duty to report them formally. When they did, a formal child protection investigation was launched and PE was given special leave and told to stay away from the home. AM contacted us when he learned that the investigation had finished and that PE would be returning to the home. He and colleagues were worried that this was not the right decision.

What PCaW advised

PCaW advised him to contact the Council's head of child protection and explain his concerns. However, we pointed out it was the Council's job to decide what action to take and that what mattered was that the Council felt sure that PE was not a risk. We also said that the fact that PE was returning to the home did not mean that no action had been taken.

What happened

After discussing the matter with the Council, AM felt happier with its decision as he knew the Council would be keeping a watchful eye over the home and that staff would be reminded of the whistle blowing policy.

CASES CARRIED OVER FROM 2015-2016

Date of Complaint	Nature of Complaint	Date Concluded	Outcome	Feedback
03/02/16	Alleged misconduct by care home staff	19/04/16	Not upheld, but general advice given to relevant staff	None
24/03/16	Allegations regarding recruitment processes at school	31/10/16	Governing body implemented new policies and procedures.	Dissatisfied with outcome
29/03/16	Complaint that an alleged abuser was working with vulnerable individuals	07/05/16	Investigation showed that no action was required	Satisfied

NEW CASES IN 2016-2017

Date of Complaint	Nature of Complaint	Date concluded	Outcome	Feedback
22/04/16	Alleged breaches of health & safety requirements	14/06/16	Issues dealt with as part of staff appraisal process	NONE
09/05/16	Allegations of misconduct by Environment Department staff	01/09/16	No further action required	None (complaint made anonymously)
28/10/16	Allegations of misconduct by Children's Services staff	Ongoing. Following initial investigation matter has been for further investigation in accordance with Safeguarding Procedures	N/A	N/A

Mae'r dudalen hon yn wag yn fwriadol

Y PWYLLGOR SAFONAU

9/6/17

LLYFR ACHOSION Y CÔD YMDDYGIAD

Yr Argymhellion / penderfyniadau allweddol sydd eu hangen:

Ystyried yr adroddiad

Rhesymau:

Mae cynnwys yr adroddiad hwn yn rhan o faes 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 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 9/6/17

CODE OF CONDUCT CASEBOOK	
<p>The Public Services Ombudsman for Wales has published the latest issue of the ‘Code of Conduct Casebook’ which sets out summaries of code investigations which have been brought to a conclusion during the preceding quarter.</p> <p>The most recent issue contains thirteen such summaries, relating to members of both County and Community Councils.</p> <p>The committee is asked to note the issues that gave rise to the complaints, the subsequent outcomes and the reasons for those outcomes.</p>	
DETAILED REPORT ATTACHED ?	YES

IMPLICATIONS

<p>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 :</p>						
Signed: LINDA REES JONES			Head of Administration and Law			
Policy, Crime & Disorder and Equalities NONE	Legal NONE	Finance NONE	ICT NONE	Risk Management Issues NONE	Staffing Implications NONE	Physical Assets NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: **LINDA REES JONES**

Head of Administration and Law

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-153	Legal Services, County Hall

Mae'r dudalen hon yn wag yn fwriadol

The Code of Conduct Casebook

Issue 12 April 2017

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Introduction

Overall I am pleased that my office received 14% less code complaints this year than in 2015/16. I believe this is due to the introduction of local resolution for county councils (low level councillor against councillor complaints being referred to the Monitoring Officer in the first instance) finally having an impact. There is also some evidence over the last 12 months of this approach being adopted by town and community councils who are attempting some form of informal resolution stage before cases are referred to my office.

Outcome	2016/17	2015/16
Closed after initial consideration	184	213
Complaint withdrawn	20	15
Investigation discontinued	10	10
Investigation completed: No evidence of breach	12	11
Investigation completed: No action necessary	16	10
Investigation completed: Refer to Standards Committee	5	3
Investigation completed: Refer to Adjudication Panel	1	3
Total Outcomes – Code of Conduct complaints	248	265

Out of the cases that I have seen, only six were referred either to the Standards Committee or the Adjudication Panel for Wales. This clearly shows that only the most appropriate cases are being referred, and demonstrates that the consideration of the public interest test continues to be an effective means of using 'common sense for common good'.

Despite a decrease in the overall number of code complaints received by my office, the number taken to full investigation has marginally risen. However this is balanced by the increase in the number of cases that have been discontinued or where no action is necessary - further evidence of the effectiveness of the public interest test at all stages of the investigation process.

Other changes this year include the issuing of updated Code of Conduct guidance for councillors based on changes to the Model Code of Conduct made in April 2016 and the establishing of a Code Advisory Group which has proactive oversight of the management of code of conduct complaints. This has led to a 19% increase in cases taking less than six months for a decision to be taken. I am pleased with this positive step forward which means that both complainants and accused members are receiving a timely outcome, helping to relieve the stress and inconvenience that an investigation can cause.

Overall I am encouraged that we are starting to see movements towards councils taking more ownership of low level complaints and attempting to resolve these on a local level, meaning that my office's time and resources are being used for only the more serious cases. I anticipate that this will continue to be something we will focus on and encourage going forward. However whilst I am fully supportive of this approach, it is still important that the more serious allegations of breach of the Code of Conduct are brought to me for investigation and, where appropriate, referred to the Standards Committee or Adjudication Panel for Wales remembering that the authority to make a determination of breach and/or sanction rests solely with them.

I hope that by continuing to work collaboratively over the coming year we can improve standards in public life, whilst building public confidence and promoting good governance in our democratic institutions.



Nick Bennett
Ombudsman

Case summaries

No evidence of breach

Powys County Council – Disclosure and registration of interests

Case Number 201506050 - Report issued in February 2017

The Ombudsman considered a complaint that a member of Powys County Council (“the Councillor”) breached the Code of Conduct for members when he approached another member in the Council’s Members’ Lounge on 25 January 2016 to discuss matters in which he may have had a personal and prejudicial interest.

Both members recalled a different version of events and, as there were no other witnesses to the conversation, it was impossible to reconcile the different accounts. In view of this, it was not considered in the public interest to pursue the matter further. The Ombudsman was that there was no evidence that the

Councillor failed to comply with the Code of Conduct.

Llangefni Town Council – Promotion of Equality and Respect

Case Number 201603639 - Report issued in March 2017

Councillor A complained that Councillor B of Llangefni Town Council might have breached the Code of Conduct due to her conduct towards the Clerk to the Council.

The Ombudsman investigated whether Councillor B had breached parts of the Code which concern respect and consideration, bullying and harassment, and disrepute.

The Ombudsman found that there was no evidence to suggest that Councillor B had breached the Code in relation to two elements of the complaint. He found that no action needed to be taken in respect of one element of the complaint.

