

# Public Document Pack



CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL

Dr Gwynne Jones.  
Prif Weithredwr – Chief Executive  
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<b>RHYBUDD O GYFARFOD</b>	<b>NOTICE OF MEETING</b>	
<b>PWYLLGOR SAFONAU</b>	<b>STANDARDS COMMITTEE</b>	
<b>DYDD MERCHER, 13 MEDI 2017 am 2.00 o'r gloch</b>	<b>WEDNESDAY, 13 SEPTEMBER 2017 at 2.00 pm</b>	
<b>YSTAFELL BWYLLGOR 1 SWYDDFEYDD Y CYNGOR LLANGFNI</b>	<b>COMMITTEE ROOM 1 COUNCIL OFFICES LLANGFNI</b>	
<b>Swyddog Pwyllgor</b>	<b>Mrs Shirley Cooke 01248 752514</b>	<b>Committee Officer</b>

## **Aelodau Annibynnol / Independent Members**

Mrs. Denise Harris Edwards  
Mr. Islwyn Jones (Is-Gadeirydd/Vice-Chair)  
Mrs. Dilys Shaw  
Mr. Michael Wilson (Cadeirydd/Chair)  
Sedd Wag/Vacant Seat

## **Yn cynrychioli'r Cyngor Sir / Representing the County Council**

Y Cyngorydd/Councillor Trefor Lloyd Hughes MBE  
Y Cyngorydd/Councillor Dafydd Rhys Thomas

## **Yn cynrychioli'r Cyngorau Tref/Cymuned / Representing the Town/Community Councils**

I'w llenwi/Appointments to be made

## A G E N D A

**1     DECLARATION OF INTEREST**

To receive any declaration of interest from a Member or Officer regarding any item of business.

**2     MINUTES OF MEETING (Pages 1 - 10)**

To submit for confirmation, the draft minutes of the Standards Committee held on 8 March 2017.

**3     CONDUCT COMPLAINTS TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES (Pages 11 - 12)**

A report by the Monitoring Officer in relation to (a) County Councillors, and (b) Town/Community Councillors.

**4     PUBLIC SERVICES OMBUDSMAN FOR WALES DECISIONS (Pages 13 - 28)**

A report by the Monitoring Officer on the PSOW's most recent decisions in Wales.

**5     ADJUDICATION PANEL FOR WALES DECISIONS (Pages 29 - 38)**

A report by the Monitoring Officer on the APW's most recent decisions in Wales.

**6     MEMBER TRAINING (Pages 39 - 50)**

A report by the Human Resources Development Manager on post election induction for County Councillors and arrangements for training Town and Community Councillors.

**7     MEMBERS' ANNUAL REPORTS (Pages 51 - 54)**

A report by the Head of Democratic Services on the information to be published about the work of County Councillors.

**8     GENERIC DISPENSATION/INDEMNITIES (Pages 55 - 80)**

A report by the Monitoring Officer for a generic dispensation for County Councillors to avoid any individual applications during the currency of this Council term.

**9     REVIEW OF THE MEMBERS' REGISTER OF INTERESTS TOWN AND COMMUNITY COUNCILS (Pages 81 - 126)**

A report by the Monitoring Officer on the reviews conducted by the Standards Committee.

**10    REVIEW OF THE THREE REGISTERS OF COUNTY COUNCILLORS' INTERESTS (Pages 127 - 138)**

A report by the Monitoring Officer on this year's Standards Committee review of the registers.

**11 INDEPENDENT MEMBER OF THE STANDARDS COMMITTEE - CASUAL VACANCY (Pages 139 - 142)**

To receive a report from the Monitoring Officer on the selection process.

**12 TOWN AND COMMUNITY COUNCIL MEMBERS OF THE STANDARDS COMMITTEE - AUTOMATIC POST ELECTION VACANCIES (Pages 143 - 160)**

To receive a report from the Monitoring Officer on the current status of the appointment of new members.

**13 DISPENSATION(S) (Pages 161 - 224)**

To receive a report from the Monitoring Officer on the activities of the Dispensation Panel of the Standards Committee.

**14 LOCAL RESOLUTION FOR TOWN AND COMMUNITY COUNCILS (Pages 225 - 236)**

To receive a report from the Monitoring Officer on the One Voice Wales Local Resolution Protocol.

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**STANDARDS COMMITTEE**

**Minutes of the meeting held on 8 March 2017**

**PRESENT: Independent Members**

Mr Michael Wilson (Chair)  
Mr Islwyn Jones (Vice-Chair)  
Mrs Denise Harris Edwards  
Mrs Dilys Shaw

**Representing the County Council**

Councillor Trefor Lloyd Hughes, MBE  
Councillor Dafydd Rhys Thomas

**Representing Town and Community Councils**

Councillor John Chorlton  
Councillor John Roberts

**IN ATTENDANCE:** Head of Function (Council Business)/Monitoring Officer  
Solicitor (Corporate Governance) (MY)  
Committee Officer (SC)

**APOLOGIES:** None

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**1. DECLARATION OF INTEREST**

No declaration of interest was received.

**2. MINUTES OF MEETING**

The draft minutes of the Standards Committee held on 14 September 2016 were confirmed as correct.

**Matters arising from the minutes –**

**Item 2**

**Town and Community Councils - Websites**

The Vice-Chair questioned whether the Public Services Ombudsman for Wales had responded regarding establishing his course of action in relation to Community Councils not complying with the requirement to have a website. The Monitoring Officer reported that she has not received any communication to date from the Ombudsman regarding the matter.

### **Item 3**

#### **Update on Members' Online Registers**

The Vice-Chair questioned whether joint funding could be sought with other local authorities in North Wales to update the Modern.Gov system's Register of Interests' online form, which would give Members the option to enter their details bilingually into the Welsh Register.

The Monitoring Officer responded that in the previous meeting of the Standards Committee, the Digital Services Architect reported that she would raise the matter regionally at the Modern.Gov User Group meeting, in the hope of gaining support from other local authorities to fund a bilingual system across North Wales. It was noted that the matter was discussed at the Modern.Gov User Group meeting, but unfortunately no other authorities were interested in the proposal.

The Monitoring Officer reported that she would speak to the Council's Welsh Language Officer regarding the Members' online form of Register of Interest to enquire whether funding could be sought. It was noted that Members can complete the forms bilingually online, but can only respond to questions which appear in English only.

#### **RESOLVED:-**

- **That the Monitoring Officer raises the matter with the Council's Welsh Language Officer to ascertain whether any financial support is available.**
- **That the Monitoring Officer writes to the Head of Democratic Services on behalf of the Standard Committee, requesting that software for the use of the Welsh language is included in the package when the Modern.Gov contract is due for renewal.**

**ACTION: As noted above.**

### **Item 4**

#### **Draft Training Programme for New Members in May 2017**

The Chair requested that the Standards Committee be afforded sufficient notice of the dates of training sessions in May to allow time for all Members to attend.

The Monitoring Officer reported that the Training Plan for Elected Members was approved by the full Council on the 28 February 2017, and the current draft is now available on the Council website.

### **3. CONDUCT COMPLAINTS TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES**

Submitted - a report by the Solicitor (Corporate Governance) in the form of an updated matrix for (a) County Councillors, and (b) Town/Community Councils.

The Solicitor (Corporate Governance) reported that a further complaint has been received today against a Town/Community Councillor, and the Ombudsman is considering if there is merit in investigating the complaint.

Concern was raised by Members regarding the timescale of an ongoing investigation to a complaint made in September 2016 against a Town/Community Councillor. The Monitoring Officer confirmed that progress is being made, but the Ombudsman has no set timetable for dealing with the investigation.

Clarity was sought by Members on the nature of complaints that have been made against County Councillors and Town/Community Councillors, but the Monitoring Officer confirmed that this information is embargoed. Members asked to be kept informed of developments in relation to the complaints referred to in the matrix.

#### **RESOLVED:-**

- **To note the report for information.**
- **That the Monitoring Officer updates Members of the Standards Committee every 3 months by way of an updated complaints matrix on progress regarding complaints investigated by the Ombudsman.**
- **That the Monitoring Officer provides Members of the Standards Committee with a yearly analysis of the nature of complaints that are referred to the Ombudsman.**

**ACTION: As noted above.**

### **4. ADJUDICATION PANEL FOR WALES DECISIONS**

Submitted - a report by the Solicitor (Corporate Governance) comprising a summary of the most recent Adjudication Panel for Wales' decisions made between April 2016 and March 2017.

The Solicitor (Corporate Governance) reported that one other matter has been decided upon by the APW since the agenda was published regarding a Councillor from Cardiff Council. A summary of that decision will be included as an item on the agenda for the next meeting.

The Committee noted that the Adjudication Panel had referred a matter back to the Standards Committee, with a recommendation in terms of sanction, and were concerned that should this method of dealing with complaints become commonplace with tougher sanctions being imposed on appeal, Councillors may not take matters to appeal.

## **RESOLVED:-**

- **To note the report for information.**
- **To send a copy of the report to Elected Members.**
- **To send a copy of the report to the Clerks of the Community Councils requesting they bring it to the attention of their Members.**

**ACTION: To include a decision made by the Adjudication Panel for Wales on 2 and 3 March 2017 regarding a Cardiff Council Member in a report for September 2017's meeting.**

## **5. UPDATE ON THE OMBUDSMAN'S ATTENDANCE AT THE NORTH WALES STANDARDS COMMITTEE FORUM**

Submitted - a report by the Solicitor (Corporate Governance) on the Ombudsman's visit to Anglesey County Council on 17 October 2016, when he attended a meeting of the North Wales Standards Committee Forum (NWSCF). The Ombudsman gave a presentation and answered questions from Members of the Forum and Members of the Standards Committee.

The Ombudsman raised the following matters during discussion:-

- Local Resolution extended to Town/Community Councils would be welcome.
- The number of County Council complaints had reduced, but the number of Town/Community Council complaints had increased. 3 Community Councils were responsible for a third of all Town/Community Council complaints.
- The two-stage test continues to be utilised, and its aim is to continue to rid any vexatious complaints. However, the Ombudsman's office is receiving more complaints.
- The majority of the Ombudsman's budget is allocated to health investigations, but he was clear that bullying, corruption or abuse of power ie breach of the Code of Conduct for Elected Members would not be tolerated.
- He believes that the North Wales Standards Committee Forum is beneficial for North Wales authorities, and he would be happy to meet with the Forum on a more regular basis should this be deemed useful.

A question had been raised with the Ombudsman at the Forum whether mediation training for Members of the Standards Committee would be offered or arranged in light of the requirement for more to be done by way of local resolution. The Ombudsman responded that training would be beneficial, particularly to support Community Councils, but resources were not available to finance it. The Monitoring Officer stated that she would arrange for the matter to be raised in the next Forum meeting.

The Solicitor (Corporate Governance) reported that One Voice Wales is developing a draft Local Resolution Protocol, to be used by Town/Community Councils. Members showed concern that One Voice Wales was not consulting with various parties before finalising such document, in order to incorporate any feedback into the draft document. It was noted that the Protocol will be shared with Members as soon as a final version is received from One Voice Wales. It

was further noted that the Standards Committee would have liked to have been consulted on the draft first though.

The Monitoring Officer reported that once the Local Resolution Protocol is implemented through One Voice Wales, the Standards Committee could offer support on the use of the Protocol to Town/Community Councils, who have the general power of competence.

**RESOLVED:-**

- **To note the report.**
- **That a copy of Appendix 2 be distributed to Monitoring Officers within the other North Wales authorities.**
- **That the Solicitor (Corporate Governance) seeks confirmation of the arrangements for the next meeting of the North Wales Standards Committee Forum.**
- **That the Solicitor (Corporate Governance) contacts One Voice Wales for clarity on who will be consulted on the draft Local Resolution Protocol before the document is finalised.**

**ACTION: As noted above.**

**6. UPDATE ON THE ADOPTION OF THE AMENDED STATUTORY CODE OF CONDUCT**

Submitted - a report by the Solicitor (Corporate Governance) providing an update to Members on the adoption of the amended Code of Conduct included in the Local Authorities (Model of Code of Conduct) (Wales) (Amendment) Order 2016 by Town/Community Councils.

The Solicitor (Corporate Governance) reported that the 'Adoption of the Amended Code of Conduct' was discussed at the last meeting of the Standards Committee on 14 September, 2016. That written report confirmed 17 Town/Community Councils had not responded to a request for confirmation on the adoption of the Code. At the time, it was confirmed that 12 of the 17 had been in contact since the report was prepared. There therefore remained 5 Town and Community Councils that had not responded.

Reference was made to Appendix 1 of the report, which highlights in red the Town/Community Councils that have responded since the last written report was prepared; there is 1 Community Council that has responded, but has not confirmed the date they adopted the Code. The following 3 Community Councils have still not responded:-

- Bodorgan Community Council
- Llangristiolus Community Council
- Rhoscolyn Community Council

**RESOLVED:-**

- To note the report.
- To request that the Monitoring Officer writes on behalf of the Chair of the Standards Committee to the 3 Community Councils who have not responded to remind them of the requirement to adopt the amended Code of Conduct, and to ask them to forward a copy of the minutes of the meeting when the adoption takes place to the Monitoring Officer.
- A copy of the above letter should also be sent to the local Elected Members for information.

**ACTION:** As noted above.

**7. UPDATE ON THE PRESENTATION GIVEN TO THE TOWN/COMMUNITY COUNCILS' FORUM**

Submitted - a report by the Solicitor (Corporate Governance) on the presentation given by the Chair and Vice-Chair of the Standards Committee at the Town/Community Councils' Forum on 24 November 2016 in relation to 'Matters arising from the Standards Committee'.

The following matters were discussed at the meeting:-

- Adoption of the revised Code of Conduct;
- The Ombudsman's Guidance on the amended Code of Conduct;
- Requirements on Town/Community Councils with regard to the registration of personal interests;
- Review of Registers of Interests;
- The Ombudsman's Presentation at the North Wales Standards Committee Forum;
- Decisions of the Adjudication Panel for Wales.

It was noted that the Forum Clerk has sent a copy of the presentation to all Forum Members following the meeting.

**RESOLVED to note the presentation made (as per Appendix 1 to the report) and the update in terms of the actions completed, as included within the report.**

**Action: None**

**8. UPDATE ON THE TOWN/COMMUNITY COUNCILS' REGISTER OF INTERESTS**

Submitted - a report by the Solicitor (Corporate Governance) providing an update to Members on the responses received by the Town/Community Councils in relation to their Register of Interests.

The report presented to the Standards Committee on 14 September 2016 - 'Standards Committee review of the Register of Interests held by the Town/

Community Councils' noted that some Councils had not responded to a request for confirmation how Town/Community Councils keep their Registers ie paper and/or online.

On 29 September 2016 correspondence was sent to the Clerks of the Councils who had still not responded. Correspondence was also sent to Elected Members of Anglesey County Council representing those areas in which the Town/Community Councils are located. It was noted that the outstanding 5 Town/Community Councils have now replied.

**RESOLVED:-**

- **To note the report and responses received from Town/Community Councils.**
- **That the Monitoring Officer writes to all Town/Community Councils stating that some Councils are not currently publishing their Register of Interests online, contrary to the statutory requirement.**
- **That the Standards Committee writes to Town/Community Councils in March 2018 for an update to ascertain which Councils have a website.**

**ACTION:** As noted above.

**9. TOWN/COMMUNITY COUNCIL – WEBSITES**

Submitted - a report by the Solicitor (Corporate Governance) on the statutory requirement for all Town/Community Councils to have a web presence and publish certain information on their websites. This requirement is relevant to the Standards Committee as complaints have been made regarding transparency in Town/Community Councils, particularly in some Community Councils with insufficient resources.

The report focuses on establishing which Town/Community Councils have a website, and whether Councils that do not, are planning to comply.

Members were concerned that some Town/Community Councils need support in creating a website. It was suggested that a request be made to One Voice Wales to ask if they would raise the matter on their agenda in one of their meetings, and a link to this report on the Council website could be forwarded to them.

**RESOLVED:-**

- **To note the latest position with regard to the Town/Community Councils' response (Appendix 1 of the report);**
- **To note the contents of the One Voice Wales Guidelines (Appendix 2 of the report).**
- **That the Monitoring Officer writes to One Voice Wales to ask if they plan to provide assistance to Town/Community Councils in setting up**

**websites (apart from the Guidance), or are planning to assist them in establishing a coordinated approach?**

**ACTION: As noted above.**

## **10. OMBUDSMAN'S VIDEO TO ELECTED MEMBERS**

Submitted - a report by the Solicitor (Corporate Governance) on which Town/Community Councils have confirmed to have brought the Public Services Ombudsman for Wales' new video to the attention of its Elected Members.

The Solicitor (Corporate Governance) reported that in July 2016, an e-mail was received from the Welsh Local Government Association (WLGA) with a link to the Public Services Ombudsman for Wales' new video on You Tube. A link was forwarded to Elected Members of the County Council on 21 July 2016. A copy of the video was also sent to Town/Community Council Clerks asking that they bring the video to the attention of their Elected Members, and report back to the Council to confirm they date the video was viewed. To date, only 3 Councils have confirmed the dates they viewed the video.

**RESOLVED to note the report together with the responses noted in Appendix 1.**

**Action: None.**

## **11. MANAGEMENT STRUCTURE**

Submitted - a report by the Solicitor (Corporate Governance) enclosing a Management Structure document for approval by the Standards Committee.

The Solicitor (Corporate Governance) reported that in its meeting on 14 September 2016, the Standards Committee discussed that some Elected Members were unsure who was responsible for various operational matters within the Council. A Management Structure document (for internal use) has been created containing the name, contact details and main operational responsibilities of each Head of Service and the Senior Leadership Team.

It was noted that the draft document was discussed at the Standards Committee's informal meeting on 8 December 2016. Members of the Standards Committee sought to include the name and contact details of Middle Managers, so that Heads of Service would not be the point of contact for all matters. The Heads of Service concluded though, that this would be contrary to the Constitution's Protocol, which deals with the relationship between Members and Officers, and was therefore rejected by the Heads of Service, but this will be reviewed in a year's time.

**RESOLVED:-**

- **To note the report.**
- **To confirm that the document in Appendix 1 is approved.**

- **To approve the publishing of the ‘Contact details and responsibilities of the Isle of Anglesey County Council’s Senior Leadership Team and Heads of Service’ form on MonITor for staff and Members of the County Council.**

**ACTION: As noted above.**

**12. BRIEFING NOTE TO TOWN AND COMMUNITY COUNCIL MEMBERS ON THE REQUIREMENTS FOR DISCLOSING AND REGISTERING PERSONAL INTERESTS**

Submitted - a report by the Solicitor (Corporate Governance) attaching a Briefing Note which was distributed to Town/Community Council Clerks on 14 December 2016 on the statutory requirements for Town/Community Councillors to disclose and register personal interests.

The Clerks of Town/Community Councils were asked to bring the Briefing Note to their Members’ attention, and forward a copy of the relevant minutes of the meeting when the matter was discussed. Confirmation of the same was requested by 20 February 2017.

In addition to the 10 noted in the table (Appendix 2 of the report), it was noted that a further 4 Community Councils had responded since the report was published, namely Aberffraw, Bryngwran, Llanddyfnan and Penmynydd.

**RESOLVED:-**

- **To note the report and Briefing Note in Appendix 1.**
- **That the Solicitor (Corporate Governance) writes to the Clerks of the Town/Community Councils requesting them to bring the Briefing Note and amended Code of Conduct to the attention of their Members, when they sign to accept their office following May’s elections. Copies of both will be attached to the letter.**

**ACTION: As noted above.**

**MR MICHAEL WILSON  
CHAIR**

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**CWYNION A GYFLWYNWYD I'R OMBWDSMON – "O" – AC YMCHWILIADAU A WNAED GANDDO YNGHYLCH  
CYNGHORWYR CYNGOR SIR YNYS MÔN - DIWEDDARIAD**

**UP TO DATE COMPLAINTS TO AND INVESTIGATIONS BY THE OMBUDSMAN – "O" -REGARDING  
ISLE OF ANGLESEY COUNTY COUNCILLORS – UPDATE**

**Chwarter 1 (Ebrill – Mehefin) – 2017/2018 – Quarter 1 (April – June)**

Enw'r Cynghorydd Name of Councillor	Enw'r Achwynydd Name of Complainant	Cyfeirnod y Ffeil File Reference (i) Un ni/Ours (ii) "O"	Dyddiad y Gŵyn - "O" Complaint date - "O"	Canlyniad Ymholiad "O" a'r dyddiad neu'r sefyllfa gyfredol Result of "O" Investigation and date or the current situation
<b>Dim i'w adrodd / Nothing to Report</b>				

**CWYNION A GYFLWYNWYD I'R OMBWDSMON – "O" – AC YMCHWILIADAU A WNAED GANDDO YNGHYLCH  
CYNGHORWYR CYMUNEDOL A THREF - DIWEDDARIAD**

**UP TO DATE COMPLAINTS TO AND INVESTIGATIONS BY THE OMBUDSMAN – "O" - REGARDING  
TOWN AND COMMUNITY COUNCILLORS – UPDATE**

**Chwarter 1 (Ebrill i Mehefin) - 2017/2018 – Quarter 1 (April to June 2017)**

<b>Enw'r Cynghorydd</b> <b>Name of Councillor</b>	<b>Enw'r Achwynydd</b> <b>Name of Complainant</b>	<b>Cyfeirnod y Ffeil</b> <b>File Reference</b> (i) Un ni/Ours (ii) "O"	<b>Dyddiad y Gŵyn - "O"</b> <b>Complaint date - "O"</b>	<b>Canlyniad Ymholiad "O" a'r dyddiad neu'r sefyllfa gyfredol</b> <b>Result of "O" Investigation and date or the current situation</b>
<b>Dim i'w adrodd / Nothing to Report</b>				

Page 12

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
<b>COMMITTEE:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>13 September 2017</b>
<b>REPORT TITLE:</b>	<b>Public Services Ombudsman for Wales Decisions</b>
<b>PURPOSE OF THE REPORT:</b>	<b>To advise the Committee of All Wales decisions published by the Public Services Ombudsman for Wales in the period April 2016 to April 2017</b>
<b>REPORT BY:</b>	<b>Head of Function (Council Business)/Monitoring Officer</b>
<b>LINK OFFICER:</b>	Lynn Ball Head of Function (Council Business)/Monitoring Officer <a href="mailto:lbxcs@anglesey.gov.uk">lbxcs@anglesey.gov.uk</a> 01248 752586

## 1. INTRODUCTION

The Public Services Ombudsman for Wales (PSOW) publishes a [Casebook of Code of Conduct Complaints](#) once every quarter.

This report summarises the information published by the PSOW in his Casebooks for April 2016 to April 2017. A summary of the cases is attached at **ENCLOSURE 1**

## 2. BACKGROUND

The PSOW exercises “first sift” powers under Section 69 of the Local Government Act 2000, which requires him to consider complaints that members of local authorities in Wales may have broken their code of conduct. The PSOW’s jurisdiction includes county councils and town and community councils.

Having received a complaint, the PSOW applies his threshold test to determine whether or not the complaint should be investigated. The threshold test involves the PSOW being satisfied that:-

- There is evidence to suggest that the code of conduct may have been breached; and
- That the matter is sufficiently serious for it to be in the public interest for an investigation to be opened.

When an investigation is opened, the PSOW may reach one of four findings under Section 69 of the Local Government Act 2000 which are:-

- (a) that there is no evidence that there has been a breach of the authority's code of conduct;
- (b) that no action needs to be taken in respect of the matters that were subject to the investigation;
- (c) that the matter be referred to the authority's monitoring officer for consideration by the standards committee;
- (d) that the matter be referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal (this generally happens in more serious cases).

If (c) or (d) above apply, the PSOW will then submit his report to the local standards committee or to the Adjudication Panel for Wales (APW), and it is for the committee, or a case tribunal of the Panel, to conduct a hearing to consider the evidence and to make the final decision on whether or not the code of conduct has been breached and, if so, whether a penalty should be imposed, and what any penalty should be. Standards committees have statutory authority to issue a suspension against a councillor for a period not exceeding 6 months. Standards committees have no powers of disqualification and, where there are findings of breach, will try to apply a sanction that is proportionate to the offence. This will often be a censure (public rebuke) or a recommendation of training/undertaking/mediation etc. A case tribunal has authority to suspend for up to 12 months and to disqualify for up to 5 years.

While the APW has the legal status of a tribunal and has always published its decisions (including any appeals against the decisions of standards committees) the PSOW did not publish his reports or findings but recently has introduced the quarterly Case Book which provides a case summary. Anything referred to a standards committee will, of course, be available on that council's website.

### **3. RECOMMENDATION**

The Chair of the Standards Committee will lead a discussion on any matters of interest reported in **ENCLOSURE 1**

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
Langstone Community Council	The Councillor endorsed that the Community Council fund works proposed by the Councillor's wife.	<ul style="list-style-type: none"> <li>• Failure to disclose and withdraw from a decision in the presence of a prejudicial interest</li> <li>• Bringing the role of councillor and the authority into disrepute</li> <li>• Seeking to gain an advantage</li> </ul>	<ul style="list-style-type: none"> <li>• No breach of the Code</li> </ul>	<ul style="list-style-type: none"> <li>• There would have been a benefit to the Councillor and the Councillor's wife in relation to the carrying out of the works. However, the level of benefit: "would have been slight", such that it did not create a prejudicial interest and the Councillor was entitled to participate in the decision.</li> </ul>
Radyr and Morganstown Community Council	<ul style="list-style-type: none"> <li>• Put pressure on the clerk to change the minutes of a meeting</li> <li>• Passed a note to a member of the public asking for members of the public to leave a Council meeting.</li> <li>• Produced her own version of the minutes of the meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Failure to show respect and consideration</li> <li>• Bullying</li> </ul>	<ul style="list-style-type: none"> <li>• No breach of the Code</li> </ul>	<ul style="list-style-type: none"> <li>• The two versions of the conversation with the clerk in relation to the minutes were so significantly different that it was impossible to substantiate the allegation.</li> <li>• With regard to the second allegation</li> </ul>

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
				<p>the PSOW concluded that the Councillor's actions were "ill-advised" but did not constitute a breach of the Code</p> <ul style="list-style-type: none"> <li>• There was no evidence to suggest that the minutes produced by the Councillor were inaccurate and that the production of the minutes did not constitute bullying of the clerk or compromising the clerk's impartiality.</li> </ul>
Radyr and Morganstown Community Council	Disclosure of confidential information	<ul style="list-style-type: none"> <li>• Failure to show respect and consideration</li> <li>• Disclosure of confidential information.</li> </ul>	<ul style="list-style-type: none"> <li>• No evidence to suggest that the Councillor did disclosure confidential information.</li> </ul>	<ul style="list-style-type: none"> <li>• There is little or no factual information provided merely that the PSOW did investigate a complaint but came to the view that there was no evidence to support it.</li> </ul>

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
Llantwit Major Town Council	Councillor had approached a member of the public and shouted at her and behaved in an aggressive way.	<ul style="list-style-type: none"> <li>• Failure to show respect and consideration</li> <li>• Disrepute</li> </ul>	<ul style="list-style-type: none"> <li>• No action to be taken</li> </ul>	<ul style="list-style-type: none"> <li>• Conduct may have breached the Code but it was not in the public interest to pursue the matter as the Councillor had resigned his office.</li> </ul>
Llanelli Rural Council	A Councillor had obstructed another Councillor's pathway and acted in a threatening manner towards the other Councillor. The conduct of both was investigated, using the PSOW's inherent jurisdiction.	<ul style="list-style-type: none"> <li>• Failure to show respect and consideration</li> <li>• Disrepute</li> <li>• Bullying</li> </ul>	<ul style="list-style-type: none"> <li>• Failure to show respect and consideration and bullying and harassment were not engaged as neither of the Councillors involved was acting in their public capacity at the time.</li> <li>• Both Councillors may have breached the Code of Conduct with regard to disrepute but not in the public interest to refer to the Standards Committee or the APW.</li> </ul>	<ul style="list-style-type: none"> <li>• Both Councillors advised to consider their future conduct and that in the event of a subsequent breach the PSOW would take into account this earlier breach.</li> </ul>
Kidwelly Town Council	Inappropriate behaviour at a function. It is alleged that the Councillor was drunk, made inappropriate sexual comments to a	<ul style="list-style-type: none"> <li>• Failure to show respect and consideration</li> <li>• Failure to</li> </ul>	<ul style="list-style-type: none"> <li>• No action needed to be taken</li> </ul>	<ul style="list-style-type: none"> <li>• While the CPS did pursue a case of sexual assault, they offered no evidence</li> </ul>

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
	<p>number of women and touched one of the women in a sexually inappropriate way</p>	<p>promote equality</p> <ul style="list-style-type: none"> <li>• Disrepute</li> </ul>		<p>with the complainant accepting the Councillor's formal public apology that he was intoxicated and may have behaved inappropriately.</p> <ul style="list-style-type: none"> <li>• Had the allegation of sexual assault been proven then the PSOW expressed the view that it would have brought the Councillor and his Council into disrepute. However, because the evidence was not conclusive it was unlikely that the APW would apply a disqualification and suspension was no longer available as a sanction because the member concerned had resigned. It was</li> </ul>

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
				therefore not considered proportionate by the PSOW to refer the matter to the APW.
Magor with Undy Community Council	Councillor sought authority from the Council to represent the Council on outside bodies. At the time when the request was made, following an APW decision, the Councillor was suspended. It was claimed that the Councillor showed little regard for the decision of the APW by submitting his request when he did.	<ul style="list-style-type: none"> <li>• Failure to demonstrate objectivity</li> <li>• Disrepute</li> </ul>	<ul style="list-style-type: none"> <li>• No evidence of breach of the Code</li> </ul>	<ul style="list-style-type: none"> <li>• PSOW concluded that the Councillor had written the letter with the intention of asking to serve on the committees / outside bodies once his period of suspension had been concluded.</li> </ul>
Flintshire County Council	A Councillor attempted to obtain money in exchange for supporting a planning application. The complainant alleged that when he refused to make the payment, the Councillor opposed his planning application.	<ul style="list-style-type: none"> <li>• Duty to uphold the law</li> <li>• Failure to declare prejudicial interest at the Planning Committee</li> </ul>	<ul style="list-style-type: none"> <li>• No evidence of breach of the Code</li> </ul>	<ul style="list-style-type: none"> <li>• Evidence from North Wales Police did not demonstrate that there was any evidential basis to support the allegation</li> </ul>
Caerphilly County Borough Council	Councillor disclosed confidential information to a member of the public who was not entitled to receive it.	<ul style="list-style-type: none"> <li>• Objectivity</li> <li>• Disclosure of confidential information</li> </ul>	<ul style="list-style-type: none"> <li>• No breach of the Code.</li> </ul>	<ul style="list-style-type: none"> <li>• The investigation indicated that there was insufficient evidence to support the allegation.</li> </ul>

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
Langstone Community Council	Councillor had used his influence to cause the Police to visit a member of the public in an attempt to “warn him off” pursuing concerns about the Councillor.	<ul style="list-style-type: none"> <li>• Selflessness / stewardship</li> <li>• Improper use of influence</li> </ul>	<ul style="list-style-type: none"> <li>• No breach of the Code</li> </ul>	<ul style="list-style-type: none"> <li>• The Councillor believed that he and his family were being harassed and the evidence did not suggest that he sought to use his status as a Councillor to influence how the Police dealt with the matter.</li> </ul>
Isle of Anglesey County Council	A member of the Planning Committee voted against a planning application on land adjacent to his nephew’s home.	<ul style="list-style-type: none"> <li>• Failure to declare personal and prejudicial interest</li> </ul>	<ul style="list-style-type: none"> <li>• Code broken but no action required</li> </ul>	<ul style="list-style-type: none"> <li>• Investigated and concluded that there was a personal interest but that the interest was not prejudicial.</li> </ul>
Bridgend County Borough Council	<p>On two occasions one Councillor called another Councillor “a scab” and refused to apologise on the basis that the statement was factually accurate.</p> <p>During the investigation, evidence was produced to demonstrate that</p>	<ul style="list-style-type: none"> <li>• Failure to show respect and consideration</li> </ul>	<ul style="list-style-type: none"> <li>• PSOW concluded that the Code had been breached but no further action required</li> </ul>	<ul style="list-style-type: none"> <li>• PSOW found that the Councillor admitted her mistake, was willing to publically apologise for her comments and accepted that she</li> </ul>

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
	the allegation was untrue and the Councillor accepted that her actions had breached the Code of Conduct.			had breached the Code of Conduct. This probably had a significant impact on the PSOW's decision not to pursue the matter further.
Cwmaman Town Council	Councillor participated in planning decision (consultative capacity) and ought not to have participated owing to an interest	<ul style="list-style-type: none"> <li>• Disclosure and registration of interest</li> </ul>	<ul style="list-style-type: none"> <li>• No action needed to be taken</li> </ul>	<ul style="list-style-type: none"> <li>• The Councillor may have breached the Code of Conduct but it was not in the public interest to pursue the matter.</li> </ul>
Manorbier Community Council	<p>Councillor participated in a decision to recommend to the LPA that a planning application be refused. The Councillor's house was close to the site and she had made a number of complaints about the applicant's business on the site.</p> <p>The Councillor accepted that she had a personal interest but denied that it was prejudicial</p>	<ul style="list-style-type: none"> <li>• Declaration and registration of interest</li> </ul>	<ul style="list-style-type: none"> <li>• Likely breach of the Code and referral to the Standards Committee</li> </ul>	<ul style="list-style-type: none"> <li>• The PSOW considered that given the proximity of the Councillor's home to the business, and the history of complaints, it was likely that the interest was prejudicial and he referred the matter to the local Standards</li> </ul>

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
				<p>Committee.</p> <ul style="list-style-type: none"> <li>• The Standards Committee concluded that the Councillor had breached the Code of Conduct when it was both a personal interest and a prejudicial interest and a two month suspension was imposed as well as compulsory training to be undertaken within six months.</li> <li>• The Councillor appealed the decision to the APW. The Panel agreed that the Councillor had breached the Code and increased the period of suspension to 3 months.</li> </ul>

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
Monmouthshire County Council	Councillor spoke in a public meeting to defend racially offensive language when it was without malice. He used examples of such language in the meeting	<ul style="list-style-type: none"> <li>• Equality</li> <li>• Failure to show respect</li> </ul>	<ul style="list-style-type: none"> <li>• No breach of the Code of Conduct</li> </ul>	<ul style="list-style-type: none"> <li>• Councillors have a duty to properly consider any motion proposed and this should not be restricted by the nature of the motion in question “no matter how sensitive”. This would interfere with freedom of expression. The Councillor did not defend racism, his comments were not overtly racist and were not directed at an individual or a group.</li> </ul>
Tywyn Town Council	Councillor had failed to declare a personal and prejudicial interest at Caravan Park Committee when the Councillor owned a nearby caravan park.	<ul style="list-style-type: none"> <li>• Disclosure and registration of interests</li> </ul>	<ul style="list-style-type: none"> <li>• May have breached the Code but no further action required</li> </ul>	<ul style="list-style-type: none"> <li>• The Monitoring Officer had advised that the interest was prejudicial and the Councillor’s application for dispensation was rejected.</li> </ul>

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
				<ul style="list-style-type: none"> <li>The Councillor tendered his resignation and the PSOW considered that his conduct may have breached elements of the Code, including failure to have due regard to the advice of the Monitoring Officer, failing to declare the interest and failing to withdraw from the meeting. However, in view of the resignation no further action was required.</li> </ul>
Powys County Council	One Councillor approached another Councillor for an informal discussion in which the Councillor initiating the conversation had a personal and prejudicial interest.	<ul style="list-style-type: none"> <li>Declaration and Registration of Interests</li> </ul>	<ul style="list-style-type: none"> <li>No evidence of breach</li> </ul>	<ul style="list-style-type: none"> <li>Each Councillor had a different version of events and there were no witnesses. It was not possible to reconcile the different accounts.</li> </ul>

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
Llangefni Town Council	Councillor breached the Code of Conduct owing to conduct towards the clerk.	<ul style="list-style-type: none"> <li>• Respect and consideration</li> <li>• Bullying and harassment</li> <li>• Disrepute</li> </ul>	<ul style="list-style-type: none"> <li>• No action necessary</li> </ul>	<ul style="list-style-type: none"> <li>• No evidence of breach in relation to two of the three elements of the complaint and no action needed to be taken in respect of the other.</li> </ul>
Rhondda Cynon Taf	Councillor misused his position to influence work to be carried out by Highways in pursuant of a personal vendetta against a member of the public/complainant.	<ul style="list-style-type: none"> <li>• Improper use of influence</li> <li>• Improper use of Council resources</li> </ul>	<ul style="list-style-type: none"> <li>• No evidence of a breach of the Code</li> </ul>	<ul style="list-style-type: none"> <li>• Following investigation the PSOW concluded that there was no evidence to suggest that the Councillor had exerted any improper influence.</li> </ul>
Conwy County Borough Council	<p>There was no referral here. PSOW using inherent jurisdiction while investigating a different matter.</p> <p>The Councillor had disclosed sensitive and personal information about a third party to another Councillor and to a member of the public.</p>	<ul style="list-style-type: none"> <li>• Disclosure of confidential information</li> </ul>	<ul style="list-style-type: none"> <li>• Suggestive of a breach</li> </ul>	<ul style="list-style-type: none"> <li>• The Councillor admitted the breach and had acted out of concern and had apologised for his actions so not in the public interest to pursue the matter further.</li> </ul>

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
Aberystwyth Town Council	Councillor had told a member of the public about the complainant's suspension.	<ul style="list-style-type: none"> <li>• Respect and consideration</li> <li>• Disclose confidential information</li> <li>• Disrepute</li> </ul>	<ul style="list-style-type: none"> <li>• Not in the public interest to pursue the matter further</li> </ul>	<ul style="list-style-type: none"> <li>• The allegation was not disputed and there was evidence of failure to show respect and consideration, disclosing confidential information and bringing the office into disrepute.</li> </ul>
Prestatyn Town Council	Failure to declare personal and prejudicial interest in relation to a planning application.	<ul style="list-style-type: none"> <li>• Declaration and registration of interest</li> </ul>	<ul style="list-style-type: none"> <li>• Personal and prejudicial interest but not in the public interest to take further action</li> </ul>	<ul style="list-style-type: none"> <li>• The planning application under consideration would have impacted on the Councillor's business premises.</li> <li>• However the PSOW decided that the Councillor did not seek to influence a decision even though he aired his concerns regarding access / egress to his business as a result of the planning application. The</li> </ul>

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
				<p>PSOW also noted that the Town Council was a consultee rather than a decision maker. The PSOW concluded that the actions of the Councillor were of limited consequence. The PSOW recommended that the Councillor reflect upon his actions and attend training on the Code of Conduct.</p>
Mumbles Community Council	<p><b>6 complaints</b></p> <p>Complaints appear to be made by one member of the public against six Community Councillors in relation to their failure to declare an interest and to participate in decisions relating to funding of a charitable organisation / organisations of which they were members.</p>	<ul style="list-style-type: none"> <li>• Failure to disclose interests and participation</li> <li>• Improper use of position</li> </ul>	<ul style="list-style-type: none"> <li>• There was a failure to declare a personal interest as required under the Code but not prejudicial except in two cases.</li> </ul>	<ul style="list-style-type: none"> <li>• No improper use of position. Prejudicial, in two cases where the Councillors concerned held management roles within the charity. PSOW considered that it was not in the public interest to pursue any of the</li> </ul>

**ENCLOSURE 1**

<b>Name of Council</b>	<b>Summary of Complaint</b>	<b>Relevant Provision of Code</b>	<b>Decision Summary</b>	<b>Findings</b>
				matters any further because there was no personal gain and the members had since apologised and acknowledged their interests.

<b>CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>COMMITTEE:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>13 September 2017</b>
<b>REPORT TITLE:</b>	<b>Adjudication Panel for Wales Decisions</b>
<b>PURPOSE OF THE REPORT:</b>	<b>To provide information about the matters considered by the Adjudication Panel for Wales since 8<sup>th</sup> March 2017</b>
<b>REPORT BY:</b>	<b>Head of Function (Council Business)/Monitoring Officer</b>
<b>LINK OFFICER:</b>	<b>Lynn Ball Head of Function (Council Business)/Monitoring Officer <a href="mailto:lbxcs@anglesey.gov.uk">lbxcs@anglesey.gov.uk</a> 01248 752586</b>

## 1. INTRODUCTION AND BACKGROUND

The Adjudication Panel for Wales (APW) was established by the Local Government Act 2000. It has two statutory functions:-

1. To form case tribunals, or interim case tribunals, to consider reports from the Public Services Ombudsman for Wales (PSOW) following investigations by the PSOW into allegations that a member has failed to comply with their authority's code of conduct; and
2. To consider appeals from members against the decisions of their own authority's standards committee that they have breached the code of conduct (as well as deciding if permission will be given to appeal in the first instance).

This report includes decisions made and published by the APW during the period since the last meeting of the Standards Committee on the 8<sup>th</sup> March 2017. It is intended as a factual summary of the matters decided by the APW. There are two reported cases for the relevant period and they are currently available on the [APW website](#)

## 2. SUMMARY OF THE RELEVANT CASES

A summary of the relevant cases is to be found at **ENCLOSURE 1**. The cases are

**2.1 Decisions made**

14/3/2017- Cardiff City Council – APW/002/2016-017/CT

**2.2 Appeals adjudicated**

17/03/2017 – Powys County Council – APW/003/2016-017/AT

**3. RECOMMENDATION**

To note the content of the case summaries.

