

**CYNGOR SIR POWYS COUNTY COUNCIL.****Standards Community Sub- Committee  
2<sup>nd</sup> February 2011**

**REPORT BY:** Strategic Director – Law and Governance  
**SUBJECT:** Matters appertaining to Standards Issues

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**REPORT FOR:** Decision, Information and Discussion

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**A. Referral of Councillors to Public Services Ombudsman****A1. Town and Community Councillor Referrals**

**A1.1** The Ombudsman has written with regard to the one new case, referred to at the previous Standards Committee meeting. The Ombudsman has decided that without independent corroborative evidence it would not be possible to determine the complaint and has decided not to investigate the case.

Four further complaints regarding Town and Community Councillors have been received by the Ombudsman since the last meeting.

Complaints regarding three Town and Community Councillors related to the same issue. The matter related to the failure to disclose an interest. It was found that the three Members did not dispute that they had a personal interest and indeed had declared the interest at previous meetings. It may have been the case that the three Members were relying on previously having disclosed this interest. This failure to disclose is incorrect as interests must be disclosed on every relevant occasion. The Ombudsman therefore found that there was evidence a breach may have occurred. However, he was not persuaded that the breach would attract a sanction from the Standards Committee and felt that to investigate the matter would be disproportionate to any potential breach.

In respect of one element of the complaint relating to the signing of a lease which was considered to be ultra vires, the Ombudsman has asked the Monitoring Officer to consider whether advice should be provided to the Community Council regarding this matter.

The Ombudsman has decided not to investigate the final complaint as it related to concern over the use of public funds. The Ombudsman directed the complainant to the Wales Audit Office.

## **B. Dispensations**

### **B1. Applications - Town and Community Councillors**

#### **B1.1 Llanbadarn Fynydd**

Three applications have been received from Councillors O. M. Lewis, W. P. Lewis and G. Price of Llanbadarn Ffynnydd Community Council. The applicants are seeking dispensation on the grounds that 5 out of 7 Community Councillors have an interest in matters relating to windfarms. The Clerk has been asked to provide further information which will be available after the next Community Council meeting at the end of February.

#### **B1.2 Presteigne and Norton Town Council**

Three applications have been received from Town Councillors James Tennant-Eyles, Jennie Simpson and John Kendall. Copies of the applications **Appendix 1**, together with observations **Appendix 2** are attached to this report.

## **C. Standards Conference**

ACSeS have welcomed Powys' offer to host the Standards Conference. Staff are researching venues and will be working with ACSeS to identify speakers and the programme.

## **D. Meeting Dates.**

**D1.** To note dates of future meetings as follows:

27<sup>th</sup> April, 2011  
29<sup>th</sup> June, 2011  
7<sup>th</sup> September, 2011  
30<sup>th</sup> November, 2011

All meetings to commence at 10.00am with the option of training available afterwards.

Contact Officer Name:	Tel:	Fax:	Email:
<i>Clarence Meredith, Strategic Director – Law and Governance.</i>	<i>01597 826395</i>	<i>01597 826220</i>	<a href="mailto:Clarence@powys.gov.uk"><u>Clarence@powys.gov.uk</u></a>

**POWYS STANDARDS COMMITTEE  
COMMUNITY SUB-COMMITTEE**

**APPLICATION FOR DISPENSATION BY MEMBER WITH  
PREJUDICIAL INTEREST**

**I, Councillor John Kendall of Presteigne and Norton Town Council hereby apply to the Powys Standards Committee/Community Sub-Committee for a Dispensation to participate, as described in Section 1 below, in that business of the Council described in Section 2 below notwithstanding that I have the Prejudicial Interest(s) detailed in Section 3 below.**

**I make this application on the ground(s) set out in Section 4 below which I submit apply because of the reasons detailed in Section 5 below.**

