

Cyngor Sir Ynys Môn / Isle of Anglesey

COMMITTEE	Standards Committee
DATE	8 th June 2011
TITLE OF REPORT	Reporting back and providing information and outcomes of matters in the Standards Committee's Work Programme
REPORT BY	Solicitor to the Monitoring Officer
PURPOSE OF THE REPORT	To report back to the Committee

1. GIFTS AND HOSPITALITY PROTOCOL

1.1 Following previous consideration of Gifts and Hospitality by the Standards Committee on 22/7/2010 and 14/9/2010 and by the Council on the 9th of December 2010 when the Council confirmed "the maximum threshold for acceptance of gifts shall remain at £20", a draft Protocol was prepared for the Committee's consideration on the 9th of March 2011. Amendments were made by the Committee and those have been incorporated into the Protocol. A report was submitted to the Board of Commissioners (who have taken over the functions of the Executive) which was considered by them on the 26th of April 2011 and by the County Council on the 12th of May 2011.

1.2 The Board of Commissioners at their meeting on 26th April 2011 resolved as follows:-

"To recommend to the County Council and the Welsh Ministers, approval of the protocol in Attachment 2 and the Declaration Form in Attachment 3 and to approve their addition to the Council's Constitution at 5.9 and to authorise Officers to make any consequential amendments to the Constitution;

That the Director of Legal Services/Monitoring Officer be requested to write to the W.L.G.A. requesting them to formulate an unilateral gifts and hospitality policy for Wales."

1.3 The Council resolved to endorse the recommendations of the Commissioners to the Welsh Ministers.

1.4 A copy of the Protocol and the form of Declaration are attached as **Paper 1** and **Paper 2** (114107 and 115293 Welsh and 13260/111708 and 111717 English).

Paper 1 and Paper 2

1.5 The function of approving changes to the Council's Constitution is exercisable by the Welsh Ministers whose approval will now be sought. No further action is required by the Standards Committee.

2. INDEMNITIES

- 2.1 On 12/5/2011 a report by Director of Legal Services / Monitoring Officer was submitted to the County Council and it stated that the Local Authorities (Indemnities for Members and Officers) (Wales) Order 2006 allowed the Council to offer an indemnity to Members and Officers in respect of certain matters as detailed within the report.

The report dealt only with the principle of whether the powers to indemnify under the Order ought to be adopted by the Council. If the powers provided for by the Order were adopted, then any future request by an individual Member or Officer for an indemnity would be addressed separately and at that time. The Order did not give power to indemnify the actions of Commissioners.

The giving of indemnities would potentially guarantee the payment of large sums in legal fees and other costs. However, there may be a very low likelihood of this happening. An appropriate way of managing such a risk was to arrange external insurance which could be called upon when required. The advice of the Corporate Director of Finance was that any indemnity given by the Council should extend no further than was capable of being externally insured at reasonable cost.

The most potentially significant matter not already covered by the existing insurance policy but authorised under the Order were the costs incurred by a Member in defending proceedings brought against him/her on a complaint of breach of the Members Code of Conduct.

If the Council adopted the principle of granting indemnities authorised by the Order it was proposed to submit a further report in due course.

- 2.2 The County Council resolved *“to agree in principle at this stage that the Council wishes to adopt the power to grant indemnities as provided for by the Order, and that a further report on the matter be submitted to Council in due course.”*
- 2.3 A further report is being prepared for consideration by the Council. If indemnity is granted to a Councillor in respect of Part III Proceedings (Code of Conduct matters) the matter may become significant for the Standards Committee. A copy of the Statutory Instrument is provided as **Paper 3** and attention is drawn in particular to paragraph 8(4) and paragraph 8(5). If there are Part III Proceedings against a Councillor and there is a finding of failing to comply with the Code of Conduct or an admission made and that Member is censured or no disciplinary measures are taken against him or her, the Standards Committee will be asked to determine whether that Member has to reimburse the Council or the insurer for any sums expended.

Paper 3

- 2.4 No further action is required by the Standards Committee at this stage.

3. PLANNING MATTERS PROCEDURE RULES

3A PUBLIC SPEAKING AT A PLANNING COMMITTEE

3A.1 The Board of Commissioners at their meeting on 26th April 2011 resolved to accept the contents of the report and to recommend to the County Council and to the Welsh Ministers that they:-

"amend the Protocol on Public Speaking in order to reflect the changes required following the 12 month trial period;

adopt the protocol permanently as part of the Planning Matters Procedure Rules as contained within the Constitution."

3A.2 The County Council at its meeting on 12/5/2011 resolved to endorse the recommendations of the Commissioners to the Welsh Ministers.

3A.3 The function of approving changes to the Council's Constitution is exercisable by the Welsh Ministers whose approval will now be sought. No further action is required by the Standards Committee.

3B REVIEW OF THE PLANNING MATTERS PROCEDURE RULES

3B.1 The Board of Commissioners at their meeting on 26th April 2011 resolved to recommend to the County Council and to the Welsh Ministers to amend the Council's Constitution for a 12 month trial period for:-

"● Changes to clarify the rules on Member/Officer applications and those of their relatives and close friends which should be reported to the Planning Committee for decision;

● Changes to the rules that Members on the Planning Committee should not be allowed to make or second a recommendation or vote on an application which is located in their ward, and;

● Changes to rules that other than speaking as local Councillor, Members of the Planning Committee should not be allowed to participate on an application at Committee if they have not been present when that application was previously substantively considered by the Committee. This includes any official site visit that has occurred.

● To note that all the changes to the Rules to implement the above are set out in the schedule to this report and that other minor changes to the Rules are set out in the appendix to this report."

3B.2 The County Council at its meeting on 12/5/2011 resolved that the matter be referred back to the Commissioners with a recommendation that they be asked to reconsider the matter bearing in mind the changes that have already taken place to the Planning Committee.

3B.3 No further action is required by the Standards Committee at this stage.

4. MEMBER INFORMATION PROTOCOL

4.1 This matter was considered by the Standards Committee on 2/2/2011.

4.2 The Executive at its meeting on 23rd February, 2011 resolved to recommend to the County Council as follows :-

“That Council approves the draft Member Information Protocol and amends the Constitution at Sections 5.3.6 and 5.3.8 accordingly.”

