

CYNGOR SIR POWYS COUNTY COUNCIL.

Standards Community Sub- Committee
5th December 2012

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

REPORT FOR: Decision, Information and Discussion

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

The Ombudsman has made the following decision whether to investigate those complaints reported to the last meeting of the committee:

14/12/TCC}
 15/12/TCC} – not to investigate
 16/12/TCC}

Since the last meeting the Ombudsman has notified the Council of five further complaints and their current position is outlined below:

17/12/TCC – not to investigate
 18/12/TCC – not to investigate
 19/12/TCC – not to investigate
 20/12/TCC – not to investigate
 21/12/TCC – awaiting decision on whether to investigate
 22/12/TCC – awaiting decision on whether to investigate
 22/12/TCC – awaiting decision on whether to investigate
 23/12/TCC – awaiting decision on whether to investigate
 24/12/TCC – awaiting decision on whether to investigate
 25/12/TCC – awaiting decision on whether to investigate
 26/12/TCC – awaiting decision on whether to investigate
 27/12/TCC – awaiting decision on whether to investigate

B. Dispensations**B1. Applications - Town and Community Councillors**

Applications for dispensation have been received from the following Town and Community Councillors:

B1.1 Presteigne Town Council

An application for dispensation has been submitted by Councillor Beverley Baynham.

A copy of the application is attached at **Appendix 1**.

B1.2 Hay Town Council

An application for dispensation has been received from 9 Councillors. A copy of the applications and comments and observations thereon are attached at **Appendix 2**.

B1.3 Guilsfield Community Council

An application for dispensation has been received from 6 Councillors. A copy of the applications and comments and observations thereon are attached at **Appendix 3**.

B1.4 Montgomery Town Council

An application for dispensation has been received from Councillor D. Jones. A copy of the application is attached at **Appendix 4**.

B2 Blanket Dispensation – Charities

A paper is attached at **Appendix 5** outlining issues affecting Town and Community Councils when Councillors are charitable trustees.

The Committee are asked to consider granting a blanket dispensation in this respect.

B3 Blanket Dispensation – School Governors

A paper is attached at **Appendix 6** outlining issues affecting Town and Community Councils when Councillors are School Governors.

The Committee are asked to consider granting a blanket dispensation in this respect.

C. Meeting Dates.

C1. To note dates of future meetings as follows:

6th February 2013
3rd April 2013
3rd July 2013
4th September 2013
4th December 201

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>	<u>clarence.meredith@powys.gov.uk</u>

**POWYS STANDARDS COMMITTEE
COMMUNITY SUB-COMMITTEE**

08 OCT 2012

RECEIVED

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

I, Councillor Beverley Baynham, 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 meetings, during its current term until the next elections, to speak only, (and to leave the room during any discussion about voting or voting itself), in connection with issues relating to John Beddoes School. 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 Parent Governor of John Beddoes School.

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 the Member's interest is not a pecuniary interest.	X to part in bold
(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.	X

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 meetings and take part in discussions when issues relating to the stated School take place and be available to answer questions from other councillors. I would not seek to vote on these matters, or take part in discussion about voting.

(d) applies because it is well known that I am a Governor of John Beddoes School: (f) applies because I can provide information because of my position within the School: (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: _____, Presteigne, Powys, LD8 2AJ

Applicant's telephone number: _____

Applicant's E Mail address: _____

SIGNED: _____

DATED: 3rd October 2012

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 B. Baynham
Council	Presteigne and Norton Town Council
Involvement With	(i) John Beddoes School
Business To Be Considered	A. Funding B. Planning D. Land E. Management / Operation of the Organisation F. General Matters.
	Council of 13 Councillors. Councillor is a Parent Governor of John Beddoes School. The applicant is seeking a dispensation to: (i) Attend a meeting (ii) Speak at a meeting (v) Make written representations (vi) Make oral representations
STEP 1 Personal Interest(s) under paragraph 10 of the Code.	Paragraph 10 (2) (a) (ix) (aa) You must regard yourself as having a personal interest in any business of your authority if it relates to, or is likely to affect any public authority or body exercising functions of a public nature in which you have membership or hold a position of general control or management Paragraph 10 (2) (c) (i) (aa) You must regard yourself as having a personal interest in any business of your authority if a decision upon it might reasonably be regarded as affecting your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association to a greater extent than the majority of in the case of any authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision
STEP 2 Exemptions under paragraph 12 (2) & (3) of the Code.	Paragraph 12 (2) (a) (ii) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business relates to (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management Paragraph 12 (2) (a) (iv) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business relates to your role as a school governor (where

	<p>not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor</p> <p>12 (3) - The exemptions in sub-paragraph (2) (a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration</p>
<p>STEP 3 Application of “public perception” test under paragraph 12 (1) of the Code.</p>	<p><u>Financial and Non-Financial.</u> It is suggested that the Sub-Committee approach the issue in this way i.e. to ask itself:</p> <p>“Is it reasonable to suppose that the public perception would regard the Councillor’s personal interest, as so significant that whenever a proposal regarding the organisation was discussed at the Town / Community 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 / Community Councillor unless the business under discussion involving the organisation is of such a nature that it would be categorised as trivial, insignificant or uncontentious?”</p> <p>Financial – Prejudicial Interest for matters relating directly to the school or if relating to a child of the Councillor attending the school. Non Prejudicial Interest if it relates to general schools policy.</p> <p>Non-Financial – Prejudicial Interest for matters relating directly to the school or if relating to a child of the Councillor attending the school. Non Prejudicial Interest if it relates to general schools policy unless the matter is trivial, insignificant or uncontentious.</p> <p>The Standards Sub-Committee has granted a dispensation to all governors in Powys for non-pecuniary prejudicial interests in relation to the County Council’s schools modernisation programme.</p>
<p>STEP 4 Ground(s) on which dispensation could be granted</p>	<p>The Sub-Committee is required to consider a dispensation in relation to matters other than business which would be of such a nature that it would be categorised as trivial, insignificant or uncontentious.</p> <p>The ground(s) which could be considered are:</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; (Speak and Vote / Speak only)</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; (Speak and Vote / Speak only)</p>

<p>STEP 5 Determine the application and Recommendation:-</p> <ul style="list-style-type: none"> (i) Refuse (ii) Approve:- <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><u>Financial Matters:</u> Recommendation – To consider this application in conjunction with the separate item regarding a blanket dispensation for all school governors on the agenda of the Sub-Committee.</p> <p><u>Non-Financial Matters:</u> Recommendation – To consider this application in conjunction with the separate item regarding a blanket dispensation for all school governors on the agenda of the Sub-Committee.</p> <p><u>Regulatory Matters (Paragraph 12(3) of the Code):</u> Recommendation – To consider this application in conjunction with the separate item regarding a blanket dispensation for all school governors on the agenda of the Sub-Committee.</p>
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POWYS STANDARDS COMMITTEE / COMMUNITY SUB-COMMITTEE

APPLICATION FOR DISPENSATION BY MEMBER WITH PREJUDICIAL INTEREST

All Councillors _____

of HAY 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

How you wish to participate – please tick all relevant categories below:

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

SECTION 2

(A) Describe in the box below:

- i) the business in which you wish to participate;
- ii) how your Council will deal with the matter;
- iii) how many Members there are on your Council;
- iv) what meetings will be held to consider it, when and where they will be held; and
- v) those taking part.

- | | |
|------|--|
| i) | All matters concerning the proposed development in Hay-on-Wye including a new school, community centre, care home, sports facilities and possible supermarket. |
| ii) | Meetings with other interested parties, consultation meetings, and special and normal town council meetings |
| iii) | 11 normally – currently one vacancy |
| iv) | n/k |
| v) | n/k |

(B) If the business relates to or affects an organisation(s) please detail below:

- how were you appointed to that organisation (i.e. by appointment by the Town or Community Council or by other means), and

- what is the nature of the business:
 - A Funding
 - B Planning – applications, building improvement/changes
 - C Licences – liquor/entertainment
 - D Land
 - E Management/operation of the organisation
 - F General matters

A,B,D, E & F

(C) Is the organisation a registered charity? If so, are you a Trustee of the charity?

No

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 (Attached) 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.

See separate declarations made by individual Councillors

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.

Eligible Applicant	Ground		
County Councillors and Town and Community Councillors	(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;	Speak and Vote Speak only	-
County Councillors only	(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;	Speak and Vote Speak only	-
County Councillors only	(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.	Speak and Vote Speak only	-
County Councillors and Town and Community Councillors	(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;	Speak and Vote Speak only	-
County Councillors and Town and Community Councillors	(e) The interest is common to the Member and a significant proportion of the general public;	Speak and Vote Speak only	-
County Councillors and Town and Community Councillors	(f) The participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;	Speak and Vote Speak only	-
County Councillors only	(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.	Speak and Vote Speak only	-
County Councillors and Town and Community Councillors	(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	Speak only	
County Councillors and Town and Community Councillors	(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.	Speak and Vote Speak only	-

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

Dispensation to speak and vote on all matters relating to those detailed in Section 2 A (i)

Applicant's home address:	Hay Council Offices Broad Street Hay-on-Wye Hereford HR3 5BX
Applicant's telephone number:	01497 820296
Applicant's fax number:	
Applicant's E Mail address:	haytownclerk@hotmail.co.uk

SIGNED: _____

DATED: _____

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.

POWYS STANDARDS COMMITTEE / COMMUNITY SUB-COMMITTEE

APPLICATION FOR DISPENSATION BY MEMBER WITH PREJUDICIAL INTEREST

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 (Attached) 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.

Carpentry and Joinery Business
in Broad Street Hay-on-Wye -

Applicant's home address:	Hay on Wye Herefordshire
Applicant's telephone number:	
Applicant's E Mail address:	

SIGNED

ALAN RICHARD POWELL

DATED:

9 - 10 - 2012

POWYS STANDARDS COMMITTEE / COMMUNITY SUB-COMMITTEE

APPLICATION FOR DISPENSATION BY MEMBER WITH
PREJUDICIAL INTEREST

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 (Attached) 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.

SUB POSTMASTER

Applicant's home address:	HAYWOODS HERFORD
Applicant's telephone number:	
Applicant's EMail address:	

SIGNED: S LIKE

DATED: 12-10-2012

POWYS STANDARDS COMMITTEE / COMMUNITY SUB-COMMITTEE


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

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 (Attached) 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.

Trustee of Haywood District Sports and Community Association Ltd (HADSCAL)
School Governor at Hay School ✓
Partner in F.W. Gilesworthy & Sons ✓
Business in Hay-on-Wye ✓

Applicant's home address:	HAY-ON-WYE HR3 5RL
Applicant's telephone number:	
Applicant's E Mail address:	

SIGNED:  R. Gilesworthy

DATED: 04/10/2012

POWYS STANDARDS COMMITTEE / COMMUNITY SUB-COMMITTEE

APPLICATION FOR DISPENSATION BY MEMBER WITH PREJUDICIAL INTEREST

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 (Attached) 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.

HTC Representative on Hay Tourist Group.
Partner in Lion Antiques, Hay (shop) member of Plan B for Hay, ~~member~~ member of University of the Third Age.
*currently on Management Committee.

Applicant's home address:	via hereford HR3 SSE
Applicant's telephone number:	
Applicant's E Mail address:	

SIGNED: _____ R Murchies

DATED: 10 October 2012

POWYS STANDARDS COMMITTEE / COMMUNITY SUB-COMMITTEE

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

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 (Attached) 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.

- Hay Town Council representative on Hay Primary School Governors.
- Director of Jump 4 Timbuktu, trading arm of Trareg Relief, registered charity, of which I am a trustee.
- Joint owner of holiday rental accommodation at Millbank, Broad Street.
- Joint owner of Grove House, High Town, the ground floor of which is rented by St David's Hospice movement, + 2 top floors to be converted into holiday rental accommodation.
- 2 grandchildren attend Hay Primary school.

Applicant's home address:	BROAD STREET HAY ON WYE HEREFORD
Applicant's telephone number:	
Applicant's E Mail address:	

SIGNED: Susan Campbell-Felgate SUSAN CAMPBELL-FELGATE

DATED: 12 October 2012

POWYS STANDARDS COMMITTEE / COMMUNITY SUB-COMMITTEE

APPLICATION FOR DISPENSATION BY MEMBER WITH PREJUDICIAL INTEREST

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 (Attached) 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.

