



**CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL**

**GŴYS A RHAGLEN**

**SUMMONS AND AGENDA**

ar gyfer

for a

**CYFARFOD O  
GYNGOR SIR  
YNYS MÔN**

**MEETING OF THE  
ISLE OF ANGLESEY  
COUNTY COUNCIL**

a gynhelir yn

to be held at the

**SIAMBR Y CYNGOR  
SWYDDFA'R SIR  
LLANGFN**

**COUNCIL CHAMBER  
COUNCIL OFFICES  
LLANGFN**

**DYDD MAWRTH,  
14 MAI, 2019**

**TUESDAY,  
14 MAY 2019**

**→ am 10.30 o'r gloch yb ←**

**→ at 10.30 am ←**

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## **A G E N D A**

### **1. MINUTES**

To submit for confirmation, the draft minutes of the meetings of the County Council held on 27 February 2019.

### **2. DECLARATION OF INTEREST**

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

### **3. TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRPERSON, LEADER OF THE COUNCIL OR THE CHIEF EXECUTIVE**

### **4. QUESTIONS RECEIVED PURSUANT TO RULE 4.1.12.4 OF THE CONSTITUTION**

- To submit the following question on notice by Councillor Shaun Redmond to the Portfolio Holder for Education, Youth, Libraries & Culture :-

*'It has become apparent to several Members that the Schools Modernisation Programme is more an exercise driven by finance rather than Educational Improvements.*

*Given the Secondary School stock is mainly aged stock and not conducive to high spec subjects such as Sciences and is a disadvantage to those pupils in the most urgent need of high educational standards in teaching and teaching aids and surroundings. What programme of Secondary School Modernisation is planned?'*

- To submit the following question on notice by Councillor Shaun Redmond to the Portfolio Holder for Finance :-

*'Given the Council is continuing to take measures to cut costs of Council, what measures are you taking to ensure all debtors be they organisations, business' or individuals are challenged to make those debts good to Council?'*

- To submit the following question on notice by Councillor Peter Rogers to the Portfolio Holder for Highways, Property and Waste :-

*'The report at last weeks' Executive on the Further Education Trust – Annual Report was very critical and damning of the running of the David Hughes Estate. How long can you allow this mismanagement to continue?'*

### **5. NOTICE OF MOTION PURSUANT TO RULE 4.1.13.1 OF THE CONSTITUTION**



- To submit the following Notice of Motion by Councillors K P Hughes and Bryan Owen :-

*'That this Council supports in principle, subject to the outcome of relevant statutory processes, the residents of Llanfachraeth in their efforts to reduce the speed limit through the village from 30mph to 20mph.'*

- To submit the following Notices of Motion by Councillors Bryan Owen and Shaun Redmond :-

1. *This Motion seeks the Members of Council to reject Officers recommendations not to fully finance schools to the full cost of all the budget pressures faced by schools 2019/20.*

*Members are asked to support the full funding to most of their budgetary pressures 2019/20.*

2. *This Motion seeks the Members of Council to support the retention of all Teaching Staff in all Anglesey Schools for the duration of the administration to 2022.*

*In addition, Members support the employment in all Teaching posts commensurate with recommended levels to pupil numbers over the same period.*

## **6. PRESENTATION OF PETITIONS**

To receive any petition in accordance with Paragraph 4.1.11 of the Constitution.

## **7. THE LEADER OF THE COUNCIL'S ANNUAL REPORT FOR 2018/19**

To consider the Council Leader's Annual Report in accordance with paragraphs 4.1.11 of the Constitution.

## **8. CAPITAL STRATEGY AND CAPITAL PROGRAMME 2019/20 TO 2021/22**

To submit a report by the Head of Function (Resources)/Section 151 Officer.

## **9. ANNUAL REPORT OF THE CHAIR STANDARDS COMMITTEE 2018/19**

To submit a report by Mr Michael Wilson, Independent Chair of the Standards Committee.

## **10. OVERVIEW AND SCRUTINY ANNUAL REPORT 2018/19**

To submit a report by the Chairs of the Corporate Scrutiny Committee and the Partnership and Regeneration Scrutiny Committee.

## **11. AUDIT AND GOVERNANCE COMMITTEE ANNUAL REPORT 2018/19**

To submit a report by the Chair of the Audit and Governance Committee as presented to the Audit and Governance Committee on 23 April 2019.

## **12. DEMOCRATIC SERVICES COMMITTEE ANNUAL REPORT 2018/19**

To submit a report by the Chair of the Democratic Services Committee.

**13. EXCLUSION OF THE PRESS AND PUBLIC**

To consider adopting the following:-

**“Under Section 100(A)(4) of the Local Government Act 1972, to exclude the press and public from the meeting during the discussion on the following item as it may involve the likely disclosure of exempt information as defined in Paragraph 12A of the said Act and in the attached Public Interest Test.”**

**14. ISLAND GAMES - REQUEST FOR UNDERWRITING THE GAMES COSTS**

To submit a report by the Chief Executive in respect of the above.

**ISLE OF ANGLESEY COUNTY COUNCIL**

**Minutes of the meeting held on 27 February 2019**

**PRESENT:** Councillor Dylan Rees (Chair)  
Councillor Margaret Murley Roberts (Vice-Chair)

Councillors Lewis Davies, R Dew, John Griffith, Richard Griffiths, Glyn Haynes, K P Hughes, T LI Hughes MBE, Vaughan Hughes, Llinos Medi Huws, A M Jones, Carwyn Jones, Richard O Jones, G O Jones, R LI Jones, R Meirion Jones, Alun W Mummery, Bryan Owen, Bob Parry OBE FRAGS, Shaun James Redmond, Alun Roberts, Dafydd Roberts, J A Roberts, Nicola Roberts, P S Rogers, Dafydd Rhys Thomas, Ieuan Williams and Robin Williams.

**IN ATTENDANCE:** Chief Executive,  
Assistant Chief Executive (Partnerships, Community & Service Improvements),  
Head of Function (Council Business)/Monitoring Officer,  
Head of Function (Resources)/Section 151 Officer,  
Head of Regulation and Economic Development,  
Interim Head of Highways and Waste and Property,  
Head of Democratic Services,  
Senior Human Resources Officer (for item 10),  
Committee Officer (MEH).

**ALSO PRESENT:** None

**APOLOGIES:** Councillor Eric W Jones.

**1. MINUTES**

The minutes of the following meetings of the Isle of Anglesey County Council were confirmed as correct:-

- 11 December, 2018
- 28 January, 2019 (Extraordinary Meeting)

**2. DECLARATION OF INTEREST**

The following declarations of personal interest were received in respect of Item 7 – Medium Term Financial Strategy and Budget 2019/2020:-

Councillors Richard Dew, Carwyn Jones, Richard O Jones, Llinos M Huws, R Meirion Jones, Dafydd Roberts, Bryan Owen, Margaret M Roberts, Nicola Roberts, Robin Williams.

The following declarations of personal interest were received in respect of Item 10 – Pay Policy Statement 2019:-

Councillors Richard Griffiths, Aled M Jones, Carwyn Jones, Robert LI Jones, R Meirion Jones, Alun W Mummery, Robin Williams.

The Strategic Leadership Team together with the Heads of Function for Resources and Council Business declared a prejudicial interest in item 10 – Pay Policy Statement 2019 and were not present at the meeting during any discussion or voting thereon.

**3. TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRPERSON, LEADER OF THE COUNCIL OR THE CHIEF EXECUTIVE**

The Chair made the following announcements:-

- Best wishes was extended to Councillor Richard O Jones and members of the 'Walking Football Team' – Amlwch Football Team who will be representing Wales at St George's Park on Sunday;
- Congratulations was extended to Ms Christina Darbyshire-Jones, Social Worker who has won the 'Credo Care Fostering Agency as the most Outstanding External Professional' recently;
- Congratulations was extended to Councillor Bryan Owen on becoming a grandfather to twins.

The Chair said that he had the pleasure of meeting a family of Syrian Refugees recently who have been settled on Anglesey.

The Chair wished to remind the Members that the Chairman's Charitable Concert is to be held at Ysgol Gyfun Llangefni on Friday, 5 April, 2019 at 7.00 p.m.

\* \* \* \* \*

Condolences was extended to the former Councillor John Chorlton and his family on the loss of their daughter Heather recently.

Condolences were extended to any Member of the Council or staff who had suffered bereavement.

Members and Officers stood in silent tribute as a mark of their respect and sympathy.

#### **4. QUESTIONS RECEIVED PURSUANT TO RULE 4.1.12.4 OF THE CONSTITUTION**

To receive the following question on notice by Councillor Robert LI Jones to the Portfolio Holder for Finance:-

In view of the large overspend on the Children's Services:-

*'What steps were taken to review the spending in the Social Services Department on a weekly basis, and was this brought to the attention of the Executive on a weekly basis?'*

The Portfolio Holder for Finance responded that the Children's Services is a demand lead service and when a Court decides that a child is to be put in care the Authority must respond. He expressed that the Authority must make available appropriate facilities for children who are placed in care with foster parents or within specialist units. The Executive at its informal meetings and the SLT receives monthly reports on every service and the full Executive receives reports on a quarterly basis. The Portfolio Holder further said that reports are afforded to the Children's Services Scrutiny Panel and the Head of Services has attended these meetings on two occasions. Furthermore, the Portfolio Holder for Social Services has monthly meetings with the Head of Children's Services together with the statutory Director of Social Services and the departmental budget is discussed and monitored within those meetings.

Councillor Robert LI Jones thanked the Portfolio Holder for Finance for his response and expressed his appreciation to the staff within the Children's Services for their work in enabling improvement achieved within the service recently. He said that he would like to see a new approach as to be able to afford facilities for looked after children within the Island and not having to place them out of county.

#### **5. NOTICE OF MOTION PURSUANT TO RULE 4.1.13.1 OF THE CONSTITUTION**

- Submitted – the following Notice of Motion by Councillor Robert LI Jones:-

*'On the 27<sup>th</sup> April 2010, the then Executive passed a motion to try to ensure that the same thing did not happen as happened with the large planning application re: Ty Mawr, Llanfairpwll in 2008. This application was called-in by the Welsh Government and ended up being refused.*

*It was passed that a Planning Performance Agreement Charter setting out how the Authority should work with the developer, the community and other key stakeholders to ensure that large scale and complex development proposals were carefully considered in a constructive, collaborative and open manner.*

*The three largest developments in the last ten years did not have a PPA entered into and ended up with one being called-in and the other two, besides Ty Mawr, namely Holyhead Waterfront and the Land and Lakes developments being costly to our authority and the people of Ynys Môn. If a PPA had been entered into, the chances are that the electorate would have been listened to by the developers.'*

I am asking that a Planning Performance Agreement be entered into by all developers and that this Agreement is made available for the electorate of Ynys Môn to be kept aware of what is being agreed to. This would be in line with other Local Authorities.

Councillor Shaun Redmond seconded the motion.

Councillor Redmond said that it is essential that PPAs are entered into when large development are proposed within local communities. He noted that local communities need to be informed of large development process so as to alleviate any concerns of the effect of such a development.

The Portfolio Holder for Planning and Public Protection responded that the Planning Performance Agreement Charter (PPA) was updated in 2014 and the Charter stipulates that a PPA is a voluntary agreement between the developers of large development projects and the Council. Discussions are undertaken with developers before a planning application is submitted to the Planning Authority but the Council is unable to enforce developers to enter into a PPA. The Portfolio Holder referred to the Land and Lakes project and said that a PPA agreement was not entered into but the developers agreed to pay the legal costs of the Council and sign a S106 agreement. In relation to Glannau Caergybi development discussions were undertaken as regards to the PPA but the planning application was submitted before the Charter was in place.

Councillor Robert LI Jones said that he wished to see detailed records kept during discussion as regard to PPA with developers to enable the public access to the discussions undertaken. He noted that PPA was entered into as regards to the Wylfa Newydd project where a record of what charges were made and a contribution of £6.8m from the project. Councillor Jones expressed that without a PPA being signed there is no record of charges and costs this authority has had to pay.

The Head of Regulation and Economic Development reported that a fee is charged for each planning application presented to the Council which enables the capacity to process the application. As regards to larger developments the PPA is put in place for the benefit of the planning authority and the developer to ensure that there is capacity to deal with large complex developments. He noted that as regard to the Wylfa Newydd project the local planning authority did not receive a planning fee as the Local Authority would not have made a decision as regards to that application. Therefore the only avenue of funding for the local authority to be able to have capacity to deal with such a large complex development was through the PPA. The Head of Regulation and Economic Development further said that each local authority reports to Welsh Government which includes a number of KPI's performance together with details of income from any statutory planning process.

The Chair of the Council said that it seems that entering into a PPA by developers is a voluntary process and local planning authorities are unable to enforce it.

Councillor Robert LI Jones responded that he was aware that a PPA was a voluntary process but he wished to have documentation available as to why a developer has decided not to enter into a PPA and that costs associated with such a development is recorded.

**In the ensuing vote it was RESOLVED not to support the motion.**

- Submitted – the following Notice of Motion by Councillor Robert LI Jones:-

*‘During the last 20 years, we have seen more and more chapels and churches closing on Ynys Môn with the loss of community meeting places that have served our residents for over a hundred and fifty years. Each village on Ynys Môn has one or more places of worship with many more in our towns.’*

Can the Planning Department through their Heritage Officer look at what has happened to these meeting places and what records are being kept to preserve the history of these important buildings as being part of our history over the last 150 years. Could a full report be brought back to Council? Many of these chapels and churches have marble tablets and other records of young men and women who were lost in the two World Wars, what happens to these, and could they also be recorded?

Councillor Peter Rogers seconded the motion.

Councillor Rogers said that it is important to safeguard historical records within the churches and chapels.

The Portfolio Holder for Planning and Public Protection responded that it is a duty on a Local Authority to record historical records under the 1979 or 1990 legislation within registered buildings. However, most historical assets within chapels and churches do not have a statutory protection. Whilst sharing concerns when historical worship chapels and churches are having to close the authority does not have the resource to keep such records. However, when processing planning applications to convert chapels and churches a request is made by the Planning Authority for the developer to keep records of the memorial tablets and records within the buildings.

Councillor Gwilym O Jones wished to express his appreciation for the Notice of Motion being presented to the Council for consideration. He expressed that the situation is different with religious denominations as the Presbyterians has a central records facility to keep such records whilst others are having to deal with the situation locally. He noted that the local communities and Community Councils should be able to facilitate to keep records of memorial tablets and registers when a chapel or church is closing.

Councillor Ieuan Williams said that whilst accepting that historical records within historical worship buildings need to be recorded he considered that it was a matter for the churches or chapels to make sure that such records are kept.

**In the ensuing vote it was RESOLVED not to support the motion.**

## **6. PRESENTATION OF PETITIONS**

The Chair said that a petition had been received by Councillor Kenneth P Hughes with 131 signatures as regards to objections to the extension to the traffic on the A5025 and to the increase of the traffic through the village of Llanfachraeth before the by-pass is constructed.

Councillor K P Hughes said there has been strong concerns within the village of Llanfachraeth regarding the increase in traffic due to the Wylfa Newydd project. He thanked the Chair of the Council for meeting representatives from the Llanfachraeth and for accepting the petition. However, he said that due to the uncertainties as regards to the Wylfa Newydd project the increase of traffic through the village of Llanfachraeth may not materialise.

## **7. MEDIUM TERM FINANCIAL STRATEGY AND BUDGET 2019/20**

The Portfolio Holder for Finance presented the Executive's proposals for the Revenue and Capital budgets 2019/20, Treasury Management Strategy Statement and setting the Council Tax – items 7(a) to (ch) within the Agenda. He said that the budget was the most challenging budget the Council had to deliver. The initial budget process was entered into in June 2018 with individual reviews of all the services within the Council taking place. The services were challenged to identify £5m savings in accordance with the Medium Term Financial Plan. Numerous workshops took place during October with services submitting their savings proposals for consideration with all Members of the Council invited to attend. The total savings proposals submitted amounted to £3.747m. A public consultation was undertaken from the 15 November to 31 December, 2018 concentrating on the 15 main savings proposals. He said that he appreciated the response to the public consultation and the highest number of responses had been received by the Council in regard to the budget setting process. He noted that 6 meetings were convened with various groups and stakeholders to discuss the proposed savings and to gauge their opinions. The strong message from these meetings was that education budgets need to be protected to afford the best possible education in schools. A report was submitted to the Corporate Scrutiny Committee on the 4<sup>th</sup> February, 2019 where the Chair reported back to the Executive on 18<sup>th</sup> February, 2019.

He also noted that if the Council should not set a prudent budget at today's meeting, then the Council might face significant financial problems as was reported by the Head of Function (Resources)/Section 151 Officer at the Executive meeting on 18<sup>th</sup> February, 2019. The Council must set a budget that strengthens the Council's financial position and most importantly protecting the services that the most vulnerable people are reliant upon which are adults services, children's services and education. The dire financial position local government authorities



across the UK are facing is the result of the UK Government's austerity policies. Welsh Government has also cut local government settlements; local authorities in North Wales and Powys have seen a reduced budget settlement from Welsh Government but South Wales local authorities having seen an increase within their local government settlements. He noted that an increase in staff pay awards and teachers' pensions and the increase in the Fire Authority precept has put pressure on the budget. The Portfolio Holder said that the authority does not have sufficient financial reserves to allow reserves to be used as a short term funding source. He noted that the Head of Function (Resources)/Section 151 Officer reported at the meeting of the Executive held on 18<sup>th</sup> February that the level of general reserves has reached a critical point and should not be allowed to decrease any further. He further said that the Auditor General in his letter dated 5<sup>th</sup> February, 2019 to this Council outlined that it is not sustainable to depend on reserves to support the increased costs of the services. As a result, the recommendation of the Executive to the full Council was to increase the Council Tax by 9.5% which will enable the authority to reduce the financial cuts to the education services from £1.7m to £626k. Also, if financial funding is received by the UK Government towards funding the increase of teachers' pensions contribution (which has been already budgeted for within the budget) half of the amount received will be used to further reduce the reduction to school budgets.

The Portfolio Holder for Finance expressed that the 9.5% Council Tax increase will be difficult for the residents of Anglesey but it is the prudent option available in these difficult situations. The average Council Tax for each household will see an increase of £2 per week in order to protect the most important services i.e. children's services, adult services and education. However, following this increase the Council will remain with the second lowest council tax rate in North Wales.

(d) Amendment to the Budget

The following amendment was received to the Budget proposed by the Anglesey Independents Group, of which notice has been received under Paragraph 4.3.2.2.11 of the Constitution as follows :-

*'The Anglesey Independents Group would wish to propose an increase of 5% in the Council Tax for the financial year 2019-2020.*

*This will be achieved by :-*

- not filling the vacant post of Assistant Chief Executive – saving £100,000;
- reducing the number of Members on the Executive from 9 to 7 – saving £26,464;
- delay the construction of the Gypsy and Travellers Site at Star – saving £33,600 in Capital Financing Charges;
- reducing the Council Tax Reduction Scheme Budget is a consequence of setting a lower Council Tax than proposed by the Executive – saving £225,000;
- to set the Council Tax increase at 5%. This would take the Band D charge to £1,197.18 an annual increase of £56.97;

- to increase the premium on Empty Houses to 35% rather than the 100% proposed by the Executive;
- the reduction in Council Tax and the Empty Houses Premium would reduce funding through Council Tax by £1,950,449 and this would be funded by reducing expenditure by £385,449 (see above) by using £1m from earmarked reserves and by using £565,000 of general balances;
- if additional funds are made available for pension provision, these will be transferred back into general balances.'

Councillor Robert LI Jones, Shadow Portfolio for Finance said that the Ruling Group wishes to raise the Council Tax the highest this Council has ever faced. The amendment to the budget proposed by the Opposition Group would propose an increase in the Council Tax of 5% rather than the 9.5% proposed by the Ruling Group. He said that the interest rates are low and Council Tax increases should be kept below the inflation rate. He urged the Council to reject the budget before the full Council.

Councillor Bryan Owen seconded the amendment.

The Chair asked the Head of Function (Resources)/Section 151 Officer to respond to the amendment before the full Council and whether it complied with the required Act in setting the Council Tax budget.

The Head of Function (Resources)/Section 151 Officer referred to the Local Government Financial Act 1992. The Act requires the Council to ensure that the Council produces a budget that is fully funded through Revenue Support Grant, Non Domestic Rates, Reserves and Council Tax. He noted that the amendment submitted by the Opposition Group produces a budget which is fully funded and as a result the proposed complies with requirements of the Act in this respect. He further stated that as a Section 151 Officer he has a duty under Section 25 of the Local Government Act 2003 to make an assessment of the budget and to report on the robustness of budget estimates and the adequacy of the proposed financial reserves. The assessment of the recommendation by the Executive at its meeting held on 18<sup>th</sup> February, 2019 is contained in Part 6 of the report before the full Council. The proposal by the Opposition Group reduces the expenditure by £385k which equates to 0.28% of the net expenditure. This change in expenditure is not significant and does not alter the Section 151 Officer's opinion on the robustness of the budget proposed by the Opposition. The Act also requires the Section 151 Officer to make an assessment of the general reserves which is contained in Part 8 of the report. The Head of Function said that in his professional opinion the general reserves of the Council are too low and the minimum balances should be £6.7m. The estimated balance at 31 March, 2019 for general balances is £4.6m which is over £2m lower than the calculated minimum. The Officer said that he accepted that in the current financial situation it is not possible to budget for budget surplus in order to bring the general reserves back to the required level and it will take up to 3 to 5 years to bring the reserves to the expected level. The amendment to the budget submitted has a level of risk to the general reserves and he noted that he had discussions with the Opposition Group and

thereafter an email outlining the risks to using general reserves was circulated to the Opposition Group; the email was read out to the full Council.

The Leader of the Council responded to the amendment to the budget by the Opposition Group as regard to not filling the vacant post of Assistant Chief Executive – saving £100,000. Discussions are currently been undertaken through the Appointments Committee as to the vacant post of the Assistant Chief Executive (Governance and Business Process Transformation). Reducing the number of Members on the Executive from 9 to 7 – saving £26,464. She said that she had made a decision to increase the membership of the Executive; the membership is of broad experience of different background and experience. The Executive is continuing to strive to secure employment opportunities on the Island. She noted that she has no intention of reducing the membership of the Executive. Delay the construction of the Gypsy and Travellers Site at Star – saving £33,600 in Capital Financing Charges. Identifying sites for Gypsy and Travellers is a statutory duty within the Wales Housing Act 2014.

Reference was made by a Member to the increase the Council is facing as regards to the teachers' pension contribution which totals £800k. He said that if the UK Government is to contribute towards the increase in teachers' pension contribution in England then funding should be made available by Welsh Government to local authorities to fund the increased. He further said that he wished to see the children of the Island having the best possible education and said that he supported the recommendation by the Executive to reduce the financial cuts to the education services from £1.7m to £626k.

The Opposition Group outlined the following issues as regards to setting the budget for 2019/20:-

- The 9.5% will have a dire effect on the residents of the Island with people already having to face increase in energy bills;
- The loss of employment recently on the Island will have a dire effect on those whom have been affected;
- There is £9m allocated within the earmarked reserves – i.e. £620k unused within IT projects and over £1.25m within the insurance funds;
- Delaying the construction of the Gypsy and Travellers site should be prioritised when funds are available;
- The ruling group has mentioned that the Council Tax may see an increase at the same level next year as well;
- The increase in the empty homes of 100% should be reconsidered as it will have an effect on local communities;
- Reference was made that the education budget is over £48m and the contribution received from WG is £52m. If education had received all of WG's contribution there would be no need to safeguard the budget of the service;
- There has been continued over-spend within the Social Services Department with 1% of Education funding being transferred to Social Services budget last year;

- The Council should take advantage of offers from successful private sector companies on the Island who have afforded their services to attend briefing sessions to support and give guidance;
- The sale of the Council's assets needs to be managed better and promptly.

The Leader of the Council referred to the reference made by the Opposition Group as regards to the earmarked reserves and said that the part of the money within these reserves is to support vulnerable people i.e. £100k within the earmarked reserves for Supporting People (support for domestic violence which is on an increase within the region) - the Police & Crime Commissioner North Wales has expressed that local authorities needs to increase resources to tackle domestic violence which is a regional objective; £120k within the earmarked reserves - Corporate Vulnerable Persons budget.

The Leader said that many of the services within the Council face increasing demand at a time when there are less resources, none more than Social Services which cares for the most vulnerable in society.

Following further deliberations, it was agreed that a vote be undertaken as regards to the amendment to the budget proposed by the Opposition Group.

In accordance with paragraph 4.1.18.4 of the Constitution the Opposition Group requested that a recorded vote be taken on the proposed amendment. The required number of members requesting a recorded vote was not reached.

In the ensuing vote, it was **RESOLVED not to support the amendment to the budget.**

Councillor A M Jones wished it be recorded that the Opposition Group had proposed that the Council Tax be increased by 5%.

The Portfolio Holder for Finance said that pressure needs to be brought on Welsh and Central Governments for fairer settlement for local government. He proposed the budget to the Council and the recommendations contained at (a) and (ch) within the reports. The Leader seconded the proposal.

In the ensuing vote, it was **RESOLVED :-**

- **To accept the budget proposals and Treasury Management Strategy as presented for 2019/20;**
- **To accept the draft Council Tax Resolution as (ch) in the Agenda :-**
  1. **(a)** Pursuant to the recommendations of the Executive, to adopt the Medium Term Financial Plan at Section 11 Medium Term Financial Plan and 2019/20 Budget at Section 9, as a Budget Strategy within the meaning given by the Constitution, and to affirm that it becomes part of the budget framework with the exception of figures described as current.

- (a) Pursuant to the recommendations of the Executive, to adopt a revenue budget for 2019/20 as shown at Appendix 4 Medium Term Financial Plan and 2019/20 Budget.
  - (c) Pursuant to the recommendations of the Executive, to adopt a capital budget as shown in the Capital Budget Report 2019/20 report.
  - (ch) To delegate to the Head of Function (Resources) the power to make adjustments between headings in Appendix 4 Medium Term Financial Plan and 2019/20 Budget in order to give effect to the Council's decisions.
  - (d) To delegate to the Executive Committee, for the financial year 2019/20, the powers to transfer budgets between headings as follows:-
    - (i) unlimited powers to spend each budget heading in Appendix 4 Medium Term Financial Plan and 2019/20 Budget against the name of each service, on the service to which it relates;
    - (ii) powers to approve the use of service and earmarked reserves to fund one-off spending proposals that contribute to the delivery of the Council's objectives and improve services;
    - (iii) powers to vire from new or increased sources of income.
  - (dd) To delegate to the Executive Committee, in respect of the financial year 2019/20 and on the advice of the Head of Function (Resources), the power to release up to £500k from general balances to deal with priorities arising during the year.
  - (e) To delegate to the Executive Committee in respect of the period to 31 March 2020, the following powers:-
    - (i) powers to make new commitments from future years' revenue budgets up to amount identified under New Priorities in the Medium Term Financial Plan;
    - (ii) the power and the duty to make plans for achievement of revenue budget savings implied by the Medium Term Financial Plan;
    - (iii) powers to transfer budgets between capital projects in the Capital Budget Report 2019/20 report and to commit resources in following years and consistent with the budget framework.
  - (f) To set and approve the prudential and treasury indicators which are estimates and limits for 2019/20 and onwards as shown in the report on Treasury Management Strategy Statement 2019/20.
  - (ff) To approve the Treasury Management Strategy Statement for 2019/20.
  - (g) To confirm that items 1(b) to (ff) become part of the budget framework.
- 2. RESOLVED** to adopt and affirm for the purposes of the financial year 2019/20 the decision of the County Council on 10 March 1998 to set the discount level applicable to the prescribed Class A and prescribed Class B of dwellings under Section 12 of

the Local Government Finance Act 1992 (as amended), as described by the Council Tax (Prescribed Classes of Dwellings) (Wales) Regulations 1998, as follows:-

Prescribed Class A	Nil Discount
Prescribed Class B	Nil Discount

3. **RESOLVED** to adopt and affirm for the purposes of the financial year 2019/20 the decision of the County Council on 6 March 2007 to set the discount level applicable to the prescribed Class C of dwellings under Section 12 of the Local Government Finance Act 1992 (as amended), as described by the Local Authorities (Calculation of Tax Base) and Council Tax (Prescribed Classes of Dwellings) (Wales) (Amendment) Regulations 2004 as follows:-

Prescribed Class C	Nil Discount
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4. **RESOLVED** to disapply any discount(s) granted to long-term empty dwellings and dwelling occupied periodically (usually known as second homes) and to vary the Full Council's decision made on 28 February 2018 and apply for the financial year 2019/20 a higher amount of Council Tax (called a Council Tax Premium) of 100% of the standard rate of Council Tax for long-term empty dwellings and for dwellings occupied periodically (usually known as second homes) to apply a higher amount of Council Tax (called a Council tax Premium) of 35% under Sections 12A and 12B of the Local Government Finance Act 1992 as inserted by Section 139 of the Housing (Wales) Act 2014.
5. That it be noted that at its meeting on 28 February 1996 the Council resolved not to treat any expenses incurred by the Council in part of its area or in meeting any levy or special levy as special expenses and that the resolutions remain in force until expressly rescinded.
6. That it is noted that a resolution of the Executive on 26 November 2018 approved the amount calculated by the Isle of Anglesey County Council for its council tax base for 2019/20 and to further note that the full Council in its meeting on the 11 December 2018 approved that the local Council Tax Reduction Scheme will continue unchanged for 2019/20. It is also noted that the full Council on 28 February 2018 adopted and approved a local Council Tax Discretionary Policy under section 13A of the Local Government Finance Act 1992, delegating to the Executive the power to revoke, re-enact and/or amend the Policy.
7. At its meeting on 26 November 2018, the Executive, in accordance with the Local Government Finance Act 1992 and the Local Authorities (Calculation of Council Tax Base)(Wales) Regulations 1995 (SI1995/2561) as amended by SI1999/2935 and the Local Authorities (Calculation of Council Tax Base) and Council Tax (Prescribed Classes of Dwellings)(Wales) Amendment) Regulations 2004 and the Local Authority (Calculation of Taxbase) (Wales) (Amendment) Regulations 2016 resolved to approve the amounts calculated by the Isle of Anglesey County Council as its tax base and for the parts of the area, for the year 2019/20, as follows:-
- 31,571.46 being the amount approved by the Executive as the Isle of Anglesey County Council's council tax base for the year.
  - The parts of the Council's area, being the amounts calculated by the Executive as the amounts of the Isle of Anglesey County Council's council tax base for the year for dwellings in those parts of its area to which one or more special items relate, are as follows:-

Amlwch	1,506.32
Beaumaris	1,095.94
Holyhead	3,927.52
Llangefni	1,965.35
Menai Bridge	1,443.42
Llanddaniel-fab	379.48
Llanddona	400.39
Cwm Cadnant	1,171.95
Llanfair Pwllgwyngyll	1,323.32
Llanfihangel Ysgeifiog	693.04
Bodorgan	459.96
Llangoed	663.77
Llangristiolus & Cerrig Ceinwen	632.10
Llanidan	421.79
Rhosyr	1,027.19
Penmynydd	246.31
Pentraeth	571.10
Moelfre	631.10
Llanbadrig	696.84
Llanddyfnan	508.21
Llaneilian	579.31
Llannerch-y-medd	532.02
Llaneugrad	185.47
Llanfair Mathafarn Eithaf	1,871.09
Cylch y Garn	403.68
Mechell	565.96
Rhos-y-bol	484.57
Aberffraw	302.95
Bodedern	430.87
Bodffordd	414.40
Trearddur	1,303.70
Tref Alaw	266.72
Llanfachraeth	231.49
Llanfaelog	1,298.09
Llanfaethlu	293.54
Llanfair-yn-Neubwll	565.06
Valley	993.83
Bryngwran	365.99
Rhoscolyn	360.99
Trewalchmai	356.63

8. That the following amounts be now calculated by the Council for the year 2019/20, in accordance with Sections 32 to 36 of the Local Government Finance Act 1992:-
- a) £193,484,077 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a) to (d) of the Act.

- b)** £56,832,650 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3)(a) and (c) of the Act.
- c)** £136,651,427 being the amount by which the aggregate at 8(a) above exceeds the aggregate at 8(b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year.
- ch)** £ 95,791,012 being the aggregate of the sums which the Council estimates will be payable for the year into its council fund in respect of redistributed non-domestic rates, revenue support grant and specific grant, reduced by any amount calculated in accordance with Section 33(3) of the Act.
- d)** £ 1,294.22 being the amount at 8(c) above less the amount at 8(ch) above, all divided by the amount at 7(a) above, calculated by the Executive, in accordance with Section 33(1) of the Act, as the basic amount of its council tax for the year.
- dd)** £ 1,441,310 being the aggregate amount of all special items referred to in Section 34(1) of the Act.
- e)** £ 1,248.57 being the amount at 8(d) above less the result given by dividing the amount at 8(dd) above by the amount at 7(a) above, calculated by the Executive, in accordance with Section 34(2) of the Act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no special item relates.

**f)**

<b>Part of the Council's area</b>	<b>D</b>
Amlwch	£ 1,314.09
Beaumaris	£ 1,275.48
Holyhead	£ 1,378.80
Llangefni	£ 1,328.49
Menai Bridge	£ 1,315.71
Llanddaniel-fab	£ 1,272.24
Llanddona	£ 1,264.14
Cwm Cadnant	£ 1,275.39
Llanfair Pwllgwyngyll	£ 1,283.31
Llanfihangel Ysgeifiog	£ 1,274.49
Bodorgan	£ 1,273.50
Llangoed	£ 1,265.31
Llangristiolus & Cerrig Ceinwen	£ 1,261.17
Llanidan	£ 1,272.24
Rhosyr	£ 1,274.22
Penmynydd	£ 1,275.93



f) Part of the Council's area	<b>D</b>	
Pentraeth	£	1,274.76
Moelfre	£	1,266.75
Llanbadrig	£	1,287.27
Llanddyfnan	£	1,266.21
Llaneilian	£	1,270.53
Llannerch-y-medd	£	1,279.53
Llaneugrad	£	1,270.08
Llanfair Mathafarn Eithaf	£	1,276.29
Cylch y Garn	£	1,264.86
Mechell	£	1,264.86
Rhos-y-bol	£	1,264.05
Aberffraw	£	1,273.32
Bodedern	£	1,271.70
Bodffordd	£	1,273.77
Trearddur	£	1,275.39
Tref Alaw	£	1,273.86
Llanfachraeth	£	1,283.40
Llanfaelog	£	1,278.18
Llanfaethlu	£	1,268.10
Llanfair-yn-Neubwll	£	1,274.22
Valley	£	1,281.06
Bryngwran	£	1,276.38
Rhoscolyn	£	1,259.64
Trewalchmai	£	1,272.33

being the amount given by adding to the amount at 8(e) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 8(b) above, calculated by the Executive in accordance with Section 34(3) of the Act, as the basic amounts of its council tax for the year for dwellings in those parts of its area to which one of more special items relate.

## Valuation Bands

ff) Part of the Council Area		A	B	C	D	E	F	G	H	I
Amlwch	£	876.06	1,022.07	1,168.08	1,314.09	1,606.11	1,898.13	2,190.15	2,628.18	3,066.21
Beaumaris	£	850.32	992.04	1,133.76	1,275.48	1,558.92	1,842.36	2,125.80	2,550.96	2,976.12
Holyhead	£	919.20	1,072.40	1,225.60	1,378.80	1,685.20	1,991.60	2,298.00	2,757.60	3,217.20
Llangefni	£	885.66	1,033.27	1,180.88	1,328.49	1,623.71	1,918.93	2,214.15	2,656.98	3,099.81
Menai Bridge	£	877.14	1,023.33	1,169.52	1,315.71	1,608.09	1,900.47	2,192.85	2,631.42	3,069.99
Llanddaniel-fab	£	848.16	989.52	1,130.88	1,272.24	1,554.96	1,837.68	2,120.40	2,544.48	2,968.56
Llanddona	£	842.76	983.22	1,123.68	1,264.14	1,545.06	1,825.98	2,106.90	2,528.28	2,949.66
Cwm Cadnant	£	850.26	991.97	1,133.68	1,275.39	1,558.81	1,842.23	2,125.65	2,550.78	2,975.91
Llanfair Pwllgwyngyll	£	855.54	998.13	1,140.72	1,283.31	1,568.49	1,853.67	2,138.85	2,566.62	2,994.39
Llanfihangel Ysgeifiog	£	849.66	991.27	1,132.88	1,274.49	1,557.71	1,840.93	2,124.15	2,548.98	2,973.81
Bodorgan	£	849.00	990.50	1,132.00	1,273.50	1,556.50	1,839.50	2,122.50	2,547.00	2,971.50
Llangoed	£	843.54	984.13	1,124.72	1,265.31	1,546.49	1,827.67	2,108.85	2,530.62	2,952.39
Llangristiolus & Cerrig Ceinwen	£	840.78	980.91	1,121.04	1,261.17	1,541.43	1,821.69	2,101.95	2,522.34	2,942.73
Llanidan	£	848.16	989.52	1,130.88	1,272.24	1,554.96	1,837.68	2,120.40	2,544.48	2,968.56
Rhosyr	£	849.48	991.06	1,132.64	1,274.22	1,557.38	1,840.54	2,123.70	2,548.44	2,973.18
Penmynydd	£	850.62	992.39	1,134.16	1,275.93	1,559.47	1,843.01	2,126.55	2,551.86	2,977.17
Pentraeth	£	849.84	991.48	1,133.12	1,274.76	1,558.04	1,841.32	2,124.60	2,549.52	2,974.44
Moelfre	£	844.50	985.25	1,126.00	1,266.75	1,548.25	1,829.75	2,111.25	2,533.50	2,955.75
Llanbadrig	£	858.18	1,001.21	1,144.24	1,287.27	1,573.33	1,859.39	2,145.45	2,574.54	3,003.63
Llanddyfnan	£	844.14	984.83	1,125.52	1,266.21	1,547.59	1,828.97	2,110.35	2,532.42	2,954.49
Llaneilian	£	847.02	988.19	1,129.36	1,270.53	1,552.87	1,835.21	2,117.55	2,541.06	2,964.57
Llanerch-y-medd	£	853.02	995.19	1,137.36	1,279.53	1,563.87	1,848.21	2,132.55	2,559.06	2,985.57
Llaneugrad	£	846.72	987.84	1,128.96	1,270.08	1,552.32	1,834.56	2,116.80	2,540.16	2,963.52
Llanfair Mathafarn Eithaf	£	850.86	992.67	1,134.48	1,276.29	1,559.91	1,843.53	2,127.15	2,552.58	2,978.01
Cylch y Garn	£	843.24	983.78	1,124.32	1,264.86	1,545.94	1,827.02	2,108.10	2,529.72	2,951.34
Mechell	£	843.24	983.78	1,124.32	1,264.86	1,545.94	1,827.02	2,108.10	2,529.72	2,951.34
Rhos-y-bol	£	842.70	983.15	1,123.60	1,264.05	1,544.95	1,825.85	2,106.75	2,528.10	2,949.45
Aberffraw	£	848.88	990.36	1,131.84	1,273.32	1,556.28	1,839.24	2,122.20	2,546.64	2,971.08
Bodedern	£	847.80	989.10	1,130.40	1,271.70	1,554.30	1,836.90	2,119.50	2,543.40	2,967.30
Bodffordd	£	849.18	990.71	1,132.24	1,273.77	1,556.83	1,839.89	2,122.95	2,547.54	2,972.13
Trearddur	£	850.26	991.97	1,133.68	1,275.39	1,558.81	1,842.23	2,125.65	2,550.78	2,975.91
Tref Alaw	£	849.24	990.78	1,132.32	1,273.86	1,556.94	1,840.02	2,123.10	2,547.72	2,972.34
Llanfachraeth	£	855.60	998.20	1,140.80	1,283.40	1,568.60	1,853.80	2,139.00	2,566.80	2,994.60
Llanfaelog	£	852.12	994.14	1,136.16	1,278.18	1,562.22	1,846.26	2,130.30	2,556.36	2,982.42
Llanfaethlu	£	845.40	986.30	1,127.20	1,268.10	1,549.90	1,831.70	2,113.50	2,536.20	2,958.90
Llanfair-yn-Neubwll	£	849.48	991.06	1,132.64	1,274.22	1,557.38	1,840.54	2,123.70	2,548.44	2,973.18
Valley	£	854.04	996.38	1,138.72	1,281.06	1,565.74	1,850.42	2,135.10	2,562.12	2,989.14
Bryngwran	£	850.92	992.74	1,134.56	1,276.38	1,560.02	1,843.66	2,127.30	2,552.76	2,978.22
Rhoscolyn	£	839.76	979.72	1,119.68	1,259.64	1,539.56	1,819.48	2,099.40	2,519.28	2,939.16
Trewalchmai	£	848.22	989.59	1,130.96	1,272.33	1,555.07	1,837.81	2,120.55	2,544.66	2,968.77

being the amounts given by multiplying the amounts at 8(e) and 8(f) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Executive, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

9. That it be noted that for the year 2019/20, the Police and Crime Commissioner North Wales has stated the following amounts in a precept issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:-

Precepting Authority		Valuation Bands								
		A	B	C	D	E	F	G	H	I
Police and Crime Commissioner North Wales	£	185.40	216.30	247.20	278.10	339.90	401.70	463.50	556.20	648.90

10. That, having calculated the aggregate in each case of the amounts at 8(ff) and 9 above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of council tax for the year 2016/17 for each of the categories of dwellings shown below:-

Valuation Bands

f) Part of the Council's Area		A	B	C	D	E	F	G	H	I
Amlwch	£	1,061.46	1,238.37	1,415.28	1,592.19	1,946.01	2,299.83	2,653.65	3,184.38	3,715.11
Beaumaris	£	1,035.72	1,208.34	1,380.96	1,553.58	1,898.82	2,244.06	2,589.30	3,107.16	3,625.02
Holyhead	£	1,104.60	1,288.70	1,472.80	1,656.90	2,025.10	2,393.30	2,761.50	3,313.80	3,866.10
Llangefni	£	1,071.06	1,249.57	1,428.08	1,606.59	1,963.61	2,320.63	2,677.65	3,213.18	3,748.71
Menai Bridge	£	1,062.54	1,239.63	1,416.72	1,593.81	1,947.99	2,302.17	2,656.35	3,187.62	3,718.89
Llanddaniel-fab	£	1,033.56	1,205.82	1,378.08	1,550.34	1,894.86	2,239.38	2,583.90	3,100.68	3,617.46
Llanddona	£	1,028.16	1,199.52	1,370.88	1,542.24	1,884.96	2,227.68	2,570.40	3,084.48	3,598.56
Cwm Cadnant	£	1,035.66	1,208.27	1,380.88	1,553.49	1,898.71	2,243.93	2,589.15	3,106.98	3,624.81
Llanfair Pwllgwyngyll	£	1,040.94	1,214.43	1,387.92	1,561.41	1,908.39	2,255.37	2,602.35	3,122.82	3,643.29
Llanfihangel Ysgeifiog	£	1,035.06	1,207.57	1,380.08	1,552.59	1,897.61	2,242.63	2,587.65	3,105.18	3,622.71
Bodorgan	£	1,034.40	1,206.80	1,379.20	1,551.60	1,896.40	2,241.20	2,586.00	3,103.20	3,620.40
Llangoed	£	1,028.94	1,200.43	1,371.92	1,543.41	1,886.39	2,229.37	2,572.35	3,086.82	3,601.29
Llangristiolus & Cerrig Ceinwen	£	1,026.18	1,197.21	1,368.24	1,539.27	1,881.33	2,223.39	2,565.45	3,078.54	3,591.63
Llanidan	£	1,033.56	1,205.82	1,378.08	1,550.34	1,894.86	2,239.38	2,583.90	3,100.68	3,617.46
Rhosyr	£	1,034.88	1,207.36	1,379.84	1,552.32	1,897.28	2,242.24	2,587.20	3,104.64	3,622.08
Penmynydd	£	1,036.02	1,208.69	1,381.36	1,554.03	1,899.37	2,244.71	2,590.05	3,108.06	3,626.07
Pentraeth	£	1,035.24	1,207.78	1,380.32	1,552.86	1,897.94	2,243.02	2,588.10	3,105.72	3,623.34
Moelfre	£	1,029.90	1,201.55	1,373.20	1,544.85	1,888.15	2,231.45	2,574.75	3,089.70	3,604.65
Llanbadrig	£	1,043.58	1,217.51	1,391.44	1,565.37	1,913.23	2,261.09	2,608.95	3,130.74	3,652.53
Llanddyfnan	£	1,029.54	1,201.13	1,372.72	1,544.31	1,887.49	2,230.67	2,573.85	3,088.62	3,603.39
Llaneilian	£	1,032.42	1,204.49	1,376.56	1,548.63	1,892.77	2,236.91	2,581.05	3,097.26	3,613.47
Llanerch-y-medd	£	1,038.42	1,211.49	1,384.56	1,557.63	1,903.77	2,249.91	2,596.05	3,115.26	3,634.47
Llaneugrad	£	1,032.12	1,204.14	1,376.16	1,548.18	1,892.22	2,236.26	2,580.30	3,096.36	3,612.42
Llanfair Mathafarn Eithaf	£	1,036.26	1,208.97	1,381.68	1,554.39	1,899.81	2,245.23	2,590.65	3,108.78	3,626.91
Cylch y Garn	£	1,028.64	1,200.08	1,371.52	1,542.96	1,885.84	2,228.72	2,571.60	3,085.92	3,600.24
Mechell	£	1,028.64	1,200.08	1,371.52	1,542.96	1,885.84	2,228.72	2,571.60	3,085.92	3,600.24
Rhos-y-bol	£	1,028.10	1,199.45	1,370.80	1,542.15	1,884.85	2,227.55	2,570.25	3,084.30	3,598.35
Aberffraw	£	1,034.28	1,206.66	1,379.04	1,551.42	1,896.18	2,240.94	2,585.70	3,102.84	3,619.98
Bodedern	£	1,033.20	1,205.40	1,377.60	1,549.80	1,894.20	2,238.60	2,583.00	3,099.60	3,616.20
Bodffordd	£	1,034.58	1,207.01	1,379.44	1,551.87	1,896.73	2,241.59	2,586.45	3,103.74	3,621.03
Trearddur	£	1,035.66	1,208.27	1,380.88	1,553.49	1,898.71	2,243.93	2,589.15	3,106.98	3,624.81
Tref Alaw	£	1,034.64	1,207.08	1,379.52	1,551.96	1,896.84	2,241.72	2,586.60	3,103.92	3,621.24
Llanfachraeth	£	1,041.00	1,214.50	1,388.00	1,561.50	1,908.50	2,255.50	2,602.50	3,123.00	3,643.50
Llanfaelog	£	1,037.52	1,210.44	1,383.36	1,556.28	1,902.12	2,247.96	2,593.80	3,112.56	3,631.32
Llanfaethlu	£	1,030.80	1,202.60	1,374.40	1,546.20	1,889.80	2,233.40	2,577.00	3,092.40	3,607.80
Llanfair-yn-Neubwll	£	1,034.88	1,207.36	1,379.84	1,552.32	1,897.28	2,242.24	2,587.20	3,104.64	3,622.08
Valley	£	1,039.44	1,212.68	1,385.92	1,559.16	1,905.64	2,252.12	2,598.60	3,118.32	3,638.04
Bryngwran	£	1,036.32	1,209.04	1,381.76	1,554.48	1,899.92	2,245.36	2,590.80	3,108.96	3,627.12
Rhoscolyn	£	1,025.16	1,196.02	1,366.88	1,537.74	1,879.46	2,221.18	2,562.90	3,075.48	3,588.06
Trewalchmai	£	1,033.62	1,205.89	1,378.16	1,550.43	1,894.97	2,239.51	2,584.05	3,100.86	3,617.67

***The Chair highlighted at this juncture that as the Committee had now been in session for three hours, under the provision of paragraph 4.1.10 of the Council's Constitution, resolution was required by the majority of those Members of the Committee present to agree to continue with the meeting. It was resolved that the meeting should continue.***

**8. TREASURY MANAGEMENT MID-YEAR REVIEW 2018/19**

The report of the Head of Function (Resources)/Section 151 Officer incorporating a review of the mid-year position in respect of the treasury management activity was presented for the Council's acceptance.

