

The following is an extract from the Standards Committee minutes of 28 June 2017 relating to the discussion and agreed dispensations in respect of:

- School Modernisation and School Transport Reviews**
- Renewable Energy**
- School Governors**
- Membership of Voluntary Organisations**
- Lobbying**
- Spare Room Subsidy (“Bedroom Tax”)**
- Single Farm Payments**

D Dispensations

D1 General Dispensations

The following general dispensations were considered:

School Modernisation and School Transport Reviews.

The Council has a School Modernisation Programme which has raised a number of complex issues in relation to the Members’ Code of Conduct.

The previous Standards Committee’s discussion centred around the need to allow members of the public to have a voice through their elected representative on an issue of such importance to the whole community and to ensure that the democratic process was not restricted. Whilst it was confirmed that there was no problem with school governors taking part in the process it was uncommon for a Member to be solely a school governor and most members had multiple and complex interests.

The previous Committee considered that the main area of difficulty for Members arose when pecuniary interests arose which were defined as those Members who

were employed in a school,
who had a close personal association with someone employed in a school (spouse, parent, child)
had a contract for school transport
Members who have children in schools who are likely to be affected by the decision or have a close personal association with a person who has children in a school likely to be affected by the decision

Since this was last discussed by the Standards Committee the following additional interest have been identified:

Members who have a pecuniary interest because of out of school transport costs

The previous Committee emphasised that a pecuniary interest did not go so far as to relate to a change of school for a child where the Member may choose to send their child to a school other than their designated school and thus incur travel expense.

Members reported that there was evidence that the blanket dispensation granted for matters relating to the School Modernisation process was being used by Members in relation to any matters relating to schools. The previous Committee confirmed that the blanket dispensation related only to the School Modernisation process.

The previous Committee agreed broadly with the view taken by the Committee in 2010 of the need to allow members of the public to have a voice through their elected representatives on an issue of such importance to the whole community and to ensure that the democratic process was not unduly restricted subject to a limitation in respect of prejudicial interests which were pecuniary arising from employment at a school, but since then had identified additional interests as set out above.

The previous Committee agreed that a blanket dispensation should be granted to all councillors in this connection and that it should extend to issues involving school transport which were also the subject of a current review and were intrinsically linked to the school modernisation programme. It was further decided that in relation to school transport review matters the dispensation should not apply in respect of a pecuniary prejudicial interest arising from an involvement with the provision of such transport.

The previous Committee also reaffirmed that the dispensation should apply only to matters arising directly under and linked to the actual school modernisation programme/ school transport review. In other words, the dispensation should not apply in circumstances where the issue involved an individual school, pupil or transport issue unrelated to such programme/review.

RESOLVED THAT:	REASON FOR DECISION
<p>a blanket dispensation (the dispensation) in relation to school modernisation and any school transport issue be granted to all county councillors in accordance with and, subject to, the following provisions of this resolution:-</p> <p>(a) the dispensation shall relate to all prejudicial interests under the Members Code of Conduct PROVIDED ALWAYS that the dispensation shall not apply where the councillor (irrespective of whether or not he/she is a member of the Cabinet or Scrutiny Committee) has a pecuniary prejudicial interest other than one that relates to out of school transport costs;</p> <p>(b) “school modernisation” means any modernisation proposal being undertaken by or for the Cabinet in relation to both primary, secondary and special schools but does not include non-modernisation issues (e.g. the budget, inspection, employment matters, ICT, catering, cleaning, refurbishment, repair or property items);</p> <p>(c) “school transport issue” means any issue relating to the planning, commissioning and procurement of transport for pupils attending primary, secondary and special schools both in and outside of Powys where the Council has a duty to provide such transport but does not include interests which are specific to a particular school, route or pupil unrelated to such review;</p> <p>(d) “pecuniary prejudicial interest” means a prejudicial interest under the Members Code of Conduct which results in financial gain, or financial loss, either immediately, or in the foreseeable future, arising (in the case of school modernisation) from employment as a teacher or otherwise at a school or, (in the case of the school transport) from the Council’s provision of school transport, to:-</p> <p style="padding-left: 40px;">(i) the councillor in question; or</p> <p style="padding-left: 40px;">(ii) someone with whom the councillor lives or has a close personal association e.g. close friends, close relatives, colleagues with whom the councillor has particularly strong connections, business associates and someone with whom the councillor has been in dispute with (NB1 Councillors should note however that “close personal association”</p>	<p>To enable members to represent their constituents in matters of great significance for Powys where they do not have a conflict of interest which is pecuniary; the committee being of the view that the grant of this blanket dispensation will not damage public confidence in the conduct of the Council’s business.</p>

does not include casual acquaintances, distant relatives or people you simply come into contact with through your role as member or your work in the local community) (NB2 Pecuniary Prejudicial Interest does not include the additional out of school transport costs incurred by a parent, grandparent, guardian, carer or person having parental responsibility);

