

Appendix 5

Application by	Councillor Philip Swancott of Beguildy Community Council
<p>STEP 1 Personal Interest(s) under paragraph 10 of the Code.</p>	<p>In his application Councillor Swancott describes the business in respect of which he wants a dispensation to participate in as follows :-</p> <p>“Planning Application Bryngdfa Wind Farm Limited – decision item concerning the erection of 12 wind turbines and associated infrastructure.</p> <p>Access Routes Study (Powys Wind Farms) – Discussion item</p> <p>Both items to be on the agenda of the May 12th Community Council meeting and possibly future meetings. Meetings will be held in Knucklas Community Centre, and subsequent meetings will alternate between Knucklas Community Centre and Felindre Village Hall.”</p> <p>Accordingly Paragraph 10(2)(c)(i) appears to be the most relevant personal interest in this case – decisions of the Community Council relating to these matters might reasonably be regarded as effecting the wellbeing for financial position of a person with whom the Councillor has a close personal association (his father and the mother of the Director concerned are first cousins – he is also friendly with other Directors) to a greater extent than the majority of council tax payers/ratepayers or inhabitants.</p>
<p>STEP 3 Application of “public perception” test under paragraph 12 (1) of the Code.</p>	<p>In applying the Paragraph 12(1) test it may be difficult for the Sub-Committee not to conclude that</p>

	<p>Councillor Swancott has a prejudicial interest. It is reasonable to suppose that public perception would regard his personal interest (the involvement of first cousins and friends in this development) as so significant that whenever a matter relating to this development was discussed at the Community Council the potential conflict of interest would be so significant as to be likely to prejudice his judgement of the public interest in performing his role as a Community Councillor.</p> <p>Furthermore it will be observed in Section 3 of his application that he has previously declared that he has a prejudicial interest.</p>
<p>STEP 4 Ground(s) on which dispensation could be granted</p>	<p>Councillor Swancott seeks to obtain a dispensation to attend, speak and vote at meetings and also to seek to influence a decision on these matters.</p> <p>He makes his application on the basis of ground (i) e.g. in the interests of the inhabitants – requirement for written notification to the National Assembly for Wales.</p> <p>The Sub-Committee is invited to consider whether, in the circumstances, this ground is made out in respect of Councillor Evans' application.</p> <p>It may be that the Sub-Committee would also want to consider ground (d) – his participation would not damage public confidence.</p>
<p>STEP 5 Determine the application:-</p> <p>(i) Refuse</p> <p>(ii) Approve:-</p> <p>(a) attend</p> <p>(b) speak</p>	<p>The Sub-Committees determination will depend upon its deliberations concerning grounds (d) and (i).</p> <p>It needs to be pointed out, however, that at least one of the items of</p>

<ul style="list-style-type: none">(c) vote(d) exercise Board Function(e) seek to influence(f) make written communications(g) make oral representations	<p>business concerned – planning application – is a regulatory type matter referred to in Paragraph 12(3) of the Code in respect of which the Sub-Committee has previously declined to grant a dispensation or rather has excluded regulatory type matters from dispensations previously granted.</p>
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