

Public Document Pack



CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

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RHYBUDD O GYFARFOD	NOTICE OF MEETING	
PWYLLGOR SAFONAU	STANDARDS COMMITTEE	
DYDD MAWRTH, 17 MEDI, 2019 am 2.00 o'r gloch yp	TUESDAY, 17 SEPTEMBER 2019 at 2.00 pm	
YSTAFELL BWYLLGOR 1 SWYDDFEYDD Y CYNGOR LLANGFNI	COMMITTEE ROOM 1 COUNCIL OFFICES LLANGFNI	
Swyddog Pwyllgor	Mrs Shirley Cooke 01248 752514	Committee Officer

Aelodau Annibynnol / Independent Members

Mrs. Denise Harris Edwards
Mr. Islwyn Jones (Is-Gadeirydd/Vice-Chair)
Mrs. Dilys Shaw
Mr. Michael Wilson (Cadeirydd/Chair)
Mr. John Robert Jones

Yn cynrychioli'r Cyngor Sir / Representing the County Council

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

Yn cynrychioli'r Cynghorau Tref/Cymuned / Representing the Town/Community Councils

Mr. Keith Roberts
Mr. Iorwerth Roberts

A G E N D A

1 DECLARATION OF INTEREST

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

2 APPOINTMENT OF FOUR NEW CO-OPTED MEMBERS AND ONE ELECTED MEMBER TO THE STANDARDS COMMITTEE (Pages 1 - 4)

A copy of the report presented by the Chair of the Standards Committee's Selection Panel to the Isle of Anglesey County Council on 10th September, 2019.

3 MINUTES OF MEETING (Pages 5 - 16)

To confirm the draft minutes of the meeting held on 13 March 2019, including matters arising.

4 MEMBER DEVELOPMENT AND TRAINING (Pages 17 - 30)

A report by the Human Resources Development Manager on Member training.

5 MEMBER RELATED ISSUES (Pages 31 - 32)

A report by the Head of Democratic Services to provide an update on various Member related issues.

6 CONDUCT COMPLAINTS TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES (Pages 33 - 38)

A report by the Solicitor (Corporate Governance) in relation to :-

- (a) County Councillors, and
 - (b) Town/Community Councillors
- For Quarter 4 of 2018/19 and Quarter 1 of 2019/2020.

7 DECISIONS BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES (Pages 39 - 52)

A report by the Head of Function (Council Business)/Monitoring Officer on the PSOW's Code of Conduct Casebooks for February 2019 and May 2019.

8 DECISIONS BY THE ADJUDICATION PANEL FOR WALES (Pages 53 - 56)

A report by the Solicitor (Corporate Governance) on the APW's most recent decisions in Wales.

9 APPLICATIONS FOR DISPENSATIONS (Pages 57 - 282)

A report by the Solicitor (Corporate Governance) detailing the applications for Dispensations considered by a Panel of the Standards Committee since its last meeting.

10 REVIEW OF THE REGISTER OF INTERESTS FOR THE ELECTED AND CO-OPTED MEMBERS OF IOACC (Pages 283 - 290)

A report by the Solicitor (Corporate Governance) on the reviews held by the Standards Committee during June 2019.

11 NORTH WALES STANDARDS COMMITTEE FORUM REPORT FROM THE MEETING ON THE 24TH JUNE, 2019 (Pages 291 - 354)

A report by the Chair of the Standards Committee on the North Wales Standards Committee Forum meeting held on 24th June, 2019.

12 **RESPONSE FROM COMMUNITY COUNCILS REGARDING:-** (Pages 355 - 476)

12.1 Review of the Community Council Registers in 2018/19

12.2 Training for Community Councillors and Clerks

A report by the Head of Function (Council Business)/Monitoring Officer detailing the responses received by the Town and Community Councillors in relation to requests for information.

13 **REVIEW OF PRECEDENTS/BRIEFING NOTES FOR APPROVAL OF THE COMMITTEE**
(Pages 477 - 572)

13.1 Briefing Note on Dispensations

13.2 Methodology Note on Review of the Registers for Community Councils

13.3 Standards Committees Terms of Reference/Constitution

A report by the Solicitor (Corporate Governance) requesting approval of the Committee in relation to three of its published documents.