- (e) the dispensation extends to:-
 - (i) attending any meeting formal or informal (as defined in the Members Code of Conduct) including meetings of the full County Council, Cabinet, Scrutiny or other Committee or Project Board;
 - (ii) speaking and voting at such meetings; and
 - (iii) making oral or written representations and generally playing a full role in representing constituents;
- (f) the dispensation is subject to compliance with:-
 - (i) any legislative requirement;
 - (ii) any common law rule including bias/predetermination;
 - (iii) the council's constitution;
- (g) the dispensation shall continue in force until the first meeting of the Standards Committee after the next ordinary council elections in 2022 unless before those elections the Standards Committee revokes, amends or alters the dispensation;
- (h) for the avoidance of all doubt:-
 - (i) the dispensation applies to all members including those who are Decision Makers;
 - (ii) other than where a specific pecuniary prejudicial interest exists, as detailed above, the dispensation applies to all other types of prejudicial interests such as those arising from being a school governor or being the parent, grandparent, guardian, carer or person having parental responsibility for a child at a school;

<p>(iii) the dispensation does not apply where directly or through someone with whom the member lives or has a close personal association a pecuniary prejudicial interest exists as defined above;</p> <p>(iv) it is always a matter for the individual member to decide whether the interest is prejudicial;</p> <p>(v) a member who takes advantage of the dispensation must continue to comply with the Members' Code of Conduct including the requirements in relation to:-</p> <p>(a) the disclosure of his/her personal and prejudicial interest at meetings and in discussions indicating the nature of such interest and confirming that he/she is participating with the benefit of the dispensation; and</p> <p>(b) the giving of the requisite written notification in connection with these disclosure requirements;</p> <p>(vi) the dispensation, whilst it does not apply to any member (irrespective of whether or not he/she is a member of the Cabinet) with a pecuniary prejudicial interest, does not affect the right (under the Members' Code of Conduct) of a member who has a pecuniary prejudicial interest to speak and then withdraw from a meeting where the public are accorded the right to speak at such meeting;</p>	
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Renewable Energy.

This issue commenced with a proposal in Montgomeryshire relating to proposed large windfarms as well as an electricity sub-station and electricity pylons.

Given the extent to which these proposals affected a large part of Montgomeryshire and Northern Radnorshire, and the position in which very many County Councillors for the area found themselves, the previous Committee was asked to consider the desirability of granting Councillors (in their various roles) a blanket dispensation or dispensations to speak or speak and vote at meetings (including both formal meetings and meetings under the Members' Code involving another Member and/or officer); to

make representations in writing and orally and generally to play a full role (subject to compliance with the general law and the Council's Constitution – e.g. Planning Protocol) in representing their constituents in relation to this matter.

It was suggested that the County Councillors affected by a renewable energy development could be considered to fall into three categories in relation to this matter:

- (i) those that are on the Planning Committee or / Cabinet and could be classed as "Decision Makers" (Planning Committee members in relation to the Hub; and Cabinet members in relation to the Pylon Consultation);
- (ii) those who are "Local Members" and
- (iii) the relevant Portfolio Holder.

It was further noted that some County Councillors were also Town or Community Councillors.

In their deliberations the previous Committee took note of the following:

It had generated a considerable amount of local interest much of which opposed the development;

It was perceived that constituents would wish their local County Councillor to be free to put forward the views of the local communities in relation to this development and to clearly articulate and make public their own view irrespective of any personal and prejudicial interest a member may have under the Members Code of Conduct;

The likelihood was, given the wide spread impact of this development, that many Members would be directly and indirectly affected whether adversely or possibly beneficially resulting in them having personal and prejudicial interests under the Members' Code of Conduct;

Those Members in areas affected who wish to act as Decision Makers on either the Cabinet or Planning Committee would find difficulty in playing any significant "constituency role" in their elected division due to the difficulties caused by the likely perception that as a consequence of their role locally they had formed a "closed mind" and were "predetermined"; and

The different types of personal and prejudicial interests that could arise appeared to be diverse and it would be difficult, if not impossible, to categorise all such interests in terms of those which ought to be the subject of dispensations and those which should not.