**SECTION 1**

**Indicate how you wish to participate by placing a tick in the right hand column against the relevant category below**

<b>Attend a meeting</b>	<b>X</b>
<b>Speak at a meeting</b>	<b>X</b>
<b>Vote at a meeting</b>	
<b>Seek to influence a decision on a matter</b>	
<b>Make written representations</b>	<b>X</b>
<b>Make oral representations</b>	<b>X</b>
<b>Exercise Board functions (County Councillor only)</b>	

**SECTION 2**

**Describe in the box below the business in which you wish to participate including details of how your Council will deal with the matter, what meetings will be held to consider it, when and where they will be held and those taking part.**

I wish to participate in that part of the town council's annual setting of its precept at the meeting on January 19<sup>th</sup> 2011 at the Judge's Lodging, Broad Street, Presteigne, (and any adjournment of that meeting) which will relate to the consideration of a grant application by the Presteigne Festival of Music and the Arts ("the Presteigne Festival"). Those taking part will be the other members of the council assisted by its clerk.

**SECTION 3**

**Detail the PREJUDICIAL interest(s) you have in the business referred to in Section 2 above. Please refer to the attached Guidance Notes and include the relevant category reference e.g C.4 if the matter concerns a good friend of yours who stands to benefit as a result of a decision on the matter.**

I am chairman of the Presteigne Festival.

**SECTION 4**

**Set out the GROUND(S) upon which you rely by placing a tick in the right hand column against the relevant category/ies below.**

(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;	X
(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;	X
(g) The business to which the interest relates is to be considered by an Overview and Scrutiny Committee of the relevant Authority and <b>the Member's interest is not a pecuniary interest.</b>	<b>X to second bit</b>
(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	X
(i) It appears to the committee to be in the interests of the	X

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.	
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**SECTION 5**

**Detail in full the reasons why you submit the grounds selected in Section 4 apply in the case of your application and justify the grant of the dispensation you seek**

I wish to attend the part of the meeting when the grant is considered so that I can answer questions from other councillors. I would not seek to influence a decision on the matter, let alone vote on it.  
(d) applies because it is well known that I am chairman of the Festival, a position I have held for nearly ten years: (f) applies because I can provide information because of my position with the festival: (g) part two in bold applies because my interest isn't a pecuniary interest: (h) applies because I have no other interest and I won't be voting: (i) applies because it is the interests of local inhabitants for me to be there to answer questions.

**Applicant's home address: The Manor House, St David's Street,  
Presteigne Powys LD8 2BP\_  
Applicant's telephone number: 01544 260019**

**Applicant's fax number: not on fax except with prior notice**

**Applicant's E Mail address: jkendall@btinternet.com**

**SIGNED:** 

**DATED:** 13 Dec 2010

**This form fully completed, signed and dated should be returned to**

**Mrs Elizabeth Patterson, Committee Clerk, Legal, Scrutiny and  
Democratic Services, County Hall, Llandrindod Wells, Powys, LD1 5LG.**

**Tel No. 01597 826980**

**Fax No. 01597 826220**

**POWYS STANDARDS COMMITTEE  
COMMUNITY SUB-COMMITTEE**

**APPLICATION FOR DISPENSATION BY MEMBER WITH  
PREJUDICIAL INTEREST**

I, Councillor Jennie Simpson, of Presteigne and Norton Town Council hereby apply to the Powys Standards Committee/Community Sub-Committee for a Dispensation to participate, as described in Section 1 below, in that business of the Council described in Section 2 below notwithstanding that I have the Prejudicial Interest(s) detailed in Section 3 below.

I make this application on the ground(s) set out in Section 4 below which I submit apply because of the reasons detailed in Section 5 below.

**SECTION 1**

Indicate how you wish to participate by placing a tick in the right hand column against the relevant category below

Attend a meeting	X
Speak at a meeting	X
Vote at a meeting	
Seek to influence a decision on a matter	
Make written representations	X
Make oral representations	X
Exercise Board functions (County Councillor only)	

**SECTION 2**

Describe in the box below the business in which you wish to participate including details of how your Council will deal with the matter, what meetings will be held to consider it, when and where they will be held and those taking part.

