

# POWYS STANDARDS COMMITTEE / COMMUNITY SUB-COMMITTEE

## APPLICATION FOR DISPENSATION BY MEMBER WITH PREJUDICIAL INTEREST

I, Councillor Elwyn Vaughan

of Powys County 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	✓
Speak at a meeting	✓
Vote at a meeting	
Seek to influence a decision on a matter	✓
Make written representations	✓
Make oral representations	✓
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 proposed the following motion to Council in December 2021:

**“NOTICE OF MOTION - RESPONSIBLE AFFORESTATION - A  
NON-EXPLOITATIVE AND SUSTAINABLE APPROACH**

Council expresses its concern about the purchase of family farms in Powys and the wider region by multinational companies to plant trees for the purpose of creating ‘carbon credits’ which are sold to polluting companies to meet their carbon offset targets.

While accepting that tree planting on a large scale is recognised as one means of combating climate change, Council regrets that carbon offsetting allows these high carbon-emitting companies to continue with their unsustainable conduct.

Furthermore, Council notes that multinational companies have already claimed over £1.3m from Welsh Government funding via the Glastir Woodland Creation fund, which means that Welsh taxpayers are subsidising the carbon offsetting programmes of companies from outside Wales.

Council supports the principle of responsible afforestation but believes this must be done in consultation with local communities, and should not have a detrimental impact on local employment, culture and community viability.

Councils calls on the Welsh Government to:

- Ensure that funding via the Glastir Woodland Creation scheme can only be claimed by active farmers in Wales
- Introduce planning development legislation to enable local planning authorities such as Powys to control afforestation projects, and to set a limit on the proportion of land on any farm that can be used for afforestation without the need for planning consent
- Deliver its afforestation plans by developing a publicly owned arms-length company to manage Wales' forestry and help reach the Welsh Government's carbon reduction targets

Council recognises the opinion of environmental campaigners that tree planting is not a silver bullet to averting climate change and agrees that only rapid reduction of burning fossil fuels can halt the ongoing and alarming rise in global temperatures.

**Proposed by County Councillor Elwyn Vaughan  
Seconded by County Councillor Emily Durrant"**

I agreed to defer the matter due the large number of Members who ( in the absence of a dispensation) would have a personal and / prejudicial interest in the topic due to the member, a family member or a close personal association having (a) farmland which could be forested and /or (b) were in receipt of funding via the Glastir Woodland Creation scheme or could apply for such funding in the event that extra funding became available if the scheme was limited to "active farmers in Wales"

The Council currently has 72 Members and it is proposed to consider the motion again at Full Council on 3<sup>rd</sup> March 2022.

**(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

This motion could have an impact on any Councillors who are members of the NFU or FUW which are representative bodies for farmers in Wales. These bodies could be impacted as they as representative bodies are likely to comment on issues raised in the motion.

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

Not applicable.

### **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.**

This motion will impact a significant number of Councillors as either themselves or a family member or a close personal association having

- (a) farmland which could be forested and could be approached to sell farms or significant plots of land for that purpose ; /or
- (b) have forests or forestry operations as part of their farming businesses; or
- (c) are in receipt of funding via the Glastir Woodland Creation scheme or could apply for such funding in the event that extra funding became available if the scheme was limited to “active farmers in Wales”

## 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;	<del>Speak and Vote</del> 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;	<del>Speak and Vote</del> 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;	<del>Speak and Vote</del> 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**

Motions relating to farmers and / or farmland are regularly put to Council and this is the second time that I have come to the Standards Committee to seek a dispensation. There is a potential that a significant number of Councillors will have to disclose a personal and prejudicial interest in this matter as they are farmers, or have family or friends or persons involved in farming and agriculture.

Officers inform me that a recent email question was circulated to Members about involvement in the farming industry. Of 45 responses (out of 72) (62.5% response rate) Councillors indicated:

20 were involved in agriculture (44% of responders) (28% of Full Council);  
23 had family involved in agriculture (51% of responders) (32% of Full Council);  
21 had close personal associates involved in agriculture (47% of responders) (29% of Full Council);  
Only 17 had no involvement at all in agriculture (38% of responders) (24% of Full Council).

This suggests that 76% of Members would have to disclose a personal and prejudicial interest when discussing a farming and/or agricultural matter.

**A. As such, I ask the Committee to grant a general dispensation to allow members to speak but not vote and/or make written representations in relation to any matters relating to or likely affect farming and agriculture**

Such a general dispensation has been given in some rural counties such as Carmarthenshire and the Monitoring Officer can confirm this to be the case.

A general dispensation would allow Council business to be transacted without the need to apply to the Standards Committee for a dispensation for every motion that involves farming and/or agriculture.

It would facilitate Council business and avoid the need to call extraordinary meetings of the Standards Committee.

It would enable Council to have the benefit of hearing from those with the most experience in farming and /or agriculture before making a decision on such issues.

**B. In the event that the Committee is not prepared to grant a general dispensation as requested above, I would nevertheless ask the Committee to grant a dispensation for Members to speak but not vote and/or make written representations in relation to my motion on responsible afforestation.**

It would enable Council to have the benefit of hearing from those with the most experience on the issue.

In addition, the motion requests for Welsh Government to undertake a number of actions rather than the Council itself and therefore there is no direct influence by the Councillors in the final decision being made as it will be a matter for Welsh Government, and hence would not cause any reputational damage to the Council in passing this motion.

Applicant's home address:	9 Glancegyr Llanbrynmair Powys SY19 7DH
Applicant's telephone number:	07976927626
Applicant's E Mail address:	<a href="mailto:cllr.elwyn.vaughan@powys.gov.uk">cllr.elwyn.vaughan@powys.gov.uk</a>

SIGNED: Elwyn Vaughan

DATED: 10-02-2022

**This form fully completed, signed and dated should be returned to:**  
**Carol Johnson, Democratic Services Officer, Legal and Democratic Services,**  
**County Hall, Llandrindod Wells, Powys, LD1 5LG**  
**Tel No: 01597 826206**  
**email : carol.johnson@powys.gov.uk**