14 **EXCLUSION OF THE PRESS AND PUBLIC**

Under Section 100(A)(2) of the Local Government Act 1972, the press and public are to be excluded from the meeting during discussion on this item on the grounds that it involves the disclosure of confidential information. Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order. The exclusion is not subject to a Public Interest Test.

15 **TO CONSIDER THE RESPONSE RECEIVED FROM THE PUBLIC SERVICES OMBUDSMAN FOR WALES IN A LETTER OF THE 13TH AUGUST, 2019** (Pages 573 - 580)

A report by the Director of Function (Council Business)/Monitoring Officer on the correspondence received from the PSOW.

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ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	County Council
DATE:	10.09.2019
TITLE OF REPORT :	To appoint four co-opted members of the public and one County Councillor to the Standards Committee
REPORT BY :	Councillor Margaret M Roberts – Chair of the Standards Committee Selection Panel
CONTACT OFFICER :	Lynn Ball Head of Function (Council Business) / Monitoring Officer lbxc@anglesey.gov.uk 01248 752586
PURPOSE OF REPORT :	To ratify the recommendation of the Standards Committee Selection Panel in relation to the four co-opted members and to appoint a County Councillor

BACKGROUND

1. Under Part III of the Local Government Act 2000 (as amended by the Local Government Act 2006) the Council must have a Standards Committee consisting of no more than 9 members, the majority of whom must be independent members of the public.
2. The Standards Committee currently consists of 5 independent members, 2 community councillors and 2 county councillors.

APPOINTMENT OF FOUR INDEPENDENT MEMBERS TO THE STANDARDS COMMITTEE

3. The term of four of the five current independent members of the Standards Committee ends on 19 December 2019. The four will have completed the statutory maximum of two terms. The fifth member, Mr John Robert Jones, was appointed in December 2017 and will continue in his role.
4. Statutory Regulations require that the independent members of the Standards Committee be appointed by Council, but only after compliance with a statutory selection process. To conduct this recruitment and selection process the County Council has delegated its authority to the Standards Committee Selection Panel; which consists of one independent member of the public, one representative from

among the town and community councillors and three county councillors. No member of the Selection Panel may also be a member of the Standards Committee.

5. In the meeting of the Standards Committee Selection Panel on the 11th April 2019, the Panel approved the recruitment process and the vacancy was advertised on the Council's website, Twitter, and Facebook (from 29.04.2019 until 17.05.2019), North Wales Chronicle (on 02.05.2019 and on 09.05.2019) and the Bangor and Anglesey Mail (on 01.05.2019 and on 08.05.2019).
6. The advertisement closed on the 17th May 2019 and the applications received were considered by the Standards Committee Selection Panel in a shortlisting process which took place on the 21st June 2019. The Panel shortlisted 7 candidates for interview.
7. The interviews took place on the 29th and 30th July 2019, when the Panel agreed to nominate four individuals to be appointed to the role of independent members of the Standards Committee (in alphabetical order):

Mr Thomas Rhys Davies
Mrs Celyn Menai Edwards
Mrs Gill Murgatroyd
Mrs Sharon Warnes

The decision was made based on the candidates' applications, scored interview questions, and references.

8. The Panel also decided that, in the event that a further casual vacancy for an independent member of the Standards Committee arises during the next twelve months, to automatically appoint **Mrs Pauline Vella** to this role without need for a further recruitment process, provided always that this candidate remains eligible for the role.
9. The Panel would like to take the opportunity to thank all applicants for taking the time to submit their applications and would like to particularly thank the candidates who attended for interview as the standard was high and all shortlisted candidates were appointable to the role's.

APPOINTMENT OF A COUNTY COUNCILLOR TO THE STANDARDS COMMITTEE

10. Councillor Dafydd Rhys Thomas is eligible to continue in his role as a County Council Member of the Standards Committee until 2022.
11. Councillor Trefor Lloyd Hughes' is stepping down from his role as a County Councillor representative on the Standards Committee. The Council will therefore need to nominate a Councillor to take his place on the Standards Committee.
12. There are some statutory matters which must be noted when the decision is made as to whom should be nominated as County Councillor representative on the Standards Committee:

- 12.1 There is no need for political balance on the Standards Committee (owing to its largely independent composition).
- 12.2 The Leader cannot be nominated.
- 12.3 In light of the fact that one County Councillor representative on the Standards Committee is a member of the Executive, the second representative cannot also be a member of the Executive.