I wish to participate in that part of the town council's annual setting of its precept at the meeting on January 19<sup>th</sup> 2011 at the Judge's Lodging, Broad Street, Presteigne, (and any adjournment of that meeting) which will relate to the consideration of a grant application by the Presteigne Chamber of Trade Commerce and Industry. Those taking part will be the other members of the council assisted by its clerk.

**SECTION 3**

**Detail the PREJUDICIAL interest(s) you have in the business referred to in Section 2 above. Please refer to the attached Guidance Notes and include the relevant category reference e.g C.4 if the matter concerns a good friend of yours who stands to benefit as a result of a decision on the matter.**

I a member of the Presteigne Chamber of Trade Commerce and Industry

**SECTION 4**

**Set out the GROUND(S) upon which you rely by placing a tick in the right hand column against the relevant category/ies below.**

(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;	X
(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;	X
(g) The business to which the interest relates is to be considered by an Overview and Scrutiny Committee of the relevant Authority and <b>the Member's interest is not a pecuniary interest.</b>	<b>X to second bit</b>
(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 the dispensation shall not extend to participation in any vote with respect to that business; or	X
(i) It appears to the committee to be in the interests of the	X

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.	
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### SECTION 5

**Detail in full the reasons why you submit the grounds selected in Section 4 apply in the case of your application and justify the grant of the dispensation you seek**

I wish to attend the part of the meeting when the grant is considered so that I can take part in the discussion and can answer questions from other councillors. I would not seek to vote on the matter.  
(d) applies because it is well known that I am a member of the Chamber of Trade of which I have been a member for 6 years: (f) applies because I can provide information because of my position with the chamber: (g) part two in bold applies because my interest isn't a pecuniary interest: (h) applies because I have no other interest and I won't be voting: (i) applies because it is the interests of local inhabitants for me to be there to answer questions.

**Applicant's home address: \_Northwood, Slough Lane, Presteigne, Powys, LD8 2NH**

**Applicant's telephone number: \_01544 262768**

**Applicant's fax number: \_n/a**

**Applicant's E Mail address: simpsonjenni@yahoo.co.uk**

**SIGNED:** 

**DATED:** 13-12-10

**This form fully completed, signed and dated should be returned to**

**Mrs Elizabeth Patterson, Committee Clerk, Legal, Scrutiny and Democratic Services, County Hall, Llandrindod Wells, Powys, LD1 5LG.**

**Tel No. 01597 826980**

**Fax No. 01597 826220**

**E Mail. Elizabeth.patterson@powys.gov.uk**

**From whom further information and advice may be obtained.**

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**POWYS STANDARDS COMMITTEE  
COMMUNITY SUB-COMMITTEE**

**APPLICATION FOR DISPENSATION BY MEMBER WITH  
PREJUDICIAL INTEREST**

**I, Councillor James Tennant-Eyles, of Presteigne and Norton Town Council**

**hereby apply to the Powys Standards Committee/Community Sub-Committee for a Dispensation to participate, as described in Section 1 below, in that business of the Council described in Section 2 below notwithstanding that I have the Prejudicial Interest(s) detailed in Section 3 below.**

**I make this application on the ground(s) set out in Section 4 below which I submit apply because of the reasons detailed in Section 5 below.**

**SECTION 1**

**Indicate how you wish to participate by placing a tick in the right hand column against the relevant category below**

<b>Attend a meeting</b>	<b>X</b>
<b>Speak at a meeting</b>	<b>X</b>
<b>Vote at a meeting</b>	
<b>Seek to influence a decision on a matter</b>	
<b>Make written representations</b>	<b>X</b>
<b>Make oral representations</b>	<b>X</b>
<b>Exercise Board functions (County Councillor only)</b>	

**SECTION 2**

**Describe in the box below the business in which you wish to participate including details of how your Council will deal with the matter, what meetings will be held to consider it, when and where they will be held and those taking part.**

I wish to participate in that part of the town council's annual setting of its precept at the meeting on January 19<sup>th</sup> 2011 at the Judge's Lodging, Broad Street, Presteigne, and any adjournment of that meeting, which will relate to the consideration of a grant application by the Presteigne Festival of Music and the Arts ("the Presteigne Festival"), the Presteigne Chamber of Trade Commerce and Industry, The Presteigne and Norton Community Trust Ltd. Those taking part will be the other members of the council assisted by its clerk.