4.3 The County Council at its meeting on 8th March 2011 resolved to endorse the above recommendation of the Executive.

4.4 The function of approving changes to the Council’s Constitution is exercisable by the Welsh Ministers whose approval will now be sought. No further action is required by the Standards Committee.

4.5 A copy of the Protocol is attached as **Paper 4**.

Paper 4

5. ACCESS RIGHTS AND DATA PROTECTION ISSUES – MEMBERS’ ACCESS TO BACK OFFICE AREAS

5.1 A draft report by the Corporate Information Officer which came before the Standards Committee on 9th March 2011 was considered by the Commissioners on 3rd May 2011 and was amended by them. The current draft is with the relevant Commissioner and it is proposed for it to be sent out for consultation with Members week ending 3rd June 2011. The draft report will be considered by the Commissioners at their meeting on the 11th July.

5.2 There is no further action required by the Standards Committee at this stage.

6. LOCAL AUTHORITY CRIMINAL RECORDS BUREAU POLICY

6.1 This matter was considered by the Standards Committee on 2nd February 2011 and also by the Council on 8th March when the Council resolved *“to defer consideration that an invitation be extended to the Information Commissioner to address the Council at its next meeting in May”*.

6.2 The Board of Commissioners at their meeting on 26th April, 2011,

(a) adopted the Policy in relation to staff, independent contractors and volunteers on behalf of the Council; and

(b) recommended to the County Council that it *“adopts the Policy as it related to elected and co-opted members as detailed within the report.”*

- 6.3 The County Council in its meeting on 12/5/2011 resolved to endorse the Policy as it relates to Elected and Co-opted Members.
- 6.4 Arrangements are now in hand to discuss the Policy with the Unions and then training will be arranged for relevant Managers. Corporate Directors have already been informed and a letter has also been sent to the Councillors. No further reaction is required by the Standards Committee.

7. TRAINING FOR COMMUNITY AND TOWN COUNCILS

- 7.1 Following consideration of this matter by the Standards Committee a training session was arranged by Officers of the Legal / Monitoring Officer and HR Sections with the assistance of One Voice Wales on the 10th of May 2011. Attached is a list of the names of the attendees and a resume of the feedback sheets as **Paper 5**. That co-ordination work has been carried out by Bethan Allen of the HR Section.

Paper 5.

- 7.2 The Committee is asked to consider making a decision as to whether it requires further training to be arranged. The Committee will be aware that the only obligation it has with regard to training for Town and Community Councils is with regard to the Code of Conduct.
- 7.3 As a result of the training session it appears that there are differing practices with regard to the recording of Declaration of Interests and in particular Declarations of Interest in meetings. The Standards Committee will recall that a new form was approved by the Committee for use in County Council meetings. That form is produced for the Committee's attention as **Paper 6**. The Committee is asked to consider recommending the use of this form, suitably amended, for each and every Community and Town Council on the Isle of Anglesey. It is understood that in some Councils the only record of a Declaration of Interest by a Councillor is the note taken by the Clerk. The use of a form will ensure that the responsibility would be on the individual Councillor to complete the form and give it to the Clerk for registering.

Paper 6.

- 7.4 The Committee is asked to :-
- a) Make a decision regarding further training.
 - b) Recommend the use of the "Declaration of Interest" form by all Community and Town Councils on the Isle of Anglesey.

8. POLITICAL MANAGEMENT PROTOCOLS

- 8.1 This matter was considered by the Standards Committee on the 2nd of February 2011. A report was taken to the Executive at its meeting on the 15th of February 2011 and it resolved to recommend to the County Council as follows:- *that the Chairperson of the County Council should be involved at 2.1.6 and 4.1.6 of the Protocols;*

To adopt the Protocols as drafted in Attachment A into the Council's Constitution at 5.8;

To authorise Officers to make all necessary and consequential amendments to the Council's Constitution including the insertion of the Protocols at 5.8.

- 8.2 The County Council at its meeting on the 8th of March resolved to endorse the above recommendations of the Executive.
- 8.3 The function of approving changes to the Council's Constitution is exercisable by the Welsh Ministers whose approval will now be sought. No further action is required by the Standards Committee.

5.9 GIFTS AND HOSPITALITY

A PROTOCOL FOR MEMBERS AND CO-OPTED MEMBERS

This protocol has been adopted by the Council to give guidance to Members about accepting and registering gifts and hospitality.

5.9.1 Introduction

5.9.1(a) The acceptance of gifts and hospitality by Members is more than an administrative issue. It reflects directly upon the perception about Members and about the Council as acting in the public interest rather than acting for the personal advantage of friends or family and for what personal benefit Members can derive from their position.

5.9.1(b) The law on the acceptance of gifts and hospitality is set out in the Council's Code of Conduct for Members and in the Prevention of Corruption Acts. These requirements are then supplemented by the procedures which have been adopted by this Authority, to provide a clear set of rules for the protection of both Members and the Council. Acceptance of a gift or hospitality in breach of the Code, or failure to declare receipt of such a gift or hospitality, can lead to disqualification from holding any public office for a period of up to five years. Corrupt acceptance of a gift or hospitality can lead to a heavy fine or up to seven years imprisonment.

5.9.2 This Protocol

5.9.2 (a) This Protocol relates to any offer, gift, favour or hospitality that is made, given, or afforded to you in your capacity as a Member. It is not intended to cover the ordinary social relationships which people enjoy with friends, provided that the friend is not applying to the Council for anything, seeking to do business with the Council, or involved in an ongoing business relationship with the Council.

5.9.2(b) This Protocol sets out the principles which you should apply whenever you have to decide whether it would be proper to accept any gift or hospitality, and a procedure for declaring any gift or hospitality which you receive and for accounting for any gift to the Council. This Protocol does not apply to the acceptance of any facilities or hospitality which may be provided to you by this Council. The procedure set out reflects what has always been the practice of this Council.

5.9.3 General Principles

In deciding whether it is proper to accept any gift or hospitality, you should apply the following principles:

5.9.3(a) Never accept a gift or hospitality as an inducement or reward for anything you do as a Member or as a means of gaining influence.

As a Member, you must act in the public interest and must not be swayed in the discharge of your duties by the offer, prospect of an offer, inducement, reward or absence of inducement for discharging those duties in a particular manner.