The uncertainty around the timescale relating to the submission of the formal planning applications might result in there being changes to the current membership of the Cabinet and Planning Committee by the time the applications are actually considered.

The previous Standards Committee was firmly of the view that a member of the Planning Committee who had a personal and prejudicial interest in this development within the terms of the Members' Code of Conduct should not be given a dispensation to take part in the Planning Committee process regarding the Hub as "Decision Makers". Whilst it was considered neither appropriate or justified to consider granting dispensations to members of the Planning Committee in respect of their

decision making role the previous Standards Committee were of the view that if a Planning Committee Member elected to step aside from their decision making role to undertake a “Local Member” role in relation to this development such a Member should be granted a dispensation to attend meetings, speak, make representations etc. in order to effectively represent their constituents notwithstanding the existence of any personal and prejudicial interest. Additionally and irrespective of any dispensation such a Member would also remain free under the Council’s Planning Protocol to play the role of Local Member in addressing the Planning Committee under the public speaking provisions of that protocol.

Similarly where a Cabinet Member had a personal and prejudicial interest in respect of this development the previous Standards Committee were of the view that (as with Planning Committee Members) such a Member should not be granted a dispensation of any sort so as to enable him/her to undertake a decision making role. If a Cabinet Member elected to step aside from their decision making role to undertake a “Local Member” role such a Member should be granted a dispensation to attend meetings, speak, make representations etc. in order to effectively represent their constituents. Additionally and irrespective of any dispensation such a Member would, also remain free under the Council’s Planning Protocol to play the role of Local Member in addressing the Planning Committee under the public speaking provisions of that protocol.

In relation to Councillors who had a personal and prejudicial interest in a renewable energy development but were neither a Cabinet Member or a Planning Committee Member the previous Standards Committee were of the view that to avoid all doubt they should be granted dispensations in line with those referred to above for Members of the Cabinet and Planning Committee who opted to stand aside from their decision making role and play the role of “Local Member”. That is to say they should be granted dispensations in respect of all and any personal and prejudicial interests under the Members’ Code of Conduct arising directly or indirectly as a result of the proposed development to enable them to speak and vote at meetings, make oral and written representations and generally to play a full role (subject to compliance with the general law and the Council’s Constitution – e.g. Planning Protocol) in representing their constituents in relation to this matter. Members need to be aware however that whilst they may not currently be members of the Cabinet or Planning Committee if they were subsequently to become members their position on the Cabinet or Planning Committee in so far as a decision making role in relation to this development was concerned might be compromised by their previous Local Member role activities.

By way of completeness and to summarise it was emphasised that in so far as a Planning Committee Member was concerned if he/she concluded (at any point in time) that he/she had a personal and prejudicial interest in the matter then the Standards Committee’s stance was they should not sit as a decision maker and should not be granted a dispensation to do so. That Councillor could however step aside as a decision maker and declare himself/herself as acting as “Local Member” in

respect of the development. This would allow him/her (on the basis of a blanket dispensation granted by the Standards Committee) to play a full role in their local electoral division and, with the permission of the person presiding, to address the Cabinet when it discussed any consultation representations to be made on behalf of the Council. Having addressed the Cabinet he/she would then leave the room and take no part in the debate. Furthermore under the public speaking protocol the Councillor could make representations to the Planning Committee on the matter and then leave the meeting room.

In the case of a Cabinet Member concluding (at any point in time) that he/she had a personal and prejudicial interest the previous Standards Committee's view was that such a Member should not sit as a decision maker in relation to any consultation and should not be granted a dispensation to do so. Such a Member could however step aside as a Decision Maker and declare himself/herself as acting as "Local Member" in respect of the development. This would allow him/her (on the basis of a blanket dispensation granted by the previous Standards Committee) to play a full role in their local electoral division and, with the permission of the person presiding, to address the Cabinet when it discussed any consultation representations to be made on behalf of the Council. Having addressed the Cabinet he/she would then leave the room and take no part in the debate or vote. Additionally under the public speaking protocol he/she could make representations to the Planning Committee on the matter and then leave the meeting room.

The previous Standards Committee concluded that given all of the circumstances outlined above it was appropriate and would not damage public confidence in the conduct of the Council's business to grant a blanket dispensation to Councillors with personal and prejudicial interests under the Members' Code of Conduct arising out of such a development to enable them to play a non-decision making role. Such a dispensation would apply to all Councillors who are not Members or the Cabinet or Planning Committee or, if they were, had decided to step aside as decision makers as solely play the role of Local Member in relation to this matter.