### SECTION 3

Detail the **PREJUDICIAL** interest(s) you have in the business referred to in Section 2 above. Please refer to the attached Guidance Notes and include the relevant category reference e.g C.4 if the matter concerns a good friend of yours who stands to benefit as a result of a decision on the matter.

I am a Director of the Presteigne Festival.  
 I am Chairman of the Presteigne and Norton Community Trust Ltd  
 I am President of the Presteigne Chamber of Trade Commerce and Industry

### SECTION 4

Set out the **GROUND(S)** upon which you rely by placing a tick in the right hand column against the relevant category/ies below.

(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;	X
(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;	X
(g) The business to which the interest relates is to be considered by an Overview and Scrutiny Committee of the relevant Authority and <b>the Member's interest is not a pecuniary interest.</b>	X to second bit
(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	X

(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.	<b>X</b>
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**SECTION 5**

**Detail in full the reasons why you submit the grounds selected in Section 4 apply in the case of your application and justify the grant of the dispensation you seek**


I wish to attend the part of the meeting when the grants are considered so that I can take part in the discussion and can answer questions from other councillors. I would not seek to vote on these matters.  
 (d) applies because it is well known that I am a Director of the Festival, a position I have held for nearly 6 years, President of the Chamber of Trade of which I have been a member for 14 years, and Chairman of the Presteigne and Norton Community Trust Ltd of which I have been a member for 12 years : (f) applies because I can provide information because of my position within the organisations: (g) part two in bold applies because my interest isn't a pecuniary interest: (h) applies because I have no other interest and I won't be voting: (i) applies because it is the interests of local inhabitants for me to be there to answer questions.

**Applicant's home address: Boulfibrooke House, Norton Road, Presteigne, Powys, LD8 2EU**

**Applicant's telephone number: 01544 267363**

**Applicant's fax number: 01544 260661**

**Applicant's E Mail address: jteyles@homecall.co.uk**

**SIGNED: **

**DATED: 11/12/10**

**This form fully completed, signed and dated should be returned to**

**Mrs Elizabeth Patterson, Committee Clerk, Legal, Scrutiny and Democratic Services, County Hall, Llandrindod Wells, Powys, LD1 5LG.**

