

meeting of your Council. Like the public, you are not allowed to participate if you have a prejudicial interest. However, whereas the public may be allowed to sit in the public gallery to observe the meeting, **you must leave the room during the debate and vote.**

Example 33

A member of a Community Council was found in breach of the Code for failing to declare a personal and prejudicial interest at a meeting which considered a planning application for a wind farm on land adjacent to a farm owned by her. The member had entered into a Lease of Rights agreement over her land to facilitate access to the proposed development. The member initially relied on the fact that this agreement contained a confidentiality clause to explain her actions. Nonetheless, the member participated in a secret ballot held in order to decide whether the Community Council would support or oppose the application.

Immediately prior to the hearing before the Adjudication Panel the member accepted that she had a personal interest in the item and later that it was prejudicial in nature. The Adjudication Panel found that the member had failed to comply with paragraphs 11(1) (disclosure of interest) and 14(1) (participation in relation to a disclosed interest) of the Code. It considered that she had allowed her personal interests to prevail and to keep those private conflicted with her duties and responsibilities as an elected member.

Dispensations

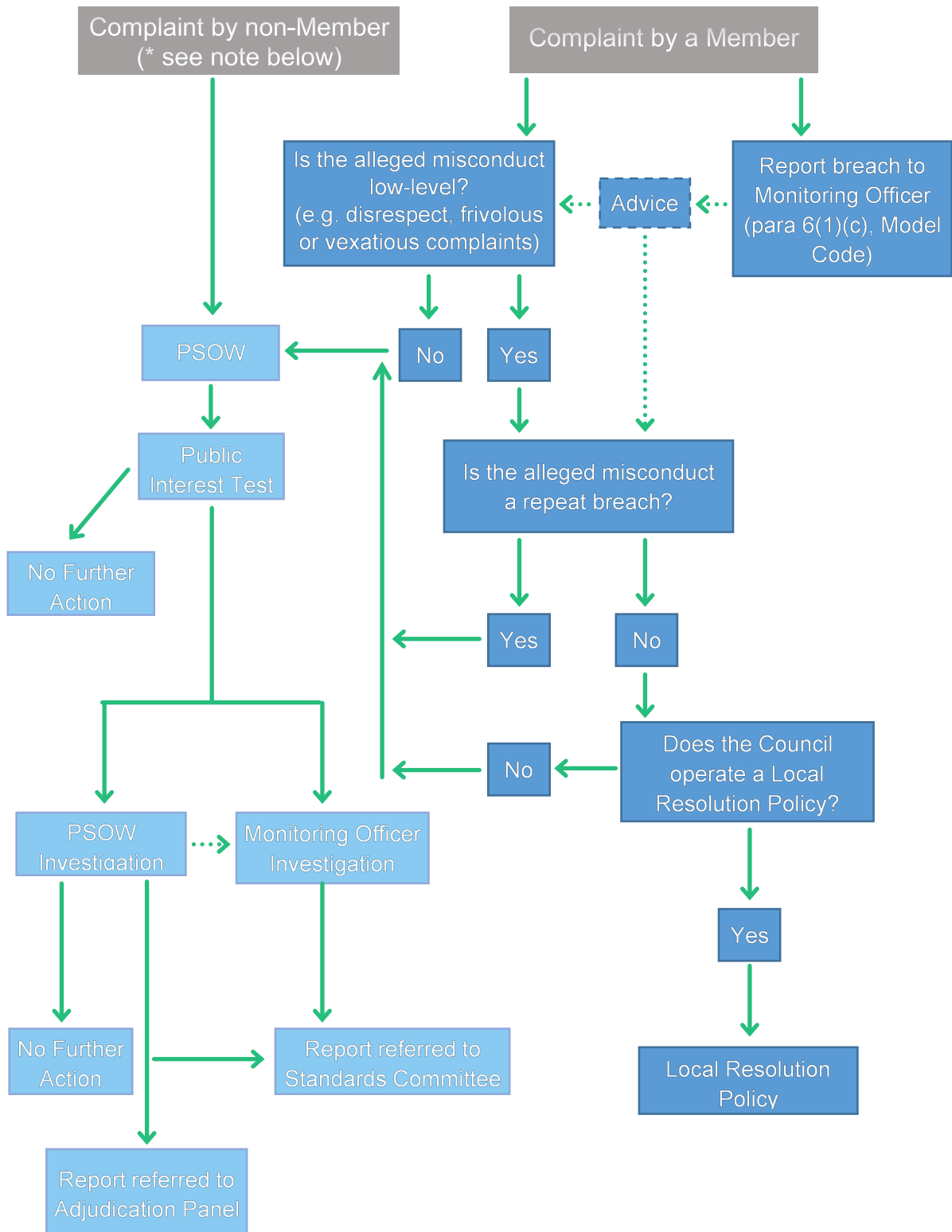
If I have a prejudicial interest, can I obtain a dispensation to allow me to take part in the meeting?