Rhondda Cynon Taf County Borough Council - Promotion of Equality and Respect

Case Number 201604869 - Report issued in March 2017

Mr A alleged that Councillor X of Rhondda Cynon Taf County Borough Council (“the Council”) breached the Code of Conduct for members by improperly using his influence as a Councillor to direct the Council’s Highways and Streetcare Services to clear an overgrown lane to the rear of Mr A’s property. Mr A alleged that Councillor X’s decision to involve Streetcare Services was taken in the pursuit of a personal vendetta against him. As such, Councillor X knowingly misused Council resources for private, vexatious purposes. The Council’s Streetcare Supervisor was interviewed and information was obtained from the Council in regard to a complaint response letter it issued to Mr A about Councillor X’s conduct. The Council’s letter stated that its investigation had established that Councillor X had applied inappropriate pressure on the Streetcare Team to carry out the work.

The Ombudsman found that, contrary to what was stated in the Council’s letter to Mr A, there was no evidence to suggest that Councillor X exerted any undue influence on the Council’s Streetcare team to carry out this work. The Ombudsman also found that the letter’s suggestion that Councillor X had

acted improperly was not based on any formal investigation or on any evidence of improper conduct provided by the Streetcare Team. The Ombudsman found, therefore, that there was no evidence of a breach of the Code.

No action necessary

Conwy County Borough Council – Objectivity and propriety Case Number 201602422 - Report issued in February 2017

During the course of another investigation, it came to light that a member of Conwy County Borough Council (“the Councillor”) had disclosed an email, which contained sensitive and personal information about the author, to another Councillor and to a member of the public. The Ombudsman decided to investigate the matter.

During the investigation the author of the email was interviewed and expressed that she had not intended the email to be shared. The member the public with whom the email was disclosed was also interviewed and confirmed he had received the email from the Councillor and, with his permission, passed it to another Councillor. The Councillor confirmed that he had shared the email but said that he did so because he was concerned for the welfare of the author and was not sure how best to approach it. The Councillor apologised for not considering whether the personal data should have been protected but said he was under considerable stress at the time of the events.

The investigation found that the evidence was suggestive of a breach of the Code of Conduct. However, given that, to some extent, the Councillor acted out of concern for the author of the email, the stress that he was under at the time of the events and the apology made for his actions, it would not be in the public interest to take any further action on this occasion.

Aberystwyth Town Council – Promotion of equality and respect Case Number 201504876 - Report issued in February 2017

Mr A complained that Councillor X of Aberystwyth Town Council (“the Council”) had breached the Code of Conduct for members (“the Code”) by telling a member of the public about Mr A’s suspension. The Ombudsman investigated whether Councillor X had breached those parts of the Code which concern respect and consideration, the disclosure of confidential information and disrepute.

Information was obtained from the Council, Ceredigion County Council and another public body. Mr A, four other witnesses and Councillor X were interviewed. Councillor X admitted that he had told a member of the public about Mr A’s suspension.

The Ombudsman found that there was evidence to suggest that Councillor X had breached the Code by not showing respect and consideration for others, disclosing confidential information and bringing his office as a member and the Council into disrepute. However, he determined that it was not in the public interest to pursue this matter and that no further action was required.

Prestatyn Town Council – Disclosure and registration of interests Case Number 201605412 - Report issued in February 2017

The Ombudsman considered a complaint that a member of Prestatyn Town Council (“the Councillor”) breached the Code of Conduct for elected members by failing to disclose a personal and prejudicial interest at two meetings in relation to a planning application.

The Ombudsman found that the Councillor had a personal and prejudicial interest in the application as the

proposed development was likely to impact upon access to his business. There was no evidence that the Councillor declared an interest in any of the meetings. He aired his concerns relating to access/egress to his business during the second meeting.

In deciding on the appropriate finding, the Ombudsman considered the impact of the Councillor's actions. He was not persuaded that the Councillor sought to influence a decision by his actions. He also noted that the Town Council was merely considering whether to submit observations on the application. It was not deciding whether the application should be approved. It was therefore the Ombudsman's view that the Councillor's actions were of limited consequence and it was not in the public interest to pursue the matter further.

Under section 69(4)(b) of the Local Government Act 2000, the Ombudsman's finding was that no action needed to be taken in respect of the matters investigated. However, the Councillor was advised to reflect upon his actions and to attend training on the Code of Conduct.

Mumbles Community Council - Disclosure and registration of interests **Case Numbers 201602616 - Report issued in March 2017**

Mr A complained that Councillor X as a member of a charitable organisation breached the Code of Conduct for members ("the Code") by failing to disclose a personal and prejudicial interest when invoices from that organisation relating to storage costs were presented to the Council for payment. The Ombudsman investigated the complaint.

The Ombudsman also considered whether Councillor X may have used or attempted to use their position improperly to confer on or secure for themselves or another person an advantage by failing to declare their interest.

The Ombudsman found no evidence that the member obtained an advantage for themselves or the charitable organisation. The Ombudsman took into consideration that, whilst Councillor X's membership of the charitable organisation gave rise to a personal interest, their membership alone did not give rise to a prejudicial interest.

It was established that Councillor X held no position of authority at the charitable organisation. The Ombudsman therefore did not consider it to be in the public interest to pursue the matter any further, because there was no personal gain for the member in failing to declare their interest. Accordingly, the Ombudsman's finding was that no further action needed to be taken in respect of the matters investigated.

Mumbles Community Council - Disclosure and registration of interests **Case Numbers 201602617 - Report issued in March 2017**

Mr A complained that Councillor H, as a member of a charitable organisation, breached the Code of Conduct for members ("the Code") by failing to disclose a personal and prejudicial interest when invoices from that organisation relating to storage costs were presented to the Council for payment. The Ombudsman investigated the complaint.

The Ombudsman also considered whether Councillor H may have used or attempted to use their position

improperly to confer on or secure for themselves or another person an advantage by failing to declare their interest.

The Ombudsman found no evidence that the member obtained an advantage for themselves or the charitable organisation. The Ombudsman considered that Councillor H's position within the charitable organisation gave rise to both a personal and prejudicial interest.

It was established that Councillor H held an elevated position within the charitable organisation. The Ombudsman did not consider it to be in the public interest to pursue the matter any further, because there was no personal gain for the member in failing to declare their interests, and they have since apologised and retrospectively declared any such interests. Accordingly, the Ombudsman's finding was that no further action needed to be taken in respect of the matters investigated

Mumbles Community Council - Disclosure of interests

Case Number 201602618 - Report issued in March 2017

Mr A complained that Councillor F, as a member of a charitable organisation, breached the Code of Conduct for members ("the Code") by failing to disclose a personal and prejudicial interest when invoices from that organisation relating to storage costs were presented to the Council for payment. The Ombudsman investigated the complaint.

The Ombudsman also considered whether Councillor F may have used or attempted to use their position improperly to confer on or secure for themselves or another person an advantage by failing to declare their interest.