RECOMMENDATIONS

For Council:

13. To accept the recommendations of the Standards Committee Selection Panel as follows:-

13.1 To appoint **Mr Thomas Rhys Davies, Mrs Celyn Menai Edwards, Mrs Gill Murgatroyd** and **Mrs Sharon Warnes** as co-opted independent members of the Standards Committee from 20th December 2019; for up to two terms, as permitted by statute and the Constitution.

13.2 In the event that a further casual vacancy for an independent member of the Standards Committee arises during the next twelve months, to automatically appoint **Mrs Pauline Vella** to this role without need for a further recruitment process, provided always that Mrs Vella remains eligible for the role.

14. In relation to the County Council representatives on the Standards Committee:

14.1 To confirm that **Councillor Dafydd Rhys Thomas** remains a County Councillor representative until the next election in 2022;

14.2 To nominate another County Councillor to sit on the Standards Committee, initially until the next election in 2022, with the potential to sit for a further term.

15. To confirm that the Head of Function (Council Business) / Monitoring Officer be given authority to include the Standards Committee Selection Panel in the Council's Constitution to avoid the ongoing need for "saving provisions" in the committee structure report which is affirmed by Council at its annual meetings.

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STANDARDS COMMITTEE

Minutes of the meeting held on 13 March 2019

PRESENT: Independent Members

Mr Michael Wilson (Chair)
Mr Islwyn Jones (Vice-Chair)

Ms Denise Harris-Edwards
Mr John R Jones
Mrs Dilys Shaw

Representing the County Council

Councillor Trefor Lloyd Hughes MBE
Councillor Dafydd Rhys Thomas

Representing Town and Community Councils

Councillor Keith Roberts

IN ATTENDANCE: Head of Function (Council Business)/Monitoring Officer
Head of Democratic Services (for Item 4)
Solicitor (Corporate Governance) (MY)
Human Resources Development Manager (for Item 3)
Committee Officer (SC)

APOLOGIES: Councillor Iorwerth Roberts

1. DECLARATION OF INTEREST

No declaration of interest was received.

2. MINUTES OF MEETING

The draft minutes of the Standards Committee held on 12 September 2018, were confirmed as correct.

Matters arising from the minutes:-

The Solicitor (Corporate Governance) has provided a “matters arising” document to all members of the Standards Committee detailing the actions which have been taken in accordance with the minutes of the meeting held on 12 September 2018.

Discussion focused on the following matters:-

Item 5 - Standards Committee Review of the Members' Registers

- The Chair attended a Group Leaders' meeting in relation to a named Councillor, who had not reviewed his Register of Interests, nor had he contacted the member of the Standards Committee who reviewed his Register of Interests and had asked to discuss the findings. Although the matter was raised, and an email was sent to the Group Leader in question, no communication has been received from him either in relation to this issue.

It was decided by the Committee that they did not want to take any further action at this point but that the situation would be picked up again with the relevant member in the forthcoming review of the registers for 2019.

- The Monitoring Officer reported that ICT have contacted Mod.Gov several times, but has not yet received a response. The recent email from the Digital Services Manager was read out to the Committee. The Committee was of the view that this should be pursued further as the Committee would like a definitive answer.

RESOLVED not to pursue the first matter mentioned above but for officers to further pursue the second.

Action: To continue to try and obtain a response from Mod.Gov on the provision of a narrative.

- In relation to the Standards Committee's proposal for the 2019 review of registers and other documents relating to elected Members, which will be carried out in June/July 2019, it was **RESOLVED to agree that a meeting be convened, following this formal meeting of the Committee, to discuss the Standards Committee's proposals for the 2019 review.**

Item 11 - Methodology Advice Note on the Review of the Registers of Interest of Elected and Co-opted Members

It was noted that the above Advice Note has been amended and circulated to members of the Standards Committee.

Action: That the link to the Methodology Advice Note be sent to all Members of the Council and independent members.

Item 12 - Gifts and Hospitality - Briefing Note to Members

It was reported that the Chair has not yet presented the Briefing Note that complements the Gifts and Hospitality Protocol to Group Leaders.

It was noted that the Protocol has been reviewed, and the Monitoring Officer has recommended delaying its circulation to Members, due to the volume of information currently being forwarded to Members.

Item 13 - Individual Rights as Members - Briefing Note to Members - the recommendation above also applies to this item.