**Crynodeb o'r Tribiwnlysoedd Achosion – Mawrth 2017 – Awst 2017**  
**Summary of Cases in Tribunal – March 2017 – August 2017**

Name	Summary of Facts	Relevant Provision/s of Code	Decision Summary	Findings
Cllr Neil McEvoy, Cardiff City Council	<p>An allegation that Councillor McEvoy had breached the Cardiff City Council's Code of Conduct when, following a court hearing in which the Councillor represented his elector, the Councillor said to the council officer/in the presence of the council officer: "I can't wait until May 2017 when the restructure of the Council happens".</p> <p>The Councillor admitted the comment, and the circumstances, but denied that the comment was made as a threat to the officer's job and that it constituted a breach/breaches of the Code.</p>	<ol style="list-style-type: none"> <li>1. Failure to show respect and consideration</li> <li>2. Bullying and harassment</li> <li>3. Bringing the Council/role of Councillor into disrepute</li> </ol>	<p>The Panel found the following breaches:-</p> <ol style="list-style-type: none"> <li>1. Failure to show respect and consideration. The Panel concluded that the comment was directed towards the officer and was intended, and did have the effect of, making the officer fear for her job.</li> <li>2. The comment constituted bullying. The Panel concluded that a single event can represent bullying but that it did not amount to harassment as there was no repetition.</li> <li>3. The comment did not bring the role of Councillor or the Council into disrepute. This was not because of the comment, but because of the context. Although the comment was made in front of witnesses, it was not made in a public forum</li> </ol>	<p><b>Learning points for elected members</b></p> <ul style="list-style-type: none"> <li>• On its facts, this was a simple case, and may have been capable of early resolution by apology/mediation.</li> <li>• There were a number of aggravating features, however, which complicated matters significantly. The Decision indicates that the Councillor was uncooperative with the PSOW's investigation, and made a number of allegations against others, claiming that the complaint was politically motivated, and was part of a wider conspiracy against him. He claimed that the PSOW, and his Director of Investigations, were biased owing to political connections, and that the Panel itself was biased as a result of the nature of its appointments</li> </ul>

Name	Summary of Facts	Relevant Provision/s of Code	Decision Summary	Findings
			Suspension of 1 month	<p>process.</p> <ul style="list-style-type: none"> <li>• The Panel was clearly unimpressed by the lack of evidence to support these allegations against others and the Councillor's lack of insight into the inappropriate nature of his own conduct.</li> </ul> <p><b>Learning points for the Standards Committee</b></p> <ul style="list-style-type: none"> <li>- Many complaints arise from alleged failure to show respect and consideration / bullying and harassment / disrepute</li> <li>- The Panel relied on the findings in the case of <u>Heesom v Public Service Ombudsman for Wales</u> [2014] EWHC 1504 (Admin). Paragraph 4.3.3 of the Panel's decision and 5.3.3 are useful. The Panel said: "The panel considered Cllr McEvoy's right to freedom of expression did not outweigh the officer's right not to be subject to unwarranted comments or the public</li> </ul>

Name	Summary of Facts	Relevant Provision/s of Code	Decision Summary	Findings
				<p>interest in council officers being able to carry out their duties". The comment did not constitute political expression and the officer was a middle ranking council official and not a senior officer. These two factors were particularly relevant to the finding of breach, as was the impact on the officer. Although the Panel in any event concluded that the intention of the Councillor was to intimidate the officer as it had no other meaning. <b>Imbalance of power (i.e. seniority), <u>political</u> freedom of expression and the public interest in officers being able to carry out their public role and responsibilities were all factors that had to be weighed in the balance on the specific facts of a case.</b></p>

**Crynodeb o'r Achosion yn y Tribiwnlysoedd Apêl – Mawrth 2017 – Medi 2017**  
**Summary of Cases in Appeal Tribunal – March 2017 – September 2017**

Name	Summary of Facts	Relevant Provision of Code	Decision Summary	Findings
Cllr Gary Price Powys County Council	<p>Cllr Price was a member of the Council's Grievance Appeal Panel, along with two other members.</p> <p>Following three previous adjournments, in the absence of the appellant, the Panel decided to proceed and dismissed the appeal. Cllr Price had agreed to proceed in the absence of the appellant and was part of the unanimous decision to reject the appeal.</p> <p>However, following the hearing he wrote to the appellant criticising the fact that the Panel had proceeded and alleging that it had pre-judged the issues.</p>	<ul style="list-style-type: none"> <li>• Failure to show respect and consideration to the two other elected members on the Panel; and also to the employee / appellant who was off work with work related stress</li> <li>• Bringing the Council and the role of Councillor into disrepute</li> </ul>	<ul style="list-style-type: none"> <li>• The Appeal Tribunal upheld the findings and decision of the Standards Committee, namely, that the Councillor's conduct following the hearing constituted a failure to show respect and consideration to his fellow elected members on the Panel, and to the employee. He did so by writing the letter to the appellant undermining the process to which he had been a party.</li> <li>• The Panel concluded that, by sending the letter, which was shared by the appellant's Solicitor with the other members of the Panel, that the Councillor brought the Council and the role of Councillor into disrepute.</li> <li>• However, the Appeal Tribunal considered that the suspension of five</li> </ul>	<p><b>Learning points for elected members</b></p> <ul style="list-style-type: none"> <li>• To take particular care when dealing with quasi judicial matters and particularly where the rights and interests of individuals are at stake and where the potential outcome could have been far more significant i.e. litigation.</li> <li>• The situation could have been avoided if the Councillor had taken either legal advice, or HR advice, on the content of his letter before it had been sent.</li> <li>• While the Councillor did express his remorse, and did cooperate with the investigation, his apologies to his fellow members came late in the day but, nonetheless, was largely the reason for which the Appeal Tribunal recommended to the Standards Committee that the sanction be reduced from five</li> </ul>

Name	Summary of Facts	Relevant Provision of Code	Decision Summary	Findings
			<p>months, which had been applied by the Standards Committee, was too harsh and they remitted the matter back to the Standards Committee with a recommendation that they reconsider the sanction and suspend Councillor Price for three months instead of the original five months</p>	<p>months to three months.</p> <ul style="list-style-type: none"> <li>It is unlikely that, having sent the letter, that the Councillor could have fully retrieved the situation. It is likely to have resulted in a complaint / adverse finding / sanction. Nevertheless, apologising to the other members of the Panel and expressing remorse at an earlier stage may well have resulted in a shorter suspension.</li> </ul> <p><b>Learning points for the Standards Committee</b></p> <ul style="list-style-type: none"> <li>This was an unusual set of circumstances and it may be difficult to extrapolate much from this case.</li> <li>However, the analysis undertaken by the Appeal Tribunal in relation to Article 10 of the ECHR is useful, even though the Tribunal concluded that this was not political free speech (in fairness to the Councillor he does not seem to have argued this point in any event)</li> </ul>

Name	Summary of Facts	Relevant Provision of Code	Decision Summary	Findings
				<p>and therefore the decision in <u>Calver v The Adjudication Panel for Wales v Public Services Ombudsman for Wales</u> did not apply.</p> <ul style="list-style-type: none"> <li>• The Decision is also helpful in the way it analyses aggravating and mitigating features and could be a useful model for a future case (process not substance).</li> <li>• The one “anomaly” seems to be the issue of disrepute. Other cases, and the <a href="#">Ombudsman’s Guidance</a>, indicate that disrepute is about broader publication. Compare this, for example, with the <u>McEvoy case</u> above, where the Councillor made his comment in the presence of three witnesses but it did not constitute disrepute. In the present case, the Councillor concerned wrote a letter to the employee, who then copied it to the other two members of the Panel. It had the potential for wider publication within the context of litigation, but that never</li> </ul>

ENCLOSURE 1

Name	Summary of Facts	Relevant Provision of Code	Decision Summary	Findings
				<p>happened. It is therefore difficult to reconcile these decisions, insofar as how Standards Committees should interpret disrepute. For the avoidance of doubt, disrepute caused as a result of a complaint under the Code and referral to Standards Committee etc is not relevant as it is ex post facto of course.</p>

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<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>MEETING:</b>	STANDARDS COMMITTEE
<b>DATE:</b>	13 <sup>th</sup> SEPTEMBER 2017
<b>TITLE OF REPORT :</b>	MEMBER DEVELOPMENT
<b>REPORT BY :</b>	HUMAN RESOURCES DEVELOPMENT MANAGER
<b>CONTACT OFFICER :</b>	MIRIAM WILLIAMS (extension 2512)
<b>PURPOSE OF REPORT :</b>	TO PROVIDE AN UPDATE ON THE PROGRESS OF THE MEMBER DEVELOPMENT PROGRAMME

## 1 BACKGROUND

The purpose of this report is to provide the Standards Committee with an update on the progress of the development opportunities offered to Elected Members since the election on 4<sup>th</sup> May 2017.

The Welsh Local Government Association (WLGA) developed an Induction Programme (post May 2017) for newly Elected Members, with input from both Local Authorities and Elected Members across Wales, which includes mandatory training and best practices.

This plan was reviewed and localised with input from Senior Officers and Group Leaders to address the needs of this Authority.

## 2 MEMBER TRAINING AND DEVELOPMENT PLAN

The Development plan for this Authority for 2017/2018 was presented to the Council and adopted 28<sup>th</sup> February 2017. The plan is intended as an evolving document and is amended to reflect the needs of Elected Members and the changing demands on the business (see appendix 1).

The initial phase of the plan has predominantly focused on inducting newly Elected Members into the Authority, ensuring that information about processes/procedures together with an understanding of their role in the Corporate Governance and Strategic Work Programme of IOACC were clarified.

Between May and September 2017 a total number of 20 formal development sessions have been offered (as detailed in appendix 2), of these 2 were specifically for Members of the Planning and Scrutiny Committees, 5 were ad-hoc drop in sessions (IPads). The

average attendance rate has been 51.85% (see appendix 3), excluding the aforementioned specific sessions.

Further IPad training will be delivered and additional ad hoc “drop in” sessions planned to address any further individual needs.

Additional to the formal sessions arranged, a number of briefing sessions have been organised by the Senior Leadership Team/Officers during this period. (Details of these sessions are not captured on individual Elected Members’ personal training records within the HR service).

Following each training session, arrangements are made to ensure that details of all presentations are uploaded onto the Elected Members section on MonITor (the Authority’s intranet site), so that these valuable resources are available for future reference if required. Any further training needs identified will be planned as required once feedback/requirements on these needs are received from Members.

## **E-Learning**

A new development for 2017 is the opportunity for Elected Members to access E-Learning programmes to assist with their personal development as part of the Authority’s Smarter Working initiative. These programmes are developed by Welsh Local Authorities in association with the WLGA and are hosted through the All Wales Academy.

Access is expected to be circulated as part of the launch of the IOACC E-Learning Portal during September. This will provide Elected Members with access to further council wide learning resources.

## **Evaluation**

Elected Members are encouraged to complete evaluation sheets (see appendix 4) in order to ensure feedback is received. This assists in establishing whether the training meets the needs of the Members; identifies additional training needs and also serves as a quality assurance exercise.

In addition, details of training offered/attended, is recorded on Members’ personal records, this provides for useful discussion when Personal Development Reviews (PDR) are held.

Capturing such data will also assist Elected Members when completing their annual reports.

## **Costs**

Training delivery is a combination of utilising Officers where possible utilising external providers for particular specialisms. To date, costs have been limited to refreshments/hire of rooms/translation services.

### **3 PERSONAL DEVELOPMENT REVIEWS(PDR) FOR MEMBERS**

Training on PDR's has been included in the annual plan for delivery in the latter part of the year.

Corporate arrangements for undertaking staff annual appraisals is January/February. To align with corporate arrangements/budget allocations, it would be appropriate to carry out Elected Member PDR reviews within the same timeframe.

Job Descriptions pertinent to the role(s) of all Elected Members have been issued and will therefore play a useful part in the discussions that will take place during the reviews.

### **4 WLGA SUPPORT**

There has been a reduction in the funding available from the WLGA which has had direct implications across many areas not least member support and development however national training programmes such as the Leadership Academy and Regional Induction initiatives are still available.

Details of these opportunities are circulated as/when received.

### **5 IN SUMMARY**

The development plan will continue to be updated to reflect the opportunities offered to Elected Members based on identified needs. The HR Development Manager will continue to encourage services to inform the HR Unit of any ad-hoc briefing sessions arranged so that these can also be captured on the plan/included in Elected Members' personal training records.

### **6 RECOMMENDATIONS**

Committee is requested to note progress on the Member Development Programme.

**Miriam Williams**  
**HR Development Manager**  
**September 2017**

<b>IOACC Elected Member year-long induction programme (based on the WLGA model), which includes mandatory training and availability of training resources 2017/18.</b>			
<b>Wherever possible, it is intended to arrange the training on Thursday/Friday avoiding the first Thursday afternoon each month because of Member briefing sessions.</b>			
<b>**Have noted dates/times where possible**</b>			
<b>What</b>	<b>Audience</b>	<b>Provider</b>	<b>When</b>
Orientation (Council offices and Member support arrangements)	Newly Elected Members	J Huw Jones, Head of Democratic Services	<b>08/05/2017</b>
Introduction to the Council, its role and introduction to Corporate Governance and Strategic Work programme.	All Elected Members	Chief Executive	<b>11/05/2017 &amp; 18/5/2017</b> <b>9.30 – 12.30pm</b>
ICT induction and equipment including Social Media awareness (including Webcasting)	All Elected Members <b>(M)</b>	ICT officers, individual sessions.	<b>10/5/2017: 2- 5 pm</b> <b>12/05/2017:</b> <b>11 – 12.30 pm</b> <b>1 – 2.30 pm</b>
Introduction to service areas	All Elected Members	Senior Officers <b>(2 half day sessions 9.30 - 12.30pm)</b>	<b>11/05/2017</b> <b>&amp;</b> <b>18/5/2017</b>
Code of Conduct and Ethics  &  Mod Gov	All Elected Members <b>(M)</b>	Lynn Ball Monitoring Officer <b>(2 – 3pm)</b>  Pegi Allsop	<b>18/05/2017</b>
Constitutional matters including meeting participation	All Elected Members <b>(M)</b>	Lynn Ball Monitoring Officer <b>(2 -4pm)</b>	<b>05/06/2017</b>
Finance including budgeting and treasury management	All Elected Members <b>(M)</b>	Marc Jones Head of Function (Resources) & S151 Officer <b>(afternoon session - time to be confirmed)</b>	<b>25/05/2017</b>
Planning committee new arrangements from Planning Act	Planning Committee <b>(M)</b>	Dewi Francis Jones, Prif Swyddog Cynllunio/Nia Haf Davies, Planning Officer (Joint Planning Policy Unit Gwynedd and Môn)  <b>(9.30 – 12.30pm)</b>	<b>1/6/2017</b>
Planning for non-planning members - protocols	All Elected Members <b>(M)</b>	Dewi Francis Jones, Chief Planning Officer/ Nia Haf Davies, Planning Officer (Joint Planning Policy Unit Gwynedd and Môn)  <b>(9.30 – 12.30pm)</b>	<b>1/6/2017</b>
Policy, services and legislative requirements updates	Relevant committees	Heads of Service	<b>Monthly briefing sessions commencing June</b>
The Role of Scrutiny Committees	All Elected Members <b>(M)</b>	J Huw Jones, Head of Democratic Services/Anwen G Davies Interim Scrutiny Manager	<b>05/06/2017</b>

Scrutiny chairing (committee and meeting management)	All Scrutiny chairs	Rebecca Davies-Knight Centre for Public Scrutiny	<b>Date to be confirmed</b>
Audit	Audit Committee(M)	Finance Officers	<b>September 2017</b>
Safeguarding	All Elected Members(M)	Directors of Education/Statutory Director of Social Services workshop and E- learning	<b>07/07/2017</b>
Corporate Parenting	All Elected Members(M)	Statutory Director of Social Services	<b>Date to be confirmed (13 or 20/7)</b>
Housing Act	All Elected Members (M)	Shân Lloyd Williams, Head of Service – Housing & Jim McKirdle, Housing Policy Officer, Welsh Local Government Association  (morning session)	<b>06/07/2017</b>
Social Services and Well-being (Wales) Act	All Elected Members(M)	Caroline Turner – Assistant Chief Executive  Alwyn Rhys Jones – Head of Service - Adults & Llyr Bryn Roberts – Interim Head of Service - Children  (9.30 – 11.30pm)	<b>07/07/2017</b>
Decisions for Future Generations (Wellbeing of Future Generations Act)	All Elected Members(M)	Senior officers	<b>Date to be confirmed</b>
Data Management and FOI/ICO	All Elected Members(M)	Workshop and E-learning	<b>Date to be confirmed</b>
Introduction to Equalities	All Elected Members(M)	Equalities Officers workshop and E-learning	<b>Date to be confirmed</b>
Community Leadership and Casework	All Elected Members	Senior member with HODS; E- learning	<b>September 2017 onwards</b>
New Executive Development	Executive	External facilitators	<b>September 2017 onwards</b>
New Councillors New Challenges	All Elected Members	WLGA 5 regional workshops – in Llandudno	<b>03/11/2017</b>
Personal Development Reviews & Annual Reports	All Elected Members	WLGA/Senior Officers	<b>November 2017</b>
Chairing Skills (meeting management)	All Chairs	External facilitators/ E learning	<b>September 2017 onwards</b>
Education Consortia	All Elected Members(M)	Consortia staff	<b>September 2017 onwards</b>
Appointments, appeals and interview skills	Panel members(M)	Head of Profession Human Resources	<b>18/09/2017</b>
Standards	Standards Committee(M)	Lynn Ball, Monitoring Officer	<b>Prior to first meeting being held</b>
Licencing	Licensing Committee(M)	Licensing Officer	<b>Prior to first meeting being held</b>

**(M) = Mandatory**

**Further training in both knowledge and skills to be determined from Personal Development Reviews when induction programme completed**

## Atodiad / Appendix 2

Mai / May 2017							
<b>Teitl Cwrs / Course Title</b>	Cyflwyniad I Wasanaethau'r Cyngor / Introduction to the Authority's Services	iPad**	iPad**	Cynllun Corfforaethol a Chôd Ymddygiad / Corporate Plan & Code of Conduct	Cyflwyniad I Wasanaethau'r Cyngor / Introduction to the Authority's Services	iPad**	Sesiwn Cyllid / Finance Session
<b>Dyddiad / Date</b>	11/05/2017	12/05/2017	17/05/2017	18/05/2017	18/05/2017	18/05/2017	25/05/2017
<b>Wedi Mynychu / Attended</b>	21	12	7	25	14	7	16
<b>Gwahoddir / Invited</b>	30	30	30	30	30	30	30
<b>Ymddiheuriadau / Apologies</b>	0	0	0	0	0	0	3
<b>Heb Fynychu / Non-Attendance</b>	9	0	0	5	16	0	11

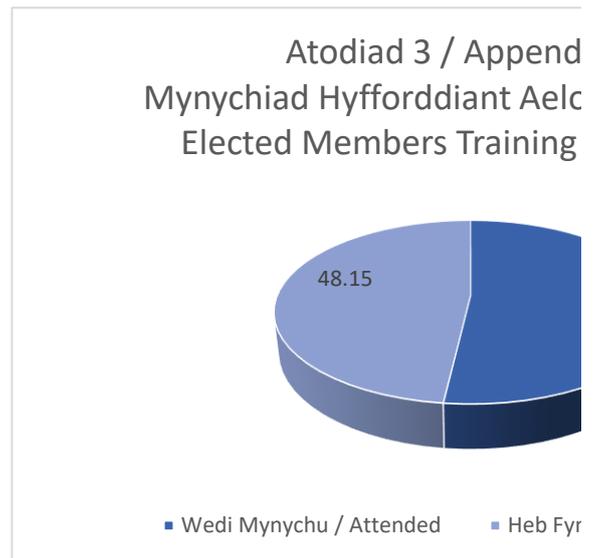
Mehefin / June 2017							
<b>Teitl Cwrs / Course Title</b>	Sesiwn Briffio / Briefing Session	Cynllunio / Planning *	Datgan Diddordeb / Declaration of Interest (drop-in)	Craffu / Scrutiny *	Y Cyfansoddiad / The Constitution	Diweddarau Cofrestrau o Diddordeb / Updating Registers of Interest**	Diweddarau Cofrestrau o Diddordeb / Updating Registers of Interest**
<b>Dyddiad / Date</b>	01/06/2017	01/06/2017	02/06/2017	05/06/2017	05/06/2017	12/06/2017	13/06/2017
<b>Wedi Mynychu / Attended</b>	17	10	7	19	18	0	0
<b>Gwahoddir / Invited</b>	30	11	30	19	30	30	30
<b>Ymddiheuriadau / Apologies</b>	0	1	0	0	4	0	0
<b>Heb Fynychu / Non-Attendance</b>	13	0	0	0	8	0	0

Gorffennaf / July 2017				
<b>Teitl Cwrs / Course Title</b>	Deddf Tai / Housing Act	Diogelu / Safeguarding	Deddf Gwasanaethau Cymdeithasol a Lles (Cymru) / Social Services and Well Being (Wales) Act	Materion Cynllunio / Planning Matters
<b>Dyddiad / Date</b>	06/07/2017	07/07/2017	07/07/2017	21/07/2017
<b>Wedi Mynychu / Attended</b>	15	7	16	11
<b>Gwahoddir / Invited</b>	30	30	30	30
<b>Ymddiheuriadau / Apologies</b>	7	13	9	11
<b>Heb Fynychu / Non-Attendance</b>	8	10	5	8

\* Aelodau Pwyllgor yn unig / Committee members only

\*\* Sesiynau galw / Drop in sessions

Wedi Mynychu / Attended	51.85
Heb Fynychu / Not Attendec	48.15



llysoedd 3 -  
Cyfraddau Etholedig  
Attendance



nychu / Not Attended

**Datblygu Aelodau / Member Development**

**Teitl yr Hyfforddiant / Training Title**

**Dyddiad / Date**

Enw / Name : .....

1. Beth ydych wedi'i ddysgu a fydd o gymorth i chwi fel aelod yn eich ardal?  
What have you learned that will help you in your role as a member in your ward?

.....  
.....

2. Beth ydych wedi'i ennill a fydd o gymorth i chwi fel aelod wrth drafod materion tu hwnt i'r plwy? (e.e. materion polisi y Cyngor ayyb).  
What have you gained that will help you as a member in relation to matters beyond your ward (e.g. Council policy matters etc.).

.....  
.....

3. Sut fyddech yn mesur y profiad?  
How would you measure the experience?

Ardderchog  
Excellent

Da  
Good

Iawn  
Satisfactory

Gwael  
Poor

4. Unrhyw sylwadau eraill  
Any other comments

.....  
.....  
.....

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<b>Committee:</b>	Standards Committee
<b>Date of meeting:</b>	13 September 2017
<b>Title:</b>	Members' Annual Reports
<b>Author:</b>	Head of Democratic Services
<b>Purpose of the report:</b>	To inform the Committee of proposed arrangements for publishing 2016/17 Annual Reports.

## 1.0 Background

1.1 Section 5 of the Local Government (Wales) Measure 2011 places an obligation on the Council to ensure that arrangements are in place for Members to prepare annual reports.

## 2.0 Publishing Annual Reports for 2015/16 and 2016/17

2.1 All Members prepared reports for 2015/16 and these were published on the Council website by the 30<sup>th</sup> June, 2016 on the following link:

<http://www.anglesey.gov.uk/council-and-democracy/councillors-democracy-and-elections/councillors/councillors-annual-report-?redirect=false>

2.2 Following the Council elections in May, 2017 there are 21 returning Members and 9 new Members. For the purpose of publishing Annual Reports by returning Members for the year 2016/17 the following timescale has been set:

- Circulate template to Members – **by 1 August, 2017 (see template attached).**
- Members to forward draft reports to Democratic Services – **by 31 August 2017.**
- Complete and publish reports on the Council's website – **by 30 September 2017.**

## 3.0 Recommendation

The Committee is requested:

3.1 to note the position with regard to publishing Members' Annual Reports for 2016/17.

**Huw Jones**  
**Head of Democratic Services**  
**30 August 2017**



### 3 - Initiatives and Special Activities

### 4 - Learning and Development

I have attended the following learning and development initiatives during the past year (information supplied by the Isle of Anglesey County Council):

Member Briefing Sessions (out of = %)	April 2016 – March 2017

### 5 - Other Activities and Issues

More information about me can be found here:

	<b>April 2017</b>
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CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
<b>MEETING:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>13 September 2017</b>
<b>TITLE OF REPORT:</b>	<b>Generic Dispensation - Indemnities</b>
<b>PURPOSE OF THE REPORT:</b>	<b>To avoid the need for any individual applications during the currency of this Council term</b>
<b>REPORT BY:</b>	<b>Head of Function (Council Business) / Monitoring Officer</b>
<b>CONTACT OFFICER:</b>	Lynn Ball Head of Function (Council Business) / Monitoring Officer <a href="mailto:lbxcs@anglesey.gov.uk">lbxcs@anglesey.gov.uk</a> 01248 752586

## 1. INTRODUCTION & BACKGROUND

Pursuant to the County Council's Code of Conduct for elected Members, any Member who has a prejudicial interest in an item of business is precluded from participation. In some limited, and specified, circumstances a Member may be able to overreach the impediment created by the prejudicial interest if they are able to obtain a dispensation from the County Council's Standards Committee.

## 2. PROCESS

Any Member wishing to obtain a dispensation must put an application in writing, identifying the impediment and the grounds upon which the dispensation is sought. The Standards Committee, or a properly constituted Panel of the Standards Committee, will then hear the application. The Hearing will usually be in public. The Standards Committee has a discretion on whether or not to grant the dispensation sought and to impose any restrictions or limitations, as appropriate to the circumstances of the application.

## 3. APPLICATION

The Application appears at **Enclosure A** and the circumstances for which the dispensation is sought are set out in paragraph 6 thereof. The grounds upon which the dispensation is sought are set out in paragraph 7.

## 4. RECOMMENDATIONS

(a) to grant the generic dispensation as worded in **Enclosure B**.

(b) The dispensation to include all meetings for the next Council term i.e. May 2017 to May 2022.

**THE ISLE OF ANGLESEY COUNTY COUNCIL**  
**DISPENSATION APPLICATION TO THE STANDARDS COMMITTEE**  
**BY A MEMBER OF THE COUNTY COUNCIL**

<b>Name of Member:</b>	All Members of the Isle of Anglesey County Council as at May 2017, or at any time during the Council's term until May 2022
<b>Members contact details:</b>	Isle of Anglesey County Council Council Offices, Llangefni LL77 7TW
<b>Ward:</b>	n/a
<b>Nature of prejudicial interest* in respect of which the Dispensation is sought:</b>	<ul style="list-style-type: none"> <li>• The Isle of Anglesey County Council has adopted an Indemnities Policy at <b>ENCLOSURE 1</b></li> <li>• The Policy enables members, in some circumstances, to make applications to the Council to secure an indemnity for their legal costs. In practice, this will usually relate to costs to be incurred in defending allegations brought under the Code of Conduct</li> <li>• The Council has delegated its decision making powers to the Indemnities Sub-Committee</li> <li>• Any member wishing to apply for an indemnity must submit an application in writing to the Sub-Committee, which will then meet to consider the application</li> <li>• The Applicant may pursue their application in one of three ways:-             <ol style="list-style-type: none"> <li>1. Request the Sub-Committee to consider the application on the papers only;</li> <li>2. Instruct their legal representative to present the application and answer any questions; or</li> <li>3. Appear in person to present their application and answer any questions</li> </ol> </li> <li>• Should a member choose to exercise their right to attend in person then, as matters currently stand, they would breach the Code of Conduct as a combination of their application, and their attendance at the meeting, would create a personal and prejudicial interest. A copy of the Code, with the relevant sections highlighted, is attached at <b>ENCLOSURE 2</b>.</li> <li>• This situation has the potential to cause prejudice to any member who wishes to exercise their right to appear before the Indemnities Sub-Committee, particularly as any legal costs incurred at that stage will not be recoverable;</li> <li>• The policy only provides for indemnity from the point at which the Sub-Committee grants any indemnity. It has</li> </ul>

	<p>no retrospective powers.</p> <ul style="list-style-type: none"> <li>• The only way to avoid this potentially unfair outcome is for the Standards Committee to grant a dispensation. As Monitoring Officer, I am making this application to the Standards Committee for a generic dispensation on behalf of all members of the County Council; and, of course, it would only be used in circumstances where it is necessary.</li> <li>• Accordingly, this application was lodged for the benefit of all members of the County Council. Clearly, applications for indemnities are rare and any generic dispensation granted is unlikely to be utilised by more than a few members at most. However, this course is recommended as a pragmatic approach to avoid a series of individual applications, all relying upon the same statutory grounds.</li> <li>• An application for an indemnity relating to a Code of Conduct complaint may be made at any time after the Public Services Ombudsman for Wales (PSOW) has decided to investigate. At present, from among members of the County Council, there are no matters under consideration by the PSOW.</li> <li>• The generic dispensation was granted for the same issue, and in the same way, in September 2013.</li> </ul>
<p><b>Business in which the Member wishes to participate:</b></p>	<p>Any application a member may wish to submit to the Indemnities Sub-Committee</p>
<p><b>Type of Dispensation sought (tick as necessary and insert any required information):</b></p>	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> write to officers [<del>and/or the Executive / Committee / Council</del>] about the issue;</li> <li><input checked="" type="checkbox"/> speak to officers of the Council about the issue [<del>in the presence of two other persons</del>] [<del>who are not Trustees or Board Members of [INSERT]</del>], provided a note is taken of any such discussions;</li> <li><input type="checkbox"/> <del>speak at Executive/Committee/Council meetings and answer any questions about the issue;</del></li> <li><input type="checkbox"/> <del>remain in the room during any debate/voting on the issue;</del></li> <li><input type="checkbox"/> <del>vote at such meetings;</del></li> <li><input checked="" type="checkbox"/> other – to speak and to answer any questions, but not to debate or to vote, at any meeting of the Indemnities Sub-Committee</li> </ul>
<p><b>Statutory Ground/s under which Dispensation is requested (See overleaf for available grounds):</b></p>	<p>It is suggested that the grounds under which a dispensation may be granted under the Standards Committee (Grant of Dispensation) (Wales) Regulations 2001 as amended by the Local Government (Standards Committee) (Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 are:-</p> <p>2.(d) “the nature of the member’s interest is such that the member’s participation in the business to which the interest</p>

	<p>relates would not damage public confidence in the conduct of the relevant authority's business."</p> <p>2.(f) "the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise"</p> <ul style="list-style-type: none"> <li>• Some relevant factors which the Committee may wish to take into consideration in deciding whether to not to grant this application, under the statutory grounds reproduced above, are: <ul style="list-style-type: none"> <li>- The Council's Policy reflects legislation which permits indemnities to be granted in certain circumstances.</li> <li>- A significant degree of information is required for the Indemnities Sub-Committee to decide an application, including a detailed justification for anticipated costs and an assessment of the merits of the case.</li> <li>- Any application submitted to the Indemnities Sub-Committee will be accompanied by a report from the Monitoring Officer (or her nominee) and advice is provided in person to the Sub-Committee by the Monitoring Officer (or her nominee) and the Section 151 Officer (or his nominee).</li> <li>- Any indemnity granted will include suitable caveats and claw-back provisions in accordance with the legislation.</li> <li>- The applicant would only be entitled to attend the meeting to put their case and answer questions. They would be required to leave the meeting in order for the Sub-Committee to deliberate and vote in private.</li> </ul> </li> <li>• In summary it is submitted that there is clear legislative intention to provide indemnities in appropriate circumstances, and that adequate safeguards exist within the system to protect "public confidence" (2.(d))</li> <li>• It is clear that only the applicant can fairly and adequately present their application and answer questions and to insist on the instruction of a legal representative would be to put the Member at a financial disadvantage as those costs would not be recoverable under the Policy (2.(f))</li> </ul>
<p><b>Is the interest registered as per Section 81(1) &amp; (2) of the LGA 2000:</b></p>	<p>No – n/a</p>
<p><b>Date by which a decision is required:</b></p>	<p>There is no urgency. The next ordinary meeting of the Standards Committee.</p>

- \* Prejudicial Interests – these are personal interests which an objective observer would consider so significant that they are likely to compromise a member’s ability to act in the public interest

## **Circumstances When A Standards Committee May Grant Dispensation**

The Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 as amended by The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 specifies that the Council's Standards Committee may grant dispensations under Section 81(4) of the Local Government Act 2000 where:

- (a) no fewer than half of the Members of the Council or of a Committee of the Council (as the case may be) by which the business is to be considered has an interest which relates to that business;
- (b) no fewer than half of the Members of the Executive of the Council (i.e. Leader and Cabinet) by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) Members' inability to participate would upset the political balance of the Council, or any of its committees by which the business is to be considered, to such an extent that the outcome would be likely to be affected;
- (d) 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 Council's business;
- (e) the interest is common to the Member and a significant proportion of the general public;
- (f) the participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;
- (g) the registerable interest relates to business which is to be considered by Scrutiny Committee of the Council, and the Member's interest is not a pecuniary/financial interest;
- (h) the business relates to the finances or property of a voluntary organisation of whose management committee or board the Member is a member otherwise than as a representative of the Council and the Member has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business;
- (i) it appears to the Standard Committee to be in the interest of the inhabitants of the area of the Council that the disability should be removed, provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within 7 days. Such a notification should specify the Member to whom the dispensation would apply and the Standards Committee's reasons why the disability should be removed; or
- (j) it appears to the committee to be appropriate to grant the dispensation, as a practical solution to the disability (infirmity) of the Member which otherwise would make it difficult for them to leave a room/chamber when a matter in which they have a prejudicial interest is being discussed.

**THE ISLE OF ANGLESEY COUNTY COUNCIL**  
**DECISION OF THE STANDARDS COMMITTEE**  
**IN RELATION TO AN APPLICATION FOR DISPENSATION**  
**BY A MEMBER OF THE COUNTY COUNCIL**

<b>Decision of the Standards Committee:</b>	
<b>Date decision made by the Standards Committee:</b>	<b>13 September 2017</b>
<b>Name of persons to be notified of the Standards Committee's decision:</b>	
<b>Date any dispensation expires:</b>	<b>8<sup>th</sup> May 2022</b>

Pursuant to paragraph [ ] of The Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 as amended by The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016, the Standards Committee has resolved to **grant a dispensation** to Councillor [ ] in respect of that / those interest(s) referred to in the Application at page 1, which permits the Councillor to:

- ⊖ write to officers [~~and/or the Executive/Committee/Council~~] about the issue;
- ⊖ speak to officers of the Council about the issue [~~in the presence of two other persons~~] [~~who are not Trustees or Board Members of [INSERT]]~~, provided a note is taken of any such discussions;
- ⊖ ~~speak at Executive/Committee/Council meetings and answer any questions about the issue;~~
- ⊖ ~~remain in the room during any debate/voting on the issue;~~
- ⊖ ~~vote at such meetings;~~
- ⊖ other

The Councillor can therefore speak [and vote] at Executive/Committee/Council meetings in relation to the issue and answer any questions from members of the Executive/ Committee/Council [but must leave the meeting before matters that the Councillor speaks upon are debated or voted up on] OR

[and may remain in the room during the debate and vote on the issue but must not vote on the issue].

Before the Councillor speaks with, or writes to, officers of the Council, or speaks at Executive/Committee/Council meetings on the issue, the Councillor must still:-

- declare an interest in the matter; and
- confirm that a dispensation has been granted to allow the Councillor to speak [and vote] about it; and
- complete the notification to the Clerk setting out the interest and the dispensation.

By authority of the Isle of Anglesey County Council's Standards Committee

Dated: \_\_\_\_\_

# Isle of Anglesey County Council

## INDEMNITIES POLICY FOR MEMBERS AND OFFICERS

### Version 1.0 (5 March 2013)

#### About this policy

- The Council has a discretion to grant indemnities for legal costs, to members and/or officers, in some circumstances
- Any application must fulfil the procedural requirements set out in the policy
- Any application received, which includes the information required under the policy, shall be decided by the Indemnities Sub-Committee, which is a sub-committee of the full council
- The sub-committee will usually meet in private. The policy sets out the process to be followed at the hearing
- The policy sets out the restrictions which may be applied to any indemnity granted, the circumstances in which an indemnity may be granted, and any provisions for repayment subject to the conclusion of the proceedings

#### Revision history

Version	Date	Summary of changes
1.0	5 March 2013	

Date of next review	
This policy will be reviewed in:	January 2018
The review will be undertaken by:	Monitoring Officer

#### Contact Details:

Lynn Ball – Head of Function (Council Business)/Monitoring Officer  
[lynnball@ynysmon.gov.uk](mailto:lynnball@ynysmon.gov.uk) / tel: 01248 752586

We are happy to provide this policy in alternative formats on request. Please use the above contact details.

Mae'r ddogfen yma ar gael yn y  
Gymraeg.

This document is available in Welsh.

## **INDEMNITIES POLICY FOR MEMBERS AND OFFICERS**

### **Matters Relating to Applications for and the Determining of Indemnities Pursuant to the Local Authorities (Indemnities for Members and Officers) (Wales) Order 2006**

#### **A. Procedure**

- 1.1.1 This procedure shall apply where the Isle of Anglesey County Council (“the Council”) receives an application (“the Application”) by a Member or Officer of the Council (“the Applicant”) for an indemnity pursuant to the Local Authorities (Indemnities for Members and Officers) (Wales) Order 2006 (“the Order”) the powers of which Order the Council adopted by a resolution dated 12 May 2011.
- 1.2 Where an indemnity is given it shall accord with the requirements and restrictions of the Order authorising the right to give an indemnity.

#### **2 The Application**

- 2.1 The Application for an indemnity may set out such matters as the Applicant wishes but it must comply with the following minimum requirements (where relevant to the Application):
  - 2.1.1 be in writing and addressed to the Council’s Head of Function (Council Business)/Monitoring Officer
  - 2.1.2 be signed by or on behalf of the Applicant,
  - 2.1.3 identify the sum for which an indemnity is sought,
  - 2.1.4 identify the name and address of the solicitors retained by the Applicant in the matter for which an indemnity is sought (“the Matter”). The name of the individual solicitor having conduct of the Matter must be given together with that of any other fee earner who will deal with the Matter together with their hourly charging rates or agreed fee and a summary of their experience in the field of work within which the Matter falls,
  - 2.1.5 identify any barrister retained by the Applicant in the Matter together with the hourly rates agreed or the agreed brief fee for their retention. In addition details shall be given of the experience of the barrister in the field of work within which the Matter falls,
  - 2.1.6 identify any expert witness or any other witness the costs of whom the Applicant will incur in dealing with the Matter together with details of those costs by way of hourly rates, agreed fee or estimated costs, as the case may be,
  - 2.1.7 give an indication of the likely total costs to be incurred by the Applicant in dealing with the Matter,
  - 2.1.8 provide such details of the case both for and against the Applicant as will allow a reasonable assessment to be made upon the merits of the Matter before the Application is determined.

2.1.9 address those matters in the Order which prevent, restrict or limit the giving of an indemnity and to do so with sufficient detail so as to enable the Council to be satisfied that the granting of an indemnity falls within the powers granted by the Order.

2.2 Notwithstanding the above, the Council (initially acting by its Head of Function (Council Business)/Monitoring Officer) may request further information of the Matter from the Applicant where it believes that it has insufficient information to properly determine the Application in accordance with the provisions of the Order.

2.3 No indemnity shall be granted in respect of any costs incurred by the Applicant prior to the submission to the Council of an Application which must comply with the requirements of this section 2.

2.4 Any decision on an Application does not prevent the Applicant from taking such action as he/she thinks fit in the conduct of the matter subject to any terms upon which an indemnity may be given.

### 3 Determining the Application

3.1 Determining the Application shall be the responsibility of the Sub-Committee established by full Council for that purpose.

3.2 A meeting of the Sub-Committee (“the Meeting”) shall be convened as soon as is practicable to determine the Application after receipt of an Application that complies with the requirements of paragraph 2 above. Where necessary the Meeting shall be in private with the press and public excluded.

3.3 At the Meeting there shall be tabled a written report from the Head of Function (Council Business)/Monitoring Officer together with a copy of the Application.

3.4 It is possible that where the Applicant is a Member he (or she) shall have a prejudicial interest which shall preclude him (or her) from attending the Meeting. The Applicant may consider and can request that the Application be dealt with as follows by the Sub-Committee:

3.4.1 as a paper Application only with no representations on behalf of the Applicant,

3.4.2 by way of a brief presentation of the Application on behalf of the Applicant (such as by their solicitor), or

3.4.3 by way of a brief presentation by the Applicant provided that where the Applicant has a prejudicial interest in the Matter they have first obtained a dispensation from the Council’s Standards allowing them to attend the meeting and to make their representations in accordance with the terms of any such dispensation .

3.5 Where the Applicant requests the right to make a presentation (either by themselves or their representative) at the Meeting the following procedure shall be followed:

- 3.5.1 The written report shall be presented to the Meeting,
  - 3.5.2 The Applicant or his/her representative shall be allowed to make a short presentation in support of the Application,
  - 3.5.3 Members (or officers) may ask questions of the Applicant or the representative,
  - 3.5.4 The Applicant or representative may make a brief closing submission,
  - 3.5.5 Members shall debate the Application in the absence of the Applicant and the representative,
  - 3.5.6 Members shall determine the application (subject to the provisions of paragraph 3.7 below) having regard to any issue, restriction or condition arising from the Order or this Policy and which may be relevant to the circumstances of the Application,
  - 3.5.7 The Applicant or his/her representative shall receive written notice of the decision made as soon as is reasonably practicable.
- 3.6 Provided that the Sub-Committee is satisfied that there is sufficient information to make a determination on the Application then it shall determine the Application. Any decision made shall be supported by reasons which shall be recorded.
- 3.7 Where the Sub-Committee believes that further information is required before it can determine the Application, it shall endeavor to obtain that information from the Applicant, or his/her representative at the Meeting. Where that information is not available at the Meeting, the Sub-Committee shall adjourn the Meeting having first identified and recorded the required information. The Meeting shall be reconvened as soon as practicable after receipt of the information requested.

**B. Conditions and Restrictions on the Terms of any Indemnity Given**

- 4.1 The Sub-Committee shall have complete discretion as to the terms, nature, duration and / or limits placed on any indemnity given to the Applicant except that any indemnity granted to a Member in defending allegations of a breach or breaches of the Code of Conduct shall be subject to a cap of £20,000 (twenty thousand pounds). Any indemnity granted shall be subject to such terms or restrictions as the Sub-Committee shall see fit having regard to the circumstances of each individual Matter and any advice given by Head of Function (Council Business)/Monitoring Officer at the Meeting.
- 4.2 Without prejudice to the generality of paragraph 4.1 above, an indemnity may be granted to an Applicant subject to one or more of the following restrictions:
  - 4.2.1 A cap on the monetary sum to be indemnified and that the sum paid shall be a VAT inclusive sum,
  - 4.2.2 A restriction on the hourly rates of solicitors, barristers or any other person whose costs form part of the Application,

- 4.2.3 That sums indemnified shall only be paid to the Applicant in specified monetary tranches according to criteria or conditions laid down by the Sub-Committee as part of its decision on the Matter,
- 4.2.4 That only certain identified costs shall be indemnified,
- 4.2.5 That payment of any indemnity (or part of an indemnity) shall only be made following submission to the Council of receipted invoices for costs identified in the Application,
- 4.2.6 That the prior consent or advice of a specified person (such as the Head of Function (Council Business/Monitoring Officer) or an independent counsel) must be obtained or that any specified step is taken by the Applicant in relation to the Matter before payment is made of either the whole or any part or tranche of the indemnity.