The Ombudsman found no evidence that the member obtained an advantage for themselves or the charitable organisation. The Ombudsman considered that, Councillor F's position within the charitable organisation, gave rise to both a personal and prejudicial interest.

It was established that Councillor F held an elevated position within the charitable organisation. The Ombudsman did not consider it to be in the public interest to pursue the matter any further, because there was no personal gain for the member in failing to declare their interests and they have since accepted that they do have an interest. Accordingly, the Ombudsman's finding was that no further action needed to be taken in respect of the matters investigated.

Mumbles Community Council - Disclosure of interests

Case Number 201602619 – Report issued in March 2017

Mr A complained that Councillor Z, as a member of a charitable organisation, breached the Code of Conduct for members ("the Code") by failing to disclose a personal and prejudicial interest when invoices from that organisation relating to storage costs were presented to the Council for payment. The Ombudsman investigated the complaint.

The Ombudsman also considered whether Councillor Z may have used or attempted to use their position improperly to confer on or secure for themselves or another person an advantage, by failing to declare their interest.

The Ombudsman found no evidence that the member obtained an advantage for themselves or the charitable organisation. The Ombudsman took into consideration that, whilst Councillor Z's membership of the charitable organisation gave rise to a personal interest, their membership alone did not give rise to a prejudicial interest.

It was established that Councillor Z held no position of authority at the charitable organisation. The Ombudsman therefore did not consider it to be in the public interest to pursue the matter any further, because there was no personal gain for the member in failing to declare their interest. Accordingly, the Ombudsman's finding was that no further action needed to be taken in respect of the matters investigated.

Mumbles Community Council - Disclosure of interests Case Number 201602620 – Report issued in March 2017

Mr A complained that Councillor M, as a member of a charitable organisation, breached the Code of Conduct for members ("the Code") by failing to disclose a personal and prejudicial interest when invoices from that organisation relating to storage costs were presented to the Council for payment. The Ombudsman investigated the complaint.

The Ombudsman also considered whether Councillor M may have used or attempted to use their position improperly to confer on or secure for themselves or another person an advantage, by failing to declare their interest.

The Ombudsman found no evidence that the member obtained an advantage for themselves or the charitable organisation. The Ombudsman took into consideration that, whilst Councillor M's membership of the charitable organisation gave rise to a personal interest, their membership alone did not give rise to a prejudicial interest.

It was established that Councillor M held no position of authority at the charitable organisation. The Ombudsman therefore did not consider it to be in the public interest to pursue the matter any further, because there was no personal gain for the member in failing to declare their interest. Accordingly, the Ombudsman's finding was that no further action needed to be taken in respect of the matters investigated.

Mumbles Community Council – Disclosure of interests Case Number 201602621 - Report issued in March 2017

Mr A complained that Councillor G, as a member of a charitable organisation, breached the Code of Conduct for members ("the Code") by failing to disclose a personal and prejudicial interest when invoices from that organisation relating to storage costs were presented to the Council for payment. The Ombudsman investigated the complaint.

The Ombudsman also considered whether Councillor G may have used or attempted to use their position improperly to confer on or secure for themselves or another person an advantage by failing to declare their interest.

The Ombudsman found no evidence that the member obtained an advantage for themselves or the charitable organisation. The Ombudsman took into consideration that, whilst Councillor G's membership of

the charitable organisation gave rise to a personal interest, their membership alone did not give rise to a prejudicial interest.

It was established that Councillor G held no position of authority at the charitable organisation. The Ombudsman therefore did not consider it to be in the public interest to pursue the matter any further, because there was no personal gain for the member in failing to declare their interest. Accordingly, the Ombudsman's finding was that no further action needed to be taken in respect of the matters investigated.

Referred to Standards Committee

Powys County Council – Objectivity and propriety

Case Number 201501199 – Report issued in June 2016

The Ombudsman investigated a complaint that a member (“the Councillor”) of Powys Council (“the Council”) may have breached his authority’s Code of Conduct. The complaint arose in relation to correspondence he had sent which incorrectly and unfairly portrayed the content of a Grievance Appeal Hearing.

The Ombudsman found that as the Councillor had sent the correspondence in his private capacity there was no evidence he had breached the section of the Code relating to showing respect and consideration for others. However the Ombudsman found evidence that the Councillor may have broken the code by bringing his office into disrepute and he referred the matter for consideration by the Council’s Standards Committee.

On 2 November 2016, the Council’s Standards Committee found that the Councillor had breached the Code. He was suspended from being a Councillor for five months.

The Councillor appealed this decision to the Adjudication Panel for Wales (“the Panel”). On 17 March 2017, the Panel found that the Councillor had breached the Code. The Panel referred the Councillor to the Council’s Standards Committee with a recommendation that the Councillor should be suspended for a period of three months.

Referred to Adjudication Panel for Wales

There are no summaries in relation to this finding

More information

We value any comments or feedback you may have regarding The Code of Conduct Casebook. We would also be happy to answer any queries you may have regarding its contents. Any such correspondence can be emailed to Matthew.Aplin@ombudsman-wales.org.uk or Lucy.John@ombudsman-wales.org.uk or sent to the following address:

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
CF35 5LJ

Tel: 0300 790 0203

Fax: 01656 641199

e-mail: ask@ombudsman-wales.org.uk (general enquiries)

Follow us on Twitter: [@OmbudsmanWales](https://twitter.com/OmbudsmanWales)

Further information about the service offered by the Public Services Ombudsman for Wales can also be found at www.ombudsman-wales.org.uk

Y PWYLLGOR SAFONAU

9/6/17

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 9/6/17

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 make written representations in respect of matters relating to Llansteffan Primary School, Llansteffan Parish Church and the Carmarthen Bay Ferries Community Interest Company.

Councillor Howells has a personal interest in such matters by virtue of paragraph 10(2)(ix)(aa) of the Code in respect of the school, paragraph 10(2)(ix)(ee) in respect of the Parish Church and paragraph 10(2)(ix)(bb) in respect of the Ferry Company in that;

1. The school is a body exercising functions of a public nature in which, as Chairman of Governors, he holds a position of general control or management. Councillor Howells was not appointed to his current position as a school governor by his community council. As such the exemption under paragraph 12(2)(a)(iv) would not allow him to participate in business that relates particularly to that school.
2. The Church should be considered as a private association in which, as a Church Warden, he is a member.
3. He is a Director of the Company

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 four grounds in the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001, namely;

- (d) No damage to public confidence
- (e) The interest is common to a significant proportion of the general public
- (f) Justified by the councillors special expertise
- (h) The business relates to the finances/property of a voluntary organisation and the member has no other interest in that business

Councillor Howells was previously granted a dispensation to speak but not vote in respect of the school and church to the end of his previous term of office. That dispensation has expired.

If the committee is minded to grant the application, it has an absolute discretion as to the duration of the grant.