**Tel No. 01597 826980**

**Fax No. 01597 826220**

**E Mail. Elizabeth.patterson@powys.gov.uk**

**From whom further information and advice may be obtained.**

V:\wlegal\Clarence\Standards\Dispensation Application Powys Standards Committee

Application by	Councillor J Kendall
Council	Presteigne and Norton Town Council
Involvement With	Presteigne Festival of Music and the Arts
Business To Be Considered	Funding, Planning and General Matters
<b>Background</b>	<p>Councillor Kendall is Chairman and Trustee of the Presteigne Festival of Music and the Arts.</p> <p>He has not been appointed by the Town Council to this body.</p> <p>The Presteigne Festival of Music and the Arts is seeking an annual grant of £1000 from the Town Council.</p> <p>The Presteigne Festival of Music and the Arts is a registered charity - Charity Registration No 1039968</p> <p>The applicant is seeking a dispensation to:</p> <ul style="list-style-type: none"> <li>(i) Attend a meeting</li> <li>(ii) Speak at a meeting</li> <li>(iii) Make written representations</li> <li>(iv) Make oral representations.</li> </ul> <p>The applicant does not wish to Vote.</p>
<b>STEP 1</b> Personal Interest(s) under paragraph 10 of the Code.	<p>He has not been appointed by the Town Council to this body. Therefore Paragraph 10(2)(a)(viii) will not apply.</p> <p>Paragraph 10(2)(a)(ix) would appear to be relevant:</p> <p>(bb) company, industrial and provident society, charity, or body directed to charitable purposes in which (in all cases) the Councillor holds a position of general control or management or is a member.</p>
<b>STEP 2</b> Exemptions under paragraph 12 (2) & (3) of the Code.	<p>In relation to Councillor Kendall the exemption in Paragraph 12(2)(c) would apply in relation to the personal interest existing under Paragraph 10(2)(a)(ix).</p> <p>(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500</p> <p>However for grant funding above £500 no exemption would apply and therefore in relation to that situation further consideration as detailed in step 3 below needs to take place.</p> <p>In relation to non-financial matters the Sub-Committee similarly needs to consider the application as detailed in step 3 below.</p>
<b>STEP 3</b> Application of “public perception” test under paragraph 12 (1)	<p><b><u>Financial.</u></b></p> <p>In applying the Paragraph 12(1) test in relation to grant funding</p>

<p>of the Code.</p>	<p>it may be helpful for the Sub-Committee to approach the issue in this way i.e. to ask itself :</p> <p>“Is it reasonable to suppose that public perception would regard the Councillor’s personal interest, as so significant that whenever a proposal to grant aid this / these organisation(s) in excess of £500 was discussed at the Town Council the potential conflict of interest would be so significant as to be likely to prejudice his / her judgement of the public interest in performing his / her role as a Town Councillor?”</p> <p>It is difficult to conclude that the Sub-Committee would answer this question otherwise than in the affirmative given the amount of money involved i.e. that a prejudicial interest would exist in this situation.</p> <p><b><u>Non-Financial.</u></b></p> <p>In applying the Paragraph 12(1) test in relation to non-financial type business involving this / these organisation(s) it is suggested that the Sub-Committee approach the issue by asking itself a similar question to that posed above.</p> <p>Again it is difficult to conclude that the Sub-Committee would answer this question otherwise than in the affirmative i.e. that a prejudicial interest would exist in this situation, unless the business under discussion involving the organisation(s) is of such a nature that it would be categorised as trivial, insignificant or uncontentious.</p>
<p><b>STEP 4</b> Ground(s) on which dispensation could be granted</p>	<p>The Sub-Committee is therefore required to consider a dispensation for grant funding above the maximum of £500 for the organisation(s).</p> <p>The Sub-Committee is also required to consider a dispensation in relation to non-financial matters concerning this / these organisation(s) other than business which would be of such a nature that it would be categorised as trivial, insignificant or uncontentious.</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> <p>(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 Councillor 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..</p> <p>However this ground only enables the grant of dispensation to</p>

	<p>Speak and not vote.</p> <p>In relation to the Councillor's membership of this organisation other than by way of appointment by their own Council grounds (d) and (f) of the 2001 Regulations could be considered:</p> <p>(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.</p> <p>(f) The participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise.</p>
<p><b>STEP 5</b> Determine the application:-</p> <p>(i) Refuse</p> <p>(ii) Approve:-</p> <p>(a) attend</p> <p>(b) speak</p> <p>(c) vote</p> <p>(d) exercise Board Function</p> <p>(e) seek to influence</p> <p>(f) make written communications</p> <p>(g) make oral representations</p>	<p>The applicant has requested a dispensation to attend meetings of the Town Council, to speak, and have the ability to make written and oral representations but not to vote in relation to this organisation.</p> <p>Other than the exemption to speak and vote on grant funding of a maximum of £500, and other non-financial business which would be of such a nature that it would be categorised as trivial, insignificant or uncontentious, the Sub-Committee is requested to consider this application on the basis of grounds (h) of the 2001 Regulations which would result in the Councillor being eligible for dispensations to speak but not vote in respect of this organisation. In addition there is a need to consider the request to make written representations.</p> <p>There is no exemption in relation to funding, thus the issue of granting a dispensation above the £500 maximum does not apply. However in relation to non-financial matters the Sub-Committee is requested to consider a dispensation under ground (d) which would result in the Councillor being eligible to speak and / or vote on such non-financial matters which were not otherwise categorised as trivial, insignificant or uncontentious</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 a previous meeting it was decided in another case not to grant a dispensation in respect of regulatory type matters.</p>

