



**Mark Evans, Acting Director of Resources/
Cyfarwyddwr Adnoddau Dros Dro**

**Clive Pinney, Solicitor to the Council, Cyfreithiwr y
Sir**

County Hall / Neuadd y Sir,
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To All Town and Community Council Clerks

If calling please ask for / Os yn galw gofynnwch am

Wyn Richards

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Your ref / Eich cyf:

Our ref / Ein cyf:

Date / Dyddiad: 23/01/2018

Dear Clerk,

Re: General Dispensations.

At the meeting of the Standards Community Sub-Committee held on 4th October, 2017 a number of general dispensations were considered and the decisions of the Sub-Committee are set out below.

I would be grateful if you would make your Town and Community Councillors aware of these dispensations. You also need to make them aware that at meetings where the Councillor wishes to use a general dispensation they will still need to disclose a Personal and Prejudicial Interest and that they are relying on the general dispensation granted on 4th October, 2017 in order for them to take part in the discussion of the item. As Clerk you will need to make sure that Councillors complete a disclosure of interest form and record the disclosure in the minutes of the meeting.

If you have any queries regarding the contents of this letter then please let me know.

School Modernisation and School Transport Reviews:

PROPOSED RESOLUTION	REASON FOR DECISION
That a general dispensation (the dispensation) in relation to school modernisation and any school transport issue be granted to all Town and Community councillors in accordance with and, subject to, the following provisions of this resolution:- (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	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 sub-committee being of the view that the grant of

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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;

- (b) “school modernisation” means any modernisation proposal being undertaken by or for the Powys County Council 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);
- (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 Powys County 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;
- (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 Powys County Council’s provision of school transport, to:-
- (i) the councillor in question; or
 - (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” 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);

this general dispensation will not damage public confidence in the conduct of the Council’s business.

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| <p>(e) the dispensation extends to:-</p> <ul style="list-style-type: none">(i) attending any meeting formal or informal (as defined in the Members Code of Conduct) including meetings of the Town or Community Council, or other Committee;(ii) speaking and voting at such meetings; and(iii) making oral or written representations and generally playing a full role in representing constituents; <p>(f) the dispensation is subject to compliance with:-</p> <ul style="list-style-type: none">(i) any legislative requirement;(ii) any common law rule including bias/predetermination;(iii) the Town or Community Council's constitution; <p>(g) the dispensation shall continue in force until the first meeting of the Standards Sub-Committee after the next ordinary council elections in 2022 unless before those elections the Standards Sub-Committee revokes, amends or alters the dispensation;</p> <p>(h) for the avoidance of all doubt:-</p> <ul style="list-style-type: none">(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;(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;(iv) it is always a matter for the individual member to decide whether the interest is prejudicial; | |
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<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 Powys County Council 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:

PROPOSED RESOLUTION	REASON FOR DECISION
<p>That a general dispensation (the dispensation) in relation to renewable energy issues be granted to all Town and Community 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 in respect of a specific planning application or site specific matter where the councillor has a pecuniary prejudicial interest;</p> <p>(b) “renewable energy issues” means any question, motion, report, notification, communication, discussion, consultation, proposal, application,</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 sub-committee being of the view that the grant of this general dispensation will not damage public confidence in the conduct of the Council’s business.</p>

appeal, process or proceedings, development or works, involving, related to, concerning, or connected with, a renewable energy development including any associated :-

(i) Turbines, solar panels, hydro schemes, substations, pylons, overhead or underground cables or wires or any other infrastructure;

(ii) Infrastructure transport, highway, tourism and regeneration issues:

(iii) community benefits; and

(iv) national or local policy, plan or guidance, white or green paper;

(c) “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:-

(i) the councillor in question; or

(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 (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);

(d) the dispensation extends to:-

(i) attending any meeting, formal or informal (as defined in the Members Code of Conduct), including meetings of the Council, or other Committee;

(ii) speaking and voting at such meetings; and

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

(e) the dispensation is subject to compliance with:-

(i) any legislative requirement;

(ii) any common law rule including bias / predetermination;

(iii) the general dispensation granted to County Councillors (where County Councillors are members of the Town or Community Council or attend Town and Community Council meetings);

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

(g) for the avoidance of all doubt:-

(i) the dispensation applies to all members including those who are Decision Makers;

(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 ;

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

(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>(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</p> <p>(2) 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 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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School Governors:

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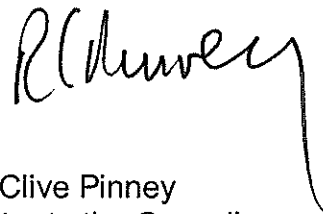
Membership of Voluntary Organisations:

PROPOSED RESOLUTION	REASON FOR DECISION
<p>1. That a general dispensation be granted to all Town and Community Councillors who are elected, appointed or nominated otherwise than by their 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 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</p> <p>(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</p> <p>(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</p> <p>but subject to the following:-</p> <p>(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</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 Sub-Committee being of the view that to do so will not damage public confidence in the conduct of the council's business and therefore the Standards Sub-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>

remuneration from the registered charity or Voluntary Organisation

- (2) that this general 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 interest.
- (3) the dispensation shall continue in force until the first meeting of the Standards Sub-Committee after the next ordinary council elections in 2022 unless before those elections the Standards Sub-Committee revokes, amends or alters the dispensation

Yours sincerely,



Clive Pinney
Solicitor to the Council.