DETAILED REPORT ATTACHED ?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: **LINDA REES JONES**

Head of Administration and Law

Policy, Crime & Disorder and Equalities NONE	Legal NONE	Finance NONE	ICT NONE	Risk Management Issues NONE	Staffing Implications NONE	Physical Assets NONE
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CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: **LINDA REES JONES**

Head of Administration and Law

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-153	Legal Services, County Hall

Mae'r dudalen hon yn wag yn fwriadol

GERALD HOWELLS.

10 , Glan - y - Mor ,
Llansteffan ,
Carmarthen ,
Carmarthenshire .
SA33 5LL.
Tel : 01267241255.
Mobile : 07492427359
E - mail : gerald.howells@tesco.net

Linda Rees - Jones ,
Head of Administration & Law & Monitoring Officer ,

17th May 2017 .

Dear Ms Rees-Jones ,

Re : Llansteffan and Llanybri Community Council - Dispensations
Previous Ref : LRJ/DPSC/0000.

Thank you so much for your speedy response to my email of the 15th May yesterday and for your kind words .

I had no intention of standing for Community Council again but was really pressurized by the community so to do and was more than surprised at the votes cast for me when I had not really done any canvassing at all .

I have completed a form which I had from the last time and hope that it is in order . As I said previously everything remains the same for the School and Church . As I have to make an application I have included the Carmarthen Bay Ferries CIC in which I have been asked to volunteer in the preparation work as a Director .

I do not get any remuneration for anything in which I am involved and there is no personal financial or other reward of any kind just a case of using my previous knowledge and some supposed expertise in benefiting and giving something back to the community that myself and my late wife loved when we moved here to live from Carmarthen town some 35 years ago .

I am perhaps being a bit over cautious in my dealings with dispensations and declaring interests in meetings but I want to be able to keep my Community Council fully informed on matters in which I am involved and help out in discussions but certainly not vote on such matters . I guess my legal training and what I have seen happening in courts and elsewhere lead me to wanting to be sure that I am acting properly especially since I remain on the Roll as a Non-practicing Solicitor . I trust that all will be in order for 16th June but please contact me if any clarification is needed .

Yours most sincerely and Kind regards ,




**APPLICATION TO THE STANDARDS COMMITTEE
FOR DISPENSATION**

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

1. YOUR DETAILS

Your full name:	GERALD HOWELLS
Name of your Council:	LLANSTEFFAN AND LLANYBRI COMMUNITY COUNCIL
Your address and postcode:	10, GLAN-Y-MOR, LLANSTEFFAN CARMARTHEN. CARMS. SA33 5LL
Contact telephone number(s):	HOME LANDLINE - 01267 244255 MOBILE - 07492 427359
Email address:	gerald-howells@tesco.net

2. DETAILS OF YOUR INTEREST

What is the matter under consideration?	GENERAL DISCUSSIONS REGARDING LLANSTEFFAN CHURCH, LLANSTEFFAN PRIMARY SCHOOL, CARMARTHEN BAY FERRIES COMMUNITY INTEREST COMPANY
What is your interest in the above matter?	LLANSTEFFAN CHURCH - CHURCH WARDEN AND WORSHIP LEADER, LLANSTEFFAN PRIMARY SCHOOL - CHAIR of GOVERNORS, CARMARTHEN BAY FERRIES CIC - DIRECTOR
When will the above matter be considered?	AT VARIOUS TIMES WHEN MATTERS ARISE

Are you applying for dispensation to:

Speak only: - YES

Speak and vote: - NO

Make written Representations - YES

Exercise Executive Powers - NO

3. GROUNDS FOR DISPENSATION

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

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

4. 4. INFORMATION IN SUPPORT OF YOUR APPLICATION

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

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

ON THE 10TH JUNE 2016 I RECEIVED GENERAL DISPENSATION UNDER 3.2 OF THE STANDARDS COMMITTEES (GRANT OF DISPENSATIONS) (WALES) REGULATIONS IN RESPECT OF LLANSTEFFAN PRIMARY SCHOOL AND LLANSTEFFAN CHURCH. I WAS RE-ELECTED ONTO OUR COMMUNITY COUNCIL ON 4TH MAY 2017 AND ON THE 15TH MAY 2017 ACCEPTED THE CHAIR.

I SEEK A GENERAL DISPENSATION REGARDING LLANSTEFFAN CHURCH AND LLANSTEFFAN SCHOOL AS I HOLD POSITIONS WITHIN THOSE ORGANISATIONS AND MATTERS COME UP AT TIMES INVOLVING THEM IN A SMALL LOCAL COMMUNITY AND I WISH TO OPENLY CONTRIBUTE AND TAKE A PART IN SUCH MATTERS - NONE OF WHICH WOULD BE CONTROVERSIAL BUT I WISH TO DO THINGS CORRECTLY AND IT ENABLES ME TO PARTICIPATE AND USE MY PARTICULAR, ROLE, KNOWLEDGE AND EXPERTISE TO ADD TO THE DISCUSSION.

I WAS RECENTLY ASKED TO BE INVOLVED IN LOOKING AT POSSIBILITIES FOR THE FERRY TO START UP AGAIN WITH THE AID OF POSSIBLE FUNDING FROM COASTAL COMMUNITIES FUND. I HAVE AGREED TO BECOME A DIRECTOR OF CARMARTHEN BAY FERRIES CIC. I MERELY ASK FOR DISPENSATION TO ALLOW ME TO REPORT FULLY TO MY COUNCIL ON WHAT IS GOING ON. I HAVE NO FINANCIAL INTEREST NOR DOES MY COUNCIL

BECAUSE OF MY BACKGROUND AND KNOWLEDGE AS WELL AS THE ROLES I HAVE STATED I BELIEVE THAT I HAVE A DUTY TO INFORM MY COUNCIL AND MY COMMUNITY AND ALSO PARTICIPATE IN DISCUSSIONS.

THINGS LIKE THIS ARE ALWAYS DIFFICULT IN A SMALL COMMUNITY AND COULD COME UP ON A REGULAR BASIS SO I NEED TO BE CERTAIN THAT I MEET THE RULES

OBVIOUSLY OTHER ITEMS WILL COME UP ON OUR AGENDA NOT ON A REGULAR BASIS AND I WILL THEN ADOPT THE CORRECT PROTOCOL. AT MEETINGS RELATING TO THESE MATTERS

I FEEL THE THREE ITEMS REFERRED TO HERE ARE THE ONLY ONES THAT COULD COME UP REGULARLY NEEDING MY INPUT.