Application by	Councillor J Simpson
Council	Presteigne and Norton Town Council
Involvement With	Presteigne Chamber of Trade
Business To Be Considered	Funding, Planning and General Matters
<b>Background</b>	<p>Councillor Simpson is a member of the Presteigne Chamber of Trade, Commerce and Industry.</p> <p>She has not been appointed by the Town Council to this body.</p> <p>The Presteigne Chamber of Trade is seeking an annual grant of £1500 from the Town Council.</p> <p>The Presteigne Chamber of Trade is not a registered charity.</p> <p>The applicant is seeking a dispensation to:</p> <ul style="list-style-type: none"> <li>(i) Attend a meeting</li> <li>(ii) Speak at a meeting</li> <li>(iii) Make written representations</li> <li>(iv) Make oral representations.</li> </ul> <p>The applicant does not wish to Vote.</p>
<b>STEP 1</b> Personal Interest(s) under paragraph 10 of the Code.	<p>She has not been appointed by the Town Council to this body. Therefore Paragraph 10(2)(a)(viii) will not apply.</p> <p>Paragraph 10(2)(a)(ix) would appear to be relevant:</p> <p style="padding-left: 40px;">(ee) private club, society or association operating within your authority's area in which (in all cases) the Councillor holds a position of general control or management or is a member.</p>
<b>STEP 2</b> Exemptions under paragraph 12 (2) & (3) of the Code.	<p>In relation to Councillor Simpson the exemption in Paragraph 12(2)(c) would apply in relation to the personal interest existing under Paragraph 10(2)(a)(ix).</p> <p style="padding-left: 40px;">(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500</p> <p>However for grant funding above £500 no exemption would apply and therefore in relation to that situation further consideration as detailed in step 3 below needs to take place.</p> <p>In relation to non-financial matters the Sub-Committee similarly needs to consider the application as detailed in step 3 below.</p>
<b>STEP 3</b> Application of "public perception" test under paragraph 12 (1) of the Code.	<p><b><u>Financial.</u></b></p> <p>In applying the Paragraph 12(1) test in relation to grant funding it may be helpful for the Sub-Committee to approach the issue</p>

	<p>in this way i.e. to ask itself :</p> <p>“Is it reasonable to suppose that public perception would regard the Councillor’s personal interest, as so significant that whenever a proposal to grant aid this / these organisation(s) in excess of £500 was discussed at the Town Council the potential conflict of interest would be so significant as to be likely to prejudice his / her judgement of the public interest in performing his / her role as a Town Councillor?”</p> <p>It is difficult to conclude that the Sub-Committee would answer this question otherwise than in the affirmative given the amount of money involved i.e. that a prejudicial interest would exist in this situation.</p> <p><b><u>Non-Financial.</u></b></p> <p>In applying the Paragraph 12(1) test in relation to non-financial type business involving this / these organisations it is suggested that the Sub-Committee approach the issue by asking itself a similar question to that posed above.</p> <p>Again it is difficult to conclude that the Sub-Committee would answer this question otherwise than in the affirmative i.e. that a prejudicial interest would exist in this situation, unless the business under discussion involving the organisation(s) is of such a nature that it would be categorised as trivial, insignificant or uncontentious.</p>
<p><b>STEP 4</b> Ground(s) on which dispensation could be granted</p>	<p>The Sub-Committee is therefore required to consider a dispensation for grant funding above the maximum of £500 for this / these organisation(s).</p> <p>The Sub-Committee is also required to consider a dispensation in relation to non-financial matters concerning this / these organisation(s) other than business which would be of such a nature that it would be categorised as trivial, insignificant or uncontentious.</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> <p style="padding-left: 40px;">(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 Councillor 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..</p> <p>However this ground only enables the grant of dispensation to speak and not vote.</p>