**C. General Terms of the Indemnity**

1. Subject to the above and to any terms, conditions or limitations determined or imposed in any particular case by the Sub-Committee, the Isle of Anglesey County Council indemnifies each member and officer of the Council against any claim, liability or loss and/or damage in relation to any action or failure to act by any member or officer and:-
  - (a) is authorised by the Council; 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 in exercising that function the member or officer does so in the capacity of member or officer of the Council)
    - (i) at the request of or with the express approval of the Council; or
    - (ii) for the purposes of the Council

Except that the costs of defending such claim expended before an Application for an indemnity is successful shall not be paid.

Without prejudice to the generality of this indemnity (above) the indemnity extends to action :-

- (a) taken under delegated powers;
- (b) taken personally under any specific statutory provision such as Head of Paid Service (Chief Executive), Chief Finance Officer (S151 Officer), Monitoring Officer, Local Government (Contracts) Act 1997.
- (c) Taken at partnerships, informal joint working arrangements, charitable organisations, companies (however constituted) when the member or officer is serving as the Council's representative on these bodies.

(For the purpose of this indemnity “member” includes independent and co-opted members)

## **2. Conditions and Limitations applying to the Indemnity**

### **A. Good faith**

A member or officer relying on the indemnity :-

- (i) must believe that the action, or failure to act, in question was within the powers of the Council  
or
- (ii) where that action or failure to act comprises the issuing or authorising of any document containing any statement as to the powers of the relevant Council, or any statement that certain steps had been taken or requirements fulfilled, believed that the contents of that statement were true; and in either case that 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.

The Council will provide the indemnity in relation to an act, or failure to act, which is subsequently found to be beyond the power of that 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 of officer acted, or failed, to act.

### **B. Repayment**

Where any indemnity is given to a member or officer in relation to the defence of criminal proceedings, or proceedings alleging a breach of the code of conduct, then :-

- (i) in relation to criminal proceedings, if the member or officer is convicted of a criminal offence then the sums expended by the Council, or its insurers, in relation to those proceedings, must be reimbursed to the Council or to the insurers;
- (ii) where the proceedings relate to an allegation against a member of a breach of the code of conduct :-
  - (a) if a finding is made that the member has failed to comply with the code of conduct (or the member has admitted that failure) and as a consequence the member is suspended, partially suspended, or disqualified, then the sums expended by the Council or its insurer, must be reimbursed to the Council or its insurers;
  - (b) in the case of an allegation of a breach of the code of conduct and there is a finding that the member has failed to comply with the code of conduct (or the member has admitted that failure) and as a result the member is censured or has some penalty imposed other than suspension, partial suspension, or disqualification, then if the Council’s Standards Committee deems it appropriate the sums expended by the

Council, or its insurers, must be reimbursed to the Council or its insurers.

Where repayment is required this will include any VAT paid as part of the sum indemnified.

**C. Defamation**

This indemnity does not extend to the **making** by a member or officer of any claim in relation to an alleged defamation of that member or officer.

**D. Returning Officer**

The work and functions of the Returning Officer are not covered by this indemnity.

**E. General Principles**

- (i) The Council will provide the member or officer with reasonable and proportionate access to Council employees and Council resources and facilities to enable the individual to properly respond to allegations of personal liability;
- (ii) The Council will allow legal representation for a member or officer separately from the Council's own legal advisors (and/or the Council's insurer's legal advisors) where the interests of the Council and the individual officer may conflict, or in such other circumstances where it is agreed between the Council and the individual officer, or individual member, that separate legal representation is appropriate.
- (iii) The Council will not seek to recover from an individual member or officer any losses incurred by the Council as a result of an action or failure to act by the member or officer concerned except :-
  - (a) Where the member or officer involved did not reasonably believe that the act or omission in question was within his/her power at the time when that act or omission took place, or
  - (b) Where the action or failure to act constituted a criminal offence.

## 5.1 Members' Code of Conduct

This is the Code of Conduct adopted by the County Council on 12.05.2016

### Part 1 – Interpretation

1. (1) In this code

“co-opted member” (“aelod cyfetholedig”), in relation to a relevant authority, means a person who is not a member of the authority but who –

- (a) is a member of any committee or subcommittee of the authority, or
- (b) is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority, and who is entitled to vote on any question which falls to be decided at any meeting of that committee or subcommittee;

“meeting” (“cyfarfod”) means any meeting –

- (a) of the relevant authority,
- (b) of any executive or board of the relevant authority,
- (c) of any committee, subcommittee, joint committee or joint subcommittee of the relevant authority or of any such committee, subcommittee, joint committee or joint subcommittee of any executive or board of the authority, or
- (d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990 (1), and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

“member” (“aelod”) includes, unless the context requires otherwise, a co-opted member;

“relevant authority” (“awdurdod perthnasol”) means –

- (a) a county council,
- (b) a county borough council,
- (c) a community council,
- (d) 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,
- (e) a National Park authority established under section 63 of the Environment Act 1995;

“you” (“chi”) means you as a member or co-opted member of a relevant authority; and “your authority” (“eich awdurdod”) means the relevant authority of which you are a member or co-opted member.

(2) In relation to a community council, references to an authority’s monitoring officer and an authority’s standards committee are to be read, respectively, as references to the monitoring officer and the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(2) of the Local Government Act 2000.

## **Part 2 - General Provisions**

2. (1) Save where paragraph 3(a) applies, you must observe this code of conduct –

(a) whenever you conduct the business, or are present at a meeting, of your authority;

(b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;

(c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or

(d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

(2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

3. Where you are elected, appointed or nominated by your authority to serve –

(a) on another relevant authority, or any other body, which includes a police authority or Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or

(b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. You must –

(a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;

(b) show respect and consideration for others;

(c) not use bullying behaviour or harass any person; and

(d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

(e) attend at least one training session on this code of conduct during each full term of office, such attendance to take place during the six months following election in the

case of those members elected to the County Council for the first time and those having been re-elected but without continuity of office.

5. You must not –

(a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;

(b) prevent any person from gaining access to information to which that person is entitled by law.

6. (1) You must –

(a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;

(b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);

(c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;

(d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7. You must not –

(a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;

(b) use, or authorise others to use, the resources of your authority –

(i) imprudently;

(ii) in breach of your authority's requirements;

(iii) unlawfully;

(iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;

(v) improperly for political purposes; or

(vi) improperly for private purposes.

8. You must –

(a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by –

(i) the authority's head of paid service;

(ii) the authority's chief finance officer;

(iii) the authority's monitoring officer;

(iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9. You must –

(a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;

(b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

### **Part 3 – Interests**

#### **Personal Interests**

10. (1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

(2) You must regard yourself as having a personal interest in any business of your authority if –

(a) it relates to, or is likely to affect –

(i) any employment or business carried on by you;

(ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

(iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

(iv) any corporate body which has a place of business or land in your authority's area,

and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(vi) any land in which you have a beneficial interest and which is in the area of your authority;

(vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(viii) any body to which you have been elected, appointed or nominated by your authority;

(ix) any –

(aa) public authority or body exercising functions of a public nature;

(bb) company, industrial and provident society, charity, or body directed to charitable purposes;

(cc) body whose principal purposes include the influence of public opinion or policy;

(dd) trade union or professional association; or

(ee) private club, society or association operating within your authority's area, in which you have membership or hold a position of general control or management;

(x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

[Note: subparagraph (b) is omitted]

(c) a decision upon it might reasonably be regarded as affecting –

(i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;

(ii) any employment or business carried on by persons as described in 10(2)(c)(i);

(iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;

(iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management, to a greater extent than the majority of –

(aa) in the case of an authority with electoral divisions or wards, other council tax

payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

or

(bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

#### Disclosure of Personal Interests

11. (1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority and you make –

(a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or

(b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

(3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer from time to time but, as a minimum containing –

(a) details of the personal interest;

(b) details of the business to which the personal interest relates; and

(c) your signature

(5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance

with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

(7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

Prejudicial Interests

12. (1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the 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 judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business –

(a) relates to –

(i) another relevant authority of which you are also a member;

(ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;

(iii) a body to which you have been elected, appointed or nominated by your authority;

(iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;

(v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to –

(i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;

(ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;

(iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;

(iv) the functions of your authority in respect of an allowance or payment made under sections 22(5), 24(4) and 173 to 176 of the Local Government Act 1972, an allowance or pension under section 18 of the Local Government and Housing Act 1989 or an allowance or payment under section 100 of the Local Government Act 2000;

(c) your role as a community councillor in relation to a grant, loan or other form of

financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

#### Overview and Scrutiny Committees

13. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a Subcommittee of such a committee) where –

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, Subcommittees, joint committees or joint Subcommittees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, Subcommittee, joint-committee or joint Subcommittee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

#### Participation in Relation to Disclosed Interests

14. (1) Subject to sub-paragraphs (2), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee –

(a) withdraw from the room, chamber or place where a meeting considering the business is being held –

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise executive or board functions in relation to that business;

(c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(a) where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under statutory right or otherwise.

(b) when submitting written representations under sub-paragraph (2a) you must comply with any procedure that your authority may adopt for the submission of such representations.

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if –

(a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or

(b) you have the benefit of a dispensation provided that you –

(i) state at the meeting that you are relying on the dispensation; and

(ii) before or immediately after the close of the meeting give written notification to your authority containing –

(aa) details of the prejudicial interest;

(bb) details of the business to which the prejudicial interest relates;

(cc) details of, and the date on which, the dispensation was granted; and

(dd) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

#### **Part 4 - The Register of Members' Interests**

##### Registration of Financial and Other Interests and Memberships and Management Positions

15. (1) Subject to sub-paragraph (3), you must, within 28 days of –

(a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or

(b) your election or appointment to office (if that is later), register your financial interests and other interests, where they fall within a category mentioned in paragraph 10(2)(a) in your authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to your authority's monitoring officer.

(2) You must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under sub-paragraph (1), register that new personal interest or change by providing written notification to your authority's monitoring officer.

(3) Sub-paragraphs (1) and (2) do not apply to sensitive information determined in accordance with paragraph 16(1).

(4) Sub-paragraph (1) will not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

### Sensitive information

16. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this code, "sensitive information" ("gwybodaeth sensitif") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

### Registration of Gifts and Hospitality

17. You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer of the existence and nature of that gift, hospitality, material benefit or advantage. Such written notification should be provided [here](#)

DISPENSATION GRANTED BY THE STANDARDS COMMITTEE  
ON 13<sup>th</sup> SEPTEMBER 2017

The Standards Committee unanimously agrees to the following:-

- Should the need arise, all Members of the Isle of Anglesey County Council are hereby granted dispensation to attend before the Indemnities Sub-committee (or its successor, if any) to present any application they wish the Sub-committee to consider in accordance with the Indemnities Policy for Members and Officers.
- This dispensation is granted under Standards committee (Grant of Dispensation) (Wales) Regulations 2001, as amended by the Local Government (Standards Committee) (Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016; 2(d) and 2(b).
- Any Member exercising this right shall be entitled to present their application and answer questions, but any deliberations by the Sub-committee shall take place in private.
- This dispensation shall not prejudice the right of any Member to request that their application be considered on the papers alone, or their right to be represented by a legal advisor.
- This dispensation shall, if required, also extend to any consideration by the Standards Committee in accordance with their powers under the Local Authority's (Indemnities for Members and Officers) (Wales) Order 2006 when any Member shall be entitled to put their case in person to the Standards Committee, before the Committee retires to private session to consider the exercise of its statutory powers.
- This dispensation shall only apply to Members whose term starts May 2017, or later if following a by-election, of the Isle of Anglesey County Council and shall endure for the remaining term of the Council i.e. May 2022.
- Members will still have a personal interest under the Code which they are required to declare at the beginning of the meeting or the outset of the relevant item. Member declaration forms need to confirm that they are relying on a dispensation granted by the Standards Committee on 13<sup>th</sup> September 2017.

Standards Committee Co-Opted Members Only

13<sup>th</sup> September 2017

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<b>CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>MEETING:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>13 September 2017</b>
<b>TITLE OF REPORT:</b>	<b>Report following a Review of the Town and Community Councils' Register of Interests</b>
<b>PURPOSE OF THE REPORT:</b>	<b>To report on the findings made during a review of a sample of the Town and Community Councils' Register of Interests.</b>
<b>REPORT BY:</b>	<b>Head of Function (Council Business) / Monitoring Officer</b>
<b>CONTACT OFFICER:</b>	<b>Lynn Ball Head of Function (Council Business) / Monitoring Officer <a href="mailto:lbxcs@anglesey.gov.uk">lbxcs@anglesey.gov.uk</a> 01248 752586</b>

## 1. INTRODUCTION AND BACKGROUND

- 1.1 At its meeting on 14 September 2016, the Standards Committee decided to conduct a review of the register of members' interests in a sample of the town and community councils, to ensure compliance with the code of conduct.
- 1.2 The reviews took place between October 2016 and February 2017, and included both town councils and community councils.
- 1.3 It was decided in September 2016 that a general report would be distributed to all town and community councils, detailing the findings made following the review, in an attempt to assist all town and community councils by way of sharing good practice and identifying matters which commonly need to be addressed.
- 1.4 A general report was sent to the clerks of all town and community councils on 7<sup>th</sup> April 2017. A copy of the report is attached as **ENCLOSURE 1**.
- 1.5 A personalised letter was also sent to each council that was subject to the review, providing specific advice to that council, following each review meeting. Such reports were not circulated or shared with others.

## 2. GENERAL FINDINGS

- 2.1 The review is deemed to have been a beneficial exercise. The Standards Committee was generally pleased with the findings made as several good practices were noted. Some common areas of concern were also identified and, as explained in the report (**ENCLOSURE 1**) these require attention.
- 2.2 Details of the findings made are included in section D of **ENCLOSURE 1**.

### 3. CONFIRMATION OF DISTRIBUTION OF REPORT BY TOWN AND COMMUNITY COUNCIL CLERKS

- 3.1 When sending the report to the clerks of the town and community councils on 7th April 2017 a request was made for:
- (a) The report to be included on the agenda for the town/community council's next available meeting, to ensure its content was brought to the attention of members,
- and
- (b) a copy of the minutes for the relevant meeting, which confirm the report was discussed, be forwarded for the attention of the Standards Committee.

These were requested by the end of July 2017.

- 3.2 The town and community council clerks were advised that responses would be the subject of a written report at the Standards Committee's September 2017 meeting.
- 3.3 The Standards Committee is asked to review **ENCLOSURE 2** which contain the details of the responses received from the clerks.

### 4. RECOMMENDATION

- 4.1 The Standards Committee is asked to note the contents of the report in **ENCLOSURE 1**.
- 4.2 The Standards Committee is asked to note the contents of the table in **ENCLOSURE 2**, and to confirm its intention in relation to any town and community councils which (a) have failed to respond, or (b) responded but failed to provide copy minutes of the relevant meeting.

**Medwen Jones**

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**From:** Medwen Jones  
**Sent:** 07 April 2017 18:50  
**To:** Aberffraw; Amlwch; Beaumaris; Bodedern; Bodffordd a Llanfachraeth; Bodorgan a Llangristiolus; Bryngwran; Cwm Cadnant a Llanfihangelesceifiog; Cylch-y-Garn Community Council; Holyhead Town Council; Llanbadrig; Llanddaniel Fab; Llanddona a Llangoed; Llanddyfnan; Llaneilian; Llanerchymedd; Llanfaelog; Llanfaethlu; Llanfair yn Neubwll; Llanfairpwll; Llangefni; Llanidan; Mechell; Menai Bridge; Moelfre; Penmynydd a Star; Pentraeth; Rhosybol; Rhosyr; Trearddur; Tref Alaw; Trewalchmai; Valley; 'Llanfair ME'  
**Cc:** Mared W. Yaxley  
**Subject:** Adolygiad y Pwyllgor Safonau - swyddogol / Review by Standards Committee - official (019456)  
**Attachments:** 370631 - Adolygiad y Pwyllgor Safonau - Adroddiad.doc; 370321 - Local Government Model Code of Conduct - as amended from 1.04.2016 (Eng and Welsh).docm; 370319 - Nodyn briffio ar gyfer clerod cyngorau tref a chymuned.doc; 370362 - Canllawiau Statudol - Mynediad i Wybodaeth am Gyngorau Cymuned a Thref.pdf; 370317 - MEMBERS' DECLARATION OF INTEREST AT MEETINGS.doc; 368166 - Standards Committee Report - review of a sample of the TC CCs March 2017.doc; 370320 - Briefing Note for Clerks of town and community councils.doc; 370361 - Statutory Guidance - Access to Information on Community and Town councils.pdf; 370318 - MEMBERS' DECLARATION OF INTEREST AT MEETINGS.doc

Annwyl Glercod,

Yn ei gyfarfod ar 14 Medi 2016, penderfynodd y Pwyllgor Safonau gynnal adolygiad o gofrestrau diddordeb yr aelodau mewn sampl o'r Cyngorau Tref a Chymuned, er mwyn gwirio cydymffurfiaeth gyda'r Cod Ymddygiad. Penderfynwyd y byddai adroddiad cyffredinol yn cael ei gylchredeg i'r holl Gyngorau Tref a Chymuned a fyddai'n manylu ar y canfyddiadau a wnaed yn ystod yr ymarferiad hwn. Ymgais oedd y broses hon i geisio cynorthwyo'r Cyngorau Tref a Chymuned drwy rannu arfer dda ac amlygu materion cyffredin y mae angen eu gwella.

Mae'r adolygiad bellach wedi dod i ben ac mae'r Pwyllgor Safonau wedi paratoi'r **adroddiad atodol**. Nodwch, os gwelwch yn dda, mai arolwg cyffredinol a geir yma; ni chaiff unrhyw Gyngor ei enwi.

Allwch chi sicrhau fod yr adroddiad yma'n cael ei rannu efo'ch aelodau drwy ei gynnwys fel eitem ar y Rhaglen nesaf sydd ar gael gan y Cyngor, os gwelwch yn dda? Gofynnwn i chi hefyd anfon copi o Gofnodion y cyfarfod perthnasol, sy'n cadarnhau fod yr adroddiad wedi ei drafod, i [mwjcs@ynysmon.gov.uk](mailto:mwjcs@ynysmon.gov.uk). Gofynnwn am eich ymatebion, yn ogystal â chopi o'r Cofnodion, erbyn **diwedd mis Gorffennaf 2017** os gwelwch yn dda. Bydd y mater yn cael ei drafod yng nghyfarfod ffurfiol nesaf y Pwyllgor Safonau ym mis Medi 2017.

Gobeithiwn y bydd yr atodiad o gymorth i'ch aelodau o ran eu hymrwymadau dan y Cod Ymddygiad.

Cofion,

Michael Wilson  
 Cadeirydd y Pwyllgor Safonau

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Dear Clerks,

At its meeting on 14 September 2016, the Standards Committee decided to conduct a review of the register of members' interests in a sample of the Town and Community Councils, to ensure compliance with the Code of Conduct. It was decided that a general report would be distributed to all Town and Community Councils detailing the findings made following that exercise. This process was an attempt to assist all Town and Community Councils by way of sharing good practice and identifying matters which commonly need to be addressed.

The review has now been concluded and the Standards Committee has compiled the **attached report**. Please note that this is a general overview of the findings made; no individual Council is identified.

Please can you ensure that this report is shared with all members of your Council by including it as an item on the next available Council Agenda. We also ask that you please forward a copy of the Minutes of the relevant meeting, which confirm the report has been discussed, to [mwjcs@ynysmon.gov.uk](mailto:mwjcs@ynysmon.gov.uk) . We would ask for your responses, together with the copy Minutes, by the **end of July 2017** please. This matter will be discussed at the next formal meeting of the Standards Committee in September 2017.

We trust the attached assists your members in relation to their obligations under the Code of Conduct.

Regards,

Michael Wilson  
Chairman of the Standards Committee

Document: CC-019456-MY/370839

**The Isle of Anglesey County Council's Standards Committee Report on the Town and  
Community Councils Registers of Members' Interests**

**Report prepared March 2017**

## **A) INTRODUCTION AND BACKGROUND**

The Standards Committee is committed to assisting Town and Community Council members in relation to their obligations under the Code of Conduct.

At its meeting on 14 September 2016, the Standards Committee decided to conduct a review of the registers of members' interests in a sample of the Town and Community Councils, to assess and ensure compliance with the Code of Conduct. It was decided that a general report would be distributed to all Town and Community Councils detailing the outcome of that exercise.

The review has now been concluded and the Standards Committee has compiled this general report, which has been distributed to all the Town and Community Councils. No individual Council is named in this report; a personalised letter has been sent to each Council that was part of the review, giving specific advice. This report contains a general overview of the findings and recommendations.

## **B) GENERAL COMMENTS**

The Standards Committee would first of all like to thank the clerks, and members, from the Town and Community Councils that were reviewed for their time and welcome. The reviews are deemed to have been a fruitful exercise; the Standards Committee was generally pleased with the findings, as several good practices were noted. However, some common areas of concern have also been identified and these require attention. This Report aims to include both, so that it is a useful guidance to all Town and Community Councils on what needs to be done.

## **C) DOCUMENTS / PAPERWORK REVIEWED**

At each Town/ Community Council the following documents, dating back to May 2013, were requested in order to be reviewed:

- Register of Personal Interests;
- Declarations of Interest Forms made in Council meetings;
- Agenda and Minutes for the Council and its Sub-Committees;
- A list of the names of all members and copy form of acceptance of office by each current member, including the statutory undertaking to comply with the Code of Conduct;
- A record of members' training.

## **D) FINDINGS**

- 1) The Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016 came into force on 1<sup>st</sup> April 2016. It means an amended Code of Conduct has been created, and there is a requirement for all Town and Community Councils to adopt this amended Code. Once adopted, there is a requirement for an advertisement to be published in one or more newspapers circulating in the local area, and for a copy of the Code to be sent to the Public Services Ombudsman for Wales. A further copy of the statutory Code of Conduct is enclosed as **Appendix 1** for ease of reference.

Correspondence has been sent to all Town and Community Councils by the Standards Committee on this issue since May 2016, and although the Standards Committee was

generally pleased with the work done by Town and Community Councils on this matter, it remains concerned that all Councils need to comply.

All Councils are asked to ensure the updated Code (**Appendix 1**) and our Briefing Note on the statutory requirements for Town and Community members on declaration of personal interests (**Appendix 2**) are brought to the attention of its members following the May 2017 elections, as requested by the Standards Committee in an email to the Town and Community Councils on 22<sup>nd</sup> March 2017.

- 2) It is a requirement for each member to sign a new undertaking to abide by the Code at the commencement of each term of office. In light of the local elections to be held in May 2017, Councils are reminded of this requirement, whether the member is being re-elected or not and, indeed, whether or not an election has taken place for that Town/Community Council.

This is something which was done in all the Town and Community Councils reviewed. However, care must also be taken that the undertaking is signed before a witness (the status of whom is detailed in section 83(3) of the Local Government Act 1972); the clerk, as proper officer of the Council, is usually the witness used and this is compliant.

- 3) The Standards Committee is concerned that, in some Town and Community Councils, members do not understand the requirement to declare personal and/or prejudicial interests when they arise. This failing, together with the absence of any record of training (discussed in 8 below) leads the Standards Committee to believe that there is a lack of understanding on the part of some members. It may be worth reminding members that:-

- A personal interest is one of those contained within the definitive list in the Code of Conduct;
- A prejudicial interest is a personal interest which an objective observer would consider so significant that it is likely to compromise a member's ability to make a decision in the public interest;
- The distinction is important because members are allowed to participate when they have a personal interest, but not when they have a personal interest which is also prejudicial. If an interest is prejudicial, members must also physically leave the meeting while the item is under discussion.

Members should ensure they understand their obligations under the Code of Conduct, and if they do not, arrange appropriate training via their clerks. If they have any specific questions, they should be seeking advice from their clerk or contact the Monitoring Officer at the IOACC on [lbxcs@ynysmon.gov.uk](mailto:lbxcs@ynysmon.gov.uk)

- 4) As of May 2015, Town and Community Councils now have a statutory requirement to have websites and to publish specified information on these websites. Statutory Guidance has been issued to assist Councils in fulfilling this obligation and a further copy of this Guidance is attached as **Appendix 3**.

The Standards Committee is disappointed with the progress made in relation to (a) the creation of websites and (b) the amount of information published on some of the websites which have been created. On this basis, the Standards Committee has decided that it will **review the situation in relation to the Town and Community Councils' websites once again and will request an update from all clerks by the end of February 2018**. It will also seek confirmation that the minimum requirements described in **Appendix 3** are also met.

The Councils which have not yet claimed are reminded that there is a grant available for them to spend on establishing a new or developing a current website. Claim forms are available via the IOACC; please contact the Policy Officer on [rjxcs@ynysmon.gov.uk](mailto:rjxcs@ynysmon.gov.uk).

- 5) One of the documents which must be published on the Council's website is the Register of Interests. There is no specific format for this Register, but the majority of the Town and Community Councils reviewed had Registers consisting of the Minutes for the relevant meeting (which confirm the declaration of interest made) and the Declaration of Interest forms, completed by each member following an oral declaration of personal and/or prejudicial interests at the meeting. This is a satisfactory format.

Town and Community Councils need to ensure the Register is made available for inspection by the public at all reasonable times, and on the Town or Community Council's website. It appeared from the review that the paper Registers are generally well-maintained but work needs to be done in order to ensure they are available online as soon as possible.

- 6) There is no single format for the Declaration of Interests Form to be used to confirm a declaration of personal and/or prejudicial interest made orally at a meeting. The majority of the 'Declaration Forms' reviewed by the Standards Committee were satisfactory in terms of the information required. However, for ease of reference, the one used by IOACC is attached as **Appendix 4**; this may be amended and adapted, as necessary.

Although the forms themselves were compliant in terms of the information required, it was clear that some members were not always completing the forms fully and correctly. This is each member's responsibility; a failure to provide full written confirmation of an oral declaration made at a meeting means the member is not complying with the Code of Conduct. Members are reminded to fully answer all relevant questions on the Declaration Form.

- 7) There is no specific format for Agendas and Minutes; however the Standards Committee considers it good practice to include "Declarations of Interest" as a standing item on each Council Agenda, as a way of reminding members. It was felt that, generally, more information should be included in the Minutes under the 'Declaration of Interest' item i.e. (a) name of the member making the oral declaration, (b) to which agenda item the declaration relates, and (c) whether the declaration made was a personal or prejudicial interest. Furthermore, under the business item itself, it would be good practice for the Minutes to confirm (a) whether a declaration of interest has been made, and by whom, (b) whether the interest is personal or prejudicial, (c) details of the personal/prejudicial interest, and (d) when prejudicial, that the member left the meeting room. Including such information assists with regards to the requirement to maintain a meaningful Register of Interests, but also assists members of the public in ensuring that decisions are made transparently and in the public interest.
- 8) Of the Councils reviewed, only one had a Training Record. The reasons for this were varied; for some, it was because members hadn't attended training and for others it was because, although members had attended training, they had failed to keep a record. There is no statutory requirement to maintain a Training Record, but the Standards Committee considers it to be good practice.
- 9) It was clear from the review that where there is mutual respect between the clerk and the members, requirements are being adhered to more effectively. Members are reminded that clerks are the proper officers within the Town/Community Councils and that their advice should be given due consideration. A properly trained and resourced clerk will assist the Council collectively, being better equipped to advise members, both inside and outside meetings.
- 10) It is understood that the majority of Town/Community Councils are members of One Voice Wales. Perhaps it would be prudent for some Councils to ask One Voice Wales for its support in relation to (a) the standing orders/policies which some Town/Community Councils have yet to adopt, (b) training for clerks and members, as required and (c) the development / maintenance / content of websites.

## E. CONCLUSION/RECOMMENDATIONS

The Standards Committee was generally content with the findings and several good practices have been noted:

- (1) records showing that members sign an undertaking to abide by the Code of Conduct at the commencement of every new term of office;
- (2) the maintenance of the paper Register of Members' Interests;
- (3) the 'Declaration Forms' used for declaring personal/prejudicial interests at formal meetings.

However, some areas for improvement were noted:

- (1) some members' apparent lack of understanding of the distinction between personal and/or prejudicial interests needs to be addressed;
- (2) failing to fully complete the 'Declaration Forms';
- (3) a lack of websites/or a lack of information on websites (including the publication of the Register of Members' Interests);
- (4) recording Training Records;
- (5) details of interests declared to be included on the Agendas/Minutes for all Council meetings.

**Clerks are asked to bring the contents of this report to the attention of all their members by including it as an item on their next available Council Agenda and to forward a copy of the Minutes of that meeting to the Standards Committee by the end of July 2017.**

Clerks are also reminded that, in accordance with section 4 above, the Standards Committee will be seeking confirmation by the **end of February 2018** (a) as to whether each Council has established a website, (b) the address of that website, and (c) that the statutory minimum information is included on the website.

Should members or clerks have any queries in relation to this report, please contact the Monitoring Officer at Isle of Anglesey County Council (Lynn Ball, 01248 752586/lbxcs@ynysmon.gov.uk)

Michael Wilson  
Chairman of the Standards Committee

(v. 01.04.2016)

Local Government Act 2000	Deddf Llywodraeth Leol 2000
<p><b>Model Code of Conduct for Members and Co-opted Members with voting rights</b></p>	<p><b>Cod Ymddygiad Enghreifftiol ar gyfer Aelodau ac Aelodau Cyfetholedig â hawliau pleidleisio</b></p>
<p>The attached Annex sets out the text (in English and Welsh) of the Model Code of Conduct prescribed by the Local Authorities (Model Code of Conduct) (Wales) Order 2008, as amended by the following statutory instruments:</p> <ul style="list-style-type: none"> <li>• Co-operative and Community Benefit Societies and Credit Unions Act 2010 (Consequential Amendments) Regulations 2014 – (No. 2014/1815) (“the 2014 Regulations”) – effective from 1 August 2014.</li> <li>• Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2008 (No. 2016/84) – effective from 1 April 2016.</li> </ul> <p>This document has been produced for the benefit of relevant authorities to whom the Model Code applies, but it does not itself have any legal standing. It is believed to be a true and accurate representation of the law as at <b>1 April 2016</b>, but no assurance is given in this regard and authorities should take their own legal advice on matters relating to the Code.</p> <p>Please note the 2014 Regulations were made by the UK Government. They amend the Model Code to insert a definition of a ‘registered society’. It appears that the Welsh language version of the Model Code was not amended at the same time. The Welsh Government is in discussion with the UK Government about this with a view to the Welsh language version being amended as soon as practicable.</p> <p>In the interim, the Welsh Government does not believe this anomaly has a material bearing on the operation of the Model Code.</p>	<p>Mae'r Atodiad amgaeedig yn nodi testun (yn Gymraeg a Saesneg) y Cod Ymddygiad Enghreifftiol a bennir gan Orchymyn Awdurdodau Lleol (Cod Ymddygiad Enghreifftiol) (Cymru) 2008, fel y'i diwygiwyd gan yr offerynnau statudol canlynol:</p> <ul style="list-style-type: none"> <li>• Rheoliadau Deddf Cwmnïau Cydweithredol a Chymdeithasau Budd Cymunedol ac Undebau Credyd 2010 (Diwygiadau Canlyniadol) 2014 - (Rhif 2014/1815) (“Rheoliadau 2014”) - yn dod i rym ar 1 Awst 2014.</li> <li>• Gorchymyn Awdurdodau Lleol (Cod Ymddygiad Enghreifftiol) (Cymru) (Diwygio) 2008 (Rhif 2016/84) – yn dod i rym ar 1 Ebrill 2016.</li> </ul> <p>Cynhyrchwyd y ddogfen hon er budd awdurdodau perthnasol y mae'r Cod Enghreifftiol yn gymwys iddynt, ond nid oes ganddi unrhyw statws cyfreithiol. Credir ei bod yn cynrychioli'r gyfraith ar <b>1 Ebrill 2016</b> yn wir ac yn gywir, ond ni roddir unrhyw sicrwydd yn hyn o beth, a dylai'r awdurdodau geisio eu cyngor cyfreithiol eu hunain ar faterion sy'n ymwneud â'r Cod.</p> <p>Sylwer: Gwnaed Rheoliadau 2014 gan Lywodraeth y DU. Maent yn diwygio'r Cod Enghreifftiol drwy fewnosodi diffiniad o ‘cymdeithas gofrestredig’. Mae'n ymddangos na ddiwygiwyd fersiwn Gymraeg y Cod Enghreifftiol ar yr un pryd. Mae Llywodraeth Cymru wrthi'n trafod hyn â Llywodraeth y DU gyda'r bwriad o ddiwygio'r fersiwn Gymraeg cyn gynted ag y bo'n ymarferol.</p> <p>Yn y cyfamser, nid yw Llywodraeth Cymru yn credu bod yr anghysondeb hwn yn effeithio'n ymarferol ar weithredu'r Cod Enghreifftiol.</p>

## THE MODEL CODE OF CONDUCT

### PART 1 INTERPRETATION

1.—(1) In this code —

"co-opted member" ("*aelod cyfetholedig*"), in relation to a relevant authority, means a person who is not a member of the authority but who —

- (a) is a member of any committee or sub-committee of the authority, or
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority, and who is entitled to vote on any question which falls to be decided at any meeting of that committee or subcommittee;

"meeting" ("*cyfarfod*") means any meeting —

- (a) of the relevant authority,
- (b) of any executive or board of the relevant authority,
- (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or
- (d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990,

and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

"member" ("*aelod*") includes, unless the context requires otherwise, a co-opted member;

"registered society" means a society, other than a society registered as a credit union, which is —

- (a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
- (b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

"register of members' interests" ("*cofrestr o fuddiannau'r aelodau*") means the register established and maintained under section 81 of the Local Government Act 2000;

"relevant authority" ("*awdurdod perthnasol*") means—

- (a) a county council,
- (b) a county borough council,
- (c) a community council,

(d) 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,

(e) a National Park authority established under section 63 of the Environment Act 1995;

"you" ("*chi*") means you as a member or co-opted member of a relevant authority; and

"your authority" ("*eich awdurdod*") means the relevant authority of which you are a member or co-opted member.

(2) In relation to a community council—

(a) "proper officer" ("*swyddog priodol*") means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972; and

(b) "standards committee" ("*pwyllgor safonau*") means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

## PART 2 GENERAL PROVISIONS

2.—(1) Save where paragraph 3(a) applies, you must observe this code of conduct —

(a) whenever you conduct the business, or are present at a meeting, of your authority;

(b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;

(c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or

(d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

(2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

3. Where you are elected, appointed or nominated by your authority to serve —

(a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or

(b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. You must —

(a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;

(b) show respect and consideration for others;

(c) not use bullying behaviour or harass any person; and

(d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

5. You must not —

(a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;

(b) prevent any person from gaining access to information to which that person is entitled by law.

6.—(1) You must —

(a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;

(b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);

(c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;

(d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7. You must not —

(a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;

(b) use, or authorise others to use, the resources of your authority —

(i) imprudently;

(ii) in breach of your authority's requirements;

(iii) unlawfully;

(iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;

(v) improperly for political purposes; or

(vi) improperly for private purposes.

**8. You must —**

(a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —

(i) the authority's head of paid service;

(ii) the authority's chief finance officer;

(iii) the authority's monitoring officer;

(iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

**9. You must —**

(a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;

(b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

## **PART 3 INTERESTS**

### **Personal Interests**

**10.—(1)** You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

**(2)** You must regard yourself as having a personal interest in any business of your authority if —

(a) it relates to, or is likely to affect —

(i) any employment or business carried on by you;

(ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

(iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that

exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(vi) any land in which you have a beneficial interest and which is in the area of your authority;

(vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in subparagraph (iv) above;

(viii) any body to which you have been elected, appointed or nominated by your authority;

(ix) any —

(aa) public authority or body exercising functions of a public nature;

(bb) company, registered society, charity, or body directed to charitable purposes;

(cc) body whose principal purposes include the influence of public opinion or policy;

(dd) trade union or professional association; or

(ee) private club, society or association operating within your authority's area,

in which you have membership or hold a position of general control or management;

(x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

*[Note: subparagraph (b) is omitted.]*

(c) a decision upon it might reasonably be regarded as affecting —

(i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;

(ii) any employment or business carried on by persons as described in 10(2)(c)(i);

(iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;

(iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,

to a greater extent than the majority of—

(aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or

(bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

### **Disclosure of Personal Interests**

**11.—(1)** Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority and you make —

(a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or

(b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

(3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer, or in relation to a community council, your authority's proper officer from time to time but, as a minimum containing —

(a) details of the personal interest;

(b) details of the business to which the personal interest relates; and

(c) your signature.

(5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

(7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

### **Prejudicial Interests**

**12.—**(1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the 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 judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—

(a) relates to —

(i) another relevant authority of which you are also a member;

(ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;

(iii) a body to which you have been elected, appointed or nominated by your authority;

(iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;

(v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to —

(i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;

(ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;

(iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;

(iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;

(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

### **Overview and Scrutiny Committees**

**13.** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint subcommittees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

#### **Participation in Relation to Disclosed Interests**

**14.—(1)** Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee —

(a) withdraw from the room, chamber or place where a meeting considering the business is being held—

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise executive or board functions in relation to that business;

(c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(2A) Where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under statutory right or otherwise.

(2B) When submitting written representations under sub-paragraph (2A) you must comply with any procedure that your authority may adopt for the submission of such representations.

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if —

(a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or

(b) you have the benefit of a dispensation provided that you —

(i) state at the meeting that you are relying on the dispensation; and

(ii) before or immediately after the close of the meeting give written notification to your authority containing —

(aa) details of the prejudicial interest;

(bb) details of the business to which the prejudicial interest relates;

(cc) details of, and the date on which, the dispensation was granted; and

(dd) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

## **PART 4 THE REGISTER OF MEMBERS' INTERESTS**

### **Registration of Personal Interests**

15.—(1) Subject to sub-paragraph (4), you must, within 28 days of—

(a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or

(b) your election or appointment to office (if that is later),

register your personal interests, where they fall within a category mentioned in paragraph 10(2)(a), in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(2) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 10(2)(a), register that new personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(3) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 10(2)(a), register that change in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

(4) Sub-paragraphs (1), (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).

(5) Sub-paragraphs (1) and (2) do not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

(6) You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

### **Sensitive information**

**16.—(1)** Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer, or in relation to a community council, your authority's proper officer asking that the information be included in your authority's register of members' interests.

(3) In this code, "sensitive information" ("*gwybodaeth sensitif*") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

### **Registration of Gifts and Hospitality**

**17.** You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer, or in relation to a community council, to your authority's proper officer of the existence and nature of that gift, hospitality, material benefit or advantage.

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## Y COD YMDDYGIAD ENGHREIFFTIOL

### RHAN 1 DEHONGLI

1.—(1) Yn y cod hwn —

mae "aelod" ("*member*") yn cynnwys aelod cyfetholedig onid yw'r cyd-destun yn mynnu fel arall;

ystyr "aelod cyfetholedig" ("*co-opted member*"), mewn perthynas ag awdurdod perthnasol, yw person nad yw'n aelod o'r awdurdod ond—

(a) sy'n aelod o unrhyw bwyllgor neu is-bwyllgor i'r awdurdod, neu

(b) sy'n aelod o unrhyw gyd-bwyllgor neu gyd-is-bwyllgor i'r awdurdod, ac sy'n cynrychioli'r awdurdod arno,

ac sydd â'r hawl i bleidleisio ar unrhyw gwestiwn sydd i'w benderfynu mewn unrhyw gyfarfod o'r pwyllgor neu o'r is-bwyllgor hwnnw;

ystyr "eich awdurdod" ("*your authority*") yw'r awdurdod perthnasol yr ydych chi'n aelod neu'n aelod cyfetholedig ohono;

ystyr "awdurdod perthnasol" ("*relevant authority*") yw—

(a) cyngor sir,

(b) cyngor bwrdeistref sirol,

(c) cyngor cymuned,

(ch) awdurdod tân ac achub a gyfansoddwyd drwy gynllun o dan adran 2 o Ddeddf Gwasanaethau Tân ac Achub 2004 neu gynllun y mae adran 4 o'r Ddeddf honno yn gymwys iddo,

(d) awdurdod Parc Cenedlaethol a sefydlwyd o dan adran 63 o Ddeddf yr Amgylchedd 1995;

ystyr "cofrestr o fuddiannau'r aelodau" ("*register of members' interests*") yw'r gofrestr a sefydlir ac a gedwir o dan adran 81 o Ddeddf Llywodraeth Leol 2000;

ystyr "cyfarfod" ("*meeting*") yw unrhyw gyfarfod —

(a) o'r awdurdod perthnasol,

(b) o unrhyw weithrediaeth neu fwrdd i'r awdurdod perthnasol,

(c) o unrhyw bwyllgor, is-bwyllgor, cyd-bwyllgor neu gyd-is-bwyllgor i'r awdurdod perthnasol neu unrhyw bwyllgor, is-bwyllgor, cyd-bwyllgor neu gyd-is-bwyllgor o'r fath i unrhyw weithrediaeth neu fwrdd i'r awdurdod, neu

(ch) y mae aelodau neu swyddogion yr awdurdod perthnasol yn bresennol ynddo ac eithrio cyfarfod grŵp gwleidyddol a gyfansoddwyd yn unol â rheoliad 8 o Reoliadau Llywodraeth Leol (Pwyllgorau a Grwpiau Gwleidyddol) 1990,

ac mae'n cynnwys amgylchiadau pan fo aelod o weithrediaeth neu fwrdd neu swyddog sy'n gweithredu ar ei ben ei hun yn arfer un o swyddogaethau awdurdod; ac

ystyr "chi" ("you") yw chi fel aelod neu aelod cyfetholedig o awdurdod perthnasol.

(2) Mewn perthynas â chyngor cymuned—

(a) ystyr "swyddog priodol" ("proper officer") yw swyddog o'r cyngor hwnnw o fewn ystyr adran 270(3) o Ddeddf Llywodraeth Leol 1972; a

(b) ystyr "pwyllgor safonau" ("standards committee") yw pwyllgor safonau'r cyngor sir neu'r cyngor bwrdeistref sirol sydd â swyddogaethau mewn perthynas â'r cyngor cymuned y mae'n gyfrifol amdano o dan adran 56(1) a (2) o Ddeddf Llywodraeth Leol 2000.