Former member of HADSCA (founded 2007) charity.
Step Father is chair of HADSCA charity
Cwae take away Business in Hay-on-Wye
Partner is employed by Hay-growth surgery

Applicant's home address:	HAY-ON-WYE MERCYFORD
Applicant's telephone number:	
Applicant's E Mail address:	

SIGNED:  Gareth Catcliffe

DATED: 15/10/11

POWYS STANDARDS COMMITTEE / COMMUNITY SUB-COMMITTEE

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

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 (Attached) 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 have two children who attend Hay School and one child who attends Caterpillars Nursery on the School site. I am a member of Hay School PTFA, although not an officer or trustee.

I have previously said that I am opposed to the development of a supermarket in Hay. I have also said that I would like Hay to have a new school built on the existing school site. I do not belong to any pressure groups lobbying for or against the proposed development. I do belong to 'Hay Together' which is a non-partisan community group aiming to develop a town plan in collaboration with Hay residents.

I have publicly signed a petition against the development of a 90-bed care home on the Hay football pitch owned by HADSCA.

I am a Scout leader and regularly run Scouting activities on land which would be affected by the proposed development.

I am Chair of Jolly Tots Stay and Play parent and toddler group which is held at Hay Community Centre. The Community Centre could potentially be affected by the proposed developments in Hay.

Applicant's home address:	2 Hay on Wye Hereford HR12 9AA
Applicant's telephone number:	()
Applicant's E Mail address:	

SIGNED Eleanor Spencer

DATED: 12th October 2012

POWYS STANDARDS COMMITTEE / COMMUNITY SUB-COMMITTEE

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

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 (Attached) 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.

On the 21st of September 2012 I wrote a letter to all Powys County Council Cabinet Members, The Brecon Beacons National Parks Chief Executive, the Chief Executive of the Local Health Board, Local M.P.'s, Local Assembly members and Local County Councillors expressing a personal view, as a member of the public regarding the impact upon communities of the sale of public land to private development companies.

The Scrutiny Committee needs to be aware that I have publicly expressed a view that has relevance to the Business in question. I attach a copy of the letter which will provide further information.

It should be noted that I wrote the letter having clearly stated that I did so as a member of the public. I would also like draw our attention to the general nature of my comments overall, despite having used the proposed Hay on Wye developments as an example.

I understand my responsibilities as a Town Councillor and to this end will view all business undertaken by our Town Council within the discrete context that the particular business in question is framed. I also understand that it is my duty to carry out the business of our Town Council without personal prejudice and for the wider benefit of the electorate.

I also am an appointed Hay Town Council Representative at 2 x local organisations that the Business in question may affect i.e:

1. Hay On Wye Community Support (Reg Charity 518667). The same organisation have asked me to act as Vice Chair for 2012/13.
2. Hay on Wye Youth Club.

Applicant's home address:	R Hay-on-Wye,
Applicant's telephone number:	(01572) 224590
Applicant's E Mail address:	r.garratt@hayonwye.com

SIGNED: ___ Rosalind Garratt (by
email) ___ 8.10.2012

To All Cabinet Members Powys County Council, The Chief Executive Powys County Council, Kirsty Williams AM, William Powell AM, Gareth Ratcliffe CC, Geriant Hopkins CC, Chris Davies CC. The Chief Executive Brecon Beacons National Park, Chief Executive Powys Local Health Board, Editor Brecon and Radnor Express, Editor County Times Newspaper.

21.9.2012

Dear Sir or Madam,

Re: Developments in Powys Town Centres

I write as a member of the Hay on Wye and District Community. A life long member, whose family have lived in this area for nearly 200 years. I am also a Hay Town Councillor, however I write to you as a member of the public and community.

I want to draw your attention to a trend that affects all communities, be they rural or urban. I leave you to form your own opinion regarding the negative or positive effects or risks inherent in the current climate for development and planning, after reading the following.

At a time of financial austerity and in the light of continued cuts in funding to public bodies and local authorities across the nation, property developers are taking the opportunity to pressurise local authorities and health boards into parting with some of the most valuable real estate held by communities. Land in the sphere of public ownership is being snapped up by private development companies, many of whom will promise to undertake 'community development', but only to suit themselves because they can profit from such development.

When local authorities are persuaded to take such action they are effectively 'selling the family silver' to balance books in the immediate or short term.

The example of the proposal made to Powys County Council by a partnership between a commercial development company and a registered 'charity' to acquire land in the centre of Hay-on-Wye, in exchange for building a much needed new school building and community centre, is an example that illustrates how negatively such activities can affect communities.

In this instance the land of which the developer wishes to obtain ownership, is situated in the centre of a picturesque town that depends largely upon tourism attracted to culture, heritage and environment. The planning authority is the Brecon Beacons National Park (BBNP) who view Hay as 'The Gateway' to the National Park. 1 in 5 visitors to Wales come into the country via Hay-on-Wye. The land in question is currently the site of the Primary School, placing the children and families firmly in the heart of the community.

Should the local authority agree to participate with the developer, and a planning application gains approval via BBNP, the most valuable real estate at the centre of the town, currently in public ownership, will be lost to private commercial interests forever.

Development companies treat such parcels of land as 'currency' of a high value. That

value becomes the asset of company directors and company shareholders rather than that of the community within which it is embedded.

In the United States of America city corporations have increasingly 'sold' their civic and town centres to private companies who have no allegiance or responsibility to those communities and townships concerned. In far too many cases the land parcels are handed from one developer to another in land deals and financial transactions that only benefit the individuals at the helm of those companies and their shareholders, to the detriment of the social and civic environment. Frequently the land and property concerned is left in dereliction or at best disrepair. This in turn 'blights' the community and a downward economic spiral ensues, creating more poverty and economic decline.

Local Authorities, Local Health Boards, Local Politicians and those charged with serving our communities should 'wake up' to the hard economic bargains that they are entering into when they allow predatory 'big business' to milk the assets of our local communities. At the end of the day it is the poorest and most vulnerable that suffer most from the depression of local economies and the stripping away of direct public control of our environment.

Further to this in the UK, where local authorities are fast divesting themselves of property assets in an attempt to find a quick fix for financial losses, local government is 'selling itself out of a job' fast. What are local governments for, if it is not to provide us with public amenities and services? Rather than selling our 'family silver' they should be enabling communities to find ways of making the assets that are in public ownership pay, for the benefit of everyone: Community Interest Companies, Co-operatives, Community Land Trusts, to name but a few 'models', that could run our community assets as businesses that will enable cost effective ways of providing sustainable community services as well as support for statutory provision. We need to keep the value, the revenues and the long term capital assets that our public property represents, within our local economies.

Rather than enabling 'top down' patronage from big business that takes power and control away from the people that live in our towns and villages, local authorities should be striking deals with those communities themselves. Selling our assets to provide short term solutions in a declining economic situation weakens all future prospects for self determination for ordinary hardworking people and in the end strikes hardest at the most vulnerable.

Rosalind Garratt, Racquety Lodge, Wyecliff, Hay-on-Wye, HR3 5RS

POWYS STANDARDS COMMITTEE / COMMUNITY SUB-COMMITTEE

APPLICATION FOR DISPENSATION BY MEMBER WITH PREJUDICIAL INTEREST

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 (Attached) 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.

TRUSTEE OF HAD.SCA.
RESIDENT OF CHURCH STREET.

Applicant's home address:	5, CHURCH STREET HAY-ON-WYE HEREFORDSHIRE
Applicant's telephone number:	01452 311111
Applicant's E Mail address:	f.howard@had.sca

SIGNED: F. Howard.

DATED: 10/10/12

Application by	Councillor A.R. Powell
Council	Hay Town Council
Involvement With	(i) All matters concerning the proposed development in Hay-on-Wye including a new school, community centre, care homes, sports facilities and possible supermarket.
Business To Be Considered	A. Funding B. Planning D. Land E. Management / Operation of the Organisation F. General Matters.
	<p>Council of 11 Councillors. 10 current Members – 1 vacancy.</p> <p>Councillor owns a carpentry and joinery business in the town.</p> <p>The applicant is seeking a dispensation to:</p> <p>(i) Attend a meeting (ii) Speak at a meeting (iii) Vote at a meeting (iv) Seek to influence a decision on the matter (v) Make written representations (vi) Make oral representations</p>
<p>STEP 1 Personal Interest(s) under paragraph 10 of the Code.</p>	<p>Paragraph 10. (2) (a) (i)</p> <p>You must regard yourself as having a personal interest in any business of your authority if it relates to, or is likely to affect any employment or business carried on by you</p> <p>Paragraph 10 (2) (c) (i) (bb)</p> <p>You must regard yourself as having a personal interest in any business of your authority if a decision upon it might reasonably be regarded as affecting your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association to a greater extent than the majority of in all other cases, other council tax payers, rate payers or inhabitants of the authority's area</p> <p>Paragraph 10 (2) (c) (ii) (bb)</p> <p>You must regard yourself as having a personal interest in any business of your authority if a decision upon it might reasonably be regarded as affecting any employment or business carried on by persons as described in 10 (2) (c) (i) to a greater extent than the majority of in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area</p>
<p>STEP 2 Exemptions under paragraph 12 (2) & (3)</p>	None are applicable.

of the Code.	
<p>STEP 3 Application of “public perception” test under paragraph 12 (1) of the Code.</p>	<p><u>Financial and Non-Financial.</u> It is suggested that the Sub-Committee approach the issue in this way i.e. to ask itself:</p> <p>“Is it reasonable to suppose that the public perception would regard the Councillor’s personal interest, as so significant that whenever a proposal regarding the organisation was discussed at the Town / Community 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 / Community Councillor unless the business under discussion involving the organisation is of such a nature that it would be categorised as trivial, insignificant or uncontentious?”</p> <p>Financial – Prejudicial Interest.</p> <p>Non-Financial – Prejudicial Interest unless matters are trivial, insignificant or uncontentious.</p>
<p>STEP 4 Ground(s) on which dispensation could be granted</p>	<p>The Sub-Committee is required to consider a dispensation in relation to matters other than business which would be of such a nature that it would be categorised as trivial, insignificant or uncontentious.</p> <p>The ground(s) which could be considered are:</p> <p>(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; (Speak and Vote / Speak only)</p> <p>(9 of the 10 current Members have indicated that they have prejudicial interests)</p>
<p>STEP 5 Determine the application and Recommendation:-</p> <p>(i) Refuse (ii) Approve:- (a) attend (b) speak (c) vote (d) exercise Board Function (e) seek to influence (f) make written communications (g) make oral representations</p>	<p><u>Financial Matters:</u></p> <p><u>Non-Financial Matters:</u></p> <p><u>Regulatory Matters (Paragraph 12(3) of the Code):</u></p> <p>Recommendation – The Sub-Committee will need to grant a dispensation to at least 3 Members of the Council (one third of the total membership) for the Council to have a quorum to discuss these matters.</p>

Application by	Councillor S. Like
Council	Hay Town Council
Involvement With	(i) All matters concerning the proposed development in Hay-on-Wye including a new school, community centre, care homes, sports facilities and possible supermarket.
Business To Be Considered	A. Funding B. Planning D. Land E. Management / Operation of the Organisation F. General Matters.
	Council of 11 Councillors. 10 current Members – 1 vacancy. Councillor is a Sub-Postmaster. The applicant is seeking a dispensation to: (i) Attend a meeting (ii) Speak at a meeting (iii) Vote at a meeting (iv) Seek to influence a decision on the matter (v) Make written representations (vi) Make oral representations
STEP 1 Personal Interest(s) under paragraph 10 of the Code.	Paragraph 10. (2) (a) (i) You must regard yourself as having a personal interest in any business of your authority if it relates to, or is likely to affect any employment or business carried on by you Paragraph 10 (2) (c) (i) (bb) You must regard yourself as having a personal interest in any business of your authority if a decision upon it might reasonably be regarded as affecting your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association to a greater extent than the majority of in all other cases, other council tax payers, rate payers or inhabitants of the authority's area Paragraph 10 (2) (c) (ii) (bb) You must regard yourself as having a personal interest in any business of your authority if a decision upon it might reasonably be regarded as affecting any employment or business carried on by persons as described in 10 (2) (c) (i) to a greater extent than the majority of in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area
STEP 2 Exemptions under paragraph 12 (2) & (3)	None are applicable.