	<p>In relation to the Councillor's membership of this organisation other than by way of appointment by their own Council grounds (d) and (f) of the 2001 Regulations could be considered:</p> <p>(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.</p> <p>(f) The participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise.</p>
<p><b>STEP 5</b> Determine the application:-</p> <p>(i) Refuse</p> <p>(ii) Approve:-</p> <p>(a) attend</p> <p>(b) speak</p> <p>(c) vote</p> <p>(d) exercise Board Function</p> <p>(e) seek to influence</p> <p>(f) make written communications</p> <p>(g) make oral representations</p>	<p>The applicant has requested a dispensation to attend meetings of the Town Council, to speak, and have the ability to make written and oral representations but not to vote in relation to this organisation.</p> <p>Other than the exemption to speak and vote on grant funding of a maximum of £500, and other non-financial business which would be of such a nature that it would be categorised as trivial, insignificant or uncontentious, the Sub-Committee is requested to consider this application on the basis of grounds (h) of the 2001 Regulations which would result in the Councillor being eligible for dispensations to speak but not vote in respect of this organisation. In addition there is a need to consider the request to make written representations.</p> <p>There is no exemption in relation to funding, thus the issue of granting a dispensation above the £500 maximum does not apply. However in relation to non-financial matters the Sub-Committee is requested to consider a dispensation under ground (d) which would result in the Councillor being eligible to speak and / or vote on such non-financial matters which were not otherwise categorised as trivial, insignificant or uncontentious</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 a previous meeting it was decided in another case not to grant a dispensation in respect of regulatory type matters.</p>

Application by	Councillor J Tennant-Eyles
Council	Presteigne and Norton Town Council
Involvement With	(i) Presteigne Festival of Music and the Arts; (ii) Presteigne Chamber of Trade (iii) Presteigne and Norton Community Trust Ltd.
Business To Be Considered	Funding, Planning and General Matters
<b>Background</b>	<p>Councillor Tennant-Eyles is a:</p> <p>(i) Director of the Presteigne Festival of Music and the Arts, (ii) President of the Presteigne Chamber of Trade, Commerce and Industry. (iii) Chairman of the Presteigne and Norton Community Trust Ltd.</p> <p>He has not been appointed by the Town Council to these bodies.</p> <p>The Presteigne Festival of Music and the Arts is seeking an annual grant of £1000 from the Town Council. The Presteigne Chamber of Trade is seeking an annual grant of £1500 from the Town Council. The Presteigne and Norton Community Trust Ltd is seeking an annual grant of £1000 from the Town Council.</p> <p>The Presteigne Festival of Music and the Arts is a registered charity (Charity Registration 1039968). The other bodies are not registered charities.</p> <p>The applicant is seeking a dispensation to:</p> <p>(i) Attend a meeting (ii) Speak at a meeting (iii) Make written representations (iv) Make oral representations.</p> <p>The applicant does not wish to Vote.</p>
<b>STEP 1</b> Personal Interest(s) under paragraph 10 of the Code.	<p>He has not been appointed by the Town Council to these bodies. Therefore Paragraph 10(2)(a)(viii) will not apply.</p> <p>Paragraph 10(2)(a)(ix) would appear to be relevant:</p> <p>(bb) company, industrial and provident society, charity, or body directed to charitable purposes in which (in all cases) the Councillor holds a position of general control or management or is a member.</p> <p>(ee) private club, society or association operating within your authority's area in which (in all cases) the Councillor holds a position of general control or management or is a member.</p>
<b>STEP 2</b> Exemptions under paragraph 12 (2)	In relation to Councillor Tennant-Eyles the exemption in Paragraph 12(2)(c) would apply in relation to the personal