**It was RESOLVED to accept the Treasury Management Mid-Year Review Report 2018/19.**

**9. CHANGES TO THE CONSTITUTION: 4.5 SCRUTINY PROCEDURE RULES - 4.5.4 EDUCATION REPRESENTATIVES**

The report of the Head of Function (Council Business)/Monitoring Officer with amendments to the Council's Constitution was presented to the Council by the Portfolio Holder for Corporate Services.

**It was RESOLVED that the Council:-**

- **agrees to remove the requirement to have 'one representative of other faiths or denominations' on a Scrutiny Committee when it deals with Education matters (i.e. sits as a Local Education Authority Scrutiny Committee) as is currently included in paragraph 4.5.4.4 of the Constitution (as shown in ENCLOSURE 1), so that paragraph 4.5.4 reads as included within ENCLOSURE 2 to the report;**
- **authorises the Council's Head of Function (Council Business)/Monitoring Officer to make the necessary changes to the Constitution to reflect the removal of the requirement noted above.**

**10. PAY POLICY STATEMENT 2019**

The report of the Head of Profession Human Resources and Transformation was presented to the Council by the Portfolio Holder for Corporate Services in relation to the above.

The Portfolio Holder for Corporate Services said that the Localism Act 2011 requires authorities to produce and publish a pay policy on all aspects of Chief Officer Remuneration.

**It was RESOLVED to endorse the Pay Policy Statement for 2019.**

**COUNCILLOR DYLAN REES  
CHAIR**

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ISLE OF ANGLESEY COUNTY COUNCIL	
<b>MEETING:</b>	<b>County Council</b>
<b>DATE:</b>	<b>14 May 2019</b>
<b>TITLE OF REPORT:</b>	<b>Leader's Annual Report</b>
<b>PURPOSE OF REPORT:</b>	<b>To report on work undertaken during 2018/19</b>
<b>REPORT BY:</b>	<b>Leader of the Council</b>

## **Foreword**

This is my second report as Council leader. This annual report will follow the same format as last year's report in order to provide consistency and to highlight progress against the Coalition's Manifesto.

This was the Group's Manifesto in 2017 -

In the 2013 election, Plaid Cymru candidates pledged to the people of Anglesey that they wanted 'To restore Anglesey's good name'. Plaid Cymru Councillors and the Independent Councillors have worked together effectively over the last four years and want to build on this success.

Political maturity has evolved over the last 4 years and will give the Isle of Anglesey County Council a solid foundation for the next phase. The members that have come together have proved that they have the ability to provide the political stability that is essential in order ensure effective governance.

### **What have we done?**

**We have continued to work in the same way as the previous Council and have retained all protocols in order to ensure a fair opportunity for all councillors.**

The Wylfa Newydd development has positive aspects with regard to our youth and the future of the families on Anglesey, with up to 800 permanent jobs. But we do not accept this development at any cost. We want to protect the interests of Anglesey and ensure that the developers can mitigate any side effects on our communities as a result of the development. We aim to have strong and prosperous communities.

### **What have we done?**

**Recent news regarding the suspension of the Wylfa Newydd development has highlighted the importance of the development. Despite this news, we have continued to work for the benefit of Anglesey with regard to the planning process and have presented evidence in order to safeguard the island's interests and the section 106 agreement is testament to our efforts to mitigate the impacts. We will**

**continue to put pressure on the governments in Cardiff and London to do everything they can to ensure the realisation of the Wylfa Newydd development.**

**In collaboration with Medrwn Môn, considerable progress has been made with regard to Place Shaping. The initial areas have started to identify their priorities in order to create strong and prosperous communities. I am very grateful to the areas for their support.**

We face significant cuts to the authority's budget and maintaining services is challenging. We will drive the transformation agenda forward in order to protect our front line services.

**What have we done?**

**We have agreed on the 18/19 budget but it is important to note that this was not an easy process as the financial pressure on the Council is greater than ever with an overspend again this year in Social Services and Education.**

**We continued to drive service transformation and the residents of Anglesey can now make more use of the internet in their dealings with the Council, e.g. paying bills, contacting individual departments.**

### **Education**

I'm sure you will remember that we as a Coalition are of the firm belief that every child and young person in Anglesey deserves the best opportunity to achieve their full potential -

\* We want to continue to invest in new schools to ensure the best facilities to educate our children.

**What have we done?**

**The new Santes Dwynwen School has opened and this is an exciting development for the area. Discussions have begun regarding the future of post-16 education. We have updated the Education Modernization Strategy which aligns with the desire of the coalition to promote modernization for the benefit of the education of Anglesey's children and in order to provide everybody with equal opportunities.**

\* We will support Teachers and Headteachers in order to ensure the best standards for Anglesey's children.

**What have we done?**

**We are collaborating with GwE, Welsh Government and other authorities in order to ensure the best possible opportunities for our Teachers and Headteachers.**



**This year, we had a good report from Estyn on our schools and none of Anglesey's schools are in the red category.**

\* We want to work with partners to ensure that our young people develop essential work skills.

**What have we done?**

**We have continued to work effectively with our partners. The Portfolio Holder is fully committed to ensuring that Anglesey has a strong voice in any national, regional and local discussions with all partners. We have supported the efforts of the Llandrillo Menai Group to develop STEM and skills resources on the site in Llangefni.**

### **Care**

Social Care is under constant pressure in our communities. We believe that there is a need to work together and strengthen aspects of the work to respond to demand -

\* Work with the Health Service in constructive ways to ensure that every individual has the opportunity to live an independent life in their communities.

**What have we done?**

**We have now implemented the Domiciliary Care Contract which is having a positive impact with regard to discharging people from hospital. The cluster officers have started in post here on Anglesey – these are joint posts between the Health Board and the Council in order to promote independence in the community. We have collaborated regionally on Healthier Wales schemes in order to ensure additional resources for Anglesey.**

\* Strengthen support services for families in need of such services.

**What have we done?**

**We have received a positive report from Care Inspectorate Wales which points to significant improvement in the Children's Services. We believe the Service is in a good position to respond to the current challenges.**

**The Anglesey Family Team (Teulu Môn) has been recognised nationally as good practice with regard to providing services for families. We have succeeded to secure Resilient Families funding on a permanent basis as the support has provided families with good prospects of success and to prevent children from coming into care.**

**A number of new Hubs have opened in the community in order to respond to local needs.**

\* Work with partners to ensure suitable homes for our older adults.

**What have we done?**

**We have opened Hafan Cefni in Llangefni which provides an opportunity for older people to live independently with support and facilities which enrich their lives. The Housing Department and the Adult Services have worked together on the Maes William Williams scheme in Amlwch to create a community facility which will provide a hub for the adults in the area.**

\* Ensure support for carers who look after family or friends

**What have we done?**

**We continue to work closely with our partners to secure the necessary support for our carers in the Anglesey and Gwynedd Partnership. We also take advantage of Regional plans through the Regional Partnership Board that supports carers. We have received more applications for direct payments which provide families with flexibility to arrange care independently. We encourage carers to ask for support.**

## **Housing**

The group believes that everyone has the right to a suitable home -

\* Continue to respond to housing need by building our own social housing and increasing the supply of affordable homes for our young people.

**What have we done?**

**We have started to develop Council housing in Holyhead and Moelfre. We have plans for a number of other areas in Anglesey. We have bought back a number of ex Council houses.**

**We had a positive report from the Welsh Audit Office on the service.**

\* Ensure empty homes are brought back into use to respond to housing need.

**What have we done?**

**We collaborate with the owners of empty homes in order to bring them back into use. This work will continue.**

\* Ensure support for first buyers by means of a council tax premium.

**What have we done?**

**We have put more money into the scheme in order to provide more opportunities for young people here in Anglesey. We have evidence of the positive effect this scheme has had on young people who have been able to buy their first homes.**

### **The Economy / Jobs**

The economy and jobs are essential if we are to keep our young people in Anglesey. We believe we can do this by -

\* Ensuring that local businesses benefit from any major project.

**What have we done?**

**We have continued to emphasize the importance of local businesses in all our discussions with large companies and in regional economic discussions.**

\* Support local businesses to be able to apply for Council contracts.

**What have we done?**

**We have ensured contracts for local companies over the last year. We have held meet the buyer events in order to provide local businesses with the opportunity to work with the Council.**

\* Promote and create opportunities for young people through apprenticeships.

**What have we done?**

**A number of young people had the opportunity to work for the Council last summer as part of the 12 week 'Attracting Talent' scheme and a number of these young people are now working for the Council. With our support, the scheme will continue next year.**

### **Environmental Protection**

Anglesey is unique because of its surrounding natural environment. We want -

\* To continue the fight against the pylons.

### **What have we done?**

**We have continued to express the Council's strong opinion by presenting convincing arguments against pylons, having internal and external discussions and supporting local groups in their fight against the pylons.**

\* Protect Anglesey's natural environment, which is so important to the tourism sector.

### **What have we done?**

**We have created Supplementary Planning Guidance in order to ensure that the needs of Anglesey are met in the best possible way. The Local Development Plan is monitored annually in order to ensure that it is appropriate for our communities. We succeeded to fund environmental work in Craig y Don, Amlwch. The work with regard to water quality in Cemaes has been successful this year which is good news for the area. Collaboration with NRW to improve our flood prevention processes.**

\* Ensure we meet recycling targets.

### **What have we done?**

**This year, Anglesey was the best Authority in Wales with 72% of our waste being recycled.**

### **To close**

I wish to thank all the partners who have collaborated with the Council this year in order to ensure the best services for the people of Anglesey. Thanks to the staff for serving the people of Anglesey and also my fellow councillors for their support and commitment in ensuring that Anglesey Council succeeds.

**Councillor Llinos Medi  
Leader of the Council**

<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>		
<b>REPORT TO:</b>	<b>COUNTY COUNCIL</b>	
<b>DATE:</b>	<b>14 MAY 2019</b>	
<b>SUBJECT:</b>	<b>CAPITAL STRATEGY AND CAPITAL PROGRAMME 2019/20 to 2021/22</b>	
<b>PORTFOLIO HOLDER(S):</b>	<b>COUNCILLOR ROBIN WYN WILLIAMS</b>	
<b>HEAD OF SERVICE:</b>	<b>MARC JONES – HEAD OF FUNCTION (RESOURCES) / SECTION 151 OFFICER</b>	
<b>REPORT AUTHOR:</b>	<b>MARC JONES/CLAIRE KLIMASZEWSKI</b>	
<b>TEL:</b>	<b>2601/1865</b>	
<b>E-MAIL:</b>	<a href="mailto:rmjfi@ynysmon.gov.uk">rmjfi@ynysmon.gov.uk</a> / <a href="mailto:clkfi@ynysmon.gov.uk">clkfi@ynysmon.gov.uk</a>	
<b>LOCAL MEMBERS:</b>	n/a	
<b>A - Recommendation/s and reason/s</b>		
<p>The revised CIPFA Prudential Code, September 2017 has introduced the requirement that all authorities must produce a capital strategy. This must set out the long-term context in which capital expenditure and investment decisions are made. This requirement is aimed at ensuring that authorities take capital and investment decisions in line with service objectives and properly take into account stewardship, value for money, prudence, sustainability and affordability.</p> <p>The authority is in a good position with this as the Head of Function (Resources)/Section 151 Officer has, since 2016/17, produced a robust Corporate Strategy to guide the Capital Programme. This strategy has been built upon to include the new requirements introduced by the code which were not covered already.</p> <p><b>Recommendations</b></p> <p>The Executive is recommending the following to the full Council :-</p> <ul style="list-style-type: none"> <li>• Approve the Capital Strategy for 2019/20 – 2021/22;</li> </ul>		
<b>B - What other options did you consider and why did you reject them and/or opt for this option?</b>		
N/A		
<b>C - Why is this decision for the Executive?</b>		
Responsibility for determining the Council's budget strategy is delegated to the Executive.		
<b>CH - Is this decision consistent with policy approved by the full Council?</b>		
Yes		
<b>D - Is this decision within the budget approved by the Council?</b>		
N/A		
<b>DD - Who did you consult? What did they say?</b>		
<b>1</b>	<b>Chief Executive / Strategic Leadership Team (SLT) (mandatory)</b>	Comments included in the 2019/20 Capital budget report accepted by the full Council on 27 February 2019
<b>2</b>	<b>Finance / Section 151 (mandatory)</b>	N/A – this is the Section151 Officer's report
<b>3</b>	<b>Legal / Monitoring Officer (mandatory)</b>	TBC

4	Human Resources (HR)	
5	Property	
6	Information Communication Technology (ICT)	
7	Scrutiny	
8	Local Members	
9	Any external bodies / other/s	
<b>E - Risks and any mitigation (if relevant)</b>		
1	Economic	
2	Anti-poverty	
3	Crime and Disorder	
4	Environmental	
5	Equalities	
6	Outcome Agreements	
7	Other	
<b>F - Appendices:</b>		
Appendix 1 – Capital Strategy 2019/20 to 2021/22		
Appendix 2 – Summary of Draft Proposed Capital Programme 2019/20 to 2021/22		
<b>FF - Background papers (please contact the author of the Report for any further information):</b>		
<p>Treasury Management Strategy Statement 2018/19, Executive, February 2018  Medium -Term Financial Plan 2019/20 to 2021/22, the Executive, February 2018  Draft Capital Programme 2019/20 Report, the Executive, 12 November 2018  Treasury Management Strategy Statement 2019/20, Executive, February 2019  Capital Programme 2019/20 Report, the Executive, 18 February 2019</p>		



# Capital Strategy 2019/20 to 2021/22



# Isle of Anglesey County Council Capital Strategy 2019/20 to 2021/22

## 1. Introduction

1.1. Part 1, Section 3 of the Local Government Finance Act 2003 requires that the Authority shall determine and keep under review how much it can afford to borrow. The Act is supported by the Prudential Framework for local authority capital investment and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Code). The CIPFA Prudential Code was revised in 2017/18. The revised Code introduced a new requirement that all authorities produce a capital strategy, which sets out the long-term context in which capital expenditure and investment decisions are made. Authorities are required to give due consideration to both risks and reward and the impact on the achievement of priority outcomes. CIPFA also revised the Code of Practice on Treasury Management at the same time. This Capital Strategy 2019/20 meets the requirements of the CIPFA Prudential Code 2017, aligns with the Council's Treasury Management Strategy Statement 2019/20 and has regard to the CIPFA Treasury Management Code 2017.

1.2. The purpose of this strategy is to set out the objectives, principles and governance framework to ensure that the Authority takes capital expenditure and investment decisions in line with service objectives. The Isle of Anglesey County Council Plan 2017/22 outlines the key priorities and objectives of the Council for the period to 31 March 2022. A fundamental principle of the Strategy is to focus capital expenditure on projects which help the Council meet the following key objectives of the Council Plan or help the Council fulfil its statutory responsibilities:-

**Objective 1:** Ensure that the people of Anglesey can thrive and realise their long-term potential.

**Objective 2:** Support vulnerable adults and families to keep them safe, healthy and as independent as possible.

**Objective 3:** Work in partnership with our communities to ensure that they can cope effectively with change and developments whilst protecting our natural environment.

1.3 This strategy also identifies the potential future capital expenditure, assesses the impact on the capital financing element of the revenue account and determines the funding available to finance new capital schemes for the period 2019/20 to 2021/22. It also establishes long-term principles to support capital planning well into the future. The governance of this strategy follows the same process as the Revenue and Budget Setting Processes and will be presented to the Executive, which will make recommendations to full Council for approval.

## 2. Objectives and Principles of the Capital Strategy

2.1 The Capital Strategy has a number of key objectives to ensure that capital expenditure is targeted towards meeting the Council's key priorities, whilst also taking into account stewardship, value for money, prudence, sustainability and affordability.

2.1.1 The Council Plan 2017/22 sets out the key priorities and objectives of the Council to 31 March 2022 and resources should be focussed on the achievement of these objectives. This capital strategy will help ensure that the capital programme will focus capital expenditure on projects which contribute most to the key objectives of the Council's Plan 2017/22.

2.1.2 Each year capital funding will be allocated to ensure an investment in existing assets.



- 2.1.3** The Council will maximise external capital funding wherever possible and affordable.
- 2.1.4** Capital funding will also be prioritised on assets required to help the Council deliver its statutory responsibilities.
- 2.1.5** The Council remains committed to the 21<sup>st</sup> Century Schools Programme and will continue to fully utilise 21<sup>st</sup> Century Schools external funding.

**2.2** The following principles will help support the achievement of the above key objectives:-

- 2.2.1** That the 21<sup>st</sup> Century Schools programme is considered separately from the remainder of the general Council capital programme. The 21<sup>st</sup> Century Schools programme is a long-term significant commitment to building and/or refurbishing schools so that Anglesey's schools are fit to last and meet the requirements of the 21<sup>st</sup> Century. The 21<sup>st</sup> Century Programme helps the school modernisation agenda and supports the Council's key objective to ensure that the people of Anglesey can thrive and realise their long-term potential. This principle also meets the Wellbeing of Future Generations Act 2015 to ensure educational settings are suitable in the long-term. An element of the expenditure on the 21<sup>st</sup> Century Schools programme will be funded from the capital receipts from the sale of schools vacated, with the remaining balance being funded from unsupported borrowing. This will ensure that the capital general grant and supported borrowing are available to fund investment in existing and new assets needed to achieve the objectives of the Council Plan 2017/22 and ensure that the Council's existing assets are maintained.
- 2.2.2** That a sum is allocated in the capital programme each year to fund the major improvement to, or the replacement of, existing I.T. equipment, vehicles and Council buildings. The ongoing maintenance of existing assets and replacement of obsolete assets has the benefit of reducing revenue costs for the Council,
- 2.2.3** That a sum is allocated in the capital programme to meet the Council's statutory requirement to offer disabled facilities grants. This helps deliver statutory responsibilities and supports the key objective of the Council to support vulnerable adults and families to keep them safe, healthy and as independent as possible.
- 2.2.4** That a level of road improvement works is funded from the capital programme each year. The sum allocated will be dependent on the funding required to achieve any minimum contract value guarantees, the level of funding available and an assessment of the state of repair of the Authority's roads. Improvements to the roads will help the Council ensure the highway network is sustainable in the longer-term. It also underpins all of the Council key priorities due to the rural nature of Anglesey and the importance of the highway network to many aspects of the Council's work.
- 2.2.5** Projects that require a level of match funding to enable grant funding to be drawn down, will be assessed on a case-by-case basis, by the Section 151 Officer with a recommendation being made to the Executive. The decision whether to commit funding will be dependent on the project, how it fits into the Council's corporate priorities, any ongoing revenue implications and the ratio of Council funding to grant funding.
- 2.2.6** Projects to be funded from unsupported borrowing, with the exception of 21<sup>st</sup> Century Schools projects, will only be undertaken if the reduction in revenue costs or increased income generated is sufficient to meet the additional capital financing costs incurred. Any assets funded by unsupported borrowing should be fundamental to the achievement of the Council's key priorities.

### **3. How the Strategy fits with other documents**

#### **3.1 The Council Plan 2017/22**

The Council Plan is the prime document which outlines what the Council aims to achieve during the period 2017/22. The priorities of the Council Plan are summarised above in 1.2. A key objective of this Capital Strategy is to ensure that the capital funding available to the Council is spent on projects that assist the Council to deliver its priorities, including maintaining, replacing or / and upgrading existing assets. There are several other key strategic documents which align with the Council Plan. These guide how the Authority works on specific aspects affecting the Council.

#### **3.2 The Treasury Management Strategy Statement (TMSS)**

This Capital Strategy and the TMSS are very closely linked and both are revised annually. The Capital Strategy will define how the Council spends its capital funding and the TMSS sets out how this will be funded and its impact on the overall financial standing of the Council. Borrowing is a key part of the funding strategy. The details of how the borrowing is undertaken and controlled is also set out in the TMSS.

#### **3.3 The Medium-Term Financial Plan**

**3.3.1** The Medium-Term Financial Plan (MTFP) is the fundamental part of financial planning which estimates the Council's revenue requirements over the next three years and how this will be balanced to the funding available. Capital expenditure will impact on the revenue budget through the Minimum Revenue Provision and the interest payable on borrowing. The Capital Strategy helps to inform the Medium Term Financial Plan.

**3.3.2** Regular budget monitoring and review of the MTFP helps to monitor the impact of financial performance and issues on the delivery of the Council Plan. Linked to the financial monitoring is also the monitoring of performance and corporate and service risks, some of which are identified as financial risks. The Council's Performance Management Framework and Risk Management Strategy govern how performance and risk is managed.

**3.3.3** The below diagram summarises the interconnection between these strategies and how ultimately they are guided by the Council Plan.

# The Council Plan 2017/22

The below key strategies and plans are important and inter-related to help identify an affordable level of revenue and capital resources needed to deliver the key priorities of the Council Plan 2017/22. These also provide a framework for robust financial management of Council resources.

## The Medium-Term Financial Plan (MTFP)

This is revised regularly to help set out the likely resource requirement for the next three years and how the Council plans to balance the resource requirement. This includes the impact of revenue and capital issues on the Council Fund.

## Capital Strategy

The capital strategy sets out the key priorities on how capital expenditure should be spent to help deliver the Council Plan 2017/22. It acknowledges that capital expenditure leads to revenue capital financing costs which must be kept affordable. The Capital Strategy impacts on and is impacted by the MTFP, the TMSS, the Annual Revenue Budget and the Annual Capital Programme.

## Treasury Management Strategy (TMS)

This sets out the Annual Investment Strategy, Minimum Revenue Provisions Policy and Treasury Management Policy Statement for the year. These provide the framework and controls needed to ensure that there is enough cash to pay suppliers for revenue and capital costs, that surplus cash is invested safely and is accessible and that borrowing to fund capital expenditure does not go beyond an affordable level.

**The Annual Revenue Budget** is supported by the MTFP, Capital Strategy and TMS. - Each year the revenue capital financing costs are reviewed and revised as part of revenue budget - setting. Revenue contributions are sometimes used to fund capital costs.

**The annual Capital Programme** - The level of capital expenditure and borrowing impacts on the revenue budget due to capital financing costs and any ongoing revenue costs such as maintenance.

## 4. Corporate Strategy and Capital Programme Process

### 4.1 Developing the Capital Strategy

The Capital Strategy is revised each year taking into account the most recent Council Plan, the Medium-Term Financial Plan and the budgetary pressures expected and the Treasury Management Plan. It also considers the prior year's capital programme and the level of reserves and the revenue budget. The capital strategy then outlines the key objectives and principles which then helps to develop the annual Capital Programme each year.

### 4.2 Developing the Annual Capital Programme

#### 4.2.1 Bidding Process and Scoring

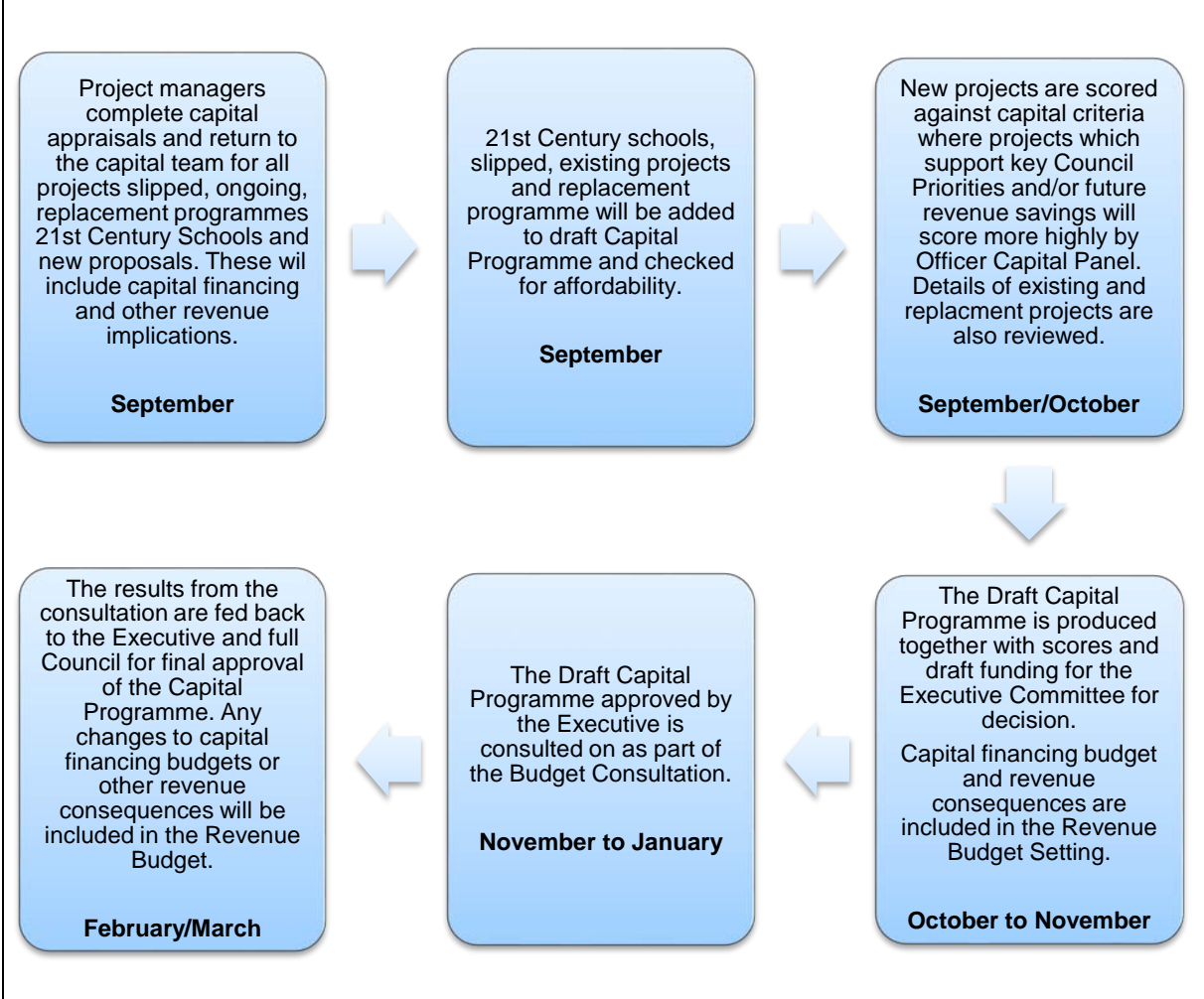
In determining which projects are included in the Capital Programme, bids must not only be affordable but also help deliver the key priorities of the Council Plan and meet the objectives and principles of the Capital Strategy. Each year, Services are asked to submit new capital appraisals/bids and update information for ongoing projects. The appraisals should demonstrate how each project meet the criteria (set out below) and all ongoing revenue implications from the project will be included e.g. maintenance costs. The scoring of new capital appraisals/bids helps to introduce a degree of objectivity and ensure the projects are relevant to the key objectives of the Council Plan and this Strategy. The most important criterion is how closely a project will contribute to the delivery of the Council Plan, hence the greater weighting given to this criterion. Initial scoring is undertaken by the Accountancy Service. The scores are then considered and ratified by the Executive, as part of the drafting of the annual capital programme.

<b>Criteria</b>	<b>Score</b>
How closely the project will contribute to the priorities of in the Corporate Plan	20
The project attracts significant external funding	10
The project will lead to revenue savings	10
The project will help mitigate Corporate Risk	10
<b>Total highest score</b>	<b>50</b>

The strategy also allocates funding to the maintenance and upgrade of existing assets. Asset Managers determine their funding need and this is balanced against the funding available in order to allocate funding to each main assets group (buildings, vehicles, IT, roads).

**4.2.2 Timetable**

The Capital Strategy approval process follows the timetable for revenue budget-setting and the development of the Capital Programme. The timetable for the development of the Capital Programme is summarised below:



**4.3.3 Authorisation**

Responsibility for ratifying the capital programme each year rests with the full Council based on the recommendation made by the Executive. In exceptional cases, new capital projects arising during the year will be considered by Members as part of the quarterly reports to the Executive. In-year projects are likely to be approved if the projects are significantly funded from external grants or contributions, or in response to an emergency e.g. landslide, or if an approved project in the programme is cancelled and there is funding available. A capital appraisal is required for in-year projects and projects will need to help the Authority achieve its key objectives.

## **5. Current Financial Context**

### **5.1 Revenue Constraints and the Need to Make Savings**

- 5.1.1** The initial MTFP for 2019/20 to 2021/22 identified that revenue savings of £10m would be required over the 3 year period, after allowing for a Council Tax increase of 5% in each of the three years. For 2019/20, it was assumed that Welsh Government funding would fall by 1% and, after taking into account the impact of pay awards, pension contribution increases and general price inflation, that £5m of revenue savings would be required.
- 5.1.2** Although the final settlement only resulted in a reduction of 0.3% in Welsh Government funding, there was also a need to address a projected overspend of £2m in Children's Services, £1m in Adult Services and £750k in Education. Revenue savings of £3.7m were identified and the net effect of all these factors was a need to increase Council Tax by over 7% to set a balanced budget in 2019/20. It is estimated that savings of around £1.5m will still be required in 2020/21 and 2021/22.
- 5.1.3** As stated previously, funding the capital programme will have a significant impact on the revenue budget and the Capital Strategy takes into account affordability, as it is drawn up, and the Treasury Management Strategy Statement ensures that the Council minimises borrowing costs through the best use of the Council's own cash balances to fund capital expenditure.

### **5.2 Funding the Modernisation of Schools**

- 5.2.1** The Council is currently part way through an ambitious programme to modernise schools through the 21<sup>st</sup> Century Schools programme, with Band A coming to an end in 2019 and Band B running until 2026. The programme, if it achieves all its planned objectives, will take over 10 years to complete at a potential total capital cost of around £120m.
- 5.2.2** There are four phases to the programme, identified as Band A,B,C and Ch. Two schools have been completed Ysgol Cybi and Ysgol Rhyd y Llan, with a thirds School, Ysgol Santes Dwynwen, nearing completion. Refurbishments are underway at Ysgol Parc y Bont and Brynsiencyn. With the consultation and development of the Llangefni area still in progress, any works decided upon may slip from Band A to Band B which may have financial consequences.
- 5.2.3** The planned new build primary school for Llangefni is currently being consulted on. The preparatory works for proposed extension of Ysgol Y Graig planned for Band A will be undertaken in 2018/19. However, the main construction of the extension has now slipped to Band B of the 21<sup>st</sup> Century Schools programme.
- 5.2.4** Band A of the 21<sup>st</sup> Century Schools programme is funded by 50% additional funding from the Welsh Government and 50% via unsupported borrowing. The Welsh Government 50% funding is partly grant funding (67% of the 50%) and partly supported borrowing (33% of the 50%). The Welsh Government have announced that the intervention rate for Band B has increased to 65% but how this is allocated between grant and supported borrowing is not known at this stage.
- 5.2.5** The Welsh Government has also introduced a mutual investment model for Band B (MIM), where the capital cost of the project is funded by the private sector and the Council then pays a rental fee to the investor for a prescribed period (expected to be 25 years). Welsh Government make a contribution to the rental fee each year (expected to be at least 70%).

**5.2.6** The Council's Strategic Outline Programme for Band B was submitted to Welsh Government in July (approved by the Executive 17 July 2017). The more recent matrices for Band A and B are summarised below in Table 1. This relates to the period 2019/20 to 2025/26.

<b>Table 1 Estimated Funding for Remainder of Band A and Proposed Band B Projects</b>					
<b>Band</b>	<b>Region</b>	<b>Unsupported Borrowing (net of capital receipt) £'m</b>	<b>Supported Borrowing £'m</b>	<b>WG Grant £'m</b>	<b>Total £'m</b>
A	Ysgol y Llannau	0.04	0.00	0.00	0.04
A	Ysgol Santes Dwynwen	0.08	0.00	0.00	0.08
A	Ysgol Bro Llangefni	4.28	1.29	2.60	8.17
	<b>TOTAL BAND A</b>	<b>4.40</b>	<b>1.29</b>	<b>2.60</b>	<b>8.29</b>
B	Ysgol y Graig and Talwrn	1.73	1.93	1.93	5.59
B	Ysgol Syr Thomas Jones & associated primary schools	4.94	4.58	4.58	14.1
B	Lligwy Primary Schools	2.36	2.19	2.19	6.73
B	Seiriol Primary Schools	0.92	0.85	0.85	2.63
B	Post-16 unit	6.49	6.02	6.02	18.53
B	North West Anglesey	1.57	1.20	1.73	4.50
	<b>TOTAL BAND B</b>	<b>18.01</b>	<b>16.77</b>	<b>17.30</b>	<b>52.08</b>

**5.2.7** Given the level of borrowing required, it is unlikely that the Council's own cash reserves (internal borrowing) could be used to any great extent. It is, therefore, assumed that all of the unsupported and supported borrowing would be undertaken through new PWLB loans over a length of time which matches the expected life of the asset (50 years).

**5.2.8** As explained in paragraph 4.1, additional supported or unsupported borrowing will increase the Council's CFR which, in turn, will increase the annual MRP charge to the revenue account and will result in additional annual interest payments.

**5.2.9** The additional unsupported borrowing for Band B (based on a 50 year repayment period and annual interest at 2.73%) would result in additional capital financing charges to the revenue budget of £1.230m per annum (£0.710m interest payable and £0.520m MRP) once the Programme is completed in full. In practice, these costs would be phased in as each project commences and once the loans are taken out to carry out the work. MRP would be charged once the schools become operational. The Band B submission identifies that the proposed capital works could result in a net savings, which is currently forecast as £500k for the Schools budget. This leaves a net shortfall of £730k per annum which has to be funded by the Council.

**5.2.10** It should be noted that the delivery of the Band B projects will eliminate the need to undertake backlog maintenance work at the various schools. For those schools which would close or be adapted under the Band B proposals, the estimated backlog maintenance amounts to approximately £5.5m. The capital programme to date has not identified funding to undertake this backlog maintenance.

**5.2.11** Further additional capital and revenue costs would be incurred as Band C and Band Ch are delivered. Any commitment towards these phases of the programme would need to be realistic and affordable.

### **5.3 Reserves**

**5.3.1** The Council has allocated some funding for Capital projects from its reserves, the most recent allocation was £1m from general reserves to fund improvements to business processes which included capital projects. However, over the past two years, the level of the Council's general balances has fallen below the minimum recommended level and, as such, the scope to use the Council's reserves to fund capital expenditure is not possible for the foreseeable future.

### **5.4 The Need to Generate Revenue Savings from Capital Expenditure**

**5.4.1** Part of the Council's revenue budget savings strategy has been to use capital expenditure as a means of reducing revenue costs. Examples of this have included investing in energy saving scheme in public buildings and street lighting, investing in technology to reduce administrative costs, investing in leisure facilities to generate additional income and the 21<sup>st</sup> Century Schools programme. This strategy will continue and projects will be prioritised if they provide a substantial return within a short timescale.

## **6. Funding**

**6.1 Funding Sources** – the Capital programme is funded from the following sources:-

- **General Capital Grant** – This is a sum of money which is provided by the Welsh Government as part of the annual settlement. The Council is free to use the capital grant on any capital project it wishes.
- **Supported Borrowing** – The Council will borrow from the Public Works Loans Board (PWLB) to fund the expenditure. The revenue costs arising from the borrowing (Interest Costs and Minimum Revenue Provision) are funded by the Welsh Government through the annual revenue settlement, hence the term "Supported Borrowing".
- **Unsupported Borrowing** – Again, the Council borrows the funding from the PWLB but is required to finance the revenue costs from its own resources. Projects funded by means of unsupported borrowing tend to be projects which deliver revenue savings and it is these savings that are used to meet the additional revenue costs arising from the borrowing.
- **Specific Capital Grants** – The Council will be awarded capital grants which partly or fully fund the cost of a project. Capital grants usually come with restrictions surrounding the expenditure which can be funded and by when the expenditure must be incurred.
- **Revenue Contribution** – Services can make a contribution from their revenue budgets to fund projects. These contributions tend to be as a match funding to a project which is mainly funded from a specific capital grant.
- **Capital Receipts** – The funds generated from the sale of assets can be used to contribute to the funding of the capital programme. These are usually generated from the sale of surplus assets (normally land or buildings).
- **Reserves** – Funding held in reserve, e.g. unapplied capital receipts, can be used to support the capital programme.



**6.2** As explained in the paragraph above, the capital programme is funded from various sources which impact on the Council's financial position in different ways:-

- Funding that is received in the form of grants (general or specific) does not have any impact on the long-term financial position of the Council as any grant received is used to fund the capital expenditure. There may be timing differences which can lead to grants being unapplied and carried from one year to the next via the Council's balance sheet.
- Capital receipts result in surplus assets being converted into cash which, in turn, results in the creation of a new asset. Again, this type of funding has little long term impact on the Council's financial position but there will come a point where all surplus assets have been disposed of and the level of funding available through capital receipts will fall.
- The Housing Revenue Account uses the surplus on the HRA account (excess of rental income over expenditure) to fund capital expenditure. This is reflected in the HRA business plan and does not impact on the Council Fund.
- The use of revenue funding will reduce the value of funds held in reserves or the sum transferred to the general Council balances at the year end, i.e. it converts surplus cash into a new asset.
- Both supported and unsupported borrowing impacts on the Council's Capital Financing Requirement (CFR) which, in turn, has implications on the Revenue budget in the form of increased Minimum Revenue Provision (MRP) and annual interest payments.

**6.2.1** Although the Housing Revenue Account operates separately from the Council Fund, the Council does not borrow separately for Council Fund and HRA expenditure, all borrowing is combined and the costs apportioned to the two funds based on the level of expenditure funded from borrowing for the two funds. The apportionment method is kept under review to ensure that it remains the most equitable method.

### **6.3 Funding Constraints over the next Three Years**

**6.3.1** The difficult financial context the Council continues to operate within is discussed in section 5 and, highlights that there are limitations on the Council's funding of capital expenditure. One of the main priorities for the Council is to reduce revenue expenditure in order to deliver a balanced budget, whilst minimising the reduction in service budgets. It is reasonable for the Council to minimise the increase required to the capital financing budget. It will be necessary to provide additional capital funding but this should be maintained at a level that is funded through the settlement (general capital grant and supported borrowing) so that the increase in the capital financing costs is funded through capital receipts and any specific grants that are available.

**6.3.2** Unsupported borrowing (outside the 21<sup>st</sup> Century Schools programme) should only be considered where the relevant service budget can be reduced by a sum greater than the MRP and interest costs.

**6.3.3** It has been Welsh Government's policy over a number of years to maintain the level of general capital grant and supported borrowing on or about the level in previous years, with additional capital funding being directed to schools, road improvements etc.

**6.3.4** As a landlord of housing stock, the Council will also receive a major repair allowance following the submission and approval of the 30 year business plan for the Housing Revenue Account. Capital expenditure on the HRA is supplemented with the use of the HRA reserve and by the borrowing powers which the HRA can utilise.

**6.3.5.** Specific grants which have been approved, likely to be approved or that result from successful bids, will also be available to fund capital schemes. In some cases, it may be necessary for the Council to contribute a sum of its own capital funding as match funding to enable the grant funding to be drawn down. The grants and contributions which have been currently identified as sources of funding for 2019/20 are listed below. This shows that Anglesey will benefit from improvements/new assets estimated to cost £21.3m of which 44% (£9.4m) of the costs are funded by external grant or contribution. This is a significant contribution from outside the Council for the benefit of the Island.