of the Code.	
<p>STEP 3 Application of “public perception” test under paragraph 12 (1) of the Code.</p>	<p><u>Financial and Non-Financial.</u> It is suggested that the Sub-Committee approach the issue in this way i.e. to ask itself:</p> <p>“Is it reasonable to suppose that the public perception would regard the Councillor’s personal interest, as so significant that whenever a proposal regarding the organisation was discussed at the Town / Community 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 / Community Councillor unless the business under discussion involving the organisation is of such a nature that it would be categorised as trivial, insignificant or uncontentious?”</p> <p>Financial – Prejudicial Interest.</p> <p>Non-Financial – Prejudicial Interest unless matters are trivial, insignificant or uncontentious.</p>
<p>STEP 4 Ground(s) on which dispensation could be granted</p>	<p>The Sub-Committee is required to consider a dispensation in relation to matters other than business which would be of such a nature that it would be categorised as trivial, insignificant or uncontentious.</p> <p>The ground(s) which could be considered are:</p> <p>(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; (Speak and Vote / Speak only)</p> <p>(9 of the 10 current Members have indicated that they have prejudicial interests)</p>
<p>STEP 5 Determine the application and Recommendation:-</p> <p>(i) Refuse (ii) Approve:- (a) attend (b) speak (c) vote (d) exercise Board Function (e) seek to influence (f) make written communications (g) make oral representations</p>	<p><u>Financial Matters:</u></p> <p><u>Non-Financial Matters:</u></p> <p><u>Regulatory Matters (Paragraph 12(3) of the Code):</u></p> <p>Recommendation – The Sub-Committee will need to grant a dispensation to at least 3 Members of the Council (one third of the total membership) for the Council to have a quorum to discuss these matters.</p>

Application by	Councillor R. Golesworthy
Council	Hay Town Council
Involvement With	(i) All matters concerning the proposed development in Hay-on-Wye including a new school, community centre, care homes, sports facilities and possible supermarket.
Business To Be Considered	A. Funding B. Planning D. Land E. Management / Operation of the Organisation F. General Matters.
	<p>Council of 11 Councillors. 10 current Members – 1 vacancy.</p> <p>Councillor is a Partner in a Local Business, School Governor at Hay School and Trustee of Hay and District Sports and Community Association Ltd (HADSCAL).</p> <p>The applicant is seeking a dispensation to:</p> <ul style="list-style-type: none"> (i) Attend a meeting (ii) Speak at a meeting (iii) Vote at a meeting (iv) Seek to influence a decision on the matter (v) Make written representations (vi) Make oral representations
STEP 1 Personal Interest(s) under paragraph 10 of the Code.	<p>Paragraph 10. (2) (a) (i)</p> <p>You must regard yourself as having a personal interest in any business of your authority if it relates to, or is likely to affect any employment or business carried on by you</p> <p>Paragraph 10 (2) (c) (i) (bb)</p> <p>You must regard yourself as having a personal interest in any business of your authority if a decision upon it might reasonably be regarded as affecting your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association to a greater extent than the majority of in all other cases, other council tax payers, rate payers or inhabitants of the authority's area</p> <p>Paragraph 10 (2) (c) (ii) (bb)</p> <p>You must regard yourself as having a personal interest in any business of your authority if a decision upon it might reasonably be regarded as affecting any employment or business carried on by persons as described in 10 (2) (c) (i) to a greater extent than the majority of in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area</p> <p>Paragraph 10 (2) (a) (ix) (aa)</p>

	<p>You must regard yourself as having a personal interest in any business of your authority if it relates to, or is likely to affect any public authority or body exercising functions of a public nature in which you have membership or hold a position of general control or management</p> <p>Paragraph 10 (2) (a) (ix) (bb)</p> <p>You must regard yourself as having a personal interest in any business of your authority if it relates to, or is likely to affect any company, industrial and provident society, charity, or body directed to charitable purposes in which you have membership or hold a position of general control or management</p>
<p>STEP 2 Exemptions under paragraph 12 (2) & (3) of the Code.</p>	<p>Paragraph 12 (2) (a) (ii)</p> <p>Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business relates to (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management</p> <p>Paragraph 12 (2) (a) (iv)</p> <p>Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business relates to your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor</p> <p>Paragraph 12 (3)</p> <p>The exemptions in sub-paragraph (2) (a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration</p> <p>The Sub-Committee has granted a blanket dispensation to all Town and Community Councillors who school governors for non-pecuniary prejudicial interests in relation to the County Council's schools modernisation programme.</p>
<p>STEP 3 Application of "public perception" test under paragraph 12 (1) of the Code.</p>	<p><u>Financial and Non-Financial.</u></p> <p>It is suggested that the Sub-Committee approach the issue in this way i.e. to ask itself:</p> <p>"Is it reasonable to suppose that the public perception would regard the Councillor's personal interest, as so significant that whenever a proposal regarding the organisation was discussed at the Town / Community 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 / Community Councillor unless the business under</p>

	<p>discussion involving the organisation is of such a nature that it would be categorised as trivial, insignificant or uncontentious?”</p> <p>Financial – Prejudicial Interest.</p> <p>Non-Financial – Prejudicial Interest unless matters are trivial, insignificant or uncontentious.</p>
<p>STEP 4 Ground(s) on which dispensation could be granted</p>	<p>The Sub-Committee is required to consider a dispensation in relation to matters other than business which would be of such a nature that it would be categorised as trivial, insignificant or uncontentious.</p> <p>The ground(s) which could be considered are:</p> <p>(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; (Speak and Vote / Speak only)</p> <p>(9 of the 10 current Members have indicated that they have prejudicial interests)</p>
<p>STEP 5 Determine the application and Recommendation:-</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><u>Financial Matters:</u></p> <p><u>Non-Financial Matters:</u></p> <p><u>Regulatory Matters (Paragraph 12(3) of the Code):</u></p> <p>Recommendation – The Sub-Committee will need to grant a dispensation to at least 3 Members of the Council (one third of the total membership) for the Council to have a quorum to discuss these matters.</p>

Application by	Councillor R. Muirhead
Council	Hay Town Council
Involvement With	(i) All matters concerning the proposed development in Hay-on-Wye including a new school, community centre, care homes, sports facilities and possible supermarket.
Business To Be Considered	A. Funding B. Planning D. Land E. Management / Operation of the Organisation F. General Matters.
	<p>Council of 11 Councillors. 10 current Members – 1 vacancy.</p> <p>Councillor is a Partner in a Local Business, Council representative on Hay Tourist Group, Member of Plan B for Hay (Management Committee), Member of University of the Third Age.</p> <p>The applicant is seeking a dispensation to:</p> <ul style="list-style-type: none"> (i) Attend a meeting (ii) Speak at a meeting (iii) Vote at a meeting (iv) Seek to influence a decision on the matter (v) Make written representations (vi) Make oral representations
STEP 1 Personal Interest(s) under paragraph 10 of the Code.	<p>Paragraph 10. (2) (a) (i)</p> <p>You must regard yourself as having a personal interest in any business of your authority if it relates to, or is likely to affect any employment or business carried on by you</p> <p>Paragraph 10 (2) (c) (i) (bb)</p> <p>You must regard yourself as having a personal interest in any business of your authority if a decision upon it might reasonably be regarded as affecting your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association to a greater extent than the majority of in all other cases, other council tax payers, rate payers or inhabitants of the authority's area</p> <p>Paragraph 10 (2) (c) (ii) (bb)</p> <p>You must regard yourself as having a personal interest in any business of your authority if a decision upon it might reasonably be regarded as affecting any employment or business carried on by persons as described in 10 (2) (c) (i) to a greater extent than the majority of in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area</p>

	<p>Paragraph 10 (2) (a) (viii)</p> <p>You must regard yourself as having a personal interest in any business of your authority if it relates to, or is likely to affect any body to which you have been elected appointed or nominated by your authority</p> <p>Paragraph 10 (2) (a) (ix) (cc)</p> <p>You must regard yourself as having a personal interest in any business of your authority if it relates to, or is likely to affect any body whose principal purposes include the influence of public opinion or policy in which you have membership or hold a position of general control or management</p> <p>Paragraph 10 (2) (a) (ix) (ee)</p> <p>You must regard yourself as having a personal interest in any business of your authority if it relates to, or is likely to affect any private club, society or association operating within you authority’s area in which you have membership or hold a position of general control or management</p>
<p>STEP 2 Exemptions under paragraph 12 (2) & (3) of the Code.</p>	<p>Paragraph 12 (2) (a) (iii)</p> <p>Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business relates to a body to which you have been elected, appointed or nominated by your authority</p> <p>Paragraph 12 (3)</p> <p>The exemptions in sub-paragraph (2) (a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration</p>
<p>STEP 3 Application of “public perception” test under paragraph 12 (1) of the Code.</p>	<p><u>Financial and Non-Financial.</u></p> <p>It is suggested that the Sub-Committee approach the issue in this way i.e. to ask itself:</p> <p>“Is it reasonable to suppose that the public perception would regard the Councillor’s personal interest, as so significant that whenever a proposal regarding the organisation was discussed at the Town / Community 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 / Community Councillor unless the business under discussion involving the organisation is of such a nature that it would be categorised as trivial, insignificant or uncontentious?”</p> <p>Financial – Prejudicial Interest.</p> <p>Non-Financial – Prejudicial Interest unless matters are trivial, insignificant or uncontentious.</p>

<p>STEP 4 Ground(s) on which dispensation could be granted</p>	<p>The Sub-Committee is required to consider a dispensation in relation to matters other than business which would be of such a nature that it would be categorised as trivial, insignificant or uncontentious.</p> <p>The ground(s) which could be considered are:</p> <p>(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; (Speak and Vote / Speak only)</p> <p>(9 of the 10 current Members have indicated that they have prejudicial interests)</p>
<p>STEP 5 Determine the application and Recommendation:-</p> <p>(i) Refuse (ii) Approve:- (a) attend (b) speak (c) vote (d) exercise Board Function (e) seek to influence (f) make written communications (g) make oral representations</p>	<p><u>Financial Matters:</u></p> <p><u>Non-Financial Matters:</u></p> <p><u>Regulatory Matters (Paragraph 12(3) of the Code):</u></p> <p>Recommendation – The Sub-Committee will need to grant a dispensation to at least 3 Members of the Council (one third of the total membership) for the Council to have a quorum to discuss these matters.</p>

Application by	Councillor S. Campbell-Felgate
Council	Hay Town Council
Involvement With	(i) All matters concerning the proposed development in Hay-on-Wye including a new school, community centre, care homes, sports facilities and possible supermarket.
Business To Be Considered	A. Funding B. Planning D. Land E. Management / Operation of the Organisation F. General Matters.
	<p>Council of 11 Councillors. 10 current Members – 1 vacancy.</p> <p>Councillor is a Council representative on Hay Primary School Governors, Director and Trustee of a local charity, Joint owner of accommodation in the town (2), and has 2 grandchildren at the Primary School.</p> <p>The applicant is seeking a dispensation to:</p> <ul style="list-style-type: none"> (i) Attend a meeting (ii) Speak at a meeting (iii) Vote at a meeting (iv) Seek to influence a decision on the matter (v) Make written representations (vi) Make oral representations
STEP 1 Personal Interest(s) under paragraph 10 of the Code.	<p>Paragraph 10. (2) (a) (i)</p> <p>You must regard yourself as having a personal interest in any business of your authority if it relates to, or is likely to affect any employment or business carried on by you</p> <p>Paragraph 10 (2) (c) (i) (bb)</p> <p>You must regard yourself as having a personal interest in any business of your authority if a decision upon it might reasonably be regarded as affecting your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association to a greater extent than the majority of in all other cases, other council tax payers, rate payers or inhabitants of the authority's area</p> <p>Paragraph 10 (2) (c) (ii) (bb)</p> <p>You must regard yourself as having a personal interest in any business of your authority if a decision upon it might reasonably be regarded as affecting any employment or business carried on by persons as described in 10 (2) (c) (i) to a greater extent than the majority of in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area</p>

