

**ADRAN Y CYFARWYDDWR GWASANAETHAU
CYFREITHIOL A PHWYLLGORAU
DEPARTMENT OF THE DIRECTOR OF LEGAL
AND COMMITTEE SERVICES**

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**Ein Cyf – Our Ref. RMJ/CAH/CC-013260-LB
Eich Cyf – Your Ref.**

Holl Gynghorwyr ac Aelodau Cyfetholedig

All Councillors and Co-opted Members

26 Mai / May 2011

Annwyl Gynghorydd/Aelod Cyfetholedig

**PAR: ADOLYGIAD O'R COFRESTRAU
DATGAN DIDDORDEB GAN Y PWYLLGOR
SAFONAU**

Ysgrifennaf i'ch atgoffa bydd y Pwyllgor Safonau yn cynnal ei adolygiad blynyddol o'r Cofrestrau sy'n cael eu dal gan y Cyngor ynglŷn â datganiadau o ddiddordeb gan Gynghorwyr.

Cyn i hynny ddigwydd ar 14 Medi 2011 rhoddir cyfle i Gynghorwyr ac Aelodau Cyfetholedig edrych ar eu manylion yn y Cofrestrau a'u gwirio. Byddwch yn gwerthfawrogi bod yn rhaid rhoi gwybod am unrhyw newid o fewn 28 diwrnod i'r newid hwnnw gael ei wneud.

Mae'r cofnodion yn y "Gofrestr Sefydlog" yn awr ar-lein a gellir eu gweld trwy ddilyn y cyswllt canlynol :-

<http://www.ynysmon.gov.uk/doc.asp?cat=4968>

Er mwyn bod o gymorth, amgaeaf gyda hwn gopi o'm llythyr 29 Medi 2009.

Dear Councillor/Co-opted Member

**RE: REVIEW OF REGISTERS OF
DECLARATION OF INTEREST BY THE
STANDARDS COMMITTEE**

I write to remind you that the Standards Committee will be carrying out its annual review of the Registers in respect of declarations of interest by Councillors which are held by the Council.

Before that takes place on the 14th September 2011 an opportunity is given to Councillors and Co-opted Members to look at their details in the Registers and to check them. You will appreciate that any changes must be notified within 28 days of the change having occurred.

The entries in the "Standing Register" are now online and can be accessed by the following link :-

<http://www.anglesey.gov.uk/doc.asp?cat=4968>

In order to assist, I enclose herewith a copy of my letter of the 29th September 2009.

Yn ychwanegol, o ganlyniad i adolygiad pellach gan y Pwyllgor Safonau a swyddogion, daethpwyd ar draws anghysondebau rhwng rhai o ffurflenni'r Gynghorwyr a rhestr Cyrff Allanol y Cyngor. Felly, gofynnir i Gynghorwyr roi sylw arbennig i fanylion "Cyrff Allanol".

Felly, byddwn yn ddiolchgar pe baech yn edrych ar y dogfennau a'u gwirio.

Os ydych eisiau gweld ac archwilio'r Gofrestr, neu newid neu ychwanegu at y wybodaeth gallwch wneud hynny trwy drefnu apwyntiad ymlaen llaw hefo Meirion Jones, Cyfreithiwr y Swyddog Monitro. (Hoffwn i chi nodi ei fod ar wyliau wythnos nesaf).

In addition, as a result of a further review by the Standards Committee and officers, it was found that there were inconsistencies between some of the Councillors' forms and the Council's list of Outside Bodies. Councillors are asked therefore to give particular attention to "Outside Bodies" details.

Therefore, I should be obliged if you could consider the documents and check them.

If you need to see and inspect the Register, or change or add to the information you can do so by making a prior appointment with Meirion Jones, Solicitor to the Monitoring Officer. (Please note that he will be on holiday next week).

Yn gywir / Yours sincerely

Jeff Cotterell

Cadeirydd y Pwyllgor Safonau / Chairman of the Standards Committee

**JEFF COTTERELL
CHAIR OF THE STANDARDS COMMITTEE**

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I'r holl Gynghorwyr
To all Councillors

29 Medi / September, 2009

Annwyl Gynghorydd

**PAR: COFRESTRY CYHOEDDUS O
DDIDDORDEBAU'R AELODAU**

Yn ddiweddar mae'r Pwyllgor Safonau wedi cynnal arolwg ar y Cofrestr cyhoeddus o Diddordebau Aelodau a thrwy'r broses honno wedi dod i'r casgliadau cyffredinol a ganlyn a gwneud yr argymhellion a ganlyn :-