RESOLVED that the Standards Committee accepts the above proposals by the Monitoring Officer.

Action: Circulate Item 12 and 13 above on the basis suggested by the Monitoring Officer.

Item 17 - Town and Community Councils' Adoption of the Local Resolution Protocol

It was noted that the next meeting of the Standards Committee Forum will be held in Flintshire on a date to be confirmed and that the Chair of the Standards Committee will raise this issue at the next Forum.

RESOLVED to note the above.

Action: The Chair of the Standards Committee to raise this issue at the next regional Standards Committee Forum.

3. MEMBER DEVELOPMENT AND TRAINING

Submitted - a progress report by the Human Resources Development Manager on development opportunities offered to elected Members since the previous report was submitted to this Committee on 12 September 2018.

The HR Development Manager reported that 10 additional formal development sessions have been/are being offered to Members between 12 September 2018 and March 2019, covering a range of topic areas, some of which are mandatory. It was noted that the Member Development Scrutiny Sessions had been well attended.

The Human Resources Development Manager reported on the following:-

- During 2019/20 it is intended to develop and market E-Learning further to encourage Members to increase their use of the modules. It was noted that the platform the Council currently uses could be replaced with a more streamlined and easier to access version. In the meantime HR is undertaking work with the WLGA and the Health Board to improve the current system.
- An ICT skills questionnaire was circulated to all Members in January to establish training needs. Feedback has been collated and tailored training sessions will be arranged to meet Members' individual training needs. Concern was expressed that access to certain information via I-pads, particularly E-Learning modules, had not been possible. It was noted that HR staff are working closely with the ICT team on alternative provision to make the process more user friendly.
- Some Members have expressed their wish to undergo further social media training on Twitter and Facebook.

- The need for Members to record their training online immediately following any attendance at training sessions was highlighted. A request to enable Members to record training electronically was made.
- In relation to Personal Development Reviews (PDRs), some feedback had been received from Group Leaders. The Head of Democratic Services will be monitoring progress via Group Leaders' meetings.
- Work is in progress on the Development Programme for 2019/20. Feedback received on Members' development needs from PDRs, guidance from the Senior Leadership Team and Group Leaders will be taken into account for inclusion. The Plan will be submitted for consideration by the Democratic Services Committee in March 2019, thereafter by the Full Council to be held in May 2019.

Concerns were expressed about the lack of attendance by Members at some training sessions, and the need to address this issue. The Head of Democratic Services reported that Group Leaders were regularly reminded of the training opportunities that are available to Members.

Discussion focused on whether Members might face consequences for non-attendance of mandatory training. The Monitoring Officer responded that there are no explicit penalties for non-attendance, but explained that the Standards Committee might publish such compliance data in a report to the Standards Committee, should they wish to do so. The Committee did not favour this option and felt that Group Leaders had a responsibility to ensure Members attend the training that they require to undertake their roles, and especially to attend mandatory training.

The Head of Democratic Services advised of the need to ensure that the four co-opted members of the Corporate Scrutiny Committee and two co-opted members of the Audit and Governance Committee are given the opportunity to attend training sessions. It was noted that a training session has been arranged by the Scrutiny Officers for the Scrutiny co-opted members on 9 April 2019.

Discussion focused on best practice to ensure that independent members receive information on training sessions. It was suggested, and accepted by the Committee, that in addition to the annual report to Council, there should also be a quarterly schedule of training sessions produced for all elected members and forwarded to each Lead Officer for Standards, Scrutiny and Audit and Governance so that they might identify any corporate training that would be relevant to their co-opted members, and then make arrangements for them to attend accordingly. It was considered inadvisable to send the whole list of training opportunities to all co-opted members as it might not be clear to them what training sessions would and would not be appropriate.

