

Application by	Councillor E. Jones
Council	Old Radnor Community Council
Involvement With / Business To Be Considered	Discussions relating to the Tarmac quarries and attendance at the quarry liaison meetings. To take part and debate and vote on quarry matters with the exception of planning applications.
Background	<p>Councillor Jones is a member of Old Radnor Community Council which has 11 Members. Two liaison Councillors are required to attend the quarry arranged meetings and report back to Council (see representation comment below). He currently attends the liaison meetings as a private individual.</p> <p>The Community Council do not have any specific representatives on the liaison meetings, and currently the Chair of the Council and Councillor Jones attend.</p> <p>Councillor Jones is a farmer and the quarry discharges waste water across part of the land owned by him. In addition he has a water supply for his livestock from the quarry.</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) Make written representations. (v) Make oral representations.
STEP 1 Personal Interest(s) under paragraph 10 of the Code.	<p>Councillor Jones has indicated that the quarry discharges waste water across a part of the land owned by him as he has a water supply from the quarry. Therefore Councillor Jones has the following personal interests:</p> <p>10. (2) (a) (i) - You must regard yourself as having a personal interest in any business of your authority if it relates to, or is likely to affect any employment or business carried on by you</p> <p>10 (2) (a) (vi) You must regard yourself as having a personal interest in any business of your authority if it relates to, or is likely to affect any land in which you have a beneficial interest and which is in the area of your authority.</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> <p>10 (2) (c) (ii) (aa) - You must regard yourself as having a</p>

	<p>personal interest in any business of your authority if a decision upon it might reasonably be regarded as affecting any employment or business carried on by persons as described in 10 (2) (c) (i) 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>
<p>STEP 2 Exemptions under paragraph 12 (2) & (3) of the Code.</p>	<p>In relation to Councillor Jones, none of the exemptions in Paragraph 12(2) apply in relation to the personal interests detailed above.</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 in relation to the business involving attending meetings of the quarry liaison committee [relating to the personal interests listed 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 quarry liaison meetings were 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 he is asking to be considered for a dispensation are grounds (d) and (f), namely:</p> <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> <p>(This ground enables the grant of dispensation to speak and vote or to speak only).</p> <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> <p>(This ground enables the grant of dispensation to speak and vote or to speak only).</p>
<p>STEP 5 Determine the</p>	<p>The applicant has requested a dispensation to attend, speak</p>

<p>application:-</p> <ul style="list-style-type: none"> (i) Refuse (ii) Approve:- <ul style="list-style-type: none"> (a) attend (b) speak (c) vote (d) exercise Board Function (e) seek to influence (f) make written communications (g) make oral representations 	<p>and vote at meetings, and to make written and oral representations relating to the quarry liaison meetings.</p> <p>Questions for the Committee to consider:</p> <ul style="list-style-type: none"> (i) Does Councillor Jones have a personal interest? (ii) Does Councillor Jones have in addition a prejudicial / pecuniary interest based on the fact that waste water from the quarry discharges onto his land and he has a water supply for his livestock from the quarry? (iii) Does the fact that the Community Council has not formalised attendance at these meetings have any impact on whether a dispensation should be granted? (iv) Is the fact that another member of the Council also attends these meetings have any impact on the possible granting of a dispensation (but relate this to point (iii) above)?
<p>RECOMMENDATION:</p>	<p>The Committee will need to consider the questions under Step 5 above in determining whether to grant a dispensation.</p>