	<p>Paragraph 10 (2) (a) (viii)</p> <p>You must regard yourself as having a personal interest in any business of your authority if it relates to, or is likely to affect any body to which you have been elected appointed or nominated by your authority</p> <p>Paragraph 10 (2) (a) (ix) (bb)</p> <p>You must regard yourself as having a personal interest in any business of your authority if it relates to, or is likely to affect any company, industrial and provident society, charity, or body directed to charitable purposes in which you have membership or hold a position of general control or management</p> <p>Paragraph 10 (2) (a) (vi)</p> <p>You must regard yourself as having a personal interest in any business of your authority if it relates to, or is likely to affect any land in which you have a beneficial interest and which is in the area of your authority</p>
<p>STEP 2 Exemptions under paragraph 12 (2) & (3) of the Code.</p>	<p>Paragraph 12 (2) (a) (iii)</p> <p>Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business relates to a body to which you have been elected, appointed or nominated by your authority</p> <p>Paragraph 12 (3)</p> <p>The exemptions in sub-paragraph (2) (a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration</p> <p>The Sub-Committee has granted a blanket dispensation to all Town and Community Councillors who school governors for non-pecuniary prejudicial interests in relation to the County Council's schools modernisation programme.</p>
<p>STEP 3 Application of "public perception" test under paragraph 12 (1) of the Code.</p>	<p><u>Financial and Non-Financial.</u></p> <p>It is suggested that the Sub-Committee approach the issue in this way i.e. to ask itself:</p> <p>"Is it reasonable to suppose that the public perception would regard the Councillor's personal interest, as so significant that whenever a proposal regarding the organisation was discussed at the Town / Community 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 / Community Councillor unless the business under discussion involving the organisation is of such a nature that it would be categorised as trivial, insignificant or uncontentious?"</p>

	<p>Financial – Prejudicial Interest.</p> <p>Non-Financial – Prejudicial Interest unless matters are trivial, insignificant or uncontentious.</p>
<p>STEP 4 Ground(s) on which dispensation could be granted</p>	<p>The Sub-Committee is required to consider a dispensation in relation to matters other than business which would be of such a nature that it would be categorised as trivial, insignificant or uncontentious.</p> <p>The ground(s) which could be considered are:</p> <p>(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; (Speak and Vote / Speak only)</p> <p>(9 of the 10 current Members have indicated that they have prejudicial interests)</p>
<p>STEP 5 Determine the application and Recommendation:-</p> <p>(i) Refuse (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><u>Financial Matters:</u></p> <p><u>Non-Financial Matters:</u></p> <p><u>Regulatory Matters (Paragraph 12(3) of the Code):</u></p> <p>Recommendation – The Sub-Committee will need to grant a dispensation to at least 3 Members of the Council (one third of the total membership) for the Council to have a quorum to discuss these matters.</p>

Application by	Councillor G. Ratcliffe
Council	Hay Town Council
Involvement With	(i) All matters concerning the proposed development in Hay-on-Wye including a new school, community centre, care homes, sports facilities and possible supermarket.
Business To Be Considered	A. Funding B. Planning D. Land E. Management / Operation of the Organisation F. General Matters.
	<p>Council of 11 Councillors. 10 current Members – 1 vacancy.</p> <p>Councillor owns a business in the town, is a former member of the Hay and District Sports and Community Association Ltd (HDSCAL), his step father is the Chair of HDSCAL, his partner is employed by the local surgery.</p> <p>The applicant is seeking a dispensation to:</p> <ul style="list-style-type: none"> (i) Attend a meeting (ii) Speak at a meeting (iii) Vote at a meeting (iv) Seek to influence a decision on the matter (v) Make written representations (vi) Make oral representations
STEP 1 Personal Interest(s) under paragraph 10 of the Code.	<p>Paragraph 10. (2) (a) (i)</p> <p>You must regard yourself as having a personal interest in any business of your authority if it relates to, or is likely to affect any employment or business carried on by you</p> <p>Paragraph 10 (2) (c) (i) (bb)</p> <p>You must regard yourself as having a personal interest in any business of your authority if a decision upon it might reasonably be regarded as affecting your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association to a greater extent than the majority of in all other cases, other council tax payers, rate payers or inhabitants of the authority's area</p> <p>Paragraph 10 (2) (c) (ii) (bb)</p> <p>You must regard yourself as having a personal interest in any business of your authority if a decision upon it might reasonably be regarded as affecting any employment or business carried on by persons as described in 10 (2) (c) (i) to a greater extent than the majority of in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area</p>

	<p>Paragraph 10 (2) (c) (v) (bb)</p> <p>You must regard yourself as having a personal interest in any business of your authority if a decision upon it might reasonably be regarded as affecting any body listed in paragraphs 10 (2) (ix) (aa) to (ee) in which persons as described in 10 (2) (c) (i) hold a position of general control or management to a greater extent than the majority of in all other cases, other council tax payers, rate payers or inhabitants of the authority's area</p>
<p>STEP 2 Exemptions under paragraph 12 (2) & (3) of the Code.</p>	<p>None are applicable.</p> <p>The Sub-Committee has granted a dispensation to Councillor Ratcliffe in respect of the County Council's schools modernisation programme for the Gwernyfed Catchment Area for prejudicial interests not covered by the blanket dispensation.</p>
<p>STEP 3 Application of "public perception" test under paragraph 12 (1) of the Code.</p>	<p><u>Financial and Non-Financial.</u></p> <p>It is suggested that the Sub-Committee approach the issue in this way i.e. to ask itself:</p> <p>"Is it reasonable to suppose that the public perception would regard the Councillor's personal interest, as so significant that whenever a proposal regarding the organisation was discussed at the Town / Community 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 / Community Councillor unless the business under discussion involving the organisation is of such a nature that it would be categorised as trivial, insignificant or uncontentious?"</p> <p>Financial – Prejudicial Interest.</p> <p>Non-Financial – Prejudicial Interest unless matters are trivial, insignificant or uncontentious.</p>
<p>STEP 4 Ground(s) on which dispensation could be granted</p>	<p>The Sub-Committee is required to consider a dispensation in relation to matters other than business which would be of such a nature that it would be categorised as trivial, insignificant or uncontentious.</p> <p>The ground(s) which could be considered are:</p> <p>(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; (Speak and Vote / Speak only)</p> <p>(9 of the 10 current Members have indicated that they have prejudicial interests)</p>

<p>STEP 5 Determine the application and Recommendation:-</p> <ul style="list-style-type: none">(i) Refuse(ii) Approve:-<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><u>Financial Matters:</u></p> <p><u>Non-Financial Matters:</u></p> <p><u>Regulatory Matters (Paragraph 12(3) of the Code):</u></p> <p>Recommendation – The Sub-Committee will need to grant a dispensation to at least 3 Members of the Council (one third of the total membership) for the Council to have a quorum to discuss these matters.</p>
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Application by	Councillor E.R. Spencer
Council	Hay Town Council
Involvement With	(i) All matters concerning the proposed development in Hay-on-Wye including a new school, community centre, care homes, sports facilities and possible supermarket.
Business To Be Considered	A. Funding B. Planning D. Land E. Management / Operation of the Organisation F. General Matters.
	<p>Council of 11 Councillors. 10 current Members – 1 vacancy.</p> <p>Councillor has 2 children who attend Hay School, 1 of which attends Caterpillars Nursery on the school site. She is a member of Hay School PTFA, is a scout leader and run scouting activities on land affected by the proposed development. She is also Chair of a parent and toddler group held at the Hay Community Centre.</p> <p>The applicant is seeking a dispensation to:</p> <ul style="list-style-type: none"> (i) Attend a meeting (ii) Speak at a meeting (iii) Vote at a meeting (iv) Seek to influence a decision on the matter (v) Make written representations (vi) Make oral representations
STEP 1 Personal Interest(s) under paragraph 10 of the Code.	<p>Paragraph 10 (2) (a) (ix) (ee)</p> <p>You must regard yourself as having a personal interest in any business of your authority if it relates to, or is likely to affect any private club, society or association operating within you authority's area in which you have membership or hold a position of general control or management</p> <p>Paragraph 10 (2) (c) (i) (bb)</p> <p>You must regard yourself as having a personal interest in any business of your authority if a decision upon it might reasonably be regarded as affecting your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association to a greater extent than the majority of in all other cases, other council tax payers, rate payers or inhabitants of the authority's area</p>
STEP 2 Exemptions under paragraph 12 (2) & (3) of the Code.	None are applicable.
STEP 3 Application of "public	<u>Financial and Non-Financial.</u> It is suggested that the Sub-Committee approach the issue in

<p>perception” test under paragraph 12 (1) of the Code.</p>	<p>this way i.e. to ask itself:</p> <p>“Is it reasonable to suppose that the public perception would regard the Councillor’s personal interest, as so significant that whenever a proposal regarding the organisation was discussed at the Town / Community 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 / Community Councillor unless the business under discussion involving the organisation is of such a nature that it would be categorised as trivial, insignificant or uncontentious?”</p> <p>Financial – Prejudicial Interest.</p> <p>Non-Financial – Prejudicial Interest unless matters are trivial, insignificant or uncontentious.</p>
<p>STEP 4 Ground(s) on which dispensation could be granted</p>	<p>The Sub-Committee is required to consider a dispensation in relation to matters other than business which would be of such a nature that it would be categorised as trivial, insignificant or uncontentious.</p> <p>The ground(s) which could be considered are:</p> <p>(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; (Speak and Vote / Speak only)</p> <p>(9 of the 10 current Members have indicated that they have prejudicial interests)</p>
<p>STEP 5 Determine the application and Recommendation:-</p> <p>(i) Refuse (ii) Approve:- (a) attend (b) speak (c) vote (d) exercise Board Function (e) seek to influence (f) make written communications (g) make oral representations</p>	<p><u>Financial Matters:</u></p> <p><u>Non-Financial Matters:</u></p> <p><u>Regulatory Matters (Paragraph 12(3) of the Code):</u></p> <p>Recommendation – The Sub-Committee will need to grant a dispensation to at least 3 Members of the Council (one third of the total membership) for the Council to have a quorum to discuss these matters.</p>

Application by	Councillor R. Garratt
Council	Hay Town Council
Involvement With	(i) All matters concerning the proposed development in Hay-on-Wye including a new school, community centre, care homes, sports facilities and possible supermarket.
Business To Be Considered	A. Funding B. Planning D. Land E. Management / Operation of the Organisation F. General Matters.
	<p>Council of 11 Councillors. 10 current Members – 1 vacancy.</p> <p>Councillor is the Council's representative on the Hay on Wye Community Support (Vice-Chair) and the Hay on Wye Youth Club. She has made her views publicly known about the potential development.</p> <p>The applicant is seeking a dispensation to:</p> <ul style="list-style-type: none"> (i) Attend a meeting (ii) Speak at a meeting (iii) Vote at a meeting (iv) Seek to influence a decision on the matter (v) Make written representations (vi) Make oral representations
STEP 1 Personal Interest(s) under paragraph 10 of the Code.	<p>Paragraph 10 (2) (a) (ix) (bb)</p> <p>You must regard yourself as having a personal interest in any business of your authority if it relates to, or is likely to affect any company, industrial and provident society, charity, or body directed to charitable purposes in which you have membership or hold a position of general control or management</p> <p>Paragraph 10 (2) (a) (ix) (ee)</p> <p>You must regard yourself as having a personal interest in any business of your authority if it relates to, or is likely to affect any private club, society or association operating within you authority's area in which you have membership or hold a position of general control or management</p>
STEP 2 Exemptions under paragraph 12 (2) & (3) of the Code.	<p>Paragraph 12 (2) (a) (iii)</p> <p>Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business relates to a body to which you have been elected, appointed or nominated by your authority</p> <p>Paragraph 12 (3)</p> <p>The exemptions in subparagraph (2) (a) do not apply where</p>