**Table 2**  
**Capital projects which are part or fully funded by grants and contributions (excluding 21 Century Schools)**

Capital Project	Estimated costs 2019/20	External Funding	Percentage funded externally
	£000	£000	£000
Holyhead Visitor Gateway	1,000	950	95%
Holyhead Strategic Infrastructure	3,200	3,165	99%
Llangefni Strategic Infrastructure	200	165	83%
Beaumaris Flood Alleviation	900	765	85%
Refurbishment of Market Hall, Holyhead	350	250	71%
Highway improvements	1,359	580	43%
Drainage works Project 1	200	170	85%
Drainage Works Project 2	166	141	85%
Traeth Coch Flood Defence	850	638	75%
HRA Refurbishments and Increasing Housing Stock	13,110	2,660	20%
<b>Total</b>	<b>21,335</b>	<b>9,484</b>	<b>44%</b>

**6.3.6** The level of capital receipts is dependent on which assets become available to sell. The receipts from the sale of some assets are linked to projects which have already commenced, e.g. sales of former school sites are linked to the 21<sup>st</sup> Century Schools programme. As a result, not all capital receipts received in 2019/20 can be allocated to fund new capital projects. Apart from the remaining school sites it is not anticipated that any significant capital receipts will be available to fund capital expenditure from 2019/20 onwards.

**6.3.7** As stated previously, any unsupported borrowing must generate additional income / revenue expenditure savings to fund the additional capital financing costs (MRP and interest charges) which will be charged to the revenue account. Any proposed schemes funded by unsupported borrowing will be assessed on a scheme-by-scheme basis.

**6.3.8** In addition to the sources of funding noted above, the Council holds a capital funding reserve, which includes revenue contributions which have not yet been applied. The current balance stands at £1.162m. It is expected that the majority of this will be used towards funding the 2018/19 programme.

**6.3.9** Unallocated capital receipts are held in a reserve. The balance of the reserve at 31 March 2018 was £320k. These receipts will be used as a funding source for the 2018/19 programme, or will help fund slipped expenditure in 2019/20.

**6.3.10** In summary, the funding for new capital projects in 2019/20 should be limited to the level of general capital grant (£2.065m), supported borrowing (£2.181m) and any unallocated capital receipts generated in the year. This would give a total budget available in the region of £4.246m, excluding grants, 21<sup>st</sup> Century Schools funding and HRA funding. This principle will be applied into the medium-term and longer-term to ensure the capital programme is affordable, particularly in the context of continual funding cuts.

#### **6.4 Estimated Funding Profile 2019/20 to 2021/22**

**6.4.1** The external Welsh Government funding for the period 2019/20 to 2021/22 is shown in Table 3 below. It should be noted that the Council will also receive a number of minor capital grants.

**Table 3  
Estimated Welsh Government Capital Funding 2019/20 – 2021/22**

	2019/20 £'m	2020/21 £'m	2021/22 £'m
General Capital Grant	2.065	1.818	1.818
Supported Borrowing	2.181	2.181	2.181
Public Highways Refurbishment Grant	0.580	0.580	0.580
Major Repairs Allowance	2.660	2.660	2.660
<b>Total Welsh Government Capital Funding</b>	<b>7.486</b>	<b>7.239</b>	<b>7.239</b>

**6.4.2** There is scope to fund new projects in 2019/20 through the funding that is received as part of the Welsh Government's financial settlement. Welsh Government's recent significant increase in the Capital General Grant for 2018/19 to 2020/21 is positive news and will help the Council fund additional priority capital projects. Unsupported borrowing is possible but, unless the projects generate revenue savings, then the additional MRP charge and interest costs will increase the revenue budget which must be funded by increased Council Tax or by making revenue savings elsewhere. Therefore, the Council can ensure the capital financing costs are affordable and sustainable by limiting capital expenditure funded by unsupported borrowing to the 21<sup>st</sup> Century Schools Programme and capital projects which lead to revenue savings higher than the MRP and interest payable charges incurred from the capital funding. The Draft Capital Programme Report 2019/20, summarised below, proposes an affordable programme with limited use of unsupported borrowing.

## **7. The proposed Strategy for 2019/20 to 2021/22**

### **7.1. Background – Capital**

**7.1.1** Capital expenditure is expenditure to acquire or create new assets or to refurbish existing assets where the life of the asset is greater than one financial year. The assets can be tangible (buildings, vehicles and infrastructure) or intangible (software licences). Non-current assets which are £10k or more will be considered as capital expenditure. £10k is the Council's recommended de minimis level to qualify as part of the capital programme. This is a revised de minimis level from the current £30k de minimis. Reducing this level from £30k will bring the de minimis level on capital expenditure in line with the de minimis of £10k on capital receipts. It is also a level more appropriate for the size of the Authority. Non-current assets less than £10k will be charged to revenue in most cases. The Council reserves the right to waive the de minimis if appropriate.

## 7.2 Potential Commitments for 2019/20 to 2021/22

- 7.2.1** As part of the capital planning process, future commitments for the following two years are also identified, although there is no guarantee that the funding will actually be released for the specific project unless it was needed to physically complete the asset. Appendix 1, Table A shows that there are £31.1m of projects which meet this Capital Strategy's key priorities and principles. These include ongoing committed schemes, grant funded projects, 21<sup>st</sup> Century Schools and investment in the Council's existing assets to increase the life of these assets into the future. The table shows that only the 21<sup>st</sup> Century Schools will require some funding from unsupported borrowing for the Council Fund. The HRA plans to borrow £1m of unsupported borrowing but the HRA will fund the costs of repayment of the loan as it falls due and all revenue capital financing costs arising from the borrowing.
- 7.2.2** Table B, Appendix 1 shows two invest-to-save proposals which would cost £400k and would lead to annualised revenue savings amount to £49k per annum. The payback for both of the proposed projects is 8 years. These projects could be funded by supported borrowing. An analysis of the capital financing costs highlight that the savings from the projects would exceed the capital financing costs. Net Present Value (NPV) analysis which takes into account the time value of money highlights that a positive NPV for the projects would be achieved in year 12. Projects with a positive NPV are considered viable. These two projects would contribute to objective 3 of the Council Plan 2017/22 due to environmental benefits.
- 7.2.3** Table C, Appendix 1 summarises the proposals submitted for new projects 2019/20. Whilst there is enough funding for all these projects without the need to take additional unsupported borrowing each one has been scored objectively by the officer panel particularly with regards to contribution towards the Council Plan 2017/22. The Capital Programme 2019/20 report provides details of the scoring for these projects in Appendix 3. Members could accept some or all of these when considering the Capital Programme 2019/20, although it should be highlighted that a low scoring project may not align with the Council Plan 2017/22 significantly.
- 7.2.4** The below table summarises the proposed capital programme for the period 2019/20 to 2021/22 as per their category for example, ongoing committed scheme.

**Table 4**  
**Summary of Capital Schemes (see Appendix 1 for individual project details)**

Capital Schemes	Expenditure			
	2019/20	2020/21	2021/22	Total
	£000	£000	£000	£000
Committed Schemes Brought Forward	6,429	6,016	-	<b>12,445</b>
Investing in Existing Assets	3,898	3,539	3,539	<b>10,976</b>
21st Century Schools Projects	4,809	10,256	16,668	<b>31,733</b>
Potential new Schemes 2019/20	1,746	360	200	<b>2,306</b>
Invest-to-Save Projects	400	250	200	<b>850</b>
Housing Revenue Account Projects (HRA)	13,110	18,431	19,744	<b>51,285</b>
	<b>30,392</b>	<b>38,852</b>	<b>40,351</b>	<b>109,595</b>

**7.2.5** The funding available for the above capital schemes is summarised below in Table 5. This shows that, for 2019/20, all projects could be funded without the need for significant unsupported borrowing. The only unsupported borrowing required for 2019/20 would be towards the Council's share of the 21<sup>st</sup> Century Schools projects. The table shows that there will be funding gaps in 2020/21 and 2021/22. This may require unsupported borrowing if there is insufficient capital receipts or other funding available. The table excludes a forecast for capital receipts as this information is not available. However, if the Council does sell any assets, it will reduce the need to borrow. The Council's assets available for sale is reducing due a number of Council assets which have been sold in previous years. It should be noted that any school closures leading to a sale would be used towards the 21<sup>st</sup> Century Schools Programme.

**Table 5  
Capital Programme Funding 2019/20 to 2021/22**

Funding Source	Financial Year			
	2019/20 £000	2020/21 £000	2021/22 £000	Total £000
Funding Brought Forward 2018/19 for Slipped Projects	1,099	-	-	<b>1,254</b>
External Grants and Contributions	12,251	10,503	8,090	<b>30,844</b>
General Capital Grant	1,172	1,821	1,334	<b>4,482</b>
Capital Receipts - Excluding Schools	-	-	-	-
Capital Receipts - Schools	-	-	-	-
Supported Borrowing	2,181	2,112	2,112	<b>6,250</b>
Supported Borrowing 21st Century Schools	1,640	1,858	5,430	<b>8,928</b>
Unsupported Borrowing - 21st Century Schools	402	6,589	5,970	<b>12,961</b>
Unsupported Borrowing - HRA	1,000	6,300	6,450	<b>13,750</b>
Capital Receipts Reserve and Capital Reserve	-	-	-	-
Revenue - Council Fund	-	-	-	-
Revenue - HRA	9,450	9,471	10,634	<b>29,555</b>
Funding reallocated from postponed projects	1,197	-	-	
Unallocated Capital Grant	-	198	331	<b>529</b>
	<b>30,392</b>	<b>38,852</b>	<b>40,351</b>	<b>10,333</b>
<b>Unallocated General Capital Grant</b>	<b>893</b>	<b>(198)</b>	<b>(331)</b>	<b>364</b>

### 7.3 Longer-term Capital Expenditure Plans

**7.3.1** The above draft capital programme provides a medium-term forecast which is in line with the Medium-Term Financial Plan and the Council Plan 2017/22 and Treasury Management Strategy Statement. This capital strategy also communicates the long-term intentions with regard to the 21<sup>st</sup> Century Schools Programme which is comprehensively outlined above and is expected to continue beyond 2021/22. The estimated spend on Band B alone is estimated to be £52m between 2019/20 and 2025/26 of which 35% will be funded by the Council, mainly from unsupported borrowing. As each scheme in Band B is developed, the financial impact is assessed but it is accepted that some projects will need to go ahead to meet the Council's overall priorities and that the additional revenue costs will need to be funded from revenue savings or increases in Council Tax. If, as the Council progresses through Band B of the 21<sup>st</sup> Century Schools Programme, it finds that there are affordability issues, then the projects included in Band B will be reviewed.

**7.3.2** The Welsh Government also plans a phase C and D of the programme, however, these could only be undertaken if affordable.

**7.3.3** All of the principles included in section 2 should also be used as a basis for longer-term capital spend unless the new Council Plan 2023/28 differs significantly. Any non-schools projects, such as the refurbishment of existing assets should be funded by grant or supported borrowing into the future, if those funding streams continue to be available into the long-term.

#### **7.4 Non-Treasury Management Investment Strategy**

**7.4.1** The Treasury Management Investment Strategy is included in the TMSS discussed below. In addition, the Council holds a number of non-treasury management investments. These are the investment properties from which the Council earns rental income. These help provide a long-term revenue stream for the Council. The investment property portfolio held 74 properties at 31 March 2018, which were valued at £5.791m. These include retail properties, office units and commercial units. In 2017/18, £331k of rental income was collected from investment properties. Costs of £164k were spent on maintenance etc., which resulted in a net operational income of £167k from rental income. In terms of future plans for the investment properties, the buildings will continue to be maintained to legal standards. In addition, there is a new industrial unit complex being constructed in Llangefni which may be operational in 2019/20. The Council is also working in partnership with Welsh Government on the construction of Industrial Units at Penrhos, Holyhead. These are likely to become operational either in the latter half of 2019/20 or early 2020/21.

**7.4.2** Local Authorities have the power to purchase or develop properties as investments in order to improve the economic activity within the Council area or as a means of generating additional income for the Council. At present the Council has no plans to use these powers more widely than on the plans detailed above, but the use of these powers remains an option and the Strategy allows the Council to incur expenditure on investment properties in order to meet key Council objectives or to take advantage of any significant external funding which may become available.

### **8. Borrowing and Treasury Management**

**8.1** The Treasury Management Strategy Statement (TMSS) and Treasury Management Practices (TMPs) provide the framework to ensure there is sufficient cash to pay suppliers, ensure that any surplus cash is invested safely and that borrowing to fund the capital programme 2019/20 to 2021/22 is affordable. The TMSS will be presented to the full Council in February 2019. This will be available in February 2019 using the below link.

**8.2** Appendix 11 of the TMSS 2018/19 to 2020/21, provides the prudential and treasury indicators for the periods 2016/17 to 2020/21 which help determine whether borrowing plans are affordable.

**8.3** A measure of affordability is the ratio of financing costs to net revenue streams. The estimated ratio of financing costs to net revenue streams for the 2 years prior to this strategy and for the life of this strategy are as follows:-

2017/18 (Actual):	7.98%
2018/19 (Estimated)	6.37%
2019/20 (Projected)	6.51%
2020/21 (Projected)	6.65%
2021/22 (Projected)	7.03%

Based on the above, the proposed capital programme remains affordable in terms of the revenue implications.



In 2018/19, the Council revised its Minimum Revenue Provision policy and was able to back date the changes. The revision of the policy was designed to ensure a prudent provision is charged to the revenue account each year. However, a consequence of this change was that it identified an over provision in previous years and this over provision can be used in future years to ensure that the annual financing costs remain affordable. The Section 151 Officer will take this into account when determining the annual MRP charge.

- 8.4** Another important measure is that the level of external borrowing does not exceed the operational boundary for borrowing. The operational boundary must allow the Council the ability to borrow to cover emergency situations, including inability to access bank deposits, cash flow problems arising from a failure to collect income, emergency expenditure following an unexpected event or the need to take advantage of cheaper borrowing costs in times of rising interest rates. The current operational boundary is set at £25m above the capital financing requirement (CFR).
- 8.5** The Treasury Management Strategy aims to utilise the Council's internal cash balances, wherever possible, in place of external borrowing. In determining the level of internal borrowing, sufficient cash balances must be maintained to meet the daily cash needs of the Council i.e. paying staff, suppliers etc.
- 8.6** Table 6 below summarises the level of external borrowing compared to the operational boundary and shows the level of internal borrowing which the Council will utilise to fund the capital programme.

**Table 6**  
**Borrowing Forecast for 2017/18 to 2021/22**

<b>Borrowing - Forecast</b>	<b>2017/18 Actual £000</b>	<b>2018/19 Forecast £000</b>	<b>2019/20 Estimate £000</b>	<b>2020/21 Estimate £000</b>	<b>2021/22 Estimate £000</b>
Operational Boundary General Borrowing	164,000	164,000	173,000	187,000	203,000
Actual and Forecast External Borrowing	117,029	122,812	124,996	137,339	157,459
Difference between Authorised Limit and Actual/Forecast External Borrowing (headroom)	51,971	54,188	53,004	54,661	50,541
Internal Borrowing (use of cash balances)	19,837	18,379	20,105	21,129	17,362
<b>Total External and Internal Borrowing</b>	<b>138,866</b>	<b>141,191</b>	<b>145,101</b>	<b>158,468</b>	<b>174,821</b>

## **9. Potential Risks arising from the Capital Strategy**

- 9.1.** The substantial annual savings required over the next three years puts the Council at risk and this includes the capital programme. If the savings target is difficult to achieve, this might lead to a review of the capital programme to ensure that capital financing costs affecting revenue are reduced.
- 9.2.** The Council's Capital Strategy is based on an assumed level of funding from Welsh Government and via external grants. Given the continued uncertainty over budgets and the changes to grant funding, currently received from the European Union, there is a risk that this assumed level of grant funding may not be received as set out in the strategy. Any changes to funding will require a reassessment of the capital strategy and annual capital programme.

- 9.3.** The Council has used internal borrowing for a number of years to fund capital expenditure. This has had a significant impact on cash balances and it is unlikely that the Council can sustain internal borrowing in the medium-term. Internal borrowing will have to be replaced, at some point, with external borrowing, which in turn increases the capital financing costs charged to the revenue account. Increasing these costs in the present financial climate may impact on affordability and the Council's capacity to fund new capital projects through additional external borrowing.
- 9.4.** The strategy acknowledges the importance of maintaining existing Council assets. There is a risk that the replacement programme is not sufficient and that the standard of the assets falls to such a point that a greater level of investment is required in order to maintain services. This additional investment may not be affordable or it will require other new projects to be removed from the programme.
- 9.5.** The 21<sup>st</sup> Century Schools Programme is such an aspirational and substantial programme there is a risk that the Council will not be able to afford Bands C and CH. Band B of the programme will need to be kept under constant review in order to ensure that costs are kept within the budgets set in the business cases.
- 9.6.** External borrowing results in a significant interest cost each year. The majority of the Council's loans are fixed and are not affected by any interest rate rises. However, any sharp rise in interest rates may impact on the affordability of future projects which are funded from borrowing. Steps are outlined in the Treasury Management Strategy which mitigate this risk to some extent.

## **10. Knowledge and Skills**

- 10.1** The Resources accounting team has six qualified accountants including the Head of Function (Resources) / Section 151 Officer who look after the capital programme and treasury management function. There is also a qualified accounting technician who has substantial experience in capital and treasury management. The team attend CIPFA courses on capital and treasury management and have a sound knowledge of this very specialised accounting area. There is also a team of professionals within services such as architects, project managers, engineers which support the Council with delivering the Capital Programme. The Council also commissions specialist advice from Link Asset and Treasury Management consultants. The decision-makers of the Council receive regular reports on capital and treasury management and Members are offered treasury management training. The governance arrangements are outlined in the Constitution and the Treasury Management Strategy Statement.



Table A – Draft Proposed Capital Programme 2019/20 before consideration of new capital projects

Scheme	2019/20 Budget £'m	External Grants £'m	Council Funding £'m
Holy Island Visitor Gateway	1.000	0.950	0.050
Holyhead and Llangefni Strategic Infrastructure	3.400	3.330	0.070
Flood Alleviation Schemes	0.900	0.765	0.135
Gypsy and Traveller Sites	0.779	0.000	0.779
Holyhead Market Hall	0.350	0.250	0.100
Ysgol Santes Dwynwen	0.085	0.000	0.085
Ysgol Rhyd y Llan	0.037	0.000	0.037
Ysgol Y Graig Extension	0.666	0.313	0.353
Ysgol Bro Llangefni	3.521	2.324	1.197
Ysgol Beaumaris, Llandegfan and Llangoed	0.400	0.130	0.270
Ysgol Syr Thomas Jones and nearby primary schools	0.100	0.000	0.100
Disabled Facilities Grant	0.750	0.000	0.750
Disabled Access – Education Buildings	0.300	0.000	0.300
Replacement Vehicles	0.150	0.000	0.150
IT Infrastructure	0.439	0.000	0.439
School Refurbishment	0.500	0.000	0.500
Non School Refurbishment	0.400	0.000	0.400
Highway Resurfacing	1.359	0.580	0.779
HRA Capital Expenditure / New Developments	13.110	2.660	10.450
<b>TOTAL CAPITAL PROGRAMME</b>	<b>28.246</b>	<b>11.302</b>	<b>16.944</b>
<b>Funded By:</b>			
External Grants	10.722	10.722	
Funding Brought Forward from 2018/19	1.099		1.099
General Capital Grant	1.327		1.327
Supported Borrowing	2.026		2.026
Highways Refurbishment Grant	0.580	0.580	
Capital Receipts	-		-
Unsupported Borrowing 21 <sup>st</sup> Century Schools	0.402		0.402
Supported Borrowing 21 <sup>st</sup> Century Schools	1.640		1.640
HRA Unsupported Borrowing	1.000		1.000
HRA Revenue / Reserves	9.450		9.450
<b>TOTAL FUNDING</b>	<b>28.246</b>	<b>11.302</b>	<b>16.944</b>

**Table B – Proposed New Capital Schemes and Invest-to-Save Schemes 2019/20**

<b>Scheme</b>	<b>2019/20 Budget £'m</b>	<b>External Grants £'m</b>	<b>Reallocated Council Funding £'m</b>
Upgrade Pay & Display Machines in Car Parks	0.030	0.000	0.030
Plas Mona Refurbishment	0.035	0.000	0.035
Plas Crigyll Refurbishment	0.085	0.000	0.085
Upgrade Meeting Rooms Equipment	0.025	0.000	0.025
School Safety	0.200	0.000	0.200
Funding in the event of late offer from WG regarding Drainage Works	0.200	0.170	0.030
Anglesey Connected (AC) to PSBA transition	0.060	0.000	0.060
Drainage Studies and Design Work	0.166	0.141	0.025
Flood defence Traeth Coch	0.850	0.638	0.212
Economic Development – To seek Match Funding	0.095	0.000	0.095
Invest To Save - Energy Efficiency in Corporate Buildings	0.250	0.000	0.250
Invest To Save - Purchase new vehicles	0.150	0.000	0.150
<b>TOTAL CAPITAL PROGRAMME</b>	<b>2.146</b>	<b>0.949</b>	<b>1.197</b>
<b>Funded By:</b>			
External Grants	0.949		
Reallocated Funding	1.197		
<b>TOTAL FUNDING</b>	<b>2.146</b>		

## ISLE OF ANGLESEY COUNTY COUNCIL

<b>MEETING:</b>	County Council
<b>DATE:</b>	14 <sup>th</sup> May 2019
<b>TITLE:</b>	Annual Report of the Chair of the Standards Committee
<b>REPORT BY:</b>	Michael Wilson, Chair of the Standards Committee & Independent Member of the Standards Committee
<b>PURPOSE OF REPORT:</b>	To Report on the Activities of the Standards Committee in 2018/19 and to secure Council Approval for the Committee's Programme for 2019/20
<b>CONTACT OFFICER:</b>	Lynn Ball, Head of Function (Council Business) / Monitoring Officer (ext 2568)

### **Introduction**

1. The Standards Committee is a statutory committee which comprises 9 members (2 county councillors, 5 independent members and 2 community council members).
2. The term of four independent members, including the Chair, ends on 19<sup>th</sup> December 2019. There is currently an open and competitive process underway to fill these vacancies. The process is conducted by the Council's Standards Committee Selection Panel. The term of the fifth member (appointed in 2017) will end on 11.12.2025.
3. The two town and community council representatives were appointed in 2017. Their appointments will run for a period until the next local government election or until such time as the appointees are no longer community council members, whichever occurs first.
4. The two county council members are reappointed annually by the Council.
5. The Standards Committee has (amongst others) the following roles and functions in relation to County Council members and town/community council members:-
  - (a) promoting and maintaining high standards of conduct by members;
  - (b) assisting members to observe their Code of Conduct;
  - (c) advising, training, or arranging to train members;
  - (d) considering applications for dispensations;
  - (e) dealing with any referrals from the Public Services Ombudsman for Wales (PSOW), or the Adjudication Panel for Wales (effectively the national Standards Committee).

## **Background**

6. At its meeting on 15 May 2018 the County Council resolved to approve the Standards Committee's Programme for 2018/2019. The original Programme identified proposed areas of work, timetable and resources. This document is reproduced at **ENCLOSURE A** to this Report and has been updated to include the work which has since been delivered against objectives originally set.
7. **ENCLOSURE B** to this Report contains the Standards Committee's Programme for 2019/2020, which is presented for the Council's endorsement.

## **Chairman's Comments**

8. I would like to thank the Committee for its diligent contributions throughout the year, to acknowledge the support and advice of the officers who assist the Committee, and to thank members of the County Council for their readiness to engage with the work of the Committee.

### **8.1 Code of Conduct Referrals / Complaints**

In 2016, the Committee was pleased to advise the Council that: "less of its time had been spent in conducting hearings, or attending meetings/mediation arising from alleged breaches of the Code of Conduct." This is the third time this Committee can record that this overall trend continues.

The Standards Committee receives reports every quarter, and at its ordinary meetings, which provide statistical information about the number and status of Code of Conduct complaints filed with the PSOW against (a) IOACC's members and (b) town and community council members. In the reports for April 2018 – March 2019, there have been three complaints to the PSOW against town and community council members; all of which have been refused by the PSOW. One complaint was made to the PSOW against an IOACC's member but the PSOW has decided not to investigate. No complaint has been referred by the PSOW to the Standards Committee.

The Committee continues to believe that self-regulation is working and that the reporting of a few complaints to the PSOW, when necessary and appropriate, is an indication of an organisation which appreciates the difference between the inevitable 'cut and thrust' of politics and potentially serious matters which may warrant independent investigation. The Committee believes the number and level of complaints to the PSOW to be an indicator of good corporate health.

Members are reminded that a voluntary and informal Local Resolution Protocol exists, which may resolve matters more quickly and effectively than a complaint to the PSOW, in circumstances where disputes may arise between members. The independent members of the Standards Committee have received training on mediation in order to ensure a comprehensive understanding of the process. No sanction is imposed under the process; a successful outcome depends on the agreement and co-operation of the parties involved.

The PSOW has previously made it clear that, while there is no legal requirement, he expects town and community councils to take all reasonable steps to resolve internal matters under their own local resolution arrangements. The Standards Committee strongly endorses this approach, where appropriate, and this is one area which was considered by the Standards Committee during its review in the town and community councils (see 8.5 below).

## **8.2 Meetings**

The Committee continues to meet formally twice annually. This is the second year with this arrangement and the frequency continues to work well and the agendas at the two formal meetings per year remain appropriate.

Of course, extraordinary meetings may be called to ensure compliance with any statutory obligations and informal meetings will continue as business demands. This has indeed been the case with informal meetings, training sessions and 5 meetings of the Dispensations Panel during the year (see 8.3 below).

## **8.3 Dispensations**

Dispensations may be granted by the Standards Committee, in certain circumstances defined by statute, where the member would otherwise be unable to participate in a debate or decision owing to a significant (prejudicial) personal interest. The Standards Committee may sometimes be in a position to overreach that prejudicial interest if certain conditions are met. The Dispensations Regulations apply to County Council members and town and community council members.

In 2018/2019 the Standards Committee has granted 18 dispensations. 7 have been granted following applications by County Council members and 11 following applications by town and community council members.

The Standards Committee believes the increase shows that County Council members and the clerks to, and members of, the town and community councils are now familiar with the possibility of obtaining dispensations and are confident to make appropriate applications when the need arises. This is probably following the distribution of a [Briefing Note on Dispensations](#), by the Standards Committee, in 2017, with its content being reiterated in Training in May 2017. The Standards Committee is very pleased to note this positive development as it is a means of enabling members to participate as fully as possible in the democratic process for which they were elected, whilst also ensuring that the public has confidence in the objectivity of the decisions being made on their behalf.

All County Council members and town and community council members are advised to consider whether an application for dispensation may be appropriate for them in some circumstances and are encouraged to contact the Monitoring Officer for advice.

## **8.4 Personal Development**

The Standards Committee recommends to all members that they continue to engage with the Training and Development Programme offered by the County Council and that they participate in their Personal Development Reviews with their Group Leaders.

The need to renew and refresh skills and knowledge applies equally to longstanding members as it does to those more recently elected.

## **8.5 Registers of Interests**

Last year it was reported that the Standards Committee had conducted a review of the three registers of interests of the County Council members.

This year, as in 2016/2017, the Standards Committee returned to the town and community councils in order to sample the single register of interests retained by them. The generic findings of that review were published on 16<sup>th</sup> April 2019 and a copy is attached at **ENCLOSURE C**.

Many County Council members will sit on town or community councils, or act as a “link” between the County Council and their town and community councils, and are asked to please promote and encourage the recommendations in **ENCLOSURE C** to their town and community council member colleagues.

In 2019/2020, it is the Committee’s intention to again review the three registers of interests completed by County Council members, with a view to contacting individual members for discussion and clarification as and when needed. Thereafter the publication of generic advice or recommendations (should any arise). It is intended that this be completed before September 2019, so that it will be one of the last duties of the current Standards Committee before four new independent members are appointed by the County Council in December 2019.

## **8.6 All Wales Standards Committee Conference**

I attended, together with the Vice-Chair of the Standards Committee, the All Wales Standards Committee Conference in Aberystwyth in September 2018. This was a Conference for representatives from all 22 Local Authorities, The National Park authorities and the Fire and Rescue Authorities. This was an informative day with presentations from the Public Services Ombudsman for Wales, and the President of the Adjudication Panel for Wales. We gave a presentation on the Conference’s content to the other members of the Standards Committee at an informal meeting arranged on 30.10.2018.

## **8.7 Chairman’s Farewell**

This is the last report in my role as Chair of the Standards Committee as my term, together with that of 3 other independent members, ends on 19.12.2019. The Standards Committee Selection Panel is currently conducting a recruitment exercise to fill these vacancies (see paragraph 2 above). I wish the new members well.

When I was appointed, along with four other independent members (almost eight years ago), we agreed as a Committee to be proactive and constructive in supporting members to maintain a high standard of conduct in IOACC. I would like to thank the members of IOACC for your support in ensuring the Standards Committee has been able to achieve this aim. In leaving my role as Chair, I hope that the Standards Committee continues with the proactive work it has undertaken over the past 8 years.

This is very much in line with its statutory obligations and also meets the expectations of regulators and the Welsh Government. This approach's success can be measured by the reduction of complaints, while ensuring that the public can be confident in the conduct of their elected members.

I would like to take the opportunity to thank the independent members of the Standards Committee who have been supportive and contributed to the Standards Committee's work over the past 8 years. I would like to thank my Vice Chair, Mr Islwyn Jones, together with Mrs Dilys Shaw and Ms Denise Harris-Edwards. The Standards Committee also has two representative members from the Town and Community Council; Mr Iorwerth Roberts and Mr Keith Roberts were both appointed in 2017 and I thank them, and their predecessors (Mr John Roberts and Mr John Chorlton) for their contributions in relation to Town and Community Council matters. County Councillors Trefor Lloyd Hughes and Dafydd Rhys Thomas have also assisted the Committee by their appointments with their knowledge and understanding of County Council matters, and I thank them for their assistance.

Finally, I would like to take the opportunity to thank the elected members of the County Council for their support to the Standards Committee, and particularly to me as Chair of the Committee, for the last (almost!) 8 years. I wish you, and the Council, every success for the future.

**RECOMMENDATION: -**

1. To note the Programme delivered by the Standards Committee between April 2018 and May 2019 at **ENCLOSURE A**.
2. To endorse the Standards Committee's Work Programme for 2019/2020 as \*-- outlined in **ENCLOSURE B**.

**ENCLOSURE A**

**STANDARDS COMMITTEE WORK PROGRAMME – MAY 2018 TO APRIL 2019**

		<b>TIMETABLE</b>	<b>RESOURCES</b>	<b>STATUS AS AT YEAR END</b>
1.	To conduct hearings into alleged breaches of the Members' Code of Conduct following a referral from the Public Services Ombudsman for Wales (PSOW)	<ul style="list-style-type: none"> <li>As and when referrals are made and in accordance with the performance indicator</li> </ul>	<ul style="list-style-type: none"> <li>Monitoring Officer</li> </ul>	<ul style="list-style-type: none"> <li>No referrals</li> </ul>
2.	To conduct hearings into applications for Dispensations	<ul style="list-style-type: none"> <li>As and when applications are made and in accordance with the performance indicator</li> </ul>	<ul style="list-style-type: none"> <li>Monitoring Officer</li> </ul>	<ul style="list-style-type: none"> <li>Application for dispensation by 3 members of the same community/town council with the hearing conducted on 29.06.2018. Dispensations were granted to the three in the terms noted in the Minutes. Two received partial dispensations and one received a full dispensation. Please see <a href="#">link</a> to the application/hearing.</li> <li>Application by a member of the County Council with the hearing conducted on 28.01.2019. A dispensation was granted to the member in the terms noted in the Minutes. Please see <a href="#">link</a> to the application/hearing.</li> <li>A Hearing for a Dispensation on 11.02.2019 was cancelled.</li> <li>Applications by 8 members of the</li> </ul>



				<p>same town/community council with the hearing conducted on 07.03.2019. A dispensation was granted to the eight members in the terms noted in the Minutes. Please see <a href="#">link</a> to the application/hearing.</p> <ul style="list-style-type: none"> <li>• Application by 5 members of the County Council with the hearing conducted on 22.03.2019. Dispensations were granted to the five members in the terms noted in the Minutes. Please see <a href="#">link</a> to the application/hearing.</li> <li>• Application by a member of the County Council with the hearing conducted on 29.03.2019. A partial dispensation was granted to the member in the terms noted in the Minutes. Please see <a href="#">link</a> to the application/hearing.</li> </ul>
3.	To undertake an advisory role in connection with any matters arising under the Council's Local Resolution Protocol	<ul style="list-style-type: none"> <li>• As and when requested</li> </ul>	<ul style="list-style-type: none"> <li>• Monitoring Officer</li> </ul>	<ul style="list-style-type: none"> <li>• Standards Committee Chair has met with 4 members during the year in order to conduct Local Resolution. These related to matters within the town / community councils.</li> <li>• The Chair of the Standards Committee has also had 10 meetings with individual County Council members / their Group Leaders in relation to Code of Conduct matters which have arisen during the year.</li> </ul>

4.	To oversee training and development on the Members' Code of Conduct in accordance with paragraph 2.6 of the Code	<ul style="list-style-type: none"> <li>• Ready for May 2019</li> </ul>	<ul style="list-style-type: none"> <li>• Monitoring Officer</li> </ul>	<p>TOWN AND COMMUNITY COUNCILS:-</p> <ul style="list-style-type: none"> <li>• Briefing Note on Personal and Prejudicial Interests for town and community council members distributed on 16.04.2019.</li> <li>• Review of the Register of Interests in a sample of the town and community councils held in December 2018/January and February 2019.</li> <li>• Social Media Guidance distributed on 21.08.2018.</li> </ul> <p>COUNTY COUNCIL MEMBERS:-</p> <ul style="list-style-type: none"> <li>• Programme presented / developments discussed by the Human Resources Development Manager at the Standards Committee meetings in September 2018 and March 2019.</li> <li>• Training programme has been published to members.</li> <li>• Member Development Charter – the Council has applied for renewal.</li> <li>• Gifts and Hospitality Briefing Note shared with members on 18.04.2019.</li> <li>• Briefing Note to members on their Individual Rights as Members shared with members on 26.04.2019.</li> </ul>
5.	To review a sample of the Register of	<ul style="list-style-type: none"> <li>• By the end of</li> </ul>	<ul style="list-style-type: none"> <li>• Monitoring Officer</li> </ul>	<ul style="list-style-type: none"> <li>• Review conducted in December</li> </ul>

	Members' Interest as retained by town and community councils followed by any necessary advice and guidance	April 2019		<p>2018 / January and February 2019 utilising the Methodology Advice Note.</p> <ul style="list-style-type: none"> <li>• Individual letters sent to the town/community councils reviewed on 11.03.2019.</li> <li>• General findings letter sent to all town and community councils on 16.04.2019 (<b>ENCLOSURE C</b>).</li> </ul>
6.	To undertake the role of consultee on any proposed change to the Constitution relevant to the role of the Standards Committee and especially where such proposed changes might disproportionately prejudice the rights and interests of any minority group.	<ul style="list-style-type: none"> <li>• As and when required</li> </ul>	<ul style="list-style-type: none"> <li>• Monitoring Officer</li> </ul>	<ul style="list-style-type: none"> <li>• No referrals</li> </ul>
7.	To undertake the role of consultee on any proposed legislative / policy changes etc relevant to the Standards Committee's area of responsibility.	<ul style="list-style-type: none"> <li>• As and when required</li> </ul>	<ul style="list-style-type: none"> <li>• Monitoring Officer</li> </ul>	<ul style="list-style-type: none"> <li>• Standards Committee Selection Panel to appoint four new independent members to the Standards Committee – see 15 below</li> <li>• Amended Code of Conduct – adoption by town and community councils</li> <li>• A review of town and community council's compliance with the legal requirements in relation to content of Websites. *</li> <li>• A review of whether town and community councils have adopted a Local Resolution Protocol (non-mandatory) *</li> <li>• A review of whether town and community councils have included</li> </ul>

				<p>training arrangements for clerks and members *</p> <ul style="list-style-type: none"> <li>The Standards Committee reviewed Annual Reports by County Council members and made direct contact with members, as appropriate, to encourage the completion of such reports.</li> </ul> <p>* As part of the Standards Committee's ongoing review of corporate governance arrangements in town and community councils insofar as they relate to the remit of the Standards Committee.</p>
8.	To make any recommendations to the Council for improvements in those areas of work which relate to the Standards Committee.	<ul style="list-style-type: none"> <li>As and when required</li> </ul>	<ul style="list-style-type: none"> <li>Monitoring Officer</li> </ul>	<ul style="list-style-type: none"> <li>Local Resolution Protocol – amended Protocol approved by Council on 15.05.2018. Standards Committee members attended training on Mediation.</li> </ul>
9.	The Chair of the Standards Committee to present an annual report to the Council outlining the work of the committee during the previous year.	<ul style="list-style-type: none"> <li>May 2019</li> </ul>	<ul style="list-style-type: none"> <li>Chair</li> </ul>	<ul style="list-style-type: none"> <li>14.05.2019</li> </ul>
10.	To ensure that the knowledge and skills of the Standards Committee are developed and updated by:-	<ul style="list-style-type: none"> <li>Ongoing</li> </ul>	<ul style="list-style-type: none"> <li>Monitoring Officer</li> </ul>	<ul style="list-style-type: none"> <li>Town and community council members of the Standards Committee undertook a review of the registers of the independent members of the Standards Committee in June 2018. Individual letters of advice were then sent to each member of the</li> </ul>

				<p>Standards Committee on 12.07.2018.</p> <ul style="list-style-type: none"> <li>• Methodology Advice Note produced for conducting reviews of Members' Registers of Interests and shared with Group Leaders. (This was shared with members on 1/5/2019)</li> <li>• Methodology Advice Note produced for conducting reviews in the town and community councils.</li> </ul>
	<ul style="list-style-type: none"> <li>- regular reviews of decided cases from <ul style="list-style-type: none"> <li>○ other relevant authorities</li> <li>○ Adjudication Panel for Wales</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Ordinary meetings of the Committee</li> </ul>	<ul style="list-style-type: none"> <li>• Monitoring Officer</li> </ul>	<ul style="list-style-type: none"> <li>• Delivered on 12.09.2018 and 13.03.2019 to the Standards Committee.</li> <li>• Published to County Council members on 16.04.2019.</li> <li>• Published to Town and Community Councils on 26.04.2019.</li> <li>• Adjudication Panel for Wales' New Sanctions Guidance sent to Standards Committee members on 4.10.2018. Please see <a href="#">link</a> to report.</li> </ul>
	<ul style="list-style-type: none"> <li>- to participate and contribute to the North Wales Standards Committee Forum</li> </ul>	<ul style="list-style-type: none"> <li>• Twice annually</li> </ul>	<ul style="list-style-type: none"> <li>• Monitoring Officer</li> </ul>	<ul style="list-style-type: none"> <li>• 29.06.2018 – Forum Meeting held by Gwynedd County Council. Attended by the Chair and Vice-Chair of the Standards Committee. Please see <a href="#">link</a> to the report.</li> <li>• Next meeting to be hosted by Flintshire County Council on 24.06.2019. The PSOW will</li> </ul>

				attend.
	- to participate and contribute to the All Wales Standards Committee Conference.	<ul style="list-style-type: none"> <li>• 14.09.2018</li> </ul>	<ul style="list-style-type: none"> <li>• Monitoring Officer</li> </ul>	<ul style="list-style-type: none"> <li>• Chair and Vice-Chair of the Standards Committee and the Solicitor (Corporate Governance) attended the Conference on 14.09.2018 in Aberystwyth. This was reported to the Committee at its informal meeting on 30.10.2018.</li> </ul>
	- to be reviewed under a performance appraisal review scheme similar to that used by the County Council's elected members.	<ul style="list-style-type: none"> <li>• One every 2 years – due 2020</li> </ul>	<ul style="list-style-type: none"> <li>• Monitoring Officer</li> </ul>	<ul style="list-style-type: none"> <li>• No PDR process relevant to the co-opted members of the Standards Committee. The next PDR are due in 2020 when the term of the four new independent members will have begun.</li> <li>• Owing to constraints with the electronic system, as with all County Council members, the members of the Standards Committee are advised to ensure that they update their own training records.</li> </ul>
11.	To monitor progress on Member complaints filed with the PSOW and to undertake an annual analysis of complaints data in relation to the County Council and town and community councils in order to identify trends/issues of concern/training needs.	<ul style="list-style-type: none"> <li>• Quarterly</li> </ul>	<ul style="list-style-type: none"> <li>• Monitoring Officer</li> </ul>	<ul style="list-style-type: none"> <li>• Report to the Standards Committee on <a href="#">12.09.2018</a> and <a href="#">13.03.2019</a></li> <li>• Complaints matrix is circulated to Standards Committee members quarterly in April (January-March), July (April-June), October (July-September) and January (October-December). It details the complaints received and the</li> </ul>

				<p>progress made regarding those complaints being investigated by the PSOW in relation to (a) County Council members and (b) town and community council members.</p> <ul style="list-style-type: none"> <li>• Report by the PSOW and summary of the Casebook of Code of Conduct complaints received by the PSOW for <a href="#">January</a> and <a href="#">May</a> 2018 reported to the Standards Committee on 12.09.2018. Report circulated to County Council members on 16.04.2019 and town and community councils on 26.04.2019.</li> <li>• Report by the PSOW and summary of the Casebook of Code of Conduct complaints received by the PSOW for <a href="#">July</a> and <a href="#">October</a> 2018 reported to the Standards Committee on 13.03.2019. Report circulated to County Council members on 16.04.2019 and town and community councils on 26.04.2019.</li> </ul>
12.	To maintain contact with Group Leaders to discuss any issues of concern.	<ul style="list-style-type: none"> <li>• As and when required</li> </ul>	<ul style="list-style-type: none"> <li>• Chair</li> </ul>	<ul style="list-style-type: none"> <li>• 17.01.2019</li> <li>• 21.03.2019</li> </ul>
13.	<p>Report performance indicators on a default basis</p> <ul style="list-style-type: none"> <li>• Relationship between Members and</li> </ul>	<ul style="list-style-type: none"> <li>• Quarterly</li> </ul>	<ul style="list-style-type: none"> <li>• Monitoring Officer</li> </ul>	<ul style="list-style-type: none"> <li>• Reported quarterly</li> </ul>

	<p>Political Groups</p> <ul style="list-style-type: none"> <li>• The effectiveness of the Council's Standards Committee</li> <li>• Standards of conduct and behaviour of Members</li> </ul>			
14.	<p>To review the system for members to be providing feedback from Outside Bodies on which they have been appointed and the support which they require from the Council to be able to do this. Consider the information which is made available to the public in relation to those Outside Bodies e.g. Agenda and Minutes of those meetings.</p>	<ul style="list-style-type: none"> <li>• By the end of April 2019</li> </ul>	<ul style="list-style-type: none"> <li>• Monitoring Officer</li> </ul>	<ul style="list-style-type: none"> <li>• Standards Committee received a report by the Head of Democratic Services at its meeting on 12.09.2018.</li> <li>• There are now links from each members' biography page on the Council's website to the Outside Bodies s/he has been appointed to by the Council.</li> <li>• This was also considered in the context of the Annual Reports of members.</li> </ul>
15.	<p>Begin the process of recruiting 4 new independent members to the Standards Committee, in order to replace the committee members' whose term end in December 2019. The aim would be for those members to attend the last formal meeting of the Standards Committee held in the current members' term in September 2019.</p>	<ul style="list-style-type: none"> <li>• Process to begin by the end of April 2019</li> </ul>	<ul style="list-style-type: none"> <li>• Monitoring Officer</li> </ul>	<ul style="list-style-type: none"> <li>• Standards Committee Selection Panel met on 11.04.2019 to approve the advertisement of the vacancy of four independent members of the Standards Committee.</li> <li>• The closing date for applications is 17.05.2019.</li> <li>• The Standards Committee Selection Panel is meeting after this deadline in order to draw a shortlist of applicants who are to be interviewed in June / July 2019.</li> </ul>