The Public Bodies (Corrupt Offences) Act 1889 provides that if you accept any gift, loan, fee, reward or advantage whatsoever as an inducement to, or reward for, doing or forbearing to do anything in respect of any matter or transaction in which the Council is concerned, you commit a criminal offence carrying a maximum term of imprisonment of seven years.

Further, the Council's Code of Conduct for Members provides that you must act in the public interest, serving the Council and the whole community, rather than acting in the interests of any particular individual or section of the community, and that it is a breach of the Code improperly to confer any advantage or disadvantage on any person, including yourself.

5.9.3(b) Never accept a gift or hospitality if acceptance might be open to misinterpretation

The Council's ability to govern rests upon its reputation for acting fairly and in the public interest. Gifts or hospitality offered should not be accepted where the circumstances are likely to be misinterpreted by a reasonable member of the public. You must therefore consider whether the acceptance of the gift or hospitality is capable of being interpreted as a sign that you or the Council favour any particular person, company or section of the community or as placing you under any improper obligation to any person or organisation. If there is any possibility that it might be so interpreted, you must either refuse the gift or hospitality or take appropriate steps to ensure that such a misunderstanding cannot arise.

Certain occasions are particularly sensitive, and require the avoidance of any opportunity for such misunderstanding. These include:

- (i) occasions when the Council is going through a competitive procurement process, in respect of any indication of favour for a particular tenderer;
- (ii) determinations of planning applications or planning policy, in respect of any person or organisation which stands to gain or lose from the determination;
- (iii) funding decisions, when the Council is determining a grant application by any person or organisation.

5.9.3(c) Never accept a gift or hospitality which puts you under an improper obligation

Recognise that some commercial organisations and private individuals see the provision of gifts and hospitality as a means of buying influence. If you accept a gift or hospitality improperly, it is possible that they may seek to use this fact to persuade you to determine an issue in their favour. Equally, if others note that you have been prepared to accept a gift or hospitality improperly, they may feel that they will no longer be able to secure impartial consideration from the Council.

5.9.3(ch) Never solicit a gift or hospitality

You must never solicit or invite an offer of a gift or hospitality in connection with your position as a Member unless the acceptance of that gift or hospitality would be permitted under this Protocol. You should also take care to avoid giving any indication that you might be open to such any improper offer.

5.9.3(d) You should only accept hospitality if there is a commensurate benefit to the Council.

The only proper reason for accepting hospitality is that there is a commensurate and proportionate benefit for the Council and/or the public whom it represents.

Acceptance of hospitality can confer a legitimate advantage on the Council, such as an opportunity to progress the business of the Council expeditiously through a working lunch/dinner etc. or to canvass and promote the interests of the Council and its area at a meeting. Unless the benefit to the Council is clear, and is commensurate with the value of the hospitality, the presumption must be that the hospitality is purely for your personal benefit.

As set out above, the Council's Code provides that you must not improperly confer any advantage on anyone, including yourself. Acceptance, as a Member, of hospitality for your own benefit or advantage, rather than for the benefit to the Council or the public, would be a breach of the Code.

5.9.4 Reporting

A. Gifts

5.9.4(a)(i) Where you accept any gift which you estimate to have a market value or cost of provision of £20 or greater you must, as soon as possible, and in any event within 28 days after receipt of the gift make a declaration in writing to the Monitoring Officer. Such declaration will be recorded in a register which will set out the date of declaration, the date on which the Member received the gift, the name of the Member, the nature of the gift etc. A form for recording purposes by Members is attached to this Protocol. The register will be available for public inspection during the term of the Council.

5.9.4(a)(ii) Even if the value of the gift is less than £20, if you are concerned that its acceptance might be misinterpreted, and particularly where it comes from a contractor or tenderer, you may make a voluntary declaration in the same manner to ensure that there is nothing secret or underhand about the gift.

5.9.4(a)(iii) For the avoidance of doubt an offer of any gift, which has been refused by you, does not need to be declared.

B. Hospitality

5.9.4(b)(i) Where you accept any hospitality which you estimate to have a market value or cost of provision of £20 or greater you must, as soon as possible, and in any event within 28 days after receipt of the hospitality make a declaration in writing to the Monitoring Officer. Such declaration will be recorded in a register which will set out the date of declaration, the date on which the Member received the hospitality, the name of the Member, the nature of the hospitality etc. A form for recording purposes by Members is attached to this Protocol. The register will be available for public inspection during the term of the Council.

5.9.4(b)(ii) Even if the value of the hospitality is less than £20, if you are concerned that its acceptance might be misinterpreted, and particularly where it comes from a contractor or

tenderer, you may make a voluntary declaration in the same manner to ensure that there is nothing secret or underhand about the hospitality.

5.9.4(b)(iii) For the avoidance of doubt an offer of any hospitality, which has been refused by you, does not need to be declared.

5.9.5 Gifts to the Council

Gifts to the Council may take the form of the provision of land, goods or services, either to keep or to test with a view to future acquisition, an offer to carry out works or sponsorship of a function which is organised or supported by the Council. You should not solicit any such gift on behalf of the Council except where the Council has formally identified the opportunity for participation by an external party and how that participation is to be secured, for example in relation to sponsorship of public musical and theatrical performances and developers' contributions under Section 106 Agreements. If you receive such an offer on behalf of the Council, you should report the offer directly to the Monitoring Officer. The Monitoring Officer will then write back to the person or organisation making the offer to record the acceptance or non acceptance of the gift, record the gift for audit purposes and ensure that the gift is properly applied for the benefit of the Council. If you have any concerns about the motives of the person or organisation making the offer, or whether it would be proper for the Council to accept the gift, you should inform the Monitoring Officer directly.

5.9.6 Prejudicial interests

You need to be aware that the receipt of a gift or hospitality may be a prejudicial interest and the rules in relation to prejudicial interests in the Code would apply. That is to say you may need to declare the interest, leave the room in which the matter is being considered, and not participate in any way in the discussion/decision making process.