	<p>the business relates to the determination of any approval, consent, licence, permission or registration</p>
<p>STEP 3 Application of “public perception” test under paragraph 12 (1) of the Code.</p>	<p><u>Financial and Non-Financial.</u> It is suggested that the Sub-Committee approach the issue in this way i.e. to ask itself:</p> <p>“Is it reasonable to suppose that the public perception would regard the Councillor’s personal interest, as so significant that whenever a proposal regarding the organisation was discussed at the Town / Community 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 / Community Councillor unless the business under discussion involving the organisation is of such a nature that it would be categorised as trivial, insignificant or uncontentious?”</p> <p>Financial – Prejudicial Interest.</p> <p>Non-Financial – Prejudicial Interest unless matters are trivial, insignificant or uncontentious.</p>
<p>STEP 4 Ground(s) on which dispensation could be granted</p>	<p>The Sub-Committee is required to consider a dispensation in relation to matters other than business which would be of such a nature that it would be categorised as trivial, insignificant or uncontentious.</p> <p>The ground(s) which could be considered are:</p> <p>(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; (Speak and Vote / Speak only)</p> <p>(9 of the 10 current Members have indicated that they have prejudicial interests)</p>
<p>STEP 5 Determine the application and Recommendation:-</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><u>Financial Matters:</u></p> <p><u>Non-Financial Matters:</u></p> <p><u>Regulatory Matters (Paragraph 12(3) of the Code):</u></p> <p>Recommendation – The Sub-Committee will need to grant a dispensation to at least 3 Members of the Council (one third of the total membership) for the Council to have a quorum to discuss these matters.</p>

Application by	Councillor F. Howard
Council	Hay Town Council
Involvement With	(i) All matters concerning the proposed development in Hay-on-Wye including a new school, community centre, care homes, sports facilities and possible supermarket.
Business To Be Considered	A. Funding B. Planning D. Land E. Management / Operation of the Organisation F. General Matters.
	<p>Council of 11 Councillors. 10 current Members – 1 vacancy.</p> <p>Councillor is a trustee of the Hay and District Sports and Community Association Ltd (HADSCAL). She is also a resident of Church Street.</p> <p>The applicant is seeking a dispensation to:</p> <p>(i) Attend a meeting (ii) Speak at a meeting (iii) Vote at a meeting (iv) Seek to influence a decision on the matter (v) Make written representations (vi) Make oral representations</p>
STEP 1 Personal Interest(s) under paragraph 10 of the Code.	<p>Paragraph 10 (2) (a) (ix) (bb)</p> <p>You must regard yourself as having a personal interest in any business of your authority if it relates to, or is likely to affect any company, industrial and provident society, charity, or body directed to charitable purposes in which you have membership or hold a position of general control or management</p> <p>Paragraph 10 (2) (c) (i) (bb)</p> <p>You must regard yourself as having a personal interest in any business of your authority if a decision upon it might reasonably be regarded as affecting your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association to a greater extent than the majority of in all other cases, other council tax payers, rate payers or inhabitants of the authority's area</p>
STEP 2 Exemptions under paragraph 12 (2) & (3) of the Code.	None are applicable.
STEP 3 Application of "public perception" test under paragraph 12 (1) of the	<p><u>Financial and Non-Financial.</u></p> <p>It is suggested that the Sub-Committee approach the issue in this way i.e. to ask itself:</p>

<p>Code.</p>	<p>“Is it reasonable to suppose that the public perception would regard the Councillor’s personal interest, as so significant that whenever a proposal regarding the organisation was discussed at the Town / Community 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 / Community Councillor unless the business under discussion involving the organisation is of such a nature that it would be categorised as trivial, insignificant or uncontentious?”</p> <p>Financial – Prejudicial Interest.</p> <p>Non-Financial – Prejudicial Interest unless matters are trivial, insignificant or uncontentious.</p>
<p>STEP 4 Ground(s) on which dispensation could be granted</p>	<p>The Sub-Committee is required to consider a dispensation in relation to matters other than business which would be of such a nature that it would be categorised as trivial, insignificant or uncontentious.</p> <p>The ground(s) which could be considered are:</p> <p>(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; (Speak and Vote / Speak only)</p> <p>(9 of the 10 current Members have indicated that they have prejudicial interests)</p>
<p>STEP 5 Determine the application and Recommendation:-</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><u>Financial Matters:</u></p> <p><u>Non-Financial Matters:</u></p> <p><u>Regulatory Matters (Paragraph 12(3) of the Code):</u></p> <p>Recommendation – The Sub-Committee will need to grant a dispensation to at least 3 Members of the Council (one third of the total membership) for the Council to have a quorum to discuss these matters.</p>

POWYS STANDARDS COMMITTEE / COMMUNITY SUB-COMMITTEE

APPLICATION FOR DISPENSATION BY MEMBER WITH PREJUDICIAL INTEREST

I, Councillor EDWARD DAJIES
of GUILDSFIELD COMMUNITY 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

How you wish to participate – please tick all relevant categories below:

Attend a meeting	<input checked="" type="checkbox"/>
Speak at a meeting	<input checked="" type="checkbox"/>
Vote at a meeting	<input checked="" type="checkbox"/>
Seek to influence a decision on a matter	<input type="checkbox"/>
Make written representations	<input type="checkbox"/>
Make oral representations	<input type="checkbox"/>
Exercise Board functions (County Councillor only)	<input type="checkbox"/>

SECTION 2

(A) Describe in the box below:

- i) the business in which you wish to participate;
- ii) how your Council will deal with the matter;
- iii) how many Members there are on your Council;
- iv) what meetings will be held to consider it, when and where they will be held; and
- v) those taking part.

i) GUILDSFIELD COMMUNITY ~~COUNCIL~~ CENTRE COMMITTEE
ii) GRANT AID OR PLANNING APPLICATION
iii) 1
iv) FULL COUNCIL
v) FULL COUNCIL

(B) If the business relates to or affects an organisation(s) please detail below:

- o how were you appointed to that organisation (i.e. by appointment by the Town or Community Council or by other means), and

- o what is the nature of the business:
 - A Funding
 - B Planning – applications, building improvement/changes
 - C Licences – liquor/entertainment
 - D Land
 - E Management/operation of the organisation
 - F General matters

GUILDFIELD COMMUNITY CENTRE COMMITTEE
FUNDING TOWARDS RUNNING MAINTENANCE

(C) Is the organisation a registered charity? If so, are you a Trustee of the charity?

Yes — No.

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 (Attached) 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.

Committee Member.

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.

Eligible Applicant	Ground	
County Councillors and Town and Community Councillors	(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;	
County Councillors only	(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;	
County Councillors only	(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.	
County Councillors and Town and Community Councillors	(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;	✓
County Councillors and Town and Community Councillors	(e) The interest is common to the Member and a significant proportion of the general public;	✓
County Councillors and Town and Community Councillors	(f) The participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;	
County Councillors only	(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.	
County Councillors and Town and Community Councillors	(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	
County Councillors and Town and Community Councillors	(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.	

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

Applicant's home address:	15 GUILDFIELD, WELSHPOOL POWYS SYDNEY
Applicant's telephone number:	
Applicant's fax number:	
Applicant's E Mail address:	

SIGNED: _____

DATED: 5-11-12

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.

Application by	Councillor E. Davies
Council	Guilsfield Community Council
Involvement With	(i) Guilsfield Community Centre Committee
Business To Be Considered	A. Funding B. Planning F. General Matters.
	Council of 12 Councillors. Councillor is a Committee Member not appointed by the Council. The applicant is seeking a dispensation to: (i) Attend a meeting (ii) Speak at a meeting (iii) Vote at a meeting
STEP 1 Personal Interest(s) under paragraph 10 of the Code.	Paragraph 10 (2) (a) (ix) (ee) You must regard yourself as having a personal interest in any business of your authority if it relates to, or is likely to affect any private club, society or association operating within you authority's area in which you have membership or hold a position of general control or management
STEP 2 Exemptions under paragraph 12 (2) & (3) of the Code.	Paragraph 12 (2) (c) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business 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
STEP 3 Application of "public perception" test under paragraph 12 (1) of the Code.	<u>Financial and Non-Financial.</u> It is suggested that the Sub-Committee approach the issue in this way i.e. to ask itself: "Is it reasonable to suppose that the public perception would regard the Councillor's personal interest, as so significant that whenever a proposal regarding the organisation was discussed at the Town / Community 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 / Community Councillor unless the business under discussion involving the organisation is of such a nature that it would be categorised as trivial, insignificant or uncontentious?" Financial – Prejudicial Interest Non-Financial – Non Prejudicial Interest
STEP 4	The Sub-Committee is required to consider a dispensation in

<p>Ground(s) on which dispensation could be granted</p>	<p>relation to matters other than business which would be of such a nature that it would be categorised as trivial, insignificant or uncontentious.</p> <p>The ground(s) which could be considered are:</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; (Speak and Vote / Speak only)</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; (Speak and Vote / Speak only)</p>
<p>STEP 5 Determine the application and Recommendation:-</p> <p>(i) Refuse (ii) Approve:- (a) attend (b) speak (c) vote (d) exercise Board Function (e) seek to influence (f) make written communications (g) make oral representations</p>	<p><u>Financial Matters:</u> Recommendation – Not to grant a dispensation over £500.</p> <p><u>Non-Financial Matters:</u> Recommendation – Grant a dispensation to speak and vote under ground (d) and (f) on non financial matters which were not otherwise categorised as trivial, insignificant or uncontentious.</p> <p><u>Regulatory Matters (Paragraph 12(3) of the Code):</u> Recommendation – not to grant a dispensation in accordance with previous precedent.</p>

POWYS STANDARDS COMMITTEE / COMMUNITY SUB-COMMITTEE

APPLICATION FOR DISPENSATION BY MEMBER WITH PREJUDICIAL INTEREST

I, Councillor EDWARD DAVIES
of GUILDFIELD COMMUNITY 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

How you wish to participate – please tick all relevant categories below:

Attend a meeting	<input checked="" type="checkbox"/>
Speak at a meeting	<input checked="" type="checkbox"/>
Vote at a meeting	<input checked="" type="checkbox"/>
Seek to influence a decision on a matter	<input type="checkbox"/>
Make written representations	<input type="checkbox"/>
Make oral representations	<input type="checkbox"/>
Exercise Board functions (County Councillor only)	<input type="checkbox"/>

SECTION 2

(A) Describe in the box below:

- i) the business in which you wish to participate;
- ii) how your Council will deal with the matter;
- iii) how many Members there are on your Council;
- iv) what meetings will be held to consider it, when and where they will be held; and
- v) those taking part.

8 NOV 2012

1. GUILDFIELD CRICKET CLUB
2. GRANT AID OR PLANNING APPLICATION
3. 1
4. Full Council.
5. Full Council.

(B) If the business relates to or affects an organisation(s) please detail below:

- o how were you appointed to that organisation (i.e. by appointment by the Town or Community Council or by other means), and

- what is the nature of the business:
 - A Funding
 - B Planning – applications, building improvement/changes
 - C Licences – liquor/entertainment
 - D Land
 - E Management/operation of the organisation
 - F General matters

GUILSFIELD CRICKET CLUB
 Funding towards running/maintenance
 Village club with 1 team in Shropshire Cricket League
 run by playing members

(C) Is the organisation a registered charity? If so, are you a Trustee of the charity?

NO.

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 (Attached) 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.

CHARMAN OF GUILSFIELD CRICKET

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.

Eligible Applicant	Ground		
County Councillors and Town and Community Councillors	(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;	Speak and Vote Speak only	-
County Councillors only	(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;	Speak and Vote Speak only	-
County Councillors only	(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.	Speak and Vote Speak only	-
County Councillors and Town and Community Councillors	(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;	Speak and Vote Speak only	✓ -
County Councillors and Town and Community Councillors	(e) The interest is common to the Member and a significant proportion of the general public;	Speak and Vote Speak only	✓ -
County Councillors and Town and Community Councillors	(f) The participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;	Speak and Vote Speak only	-
County Councillors only	(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.	Speak and Vote Speak only	-
County Councillors and Town and Community Councillors	(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	Speak only	
County Councillors and Town and Community Councillors	(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.	Speak and Vote Speak only	-

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

Applicant's home address:	GUILSFIELD, WELSHPOOL POWYS
Applicant's telephone number:	
Applicant's fax number:	
Applicant's E Mail address:	

SIGNED: _____

DATED: 5-11-12

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.