You could be granted a dispensation to speak and / or vote on a matter

3.48 Standards committees have powers under regulations¹² made by the National Assembly for Wales (as it was known at the time) to grant dispensations to members with prejudicial interests, enabling them to speak and / or vote on a matter, in certain circumstances.

¹² Standards Committees (Grant of Dispensations) (Wales) Regulations 2001, SI 2001 No. 2279 (W.169)

Code of Conduct Complaints Overview

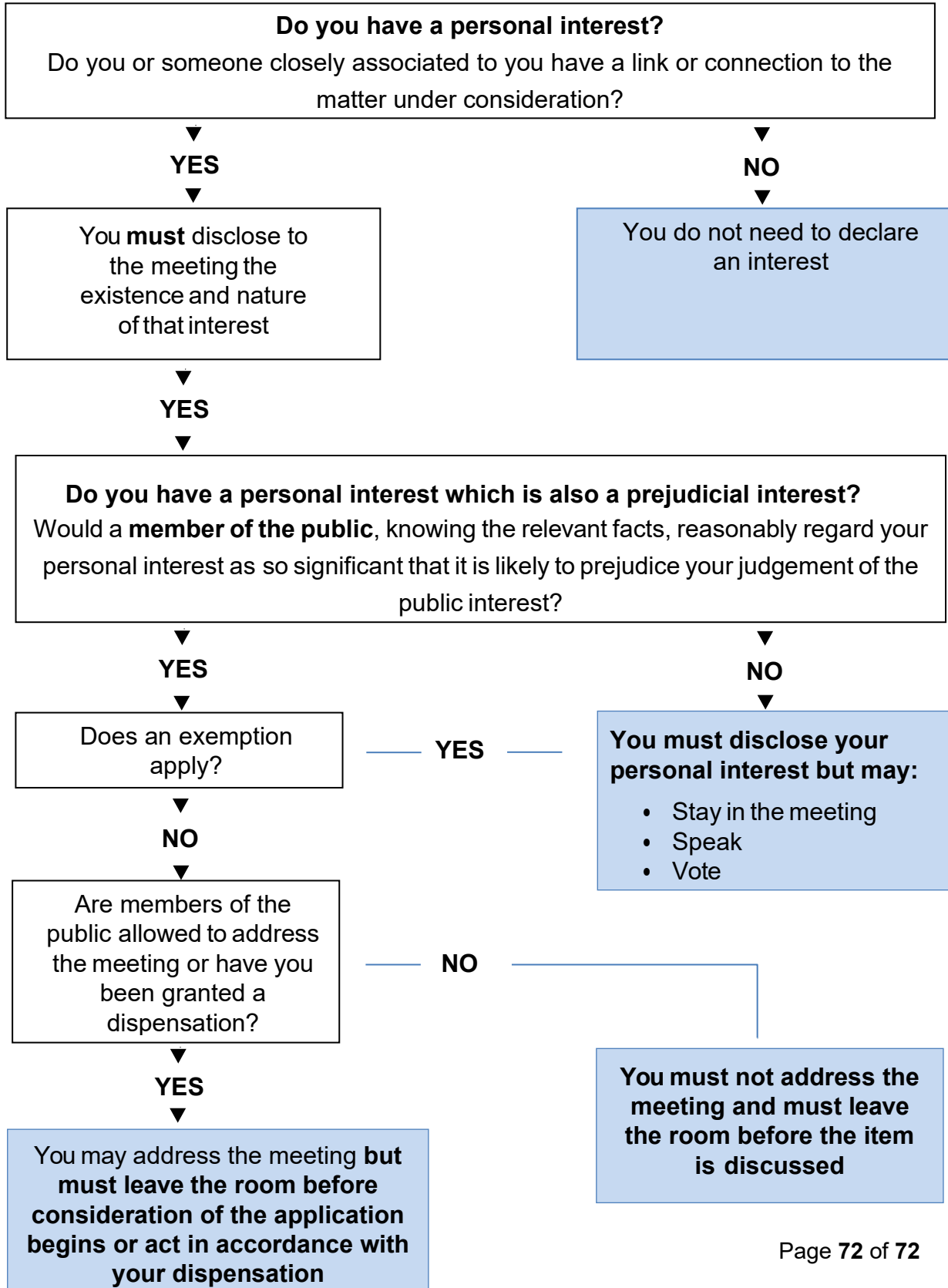


* Note: an officer considering a complaint should take advice from the Council's Monitoring Officer / Clerk about the relevance of the Council's member / officer relations policy, or local resolution policy, before exercising their right to complain to the Public Services Ombudsman for Wales.

Appendix 2

Declaration of personal and prejudicial interests

Questions to ask yourself. If in doubt you should ask your Clerk or your Monitoring Officer.



Contact us

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Further information about the service offered by the
Public Services Ombudsman for Wales can also be found at
<http://www.ombudsman.wales>