RESOLVED:-

- **To note the progress made in terms of Member Development.**
- **The HR Development Manager to forward electronic evaluation of training forms to Members when circulating information on training sessions.**

- **The Chair to raise the issue of the lack of attendance by Members in training sessions in the next Group Leaders' meeting.**
- **The Chair to request that Group Leaders discuss with individual Members their reasons for not attending training sessions and especially those which have been mandated.**
- **To circulate a quarterly list of training courses to the Lead Officers for the Corporate Scrutiny Committee (Scrutiny Manager), the Audit and Governance Committee (Head of Audit and Risk) and the Lead Officer for the Standards Committee (Head of Function (Council Business)/Monitoring Officer) so that they may forward, as appropriate to each co-opted member.**

Action: See Resolution above

4. MEMBER RELATED ISSUES

Submitted - an update by the Head of Democratic Services on the following Member related issues:-

- With reference to Members' Annual Reports for 2017/18, it was noted that 29 Members have now completed and published their reports online.
- The issue of a Member who had not completed his Register of Interests was discussed in the last meeting of the Standards Committee. The Chair wrote to the Member regarding the issue, and it has now been confirmed that the Member in question has responded to the Chair's request.
- A new Local Government Measure is expected at the end of 2019. It was noted that currently it is unclear what the changes will be in terms of expectations or requirements on elected members in relation to performance/publication of information; nor how these will be managed.
- The Annual Reports are scheduled to be published on the Council's website by 30 June 2019.
- It was noted that re-submission of the Council's application for the WLGA's Wales Charter for Member Support and Development has not been actioned during Quarter 3, 2018/19; contrary to a previous commitment. This is because it was decided that the Member Development Strategy for the next 3 years needs to be in place before the submission is made. The Member Development Strategy for the next three years will be presented to the Democratic Services Committee in March 2019 for approval and then submitted to the WLGA, with the application for charter status, by the end of March 2019.
- With reference to DBS checks, all Members have completed the registration process. The checks will be reviewed and updated in accordance with the requirements of the policy.
- Members' Biographies are now available on the Council website and include Committee attendance and training records. However, while the attendance information is automatically updated, Members will need to update their own information on training on an ongoing basis.
- In relation to membership of outside bodies by elected members, links are now available on the Council's website. It was noted that the schedule of

outside bodies will need to be reviewed in consultation with Group Leaders and reported to Council in May 2019. The Partnership & Regeneration Scrutiny Committee will monitor the work of the main partnerships on the Committee's Work Programme.

- It was noted that there is no facility on the Modern.Gov system for co-opted members to publish their declarations of interests online.

RESOLVED:-

- **That once the expectations of the new Local Government Measure are clear, the Head of Democratic Services to include in his next report to the Standards Committee those expectations, and how they will be measured, monitored, reported and supported.**
- **That the Head of Democratic Services circulates a copy of the application for the WLGA's Wales Charter for Member Support and Development to the members of the Standards Committee for information only.**
- **To note other progress as detailed in the report.**

Action: See Resolution above

5. CONDUCT COMPLAINTS TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES

Submitted - a report by the Solicitor (Corporate Governance) on the quarterly update of complaints received by the Public Services Ombudsman for Wales in the form of matrices for (a) County Councillors, and (b) Town and Community Councillors.

The Monitoring Officer reported that no complaints had been lodged against Anglesey County Councillors during Quarter 2, 2018/19 (July to September 2018). She stated that one complaint had been made against a Town and Community Councillor for the same period, and the Ombudsman is considering the complaint.

It was noted that no complaints had been lodged against Anglesey County Councillors for Quarter 3, 2018/19 (October to December 2018).

The Monitoring Officer reported that since December, two other complaints have been received against the same Town and Community Council, one from a member of the public, and another from an elected Member. One complaint has been refused, and the other is under consideration.

Councillor Dafydd Rhys Thomas left the meeting at 3.15 pm

Members expressed concern that one complaint had not been resolved within the Ombudsman's target of six months.

RESOLVED:-

- **To note the report and enclosures.**
- **That the Monitoring Officer writes to the Ombudsman expressing the Standards Committee's concern regarding the delay in completing his investigation of this complaint against a Town and Community Councillor as it was lodged in August 2018.**

Action: See Resolution above

6. PUBLIC SERVICES OMBUDSMAN FOR WALES DECISIONS

Submitted - a report by the Solicitor (Corporate Governance) summarising information published by the Public Services Ombudsman for Wales (PSOW)'s quarterly Casebooks of Code of Conduct complaints.

The complaints investigated by the Ombudsman relate to alleged breaches of the Members' Code of Conduct as included in his quarterly Casebooks for July and October 2018.

The Solicitor (Corporate Governance) referred to a complaint made against a member of Saltney Town Council in relation to a breach of the Code of Conduct regarding an exemption (effectively a dispensation built in to the Code). The Councillor had asked for, and was given advice from an officer. However, it was not obvious from the summary whether the Ombudsman thought the officer's advice was correct or not, owing to the insufficient data that was presented as part of the Ombudsman's summary. It was suggested that the Standards Committee contact the Ombudsman to seek clarity as to whether the advice provided was correct.