## **RHAN 2 DARPARIAETHAU CYFFREDINOL**

2.—(1) Ac eithrio pan fo paragraff 3(a) yn gymwys, rhaid i chi gydymffurfio â'r cod ymddygiad hwn —

(a) pa bryd bynnag y byddwch yn cynnal busnes eich awdurdod, neu'n bresennol mewn un o gyfarfodydd eich awdurdod;

(b) pa bryd bynnag y byddwch yn gweithredu, yn honni gweithredu neu'n rhoi'r argraff eich bod yn gweithredu yn rôl aelod y cawsoch eich ethol neu eich penodi iddi;

(c) pa bryd bynnag y byddwch yn gweithredu, yn honni gweithredu neu'n rhoi'r argraff eich bod yn gweithredu fel un o gynrychiolwyr eich awdurdod; neu

(ch) ar bob adeg ac mewn unrhyw gapasiti, mewn cysylltiad ag ymddygiad a nodir ym mharagraffau 6(1)(a) a 7.

(2) Dylech ddarllen y cod hwn ar y cyd â'r egwyddorion cyffredinol a ragnodir o dan adran 49(2) o Ddeddf Llywodraeth Leol 2000 o ran Cymru.

3. Os byddwch wedi eich ethol, eich penodi neu eich enwebu gan eich awdurdod i wasanaethu —

(a) ar awdurdod perthnasol arall, neu ar unrhyw gorff arall, sy'n cynnwys Bwrdd Iechyd Lleol rhaid i chi, pan fyddwch yn gweithredu ar ran yr awdurdod arall neu'r corff arall hwnnw, gydymffurfio â chod ymddygiad yr awdurdod arall neu'r corff arall hwnnw; neu

(b) ar unrhyw gorff arall nad oes ganddo god sy'n ymwneud ag ymddygiad ei aelodau, rhaid i chi, pan fyddwch yn gweithredu ar ran y corff arall hwnnw, gydymffurfio â'r cod ymddygiad hwn, ac eithrio pan yw'n gwrthdaro ag unrhyw rwymedigaethau cyfreithlon eraill y gall y corff hwnnw fod yn ddarostyngedig iddynt neu i'r graddau y mae'n gwrthdaro â'r cyfryw rwymedigaethau.

4. Rhaid i chi —

(a) cyflawni eich dyletswyddau a'ch cyfrifoldebau gan roi sylw dyladwy i'r egwyddor y dylai fod cyfle cyfartal i bawb, waeth beth fo'u rhyw, eu hil, eu hanabledd, eu cyfeiriadedd rhywiol, eu hoed neu eu crefydd;

(b) dangos parch at eraill ac ystyriaeth ohonynt;

(c) peidio ag ymddwyn fel bwli neu harasio unrhyw berson; a

(ch) peidio â gwneud dim sy'n cyfaddawdu, neu sy'n debygol o gyfaddawdu, didueddrwydd y sawl sy'n gweithio i'ch cyngor neu ar ei ran.

5. Rhaid i chi —

(a) peidio â datgelu gwybodaeth gyfrinachol neu wybodaeth y byddai'n rhesymol ystyried ei bod o natur gyfrinachol, heb gydsyniad datganedig person a awdurdodwyd i roi cydsyniad o'r fath, neu onid yw'r gyfraith yn mynnu eich bod yn gwneud hynny;

(b) peidio â rhwystro unrhyw berson rhag gweld gwybodaeth y mae gan y person hwnnw hawl i'w gweld yn ôl y gyfraith.

6.—(1)Rhaid i chi —

(a) peidio ag ymddwyn mewn ffordd y gellid yn rhesymol ei hystyried yn un sy'n dwyn anfri ar eich swydd neu ar eich awdurdod;

(b) adrodd, p'un ai drwy weithdrefn adrodd gyfrinachol eich awdurdod neu'n uniongyrchol i'r awdurdod priodol, ar unrhyw ymddygiad gan aelod arall neu gan unrhyw un sy'n gweithio i'ch awdurdod neu ar ei ran ac y mae'n rhesymol i chi fod o'r farn ei fod yn golygu neu'n debygol o olygu ymddygiad troseddol (nad yw at ddibenion y paragraff hwn yn cynnwys tramgwyddau neu ymddygiad y gellir ei gosbi drwy gosb benodedig);

(c) adrodd i swyddog monitro eich awdurdod ar unrhyw ymddygiad gan aelod arall y mae'n rhesymol i chi fod o'r farn ei fod yn groes i'r cod ymddygiad hwn;

(ch) peidio â gwneud cwynion blinderus, maleisus neu wacsaw yn erbyn aelodau eraill neu unrhyw un sy'n gweithio i'ch awdurdod neu ar ei ran.

(2) Rhaid i chi gydymffurfio ag unrhyw gais gan swyddog monitro eich awdurdod, neu gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru, mewn cysylltiad ag ymchwiliad a wneir yn unol â'u gwahanol bwerau statudol.

7. Rhaid i chi —

(a) yn eich capasiti swyddogol neu fel arall, beidio â defnyddio neu geisio defnyddio eich safle yn amhriodol i roi neu i sicrhau mantais i chi eich hun neu i unrhyw berson arall, neu i greu neu i osgoi anfantais i chi eich hun neu i unrhyw berson arall;

(b) peidio â defnyddio adnoddau eich awdurdod, neu awdurdodi eraill i'w defnyddio—

(i) yn annoeth;

(ii) yn groes i ofynion eich awdurdod;

(iii) yn anghyfreithlon;

(iv) ac eithrio mewn dull a fwriedir i hwyluso neu i ffafrio cyflawni swyddogaethau'r awdurdod neu'r swydd yr ydych wedi eich ethol neu eich penodi iddo neu iddi;

(v) yn amhriodol at ddibenion gwleidyddol; neu

(vi) yn amhriodol at ddibenion preifat.

**8. Rhaid i chi —**

(a) pan fyddwch yn cyfrannu mewn cyfarfodydd neu'n gwneud penderfyniadau ynghylch busnes y mae a wnelo eich awdurdod ag ef, wneud hynny ar sail rhinweddau'r amgylchiadau o dan sylw ac er budd y cyhoedd gan roi sylw i unrhyw gyngor perthnasol a ddarperir gan swyddogion eich awdurdod, ac yn benodol gan —

(i) pennaeth gwasanaeth taledig yr awdurdod;

(ii) prif swyddog cyllid yr awdurdod;

(iii) swyddog monitro'r awdurdod;

(iv) prif swyddog cyfreithiol yr awdurdod (y dylid ymgynghori ag ef pan fo unrhyw amheuaeth ynghylch pwer yr awdurdod i weithredu, ynghylch a yw'r cam a arfaethir yn dod o fewn y fframwaith polisi y cytunwyd arno gan yr awdurdod neu os gallai canlyniadau cyfreithiol gweithredu neu fethu â gweithredu gan yr awdurdod gael ôl-ffeithiau pwysig);

(b) rhoi rhesymau dros bob penderfyniad yn unol ag unrhyw ofynion statudol ac unrhyw ofynion rhesymol ychwanegol a osodir gan eich awdurdod.

**9. Rhaid i chi —**

(a) parchu'r gyfraith a rheolau eich awdurdod sy'n llywodraethu hawlio treuliau a lwfansau mewn cysylltiad â'ch dyletswyddau fel aelod;

(b) osgoi derbyn rhoddion oddi wrth neb, na lletygarwch (ac eithrio lletygarwch swyddogol, megis derbyniad dinesig neu weithio dros ginio, a awdurdodir yn briodol gan eich awdurdod) na buddiannau materol neu wasanaethau i chi eich hun neu i unrhyw berson os byddai gwneud hynny'n eich rhoi o dan rwymedigaeth amhriodol, neu os gallai'n rhesymol ymddangos fel pe bai'n gwneud hynny.

### **RHAN 3 BUDDIANNAU**

#### **Buddiannau Personol**

**10.—(1)** Ym mhob mater rhaid i chi ystyried a oes gennych fuddiant personol, ac a yw'r cod ymddygiad hwn yn ei gwneud yn ofynnol i chi ddatgelu'r buddiant hwnnw.

**(2)** Rhaid i chi ystyried bod gennych fuddiant personol mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef —

(a) os yw'n gysylltiedig â'r canlynol, neu'n debygol o effeithio arnynt —

(i) unrhyw gyflogaeth yr ydych yn ymgymryd â hi neu fusnes yr ydych yn ei redeg;

(ii) unrhyw berson sy'n eich cyflogi neu sydd wedi eich penodi, unrhyw ffyrn yr ydych yn bartner ynddi neu unrhyw gwmni yr ydych yn gyfarwyddwr arno ac yn derbyn tâl;

(iii) unrhyw berson, ac eithrio eich awdurdod, sydd wedi rhoi taliad i chi mewn cysylltiad â'ch ethol neu mewn cysylltiad ag unrhyw dreuliau a dynnwyd gennych wrth i chi gyflawni eich dyletswyddau fel aelod;

(iv) unrhyw gorff corfforaethol y mae ganddo le busnes neu dir yn ardal eich awdurdod, ac y mae gennych chi fuddiant llesiannol mewn dosbarth o warannau sydd gan y corff hwnnw ac sy'n werth mwy na'r gwerth enwol o £25,000 neu un ganfed ran o gyfanswm cyfalaf cyfrannau dyroddedig y corff hwnnw;

(v) unrhyw gontract am nwyddau, gwasanaethau neu waith neu weithfeydd a wnaed rhyngoch chi, rhwng ffyrn yr ydych yn bartner ynddi, neu rhwng cwmni yr ydych yn gyfarwyddwr arno ac yn derbyn tâl, neu rhwng corff o'r math a ddisgrifir yn is-baragraff (iv) uchod a'ch awdurdod;

(vi) unrhyw dir y mae gennych fuddiant llesiannol ynddo ac sydd yn ardal eich awdurdod;

(vii) unrhyw dir y mae eich awdurdod yn landlord arno ac y mae ffyrn yr ydych yn bartner ynddi, cwmni yr ydych yn gyfarwyddwr arno ac yn derbyn tâl, neu gorff o'r math a ddisgrifir yn is-baragraff (iv) uchod yn denant arno;

(viii) unrhyw gorff yr ydych wedi eich ethol, eich penodi neu eich enwebu gan eich awdurdod i fod arno;

(ix) unrhyw —

(aa) awdurdod cyhoeddus neu gorff sy'n arfer swyddogaethau o natur gyhoeddus;

(bb) cwmni, cymdeithas ddiwydiannol a darbodus, elusen, neu gorff arall a chanddo ddibenion elusenol;

(cc) corff y mae dylanwadu ar farn neu bolisi cyhoeddus ymhlith ei brif ddibenion;

(chch) undeb llafur neu gymdeithas broffesiynol; neu

(dd) clwb preifat neu gymdeithas breifat sy'n gweithredu o fewn ardal eich awdurdod,

yr ydych yn aelod ohono neu ohoni neu mewn safle rheolaeth neu reoli cyffredinol ynddo neu ynddi;

(x) unrhyw dir yn ardal eich awdurdod y mae gennych drwydded (ar eich pen eich hun neu ar y cyd ag eraill) i'w feddiannu am 28 o ddiwrnodau neu fwy;

*[Nodyn: Mae is-baragraff (b) wedi ei hepgor.]*

(c) pe byddai'n rhesymol ystyried penderfyniad arno yn benderfyniad a fyddai'n effeithio —

(i) ar eich llesiant neu eich sefyllfa ariannol, neu lesiant neu sefyllfa ariannol person yr ydych yn byw gydag ef, neu unrhyw berson y mae gennych gysylltiad personol agos ag ef;

(ii) ar unrhyw gyflogaeth yr ymgymerir â hi neu fusnes a redir gan bersonau fel a ddisgrifir yn 10(2)(c)(i);

(iii) ar unrhyw berson sy'n cyflogi neu sydd wedi penodi'r cyfryw bersonau ag a ddisgrifir yn 10(2)(c)(i), unrhyw ffyrn y mae'r cyfryw bersonau'n bartneriaid ynddi, neu unrhyw gwmni y maent yn gyfarwyddwyr arno;

(iv) ar unrhyw gorff corfforaethol y mae gan bersonau fel a ddisgrifir yn 10(2)(c)(i) fuddiant llesiannol mewn dosbarth o warannau sy'n werth mwy na'r gwerth enwol o £5,000; neu

(v) ar unrhyw gorff a restrir ym mharagraffau 10(2)(a)(ix)(aa) i (dd) y mae personau a ddisgrifir yn 10(2)(c)(i) mewn safle rheolaeth neu reoli cyffredinol ynddo,

a hynny i raddau mwy—

(aa) yn achos awdurdod â dosbarthiadau etholiadol neu wardiau, na'r rhelyw o bobl eraill sy'n talu'r dreth gyngor, bobl eraill sy'n talu ardrethi neu breswylwyr eraill yn y dosbarth etholiadol neu'r ward, yn ôl y digwydd, y bydd y penderfyniad yn effeithio arnynt; neu

(bb) ym mhob achos arall, na'r rhelyw o bobl eraill sy'n talu'r dreth gyngor, o bobl eraill sy'n talu ardrethi neu breswylwyr eraill yn ardal yr awdurdod.

### **Datgelu Buddiannau Personol**

11.—(1) Pan fydd gennych fuddiant personol mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef ac y byddwch yn bresennol mewn cyfarfod lle y caiff y busnes hwnnw ei ystyried, rhaid i chi ddatgelu ar lafar gerbron y cyfarfod hwnnw fodolaeth a natur y buddiant hwnnw cyn i'r cyfarfod ystyried y busnes neu ar ddechrau'r ystyriaeth, neu pan ddaw'r buddiant i'r amlwg.

(2) Pan fydd gennych fuddiant personol mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef ac y byddwch yn gwneud —

(a) cynrychioliadau ysgrifenedig (p'un ai drwy lythyr, neges ffacs neu ar ryw ffurf arall ar gyfathrebu electronig) i un o aelodau neu o swyddogion eich awdurdod ynghylch y busnes hwnnw, dylech gynnwys manylion am y buddiant hwnnw yn y gyfathrebiaeth ysgrifenedig; neu

(b) cynrychioliadau llafar (p'un ai'n bersonol neu ar ryw ffurf ar gyfathrebu electronig) i un o aelodau neu o swyddogion eich awdurdod dylech ddatgelu'r buddiant ar ddechrau'r cyfryw gynrychioliadau, neu pan ddaw'n amlwg i chi fod gennych fuddiant o'r fath, a chadarnhau'r cynrychioliad a'r buddiant yn ysgrifenedig o fewn 14 o ddiwrnodau ar ôl gwneud y cynrychioliad.

(3) Yn ddarostyngedig i baragraff 14(1)(b) isod, os bydd gennych fuddiant personol mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef ac y byddwch wedi gwneud penderfyniad wrth arfer un o swyddogaethau gweithrediaeth neu fwrdd, rhaid i chi mewn perthynas â'r busnes hwnnw sicrhau bod unrhyw ddatganiad ysgrifenedig ynghylch y penderfyniad hwnnw'n cofnodi bodolaeth a natur eich buddiant.

(4) Rhaid i chi, mewn cysylltiad â buddiant personol nas datgelwyd eisoes, cyn cyfarfod neu'n syth ar ôl diwedd cyfarfod pan ddatgelir y buddiant yn unol ag is-baragraff 11(1), roi hysbysiad ysgrifenedig i'ch awdurdod yn unol ag unrhyw ofynion a nodir gan swyddog monitro eich awdurdod, neu mewn perthynas â chyngor cymuned, swyddog priodol eich awdurdod o bryd i'w gilydd ond, rhaid cynnwys o leiaf —

(a) manylion am y buddiant personol;

(b) manylion am y busnes y mae'r buddiant personol yn gysylltiedig ag ef; ac

(c) eich llofnod.

(5) Pan fydd eich swyddog monitro wedi cytuno bod yr wybodaeth sy'n ymwneud â'ch buddiant personol yn wybodaeth sensitif, yn unol â pharagraff 16(1), mae eich rhwymedigaethau o dan y paragraff 11 hwn i ddatgelu'r cyfryw wybodaeth, p'un ai ar lafar neu'n ysgrifenedig, i'w disodli gan rwymedigaeth i ddatgelu bodolaeth buddiant personol ac i gadarnhau bod eich swyddog monitro wedi cytuno bod y cyfryw fuddiant personol o natur gwybodaeth sensitif.

(6) At ddibenion is-baragraff (4), dim ond os bod hysbysiad ysgrifenedig wedi ei ddarparu yn unol â'r cod hwn ers y dyddiad diwethaf pryd yr etholwyd chi, y penodwyd chi neu yr enwebwyd chi'n aelod o'ch awdurdod y bernir bod buddiant personol wedi ei ddatgelu eisoes.

(7) At ddibenion is-baragraff (3), os na ddarperir hysbysiad ysgrifenedig yn unol â'r paragraff hwnnw bernir na fyddwch wedi datgan buddiant personol yn unol â'r cod hwn.

### **Buddiannau sy'n Rhagfarnu**

12.—(1) Yn ddarostyngedig i is-baragraff (2) isod, os bydd gennych fuddiant personol mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef bydd gennych hefyd fuddiant sy'n rhagfarnu yn y busnes hwnnw os bydd y buddiant yn 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.

(2) Yn ddarostyngedig i is-baragraff (3), nid ystyrir bod gennych fuddiant sy'n rhagfarnu mewn unrhyw fusnes os bydd y busnes hwnnw—

(a) yn gysylltiedig—

(i) ag awdurdod perthnasol arall yr ydych hefyd yn aelod ohono;

(ii) ag awdurdod cyhoeddus arall neu gorff sy'n arfer swyddogaethau o natur gyhoeddus lle yr ydych mewn safle rheolaeth neu reoli cyffredinol;

(iii) â chorff yr ydych wedi cael eich ethol, eich penodi neu eich enwebu gan eich awdurdod i fod arno;

(iv) â'ch rôl fel llywodraethwr ysgol (os na chwsoch eich penodi neu eich enwebu gan eich awdurdod) oni bai bod y busnes yn benodol gysylltiedig â'r ysgol yr ydych yn un o'i llywodraethwyr;

(v) â'ch rôl fel aelod o Fwrdd Iechyd Lleol os na chwsoch eich penodi neu eich enwebu gan eich awdurdod i fod arno;

(b) yn gysylltiedig:

(i) â swyddogaethau tai eich awdurdod os oes gennych denantiaeth neu les gyda'ch awdurdod, ar yr amod nad oes arnoch i'ch awdurdod ôl-ddyledion rhent o fwy na deufis, ac ar yr amod nad yw'r swyddogaethau hynny'n ymwneud yn arbennig â'ch tenantiaeth neu â'ch les;

(ii) â swyddogaethau eich awdurdod mewn cysylltiad â phrydau ysgol, cludiant a threuliau teithio, os ydych chi'n warchodwr, yn rhiant, yn fam-gu neu'n nain neu'n dad-cu neu'n daid, neu os oes gennych gyfrifoldeb rhiant (fel y'i diffinnir yn adran 3 o Deddf Plant 1989) dros blentyn sy'n cael addysg lawnamsr, onid yw'r busnes yn benodol gysylltiedig â'r ysgol y mae'r plentyn hwnnw'n ei mynychu;

(iii) â swyddogaethau eich awdurdod mewn cysylltiad â thâl salwch statudol o dan Ran XI o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992, os ydych yn cael, neu os oes gennych hawl i gael, taliad o'r fath gan eich awdurdod;

“(iv) â swyddogaethau eich awdurdod mewn cysylltiad â lwfans neu daliad a wneir yn unol â darpariaethau Rhan 8 o Fesur Llywodraeth Leol (Cymru) 2011, neu lwfans neu benswng a ddarperir o dan adran 18 o Ddeddf Llywodraeth Leol a Thai 1989;

(c) yn gysylltiedig â'ch rôl fel cyngorydd cymunedol mewn perthynas â grant, benthyciad neu fath arall ar gymorth ariannol a wnaed gan eich cyngor cymuned i gyrff cymunedol neu wirfoddol hyd at uchafswm o £500.

(3) Nid yw'r esemptiadau yn is-baragraff (2)(a) yn gymwys os yw'r busnes yn gysylltiedig â dyfarnu ar unrhyw gymeradwyaeth, cydsyniad, trwydded, caniatâd neu gofrestrriad.

### **Pwyllgorau Trosolygu a Chraffu**

**13.** Bydd gennych hefyd fuddiant sy'n rhagfarnu mewn unrhyw fusnes sydd gerbron un o bwyllgorau trosolygu a chraffu eich awdurdod (neu un o is-bwyllgorau pwyllgor o'r fath) —

(a) os bydd y busnes hwnnw'n gysylltiedig â phenderfyniad a wnaed (p'un a gafodd ei weithredu ai peidio) neu gam a gymerwyd gan weithrediaeth, bwrdd, neu un arall o bwyllgorau, is-bwyllgorau, cyd-bwyllgorau neu o gyd-is-bwyllgorau eich awdurdod; a

(b) os oeddech chi, ar yr adeg pan wnaed y penderfyniad neu pan gymerwyd y cam, yn aelod o'r weithrediaeth, y bwrdd, y pwyllgor, yr is-bwyllgor, y cyd-bwyllgor neu'r cyd-is-bwyllgor a grybwyllir yn is-baragraff (a) a'ch bod chi'n bresennol pan wnaed y penderfyniad hwnnw neu pan gymerwyd y cam hwnnw.

### **Cyfrannu mewn Perthynas â Datgelu Buddiannau**

**14.—(1)** Yn ddarostyngedig i is-baragraffau (2), (2A), (3) a (4), os bydd gennych fuddiant sy'n rhagfarnu mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef rhaid i chi, oni roddwyd i chi ollyngiad gan bwyllgor safonau eich awdurdod —

(a) ymadael â'r ystafell, y siambr neu'r man lle y mae cyfarfod i ystyried y busnes yn cael ei gynnal—

(i) pan fo is-baragraff (2) yn gymwys, yn syth ar ôl i'r cyfnod ar gyfer gwneud cynrychioliadau, ateb cwestiynau neu roi tystiolaeth sy'n ymwneud â'r busnes ddod i ben a beth bynnag cyn i ystyriaeth bellach o'r busnes ddechrau, p'un a ganiateir i'r cyhoedd aros yn bresennol ar gyfer y cyfryw ystyriaeth ai peidio; neu

(ii) mewn unrhyw achos arall, pa bryd bynnag y daw i'r amlwg bod y busnes hwnnw'n cael ei ystyried yn y cyfarfod hwnnw;

(b) peidio ag arfer swyddogaethau gweithrediaeth neu fwrdd mewn perthynas â'r busnes hwnnw;

(c) peidio â cheisio dylanwadu ar benderfyniad ynghylch y busnes hwnnw;

(ch) peidio â gwneud unrhyw gynrychioliadau ysgrifenedig (p'un ai drwy lythyr, neges ffacs neu ar ryw ffurf arall ar gyfathrebu electronig) mewn perthynas â'r busnes hwnnw; a

(d) peidio â gwneud unrhyw gynrychioliadau llafar (p'un ai'n bersonol neu ar ryw ffurf ar gyfathrebu electronig) mewn cysylltiad â'r busnes hwnnw neu rhaid i chi roi'r gorau ar unwaith i wneud y cyfryw gynrychioliadau llafar pan ddaw'r buddiant sy'n rhagfarnu i'r amlwg.

(2) Os oes gennych fuddiant sy'n rhagfarnu mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef cewch fod yn bresennol mewn cyfarfod ond dim ond er mwyn gwneud cynrychioliadau, ateb cwestiynau neu roi tystiolaeth sy'n ymwneud â'r busnes, ar yr amod y caniateir hefyd i'r cyhoedd fod yn bresennol yn y cyfarfod i'r un diben, p'un ai o dan hawl statudol neu fel arall.

(2A) Os oes gennych fuddiant sy'n rhagfarnu mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef cewch gyflwyno cynrychioliadau ysgrifenedig i gyfarfod sy'n ymwneud â'r busnes hwnnw, ar yr amod y caniateir i'r cyhoedd fod yn bresennol yn y cyfarfod at y diben o wneud cynrychioliadau, ateb cwestiynau neu roi tystiolaeth sy'n ymwneud â'r busnes, pa un ai o dan hawl statudol neu fel arall.

(2B) Pan fyddwch yn cyflwyno cynrychioliadau ysgrifenedig o dan is-baragraff (2A), rhaid i chi gydymffurfio ag unrhyw weithdrefn y caiff eich awdurdod ei fabwysiadu ar gyfer cyflwyno cynrychioliadau o'r fath.

(3) Nid yw is-baragraff (1) yn eich rhwystro rhag bod yn bresennol a chyfrannu mewn cyfarfod

(a) os gofynnir i chi fod yn bresennol mewn cyfarfod pwyllgor trosolwg neu graffu, gan y cyfryw bwyllgor ac yntau'n arfer ei bwerau statudol; neu

(b) os oes gennych y fantais o fod gollyngiad wedi ei roi i chi ar yr amod—

(i) eich bod yn datgan yn y cyfarfod eich bod yn dibynnu ar y gollyngiad; a

(ii) eich bod, cyn y cyfarfod neu'n syth ar ôl i'r cyfarfod orffen, yn rhoi hysbysiad ysgrifenedig i'ch awdurdod a bod hwnnw'n cynnwys —

(aa) manylion y buddiant sy'n rhagfarnu;

(bb) manylion y busnes y mae'r buddiant sy'n rhagfarnu'n gysylltiedig ag ef;

(cc) manylion y gollyngiad a'r dyddiad pryd y'i rhoddwyd; a

(chch) eich llofnod.

(4) Os bydd gennych fuddiant sy'n rhagfarnu a'ch bod yn gwneud cynrychioliadau ysgrifenedig neu lafar i'ch awdurdod gan ddibynnu ar ollyngiad, rhaid i chi ddarparu manylion am y gollyngiad o fewn unrhyw gynrychioliad ysgrifenedig neu lafar o'r fath ac, yn yr achos olaf hwn, rhaid i chi ddarparu hysbysiad ysgrifenedig ar gyfer eich awdurdod o fewn 14 o ddiwrnodau ar ôl gwneud y cynrychioliad.

## **RHAN 4 COFRESTR BUDDIANNAU AELODAU**

### **Cofrestru Buddiannau Personal**

15.—(1) Yn ddarostyngedig i is-baragraff (4), rhaid i chi, o fewn 28 o ddiwrnodau ar ôl—

(a) i god ymddygiad eich awdurdod gael ei fabwysiadu neu i ddarpariaethau gorfodol y cod enghreifftiol hwn gael eu cymhwyso i'ch awdurdod; neu

(b) i chi gael eich ethol neu eich penodi i swydd (os digwydd hynny'n ddiweddarach),

gofrestru eich buddiannau personol, os ydynt yn dod o fewn categori a grybwyllir ym mharagraff 10(2)(a), yng nghofrestr eich awdurdod o fuddiannau'r aelodau drwy ddarparu hysbysiad ysgrifenedig ar gyfer swyddog monitro eich awdurdod.

(2) Yn ddarostyngedig i is-baragraff (4), rhaid i chi, o fewn 28 o ddiwrnodau ar ôl dod yn ymwybodol o unrhyw fuddiant personol newydd sy'n dod o fewn categori a grybwyllir ym mharagraff 10(2)(a), gofrestru'r buddiant personol newydd hwnnw yng nghofrestr eich awdurdod o fuddiannau'r aelodau drwy ddarparu hysbysiad ysgrifenedig ar gyfer swyddog monitro eich awdurdod.

(3) Yn ddarostyngedig i is-baragraff (4), rhaid i chi, o fewn 28 o ddiwrnodau ar ôl dod yn ymwybodol o unrhyw newid i fuddiant personol a gofrestrwyd sy'n dod o fewn categori a grybwyllir ym mharagraff 10(2)(a), gofrestru'r newid hwnnw yng nghofrestr eich awdurdod o fuddiannau'r aelodau drwy ddarparu hysbysiad ysgrifenedig ar gyfer swyddog monitro eich awdurdod, neu, yn achos cyngor cymuned, swyddog priodol eich awdurdod.

(4) Nid yw is-baragraffau (1), (2) a (3) yn gymwys i wybodaeth sensitif a benderfynir yn unol â pharagraff 16(1).

(5) Nid yw is-baragraffau (1) a (2) yn gymwys os ydych yn aelod o awdurdod perthnasol sy'n gyngor cymuned pan fyddwch yn gweithredu yn eich capasiti fel aelod o awdurdod o'r fath.

(6) Pan fyddwch yn datgelu buddiant personol yn unol â pharagraff 11 am y tro cyntaf, rhaid i chi gofrestru'r buddiant personol hwnnw yng nghofrestr eich awdurdod o fuddiannau'r aelodau drwy ddarparu hysbysiad ysgrifenedig ar gyfer swyddog monitro eich awdurdod, neu, yn achos cyngor cymuned, swyddog priodol eich awdurdod.

#### **Gwybodaeth sensitif**

**16.—**(1) Os byddwch yn ystyried bod yr wybodaeth sy'n ymwneud ag unrhyw un neu rai o'ch buddiannau personol yn wybodaeth sensitif, a bod swyddog monitro eich awdurdod yn cytuno, nid oes angen i chi gynnwys yr wybodaeth honno pan fyddwch yn cofrestru'r buddiant hwnnw, neu, yn ôl y digwydd, newid i'r buddiant o dan baragraff 15.

(2) Rhaid i chi, o fewn 28 o ddiwrnodau ar ôl i chi ddod yn ymwybodol o unrhyw newid yn eich amgylchiadau sy'n golygu nad yw gwybodaeth sydd wedi ei heithrio o dan is-baragraff (1) mwyach yn wybodaeth sensitif, hysbysu swyddog monitro eich awdurdod, neu mewn perthynas â chyngor cymuned, swyddog priodol eich awdurdod gan ofyn am i'r wybodaeth gael ei chynnwys yng nghofrestr buddiannau aelodau eich awdurdod.

(3) Yn y cod hwn, ystyr "gwybodaeth sensitif" ("*sensitive information*") yw gwybodaeth y mae ei rhoi ar gael i'w harchwilio gan y cyhoedd yn creu, neu'n debygol o greu, risg ddifrifol y gallech chi neu berson sy'n byw gyda chi fod yn destun trais neu fgythion.

#### **Cofrestru Rhoddion a Lletygarwch**

**17.** Rhaid i chi, o fewn 28 o ddiwrnodau ar ôl i chi gael unrhyw rodd, lletygarwch, buddiant materol neu fantais faterol, sy'n fwy na gwerth a bennir mewn penderfyniad gan eich awdurdod, ddarparu hysbysiad ysgrifenedig ar gyfer swyddog monitro eich awdurdod, neu mewn perthynas â chyngor cymuned, swyddog priodol eich awdurdod yn nodi bodolaeth a natur y rhodd honno, y lletygarwch hwnnw, y buddiant materol hwnnw neu'r fantais faterol honno.

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**BRIEFING NOTE FOR CLERKS OF TOWN AND COMMUNITY COUNCILS**  
**The Legal requirements regarding Declaration of Interests by Members**

**A. Background**

The Local Government (Democracy) (Wales) Act 2015 has clarified the position with regard to declaration (oral) and registration (written) of interests by Town and Community Council Members. The aim of this Briefing Note is to summarise those requirements.

**B. The Requirements**

**Appendix 1** includes an extract of advice circulated by One Voice Wales. Clerks are advised to read this advice and to bring it to the attention of their Members.

**(i) A Member's Duty:**

- To comply with the standards set out in their Council's Code of Conduct.
- **Not to use their status to influence any decision which is likely to benefit / disadvantage them (or their close personal associate/s) more than the majority of those living in the ward.**
- To make an oral declaration of a personal\* or prejudicial\*\* interest as and when that interest relates to a matter under consideration. This applies regardless of whether the meeting is formal or informal.
- The requirement to declare personal\* or prejudicial\*\* interests also includes any gift and / or hospitality received if it is connected to the matter under consideration.
- In formal meetings:
  - If a Member declares a personal\*/prejudicial interest\*\* for the first time, the Member must also provide the Clerk with written confirmation of the interest before the end of the meeting.

The written confirmation must include at least, the following:-

- Details of the personal\*/prejudicial\*\* interest;
- Details of the item of business to which the interest relates;
- The signature of the Member.

If the interest is prejudicial\*\*, the Member's written confirmation must also state that he / she left the meeting room and did not participate in the matter.

For convenience, it is recommended that Clerks use a standard document for this registration.

- In the absence of registration, an oral declaration alone will not be sufficient and the Member will be in breach of the Code of Conduct.
- Any changes to personal\*/prejudicial\*\* interests must be confirmed in writing within 28 days of the change having occurred.

(ii) The Clerk's Duty:

- To record any interests registered by Members for the first time at a formal meeting, in the Council's Register of Interests.
- There is no prescribed format for the Register, but using a standard form for every registration and collating them in a single collected file, by date, or by Member, is sufficient. These individual forms then, collectively, constitute the Register.
- To make the Register available for public inspection at all reasonable times, and electronically on the Council's website
- To add any new entries to the Register as soon as reasonably practicable after each meeting.
- To record oral declarations made in meetings, in the minutes, and to ensure those minutes are published, once approved.

(iii) Generally:-

There is no requirement for Town/Community Council Members to complete a standing register of interests i.e. pre-registration of employment/business/land holdings/membership of outside bodies etc. The duty of the Town/Community Members is to declare an interest "there and then" if, and when, it arises in a meeting.

Members also need to bear in mind that they must declare personal\* and prejudicial\*\* interests at informal meetings, and outside the Council, if they are acting in their capacity as Members. The declaration is likely to be oral only, as there will likely be no system for recording such declarations. It may be good practice for Members to keep their own record of any declarations made in such circumstances.

If you have any questions with respect to this Briefing Note, please contact:  
Mared Wyn Yaxley on [mwyys@ynysmon.gov.uk](mailto:mwyys@ynysmon.gov.uk)/01248 752566,  
Lynn Ball on [lbxcs@ynysmon.gov.uk](mailto:lbxcs@ynysmon.gov.uk)/01248 752586 or  
Robyn Wyn Jones on [rwjcs@ynysmon.gov.uk](mailto:rwjcs@ynysmon.gov.uk) / 01248 752134

#### Footnote

- \* Personal Interests – Please refer to the Code of Conduct which contains the definitive list of possible personal interests
- \*\* Prejudicial Interests – These are personal interests which an objective observer would consider so significant that they are likely to compromise a member's ability to act in the public interest



Llywodraeth Cymru  
Welsh Government

[www.gov.wales](http://www.gov.wales)

Statutory Guidance

# Access to Information on Community And Town Councils

May 2015

**OGL**

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**WELSH GOVERNMENT GUIDANCE**

**ACCESS TO INFORMATION ON COMMUNITY  
AND TOWN COUNCILS**

## **Status and Application**

This guidance applies to Community and Town Councils in Wales. It is issued, in part, under section 55 of the Local Government (Democracy) (Wales) Act 2013. Section 55 places duties on local authorities to make certain information available electronically. When carrying out their duties under section 55, Community and Town Councils have a statutory duty to have regard to this guidance.

This guidance also explains further provision made in the Local Government (Democracy) (Wales) Act 2013 concerning public notices, Council meetings and proceedings and registers of members' interests.

## **Background**

1. The Local Government (Democracy) (Wales) Act 2013, referred to as "the Act" throughout this guidance, gained Royal Assent on 30 July 2013. Its primary purpose was to reform the constitution and functions of what is now known as the Local Democracy and Boundary Commission for Wales. The Act, however, introduced various other provisions connected with local government.

2. Sections 55 to 58 of the Act are concerned with access to information, and most particularly, access to information about Community Councils (section 58 applies also to County / County Borough Councils, Fire and Rescue Authorities and National Park Authorities in Wales). For the purposes of this guidance, any reference to a Community Council or Councils includes any Community, Town or City Council which serves a community or grouped community and was established in accord with Part II of the Local Government Act 1972.

3. In summary, the Act requires Community Councils to have websites; to publish notices and papers electronically; and to publish their register of members' interests electronically (those maintained under section 81 of the Local Government Act 2000).

### **Community Council websites – section 55**

4. Section 55 of the Act requires Community Councils to publish electronically information about how to contact it and, if different, its clerk. The information which

must be available electronically includes a telephone number, a postal address and an email address.

5. In addition, the council must publish electronically information about each of its members, including a list of the council's members, each member's name, information about how they may be contacted, party affiliation (if any) and any office held or committee they belong to within the Council. If the community concerned is divided into community wards, the ward each member represents must be shown.

6. The Community Council must also publish electronically the minutes of its meetings and, so far as reasonably practicable, documents referred to at those meetings. They must also publish their annual audited accounts electronically. In both these cases, Councils are only required to publish material produced after the date when section 55 came into force, i.e after 1 May 2015.

Community Councils are not required to publish any information they are prevented from disclosing by any other legislation.

7. In carrying out its duties under Section 55, Community Councils must have regard to this guidance.

#### **Guidance about Community Council websites**

8. It is a decision for each Community Council to take as to whether they will operate their own, independent website, or whether they decide to link up with other Community Councils in their area, or the Principal Council, or some other body which is happy to host their site. It is, however, a requirement that there is a regularly updated website providing the public with the ability to access the information described above.

9. The Welsh Government intends to improve public engagement with local government generally and Community Councils in particular. We feel it necessary for all local authorities to be contactable electronically and to publish information on the Internet. Local residents would expect to be able to have this facility.

10. The majority of Community Councils in Wales already have a presence online and publish information electronically. Community Councils are urged to seek assistance from One Voice Wales, their Principal Council or other reliable sources if they need it to develop their web presence.
11. Under section 55, the Council must publish electronically its telephone number, postal address and e-mail address on the website. Councils should have a generic email address and not use a personal email address, enabling the Clerk to access messages. The information must be available for the Council Clerk if the Council does not have an office address or telephone number. In some cases, the Community Council will have its own, or a share of, offices and the telephone number, postal address and e-mail address for these premises would be appropriate. Councils will be expected, however, to have arrangements to ensure messages are regularly retrieved and responded to.
12. It is not obligatory for individual members to have e-mail addresses. In a Principal Council this would be expected because the Council itself can usually provide e-mail addresses on the Council's site. However, the members' names must be listed and details of how they may be contacted must be available online. Some Councils will wish to place photographs of each member but this is a decision for them.
13. The Act requires that the political affiliation of the members of the Council is published. Some Community Councils choose not to do this at present. However, the public has a right to know the political persuasions of those in elected office or whether they are independent of any group. It is unacceptable for a member to hide their political affiliation.
14. If the Community Council is divided into community wards, the ward the member represents must be published. If they hold office of some sort in the Council or belong to a council committee of some sort, it must be published on the site.
15. Co-opted members should be recorded in the interest of transparency to distinguish them from elected members.

16. Paragraphs 4 to 6 above describe the documents which need to be posted on the website. Councils should develop procedures for keeping their site in good order, with past documents archived for a reasonable period, but easily accessible from the front page.

17. If the Council has a Welsh Language Scheme and its practice under the Welsh Language Scheme is to produce material bilingually, then that applies the same to material that is produced electronically.

18. The Act's provisions should be viewed as outlining the minimum requirements. Many Councils will want to place far more information than this on their webpages and are encouraged to do so. Councils will need to have regard to the Code of Recommended Practice for Local Authority Publicity when considering the appropriateness of what they may wish to publish.  
<http://wales.gov.uk/topics/improving-services/publication-events/publications/local-authority-publicity-wales/?lang=en>

19. We would expect Community Councils to consider community needs including language, communication and accessibility. Attached is a link to Diverse Cymru's website which gives further guidance. <http://www.diverse-cymru.org.uk/>

20. All Community and Town Councils should register with the following website, if you would like Super Fast Broadband to be considered in your local community.  
<http://btsf-wales-uat.lbi.co.uk/home>

#### **Information about meetings and proceedings**

21. Under existing legislation Community Councils are required to post any public notices in one or more conspicuous place within their area, and anywhere else which appears to be desirable for giving publicity to the notice (section 232 of the Local Government Act 1972). The Act places an additional requirement on Community Councils to publish any such notice electronically.

22. Existing legislation requires Community Councils to give notice of forthcoming Council meetings three clear days before the meeting is to be held by displaying a notice in a conspicuous place in the community. The Act places an additional

requirement for such notices to be published electronically. This must be done three clear days before the meeting. There is also a requirement to publish electronically, so far as is reasonably practicable, any documents relating to the business to be transacted at the meeting. This requirement does not apply where the documents relate to business which, in the opinion of the Council, is likely to be transacted in private or where the disclosure of such documents would be contrary to any other legislation.

23. Under Schedule 12 to the Local Government Act 1972 a community meeting may be convened at any time by a group of local government electors amounting to 10% of the local government electors for the community, or 50 of the electors (if 10% exceeds 50 electors). Those convening the meeting must give notice to the Community Council or, if there is no Community Council established in the area, notice must be given to the Principal Council in whose area the community lies. Under the new provisions, notice may be given to the Community Council either in writing or electronically. Where it is given in electronic form the notice must comply with the technical requirements set by the Principal Council.

24. The Act places a requirement on Community Councils and Principal Councils to provide a facility for notices to be given electronically and public notice of the community meeting must be published electronically as well as through traditional mediums.

25. Finally, the Act contains new requirements relating to the registration of members' interests. Section 81 of the Local Government Act 2000 requires a Community Council (as well as other authorities) to maintain and publish a register of members' financial and other interests as are specified in the model code of conduct (prescribed by Order under section 50 of the 2000 Act<sup>1</sup>). Prior to commencement of section 58 of the Act, the register needed to be available for inspection at Council offices at all reasonable hours. Section 58 of the Act requires that the register is also published electronically. In addition, the Act transfers responsibility for establishing and maintaining the register of interests from the principal authority's monitoring officer to the 'proper officer' of each Community Council. The 'proper officer' is the member of the Council's staff designated by the Council for this purpose.

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<sup>1</sup> Currently the 'Local Authorities (Model Code of Conduct) (Wales) Order 2008'

**MEMBERS' DECLARATION OF INTEREST AT MEETINGS**

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

Members are required to complete boxes 1, 2, 3 and 4 below.

**1. The nature of the personal interest is :**

**2. The Council business to which the personal interest relates is :**

**3. Members are required to tick one box**

The personal interest is **not prejudicial\*** and I took part in the item **OR**

The personal interest is **prejudicial\*** and I left the meeting when the item was discussed **OR**

The personal interest is **prejudicial\*** but I have a dispensation

\*A prejudicial interest is a personal interest which is so significant that a well-informed member of the public would reasonably believe that the Member would be unable to act on the matter in the public interest.