Application by	Councillor E. Davies
Council	Guilsfield Community Council
Involvement With	(i) Guilsfield Cricket Club
Business To Be Considered	A. Funding B. Planning F. General Matters.
	Council of 12 Councillors. Councillor is Chairman of Cricket Club. The applicant is seeking a dispensation to: (i) Attend a meeting (ii) Speak at a meeting (iii) Vote at a meeting
STEP 1 Personal Interest(s) under paragraph 10 of the Code.	Paragraph 10 (2) (a) (ix) (ee) You must regard yourself as having a personal interest in any business of your authority if it relates to, or is likely to affect any private club, society or association operating within you authority's area in which you have membership or hold a position of general control or management
STEP 2 Exemptions under paragraph 12 (2) & (3) of the Code.	Paragraph 12 (2) (c) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business 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
STEP 3 Application of "public perception" test under paragraph 12 (1) of the Code.	<u>Financial and Non-Financial.</u> It is suggested that the Sub-Committee approach the issue in this way i.e. to ask itself: "Is it reasonable to suppose that the public perception would regard the Councillor's personal interest, as so significant that whenever a proposal regarding the organisation was discussed at the Town / Community 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 / Community Councillor unless the business under discussion involving the organisation is of such a nature that it would be categorised as trivial, insignificant or uncontentious?" Financial – Prejudicial Interest Non-Financial – Non Prejudicial Interest
STEP 4 Ground(s) on which	The Sub-Committee is required to consider a dispensation in relation to matters other than business which would be of such

<p>dispensation could be granted</p>	<p>a nature that it would be categorised as trivial, insignificant or uncontentious.</p> <p>The ground(s) which could be considered are:</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; (Speak and Vote / Speak only)</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; (Speak and Vote / Speak only)</p>
<p>STEP 5 Determine the application and Recommendation:-</p> <p>(i) Refuse (ii) Approve:- (a) attend (b) speak (c) vote (d) exercise Board Function (e) seek to influence (f) make written communications (g) make oral representations</p>	<p><u>Financial Matters:</u> Recommendation – Not to grant a dispensation over £500.</p> <p><u>Non-Financial Matters:</u> Recommendation – Grant a dispensation to speak and vote under ground (d) and (f) on non financial matters which were not otherwise categorised as trivial, insignificant or uncontentious.</p> <p><u>Regulatory Matters (Paragraph 12(3) of the Code):</u> Recommendation – not to grant a dispensation in accordance with previous precedent.</p>

POWYS STANDARDS COMMITTEE / COMMUNITY SUB-COMMITTEE

APPLICATION FOR DISPENSATION BY MEMBER WITH PREJUDICIAL INTEREST

I, Councillor JOHN TREVOR KYNASTON TREVOR

of STIVELSFIELD COMMUNITY 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

How you wish to participate – please tick all relevant categories below:

Attend a meeting	<input checked="" type="checkbox"/>
Speak at a meeting	<input checked="" type="checkbox"/>
Vote at a meeting	<input checked="" type="checkbox"/>
Seek to influence a decision on a matter	<input type="checkbox"/>
Make written representations	<input type="checkbox"/>
Make oral representations	<input type="checkbox"/>
Exercise Board functions (County Councillor only)	<input type="checkbox"/>

SECTION 2

(A) Describe in the box below:

- i) the business in which you wish to participate;
- ii) how your Council will deal with the matter;
- iii) how many Members there are on your Council;
- iv) what meetings will be held to consider it, when and where they will be held; and
- v) those taking part.

- i) Gwylsfield Church
ii) Grant Aid for maintenance of churchyard
iii) |
iv) Full council to discuss grant aid
v) Full Council

(B) If the business relates to or affects an organisation(s) please detail below:

- o how were you appointed to that organisation (i.e. by appointment by the Town or Community Council or by other means), and

- what is the nature of the business:
 - A Funding
 - B Planning – applications, building improvement/changes
 - C Licences – liquor/entertainment
 - D Land
 - E Management/operation of the organisation
 - F General matters

Member of Church Council
Funding towards maintenance of churchyard

(C) Is the organisation a registered charity? If so, are you a Trustee of the charity?

Yes.
No

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 (Attached) 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.

Member of Church. Treasurer

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.

Eligible Applicant	Ground		
County Councillors and Town and Community Councillors	(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;	Speak and Vote Speak only	-
County Councillors only	(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;	Speak and Vote Speak only	-
County Councillors only	(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.	Speak and Vote Speak only	-
County Councillors and Town and Community Councillors	(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;	Speak and Vote Speak only	✓
County Councillors and Town and Community Councillors	(e) The interest is common to the Member and a significant proportion of the general public;	Speak and Vote Speak only	✓
County Councillors and Town and Community Councillors	(f) The participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;	Speak and Vote Speak only	-
County Councillors only	(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.	Speak and Vote Speak only	-
County Councillors and Town and Community Councillors	(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	Speak only	
County Councillors and Town and Community Councillors	(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.	Speak and Vote Speak only	-

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

The church is for the whole community, the amount of grant and is small, and the object of the grant is a community benefit

Applicant's home address:	Welshpool
Applicant's telephone number:	01938
Applicant's fax number:	01938
Applicant's E Mail address:	

SIGNED: _____

DATED: 29th October 2012

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.

Application by	Councillor J.T.K. Trevor
Council	Guilsfield Community Council
Involvement With	(i) Guilsfield Church – maintenance of churchyard
Business To Be Considered	A. Funding
Background	<p>Council of 12 Councillors.</p> <p>Councillor is Member of the Church and the Treasurer.</p> <p>The applicant is seeking a dispensation to:</p> <ul style="list-style-type: none"> (i) Attend a meeting (ii) Speak at a meeting (iii) Vote at a meeting
STEP 1 Personal Interest(s) under paragraph 10 of the Code.	<p>Paragraph 10 (2) (a) (ix) (ee)</p> <p>“You must regard yourself as having a personal interest in any business of your authority if it relates to, or is likely to affect any private club, society or association operating within you authority’s area in which you have membership or hold a position of general control or management”</p>
STEP 2 Exemptions under paragraph 12 (2) & (3) of the Code.	<p>Paragraph 12 (2) (c)</p> <p>“Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business 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>
STEP 3 Application of “public perception” test under paragraph 12 (1) of the Code.	<p><u>Financial and Non-Financial.</u></p> <p>It is suggested that the Sub-Committee approach the issue in this way i.e. to ask itself:</p> <p>“Is it reasonable to suppose that the public perception would regard the Councillor’s personal interest, as so significant that whenever a proposal regarding the organisation was discussed at the Town / Community 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 / Community Councillor unless the business under discussion involving the organisation is of such a nature that it would be categorised as trivial, insignificant or uncontentious?”</p> <p>Financial – Prejudicial Interest over £500.</p> <p>Non-Financial – Non Prejudicial Interest</p>
STEP 4 Ground(s) on which dispensation could be granted	<p>The Sub-Committee is required to consider a dispensation in relation to matters other than business which would be of such a nature that it would be categorised as trivial, insignificant or uncontentious.</p>

	<p>The ground(s) which could be considered are:</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; (Speak and Vote / Speak only)</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; (Speak and Vote / Speak only)</p>
<p>STEP 5 Determine the application and Recommendation:-</p> <p>(i) Refuse (ii) Approve:- (a) attend (b) speak (c) vote (d) exercise Board Function (e) seek to influence (f) make written communications (g) make oral representations</p>	<p><u>Financial Matters:</u> Recommendation – Not to grant a dispensation over £500.</p> <p><u>Non-Financial Matters:</u> Recommendation – Grant a dispensation to speak and vote under ground (d) and (f) on non financial matters which were not otherwise categorised as trivial, insignificant or uncontentious.</p> <p><u>Regulatory Matters (Paragraph 12(3) of the Code):</u> Recommendation – not to grant a dispensation in accordance with previous precedent.</p>

POWYS STANDARDS COMMITTEE / COMMUNITY SUB-COMMITTEE
APPLICATION FOR DISPENSATION BY MEMBER WITH PREJUDICIAL INTEREST

POWYS STANDARDS COMMITTEE / COMMUNITY SUB-COMMITTEE
 CORPORATE COMMUNITY SERVICES
 - 8 NOV 2012
 RECEIVED

I, Councillor MICHAEL TREVOR JONES
 of GUILDSFIELD COMMUNITY 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

How you wish to participate – please tick all relevant categories below:

Attend a meeting	<input checked="" type="checkbox"/>
Speak at a meeting	<input checked="" type="checkbox"/>
Vote at a meeting	<input type="checkbox"/>
Seek to influence a decision on a matter	<input type="checkbox"/>
Make written representations	<input type="checkbox"/>
Make oral representations	<input checked="" type="checkbox"/>
Exercise Board functions (County Councillor only)	<input type="checkbox"/>

SECTION 2

- (A) Describe in the box below:
- i) the business in which you wish to participate;
 - ii) how your Council will deal with the matter;
 - iii) how many Members there are on your Council;
 - iv) what meetings will be held to consider it, when and where they will be held; and
 - v) those taking part.

ATTEND AQM GUILDSFIELD OLD ~~SCHOOL~~
 VILLAGE SCHOOL MALL

- (B) If the business relates to or affects an organisation(s) please detail below:
- o how were you appointed to that organisation (i.e. by appointment by the Town or Community Council or by other means), and

○ what is the nature of the business:

- ✓ • A Funding
- B Planning – applications, building improvement/changes
- C Licences – liquor/entertainment
- D Land
- E Management/operation of the organisation
- F General matters

(C) Is the organisation a registered charity? If so, are you a Trustee of the charity?

I AM NOT A TRUSTEE

GUILSFIELD OLD SCHOOL IS A REG CHARITY

1060356

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 (Attached) 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.

NO PREJUDICIAL INTREST

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.

Eligible Applicant	Ground		
County Councillors and Town and Community Councillors	(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;	Speak and Vote Speak only	-
County Councillors only	(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;	Speak and Vote Speak only	-
County Councillors only	(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.	Speak and Vote Speak only	-
County Councillors and Town and Community Councillors	(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;	Speak and Vote Speak only	-
County Councillors and Town and Community Councillors	(e) The interest is common to the Member and a significant proportion of the general public;	Speak and Vote Speak only	-
County Councillors and Town and Community Councillors	(f) The participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;	Speak and Vote Speak only	-
County Councillors only	(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.	Speak and Vote Speak only	-
County Councillors and Town and Community Councillors	(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	Speak only	
County Councillors and Town and Community Councillors	(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.	Speak and Vote Speak only	-

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

Applicant's home address:	WELSHPOOL
Applicant's telephone number:	01938
Applicant's fax number:	
Applicant's E Mail address:	

SIGNED: _____

DATED: 31-10-2012

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.

Application by	Councillor M.T. Jones
Council	Guilsfield Community Council
Involvement With	(i) Guilsfield Old School (Registered Charity – 1060356)
Business To Be Considered	A. Funding
	<p>Council of 12 Councillors.</p> <p>Councillor’s wife is Secretary to Guilsfield Old School</p> <p>The applicant is seeking a dispensation to:</p> <ul style="list-style-type: none"> (i) Attend a meeting (ii) Speak at a meeting (vi) Make oral representations
<p>STEP 1 Personal Interest(s) under paragraph 10 of the Code.</p>	<p>Paragraph 10 (2) (c) (i) (aa)</p> <p>“You must regard yourself as having a personal interest in any business of your authority if a decision upon it might reasonably be regarded as affecting your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association to a greater extent than the majority of in the case of any authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision”</p> <p>Paragraph 10 (2) (c) (v) (aa)</p> <p>“You must regard yourself as having a personal interest in any business of your authority if a decision upon it might reasonably be regarded as affecting any body listed in paragraphs 10 (2) (ix) (aa) to (ee) in which persons as described in 10 (2) (c) (i) hold a position of general control or management to a greater extent than the majority of in the case of any authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision”</p>
<p>STEP 2 Exemptions under paragraph 12 (2) & (3) of the Code.</p>	<p>Paragraph 12 (2) (c)</p> <p>Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business 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>STEP 3 Application of “public perception” test under paragraph 12 (1) of the</p>	<p><u>Financial and Non-Financial.</u></p> <p>It is suggested that the Sub-Committee approach the issue in this way i.e. to ask itself:</p>