5.9.7 Definitions

5.9.7(a) "Gift or hospitality" includes:

- (i) the free gift of any goods or services;
- (ii) the opportunity to acquire any goods or services at a discount or on terms which are more advantageous than those which are available to the general public;
- (iii) the opportunity to obtain any goods or services which are not available to the general public;
- (iv) the offer of food, drink, accommodation or entertainment, or the opportunity to attend any cultural, sporting or entertainment event.

5.9.7(b) References to the "value" or "cost" of any gift or hospitality are references to the higher of:

- (i) your estimate of the cost to the person or organisation of providing the gift or consideration.

(ii) the open market price which a member of the public would have to pay for the gift or hospitality, if it were made available commercially to the public, less the cash sum of any contribution which you would be required to make toward that price to the person or organisation providing or offering the gift or hospitality.

5.9.7 (c) a gift of £20.00, or hospitality of £20.00, is to be interpreted as £20.00 per annum in total by the same individual or organisation.

ISLE OF ANGLESEY COUNTY COUNCIL

**DECLARATION BY MEMBERS AND CO-OPTED MEMBERS OF
ACCEPTANCE OF GIFT AND/OR HOSPITALITY**

Please read the Guidelines set out in the Protocol on Gifts and Hospitality at 5.9 of the Council's Constitution and then complete the details below.

Name of Member/Co-opted Member	
Name of Donor/Provider	
Description of the gift or hospitality	
Value/estimated value of the gift/hospitality	
When and where you received the gift/hospitality	
Were there any special circumstances justifying acceptance of this gift or hospitality?	
Do you have any contact whether in your role as a Councillor, or otherwise, with the person or organisation providing the gift or hospitality? Please provide details	
Details of any contract the Donor/Provider is interested in securing	
Further comments (if any)	
Signed	
Date	

2006 No. 249

LOCAL GOVERNMENT, WALES

The Local Authorities (Indemnities for Members and Officers) (Wales) Order 2006

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*Made**7th February 2006**Coming into force**8th February 2006*

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 101 and 105 of the Local Government Act 2000 and having consulted representatives of relevant authorities, representatives of employees of relevant authorities, and such other persons as it considers appropriate hereby makes the following Order:

ExtentPreamble: Wales

 Law In Force**1.— Title, commencement and application**

(1) The title of this Order is the Local Authorities (Indemnities for Members and Officers) (Wales) Order 2006 and it comes into force on 8 February 2006.

(2) This Order applies in relation to relevant authorities in Wales.

Commencement

art. 1(1)-(2): February 8, 2006

Extentart. 1(1)-(2): Wales

 Law In Force**2. Interpretation**

In this Order—

“Code of Conduct” (“*Cod Ymddygiad*”) means a Code of Conduct for the time being adopted by a relevant authority in accordance with section 51 of the Local Government Act 2000; “disciplinary measures” (“*mesurau disgyblu*”) means—

(a) suspended or partially suspended; or

(b) disqualified;

“member” (“*aelod*”) in relation to a relevant authority includes—

(a) a member of any committee, or sub-committee of the relevant authority; or

(b) a person who is a member of, and represents the relevant authority on, any joint committee or sub-committee;

“Part III proceedings” (“*camau Rhan III*”) means any investigation, report, reference, adjudication or any other proceedings pursuant to Part III of the Local Government Act 2000;

“relevant authority” (“*awdurdod perthnasol*”) means a county council, county borough council, community council, a fire authority constituted by a combination scheme under the Fire Services Act 1947¹, a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies and a National Park authority established under section 63 of the Environment Act 1995;

“secure” (“*sicrhau*”) in relation to any indemnity provided by means of insurance, includes arranging for, and paying for, that insurance and related expressions are to be constructed accordingly; and

“Standards Committee” (“*Pwyllgor Safonau*”) means a Standards Committee, or a sub-committee thereof, established by a relevant authority in accordance with section 53, section 54A or section 56 of the Local Government Act 2000.

Notes

- ¹ The effect of section 4 of the Fire and Rescue Service Act 2004 is that, subject to the provisions of that section, a fire authority constituted under section 5 or section 6 of the Fire Services Act 1947 will continue to have effect notwithstanding the repeal of those sections by the 2004 Act.

Commencement

art. 2 definition of "Code of Conduct"- definition of "Standards Committee": February 8, 2006

Extent

art. 2 definition of "Code of Conduct"- definition of "Standards Committee": Wales

Law In Force

3. Indemnities

A relevant authority may, in the cases mentioned in article 5, provide indemnities to any of its members or officers.

Commencement

art. 3: February 8, 2006

Extent

art. 3: Wales

Law In Force**4. Insurance**

In place of, or in addition to, a relevant authority providing an indemnity under article 3, a relevant authority may, in the cases mentioned in article 5, provide an indemnity by securing the insurance of any of its members or officers.

Commencement

art. 4: February 8, 2006

Extent

art. 4: Wales

 Law In Force**5. Cases in which indemnity or insurance may be provided**

Subject to article 6, an indemnity may be provided in relation to any action of, or failure to act by, the member or officer in question, which—

- (a) is authorised by the relevant authority; or
- (b) forms part of, or arises from, any powers conferred, or duties placed, upon that member or officer, as a consequence of any function being exercised by that member or officer (whether or not when exercising that function that member or officer does so in their capacity as a member or officer of the relevant authority)—
 - (i) at the request of, or with the approval of the relevant authority, or
 - (ii) for the purposes of the relevant authority.

Commencement

art. 5(a)-(b)(ii): February 8, 2006

Extent

art. 5(a)-(b)(ii): Wales

 Law In Force**6.— Restrictions on indemnities**

(1) No indemnity may be provided under this Order in relation to any action by, or failure to act by, any member or officer which—

- (a) constitutes a criminal offence; or
- (b) is the result of fraud, or other deliberate wrongdoing or recklessness on the part of that member or officer.

(2) Notwithstanding paragraph 1(a), an indemnity may be provided in relation to—

- (a) subject to article 8, the defence of any criminal proceedings brought against an officer or member;
- (b) any civil liability arising as a consequence of any action or failure to act which also constitutes a criminal offence; and
- (c) subject to article 8, the defence of any Part III proceedings brought against a member.

(3) No indemnity may be provided under this Order in relation to the making by a member or officer indemnified of any claim in relation to an alleged defamation of that member or officer but may be provided in relation to the defence by that member or officer of any allegation of defamation made against that member or officer.