## ENCLOSURE B

### STANDARDS COMMITTEE WORK PROGRAMME – MAY 2019 TO APRIL 2020

		TIMETABLE	RESOURCES	STATUS AS AT YEAR END
1.	To conduct hearings into alleged breaches of the Members' Code of Conduct following a referral from the Public Services Ombudsman for Wales (PSOW)	<ul style="list-style-type: none"> <li>As and when referrals are made and in accordance with the performance indicator</li> </ul>	<ul style="list-style-type: none"> <li>Monitoring Officer</li> </ul>	
2.	To conduct hearings into applications for Dispensations	<ul style="list-style-type: none"> <li>As and when applications are made and in accordance with the performance indicator</li> </ul>	<ul style="list-style-type: none"> <li>Monitoring Officer</li> </ul>	
3.	To undertake an advisory role in connection with any matters arising under the Council's Local Resolution Protocol	<ul style="list-style-type: none"> <li>As and when requested</li> </ul>	<ul style="list-style-type: none"> <li>Monitoring Officer</li> </ul>	
4.	To oversee training and development on the Members' Code of Conduct in accordance with paragraph 2.6 of the Code	<ul style="list-style-type: none"> <li>Ongoing</li> </ul>	<ul style="list-style-type: none"> <li>Monitoring Officer</li> </ul>	
5.	To review the three registers of Members' Interests followed by any necessary advice and guidance	<ul style="list-style-type: none"> <li>By the end of April 2020</li> </ul>	<ul style="list-style-type: none"> <li>Monitoring Officer</li> </ul>	

6.	To undertake the role of consultee on any proposed change to the Constitution relevant to the role of the Standards Committee and especially where such proposed changes might disproportionately prejudice the rights and interests of any minority group.	<ul style="list-style-type: none"> <li>As and when required</li> </ul>	<ul style="list-style-type: none"> <li>Monitoring Officer</li> </ul>	
7.	To undertake the role of consultee on any proposed legislative / policy changes etc relevant to the Standards Committee's area of responsibility.	<ul style="list-style-type: none"> <li>As and when required</li> </ul>	<ul style="list-style-type: none"> <li>Monitoring Officer</li> </ul>	
8.	To make any recommendations to the Council for improvements in those areas of work which relate to the Standards Committee.	<ul style="list-style-type: none"> <li>As and when required</li> </ul>	<ul style="list-style-type: none"> <li>Monitoring Officer</li> </ul>	
9.	The Chair of the Standards Committee to present an annual report to the Council outlining the work of the committee during the previous year.	<ul style="list-style-type: none"> <li>May 2020</li> </ul>	<ul style="list-style-type: none"> <li>Chair</li> </ul>	
10.	For the Chair or other members of the Standards Committee to attend any meetings of the County Council or its Committees.	<ul style="list-style-type: none"> <li>As and when required</li> </ul>	<ul style="list-style-type: none"> <li>Monitoring Officer</li> </ul>	
11.	To ensure that the knowledge and skills of the Standards Committee are developed and updated by:-		<ul style="list-style-type: none"> <li>Monitoring Officer</li> </ul>	
	<ul style="list-style-type: none"> <li>regular reviews of decided cases from <ul style="list-style-type: none"> <li>other relevant authorities</li> <li>Adjudication Panel for Wales</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Ordinary meeting of the Committee</li> </ul>		
	<ul style="list-style-type: none"> <li>to participate and contribute on the North Wales Standards Committee Forum</li> </ul>	<ul style="list-style-type: none"> <li>Twice annually</li> </ul>		

	- to participate and contribute to the All Wales Standards Committee Conference.	<ul style="list-style-type: none"> <li>• One every 2 years – last held 14.09.2018, therefore due 2020</li> </ul>		
	- To be reviewed under a performance appraisal review scheme similar to that used by the County Council members.	<ul style="list-style-type: none"> <li>• One every 2 years – due 2020</li> </ul>		
12.	To monitor progress on complaints against members filed with the PSOW and to undertake an annual analysis of complaints data in relation to the County Council and town and community councils in order to identify any trends or issues of concern/training needs.	<ul style="list-style-type: none"> <li>• Quarterly</li> </ul>	<ul style="list-style-type: none"> <li>• Monitoring Officer</li> </ul>	
13.	To maintain contact with Group Leaders to discuss any issues of concern.	<ul style="list-style-type: none"> <li>• As and when required</li> </ul>	<ul style="list-style-type: none"> <li>• Chair</li> </ul>	
14.	To review performance indicators for the Standards Committee and to report thereon on a default basis	<ul style="list-style-type: none"> <li>• Before April 2020</li> <li>• Quarterly</li> </ul>	<ul style="list-style-type: none"> <li>• Monitoring Officer</li> </ul>	
15.	To carry out work in relation to the training and induction of 4 new independent members to the Standards Committee, once appointed. The aim would be for those members to attend the last formal meeting of the Standards Committee held in the current members' term in September 2019.	<ul style="list-style-type: none"> <li>• Four vacancies filled by 19 December 2019 when the term of four of the five current independent members ends.</li> </ul>	<ul style="list-style-type: none"> <li>• Monitoring Officer</li> </ul>	

**From:** [Lynn Ball](#)  
**To:** [Aberffraw](#); [Amlwch](#); [Beaumaris](#); [Bodedern](#); [Bodffordd a Llanfachraeth](#); [Bodorgan Cwm Cadnant](#); [Llanfihangelesceifiog](#); [Bryngwran](#); [Cylch-y-Garn Community Council](#); [Holyhead Town Council](#); [Llanbadrig](#); [Llanddaniel Fab](#); [Llanddona a Llangoed](#); [Llanddyfnan](#); [Llaneilian](#); [Llanerchymedd](#); [Llanfaelog](#); [Llanfaethlu](#); [Llanfair ME](#); [Llanfair yn Neubwl](#); [Llanfairpwll](#); [Llangefni](#); [Llangefni](#); [Llanidan](#); [Mechell](#); [Menai Bridge](#); [Moelfre](#); [Penmynydd a Star](#); [Pentraeth](#); [Rhosybol](#); [Rhosyr](#); [Trearddur](#); [Tref Alaw](#); [Trewalchmai](#); [Valley](#)  
**Subject:** Adolygiad y Pwyllgor Safonau - swyddogol / Review by Standards Committee - official  
**Date:** 16 April 2019 15:52:14  
**Attachments:** [495650 - Adroddiad - Adolygiad Cofrestrau.pdf](#)  
[495651 - Report - Review of Registers.pdf](#)

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Annwyl Glercod,

Yn ei gyfarfod ar 12 Medi 2018, penderfynodd y Pwyllgor Safonau gynnal adolygiad o gofrestrau diddordeb yr aelodau mewn sampl o'r Cynghorau Tref a Chymuned, er mwyn gwirio cydymffurfiaeth gyda'r Cod Ymddygiad. Penderfynwyd y byddai adroddiad cyffredinol yn cael ei gylchredeg i'r holl Gynghorau 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 Cynghorau 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 2019** os gwelwch yn dda. Bydd y mater yn cael ei drafod yng nghyfarfod ffurfiol nesaf y Pwyllgor Safonau ym mis Medi 2019, a bydd yr adroddiad yn cynnwys tabl fydd yn nodi pa Gynghorau Tref a Chymuned sydd wedi / ddim wedi ymateb.

Gobeithiwn y bydd yr adroddiad atodol o gymorth i'ch aelodau o ran eu hymrwymiaadau dan y Cod Ymddygiad.

Cofion,

Michael Wilson  
 Cadeirydd y Pwyllgor Safonau

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Dear Clerks,

At its meeting on 12 September 2018, 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 2019** please. This matter will be discussed at the next formal meeting of the Standards Committee in September 2019, and the report will include a matrix detailing which Town and Community Councils have / have not responded.

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

Regards,

Michael Wilson  
Chairman of the Standards Committee

CC-019486-MY/495597

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

**Report prepared February 2019**

## **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.

As part of its work programme for 2018-2019, 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 2017 (i.e. the date of the last election), 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 details of any vacant seat) and copy form of acceptance of office by each current member, including the statutory undertaking to comply with the Code of Conduct;
- The Council's adopted Code of Conduct;
- The Council's adopted Local Resolution Protocol (if any);
- A record of members' and clerk training.

Information was also requested as to:

- the Council's website address, and
- if there was a dispensation valid for any of the Council's Members.

## **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.

The Standards Committee was pleased to note that all Town and Community Councils reviewed had adopted the same.

All Councils are asked to ensure the updated Code (**Appendix 1**) is brought to the attention of its members and adopted if not already done so.

- 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. It was therefore expected that there would be a form for each Councillor following the local elections in May 2017, irrespective of whether the member had been re-elected or not and, whether or not an election took place for that Town/Community Council.

This is something which was done in all the Town and Community Councils reviewed. The Standards Committee was pleased that, unlike when the review occurred in 2016, 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. A Briefing Note on the declaration of personal and prejudicial interests by Members of Town and Community Councils is included in **Appendix 2** for sharing with your Members.

If they have any specific questions, they should be seeking advice from their clerk or contact the Monitoring Officer at the IOACC on [lbxc@ynysmon.gov.uk](mailto:lbxc@ynysmon.gov.uk)

- 4) As of May 2015, Town and Community Councils 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 welcomes the work done in relation to the creation of websites, but is disappointed in relation to the amount of information published on some of the websites which have been created. Councils are reminded of the minimum requirements noted in **Appendix 3**.

- 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 oral declaration of interest made) and the Declaration of Interest forms, completed by each member following an oral declaration of personal and/or prejudicial interest for the first time at a meeting. This is a satisfactory format.

It was noted that many Town and Community Councils go beyond the requirement in the Code to confirm an oral declaration when it is made for the first time by confirming every oral declaration made with written confirmation (hence, there could be several declaration forms by the same member in relation to the same issue at several different meetings). This appears to be good practice and an easier format for the public to be able to review. Albeit, this is not a requirement under the Code of Conduct.

There were no examples of written confirmation by Members that the details of those interests which are disclosed in their Register have changed. Members are reminded of their obligation to confirm any changes to personal/prejudicial interests which have been registered within 28 days of the change having occurred.

Members are also reminded that a personal/prejudicial interest will only be deemed to have been previously disclosed if written notification has been provided since the last date on which the individual was elected, appointed or nominated as a member of the Town/Community Council. Members should bear this in mind particularly in light of the elections which took place in May 2017 – if a declaration was made and registered before then, a Member could not rely on that registration as an election has now occurred and so the Member would need to confirm an oral declaration in writing again so as to be valid for this Term.

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. This was a concern noted during the 2016 Review, and it remains.

- 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, for your Community Council.

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 for the first time 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. It may also be good practice, when an oral declaration relates to an interest which a Member has already



registered (i.e. declared orally for the first time and then confirmed the same in writing) for the Minutes to confirm the details of when the interest was registered by the Member – this would ensure transparency for the public should they question the same.

- 8) All the Councils reviewed had a Training Record albeit it was apparent members are reluctant (for various reasons) to attend training. There is no statutory requirement to maintain a Training Record, but the Standards Committee considers it to be good practice. Attending training will assist members with matters such as noted in 3 above (personal / prejudicial matters). Clerks appear to be advising members of training by Un Llais Cymru / One Voice Wales, but members are unable/unwilling to attend training. The Standards Committee would encourage Town/Community Councils to consider training needs of both members and staff and have a training plan in place, and for the same to be actioned. It would be prudent to ensure the training plan is reviewed, perhaps biannually, to ensure it is being followed.
- 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. To this end, Councils are reminded that an element for training (for Clerks and Members) could be included when the Council sets its precept amount. The Councils reviewed as part of this exercise did have a training budget available but it appeared it was not being utilised; the Standards Committee would encourage Town/Community Councils to make use of the money available for any identified training needs.
- 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 (perhaps jointly with other Town/Community Councils in the locality?), as required and (c) the development / maintenance / content of websites.
- 11) Of the five Town/Community Councils reviewed, two had adopted the Local Resolution Protocol model prepared by One Voice Wales. The Standards Committee welcomes the adoption of such Protocol in the Town/Community Councils, as it is good practice, although not mandatory. The Standards Committee also welcomed the fact that none of the Town/Community Councils where the Protocol had been adopted had reason to use it since its adoption.
- 12) Not many Town/Community Council members seem to be applying for dispensations. Dispensations are available for Members when they have a prejudicial interest, but, because of one of the statutory grounds, the member should be able to participate in the discussion, despite the prejudicial interest (e.g. because of the Member's expertise, or more than half the members of the Town/Community Council has a prejudicial interest etc.).

## **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 their 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 information on websites (including the publication of the Register of Members' Interests);
- (4) attendance at, and the recording of, Training by Members and officers;
- (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 2019.**

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




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OFFERYNNAU STATUDOL  
CYMRU

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**2008 Rhif 788 (Cy.82)**

**LLYWODRAETH LEOL,  
CYMRU**

**Gorchymyn Awdurdodau Lleol  
(Cod Ymddygiad Enghreifftiol)  
(Cymru) 2008**

**NODYN ESBONIADOL**

*(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)*

Sefydlodd Rhan III o Ddeddf Llywodraeth Leol 2000 ("y Ddeddf") fframwaith moesegol newydd ar gyfer llywodraeth leol yng Nghymru.

Mae adran 50(2) o'r Ddeddf yn darparu y caiff Cynulliad Cenedlaethol Cymru ("y Cynulliad") drwy orchymyn ddyroddi cod enghreifftiol o ran yr ymddygiad y disgwylir i aelodau ac aelodau cyfetholedig awdurdodau perthnasol yng Nghymru ei arddel. Trosglwyddir y swyddogaeth hon oddi wrth y Cynulliad i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006.

Awdurdodau perthnasol yng Nghymru at ddibenion y Gorchymyn hwn yw cynghorau sir, cynghorau bwrdeistref sirol, cynghorau cymuned, awdurdodau tân ac achub ac awdurdodau Parciau Cenedlaethol. Nid yw awdurdodau heddlu'n awdurdodau perthnasol at ddibenion y Gorchymyn hwn.

Mae'n rhaid i god ymddygiad a ddyroddir gan Weinidogion Cymru o dan adran 50(2) o'r Ddeddf fod yn gyson â'r egwyddorion a bennir yn unol ag adran 49(2) o'r Ddeddf a geir ar hyn o bryd yng Ngorchymyn Ymddygiad Aelodau (Egwyddorion) (Cymru) 2001. Mae adran 50(3) o'r Ddeddf yn rhoi'r hawl i Weinidogion Cymru i ddiwygio cod enghreifftiol sydd wedi ei ddyroddi.

Mae'r Gorchymyn hwn yn dirymu Gorchymyn Ymddygiad Aelodau (Cod Ymddygiad Enghreifftiol) (Cymru) 2001 ac offerynnau statudol blaenorol sy'n diwygio ac yn dyroddi cod enghreifftiol diwygiedig yn unol ag adran 50(2) a (3) o'r Ddeddf. Mae'r

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WELSH  
STATUTORY INSTRUMENTS

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**2008 No. 788 (W.82)**

**LOCAL GOVERNMENT,  
WALES**

**The Local Authorities (Model  
Code of Conduct) (Wales) Order  
2008**

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

Part III of the Local Government Act 2000 ("the Act") established a new ethical framework for local government in Wales.

Section 50(2) of the Act provides that the National Assembly for Wales ("the Assembly") may by order issue a model code as regards the conduct which is expected of members and co-opted members of relevant authorities in Wales. This function of the Assembly is transferred to the Welsh Ministers by paragraph 30 of schedule 11 to the Government of Wales Act 2006.

Relevant authorities in Wales for the purposes of this Order are county councils, county borough councils, community councils, fire and rescue authorities and National Park authorities. Police authorities are not relevant authorities for the purposes of this Order.

A code of conduct issued by the Welsh Ministers under section 50(2) of the Act must be consistent with the principles specified pursuant to section 49(2) of the Act currently set out in the Conduct of Members (Principles) (Wales) Order 2001. Section 50(3) of the Act entitles the Welsh Ministers to revise a model code which has been issued.

This Order revokes the Conduct of Members (Model Code of Conduct) (Wales) Order 2001 and previous amending statutory instruments and issues a revised model code in pursuance of section 50(2) and (3) of the Act. This Order also continues the disapplication of

Gorchymyn hwn hefyd yn parhau datgymhwysiad darpariaethau statudol sy'n ymwneud â Chod Cenedlaethol Ymddygiad Llywodraeth Leol yng Nghymru (ymhlith eraill).

Mae'r cod enghreifftiol diwygiedig yn yr Atodlen i'r Gorchymyn hwn.

Mae Rhan 1 o'r cod enghreifftiol yn ymwneud â dehongli.

Mae Rhan 2 o'r cod enghreifftiol yn darparu ar gyfer darpariaethau cyffredinol y cod enghreifftiol.

Mae Rhan 3 o'r cod enghreifftiol yn ymwneud â buddiannau personol a buddiannau sy'n rhagfarnu ac â datgelu'r cyfryw fuddiannau gan aelodau ac aelodau cyfetholedig ac â chyfrannu gan aelodau ac aelodau cyfetholedig mewn cysylltiad â'r cyfryw fuddiannau.

Mae Rhan 4 o'r cod enghreifftiol yn ymwneud â'r gofrestr fuddiannau, ac â chofrestru rhoddion a lletygarwch.

statutory provisions relating to (among others) the National Code of Local Government Conduct in Wales.

The revised model code is in the Schedule to this Order.

Part 1 of the model code deals with interpretation.

Part 2 of the model code provides for the general provisions of the model code.

Part 3 of the model code concerns personal interests and prejudicial interests and disclosure of and participation by members and co-opted members in respect of such interests.

Part 4 of the model code concerns the register of interests, registration of gifts and hospitality.

**2008 Rhif 788 (Cy.82)**

**LLYWODRAETH LEOL,  
CYMRU**

**Gorchymyn Awdurdodau Lleol  
(Cod Ymddygiad Enghreifftiol)  
(Cymru) 2008**

*Gwnaed* 20 Mawrth 2008

*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 25 Mawrth 2008

*Yn dod i rym* 18 Ebrill 2008

Drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 50(2), 50(3), 50(4), 50(4E), 81(2), 81(3) a 105 o Ddeddf Llywodraeth Leol 2000(1) ac a freiniwyd(2) bellach ynddynt hwy, ac ar ôl gwneud y cyfryw ymgynghoriad ag sy'n ofynnol yn rhinwedd adran 50(5) o'r Ddeddf honno, mae Gweinidogion Cymru, a hwythau'n fodlon bod y cod ymddygiad enghreifftiol a ddyroddir o dan adran 50(2) yn gyson â'r egwyddorion a bennir yng Ngorchymyn Ymddygiad Aelodau (Egwyddorion) (Cymru) 2001(3) a wnaed yn unol ag adran 49(2), yn gwneud y Gorchymyn canlynol:

**Enwi, cychwyn a chymhwysio**

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Awdurdodau Lleol (Cod Ymddygiad Enghreifftiol) (Cymru) 2008 a daw i rym ar 18 Ebrill 2008.

(2) Mae'r Gorchymyn hwn yn gymwys i bob awdurdod perthnasol yng Nghymru.

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(1) 2000 p.22. Diwygir adran 50 gan adran 183 o Ddeddf Llywodraeth Leol a Chymwys y Cyhoedd mewn Iechyd 2007 (p.28).

(2) Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru o dan adrannau 50, 81 a 105 i Weidogion Cymru o dan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

(3) O.S. 2001/2276 (Cy.166) fel y'i diwygiwyd gan O.S. 2005/2929 (Cy.214).

**2008 No. 788 (W.82)**

**LOCAL GOVERNMENT,  
WALES**

**The Local Authorities (Model  
Code of Conduct) (Wales) Order  
2008**

*Made* 20 March 2008

*Laid before the National  
Assembly for Wales* 25 March 2008

*Coming into force* 18 April 2008

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by sections 50(2), 50(3), 50(4), 50(4E), 81(2), 81(3) and 105 of the Local Government Act 2000(1) and now vested(2) in them, having carried out such consultation as is required by virtue of section 50(5) of that Act and being satisfied that the model code of conduct being issued under section 50(2) is consistent with the principles specified in the Conduct of Members (Principles) (Wales) Order 2001(3) made pursuant to section 49(2), make the following Order:

**Title, commencement and application**

1.—(1) The title of this Order is the Local Authorities (Model Code of Conduct) (Wales) Order 2008 and it comes into force on 18 April 2008.

(2) This Order applies to each relevant authority in Wales.

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(1) 2000 c.22. Section 50 is amended by section 183 of the Local Government and Public Involvement in Health Act 2007 (c.28).

(2) The functions of the National Assembly for Wales under sections 50, 81 and 105 were transferred to the Welsh Ministers under paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

(3) S.I. 2001/2276 (W.166) as amended by S.I. 2005/2929 (W.214).

## Dehongli

### 2. Yn y Gorchymyn hwn —

mae i "aelod" ("*member*") yr ystyr a geir yn Rhan 1 o'r cod enghreifftiol yn yr Atodlen i'r Gorchymyn hwn;

mae i "aelod cyfetholedig" ("*co-opted member*") yr ystyr a geir yn Rhan 1 o'r cod enghreifftiol yn yr Atodlen i'r Gorchymyn hwn;

mae i "awdurdod perthnasol" ("*relevant authority*") yr ystyr a geir yn Rhan 1 o'r cod enghreifftiol yn yr Atodlen i'r Gorchymyn hwn; ac

ystyr "y Ddeddf" ("*the Act*") yw Deddf Llywodraeth Leol 2000.

## Cod Ymddygiad Enghreifftiol

3.—(1) Ceir yn yr Atodlen i'r Gorchymyn hwn god enghreifftiol o ran yr ymddygiad y disgwylir i aelodau o awdurdod perthnasol ei arddel.

(2) At ddibenion adran 50(4) o'r Ddeddf, mae darpariaethau'r cod enghreifftiol i'w hystyried yn rhai gorfodol.

## Darpariaethau i'w datgymhwysio

4.—(1) Os bydd awdurdod perthnasol yn gyngor sir, cyngor bwrdeistref sirol neu gyngor cymuned, neu'n awdurdod tân ac achub sydd wedi mabwysiadu cod ymddygiad neu os bydd y cyfryw god yn gymwys iddo, datgymhwysir y canlynol o ran yr awdurdod hwnnw, os ydynt yn gymwys i'r awdurdod perthnasol—

- (a) adrannau 94 i 98 a 105 o Ddeddf Llywodraeth Leol 1972(1); a
- (b) unrhyw reoliadau a wnaed neu god a ddyroddwyd o dan adrannau 19 a 31 o Ddeddf Llywodraeth Leol a Thai 1989(2).

(2) Os bydd awdurdod perthnasol yn awdurdod Parc Cenedlaethol sydd wedi mabwysiadu cod ymddygiad neu os bydd y cyfryw god yn gymwys iddo, datgymhwysir y canlynol o ran yr awdurdod hwnnw, os yw'n gymwys i'r awdurdod perthnasol —

- (a) paragraffau 9 a 10 o Atodlen 7 i Ddeddf yr Amgylchedd 1995(3); a
- (b) unrhyw reoliadau a wnaed neu god a ddyroddwyd o dan adrannau 19 a 31 o Ddeddf Llywodraeth Leol a Thai 1989.

(3) Bydd adran 16(1) o Ddeddf Dehongli 1978(4) yn gymwys i ddatgymhwysiad o dan baragraff (1) neu baragraff (2) uchod fel pe bai'n ddiddymiad, gan Ddeddf, o ddeddfiad.

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(1) 1972 p.70.  
(2) 1989 p.42.  
(3) 1995 p.25.  
(4) 1978 p.30.

## Interpretation

### 2. In this Order —

"the Act" ("*y Ddeddf*") means the Local Government Act 2000;

"co-opted member" ("*aelod cyfetholedig*") has the meaning set out in Part 1 of the model code in the Schedule to this Order;

"member" ("*aelod*") has the meaning set out in Part 1 of the model code in the Schedule to this Order; and

"relevant authority" ("*awdurdod perthnasol*") has the meaning set out in Part 1 of the model code in the Schedule to this Order.

## Model Code of Conduct

3.—(1) A model code as regards the conduct which is expected of members of a relevant authority is set out in the Schedule to this Order.

(2) For the purposes of section 50(4) of the Act, the provisions of the model code are to be regarded as mandatory.

## Provisions to be disapplied

4.—(1) Where a relevant authority which is a county, county borough or community council or fire and rescue authority has adopted a code of conduct or such a code applies to it, the following will, where applicable to the relevant authority, be disapplied as respects that authority —

- (a) sections 94 to 98 and 105 of the Local Government Act 1972(1); and
- (b) any regulations made or code issued under sections 19 and 31 of the Local Government and Housing Act 1989(2).

(2) Where a relevant authority which is a National Park authority has adopted a code of conduct or such a code applies to it, the following will, where applicable to the relevant authority, be disapplied as respects that authority —

- (a) paragraphs 9 and 10 of Schedule 7 to the Environment Act 1995(3); and
- (b) any regulations made or code issued under sections 19 and 31 of the Local Government and Housing Act 1989.

(3) Section 16(1) of the Interpretation Act 1978(4) will apply to a disapplication under paragraph (1) or (2) above as if it were a repeal, by an Act, of an enactment.

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(1) 1972 c.70.  
(2) 1989 c.42.  
(3) 1995 c.25.  
(4) 1978 c.30.

## Dirymu

5. Dirymir y gorchmynion canlynol:

- (a) Gorchymyn Ymddygiad Aelodau (Cod Ymddygiad Enghreifftiol) (Cymru) 2001(1);
- (b) Gorchymyn Ymddygiad Aelodau (Cod Ymddygiad Enghreifftiol) (Diwygio) (Cymru) 2004(2); ac
- (c) Gorchymyn Ymddygiad Aelodau (Cod Ymddygiad Enghreifftiol) (Cymru) (Diwygio) (Rhif 2) 2004(3).

## Darpariaethau Trosiannol ac Arbedion

6. Mae'r gorchmynion y cyfeirir atynt yn erthygl 5 yn parhau i fod yn effeithiol at ddibenion y canlynol ac at ddibenion sy'n gysylltiedig â'r canlynol —

- (a) ymchwilio i unrhyw honiad ysgrifenedig o dan Ran 3 o'r Ddeddf, pan fo'r honiad hwnnw'n ymwneud ag ymddygiad a ddigwyddodd cyn y dyddiad pryd, yn unol ag adran 51 o'r Ddeddf(4)—
  - (i) y bydd yr awdurdod perthnasol yn mabwysiadu cod ymddygiad sy'n ymgorffori darpariaethau gorfodol y cod ymddygiad enghreifftiol yn yr Atodlen i'r Gorchymyn hwn yn lle ei god ymddygiad presennol;
  - (ii) y bydd yr awdurdod perthnasol yn diwygio'i god ymddygiad presennol i ymgorffori darpariaethau gorfodol y cod ymddygiad enghreifftiol a geir yn yr Atodlen i'r Gorchymyn hwn; neu
  - (iii) y bydd darpariaethau gorfodol y cod ymddygiad enghreifftiol a geir yn yr Atodlen i'r Gorchymyn hwn yn gymwys i aelodau neu aelodau cyfetholedig o'r awdurdod perthnasol o dan adran 51(5)(b) o'r Ddeddf honno;
- (b) dyfarnu (neu benderfynu) ar fater a godir mewn honiad o'r fath; ac
- (c) apêl yn erbyn penderfyniad pwyllgor safonau, tribiwnlys achos interim neu dribiwnlys achos mewn perthynas â honiad o'r fath.

## Revocation

5. The following orders are revoked:

- (a) the Conduct of Members (Model Code of Conduct) (Wales) Order 2001(1);
- (b) the Conduct of Members (Model Code of Conduct) (Amendment) (Wales) Order 2004(2); and
- (c) the Conduct of Members (Model Code of Conduct) (Wales) (Amendment) (No. 2) Order 2004(3).

## Transitional Provisions and Savings

6. The orders referred to in article 5 continue to have effect for the purposes of and for purposes connected with —

- (a) the investigation of any written allegation under Part 3 of the Act, where that allegation relates to conduct that occurred before the date when, pursuant to section 51 of the Act(4)—
  - (i) the relevant authority adopts a code of conduct incorporating the mandatory provisions of the model code of conduct in the Schedule to this Order in place of its existing code of conduct;
  - (ii) the relevant authority revises its existing code of conduct to incorporate the mandatory provisions of the model code of conduct in the Schedule to this Order; or
  - (iii) the mandatory provisions of the model code of conduct in the Schedule to this Order apply to members or co-opted members of the relevant authority under section 51(5)(b) of that Act;
- (b) the adjudication (or determination) of a matter raised in such an allegation; and
- (c) an appeal against the decision of a standards committee, an interim case tribunal or case tribunal in relation to such an allegation.

(1) O.S. 2001/2289 (Cy. 177) fel y'i diwygiwyd gan O.S. 2004/163 (Cy. 18); O.S. 2004/1510 (Cy.159); O.S. 2005/2929 (Cy. 214); ac O.S. 2006/362 (Cy. 48).

(2) O.S. 2004/163 (Cy.18).

(3) O.S. 2004/1510 (Cy.159).

(4) Diwygir adran 51 o Ddeddf Llywodraeth Leol 2000 gan adran 35 o Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2005 a pharagraffau 1 a 3 o Atodlen 4 iddi a chan adran 183 o Ddeddf Llywodraeth Leol a Chynnwys y Cyhoedd mewn Iechyd 2007.

(1) S.I. 2001/2289 (W.177) as amended by S.I. 2004/163 (W.18); S.I. 2004/1510 (W.159); S.I. 2005/2929 (W.214); and S.I. 2006/362 (W.48).

(2) S.I. 2004/163 (W.18).

(3) S.I. 2004/1510 (W.159).

(4) Section 51 of the Local Government Act 2000 is amended by section 35 and paragraphs 1 and 3 of Schedule 4 to the Public Services Ombudsman (Wales) Act 2005 and by section 183 of the Local Government and Public Involvement in Health Act 2007.

*Brian Gibbons*

Y Gweinidog dros Gyfiawnder Cymdeithasol a  
Llywodraeth Leol, un o Weinidogion Cymru

Minister for Social Justice and Local Government, one  
of the Welsh Ministers

20 Mawrth 2008

20 March 2008



YR ATODLEN

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(1) 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(2);

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(3),

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.

Mewn perthynas â chyngor-cymuned, mae cyfeiriadau at swyddog monitro awdurdod a phwyllgor safonau awdurdod i'w darllen, yn y drefn honno, fel cyfeiriadau at swyddog monitro ac at bwyllgor safonau'r cyngor sir neu'r cyngor bwrdeistref sirol y mae ganddo swyddogaethau mewn perthynas â'r cyngor cymuned y mae'n gyfrifol amdano o dan adran 56(2) o Ddeddf Llywodraeth Leol 2000.

(1) 2004 p.21.

(2) 1995 p.25.

(3) O.S. 1990/1553 fel y'i diwygiwyd gan O.S. 1991/1389; O.S. 1993/1339; O.S. 1998/1918; ac O.S. 1999/500.

## 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 awdurdod heddlu neu Fwrdd 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 tramgyddau neu ymddygiad y gellir ei gosbi drwy gosb benodedig);
- (c) adrodd i Ombwdsmon Gwasanaethau Cyhoeddus Cymru ac 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 pŵer 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 fetu 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 llesionol 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 ffyrm 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 llesionol ynddo ac sydd yn ardal eich awdurdod;
- (vii) unrhyw dir y mae eich awdurdod yn landlord arno ac y mae ffyrm 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;
- (b) pe byddai'n rhesymol i aelod o'r cyhoedd ganfod bod gwrthdaro rhwng eich rôl o ran gwneud penderfyniad, ar y busnes hwnnw, ar ran eich awdurdod yn gyfan a'ch rôl o ran cynrychioli buddiannau etholwyr yn eich ward neu eich dosbarth etholiadol; neu
- (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 ffyrm 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 llesionol 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 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 chawsoch 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 chawsoch 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 lawnamser, 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 o dan adrannau 22(5), 24(4) a 173 i 176 o Deddf Llywodraeth Leol 1972, lwfans neu bensiwn o dan adran 18 o Deddf Llywodraeth Leol a Thai 1989 neu lwfans neu daliad o dan adran 100 o Deddf Llywodraeth Leol 2000;
- (c) yn gysylltiedig â'ch rôl fel cynghorydd 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), (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.

(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 Ariannol a Buddiannau Eraill ac Aelodaeth o Gyrrff a Safleoedd Rheoli**

**15.**—(1) Yn ddarostyngedig i is-baragraff (3), 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 ariannol a'ch buddiannau eraill, os ydynt yn dod o fewn categori a grybwyllir ym mharagraff 10(2)(a) yng nghofrestr eich awdurdod a gedwir o dan adran 81(1) o Deddf Llywodraeth Leol 2000, drwy ddarparu hysbysiad ysgrifenedig ar gyfer swyddog monitro eich awdurdod.

(2) Rhaid i chi, o fewn 28 o ddiwrnodau ar ôl dod yn ymwybodol o unrhyw fuddiant personol newydd neu o newid i unrhyw fuddiant personol a gofrestrwyd o dan is-baragraff (1), gofrestru'r buddiant personol newydd hwnnw neu'r newid drwy ddarparu hysbysiad ysgrifenedig ar gyfer swyddog monitro eich awdurdod.

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

(4) Ni fydd is-baragraff (1) 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.

##### **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 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 fygythion.

##### **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 yn nodi bodolaeth a natur y rhodd honno, y lletygarwch hwnnw, y buddiant materol hwnnw neu'r fantais faterol honno.

## SCHEDULE

### 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 sub-committee;

"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(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(2) 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(3);

"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.

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(1) S.I. 1990/1553 as amended by S.I. 1991/1389; S.I. 1993/1339; S.I. 1998/1918; and S.I. 1999/500.

(2) 2004 c.21.

(3) 1995 c.25.



**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.

**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 the Public Services Ombudsman for Wales and 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;
- (b) a member of the public might reasonably perceive a conflict between your role in taking a decision, upon that business, on behalf of your authority as a whole and your role in representing the interests of constituents in your ward or electoral division; or
- (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 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 sub-committees; 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), (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.

(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.

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ON

## **BRIEFING NOTE FOR TOWN AND COMMUNITY COUNCILLORS**

### **The Declaration of Personal and Prejudicial Interests by Members**

#### Enclosures:

Appendix 1: Model Code of Conduct

Appendix 2: Guidance from the Public Services Ombudsman for Wales

Appendix 3: IOACC Declaration at Meetings Form

Appendix 4: Advice circulated by One Voice Wales in August 2015

#### A. Background

The Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016 came into force on 1<sup>st</sup> April 2016. An amended Code of Conduct was created at that time together with a requirement for all Town and Community Councils to adopt the new Code. A copy of the Model Code of Conduct is included as **Appendix 1**. Councillors should ensure they are familiar with the adopted Code of Conduct of their own Town or Community Council.

There are requirements in relation to the disclosure of personal and prejudicial interests in the Model Code of Conduct. The aim of this Briefing Note is to summarise those requirements as far as they affect Town and Community Councillors.

#### B. When does the Code apply?

The Code of Conduct applies

- whenever a member acts in his/her official capacity, including whenever members conduct business of the council or acting, or claiming to act, or give the impression they are acting in their official capacity as a member or as a representative of the Town/Community Council; or
- at any time, if members conduct themselves in a manner which could reasonably be regarded as bringing their office or council into disrepute or if they attempt to use their position to gain an advantage or avoid a disadvantage for themselves or any other person or if they misuses their authority's resources.

The general headings under the Code include:

- Equality
- Treating others with respect and consideration
- Bullying and harassment
- Compromising the impartiality of officers of the authority
- Disclosing confidential information
- Preventing access to information
- Disrepute
- Reporting breached of the Code

- Vexatious complaints
- Co-operating with investigations
- Using your position improperly
- The authority's resources
- Using resources for proper purposes only
- Reaching decisions objectively
- Considering advice provided to you and giving reasons
- Expenses
- Gifts and hospitality

For further information on these elements of the Code, members are advised to read the Code of Conduct in **Appendix 1** and the Public Services Ombudsman for Wales' Guidance on "The Code of Conduct for members of Town and Community Councils in Wales" (dated July 2016) in **Appendix 2**. Should members have queries, they should raise these with their Clerks in the first instance.

This briefing note only considers the requirements in relation to the disclosure of personal and prejudicial interests – included in Parts 3 and 4 of the Code (paragraphs 10 – 17).

## **PERSONAL INTERESTS**

### **What is a personal interest?**

A personal interest exists if a Member, or a close personal associate\* of a Member, has a connection to the matter being discussed.

Members need to ask themselves, in relation to all business they conduct as Town/Community Councillors:

- A. Does the matter relate to, or is it likely to affect, any of the matters listed in paragraph 10(2)(a) of the Code of Conduct

OR

- B. Could a decision on the matter under discussion be reasonably regarded as affecting, - to a greater extent than other people in the Town / Community area, the matters listed in paragraph 10(2)(c).

If the answer to any of the categories in A or B above is 'yes' then a personal interest exists.

### **\* Who is a close personal associate?**

There is no definition but the Ombudsman offers the following advice / example which may assist in understanding the distinction:

If you are a member of the same golf club as someone, that does not mean you have a close personal association with them, but if that person is your regular golfing partner, then you will have a close personal association with them.



## **DECLARING PERSONAL INTERESTS**

### (1) **DECLARATIONS IN MEETINGS:-**

A Member must orally declare their interest each time it is relevant to a discussion, even if the interest is one which has been previously declared in earlier meetings. This requirement applies regardless of whether the meeting is formal or informal.

In formal meetings, if a Member declares a personal 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.

**Clerks:** For convenience, it is recommended that a standard document is used for this registration. A copy of the Declaration at Meetings Form used by IOACC is attached as **Appendix 3.**

A Member must disclose any relevant personal interest in any written representations they make outside meetings.

If a Member makes verbal representations outside a formal committee they are also required to declare the interest verbally, and confirm it in writing to the Clerk within 14 days of the meeting.

**Clerks:** See the section on “Register of Interests” for more information on how the written declarations need to be kept and further requirements.

### (2) **GIFTS AND HOSPITALITY**

If a Member receives a gift or hospitality in his/her role as a Member, he/she must formally disclose that gift / hospitality within 28 days of receipt; provided the value/estimated value exceeds the value specified in a resolution of your Town/Community Council.

It is also recommended that a registered gift/hospitality be declared if it is relevant to a matter under discussion in a meeting. It may be a personal interest under the Code’s provision.

## **PREJUDICIAL INTERESTS**

### **What is a prejudicial interest?**

Each time a Member decides that they have a personal interest in the matter under discussion, they must also apply the following test:

**Would a member of the public, who knew the relevant facts, reasonably think the personal interest so significant that it would be likely to adversely affect the Member's ability to judge the issue in the public interest?**

If the answer is "no", then the Member has a personal interest only and is allowed to take a full part in the discussion/voting; subject to having declared the personal interest. What this means is that the interest is not so significant as to exclude the member but declaring it protects the integrity of the decision by ensuring transparency.

However, if the answer to the question (above in bold) is "yes", then the Member needs to consider if the matter falls within one of the exempt items listed in paragraph [12\(2\)\(b\) of the Code of Conduct](#).

- If one of the exemptions applies, the Member is not regarded as having a prejudicial interest. The requirement to declare a personal interest will still apply and the Member should state what exemption they are relying upon.
- If none of the exemptions apply, the Member has a personal and a prejudicial interest and should not participate.

## **DECLARING PREJUDICIAL INTERESTS**

### **MEETINGS:-**

A Member must disclose, each time the matter is discussed, that he/she has a prejudicial interest, even if the interest is one which has been previously declared in earlier meetings.

If members of the public are allowed to attend the same meeting to make oral representations, the Member can make written or oral representations, but the Member must then leave the meeting before any discussion takes place; even if members of the public are allowed to remain.

If it is not such a public meeting, after disclosing the prejudicial interest, the Member must leave the room whilst the matter is being discussed. Remaining in the room, or moving to another part of the room, is not an option and would breach the code.

### ***Example:-***

A member of a Community Council was found in breach of the Code for failing to declare a personal and prejudicial interest at a meeting which considered a planning application for a wind farm on land adjacent to a farm jointly owned by her. There was an Option Agreement for the development of a road to the wind farm across the Member's farm land; it had not been declared in the Standing Register (it should have been) and it was not disclosed by the Member at the meeting. The Member remained in the meeting, (even though another Member disclosed an interest and left the room), and participated in the voting (by abstaining). The Member was suspended from office for 3 months.

*[Llanfihangel ar Arth Community Council- APW/002/2014-015/CT]*

In formal meetings, if a Member declares a 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;
- Confirmation that he / she left the meeting room and did not participate in the matter.

**Clerks:** For convenience, it is recommended that a standard document is used for this registration. A copy of the Declaration at Meetings Form used by IOACC is attached as **Appendix 3**.

**Clerks:** See the section on “Register of Interests” for more information on how the written declarations need to be kept and further requirements.

#### WRITTEN AND ORAL REPRESENTATIONS:-

Members must not seek to influence business in which they have a prejudicial interest and should not enter into any discussions about that matter, unless a dispensation has been granted by the Standards Committee.

#### REGISTER OF INTERESTS:

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. [This is different to the requirement for County Councillors. Some Town/Community Councils have asked their members to provide such information; members can be encouraged to do this but not compelled.]

Town/Community Members are required to register personal / prejudicial interests in the Town/Community Council’s Register “as and when” they arise by providing written notification to the Clerk **on the first occasion** when the oral declaration is made.

**Appendix 4** includes an extract of advice circulated by One Voice Wales in relation to personal and prejudicial interests, and in particular, the requirements in terms of the pre-registration of interests.

A personal or prejudicial interest will only be deemed to have been previously disclosed if written notification has been provided since the last date on which the individual was elected, appointed or nominated as a member of the Town/Community Council.

- For example - Bearing in mind the elections in May 2017, should a matter have been discussed in January 2017 and a Councillor has made an oral declaration at a meeting and confirmed the same in writing at that time, if the matter raised its head again in August 2018, the Councillor would need to declare orally AND register his interest again (as the previous disclosure preceded the election).

Any changes to personal/prejudicial interests which have been registered must be confirmed in writing within 28 days of the change having occurred.

- For instance, if a member has previously disclosed a prejudicial interest because an application for planning permission on his next door property was being discussed, should the member sell and move out of that house, the member should inform the Clerk in writing that he has sold and moved house and so the interest which was previously registered no longer applies.

The requirement to declare the personal/prejudicial interest, provide the written confirmation so as to “register” the interest, and provide written confirmation of any change in those registered interests lies with the member. The requirement to maintain and publish the Register of Interests lies with the Clerk, as the proper officer for the Town/Community Council.

There is no prescribed format for the Register, but using a standard form for every registration of personal/prejudicial interest and collating them in in a single file, in the order of Member names, is sufficient. These individual forms then, collectively, constitute the Register of Interests declared by Members of the Town/Community Council. If a Member has not made a declaration, he/she will not have any entries/forms in the Register.

Clerks must ensure, in relation to the Register, that:

- it is available for public inspection at all reasonable times, and electronically on the Council’s website.
- Any new entries are added to the Register as soon as reasonably practicable after each meeting
- it is updated with any written notifications received from Members detailing the registered interest no longer applies.

Clerks also need to record oral declarations made in meetings in the minutes, and to ensure those minutes are published, once approved. It may be good practice to include reference (within the noted declaration of interest in the minutes) to the date when the interest, which is being orally declared, was registered in the Register of Interests, for ease of reference to the general public.

There are several Town/Community Councils where Members are in the habit of confirming each oral declaration of personal or prejudicial interests by way of written confirmation, in accordance with the Council’s practices. In those circumstances, the Register is made up of all declaration forms, usually kept in date order. This practice goes beyond the requirement of the Code but does ensure transparency and consistency between information about declarations in Minutes and the declarations held in the Register. As with the pre-registration of certain interests, members can be encouraged but not compelled to do this.