(please continue on a separate sheet if necessary)

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

Signed:



Date:

17th MAY 2017

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

Guidance notes

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

Para.	Type of personal interest	
10(2)(a)	Council business which relates to or is likely to affect: <ul style="list-style-type: none"> •1 your employment or business, •2 your employer, firm or company •3 a contract made between the Council and you •4 any land, lease or licence in which you have an interest •5 a public body or other association in which you have membership or hold a position of general control or management 	
10(2)(c)	Council business which affects your well-being or financial position, or the well-being, financial position or other interests of a person with whom you live or have a close personal association	
13	Council business which is being considered by an Overview and Scrutiny Committee and which relates to a decision of the Cabinet or another Committee of which you were a member at the time [County Council only]	

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

- (a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;
- (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 or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;
- (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 the member's interest is not a pecuniary interest;**
- (h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or**
- (i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.**
- (j) It is considered appropriate in all the circumstances to do so where not otherwise possible to make reasonable adjustments to accommodate a persons disability**

Y PWYLLGOR SAFONAU

9/6/17

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
GyfraithRheolwr Dros Dro y
Gwasanaethau Cyfreithiol

Rhifau ffôn:

01267 224018

Cyfeiriadau E-bost:

RJEdgeco@sirgar.gov.uk

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

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.

Councillor Llewelyn was granted a dispensation to speak but not vote on these issues during his previous term of office. That dispensation has now expired.

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 one of its scheduled meetings, some other date or until the Councillor's term of office comes to an end.

DETAILED REPORT ATTACHED ?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: LINDA REES JONES

Head of Administration and Law

Policy, Crime & Disorder and Equalities NONE	Legal NONE	Finance NONE	ICT NONE	Risk Management Issues NONE	Staffing Implications NONE	Physical Assets NONE
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CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: LINDA REES JONES

Head of Administration and Law

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-153	Legal Services, County Hall

Mae'r dudalen hon yn wag yn fwriadol

**APPLICATION TO THE STANDARDS COMMITTEE
FOR DISPENSATION**

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

1. YOUR DETAILS

Your full name: Ian R Llewelyn

Name of your Council: Llandybie Community Council

Your address and postcode: Llaethdy, Heol Ddu, Ammanford, Carmar SA18 2UN

Contact telephone number(s): 01267 228816, 07973786987

Email address: IRLlewelyn@carmarthenshire.gov.uk

2. DETAILS OF YOUR INTEREST

What is the matter under consideration?

The transfer of County Council assets to the Community Council

What is your interest in the above matter?

The transfer of County Council assets to the Community Council relates to and affects my employer, namely Carmarthenshire County Council.

When will the above matter be considered?

Ongoing

Are you applying for dispensation to:

Speak only:

Speak and vote:

Make written
Representations

Exercise Executive
Powers

Tudalen 69

3. GROUNDS FOR DISPENSATION

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

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

4. INFORMATION IN SUPPORT OF YOUR APPLICATION

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

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

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.

(please continue on a separate sheet if necessary)

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

Signed:



Date:

17 / 5 /2017

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

Tudalen 72

Guidance notes

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

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

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

- (a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;
- (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 or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;
- (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 the member's interest is not a pecuniary interest;
- (h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member

otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or

- (i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.
- (j) It is considered appropriate in all the circumstances to do so where not otherwise possible to make reasonable adjustments to accommodate a persons disability

Y PWYLLGOR SAFONAU

9/6/17

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
9/6/17**

APPLICATION FOR DISPENSATION BY COUNCILLOR W R A DAVIES

An application for dispensation to speak only 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 3 grounds specified in the Standards Committees (Grant of Dispensation)(Wales) Regulations 2001 namely;

- (d) no damage to public confidence
- (f) participation justified due to the member's special expertise
- (h) interest relates to a voluntary organisation (limited to speaking only)

Cllr Davies has previously been granted dispensations in respect of this interest during his previous term of office, but that dispensation has now expired.

If the committee is minded to grant the application, it has an absolute discretion as to the duration of any dispensation, 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: **LINDA REES JONES**

Head of Administration and Law

Policy, Crime & Disorder and Equalities NONE	Legal NONE	Finance NONE	ICT NONE	Risk Management Issues NONE	Staffing Implications NONE	Physical Assets NONE
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CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: **LINDA REES JONES**

Head of Administration and Law

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-153	Legal Services, County Hall

Mae'r dudalen hon yn wag yn fwriadol

**APPLICATION TO THE STANDARDS COMMITTEE
FOR DISPENSATION**

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

1. YOUR DETAILS

Your full name: Councillor Anthony Davies

Name of your Council: Llandybie Community Council

Your address and postcode: C/o Mr Stuart Griffith, 4 Royal Oak Court, Llandybie, Ammanford,
Carmarthenshire SA18 2JY

Contact telephone number(s): 01269853834

Email address: cc@llandybie.org.uk

2. DETAILS OF YOUR INTEREST

What is the matter under consideration?

Matters relating to the proposed transfer of Bowls facilities from the County Council to the
Llandybie Community Council

What is your interest in the above matter?

Councillor Davies has a personal interest in the matter by virtue of the fact that he is Secretary
and Treasurer of Llandybie Tennis Club

When will the above matter be considered?

Matter is being considered on an ongoing basis until a final decision is made by Llandybie
Community Council

Are you applying for dispensation to:

Speak only:

Speak and vote:

Make written
Representations

Exercise Executive
Powers

3. GROUNDS FOR DISPENSATION

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

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

4. INFORMATION IN SUPPORT OF YOUR APPLICATION

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

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

I am Secretary and Treasurer of Llandybie Tennis Club and therefore as the pavilion is part of the Asset transfer discussions I feel that a dispensation is appropriate so that I can represent the tennis club members if necessary.

(please continue on a separate sheet if necessary)

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

Signed:



Date:

22 / 5 / 2017

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

Guidance notes

Tudalen 82

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

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

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

- (a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;
- (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 or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;
- (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 the member's interest is not a pecuniary interest;
- (h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no

other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or

- (i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.**
- (j) It is considered appropriate in all the circumstances to do so where not otherwise possible to make reasonable adjustments to accommodate a persons disability**

Y PWYLLGOR SAFONAU

9/6/17

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
9/6/17**

APPLICATION FOR DISPENSATION BY COUNCILLOR E W NICHOLAS

An application for dispensation to speak only 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 3 grounds specified in the Standards Committees (Grant of Dispensation)(Wales) Regulations 2001 namely;

- (d) no damage to public confidence
- (f) participation justified due to the member's special expertise
- (h) interest relates to a voluntary organisation (limited to speaking only)

The committee has previously granted Cllr Nicholas dispensation in respect of this interest during his previous term of office, but that dispensation has not expired.

