

**Standards Committee
General Dispensations – County Councillors**

1. During the previous Council, 2017 to 2022 the Standards Committee decided to grant general dispensations in respect of some high profile contentious issues that were being dealt with at various times by the County Council, its Cabinet and Committees.

These general dispensations [agreed on 28 June 2017] related to the following areas:

- School Modernisation and School Transport Reviews;
- Windfarms/Renewable Energy.

2. In addition, the Standards Committee granted general dispensations in respect of other matters where it was considered that a large number of Members would be affected by the Members' Code of Conduct which in effect could mean that they would not be able to take part in discussions / debates (including voting) at committees, Council etc.

These general dispensations were agreed as follows:

on 28 June 2017:

- School Governors
- Membership of Voluntary Organisations
- Lobbying
- Spare Room Subsidy ("BedroomTax")
- Single Farm Payments

on 13 October 2021:

- Wool production

on 17 February 2022:

- Farming and agriculture

3. In addition, the Standards Committee on 27 June 2018 agreed the following:
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 one year.
4. The information regarding each dispensation is provided in the extracts from the relevant Standards Committee minutes which are attached to this report as Appendix A. The extracts provide details of the issues considered by the Committee at that time. The Committee is asked to consider renewing the general dispensation in each case for the current Council term and to continue in force until the first meeting of the Standards Committee after the May 2027 elections unless before those elections the Standards Committee revokes, amends or alters the dispensation.
5. For ease of reference each of the previous dispensations agreed by the Committee are provided below.

5.1 School Modernisation and School Transport Reviews:

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>(i) the councillor in question; or</p> <p>(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</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>

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;

(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;

<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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5.2 Renewable Energy:

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>(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 (irrespective of whether or not he/she is a member of the Cabinet or Regulatory Committee) has a pecuniary prejudicial interest;</p> <p>(b) "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>(i) Turbines, solar panels, hydro schemes, substations, pylons, overhead or underground cables or wires or any other infrastructure;</p> <p>(ii) Infrastructure transport, highway, tourism and regeneration issues:</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>

- (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 full County Council, Cabinet, Scrutiny, Regulatory 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 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”;**
- (f) 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;**
- (g) for the avoidance of all doubt:-**

<p>(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;</p> <p>(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;</p> <p>(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 ;</p> <p>(iv) it is always a matter for the individual member to decide whether the interest is prejudicial;</p> <p>(v) 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;</p> <p>(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:-</p> <ol style="list-style-type: none"> 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; <p>(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).</p>	
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5.3 School Governors:

RESOLVED THAT	REASON FOR DECISION
(i) a blanket dispensation be granted to councillors who are school governors appointed otherwise than by the Council to participate, speak and vote in	(i) To place all councillors who are school governors on an equal footing with regard to prejudicial interests so as to

<p>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 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>	<p>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>
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5.4 Membership of Voluntary Organisations:

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 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</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 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</p>

<p>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 remuneration from the registered charity or Voluntary Organisation</p> <p>(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 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>	<p>Paragraph (d) of Regulation 2 of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 are met.</p>
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5.5 Lobbying:

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

5.6 Spare Room Subsidy (“Bedroom Tax”)

RESOLVED THAT	REASON FOR RESOLUTION
<ul style="list-style-type: none"> (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 (ii) a dispensation be granted to all Members to vote on matters relating to the Spare Room Subsidy <u>EXCEPT</u> in the following circumstances: <ul style="list-style-type: none"> (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 (b) if the Member is a tenant who has been affected by the Spare Room Subsidy. (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 	<ul style="list-style-type: none"> 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, ii) 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.

5.7 Single Farm Payments:

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

<p>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>proportion 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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5.8 Wool Production:

<p>RESOLVED THAT</p>	
<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 the conduct of the relevant Authority's business.</p>

5.9 Farming and agriculture:

RESOLVED THAT	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 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>

5.10 Delegation of on-controversial applications for dispensations:

RESOLVED THAT	REASON FOR DECISION
<p>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 one year.</p>	<p>To allow applications for dispensation to be decided in a timely manner but confirmed at a meeting of the Standards Committee.</p>