<p>Code.</p>	<p>“Is it reasonable to suppose that the public perception would regard the Councillor’s personal interest, as so significant that whenever a proposal regarding the organisation was discussed at the Community 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 Community Councillor unless the business under discussion involving the organisation is of such a nature that it would be categorised as trivial, insignificant or uncontentious?”</p> <p>Financial – Prejudicial Interest.</p> <p>Non-Financial – Non Prejudicial Interest.</p>
<p>STEP 4 Ground(s) on which dispensation could be granted</p>	<p>The Sub-Committee is required to consider a dispensation in relation to matters other than business which would be of such a nature that it would be categorised as trivial, insignificant or uncontentious.</p> <p>The ground(s) which could be considered are:</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; (Speak and Vote / Speak only)</p>
<p>STEP 5 Determine the application and Recommendation:-</p> <p>(i) Refuse (ii) Approve:- (a) attend (b) speak (c) vote (d) exercise Board Function (e) seek to influence (f) make written communications (g) make oral representations</p>	<p><u>Financial Matters:</u> Recommendation – Not to grant a dispensation over £500.</p> <p><u>Non-Financial Matters:</u> Recommendation – Grant a dispensation to speak and vote under ground (d) on non financial matters which were not otherwise categorised as trivial, insignificant or uncontentious.</p> <p><u>Regulatory Matters (Paragraph 12(3) of the Code):</u> Recommendation – not to grant a dispensation in accordance with previous precedent.</p>

POWYS STANDARDS COMMITTEE / COMMUNITY SUB-COMMITTEE

APPLICATION FOR DISPENSATION BY MEMBER WITH PREJUDICIAL INTEREST

I, Councillor PAUL HARDING

of QUILSFIELD COMMUNITY 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

How you wish to participate – please tick all relevant categories below:

Attend a meeting	<input checked="" type="checkbox"/>
Speak at a meeting	<input checked="" type="checkbox"/>
Vote at a meeting	<input type="checkbox"/>
Seek to influence a decision on a matter	<input type="checkbox"/>
Make written representations	<input type="checkbox"/>
Make oral representations	<input type="checkbox"/>
Exercise Board functions (County Councillor only)	<input type="checkbox"/>

SECTION 2

(A) Describe in the box below:

- i) the business in which you wish to participate;
- ii) how your Council will deal with the matter;
- iii) how many Members there are on your Council;
- iv) what meetings will be held to consider it, when and where they will be held; and
- v) those taking part.

~ 0 NOV 2012

1. QUILSFIELD COMMUNITY CENTRE. (VICE CHAIR)
2. GRAND AID
3. 1
4. Full Council
5. Full Council.

(B) If the business relates to or affects an organisation(s) please detail below:

- o how were you appointed to that organisation (i.e. by appointment by the Town or Community Council or by other means), and

o what is the nature of the business:

- A Funding
- B Planning – applications, building improvement/changes
- C Licences – liquor/entertainment
- D Land
- E Management/operation of the organisation
- F General matters

VICE CHAIR OF GUNSFIELD COMMUNITY CENTRE COMMITTEE
GRANT APPLICATIONS FOR FINANCIAL BENEFIT.

(C) Is the organisation a registered charity? If so, are you a Trustee of the charity?

YES. REGISTERED CHARITY BUT NOT A TRUSTEE.

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 (Attached) 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.

VICE CHAIR OF GUNSFIELD COMMUNITY ~~CENTRE~~^{CENTRE}.

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.

Eligible Applicant	Ground	
County Councillors and Town and Community Councillors	(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;	✓
County Councillors only	(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 (c) or (e) also applies;	✓
County Councillors only	(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.	✓
County Councillors and Town and Community Councillors	(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;	✓
County Councillors and Town and Community Councillors	(e) The interest is common to the Member and a significant proportion of the general public;	✓
County Councillors and Town and Community Councillors	(f) The participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;	✓
County Councillors only	(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.	✓
County Councillors and Town and Community Councillors	(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	✓
County Councillors and Town and Community Councillors	(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.	✓

SECTION 4

Detail in full the reasons why you submit the grounds selected in Section 3 apply to the case of your application and justify the grant of the dispensation you seek

AS PART OF THE COMMUNITY CENTRE COMMITTEE (VICE CHAIR)
AND A COUNCILLOR I WOULD LIKE TO SPEAK AND
HAVE INPUT INTO SUCH SCHEMES/APPLICATIONS
THAT WOULD HAVE BENEFIT TO THE COMMUNITY
OF QUILSFIELD BUT NOT VOTE.

Applicant's home address:	1 [unclear] [unclear] NR QUILSFIELD WELSHPOOL POWYS
Applicant's telephone number:	019385 [unclear]
Applicant's fax number:	01938 [unclear]
Applicant's E Mail address:	[unclear] OK.

SIGNED: _____

DATED: _____

30/10/2012

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

Mrs Elizabeth Patterson, Committee Clerk, Legal, Scrutiny and Democratic
Services, County Hall, Llandudno Wells, Powys, LD1 4LG

Tel No: 01597 826080

Fax No: 01597 896296

E-Mail: Elizabeth.patterson@powys.gov.uk

Please note that the information you submit may be published.

Application by	Councillor P. Harding
Council	Guilsfield Community Council
Involvement With	(i) Guilsfield Community Centre
Business To Be Considered	A. Funding
	<p>Council of 12 Councillors.</p> <p>Councillor is Vice-Chairman of the Community Centre not appointed by the Council.</p> <p>The applicant is seeking a dispensation to:</p> <p>(i) Attend a meeting</p> <p>(ii) Speak at a meeting</p>
STEP 1 Personal Interest(s) under paragraph 10 of the Code.	<p>Paragraph 10 (2) (a) (ix) (ee)</p> <p>You must regard yourself as having a personal interest in any business of your authority if it relates to, or is likely to affect any private club, society or association operating within you authority's area in which you have membership or hold a position of general control or management</p>
STEP 2 Exemptions under paragraph 12 (2) & (3) of the Code.	<p>Paragraph 12 (2) (c)</p> <p>Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business 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>
STEP 3 Application of "public perception" test under paragraph 12 (1) of the Code.	<p><u>Financial and Non-Financial.</u></p> <p>It is suggested that the Sub-Committee approach the issue in this way i.e. to ask itself:</p> <p>"Is it reasonable to suppose that the public perception would regard the Councillor's personal interest, as so significant that whenever a proposal regarding the organisation was discussed at the Town / Community 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 / Community Councillor unless the business under discussion involving the organisation is of such a nature that it would be categorised as trivial, insignificant or uncontentious?"</p> <p>Financial – Prejudicial Interest</p> <p>Non-Financial – Non Prejudicial Interest</p>
STEP 4 Ground(s) on which dispensation could be granted	<p>The Sub-Committee is required to consider a dispensation in relation to matters other than business which would be of such a nature that it would be categorised as trivial, insignificant or uncontentious.</p>

	<p>The ground(s) which could be considered are:</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; (Speak and Vote / Speak only)</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; (Speak and Vote / Speak only)</p>
<p>STEP 5 Determine the application and Recommendation:-</p> <p>(i) Refuse (ii) Approve:- (a) attend (b) speak (c) vote (d) exercise Board Function (e) seek to influence (f) make written communications (g) make oral representations</p>	<p><u>Financial Matters:</u> Recommendation – Not to grant a dispensation over £500.</p> <p><u>Non-Financial Matters:</u> Recommendation – Grant a dispensation to speak and vote under ground (d) and (f) on non financial matters which were not otherwise categorised as trivial, insignificant or uncontentious.</p> <p><u>Regulatory Matters (Paragraph 12(3) of the Code):</u> Recommendation – not to grant a dispensation in accordance with previous precedent.</p>

POWYS STANDARDS COMMITTEE / COMMUNITY SUB-COMMITTEE

APPLICATION FOR DISPENSATION BY MEMBER WITH PREJUDICIAL INTEREST

I, Councillor PAUL HARDING.
of GUNSFIELD COMMUNITY. 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

How you wish to participate – please tick all relevant categories below:

Attend a meeting	<input checked="" type="checkbox"/>
Speak at a meeting	<input checked="" type="checkbox"/>
Vote at a meeting	<input type="checkbox"/>
Seek to influence a decision on a matter	<input type="checkbox"/>
Make written representations	<input type="checkbox"/>
Make oral representations	<input type="checkbox"/>
Exercise Board functions (County Councillor only)	<input type="checkbox"/>

SECTION 2

(A) Describe in the box below:

- i) the business in which you wish to participate;
- ii) how your Council will deal with the matter;
- iii) how many Members there are on your Council;
- iv) what meetings will be held to consider it, when and where they will be held; and
- v) those taking part.

POWYS STANDARDS COMMITTEE / COMMUNITY SUB-COMMITTEE
CORPORATE SUPPORT SERVICES
- 8 NOV 2012
RECEIVED

1 GUNSFIELD FOOTBALL CLUB (CHAIRMAN)
2 GRANT AID OR PLANNING APPLICATIONS
3 - 1
4 - FULL COUNCIL.
5 - FULL COUNCIL.

(B) If the business relates to or affects an organisation(s) please detail below:

- o how were you appointed to that organisation (i.e. by appointment by the Town or Community Council or by other means), and

- what is the nature of the business:
 - A Funding
 - B Planning – applications, building improvement/changes
 - C Licences – liquor/entertainment
 - D Land
 - E Management/operation of the organisation
 - F General matters

CHAIRMAN OF FOOTBALL CLUB.
ANY APPLICATION FROM FOOTBALL CLUB (VARIOUS)
ANY GRANT AID.

(C) Is the organisation a registered charity? If so, are you a Trustee of the charity?

NO

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 (Attached) 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.

CHAIRMAN OF FOOTBALL CLUB

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.

Eligible Applicant	Ground		
County Councillors and Town and Community Councillors	(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;	Speak and Vote Speak only	- ✓
County Councillors only	(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;	Speak and Vote Speak only	- ✓
County Councillors only	(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.	Speak and Vote Speak only	- ✓
County Councillors and Town and Community Councillors	(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;	Speak and Vote Speak only	- ✓
County Councillors and Town and Community Councillors	(e) The interest is common to the Member and a significant proportion of the general public;	Speak and Vote Speak only	- ✓
County Councillors and Town and Community Councillors	(f) The participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;	Speak and Vote Speak only	- ✓
County Councillors only	(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.	Speak and Vote Speak only	- ✓
County Councillors and Town and Community Councillors	(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	Speak only	✓
County Councillors and Town and Community Councillors	(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.	Speak and Vote Speak only	- ✓

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

With being chairman of the football club I would like to speak but not vote as if there is any input into any project - grant application - or benefit to the community I would like to be able to help and give any information and input which would help the community.

Applicant's home address:	1 NEQUISFIELD WELSHPOOL POWYS.
Applicant's telephone number:	019385
Applicant's fax number:	019385
Applicant's E Mail address:	chairman@wellsfootballclub.co.uk

SIGNED: _____

DATED: 30/10/2012

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.

Application by	Councillor P. Harding
Council	Guilsfield Community Council
Involvement With	(i) Guilsfield Football Club
Business To Be Considered	A. Funding B. Planning F. General Matters.
	Council of 12 Councillors. Councillor is Chairman of Football Club. The applicant is seeking a dispensation to: (i) Attend a meeting (ii) Speak at a meeting
STEP 1 Personal Interest(s) under paragraph 10 of the Code.	Paragraph 10 (2) (a) (ix) (ee) You must regard yourself as having a personal interest in any business of your authority if it relates to, or is likely to affect any private club, society or association operating within you authority's area in which you have membership or hold a position of general control or management
STEP 2 Exemptions under paragraph 12 (2) & (3) of the Code.	Paragraph 12 (2) (c) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business 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
STEP 3 Application of "public perception" test under paragraph 12 (1) of the Code.	<u>Financial and Non-Financial.</u> It is suggested that the Sub-Committee approach the issue in this way i.e. to ask itself: "Is it reasonable to suppose that the public perception would regard the Councillor's personal interest, as so significant that whenever a proposal regarding the organisation was discussed at the Town / Community 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 / Community Councillor unless the business under discussion involving the organisation is of such a nature that it would be categorised as trivial, insignificant or uncontentious?" Financial – Prejudicial Interest Non-Financial – Non Prejudicial Interest
STEP 4 Ground(s) on which dispensation could be	The Sub-Committee is required to consider a dispensation in relation to matters other than business which would be of such a nature that it would be categorised as trivial, insignificant or

<p>granted</p>	<p>uncontentious.</p> <p>The ground(s) which could be considered are:</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; (Speak and Vote / Speak only)</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; (Speak and Vote / Speak only)</p>
<p>STEP 5 Determine the application and Recommendation:-</p> <p>(i) Refuse (ii) Approve:- (a) attend (b) speak (c) vote (d) exercise Board Function (e) seek to influence (f) make written communications (g) make oral representations</p>	<p><u>Financial Matters:</u> Recommendation – Not to grant a dispensation over £500.</p> <p><u>Non-Financial Matters:</u> Recommendation – Grant a dispensation to speak and vote under ground (d) and (f) on non financial matters which were not otherwise categorised as trivial, insignificant or uncontentious.</p> <p><u>Regulatory Matters (Paragraph 12(3) of the Code):</u> Recommendation – not to grant a dispensation in accordance with previous precedent.</p>

POWYS STANDARDS COMMITTEE / COMMUNITY SUB-COMMITTEE

APPLICATION FOR DISPENSATION BY MEMBER WITH PREJUDICIAL INTEREST

I, Councillor David Jones

of Montgomery 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

How you wish to participate – please tick all relevant categories below:

Attend a meeting	<input checked="" type="checkbox"/>
Speak at a meeting	<input checked="" type="checkbox"/>
Vote at a meeting	<input type="checkbox"/>
Seek to influence a decision on a matter	<input checked="" type="checkbox"/>
Make written representations	<input type="checkbox"/>
Make oral representations	<input checked="" type="checkbox"/>
Exercise Board functions (County Councillor only)	<input type="checkbox"/>

SECTION 2

(A) Describe in the box below:

- i) the business in which you wish to participate;
- ii) how your Council will deal with the matter;
- iii) how many Members there are on your Council;
- iv) what meetings will be held to consider it, when and where they will be held; and
- v) those taking part.