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: **LINDA REES JONES**

Head of Administration and Law

Policy, Crime & Disorder and Equalities NONE	Legal NONE	Finance NONE	ICT NONE	Risk Management Issues NONE	Staffing Implications NONE	Physical Assets NONE
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CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: **LINDA REES JONES**

Head of Administration and Law

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-153	Legal Services, County Hall

Mae'r dudalen hon yn wag yn fwriadol

**APPLICATION TO THE STANDARDS COMMITTEE
FOR DISPENSATION**

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

1. YOUR DETAILS

Your full name: Councillor Emyr Nicholas

Name of your Council: Llandybie Community Council

Your address and postcode: C/o Mr Stuart Griffith, 4 Royal Oak Court, Llandybie, Ammanford,
Carmarthenshire SA18 2JY

Contact telephone number(s): 01269853834

Email address: cc@llandybie.org.uk

2. DETAILS OF YOUR INTEREST

What is the matter under consideration?

Matters relating to the proposed transfer of Bowls facilities from the County Council to the
Llandybie Community Council

What is your interest in the above matter?

Councillor Nicholas has a personal interest in the matter by virtue of the fact that he is Chairman
of Llandybie Tennis Club

When will the above matter be considered?

Matter is being considered on an ongoing basis until a final decision is made by Llandybie
Community Council

Are you applying for dispensation to:

Speak only:

Speak and vote:

Make written
Representations

Exercise Executive
Powers

3. GROUNDS FOR DISPENSATION

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

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

4. INFORMATION IN SUPPORT OF YOUR APPLICATION

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


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

I am Chairman of Llandybie Tennis Club and therefore as the Pavilion is part of the Asset transfer discussions I feel that a dispensation is appropriate so that I can represent the tennis club members if necessary.

(please continue on a separate sheet if necessary)

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

Signed:



Date:

22 / 5 / 2017

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

Guidance notes

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

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

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

- (a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;
- (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 or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;
- (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 the member's interest is not a pecuniary interest;
- (h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no

other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or

- (i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.
- (j) It is considered appropriate in all the circumstances to do so where not otherwise possible to make reasonable adjustments to accommodate a persons disability

Y PWYLLGOR SAFONAU

9/6/17

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
GyfraithRheolwr Dros Dro y
Gwasanaethau Cyfreithiol

Rhifau ffôn:

01267 224018

Cyfeiriadau E-bost:

RJEdgeco@sirgar.gov.uk

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

APPLICATION FOR DISPENSATION BY COUNCILLOR B REES

An application for dispensation to speak only 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 3 grounds specified in the Standards Committees (Grant of Dispensation)(Wales) Regulations 2001 namely;

- (d) no damage to public confidence
- (f) participation justified due to the member's special expertise
- (h) interest relates to a voluntary organisation (limited to speaking only)

Cllr Rees has previously been granted dispensation in respect of this interest during his previous term of office, but that dispensation has now expired.

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: **LINDA REES JONES**

Head of Administration and Law

Policy, Crime & Disorder and Equalities NONE	Legal NONE	Finance NONE	ICT NONE	Risk Management Issues NONE	Staffing Implications NONE	Physical Assets NONE
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CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: **LINDA REES JONES**

Head of Administration and Law

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-153	Legal Services, County Hall

Mae'r dudalen hon yn wag yn fwriadol

**APPLICATION TO THE STANDARDS COMMITTEE
FOR DISPENSATION**

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

1. YOUR DETAILS

Your full name: Councillor Brian Rees

Name of your Council: Llandybie Community Council

Your address and postcode: C/o Mr Stuart Griffith, 4 Royal Oak Court, Llandybie, Ammanford,
Carmarthenshire SA18 2JY

Contact telephone number(s): 01269853834

Email address: cc@llandybie.org.uk

2. DETAILS OF YOUR INTEREST

What is the matter under consideration?

Matters relating to the proposed transfer of Bowls facilities from the County Council to the
Llandybie Community Council

What is your interest in the above matter?

Councillor Rees has a personal interest in the matter by virtue of the fact that he is President of
Llandybie Bowls Club

When will the above matter be considered?

Matter is being considered on an ongoing basis until a final decision is made by Llandybie
Community Council

Are you applying for dispensation to:

Speak only:

Speak and vote:

Make written
Representations

Exercise Executive
Powers

3. GROUNDS FOR DISPENSATION

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

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

4. INFORMATION IN SUPPORT OF YOUR APPLICATION

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

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

I am President of Llandybie Bowls Club and therefore as the Bowls Pavilion is part of the Asset transfer discussions I feel that a dispensation is appropriate so that I can represent the bowls members if necessary.

(please continue on a separate sheet if necessary)

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

Signed:

BR-es

Date:

17 / 5 / 17

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

Guidance notes

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

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

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

- (a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;
- (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 or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;
- (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 the member's interest is not a pecuniary interest;
- (h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no

other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or

- (i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.
- (j) it is considered appropriate in all the circumstances to do so where not otherwise possible to make reasonable adjustments to accommodate a persons disability

Y PWYLLGOR SAFONAU

9/6/17

CAIS AM OLLYNGIAD GAN Y CYNGHORYDD PHILIP NIGEL THOMPSON

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 9/6/17

APPLICATION FOR DISPENSATION BY COUNCILLOR PHILIP NIGEL THOMPSON

An application for dispensation to speak only has been received from Councillor Philip Nigel Thompson of Kidwelly Town Council in relation to his involvement with;

1. Ynghyd Community Interest Company (of which he is a director)
2. Kidwelly Community Hub (of which he is a member of the management committee).
3. Kidwelly Luncheon Club (which is jointly run by the above organisations)

Councillor Thompson has a personal interest in this matter by virtue of the following paragraphs of the Code of Conduct;

1. 10(2)(a)(ix)(bb) as the matter relates to or is likely to affect a company in which he holds a position of general control or management
2. 10(2)(a)(ix)(ee) as the matter relates to or is likely to affect a private association in which he holds a position of general control or management

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 4 grounds specified in the Standards Committees (Grant of Dispensation)(Wales) Regulations 2001 namely;

- (d) participation would not damage public confidence
- (f) participation justified due to the member's particular role or expertise
- (g) the business is to be considered by an overview or scrutiny committee (this ground does not apply in these circumstances)
- (h) the business relates to a voluntary organisation and the councillor has no other interest in that matter (the committee may only grant a dispensation to speak under this ground).

Cllr Thompson was granted a similar dispensation in January 2017

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: **LINDA REES JONES** Head of Administration and Law

Policy, Crime & Disorder and Equalities NONE	Legal NONE	Finance NONE	ICT NONE	Risk Management Issues NONE	Staffing Implications NONE	Physical Assets NONE
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CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: **LINDA REES JONES** Head of Administration and Law

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-153	Legal Services, County Hall

Mae'r dudalen hon yn wag yn fwriadol

APPLICATION TO THE STANDARDS COMMITTEE FOR DISPENSATION

1. YOUR DETAILS:

Your full name: Philip Nigel Thompson

Name of your Council: Kidwelly Town Council

Your address and postcode: 27, Llys Gwenllian, Kidwelly, Carmarthenshire, SA17 5JT

Contact telephone number(s):07470260577

Email address:ddraigtaliesin@yahoo.co.uk /

2. DETAILS OF YOUR INTEREST:

What are the matters under consideration?