Published by the Isle of Anglesey’s Standards Committee  
March 2019




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OFFERYNNAU STATUDOL  
CYMRU

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**2008 Rhif 788 (Cy.82)**

**LLYWODRAETH LEOL,  
CYMRU**

**Gorchymyn Awdurdodau Lleol  
(Cod Ymddygiad Enghreifftiol)  
(Cymru) 2008**

**NODYN ESBONIADOL**

*(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)*

Sefydlodd Rhan III o Ddeddf Llywodraeth Leol 2000 ("y Ddeddf") fframwaith moesegol newydd ar gyfer llywodraeth leol yng Nghymru.

Mae adran 50(2) o'r Ddeddf yn darparu y caiff Cynulliad Cenedlaethol Cymru ("y Cynulliad") drwy orchymyn ddyroddi cod enghreifftiol o ran yr ymddygiad y disgwylir i aelodau ac aelodau cyfetholedig awdurdodau perthnasol yng Nghymru ei arddel. Trosglwyddir y swyddogaeth hon oddi wrth y Cynulliad i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006.

Awdurdodau perthnasol yng Nghymru at ddibenion y Gorchymyn hwn yw cynghorau sir, cynghorau bwrdeistref sirol, cynghorau cymuned, awdurdodau tân ac achub ac awdurdodau Parciau Cenedlaethol. Nid yw awdurdodau heddlu'n awdurdodau perthnasol at ddibenion y Gorchymyn hwn.

Mae'n rhaid i god ymddygiad a ddyroddir gan Weinidogion Cymru o dan adran 50(2) o'r Ddeddf fod yn gyson â'r egwyddorion a bennir yn unol ag adran 49(2) o'r Ddeddf a geir ar hyn o bryd yng Ngorchymyn Ymddygiad Aelodau (Egwyddorion) (Cymru) 2001. Mae adran 50(3) o'r Ddeddf yn rhoi'r hawl i Weinidogion Cymru i ddiwygio cod enghreifftiol sydd wedi ei ddyroddi.

Mae'r Gorchymyn hwn yn dirymu Gorchymyn Ymddygiad Aelodau (Cod Ymddygiad Enghreifftiol) (Cymru) 2001 ac offerynnau statudol blaenorol sy'n diwygio ac yn dyroddi cod enghreifftiol diwygiedig yn unol ag adran 50(2) a (3) o'r Ddeddf. Mae'r

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WELSH  
STATUTORY INSTRUMENTS

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**2008 No. 788 (W.82)**

**LOCAL GOVERNMENT,  
WALES**

**The Local Authorities (Model  
Code of Conduct) (Wales) Order  
2008**

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

Part III of the Local Government Act 2000 ("the Act") established a new ethical framework for local government in Wales.

Section 50(2) of the Act provides that the National Assembly for Wales ("the Assembly") may by order issue a model code as regards the conduct which is expected of members and co-opted members of relevant authorities in Wales. This function of the Assembly is transferred to the Welsh Ministers by paragraph 30 of schedule 11 to the Government of Wales Act 2006.

Relevant authorities in Wales for the purposes of this Order are county councils, county borough councils, community councils, fire and rescue authorities and National Park authorities. Police authorities are not relevant authorities for the purposes of this Order.

A code of conduct issued by the Welsh Ministers under section 50(2) of the Act must be consistent with the principles specified pursuant to section 49(2) of the Act currently set out in the Conduct of Members (Principles) (Wales) Order 2001. Section 50(3) of the Act entitles the Welsh Ministers to revise a model code which has been issued.

This Order revokes the Conduct of Members (Model Code of Conduct) (Wales) Order 2001 and previous amending statutory instruments and issues a revised model code in pursuance of section 50(2) and (3) of the Act. This Order also continues the disapplication of

Gorchymyn hwn hefyd yn parhau datgymhwysiad darpariaethau statudol sy'n ymwneud â Chod Cenedlaethol Ymddygiad Llywodraeth Leol yng Nghymru (ymhlith eraill).

Mae'r cod enghreifftiol diwygiedig yn yr Atodlen i'r Gorchymyn hwn.

Mae Rhan 1 o'r cod enghreifftiol yn ymwneud â dehongli.

Mae Rhan 2 o'r cod enghreifftiol yn darparu ar gyfer darpariaethau cyffredinol y cod enghreifftiol.

Mae Rhan 3 o'r cod enghreifftiol yn ymwneud â buddiannau personol a buddiannau sy'n rhagfarnu ac â datgelu'r cyfryw fuddiannau gan aelodau ac aelodau cyfetholedig ac â chyfrannu gan aelodau ac aelodau cyfetholedig mewn cysylltiad â'r cyfryw fuddiannau.

Mae Rhan 4 o'r cod enghreifftiol yn ymwneud â'r gofrestr fuddiannau, ac â chofrestru rhoddion a lletygarwch.

statutory provisions relating to (among others) the National Code of Local Government Conduct in Wales.

The revised model code is in the Schedule to this Order.

Part 1 of the model code deals with interpretation.

Part 2 of the model code provides for the general provisions of the model code.

Part 3 of the model code concerns personal interests and prejudicial interests and disclosure of and participation by members and co-opted members in respect of such interests.

Part 4 of the model code concerns the register of interests, registration of gifts and hospitality.

**2008 Rhif 788 (Cy.82)**

**LLYWODRAETH LEOL,  
CYMRU**

**Gorchymyn Awdurdodau Lleol  
(Cod Ymddygiad Enghreifftiol)  
(Cymru) 2008**

*Gwnaed* 20 Mawrth 2008

*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 25 Mawrth 2008

*Yn dod i rym* 18 Ebrill 2008

Drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 50(2), 50(3), 50(4), 50(4E), 81(2), 81(3) a 105 o Ddeddf Llywodraeth Leol 2000(1) ac a freiniwyd(2) bellach ynddynt hwy, ac ar ôl gwneud y cyfryw ymgynghoriad ag sy'n ofynnol yn rhinwedd adran 50(5) o'r Ddeddf honno, mae Gweinidogion Cymru, a hwythau'n fodlon bod y cod ymddygiad enghreifftiol a ddyroddir o dan adran 50(2) yn gyson â'r egwyddorion a bennir yng Ngorchymyn Ymddygiad Aelodau (Egwyddorion) (Cymru) 2001(3) a wnaed yn unol ag adran 49(2), yn gwneud y Gorchymyn canlynol:

**Enwi, cychwyn a chymhwysio**

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Awdurdodau Lleol (Cod Ymddygiad Enghreifftiol) (Cymru) 2008 a daw i rym ar 18 Ebrill 2008.

(2) Mae'r Gorchymyn hwn yn gymwys i bob awdurdod perthnasol yng Nghymru.

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(1) 2000 p.22. Diwygir adran 50 gan adran 183 o Ddeddf Llywodraeth Leol a Chymwys y Cyhoedd mewn Iechyd 2007 (p.28).

(2) Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru o dan adrannau 50, 81 a 105 i Weidogion Cymru o dan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

(3) O.S. 2001/2276 (Cy.166) fel y'i diwygiwyd gan O.S. 2005/2929 (Cy.214).

**2008 No. 788 (W.82)**

**LOCAL GOVERNMENT,  
WALES**

**The Local Authorities (Model  
Code of Conduct) (Wales) Order  
2008**

*Made* 20 March 2008

*Laid before the National  
Assembly for Wales* 25 March 2008

*Coming into force* 18 April 2008

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by sections 50(2), 50(3), 50(4), 50(4E), 81(2), 81(3) and 105 of the Local Government Act 2000(1) and now vested(2) in them, having carried out such consultation as is required by virtue of section 50(5) of that Act and being satisfied that the model code of conduct being issued under section 50(2) is consistent with the principles specified in the Conduct of Members (Principles) (Wales) Order 2001(3) made pursuant to section 49(2), make the following Order:

**Title, commencement and application**

1.—(1) The title of this Order is the Local Authorities (Model Code of Conduct) (Wales) Order 2008 and it comes into force on 18 April 2008.

(2) This Order applies to each relevant authority in Wales.

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(1) 2000 c.22. Section 50 is amended by section 183 of the Local Government and Public Involvement in Health Act 2007 (c.28).

(2) The functions of the National Assembly for Wales under sections 50, 81 and 105 were transferred to the Welsh Ministers under paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

(3) S.I. 2001/2276 (W.166) as amended by S.I. 2005/2929 (W.214).

## Dehongli

### 2. Yn y Gorchymyn hwn —

mae i "aelod" ("*member*") yr ystyr a geir yn Rhan 1 o'r cod enghreiffiol yn yr Atodlen i'r Gorchymyn hwn;

mae i "aelod cyfetholedig" ("*co-opted member*") yr ystyr a geir yn Rhan 1 o'r cod enghreiffiol yn yr Atodlen i'r Gorchymyn hwn;

mae i "awdurdod perthnasol" ("*relevant authority*") yr ystyr a geir yn Rhan 1 o'r cod enghreiffiol yn yr Atodlen i'r Gorchymyn hwn; ac

ystyr "y Ddeddf" ("*the Act*") yw Deddf Llywodraeth Leol 2000.

## Cod Ymddygiad Enghreifftiol

3.—(1) Ceir yn yr Atodlen i'r Gorchymyn hwn god enghreiffiol o ran yr ymddygiad y disgwylir i aelodau o awdurdod perthnasol ei arddel.

(2) At ddibenion adran 50(4) o'r Ddeddf, mae darpariaethau'r cod enghreiffiol i'w hystyried yn rhai gorfodol.

## Darpariaethau i'w datgymhwyso

4.—(1) Os bydd awdurdod perthnasol yn gyngor sir, cyngor bwrdeistref sirol neu gyngor cymuned, neu'n awdurdod tân ac achub sydd wedi mabwysiadu cod ymddygiad neu os bydd y cyfryw god yn gymwys iddo, datgymhwysir y canlynol o ran yr awdurdod hwnnw, os ydynt yn gymwys i'r awdurdod perthnasol—

- (a) adrannau 94 i 98 a 105 o Ddeddf Llywodraeth Leol 1972(1); a
- (b) unrhyw reoliadau a wnaed neu god a ddyroddwyd o dan adrannau 19 a 31 o Ddeddf Llywodraeth Leol a Thai 1989(2).

(2) Os bydd awdurdod perthnasol yn awdurdod Parc Cenedlaethol sydd wedi mabwysiadu cod ymddygiad neu os bydd y cyfryw god yn gymwys iddo, datgymhwysir y canlynol o ran yr awdurdod hwnnw, os yw'n gymwys i'r awdurdod perthnasol —

- (a) paragraffau 9 a 10 o Atodlen 7 i Ddeddf yr Amgylchedd 1995(3); a
- (b) unrhyw reoliadau a wnaed neu god a ddyroddwyd o dan adrannau 19 a 31 o Ddeddf Llywodraeth Leol a Thai 1989.

(3) Bydd adran 16(1) o Ddeddf Dehongli 1978(4) yn gymwys i ddatgymhwysiad o dan baragraff (1) neu baragraff (2) uchod fel pe bai'n ddiddymiad, gan Ddeddf, o ddeddfiad.

(1) 1972 p.70.  
(2) 1989 p.42.  
(3) 1995 p.25.  
(4) 1978 p.30.

## Interpretation

### 2. In this Order —

"the Act" ("*y Ddeddf*") means the Local Government Act 2000;

"co-opted member" ("*aelod cyfetholedig*") has the meaning set out in Part 1 of the model code in the Schedule to this Order;

"member" ("*aelod*") has the meaning set out in Part 1 of the model code in the Schedule to this Order; and

"relevant authority" ("*awdurdod perthnasol*") has the meaning set out in Part 1 of the model code in the Schedule to this Order.

## Model Code of Conduct

3.—(1) A model code as regards the conduct which is expected of members of a relevant authority is set out in the Schedule to this Order.

(2) For the purposes of section 50(4) of the Act, the provisions of the model code are to be regarded as mandatory.

## Provisions to be disapplied

4.—(1) Where a relevant authority which is a county, county borough or community council or fire and rescue authority has adopted a code of conduct or such a code applies to it, the following will, where applicable to the relevant authority, be disapplied as respects that authority —

- (a) sections 94 to 98 and 105 of the Local Government Act 1972(1); and
- (b) any regulations made or code issued under sections 19 and 31 of the Local Government and Housing Act 1989(2).

(2) Where a relevant authority which is a National Park authority has adopted a code of conduct or such a code applies to it, the following will, where applicable to the relevant authority, be disapplied as respects that authority —

- (a) paragraphs 9 and 10 of Schedule 7 to the Environment Act 1995(3); and
- (b) any regulations made or code issued under sections 19 and 31 of the Local Government and Housing Act 1989.

(3) Section 16(1) of the Interpretation Act 1978(4) will apply to a disapplication under paragraph (1) or (2) above as if it were a repeal, by an Act, of an enactment.

(1) 1972 c.70.  
(2) 1989 c.42.  
(3) 1995 c.25.  
(4) 1978 c.30.



## Dirymu

5. Dirymir y gorchmynion canlynol:

- (a) Gorchymyn Ymddygiad Aelodau (Cod Ymddygiad Enghreifftiol) (Cymru) 2001(1);
- (b) Gorchymyn Ymddygiad Aelodau (Cod Ymddygiad Enghreifftiol) (Diwygio) (Cymru) 2004(2); ac
- (c) Gorchymyn Ymddygiad Aelodau (Cod Ymddygiad Enghreifftiol) (Cymru) (Diwygio) (Rhif 2) 2004(3).

## Darpariaethau Trosiannol ac Arbedion

6. Mae'r gorchmynion y cyfeirir atynt yn erthygl 5 yn parhau i fod yn effeithiol at ddibenion y canlynol ac at ddibenion sy'n gysylltiedig â'r canlynol —

- (a) ymchwilio i unrhyw honiad ysgrifenedig o dan Ran 3 o'r Ddeddf, pan fo'r honiad hwnnw'n ymwneud ag ymddygiad a ddigwyddodd cyn y dyddiad pryd, yn unol ag adran 51 o'r Ddeddf(4)—
  - (i) y bydd yr awdurdod perthnasol yn mabwysiadu cod ymddygiad sy'n ymgorffori darpariaethau gorfodol y cod ymddygiad enghreifftiol yn yr Atodlen i'r Gorchymyn hwn yn lle ei god ymddygiad presennol;
  - (ii) y bydd yr awdurdod perthnasol yn diwygio'i god ymddygiad presennol i ymgorffori darpariaethau gorfodol y cod ymddygiad enghreifftiol a geir yn yr Atodlen i'r Gorchymyn hwn; neu
  - (iii) y bydd darpariaethau gorfodol y cod ymddygiad enghreifftiol a geir yn yr Atodlen i'r Gorchymyn hwn yn gymwys i aelodau neu aelodau cyfetholedig o'r awdurdod perthnasol o dan adran 51(5)(b) o'r Ddeddf honno;
- (b) dyfarnu (neu benderfynu) ar fater a godir mewn honiad o'r fath; ac
- (c) apêl yn erbyn penderfyniad pwyllgor safonau, tribiwnlys achos interim neu dribiwnlys achos mewn perthynas â honiad o'r fath.

## Revocation

5. The following orders are revoked:

- (a) the Conduct of Members (Model Code of Conduct) (Wales) Order 2001(1);
- (b) the Conduct of Members (Model Code of Conduct) (Amendment) (Wales) Order 2004(2); and
- (c) the Conduct of Members (Model Code of Conduct) (Wales) (Amendment) (No. 2) Order 2004(3).

## Transitional Provisions and Savings

6. The orders referred to in article 5 continue to have effect for the purposes of and for purposes connected with —

- (a) the investigation of any written allegation under Part 3 of the Act, where that allegation relates to conduct that occurred before the date when, pursuant to section 51 of the Act(4)—
  - (i) the relevant authority adopts a code of conduct incorporating the mandatory provisions of the model code of conduct in the Schedule to this Order in place of its existing code of conduct;
  - (ii) the relevant authority revises its existing code of conduct to incorporate the mandatory provisions of the model code of conduct in the Schedule to this Order; or
  - (iii) the mandatory provisions of the model code of conduct in the Schedule to this Order apply to members or co-opted members of the relevant authority under section 51(5)(b) of that Act;
- (b) the adjudication (or determination) of a matter raised in such an allegation; and
- (c) an appeal against the decision of a standards committee, an interim case tribunal or case tribunal in relation to such an allegation.

(1) O.S. 2001/2289 (Cy. 177) fel y'i diwygiwyd gan O.S. 2004/163 (Cy. 18); O.S. 2004/1510 (Cy.159); O.S. 2005/2929 (Cy. 214); ac O.S. 2006/362 (Cy. 48).

(2) O.S. 2004/163 (Cy.18).

(3) O.S. 2004/1510 (Cy.159).

(4) Diwygir adran 51 o Ddeddf Llywodraeth Leol 2000 gan adran 35 o Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2005 a pharagraffau 1 a 3 o Atodlen 4 iddi a chan adran 183 o Ddeddf Llywodraeth Leol a Chynnwys y Cyhoedd mewn Iechyd 2007.

(1) S.I. 2001/2289 (W.177) as amended by S.I. 2004/163 (W.18); S.I. 2004/1510 (W.159); S.I. 2005/2929 (W.214); and S.I. 2006/362 (W.48).

(2) S.I. 2004/163 (W.18).

(3) S.I. 2004/1510 (W.159).

(4) Section 51 of the Local Government Act 2000 is amended by section 35 and paragraphs 1 and 3 of Schedule 4 to the Public Services Ombudsman (Wales) Act 2005 and by section 183 of the Local Government and Public Involvement in Health Act 2007.

*Brian Gibbons*

Y Gweinidog dros Gyfiawnder Cymdeithasol a  
Llywodraeth Leol, un o Weinidogion Cymru

Minister for Social Justice and Local Government, one  
of the Welsh Ministers

20 Mawrth 2008

20 March 2008

## YR ATODLEN

### 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(1) 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(2);

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(3),

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.

Mewn perthynas â chyngor-cymuned, mae cyfeiriadau at swyddog monitro awdurdod a phwyllgor safonau awdurdod i'w darllen, yn y drefn honno, fel cyfeiriadau at swyddog monitro ac at bwyllgor safonau'r cyngor sir neu'r cyngor bwrdeistref sirol y mae ganddo swyddogaethau mewn perthynas â'r cyngor cymuned y mae'n gyfrifol amdano o dan adran 56(2) o Ddeddf Llywodraeth Leol 2000.

(1) 2004 p.21.

(2) 1995 p.25.

(3) O.S. 1990/1553 fel y'i diwygiwyd gan O.S. 1991/1389; O.S. 1993/1339; O.S. 1998/1918; ac O.S. 1999/500.

## 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 awdurdod heddlu neu Fwrdd 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 Ombwdsmon Gwasanaethau Cyhoeddus Cymru ac 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 pŵer 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 fetu 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 ffyrm 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 llesionol 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 llesionol 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;
- (b) pe byddai'n rhesymol i aelod o'r cyhoedd ganfod bod gwrthdaro rhwng eich rôl o ran gwneud penderfyniad, ar y busnes hwnnw, ar ran eich awdurdod yn gyfan a'ch rôl o ran cynrychioli buddiannau etholwyr yn eich ward neu eich dosbarth etholiadol; neu
- (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 llesionol 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 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 chwawsoch 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 chwawsoch 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 lawnamser, 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 o dan adrannau 22(5), 24(4) a 173 i 176 o Deddf Llywodraeth Leol 1972, lwfans neu bensiwn o dan adran 18 o Deddf Llywodraeth Leol a Thai 1989 neu lwfans neu daliad o dan adran 100 o Deddf Llywodraeth Leol 2000;
- (c) yn gysylltiedig â'ch rôl fel cynghorydd 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), (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.

(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 Ariannol a Buddiannau Eraill ac Aelodaeth o Gyrrff a Safleoedd Rheoli**

**15.**—(1) Yn ddarostyngedig i is-baragraff (3), 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 ariannol a'ch buddiannau eraill, os ydynt yn dod o fewn categori a grybwyllir ym mharagraff 10(2)(a) yng nghofrestr eich awdurdod a gedwir o dan adran 81(1) o Deddf Llywodraeth Leol 2000, drwy ddarparu hysbysiad ysgrifenedig ar gyfer swyddog monitro eich awdurdod.

(2) Rhaid i chi, o fewn 28 o ddiwrnodau ar ôl dod yn ymwybodol o unrhyw fuddiant personol newydd neu o newid i unrhyw fuddiant personol a gofrestrwyd o dan is-baragraff (1), gofrestru'r buddiant personol newydd hwnnw neu'r newid drwy ddarparu hysbysiad ysgrifenedig ar gyfer swyddog monitro eich awdurdod.

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

(4) Ni fydd is-baragraff (1) 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.

###### **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 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 fygythion.

###### **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 yn nodi bodolaeth a natur y rhodd honno, y lletygarwch hwnnw, y buddiant materol hwnnw neu'r fantais faterol honno.

## SCHEDULE

### 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 sub-committee;

"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(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(2) 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(3);

"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.

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(1) S.I. 1990/1553 as amended by S.I. 1991/1389; S.I. 1993/1339; S.I. 1998/1918; and S.I. 1999/500.

(2) 2004 c.21.

(3) 1995 c.25.

**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.

**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 the Public Services Ombudsman for Wales and 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;
- (b) a member of the public might reasonably perceive a conflict between your role in taking a decision, upon that business, on behalf of your authority as a whole and your role in representing the interests of constituents in your ward or electoral division; or
- (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 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 sub-committees; 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), (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.

(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.

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# The Code of Conduct for members of local authorities in Wales

Guidance from the  
Public Services Ombudsman for Wales

## Preface

This revised guide from me as Public Services Ombudsman for Wales provides an overview of the Model Code of Conduct (“the Code”) introduced in 2008 (as amended on 1 April 2016). It is intended to help you as a member to understand your obligations under the Code. The Code applies to all members and co-opted members of local authorities, community councils, fire and rescue authorities and national park authorities in Wales. As a member, you are required to sign up to it as part of your declaration of acceptance of office. The Code does not apply to the actions of authorities as a whole, or to the conduct of their officers and employees. There is a separate code of conduct applying to officers of local authorities in Wales.

This is a separate version of my second guidance as Public Services Ombudsman for Wales aimed at community and town councillors (referred to throughout this guidance as community councillors). The guidance differs in many parts from my guidance to county councillors as it recognises the different role that community councillors undertake.

The following pages aim to provide you with a general understanding of the Code and its requirements. Section 1 provides an introduction, while Section 2 outlines your obligations under the Code, referencing specific paragraphs for further information. Sections 3 and 4 deal with general issues surrounding interests, and aim to clarify a number of provisions which you will find in Parts 3 & 4 of the Code. You can obtain a copy of the Code by contacting your Clerk.


The guide is intended to help you to understand the Code and how it applies, but it cannot hope to cover every conceivable circumstance. Ultimately, it is your responsibility to take specific advice from your Clerk or Monitoring Officer and to make a decision as to the most suitable course of action.

I have used examples throughout the report to help to bring the guidance to life. These examples are drawn from actual cases considered by my office and also include decisions reached by local standards committees and the Adjudication Panel for Wales. Some of these decisions may have been taken by my predecessor, but throughout, for ease of reference, I will refer to them as my own decisions. Further examples of recent cases will be published quarterly in “The Code of Conduct Casebook” which is on my website at [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)

As a member you will be offered training on the Code whether by your Clerk, a Monitoring Officer or from a representative body. I expect all members to take advantage of such training, including refresher courses, to ensure that they are fully aware of the provisions of the Code and the standards expected of them in public life. I would urge members to avail themselves of any local arrangements that may be in place for dealing with complaints about their fellow members.

I continue to be concerned about the number of low level complaints that are being received. Whilst these complaints appear to have been generated by a small number of members, in these challenging times of public austerity, it is increasingly important to ensure the effective use of my office's resources and that any investigation undertaken is proportionate and required in the wider public interest.

We should continue to work collaboratively to drive up standards and to create a culture where members are respected for their selflessness, objectivity and respectful behaviour. If we do so we can build public confidence in our democratic institutions and promote good governance for the benefit of the people of all of our communities.

A handwritten signature in black ink, appearing to read 'Nick Bennett', enclosed within a thin black rectangular border.

Nick Bennett Public Services Ombudsman for Wales

July 2016

This statutory guidance is issued by the Public Services Ombudsman for Wales under Section 68 of the Local Government Act 2000 for elected, co-opted and appointed members of community and town councils in Wales.

Separate guidance is available for elected, co-opted and appointed members of county councils, fire and rescue authorities and national park authorities in Wales.

## **Acknowledgement**

This guidance draws on the guidance prepared and issued by Standards for England on the former English Code of Conduct. It has been extended and amended to refer to the Welsh Code and to the Welsh context.

I would like to thank the legal services department of Rhondda Cynon Taf County Borough Council for the use of its flowchart on interests. First published April 2010. This edition published July 2016.

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# 1. Introduction

The Local Government Act 2000 created a new ethical framework for local government in Wales. It created a power for the National Assembly for Wales to issue a model code of conduct to apply to members and co-opted members of all relevant authorities in Wales. This power was transferred to the Welsh Ministers by the Government of Wales Act 2006. In 2008 (as amended on 1 April 2016), Welsh Ministers issued the current Model Code of Conduct which all relevant authorities are required to adopt.

Authorities were required to adopt the Code in its model form in its entirety, but could make additions to the Code, provided these were consistent with the Model. This was intended to give certainty to members and the public as to what standards are expected. It helps to ensure consistency throughout relevant authorities, avoiding confusion for members on more than one authority and for the public.

Standards committees of principal councils are required to assist members and co-opted members of town and community councils in their area to observe the Code, and to arrange for advice and training to be provided. I strongly recommend that all members should attend training and take advice where it is offered.

Whilst community councillors do not act on decision-making bodies such as planning committees you will be called upon to take decisions on the allocation of funding from your precept and to offer guidance, drawing on your valuable local knowledge, to the County Council about the impact of planning applications. It is imperative therefore, that you are fully aware of the Code and its implications for your decision-making and indeed, whether you should be involved in making a decision. In light of this I recommend training on the Code for all councillors as early in their term of office as possible.

As a member, when you sign your declaration of acceptance of office, you are confirming that you will observe the Code. It is your personal responsibility to ensure that you understand your obligations under the Code and act in a way which shows that you are committed to meeting the high standards of conduct that are expected of you as a member. Ultimately, as a member, you are responsible for the decisions you take and can be held to account for them. However, this does not imply that you can take decisions which breach the Code or contrary to advice simply because the decision is yours to take. This guidance explains the constraints you are expected to act within to ensure members of the public can be confident in the way in which authorities in Wales reach their decisions.

It is my role as Public Services Ombudsman for Wales to investigate complaints that members of local authorities in Wales have breached the Code. In determining whether to investigate a complaint or whether to continue an investigation of a breach of the Code I will use a two stage test. At the first stage, I will aim to establish whether there is direct evidence that a breach actually took place. The level of proof that is required is on the balance of probabilities.

If that evidential stage is met, at the second stage I will consider whether an investigation

or a referral to a standards committees or the Adjudication Panel for Wales is required in the public interest. Some of the public interest factors that I will consider are set out below. These factors are not exhaustive and the weight to be attached to each will vary according to the facts and merits of each case.

Public interest factors include:

- the seriousness of the breach
- whether the member deliberately sought personal gain for themselves or another person at the public expense
- whether the circumstances of the breach are such that a member has misused a position of trust or authority and caused harm to a person
- whether the breach was motivated by any form of discrimination against the victim's ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity
- whether there is evidence of previous similar behaviour on the part of the member
- whether the investigation or referral to a standards committee or the Adjudication Panel for Wales is required to maintain public confidence in elected members in Wales
- whether investigation or referral to a standards committee or the Adjudication Panel of Wales is a proportionate response, namely, whether it is likely that the breach would lead to a sanction being applied to the member (I will take account of the outcomes of previous cases considered by standards committee across Wales and the Adjudication Panel for Wales), and whether the use of resources in carrying out an investigation or hearing by a standards committee or the Adjudication Panel for Wales would be regarded as excessive when weighed against any likely sanction.

I have a wide discretion as to whether to begin or continue an investigation. I have revised the two stage test adopted by my predecessor in order to provide greater clarity on how I will usually exercise my discretion and to secure a degree of consistency and certainty in the decisions that I reach.

The process I use for investigating complaints is summarised on my website at [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)

In this guidance I have tried, where possible, to use examples of cases which have been referred to me and which are relevant to community councils. Where this has not been possible I have given examples of theoretical scenarios that indicate how the Code may be breached while you are undertaking your role.

## **Local Resolution Process**

Most local authorities across Wales have implemented local resolution procedures to deal

with low level complaints which are made by a member against a fellow member. These arrangements are proving to be effective at resolving many of these kinds of complaints. I am supportive of this extending to cover community councils. Typically these complaints will be about alleged failures to show respect and consideration for others as required by paragraph 4(b) of the Code or the duty not to make vexatious, malicious or frivolous complaints against other members under paragraph 6(1)(d) of the Code. Whilst a member may still complain directly to me about a fellow member if the matter being complained about concerns paragraphs 4(b) and 6(1)(d), I am likely to refer the matter back to the Council's Monitoring Officer for consideration under this process. In my view such complaints are more appropriately resolved informally and locally in order to speed up the complaints process and to ensure that my resources are devoted to the investigation of serious complaints.

The aim of local resolution is to resolve matters at an early stage so as to avoid the unnecessary escalation of the situation which may damage personal relationships within the authority and the authority's reputation. The process may result in an apology being made by the member concerned. However, where a member has repeatedly breached their authority's local protocol then I would expect the Monitoring Officer to refer the matter back to me. If I see a pattern of similar complaints being made to me by the same members I will consider this to be a serious matter and decide whether the persistent reporting of such complaints is conduct which in itself should be investigated as a potential breach of the Code.

When I have investigated a complaint I may refer the matter to a standards committee or the Adjudication Panel for Wales for determination. This will depend on the nature of and individual circumstances of the alleged breach. When issuing my report I will reflect on and analyse the evidence gathered and draw my conclusions as to whether it is suggestive that a breach of the Code has occurred. However the authority to make a determination of breach rests solely with a standards committee or the Adjudication Panel for Wales.

## **Standards Committee**

Standards committees are made up of independent lay members and of elected members of the authority. When I refer a case to a standards committee its role is to decide whether a member has breached the Code and a sanction should be imposed. In my view, hearings should be conducted in public unless there are valid reasons for not doing so to promote public confidence in standards in public life. Where a standards committee concludes that a member or co-opted member has failed to comply with the relevant council's code of conduct, it may determine that:

- no action needs to be taken in respect of that failure
- the member or co-opted member should be censured which takes the form of a public rebuke, or
- the member or co-opted member should be suspended or partially suspended from being



a member of that authority for a period not exceeding six months or if shorter, the remainder of the member's term of office.

A member may seek the permission of the President of the Adjudication Panel for Wales to appeal against the determination of a standards committee to it

## **Adjudication Panel for Wales**

When I refer a case to the Adjudication Panel for Wales its role is also to determine whether a member has breached the Code and whether a sanction should be imposed. In addition, it will consider any appeals where permission has been obtained against the determination of a standards committee. The powers available to the Panel when it determines that a member or co-opted member has failed to comply with the Code are:

- to disqualify the respondent from being, or becoming, a member of the relevant authority concerned or any other relevant authority for a period of up to five years
- to suspend or partially suspend the respondent from being a member or co-opted member of the relevant authority concerned for up to 12 months, or
- to take no action in respect of the breach. In such cases the Panel may deem it appropriate to warn the member as to their future conduct. Where such a warning has been recorded it is likely to be taken into account during any future hearing where the member is found again to have failed to follow the provisions of the Code.

Where either a standards committee or the Panel suspends or partly suspends a member or co-opted member that member is still subject to the Code, in particular the provisions set out in paragraphs 6(1)(a) (bringing the office of member or authority into disrepute) and paragraph 7 (improperly using the position of member).

### **The Role of the Clerk**

The Clerk is employed by your Council and undertakes a number of tasks including providing administrative support to the Council, advising on the development of policies and procedures and advising the Council on implementing and using its procedures. The Clerk acts in a supporting role and is the person you should turn to in the first instance if you need any advice.

The Clerk has a complex role and will be able to advise councillors on relevant legislation, including matters relating to the Code and on the Council's standing orders. The Clerk will work closely with the Chairman to ensure that appropriate procedures are followed at meetings and that all necessary information is available to councillors so that they may make informed decisions. Clerks may approach their relevant county council's Monitoring Officer

for advice (see below).

The Clerk is an employee of the Council and is not required to abide by the Code. Any issues regarding the performance of the Clerk are personnel matters and should be addressed using appropriate employment procedures. The Ombudsman cannot consider complaints regarding the performance of the Clerk; this is a matter for the Council as the Clerk's employer.

## **The Role of the Monitoring Officer**

The Monitoring Officer is an officer employed by the County Council. Among many other things they advise and assist county councillors. Monitoring Officers may offer some training to community councils.

The Monitoring Officer has a significant role in the local resolution process outlined above and they will also work closely in advising the Standards Committee. You should always ask your Clerk in the first instance for any guidance or information. The Monitoring Officer may be able to provide information if your Clerk is unavailable.

## **The Principles**

The Local Government Act empowered the National Assembly to issue principles to which you must have regard in undertaking your role as a member. The Code is based on these principles which are designed to promote the highest possible standards. These principles draw on the 7 Principles of Public Life which were set out in the Nolan Report "Standards of Conduct in Local Government in England, Scotland and Wales". Three more were added to these: a duty to uphold the law, proper stewardship of the Council's resources and equality and respect for others.

Members elected to local authorities give generously of their time and commitment for the benefit of their communities. The principles provide a framework for channelling your commitment in a way which will reflect well on you and your authority, and which will give your communities confidence in the way that your authority is governed.

The individual sections of the Code are designed to support the implementation of the Principles. For example, the Selflessness principle is covered by Section 7 of the Code – Selflessness and Stewardship. The current principles were set out in a statutory instrument and are detailed below.

### **1. Selflessness**

Members must act solely in the public interest. They must never use their position as members to improperly confer an advantage on, or to avoid a disadvantage for, themselves or to improperly confer an advantage or disadvantage on others.

## **2. Honesty**

Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.

## **3. Integrity and Propriety**

Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

## **4. Duty to Uphold the Law**

Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.

## **5. Stewardship**

In discharging their duties and responsibilities members must ensure that their authority's resources are used both lawfully and prudently.

## **6. Objectivity in Decision-making**

In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, members must make decisions on merit. Whilst members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.

## **7. Equality and Respect**

Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others.

## **8. Openness**

Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.

## **9. Accountability**

Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.

## **10. Leadership**

Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority's statutory officers and its other employees.

The principles are not part of the Model Code of Conduct, and failure to comply with the Principles is not of itself, therefore, indicative of a breach of the Code. However, it is likely that a failure, for example, to adhere to the principle concerning equality and respect would constitute a breach of the requirements of paragraphs 4(a) and 4(b) of the Code in respect of equality of opportunity and respect.

In any event, the Principles offer a sound basis for your conduct in office and I encourage members to have regard to them at all times.

## **Deciding when the Code applies to you**

### **See paragraphs 2 and 3**

**Consider conduct in your public & private life**

Members are entitled to privacy in their personal lives, and many of the provisions of the Code only apply to you when you are acting in your role as member or acting as a representative of your Council. However, as there may be circumstances in which your behaviour in your private life can impact on the reputation and integrity of your Council, some of the provisions of the Code apply to you at all times.

When reaching a decision as to whether the Code applies to you at a particular time I will have regard to the particular circumstances and the nature of your conduct at that time.

Before considering your obligations under the Code you should first consider whether the Code applies and, if so, what provisions.

### **When does the Code apply?**

- Whenever you act in your official capacity, including whenever you are conducting the business of your authority or acting, claiming to act, or give the impression you are acting, in your official capacity as a member or as a representative of your authority
- At any time, if you conduct yourself in a manner which could reasonably be regarded as bringing your office or your authority into disrepute or if you use or attempt to use your position to gain an advantage or avoid a disadvantage for yourself or any other person or if you misuse your authority's resources.

Where you act as a representative of your Council on another relevant authority, or any other body, you must, when acting for that other authority, comply with their code of conduct.

When you are nominated by your Council as a trustee of a charity you are obliged when acting as such to do so in the best interests of that charity, in accordance with charity law and with the guidance which has been produced by the Charity Commission (see its website: [www.charity-commission.gov.uk](http://www.charity-commission.gov.uk)).

If you are acting as a representative of your Council on another body, for example on an event committee, which does not have a code of conduct relating to its members, you must comply with your Council's own Code unless it conflicts with any legal requirements that the

other body has to comply with.

If you refer to yourself as councillor, the Code will apply to you. This applies in conversation, in writing, or in your use of electronic media. There has been a significant rise in complaints to me concerning the use of Facebook, blogs and Twitter. If you refer to your role as councillor in any way or comments you make are clearly related to your role then the Code will apply to any comments you make there. Even if you do not refer to your role as councillor, your comments may have the effect of bringing your office or authority into disrepute and could therefore breach paragraph 6(1)(a) of the Code.

The Welsh Local Government Association has produced useful guidance on social media entitled "Social Media: A Guide for Councillors". The guidance aims to provide you with a clearer idea about how you can use social media, the possible pitfalls and how to avoid them. It is available on their website at [www.wlga.gov.uk](http://www.wlga.gov.uk) or by calling 029 2046 8600.

If you are suspended from office for any reason, you must still observe those elements of the Code which apply, particularly as set out in paragraph 2(1)(d), while you are suspended.

### **Example**

Councillor A made remarks about Councillor B at a committee meeting organising a waterfront parade. The parade was being arranged by a group of volunteers which had asked the Community Council to provide representatives to help it remain aware of community issues when making the arrangements. I was satisfied that Councillor A was acting in his capacity as a councillor at the Committee meeting, as his role on the Committee was as the Council's representative and were it not for this fact he would not have been present at the meeting. However, in this case I was satisfied that the comments made by Councillor A were not sufficiently serious that, if proven, it would lead to a sanction being imposed on the accused member by a standards committee. Therefore I did not investigate this complaint.

### **Example**

Conversely, a complaint was received that Councillor J was intoxicated and behaving inappropriately at a street party. It was established that Councillor J did not have to undertake any action on behalf of the Council at the party. Therefore, in my view, she attended the party as a member of the public and as she did not seek to rely on her status as a councillor in any way the Code did not apply (except for paragraph 6(1)(a)). Whilst her behaviour may have been considered inappropriate by some it was not relevant to her role as a councillor and in my view did not bring the Council into disrepute so paragraph 6(1)(a) did not apply. I did not investigate this complaint.

## 2. General obligations under the Code of Conduct

If you consider that the Code applies to you at a particular time then you must consider what provisions may apply and your obligations under the Code. I have referred to each paragraph below to provide you with some guidance on your general obligations.

### Equality

#### See paragraph 4(a)

You must carry out your duties 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. You should at all times seek to avoid discrimination. There are four main forms of discrimination:

- Direct discrimination: treating people differently because of their gender, race, disability, sexual orientation, age or religion
- Indirect discrimination: treatment which does not appear to differentiate between people because of their gender, race, disability, sexual orientation, age or religion, but which disproportionately disadvantages them
- Harassment: engaging in unwanted conduct on the grounds of gender, race, disability, sexual orientation, age or religion, which violates another person's dignity or creates a hostile, degrading, humiliating or offensive environment
- Victimisation: treating a person less favourably because they have complained of discrimination, brought proceedings for discrimination, or been involved in complaining about or bringing proceedings for discrimination

The Equality Act 2010 (as amended) reinforces the importance of this part of the Code. It imposes positive duties to eliminate unlawful discrimination and harassment and to promote equality. Under equality laws, your Council may be liable for any discriminatory acts which you commit. This will apply if you do something in your official capacity in a discriminatory manner.

You must be careful not to act in a way which may amount to any of the prohibited forms of discrimination, or to do anything which hinders your Council's fulfilment of its positive duties under equality laws. Such conduct may cause your Council to break the law, and you may find yourself subject to a complaint that you have breached this paragraph of the Code. You must also be mindful that at all times including when acting in your private capacity you must not act in a way that would bring your Council into disrepute. It is likely that engaging in behaviour which could be considered to be in breach of the Equality Act in your private capacity would fall into this category.

### Example

A member of a county council was a member of the Council's Recruitment Panel to appoint a new Chief Executive. Five applicants were shortlisted. After one candidate had finished his presentation and left the room Councillor A said "good candidate, shame he's black".

The Adjudication Panel for Wales found that paragraph 4(a) of the Code had been breached and that Councillor A had brought the office of member and his authority into disrepute (in breach of paragraph 6(1)(a) of the Code).

## **Treating others with respect and consideration**

### **See paragraph 4(b)**

**Political comments can attract Article 10 rights**

You must show respect and consideration for others. Freedom of expression is a right which applies to all information and ideas, not just those that are found favourable. However it is a right that may be restricted in certain circumstances, for example, for the protection of the rights and interests of others. A member's freedom of expression attracts enhanced protection when the comments are political in nature. Therefore, the criticism of opposition ideas and opinion is considered to be part of democratic debate, and it is unlikely that such comments would ever be considered to be a breach of the Code.

"Political" comments are not confined to those made within council meetings and, for example, include comments members may generally make on their Council's policies or about their political opponents. Therefore, unless the comments are highly offensive or outrageous, it is unlikely that I will investigate complaints made in this context and councillors need a "thicker skin".

I may also decline to investigate a complaint where the member has raised "political" issues with officers, for example, the Clerk to a council. This would not however include threats to an officer's position or wellbeing. Recent case law has confirmed that council officers should be protected from unwarranted comments that may have an adverse effect on good administration and states that it is in the public interest that officers are not subject to unwarranted comments that disenable them from carrying out their duties or undermine public confidence in the administration. That said, the officers who are in more senior positions will also be expected to have a greater degree of robustness.

I expect members to afford colleagues, opponents and officers the same courtesy and consideration they show to others in their everyday lives. Whilst I recognise that political debate can, at times, become heated, the right to freedom of expression should not be used as an excuse for poor conduct generally. Such poor conduct can only discredit the role of member in the eyes of the public.

When considering such complaints I will take into account the specific circumstances of the case, whether, in my view, the member was entitled to question the officer concerned, whether there was an attempt to intimidate or undermine the officer and the content and context of what has been said.



### **Example**

An appeal tribunal of the Adjudication Panel for Wales considered an appeal by Councillor X against the decision of the Council's Standards Committee. The Standards Committee found that Councillor X had failed to show respect and consideration to another member by prohibiting him from e-mailing the clerk and accessing the Council's website. Councillor X also made comments in an e-mail to the other members regarding his colleague's shower habits. In doing this the Standards Committee found that Councillor X had brought the Council into disrepute.

The Adjudication Panel found that Councillor X's comments were political in nature and attracted the enhanced protection of Article 10 of the European Convention on Human Rights. The Standards Committee's decision was overturned and the sanction rescinded. The decision of the Adjudication Panel can be found [here](#).

### **Example**

The Adjudication Panel upheld a finding of a standards committee about a councillor who was accused of failing to show respect and consideration for others by posting online comments about other councillors and the way in which the Council was run. The member sought judicial review of this decision. The Court found that whilst the comments which were posted were sarcastic and mocking and the tone ridiculed his fellow members, because the majority of the comments related to the way in which the Council was run, how its decisions were recorded and the competence of the councillors, the comments were "Political Expression". The ruling said no account had been taken of the need for politicians to have "thicker skins". In view of the member's freedom of expression and the fact that the majority of comments were directed at fellow councillors, the finding of a breach in this case was a disproportionate interference with the member's rights under Article 10 of the European Convention on Human Rights. The Standards Committee's decision to censure the member was therefore set aside.

### **Example**

A member of a town council wrote to a Deputy Minister of the Welsh Assembly Government about an employee ("Mr Smith") of a county council, a letter which was also copied to the Council. In the letter the member questioned Mr Smith's competence and motivation and he made a number of comments of a disparaging and personal nature about Mr Smith and his associates. He raised the issue of homosexuality and referred to it as a "notorious disability" and that "homosexuality is only a demon which can be driven out". The member was referred to the Adjudication Panel for Wales.