Reference was made to a complaint by an individual against a Councillor from Ceredigion County Council in relation to a breach of the Code of Conduct. From the information presented in the report, it was unclear whether the complainant was an officer, a member or a third party.

The Chair of the Standards Committee also highlighted, from the minutes of a Standards Committee meeting held in Haverfordwest on 5 September 2018, that a Councillor who had breached the Code, and then retired from the Council was given a public censure for his actions.

RESOLVED:-

- **To note the report and enclosures.**
- **That the Chair of the Standards Committee write to the Ombudsman to seek:**
 - **clarity as to whether advice given to the member of Saltney Town Council was is fact correct.**
 - **confirmation as to whether the complainant in the Ceredigion County Council case was an officer, a member or a third party.**
 - **Subject to the response from the Ombudsman in relation to Saltney Town Council, that the Monitoring Officer seek further information if**

required from the Clerk of Saltney Town Council, on the basis that such information would be redacted and shared confidentially with members of the Standards Committee for information only.

- **Having obtained sufficient information, that the Monitoring Officer discuss the outcome of the Saltney Town Council case with the other regional Monitoring Officers.**

Action: See Resolution above

7. ADJUDICATION PANEL FOR WALES DECISIONS

Submitted - a report by the Head of Function (Council Business)/Monitoring Officer in relation to decisions made and published by the Adjudication Panel for Wales since the last meeting of the Standards Committee on 12 September 2018.

The Solicitor (Corporate Governance) stated that one case was reported, which related to a breach of the Code of Conduct by a former County Councillor of Monmouth County Council, regarding failing to show respect and consideration to others, and sending emails to the Chief Executive of Monmouth County Council containing homophobic statements. The case against the Councillor was reported in relation his role as a Community Councillor, not a County Councillor.

The Ombudsman raised the issue in the Standards Committees Conference, where it was generally felt that the Adjudication Panel's decision to suspend the Councillor for two months was too lenient. Members of the Standards Committee also felt that the suspension was too lenient.

RESOLVED to note the contents of the report and case summary.

Action: None

8. ADJUDICATION PANEL FOR WALES (APW) – SANCTIONS GUIDANCE

Submitted - a report by the Solicitor (Corporate Governance) on the new Sanctions Guidance published by the APW which will come into effect from 1 September 2019.

The Monitoring Officer reported that a copy of the Guidance was circulated to members of the Standards Committee on 4 October 2018. She stated that the Guidance may only be of relevance to the Standards Committee when it is considering a referral from the Ombudsman for breach of the Code of Conduct. It was noted that the Standards Committee has due regard to the Guidance published by the APW when dealing with complaints and imposing sanctions.

The Vice-Chair highlighted that the word 'punishing' is used in the Sanctions Guidance. He felt that the wording should be amended to read 'promoting good conduct' rather than punishing.

RESOLVED:-

- **To note the information contained in the Sanctions Guidance.**
- **That current members of the Standards Committee are not required to engage in training on the Sanctions Guidance (although this may become relevant if this Committee receives a referral from the Ombudsman); but,**
- **Training should be provided to any new members of the Standards Committee after January 2019.**

9. APPLICATIONS FOR DISPENSATION(S)

Submitted - a report by the Solicitor (Corporate Governance) detailing applications for dispensation(s) considered by Dispensation Panels of the Standards Committee since the Standards Committee's last meeting.

The Monitoring Officer reported on the following applications for dispensation(s):-

- 28 January, 2019 - the Council Leader was granted an unlimited dispensation in relation to prejudicial interests in the context of the schools modernisation programme in the Amlwch catchment area and the modernisation project for Post-16 Education in the County.
- 7 March 2019 - a block dispensation was granted to 8 members of Llaneilian Community Council to overreach a number of different prejudicial interests in relation to the modernisation programme of schools in the Amlwch catchment area.
- That the Committee receives written information on other dispensations identified in 3.3 (Llaneilian Community Council) and 3.4 (block dispensation by 5 members of the Executive) identified at the Standards Committee meeting in September, 2019.