Other Interests.

The types of interests highlighted by Members included:

- Financial/land interests
- family interests
- being a Governor of a school on the potential path of pylons
- being a member of a trust dispensing community benefits
- business under contract with a wind farm developer
- conflict between the members electoral division role and their role on behalf of the Council
- being a trustee of a charity which could be affected.

4.2.13 The previous Standards Committee decided that a blanket dispensation should be granted to all councillors including decision makers on the Cabinet and the Planning Committee provided that no dispensation would apply where, in relation to a specific planning

application or a site specific matter, a member (irrespective of whether or not he/she is a member of the Cabinet or Regulatory Committee) had a prejudicial interest which was pecuniary.

RESOLUTION THAT	REASON FOR DECISION
<p>a blanket dispensation (the dispensation) in relation to renewable energy issues be granted to all county councillors in accordance with and, subject to, the following provisions of this resolution:-</p> <p>the dispensation shall relate to all prejudicial interests under the Members Code of Conduct PROVIDED ALWAYS that the dispensation shall not apply in respect of a specific planning application or site specific matter where the councillor (irrespective of whether or not he/she is a member of the Cabinet or Regulatory Committee) has a pecuniary prejudicial interest;</p> <p>“renewable energy issues” means any question, motion, report, notification, communication, discussion, consultation, proposal, application, appeal, process or proceedings, development or works, involving, related to, concerning, or connected with, a renewable energy development including any associated :-</p> <p>Turbines, solar panels, hydro schemes, substations, pylons, overhead or underground cables or wires or any other infrastructure;</p> <p>Infrastructure transport, highway, tourism and regeneration issues:</p> <p>community benefits; and</p> <p>national or local policy, plan or guidance, white or green paper;</p> <p>“pecuniary prejudicial interest” means a prejudicial interest under the Members Code of Conduct which results in financial gain or financial loss either immediately or in the foreseeable future to:-</p> <p>the councillor in question; or</p> <p>someone with whom the councillor lives or has a close personal association e.g. close friends, close relatives, colleagues with whom the councillor has particularly strong connections, business associates and someone with whom the councillor has been in dispute with (NB Councillors should note however that “close personal association” does not include casual acquaintances, distant relatives or people you simply come into contact with through your role as member or your work in the local community);</p> <p>the dispensation extends to:-</p> <p>attending any meeting, formal or informal (as defined in the Members Code of Conduct), including meetings of the full County Council,</p>	<p>To enable members to represent their constituents in matters of great significance for Powys where they do not have a conflict of interest which is pecuniary; the committee being of the view that the grant of this blanket dispensation will not damage public confidence in the conduct of the Council’s business.</p>

Cabinet, Scrutiny, Regulatory or other Committee;

speaking and voting at such meetings; and

(iii) making oral or written representations and generally playing a full role in representing constituents;

the dispensation is subject to compliance with:-

any legislative requirement;

any common law rule including bias / predetermination;

the council's constitution including the Planning Protocol which, inter alia, provides that a "Local Member" must never seek to lobby or improperly influence a "Decision Maker";

the dispensation shall continue in force until the first meeting of the Standards Committee after the next ordinary council elections in 2022 unless before those elections the Standards Committee revokes, amends or alters the dispensation;

for the avoidance of all doubt:-

(i) the dispensation applies to all members including those who are Decision Makers such as those members who sit on the Cabinet or the Regulatory Committee;

(ii) the dispensation does NOT apply where directly, or, through someone with whom the member lives or has a close personal association, a pecuniary prejudicial interest exists;

(iii) other than where a specific PECUNIARY prejudicial interest exists, as detailed above, the dispensation applies in the case of all other types of prejudicial interests ;

it is always a matter for the individual member to decide whether the interest is prejudicial;

the dispensation does not affect a member's ability to exercise the right not to be a Decision Maker but, instead, play the role of Local Member;

(vi) a member who takes advantage of the dispensation must continue to comply with the Members Code of Conduct including the requirements in relation to:-

1. the disclosure of his/her personal and prejudicial interest at meetings and in discussions indicating the nature of such interest and confirming that he/she is participating with the benefit of the dispensation; and

2. the giving of the requisite written notification in connection with these disclosure requirements;

(vii) the dispensation, whilst it does not apply to any member (irrespective of whether or not he/she is a member of the Cabinet or the Regulatory Committee) with a pecuniary prejudicial interest, does not affect the right (under the Members Code of Conduct) of a member who has a pecuniary prejudicial interest to speak and then withdraw from a

meeting where the public are accorded the right to speak at such meeting (as is the case currently with the Regulatory Committee).	
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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 was received from the Chair of a Community Council in Powys in 2012 that democracy in his opinion was 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 was suggested that they should all be treated equally, irrespective of how they are appointed.