The Panel found that the member had breached paragraph 4(b) of the Code in that he had failed to show respect and consideration for others. It also found that by his use of words he had brought the office of member into disrepute in breach of paragraph 6(1)(a) of the



Code.

The member was disqualified for 12 months from being or becoming a member of a local authority.

**Consider your conduct  
from the other person's  
perspective**

## **Bullying and harassment**

### **See paragraph 4(c)**

You must not use any bullying behaviour or harass any person including other councillors, council officers (the Clerk or Proper Officer) or members of the public.

Harassment is repeated behaviour which upsets or annoys people. Bullying can be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once or be part of a pattern of behaviour directed at a weaker person or person over whom you have some actual or perceived influence. Bullying behaviour attempts to undermine an individual or a group of individuals, is detrimental to their confidence and capability, and may adversely affect their health.

When considering allegations of bullying and harassment I will consider both the perspective of the alleged victim, and whether the member intended their actions to be bullying. I will also consider whether the individual was reasonably entitled to believe they were being bullied. Bullying is often carried out face to face, but increasingly, it can be carried out in print or using electronic media. The standards of behaviour expected are the same, whether you are expressing yourself verbally or in writing.

### **Example**

Community Councillor P disagreed with the County Council's arrangements for the enforcement of parking breaches within the town. Councillor P used disrespectful and abusive language and behaved in a bullying and intimidating manner towards Council Civil Enforcement Officers on four occasions. He also sought to use his position as a councillor improperly in relation to a parking offence. The Standards Committee found that Councillor P had breached paragraph 4(c) of the Code as he had pursued a course of conduct of threatening behaviour towards the County Council employees. The Standards Committee also established that Councillor P breached paragraphs 4(b), 7(a) and 6(1)(a) of the Code. He was suspended from acting as a Councillor for 12 months.

You need to ensure that your behaviour does not cross the line between being forceful and bullying. There can be no hard and fast rules governing every set of circumstances but the

relative seniority of the officer will be a factor in some cases. As outlined under paragraph 4(b) of the Code very senior officers can be involved in robust discussion with members and be well placed to put their own point of view forcefully. The same is not true of more junior officers and members need to be aware of this. This is not to say that I condone the bullying of senior officers, only that the greater the power difference between the officer and the member the greater the likelihood that the officer will consider behaviour to constitute bullying.

Recently, the High Court found that there is a public interest in protecting public confidence in unelected public servants which is to be balanced against the interests of open discussion on matters of public concern. It also found that all members should equally respect the mutual bond of trust and confidence between themselves and the officers which is crucial to good administration.

Local Authorities have appropriate channels for expressing concern about the performance of an officer and it is important that you raise issues about poor performance in the correct way and proper forum. Raising such issues in the context of a meeting with others present, especially if they are from outside bodies or are members of the public, is not acceptable. Neither is it acceptable to do so in the media, in your own publications or using blogs, tweets, Facebook or other electronic means. If your criticism is a personal attack or of an offensive nature, you are likely to cross the line of what is acceptable behaviour.

### **Example**

A county council member was disqualified from office for 2 years and 6 months by the Adjudication Panel for Wales following allegations of bullying, harassment, disrespect and bringing the office of member into disrepute. The alleged incidents occurred over a period of two years. During that time the member had made threatening comments to officers of both junior and senior grades. For example, comments such as, a number of managers of the Council had been dispensed with and there were more to go and "You won't like the man I'll become if I don't get what I want....I don't need to threaten you you're an intelligent woman I know you're listening to me".

The member appealed the decision and the matter was referred to the High Court where all but three breaches were upheld. The decision can be found [here](#).

## **Compromising the impartiality of officers of the authority** **See paragraph 4(d)**

You must not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, your Council. You should not approach anyone who works for, or on behalf of, the Council with a view to pressurising them to carry out their duties in a biased or partisan way. They must be neutral and should not be coerced or persuaded to act in a way that would undermine their neutrality. For example, you should not get officers to help you prepare party political material, or to help you with matters relating to your private business. You should not

provide or offer any incentive or reward in return for acting in a particular way or reaching a particular decision or threaten someone if they are not minded to act in a particular way. If a member develops a close personal relationship with an officer, this becomes a personal and possibly a prejudicial interest under the Code.

### **Hypothetical Scenario**

The Clerk is responsible for allocating allotments from a waiting list, the allotments are very popular and vacancies very rarely arise. The Clerk advised the Council that an allotment had become vacant and that they would consult the list and allocate the allotment to the person who had been waiting the longest in accordance with the Council's allotment allocation procedure. Councillor D's father had been waiting for an allotment for almost seven years. Councillor D approached the Clerk after the meeting and asked to see the list. He noted that one person was ahead of his father by only one month. Councillor D asked the Clerk to give the vacant allotment to his father, he said that as so much time had elapsed since his father and the other person had applied, the other person was unlikely to question who was first and in any event it would not be difficult to retype the list. Councillor D suggested that in return for this favour he would encourage the Council to look favourably on the charity suggested by the Clerk when it came time to decide where to allocate funds raised at a fun day the following month.

### **Disclosing confidential information**

#### **See paragraph 5(a)**

You must not disclose confidential information, or information which should be reasonably regarded to be of a confidential nature, except in any of the following circumstances:

- you have the consent of the person authorised to give it
- you are required by law to do so.

The Information Commissioner has issued helpful guidance on the Freedom of Information Act and Data Protection Act which is available on his website at [www.ico.gov.uk](http://www.ico.gov.uk) or by calling 0303 123 1113. As a community councillor you may have sight of sensitive information, for example of a commercial nature. You must also be mindful that, as a councillor, you hold a position of trust and you may find that members of the public will provide you with information that could reasonably be regarded as confidential and you should always confirm (where possible obtain an agreement in writing) that you have the permission to disclose such information before doing so. As a general rule, you should treat items discussed in the confidential sections of meetings (exempt items) as confidential. Similarly, legal advice is almost always covered by legal privilege and should not be disclosed.

### **Example**

A Community Councillor S received an e-mail from another Councillor T regarding the employment of the caretaker. The e-mail was marked as confidential. Councillor S disclosed

the e-mail to the caretaker's wife, information in the e-mails was subsequently used against the Council in a tribunal hearing relating to the caretaker's employment. I concluded that Councillor S might have breached paragraph 5(a) of the Code.

## **Preventing access to information**

### **See paragraph 5(b)**

You must not prevent any person from accessing information which they are entitled to by law. This includes information under the Freedom of Information Act 2000 or those copies of minutes, agendas, reports and other documents of your Council which they have a right to access. To find out more about what types of information the public can access, contact the Information Commissioner's Office by visiting [www.ico.gov.uk](http://www.ico.gov.uk) or by calling 0303 123 1113 or for specific queries, you should ask your Monitoring Officer or Clerk.

Any information that you produce in your official capacity is liable to be subject to the disclosure requirements of the Freedom of Information Act, and your Council may be required to release it in response to a request. If you do not provide the information to the Clerk on request, you will be in breach of the Code.

Your Council needs to decide whether to disclose information or whether it may be covered by an exemption. Even if you believe that information you hold is exempt, you must provide it to your Clerk if requested to allow the Council to reach a decision. As well as being a breach of the Code, it is a criminal offence if information is destroyed after a Freedom of Information Act request has been received.

### **Example**

A leader of a county council refused to give the Council's Information Officer a letter he had written to the Wales Audit Office on behalf of the Council's Executive. As a result the Council could not respond appropriately to a Freedom of Information Act request which resulted in a complaint being made to the Information Commissioner's Office. The member continued to refuse to disclose the letter despite having received clear and unequivocal advice from the Information Officer. His refusal led to an adverse finding from the Information Commissioner's Office. The Adjudication Panel found that the member had breached paragraphs 5(b) and 6(1)(a) (disrepute) in respect of this matter and other related matters. By the time the case was considered by the Panel the member had resigned from office. He was disqualified from holding office for 12 months.

### **Disrepute**

#### **See paragraph 6(1)(a)**

You must not behave in a way which could reasonably be regarded as bringing your office or authority into disrepute at any time. As a member, your actions and behaviour are subject

**Any conduct unbecoming  
of a member can constitute  
disrepute**

to greater scrutiny than those of ordinary members of the public. You should be aware that your actions in both your public and private life might have an adverse impact on your Council.

Dishonest and deceitful behaviour will bring your Council into disrepute, as may conduct which results in a criminal conviction, especially if it involves dishonest, threatening or violent behaviour, even if the behaviour happens in your private life. Making unfair or inaccurate criticism of your Council in a public arena might well be regarded as bringing your Council into disrepute. Inappropriate e-mails to constituents or posts on social media might well bring the office of member into disrepute.

### **Example**

A community councillor had been abusive to a shop proprietor and two members of her staff and had attempted to obtain a discount on a private purchase by saying it was being bought on behalf of the Community Council, and when his request for a discount was refused he had made threats against the business. The Adjudication Panel found that the member had brought the office of member into disrepute and suspended him for 9 months.

### **Example**

A member of a county borough council who regularly wrote an article for a local monthly publication referred in his article to a recent road traffic accident in which a 10 year old boy was injured. The complainant was the mother of the boy who was with the injured child. After the article was published she telephoned the councillor who she said was abusive towards her during the call. In a subsequent e-mail exchange the councillor told her that she had "failed to take any responsibility for her child allowing him out alone", that her "ill educated in the highway code son" was to blame and said "don't you dare try and shift your inadequacies as a parent upon me".

The member was found in breach of paragraphs 4(b) (respect & consideration) and 6(1) (a) (disrepute). The matter was referred to the Adjudication Panel for Wales. Although the member had claimed to have apologised for his behaviour what he had actually said was "I have nothing to apologise for... I do apologise if, for some reason it upset you".

The Panel found that the member had breached paragraphs 4(b) (treating others with respect) and 6(1)(a) (disrepute). He had previously been suspended by the Panel for 2 months for sending inappropriate e-mails in 2006. He was suspended for 12 months in respect of these breaches.

## **Reporting breaches of the Code**

### **See paragraph 6(1)(c)**

If you reasonably believe that a breach of the Code has occurred, you must report it to the Monitoring Officer of the principal Council. There is no longer a need to report the matter to me. In order to have a reasonable belief that a breach has occurred, you will need to have evidence which supports this. If you are in doubt as to whether a breach has occurred, you should consult your Monitoring Officer as soon as possible. Where the breach is a very minor or technical one, or where there is no clear evidence that a breach occurred, your Monitoring Officer may advise you of the likely threshold I will set. In the most serious of cases the Monitoring Officer may, as an exception, decide to refer matters to me directly or on your behalf. In most other cases you will be advised you to do so.

Nonetheless, the decision as to whether to investigate a breach rests with me. The balance of any doubt should always favour reporting. It is helpful if you specify which aspect of the Code you believe has been breached.

In determining whether to investigate a complaint of a breach I will use the two stage test which I have outlined on pages 6 and 7 above. You should ensure that you provide any evidence you have available when you make a complaint including minutes of meetings, correspondence, contemporaneous notes or e-mails. If there are other individuals who have witnessed the alleged breach, you should let us know who they are. This latter point is especially important as if I only have one person's word against another's, it is usually not possible for me to make a finding that a breach has occurred, and in the absence of independent confirmation, I may not be able to conclude with sufficient certainty that there is enough evidence to warrant pursuing the matter.

To report such matters, you can contact my office by phone at 0845 6010987, by email to [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk) or via the website at [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk). A special leaflet on making complaints about alleged breaches of the Code is available on request or on the website.

## **Vexatious complaints**

### **See paragraph 6(1)(d)**

You must not make complaints against other members or staff members or people working on behalf of your Council which are not founded in fact and which are motivated by malice (a desire to do them harm) or by political rivalry. Unfortunately, there have been instances where members have sought to bring complaints about rivals which are designed to disadvantage them, sometimes in the run-up to elections, and where the evidence of any breach is weak or non-existent. I consider that in the first instance such conduct should be considered under the relevant authority's local resolution process if there is one in place.

Where specific details of such complaints are passed to local press and media, this may prejudice an investigation and so also may be a breach of the Code. You must report well-founded alleged breaches to the Monitoring Officer of the principal Council, not to your local newspaper or radio station. The press will properly cover the business of any hearings and their outcomes, and members making allegations should not generate publicity in advance of these.

The Code should not be used by members to pursue their political or private differences. You should also avoid making complaints which have little or no substance (frivolous complaints) which are designed mainly to annoy the person complained about. In the past it has been necessary for my predecessor to correspond with the Clerk of a council in relation to their mutual concerns about the number of complaints received in respect of its members. As previously stated, since taking up my office I too have had concerns about the number of low level complaints that are still being received from members. Although these complaints appear to be generated by a small number of members, they can create a negative impression of those members and councils and generally harm public confidence in our elected members. Where it becomes apparent that repeated member against member complaints are being made to my office, I would urge those councils to reflect on the culture which has resulted in these complaints and consider how this behaviour might be changed to avoid such complaints.

Where I find evidence to suggest that a complaint has been made to my office which is not founded in fact and has been motivated by malice or political rivalry, I will consider this to be a serious matter and I may investigate. Making vexatious, malicious or frivolous complaints is not only a breach of this paragraph but may also be contrary to your other obligations under the Code such as the requirement not to bring your position as councillor into disrepute or not to use your position for an improper purpose.

You should note that the Code only applies to those who have been elected, co-opted or otherwise appointed to a body which is covered by the Code. It does not apply to members of the public. Whilst I appreciate that it can be frustrating if a member of the public makes repeated complaints against you which you consider to be vexatious or frivolous in nature, I am required to consider each complaint on its own merit. However, it is likely that such complaints would not pass the two stage test and result in an investigation.

## **Co-operating with investigations**

### **See paragraph 6(2)**

You must co-operate with an investigation when it is being conducted by me or by your Monitoring Officer using our statutory powers. Not to do so is itself a breach of the Code. This means that you should reply promptly to all correspondence and telephone calls, make yourself available for interview if required and make available copies of any requested



documents. It would be helpful if you could identify any concerns that you may have during the course of the investigation so that these can be promptly resolved. My office and your Monitoring Officer will make reasonable allowances for urgent pressures you face and arrangements previously made, for example, for holidays. However, they will expect you to give priority to their investigations, to avoid matters being needlessly drawn out. The requirement to co-operate with an investigation applies whether you are a witness or the subject of the investigation.

I am aware of instances where members accused of breaches of the Code have sought to put pressure on the individuals making the complaint or on other witnesses. I regard such behaviour as entirely unacceptable. You must not intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings relating to a failure to comply with the Code.

However much you may be concerned about allegations that you or a fellow councillor failed to comply with the Code, it is always wrong to bully, intimidate or attempt to intimidate any person involved in the investigation or hearing. Even though you may not have breached the Code, you will have your say during any independent investigation or hearing, and you should let these processes follow their natural course.

If you intimidate a witness in an investigation about your conduct, for example, you may find yourself subject to another complaint that you have breached paragraph 4(c) of the Code with regard to bullying or harassment, for example, or paragraph 6(1)(a) in respect of bringing the office of member into disrepute.

## **Using your position improperly**

### **See paragraph 7(a)**

You must not use, or attempt to use, your position improperly to the advantage or disadvantage of yourself or anyone else. This paragraph applies at all times and not just when you are carrying out your duties as a member. You should not use, or attempt to use, your public office either for your or anybody else's personal gain or loss. For example, your behaviour would be improper if you sought to further your own private interests through your position as a member. This also applies if you use your office to improve your wellbeing at the expense of others.

Members who own land, or whose close personal associates own land, need to be particularly cautious where planning matters are concerned. If you are in any doubt, you should take advice. This applies equally to members of community councils when your Council is consulted on planning matters. Similarly, while it is reasonable to expect members to help constituents apply to the Council, for example, for housing, it is quite inappropriate to seek to influence the decision to be taken by the officers.



The provisions of the Bribery Act 2010 apply to members carrying out their public functions. Should a member be convicted of a criminal offence under this Act then it is likely that they will also have used their position improperly (in breach of paragraph 7(a)) and be likely to have brought the office of member or their authority into disrepute in breach of paragraphs 6(1)(a) and (b). If any complaint which is made to me concerns conduct which may amount to a criminal offence then I am likely to refer the matter to the police.

### **Example**

Councillor D was a 'joint co-ordinator' of a community group. Councillor D did not notify the Council of her position in this group. She took part in the considerations and voted on the decision to negotiate a new lease in respect of a workshop used by this community group. A standards committee found that she had used her position on the Council improperly as the decision on which she voted benefited a group in which she clearly had an interest which she had not made the Council aware of. She was found in breach of paragraph 7(a) of the Code and suspended from acting as a councillor for four weeks.

### **The authority's resources**

#### **See paragraph 7(b)**

You must only use or authorise the use of the resources of the Council in accordance with its requirements. This paragraph also applies at all times. If your Council provides you with access to resources (for example telephone, computer and other IT facilities), you must only use these resources for carrying out your Council business and any other activity which your Council has authorised you to use them for.

You must be familiar with the rules applying to the use of these resources made by your Council.

Failure to comply with your Council's rules is likely to amount to a breach of the Code. If you authorise someone (for example a member of your family) to use your Council's resources, you must take care to ensure that this is allowed by your Council's rules.

### **Using resources for proper purposes only**

#### **See paragraphs 7(b)(v) and 7(b)(vi)**

You must make sure you use the Council's resources for proper purposes only. It is not appropriate to use, or authorise others to use, the resources for political purposes, including party political purposes. When using the Council's resources, you must have regard, if applicable, to any guidance issued by your Council.

### **Example**

A member of a county council was found in breach of the Code for making improper use of his council-owned computer equipment for private purposes by downloading inappropriate adult pornographic images and sending a number of letters to a local newspaper, which he falsely represented as being from members of the public. The Adjudication Panel found that the member had misused the Council equipment in breach of the Code and had brought the office of member into disrepute. He was disqualified from being or becoming a member of a local authority for 2 years and 6 months.

## **Reaching decisions objectively**

### **See paragraph 8(a)**

When taking part in meetings of your Council, or when arriving at decisions relating to the Council's business, you must do so with an open mind and objectively. During the decision-making process you must act fairly and take proper account of the public interest.

Most decisions taken by a community council relate to local matters and funding of local projects. Although the amounts of money being spent are smaller than at county level, all decisions must be taken on the basis of the facts in front of you, and you must not have made your mind up in advance to such an extent that you are entirely unprepared to consider all of the evidence and advice you receive. Having a completely closed mind is known as pre-determination. You are entitled to hold a preliminary view about a particular matter in advance of a meeting (pre-disposition) as long as you keep an open mind and are prepared to consider the merits of all the arguments and points made about the matter under consideration before reaching your decision. Pre-determination on the other hand would be where you have clearly decided on a course of action in advance of a meeting and are totally unwilling to consider the evidence and arguments presented on that matter during the meeting. Pre-determination could not only invalidate the decision, it would also amount to a breach of the Code.

## **Considering advice provided to you and giving reasons**

### **See paragraph 8(b)**

You must have regard to all of the advice you receive from your Clerk. The Clerk is usually also the Proper Officer and it is part of their role to research the policy, guidelines and legislation relevant to advice given when taking decisions.

It is always helpful, if you can, to get advice as early as possible. If you can, ask for advice in good time before a meeting, rather than at the meeting or immediately before it starts. Make sure you give the Clerk all of the information they need to take into account when giving you advice.

If you seek advice, or advice is offered to you, for example, on whether you should register

a personal interest, you should have regard to this advice before you make up your mind. Failure to do so may be a breach of the Code.

As a matter of good practice, where you disagree with the Clerk's recommendations in making a decision, you should give clear reasons for your decision. If you decide to vote against their advice, you should ensure that your reasons for doing so are recorded in the relevant minutes.

## **Expenses**

### **See paragraph 9(a)**

You need to follow the law and your Council's requirements in claiming expenses and allowances. If you are in any doubt about your entitlements, or the proper way to claim, you should ask your Clerk for advice. You need to keep proper records of expenditure supported by receipts where appropriate, so that you can properly evidence your claims. Even if a particular scheme does not require you to submit receipts, you are strongly advised to keep these so that you can prove how much you have actually spent on the items you are claiming for.

## **Gifts and hospitality**

### **See paragraph 9(b)**

It is important that you do not accept any gifts or hospitality for yourself, or on behalf of others, which would place you under obligation or appear to do so. Accepting such gifts or hospitality could be regarded as compromising your objectivity when you make decisions or carry out the work of your Council. This is also true of any services or gifts in kind. This does not prevent you from attending official events such as a civic reception or working lunch where these are authorised by your Council.

### 3. Personal and prejudicial interests

The elements of the Code which cover personal and prejudicial interests give rise to many questions from members. They are designed to safeguard the principles of selflessness and objectivity. They are intended to give members of the public confidence that decisions are being taken in their best interests, and not in the best interests of members of authorities or their close personal associates.

Personal interests relate to issues where you or a close personal associate may have some link to a matter under discussion. These interests become prejudicial where an informed independent observer could conclude that the interest would influence your vote, or your decision.

In my experience it is the distinction between personal and prejudicial interests, and what action a member should take depending on the nature of their interest, that causes the most difficulty for members.

The paragraphs below are designed to offer guidance in this area. I would strongly recommend that if you are in any doubt about whether you have a personal or prejudicial interest, and, if so, what you need to do, you should ask your Clerk for advice. However, the decision on what course of action should be taken remains with you.

To provide some further assistance, I have attached a flowchart to this guidance, based on a document prepared by Rhondda Cynon Taf County Borough Council, which is designed to take you through the questions that you should ask when deciding whether you have an interest. It is for illustration purposes only and is not definitive.

Guidance on registering interests is at Section 4.

#### **Personal Interests** **See paragraph 10**

**Do you have a link or close connection to the item to be considered?**

While you are carrying out your duties, you need to decide if you have a personal interest, and if so, whether you need to disclose it. Most members know that you need to disclose personal interests at meetings, but as you will read below, there are other occasions, such as when speaking to the Clerk about the matter concerned, when you may also need to do so.

Listed below are some questions that you should ask when deciding if you have an interest

#### **Do I have a personal interest?**

You have a personal interest in any business of your Council, including when making a decision, where it relates to or is likely to affect:

1. your job or your business

2. your employer, or any firm in which you are a partner or paid director
3. any person who has paid towards the cost of your election or your expenses as a member
4. any company in which you hold shares with a nominal value of more than £25,000 or where your holding is more than 1% of the total issued share capital, which has premises or land in your Council's area
5. any contract that your Council makes with a firm in which you are a partner, paid director or hold shares in as described in 4
6. any land in which you have an interest and which is in your Council's area (this is especially important in all planning matters including strategic plans)
7. any land let by your Council to a firm in which you're a partner, paid director or a body as set out in 4
8. any body to which you've been elected, appointed or nominated by your Council
9. any
  - public authority or body exercising functions of a public nature
  - company, industrial and provident society, charity or body directed to charitable purposes
  - body whose main role is influencing public opinion or policy
  - trade union or professional association
  - private club, society or association operating in your Council's area in which you have membership or are in a position of general control or management, or
10. any land in your Council's area which you have a license to occupy for at least 28 days.

It is always safer to declare an interest, however, if in doubt, consult your Clerk or your Monitoring Officer.

### **Matters affecting your well being or financial position**

If a decision might be seen as affecting your well being or financial position or the well being or financial position of any person who lives with you or with whom you have a close personal association to a greater extent than other people in your Council's area, you have a personal interest.

Examples of decisions of this kind include obvious issues like contracts being awarded to your partner's company but also issues about the location of developments, where it might make a big difference to where you or your close personal associates live. Examples have included the location of playgrounds, where elected members have opposed them near their

houses because of issues about noise.

### **What is “a body exercising functions of a public nature”?**

The phrase “a body exercising functions of a public nature” has been subject to broad interpretation by the courts for a variety of different purposes. Although it is not possible to produce a definitive list of such bodies, here are some of the criteria to consider when deciding whether or not a body meets that definition:

- Does that body carry out a public service?
- Is the function exercised under legislation or according to some statutory power?
- Can the body be judicially reviewed?

When conducting community council business it is likely that you will be acting on a body which is exercising functions of a public nature. You may also be doing this if you have been appointed to act on behalf of the Council on a community project or interest group.

### **What does “affecting well-being or financial position” mean?**

The term ‘well-being’ can be described as a condition of contentedness and happiness. Anything that could affect your quality of life, either positively or negatively, is likely to affect your well-being. A personal interest can affect you or your close personal associates positively and negatively. So if you or they have the potential to gain or lose from a matter under consideration, you need to declare a personal interest in both situations.

**Close personal associates include friends, relatives, business associates and those with whom you have been in dispute**

### **Who is a close personal associate?**

Close personal associates include people such as close friends, colleagues with whom you have particularly strong connections, business associates and close relatives. It does not include casual acquaintances, distant relatives or people you simply come in contact with through your role as member or your work in the local community.

Close personal associates can also include someone with whom you have been in dispute, or whom you may be regarded as having an interest in disadvantaging. For example, being a member of the same golf club as another person would not of itself constitute a close personal association but having that person as a weekly golf partner might well do. If you are in doubt, you should ask your Clerk or your Monitoring Officer.

### **“Twin hatted” members**

If you are a member of both a community council and a county council you are not prevented from discussing the same matters at both. You may, for example, take part in a discussion about a planning application about which your Community Council has been consulted and still go on to participate in a decision about the application if you sit on the Planning Committee of

your County Council.

If you do so, you would be well advised to state at the Community Council meeting that you would be looking at the matter afresh when you consider it at the County Council meeting, and that you would take into account all of the information and advice provided to you. At the Planning Committee, you should make it clear that you are not bound by the views of the Community Council. The advice about objective decision making in respect of paragraph 8 of the Code is also relevant here.

Obviously, if the application was one submitted by the Community Council, then you would have both a personal and a prejudicial interest, and you would be required to declare it and withdraw in line with the guidance on “what to do if you have a prejudicial interest” below.

### **Example**

A member of a Community Council was found in breach of the Code for failing to declare a personal and prejudicial interest at a meeting which considered the Clerk’s remuneration package; the member and the Clerk were in a relationship and engaged to be married at the time. The Adjudication Panel found that the member should have declared a personal interest the item of business by virtue of his close personal association with the Clerk. It considered also that the nature of the member’s relationship with the Clerk was one that gave rise to a prejudicial interest as it concerned a significant benefit for the future spouse. The Adjudication Panel considered that the interest was one that would affect public perception of the members’ ability to make a decision in the public interest.

The Adjudication Panel reiterated that the test was not whether the member took the decision without prejudice but whether he would have been seen as doing so. The member was suspended for 3 months.

### **What if I am not aware of my personal interest?**

Your obligation to disclose a personal interest to a meeting only applies when you are aware of or reasonably ought to be aware of the existence of the personal interest. Clearly you cannot be expected to declare something of which you are unaware. It would be impractical to expect you to research into the employment, business interests and other activities of all your close associates and relatives. However, you should not ignore the existence of interests which, from the point of view of a reasonable and objective observer, you should have been aware.

### **What to do when you have a personal interest**

#### **See paragraph 11**

**Once disclosed you can stay & participate if your interest is not prejudicial**

If you decide that you have a personal interest then you must take the following action before the matter is discussed or as soon as it becomes apparent to you except in limited

circumstances:

- Declare that you have a personal interest, and the nature of that interest
  - at meetings
  - when making written representations (including e-mails, faxes etc.)
  - when making oral representations, even if your interest is on the register of interests.
- Confirm your interest by e-mail or in writing to the officer concerned and to the Clerk within 14 days
- Consider whether you have a prejudicial interest (see below).

If you have agreed with your Clerk or your Monitoring Officer that the information about your personal interest is sensitive information then you should disclose the existence of a personal interest, and confirm that the Clerk or Monitoring Officer has agreed that the information about it is sensitive. More information about this is included in the separate section below.

If you declare a personal interest you can remain in the meeting, speak and vote on the matter, unless your personal interest is also a prejudicial interest. What constitutes a prejudicial interest is outlined in the following section.

**Do not be swayed by what you think - consider what a member of the public would reasonably think**

## **Prejudicial Interests**

**See paragraph 12**

### **Do I have a prejudicial interest?**

Your personal interest will also be a prejudicial interest in a matter if a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgement of the public interest. There are exemptions to this which are contained in paragraph 12(2) of the Code although many of the examples are unlikely to apply to business undertaken by a community council.

### **What is so significant that it is likely to prejudice your judgement?**

If a reasonable member of the public with knowledge of all the relevant facts would think that your judgement of the public interest might be prejudiced, then you have a prejudicial interest. This is an objective test. You must decide not whether you would take the decision without prejudice, but whether you would be seen as doing so.

You must ask yourself whether a member of the public, if he or she knew all the relevant facts, would think that your personal interest was so significant that it would be likely to prejudice your judgement. In other words, the interest must be perceived as likely to harm



or impair your ability to judge the public interest.

The mere existence of local knowledge, or connections within the local community, will not normally be sufficient to meet the test. There must be some factor that might positively harm your ability to judge the public interest objectively. The nature of the matter is also important, including whether a large number of people are equally affected by it or whether you or a smaller group are particularly affected.

Some general principles must be remembered when applying this test. You should clearly act in the public interest and not in the interests of any close personal associates. You are a custodian of the public purse and the public interest and your behaviour and decisions should reflect this responsibility.

You would have a prejudicial interest in the consideration and decision on whether to support a planning application proposal if a close personal associate of yours (for example your son or a good friend) lives next to the proposed site. This is because your close personal associate would be likely to be affected by the application to a greater extent than the majority of the inhabitants of your Council area and this gives you a personal interest in the issue. The close personal association means a reasonable member of the public might think that it would prejudice your view of the public interest when considering the planning application. It does not matter whether it actually would or not.

In other cases, where there has been a dispute between you and an individual who could be disadvantaged by a decision, an informed reasonable member of the public might conclude that you would be inclined to vote accordingly, whether this is the case or not.

Community councillors do not have a prejudicial interest in decisions made by their Council in respect of grants, loans or other financial assistance to community groups or voluntary organisations where the value does not exceed £500. Furthermore community councillors who have been appointed to the community group or voluntary organisation concerned by their Community Council, for example, e.g. to the board of a community hall, will not have a prejudicial interest in decisions made by their Council in respect of any grants, loans or other financial assistance. If, on the other hand, you are on such a board in your own capacity and have not been appointed by your Council, then you will have a prejudicial interest.

## **What to do when you have a prejudicial interest**

### **See paragraph 14**

If you consider that you have a prejudicial interest in your Council's business you must take certain action.

Nevertheless, even where you have a prejudicial interest, the Code supports your role as a community advocate and enables you in certain circumstances to represent your community and to speak on issues important to them and to you.

**Key point:** If you have a **prejudicial interest** in a matter being discussed at a meeting,

you must, having declared your personal interest in the matter, leave the room (or any other venue in which the meeting is being held including, for example, the location of a site meeting).

**This is unless members of the public are allowed to make representations, give evidence or answer questions about the matter**, by statutory right or otherwise.

If that is the case, you can also attend the meeting for that purpose or submit written representations to the public meeting. However, where you attend you must immediately leave the room or chamber once the period for considering representations has finished, and before any discussion on the item begins, even if members of the public are allowed to remain. You cannot remain in the public gallery to observe the vote on the matter.

In addition, **you must not seek to influence a decision in which you have a prejudicial interest**. This rule is similar to your general obligation not to use your position as a member improperly to your or someone else's advantage or disadvantage. This means that as well as leaving meetings where the item is discussed, you should also not write or make any oral representations about the matter.

The Code does not provide you with a general right to speak to a meeting where you have a prejudicial interest. The Code aims to provide members with the same rights as ordinary members of the public to speak on certain matters in meetings, despite having a prejudicial interest. These rights are usually governed by your Council's constitution, procedure rules or standing orders, and may be subject to conditions including time limits or the fact that representations can only be made in writing.

If an ordinary member of the public would be allowed to speak to a meeting about an item, you should be provided with the same opportunity. You will be able to make representations, answer questions or give evidence, even if you have a prejudicial interest in the item. Recent changes to the Code also provide the right to submit written representations to the public meeting in these circumstances. You may not however take part in the discussion or observe the vote.

### **When must I leave the place where the meeting is held?**

You must leave immediately after the time for making representations, giving evidence or answering questions is finished, and before any debate starts.

### **What does influencing a decision mean?**

You must not make any representations or have any involvement with decisions in which you have a prejudicial interest, except where you are entitled to speak as described above. Your presence itself could be perceived to be capable of influencing the decision making process.

## **What if the public are not allowed to speak to the meeting on the matter?**

If an ordinary member of the public is not allowed to speak on the matter, you cannot do so or submit written representations if you have a prejudicial interest. You must leave the place where the debate is being held and not seek to influence the debate in any way.

This may be the case, for example, where your Council is discussing a confidential matter in closed session or does not have procedure rules or standing orders in place that allow members of the public to speak at a meeting of your Council. Like the public, you are not allowed to participate if you have a prejudicial interest. However, where the public may be allowed to sit in the public gallery to observe the meeting, you will be required to leave the room during the debate and vote.

### **Example**

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

Immediately prior to the hearing before the Adjudication Panel the member accepted that she had a personal interest in the item and later that it was prejudicial in nature. The Adjudication Panel found that the member had failed to comply with paragraphs 11(1) and 14(1) of the Code. It considered that she had allowed her personal interests to prevail and to keep those private conflicted with her duties and responsibilities as an elected member. She was suspended from office for 3 months.

## **Dispensations**

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

You can apply in writing to your County Council's Standards Committee for a dispensation on one or more of the following grounds:

- at least 50 per cent of the Council or Committee members would be prevented from taking a full part in a meeting because of prejudicial interests
- the nature of your interest is such that your participation would not harm public confidence
- your interest is common to a significant proportion of the general public

- you have a particular role or expertise which would justify your participation
- the business relates to the finances or property of a voluntary organisation and you sit on its board or committee in your own right and you do not have any other interest, although in this instance, any dispensation will not let you vote on the matter, or
- the Committee believes that your participation would be in the interests of the people in your Council's area and that the committee notifies Welsh Ministers within seven days.
- the committee considers if appropriate in all circumstances, where it was not otherwise possible, to make reasonable adjustments to accommodate a person's disability.

You can apply for a dispensation individually and in certain circumstances, you can make joint applications where a number of members want to obtain a dispensation to speak or vote on the same matter. If the Standards Committee approves your application, it must grant the dispensation in writing and before the meeting is held. If you need a dispensation, you should apply for one as soon as is reasonably possible.

Only the Standards Committee can grant the dispensation and will do so at its discretion. The Standards Committee will need to balance the public interest in preventing members with prejudicial interests from taking part in decisions, against the public interest in decisions being taken by a reasonably representative group of members of the Council. If failure to grant a dispensation will result in a council or committee not achieving a quorum, this may well constitute grounds for granting a dispensation.

Where you hold a dispensation, you can also make written representations but you must provide details of the dispensation in any correspondence. If you make oral representations, whether in person or by phone, you must refer to the dispensation and confirm this in writing within 14 days.

## **4. Registration of Interests**

### **See Paragraph 15**

#### **Key points**

Community councils are required to maintain and publish electronically a record of its members' interests in a public register of interests. This record is maintained by your Clerk. The register is a document that can be consulted when (or before) an issue arises, and so allows others to know what interests you have, and whether they might give rise to a possible conflict of interest.

The register also protects you. You are responsible for deciding whether you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be declared by you or other members, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

Recent changes to the Code now also require you, where you become aware of a change to a registered personal interest, to register that change by providing written notice to your Clerk within 28 days. You are also required when disclosing any personal interest for the first time to register it in the register of interests by giving written notice to your Clerk.

### **Gifts and hospitality**

#### **See Paragraph 17**

#### **Key points**

You must notify your Clerk of any gifts or hospitality worth more than the amount specified by your Council that you receive in connection with your official duties as a member, and the source of the gift or hospitality.

Like other interests in your register of interests, you may have a personal interest in a matter under consideration if it is likely to affect a person who gave you a gift or hospitality that is registered. If that is the case, you must declare the existence and nature of the gift or hospitality, the person who gave it to you, how the business under consideration relates to that person, and then decide whether that interest is also a prejudicial interest. It is also good practice to provide a note of any offers of gifts which you have declined.

## **Is the gift or hospitality connected to my official duties as a member?**

You should ask yourself, would I have been given this if I was not on the Council? If you are in doubt as to the motive behind a gift or hospitality, I recommend that you register it or speak to your Clerk.

You do not need to notify your Clerk of gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you should always notify your Clerk of any gift or hospitality if it could be perceived as something given to you because of your position or if your Council requires you to.

## **What if I do not know the value of a gift or hospitality?**

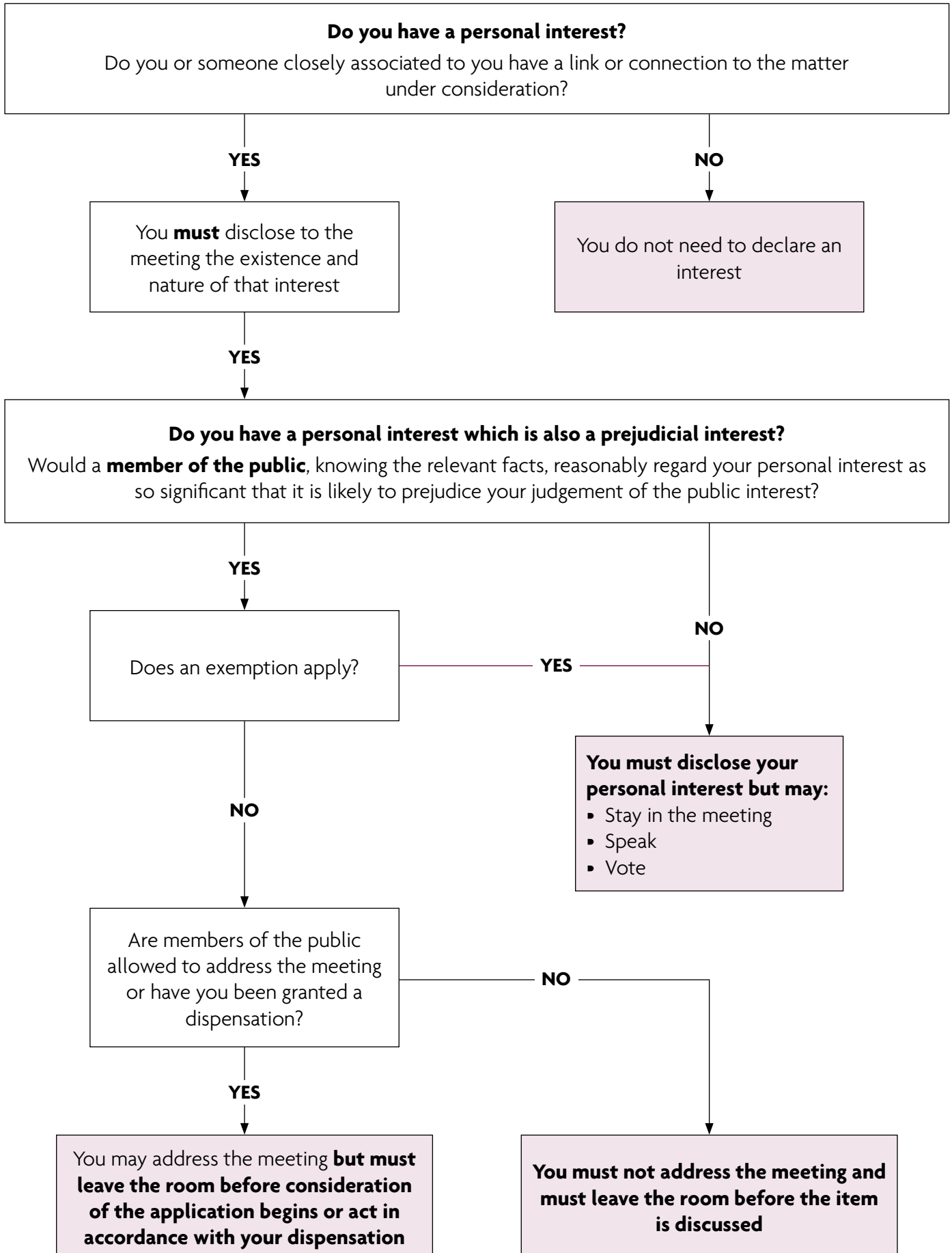
The general rule is, if in doubt as to the value of a gift or hospitality, you should notify your Clerk of it, as a matter of good practice and in accordance with the principles of openness and accountability in public life.

You may have to estimate how much a gift or hospitality is worth. Also, an accumulation of small gifts you receive from the same source over a short period that add up to the value specified by your Council or over should be registered.

The Code also refers to material benefit or advantage. The measure of this would be if an informed independent observer could conclude that you might be perceived to be better off as a consequence.

# Declaration of personal and prejudicial interests

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



## Contact us

Public Services Ombudsman for Wales  
1 Ffordd yr Hen Gae  
Pencoed  
CF35 5LJ

Tel: 0300 790 0203  
Fax: 01656 641199

e-mail: [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk) (general enquiries)

Follow us on Twitter: [@OmbudsmanWales](https://twitter.com/OmbudsmanWales)

Further information about the service offered by the Public Services Ombudsman for Wales can also be found at [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)



**MEMBERS' DECLARATION OF INTEREST AT MEETINGS**

Name of Member:	ENCLOSURE 2 - APPENDIX 3
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**

Register of Members Interests

A register of member's declared interests is a concept that is included in various pieces of local government legislation, in particular in legislation that has been implemented during the current century. This concept is consistent with open and transparent government. A similar concept exists in respect of the recording of the receipt of any gifts or hospitality by elected members. However, mostly, the implementation of such items has been confined to the larger public sector bodies such as unitary councils. More recently, guidance from the Welsh Government has confirmed that community and town councils in Wales now also need to maintain such a "register" and that this register must also be displayed electronically on the council's website, which, from 2015/2016, all local councils must have in place.

Frustratingly, there has been confusion and there have been differences of opinion and challenges in relation to this issue, in terms of what is actually required. One Voice Wales views the existence of a "register" as meaning any format of documentation where members' interests are shown (and the same would be so for any gifts or hospitality received by members). The Welsh Government civil servants do not promote any specific formats for this purpose within their published guidelines. One Voice Wales has developed a model form for such a purpose (see below).

What councils need to do :

Following discussions with the Welsh Government, it has become clear that the new responsibility for publishing the register of interests on-line does not require the completion of the form that One Voice Wales had circulated to member councils on 28<sup>th</sup> May 2015. It had been initially thought that the exemption for community and town councillors from the requirements of paragraph 15(1) of the model code of conduct to register certain financial and other interests within 28 days of taking up office had been removed by the 2013 Act. However, following discussion with the relevant Welsh Government policy official, this is not the case. The official is aware that there may well have been confusion on this point and has confirmed that the 2013 Act has no impact on the requirements of the code of conduct relating to the disclosure and registration of interests. In summary, the requirements of the code of conduct, as it applies to community and town councils, are as follows:

- a) Councillors are required to declare a personal and, if appropriate, prejudicial interest in relation to pertinent matters when they are present at meetings.
- b) When councillors disclose a personal interest for the first time, they must give written confirmation of the interest to the Proper Officer, before or immediately after the close of the meeting. It is good practice for the Proper Officer to record these declarations in the minutes of the meeting.
- c) The Proper Officer should record interests disclosed at meetings for the first time in the register of interests required under section 81 of the Local Government Act 2000. The register must be available for public inspection at all reasonable hours and, following commencement of the 2013 Act, must be made available on the council's website.
- d) The register should be updated as soon as reasonably practicable after each and every meeting when new interests are disclosed.

10/8/15

What declarations to record :

Declarations of interest should be made in keeping with the Code of Conduct for members of local authorities in Wales (refer to the Guidance from the Public Services Ombudsman for Wales for members of community councils – which is available for inspection on the members' section of the One Voice Wales website). The published guidance includes details about personal and prejudicial interests and also refers to gifts and hospitality. Ultimately, it is for members to judge whether or not they make a declaration of interest depending upon the circumstances of their situation. Others (third parties) can always issue a challenge against any non declaration of interests, so members always need to be reminded to take such considerations seriously.