**4. Members are required to tick one box and to provide reasons**

I believe my personal interest is **not prejudicial\***  
**Because:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**OR**

I believe my personal interest is **prejudicial\***  
**Because:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signed ..... Date of signature .....

**THIS COMPLETED FORM SHOULD BE HANDED TO A MEMBER OF THE COMMITTEE SERVICES STAFF DURING THE COURSE OF, OR IMMEDIATELY AFTER, THE MEETING**

<b>Cyngor Tref a Chymuned /</b>  <b>Town and Community Council</b>	<b>Ymateb wedi ei dderbyn ?</b> <b>(Do/Na)</b>  <b>Response Received?</b> <b>(Yes/No)</b>	<b>Dyddiad y cyfarfod</b>  <b>Date of Meeting</b>	<b>Copi o'r Cofnodion wedi eu darparu?</b> <b>(Do/Na)</b>  <b>Copy of Minutes supplied?</b> <b>(Yes/No)</b>
Cyngor Cymdeithas <b>Aberffraw</b> Community Council	Do / Yes	19/7/2017	Na. Ni fydd cyfarfod i gadarnhau y munudau wedi cymryd lle erbyn 13/9/2017  No. Meeting to confirm the minutes will not have taken place by 13/9/2017
Cyngor Tref <b>Amlwch</b> Town Council	Do / Yes	25/4/2017	Do / Yes
Cyngor Tref <b>Biwmares / Beaumaris</b> Town Council	Na / No		
Cyngor Cymdeithas <b>Bodedern</b> Community Council	Na / No		
Cyngor Cymdeithas <b>Bodffordd</b> Community Council	Na / No		
Cyngor Cymdeithas <b>Bodorgan</b> Community Council	Na / No		
Cyngor Cymdeithas <b>Bryngwran</b> Community Council	Na / No		
Cyngor Tref <b>Caergybi / Holyhead</b> Town Council	Do / Yes	4/4/2016	Do / Yes
Cyngor Bro <b>Cwm Cadnant</b> Community Council	Na / No		
Cyngor Bro <b>Cylch y Garn</b> Community Council	Na / No		
Cyngor Cymuned <b>Llanbadrig</b>	Do / Yes	15/5/2017	Do / Yes

<b>Cyngor Tref a Chymuned / Town and Community Council</b>	<b>Ymateb wedi ei dderbyn ? (Do/Na) Response Received? (Yes/No)</b>	<b>Dyddiad y cyfarfod Date of Meeting</b>	<b>Copi o'r Cofnodion wedi eu darparu? (Do/Na) Copy of Minutes supplied? (Yes/No)</b>
Community Council			
Cyngor Cymdeithas <b>Llanddaniel-Fab</b> Community Council	Na / No		
Cyngor Cymdeithas <b>Llanddona</b> Community Council	Na / No		
Cyngor Cymdeithas <b>Llanddyfnan</b> Community Council	Na / No		
Cyngor Cymdeithas <b>Llaneilian</b> Community Council	Na / No		
Cyngor Cymuned <b>Llanerchymedd</b> Community Council	Na / No		
Cyngor Cymuned <b>Llaneugrad</b> Community Council	Do / Yes	26/4/2017	Do / Yes
Cyngor Cymdeithas <b>Llanfachraeth</b> Community Council	Na / No		
Cyngor Cymdeithas <b>Llanfaelog</b> Community Council	Na / No		
Cyngor Cymdeithas <b>Llanfaethlu</b> Community Council	Na / No		
Cyngor Cymuned <b>Llanfair Mathafarn Eithaf</b> Community Council	Na / No		
Cyngor Cymdeithas <b>Llanfair yn Neubwll</b> Community Council	Do / Yes	16/5/2017	Do / Yes
Cyngor Cymuned <b>Llanfairpwll</b> Community Council	Na / No		
Cyngor Cymdeithas <b>Llanfihangelesceifiog</b> Community Council	Na / No		
Cyngor Tref <b>Llangefni</b> Town Council	Do / Yes	02/5/2017 + 15/5/2017	Do / Yes

<b>Cyngor Tref a Chymuned / Town and Community Council</b>	<b>Ymateb wedi ei dderbyn ? (Do/Na)  Response Received? (Yes/No)</b>	<b>Dyddiad y cyfarfod  Date of Meeting</b>	<b>Copi o'r Cofnodion wedi eu darparu? (Do/Na)  Copy of Minutes supplied? (Yes/No)</b>
Cyngor Cymdeithas <b>Llangoed a Phenmon / Llangoed and Penmon</b> Community Council	Na / No		
Cyngor Cymdeithas <b>Llangristiolus</b> Community Council	Na / No		
Cyngor Cymdeithas <b>Llanidan</b> Community Council	Na / No		
Cyngor Cymdeithas <b>Mechell</b> Community Council	Na / No		
Cyngor Cymuned <b>Moelfre</b> Community Council	Na / No		
Cyngor Cymuned <b>Penmynydd a Star / Penmynydd and Star</b> Community Council	Na / No		
Cyngor Cymdeithas <b>Pentraeth</b> Community Council	Na / No		
Cyngor Tref <b>Porthaethwy / Menai Bridge</b> Town Council			
Cyngor Cymdeithas <b>Rhoscolyn</b> Community Council	Do / Yes	18/4/2017	Do / Yes
Cyngor Cymuned <b>Rhosybol</b> Community Council	Na / No		
Cyngor <b>Rhosyr</b> Council	Do / Yes	30/5/2017	Do / Yes
Cyngor Bro <b>Trearddur</b> Community Council	Do / Yes	15/5/2017	Do / Yes
Cyngor Cymdeithas <b>Tref Alaw</b> Community Council	Na / No		

<b>Cyngor Tref a Chymuned / Town and Community Council</b>	<b>Ymateb wedi ei dderbyn ? (Do/Na)  Response Received? (Yes/No)</b>	<b>Dyddiad y cyfarfod  Date of Meeting</b>	<b>Copi o'r Cofnodion wedi eu darparu? (Do/Na)  Copy of Minutes supplied? (Yes/No)</b>
Cyngor Bro <b>Trewalchmai</b> Community Council	Do / Yes	15/5/2017	Do / Yes
Cyngor Cymuned <b>Y Fali / Valley</b> Community Council	Na / No		

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CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
<b>COMMITTEE:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>13 September 2017</b>
<b>REPORT TITLE:</b>	<b>Annual Review of the Registers</b>
<b>PURPOSE OF THE REPORT:</b>	<b>To Agree the Process and Timetable</b>
<b>REPORT BY:</b>	<b>Head of Function (Council Business)/Monitoring Officer</b>
<b>LINK OFFICER:</b>	Lynn Ball Head of Function (Council Business)/Monitoring Officer <a href="mailto:lbxcs@anglesey.gov.uk">lbxcs@anglesey.gov.uk</a> 01248 752586

## 1. BACKGROUND

Aside from 2016-17, when the Standards Committee focused entirely on the register of interests held by town and community councils, the Committee has conducted an annual review of the three registers of interests held by the County Council in relation to its members.

As there are 30 elected members, the usual arrangement has been for the independent members of the Standards Committee to review the registers of any six elected members, selected at random.

The Registers are:-

- “Standing” Register i.e. pre-registration of reasonably foreseeable interests in specified categories. The standard form is attached at <http://www.anglesey.gov.uk/council-and-democracy/councillors-democracy-and-elections/councillors/councillors-and-voting-co-opted-members-declarations-of-interest/>
- Declarations in Meetings. The standard form is attached at **ENCLOSURE 1**. A briefing note has also been published to members in relation to [personal and prejudicial interests](#).
- Gifts and Hospitality. The standard form is attached at **ENCLOSURE 2**. A briefing note has also been published to members in relation to [gifts and hospitality](#)

Each of the three Registers is available online for the public but in summary format only. The full documents are also available to the public on request, and to the Committee, should they be required. The Standing Register and Gifts and Hospitality Register are available to members to complete in electronic format only. The Register of Declarations in Meetings is available to members only in paper format.

Originally, this process of review was undertaken as a “desk top” exercise only with members of the Committee having regard to a general advice note (now updated) at **ENCLOSURE 3** and elected members receiving prior notice of the review. The last such letter sent to members, in advance of the most recent review, was on the 25<sup>th</sup> November 2015 **ENCLOSURE 4**. Members will recall that, in the past two reviews, while undertaking most of the work on a “desk top” basis, Committee members also contacted elected members direct where they required any explanation or clarification regarding specific entries in the Registers.

Following the most recent review, the Standards Committee instructed officers to issue generic advice to members. A copy of that most recent generic advice is at **ENCLOSURE 5**.

## 2. RECOMMENDATION

1. That the independent members of the Standards Committee undertake a review of the three registers of members’ interests, with the numbers to be divided equally and the names to be selected randomly;
2. That the independent members of the Standards Committee undertake a review of the registers of interests of the co-opted members of the Scrutiny Committees and the Audit and Governance Committee;
3. That once appointed, the new Town and Community Council members of the Standards Committee undertake a review of the interests of the independent members of the Standards Committee;
4. The process of review in 1 and 2 above shall begin on ..... (a date to be agreed by the Standards Committee) and shall come to an end by .... (a date to be agreed by the Standards Committee) and that as soon as possible after the deadline for completion, the independent members of the Standards Committee shall meet informally to discuss the findings of the review;
5. At least one month prior to the start date of the review, the Monitoring Officer shall write to all elected members and co-opted members of the Council to advise them that the review is to take place, to ensure any updates are completed, and to confirm that they may be contacted by members of the Standards Committee to discuss their individual declarations of interest;
6. Following informal discussion by the Standards Committee, a letter shall be circulated to all members confirming the outcome of the review, within a timeframe to be agreed at the informal meeting referred to in paragraph 4 above. Such general advice shall be published on the agenda of the next available Standards Committee thereafter and any general matters shall be raised by the Chair of the Standards Committee at the next available meeting of the Group Leaders following the review.

**MEMBERS' DECLARATION OF INTEREST AT MEETINGS**

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

Members are required to complete boxes 1, 2, 3 and 4 below.

**1. The nature of the personal interest is :**

**2. The Council business to which the personal interest relates is :**

**3. Members are required to tick one box**

The personal interest **is not prejudicial\*** and I took part in the item **OR**

The personal interest **is prejudicial\*** and I left the meeting when the item was discussed **OR**

The personal interest **is prejudicial\*** but I have a dispensation

\*A prejudicial interest is a personal interest which is so significant that a well-informed member of the public would reasonably believe that the Member would be unable to act on the matter in the public interest.

**4. Members are required to tick one box and to provide reasons**

I believe my personal interest **is not prejudicial\***  
**Because:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**OR**

I believe my personal interest **is prejudicial\***  
**Because:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signed .....

Date of signature .....

**THIS COMPLETED FORM SHOULD BE HANDED TO A MEMBER OF THE COMMITTEE SERVICES STAFF DURING THE COURSE OF, OR IMMEDIATELY AFTER, THE MEETING**

## 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	

## REVIEW OF THE REGISTERS - GENERAL ADVICE NOTE (JULY 2017)

The review documents will include the following:-

1. **The Standing Register** – This appears online at:

<http://www.anglesey.gov.uk/council-and-democracy/councillors-democracy-and-elections/councillors/councillors-and-voting-co-opted-members-declarations-of-interest/>

This register is only available for members to complete online.

1.1 This is completed within 28 days of election and then updated as and when changes occur. An annual letter is sent to all members to remind them of the requirements in the Code of Conduct which expects members to update this Register within 28 days of any material change to the relevant interests.

1.2 One concern has been the anomalies between membership of outside bodies, as recorded by the Council, when compared with declarations of membership of outside bodies as made by some members. The Council's current list of outside bodies, including a list of school governors, appears online at:

<http://democracy.anglesey.gov.uk/mgListOutsideBodies.aspx?bcr=1&LLL=0>.

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

It also came to the attention of the Committee that some members had not been completing section 1.6 of the form setting out the address of any land (including their homes) in which they have a beneficial interest.

2. **The Register of Declarations of Interests at Meetings** – This appears online at:

<http://democracy.anglesey.gov.uk/mgMemberIndex.aspx?bcr=1&LLL=0>

This register is only available for members to complete on paper.

2.1 You may wish to express a view as to whether or not the data provided in these forms has yet improved as a result of the said forms having been revised by the Standards Committee and publication of the briefing note on [personal and prejudicial interests](#).

2.2 Does your review indicate whether or not some members are having difficulty with the form? If so, is there any further advice that you might wish to issue?

- 2.3 It also became apparent, in past reviews, that some members were not always providing a clear enough description of their land holdings. Members need to provide an accurate and full description of parcels of land and property holdings, and the same principle can be extended to buildings.
- 2.4 Is there any indication that members are still declaring interests that are not relevant? In undertaking the analysis of previous declarations of interests at meetings etc. it was discovered that the forms generally seemed to be a “bit rushed” and sometimes quite illegible and it was felt that members should be making more of an effort to complete them in a way that will make sense to the reader (i.e. a member of the public without specific knowledge or expertise of the code). Generally, as a matter of principle, these forms should “stand alone” for the public to understand what the interest is and how it relates to, and is linked with, the agenda item under consideration; and whether it is a personal interest, or personal and prejudicial interest, thereby resulting in the member needing to leave the meeting.
- 2.5 It was also found that some members were 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. This created the impression that some members may not have properly addressed 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.
- 2.6 Are members providing enough information about what the interest is and how it relates to agenda items? If you wish to look at this issue in more depth, then agendas, reports and minutes are available on the Council’s website at <http://democracy.anglesey.gov.uk/ieDocHome.aspx?Categories=-13004&bcr=1&LLL=0> The Standards Committee may wish to view those for comparison/reconciliation against declarations in meetings?
- 2.7 Are there any changes that you wish to suggest to the form in order to assist members or to improve clarity or transparency for the public?
- 2.8 During previous audits it was discovered that some members were declaring interests at meetings but then neglecting to complete the declaration of interest at meetings form. Members are required to complete these forms and submit them to the relevant committee officer before the end of the meeting at which the interest is declared.
3. **Register of Gifts and Hospitality** - This appears online at:  
<http://democracy.anglesey.gov.uk/mgListGifts.aspx?bcr=1&LLL=0>
- This register is only available for members to complete online.
- 3.1 Declarations must be made within 28 days of any gift or hospitality having been received above the £20 limit.

- 3.2 You are asked to review the registrations to see whether there is compliance with the [Protocol](#). Is sufficient information being provided? Are the registrations timely? Do you think the form provides sufficient clarity and transparency? Can you suggest any further improvements or advice that needs to be issued to members?
- 3.3 Of concern may be the fact that so few registrations have been made, particularly with regards to hospitality. You may wish to issue a reminder to members about the expectations.

23/11/2015

Dear Councillor/Co-opted Member

**REVIEW OF THE REGISTERS OF INTERESTS BY THE STANDARDS COMMITTEE**

I write to remind you that the Standards Committee will soon be carrying out its annual review of the Registers in respect of declarations of interests by Councillors / Co-opted Members, which are held by the Council.

Before the review takes place, during January/February 2016 the opportunity is given to Councillors and Co-opted Members to look at their details in the Registers and to check them for completeness and accuracy. You will appreciate that any changes must be notified within 28 days of the change having occurred.

The 3 Registers are now available on line and can be accessed by the following link :-  
<http://www.anglesey.gov.uk/council-and-democracy/councillors-democracy-and-elections/councillors/councillors-and-voting-co-opted-members-declarations-of-interest/>

In order to assist, I enclose a copy of the e-mail sent to you on 13 April 2015 confirming the findings and recommendations from the last review.

Therefore, I should be obliged if you would check your entries in the registers and update them if appropriate. It is compulsory that all updates to the Standing Register, and Register of Gifts and Hospitality, are updated via the Mod Gov system, while any updates to the Register of Interests in Meetings will need to be done via the Committee Section. The Standards Committee will also be reviewing Members' training records and annual reports.

Yours sincerely

Mike Wilson  
Cadeirydd y Pwyllgor Safonau / Chair of the Standards Committee  
Cyngor Sir Ynys Môn / The Isle of Anglesey County Council  
Document: CC-017471-AP/286453

**Medwen Jones**

**From:** Dafydd Humphreys  
**Sent:** 13 April 2015 13:33  
**To:** Aelodau GW6  
**Cc:** Michael Wilson  
**Subject:** Y Tair Cofrestr o Ddiddordebau Aelodau / The Three Registers of Members' Interests

Annwyl Gyngorydd,

Fel y gwyddoch mae'r Pwyllgor Safonau yn cynnal adolygiad blynyddol o'r tair Cofrestr o Ddiddordebau Aelodau. Mae'r Pwyllgor Safonau yn credu mai ei swyddogaeth yw cynorthwyo Cyngorwyr i gydymffurfio â'u dyletswyddau yn hytrach 'na chwilio am gangymeriadau, ac rydym yn gobeithio bydd argymhellion yr adolygiad yn ddefnyddiol i chi.

Diolch am eich cymorth a'ch cefnogaeth gyda'r adolygiad, ac am ddiweddarau eich ffurflenni pan yn angenrheidiol cyn i'r adolygiad gael ei gynnal.

Yn dilyn yr adolygiad eleni, mae'r pwyllgor yn gofyn i chi roi sylw dyledus i'r casgliadau cyffredinol sydd fel a ganlyn:-

### **Y Gofrestr Sefydlog**

1. Rydym yn atgoffa Aelodau yn benodol i sicrhau bod eu cyfeiriadau a'u daliadau tir wedi eu disgrifio yn glir yn rhan 1.6 o'r gofrestr. Os nad oes gan Aelod diddordeb mewn tir yna dylai nodi 'Dim' neu 'Dim diddordeb' ar y gofrestr.
2. Mae'n bwysig hefyd i Aelodau ddatgelu eu haelodaeth o gyrff cyhoeddus eraill, elusennau a chymdeithasau. Dylai Aelodau nodi enw a chyfeiriad llawn y gyrff/elusennau y maent yn aelodau ohonynt.
3. Mae yna hefyd anghysondebau o ran aelodaeth o gyrff allanol, fel y cofnodwyd gan y Cyngor, a'r rheini a ddatganwyd; nid ydynt yn cael eu datgan yn y ffurflenni bob amser er eu bod yn cael eu rhestru ar "dudalen flaen" pob Cyngorydd. Gellir gweld enghraifft o "dudalen flaen" Cyngorydd ar y ddolen a ganlyn:-  
<http://democratiaeth.ynysmon.gov.uk/mgUserInfo.aspx?UID=650&LLL=1>
4. Pan fo Aelodau yn datgan diddordeb busnes nid ydynt yn rhoi digon o wybodaeth ynglŷn â natur y diddordeb busnes.

### **Datgan diddordebau mewn cyfarfodydd**

1. Mae yna lawer o enghreifftiau o Aelodau yn ticio'r blwch i ddweud fod ganddynt diddordeb ond nid ydynt yn rhoi manylion am y diddordeb. Mae angen rhoi manylion am beth yw'r diddordeb a hefyd a yw'r diddordeb yn un personol neu'n un sydd yn rhagfarnus neu'r ddau.
2. Nid yw Aelodau yn rhoi digon o wybodaeth am natur y diddordeb a sut mae'n ymwneud â'r eitemau ar y rhaglen. Mae angen bod yn fwy eglur yn hyn o beth;
3. Mae yna ddatganiadau diddordeb anghyson yn cael eu gwneud mewn gwahanol gyfarfodydd gan yr un Aelod ynghylch yr un mater. Mae Aelodau weithiau yn pleidleisio mewn rhai cyfarfodydd

ac ymatal mewn rhai eraill pan mae'r un mater yn cael ei drafod. Mae hyn yn awgrymu diffyg dealltwriaeth. Os nad yw Aelod yn sicr a oes yna ddidordeb sydd angen ei ddatgelu, dylai'r Aelod ofyn am gyngor.

4. O bryd i'w gilydd, mae Aelodau yn datgan diddordeb mewn cyfarfodydd ar lafar, ond ddim yn cwblhau'r gwaith papur. Bydd angen cwblhau'r ffurflen ar gyfer datgan diddordeb mewn cyfarfod bob tro lle mae diddordeb fel hyn yn cael ei ddatgan ar lafar, gan nid yw yn ddigon i ddatgan diddordeb ar lafar yn unig.

5. Mae rhai datganiadau'n parhau i gael eu gwneud heb fod raid, er enghraifft, datganwyd diddordeb gan un Aelod pan nad oedd yn bresennol yn y cyfarfod.

### **Cofrestr o roddion a lletygarwch**

Ychydig iawn o ddatganiadau sydd yn cael eu gwneud ynghylch rhoddion a lletygarwch a gwahoddir Aelodau i ailymgyfarwyddo gyda'r Protocol ar gyfer Rhoddion a Lletygarwch:- <http://www.ynysmon.gov.uk/cyngor-a-democratiaeth/cynghorwyr-democratiaeth-ac-etholiadau/cyfansoddiad/cyfansoddiad-rhan-5-codau-a-phrotocolau/cyfansoddiad-59-protocol-ar-roddion-a-lletygarwch?redirect=false>

### **Hyfforddiant**

Mae'r Pwyllgor Safonau wedi nodi bod sawl Aelod wedi methu â dod i ddigon o sesiynau hyfforddiant eleni.

Mae'r casgliadau yma yn gosod allan y canlyniadau cyffredinol o'r adolygiad, ond mi fydd aelodau o'r Pwyllgor Safonau yn cysylltu gydag ambell Aelod Etholedig yn uniongyrchol lle bydd angen, er mwyn sicrhau fod yr Aelodau yna yn diweddarau eu datganiadau lle teimlwyd fod problem wedi codi yn ystod yr adolygiad. Os gwelwch yn dda a fuasech felly yn barod i drafod eich cofrestr gyda'r Pwyllgor Safonau rhag ofn bod un ohonynt yn cysylltu gyda chi.

Mae'r pwyllgor yn gwerthfawrogi eich bod i gyd yn brysur iawn ac yn ymwybodol mai dim ond un o nifer o'r tasgau y mae'n rhaid i chi roi sylw iddynt yw hon. Fodd bynnag, rydym yn gobeithio fod yr argymhellion uchod o gymorth i arbed amser i Aelodau oherwydd fod gwella safon y ffurflenni, gyda gobaith, yn osgoi cyflwyno cwynion di sail sy'n draul ar amser.

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Dear Councillor,

As you know, the Standards Committee conducts an annual review of the three Registers of Members' Interests. The Standards Committee believe their role is to assist councillors to comply with their duties, not to look for errors, and we hope that you will find the recommendations from the review helpful.

Thank you for your support and assistance with the review, and for updating your forms where necessary prior to the review being conducted.

Following this year's review, the Committee asks that you have due regard to its general findings, which are as follows:-

### **The Standing Register**

1. We would remind Members specifically to ensure that their addresses and land holdings are clearly described in section 1.6 of the register. If a Member has no interest in land they should enter 'None' or 'No Interest' on the register.

2. It is also important that Members disclose their membership of other public bodies, charities and associations. Members should provide the full name and address of organisations/charities of which they are members.

3. There are also inconsistencies in terms of membership of external organisations between those listed by the Council and those declared by individual members; they are not always recorded on the forms although they are listed on every Councillor's "front page". An example of a Councillor's "front page" can be found via the following link:-

<http://democracy.anglesey.gov.uk/mgUserInfo.aspx?UID=650&LLL=0>

4. Where members are declaring a business interest they're not providing enough information on what the business interest is.

### **Declaration of interests in meetings**

1. There are many examples of Members ticking the box to declare an interest but not providing details of that interest. Details are required of the nature of the interest and whether that interest is a personal or a prejudicial interest or both.

2. Members do not provide sufficient information regarding the nature of the interest and how it relates to the items on the agenda. Greater clarity is required in this respect.

3. Inconsistent declarations of interest are made in various meetings by the same Member on the same matter. Members occasionally vote in some meetings and abstain in others when the same matter is being discussed. This suggests a lack of understanding. If Members are unsure as to whether they have a declarable interest they should seek advice.

4. Members occasionally declare an interest orally at meetings but do not complete the paperwork. The form needs to be completed for declarations of interest at every meeting where such an interest is declared orally, as oral declarations of interest alone are not sufficient.

5. Some interests are continuing to be declared unnecessarily, for example, one Member declared an interest when he was not present at the meeting.

### **Register of Gifts and Hospitality**

Few declarations are made with regard to gifts and hospitality and members are invited to re-familiarise themselves with the Protocol of Gifts and Hospitality:-

<http://www.anglesey.gov.uk/council-and-democracy/councillors-democracy-and-elections/constitution/constitution-part-5-codes-and-protocols/constitution-59-protocol-on-gifts-and-hospitality/>

### **Training**

The Standards Committee has observed that several members have failed to attend sufficient training this year.

These findings set out the general conclusions of the review but Members of the Standards Committee will be contacting some elected Members direct, if needed, in order to ensure that they update their declarations where it is felt that a problem has arisen during the review. Would you therefore please be ready to discuss your register with the Standards Committee in case one of them contacts you.

The Committee appreciates that you are all very busy and is aware that this task is only one of a number that you have to address. However, we hope that the above recommendations will assist in saving time for Members as improving the standard of the forms will hopefully avoid groundless and time consuming complaints.

Yn Gywir / Regards

Mike Wilson

Cadeirydd y Pwyllgor Safonau /Chair of the Standards Committee,  
Cyngor Sir Ynys Môn / The Isle of Anglesey County Council  
Document: CC-017471-AP/257200

<b>CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>COMMITTEE:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>13 September 2017</b>
<b>REPORT TITLE:</b>	<b>Independent Member – Casual Vacancy</b>
<b>PURPOSE OF THE REPORT:</b>	<b>Update on the recruitment process</b>
<b>REPORT BY:</b>	<b>Head of Function (Council Business)/Monitoring Officer</b>
<b>LINK OFFICER:</b>	<b>Lynn Ball Head of Function (Council Business)/Monitoring Officer <a href="mailto:lbxcs@anglesey.gov.uk">lbxcs@anglesey.gov.uk</a> 01248 752586</b>

## 1. BACKGROUND

A casual vacancy has arisen for an independent member of the Standards Committee.

The recruitment of independent members must follow a statutory process, which requires a Selection Panel.

The Selection Panel must consist of three county councillors, one town/community councillor and one independent member of the public. None of those on the Selection Panel may also be members of the Standards Committee.

The Council has appointed three county councillors to the Selection Panel and the town/community council member has been appointed following a process of nomination/selection by the town/community councils. However, it has proven more challenging to appoint a member of the public to the panel. A process of public advertisement (**ENCLOSURE 1**) did not generate any applicants, the former member was not able to undertake the role as she no longer met the eligibility criteria and our neighbouring county councils had not appointed an independent member to their selection panels. In the circumstances, following discussion by the Council's Senior Leadership Team, a direct approach was made and an appointment made.

Since then, it has been proven difficult to fix the first meeting of the Selection Panel. Owing to continuing availability issues, we are now proceeding with a quorate Panel of four members (to include the town/community councillor and the independent member), which will meet on the 20<sup>th</sup> September 2017.

## 2. THE WORK OF THE SELECTION PANEL

On the 20<sup>th</sup> of September 2017 the Selection Panel will meet to approve the advertising process, the application form and guidance, and a date will be fixed for the Panel to meet again, to draw up a short list.

Short listed candidates will then be invited for interview by the Panel on a date/s to be agreed.

The [Selection Panel Agenda and Report papers](#) will be published on 13<sup>th</sup> September 2017.

Following the interview process, and receipt of references, the Panel will make an appointment; although it will be subject to ratification by full Council at its meeting on 12 December 2017.

### **3. RECOMMENDATION**

The Standards Committee has no role in the appointment and this report is provided to update the Committee as to the current status and anticipated date for completion of the process.



**CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL**

**GWAHODDIR CEISIADAU AM AELOD I  
WASANAETHU AR BANEL I DDEWIS  
AELODAU NEWYDD AR GYFER  
PWYLLGOR SAFONAU'R CYNGOR**

Yn dilyn ymddiswyddiad un Aelod, mae Cyngor Sir Ynys Môn yn bwriadu penodi aelod annibynnol o'r cyhoedd i fod ar ei Bwyllgor Safonau.

Ond yn gyntaf bydd raid i'r Cyngor sefydlu Panel Dethol ac arno dri chynghorydd sir, un cynghorydd tref/cymuned ac un aelod annibynnol o'r cyhoedd.

**Felly rydym yn gwahodd y cyhoedd sydd eisiau cael eu penodi fel aelodau annibynnol o'r Panel Dethol i gyflwyno cais ac :-**

- sydd wedi eu cofrestru i bleidleisio yn Ynys Môn;
- sy'n dymuno bod yn aelod annibynnol o'r Panel Dethol;
- sydd yn bodloni'r gofynion perthnasol a hynny'n cynnwys profiad o recriwtio a dewis a hefyd sydd gyda gwybodaeth am faterion cyfleon cyfartal;
- sydd yn annibynnol yn wleidyddol a heb unrhyw gyswllt gyda'r Cyngor;
- sydd ar gael i fynychu cyfarfodydd yn Swyddfeydd y Cyngor, Llangefni er mwyn:
  - dewis aelod annibynol er mwyn llenwi'r swydd wag gyfredol;
  - dewis aelodau annibynnol newydd er mwyn llenwi unrhyw swyddi gwag achlysurol pellach cyn 17.12.2019; a
  - dewis aelodau annibynnol newydd i fod ar y Pwyllgor Safonau o 17.12.2019 pan fydd y tymor presennol yn dod i ben.

**APPLICATIONS INVITED FOR  
MEMBERSHIP OF A PANEL TO CHOOSE  
NEW MEMBERS OF THE COUNCIL'S  
STANDARDS COMMITTEE**

Following the resignation of one Member, The Isle of Anglesey County Council intends to appoint an independent member of the public to its Standards Committee.

To do so the Council must establish a Selection Panel of three county councillors, one town or community councillor and one independent member of the public.

**Applications are therefore invited from members of the public who wish to be appointed as the independent member of this Selection Panel, and who :-**

- are registered to vote on Anglesey;
- wish to be appointed as the independent member of the Selection Panel;
- meet the relevant criteria, including current experience of recruitment and selection and knowledge of equal opportunities issues;
- are politically independent and have no connection to the Council; and
- are available to attend meetings at the Council Offices in Llangefni to:
  - Select a new independent member to fill the current vacancy;
  - To select new independent members to fill any further casual vacancy before 17.12.2019; and
  - To select new independent members to the Standards Committee from 17.12.2019 when the current term ends.

Ni fydd tâl am y gwaith ond telir rhai costau yn unol â chynllun y Cyngor Sir.

The appointment will not be remunerated but certain expenses will be payable in accordance with the County Council's scheme.

Gallwch gael ffurflen gais a manylion am y broses trwy gysylltu â Miss Lynn Ball, Pennaeth Swyddogaeth (Busnes y Cyngor) / Swyddog Monitro, Swyddfeydd y Cyngor, Llangefni, Ynys Môn LL77 7TW. Ffôn 01248 752586

An application form and further details may be obtained from Miss Lynn Ball, Head of Function (Council Business)/Monitoring Officer, County Council Offices, Llangefni, Isle of Anglesey LL77 7TW. Phone No. 01248 752586.

**Bydd raid dychwelyd y ffurflenni wedi eu cwblhau i'r Cyngor erbyn 5 o'r gloch dydd Mawrth, 28 Chwefror 2017.**

**Completed forms must be received by the Council no later than 5pm on Tuesday, 28 February 2017.**

Polisi'r Cyngor yw hyrwyddo ac integreiddio Cyfleon cyfartal ym mhob agwedd ar ei waith ac felly mae'n gwahodd ac yn annog ymgeiswyr o'r grwpiau hynny sydd, ar hyn o bryd, wedi eu tangynrychioli – ac yn cynnwys merched, lleiafrifoedd ethnig a phobl gydag anableddau. Yn y broses defnyddir egwyddorion cystadleuaeth deg ac agored a phenodir yn ôl gallu a rhinweddau'r unigolyn yn seiliedig ar gais ysgrifenedig yn unig. Ni fydd cyfweiliadau yn cael eu cynnal.

The policy of the County Council is to promote and integrate equality of opportunity into all aspects of its work. The Council therefore welcomes and encourages applications from groups currently under represented, including women, ethnic minorities and people with disability. The principles of fair and open competition will apply and the appointment will be made on merit as demonstrated by the written application alone. No interviews will be conducted.

**Bydd yr ymgeisydd llwyddiannus yn cael ei ddewis yn fuan ym mis Mawrth 2017. Rhoddir gwybod i'r holl ymgeiswyr cyn gynted ag y bo'n bosib ar ôl hynny.**

**Selection is due to take place in early March 2017. All candidates will be notified in writing as soon as possible thereafter.**

Croeso i chi ddelio gyda'r Cyngor yn Gymraeg neu'n Saesneg.  
Cewch yr un safon o wasanaeth yn y ddwy iaith.

You are welcome to deal with the Council in Welsh or English.  
You will receive the same standard of service in both languages.

<b>CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>COMMITTEE:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>13 September 2017</b>
<b>REPORT TITLE:</b>	<b>Vacant Standards Committee Seats – Town/Community Council Members</b>
<b>PURPOSE OF THE REPORT:</b>	<b>To advise the Standards Committee on the current status of recruitment / appointment</b>
<b>REPORT BY:</b>	<b>Head of Function (Council Business)/Monitoring Officer</b>
<b>LINK OFFICER:</b>	<b>Lynn Ball Head of Function (Council Business)/Monitoring Officer <a href="mailto:lbxcs@anglesey.gov.uk">lbxcs@anglesey.gov.uk</a> 01248 752586</b>

## 1. BACKGROUND

The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 states that:-

“The term of office of a member of a local authority standards committee who is a community council member shall be no longer than the period until the next ordinary elections for the community council of which he or she is a member following his or her appointment to the standards committee”.

The local elections having taken place in May 2017, the term of office of Councillor John Roberts (Llanfairpwll Community Council) and Councillor John Chorlton (Holyhead Town Council), as the community council representatives on the Standards Committee, automatically elapsed requiring that the County Council embark on a fresh selection process.

The legislation requires only one town/community council representative on the Standards Committee. However, this County Council has decided that it requires two, so as to ensure that it always has a representative in the event of a conflict of interest arising (e.g. if the representative is a member of the town/community council under consideration).

The final appointment must be confirmed by the County Council following a process of nomination and selection involving all the town and community councils.

## **2. PROCESS TO DATE**

In order to collect details of nominees, a letter was sent to all the town and community council clerks on the 31<sup>st</sup> May 2017 explaining the context and the process. A copy of that letter is attached at **ENCLOSURE 1**.

An application form was provided with a request that details of nominations be received by the County Council by no later than 5pm on the 31<sup>st</sup> July 2017, with each town/community council invited to nominate one candidate only.

By the deadline of the 31<sup>st</sup> July 2017, seven nominations had been received and these were circulated to all town/community council clerks on the 4<sup>th</sup> August 2017. The email/letter is at **ENCLOSURE 2**. Each town/community council has been asked to vote for a maximum of two of the seven candidates on the ballot paper to be completed and returned to the County Council by no later than 5pm on the 29<sup>th</sup> September 2017.

## **3. PROCESS TO FOLLOW**

Once the deadline of 5pm on 29<sup>th</sup> September 2017 has passed, the Chairman of the County Council, and the Chairman of the Standards Committee, will oversee the counting and if there is an equality of votes for more than the two candidates required, then the Chairman of the Council will make the selection by the drawing of lots.

Following this process, the candidates will be informed, as will all the town and community councils. The appointments will then have to be formally confirmed by the County Council. It is anticipated that this will happen at the next ordinary meeting of the County Council on the 12<sup>th</sup> December 2017. However, if there is an extraordinary meeting in the interim then that meeting may well be utilised for the purpose of confirming the appointments. The appointments will continue until the 8<sup>th</sup> May 2022, or earlier, if one/both of those appointed no longer meet the eligibility criteria.

## **4. RECOMMENDATION**

For information

**ATODIAD/ENCLOSURE 1**

**BUSNES Y CYNGOR / COUNCIL BUSINESS**

**LYNN BALL LL.B., (Hons.) Cyfreithiwr/Solicitor  
PENNAETH SWYDDOGAETH (BUSNES Y CYNGOR) /  
SWYDDOG MONITRO  
HEAD OF FUNCTION (COUNCIL BUSINESS) /  
MONITORING OFFICER**

CYNGOR SIR YNYS MON /  
ISLE OF ANGLESEY COUNTY COUNCIL  
Swyddfa'r Sir / Council Offices  
LLANGFNI  
Ynys Môn / Anglesey  
LL77 7TW

I Clercod holl Cyngorau Tref a Cymuned  
To all Clerks Town and Community Councils

31/5/2017

DX: 701771 – LLANGFNI

ffôn / tel: (01248) 752586  
ffacs / fax: (01248) 752132  
E-Bost – E-mail: [LBXCS@anglesey.gov.uk](mailto:LBXCS@anglesey.gov.uk)

Ein Cyf – Our Ref. LB/MWJ/CC-019937-MWY  
Eich Cyf – Your Ref.

Annwyl Glerc

Dear Clerk

**PWYLLGOR SAFONAU -  
CYNRYCHIOLWYR Y CYNGHORAU TREF  
A CHYMUNED AR Y PWYLLGOR**

**STANDARDS COMMITTEE - TOWN AND  
COMMUNITY COUNCIL  
REPRESENTATIVES ON THE  
COMMITTEE**

Yn unol â Rheoliadau Llywodraeth Leol (Pwyllgorau Safonau, Ymchwiliadau, Gollyngiadau ac Atgyfeirio) (Cymru) (Diwygio) 2016: "Ni fydd tymor aelod o bwyllgor safonau awdurdod lleol sy'n aelod o gyngor cymuned yn parhau am gyfnod a fydd yn hwy na'r cyfnod **tan yr etholiadau arferol nesaf ar gyfer y cyngor cymuned** y mae ef neu hi yn aelod ohono yn dilyn ei benodiad/ei phenodiad i'r pwyllgor safonau." (18A(1)) (fy mhwyslais i).

In accordance with The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016: "The term of office of a member of a local authority standards committee who is a community committee member shall be no longer than the period **until the next ordinary elections for the community council** of which he or she is a member following his or her appointment to the standards committee." (18A(1)) (my emphasis).

Wrth gwrs, cynhaliwyd yr etholiadau lleol ym mis Mai 2017 ac o'r herwydd mae tymor y Cynghorwyr John Roberts (Cyngor Cymuned Llanfairpwll) a John Chorlton (Cyngor Tref Caergybi) fel aelodau o'r Pwyllgor Safonau, bellach wedi dod i ben. O'r herwydd, rhaid i'r Cyngor Sir gynnal

Local elections have, of course, taken place in May 2017 and so the term of office of Councillors John Roberts (Llanfairpwll Community Council) and John Chorlton (Holyhead Town Council), as members of the Standards Committee, have now ended. The County Council must therefore

CC-019937-MWY/377501

proses ddethol o'r newydd.

Yn ôl y ddeddfwriaeth, dim ond un Cynghorydd Tref/Cymuned sydd ei angen fel cynrychiolydd ar y Pwyllgor Safonau. Fodd bynnag, mae'r Cyngor Sir hwn wedi penderfynu ei fod angen dau er mwyn sicrhau bod ganddo gynrychiolaeth bob amser petai gwrthdrawiad diddordeb yn codi (e.e. bod y cynrychiolydd yn aelod o'r Cyngor Tref / Cymuned sydd dan ystyriaeth). Ar y sail hon, dim ond un enw gaiff bob Cyngor Tref / Cymuned ei gyflwyno.

**Os hoffai eich Cyngor chi enwebu un o'i aelodau etholedig i wasanaethu ar y Pwyllgor Safonau, gofynnwn os gwelwch yn dda i chi drefnu i'r ffurflen gais dydd ynghlwm gael ei llenwi a'i dychwelyd i mi erbyn 5pm ar 31 Gorffennaf 2017.**

Bydd yr holl ffurflenni cais a dderbynnir (p'un ai ar bapur neu'n electronig) erbyn y dyddiad cau, yn cael eu rhannu gyda'r holl Gyngorau Tref a Chymuned a fydd wedyn yn cael cyfle i bleidleisio, drwy'r post, am yr ymgeiswyr y maent yn eu ffafrio.

Bydd y broses yn cael ei goruchwyllo gan Gadeirydd y Cyngor a Chadeirydd Annibynnol y Pwyllgor Safonau. Os ceir yr un nifer o bleidleisiau ar gyfer mwy na dau ymgeisydd, bydd Cadeirydd y Cyngor yn dewis drwy bleidlais.

Bydd canlyniad y broses yn cael ei rannu a'r holl glercod yn cael gwybod.

Bydd cyfnod y penodiad yn parhau hyd at yr etholiadau arferol nesaf ar gyfer y Cyngor Tref/Cymuned y mae'r ymgeisydd llwyddiannus yn aelod ohono. Gellir penodi aelod o Gyngor Tref/Cymuned ar y Pwyllgor Safonau am hyd at ddau dymor. Nodwch os gwelwch nad yw Cynghorwyr Sir cyfredol a phobl sy'n gweithio ar hyn o bryd i Gyngor Sir Ynys Môn yn gymwys i gael eu

embark on a fresh selection process.

The legislation only requires one Town/Community Councillor representative on the Standards Committee. However, this County Council has decided that it requires two, so as to ensure that it always has a representative in the event of a conflict of interest arising (e.g. if the representative is a member of the Town/Community Council under consideration). On this basis, a maximum of only one name may be put forward by each Town/Community Council.

**If your Council would like to nominate one of its elected members to sit on the Standards Committee then we ask that you please arrange for the attached application form to be completed and returned to me by 5pm on 31 July 2017.**

All application forms received (whether on paper or electronically) by the deadline will be shared with all Town and Community Councils, who will then be given an opportunity to vote, by post, for their two preferred candidates.

The process will be overseen by the Chairman of the Council and the Independent Chairman of the Standards Committee. In the event of an equality of votes for more than two candidates, the Chairman of the Council will make the selection by ballot.

The outcome of the process will be shared and all clerks will be informed.

The period of appointment will be until the next ordinary elections for the Town/Community Council of which the successful applicant is a member. A Town/Community Council member on the Standards Committee may be appointed for up to two terms. Please note that current County Councillors and current employees of the Isle of Anglesey County Council are

henwebu.

not eligible to be nominated.

Telir cydnabyddiaeth am y rôl hon yn unol â'r Cynllun Lwfansau i Aelodau'r Cyngor.

The role is remunerated in accordance with the Council Members' Allowances Scheme.