1: A specific issue regarding the creation of an adult changing place in the Town Toilets, which involves a policy decision regarding the proposed asset transfer from the County Council. This is in respect of (a)an in principle decision to proceed or not, (b) the terms on which the changing plsce would be set up including potentially terms of any sub-lease from the Council to Ynghyd CIC

2: I would also like a general dispensation regarding the work of Ynghyd CIC in Kidwelly, which involves promoting inclusion projects and events.

3: The work of the the Kidwelly Community Hub and the Kidwelly Luncheon Club, which is run by the organisations jointly and for which I am the lead contact for the Big Lottery grant.

What are your interests in the above matters?

1: A director of Ynghyd CIC

2: Committee member of Kidwelly Community Hub. (The Authority has representatives on both, who are not directors or direct committee members).

When will the above matter be considered?

1; Ongoing agenda items on Full Council, Finance and General Purposes Committees until resolution in respect of the Town Toilets and changing room, ongoing in respect of the general work of Ynghyd CIC. the Hub and luncheon club.

I am applying for dispensation to:

Speak only:

3. GROUNDS FOR DISPENSATION

- my participation would not damage public confidence
- my participation in the business is justified by my particular role or expertise;
- the business is to be considered by an overview and scrutiny committee and my interest is not a pecuniary interest;
- the business relates to the finances or property of a voluntary organisation of whose management committee or board I am a member and I have no other interest

4. INFORMATION IN SUPPORT OF YOUR APPLICATION

1: In respect of the adult changing place, I have a particular knowledge and expertise in the matter. In general this is because of my background and other rôles I undertake, I am a director of Disability Wales and former Director of Disability Rights UK.

Further I have particular expertise having practiced in Disability discrimination law and equality law at the Welsh and English Bar.

In terms of the proposed changing room project I am one of the lead members of the team involved and have a particular knowledge of the negotiations and equipment involved.

I do not believe that public confidence would be damaged as the proposal involves Ynghyd CIC putting additional resources and equipment into the Town at a cost to the organisation. In addition the proposed resource will be a valuable community asset, which would be particularly welcomed by the disabled community.

In respect of Ynghyd CIC, we are a properly constituted and registered CIC, (articles are on

this Committee's record from previous application), which is a not for profit organisation with social and community aims.

The Articles do provide as a standard clause for remuneration of directors, but I and the other directors have not been remunerated, (in reality have contributed), and I have no intention of seeking remuneration from the organisation in general and would have no pecuniary gain in this or the luncheon club projects, nor in the running of the Kidwelly Community Hub.

2: In respect of the luncheon club I am the lead officer on the project which is an Ynghyd / Kidwelly Community Hub project and have unique knowledge of the discussions with funders, venue and the meal providers and the structure and budget of the project. This means as in the case of the changing place I can assist the Authority by ensuring the discussion is fully informed of the full picture of the projects.

The Hub is an unincorporated community project, which is an Ynghyd supported project with its own management committee. I receive no remuneration and have no personal pecuniary interest.

The comments re public confidence and remuneration as set out above apply and are this repeated in respect of this application.

Summary

I request an exemption to speak only

(A) In respect of the Town Toilets and Ynghyd CICs involvement in a potential asset transfer and conversion to an adult changing continuing until the resolution of the matter or end of my term of office, whichever is the sooner.

(B) In respect of Ynghyd CIC and the Kidwelly Community Hub affairs and projects in particular the Kidwelly Luncheon Club for the same period.

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

Signed: *Mr. Philip Thompson* Date: 1st June 2017

Mae'r dudalen hon yn wag yn fwriadol

Y PWYLLGOR SAFONAU

9/6/17

CAIS AM OLLYNGIAD GAN CYNGHORWYR O GYNGOR
CYMUNED GORS-LAS

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

Y rhesymau:

Mae cynnwys yr adroddiad hwn 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 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
9/6/17**

APPLICATION FOR DISPENSATION BY COUNCILLORS FROM GORSLAS COMMUNITY COUNCIL

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

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

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

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

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

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

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

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

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

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

DETAILED REPORT ATTACHED?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: **LINDA REES JONES** Head of Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: **LINDA REES JONES** Head of Administration and Law

Scrutiny Committee Not applicable
 Local Member(s) Not applicable
 Community / Town Council Not applicable
 Relevant Partners Not applicable
 Staff Side Representatives and other Organisations *Not applicable*

Section 100D Local Government Act, 1972 – Access to Information
 List of Background Papers used in the preparation of this report:
THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-153	Legal Services, County Hall

Mae'r dudalen hon yn wag yn fwriadol

**APPLICATION TO THE STANDARDS COMMITTEE
FOR DISPENSATION**

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

1. YOUR DETAILS

Your full name: Please see appendix A attached

Name of your Council: Cyngor Cymuned Gorslas Community Council

Your address and postcode: Please see appendix A attached.

Contact telephone number(s): 01267 232 063

Email address: Gorslas.CC.Clerk@gmail.com

2. DETAILS OF YOUR INTEREST

What is the matter under consideration?

Matters relating to School Governing Bodies and possible school re-organisations/closure and the proposal to build a new school on the Gorslas Park site which is owed by the Community Council.

What is your interest in the above matter?

That Councillors are also members of Governing Bodies of schools in the area and should there be an issue discussed, or support offered by the Council in relation to proposals relating to those schools the Community Councillors would wish, in the interests of transparency for that link to be known.

That the Community Council is shortly to engage in negotiations with the County Council relating to the possibility of the sale of land owned by the Community Council to the County Council for the purposes of establishing a new primary school.

That two members of the Community Council are also County Councillors and thus could be seen as having a prejudicial, but not personal, interest in ensuring the sale of the land to the County Council of which they are elected members.

Tudalen 117

When will the above matter be considered?

Matters relating to school governance could arise at any point during the year.

The proposals relating to the possible sale of land to the County Council for the building of a new school will commence in June/July 2016 and may continue throughout the year.

Are you applying for dispensation to:

Speak only:

Speak and vote:

Make written
Representations

Exercise Executive
Powers

3. GROUNDS FOR DISPENSATION

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

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

4. INFORMATION IN SUPPORT OF YOUR APPLICATION

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

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

Community Councillors who are also members of school Governing Bodies provide a valuable service in linking the community with those schools.

The Community Council is not involved directly in the running of schools. The public do however refer practical issues as well as any proposed strategic changes to the schools' network in an area to the Community Council.

The Community Council is of the view that the current model benefits both the Community as well as the school and provides a valuable channel of communication and dialogue.

In the interests of transparency members would wish for the involvement to be noted and for a dispensation to be granted to allow them to speak, participate and vote in any discussion related the Community Council related to the schools on which they serve as Governors.

