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| Application by | Councillor C. Rouse |
| Council | Llandrindod Wells Town Council |
| Involvement With / Business To Be Considered | Discussions relating to Powys County Council's proposals regarding charges being introduced on the Ridgebourne Car Park, Llandrindod Wells. |
| Background | <p>Councillor Rouse is a member of Llandrindod Wells Town Council which has 15 Members. The matter is likely to be considered at meetings of the Town Council which could lead to representations being made to the County Council. The Town Council may also form a Task and Finish Group to consider the matter.</p> <p>Councillor Rouse believes she has an interest because she uses this car park on a daily basis as there is no on street parking in the area and outside her property. She is seeking a dispensation as that is the only way she feels that she can fully represent the residents in her ward who will be affected by the proposed charges.</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>Councillor Rouse has the following personal interests:</p> <p>10 (2) (b) You must regard yourself as having a personal interest in any business of your authority if a member of the public might reasonably perceive a conflict between your role in taking a decision, upon that business, on behalf of your authority as a whole and your role in representing the interests of constituents in your ward or electoral division.</p> <p>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.</p> |
| STEP 2 Exemptions under paragraph 12 (2) & (3) of the Code. | In relation to Councillor Rouse, none of the exemptions in Paragraph 12(2) apply in relation to the personal interests detailed above. |
| STEP 3 Application of "public perception" test | In applying the Paragraph 12(1) test in relation to the business involving the car park [relating to the personal interests listed |

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| <p>under paragraph 12 (1) of the Code.</p> | <p>above] it is suggested that the Committee approach the issue in this way by considering the following:</p> <p>“Is it reasonable to suppose that the public perception would regard the Councillor’s personal interest, as so significant that whenever the matter regarding the car park was discussed the potential conflict of interest would be likely to prejudice his / her judgement of the public interest in performing his / her role as a Councillor?”</p> <p>In applying the Paragraph 12(1) test in relation to this matter (and particular interest) it is difficult to conclude that the Committee would answer this question otherwise than in the affirmative i.e. that a prejudicial interest would exist in this situation, unless the business under discussion is of such a nature that it would be categorised as trivial, insignificant or uncontentious.</p> |
| <p>STEP 4 Ground(s) on which dispensation could be granted</p> | <p>In relation to the Councillor the grounds which she is asking to be considered for a dispensation are grounds (a), (d), (e), (f), and (i) namely:</p> <ul style="list-style-type: none"> (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; <p>(This ground enables the grant of dispensation to speak and vote or to speak only).</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. <p>(This ground enables the grant of dispensation to speak and vote or to speak only).</p> (e) The interest is common to the Member and a significant proportion of the general public; <p>(This ground enables the grant of dispensation to speak and vote or to speak only).</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; <p>(This ground enables the grant of dispensation to speak and vote or to speak only).</p> (i) It appears to the committee to be in the interests of the inhabitants of the area of the relevant |

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| | <p>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.</p> <p>(This ground enables the grant of dispensation to speak and vote or to speak only).</p> |
| <p>STEP 5 Determine the application:-</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>The applicant has requested a dispensation to attend, speak and vote at meetings, seek to influence a decision, and make written and oral representations relating to the car park.</p> <p>Questions for the Committee to consider:</p> <p>(i) Does Councillor Rouse have a personal interest? (ii) Does Councillor Rouse have in addition a prejudicial / pecuniary interest? (iii) Will the Council be restricted in coming to a decision if Councillor Rouse and possibly 1 other councillor are not able to take part in the meeting? (iv) Is there a means of securing the representational role only of the Councillor by means of a dispensation?</p> |
| <p>RECOMMENDATION:</p> | <p>The Committee will need to consider the questions under Step 5 above in determining whether to grant a dispensation.</p> |