

Appendix 4

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| <p>Application by</p> | <p>6 Councillors Roger Lloyd, Meirion H. Jones, Peter Williams, John Elfin Jones, Richard Peter Williams and Emrys Griffiths – Penybontfawr Community Council – Involvement with Canolfan Pennant Community Centre.</p> |
| <p>STEP 1 Personal Interest(s) under paragraph 10 of the Code.</p> | <p>5 of these 6 Councillors, namely Emrys Griffiths, John Elfin Jones, Meirion H. Jones, Peter Williams and Richard Peter Williams sit on the Community Centre Management Committee otherwise than by Town Council appointment.</p> <p>Therefore Paragraph 10(2)(a)(viii) will not apply but Paragraph 10(2)(a)(ix) would appear to be relevant - (bb) - Body directed to charitable purposes and/or (ee) – private club, society or association operating within the authority’s area in which (in both cases) the Councillor holds a position of general control or management or is a member.</p> <p>In relation to Councillor Roger Lloyd who has been appointed to the Management Committee by the Town Council Paragraph 10(2)(a)(viii) will apply.</p> <p>Councillors Meirion H. Jones and Roger Lloyd both have wives serving on the Management Committee and, therefore, Paragraph 10(2)(c)(v) will also be relevant in their case.</p> <p>Finally Councillor Meirion H. Jones’ wife, in addition to serving on the Management Committee, is also a Caretaker. Arguably, therefore, Paragraph 10(2)(c)(i) also applies.</p> |
| <p>STEP 2 Exemptions under paragraph 12 (2) & (3) of the Code.</p> | <p>In relation to Councillor Roger Lloyd the exemption in Paragraph 12(2)(a)(iii) – a Body to which the Councillor has been elected, appointed or nominated by his or her</p> |

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| | <p>Council – would apply in relation to the personal interest existing under Paragraph 10(2)(a)(viii). However Councillor Lloyd has another personal interest under Paragraph 10(2)(c)(v) (wife sitting on Management Committee) and this type of personal interest is not catered for in the exemptions in Paragraph 12 .</p> <p>In relation to the other 5 Councillors none of the exemptions in Paragraph 12 appear to be relevant. The exemption in Paragraph 12(3) appears no to be relevant as the funding by the Town Council to the Management Committee will exceed the maximum £500 permitted.</p> <p>In summary, therefore, it would appear that all 6 Councillors are ultimately in the same position that they have personal interests in respect of which none of the exemptions in Paragraph 12 are relevant.</p> |
| <p>STEP 3 Application of “public perception” test under paragraph 12 (1) of the Code.</p> | <p>In applying the Paragraph 12(1) test it may be difficult for the Sub-Committee not to conclude that all 6 Councillors have a prejudicial interest. It is reasonable to suppose that public perception would regard their personal interests in the Management Committee/Community Centre (their membership or that of their spouse) as so significant that whenever a matter relating to the Community Centre was discussed at the Community Council the potential conflict of interest would be so significant as to be likely to prejudice their judgement of the public interest in performing their role as a Community Councillor.</p> |
| <p>STEP 4 Ground(s) on which dispensation could be granted</p> | <p>In relation to Councillors sitting on voluntary/charitable type local bodies other than by way of appointment by their own Council ground (h) of the 2001 Regulations is normally the ground which would be considered -</p> |

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| | <p>the business relates to the finances or property of a voluntary organisation of whose management committee or board the Councillor is a member otherwise than as a representative of his/her Council.</p> <p>However this ground only enables the grant of dispensation to speak and not vote and, therefore, in this particular situation would not overcome the difficulty of the Community Council having insufficient numbers to constitute a quorum to conduct business relating to the Community Centre (only 1 of the 7 Councillors may vote).</p> <p>Ground (a) of the 2001 Regulations - fewer than half the members have an interest in the business in question - therefore, needs to be considered.</p> |
| <p>STEP 5 Determine the application:-</p> <p>(i) Refuse</p> <p>(ii) Approve:-</p> <ul style="list-style-type: none"> (a) attend (b) speak (c) vote (d) exercise Board Function (e) seek to influence (f) make written communications (g) make oral representations | <p>But for the difficulty with virtually the whole Council having interests this application would normally be dealt with on the basis of ground (h) of the 2001 Regulations which would result in Councillors being eligible for dispensations to speak but not vote.</p> <p>So as to observe that general approach as far as possible it is suggested that the Sub-Committee consider granting dispensations to vote under ground (a) of the 2001 Regulations to as few Councillors as reasonably enables the business of the Council to be conducted. The quorum for this Council is 3.</p> <p>As Councillors Meirion H. Jones and Roger Lloyd have personal interests additional to those relating to their own membership of the Management Committee it is suggested that the Sub-Committee do not give them dispensations to vote. If this approach is followed this leaves 4 of the applicants to be considered for dispensations to vote. If all 4 are</p> |

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| | <p>granted dispensations this will result in 5 of the total 7 Councillors on the Council being able to vote. This needs to be contrasted with the quorum for this Council of 3.</p> <p>In the event of the Sub-Committee granting a dispensation it would also need to consider whether that dispensation should be limited to exclude the regulatory type matters set out in Paragraph 12(3) of the Code.</p> <p>The Sub-Committee is reminded that at the last meeting it was decided in another case not to grant a dispensation in respect of regulatory type matters.</p> |
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