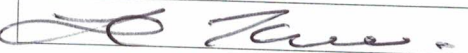
The two members of the Community Council who are also members of the County Council ie the body who is seeking to purchase land from the Community Council for the purposes of building a new school, would not benefit personally by any decision to sell the land to the County Council.

If prohibited from speaking or voting on the matter they would not be able to convey or represent the feelings of their constituents to the Community Council and a valuable opportunity for a significant number of local residents to have their views considered would be lost.

The Community Council respectfully request that consideration be given to the granting of a dispensation in these circumstances.

(please continue on a separate sheet if necessary)

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

Signed: 

Date: 17 / 05 /17

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

Tudalen 120

Councillor	School	How Appointed	Applicable Exemptions	Dispensation Required
Simon Martin	Cefneithin	Nominated by Gorslas CC	Paragraph 12(2)(iii) of Code applies.	Dispensation required to enable Cllr Martin to speak and vote in relation to any matter that particularly relates to Cefneithin School
Darren Price	Drefach	LA Governor	Paragraph 12(2)(iv) of Code applies	Dispensation required to enable Cllr Price to speak and vote in relation to any matter that particularly relates to Drefach School
Nia Lewis	Drefach	Nominated by Gorslas CC	Paragraph 12(2)(iii) of Code applies	Dispensation required to enable Cllr Lewis to speak and vote in relation to any matter that particularly relates to Drefach School
Aled Vaughan Owen		Not currently a governor, but as newly elected Cllr, he has indicated that he wishes to serve as LA Governor at Maes y Gwendraeth.		
Janice Price	Gorslas	LA Governor	Paragraph 12(2)(iv) of Code applies	Dispensation required to enable Cllr Price to speak and vote in relation to any matter that particularly relates to Gorslas School

Mae'r dudalen hon yn wag yn fwriadol

Y PWYLLGOR SAFONAU

9/6/17

CAIS AM OLLYNGIAD GAN CYNGHORWYR O GYNGOR
CYMUNED GORS-LAS

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

Y rhesymau:

Mae cynnwys yr adroddiad hwn 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 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
9/6/17**

**APPLICATION FOR DISPENSATION BY COUNCILLORS FROM GORSLAS
COMMUNITY COUNCIL**

An application has been received on behalf of 12 elected members of Gorslas Community Council for the grant of a dispensation to speak and vote on matters relating to 3 recreation parks owned and maintained by the Community Council. A copy of the application is attached to this report.

The Councillors have a personal interest in these matters pursuant to paragraph 10(2)(ix)(ee) of the code in that they are members of local Welfare Association Committees which are involved in the running of those parks.

The Councillors were not appointed to their roles on those committees by the Community Council.

The Councillor's interests are prejudicial as a member of the public with knowledge of the relevant facts would reasonably regard that interest as so significant that it is likely to prejudice the Councillors judgement of the public interest. For example when the Community Council is deciding whether or not to spend monies on the parks a member of the public could reasonably conclude that the fact a Councillor is a member of the relevant Welfare Association committee would influence their view as to whether the money should be spent on the park or on some other issue unconnected with the Association.

The Councillors have no direct financial interest in their respective welfare associations.

In the Committee has previously granted dispensations to 15 elected members of the Council in relation to the same matters. Those dispensations expired when those members' terms of office came to an end. Furthermore, the identity of some of the members concerned has changed following the local government elections.

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

If the committee is minded to grant these applications it is suggested that this be on ground 2(a) in the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001, namely that the interest affects no fewer than half the members of the authority.

In granting a dispensation the Committee has absolute discretion as to how long it lasts for.

DETAILED REPORT ATTACHED?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: **LINDA REES JONES** Head of Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: **LINDA REES JONES** Head of Administration and Law

Scrutiny Committee Not applicable
 Local Member(s) Not applicable
 Community / Town Council Not applicable
 Relevant Partners Not applicable
 Staff Side Representatives and other Organisations *Not applicable*

Section 100D Local Government Act, 1972 – Access to Information
 List of Background Papers used in the preparation of this report:
THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-153	Legal Services, County Hall

Mae'r dudalen hon yn wag yn fwriadol

APPLICATION TO THE STANDARDS COMMITTEE FOR DISPENSATION

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

1. YOUR DETAILS

Your full name: Schedule of Members Names Attached

Name of your Council: Gorslas Community Council

Your address and postcode: As per attached schedule

Contact telephone number(s): As per attached schedule

Email address: Gorslas.CC.Clerk@gmail.com

2. DETAILS OF YOUR INTEREST

- Member of the Welfare Committee

Explanatory Note - Welfare Committees.

- The Community Council is the owner of parks at Gorslas, Drefach and Cefneithin and makes strategic and operational decisions relating to both the provision in general or at an individual park.
- There are Welfare Associations in each of those communities who have a role in the running of the park in their particular area.
- Each Community Councillor is also a member of the Welfare Association for the area in which their electoral Ward falls.
- The Community Councillors do not have a direct personal or financial interest in any of the three Welfare Associations.
- Dispensation is sought to allow Community Councillors, to speak and vote at meetings of the Community Council on matters related to any of the three parks, including the park for which they are also members of the Welfare Association.

What is your interest in the above matter?

- As a member of the Welfare Committee which could potentially benefit from a decision made by the Community Council relating to the park for which I am also a member of the Welfare Committee.

When will the above matter be considered?

Park matters will arise at each meeting of the Community Council during the 2017/18 year.

Are you applying for dispensation to:

Speak only:

Speak and vote:

Make written
Representations

Exercise Executive
Powers

3. GROUNDS FOR DISPENSATION

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

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

4. INFORMATION IN SUPPORT OF YOUR APPLICATION

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

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

The parks represent a significant area of service provision and engagement with the community for the Community Council.

With each of the Community Councillors serving on one of the Welfare Associations in the area the arrangement facilitates the pooling and sharing of experiences and resources as well as providing opportunities for service development and growth.

The arrangement has worked well over a significant number of years and has been a positive development for the Council and the areas which it serves.

Without such an arrangement Community Councillors would have to withdraw from membership of the relevant Welfare Association and a significant link with the Community would be lost with a loss of partnership working including the sharing and pooling of the knowledge and resources and expertise which has been developed over a number of years.

Changing the arrangement would provide a poorer service for each community and work against the efficient delivery and co-ordination of services in the area.

Members seek the permission of the Council to continue with the arrangement.

(please continue on a separate sheet if necessary)

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

Signed:



Date:

17 / 05 /17

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

Tudalen 130

Surname	Known Name
Cefneithin	
Martin	Simon
Jones	Terry
	David
Evans	Mervyn
Kirby	Brian
Price	Darren
Drefach	
Edwards	Wyn
Green	Clive
Rees	Anthony
Jukes	Tina
Lewis	Nia
Gorslas	
Vaughan	
Owen	Aled
Price	Janice

Mae'r dudalen hon yn wag yn fwriadol