

**Clarence Meredith,**  
**Strategic Director - Law and Governance,**  
**Cyfarwyddwr Strategol - Y Gyfraith a**  
**Llywodraethu.**

County Hall / Neuadd y Sir,  
Llandrindod Wells,  
Powys  
LD1 5LG

To all Town and Community Council Clerks  
in Powys

*If calling please ask for / Os yn galw gofynnwch am*

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*Your ref / Eich cyf:*  
*Our ref / Ein cyf:*  
*Date / Dyddiad:* 03 October 2012

Dear Sir/Madam

### **Windfarms/Renewable Energy**

The Standards Community Sub-Committee has recently considered Code of Conduct issues relating to the above issues. A dispensation has been granted to all Town and Community Councillors to speak and vote on matters relating to the hub and pylons. An extract from the minutes of the meeting on 4<sup>th</sup> September 2012 are copied below:

#### **B2.1 Windfarms/Renewable Energy**

*The Sub-Committee noted that wind farms and renewable energy issues remained very much a live and significant topic in the County.*

*The Sub-Committee decided that as with County Councillors a blanket dispensation should be granted to all Town and Community Councillors provided that no dispensation would apply where, in relation to a specific planning application or a site specific matter, a member had a prejudicial interest which was pecuniary.*

<b>RESOLVED</b>	<b>REASON FOR DECISION</b>
<p><b><i>That a blanket dispensation (the dispensation) in relation to wind farms and renewable energy issues be granted to all town and community councillors in accordance with and, subject to, the following provisions of this resolution:-</i></b></p> <p><b><i>(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</i></b></p>	<p><b><i>To enable members to represent their constituents in matters of great significance</i></b></p>

<p><b>planning application or site specific matter where the councillor has a pecuniary prejudicial interest;</b></p> <p><b>(b) “wind farm and 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 single wind turbine or two or more wind turbines including any associated :-</b></p> <p><b>(i) substation, pylon, overhead or underground cables or wires or any other infrastructure;</b></p> <p><b>(ii) transport, highway, tourism and regeneration issues:</b></p> <p><b>(iii) community benefits; and</b></p> <p><b>(iv) national or local policy, plan or guidance, white or green paper;</b></p> <p><b>(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:-</b></p> <p><b>(i) the councillor in question; or</b></p> <p><b>(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);</b></p> <p><b>(d) the dispensation extends to:-</b></p> <p><b>(i) attending any meeting, formal or informal (as defined in the Members Code of Conduct), including meetings of the full Town or Community Council or other Committee;</b></p>	<p><b>for Powys where they do not have a conflict of interest which is pecuniary; the Subcommittee being of the view that the grant of this blanket dispensation will not damage public confidence in the conduct of the Council’s business.</b></p>
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**(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;**

**(f) the dispensation shall continue in force until the next ordinary council elections in 2017 unless before those elections the Standards Community Sub-Committee revokes, amends or alters the dispensation;**

**(g) for the avoidance of all doubt:-**

**(i) the dispensation applies to all members;**

**(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 ;**

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

**(iv) a member who takes advantage of the dispensation must continue to comply with the Members Code of Conduct including the requirements in relation to:-**

**(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**

<p><i>of the dispensation; and</i></p> <p><b>(2) <i>the giving of the requisite written notification in connection with these disclosure requirements;</i></b></p>	
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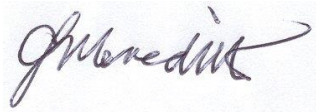
I would be grateful if you could bring this to the attention of all Members of your Town/Community Council.

Members should be reminded to disclose their interest which should be recorded in the minutes together with the fact that they are relying on a dispensation enabling them to take part in the discussion.

If any Members find that they are in the position of having a pecuniary interest and would wish to apply to the Standards Community Sub-Committee for a dispensation I am able to supply an application form.

If you have any queries regarding this matter please do not hesitate to contact me.

Yours sincerely,



Strategic Director - Law and Governance,  
Cyfarwyddwr Strategol - Y Gyfraith a Llywodraethu.