<p>&amp; (3) of the Code.</p>	<p>interests existing under Paragraph 10(2)(a)(ix).</p> <p>(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500</p> <p>However for grant funding above £500 no exemption would apply and therefore in relation to that situation further consideration as detailed in step 3 below needs to take place.</p> <p>In relation to non-financial matters the Sub-Committee similarly needs to consider the application as detailed in step 3 below.</p>
<p><b>STEP 3</b> Application of “public perception” test under paragraph 12 (1) of the Code.</p>	<p><b><u>Financial.</u></b></p> <p>In applying the Paragraph 12(1) test in relation to grant funding it may be helpful for the Sub-Committee to approach the issue in this way i.e. to ask itself :</p> <p>“Is it reasonable to suppose that public perception would regard the Councillor’s personal interest, as so significant that whenever a proposal to grant aid this / these organisation(s) in excess of £500 was discussed at the Town Council the potential conflict of interest would be so significant as to be likely to prejudice his / her judgement of the public interest in performing his / her role as a Town Councillor?”</p> <p>It is difficult to conclude that the Sub-Committee would answer this question otherwise than in the affirmative given the amount of money involved i.e. that a prejudicial interest would exist in this situation.</p> <p><b><u>Non-Financial.</u></b></p> <p>In applying the Paragraph 12(1) test in relation to non-financial type business involving this / these organisations it is suggested that the Sub-Committee approach the issue by asking itself a similar question to that posed above.</p> <p>Again it is difficult to conclude that the Sub-Committee would answer this question otherwise than in the affirmative i.e. that a prejudicial interest would exist in this situation, unless the business under discussion involving the organisation(s) is of such a nature that it would be categorised as trivial, insignificant or uncontentious.</p>
<p><b>STEP 4</b> Ground(s) on which dispensation could be granted</p>	<p>The Sub-Committee is therefore required to consider a dispensation for grant funding above the maximum of £500 for this / these organisation(s).</p> <p>The Sub-Committee is also required to consider a dispensation in relation to non-financial matters concerning this / these organisation(s) other than business which would be of such a nature that it would be categorised as trivial, insignificant or</p>

	<p>uncontentious.</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> <p>(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 Councillor 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..</p> <p>However this ground only enables the grant of dispensation to speak and not vote.</p> <p>In relation to the Councillor's membership of these organisations other than by way of appointment by their own Council grounds (d) and (f) of the 2001 Regulations could be considered:</p> <p>(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.</p> <p>(f) The participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise.</p>
<p><b>STEP 5</b> Determine the application:-</p> <p>(i) Refuse</p> <p>(ii) Approve:-</p> <p>(a) attend</p> <p>(b) speak</p> <p>(c) vote</p> <p>(d) exercise Board Function</p> <p>(e) seek to influence</p> <p>(f) make written communications</p> <p>(g) make oral representations</p>	<p>The applicant has requested a dispensation to attend meetings of the Town Council, to speak, and have the ability to make written and oral representations but not to vote in relation to these organisations.</p> <p>Other than the exemption to speak and vote on grant funding of a maximum of £500, and other non-financial business which would be of such a nature that it would be categorised as trivial, insignificant or uncontentious, the Sub-Committee is requested to consider these applications on the basis of grounds (h) of the 2001 Regulations which would result in the Councillor being eligible for dispensations to speak but not vote in respect of these organisations. In addition there is a need to consider the request to make written representations.</p> <p>There is no exemption in relation to funding, thus the issue of granting a dispensation above the £500 maximum does not apply. However in relation to non-financial matters the Sub-Committee is requested to consider a dispensation under ground (d) which would result in the Councillor being eligible to speak and / or vote on such non-financial matters which were not otherwise categorised as trivial, insignificant or</p>

uncontentious

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.

The Sub-Committee is reminded that at a previous meeting it was decided in another case not to grant a dispensation in respect of regulatory type matters.