Commencement

art. 6(1)-(3): February 8, 2006

Extent

art. 6(1)-(3): Wales

Law In Force

7.— Matters that exceed the powers of the relevant authority

(1) Notwithstanding any limitation on the powers of a relevant authority which grants an indemnity, a relevant authority may provide an indemnity to the extent that the member or officer in question—

(a) believed that the action, or failure to act, in question was within the powers of the relevant authority, or

(b) where that action or failure to act comprises the issuing or authorisation of any document containing any statement as to the powers of the relevant authority, or any statement that certain steps have been taken or requirements fulfilled, believed that the contents of that statement were true,

and it was reasonable for that member or officer to hold that belief at the time when that member or officer acted or failed to act.

(2) An indemnity may be provided in relation to an act or failure to act which is subsequently found to be beyond the powers of the member or officer in question but only to the extent that the member or officer reasonably believed that the act or failure to act in question was within that member or officer's powers at the time at which that member or officer acted or failed to act.

Commencement

art. 7(1)-(2): February 8, 2006

Extent

art. 7(1)-(2): Wales

Law In Force

8.— Terms of indemnity or insurance

(1) Subject to paragraphs (2), (3), (4) and (5) below, the terms of any indemnity given (including any insurance secured), under this Order may be such as the relevant authority in question may agree.

(2) Paragraphs (3), (4) and (5) apply where any indemnity given to any member or officer (including any insurance secured for that member or officer) has effect in relation to the defence of—

(a) any criminal proceedings; or

- (b) any Part III proceedings.
- (3) Where this paragraph applies, the indemnity is to be provided, and any insurance secured, on the terms that, in the case of criminal proceedings, if the member or officer in question is convicted of a criminal offence and that conviction is not overturned following any appeal, that member or officer must reimburse the relevant authority or the insurer (as the case may be) for any sums expended by the relevant authority or insurer in relation to those proceedings pursuant to the indemnity or insurance.
- (4) Where this paragraph applies, the indemnity is to be provided and any insurance secured, on the terms that in the case of Part III proceedings, where—
- (a) a finding is made in those proceedings that the member in question has failed to comply with the Code of Conduct and that finding is not overturned following any appeal; or
 - (b) there is an admission by the member of that member's failure to comply with the Code of Conduct; and
 - (c) disciplinary measures are taken against the member in question as a consequence of the failure to comply with the Code of Conduct,
- that member must reimburse the relevant authority or the insurer (as the case may be) for any sums expended by the relevant authority or insurer in relation to those proceedings pursuant to the indemnity or insurance.
- (5) Where this paragraph applies, the indemnity is to be provided, and any insurance secured, on the terms that in the case of Part III proceedings, where—
- (a) a finding is made in those proceedings that the member in question has failed to comply with the Code of Conduct and that finding is not overturned following any appeal; or
 - (b) there is an admission by the member of that member's failure to comply with the Code of Conduct; and
 - (c) the member in question is censured or no disciplinary measures are taken against that member as a consequence of the failure to comply with the Code of Conduct;
- the Standards Committee of that member's relevant authority may determine that the member must reimburse the relevant authority or the insurer (as the case may be) for any sums expended by the relevant authority or insurer in relation to those proceedings pursuant to the indemnity or insurance.
- (6) Where a member or officer is obliged to reimburse a relevant authority or insurer pursuant to the terms mentioned in paragraphs (3), (4) and (5) above, those sums are to be recoverable by the relevant authority or insurer (as the case may be) as a civil debt.

Commencement

art. 8(1)-(6): February 8, 2006

Extent

art. 8(1)-(6): Wales

Law In Force

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998.

D. Elis-Thomas
The Presiding Officer of the National Assembly

7 February 2006

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for circumstances in which a relevant authority in Wales may provide an indemnity to any of their members or officers or secure the provision to them of insurance. These powers are in addition to any existing powers that such relevant authorities may have.

The relevant authorities in Wales are—

county councils

county borough councils

community councils

fire authorities constituted by a combination scheme under the Fire Services Act 1947

fire and rescue authorities constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies

National Park authorities established under section 63 of the Environment Act 1995.

Article 4 makes it clear that an indemnity may be provided by means of the relevant authority securing the provision of an insurance policy for a member or officer.

Article 5 sets out the cases in which indemnities (including those provided by insurance) may be provided. This article restricts such provision to cases where a member or officer is carrying on any function at the request of, with the approval of, or for the purposes of, the relevant authority. However, it does extend to cases where, when exercising the function in question, a member or officer does so in a capacity other than that of a member or officer of the relevant authority. This would permit an indemnity, for example, to cover a case where a member or officer acts as a director of a company at the request of the relevant authority, and thus is acting in that member or officer's capacity as a director.

Article 6 prevents the provision of an indemnity (or securing of insurance) in relation to criminal offences, any other intentional wrongdoing, fraud, recklessness, or in relation to the bringing of (but not the defence of) any action in defamation.

Article 7 gives a limited power to provide an indemnity (including any indemnity provided by insurance) where the action or inaction complained of is outside the powers of the relevant authority itself. It also covers cases where a member or officer makes a statement that certain steps have been taken or requirements fulfilled but it later becomes clear that this is not the case. The power is limited to cases where the person indemnified or insured—

reasonably believed that the matter in question was not outside those powers, or
where a document has been issued containing an untrue statement as to the relevant authorities powers, or as to the steps taken or requirements fulfilled, reasonably believed that the statement was true when it was issued or that person authorised its issuing.

Article 8 gives the relevant authority freedom to negotiate such terms for any indemnity or policy of insurance as it thinks appropriate. Article 8 however, requires that those terms include provision for re-payment of sums expended by the relevant authority or the insurer in cases where—

a member has been found to be in breach of the Code of Conduct applicable to that member as a member of the relevant authority, and disciplinary measures are taken against that member as a consequence of the failure to comply with the Code (if the indemnity or insurance policy would otherwise cover the proceedings leading to that conviction), or a member or officer has been convicted of a criminal offence (if the indemnity or insurance policy would otherwise cover the proceedings leading to that finding).