1. Rydym yn atgoffa'r aelodau o'u dyletswydd, dan Adran 81(1) Deddf Llywodraeth Leol 2000 i gofnodi pob newid i'r diddordebau hynny y mae'n rhaid eu datgan mewn "cofrestr sefydlog". Rhaid rhoi gwybod am bob newid, ar y ffurflen statudol, cyn pen 28 diwrnod i'r newid hwnnw ddigwydd. Y Swyddog Monitro sy'n gofalu am y Gofrestr ac mae'r ffurflenni ar gael yn yr Adain Gyfreithiol. Wrth gwrs mae hon yn ddyletswydd barhaus a gofynnir i'r aelodau gadw golwg arni bob amser.
2. Yn ychwanegol at y cyngor cyffredinol ym mharagraff 1 uchod, rydym yn atgoffa'r aelodau yn benodol o'u dyletswydd i ddatgan, yn y gofrestr sefydlog, aelodaeth o unrhyw gorff neu

Dear Councillor

**RE: PUBLIC REGISTERS OF
MEMBERS' INTERESTS**

The Standards Committee has recently undertaken a review of the public Registers of Members' Interests and, in doing so, has reached the following general findings and recommendations:-

1. Members are reminded of their duty, under Section 81(1) of the Local Government Act 2000, to record all changes to those interests which must be declared in the "standing register". Any changes must be notified, on the statutory form, within 28 days of the change having occurred. The Register is retained by the Monitoring Officer and the forms are available from the Legal Section. Obviously, this is an ongoing obligation which members are advised to keep under review.
2. In addition to the general advice given in paragraph 1 above, members are specifically reminded of their duty to declare, in the standing register, their membership of any

o gyrrff allanol y penodwyd nhw iddo/iddynt gan y Cyngor. Daethom ar draws achosion lle mae ffurflenni, mae'n ymddangos, wedi eu llenwi cyn i'r aelodau gael eu penodi i'r cyrrff allanol a'r ffurflenni ddim yn cael eu diweddarau ar ôl gwneud y cyfryw benodiadau. Pan fo aelodau yn peidio â bod yn aelodau o gorff allanol neu pan fônt yn cael eu penodi i gorff allanol rydym yn eu hatgoffa bod raid iddynt ddiweddarau'r cofnod yn y gofrestr sefydlog cyn pen 28 diwrnod.

3. Rydym yn atgoffa'r aelodau o'u dyletswydd i gofrestru unrhyw rodd neu letygarwch a gafwyd yng nghyswllt unrhyw fusnes Cyngor ac sy'n uwch nag £20 mewn gwerth. Gofelir am y Gofrestr yn Swyddfa'r Gwasanaethau Pwyllgor ac mae modd holi yno am y ffurflenni priodol. Hefyd rhaid cofrestru rhoddion a lletygarwch cyn pen 28 diwrnod i'w derbyn. Unwaith eto mae hon yn ddyletswydd barhaus ac rydym yn cynghori'r aelodau i gadw golwg arni bob amser.

4. Wrth wneud ein dadansoddiad daethom ar draws achosion o aelodau'n datgan diddordeb yn y cyfarfodydd ond wedyn ddim yn llenwi'r ffurflen sy'n cofnodi datganiadau o ddiddordeb yn y cyfarfod. Rydym yn atgoffa'r aelodau bod raid llenwi'r ffurflenni hyn a'u cyflwyno i'r Clerc Pwyllgor cyn diwedd y cyfarfod hwnnw y gwnaed y datganiad ynddo.

5. Yn ystod yr arolwg daethom ar draws sawl enghraifft o aelodau yn bod yn rhy ofalus wrth ddatgan mewn cyfarfodydd ac yn arbennig felly yng nghyswllt aelodau o'u teuluoedd sy'n gweithio i'r Cyngor a lle nad oedd eitem ar y rhaglen yn berthnasol i'r datganiad o ddiddordeb. Mae hyn yn

outside body or bodies to which they have been appointed by the Council. We found cases where forms appear to have been completed prior to members being appointed to outside bodies but where the forms were not updated after such appointments were made. Members are reminded that whenever they cease to be a member of an outside body, or are appointed to an outside body, they are required to update their entry in the standing register within 28 days.

3. Members are reminded of their duty to register any gifts and hospitality received, in connection with Council business, and which exceeds £20 in value. This Register is retained by Committee Services, from whom the appropriate forms are available. Gifts and hospitality must also be registered within 28 days of receipt. Again, this is an ongoing obligation which members are advised to keep under review.

4. In undertaking our analysis we discovered some instances of members declaring interests at meetings but then neglecting to complete the form which records declarations of interest at meetings. Members are reminded of the requirement to complete these forms and submit them to the relevant committee clerk before the end of the meeting at which the interest is declared.

5. During our review we came across many examples of members being unnecessarily cautious in their declarations at meetings, specifically in relation to family members employed by the Council, where there appeared to be no item on the agenda to which the interest related.

creu'r argraff nad yw rhai aelodau yn rhoddi sylw digonol i'r ddyletswydd i ddatgan diddordeb ac efallai, ar gam, yn tybio bod rhyw ddatganiad cyffredinol o'r fath yn darparu rhyw fath o ddiogelwch.