The previous Committee in 2012 was considering issues in relation to charities at its meeting on 5th December, 2012. As school governing bodies are clearly public bodies, it seemed appropriate that this "type" of organisation should, in addition to charities, be considered for a blanket dispensation by the previous Standards Committee to remove the current restriction. It was 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 previous Committee was 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. **(NB Pecuniary Prejudicial Interest does not include the additional out of school transport costs incurred by a parent, grandparent, guardian, carer or person having parental responsibility)**

The previous Committee considered that it would assist council business and not damage public confidence to grant a blanket dispensation to put all councillors who were school governors (irrespective of how they were appointed) on the same footing in respect of prejudicial interests relating to their role as school governors. Accordingly the previous Committee decided that councillors who were school governors otherwise than by way of appointment or nomination by their council should be granted a blanket dispensation to participate, speak and vote in respect of council business relating particularly to the schools where they are governors.

RESOLVED THAT	REASON FOR DECISION
<p>(i) a blanket dispensation be granted to councillors who are school governors appointed otherwise than by the Council to participate, speak and vote in connection with council business relating particularly to the schools where they are governors (unless that business relates to the determination of any approval, consent, licence, permission or registration).</p> <p>(ii) this blanket dispensation only relates to a prejudicial interest arising from the councillors role as a school governor and does not confer a dispensation in respect of any other type of prejudicial interest. (A Pecuniary Prejudicial Interest does not include the additional out of</p>	<p>(i) To place all councillors who are school governors on an equal footing with regard to prejudicial interests so as to facilitate the democratic process and assist council business; the Committee being of the view that to do so will not damage public confidence in the conduct of the council's business.</p> <p>ii), iii) and iv) To define the dispensation and its duration.</p>

<p>school transport costs incurred by a parent, grandparent, guardian, carer or person having parental responsibility)</p> <p>(iii) this dispensation is subject to the existing blanket dispensation granted by the Committee in respect of school modernisation and school transport</p> <p>(iv) the dispensation shall continue in force until the first meeting of the Standards Committee after the next ordinary council elections in 2022 unless before those elections the Standards Committee revokes, amends or alters the dispensation</p>	
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Membership of Voluntary Organisations.

In December 2012 the previous Standards Sub-Committee decided to grant a blanket dispensation to town and community councillors who had membership (often not through appointment by their councils) of ‘voluntary Organisations’ such as non-profit making clubs, associations, societies, groups and organisations such as football, cricket, tennis clubs, allotment associations, history or drama groups, local festivals etc in respect of prejudicial interests which arose from their role as a trustee or member of voluntary organisation where they had not been elected, appointed or nominated to that position of trustee by their Council.

The previous Standards Committee considered that this blanket dispensation should be extended to County Councillors who are Members of such Voluntary Organisations where they had been appointed other than by the County Council.

RESOLVED THAT	REASON FOR DECION
<p>1. a blanket dispensation be granted to all County Councillors who are elected, appointed or nominated otherwise than by the County Council as :</p> <p>(a) trustees of registered charities (including where they are directors of limited companies running the charities); and</p> <p>(b) members (at whatever level) of</p>	<p>1 To place all councillors who are trustees of registered charities or members (of whatever level) of Voluntary Organisations (howsoever elected, appointed or nominated) on an equal footing with regard to prejudicial interests so as to facilitate the democratic process and assist council business; the Standards Committee being of the view</p>

Voluntary Organisations to participate, speak and vote in connection with council business relating to the charity of which the councillor is a trustee or the Voluntary Organisation of which the councillor is a member (at whatever level) including

- (i) regulatory matters concerning the registered charity of which the councillor is a trustee or the Voluntary Organisation of which the councillor is a member; and**
- (ii) the grant, loan or other form of financial assistance of more than £500 to the registered charity of which the councillor is a trustee or the Voluntary Organisation of which the councillor is a member**

but subject to the following:-

- (1) that the registered charity or Voluntary Organisation must be non-profit making and the Councillor (or a close personal associate) must not be in receipt of any financial reward or remuneration from the registered charity or Voluntary Organisation**
- (2) this blanket dispensation only relates to a prejudicial interest arising from the Councillor's role as a trustee of the registered charity or member or as a member of the Voluntary Organisation and does not confer a dispensation in respect of any other type of prejudicial interest such as a pecuniary prejudicial**

that to do so will not damage public confidence in the conduct of the council's business and therefore the Standards Committee is satisfied that the grounds in Paragraph (d) of Regulation 2 of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 are met.