If a member has been found to be in breach of the Code of Conduct applicable to that member as a member of the relevant authority and that member is censured or no disciplinary measures are taken against that member as a consequence of the failure to comply with the Code, the Standards Committee of that member's relevant authority may require the repayment of sums expended by the relevant authority or the insurer. Any sums recoverable may be recovered as a civil debt.

Table of Contents

Local Authorities (Indemnities for Members and Officers) (Wales) Order 2006/249.....	<u>1</u>
Preamble	<u>1</u>
<input checked="" type="checkbox"/> art. 1 Title, commencement and application.....	<u>1</u>
<input checked="" type="checkbox"/> art. 2 Interpretation.....	<u>1</u>
<input checked="" type="checkbox"/> art. 3 Indemnities.....	<u>2</u>
<input checked="" type="checkbox"/> art. 4 Insurance.....	<u>3</u>
<input checked="" type="checkbox"/> art. 5 Cases in which indemnity or insurance may be provided.....	<u>3</u>
<input checked="" type="checkbox"/> art. 6 Restrictions on indemnities.....	<u>3</u>
<input checked="" type="checkbox"/> art. 7 Matters that exceed the powers of the relevant authority.....	<u>4</u>
<input checked="" type="checkbox"/> art. 8 Terms of indemnity or insurance.....	<u>4</u>
<input checked="" type="checkbox"/> Signatures	<u>5</u>
Explanatory Note	<u>6</u>
para. 1	<u>6</u>
Table of Contents.....	<u>8</u>

[replaces 5.3.8 of the protocol for member/officer relations]

Member Access to Information Protocol

Provision of information

1. Every Councillor may inspect and take copies of the reports, minutes and background papers relating to the public part of any agenda for meetings of the Council, its committees and the Executive.
2. A Councillor has the right to information which is not public (including information relating to that part of a meeting of the Council, its committees and the Executive which is exempt from publication) if that Councillor has a reasonable need to know that information in order to carry out their functions as a Councillor.
3. Every Councillor may ask any Council Department to provide them with such information, explanation and advice about the functions of that Department as is reasonably necessary to help that Councillor carry out their role. In other words, Councillors should be able to demonstrate their need to know the information. Councillors should normally ask the Corporate Director or other senior officer of the Department concerned for information.
4. A Councillor has a need to know certain information which is necessary to properly perform his / her duties. The Councillor cannot claim a need to know information which does not relate to the current or recent business of the Council. The Councillor does not have the automatic right to demand access to information where a need to know cannot be demonstrated. The law does not provide the Councillor with a 'roving commission' through the documents of a Council.
5. A Councillor who is a member of a particular committee will normally have a need to know about information relating to the functions of that committee.
6. A Councillor who is not a member of a particular committee can access information that relates to the business of that committee providing that he / she can demonstrate a need to know that information. Where a Councillor seeks confidential or the personal information of other people, he or she must ask the Corporate Director or senior officer for the relevant Council Department in writing, giving reasons for the request. The Corporate Information Officer will decide whether the information should be disclosed if there is a dispute.
7. In accordance with paragraph 5 of the Members Code of Conduct, Councillors will not make public information which is confidential or exempt from publication without the permission of the Monitoring Officer. Councillors will not divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.
8. When dealing with personal information, a Councillor must ensure that he or she does not breach the Data Protection Act 1998.

Visits

9. Every Councillor may make an individual visit to any Council Department, depot, facility or place where a Council function is carried out if:-
 - (a) The Councillor has a reasonable need to know about that place in order to fulfil his or her duties; and
 - (b) The Councillor has given reasonable prior notice to the relevant Corporate Director (unless otherwise agreed with that Director); and
 - (c) In respect of Social Services establishments, the Councillor has undertaken *and been cleared by* an enhanced Criminal Records Bureau background check, in accordance with the Council's CRB policy.
- However, the right of access is not extended automatically to schools.
10. The Managing Director will tell the Councillors of a relevant Ward of public or official visits to be made or organised by the Council to places or people within that Ward. A public or official visit is one which may involve external publicity and/or representatives of bodies outside the Council.

Ward matters

11. The Corporate Director of a Department involved in considering a proposal which would affect a particular Ward or a group of residents in that Ward will tell the Councillors of that Ward of the proposal at the earliest opportunity. The Corporate Director will indicate whether and to what extent such information is confidential. Ward Councillors must not disclose confidential information on proposals in their Ward. Any failure to respect the confidentiality of such information will be referred to the Councillor's Group Leader or (in the case of a Councillor not in a Group) to the Chairperson of the Council, and may also be a breach of the Member Code of Conduct and the Data Protection Act 1998.
12. A Councillor seeking information relating to or intending to speak publically about a matter or place in a Ward for which they are not the Ward Councillor must tell the Councillor(s) for that Ward in advance.
13. If a Councillor seeks information relating to a matter or place in a Ward for which they are not the Ward Councillor, the officer to whom the request for information has been made will tell the councillor(s) for that Ward at the earliest opportunity.

[replaces 5.3.6 of the protocol for member/officer relations]

Briefings

14. Information given by officers to Councillors may be provided as a briefing. Briefings may be provided to individual Councillors, the members of a particular committee or the Executive, the Leader of the Council, the Group Leaders or (as set out below) one or more Group meetings.

15. Officers may only provide information and advice in briefings which relates to the functions and business of the Council, not the individual circumstances of Councillors or matters only relating to a Group.
16. A briefing cannot take decisions on behalf of the Council, though it may provide information about decisions which have been taken and give information to those due to take a decision.
17. Briefings and other meetings should be arranged, with adequate notice of the business to be discussed provided by the Councillor. Briefings should only be provided by or with the consent of a senior officer.
18. If an officer provides a briefing to a portfolio holder on a topic of a corporate nature, then other members of the Executive seeking the same information should obtain it from the portfolio holder, not the officer.
19. If an officer provides a briefing to a Group Leader on a topic of a corporate nature, then other members of the same Group seeking the same information should obtain it from the Group Leader, not the officer.
20. Officers will only attend Group Meetings to provide briefings with the consent of the Managing Director and if the meeting is a formal one. Officers will not attend a Group meeting whilst matters of Group business are discussed. Officers will seek to deal even-handedly with all Councillors but it is inevitable that they will be required to devote more time and effort to the requests of the majority Group(s). Members of minority Groups should not misinterpret this as partisanship by officers and subject them to public or personal attack for this reason.
21. Councillors attending a briefing must not disclose information given in confidence in a briefing.
22. Officers attending a briefing must not disclose to another Group information given in confidence to them in a briefing by one Group. However, officers will be able to disclose such information to other officers where this is necessary for the carrying out of their duties.
23. Officers attending a briefing with both Councillors and people who are not members of the Council must exercise special care to ensure that confidential information is not disclosed outside the Council.
24. Briefings may take place either in person or by telephone or by the internet. Where a meeting takes place other than in person, officers must ensure that the identity of all people taking part is known to all participants.