**Felly, i grynhoi, os hoffech enwebu rhywun i wasanaethu ar y Pwyllgor Safonau, sicrhewch os gwelwch yn dda fy mod yn derbyn eu ffurflen enwebu wedi ei chwblhau erbyn 5pm ar 31 Gorffennaf 2017 fan bellaf.**

**So, to recap, if you would like to put forward a nominee to sit on the Standards Committee please ensure that I receive their completed nomination form by no later than 5pm on 31<sup>st</sup> July 2017.**

Os oes gennych unrhyw gwestiynau, ffoniwch neu anfonwch e-bost ataf - 01248 752586 / [lynnball@ynysmon.gov.uk](mailto:lynnball@ynysmon.gov.uk)

If you have any queries please telephone or email me on 01248 752586 / [lynnball@anglesey.gov.uk](mailto:lynnball@anglesey.gov.uk)

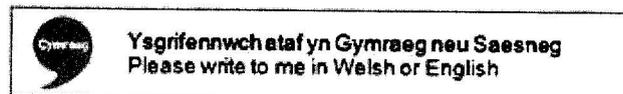
Diolch o galon

Many thanks

Cofion

Regards

Lynn Ball  
Pennaeth Swyddogaeth (Busnes y Cyngor) / Swyddog Monitro  
Head of Function (Council Business) / Monitoring Officer



Nodwch y bydd yr Uned Gyfreithiol a Chwiliadau Tir ond ar gael i dderbyn galwadau ffôn rhwng 10 y bore a hanner dydd a dau a pedwar yn y pŵern o hyn ymlaen. Os oes mater gwirioneddol frys y tu allan i'r oriau yma dylwch anfon e-bost i'r unigolyn gan gynnwys "BRYN" yn y llinell destun.

Note that the Legal and Land Charges Section will only answer phone calls between 10am and noon and 2 and 4 pm from now on. If a matter is truly urgent outside of these hours then send an email to the individual containing the word "URGENT" in the subject line.



CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL

## Pwyllgor Safonau

Ar gyfer Aelodaeth o'r Pwyllgor Safonau –  
Cynghorwyr Tref a Chymuned

Gofynnir i ymgeiswyr gwblhau Rhan 1 o'r ffurflen hon, a Rhan 2 a Rhan 3 fel y mae'r ymgeisydd yn ystyried yn briodol.

### Rhan 1: YR YMGEISYDD

Enw Llawn: \_\_\_\_\_

(Rhowch enw'r Cynghorydd Tref/Cymuned sy'n dymuno cyflwyno cais)

Enwebwyd gan: \_\_\_\_\_

(Rhowch enw'r Cyngor Tref/Cymuned y mae'r ymgeisydd yn aelod ohono)

Gwybodaeth gyswllt: \_\_\_\_\_

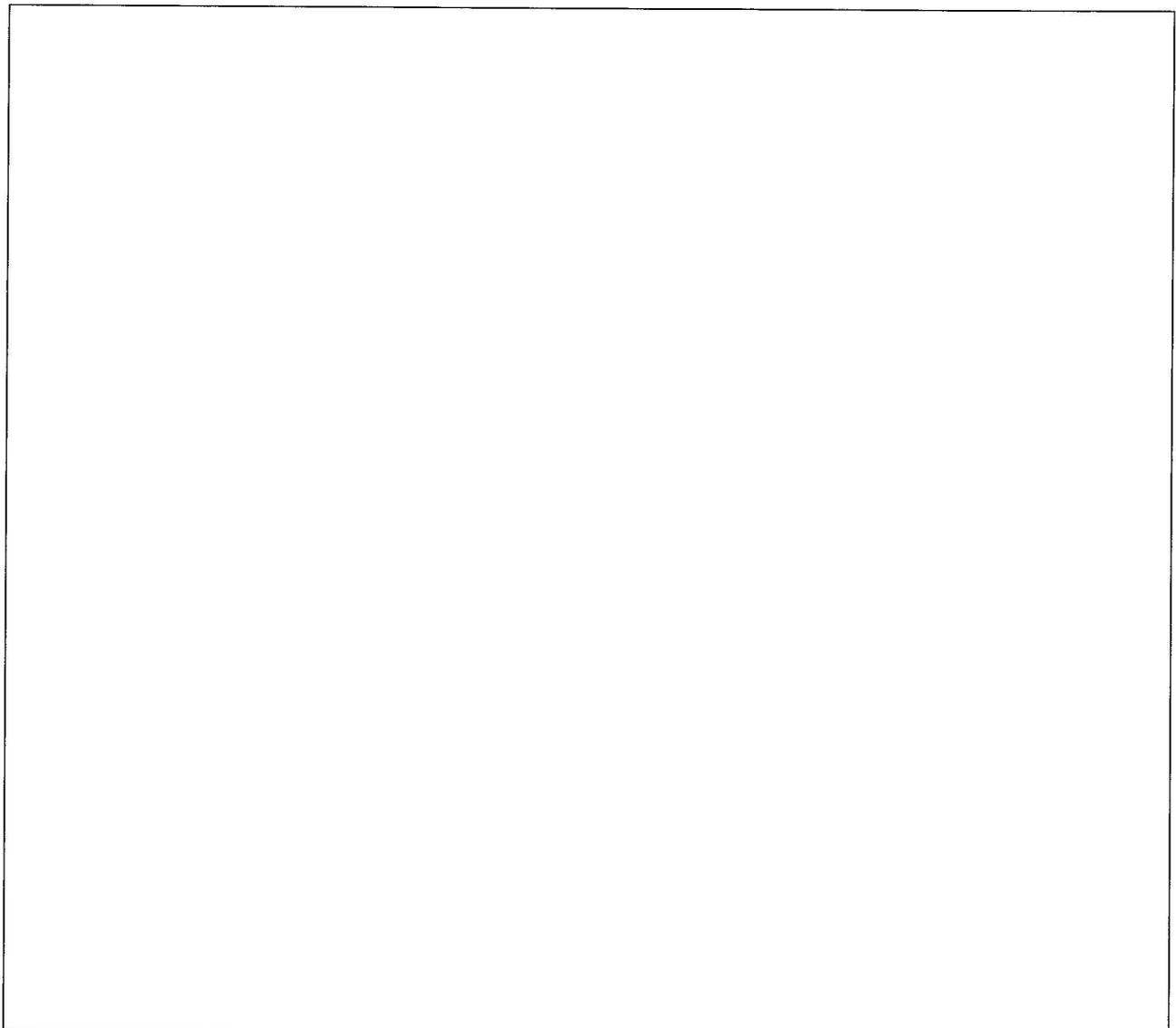
(Rhowch enw a chyfeiriad cyswllt Clerc y Cyngor Tref/Cymuned sy'n gwneud yr enwebiad)

## Rhan 2 : GWYBODAETH BERTHNASOL

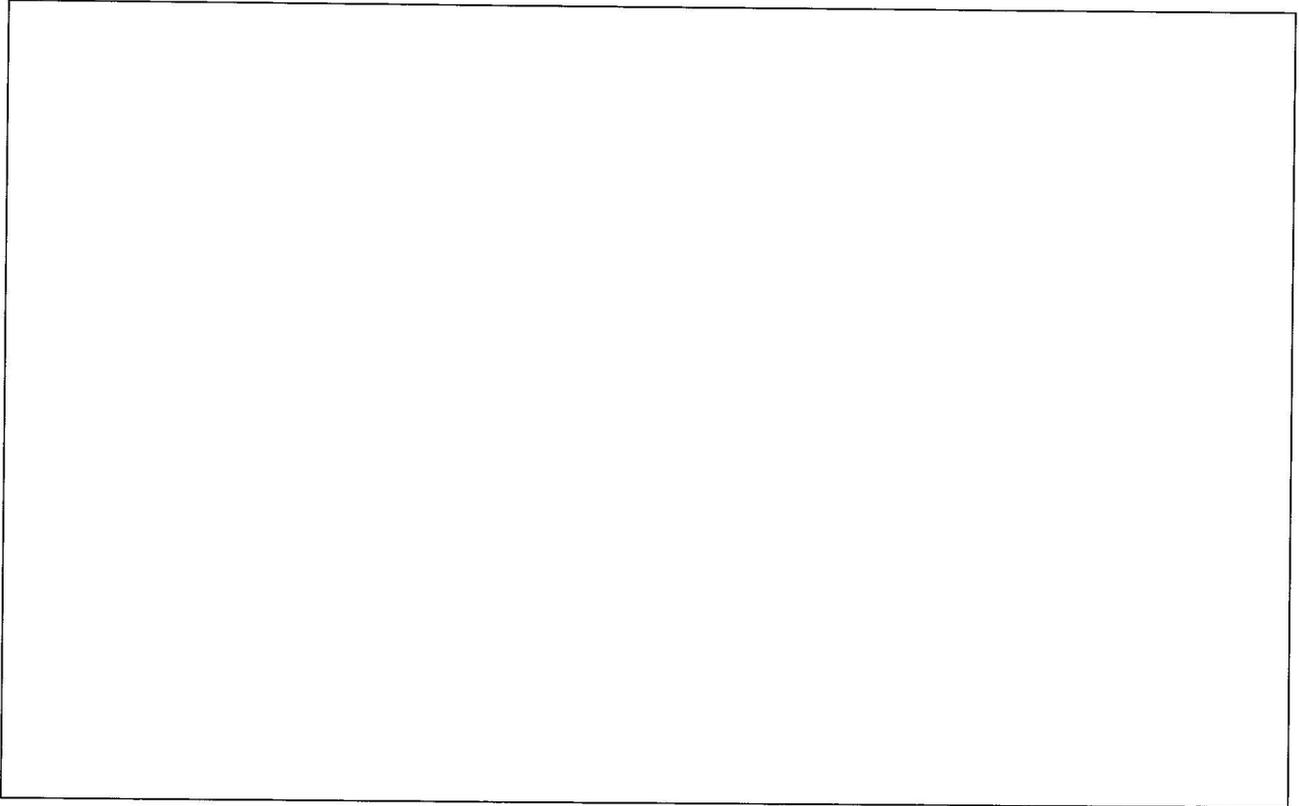
### 2.1 Profiad

**Gofynnir i ymgeiswyr ddarparu unrhyw wybodaeth y dymument ei rhannu, ynglŷn â'u haddysg, hyfforddiant, profiad neu sgiliau y credent eu bod yn berthnasol i waith y Pwyllgor Safonau, fel y'i disgrifir yn yr atodiad.**

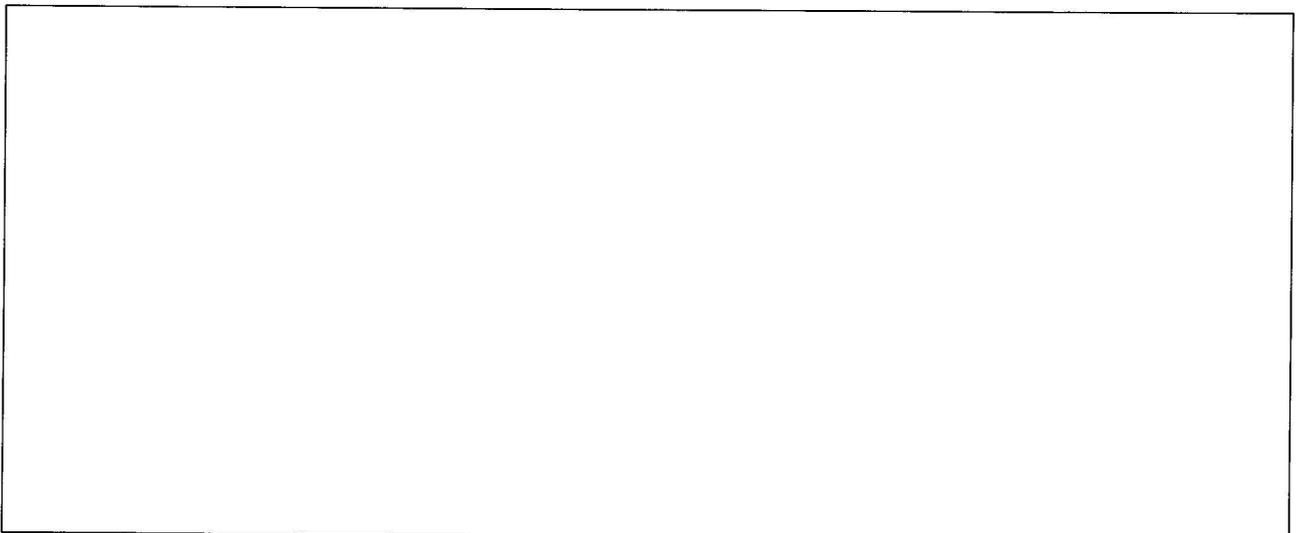
2.1.1 Rhowch fanylion am wybodaeth perthnasol, fel y disgrifir ym mharagraff 2.1 uchod, a gafwyd drwy gyflogaeth, neu hunangyflogaeth; pa un ai yn y sector preifat, sector cyhoeddus, neu'r ddau.



2.1.2 Rhowch fanylion am wybodaeth perthnasol, fel y disgrifir ym mharagraff 2.1 uchod, a gafwyd heblaw am drwy gyflogaeth. Er enghraifft, fel llywodraethwr ysgol, mewn sefydliad gwirfoddol, elusennol neu grefyddol, neu mewn cyd-destun arall.



**Rhan 3 : Os oes unrhyw wybodaeth ychwanegol y dymuna'r ymgeisydd ei rhannu, mewn perthynas â'u haddasrwydd ar gyfer y swyddogaeth hon, rhowch fanylion isod.**



#### **Rhan 4 : NODIADAU AR GYFER YR YMGEISYDD/CLERC**

1. Ar ôl ei chwblhau, anfonwch y ffurflen hon at Lynn Ball, Pennaeth Swyddogaeth (Busnes y Cyngor)/Swyddog Monitro, Adain Gyfreithiol, Cyngor Sir Ynys Môn, Llangefni LL77 7TW erbyn 5pm ar 31 Gorffennaf 2017.
2. Yn anffodus, ni fydd ceisiadau hwyr yn cael eu hystyried.
3. Rhennir yr wybodaeth a gynhwysir yn y ffurflen hon â'r holl Gyngorau Tref/Cymuned eraill, fel eu bod yn gallu asesu addasrwydd yr holl ymgeiswyr yn ystod y broses bleidleisio drwy'r post.

Bydd enwau unrhyw ymgeisydd/ymgeiswyr nad ydynt yn dymuno cyflwyno gwybodaeth yn Rhan 2 neu Ran 3 y ffurflen yn cael eu cynnwys ar y ffurflen bleidleisio drwy'r post serch hynny.

4. Unwaith y bydd y dyddiadau cau wedi bod, bydd yr holl geisiadau a dderbyniwyd yn cael eu cydnabod drwy gysylltu â'r Clerc perthnasol a bydd yr holl ohebiaeth ynglŷn â'r ceisiadau'n cael ei gwneud drwy'r Clercod.

#### **Nodwch, os gwelwch yn dda**

Ni fydd enwebiadau gan unrhyw a gyflogir gan y Cyngor Sir ar hyn o bryd, neu sy'n aelod etholedig o'r Cyngor Sir, yn cael eu hystyried.

Ni chaniateir derbyn enwebiadau gan unrhyw Gyngorydd sydd eisoes wedi gwasanaethu am ddau dymor yn olynol fel cynrychiolydd Tref/Cymuned ar y Pwyllgor Safonau.



CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL

## Standards Committee

For Membership of the Standards Committee – Town/Community  
Councillors

Applicants are asked to please complete Part 1 of this form, and Part 2 and Part 3 as applicants consider appropriate.

### Part 1: THE APPLICANT

Full Name: \_\_\_\_\_

(Please insert name of the Town/Community Councillor wishing to submit an application)

Nominated by: \_\_\_\_\_

(Please insert name of the Town/Community Council of which the applicant is a member)

Contact information: \_\_\_\_\_

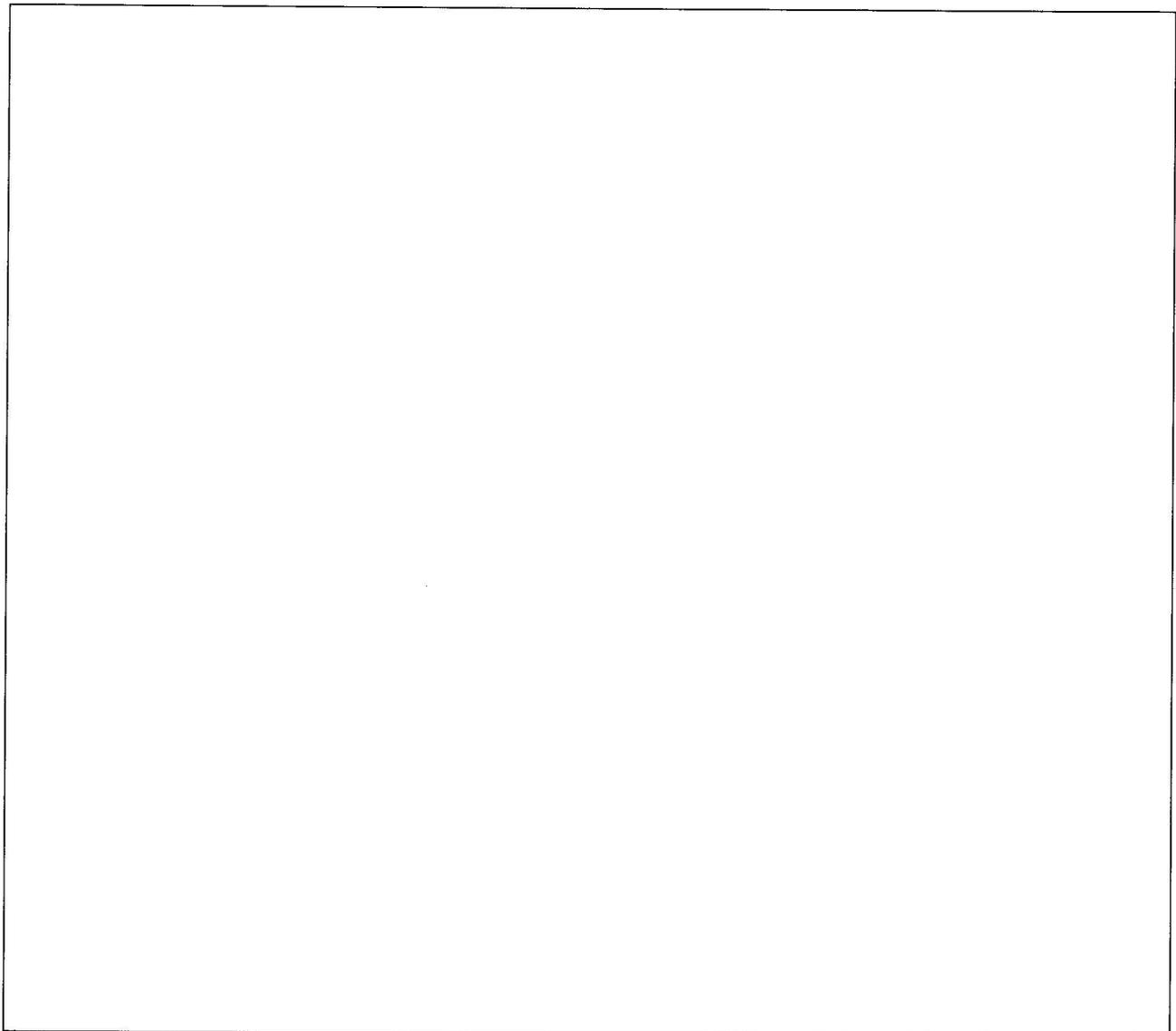
(Please insert name and preferred contact details of the Clerk to the nominating Town/Community Council)

**Part 2 : RELEVANT INFORMATION**

**2.1 Experience**

**Applicants are asked to please provide any information they would like to share, concerning their education, training, experience or skills which they believe may be relevant to the work of the Standards Committee as described on the attachment.**

- 2.1.1 Please provide details of relevant information, as described in paragraph 2.1 above, gained through employment, or self-employment; whether in the private sector, public sector, or both.



2.1.2 Please provide details of relevant information, as described in paragraph 2.1 above, gained other than through employment. For example, as a school governor, in a voluntary, charitable or religious organisation, or in some other context.

**Part 3 : ADDITIONAL INFORMATION**

**If there is any other information, which applicants would like to share, as to their suitability for this role, then please provide details below.**

#### **Part 4 : NOTES FOR THE APPLICANT/CLERK**

1. When completed, please return this form to Lynn Ball, Head of Function (Council Business)/Monitoring Officer, Legal Section, Isle of Anglesey County Council, Llangefni LL77 7TW to be received by 5pm on 31<sup>st</sup> July 2017.
2. Regrettably, late applications cannot be considered.
3. The information contained in the completed form will be shared with all other Town/Community Councils, in order to enable them to assess the suitability of all applicants during the postal voting process.

Any applicant/s who does not wish to provide the information in Part 2 or Part 3 of the form will still have their names included on to the postal ballot form.

4. Once the deadline has passed, all applications received will be acknowledged to the relevant Clerk and all communication regarding the applications will be conducted through the Clerks.

#### **Please note**

Nominations cannot be considered from anyone who is currently an employee, or an elected member, of the County Council.

Nominations cannot be accepted by any Councillor who has already served two consecutive terms as a Town/Community Council representative on the Standards Committee.

BUSNES Y CYNGOR / COUNCIL BUSINESS

LYNN BALL LL.B., (Hons.) Cyfreithiwr/Solicitor  
PENNAETH SWYDDOGAETH (BUSNES Y CYNGOR) /  
SWYDDOG MONITRO  
HEAD OF FUNCTION (COUNCIL BUSINESS) /  
MONITORING OFFICER

Clerc/Clerk  
Cyngor Cymuned Rhoscolyn a Lloneugrad  
Community Council

CYNGOR SIR YNYS MÔN /  
ISLE OF ANGLESEY COUNTY COUNCIL  
Swyddfa'r Sir / Council Offices  
LLANGFNI  
Ynys Môn / Anglesey  
LL77 7TW

DX: 701771 – LLANGFNI

ffôn / tel: (01248) 752586  
ffacs / fax: (01248) 752132  
E-Bost – E-mail: LBXCS@anglesey.gov.uk

4/8/2017

Ein Cyf – Our Ref. LB/MWJ/CC-019937-MWY  
Eich Cyf – Your Ref.

Annwyl Clerc

Dear Clerk

**Aelodau Cyngor Tref/Cymuned o  
Pwyllgor Safonau Cyngor Sir Ynys Môn**

**Town/Community Council Members of  
the Isle of Anglesey County Council's  
Standards Committee**

Cyfeiriad at ein llythyr dyddiedig 31 Mai  
2017. Mae'r enwebiadau isod yn awr wedi  
dod i law mewn perthynas â'r ddwy sedd  
wag i gynrychiolwyr o Gyngorau Tref /  
Cymuned ar Bwyllgor Safonau Cyngor Sir  
Ynys Môn:-

Further to our letter of the 31<sup>st</sup> May 2017,  
the following nominations have now been  
received in relation to the two Town /  
Community Council vacancies on the Isle of  
Anglesey County Council's Standards  
Committee:-

Y Cyngorydd/Councillor W J Chorlton  
Cyngor Tref Caergybi/Holyhead Town Council

Y Cyngorydd/Councillor Roger Dobson  
Cyngor Cymuned Llanbadrig Community Council

Y Cyngorydd/Councillor Iorwerth Roberts  
Cyngor Cymuned Bryngwran Community Council

Y Cyngorydd/Councillor Keith Roberts  
Cyngor Cymuned Trearddur Community Council

Y Cyngorydd/Councillor Ken Taylor  
Cyngor Cymuned Y Fali/Valley Community Council

Y Cyngorydd/Councillor Gordon Warren  
Cyngor Tref Amlwch Town Council

Y Cyngorydd/Councillor Stanley Zalot  
Cyngor Tref Biwmares Town Council

Gwahoddir pob Cyngor Tref a Chymuned yn awr i ddewis y ddau ymgeisydd y maent yn eu ffafrio cyn i'r penodiadau gael eu cadarnhau'n ffurfiol gan y Cyngor Sir. Daw'r apwyntiadau i rym o dyddiad y penodiad hyd at 8 Mai 2022 neu am y cyfnod y bydd y sawl a benodir yn parhau i fod yn Gynghorwyr Tref/Cymuned.

Each Town and Community Councils is now invited to select their two preferred candidates, before the appointments are formally confirmed by the County Council. The appointments will be effective from the date of appointment up to the 8<sup>th</sup> May 2022; or for as long as those appointed remain Town/Community Councillors.

Byddir yn pleidleisio trwy gyfrwng pleidlais bost ac rydym yn amgáu'r papur pleidleisio ynghyd â chopïau o'r ceisiadau a dderbyniwyd gan bob un o'r saith ymgeisydd. Sicrhewch os gwelwch yn dda bod eich Chyngor yn dewis y ddau ymgeisydd y mae'n eu ffafrio ac yna'n dychwelyd y papur pleidleisio i ni erbyn dim hwyrach na 5pm ar 29 Medi 2017.

Voting will be by postal ballot and we attach the ballot paper together with copies of the applications received from each of the seven candidates. Please ensure that your Council chooses its two preferred candidates, and then return the completed ballot paper to us no later than 5pm on 29<sup>th</sup> September 2017.

Mae croeso i chi ddychwelyd y papur pleidleisio drwy'r post i'r Pennaeth Swyddogaeth (Busnes y Cyngor)/Swyddog Monitro, Adain Gyfreithiol, Cyngor Sir Ynys Môn, Swyddfeydd y Cyngor, Llangefni, Ynys Môn LL77 7TW neu drwy anfon e-bost at [medwenjones@ynysmon.gov.uk](mailto:medwenjones@ynysmon.gov.uk)

You are welcome to return the ballot paper by post to the Head of Function (Council Business)/Monitoring Officer, Legal Section, Isle of Anglesey County Council, Council Offices, Llangefni, Anglesey LL77 7TW or by email to [medwenjones@anglesey.gov.uk](mailto:medwenjones@anglesey.gov.uk)

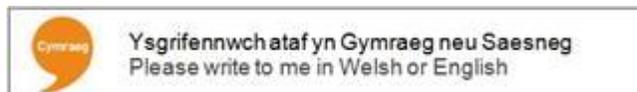
Diolch

Thank you

Cofion

Regards

Lynn Ball  
Pennaeth Swyddogaeth (Busnes y Cyngor) / Swyddog Monitro  
Head of Function (Council Business) / Monitoring Officer



**From:** Lynn Ball

**Sent:** 04 August 2017 16:30

**To:** Clercod Holl Cynghorau Tref a Cymuned Clerks Town and Community Councils

**Subject:** FW: Aelodau Cyngor Tref/Cymuned o Pwyllgor Safonau Cyngor Sir Ynys Môn / Town/Community Council Members of the Isle of Anglesey County Council's Standards Committee (19937)

Cyfeiriaf at ein llythyr dyddiedig 31 Mai 2017. Mae'r enwebiadau isod yn awr wedi dod i law mewn perthynas â'r ddwy sedd wag i gynrychiolwyr o Gynghorau Tref/Cymuned ar Bwyllgor Safonau Cyngor Sir Ynys Môn:-

Y Cynghorydd W J Chorlton – Cyngor Tref Caergybi  
Y Cynghorydd Roger Dobson – Cyngor Cymuned Llanbadrig  
Y Cynghorydd Iorwerth Roberts – Cyngor Cymuned Bryngwran  
Y Cynghorydd Keith Roberts – Cyngor Cymuned Trearddur  
Y Cynghorydd Ken Taylor – Cyngor Cymuned Y Fali  
Y Cynghorydd Gordon Warren – Cyngor Tref Amlwch  
Y Cynghorydd Stanley Zalot – Cyngor Tref Biwmares

Gwahoddir pob Cyngor Tref a Chymuned yn awr i ddewis y ddau ymgeisydd y maent yn eu ffafrio cyn i'r penodiadau gael eu cadarnhau'n ffurfiol gan y Cyngor Sir. Daw'r apwyntiadau i rym o dyddiad y penodiad hyd at 8 Mai 2022 neu am y cyfnod y bydd y sawl a benodir yn parhau i fod yn Gynghorwyr Tref/Cymuned.

Byddir yn pleidleisio trwy gyfrwng pleidlais bost ac rydym yn amgáu'r papur pleidleisio ynghyd â chopïau o'r ceisiadau a dderbyniwyd gan bob un o'r saith ymgeisydd. Sicrhewch os gwelwch yn dda bod eich Chyngor yn dewis y ddau ymgeisydd y mae'n eu ffafrio ac yna'n dychwelyd y papur pleidleisio i ni erbyn dim hwyrach na 5pm ar 29 Medi 2017.

Mae croeso i chi ddychwelyd y papur pleidleisio drwy'r post i'r Pennaeth Swyddogaeth (Busnes y Cyngor)/Swyddog Monitro, Adain Gyfreithiol, Cyngor Sir Ynys Môn, Swyddfeydd y Cyngor, Llangefni, Ynys Môn LL77 7TW neu drwy anfon e-bost at [medwenjones@ynysmon.gov.uk](mailto:medwenjones@ynysmon.gov.uk)

Diolch

Cofion

-----

Further to our letter of the 31<sup>st</sup> May 2017, the following nominations have now been received in relation to the two Town/Community Council vacancies on the Isle of Anglesey County Council's Standards Committee:-

Councillor W J Chorlton – Holyhead Town Council  
Councillor Roger Dobson – Llanbadrig Community Council  
Councillor Iorwerth Roberts – Bryngwran Community Council  
Councillor Keith Roberts – Trearddur Community Council  
Councillor Ken Taylor – Valley Community Council  
Councillor Gordon Warren – Amlwch Town Council  
Councillor Stanley Zalot – Beaumaris Town Council

Each Town and Community Councils is now invited to select their two preferred candidates, before the appointments are formally confirmed by the County Council. The appointments will be effective from the date of appointment up to the 8<sup>th</sup> May 2022; or for as long as those appointed remain Town/Community Councillors.

Voting will be by postal ballot and we attach the ballot paper together with copies of the applications received from each of the seven candidates. Please ensure that your Council chooses its two preferred candidates, and then return the completed ballot paper to us no later than 5pm on 29<sup>th</sup> September 2017.

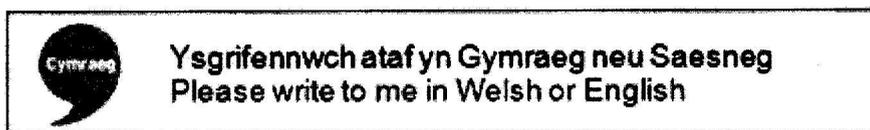
You are welcome to return the ballot paper by post to the Head of Function (Council Business)/Monitoring Officer, Legal Section, Isle of Anglesey County Council, Council Offices, Llangefni, Anglesey LL77 7TW or by email to [medwenjones@anglesey.gov.uk](mailto:medwenjones@anglesey.gov.uk)

Thank you

Regards

Lynn Ball

Pennaeth Swyddogaeth (Busnes y Cyngor) / Swyddog Monitro  
Head of Function (Council Business) / Monitoring Officer  
Cyngor Sir Ynys Môn / The Isle of Anglesey County Council  
Ffôn / Phone: 01248 752586  
E-bost / E-mail: [LBXCS@ynysmon.gov.uk](mailto:LBXCS@ynysmon.gov.uk)



CC-019937-MWY/387504

Nodwch y bydd yr Uned Gyfreithiol a Chwiliadau Tir ond ar gael i dderbyn galwadau ffôn rhwng 10 y bore a hanner dydd a dau a pedwar yn y pwn o hyn ymlaen. Os oes mater gwirioneddol frys y tu allan i'r oriau yma dylwch anfon e-bost i'r unigolyn gan gynnwys "BRYG" yn y llinell destun.

*Note that the Legal and Land Charges Section will only answer phone calls between 10am and noon and 2 and 4 pm from now on. If a matter is truly urgent outside of these hours then send an email to the individual containing the word "URGENT" in the subject line.*

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<b>CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>COMMITTEE:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>13 September 2017</b>
<b>REPORT TITLE:</b>	<b>Dispensation/s</b>
<b>PURPOSE OF THE REPORT:</b>	<b>To advise the Committee of the outcome of any dispensation applications received since 8<sup>th</sup> March 2017</b>
<b>REPORT BY:</b>	<b>Head of Function (Council Business)/Monitoring Officer</b>
<b>LINK OFFICER:</b>	<b>Lynn Ball</b> <b>Head of Function (Council Business)/Monitoring Officer</b> <a href="mailto:lbxcs@anglesey.gov.uk" style="color: blue; text-decoration: underline;">lbxcs@anglesey.gov.uk</a> <b>01248 752586</b>

## 1. INTRODUCTION

Where a county councillor/town/community councillor has a prejudicial interest in a matter to be considered by their authority, the code of conduct requires that the interest be declared/registered and that the member leave the meeting and not participate/influence the decision/s.

The code of conduct provides inbuilt “dispensations” in certain limited circumstances which are listed in [paragraph 12\(2\) of the code](#).

Additionally, if paragraph 12(2) of the Code does not help, then the Standards Committee has discretion to grant a dispensation to a member, in specific circumstances, as listed in statutory regulations.

If granted, a dispensation will overreach the prejudicial element of the interest (that is the bias or perceived bias) and will enable the member to participate in the matter; perhaps with a limited or restricted input, and for a specified timescale.

## 2. BACKGROUND

To assist members in using the process for dispensations whenever it may be suitable, and as effectively as possible, the Standards Committee has published an [Advice and Guidance Note](#). Additionally, information was provided to town and community council clerks on the potential for dispensations in an email dated 6<sup>th</sup> March 2017

**ENCLOSURE 1**

Given that dispensations are often required at the minimum amount of notice legally possible, the Standards Committee has established an arrangement whereby a Panel of three members may be called to deal with any application received between meetings of the full Committee. Applications received from county councillors may be heard by any three independent / County Council members (with the independent members to be in the majority) and applications from town/community councillors are to be heard by independent members and town/community council members (independent members to be in the majority).

### **3. APPLICATION MADE SINCE 8<sup>TH</sup> MARCH 2017**

Since the Standards Committee last met, one application for a dispensation has been received. The Panel was formally called on the 12<sup>th</sup> July 2017, a full written application was received and circulated on the 17<sup>th</sup> July 2017, and the Panel met to hear from the applicant and to determine the application on the 18<sup>th</sup> July 2017.

Attached at **ENCLOSURE 2** are:-

1. Copy of the application submitted by Councillor Carwyn Jones
2. The decision of the Dispensation Panel
3. The draft minutes from the Dispensation Panel

### **4. DECISION OF THE DISPENSATION PANEL**

The Dispensation Panel agreed with the applicant that his personal interest was also prejudicial but, having heard from the Councillor and having had an opportunity to put questions, the Panel were unanimously of the view that the Councillor's primary motivation in wishing to participate in the process of consultation/debate concerning the future of education in his ward, was the wider public interest, rather than the employment/educational interest of the close personal associates whom he described in his application.

In the circumstances, the Panel decided to grant a limited dispensation enabling the applicant to:-

- Undertake a full role in his capacity as local member;
- To write to and speak to officers of the Council in relation to the proposals;
- To participate in any relevant committees/bodies of the Council, to express his views and to answer any questions;
- To remain in the meeting room during any debate on the issue and to participate in any debate (if a member of the relevant body);
- The dispensation does not extend to voting in any circumstances where this prejudicial interest applies;
- The dispensation (if it remains relevant) will in any event expire on the 8<sup>th</sup> May 2022;
- The grounds on which the dispensation was granted were that:-
  - o The nature of the member's interest was such that his participation in the business to which the interest related would not damage public confidence in the conduct of the Council's business (particularly given that the

dispensation did not include decision making but participation and influence only);

- The participation of the member in the business to which the interest relates is justified by the member's particular role or expertise (that is, that the Councillor is a County Council appointed governor, a chair of governors of one of the schools under consideration, and is a local member for the area).
- It appeared to the Panel to be in the interests of the inhabitants of the area (that is the Seiriol ward) that the disability be removed provided that written notification of the dispensation be given to the National Assembly for Wales within 7 days of the dispensation being granted (please note that this notification was given and has been acknowledged).

## 5. RECOMMENDATION

1. For the Committee to note the dispensation granted and the grounds and circumstances in which it was granted.
2. For the members of the Panel only (Michael Wilson, Dilys Shaw and Denise Harris-Edwards) to ratify/amend the draft minutes at **Enclosure 2**

**Medwen Jones**

---

**From:** Medwen Jones  
**Sent:** 06 March 2017 14:37  
**To:** Aberffraw; Amlwch; Beaumaris; Bodedern; Bodffordd a Llanfachraeth; Bodorgan a Llangristiolus; Bryngwran; Cwm Cadnant a Llanfihangelesceifiog; Cylch-y-Garn Community Council; Holyhead Town Council; Llanbadrig; Llanddaniel Fab; Llanddona a Llangoed; Llanddyfnan; Llaneilian; Llanerchymedd; Llanfaelog; Llanfaethlu; Llanfair ME; Llanfair yn Neubwll; Llanfairpwll; Llangefni; Llanidan; Mechell; Menai Bridge; Moelfre; Penmynydd a Star; Pentraeth; Rhosybol; Rhosyr; Trearddur; Tref Alaw; Trewalchmai; Valley  
**Subject:** Dispensation / Caniatad Arbennig (019560)  
**Attachments:** 363162 - Ffurflen Caniatad Arbennig - Cynghorwyr Tref a Chymuned - Cymraeg (S.354274).doc; 354274 - Dispensation Form - Town and Community Councillor - English (C.363162).doc; 364641 - Nodyn Briffio i Gynghorwyr Tref a Chymuned - Caniatâd Arbennig - Cymraeg (S.354288).doc; 354288 - Briefing Note to Town and Community Councillors - Dispensations - English (C.364641).doc

Annwyl Clercod,

Ar 6ed Ionawr, 2017, anfonwyd e-bost yn cadarnhau bod newidiadau deddfwriaethol wedi eu gwneud mewn perthynas â'r seiliau statudol y gall Cynghorwyr ddibynnu arnynt er mwyn gwneud cais am Ganiatâd Arbennig os oes ganddo/ganddi ddiddordeb sy'n rhagfarnu. Yn yr e-bost hwnnw esboniwyd bod y ffurflen er mwyn ymgeisio am ganiatâd arbennig yn cael ei diwygio. Mae'r newidiadau hyn wedi eu cwblhau erbyn hyn.

Felly, mae Nodyn Briffio ar "Ganiatâd Arbennig" ynghlwm i'r e-bost hwn, sy'n rhoi gwybodaeth am y sail ychwanegol, ynghyd â Ffurflen Gais ddiwygiedig am Ganiatâd Arbennig. Mae'n rhaid i'r Cynghorydd gwblhau a chyflwyno'r Ffurflen Gais am Ganiatâd Arbennig i Bwyllgor Safonau'r Cyngor Sir bob tro y mae o/hi yn dymuno gwneud cais am Ganiatâd Arbennig. Mae'r broses yn cael ei hamlinellu yn y Nodyn Briffio.

Byddai'r Pwyllgor Safonau yn ddiolchgar o gymaint o rybudd â phosib fod cais am Ganiatâd Arbennig am gael ei gyflwyno, yn arbennig os ydi o'n gais sy'n ymwneud â sawl Cynghorydd o fewn yr un Cyngor. Yn ddelfrydol, hoffai'r Pwyllgor dderbyn isafswm o bum diwrnod gwaith rhwng derbyn y Ffurflen Gais a dyddiad y cyfarfod Cyngor Tref neu Gymuned pan fo'r Caniatâd Arbennig (os yn cael ei ganiatau) yn cael ei ddibynnu arno; wrth gwrs, deallir nad ydi hyn yn bosib bob tro. Ni ddylai Cynghorwyr ymatal rhag cyflwyno Ffurflen Gais ar sail y ffaith fod amser yn gyfyng.

Nid yw'r Pwyllgor Safonau wedi derbyn llawer o geisiadau am Ganiatâd Arbennig gan Gynghorau Tref a Chymuned. Byddai'r Pwyllgor yn gwerthfawrogi petaech chi, fel Clercod, yn tynnu sylw'r Cynghorwyr at yr e-bost hwn ynghyd â'r atodiadau. Mae pryder mai'r rheswm dros dderbyn cyn lleied o geisiadau gan y Cynghorau Tref a Chymuned yw diffyg gwybodaeth am fodolaeth y "Caniatâd Arbennig", neu canfyddiad mai rhywbeth ar gyfer Cynghorwyr Sir yn unig ydyw.

Os oes gennych unrhyw gwestiynau am yr e-bost hwn neu'r dogfennau sydd ynghlwm, cysylltwch â Lynn Ball, Pennaeth Swyddogaeth (Busnes y Cyngor)/Swyddog Monitro ([lbxcs@anglesey.gov.uk](mailto:lbxcs@anglesey.gov.uk) / 01248 752586), Robyn Jones, Rheolwr Gwasanaethau Cyfreithiol a Dirprwy Swyddog Monitro ([rwjcs@anglesey.gov.uk](mailto:rwjcs@anglesey.gov.uk) / 01248 752134), neu Mared Yaxley, Cyfreithiwr – Llywodraethu Corfforaethol a Chontractau ([mwycs@anglesey.gov.uk](mailto:mwycs@anglesey.gov.uk) / 01248 752566). Dylai unrhyw gais gael ei anfon ar y ffurflen berthnasol at sylw un o'r swyddogion hyn hefyd.

Gyda diolch.

Michael Wilson  
 Cadeirydd y Pwyllgor Safonau

Dear Clerks,

On the 6<sup>th</sup> January 2017, an email was sent confirming there had been legislative changes to the grounds on which Councillors can rely to apply for a Dispensation where he/she has a prejudicial interest. In that email it was explained that the form to apply for a dispensation was in the process of being amended. These changes have now been finalised.

I therefore attach to this email a Briefing Note on "Dispensations", which provides information on this additional ground, together with an amended Dispensation Application Form. The Dispensation Application Form must be completed by the Councillor and submitted to the Standards Committee of the County Council each time he/she wishes to apply for a Dispensation. The process is outlined in the Briefing Note.

The Standards Committee would be grateful for as much notice as possible that an application for a dispensation is to be submitted, especially if the application relates to a number of Councillors within the same Council. Ideally, the Committee would seek a minimum of five working days' between receiving the Application Form and the date of the Town or Community Council meeting at which the dispensation (if granted) is to be relied upon; however, it is of course appreciated that this is not always possible. Councillors should not refrain from submitting an Application Form merely because of a shorter time frame than this.