Template for register/declarations :

One Voice Wales has compiled a "template" for member councils to use for the purpose of implementing such a register, and this has been distributed to member councils. Copies of this template are available on the members' section of the One Voice Wales website, if required. If using these (or any other) forms for officially recording declarations of interest, then the "register" as such will be the overall collection of these forms presented together. These can be presented in any convenient manner, possibly ordered by name of member or in date order. Clearly, any members who have not declared an interest will not have any forms filled for this purpose, so their register entries will be blank (that is, they won't have any entries). It is not considered necessary to present any such "blank" forms on the council's website, but it is not wrong to do so if desired.



Llywodraeth Cymru  
Welsh Government

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

Statutory Guidance

# Access to Information on Community And Town Councils

May 2015



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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/improvingservices/publicationevents/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.diversecymru.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'

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>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>REPORT TO :</b>	<b>County Council</b>
<b>DATE:</b>	<b>14<sup>th</sup> May 2019</b>
<b>TITLE OF REPORT:</b>	<b>Overview and Scrutiny Annual Report 2018/19</b>
<b>REPORT BY:</b>	<b>Chairs of:</b> <b>1. Corporate Scrutiny Committee</b> <b>2. Partnership and Regeneration Scrutiny Committee</b>
<b>PURPOSE OF REPORT:</b>	<b>Report on the work of the two scrutiny committees during 2018/19 and provide an overview of the 2019/20 scrutiny work programme</b>
<b>CONTACT OFFICER:</b> <b>E-mail:</b> <b>Telephone</b>	<b>Anwen Davies (Scrutiny Manager)</b> <a href="mailto:AnwenDavies@ynysmon.gov.uk">AnwenDavies@ynysmon.gov.uk</a> <b>01248 752578</b>

### 1. Recommendations

The Council is requested to:

**R1** Approve the Overview and Scrutiny Annual Report for 2018/19

**R2** Note the continued progress made in implementing our local Scrutiny improvement journey and the impact this is having on practice

**R3** Appoint the chair of the Corporate Scrutiny Committee as the Scrutiny Champion for the period May, 2019 to May, 2020.

### 2. Background and context

**2.1** This Overview and Scrutiny Annual Report encompasses the work undertaken by the two scrutiny committees between the Council's annual meeting on 15<sup>th</sup> May, 2018 and 14<sup>th</sup> May, 2019

**2.2** The chairs of the two scrutiny committees led on developing the forward work programmes during this period. The scrutiny committees' work programmes are submitted to the monthly Scrutiny Committee Chairs and Vice-chairs Forum and for approval at each scrutiny committee meeting

**2.3 "Whole council" approach to Scrutiny:** the scrutiny improvement programme has been in place over the past 18 months and has provided a strong basis upon which to move forward, ensuring the role that Member scrutiny plays in the Authority's governance arrangements:

- i. supports robust and effective decision-making
- ii. makes a tangible contribution to the Council's improvement priorities
- iii. continues to evolve.

The impact and added value of scrutiny activity is contributing to the Council's corporate priorities through support and challenge.

### 3. Role of the Scrutiny Champion

**3.1** The Scrutiny Champion has an important role in promoting the overview and scrutiny function both within the Council and also with external partners of the

Authority. It is not a mandatory or remunerated position. The role is considered key in demonstrating the Authority's commitment to ensuring that Scrutiny maximises the contribution of non-Executive Members to the organisation's overall performance and "corporate health"

- 3.2** On 14<sup>th</sup> May 2015 the Council resolved that the chair of the Corporate Scrutiny Committee be appointed as Scrutiny Champion for the period May 2015 to May, 2016 and thereafter that the role of the Champion should alternate between the two scrutiny committee chairs. The Chair of the Corporate Scrutiny Committee should therefore be appointed as the designated Scrutiny Champion for the coming year.

<b>Appendix:</b>
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Overview and Scrutiny Annual Report 2018/19
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V4.3--

# OVERVIEW AND SCRUTINY

## ANNUAL REPORT: 2018-2019



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5	Looking Forward to 2019/20
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Appendix 2	Remit and membership of our scrutiny committees
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Appendix 5	Vision for Delivering Effective Scrutiny in the Council



## 1. FOREWORD

### **Councillor Aled Morris Jones**

- **Chair of the Corporate Scrutiny Committee 2018/19**



It is my pleasure to provide an overview of the work of the Corporate Scrutiny Committee over the past 12 months.

The scope of work of the Committee is discussed in this report and it is fair to note that the workload continues to be considerable and varied. A total of 20 meetings were convened during the municipal year in order to complete our work programme:

- **Annual budget setting 2019/20** – as one of the most important responsibilities of the Committee, next year's budget setting was given detailed consideration. The Committee considered the draft budget and the response to the Council's Public Consultation and made a contribution to the draft budget consultation plan. The contribution of the Finance Scrutiny Panel has added value to the process and will need to further develop to the future. I am of the view that significant progress has been made over the past 2 years as regards the budget setting process and the contribution that Scrutiny has made, setting a robust foundation as we move towards preparing for the 2020/21 budget
- **Quarterly monitoring of performance** – the Committee monitored performance on a quarterly basis during 2018/19, using the corporate scorecard and supporting information. It is fair to say that the scorecard continues to evolve as an effective tool for Elected Member scrutiny and monitoring of performance. Our work as a committee has also included monitoring of implementation of the children's services improvement plan as well as the Annual Report of the Statutory Director of Social Services.

Committee members are committed to further develop work in this area of the Committee's work programme during 2019/20

- **Transformation priorities** – the Corporate Scrutiny Committee considered a number of significant issues over the past 12 months including the schools' modernisation strategy and modernisation programme for schools and also school transport services.

### **Community and other stakeholder engagement**

We are very grateful to all the various groups and individuals who have come before the Committee to give evidence on various issues. This is a very important function of Scrutiny, in order to give a voice to communities.

Again this year, I wish to note the considerable contribution that both the Finance and Children's Services Improvement Panels have made to the Elected Member Scrutiny work programme during 2018/19 and am pleased to report that their contributions have been commended externally by

regulators and others.

To close, I believe that Scrutiny has continued to develop well over the past year building on improvements commenced in 2017/18. Member scrutiny has added value to decision-making in the Council. This improvement focus should continue as we move forward. Thank you to all Committee members and officers who have assisted and contributed during 2018/19.

**Councillor Aled Morris Jones**

**(Chair of the Corporate Scrutiny Committee)**

## Councillor Gwilym O Jones



- **Chair of the Partnership and Regeneration Scrutiny Committee 2018/19**
- **Scrutiny Champion 2018/19**

It is not an exaggeration to say that Scrutiny is the eyes and ears of everyone living on the Isle of Anglesey and that it provides the opportunity for Members that do not sit on the Executive to ensure that services provided by the Council and its partners are the most effective possible to meet residents' needs.

Firstly, as the current Scrutiny Champion may I note the important contribution that Elected Member scrutiny makes to our governance arrangements. Our progress over the past year in moving our improvement journey forward provides us with a strong basis upon which to move forward, ensuring the role that Scrutiny plays in the Authority's governance arrangements:

- i. Supports robust and effective decision-making
- ii. Makes a tangible contribution to the Council's improvement priorities
- iii. Continues to evolve.

During 2018, Wales Audit Office completed a review of our scrutiny arrangements and I am pleased to report that a positive report was published in October, 2018, concluding:

*"The Council has strengthened its overview and scrutiny function and is making arrangements to meet future challenges..."*

This improvement journey will need to continue as we prepare for the 2019/20 municipal year, giving a particular focus on:

- ✚ Further developing our arrangements for promoting the engagement of the public and other stakeholders in scrutiny
- ✚ Building on our self-assessment to consider more innovative methods of undertaking scrutiny activity.

I am also pleased to have an opportunity to provide a flavour of the work undertaken by the Partnership and Regeneration Scrutiny Committee during 2018/19. The Scrutiny Committee provides the Executive with recommendations and views on the work of the Authority and its partners and our aim is to ensure that public services on the Island are as good as they can be within the resources available to the Council. Over the past 12 months, we have scrutinised a number of important partnerships. Below are some examples of the work undertaken by the Committee over the past 12 months:

- **Joint working between the Council, Health Board and other partners** plays a vital role in supporting vulnerable adults and families to keep them safe, healthy and as independent as possible. Effective collaboration with the Health Board and other partners is crucially

important in the delivery of social care services. During the year, the Committee heard from Council officers, representatives from the North Wales Regional Partnership Board, Betsi Cadwaladr University Health Board and Medrwn Môn. The Committee received assurances that joint working arrangements are being developed and progress is being made but the Committee will continue to monitor this important area during 2019/20

- **Anglesey and Gwynedd Public Services Board (PSB)** – the Committee has been designated to lead on scrutinising the effectiveness of the Public Services Board. During the year, the Committee has met with representatives of the PSB to challenge them on progress being made on delivery of the Anglesey and Gwynedd Wellbeing Plan. It has done so by looking at work-streams that have been agreed and seeking assurance that the PSB have applied the Sustainable Development principle and are working together to meet long term challenges. We have also looked at the governance arrangements and delivery framework put in place to support the work of the Public Services Board
- **Schools' performance** – joint work undertaken by the Council and its partners to improve schools' performance is also an important aspect of the Committee's work and regular progress reports have been received from the Schools Progress Review Scrutiny Panel. This Panel was established as a way for Members of both scrutiny committees to enhance their understanding of education matters and to contribute to the accountability of head teachers and school governors for schools' performance. The Committee also questioned officers from GwE<sup>1</sup> on their areas of work in Anglesey as well as scrutinising schools' performance following the summer 2018 examinations results. Scrutiny has also been monitoring the performance of the Additional Learning Needs and Inclusion Service for Anglesey and Gwynedd to ensure service quality and consistency and also value for money across both counties
- **Other partnerships** – during the past 12 months, the Committee has scrutinised a number of other partnership matters including priorities of the Anglesey and Gwynedd Community Safety Partnership for the forthcoming year. Also, bodies such as the North Wales Regional Emergency Planning Service and the pre-decision scrutiny of key strategies such as the North Wales Homelessness Strategy and Anti-Poverty Strategy.

I am of the view that effective scrutiny involves working as a team and I believe that the Committee achieves this. Officers' work well with Members to achieve effective outcomes for our residents, which, at the end of the day, is what good scrutiny, is all about.

**Councillor Gwilym O Jones**

**(Chair of the Partnership and Regeneration Scrutiny Committee & Scrutiny Champion)**

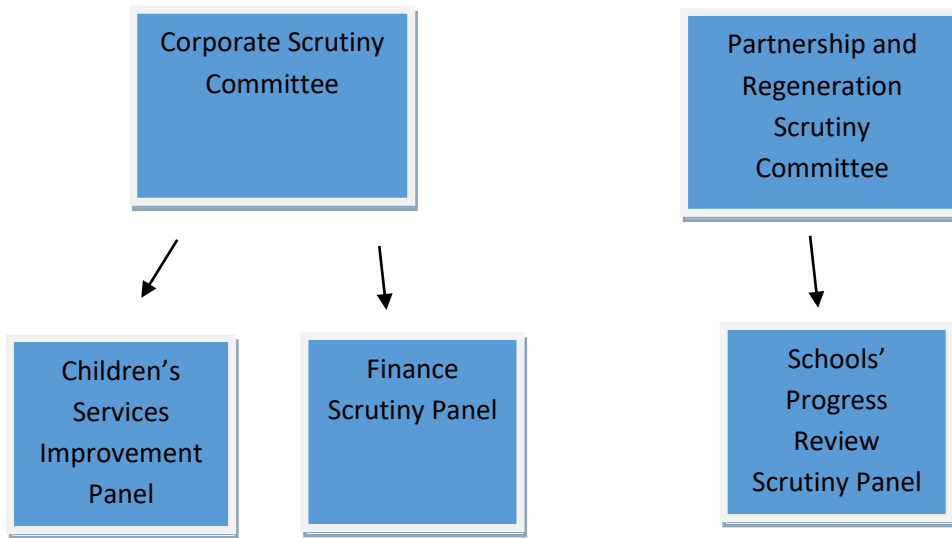
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<sup>1</sup> GwE – School Effectiveness and Improvement Service for North Wales

## 2.0 OUR LOCAL STRUCTURE

Scrutiny committees form part of the way in which local government in Wales operates. Their prime role is to hold the decision-makers to account, drive improvement, act as the voice of the community and play a role in policy development and review. A summary of the national policy context is outlined in **APPENDIX 1**.

2.1 Our local structure comprises of 2 scrutiny committees and three panels:



The remit and membership of our scrutiny committees are summarised in **APPENDIX 2**.

## 3.0 LOCAL SCRUTINY IMPROVEMENT JOURNEY

3.1 Following a locally commissioned review of our scrutiny arrangements<sup>2</sup>, an improvement programme was put in place to build on and further strengthen the overview and scrutiny function in the Council. This programme ran for 18 months and has provided a strong basis upon which to move forward, ensuring that the role Member scrutiny plays in the Authority's governance arrangements:



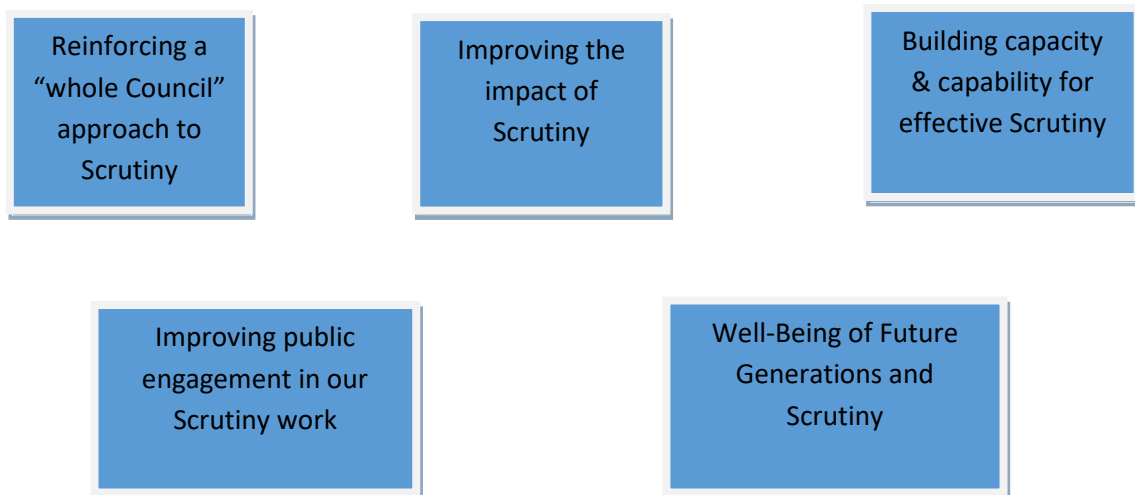
<sup>2</sup> Centre for Public Scrutiny (December, 2017)

### 3.2 Key Improvement Themes

Our improvement programme has prioritised a number of key themes (which are summarised below), in order to provide a robust framework to:

- Clarify the role and contribution of Scrutiny in the governance arrangements of the Council
- Identify the actions required in the short and medium term in order to further improve Scrutiny.

#### SCRUTINY IMPROVEMENT JOURNEY: KEY THEMES

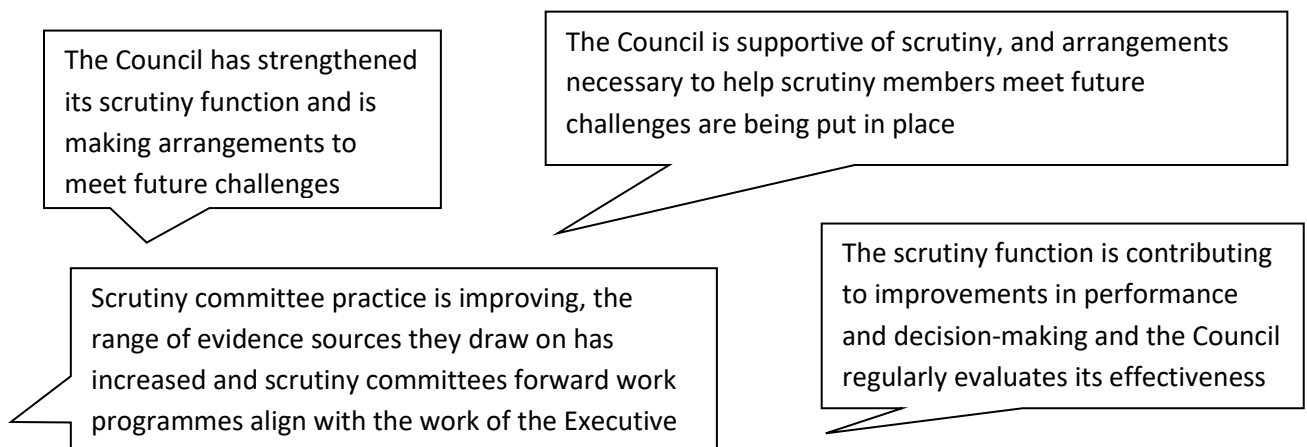


We have recently adopted a development programme, which provides a local framework within which to continue with our Scrutiny journey. Paragraph 5 below summarises progress made over the past year and begins to measure the impact of our improvements.

### 3.3 Wales Audit Office Review of Scrutiny

Wales Audit Office (WAO) undertook a review of our scrutiny arrangements during 2018. Details of the scope of this review are in **APPENDIX 3**.

The report was positive, highlighting with some aspects of good practice:



Wales Audit Office also suggested two **proposals for improvement**:

- **P1** the Council's scrutiny function should further improve arrangements for promoting the engagement of the public and other stakeholders in scrutiny activity
- **P2** the Council should build on its experience through self-assessment, to consider more innovative methods of undertaking scrutiny activity

The findings were reported to the Audit and Governance Committee in December, 2018<sup>3</sup>. The Wales Audit Office proposals for improvement have been included in our local development programme.

## 4.0 ASSESSING THE IMPACT OF SCRUTINY

4.1 A number of significant **outputs** were achieved by Scrutiny during the last municipal year which go some way in assisting us to assess the impact that the function has had locally:

- **Committee meetings** – a total of 26 scrutiny committee meetings were convened during 2018/19:

Committee	Number of meetings convened
Corporate Scrutiny Committee	16
Partnership and Regeneration Scrutiny Committee	10

There are also robust arrangements in place to ensure feedback at meetings of the Executive by scrutiny committee chairs on matters that have been considered by both committees.

- **Scrutiny Panel meetings** – there have been regular meetings of all 3 scrutiny panels during 2018/19:

Panel	Number of meetings convened
Children's Services Improvement Panel	11
Finance Scrutiny Panel	5
Schools Progress Review Panel	12

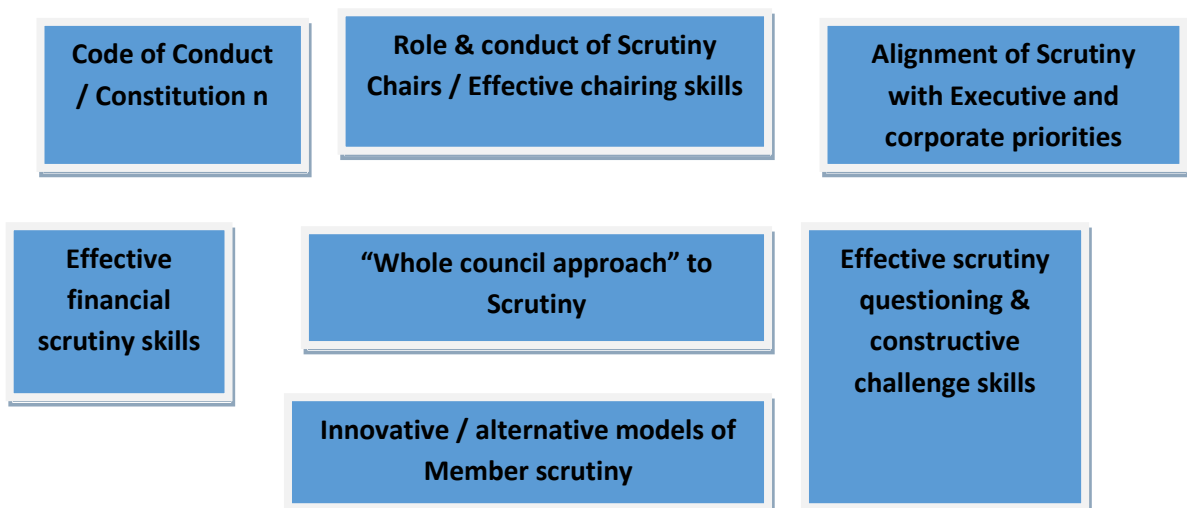
These panels have been embedded into practice by:

- ✚ Putting in place robust governance arrangements to support each panel
- ✚ Ensuring a clear focus / remit and work programme for each panel
- ✚ Putting in place a reporting / escalation process ensuring that the work of scrutiny panels is reported in a timely manner
- ✚ Ensure appropriate pace for the work of the panels, which is in line with corporate priorities.

<sup>3</sup> Meeting of the Audit and Governance Committee convened on 4<sup>th</sup> December, 2018



- **Forward work programmes** – there is now a well-established practice of forward work programming in place to underpin the work of both scrutiny committees. These programmes are an important tool in assisting scrutiny committee members to prioritise their work and have been discussed with the Senior Leadership Team and Heads of Service. Both committees review the content of their forward work programmes on a regular basis in order to ensure that they remain relevant and keep abreast with local priorities. Our local forward planning arrangements now ensure greater focus on:
  - i. Strategic aspects
  - ii. Citizen / other stakeholder engagement and outcomes
  - iii. Priorities of the 2017/2022 Council Plan and corporate transformation programmes
  - iv. Risks
  - v. Work of audit, inspection and regulation
  - vi. Matters on the forward work programme of the Executive.
  
- **Chairs and Vice-chairs Forum** – is now well established and continues to meet on a monthly basis. The Forum is considered an important vehicle to oversee the scrutiny committee work programmes and jointly negotiate priorities with the scrutiny committees' chairs and vice-chairs. It also takes lead responsibility for developing and continuously improving the overview and scrutiny function in the Council. The role of the Forum has also evolved to include monthly conversations between the Executive (Leader), Chairs/Vice-Chairs of Scrutiny and the Senior Leadership Team (Chief Executive) to ensure better alignment between work programmes.
  
- **Development, training and support for Members** – by:
  - ✚ Putting in place a phased, bespoke development programme which focuses on the key elements of governance / scrutiny:



- ✚ Convening periodic information sharing / awareness raising sessions for Scrutiny Members on key issues (e.g. Wellbeing of Future Generations, role of the Public Services Board). Also, as a forum for Member self-evaluation / reflection on the performance of scrutiny.



- **Scrutiny across a broader base** – a broader approach to Member scrutiny has been further developed during the year by:
  - i. Effective forward planning to ensure alignment between topics discussed at Member briefing sessions, scrutiny panels and full scrutiny committee meetings
  - ii. Ensuring clarity of role for Members on corporate programme boards and ensuring robust, timely high level reporting to scrutiny committees, escalating slippage as required
  - iii. Developing the breadth of topics discussed at Member briefing sessions, in support of Scrutiny and ensuring information available to Members on strategic and transformation topics.
  
- **“Closing the Scrutiny loop”** – by having in place robust arrangements to:
  - i. Report on progress or escalate issues from:
    - ✚ Scrutiny panels to parent committees
    - ✚ Scrutiny committees to the Executive
    - ✚ Corporate programme boards to scrutiny committees.
  
  - ii. Enable and encourage self-analysis and reflection by Scrutiny Members in order to identify strengths and areas for further development / focus.
  
- **Scrutiny & Wellbeing of Future Generations** – developing the role of Scrutiny by:
  - ✚ Ensuring Members focus on the 5 ways of working to frame questions
  - ✚ Developing a revised scrutiny report template, placing wellbeing of future generations at its core
  - ✚ Piloting a part of the Future Generations Commissioner for Wales’ scrutiny framework
  - ✚ Raising awareness and providing information in Member briefing and development sessions
  - ✚ Reviewing progress made in developing the role of scrutiny against best practice
  - ✚ Putting in place a framework to scrutinise the Public Services Board and key partnerships.
  
- **Citizen engagement in Scrutiny** – developing a policy statement as the foundation to further develop our engagement with citizens through Member scrutiny and putting steps in place to ensure that the voice of citizens is heard in the local decision making process. We have now implemented our scrutiny improvement programme and recently adopted a development plan, providing a framework within which to continue with our scrutiny journey.

## Measuring outcomes:

4.2 Capturing and assessing the impact of Scrutiny is a challenge to achieve as the **outcomes** of overview and scrutiny activities are not always tangible and often do not easily lend themselves to being measured in a systematic way. Furthermore, it is not easy to measure the effectiveness of the overview and scrutiny function's ability to influence decision makers through discussion and debate. There are however some examples where the input of scrutiny has added value and / or influenced the way in which proposals have been implemented by the Council:

- **Forward work programmes** – scrutiny work programmes are now a rolling programme focusing on the quality of scrutiny with fewer items in order to add value. Our arrangements also ensure alignment of Scrutiny Committees' work programmes with the work programmes of the Executive and Senior Leadership Team.

**Outcome:** rolling work programme for scrutiny committees, aligned to corporate priorities.

- **2019/20 budget setting process** – a more strategic and outcome based approach to budget setting based on best practice<sup>4</sup> is embedded in local practice. The Corporate Scrutiny Committee concentrated its efforts on a number of key issues which included scrutinising the impact of efficiency proposals and the quality of the public consultation pack. In moving forward, the Authority will further build on this work, ensuring the input of the Finance Scrutiny Panel earlier in the budget setting process (by focusing on scrutiny of the process, timescale and deliverability of efficiency proposals).

**Outcome:** a more systematic approach to financial scrutiny, as an essential building block of sound financial management and governance.

- **Citizen engagement and participation** – scrutiny input to the schools' modernisation programme also included direct engagement with and a contribution from school governors, parents and local communities which added value to the scrutiny process. Stakeholders took part in the following elements of the schools modernisation programme:

- ✚ Seiriol area (Llangoed, Beaumaris and Llandegfan)

- ✚ Llangefni area (Bodffordd and Corn Hir)

- ✚ Llangefni area (Y Graig and Y Talwrn)

Scrutiny input to the budget setting process also included direct engagement with and a contribution from representatives of primary and secondary school head teachers which added value to the scrutiny function

**Outcome:** this involvement by local people and other stakeholders in Member scrutiny has further developed our capability to ensure that the voices of local people are heard as part of the decision making process (**better public engagement**). Also, a strong foundation upon which to improve outcomes for citizens.

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<sup>44</sup> Raising the Stakes: Financial scrutiny in challenging times. A guide for Welsh local authorities, Centre for Public Scrutiny (2014)

- **Development, training and support for Members** – ensuring that individuals involved in Scrutiny have the right skills and competencies is a key element of preparing for effective scrutiny. With this in mind, a locally developed bespoke scrutiny members development programme has been in place during 2018/19

**Outcome:** Members involved in the scrutiny process have the right skills and competencies and have access to the training and development opportunities they need to undertake their role effectively (**better decisions**)

- **Improvements and performance of children’s services** – scrutiny of the improvement journey in children’s services has matured significantly over the past year through the input of the Children’s Services Improvement Panel. During May, 2018, Panel members undertook a self-evaluation of its impact and reviewed 4 aspects of its work:

- ✚ What worked well
- ✚ Identify what impact the Panel has had
- ✚ Areas for improvement
- ✚ Member development needs

Members concluded that ensuring meaningful and robust scrutiny of policies and also support /services available to support vulnerable children and young people is a key element of the leadership role of Scrutiny members. This self-assessment exercise is being repeated at the time of writing this report, as part of a broader review by the Council of the work of the 3 scrutiny panels.

In its recent re-inspection of children’s services, Care Inspectorate Wales commended the work of the Panel as well as Member commitment to improving services for children and young people:

*“... There is strong leadership and governance in IoACC. Members of the Council were able to demonstrate their contribution to children’s services improvement journey. They were able to demonstrate their knowledge of key challenges facing the council and how they interact to impact upon children and families ....*

*Elected Members had a clear understanding of their role and with officers are aware of their responsibilities as Corporate Parents. Members are equally clear of the need for accountability at all levels and the importance of quality assurance systems and processes being able to identify any dips in performance or missed opportunities and support improvement before they escalate...*

*Members demonstrated commitment to improving services for children by agreeing the terms of reference for the Children’s Improvement Panel before the last election immediately after CIW’s last inspection. The improvement panel has continued to meet monthly and members report their confidence has grown and the panel is productive, giving them insight to progress being made in the service...”<sup>5</sup>*

This work-stream has resulted in the following positive outcomes:

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<sup>5</sup> Report by Care Inspectorate Wales entitled “Inspection of Children’s Services Isle of Anglesey County Council” December, 2018

## Outcomes:

- ✚ A team of Members who have developed a high level of knowledge about the complexities of children's services and a level of expertise in the service area
- ✚ Model of working that focuses on a smaller group, encouraging good attendance and teamwork
- ✚ Creating conditions that are conducive to effective Scrutiny e.g. there has been a tangible improvement in the level and depth of questioning by the Panel
- ✚ Scrutiny activity that is well planned, efficient and objective and based on evidence from a range of sources
- ✚ Better understanding by Elected Members of the complexities and risks in Children's Services in order to be able to effectively scrutinise, hold to account and identify priorities in moving forward

**(better decisions, better outcomes)**

- **Finance scrutiny** – financial scrutiny has developed significantly from a low base over the past 18 months, with external expert input and guidance from CIPFA Wales. The Finance Scrutiny Panel have taken a strategic approach to scrutiny of financial matters and have developed an effective questioning strategy to underpin their work. For example, interventions by the Panel in response to significant budget pressures have triggered some positive mitigation measures by Children's Services and the Learning Service.

We continue to work alongside CIPFA Wales in developing our financial scrutiny journey with the following objectives in mind:



## Pause and review exercise (Winter, 2018)

During November, 2018 Members invited CIPFA Wales to return to assist the Panel in assessing progress and to set the work programme priorities for 2019/20. CIPFA have commended the approach adopted by the Authority to financial scrutiny:

*"....Progress in 2018*

- *The approach to managing and conduct of business at the Panel has improved significantly during the year. This has moved from essentially an officer led approach to one that Members and the chair control better and more effectively*

- *The papers produced are improving as a consequence of having clarity around what is required from officers to improve the quality of debate and challenge by Members*
- *Chairing of the Panel has improved with a nominated Chair who does take ownership of the meeting and controlling timing of questions and debate more effectively*
- *Questions raised by Members have improved with increased understanding of the issues and therefore the relevance of the point and challenge being made. It is also clear that there is collectively increased quality and contribution by Members, all at some stage asking questions*
- *There will inevitably be changes in composition and this has been the case in 2018. New Members contributed and questioned which is positive....”*

In moving forward, the Panel will further develop its work programme and approach to financial scrutiny with CIPFA Wales continuing to provide professional guidance and advice, as a critical friend.

**Outcome:**

- ✚ More strategic and outcome based approach to financial scrutiny; evidence based scrutiny making a robust contribution to sound financial management and governance arrangements in the Council (***better decisions, better outcomes***)
- **Monitoring School Performance** – Scrutiny is playing an active part in monitoring and encouraging improvement by both schools and the Council’s Learning Service.

Since May 2018, Member of the Schools Progress Review Scrutiny Panel has:

- ✚ Met with Head Teachers and Chair of Governors of nine primary schools and two secondary schools.
- ✚ Met with teachers and Head teachers of the Foundation Phase Cluster Leadership Group who aim to assist schools with strengthening performance in the Foundation phase.
- ✚ Received school performance updates from officers of the Regional School Effectiveness and Improvement Service for North Wales (GwE).
- ✚ Received school performance information from the Learning Service.
- ✚ Monitored implementation of the Learning Service Action Plan.
- ✚ Received development sessions by the Schools Performance and Inclusion officer and GwE on various matters concerning education and performance monitoring.
- ✚ Undertook a self-evaluation exercise

During December 2018, the Partnership and Regeneration Committee received verified summer 2018 examinations / data on primary and secondary school performance. Also submitted were GwE priorities to support schools on the island for the forthcoming year, which included steps to improve performance in the Foundation Phase and Key Stage 4. Performance information regarding the Additional Learning Needs and Inclusion Service for Anglesey and Gwynedd was also submitted to the committee, this allowed the service to be monitored constructively.



There is a close link between the Panel and the Committee and three progress reports submitted by the Panel to the Committee during this period.

### **Outcomes:**

- ✚ The responsibility for school performance ultimately lies with the Head teacher and School Governing Body. However, constructive scrutiny by the Panel and the Committee during this period has contributed to overall improvement of education on the Island. During January 2019, the National School Categorisation System identified no school on Anglesey to be in the red support category with only five schools in the amber category. The remaining schools on the Island either in the yellow or green support category.
- ✚ Panel Members developed knowledge on performance and monitoring arrangements and are in a position to contribute effectively to ongoing improvement in school performance. Members have started to attend various support, monitoring and training activities for schools arranged by GwE to strengthen practical knowledge of what is taking place to improve school performance.

- **Joint working with the Health Board and other key partners**

Scrutinising partnership working between the Council and the Health Board is important and the Committee has received information concerning this aspect from Social Services, Health Board, Voluntary sector and the North Wales Partnership Board (established to meet Part 9 of the Social Services and Well-being (Wales) Act 2014

### **Outcomes:**

- ✚ Ensured that partners are cooperating working together to meet statutory obligations to work together. The Partnership and Regeneration Scrutiny Committee assured that partners are heading in the right direction and developing services to meet local needs but there is a lot of work to do in this important area.
- ✚ Partnership working is a complex area and Members need to be aware of initiatives and proposals by partners. During this period Members of the Partnership and Regeneration Scrutiny Committee have enhanced their knowledge will be in a stronger position to provide effective scrutiny by way of regular monitoring next year.
- ✚ Ensured that partners realise that initiatives undertaken jointly must assist and contribute to meet the Council's objectives.

- **Scrutiny of the Anglesey and Gwynedd Public Services Board**

The Anglesey and Gwynedd Public Services Board established in 2016, in accordance with the Well-being of Future Generations (Wales) Act 2015. The decision made by the Anglesey Executive at the time was to establish a Public Services Board. (PSB) for Anglesey which would collaborate with the Gwynedd Public Services Board. The draft Well-being Plan scrutinised by the Partnership and Regeneration Scrutiny Committee. On the 15<sup>th</sup> May 2018, the Council approved the Plan for publication by the PSB.

The Partnership and Regeneration Scrutiny Committee continued to scrutinise the partnership during this period.

**Outcomes:**

- ✚ Scrutinising the governance structure and delivery arrangements of the PSB. The Partnership and Regeneration Scrutiny Committee assured that governance arrangements complied with statutory requirements and no changes required at present.
- ✚ Scrutinising progress on delivery of the Well-being Plan. The Partnership and Regeneration Scrutiny Committee able to assure itself that the PSB is taking steps to integrate its priorities into plans and strategies of other public bodies and that the priorities did link with Isle of Anglesey County Council objectives.
- ✚ The Partnership and Regeneration Scrutiny Will continue the monitor progress of the PSB. It liaises closely with the team supporting the PSB. Further reports will be submitted for scrutiny to committee during 2019/2020.

**Measuring the Impact of our Improvement Journey:**

4.3 The table below summarises the impact of some of our key areas for improvement during 2018/19:

**IMPACT OF OUR SCRUTINY IMPROVEMENT JOURNEY**

Theme	How	Impact
<b>Scrutiny Vision</b>	<p>We have continued to mainstream the principles of our vision, ensuring that they are a core feature of our scrutiny work e.g. foundation to our preparatory work for the new Council; basis for our Scrutiny Member development programme; underpinning the work of our scrutiny panels</p> <p><b>(APPENDIX 5 – Scrutiny Vision Statement)</b></p>	<p>Evidence → increase in Member confidence; better scrutiny in committees; questioning strategy; quality of Member contributions in panel work and maturity of questioning strategies; feeling of Team Scrutiny amongst most Members.</p> <p><b>(better decisions, better outcomes)</b></p>

Theme	How	Impact
<b>Member development and support</b>	<p>Bespoke development programme for Scrutiny Members with the objective of developing:</p> <ul style="list-style-type: none"> <li>• Scrutiny skills</li> <li>• Increased levels of technical information on specific topic areas.</li> </ul>	<ol style="list-style-type: none"> <li>1. Our Scrutiny principles and values underpin Member behaviours</li> <li>2. Effective questioning strategies at work</li> <li>3. Members involved in Scrutiny have the right skills and competencies</li> <li>4. Scrutiny Members have access to training and development opportunities they need to undertake their role effectively.</li> </ol> <p><b>(better outcomes)</b></p>
<b>Scrutiny arrangements that are fit for purpose</b>	<p><b>Alignment of work programmes</b></p> <p>The following now happen as an integral part of the process:</p> <ul style="list-style-type: none"> <li>• Programme alignment conversations with the Leader and Chief Executive at the Scrutiny Chairs/Vice- Chairs Forum (monthly)</li> <li>• Monthly discussion between the Leader, Head of Democratic Services and Scrutiny Manager</li> <li>• Regular alignment conversations → scrutiny officers and heads of service</li> </ul> <p><b>Scrutiny across a broader base</b></p> <p>Opportunities to scrutinise outside of the formal committee meetings → briefing sessions, panels, transformation boards.</p>	<ol style="list-style-type: none"> <li>1. Better alignment between all work programmes ensuring that matters of public interest are prioritised for Scrutiny</li> <li>2. Focus on strategic matters → Council Plan and transformation priorities, outcomes and risks</li> <li>3. Scrutiny arrangements that are aligned; an effective contribution to our governance arrangements.</li> </ol> <p><b>(better decisions)</b></p>



Theme	How	Impact
<b>Scrutiny panels</b>	<ul style="list-style-type: none"> <li>• Work programmes in place for the 3 panels</li> <li>• Expert input to support the Finance Panel (CIPFA Wales)</li> <li>• Assessment of children's services improvement panel by Care Inspectorate Wales</li> <li>• Assessment of panels by Wales Audit Office.</li> </ul>	<ol style="list-style-type: none"> <li>1. Clear focus for the work of the panels</li> <li>2. Model of working that focuses on smaller groups → good attendance, Members developing a level of subject knowledge and "expertise", teamwork and sense of ownership</li> <li>3. In-depth scrutiny of key issues.</li> </ol> <p><b>(better decisions)</b></p>
<b>Public Services Board (PSB)</b>	<p>Sound foundation in place to further develop the work programme of the Partnership &amp; Regeneration Scrutiny Committee.</p> <p>Aim: scrutinise the Public Services Board and partnership working in accordance with national guidance.</p>	<p>Early signs of emerging evidence → local structure in place which is fit for purpose; increase in Member confidence; discussions with Gwynedd Council on the possibility of establishing a joint panel to scrutinise the PSB</p> <p>Compliance with national guidance</p> <p><b>(better engagement)</b></p>
<b>Scrutiny template</b>	<p>A revised report template is currently being piloted and will be rolled out during the latter part of 2019.</p>	<p>Clarity of Scrutiny role → concise objectives, clear scrutiny questions, compliance with the requirements of the Wellbeing of Future Generations (Wales) Act 2015.</p> <p><b>(better decisions)</b></p>
<b>Wellbeing of Future Generations</b>	<p>5 ways of working underpins the scrutiny questioning strategy.</p>	<p>Place the 5 ways of working at the centre of the Member Scrutiny function.</p> <p><b>(better outcomes)</b></p>
<b>Self-assessment of our Scrutiny arrangements</b>	<ul style="list-style-type: none"> <li>• Members and Senior Leadership Team complete a self-assessment as part of our work in measuring the outcomes and impact of Scrutiny activity in the Council</li> <li>• Self-assessment by</li> </ul>	<p>A local measure of the outcomes and impact of Scrutiny as a tool for continuous improvement</p> <p>Ownership by Members of the Scrutiny improvement journey</p> <p>The work programmes of the panels continue to align with corporate priorities</p>

Theme	How	Impact
	Members serving on the scrutiny panels	<i>(better decisions, better outcomes)</i>

#### 4.4 Self-assessment of Scrutiny effectiveness

Our work around measuring the outcomes and impact of Scrutiny practice in the Council has also included some survey work with Members again this year, through small group discussions using some core questions as a framework. This year we have also captured the views of Executive Members and the Senior Management Team.

##### Self-assessment core questions:

- What were the highlights in Scrutiny during the past year?
- In your opinion, what impact did Scrutiny have during 2018/19 in supporting the Executive to make effective decisions?
- Are there any aspects that could be improved or delivered more effectively in the future?
- What development needs do you have to support you in the role?
- Any general observations on the influence and / or impact on the work of Scrutiny Members in the decision making processes?

##### What our Members had to say...

###### A. Scrutiny Members

All of our Scrutiny Members took part in the self-assessment. Below is a flavour of what our Members had to say. The findings of this exercise have fed into our improvement priorities for 2019/20:

#### LOOKING BACK

One of the highlights for me has definitely been scrutinising the Schools Modernisation Programme, looking at the pros and cons and assisting the Executive to move the programme forward after looking at the strengths and weaknesses of the plan

We definitely supported the Executive in making effective decisions by having them scrutinised. An example would be budget planning for the following year. Our role is to question and evaluate their reports prior to adoption and in my opinion this works well most of the time

The strengthened arrangements for reporting to the Executive is adding value to our governance arrangements

Overall, I feel that Scrutiny has vastly improved though we still have room for improvement



We have completed some very good Scrutiny work in our panels. As Members we have been able to focus on specific areas. The new structure is working well and we have had positive feedback from our regulators

Scrutinising some of our key partnerships has been a highlight for me during 2018/19. This work needs to continue

Our training and development programme has been excellent. The external expert advice and mentoring

I am a member of the Schools Scrutiny Panel and appreciate the opportunity to meet with head teachers, chairs of governors and representatives of GwE in order to monitor our schools' performance.