- | | |
|------|--|
| i) | To discuss Montgomery Thursday & Saturday Markets. |
| ii) | Discussions. |
| iii) | 11. |
| iv) | Monthly meetings, fourth Thursday of each month, Montgomery Town Hall. |
| v) | All council members. |

(B) If the business relates to or affects an organisation(s) please detail below:

- how were you appointed to that organisation (i.e. by appointment by the Town or Community Council or by other means), and

- what is the nature of the business:
 - A Funding
 - B Planning – applications, building improvement/changes
 - C Licences – liquor/entertainment
 - D Land
 - E Management/operation of the organisation
 - F General matters

F) General matters relating to the markets held in Montgomery.

(C) Is the organisation a registered charity? If so, are you a Trustee of the charity?

N/A

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 (Attached) 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.

A1, C1, C2, C3

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.

Eligible Applicant	Ground		
County Councillors and Town and Community Councillors	(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;	Speak and Vote Speak only	-
County Councillors only	(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;	Speak and Vote Speak only	-
County Councillors only	(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.	Speak and Vote Speak only	-
County Councillors and Town and Community Councillors	(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;	Speak and Vote Speak only	X
County Councillors and Town and Community Councillors	(e) The interest is common to the Member and a significant proportion of the general public;	Speak and Vote Speak only	-
County Councillors and Town and Community Councillors	(f) The participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;	Speak and Vote Speak only	X
County Councillors only	(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.	Speak and Vote Speak only	-
County Councillors and Town and Community Councillors	(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	Speak only	
County Councillors and Town and Community Councillors	(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.	Speak and Vote Speak only	-

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 am both a town councillor and market stall trader in the town of Montgomery, and this matter would not damage public confidence.

I have been trading in Montgomery since 1977 on both Thursdays & Saturdays both inside and outside Montgomery Town Hall. Therefore I feel I have expertise in this matter.

I seek dispensation to be able to speak on behalf of the Thursday and Saturday markets.

Applicant's home address:	Offa Farm Montgomery Powys SY15 6HZ.
Applicant's telephone number:	01686 668 485
Applicant's fax number:	01686 668 485
Applicant's E Mail address:	h.jones687@btinternet.com

SIGNED: _Councillor D R E Jones

DATED: 17.10.12

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.

Application by	Councillor D. Jones
Council	Montgomery Town Council
Involvement With	(i) Montgomery Thursday and Saturday Markets
Business To Be Considered	E. Management / Operation of the Organisation F. General Matters.
	<p>Council of 11 Councillors.</p> <p>Councillor is a market stall trader at Montgomery Town Hall.</p> <p>The applicant is seeking a dispensation to:</p> <ul style="list-style-type: none"> (i) Attend a meeting (ii) Speak at a meeting (iv) Seek to influence a decision on the matter (vi) Make oral representations
<p>STEP 1 Personal Interest(s) under paragraph 10 of the Code.</p>	<p>Paragraph 10. (2) (a) (i)</p> <p>You must regard yourself as having a personal interest in any business of your authority if it relates to, or is likely to affect any employment or business carried on by you</p> <p>Paragraph 10 (2) (c) (i) (bb)</p> <p>You must regard yourself as having a personal interest in any business of your authority if a decision upon it might reasonably be regarded as affecting your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association to a greater extent than the majority of in all other cases, other council tax payers, rate payers or inhabitants of the authority's area</p> <p>Paragraph 10 (2) (c) (ii) (bb)</p> <p>You must regard yourself as having a personal interest in any business of your authority if a decision upon it might reasonably be regarded as affecting any employment or business carried on by persons as described in 10 (2) (c) (i) to a greater extent than the majority of in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area</p>
<p>STEP 2 Exemptions under paragraph 12 (2) & (3) of the Code.</p>	None are applicable.
<p>STEP 3 Application of "public perception" test under paragraph 12 (1) of the Code.</p>	<p><u>Financial and Non-Financial.</u></p> <p>It is suggested that the Sub-Committee approach the issue in this way i.e. to ask itself:</p> <p>"Is it reasonable to suppose that the public perception would regard the Councillor's personal interest, as so significant that</p>

	<p>whenever a proposal regarding the organisation was discussed at the Town / Community 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 / Community Councillor unless the business under discussion involving the organisation is of such a nature that it would be categorised as trivial, insignificant or uncontentious?”</p> <p>Financial – Prejudicial Interest.</p> <p>Non-Financial – Prejudicial Interest unless matter is trivial, insignificant or uncontentious.</p>
<p>STEP 4 Ground(s) on which dispensation could be granted</p>	<p>The Sub-Committee is required to consider a dispensation in relation to matters other than business which would be of such a nature that it would be categorised as trivial, insignificant or uncontentious.</p> <p>The ground(s) which could be considered are:</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; (Speak and Vote / Speak only)</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; (Speak and Vote / Speak only)</p>
<p>STEP 5 Determine the application and Recommendation:-</p> <p>(i) Refuse (ii) Approve:- (a) attend (b) speak (c) vote (d) exercise Board Function (e) seek to influence (f) make written communications (g) make oral representations</p>	<p><u>Financial Matters:</u> Recommendation – Not to grant a dispensation.</p> <p><u>Non-Financial Matters:</u> Recommendation – Grant a dispensation to speak only under ground (d) and (f) on non financial matters which were not otherwise categorised as trivial, insignificant or uncontentious</p> <p><u>Regulatory Matters (Paragraph 12(3) of the Code):</u> Recommendation – not to grant a dispensation in accordance with previous precedent.</p>

Blanket dispensation – members who are trustees of charities

Very often Town and Community Councillors can be either a custodian trustee or an individual charitable trustee (appointed by the Council/or not appointed by the Council)

Charities are organisations set up for the benefit of the community. To qualify as a charity, an organisation has to meet strict conditions about its overall purposes, also referred to as its objects, including demonstrating that its purposes are for the public benefit. The organisation also has to be set up with a constitution or rules which meet certain conditions. These rules are usually referred to as a charity's governing document.

Charity trustees are the people who serve on the governing body or board of a charity. They may be known as trustees, directors, board members, governors or committee members. Charity trustees are responsible for the general control and management of the administration of a charity.

A custodian trustee is a corporation (collection of persons which, in the eyes of the law, has its own legal existence and rights and duties separate from those of the persons who form it from time to time) appointed to have the custody, as distinct from the management, of a trust property.

The Charity Commission is the independent regulator of charities in England and Wales. They work closely with charities to ensure that they are accountable, well run and meet their legal obligations in order to promote public trust and confidence. The Commission has wide powers to intervene in the affairs of a charity where things have gone wrong.

If members have been appointed by their Town or Community Council there would be no need for dispensation as the Members' Code of Conduct allows full participation except for regulatory matter.

Members of the local Council will give the Charity support for example financial support and if they are trustees they will have a duty to represent the interests of that Charity, even if this conflicts with the wishes of the Council. Custodian trustees have responsibility for a trust's property and may be all members of the Council who automatically become trustees on election. This could for example involve negotiation of a lease involving County and Town and Community Councillors as members of a Trust.

This could mean that without a dispensation the local Council, due to the number of members with a prejudicial interest would not be able to conduct any business relating to the trust as a result of them not having a sufficient quorum.

At the last meeting the Committee granted dispensations for members of local Councils who were also trustees of their local Charities. The dispensations were in respect of The Millfield Amenity Land Trust and The Abermule Community Centre. This related to Councillors prejudicial interest arising from trustees of the two charitable trusts. The dispensation enabled them to speak and vote. A dispensation was also granted for a Councillor of Presteigne and Norton Town Council to speak but not vote on bodies to where he was a member. Two of the bodies were Charities, Presteigne Festival of Music and the Arts and Presteigne Youth Project Ltd.

Since then an application has been received from a Councillor from Guilsfield Community Council who is also a trustee of Guilsfield Community Centre which is a registered Charity.

It is felt that this situation is not unique and is likely to be replicated across many Town and Community Councils.

The Sub-Committee are invited to consider granting a blanket dispensation to charity trustees:

- (i) who are appointed by the Council to speak and vote on regulatory matters
- (ii) for non Council appointees to speak and vote on all matters including regulatory matters
- (iii) that for custodian trustees (not technically appointed by the Council but are Trustee by virtue of the election as Councillor) they be afforded the same status as an appointed trustee

Standards Committee and Sub-Committee

Application for Dispensations – School Governors.

The Members' Code of Conduct provides that councillors either elected by their Council or appointed by other means as school governors have a personal interest when matters relating to education or the school where they are a governor are considered.

The Code in addition grants an exemption to Councillors who have been appointed by their Council as school governors to take a full part in discussions excluding regulatory type matters e.g. planning. It is also arguable that another exemption applies i.e. the one relating to "another public authority or body exercising functions of a public nature in which you hold a position of general control or management" as it would be difficult to argue that governing bodies are not public bodies.

This exemption, however, does not apply for those Councillors not appointed by their Council. In effect this means that they are not allowed to speak on matters relating to the school where they are a governor in the same way as those Councillors appointed by their Council. They are therefore restricted to speaking about general school policy matters only, and when that general policy matter is applied specifically to the school where they are a governor, the Code says that this is a prejudicial interest, and the Councillor must withdraw from the meeting.

A complaint has been received from the Chair of a Community Council in Powys that democracy in his opinion is being hindered by the current wording of the Code in relation to voluntary organisations and the ability of Councillors to support / raise issues relating to those organisations in the Council due to the restrictive wording in the Code. A specific example is given relating to a school governor not appointed by the Council.

As officers advising on the Code of Conduct it is difficult to argue the case for governors appointed or not appointed by their Council being treated differently by the Code of Conduct as they are currently, and it is suggested that they should all be treated equally, irrespective of how they are appointed.

The Committee / Sub-Committee is considering issues in relation to charities at its meeting on 5th December. As school governing bodies are clearly public bodies, it would seem appropriate that this "type" of organisation should, in addition to charities, be considered for a blanket dispensation by the Standards Committee / Sub-Committee to remove the current restriction. It is further suggested that because of the type of organisation i.e. a public body, the same argument as for charities applies i.e. that granting a blanket dispensation would not damage public confidence if Councillors were fully involved in matters relating to schools. The only exception that should be considered is that used for previous blanket dispensations i.e. where the councillor has a pecuniary prejudicial interest.

The Committee / Sub-Committee is therefore requested to consider the following:

- (i) granting a blanket dispensation to all councillors who are school governors appointed by their Council to take part in regulatory type matters (i.e. speak and vote);
- (ii) granting a blanket dispensation to all councillors who are school governors not appointed by their Council to take part in all matters relating to their school (including regulatory matters) (i.e. speak and vote)
- (iii) that the blanket dispensation does not apply where the Councillor has a pecuniary prejudicial interest.