The Standards Committee has not received many applications for Dispensations from Town and Community Councils. The Committee would be grateful if you, as Clerks, could please bring this email, together with the attachments, to the attention of your Councillors. There is concern that the reason so few applications are received from Town and Community Councils is perhaps a lack of knowledge of the existence of the "Dispensation", or a perception that they are only available for County Councillors.

Should you have any questions on this email or its attachments please contact Lynn Ball, Head of Function (Council Business)/Monitoring Officer ([lbxcs@anglesey.gov.uk](mailto:lbxcs@anglesey.gov.uk)/01248 752586), Robyn Jones, Legal Services Manager & Deputy Monitoring Officer ([rwjcs@anglesey.gov.uk](mailto:rwjcs@anglesey.gov.uk)/01248 752134), or Mared Yaxley, Solicitor - Corporate Governance ([mwyys@anglesey.gov.uk](mailto:mwyys@anglesey.gov.uk) / 01248 752566). Any applications should also be submitted to one of these officers on the relevant form.

Many thanks

Michael Wilson  
Chairman of the Standards Committee

Document: CC-019560-MY/365597

**THE ISLE OF ANGLESEY COUNTY COUNCIL**

**APPLICATION FOR DISPENSATION TO THE STANDARDS COMMITTEE  
BY A TOWN OR COMMUNITY COUNCILLOR**

<b>Name of Applicant:</b>	
<b>Contact details:</b>	
<b>Name of Town / Community Council:</b>	
<b>Details of the prejudicial interest* in respect of which the Dispensation is sought:</b>	
<b>Business in which the applicant wishes to participate:</b>	
<b>Type of Dispensation sought (tick as necessary and insert any required information):</b>	<ul style="list-style-type: none"><li><input type="checkbox"/> write to officers [and/or the Committee/Community Council] about the matter;</li><li><input type="checkbox"/> speak to officers of the Community Council about the matter [with/without conditions [INSERT]]</li><li><input type="checkbox"/> speak at Committee meetings/Community Council meetings and answer any questions about the issue;</li><li><input type="checkbox"/> remain in the room during any debate/vote on the issue;</li><li><input type="checkbox"/> vote;</li><li><input type="checkbox"/> other</li></ul>
<b>Statutory Ground/s under which Dispensation is requested (See overleaf for possible grounds available):</b>	
<b>Date by which a decision is required:</b>	
<b>Signed:</b>	<b>Date:</b>

\* Prejudicial Interests – These are personal interests which an objective observer would consider so significant that they are likely to compromise a Councillor's ability to act in the public interest

## **Circumstances in which the Standards Committee may grant a dispensation to a Community Councillor**

The Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 as amended by The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 specifies that the Council's Standards Committee may grant dispensations under Section 81(4) of the Local Government Act 2000 where:

- (a) no fewer than half of the Councillors (Community Council/Committee) by which the business is to be considered has an interest which relates to that business;
- (b) NOT RELEVANT TO COMMUNITY COUNCILS
- (c) an inability to participate would upset political balance to such an extent that the outcome would likely be affected;
- (d) the nature of the interest is such that participation in the business to which the interest relates would not damage public confidence;
- (e) the interest is common to the Councillor and a significant proportion of the general public;
- (f) participation is justified by the Councillor's particular role or expertise;
- (g) NOT RELEVANT TO COMMUNITY COUNCILS
- (h) the business relates to the finances or property of a voluntary organisation of whose management committee or board the Councillor is a member otherwise than as a representative of the Community Council and the Councillor has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business;
- (i) it appears to the Standards Committee to be in the interests of the inhabitants of the area of the Community Council that the disability should be removed, provided that written notification of the grant of the dispensation is given to the Welsh Ministers within 7 days. Such a notification should specify the Councillor to whom the dispensation would apply and the Standards Committee's reasons why the disability should be removed;
- (j) it appears to the Standards Committee to be otherwise appropriate to grant the dispensation, as a practical solution to the disability (infirmity) of the Councillor which otherwise would make it difficult for them to leave a room/chamber when a matter in which they have a prejudicial interest is being discussed.

**THE ISLE OF ANGLESEY COUNTY COUNCIL**  
**DECISION OF THE STANDARDS COMMITTEE**  
**IN RELATION TO AN APPLICATION FOR DISPENSATION**  
**BY A TOWN OR COMMUNITY COUNCILLOR**

<b>Decision of the Standards Committee:</b>	
<b>Date decision made by the Standards Committee:</b>	
<b>Name of persons to be notified of the Standards Committee's decision:</b>	<input type="checkbox"/> Clerk of the Town/Community Council <input type="checkbox"/> Applicant <input type="checkbox"/> Others: _____ _____
<b>Date the dispensation expires:</b>	

Pursuant to paragraph [ ] of The Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 as amended by The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016, the Standards Committee has resolved to **grant a dispensation** to Councillor [ ] in respect of that / those interest(s) referred to in the Application at page 1, which permits the Councillor to:

- write to officers [and/or the Committee/Community Council] about the matter;
- speak to officers of the Community Council about the matter [with/without conditions [INSERT]];
- speak at Committee meetings/Community Council meetings and answer any questions about the issue;
- remain in the room during any debate/vote on the issue;
- vote;
- other

The Councillor can therefore speak [and vote] at Committee/Community Council meetings in relation to the matter and answer any questions from members of the Committee/Community Council [but must leave the meeting before matters that the Councillor speaks upon are debated or voted on] OR [and may remain in the room during the debate/vote but must not vote on the issue].

Before the Councillor speaks with or writes to officers of the Community Council, or speaks at Committee/Community Council meetings on the issue, the Councillor must still:

- declare an interest in the matter; and
- confirm that a dispensation has been granted to allow the Councillor to speak [and vote] about it; and
- complete a written notification to the clerk setting out the interest and the dispensation.

By authority of the Isle of Anglesey Standards Committee  
 Dated: \_\_\_\_\_

# Briefing Note for Town and Community Councillors on Anglesey

## Dispensations

This is a briefing note for Town and Community Councillors on the topic of 'Dispensations'. Should Councillors or Clerks have any queries, please contact the Monitoring Officer at Anglesey County Council:

Lynn Ball - [lbxcs@anglesey.gov.uk](mailto:lbxcs@anglesey.gov.uk)

Under their Code of Conduct, no Councillor is allowed to participate in a matter in which he/she has a prejudicial\* interest unless a dispensation has already been granted by the County Council's Standards Committee.

### **Grounds on which a dispensation may be granted**

The grounds on which a dispensation may be granted are set out in statute and are:-

1. At least half of the Councillors (Community Council/Committee of the Community Council) would be unable to take part in a meeting because of a prejudicial\* interest;
2. The nature of the interest is such that participation would not damage public confidence in the decision;
3. The Councillor's interest is common to a significant proportion of the general public;
4. The Councillor's particular role or expertise would justify participation;
5. The business relates to the finances or property of a voluntary organisation and the Councillor sits on its board/committee in his/her own right, and he/she does not have any other interest [although in this instance, any dispensation may allow the Councillor to speak on the matter, but not to vote];
6. The Standards Committee believes that the Councillor's participation would be in the interests of the people in the Community Council's area and the Committee notifies the Welsh Ministers within 7 days of the dispensation being granted; or
7. The Standards Committee believes it appropriate to grant the dispensation, as a practical solution to a disability (infirmity) of the Councillor's which otherwise would make it difficult for him/her to leave a room/chamber when a matter in which they have a prejudicial\* interest is being discussed.

### **How does a Community Councillor obtain a Dispensation?**

The Councillor must apply in writing to the County Council's Standards Committee and will usually be expected to attend the public meeting of the Standards Committee/Panel which will take the decision.

A Councillor may apply individually or, in common circumstances, a joint or collective application may be made by more than one Councillor.

The Standards Committee will consider all applications on their own facts; balancing the public interest in preventing those with prejudicial\* interests from taking part in decisions while maximising the public interest in democratic participation.

The decision as to whether a dispensation shall be granted is at the Standards Committee's discretion. The Standards Committee will explain its reasons. The terms and duration of any dispensation shall be decided by the Standards Committee.

If the Standards Committee approves an application it must grant the dispensation in writing. No Councillor may rely on a dispensation until such time the written decision has been circulated. Where necessary, and possible, this will be expedited.

### **Requirements on Councillors when relying on a dispensation**

Once the Standards Committee has approved an application and has granted the dispensation, in writing, the Councillor will then be able to participate (subject to any limitations imposed) despite his/her prejudicial\* interest.

#### **(a) In formal Meetings:**

When a Councillor has a dispensation and wants to participate in a meeting to discuss the relevant matter, the Councillor must:

- (i) state at the meeting, when the item is to be discussed, that he/she is relying on a dispensation; and
- (ii) before, or immediately after the close of the meeting, must give written notification\*\* to the Community Council.

The notification must include:

- 1. details of the prejudicial\* interest for which the dispensation was granted;
- 2. details of the business to which the prejudicial\* interest relates;
- 3. details of the dispensation, including the date on which it was granted, and
- 4. the Councillor's signature.

#### **(b) In informal meetings:**

When a Councillor has a dispensation, and is making verbal representations at informal meetings, that Councillor must:

- (i) include details of the dispensation in such discussion and
- (ii) provide written notification\*\* to the Community Council Clerk within 14 days of the discussion.

#### **(c) In writing:**

When a Councillor has been provided with a dispensation, and is making written representations to their Community Council, the Councillor must provide details of

the dispensation in any correspondence on the subject to which the dispensation relates.

#### Footnote/definitions

- \* prejudicial interests – these are personal interests (listed in the Code of Conduct) which an objective observer would consider so significant that they are likely to compromise the Councillor's ability to put the public interest first.
  
- \*\* written notification – in formal meetings, Councillors may rely upon the standard form of declaration. In informal meetings Councillors must provide written confirmation to the clerk/or other lead officer and ask that the dispensation be included in any informal minute/file note of the meeting/discussion.

THE ISLE OF ANGLESEY COUNTY COUNCILDISPENSATION APPLICATION TO THE STANDARDS COMMITTEE  
BY A MEMBER OF THE COUNTY COUNCIL

<b>Name of Member:</b>	Councillor Carwyn Jones
<b>Member's contact details:</b>	Tan y Garnedd, Black Horse Lane, Llansadwrn, Ynys Môn LL75 8YP
<b>Ward:</b>	Seiriol
<b>Nature of prejudicial interest* in respect of which the Dispensation is sought:</b>	<ol style="list-style-type: none"> <li>1. I am one of three councillors representing the multi-member ward of Seiriol</li> <li>2. The County Council is currently formulating its strategy for the medium and long term future of education on the Island; including the three primary schools within the ward which I represent, along with two of my councillor colleagues. Devising and implementing the strategy may affect the Seiriol ward for the remainder of the term of this Council although the impact will likely be felt for a generation. A copy of the first draft of the County Council's proposals is attached at <b>Enclosure 1</b></li> <li>3. I am a Council appointed governor of Llandegfan Primary School, which is one of the three schools under consideration in the Seiriol ward. In that capacity I am also the Chair of the School's governing body. I understand that this is a personal interest which I need to declare but that the interest is not prejudicial. However, my first cousin is employed at Beaumaris Primary School, which is also one of the schools under consideration in the ward. My cousin's son also attends Llandegfan Primary School. Our family relationship is close and constitute close personal associations within the meaning of the Code; and the potential impact (loss of employment, and change of school, respectively) constitute prejudicial interests. A copy of the Code is attached at <b>Enclosure 2</b>, with the relevant passages highlighted.</li> <li>4. In my role as a local member, I wish to fully participate in the process of gathering and sharing information in my ward regarding future proposals for education in the area, including attending public meetings and Town/Community Council meetings, to gauge and reflect local opinion. I also wish to act as a conduit between my community and the County Council in ensuring that the voice of the community is heard and is given proper consideration in the</li> </ol>

process/decisions taken throughout the stages of consultation/implementation. This is what I have been elected to do and this is the reasonable expectation of my electorate.

This may involve opportunities to speak at meetings in the County Council, and also to propose any alternative strategy or strategies that we might want to put forward; both at the outset and as the consultations/options evolve.

5. In the circumstances, I respectfully ask the Standards Committee to consider granting me a dispensation to overcome the two prejudicial interests identified above, by reason of the following factors:-

- While I do have the personal and prejudicial interests described in this application, in relation to two out of the three schools, I would wish to advocate on behalf of the community generally and my preferred option would be for all three schools in the ward to remain open as part of a wider community strategy for the area that would also give the three schools an opportunity to thrive.

While I acknowledge my family connections, my overriding motivation is for the benefit of the ward. I believe that the whole ward approach my fellow Seiriol Councillors and I intend to adopt, demonstrates that I fully intend to act in the wider public interest.

- I ask the Standards Committee to endorse my involvement as a local member, at community level, but with regard to the County Council I believe that my role should be restricted to speaking (and writing) on the issue, and whenever opportunities present themselves; to include both formal and informal meetings and to include situations in which I am a named member of a body, or an invitee. However, in order to lessen any perception of a prejudicial impact I would ask that any dispensation granted shall enable me to speak (with any permission required from the relevant Chair) and to answer any questions, but not to vote. If the Committee thinks it is appropriate, I am of course willing to leave meetings after I have had an opportunity to speak, while discussion and voting continue.
- Should there be any opportunity or opportunities during this process for representatives of the three relevant schools to speak for their schools, then I would leave it to other school representatives to undertake that role as I would

	not wish to advocate for one school to the potential detriment of the others.		
<b>Business in which Member wishes to participate:</b>	All matters relating to the future of education in the Seiriol Ward		
<b>Type of Dispensation sought (tick as necessary and insert any required information):</b>	<ul style="list-style-type: none"> <li>✓ write to officers [and/or the Executive/Committee/Council] about the issue;</li> <li>✓ speak to officers of the Council about the issue, provided a note is taken of any such discussions;</li> <li>✓ speak at informal meetings and formal meetings of the Executive/Committees/Council etc and answer any questions about the issue;</li> <li>○ remain in the room during any debate/voting on the issue;</li> <li>○ vote at such meetings;</li> <li>✓ other – to undertake a full role in representing the community at meetings outside the County Council, including Town/Community Councils</li> </ul>		
<b>Statutory Ground/s under which Dispensation is requested (See overleaf for available grounds)</b>	The relevant provisions are highlighted		
<b>Is the interest registered as per Section 81(1) &amp; (2) of the LGA 2000:</b>	No; not applicable		
<b>Date by which a decision is required</b>	18 July 2017		
<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;"><b>Signed:</b></td> <td style="width: 50%;"><b>Date: 12 July 2017</b></td> </tr> </table>		<b>Signed:</b>	<b>Date: 12 July 2017</b>
<b>Signed:</b>	<b>Date: 12 July 2017</b>		

\* Prejudicial Interests – These are personal interests which an objective observer would consider so significant that they are likely to compromise a member’s ability to act in the public interest

## Circumstances When A Standards Committee May Grant Dispensation

The Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 as amended by The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 specifies that the Council's Standards Committee may grant dispensations under Section 81(4) of the Local Government Act 2000 where:

- (a) no fewer than half of the Members of the Council or of a Committee of the Council (as the case may be) by which the business is to be considered has an interest which related to that business;
- (b) no fewer than half of the Members of the Executive of the Council (i.e. Leader and Cabinet) by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) Members' inability to participate would upset the political balance of the Council, or any of its committees by which the business is to be considered, to such an extent that the outcome would be likely to be affected;
- (d) 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 Council's business;
- (e) the interest is common to the Member and a significant proportion of the general public;
- (f) the participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;
- (g) the registerable interest relates to business, which is to be considered by an Overview and Scrutiny Committee of the Council, and the Member's interest is not a pecuniary/financial interest;
- (h) the business relates to the finances of property of a voluntary organisation of whose management committee or board the Member is a member otherwise than as a representative of the Council and the Member has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business;
- (i) it appears to the Standard Committee to be in the interest of the inhabitants of the area of the Council that the disability should be removed, provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within 7 days. Such a notification should specify the Member to whom the dispensation would apply and the Standards Committee's reasons why the disability should be removed; or
- (j) it appears to the committee to be appropriate to grant the dispensation, as a practical solution to the disability (infirmity) of the Member which otherwise would make it difficult for them to leave a room/chamber when a matter in which they have a prejudicial interest is being discussed.



<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>Report to:</b>	<b>Executive</b>
<b>Date:</b>	<b>17 July 2017</b>
<b>Subject:</b>	<b>Modernising Schools on Anglesey – Strategic Outline Programme. Band B Update</b>
<b>Portfolio Holder(s):</b>	<b>Councillor R. Meirion Jones</b>
<b>Head of Service:</b>	<b>Delyth Molyneux</b>
<b>Report Author:</b> Tel: E-mail:	<b>Delyth Molyneux</b>
<b>Local Members:</b>	

#### **A –Recommendation/s and reason/s**

The Authority's Strategic Outline Programme (SOP) was presented to the Welsh Government in December 2013. The strategic paper was divided into 4 Bands namely Band A (2013-2019), Band B (2019-2022), Band C (2022-2025) and Band D (2025-2028).

The Welsh Government recently requested that all Welsh Local Authorities update their Band B proposals and aim to submit their revised SOP to Welsh Government by 31 July 2017. Since the original SOP (2013) factors such as demographic changes and leadership capacity have changed significantly. Additionally, the Welsh Government has said that Band B will be a 5 year period and will run from 2019-2024.

The school modernisation programme remains a corporate priority and has made significant progress since the previous SOP

Other factors drive the need to review the programme:

1. Although the Council has made considerable savings over recent years, the Council needs to save around £3.5 million a year from 2017/18 for three years. This means that there is a need for the Lifelong Learning Directorate to make savings that would contribute to corporate savings.
2. Owing to the above requirement, the school modernisation process will need to accelerate

This report attempts to convey facts that show the need to review the primary and secondary education provision in Anglesey in a time order that is different from what has been outlined in the previous Strategic Outline Programme document presented by the Authority to the Welsh Government in December 2013.

**Recommendation**

The Executive to approve the following recommendations:

1. To consider the modernisation of primary and secondary schools, and also primary and secondary schools sharing the same campus or 3-16/3-18 through schools .
2. To consider a Local Authority contribution of approximately **£18million** towards the Band B programme
3. To consider the options outlined in the Economic Case of the SOP, and to expect further detailed analysis in the subsequent, detailed business cases.
4. Continue to support the school modernisation programme's case for change and the drivers for change

**B – What other options did you consider and why did you reject them and/or opt for this option?**

Options have been considered in the revised SOP for changing the direction of the programme in order to meet the needs for school places where they are most needed , and in order to proceed with the school modernisation programme .

**C – Why is this a decision for the Executive?**

The Executive is responsible for school organisation matters.

**D – Is this decision consistent with policy approved by the full Council?**

Yes

**DD – Is this decision within the budget approved by the Council?**

Yes – It is one of the plans in the Strategic Outline Programme that was approved by the Executive on January 13, 2014.

<b>E – Who did you consult?</b>		<b>What did they say?</b>
1	<b>Chief Executive / Strategic Leadership Team (SLT)</b> (mandatory)	
2	<b>Finance / Section 151</b> (mandatory)	
3	<b>Legal / Monitoring Officer</b> (mandatory)	
5	<b>Human Resources (HR)</b>	
6	<b>Property (Planning)</b>	
7	<b>Information Communication Technology (ICT)</b>	
8	<b>Scrutiny</b>	
9	<b>Local Members</b>	
10	<b>Any external bodies / other/s</b>	

<b>F – Risks and any mitigation (if relevant)</b>		
1	<b>Economic</b>	Not relevant
2	<b>Anti-poverty</b>	Not relevant
3	<b>Crime and Disorder</b>	Not relevant
4	<b>Environmental</b>	Not relevant
5	<b>Equalities</b>	Not relevant
6	<b>Outcome Agreements</b>	Not relevant
7	<b>Other</b>	Not relevant

<b>FF - Appendices:</b>

<b>G - Background papers (please contact the author of the Report for any further information):</b>
<ol style="list-style-type: none"> <li>1. Minutes from the Executive 20<sup>th</sup> June 2016</li> <li>2. The revised SOP</li> <li>3. Minutes from the Corporate Scrutiny Committee on 23<sup>rd</sup> May 2016</li> <li>4. The Strategic Outline Programme (SOP) – presented to the Welsh Government in December 2013</li> <li>5. Letter from the Welsh Government dated January 31 2014.</li> </ol>





## **Strategic Outline Programme (SOP) - Band B Update**

## Guidance

This form aims to capture the proposed changes to your Band B Programme since the most recent version of your Strategic Outline Programme/ Estate Strategy was agreed.

Please complete all relevant sections of this form including the statement of approval of this information in **Section 12**.

Please note that the budget for Band B of the Programme is fixed and prioritisation of projects will take place should applications for funding exceed the resources available. In the first instance projects will be prioritised based on building condition and sufficiency, but the exercise may take into account other factors such as flexibility of assets, efficiency of the education estate and deprivation.

**Please return a signed, electronic copy of the form, to Jo Lerner, Programme Director of 21st Century Schools and Education Programme by Monday 31 July via:**

[21stcenturyschools@wales.gsi.gov.uk](mailto:21stcenturyschools@wales.gsi.gov.uk)

## Section Contents:

<a href="#">1. Requested Band B Programme Envelope</a>	3
<a href="#">2. Summary of changes</a>	3
<a href="#">3. Strategic Case</a>	4
<a href="#">4. Economic Case</a>	12
<a href="#">5. Commercial Case</a>	14
<a href="#">6. Financial case</a>	16
<a href="#">7. Management Case</a>	18
<a href="#">9. Application for Mutual Investment Model (MIM) funding</a>	23
<a href="#">10. Band B Projects</a>	25
<a href="#">11. Bands C and D</a>	25
<a href="#">12. Statement of Approval for Strategic Outline Programme (SOP) - Band B Update – July 2017</a>	25

**1. Requested Band B Programme Envelope**

<b>Requested total of Band B envelope</b> <i>e.g. £15,000,000</i>	<b>£36,136,501</b>
<b>Requested Welsh Government contribution</b> <i>e.g. £7,500,000</i>	<b>£18,068,250</b>
<b>LA/ FEI contribution</b> <i>e.g. £7,500,000</i>	<b>£18,068,250</b>

**2. Summary of changes**

**What has changed since the latest version of your SOP/ Estates Strategy?**  
*1000 words maximum*

- The School modernisation programme remains a corporate priority and has made significant progress since the previous SOP.
- The corporate programme Boards have been revised
- Two new area schools have been built and will open in 2017. Full business case approved for a new school in Bro Rhosyr and Aberffraw as well as adapting two other schools.
- The order and prioritisation of the projects has changed, as outlined in the Economic Case and the Request for Change document (January 2017)
- North Wales Major Works Contractors Framework 2 will be used to procure the Band B projects
- The Welsh Government's Gateway Review Team notes that Anglesey is an exemplar of good practice in the 21CS Programme
- Lessons have been learned – the key to successful projects is to learn from past project challenges and successes.

### 3. Strategic Case

**How does your Programme link to local and national strategies e.g. the Wellbeing of Future Generations (Wales) Act 2015, Welsh medium and childcare strategies?**

*1000 words maximum*

## Strategic Outline Programme – Band B Update - July 2017

To date the school modernisation and the associated projects have aligned with corporate, local and national strategies. The programme has worked closely with Welsh Government, stakeholders and all relevant partners to ensure that the projects are supported and that the strategic direction is understood.

### **Well-being of Future Generations Act (2015)**

Anglesey County Council is working towards achieving the objectives of The Future Generations Act (2015). The School Modernisation Programme aims to contribute towards the 7 well-being goals, as demonstrated in the following table:

<b>7 well-being goals</b>	<b>How will the schools modernisation Strategy contribute towards the 7 well-being goal</b>
Prosperous Equal	The Authority vision “wants every young person, irrespective of background and circumstance, to succeed”.
Resilient	The Authority’ works in partnership with the Welsh Government on the development and delivery of school modernisation change projects. The projects are planned effectively and consulted upon, in order to reduce resistance and achieve project objectives.
Healthier	Anglesey’s 21st century schools will be ‘community schools’ and can be used to promote health, physical and community Services, as well as promoting healthy lifestyle choices amongst pupils, parents and childcare providers.
Cohesive communities	Stakeholders will contribute to project planning and direction through the consultation and engagement processes .  Anglesey’s Band B will continue to consult, engage and work with partners, particularly in relation to developing school places alongside the sufficiency of childcare provision through the medium of Welsh with Mudiad Meithrin, WPPA and partners in the private 0-3 years old childcare sector. Childcare and wrap around facilities, along with community use of the buildings beyond the school year (and as contact points for corporate Services such as library pick up points) will increase community cohesion during Band B. Developing options for ensuring quality and efficiency in post-16 provision will also be considered in consultation with the FE sector and neighbouring county council.

<p>Vibrant culture and thriving Welsh Language</p>	<p>The school modernisation programme is a key aspect of the corporate Welsh Language Strategy and the statutory Welsh in Education Language Strategy. Plans for Band B to consider incorporating 0-3 pre-school and wrap around childcare facilities through the medium of Welsh and bilingually will increase the provision of Welsh Speaking providers on the Island, and will be a solid linguistic foundation on which to increase the numbers of Welsh Language speakers in line with IOACC and WG targets to increase the number of Welsh speakers to 1 million by 2050.</p>
<p>A globally responsible Wales</p>	<p>The current school modernisation programme contributes towards improving the social, economic, and cultural environment of the island, and Band B will be a continuation of this programme.</p>

The Gwynedd and Anglesey Public Service Board recently undertook a well-being assessment and confirmed that lack of attainment is correlated to the lack of the well-being of individuals throughout their lives, and therefore there is a need to ensure that every pupil’s potential and capacity to succeed is fulfilled. Moreover, recent evidence points to ACEs (adverse childhood experiences) having a long-term negative effect on young children. There is a need to ensure that all children have positive experiences during childhood to enable them to thrive and grow to become active and participative members of their communities. The schools modernisation programme ensures that our school buildings are fit for purpose to promote physical well-being and provide physical environments and equipment, as well as support staff that cannot be provided in 19<sup>th</sup> century schools.

**Recruitment and retention of staff**

As the recruitment of suitably qualified leaders and middle managers continues to be a problem, the schools modernisation programme also reduces the risks associated with small schools where staffing and recruitment problems lead to challenges in the delivery of excellent quality and consistently good teaching and learning experiences for our pupils. The 21<sup>st</sup> century programme contributes to increasing the quality of teaching and learning, reducing the variability in performance and opportunities between schools, and contributes to ensuring learning opportunities that are responsive to the needs of the learners and indeed the wider community.

**Child Care and Community facilities for parents and older residents**

Anglesey’s Family Support Unit is responsible for ensuring sufficient childcare places in Anglesey, and is participating in the national pilot of offering 30 hours of free childcare. The Unit works closely with the school modernisation programme and contributes to the development of the associated business cases, particularly in determining pupil projections for the future. The authority recognises that there is an opportunity to further the vision of developing a one- site wrap-around care provision for all pupils under 11, including infant siblings on some sites . It is envisaged that ensuring nursery provision for children 0-3 years on the site of new schools or those which are modified, (to be managed with a partner in the local childcare sector) in order to provide care at 8.00am -6.00 pm for families, along with nursery education, ' wrap around ' and after school/holiday care clubs, will be a key aspect of the Band B schools programme. In addition, other community benefits such as rooms for

community use, static or mobile library drop off/pick up points, self help automated services for council business, will be advantageous and will enhance community cohesion. Work to further appraise and develop these models will be addressed in the business cases for specific projects.

### **The Welsh Language**

The Isle of Anglesey County Council has adopted the principle that the Welsh language should not be treated less favourably than the English language and that the residents of the island should be able to live their lives through the medium of Welsh if they wish to do so. The same is the expectation in relation to the Welsh language for each school, which provides opportunities for all pupils in the County to be equipped with the right skills to be confidently bilingual. In light of this, any new schemes submitted – such as projects deriving from the 21st century schools programme, are subject to the requirements of the language policy.

In order to increase the proportion of foundation phase pupils achieving Welsh Language targets as outlined in strategic documents by the Welsh Government and local plans, it is also intended to use the aforementioned child-care models to increase Welsh childcare capacity on Ynys Môn. The child-care partnership model has the potential to be a key contributor towards the Welsh Government's ambitions to have a million Welsh speakers by 2050.

The modernisation programme will comply with the following language policies and strategies:

- Isle of Anglesey County Council's Language Strategy 2016 – 2021
- The Isle of Anglesey County Council department of lifelong learning Language Policy
- WG draft strategy of one million Welsh speakers by 2050 '

### **Strategic Outline Programme (SOP) 2013**

The SOP for the school modernisation programme was introduced in 2013. The document outlines the Council's vision for the modernisation of the school system, to ensure the suitability of facilities for current and future needs. Demographic changes and increased recruitment problems due to the age-profile of current head teachers (presently 50% over the age of 50 years old) and other factors have led to the need to review the prioritisation order of the projects presented in the SOP. A request for change document was submitted to the Welsh Government and the Executive Committee of the Council, and was approved in August 2016. The Band B SOP reflects those changes.

### **Anglesey County Council's Corporate Plan**

The Corporate Plan Council outlines the Authority's strategic priorities. The previous corporate plan (2013-2017) included the following priority ' education, skills Improvement and modernisation of our schools '. The corporate plan for the period 2017-2022 has been drafted and the outputs associated with the modernisation of schools are as follows:

- continue to improve educational standards and attainment our children
- further develop the school modernisation programme by completing a new school in Bro Aberffraw, implement the Llangefni project and confirm the Band B projects, to include the consideration of 3-16 schools and post-16 education.
- review the leadership arrangements for smaller schools including Federation, appointing multi-site strategic heads and sustainable and cost effective schools, in keeping with WG guidance and changes suggested to the School's Organisational Code, currently being consulted upon.

### **Corporate Asset Management Plan 2015-2020**

The purpose of the Plan is to provide a strategic framework for the management of the Council's assets.

The plan refers to the schools modernisation programme and the use of schools once they become vacant. Reference is also made to how the school modernisation programme contributes towards the corporate energy efficiency strategy. This remains a priority for the authority and reducing the energy consumption of the school estate in accordance with the Authority's energy efficiency strategy', and is one of the critical success factors (CSF) outlined in Band B SOP.

The Council's revised corporate plan also refers to the council's future assets and anticipate a key role for our communities to work together, in a coherent and purposeful way to protect our assets, and to ensure that they are fit for purpose for future generations.

### **Existing Circumstances**

- The current stock of schools have not been built to take account of 21<sup>st</sup> Learning, nor the enhanced community use of facilities such as 0-3 childcare, out of school clubs, community use of facilities outside school hours and during holidays, library and council service point facilities.
- Spare capacity of school places in the secondary sector is leading to unviable subject options and difficult staffing decisions in some schools. It has led to the reduction in curriculum choice for pupils at key stages 4 and post-16, despite efficient Consortium arrangements between schools and vocational training providers, and the use of spare capacity rooms by other council and education services. Some schools face significant deficits and this will increase if alternative models of delivery are not adopted in the secondary sector within Band B.
- The condition of our current school stock is below average, and the associated maintenance costs remain high as the backlog catalogue of maintenance and adaptations needed to comply with DDA and Foundation Stage demands are too dear to contemplate within the limited and reducing R&M budgets, both devolved and centrally held.
- The Authority finds it increasingly difficult to recruit suitably and well-qualified Welsh speaking senior leaders, in the primary and secondary school sector. The proposed modernisation programme is one strategic factor contributing towards alleviating the issue regarding succession planning for school leadership and ensuring distributed leadership models that are sustainable and promote consistently high standards and outstanding leadership.
- Demographic movements over recent years have led to changes to where parents wish to send their children to school, and a marked decrease in young families in some areas.
- Some primary schools are oversubscribed whilst a few still have excessive surplus places.
- Currently there are 19 small primary schools that have less than 75 pupils, leading to an unacceptable disparity in the amount of funding allocated per child across the county, and difficulties in ensuring a broad and balanced curriculum, taught by suitably qualified staff who have an appropriate grasp and specialisation across a range of subjects, and are led by a qualified and experienced head teacher.

### **Business Need**

The Authority needs to continue to modernise its schools. Its core vision remains unchanged from the previous SOP and is driven by the following key principles:

## Strategic Outline Programme – Band B Update - July 2017

- Ensure that all children are given the opportunity to attend their nearest appropriate school where they can access the full range of facilities;
- Ensure that all children have access to suitable facilities that allow the delivery of a full range of educational experiences.
- Reduction in the number of unfilled places in our schools in accord with WG guidelines.
- Support the development of leadership skills within and across schools in order to develop a self-improving system where there is a shared commitment to excellence.
- The possibility of co-locating primary and secondary schools on the same campus.
- Aligning Anglesey's School Modernisation Programme to other key strategies: Corporate Plan, Welsh Language, Asset Management, 30 hours child care.

Band B could result in new or refurbished schools. However, for some local communities it will mean the closure or amalgamation of their schools. This is not something new for Anglesey– since the inception of the 21<sup>st</sup> Schools Programme, the Authority has been carrying out school modernisation work to upgrade the estate and this has involved a mixture of closures, amalgamations, refurbishments and new builds. This has resulted in the closure/ amalgamation of some 5 schools outside the current 21<sup>st</sup> Century Schools Programme.

As Ynys Môn is an island made up of rural and town communities we foresee that the authority's revised Schools Strategy and Band B SOP will continue with a 'mixed economy' approach, tailored to local needs based on the following:

1. 0-11 schools with childcare and community use facilities on/near site;
2. 0-11 schools with childcare and community use facilities on/near site, federated with other school(s).
3. 3-11 schools with /without childcare and community use facilities on/near site, within/not within a federation arrangement;
4. 3-16 or 3-18 schools OR primary and secondary schools located on one site and sharing specialist staff and facilities;
5. 11-16 or 11-18 secondary schools, sharing specialist staff with another school(s).

**Highlight any differences to your strategic case since the latest version of your SOP/ Estates strategy was produced.**

**Please provide details of benefits and risks of your Programme.**

*1000 words maximum*

The school modernisation’s strategic context was introduced in the previous SOP. The programme has since been delivering in line with its strategic objectives.

The modernisation of schools has been a corporate priority since the previous SOP and the programme has delivered against the priorities of the corporate plan through building 2 new schools due to open in 2017, and the approval of Full business case for Bro Rhosyr and Bro Aberffraw. The most recent Gateway Review reported that the programme is an exemplar of good practice in many aspects. The Anglesey Corporate Plan is currently being drafted for the period 2017-2020 and the Schools Modernisation programme remains a strategic priority for the Council.

The drivers for change remain unchanged since the previous SOP

1. to reduce surplus places

The figures below demonstrate that the numbers of surplus places in the primary sector of Anglesey have been reduced. A number of factors contributed towards this change such as the closure of small schools (the modernisation process prior to the establishment of 21st century schools programme), demographic changes and some growth in the population

SOP 2013	Capacity	Current numbers	Surplus places
Cynradd/Primary	6326	4819	23.9%
Uwchradd/Secondary	5462	4097	25%
Cyfanswm/Total	11788	8916	24.4%

SOP 2017	Capacity	Current numbers	Surplus places
Cynradd/Primary	5818	5188	13.0%
Uwchradd/Secondary	5171	3755	27.4%
Cyfanswm/Total	10989	8943	18.6%

2. drive up standards of teaching and attainment;
3. improve educational outcomes for children and break the link between deprivation and low educational attainment;
4. provide modern resources in relation to schools and classroom resources
5. leadership and Management Capacity
6. promote equal opportunities

### The Risks

The School Modernisation risks are managed in the following manner:

The programme team develop the risk register, identify the risks, score and propose mitigation measures. The Education Transformation Board challenge and approve the risk register. The process of risk management has matured since the previous

SOP. The risk register is now a living document and is updated on a regular basis, there is a better understanding among the members of the Board of their role in relation to the management of risks and a robust process to manage the risks has been established.

A summary of the main risks is presented below:

Risk	Mitigation measures
Lack of public support	Hold non-statutory and statutory consultation events, in accordance with the School Organisation Code. Establish Stakeholder Engagement Groups. Communicate effectively and show willingness to listen, and use alternative communication methods,
WG does not approve the business cases/ revised SOP	The Authority to continue to work closely with Welsh Government. All relevant documentation to be challenged / scrutinised internally prior to formal approval.
Capital receipts less than projected or delayed.	The Corporate Land and Assets Group to oversee the implementation of the Asset Management Plan and report back to the Education Transformation accordingly. A baseline assessment has been undertaken in Holyhead on the future alternative usage of the available sites, with the other sites being examined at this time, prior to closure in August 2017.
Isle of Anglesey County Council's match funding fails to materialise	The programme team ensures that schools modernisation projects are included in the medium-term funding scheme. Work with the section 151 Officer and the Finance Department on the strategic planning on Band B and QA against targets, including regular discussions on affordability.
Underestimated project costs	Refer to lessons learned on other projects, which has led to higher costs, e.g. issues of archaeology, costs associated with staff release, pupil activities and curriculum planning. Update costs in detail during the development of business cases.

	Ensure corporate challenge to all anticipated costs throughout all business case development stages.
Risks associated with the appointment of head teachers, and succession planning.	The Education Transformation Board to challenge the Education Department and the project team on increasing leadership capacity across the primary and secondary sector. Leadership and Succession Planning Strategy approved by council Executive in June 2017, implementation from September 2017.

**The Benefits of the School Modernisation Programme**

The project team has developed a Benefits Realisation Plan for the programme. The Plan was introduced to the Education Transformation Board in 2014 for approval. The plan includes a description of the benefits, anticipated outputs, and methods to measure the benefits (to start at the end- project closure stage). A detailed assessment was undertaken to ascertain the dependencies, the identification of baseline data, and the methods for collating the relevant data. The authority will work closely with the Welsh Government to measure and track the anticipated benefits.

**4. Economic Case**

**Highlight any differences to the Economic Case since the latest version of your SOP/ Estates strategy was produced.**  
*1000 words maximum*

### Main Options

The initial options considered were as outlined in the 2013 SOP, with consideration given to 'Do Nothing', 'Do Minimum', 'Small Schools Rationalisation Programme' and 'Full Development Programme'.

### Preferred Option

The projects that will be addressed in band B include the following. It is not possible to present final information about any final options because this decision to be determined by the Executive. In light of this, the costs presented are estimates and options identified by officers as a definite possibility.

<u>Llangefni</u>		
Schools	Cost	Timescale
<u>Y Graig, Talwrn, Gaerwen and Henblas</u>	<u>£7.7M</u>	

<u>Amlwch</u>		
Schools	Cost	Timescale
<u>Syr Thomas Jones and nearby schools, and including Llannerchymedd</u>	<u>£14.5M</u>	

<u>Lligwy</u>		
Schools	Cost	Timescale
<u>Goronwy Owen, Llanbedrgoch, Moelfre and Pentraeth</u>	<u>£6.8M</u>	

<u>Seiriol</u>		
Schools	Cost	Timescale
<u>Biwmares, Llandegfan and Llangoed</u>	<u>£7.1M</u>	

All of the above Capital Costs and Timescales have been adjusted for Optimism Bias\*.

\*There is a tendency for project appraisers to be overly optimistic. To take this into account, all Capital Costs and project timescales have been adjusted upwards. This adjustment is referred to as Optimism Bias. The Green Book recommends an upper limit of 24% for adjusting capital costs on standard buildings. The Green Book, recommends an upper limit of 4% for adjusting works duration on standard buildings. As these projects / ideas are at a very early stage, the risks associated with the projects have not yet been managed, therefore the upper limit has been applied when adjusting for optimism bias. The upper limits are based on the average historic bias found at outline business cases.

## 5. Commercial Case

**Highlight any differences to the Commercial Case since the latest version of your SOP/ Estates strategy was produced.**

**Please include details of what delivery models you are considering e.g. batching or single delivery.**

*1000 words maximum*

The Authority is reviewing what offer it will make to the private sector for Band B. The choices it is considering are:

Option 1 - The Authority has good experience through its in-house design team on designing new schools. All Architectural Design will be carried out by the experienced in-house team. The Design Team will be complemented by appointing external consultants from the NPS Consultants' Framework. Anglesey Council would be looking to outsource Structural Design, Building Services Design, Health and Safety Advisors, Quantity Surveying Services, BREEAM Assessors and Landscape Architects. Other specialist Consultants would be appointed on specific projects as and when required. Or

Option 2 - The in-house Architectural Design Team will carry out the conceptual design for a project. Anglesey CC will then take the role of Project Manager and appoint an all-in Design Team through the NPS Consultants' Framework to take the conceptual design through to detailed design and tender invitation. Or

Option 3 – The in-house Architectural Design Team will carry out the conceptual design for a project. Anglesey CC will then take the role of Project Manager and appoint a main contractor through the North Wales Major Works Contractors Framework 2 to carry out the detailed design and construction of the scheme. Or

Option 4 – The Authority will write an output specification for the design and construction of its new schools and the requirements for its refurbished schools and let this through the NWCF2 framework. The in house team will act as “employer’s agents” to ensure that the successful contract is delivering but the design and construction risks will be passed to the successful contractor.

The Option selection will be decided for each individual scheme and will be based on Design Team capacity, current workload and project size.

### **Procurement Strategy**

We will use the North Wales Major Works Contractors Framework 2 to appoint our private sector partners. Contractor appointment will be by mini-competition. The framework is a collaborative and integrated framework, building on the foundations of a successful NWCF 1 harvesting benefits and savings from use of technology, improved processes, collaborative working, supply savings and efficiencies through fairness, transparency and competitive collaboration on projects.

- Maximising local community impact through SME engagement and intelligent quality based selection and clearly defined targets and benchmarked performance.
- A strong commitment to supporting and developing the local supply chain through training and best practice sharing
- Finding market gaps and encouraging companies to backfill those gaps.
- Working alongside supporting agencies and education establishments providing avenues for training, development and directing them to funding available to upskill Local SMEs
- We will align our outputs to the Well Being of Future Generations Act measuring the Framework and project performance in line with the Act.
- Fair payment practices are and will continue to be built into the Framework as well as the commitment to train and develop future generations and promoting sustainable development.

The NWCF2 framework will consist of 5 tender value bands

£250k > £1m

£1m > £2.5m

£2.5m > £5.5m

£5.5m > £10m

Over £10m

We will also look at various options – including grouping some of our schemes and also consider joint procurement across the North Wales Authorities by collaboration. This will help to maximise the economic viability for Anglesey and across North Wales. Procurement of individual larger projects and grouping of smaller projects will be considered.