<p>interest.</p> <p>(3) the dispensation shall continue in force until the first meeting of the Standards Committee after the next ordinary council elections in 2022 unless before those elections the Standards Committee revokes, amends or alters the dispensation</p>	
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Lobbying.

Principles regarding applications for dispensation relating to lobbying

The previous Standards Committee received two requests from Council to consider granting applications for dispensation for Members to discuss matters where there had been a proposal for the authority to play a lobbying role. A number of Members of the previous Standards Committee had indicated that they had interests in either one or both of the issues. It was therefore decided to discuss principles which could then be applied to the specific applications.

The types of applications coming before the previous Standards Committee were those which could either be high profile or would affect a significant proportion of residents of the county. Inevitably this would mean that a significant number of councillors would also be affected, and therefore would not be able to represent the views of their electorate. The previous Committee's view previously has been to try to ensure that as many councillors as possible could take part in such debates.

RESOLVED THAT:

A dispensation to speak and vote should be granted if the following general principles were met:-

- (1) That the motion / decision involves lobbying for a revocation or variation or the influencing of a decision or proposed decision that has been made or is to be made by a body other than Powys County Council; and**
- (2) Where the matter affects a significant proportion of the Council / Cabinet / Committee so as either (a) no fewer than half of the members of the Council / Cabinet / Committee which is to consider the business has a personal and prejudicial interest in that business or (b) the inability of member(s) to participate would upset the political balance of the Authority or committee**

or Cabinet such that the outcome would be likely to be affected;
and

- (3) The issue is not one in which the Council is being consulted upon by an outside body (as those matters will be dealt with by officers and / or portfolio holders and influence / lobbying occurs as part of the consultation process).
- (4) the dispensation shall continue in force until the first meeting of the Standards Committee after the next ordinary council elections in 2022 unless before those elections the Standards Committee revokes, amends or alters the dispensation

Spare Room Subsidy (“Bedroom Tax”)

In October 2013, a Notice of Motion to the County Council meeting on 24th October in relation to the “Bedroom Tax” was deferred as over 50% of Members present had disclosable interests which were both personal and prejudicial and therefore Members could not take part in the debate (i.e. the Member was either a private landlord, a tenant, or a member of their family or friend was a private landlord or a tenant). The Council referred the issue to the previous Standards Committee for consideration of a dispensation to enable a greater number of Members to take part in the debate.

The Notice of Motion to the County Council on 24th October 2013 stated:

Council resolves to:

- *Work with tenants, housing associations and advice services to mitigate the impacts of the Bedroom Tax;*
- *To share best practice with unitary authorities across Wales;*
- *To pledge that this Council will not evict a tenant who fails to pay the Bedroom Tax and instead, develop affordable repayment plans with tenants;*
- *Make representations to the UK Government and Powys MPs, calling for the abolition of the Bedroom Tax.*

It was not clear from the Notice of Motion if a pecuniary interest for private landlords would occur, however, the Notice of Motion suggested that this may be the case.

RESOLVED THAT	REASON FOR RESOLUTION
<p>(i) a dispensation be granted to all Members, irrespective of any interest (including pecuniary interest) to speak on matters relating to the Spare Room Subsidy, and</p> <p>(ii) a dispensation be granted to all Members to vote on matters relating to the Spare Room Subsidy <u>EXCEPT</u> in the</p>	<p>i) that no fewer than half of the Members of the Authority or of a committee of the Authority by which the business is to be considered has an interest which relates to that business,</p> <p>ii) that the nature of the Member’s interest is such that the Member’s participation in the business to which the interest</p>

<p>following circumstances:</p> <p>(a) if the Member is a private landlord and knowingly has a tenant who has moved into the private sector from the public sector due to the impact of the Spare Room Subsidy, and</p> <p>(b) if the Member is a tenant who has been affected by the Spare Room Subsidy.</p> <p>(iii) the dispensation shall continue in force until the first meeting of the Standards Committee after the next ordinary council elections in 2022 unless before those elections the Standards Committee revokes, amends or alters the dispensation</p>	<p>relates would not damage public confidence in the conduct of the relevant Authority's business.</p>
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Single Farm Payments.