## LOOKING FORWARD

Some reports submitted to Scrutiny are lengthy and not always easy to read. Summaries focusing on the key issues would help us, but this may be a challenge with complex issues

Monthly briefing sessions are excellent and should continue. They provide us with a lot of background information to help us in scrutiny committee meetings

Although a challenge due to our size, there should be capacity for committees to do some work independent of the Executive forward work programme

Finance feeds into most matters before Scrutiny and I would benefit from further financial management training

It is important that Scrutiny continues to hear the voices of communities and other interested parties across the spectrum of issues we consider

In moving forward, attendance at pre-meetings needs to further improve and we need to understand why so that we may create the conditions to support good attendance

A balance of items between both scrutiny committees would enable us to further improve

Being able to visit a County similar to us would enable us to further improve locally

Welsh Government sees joint working across Councils as a priority. The structure for scrutinising regionally delivered services should be clarified

Continuous professional development re Scrutiny once or twice a year would be good

B. Executive Members

All Members of the Executive participated in the self-assessment. Below is a summary of their comments:

The work of the scrutiny panels was without a doubt one of the highlights during 2018/19. They have matured significantly over the last year and have become an effective way of scrutinising and also developing Member expertise

We had a number of recommendations from the scrutiny committees on matters of strategic priority to the Council

There is good experience amongst our Members and real potential in Scrutiny to make a difference

The arrangements for regular reporting to the Executive on recommendations of the scrutiny committees have strengthened, which is to be welcomed

Hearing the voice of communities and other stakeholders is an important part of our work as a Council. The scrutiny committees enabled the voices of communities to be directly heard, in order to shape recommendations to the Executive

We must demonstrate an appreciation of the contribution made by Scrutiny Members. We are a small Authority but contribute a lot

Ensuring a balance of work programmes across both committees will enable us to further strengthen our scrutiny arrangements

Creating the conditions for the scrutiny committees to further refine evidence based recommendations to the Executive will enable us to increase the impact of scrutiny



C. Senior Leadership Team

Comments were received from the Senior Leadership Team as part of the self-assessment:

Confirmation by Wales Audit Office of the success of Scrutiny is to be welcomed

A significant contribution has been made by Scrutiny towards the Council's success

The committees have influenced our work through a range of reports and recommendations. In particular in Children's Services by shaping our development programme and through receiving progress updates on our services

The role of Scrutiny has been essential to Social Services over the past year. Through the structure, the Service has been able to receive feedback and challenge on our plans

Scrutiny has examined specific aspects of our work in Adults Services including learning disability, complaints and our partnerships

On the whole, Scrutiny had a positive impact in examining matters of corporate priority. Examples of good, informed questioning by Members

## 5.0 LOOKING FORWARD TO 2019/20

5.1 The Authority will continue on the next stage of its improvement journey and the following key areas have been prioritised in the recently published development programme for action over the coming months:

## KEY SCRUTINY DEVELOPMENT AREAS

Theme	How	Desired Outcome <sup>6</sup>
<b>Vision</b>	Continue to mainstream our Scrutiny vision	<b><i>Better outcomes</i></b>
<b>Member Development and Support</b>	<p>a. Further develop the bespoke rolling programme in place to support and develop Scrutiny Members – focus on self-evaluation; chairing skills; scrutiny of performance data; financial scrutiny; information technology matters; E-learning</p> <p>b. Convene short, regular briefing/ development / review sessions with Scrutiny Members</p>	<b><i>Better decisions</i></b>
<b>Scrutiny Panels</b>	<p>Review the work of the panels to ensure:</p> <ul style="list-style-type: none"> <li>• clear, robust work programmes</li> <li>• appropriate pace and focus</li> <li>• areas of focus in accordance with corporate priorities</li> </ul>	<b><i>Better decisions</i></b>
<b>Citizen Engagement in our Scrutiny work</b>	Build upon our initial work by formalising inputs into subjects of public interest from existing stakeholder groups who work with the Council	<b><i>Better engagement</i></b>
<b>Wellbeing of Future Generations</b>	Clarify the role of Scrutiny by further developing the Scrutiny report template and Scrutiny key questions	<b><i>Better outcomes</i></b>
<b>Public Services Board and partnership working</b>	<ul style="list-style-type: none"> <li>• Develop the work programme of the Partnership and Regeneration Scrutiny Committee to scrutinise the Public Services Board and effectiveness of partnerships in accordance with national guidance</li> <li>• Hold discussions with Gwynedd Council on the possibility of establishing a joint panel to scrutinise the Public Services Board</li> </ul>	<b><i>Better engagement</i></b>

<sup>6</sup> Outcomes and Characteristics for Effective Local Government Overview and Scrutiny – Good Scrutiny? Good Question! Wales Audit Office, 2014

Theme	How	Desired Outcome <sup>6</sup>
<b>Innovative models of Member Scrutiny</b>	Consider more innovative methods of undertaking Scrutiny activity	<b><i>Better decisions, better outcomes, better engagement</i></b>
<b>Self-assessment of our local Scrutiny arrangements</b>	Self-assessment exercises completed by Members: <ul style="list-style-type: none"> <li>• as part of the process of preparing the Scrutiny Annual Report</li> <li>• to assess the outcomes and impact of our scrutiny panels</li> </ul>	<b><i>Better outcomes</i></b>

## 6.0 CONTACT SCRUTINY

6.1 To find out more about scrutiny in Anglesey or to give your views please contact:

Scrutiny Unit,  
Isle of Anglesey County Council,  
Council Offices.  
Llangefni.  
Anglesey.  
LL777TW

Anwen Davies	Scrutiny Manager (leading on supporting the Corporate Scrutiny Committee)	(01248) 752578 <a href="mailto:AnwenDavies@ynysmon.gov.uk">AnwenDavies@ynysmon.gov.uk</a>
Geraint Wyn Roberts	Scrutiny Officer (leading on supporting the Partnership and Regeneration Scrutiny Committee)	(01248) 752039 <a href="mailto:GeraintRoberts@ynysmon.gov.uk">GeraintRoberts@ynysmon.gov.uk</a>

OVERVIEW AND SCRUTINY  
ANNUAL REPORT: 2018-2019

APPENDICES



## WHAT IS OVERVIEW AND SCRUTINY? National policy context

### **National context:**

Scrutiny committees form part of the way in which local government in Wales operates. As well as establishing a decision making executive, the Local Government Act 2000 requires one or more scrutiny committees. Their primary role is to hold decision-makers to account, drive improvement, act as the voice of the community and play a role in policy development and review.

The Centre for Public Scrutiny (CfPS)<sup>7</sup> advocates four key principles in support of effective Member scrutiny:

- i. Provide “critical friend” challenge to executive policy makers and other decision makers
- ii. Enable the voice and concerns of the public and its communities to be heard
- iii. Be carried out by “independent minded governors” who lead and own the scrutiny process
- iv. Is evidence based and drives improvement in public services.

In January 2017, the Welsh Government published a White Paper entitled “Reforming Local Government: Resilient and Renewed”. The White Paper sought views on proposals for mandatory regional working to deliver a range of services, address workforce issues and implement electoral reform. Welsh Government published a subsequent Green Paper<sup>8</sup> last year explaining its ambitions and proposes a statement of intent for a stronger and more empowered local government in Wales. These proposals set out an approach for the future of local government “to deliver stronger, more resilient and sustainable public services with democratic accountability at its core”<sup>9</sup>. It is anticipated that specific proposals will also be developed relating to Member scrutiny functions both within the local context and also in holding to account services delivered through regional arrangements. It will therefore be necessary for us to continually develop our local scrutiny framework and arrangements in response to the proposed new legislation and evolving national policy context. The Local Government Bill is anticipated later this year.

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<sup>7</sup> Good Scrutiny Guide, Centre for Public Scrutiny 2004

<sup>8</sup> Strengthening Local Government: Delivering for people (20 March, 2018)

<sup>9</sup> Strengthening Local Government: Delivering for people (20 March, 2018, p.2)

### REMIT AND MEMBERSHIP OF OUR SCRUTINY COMMITTEES

The overview and scrutiny function at the Isle of Anglesey County Council continues to be delivered through a structure comprising of two parent scrutiny committees - Corporate Scrutiny Committee and the Partnership and Regeneration Scrutiny Committee.

#### Corporate Scrutiny Committee

##### Remit:

- The focus of work of the Corporate Scrutiny Committee is to provide assurance regarding the performance and delivery of all services; ensure the council achieves its corporate and service objectives (as outlined in the Corporate Plan, Annual Budget, Budget and Policy Framework, Performance Management Framework, Corporate Policies or their successor plans and policies); and to support and make recommendations for continuous improvement
- Members of the Corporate Scrutiny Committee hold preparation meetings in advance of every committee in order to prepare and focus discussion at the formal meetings of the committee. This is regarded as good practice and it is intended to continue with these arrangements in 2019/20.











##### Membership

- The Corporate Scrutiny Committee is chaired by Councillor Aled Morris Jones and supported by Vice Chair Councillor Dylan Rees. Ten Elected Members sit on the committee<sup>10</sup> with provision for 4 co-opted members:

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<sup>10</sup> Councillor membership of the Scrutiny Committees reflect the political balance of the Council

## Membership of the Corporate Scrutiny Committee

	<b>Name</b>	<b>Ward</b>	<b>Political Party/Group</b>		<b>Name</b>	<b>Ward</b>	<b>Political Party/Group</b>
	Cllr Aled Morris Jones ( Chair)	Twrcelyn	Anglesey Independents		Cllr Dylan Rees (Vice-chair)	Canolbarth Môn	Plaid Cymru
	Cllr Lewis Davies	Seiriol	Plaid Cymru		Cllr John Griffith	Talybolion	Plad Cymru
	Cllr Alun Roberts	Seiriol	Plaid Cymru		Cllr Nicola Roberts	Canolbarth Môn	Plaid Cymru
	Cllr Richard Griffiths	Twrcelyn	The Independent Group		Cllr Richard O Jones	Twrcelyn	The Independent Group
	Cllr J Arwel Roberts	Ynys Gybi	Wales Labour Party		Cllr Bryan Owen	Bro Aberffraw	Anglesey Independents

Members of the Corporate Scrutiny Committee during part of 2018-2019	
Cllr Trefor Lloyd Hughes	Cllr Shaun Redmond
	

## **PARTNERSHIP AND REGENERATION SCRUTINY COMMITTEE**











### **Remit:**

- The primary focus of the Partnership and Regeneration Scrutiny Committee is to ensure that the interests of the citizens of the Island are promoted, and that best use is made of Council resources, in line with the Council's priorities, that demonstrate added value from working with partners. The remit of the committee includes regional and national arrangements as well as local arrangements
- The committee is also the nominated Crime and Disorder Committee dealing with crime and disorder matters, as required under Section 19 and 20 of the Police and Justice Act 2006. It is also the designated committee for scrutinising the work of the Ynys Môn and Gwynedd Public Services Board
- The Committee has introduced a practice of holding briefing meetings with members prior to each formal scrutiny committee meeting. This is regarded as good practice and it is intended to continue with these arrangements in 2019/20.

### **Membership:**

- The Partnership and Regeneration Scrutiny Committee was chaired by Councillor Gwilym Jones and supported by Vice Chair Councillor Robert Llewelyn Jones. Ten members also sit on this committee with provision for 4 co-opted members:

## Membership of the Partnership and Regeneration Scrutiny Committee

	<b>Name</b>	<b>Ward</b>	<b>Political Party/Group</b>		<b>Name</b>	<b>Ward</b>	<b>Political Party/Group</b>
	Cllr Gwilym O Jones (Chair)	Llifon	The Independent Group		Cllr Robert Llewelyn Jones (Vice- chair)	Caergybi	Anglesey Independents
	Cllr Dafydd Roberts	Bro Rhosyr	The Independent Group		Cllr Vaughan Hughes	Lligwy	Plaid Cymru
	Cllr Alun Roberts	Seiriol	Plaid Cymru		Cllr Margaret Roberts	Lligwy	Plaid Cymru
	Cllr Nicola Roberts	Canolbarth Môn	Plaid Cymru		Cllr Trefor Lloyd Hughes	Ynys Gybi	Plaid Cymru
	Cllr Kenneth P Hughes	Talybolion	Anglesey Independents		Cllr Glyn Haynes	Caergybi	Labour Party

Member of the Partnership and Regeneration Scrutiny Committee during part of 2018-2019

Cllr Robin Williams



Our scrutiny committees can undertake their work in one of the following ways:

- Consider a topic during a formal meeting
- Consider a topic in more detail by establishing a scrutiny outcome panel OR
- Conduct informal sessions on a particular area of policy.

Again during 2018/19, the scrutiny committees were aware of the need to seek to focus their work on outcomes and within the Wales Audit Office framework of characteristics and outcomes for effective local government overview and scrutiny<sup>11</sup>:

- Better outcomes
- Better decisions
- Better engagement

This best practice framework is summarised in **APPENDIX 4** to this report.

**Call-in of decisions:** Scrutiny committees can “call-in” a decision taken by either the Executive, Portfolio Holder or an officer to whom the Executive has been delegated with a specific decision making power. The scrutiny committees only exercise a “call-in” when there is good reason to do so (through a Test of Significance), and during 2018/19 this was exercised 3 times, by the Corporate Scrutiny Committee. The Corporate Scrutiny Committee called in the following decisions made by the Executive / Portfolio Holder:

**1. Executive Decisions**

- Modernisation of Schools in the Llangefni area (Y Graig and Talwrn) (August, 2018)
- Modernisation of Schools in the Seiriol area (August, 2018)

**2. Portfolio Holder Decision**

- Recommendation to sell former Ysgol Llaingoch (accepting the highest offer) (September, 2018).

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<sup>11</sup> Good Scrutiny? Good Question!, Wales Audit Office, 2014

### WALES AUDIT OFFICE REVIEW OF SCRUTINY

The Wales Audit Office undertook a national review of scrutiny during 2017/18 with fieldwork in all local authority areas. The purpose of the review was threefold:

- Explore how 'fit for the future' our scrutiny arrangements are and how well placed we are to respond to future challenges (including continued pressure on public finances and possible move towards regional working between Councils)
- Scrutiny of the Public Services Board
- Wellbeing of Future Generations and how we are responding in relation to our scrutiny work.

Evidence gathering and fieldwork by the Wales Audit Office in respect of the Council's Scrutiny arrangements was completed in the Spring, 2018. The report on our local arrangements was published in October, 2018.

## Outcomes and Characteristics for Effective Local Government Overview & Scrutiny<sup>12</sup>

Outcome <i>What does good scrutiny seek to achieve?</i>	Characteristics <i>What would it look like? How could we recognise it?</i>
<p><b>1. Democratic accountability drives improvement in public services.</b></p> <p><i>“Better Outcomes”</i></p>	<p><b>Environment</b></p> <ul style="list-style-type: none"> <li>i) Overview &amp; scrutiny has a clearly defined and valued role in the council's improvement and governance arrangements.</li> <li>ii) Overview &amp; scrutiny has the dedicated officer support it needs from officers who are able to undertake independent research effectively, and provides councillors with high-quality analysis, advice and training.</li> </ul> <p><b>Practice</b></p> <ul style="list-style-type: none"> <li>iii) Overview &amp; scrutiny inquiries are non-political, methodologically sound and incorporate a wide range of evidence and perspectives.</li> </ul> <p><b>Impact</b></p> <ul style="list-style-type: none"> <li>iv) Overview &amp; scrutiny regularly engages in evidence based challenge of decision makers and service providers.</li> <li>v) Overview &amp; scrutiny provides viable and well evidenced solutions to recognised problems.</li> </ul>
<p><b>2. Democratic decision making is accountable, inclusive and robust.</b></p> <p><i>“Better decisions”</i></p>	<p><b>Environment</b></p> <ul style="list-style-type: none"> <li>i) Overview &amp; scrutiny councillors have the training and development opportunities they need to undertake their role effectively.</li> <li>ii) The process receives effective support from the council's corporate management team who ensures that information provided to overview &amp; scrutiny is of high quality and is provided in a timely and consistent manner.</li> </ul> <p><b>Practice</b></p> <ul style="list-style-type: none"> <li>iii) Overview &amp; scrutiny is councillor-led, takes into account the views of the public, partners and regulators, and balances the prioritisation of community concerns against issues of strategic risk and importance.</li> </ul>

<sup>12</sup> Good Scrutiny? Good Question! Wales Audit Office, 2014



	<p>iv) Overview &amp; scrutiny meetings and activities are well-planned, chaired effectively and make best use of the resources available to it.</p> <p><b>Impact</b></p> <p>v) Decision makers give public account for themselves at overview &amp; scrutiny committees for their portfolio responsibilities.</p>
<p><b>3. The public is engaged in democratic debate about the current and future delivery of public services.</b></p> <p><b><i>“Better engagement”</i></b></p>	<p><b>Environment</b></p> <p>i) Overview &amp; scrutiny is recognised by the executive and corporate management team as an important council mechanism for community engagement, and facilitates greater citizen involvement in governance.</p> <p><b>Practice</b></p> <p>ii) Overview &amp; scrutiny is characterised by effective communication to raise awareness of, and encourage participation in democratic accountability.</p> <p>iii) Overview &amp; scrutiny operates non-politically and deals effectively with sensitive political issues, tension and conflict.</p> <p>iv) Overview &amp; scrutiny builds trust and good relationships with a wide variety of internal and external stakeholders.</p> <p><b>Impact</b></p> <p>v) Overview and scrutiny enables the 'voice' of local people and communities across the area to be heard as part of decision and policy-making processes.</p>

### **A vision for delivering effective scrutiny in Isle of Anglesey County Council**

#### **Vision**

Scrutiny in Anglesey aims to secure better outcomes for citizens and communities and add to the effectiveness of the Council by helping make public services more transparent, inclusive, accountable and cost effective.

#### **Guiding Principles for Scrutiny in Anglesey**

- Scrutiny is characterised by an atmosphere of mutual trust, co-operation and shared responsibility for achieving the best outcomes for local communities.
- Non-Executive Members are non-political in carrying out their support and challenge roles.
- Scrutiny activity directly broadens the evidence base upon which decisions and programmes of transformational change are predicated by providing a view on how proposals are likely to resonate with local communities.
- Non-Executive Members help ensure that a strategic, long term approach is taken when major service reconfiguration is being considered by providing constructive challenge in testing assumptions, examining risks and challenging how resources are prioritised.

#### **Our Values**

#### **Overview and Scrutiny in Anglesey....**

- Is 'forward and outward' and proactive rather than 'inwards and reactive'
- Has a clearly defined and valued role in the council's improvement and governance arrangements
- Is non-political, methodologically sound and incorporates a wide range of evidence and perspectives including those from strategic partners, regulators and the public.
- Is led by councillors who have the training and development opportunities they need to undertake their role effectively.
- Receives effective support from the council's senior leadership team who ensures that information provided to overview and scrutiny is of high quality and is provided in a timely and consistent manner.
- Takes into account concerns expressed at ward level in a non-parochial way when managing its forward work programme.
- Is well planned, chaired effectively and makes best use of the resources available to it.
- Is recognised by the executive and senior leadership team as an important council mechanism for community engagement, and facilitates greater citizen involvement in governance.
- Builds trust and positive relationships with a wide variety of internal and external stakeholders.

<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>Report to:</b>	<b>Audit and Governance Committee / County Council</b>
<b>Date:</b>	<b>23 April 2019 / 14 May 2019</b>
<b>Subject:</b>	<b>Annual Report of the Audit &amp; Governance Committee 2018/19 – Chair’s Report</b>
<b>Head of Service:</b>	<b>Marc Jones, Head of Function (Resources) / S151 Officer 01248 752601 <a href="mailto:MarcJones@ynysmon.gov.uk">MarcJones@ynysmon.gov.uk</a></b>
<b>Report Author:</b>	<b>Marion Pryor, Head of Audit and Risk 01248 752611 <a href="mailto:MarionPryor@ynysmon.gov.uk">MarionPryor@ynysmon.gov.uk</a></b>
<b>Nature and Reason for Reporting:</b> The Audit and Governance Committee is required to report to ‘those charged with governance’ (the County Council) an assessment of its performance on its activities during the year to demonstrate how the Committee has discharged its responsibilities.	

## 1. Introduction

- 1.1. This report details the activities of the Audit and Governance Committee during 2018/19.

## 2. Recommendation

- 2.1. That the Audit and Governance Committee endorses the Annual Report of the Audit and Governance Committee for 2018/19 prior to its submission to the meeting of the County Council on 14 May 2019.

## 3. Background Information

- 3.1. The Audit and Governance Committee is a statutory Committee of the Council. It is a key component of the Council’s governance framework providing independent and high level resource to support good governance and strong public financial management.
- 3.2. The Committee provides, to those charged with governance, independent assurance on the adequacy of the governance and risk management frameworks, the internal control environment, and the integrity of the financial reporting. By overseeing internal and external audit and other regulators, it makes an important contribution to ensuring that effective assurance arrangements are in place.

## **4. Governance**

- 4.1. The core functions of an audit committee are to be satisfied that the authority's assurance statements, including the annual governance statement, properly reflect the risk environment and any actions required to improve it, and demonstrate how governance supports the achievement of the authority's objectives.
- 4.2. The Committee received the draft Statement of Accounts for 2017/18 prior to its review by External Audit at its meeting of 27 June 2018. At its meeting of 19 September 2018, the Committee approved the Annual Governance Statement for 2017/18 and referred the document to the Leader of the Council and the Chief Executive, as statutorily required.
- 4.3. Other governance documents received during the year included:
  - the Information Governance Annual Report of the Senior Information Risk Owner for 2017/18, which provided the Committee with assurance of the effectiveness of the Council's arrangements for Information Governance
  - the Head of Function (Council Business) / Monitoring Officer's report of Concerns, Complaints and Whistleblowing for 2017/18, which provided the Committee with reasonable assurance that the Council is compliant with the processes required under its Concerns and Complaints Policy and Whistleblowing Policy/Guidance
  - a report regarding Policy Acceptance, which detailed the first year's compliance data since the implementation of the Policy Portal, which provided the Committee with assurance that individual members of staff are reading, understanding and formally accepting key Information Governance policies;
  - the Annual Corporate Health and Safety Report for 2017/18, which provided the Committee with assurance that the Council has appropriate arrangements for healthy and safety matters.

## **5. Risk Management**

- 5.1. In relation to risk management, the core functions of an audit committee are to consider the effectiveness of the authority's risk management arrangements and the control environment, reviewing the risk profile of the organisation and assurances that management is taking action on risk-related issues, including partnerships and collaborations with other organisations.
- 5.2. In addition, the Local Government Measure (Wales) 2011 includes a requirement for local authorities to appoint a Committee with responsibility to review and assess the risk management, internal control and corporate governance arrangements of the Council. The Audit and Governance Committee's terms of reference also charge it with fulfilling these requirements.

- 5.3. The Committee took assurance from the Council's insurers Zurich Municipal (ZM), who undertook an independent Risk Management Health Check during November 2018, and concluded that risk management was at a 'Managed' level (level 3) in the Council, within the five levels of maturity in the Performance Model used. The Head of Audit and Risk has developed an Action Plan to address the observations and recommendations raised by ZM.
- 5.4. The Committee has continued to support the development of the Risk Management framework within the Council during the year and considered the Council's corporate risks on 19 September 2018 and 12 February 2019.

## **6. Financial Statements**

- 6.1. In relation to financial statements, the Committee's core function is to review the financial statements, external auditor's opinion and reports to members, and monitor management action in response to the issues raised by external audit.
- 6.2. The Committee accepted and noted the draft pre-audit Statement of Accounts for 2017/18 at its meeting of 27 June 2018.
- 6.3. On 19 September 2018, the Engagement Lead for Wales Audit Office reported the Auditor General's intention to issue an unqualified audit report on the financial statements subject to the satisfactory completion of outstanding work and receipt of the Council's Letter of Representation.
- 6.4. Consequently, the Committee resolved to recommend acceptance of the 2017/18 Statement of Accounts to the County Council.

## **7. Treasury Management**

- 7.1. The audit committee also supports the Council by undertaking a wider role in reviewing and monitoring treasury management arrangements in accordance with Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes (CIPFA, 2017).
- 7.2. In accordance with its terms of reference and the CIPFA Code of Practice for Treasury Management in Public Services (2011), the Committee considered the Annual Treasury Management Review of Activities Report for 2017/18. The Head of Function (Resources) presented the report for the Committee's consideration and scrutiny in line with regulations under the Local Government Act 2003 and the Council's Treasury Management Scheme of Delegation for 2017/18 on 24 July 2018.
- 7.3. The Committee also received a mid-year report on Treasury Management at its meeting of 4 December 2018 to monitor developments and trends.
- 7.4. The Committee scrutinised the Council's Treasury Management Strategy Statement for 2019/20 on 12 February 2019. The Committee resolved to accept the Treasury

Management Strategy Statement for 2019/20 and to recommend the Statement to the Executive without additional comments.

- 7.5. As part of the scrutiny of the above reports, the Committee reviewed the Council's risk exposure and its ability to manage risk in relation to its Treasury Management activities.

## **8. Internal Audit**

- 8.1. In relation to the authority's internal audit functions, the Committee's core function is to oversee its independence, objectivity, performance and professionalism, support the effectiveness of the internal audit process and promote the effective use of internal audit within the assurance framework.
- 8.2. It also has a role in supporting effective relationships between external audit and internal audit, inspection agencies and other relevant bodies, and encouraging the active promotion of the value of the audit process.
- 8.3. The Committee received the Head of Audit and Risk's Internal Audit Annual Report 2017/18 at its meeting of 27 June 2018. The Committee resolved to accept the Head of Audit and Risk's overall audit opinion in relation to the adequacy and effectiveness of the Council's framework of governance, risk management and control for the year ending 31 March 2018.
- 8.4. The Committee approved minor amendments to the Internal Audit Charter at its meeting of 19 September 2018.
- 8.5. The Committee approved the Internal Audit Strategy and Annual Audit Plan for 2019/20 at its meeting of 12 February 2019.
- 8.6. The Head of Audit and Risk reported outcomes of each audit assignment to each of the Committee's regular meetings as part of the internal audit update report. The reports also included the progress of services in implementing management actions to address 'Issues/Risks' raised by Internal Audit and, at six-monthly intervals, the Committee received a detailed report of all the outstanding 'Red' and 'Amber' rated 'Issues/Risks' raised by Internal Audit.

## **9. External Audit**

- 9.1. The core functions of an audit committee are to consider the reports and recommendations of external audit and inspection agencies and their implications for governance, risk management or control.
- 9.2. The Auditor General for Wales is the statutory external auditor of the Council. The Auditor General's role includes examining how the Council manages and spends public money, including how it achieves value in the delivery of public services and on how well the Council plans for improvement.

- 9.3. The Wales Audit Office, on behalf of the Auditor General, undertakes the Performance Work. The Performance Audit Lead reported to the 24 April 2018 meeting on its work in relation to its Annual Improvement Report 2017/18, including a summary of local reports, progress and planned publication and current and planned Wales Audit Office work nationally as well as Isle of Anglesey County Council specific.
- 9.4. The Wales Audit Office reported to the 19 September 2018 meeting that the Council is likely to comply with the requirements of the Local Government Measure (2009) during 2018/19 in relation to making arrangements to secure continuous improvement. It also confirmed that no reviews of the Council by Estyn or the Care Inspectorate Wales had taken place during the period covered by the report.
- 9.5. The Wales Audit Office presented external audit reports on Wylfa Newydd Readiness and its impact on corporate capacity to the 27 June 2018 meeting and a report on 'The Service User Perspective – The Welsh Housing Quality Standard' to the 19 September 2018 meeting. It also reported to the 14 December 2018 meeting on the outcome of a review of the Council's scrutiny arrangements - 'Overview of Scrutiny – Fit for the Future?'
- 9.6. Deloitte, on behalf of the Auditor General, undertakes the financial audit work. It reported its intention to issue an unqualified audit report on the financial statements for 2017/18 to the 19 September 2018 meeting.
- 9.7. The External Audit Annual Letter for 2017/18 along with the notice of the certification of the completion of the audit of the 2017/18 accounts was presented to the 12 February 2019 meeting for information.
- 9.8. The Committee has received and considered regular update reports from the Wales Audit Office and Deloitte. This is an important aspect of the Committee's business to ensure that the Council considers all external reports, by either the Audit and Governance Committee or one of the Scrutiny Committees, and that it is taking appropriate action.

## **10. Countering Fraud and Corruption**

- 10.1. In December 2018, the Head of Audit and Risk provided the Committee with two reports relating to fraud; the first provided assurance that the Council had minimised its exposure to fraud in relation to concessionary travel, and the second provided details about the National Fraud Initiative exercise conducted by Wales Audit Office on behalf of the Cabinet Office. It detailed the work that Internal Audit would conduct to identify potentially fraudulent or erroneous claims and transactions.

## **11. Frequency of Meetings**

- 11.1. To discharge its responsibilities effectively the Committee should meet regularly – at least four times a year, and have a clear policy on those items it will consider in private and those it will consider in public.

- 11.2. The Committee's terms of reference require it to meet a minimum of four times per year. During the year, the Committee met formally on six occasions. The membership and attendance at meetings during 2017/18 is at [Appendix A](#).
- 11.3. The Committee's terms of reference provide for it to meet privately and separately with the external auditor and the Head of Audit and Risk if required, although there was no such requirement during 2018/19.

## **12. Structure and Membership**

- 12.1. The Committee is independent of both the executive and the scrutiny functions and includes an independent member as required by legislation. It has clear rights of access to other committees/functions, and is directly accountable to the Council.
- 12.2. The Committee consists of eight members of the Council, which are politically balanced, plus a maximum of two co-opted Lay Members appointed by the Committee. The two co-opted Lay Members' tenure commenced in June 2017. Membership is objective, independent of mind, knowledgeable and has a mix of expertise.
- 12.3. Members are supportive of good governance principles and their practical application towards the achievement of organisational objectives. Members have unbiased attitudes and treat auditors, the executive and management fairly and have the ability to challenge the executive and senior managers when required.
- 12.4. At its meeting of 15 May 2018, the Committee elected Councillor Peter S Rogers as its Chairperson and Councillor Robert Llewelyn Jones as its Vice-Chairperson.
- 12.5. The Head of Function (Resources) / Section 151 Officer and the Head of Audit and Risk also attend every meeting of the Committee. The Chief Executive, and Head of Function (Council Business) / Monitoring Officer, and the appointed external auditor all regularly attend. These officers are able to access the Committee, or the Chair, as required

## **13. Terms of Reference**

- 13.1. Good practice suggests that committees should periodically review their terms of reference for appropriateness. The Audit and Governance Committee reviewed its terms of reference in February 2015, with approval granted by the Executive in April and the County Council in May 2015.
- 13.2. The Committee approved postponement of review of its terms of reference until the publication of new Chartered Institute of Public Finance and Accountancy (CIPFA) guidance.
- 13.3. In May 2018, CIPFA fully revised and updated its guidance to take into account the legislative changes and professional developments that have affected the public sector including the introduction of the new Delivering Good Governance in Local Government Framework (CIPFA/Solace, 2016). The revised guidance updates the



core functions of the audit committee in relation to governance, risk management, internal control and audit.

- 13.4. CIPFA also updated the audit committee role in relation to counter-fraud to reflect the Code of Practice on Managing the Risk of Fraud and Corruption.
- 13.5. The Committee at its meeting on 19 September 2018 endorsed the revised Terms of Reference, which the Executive approved on 29 October 2018 and County Council adopted on 11 December 2018.

#### **14. Effectiveness**

- 14.1. The Committee has worked within its current terms of reference, which includes the requirements of the Local Government (Wales) Measure 2011 in relation to the role of the Audit and Governance Committee in monitoring risk management, governance and internal control within the Council.
- 14.2. The Committee will conduct a detailed self-assessment against the new CIPFA Audit Committees Practical Guidance for Local Authorities and Police (2018) during 2019/20.
- 14.3. Actions raised by the Committee and their resolution are detailed at [Appendix B](#).
- 14.4. The Committee's Forward Work Programme for 2018/19 is at [Appendix C](#). This is subject to change following the self-assessment of the Committee's effectiveness during 2019/20.

#### **15. Chair's Remarks**

- 15.1. The Chair would like to express his gratitude to the Committee's Members for their attendance and contribution to the work of the Committee during the year.
- 15.2. The Chair would also like to express his gratitude to those Council employees who have attended and contributed to the meetings and, in particular, the Chair takes this opportunity to thank all the staff within the Finance and Internal Audit services whom he has found most helpful.
- 15.3. The Chair takes this opportunity to remind the Council of the importance of the work of the Committee, which is even more relevant in the current economic situation in terms of ensuring that the Council is run in a sound manner and that it obtains value for money.
- 15.4. The Committee is committed to continuing to work with Council employees in supporting continuing improvements in the Council's operations in 2019/20.

**COUNCILLOR PETER S ROGERS**  
**CHAIR OF THE AUDIT & GOVERNANCE COMMITTEE**  
**23 APRIL 2019**

## Appendix A – Frequency of Meetings and Attendance

Members	Meetings						Number of Meetings Attended
	24/04/18	27/06/18	24/07/18	19/09/18	04/12/18	12/02/19	
Cllr Peter S Rogers (Chair)	Yes	Yes	Apologies	Yes	Yes	Yes	5 / 6
Cllr Robert Ll. Jones (Vice-Chair)	Apologies	Yes	Apologies	Yes	Yes	Yes	4 / 6
Cllr John Griffith (former Finance Portfolio Holder)	Apologies (Portfolio Holder)	Yes	Yes	Yes	Yes	Yes	5 / 6
Cllr Richard Griffiths	Yes	Apologies	Apologies	Apologies	Apologies	Yes	2 / 6
Cllr Gwilym O. Jones	Yes	Yes	Yes	Yes	Apologies	Yes	5 / 6
Cllr Dylan Rees	Yes	Yes	Yes	Yes	Yes	Yes	6 / 6
Cllr Alun Roberts	Yes	Apologies		Yes	Yes	Yes	4 / 6
Cllr Margaret M. Roberts	Yes	Yes	Yes	Yes	Yes	Apologies	5 / 6
Cllr Robin Williams (current Finance Portfolio Holder)	Yes	Apologies (Portfolio Holder)	Yes (Portfolio Holder)	Yes (Portfolio Holder)	Apologies (Portfolio Holder)	Apologies (Portfolio Holder)	3 / 6
Mr Dilwyn Evans (Lay Member)	Yes	Yes	Yes	Yes	Yes	Yes	6 / 6
Mr Jonathan Mendoza (Lay Member)	Yes	Yes	Yes	Apologies	Yes	Yes	5 / 6
<b>Total for Committee<sup>1</sup></b>	<b>8</b>	<b>8</b>	<b>5</b>	<b>8</b>	<b>8</b>	<b>9</b>	

<sup>1</sup> In accordance with the Committee's Terms of Reference, the committee will consist of eight elected members and two lay members. Elected members will be politically balanced and will not be members of the Executive, but the Finance Portfolio Holder is required, as far as possible, to attend all meetings of the Committee.

## Appendix B – Progress on Actions Raised by the Committee during 2018/19

Meeting Date Raised	Min. Ref.	Matter Raised	Action Required	Responsibility for Action	Date Action Required	Current Status	RAG Status
27/06/18	3	Statements of Accounts 2017/18 and Annual Governance Statement	The Committee to be provided with information on how the Budget outturn figures in paragraph 3.4.1 of the narrative report are reconciled to the financial statements.	Accountancy Services Manager	Immediate	The Accountancy Services Manager provided the information to the Lay Member following the meeting.	
19/09/18	5	Annual Report: Concerns, Complaints and Whistleblowing 2017/18	<p>To endorse the main messages from the Lessons Learnt Table at Enclosure 1 of the report, namely -</p> <p>That the Audit and Governance Committee reminds all Heads of Service that the Customer Care Charter must be followed when dealing with the public at all times and to ensure regular training and refresher training as required.</p> <p>That from now on a new corporate system is to be</p>	Head of Function (Council Business) / Monitoring Officer	Immediate	Completed	

Meeting Date Raised	Min. Ref.	Matter Raised	Action Required	Responsibility for Action	Date Action Required	Current Status	RAG Status
			implemented whereby services will be required to complete a formal lessons learned log at the end of the complaints process for any complaint upheld or partly upheld.				
19/09/18	10	External Audit: The Service User Perspective – The Welsh Housing Quality Standard - IOACC	The Housing Service to conduct a post-implementation review of the withdrawal of the dedicated site-based warden service at its sheltered housing schemes.	Head of Housing Services	Not specified	Waiting for update.	
04/12/18	4	Internal Audit Progress Update	Head of Audit and Risk to provide the Committee with the following – <ul style="list-style-type: none"> <li>• Data on past and present usage in relation to concessionary travel</li> <li>• Benchmarking data in relation to school meals income collection</li> </ul>	Head of Audit and Risk	Next Committee	Completed. The Head of Audit and Risk provided the information to the February 2019 meeting of the Committee.	

Meeting Date Raised	Min. Ref.	Matter Raised	Action Required	Responsibility for Action	Date Action Required	Current Status	RAG Status
04/12/18	8	Forward Work Programme	It was resolved to note and accept the Forward Work programme subject to the including the 2017/18 Audit Letter as an item for the Committee's February 2019 meeting.	Head of Audit and Risk to update the Forward Work Programme accordingly.	Immediate	Completed	
12/02/19	2	Managing school debt	Head of Audit and Risk to inquire with Councils in Wales where the school-dinner debt level is low what practices they have in place to manage school dinner debt.	Head of Audit and Risk	Immediate	Information obtained from Cardiff Council and Rhondda Cynon Taf CBC and shared with the Learning Service	

Meeting Date Raised	Min. Ref.	Matter Raised	Action Required	Responsibility for Action	Date Action Required	Current Status	RAG Status
12/02/19	3	Corporate Health and Safety Annual Report 2017/18	<p>The Corporate Health and Safety Officer was asked to clarify the following –</p> <p>Whether there are any specific reasons for the increase in the number of physical assaults and whether the upturn reflects an emerging trend</p> <p>The differentiation between the two categories of “Physical Assault by Person” in the Types of Incident Table at Page 6 of the report.</p>	Corporate Health and Safety Advisor	Immediate	The Corporate Health and Safety Advisor is reporting to the April 2019 meeting of the Committee.	

## Appendix C – Forward Work Programme 2019/20

Date	Accounts	Internal Audit	External Audit	Treasury Management	Risk Management	Governance	Other
<b>April 2019</b>		Update Report  Internal Audit Annual Report for 2018/19	Annual Plan 2019  Progress Report				Election of Chairperson and Vice-Chairperson  Annual Report of Committee – Chair’s Report
<b>July 2019</b>	Draft Statement of Accounts & Annual Governance Statement 2018/19	Update Report	Progress Report	Annual Treasury Management Report 2018/19	Annual Review of Risk Management Strategy	Annual Insurance Report 2018/19	
<b>September 2019</b>	Recommend for Approval of Council the Statement of Accounts and Annual Governance Statement	Update Report  Outstanding Internal Audit ‘Issues/Risks’  Review of Internal Audit Charter	Report on Accounts to those charged with Governance (ISA 260)		Review of Corporate Risk Register	Progress made on External Regulatory Reports  Annual Corporate Health and Safety Report 2018/19	Annual Review of the Audit and Governance Committee’s Terms of Reference

Date	Accounts	Internal Audit	External Audit	Treasury Management	Risk Management	Governance	Other
						Annual ICT Security Report 2018/19	
<b>December 2019</b>		Update Report	Progress Report	Scrutiny of Mid-Year Report on Treasury Management Activity in 2019/20			Annual Report on Fraud and Corruption  Annual Review of Audit Committee Effectiveness
<b>February 2020</b>		Internal Audit Strategy 2020/21 for approval  Update Report  Outstanding Internal Audit 'Issues/Risks'	Progress Report	Treasury Management Strategy 2020/21 including Prudential Indicators	Corporate Risk Register	Progress made on External Regulatory Reports	



<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>MEETING:</b>	<b>COUNTY COUNCIL</b>
<b>DATE:</b>	<b>14 MAY 2019</b>
<b>TITLE OF REPORT:</b>	<b>Democratic Services Committee – Annual Report 2018/19</b>
<b>REPORT BY:</b>	<b>Chair of Democratic Services Committee</b>
<b>PURPOSE OF REPORT:</b>	<b>To report on the Work of the Committee during 2018/19</b>

## **1. Introduction**

The Local Government (Wales) Measure 2011 places a duty on the Council to establish a Democratic Services Committee as supported by the Head of Democratic Services.

The main purpose of the Committee is to review the adequacy of provision within the Authority in terms of staff, accommodation and other resources to fulfill the duties and functions of Democratic Services. Under the Measure, the Committee is obliged to meet at least once per annum and to report on such matters to Council.

This is the seventh annual report prepared by the Committee since its establishment in 2012.

## **2. Work Programme of Committee**

This report summarises the issues discussed by the Committee during 2018/19 and also provides commentary on current status.

In general, the Committee has focused on the following areas:

- Member Development and Training Plans
- Webcasting of meetings
- Independent Remuneration Panel Annual Report
- Member related issues including - Wales Charter for Member development and support
- Members Annual Reports
- A total of 5 meetings of the Committee were held during the past 12 months

The table below summarises the issues discussed at each meeting during the past year.

<b>Date of Committee</b>	<b>Subject</b>	<b>Current Status</b>
02/05/2018	Election of Chairman / Election of Vice-Chairman	A special meeting will be held on 14 May, 2019 to elect a Vice-chairman
26/09/2018	Member related issues	<p>The report covered the following matters:</p> <ul style="list-style-type: none"> <li>i) Updated information on the preparations of annual reports noting that 29 of the 30 reports had been received and published on the Council's website.</li> <li>ii) The timetable for resubmitting the Council's self-assessment for the WLGA's Charter for Member Support and Development.</li> <li>iii) Information on Members and co-opted Members enhanced DBS checks.</li> <li>iv) The use of the Modern.gov committee management system for including Members attendance and training records.</li> <li>v) Outside bodies – framework by the Partnership and Regeneration Scrutiny Committee for monitoring key partnerships as part of its work programme.</li> </ul> <p>A further update was submitted to the Committee in March 2019.</p>
	Member Development Plans	A progress report on the training and development plan was considered including e-learning. A further update was submitted to the Committee in March 2019.
	Committee Work Programme	This report summarised matters for consideration by the Committee during 2018/19
27/11/18	Notice of Motion - Webcasting of Scrutiny Committees	The Notice of Motion seeking to extend web casting to Scrutiny Committee was referred to the Committee for

		consideration. The Committee recommended no change to the constitution and this was confirmed by the Council on 11 December, 2019.
	Notice of Motion - Public Participation in meetings	The Notice of Motion sought to amend the Constitution to allow motions proposed by members of the public and supported by 50 signatures of individuals who live on Anglesey to be discussed at full Council. The Committee recommended no change to the Constitution and this was confirmed by the Council on 11 December, 2019.
	Independent Remuneration Panel (IRP) draft report 2019 / 20	This report dealt with recommendations in the draft report and were accepted by the Committee. A further report on the IRP's annual report for 2019/20 was submitted to the Committee on 25 March.
05/03/2019	IRP Annual Report for 2019 /20	The IRP's final report was considered by the Committee. Proposal will be reported to the Council on 14 May, 2019.
	Member Development Strategy 2019 /20	The purpose of this report was to consider the draft Member Development Strategy for approval. The Strategy provides an overarching framework for Member development and learning and details expectations placed on Members to undertake training as part of roles. The Strategy was approved by the Committee.
	Member Development and Training Plan for 2018 /19	This report provided an update on progress in delivering the training and development plan following a report to the Committee in September 2018. The report was accepted by the Committee.
	Member Related Issues	This report provided an update on various Member related issues, following a report to this Committee in September, 2018. The Council has now received confirmation from the WLGA that the submission for renewal of the Member Development Charter status has been approved.

	Member Annual Reports 2018 /19	This report outlined the timetable for completion of annual reports to be published on the Council's website by 30 June, 2019. The report was accepted by the Committee.
02/05/2019	Member Development Programme 2019 / 20	This report outlined the programme of training for Members during 2019/20. The programme will be updated and monitored by this committee. The report was accepted by the committee and recommended for approval by the Council on the 14.5.2019.

**Recommendation:**

The County Council is requested to accept the report and note the matters considered by the Committee during 2018/19

**Chair of Democratic Services Committee  
02/05/2019**

# DDIM I'W GYHOEDDI NOT FOR PUBLICATION

*(TANYSGRIFENNU GEMAU'R YNYSOEDD 2025 /  
UNDERWRITING THE ISLAND GAMES 2025)*

## PRAWF BUDD Y CYHOEDD PUBLIC INTEREST TEST

Paragraff(au) 14 Atodlen 12A Deddf Llywodraeth Leol 1972 Paragraph(s) 14 Schedule 12A Local Government Act 1972	
Y PRAWF – THE TEST	
<p>Mae yna fudd y cyhoedd wrth ddatgan oherwydd / There is a public interest in disclosure as:-</p> <p>Mae'r Cyngor yn agored ac yn dryloyw ynghylch sut mae ei cronfeydd yn cael eu defnyddio.</p> <p>The Council is open and transparent how its funds are being used</p>	<p>Y budd y cyhoedd with beidio datgelu yw / The public interest in not disclosing is:-</p> <p>Mae'r adroddiad sy'n atodol yn cynnwys gwybodaeth fasnachol sensitif a gyflwynwyd gan Bwyllgor Gemau'r Ynysoedd Ynys Môn.</p> <p>The attached report contains commercially sensitive information submitted by the Ynys Môn Island Games Committee.</p>
<p>Argymhelliad: *Mae budd y cyhoedd wrth gadw'r eithriad yn fwy o bwys/<del>Hai o bwys</del> na budd y cyhoedd wrth ddatgelu'r wybodaeth [* dilewch y geiriau nad ydynt yn berthnasol]</p> <p>Recommendation: *The public interest in maintaining the exemption outweighs/<del>does not outweigh</del> the public interest in disclosing the information. [*delete as appropriate]</p>	



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