Managing Directors briefings for Group Leaders

25. The Managing Director will convene and chair regular briefing meetings with the Leaders of all Groups on the Council.
26. The Managing Director will provide an agenda to the Group Leaders at least three days before the next meeting.

27. Any Group Leader may suggest an item for the agenda to the Managing Director, but the Managing Director alone will determine the agenda.
28. If the Leader of the Council is not a Group Leader, then he/she may attend.
29. *If the Shadow Leader is not a Group Leader, then he/she may attend.*

**HYFFORDDIANT AR GYFER AELODAU CYNCHORAU TREF/CYMUNED
TRAINING FOR TOWN/COMMUNITY COUNCIL MEMBERS**

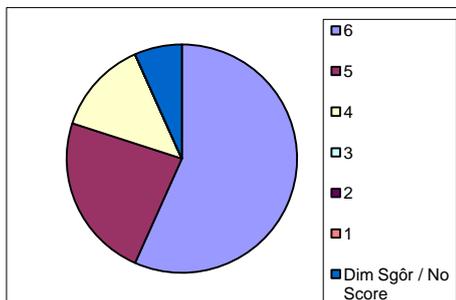
10/05/2011

1. Lleoliad / Venue

**1.1 Beth oedd eich barn am y lleoliad? Oedd y lleoliad yn addas a chyfforddus?
1.1 What did you think of the Venue? Was the Venue suitable and comfortable?**

*Beth oedd eich barn amdani? (Sgôr 1 isel i 6 uchel)
How did you rate it? (Score 1 low to 6 high)*

6	17
5	7
4	4
3	0
2	0
1	0
Dim Sgôr / No Score	2
Total	30



Sylwadau / Comments

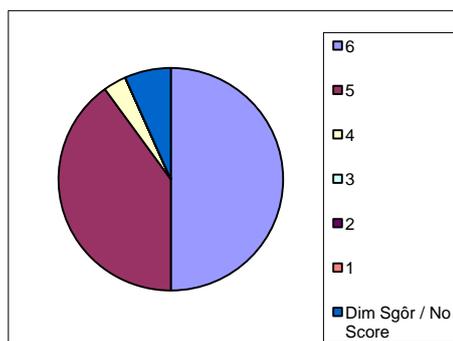
Excellent
 Could do with air conditioning on
 Braidd yn boeth
 Good central position
 Very comfortable
 Braidd yn boeth
 Comfortable and central location. Difficult to see 'notepad'.

2. Cynnwys / Content

**2.1 Oedd y sesiwn yn hawdd i'w dilyn?
2.1 Was the session easy to follow?**

*Beth oedd eich barn amdani? (Sgôr 1 isel i 6 uchel)
How did you rate it? (Score 1 low to 6 high)*

6	15
5	12
4	1
3	0
2	0
1	0
Dim Sgôr / No Score	2
Total	30



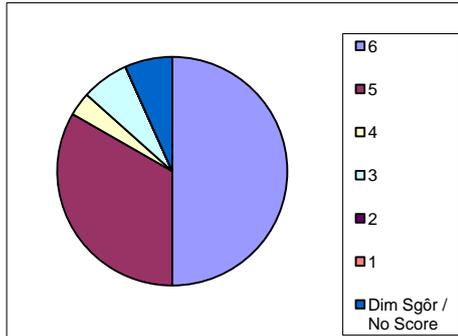
Sylwadau / Comments

Presentation & training
 Atebion i'r cwestiynau yn hir a chymleth ar adegau
 Very well presented
 Oedd o gymorth mawr i mi sy'n Gyngorydd Bro newydd!

2.2 Oedd cynnwys y sesiwn wedi'i hanelu at y lefel gywir i chi?
2.2 Was the content of the session aimed at the level for you?

Beth oedd eich barn amdani? (Sgôr 1 isel i 6 uchel)
How did you rate it? (Score 1 low to 6 high)

6	15
5	10
4	1
3	2
2	0
1	0
Dim Sgôr / No Score	2
Total	30



Sylwadau / Comments

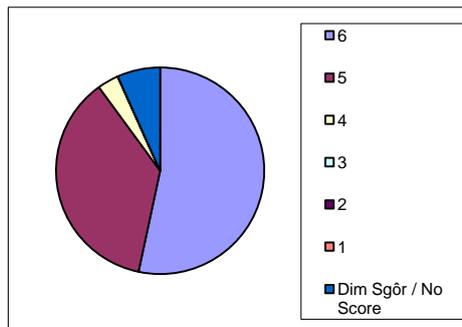
A'r wahan l'r "iaith sywddogol"
 Still learning
 I am new, but it was very helpful & understandable

3. Ymarferiadau Gweithdy / Workshop Exercises

3.1 Oedd yr ymarferiadau ymarferol yn ddefnyddiol i chi?
3.1 Did you find the practical exercises useful?

Beth oedd eich barn amdani? (Sgôr 1 isel i 6 uchel)
How did you rate it? (Score 1 low to 6 high)

6	16
5	11
4	1
3	0
2	0
1	0
Dim Sgôr / No Score	2
Total	30



Sylwadau / Comments

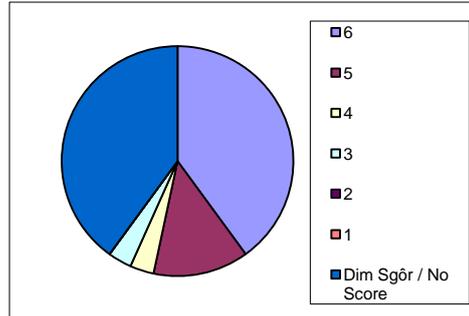
Diddorol fel Clerc - er fod cwrs wedi anelu fwy at Gynghorwyr
 Very worthwhile
 Helped a lot
 Makes everything clearer
 Did not totally agree with every answer
 The sessions were well instructed and helped to illustrate the principles.
 Although recommend that exercises are reduced in number to allow more interaction with audience to increase / maintain interest level

4. Cyflwyniad / Delivery

4.1 Cynigiwch sylw ar unrhyw agwedd o'r cyflwyno allai gynorthwy'r hyfforddydd wrth iddynt gyflwyno cyriau i'r dyfodol?
 4.1 Please comment on any aspect of the delivery that you feel may assist the trainer for their future delivery of courses?