In 2013 a County Councillor requested a dispensation arising from a question which had been raised by a Member for discussion by the Cabinet or County Council relating to changes to single farm payments. A request was sent to Members of the Council to determine how many Members of the Council or families / business associates were in receipt of the payment which might lead to a personal and prejudicial interest in accordance with the Members' Code of Conduct.

It was suggested to the previous Standards Committee that it was likely that at least half of the Council might have an interest in this matter and therefore it was suggested that the previous Standards Committee should consider granting a general dispensation so that as many Members as possible could take part in the debate.

The general trend by the previous Committee for similar requests has been to grant a dispensation except where there was a pecuniary interest, so for example the committee could be minded to grant a dispensation to those members where it was their families or business associates who received the single farm payment. However, those Members who received the payment themselves might be excluded from the dispensation.

The previous Committee considered that the Notice of Motion to Council/Cabinet on this matter would affect a significant number of Councillors in such a rural area as Powys.

RESOLVED THAT	REASON FOR RESOLUTION
(i) a dispensation be granted to those Members who are in	i) due to the rural nature of the county a significant proportion

<p>direct receipt of a single farm payment (including Members whose spouse or partner is in receipt of the payment) to speak but not vote on matters relating to Single Farm Payments and having spoken to leave the room.</p> <p>(ii) a dispensation be granted to those Members who are not directly in receipt of a Single Farm Payment but whose family or close personal associates are in receipt of the payment, to speak and vote on matters relating thereto.</p> <p>(iii) the dispensation shall continue in force until the first meeting of the Standards Committee after the next ordinary council elections in 2022 unless before those elections the Standards Committee revokes, amends or alters the dispensation</p>	<p>of the Council was affected and unable to take part in a discussion on this matter, and</p> <p>ii) that no fewer than half of the Members of the Authority or of a committee of the Authority by which the business is to be considered has an interest which relates to that business,</p> <p>iii) that the nature of the Member's interest is such that the Member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant Authority's business.</p>
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The following is an extract from the Standards Committee minutes of 27 June 2018 relating to the discussion in respect of Dispensations - Delegation for urgent matters

D Delegation for urgent matters

There are only three meetings a year of the Standards Committee in the diary. Extraordinary meetings of Standards Committee may be called where urgent matters are required to be decided Members considered delegating authority to the Chair and Vice-Chair of Standards Committee together with the Monitoring Officer to take a holding decision pending confirmation of the position at the next Standards Committee. Decisions such as this will be limited to non-controversial applications for dispensation and it was stressed that if it was deemed necessary for a meeting to call this would happen.

RESOLVED THAT:	REASON FOR RESOLUTION:
Committee delegate non-controversial applications for dispensation to the Chair and Vice-Chair of the Standards Committee in consultation with the Monitoring Officer to grant a temporary dispensation subject to confirmation at Standards Committee for a trial period of year	To allow applications for dispensation to be decided in a timely manner but confirmed at a meeting of the Standards Committee.

The following is an extract from the Standards Committee minutes of 23 June 2021 relating to the discussion in respect of wool production. The issue was discussed further at the meeting on 13 October 2021, the extract from this meeting is also included.

D Dispensations

D1. Applications - County Councillors

The Chair welcomed County Councillor Vaughan to the meeting and considered his application for dispensation for all councillors who are farmers.

Councillor Vaughan advised the Committee that his application arose as a result of a motion he had made to the Council meeting in November 2020. The Committee were referred to the motion, which was as follows:

“The agricultural sector is of paramount importance to our economy and communities of Powys as indicated in this this map. With 9.5 million sheep in Wales we have seen one of the main natural products, wool, having extremely low prices in recent times.

We have wool grading centres in Newtown and Brecon, and the sheep sector is of huge importance in Powys. Wool is also a natural, environmentally friendly and fire retardant product.

In view of this, the Council proposes that the authority, as part of the Mid Wales Growth deal, looks at opportunities to add value to our agricultural products and specifically to work with the farming unions and the British Wool Marketing Board with a view of facilitating the establishment of the equivalent of WRONZ, Wool Research Organisation New Zealand in Mid Wales hence being a catalyst for innovative ideas, products and commercial spin offs using wool.”

Councillor Vaughan commented that this is one example where, if a dispensation was not granted, only a handful of members would be able to debate the issue. He advised that other issues affecting the rural

sector may also arise in the future, such as environmental projects, where the number of members able to debate the issue would be limited if no dispensations were available. He felt the test would be whether there is a direct financial gain or benefit to the members in light of a motion.