6. Pan fo aelodau yn datgan diddordeb personol mewn cyfarfodydd dylent hefyd nodi pa eitem ar y rhaglen sy'n berthnasol i'r datganiad. Mae'r Côt Ymddygiad yn nodi'n benodol bod raid i'r aelodau nodi presenoldeb a natur y diddordeb hwnnw. Wrth i'r drafodaeth ddatblygu efallai y daw diddordeb personol i'r amlwg a hwnnw heb fod yn amlwg ar ddechrau'r cyfarfod. Pan fo hynny'n digwydd rydym yn atgoffa'r aelodau o'r ddyletswydd i ofyn i Gadeirydd y cyfarfod am y cyfle i dorri ar draws y drafodaeth a datgan y diddordeb pryd bynnag y mae hwnnw'n codi.
7. Felly rhaid nodi natur unrhyw ddiddordeb personol a nodi hefyd pa eitem ar y rhaglen sy'n berthnasol i'r diddordeb, ond yn ogystal rhaid i aelodau ystyried a ydyw'r diddordeb personol hwnnw yn un rhagfarnol. Dan baragraff 12(1) y Côt Ymddygiad diffinnir diddordeb personol rhagfarnol fel un: **“y bydd yn rhesymol i aelod o'r cyhoedd sy'n gwybod y ffeithiau perthnasol fod o'r farn ei fod mor arwyddocaol fel y bydd yn debygol o ragfarnu eich barn ynghylch buddiant cyhoeddus”**. Ar ôl defnyddio'r prawf hwn bydd raid i'r aelodau, os credant fod y diddordeb personol hefyd yn un rhagfarnol, ddweud hynny a gadael y cyfarfod pan fo'r eitem berthnasol ar y rhaglen dan sylw. Nid oes modd osgoi hyn onid yw'r aelod wedi cael caniatâd arbennig. Hefyd mae rhai enghreifftiau o ganiatâd arbennig yn rhan o'r Côt

This created the impression that some members may not be properly addressing their minds to their obligation to declare interests and may have, mistakenly, formed the view that such general/blanket declarations provide some kind of immunity.

6. When members declare personal interests in meetings they should also identify the agenda item to which the interest relates. The Code of Conduct specifically requires members to identify the “existence and nature of that interest”. Clearly, as debate develops, a personal interest may become apparent even if it was not clear at the outset of the meeting. If this occurs, members are reminded of their obligation to ask the Chairman of the meeting for an opportunity to interrupt debate and declare the interest as and when it arises.
7. As well as identifying the nature of any personal interest, and the agenda item to which it relates, members are also required to consider whether their personal interest is also prejudicial. Paragraph 12(1) of the Code of Conduct defines a prejudicial personal interest as: **“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 judgement of the public interest”**. Having applied this test, if members believe that their personal interest is also prejudicial then they are required to say so and to leave the meeting when the relevant agenda item is under discussion. This may only be avoided if a member has the benefit of a dispensation. There are some dispensations “built in” to the Code of

Ymddygiad. Maent yn ymddangos dan baragraffau 12(2) a 13 y Côd. Mewn achosion eithriadol eraill mae'n bosib i aelod gael caniatâd arbennig trwy gyflwyno cais ysgrifenedig amdano i'r Pwyllgor Safonau. Os ydyw aelod yn dymuno derbyn cyngor ar sut i gael caniatâd arbennig gan y Pwyllgor Safonau yna argymhellir ei fod yn holi am gyfarwyddyd gyda'r Swyddog Monitro.

Conduct. These are at paragraphs 12(2) and 13 of the Code. In other, exceptional, cases it may be possible for a member to obtain a dispensation by making a written application to the Standards Committee. If members require any advice on obtaining a dispensation from the Standards Committee then they are recommended to seek the guidance of the Monitoring Officer.

Er mwyn bod o gymorth i'r aelodau roddi sylw i'r pwyntiau a godir ym mharagraffau 5, 6 a 7 uchod, bydd y Pwyllgor Safonau yn argymhell newidiadau i'r ffurflen a ddefnyddir i bwrpas datgan diddordeb mewn cyfarfodydd.

In order to assist members in addressing the points raised in paragraphs 5, 6 and 7 above, the Standards Committee will look at recommending changes to the form used for declaration of interests at meetings.

Hefyd o gwmpas Mawrth / Ebrill 2010 rydym yn bwriadu cynnal arolwg ar yr holl gofnodiadau newydd yn y cofrestru cyhoeddus o ddiddordebau'r aelodau. Erbyn hynny rydym yn gobeithio y bydd yr aelodau wedi rhoddi sylw i'r argymhellion hyn.

We also propose to undertake a review of all new entries in the public Registers of Members' Interests in about March / April 2010. By then we hope to find that members have taken onboard these recommendations.

Yr eiddoch yn gywir / Yours sincerely

Jeff Cotterell
Cadeirydd Pwyllgor Safonau / Chair of the Standards Committee