Beth oedd eich barn amdani? (Sgôr 1 isel I 6 uchel)
 How did you rate it? (Score 1 low to 6 high)

6	12
5	4
4	1
3	1
2	0
1	0
Dim Sgôr / No Score	12
Total	30



Sylwadau / Comments

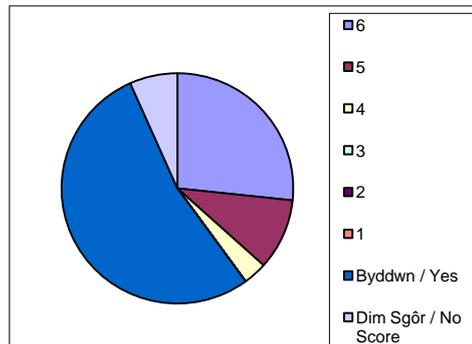
Dangos pa mor anodd oedd penderfynu rhai atebion yn "ddaleus!"
 Ond hoffwn os y byddai yn Gymraeg a gyda offer cyfieithu (Sori)
 Petai'r sesiwn yn Gymraeg fe fyddi yn well. Gan fod perianau gyfieithu ar gael yn y safle.
 Da iawn
 Cyflwyniad deallwy iawn
 Very interesting & enjoyable evening
 Always amusing as well as informative
 Y cyflwyniad yn glir ac eglur iawn. Sesiwn ymarferol o gymorth
 Everything was well explained
 Needs to keep to time - 21/2 hrs stated at beginning of session.
 Delivery writing on flipchart was too small
 Most people attended voluntary / no evening meal etc

5. Cam nesaf / Next step

5.1 Fyddech chi'n mynd I ragor o hyfforddiant?
 5.1 Would you attend further training?

Beth oedd eich barn amdani? (Sgôr 1 isel I 6 uchel)
 How did you rate it? (Score 1 low to 6 high)

6	8
5	3
4	1
3	0
2	0
1	0
Byddwn / Yes	16
Dim Sgôr / No Score	2
Total	30



Sylwadau / Comments

Cyflwyniad clir - eglurhad am yr achosion braidd yn hir wyntog (deall fod angen egluro ar sail y cod ei hun)
 Iawn ond plis mae 3 awr yn rhy hir - cychwyn yn gynt!
 Providing time schedule is agreed at the beginning and kept to!

**HYFFORDDIANT AR GYFER AELODAU CYNCHORAU TREF/CYMUNE
TRAINING FOR TOWN/COMMUNITY COUNCIL MEMBERS**

10/05/2011

Yn Bresenol / Present

<u>Enw / Name</u>	<u>Cynrychioli / Representing</u>
Einion Williams	Cyngor Cymuned Llanfihangelesceifiog
Edward Thomas	Cyngor Cymuned Llanfihangelesceifiog
Anna Jones	Cyngor Cymuned Tref Alaw
John Griffith	Cyngor Cymuned Tref Alaw
Gareth Parry	Cyngor Cymuned Tref Alaw
Gwynn Jones	Cyngor Cymuned Amlwch
Trevor Ashenden	Beaumaris Town Council
Jason Zalot	Beaumaris Town Council
Gwenda Pritchard	Cyngor Cymuned Rhosybol
Rhys Owen	Cyngor Cymuned Rhosybol
Eluned Jones	Cyngor Cymuned Mechell
Edna Jones	Cyngor Cymuned Trewalchmai
Margaret Price	Cyngor Cymuned Trewalchmai
Jacqueline Jones	Cyngor Cymuned Menai Bridge
Linda Fraser-Williams	Cyngor Cymuned Porthaethwy
Margaret Thomas	Cyngor Cymuned Llangefni
Griff Pritchard	Cyngor Cymuned Llanfair ME
W. Myfyr Roberts	Cyngor Cymuned Rhoscolyn
John Roberts	Cyngor Bro Llanfair PG
Bethan Jones	Cyngor Bro Llanfair PG
Enid Mummery	Cyngor Bro Rhosyr
Michael Dolan	Cyngor Bro Trearddur
Jack Abbott	Cyngor Bro Trearddur
Bronwen Pritchard	Cyngor Cymuned Pentraeth
Ron Hussey	Cyngor Cymuned Aberffraw
Irene Dennis	Cyngor Cymuned Pentraeth
B Rowlands	Cyngor Cymuned Llanfachraeth
Jackie Lewis	Cyngor Cymuned Llanfachraeth
R Adrian Owen	Cyngor Cymuned Llanfachraeth

Nifer yn bresennol / Total number of attendees

29

ED

ISLE OF ANGLESEY COUNTY COUNCIL

FORM TO DECLARE AND REGISTER A PERSONAL INTEREST

MEMBERS' CODE OF CONDUCT

Name of Member:
Name of Meeting:
Date:
Agenda Item (number and title):

I HEREBY DECLARE that I have a personal interest under the Council's Code of Conduct which was adopted under Section 51 Local Government Act 2000.

The details of the Personal Interest are:

The details of the Council business to which the Personal Interest relates are:

A Prejudicial Interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment of the Public Interest.

I believe that this a Prejudicial Interest because -

You must tick one box below -

- The interest is not a Prejudicial Interest and therefore I intend to take part in the Council business.
- The interest is Prejudicial and therefore I intend to withdraw and leave the meeting.
- The interest is Prejudicial but I have received a dispensation from the Standards Committee.

Signed

Dated

THIS FORM SHOULD BE HANDED TO A MEMBER OF THE COMMITTEE SERVICES STAFF IN ATTENDANCE AT THE MEETING