The Head of Democratic Services advised that a set of principles of a dispensation needed to be considered first, prior to consideration of dispensations relating to specific issues/topics. Such principles could include how far would you allow a person with an involvement in farming or a person related to someone with such involvement etc, being involved in a discussion. The Committee noted that having members, who are involved in specific issues, such as wool, can bring important knowledge and skills to a debate at council meetings. However, the Committee needed to ensure that such involvement was not providing these individuals or their relatives etc. with advantages and/or financial gain. A balance may also need to be considered between immediate financial gain against possible and indeterminate financial gain sometime in the future. A red line may be that where there is direct financial interest a member would be ruled out from a discussion. Concerns were raised about agreeing dispensations which may be too wide ranging and provide inappropriate dispensations. The Committee noted that there was a process for considering dispensations and applications should be made in respect of specific issues.

The Committee noted that a general dispensation had been agreed in 2018 regarding lobbying in respect of proposed decisions being made by third parties and not the Council. In such situations the dispensation allowed members with a prejudicial interest to be involved in discussions.

RESOLVED THAT

- i. **Officers draft a dispensation in respect of the specific motion regarding wool made by Councillor Vaughan to council in November 2020 and**
- ii. **that the draft dispensation and the motion be circulated to the Committee, by email, prior to consideration at a Committee meeting.**

Reason for decision

To enable the Committee to consider the draft at a future meeting.

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The following is an extract from the Standards Committee minutes of 13 October 2021 relating to the discussion and agreed dispensation in respect of a wool production.

C. Dispensations

C1. Applications - County Councillors

Further to the discussions at the last meeting, officers had drafted a dispensation in respect of wool production, in response to the request from County Councillor Vaughan.

The Committee considered the draft. The Committee considered that a farming councillor being able to speak in general terms would be of benefit to all sheep farmers, not just the speaker.

It was moved and duly seconded to approve the dispensation.

RESOLVED	Reason for decision
<p>i) a dispensation be granted to those Members who are sheep farmers, (including close personal associates involved in sheep farming) to speak but not vote on matters relating to Wool Production and having spoken to leave the room.</p> <p>(ii) the dispensation shall continue in force until the first meeting of the Standards Committee after the next ordinary council elections in 2022 unless before those elections the Standards Committee revokes, amends or alters the dispensation.</p>	<p>i) due to the rural nature of the county a significant proportion of the Council was affected and unable to take part in a discussion on this matter, and Council thereby would lose their expertise</p> <p>ii) that no fewer than half of the Members of the Authority or of a committee of the Authority by which the business is to be considered has an interest which relates to that business,</p> <p>iii) that 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</p>

	the conduct of the relevant Authority's business.
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The following is an extract from the Standards Committee minutes of 17 February 2022 relating to the discussion and agreed dispensation in relation to any matters relating to or likely affect farming and agriculture

C. Dispensations

C1. Applications - County Councillors

The Chair welcomed County Councillor E Vaughan to the meeting. He thanked the Committee for the opportunity to speak about his application for a dispensation. He advised that the latest information from officers showed that 75% of councillors had some link to farming and the agriculture industry. He advised that if a dispensation was not available a lot of knowledge and experience would not be available to other councillors when farming and agriculture industry issues are debated. Councillor Vaughan advised he was applying for a dispensation to allow these councillors to participate in debates but not vote on any issue and stated that Carmarthenshire County Council and other councils were following the same model.

The Committee members noted that it would be important for the Council to hear from those with knowledge and experience of farming and the agriculture industry before the Council made decisions on issues relating to these. The committee supported the application.

In response to comments the Head of Legal and Democratic Services advised that if the dispensation was granted, whenever an issue covered by the dispensation was included on an agenda, councillors would need to state they were using the dispensation when they were asked to declare any interests. In addition, he advised that the reliance by councillors on the dispensation would also be reiterated prior to the item being discussed.

It was moved and duly seconded to approve the dispensation.

RESOLVED	Reason for decision
<p>i. a dispensation be granted 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</p> <p>ii. the dispensation shall continue in force until the first meeting of the Standards Committee, after the next ordinary Council elections in 2022, unless before those elections, the Standards Committee revokes, amends or alters the dispensation.</p>	<p>i. Due to the rural nature of the county, a significant proportion of the Council was affected and unable to take part in a discussion on this matter and Council thereby would lose their expertise</p> <p>ii. that no fewer than half of the members of the Authority or a committee of the Authority by which the business is to be considered has an interest which relates to that business</p> <p>iii. that the nature of the Member's interest is such that the Member's participation in the business</p>

	<p>to which the interest relates would not damage public confidence in the conduct of the relevant Authority's business.</p>
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