### **Innovative procurement**

On recent successful projects, early contractor involvement has been key to project delivery. The framework supports this approach and a number of Projects within Band B to follow this option. It will allow the team, including the contractor, to look in detail at the buildability and the programming of the project. We will look to achieve greater price certainty before appointing the preferred bidder and to work together to reduce and eliminate risks.

Two different timber frame construction system solutions have been used recently on schools on Anglesey where all wall and roof panels were manufactured off-site. These systems, along with other off-site constructed systems will be investigated the Band B projects - which can have a dramatic impact on the programme and on reducing site waste. The Authority and its officers are always looking to push the boundaries and to look at innovative design and modern construction techniques. Ysgol Rhyd y Llan is the first complete school construction in the UK to use straw bale panel construction.

### **Community Benefits**

Anglesey County Council will continue to use standard Community Benefit clauses within the procurement of all projects. Delivering Community Benefits is at the heart of the collaborative procurement approach of the North Wales Major Works Contractors Framework 2. It is a commitment to contributing to the social, economic and environmental well-being of the North Wales region. The aim of the Framework and approach is to deliver value for money both in the method of procurement and

the projects themselves. This can be achieved by maximising the benefits of the projects to the local community and sustain economic development across the region. This approach will help support the tackle poverty agenda for Welsh Government. The current economic climate and the economic priorities of the 6 North Wales authorities is a key driver for developing Community Benefits at the heart of the Framework and wider approach. The scope is to strategically manage and co-ordinate the huge investment in the region and economics of scale to deliver wider benefits and drive economic growth through creating more training and job opportunities, job retention, supply chain initiatives and community initiatives. This approach will deliver sustainable economic growth that allows for opportunities for everyone in Wales.

The current framework has proved to be a huge success with regard to Community Benefits on the two completed Anglesey Projects with 5 jobs created, 12 apprentices employed, 40 training opportunities and 793 pupil interactions taking place.

## **6. Financial case**

**Highlight any differences to the Financial Case since the latest version of your SOP/ Estates strategy was produced.**

**Please give details of the match funding arrangements for your Programme and confirm whether or not it is affordable.**

*1000 words maximum*

**Strategic Outline Programme – Band B Update - July 2017**

Indicative capital costs, together with associated capital receipts and estimated revenue savings are shown below: **(Table below will need to be completed once a decision will be made on which of the options in part 4 will be pursued).**

<b>Description</b>	<b>Estimated Capital Cost</b>	<b>Estimated Capital Receipts</b>	<b>Estimated (Revenue Saving) / Additional Cost – excluding borrowing costs</b>
Y Graig and Talwrn	£3,870,660	£140,000	(£43,730)
Gaerwen	£3,251,739	£0	+£23,420
Henblas	£618,307	£0	+£9,690
Syr Thomas Jones and nearby primary schools, and to include Llannerchymedd	£14,559,703	£445,000	(£99,854)
Goronwy Owen, Llanbedrgoch, Moelfre and Phentraeth	£6,727,327	£1,830,000	(£146,700)
Biwmares, Llandegfan and Llangoed	£7,108,765	£1,416,000	(£14,486)
<b>TOTAL</b>	<b>£36,136,501</b>	<b>£3,831,000</b>	<b>(£271,660)</b>

Total Cost excluding interest from unsupported borrowing and revenue saving of the programme is estimated to be £36m .

A baseline funding profile has been prepared using the following assumptions:

- Government grant support will be provided, up to the lowest of '50% of Capital Cost' or '50% of the recommended cost guideline for BB98/99'
- All capital receipts generated from the sale of redundant facilities will be applied to the programme;
- The balance of the expenditure will be met through unsupported borrowing.

This produces the following figures:

<b>FUNDING SOURCES</b>	
WG Grant	£18,068,250
Capital Receipts	£3,831,000
Unsupported Borrowing	£14,237,251
<b>Total</b>	<b>£36,136,501</b>

Borrowing cost to repay the unsupported borrowing equates to approximately £673,422 per annum.

There would be some short-term transitional costs associated with the minimum, intermediate and maximum options. These costs include:

- Early appointment of a Headteacher before pupils are enrolled at the new school.
- Potential redundancy costs for Headteachers / Teachers.
- Pay protection for Headteachers or Teachers who will potentially receive a pay reduction.
- Premises costs for the closed schools, until the schools have been disposed of.

The scheme's affordability is dependent on generating sufficient savings from Delegated Schools Budgets through school rationalisation, or by identifying savings from other services, or by increasing council tax or identifying other sources of income.

## 7. Management Case

**Highlight any differences to the Management Case since the latest version of your SOP/ Estates strategy was produced.**

*1000 words maximum*

The schools modernisation programme and the associated projects continue to be monitored by the Education Transformed Board. The biggest change to the governance of the programme is the revision of the corporate programme boards. There were 3 programme Board originally, they now operate as two boards. The Transformation Education Board previously reported to the Service Excellence Board, and now reports to the Partnerships, Community and Service Improvement Programme Board. The role and responsibilities of the Board now includes overseeing and driving change programmes and projects, providing an overview, direction and offering recommendations to the Executive about funding programmes and change projects. The Board is also accountable for the risks of the programmes/projects, delivering at key milestones and approving timescales of large and complex programmes.

The Education Transformation Board has adopted programme and project management principles. The school modernisation projects and business cases require the approval of the Education Transformation Board.

Since the introduction of the previous SOP the SRO's role has continued to ensure the success of the programme and that the benefits of the programme will be delivered. There has however been a change in SRO - Delyth Molyneux the Head of Education is the current SRO. The previous SOP also noted that a Programme Manager should be appointed to manage the plethora of projects. The Programme Manager has been in post for three years .

The Welsh Government's Gateway Review Team notes that Anglesey is an exemplar of good practice in the 21CS Programme. The Gateway Reviews have confirmed that the programme is on the right track to meet its objectives. The Council has integrated the corporate performance and programme management teams in order to further address achievement and performance management.

The previous SOP highlighted the importance of setting up a project team. The team has now been established and is operating successfully, and consists of a range of skills and knowledge.

The communication plan has changed significantly and the project team has explored various communication methods in order to meet the needs of various stakeholders. A School Modernisation Facebook page has been produced and has over 300 followers. The project teams is eager to explore further methods to convey key messages such as videos and Local Radio station interviews.

Lesson logs are updated and discussed frequently as the key to successful projects is to learn from past project challenges and successes. Further lessons have been learned about the process of consultation and engagement and the documents and the process have been amended as a result, and will continue to evolve. Stakeholder Engagement groups encouraging open dialogue are established during the development stage of the projects, with the overall aim of ensuring transparency and ownership of the process and the project by all stakeholders .

**Please provide details of the structures in place to deliver the projects within your Programme and contact details of the core team.**

*500 words maximum / organogram*

The Authority has a corporate project management and governance system in place for the School Modernisation Programme that is sufficiently robust to ensure that progress is made; adequate and appropriate resources are engaged; key stakeholders are informed and involved as appropriate, and that decisions can be made in a timely manner. The arrangements reflect and recognise the scale of the spending commitment involved and the complexity of the consultation in the course of delivering this project.

The Education Transformation Board (ETB) will continue to be accountable to the Partnerships, Community and Service Improvement Programme Board – this governance structure ensures that the ETB and its school modernisation projects can demonstrate a delivery at pace to the Senior Leadership Team. The Corporate Asset Management Group also reports to the ETB to ensure a consistent approach to the management of the Authority's assets. The ETB adheres to the corporate project management principles, works to an agreed project plan and reports on progress. Each school modernisation projects and their business cases will require the ETB'S approval.

As outlined above, an internal project team has been assembled, based upon their range of skills and knowledge and their project management experience. The core members of the internal project team comprise of the following:

<b>Senior Responsible Officer</b>	Delyth Molyneux Head of Learning
<b>Programme Manager</b>	Emrys Bebb Prince 2 and MSP
<b>Programme Manager</b>	Nonn Hughes Prince 2 and MSP
<b>Architectural Services Manager</b>	Gareth Thomas RIBA Chartered Architect
<b>Accountant</b>	Arwyn Hughes
<b>Senior Valuation Officer</b>	Dylan Edwards
<b>Planning Officer</b>	Dewi Francis
<b>Solicitor</b>	Arwel Jones
<b>Engineer</b>	Hugh Percy

### **The Management of Issues**

An issue is an event that has happened which was not planned and requires management action. It could be a problem, query or concern affecting all or part of the programme in some way, or a risk that has been realised. All issues raised, from whatever source, will be logged on the issue log which is part of the project manager's management tools. The issues will be

raised at project team level and where they cannot be resolved, will be referred to the Education Transformation Board for resolution.

### **Benefits Realisation**

The benefits realisation plan will be used as a tool to ensure the intended benefits (outcomes, change processes) are realised and sustained at the end of the project. The Authority will liaise with Welsh Government to put together a tracker which enables it to track the outcomes as articulated in the business cases and report back to the Welsh Government on these.

The plan defines the roles and responsibilities for the delivery of specific benefits, and the method and timescale of their delivery. The SRO for the programme will lead the benefit reviews once the project completed.

### **Arrangements for risk management**

Managing risk on this project is a process that includes identifying risks, risk assessment and mitigation strategy. The Project Manager maintains a Risk Register which is reviewed at

- i. The Education Transformation Board meetings and in
- ii. Project Team meetings.

The SRO also instigates stronger Risk Management disciplines within the Programme, with clear triggers, escalation and reporting mechanism. The project team has compiled a risk register for the programme. A copy of the project risk register can be made available upon request.

### **Arrangements for contract management**

Contractually, the Construction contract will be managed by Gareth Thomas (Architectural Services Manager) and assisted by an externally appointed Quantity Surveyor. All agreements and changes within the contract are subject to negotiation and agreement between the parties.

### **Gateway review arrangements**

The Authority's 21<sup>st</sup> Century Schools Programme has been reviewed three times to date and has maintained a Delivery Confidence of Amber-Green throughout.

The most recent Gateway Review was held 9-11 January 2017 to coincide with this FBC submission for the Bro Aberffraw / Rhosyr project. The Gateway review process and experience continues to provide assurance to the SRO that the Programme continues to make positive strides towards success. The reviewers interview key stakeholders in order to identify examples of good practice and opportunities to celebrate success.

### **Change Management**

The school modernisation programme is about managing change. Change can lead to unplanned events and loss of stakeholder confidence. The SRO is confident that the programme has a good governance structure in place to keep major issues and deviations under tight control.

**Please provide key milestones for the Programme**

## 9. Application for Mutual Investment Model (MIM) funding

<p><b>Do you intend to deliver any of your Band B projects using the Mutual Investment Model?</b> <i>Delete as appropriate</i></p>	<p><b>No</b></p>
--	------------------

If:

- **No** - please move to the next **Section 10**
- **Yes** - please complete the relevant section for local authorities or further education institutions below.

### (a) Local Authorities

Schools	Number	Size	Cost – based on WG guidance
<p><b>Please indicate how many school buildings you would use this funding for:</b></p>	<b>Primary</b>		
	<b>Secondary</b>		
	<b>Total</b>		

<p><b>Please provide brief details including title and estimated capital cost of the project/s.</b> <i>1000 words maximum</i></p>
<p><b>Example:</b></p> <p><b>Westleaf High School</b></p> <p><b>Estimated Capital Cost - £20,000,000</b></p> <p>This is a 1000 FTE place, new build secondary school in x town which will replace the 2 existing secondary schools which are in condition category C and D.</p>

(b) Further Education Institutions

Colleges
<p><b>Please provide brief details of your college project(s), together with the estimated capital cost using the Welsh Government capital rate per m<sup>2</sup>.</b></p> <p><b>Please give details of the extent of the works planned e.g. campus, block replacement, extension and the type of facilities e.g. construction, hairdressing and beauty.</b> <i>1000 words maximum</i></p>
<p><b>Example:</b></p> <p><b>Eastleaf Campus business and creative arts hub</b></p> <p><b>Estimated Capital Cost: £20,000,000</b></p> <p>This is a 600 place development for business and the creative arts based on x campus.....</p>

## 10. Band B Projects

How many projects do you intend to deliver in Band B?	6
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What are they? (Please note that details of the projects should also be included in the attached table). The projects should be ranked in both documents in order of priority.  
500 words maximum

Rhif	Cynllun
1.	Adapt Ysgol Y Graig yn Llangefni, close Ysgol Talwrn, move pupils to Ysgol Y Graig Estimate capital cost - £3,870,660
2.	Syr Thomas Jones and nearby primary schools, including Llanerchymedd Estimate capital cost - £14,559,703
3.	Lligwy Estimate capital cost - £6,727,327
5.	Biwmares, Llandegfan and Llangoed Estimate capital cost - £7,108,765
6.	Ysgol Esceifiog, Gaerwen Estimate capital cost - £3,251,739
7.	Ysgol Henblas, Llangristiolus Estimate capital cost - £618,307

## 7. Bandiau C a D

## 11. Bands C and D

Please provide an update for Bands C and D of your Programme.  
[Band C will run from April 2024- March 2029; Band D will run between April 2029 and March 2034].

### BAND C

**Strategic Outline Programme – Band B Update - July 2017**

1.	Refurbish 2 primary schools
2.	Refurbish a secondary school
3.	6 <sup>th</sup> Form Building
4.	Refurbish a secondary school
5.	Refurbish a secondary school
6.	Refurbish a secondary school
7.	New build school, as a successor school for 3

**BAND D**

1.	New build school, as a successor school for 2 closing schools in West Anglesey
2.	Refurbish a primary school
3.	New build school, as a successor in Western Anglesey

**12. Statement of Approval for Strategic Outline Programme (SOP) -  
Band B Update – July 2017**

**Please complete as appropriate:**

**I confirm that the updates in this form have been signed off by either the Cabinet of the local authority or the Board of the further education institution:**

<b>Local Authority / College</b>	
<b>Name <i>Printed</i></b>	

Strategic Outline Programme – Band B Update - July 2017

<b>Name</b> <i>Signed</i>	
<b>Position in the organisation</b>	
<b>Date</b> DD/MM/YYYY	

**If there has not yet been sign off at Cabinet or Board level, please confirm when this is anticipated. Please also confirm at what level the document has currently been signed off.**

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## 5.1 Members' Code of Conduct

This is the Code of Conduct adopted by the County Council on 12.05.2016

### Part 1 - Interpretation

1. (1) In this code

“co-opted member” (“aelod cyfetholedig”), in relation to a relevant authority, means a person who is not a member of the authority but who -

(a) is a member of any committee or subcommittee of the authority, or

(b) is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority, and who is entitled to vote on any question which falls to be decided at any meeting of that committee or subcommittee;

“meeting” (“cyfarfod”) means any meeting -

(a) of the relevant authority,

(b) of any executive or board of the relevant authority,

(c) of any committee, subcommittee, joint committee or joint subcommittee of the relevant authority or of any such committee, subcommittee, joint committee or joint subcommittee of any executive or board of the authority, or

(d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990 (1) and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

“member” (“aelod”) includes, unless the context requires otherwise, a co-opted member;

“registered society” means a society, other than a society registered as a credit union, which is —

(a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or

(b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

“register of members' interests” (“cofrestr o fuddiannau'r aelodau”) means the register established and maintained under section 81 of the Local Government Act 2000;

“relevant authority” (“awdurdod perthnasol”) means -

(a) a county council,

(b) a county borough council,

(c) a community council,

(d) 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,

(e) a National Park authority established under section 63 of the Environment Act 1995;

“you” (“chi”) means you as a member or co-opted member of a relevant authority; and

“your authority” (“eich awdurdod”) means the relevant authority of which you are a member or co-opted member.

(2) In relation to a community council—

(a) “proper officer” (“swyddog priodol”) means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972; and

(b) “standards committee” (“pwyllgor safonau”) means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

## **Part 2 - General Provisions**

2. (1) Save where paragraph 3(a) applies, you must observe this code of conduct -

(a) whenever you conduct the business, or are present at a meeting, of your authority;

(b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;

(c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or

(d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

(2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

3. Where you are elected, appointed or nominated by your authority to serve -

(a) on another relevant authority, or any other body, which includes a police authority or Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or

(b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and

insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. You must -

(a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;

(b) show respect and consideration for others;

(c) not use bullying behaviour or harass any person; and

(d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

(e) attend at least one training session on this code of conduct during each full term of office, such attendance to take place during the six months following election in the case of those members elected to the County Council for the first time and those having been re-elected but without continuity of office.

5. You must not -

(a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;

(b) prevent any person from gaining access to information to which that person is entitled by law.

6. (1) You must -

(a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;

(b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);

(c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;

(d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7. You must not -

(a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;

(b) use, or authorise others to use, the resources of your authority -

(i) imprudently;

(ii) in breach of your authority's requirements;

(iii) unlawfully;

(iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;

(v) improperly for political purposes; or

(vi) improperly for private purposes.

8. You must -

(a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by -

(i) the authority's head of paid service;

(ii) the authority's chief finance officer;

(iii) the authority's monitoring officer;

(iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9. You must -

(a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;

(b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or

services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

### Part 3 - Interests

#### Personal Interests

10. (1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

(2) You must regard yourself as having a personal interest in any business of your authority if -

(a) it relates to, or is likely to affect -

(i) any employment or business carried on by you;

(ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

(iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(vi) any land in which you have a beneficial interest and which is in the area of your authority;

(vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(viii) any body to which you have been elected, appointed or nominated by your authority;

(ix) any -

(aa) public authority or body exercising functions of a public nature;

(bb) company, registered society, charity, or body directed to charitable purposes;

(cc) body whose principal purposes include the influence of public opinion or policy;

(dd) trade union or professional association; or

(ee) private club, society or association operating within your authority's area,

and in relation to (aa) to (ee), in which you have membership or hold a position of general control or management;

(x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

[Note: subparagraph (b) is omitted]

(c) a decision upon it might reasonably be regarded as affecting -

(i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;

(ii) any employment or business carried on by persons as described in 10(2)(c)(i);

(iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;

(iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,

and in relation to (i) to (v), to a greater extent than the majority of -

(aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

or

(bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

#### Disclosure of Personal Interests

11. (1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority and you make -

(a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or

(b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

(3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer from time to time but, as a minimum containing -

(a) details of the personal interest;

(b) details of the business to which the personal interest relates; and

(c) your signature

(5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

(7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

#### Prejudicial Interests

12. (1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the 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 judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business -

(a) relates to -

(i) another relevant authority of which you are also a member;

(ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;

(iii) a body to which you have been elected, appointed or nominated by your authority;

(iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;

(v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to -

(i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;

(ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;

(iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;

(iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;

(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

#### Overview and Scrutiny Committees

13. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a Subcommittee of such a committee) where -

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, Subcommittees, joint committees or joint Subcommittees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, Subcommittee, joint-committee or joint Subcommittee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

#### Participation in Relation to Disclosed Interests

14. (1) Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee –

(a) withdraw from the room, chamber or place where a meeting considering the business is being held -

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise executive or board functions in relation to that business;

(c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(2A) where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under statutory right or otherwise.

(2B) when submitting written representations under sub-paragraph (2A) you must comply with any procedure that your authority may adopt for the submission of such representations.

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if -

(a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or

(b) you have the benefit of a dispensation provided that you -

(i) state at the meeting that you are relying on the dispensation; and

(ii) before or immediately after the close of the meeting give written notification to your authority containing -

(aa) details of the prejudicial interest;

(bb) details of the business to which the prejudicial interest relates;

(cc) details of, and the date on which, the dispensation was granted; and

(dd) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

#### **Part 4 - The Register of Members' Interests**

##### Registration of Personal Interests

15. (1) Subject to sub-paragraph (4), you must, within 28 days of -

(a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or

(b) your election or appointment to office (if that is later),

register your personal interests, where they fall within a category mentioned in paragraph 10(2)(a) in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(2) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 10(2)(a), register that new personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(3) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 10(2)(a), register that change in your authority's register of members' interests by providing written notification to your authority's monitoring officer..

(4) Sub-paragraphs (1) and (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).

(5) Sub-paragraph (1) and (2) will not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

(6) You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

#### Sensitive information

16. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this code, "sensitive information" ("gwybodaeth sensitif") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

#### Registration of Gifts and Hospitality

17. You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer of the existence and nature of that gift, hospitality, material benefit or advantage. Such written notification should be provided [here](#)

**THE ISLE OF ANGLESEY COUNTY COUNCIL**  
**DECISION OF THE STANDARDS COMMITTEE**  
**IN RELATION TO AN APPLICATION FOR DISPENSATION**  
**BY A MEMBER OF THE COUNTY COUNCIL**

<b>Decision of the Standards Committee:</b>	<b>To grant dispensation to Councillor Carwyn Jones (Seiriol Ward) in the terms described below</b>
<b>Date decision made by the Standards Committee:</b>	<b>18 July 2017</b>
<b>Name of persons to be notified of the Standards Committee's decision:</b>	<b>Councillor Carwyn Jones and Head of Democratic Services</b>
<b>Date any dispensation expires:</b>	<b>8 May 2022</b>

Pursuant to paragraphs (d), (f) and (i) of The Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 as amended by The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016, the Standards Committee has resolved to **grant a dispensation** to Councillor Carwyn Jones in respect of that / those interest(s) referred to in the Application, which permits the Councillor to:

- ✓ write to officers [and/or the Executive/Committee/Council etc] about the issue;
- ✓ speak to officers of the Council about the issue;
- ✓ speak at Executive/Committee/Council meetings (subject to permission of the Chair) and answer any questions about the issue;
- ✓ remain in the room during any debate on the issue and participate in any debate (when a member of the body);
- ⊖ ~~vote at such meetings;~~
- ✓ other – to undertake a full role in representing the community at meetings outside the County Council, to include public meetings and any relevant meetings of Town and Community Councils.

The Councillor may therefore speak at Executive/Committee/Council meetings in relation to the issue and answer any questions from members of the Executive/Committee/Council and may remain in the room during the debate and participate in any debate (when a member of the body) ~~and vote on the issue~~ but must not vote on the issue.

Before the Councillor speaks with, or writes to, officers of the Council, or speaks at Executive/Committee/Council etc meetings on the issue, the Councillor must still:-

- declare an interest in the matter; and
- confirm that a dispensation has been granted to allow the Councillor to speak [~~and vote~~] about it; and
- complete the notification to the Clerk setting out the interest and the dispensation.

By authority of the Isle of Anglesey County Council's Standards Committee

Dated: 18 July 2017

# DISPENSATION PANEL OF THE STANDARDS COMMITTEE

## Minutes of the meeting held on 18 July 2017

**PRESENT:** Independent Members

Mr Michael Wilson (Chair)  
Mrs Denise Harris-Edwards  
Mrs Dilys Shaw

**IN ATTENDANCE:** Head of Function (Council Business)/Monitoring Officer  
Committee Officer (SC)

**ALSO PRESENT:** Councillor Carwyn Jones

**APOLOGIES:** None

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### 1. DECLARATION OF INTEREST

No declaration of interest was received.

### 2. APPLICATION FOR DISPENSATION

Submitted - an application by Councillor Carwyn Jones for dispensation in relation to the County Council's strategy for the medium and long-term future of education on the Island.

The Head of Function (Council Business)/Monitoring Officer gave a summary of the background to the application, and reported that the County Council is presently formulating and submitting a plan to Welsh Government on its proposals for the modernisation of schools on Anglesey. One of the priority areas to be assessed is the Seiriol ward, which Councillor Jones represents, along with two other members. As a local member, he would be expected to participate fully at a local level in the consultation and decision making process, up to implementation.

It was noted that Councillor Jones has declared three personal interests. He is a Council appointed school governor, and Chair of Llandegfan Primary School, which is one of the three schools under consideration in the Seiriol ward. The other two personal interests are also prejudicial and relate to family members, constituting close personal associates within the definition of the Code of Conduct. Councillor Jones' first cousin is employed at Beaumaris Primary School, which is also under review in the Seiriol ward. His cousin's son also attends Llandegfan Primary School.

Councillor Jones acknowledged that those family relationships and connections are close, but that his overriding motivation is for the benefit of the ward, and that he fully intends to act in the wider public interest.

Councillor Jones was afforded the opportunity to address the Panel and gave his views and detailed reasons for his application for dispensation.

In summary, Councillor Jones highlighted the importance of education to the electorate in the ward, and stated that he felt it was his duty as a local member to participate in the process of writing, gathering and sharing information regarding any future proposals for education in the area. He reported that should a dispensation be granted, he would be involved in attending and speaking at public and Town/Community Council meetings to gauge and reflect local opinion, and any decisions taken would have an impact on the education of future generations. He would also be using social media to gather and share information. He stated that he would not seek voting powers, and if the Panel thought it appropriate, he would leave meetings during voting. He further stated that he wished to act as a conduit between his community and the County Council in ensuring that the community voice is heard and given proper consideration in the process/decisions taken throughout the stages of consultation/implementation etc.

It was noted that Councillor Jones has not expressed his views/opinions to date on the proposals, but has attended meetings at Llangoed, Beaumaris and Llandegfan schools and Community Council meetings to listen to the views of local people. Councillor Jones stated that he has facilitated and shared information, and encouraged people to express their views at this stage in the consultation process, which is non-statutory and will be ending in two weeks' time. The local community are very concerned about the future of the three primary schools, the implications for the children, and the wider impact on the community as a whole.

Councillor Jones reported that the three local Councillors believe there is lack of a strategic plan for the Seiriol ward as a whole, as young people are leaving the area owing to lack of employment opportunities, resulting in empty school places and an ageing population. Councillor Jones advocated on behalf the community that his preferred option would be for all three schools in the ward to remain open as part of a wider community strategy for the area that would also give the three schools an opportunity to thrive. They at least deserve a chance to try.

It was noted that the Seiriol ward Councillors believe it is premature to carry out an evaluation to close schools at this stage, and feel they would not be in a position to endorse any of the options at present. They believe a plan should be put in place to rejuvenate the ward by creating employment opportunities, affordable/social housing and modernise the three schools as part of that bigger package.

For the reasons set out in the application, Councillor Jones has requested that the Standards Panel consider granting a dispensation, which would overreach the two prejudicial interests, and would enable him to participate both at local and Council level in relation to discussing and formulating the Council's response to the consultation and statutory and non-statutory processes.

Members of the Panel deliberated in private session. Following discussion, the Chair announced that the Standards Committee **had RESOLVED to grant a dispensation to Councillor Carwyn Jones in respect of that / those interest(s) referred to in the Application, pursuant to paragraphs (d), (f) and (i) of The**

**Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 as amended by The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016.**

The dispensation will expire on 8<sup>th</sup> May, 2022, and until then permits the Councillor to:-

- **Write to officers [and/or the Executive/Committee/Council etc] about the issue;**
- **speak to officers of the Council about the issue;**
- **speak at Executive/Committee/Council meetings (subject to permission of the Chair) and answer any questions about the issue;**
- **remain in the room during any debate on the issue and participate in any debate (when a member of the body);**
- ~~vote at such meetings;~~
- **other – to undertake a full role in representing the community at meetings outside the County Council, to include public meetings and any relevant meetings of Town and Community Councils etc.**

The meeting concluded at 2.30 pm

**MICHAEL WILSON  
CHAIR**

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<b>CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>COMMITTEE:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>13 September 2017</b>
<b>REPORT TITLE:</b>	<b>Local Resolution Arrangements for Town and Community Councils</b>
<b>PURPOSE OF THE REPORT:</b>	<b>To advise the Committee about a standard Local Resolution Protocol issued by One Voice Wales</b>
<b>REPORT BY:</b>	<b>Head of Function (Council Business)/Monitoring Officer</b>
<b>LINK OFFICER:</b>	<b>Lynn Ball Head of Function (Council Business)/Monitoring Officer <a href="mailto:lbxcs@anglesey.gov.uk">lbxcs@anglesey.gov.uk</a> 01248 752586</b>

## 1. INTRODUCTION AND BACKGROUND

- The Standards Committee will be aware that, shortly after his appointment, the current Public Services Ombudsman for Wales (PSOW) reviewed and updated his threshold test for conducting investigations into alleged breaches of the code of conduct. This change applied to both county councillors and town and community councillors.
- The PSOW's current threshold test is that he will only initiate investigations (which may be reviewed and terminated at any time) if he is satisfied that the following two conditions are met:-
  - There is evidence which indicates that the code of conduct may have been broken and;
  - Any breach which may have occurred is sufficiently significant for it to be in the public interest that an investigation be opened.
- The PSOW has been clear that it was his intention, in revising the threshold test, to ensure that the resources of his office were focused on only the most significant complaints and county councils were asked to each devise a local resolution protocol to deal with "low level disputes" alleging breaches of the code; with specific reference to disputes between councillors involving allegations of a failure to show respect / consideration. A copy of this County Council's Local Resolution Protocol is attached at **ENCLOSURE 1**. This has been adopted by full Council but remains voluntary for individual councillors.
- The Standards Committee has requested that the PSOW / Welsh Government provide a standard local resolution protocol for all county councils; to ensure fair

treatment and consistency for all. However, that request has been rejected and there is no indication of any intention to produce such a document.

- In any event, the PSOW has indicated, in his quarterly [Code of Conduct Casebook Reports](#), that the existence of a local resolution protocol has reduced the number of complaints in relation to county councillors.
- Following this theme, the PSOW asked for suitable, informal arrangements to be put in place in relation to town and community councils; the number of complaints against town and community councillors being significantly more than those against county councillors.
- To this end, One Voice Wales, the body representing / advising most town / community councils has devised and published a suggested Protocol. This is attached at **ENCLOSURE 2**.
- The One Voice Wales Protocol has been circulated to all the town and community councils on Anglesey which are members of One Voice Wales.

#### **SUMMARY OF THE PRINCIPLES IN THE ONE VOICE WALES PROTOCOL**

- The Protocol is optional and needs to be adopted by each council individually. Even so, it would have no legal effect and councillors would not be bound to participate although a failure to do so might be a relevant feature in any linked PSOW investigation.
- The Protocol has the approval and support of the PSOW.
- It is designed for minor complaints, with a particular emphasis on alleged failure to show respect and consideration.
- It applies between councillors and councillors and between officers and councillors; although council clerks/proper officers are specifically excluded. It could not have the effect of replacing any employment rights and, for staff members also, it would be a voluntary process.
- Complaints by the public, and complaints that would cross the PSOW's threshold for investigation, fall outside the Protocol; in particular failure to disclose interests / bullying / abuse of position or trust / repeated breaches.
- The second page of the Protocol lists the relevant participants who will be involved in the process and this varies according to the circumstances.
- The process does not involve any sanction and is, effectively, a mediation process designed to ensure that the parties involved re-establish functioning working relationships.
- Rather like the local resolution protocols at county council level, the outcomes may involve an apology, an undertaking not to repeat the behaviour, a commitment to undertake training or that no further action is required.

- The time for the process is described as being “as quickly as possible” but acknowledges that much will depend upon the availability of individuals etc.
- Although it is not quite clear in the Protocol, it would appear that while it is designed to deal with low level complaints involving alleged absence of respect and consideration prior to their referral to the PSOW, it is also possible that the PSOW may refer such matters, which do not reach his threshold for investigation, back to the town/community council for local resolution.
- There is no specific role identified in this process for local standards committees; perhaps because of resourcing issues and also the potential for a conflict if such disputes escalate and are, ultimately, referred to the standards committee following a PSOW investigation.

## RECOMMENDATIONS

1. To note the content of the Protocol.
2. To instruct the Monitoring Officer to write to the clerks of our local town and community councils requesting confirmation as to whether or not they have/intend to formally adopt and apply the Protocol.
3. To decide whether or not the Standards Committee should, perhaps in specified / limited circumstances (and at the discretion of the Chair of the Standards Committee), offer support to town and community councils in operating the Protocol.
4. In light of the attachment to the Protocol, which makes reference to mediation training, whether the Standards Committee wishes to raise this issue, once again, with the PSOW. Extract from the North Wales Standards Committee Forum 17<sup>th</sup> October 2016 “Questions for the Ombudsman” is attached at **ENCLOSURE 3**

# ISLE OF ANGLESEY COUNTY COUNCIL

## LOCAL RESOLUTION PROTOCOL

### Generally

1. The purpose of the Protocol is to promote high standards of conduct, with a view to fostering positive working relationships among Members, and between Members and Officers, to avoid spurious complaints to the Public Services Ombudsman for Wales (PSOW) and to safeguard the Council's reputation.
2. The Protocol will only apply to cases of alleged misconduct against Members under paragraphs 4(b) and 6(1)(d) of the Code of Conduct. That is to say, allegations of failure to show respect and consideration for others, or allegations that a Member has made vexatious, malicious or frivolous complaints against other Members or anyone who works for, or on behalf of, the Council.
3. The Protocol seeks to achieve swift mediation and reconciliation. It is not punitive but it may become relevant to sanction if a formal complaint, involving a pattern of similar conduct, is made to the PSOW.
4. The Protocol is not intended to interfere with, or take the place of, group or party discipline.
5. The Protocol is not intended to interfere with, or take the place of, any statutory or contractual rights which Officers may have.
6. The Protocol is not intended to oust the jurisdiction of the PSOW but, rather, to deal with a limited category of cases, where a breach of paragraphs 4(b) or 6(1)(d) of the Code may have occurred, but where such a finding would probably not result in disciplinary action. Such cases, at least individually, would not meet the PSOW's threshold test for investigation.

### Procedure

7. A Member or Officer wishing to use the Protocol must put their complaint in writing to the Monitoring Officer, explaining when and where the alleged breach occurred, how and why paragraph 4(b) and/or 6(1)(d) have been breached, together with the details of any witnesses and any relevant documentation.
8. Any written complaint must be sent to the Monitoring Officer within 7 working days from the date of the event which is the subject of the complaint, or 7 working days from the date when the event came to the knowledge of the complainant.
9. The Monitoring Officer, or his/her representative, will send a copy of the complaint, and any supporting evidence, to the Member who is the subject of the complaint. That Member will have 7 working days, from receipt, within which to send a written reply to the Monitoring Officer setting out their response and providing details of any witnesses and any relevant documentation.
10. Having received a reply from the Member complained of, or when the time for reply has elapsed, the Monitoring Officer will:-

- copy the full response to the complainant;
  - arrange a meeting of an informal Panel of the Standards Committee to consider the complaint on the first convenient date available for all concerned.
11. The meeting of the Standards Committee Panel will take place in private and any paperwork which it receives, or which it generates, will remain confidential to the Panel, its advisors, and the parties. This is, however, subject to any legal duty to disclose e.g. to the PSOW in the event that matters escalate.
  12. Any informal Panel of the Standards Committee will consist of two Members of the Committee, on a rotational basis, but will not include a Community Council Member.
  13. The parties will be asked to attend the Panel and will be responsible for bringing along any witnesses upon whom they intend to rely.
  14. In the absence of a party or witness it will be a matter for the discretion of the Panel as to whether or not they proceed, or reschedule.
  15. If the complainant, or the Member complained of, is a Member of a political group then he/she may invite their Group Leader to attend the Panel. Any relevant Group Leader is not required to attend, but is encouraged to do so.
  16. The Monitoring Officer, or his/her representative, will attend to advise the Panel.
  17. The procedure of any Panel will be informal. The Panel will endeavour to be fair and even handed to both parties. There will be no rules of evidence, as such, but any witnesses called will only attend to share their information with the Panel; they will not "sit in" during the meeting.
  18. After hearing from the parties, and any witnesses, together with the Group Leaders (should there be Group Leaders in attendance and should they wish to address the Panel) the Panel will then retire to private session, returning to express its view and to put forward any recommendations it may have for resolution. The Panel has no disciplinary powers but may make recommendations to Group Leaders individually, in relation to Members of their Group and, to the Group Leaders collectively in relation to any unaffiliated Member.
  19. There will be no right of appeal under this process.
  20. The parties will receive written confirmation of the Panel's findings and the outcome of all Panels will be reported, albeit in an anonymised format only, to all quarterly meetings of the Standards Committee.
  21. The outcome of any Panel will also be discussed as a standing item at Group Leaders' meetings.

Un Llais Cymru



One Voice Wales

**Model Local Resolution Protocol  
for Community and Town Councils**

# ONE VOICE WALES

## Model Local Resolution Protocol for Community and Town Councils

### Background

The Public Service Ombudsman has agreed to the principle of referring some complaints against Members back to Community and Town Councils for a local resolution. However to date there has not been a common process for Community and Town Councils to follow in dealing with such matters. To assist the sector, One Voice Wales has drawn up the following as a model protocol which any Community and Town Council can use in dealing with such complaints.

This model protocol is meant as a starting point for Community and Town councils. Individual councils may wish to add or amend this model to suit their particular needs. Councils wishing to use this process should first of all be clear about its purpose and intention, formally adopt it in its current or in a revised form and ensure that all Councillors are provided with a copy for their attention. The Council should then determine the framework through which it is operated which may require the establishment of a Committee or Panel or an extension of the terms of reference of an existing Panel or Committee such as a Complaints Panel or Committee. In the case of establishment of a new Panel it is important that terms of reference are prepared and approved by the Council. In either case it will be important for Councils to document in the terms of reference as to what will happen if there is a lack of co-operation shown by the member concerned or a breakdown occurring during the operation of the process. For example, in such cases the default position might be that the matter is referred to the Public Ombudsman for Wales.

### The Local Resolution Process

#### Issues which should be considered under this process

Low level complaints about Members, including:

- Minor complaints from Members about Members
- Minor complaints from Officers about Members
- Members alleged to have not shown respect and consideration for others – either verbally or in writing

#### Issues which should not be considered under this process

Complaints which must be directed to the Public Services Ombudsman for Wales, including:

- Complaints instigated by a member of the public
- Serious complaints – breaches of the Code of Conduct/failure to disclose interests/bullying/abuse of position or trust/repeated breaches
- Complaints made by the Clerk/Proper Officer
- Vexatious, malicious or frivolous complaints
- Members' complaints about officers which should be dealt with using the Council's internal complaints process
- Repetitive low level complaints

## **The Process**

### **The complaint**

The complaint would need to be sent to the Clerk/Proper Officer of the Council to undertake a first sift to ensure that the complaint is at a low level and should not be dealt with by way of a complaint to the Ombudsman. If appropriate, therefore, the Clerk/Proper Officer should firstly seek an early resolution of any such dispute by liaising informally with the individual members concerned prior to the resolution process described below. It is vitally important that the 'accused' member is given full details of the complaint against them so that in the interests of natural justice they are in a position to prepare their response to the accusation.

### **Resolution Process**

The involvement of the Chair/Vice Chair of the Council in the following process is not to adjudicate on the complaint, but to attempt to get the members/officers involved to come to an agreement as to how the issue(s) could be resolved on an amicable basis.

The Clerk/Proper Officer will act as a facilitator for the resolution process below.

If the complaint is between Members other than the Chair of the Council, the Clerk/Proper Officer and the Chair will meet individually with the complainant and Member subject of the complaint to seek an agreed resolution.

If the complaint is between Members, one of whom is the Chair of Council, but not the Vice Chair, the Clerk/Proper Officer and the Vice Chair will meet with the complainant and Member subject of the complaint to seek an agreed resolution.

If the complaint has been made by an officer/employee, but not the Clerk/Proper Officer, against a Member other than the Chair of Council, the Clerk/Proper Officer and the Chair of Council will meet with the officer and the Member subject of the complaint to seek an agreed resolution.

If the complaint has been made by an officer/employee, but not the Clerk/Proper Officer, against the Chair of Council, the Clerk/Proper Officer and the Vice Chair of Council will meet with the officer and the Chair to seek an agreed resolution.

If the complaint has been made by the Clerk/Proper Officer, then it is likely to be best practice that this complaint is forwarded by way of a complaint to the Ombudsman.

### **Possible results of the process**

If an agreement is reached by Members and/or officers during this Stage then no further action is required.

If agreement cannot be reached the aggrieved Member/officer would always have the opportunity of referring the matter to the Ombudsman.

Examples of agreements might include issue of a letter of apology, a written undertaking or commitment not to breach the Code of Conduct in the future, a commitment to undertake training or an agreement that on the basis of the evidence that no further action should be taken and the matter be closed.

**Time for the process**

It is the intention that all of the processes can be completed as quickly as possible to resolve the issue. However exact timing will depend on the availability of individuals to attend the meetings.

### ***Important Points to Note in preparing a process for use by the Council***

*The Clerk/Proper officer, Chair and Vice Chairs of Councils should consider receiving appropriate training in facilitation and mediation to be in a position to maximise the benefit of this process. Councils wishing to pursue this route should contact One Voice Wales for guidance.*

*Councils might want to include some guidance where complaints which are most appropriately dealt with under this process are referred back to the Council by PSOW. The PSOW could actively do this if the Council has an approved process.*

*It is suggested that any meetings held with a view to discussing the issues of complaints and/or resolving matters are at the very least minuted, if not recorded. This is to ensure that agreements are captured. This will also be useful in the event that matters break down or escalate and need to be referred to the PSOW. It may also be useful as evidence in the event of further similar breaches of the conduct and future conduct.*

*Councils need to be clear on their powers in respect of code of conduct matters. The Ombudsman has seen examples of councils who have deemed it appropriate to fully investigate a code complaint, decide that there has been a breach and some have even thought it appropriate to consider the issue of a sanction. Investigations of possible breaches of the Code are matters for the Ombudsman. The Local Government Act 2000 gives him the authority to carry out such investigations. The Council has no legal authority to undertake such investigations or to make findings of a breach of the Code of Conduct, which are decisions that can only be reached by a Standards Committee or the Adjudication Panel for Wales.*



## ABOUT ONE VOICE WALES

One Voice Wales is the national representative organisation for Community and Town Councils throughout Wales. The vision subscribed to by One Voice Wales is:

*“Working with local councils in Wales to shape places communities want to live in”*

One Voice Wales aims to support Community and Town Councils in achieving this vision and has adopted the following Mission Statement to guide its work:

*“To represent the interests of Community and Town Councils; raise awareness and understanding of this primary tier of government; and work collaboratively with our partners to ensure the sector contributes fully to the goal of developing dynamic and sustainable communities in Wales.”*

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**NORTH WALES STANDARDS COMMITTEE FORUM  
17 OCTOBER 2016  
QUESTIONS FOR THE OMBUDSMAN**

20. Ian Trigger, Denbighshire County Council:

Does the Ombudsman consider that the setting of minimum standards and mandatory training for Clerks to Town, City and Community Councils would assist in the maintenance of high standards of conduct and the operation of Local Resolution Procedures in those Councils?

Ombudsman:

Yes whilst we agree that training in this area would be beneficial particularly if Clerk's are to play a role in local resolution but this is something that we as an organisation would be unable to resource. Organisations such as one voice wales or Society of Local Clerks may wish to take up.