It was noted that a hearing had been arranged for 22 March 2019 to consider a block application for dispensation by 5 Members of the Executive who are grandparents to young people on Anglesey who may be affected by any decision on the modernisation project for Post-16 Education.

RESOLVED:-

- **That members of the Standards Committee note the dispensations granted and the grounds and circumstances in which they were granted.**
- **That the draft minutes of the Dispensation Panel held on 28 January 2019, were ratified as correct by members of the Panel only (Michael Wilson, Denise Harris-Edwards and John R Jones).**

- That the Committee receives written information on other dispensations identified in 3.3 (Llaneilian Community Council) and 3.4 (block dispensation by 5 members of the Executive) identified at the Standards Committee meeting in September, 2019.
- That the Standards Committee agreed to an amendment to the Standard Dispensation Application/Permission Form to include express reference as part of the “permission” drop-down list, for a Member who is granted a dispensation to be permitted to participate in all public meetings, outside bodies and other informal meetings etc. It was agreed to include the following wording on the form: *“if relevant, to include full participation in public meetings, meetings of any outside bodies and any other meetings or discussions not specifically identified in the dispensation”*.

10. TOWN AND COMMUNITY COUNCIL – PRECEPT AND TRAINING FOR CLERKS

Submitted - an update report following the Standards Committee meeting on 12 September 2018, where the matter of including a sum for training (Clerks and members) within the precept amount set by each Town and Community Council was discussed.

The Solicitor reported that correspondence was sent on 6 November 2018 to 16 Town and Community Councils who had previously responded positively to an email asking them to include an amount for training when setting the precept. 12 responses were received out of 16 and each Town and Community Council that responded has included an element of training in the precept. It was noted that no further contact has been made with the 24 Town and Community Councils who had not responded to the Standard Committee’s request.

That a letter be circulated by the Standards Committee to all Town and Community Councils and members of the Standards Committee enclosing a matrix detailing responses received, and naming Councils who have not responded, in order to highlight the significance of the Committee’s request.

RESOLVED:-

- To note the information presented in the report with regard to the Town and Community Councils.
- That a letter be circulated by the Standards Committee to all Town and Community Councils and members of the Standards Committee enclosing a matrix detailing responses received, and naming Councils who have not responded, in order to highlight the significance of the Committee’s request.

11. REVIEW OF THE REGISTER OF INTERESTS IN THE TOWN AND COMMUNITY COUNCILS

Submitted - a report by the Solicitor (Corporate Governance) on reviews conducted by the Standards Committee in 5 Town and Community Councils

during December 2018, January and February 2019, to ensure compliance with the Code of Conduct.

Following the review, a personalised letter has been circulated to the Clerk and Chair of each Town and Community Council who participated, giving specific advice.

The Committee discussed the options available in relation to distributing the general report prepared in February 2019 to all the members of the Town and Community Councils detailing the outcome of the exercise.

To confirm that the report prepared in February 2019 be circulated to all Town and Community Councils, with a request for the same to be discussed at Town and Community Council meetings and a copy of the minutes be forwarded to the Standard Committee.

That the Monitoring Officer prepares an update report for the next meeting of the Standards Committee in September 2019, detailing responses received.

That the Standards Committee agreed for the Solicitor (Corporate Governance) to review the Methodology Advice Note presented to this Committee in September 2018 and the Advice Note on Personal and Prejudicial Interests to Town and Community Councils which should be circulated with the Advice Note referred to in bullet point 2 above.

That Town and Community Councils be reminded that information in relation to the Standards Committee's proposals above will be recorded in the minutes of this meeting and published online.

RESOLVED:

- **To note the contents of the report.**
- **To confirm that the report prepared in February 2019 be circulated to all Town and Community Councils, with a request for the same to be discussed at Town and Community Council meetings and a copy of the minutes be forwarded to the Standard Committee.**
- **That the Monitoring Officer prepares an update report for the next meeting of the Standards Committee in September 2019, detailing responses received.**
- **To accept changes to the Briefing Note in the report.**
- **That the Standards Committee agreed for the Solicitor (Corporate Governance) to review the Methodology Advice Note presented to this Committee in September 2018 and the Advice Note on Personal and Prejudicial Interests to Town and Community Councils which should be circulated with the Advice Note referred to in bullet point 2 above.**
- **That Town and Community Councils be reminded that information in relation to the Standards Committee's proposals above will be recorded in the minutes of this meeting and published online.**

The meeting concluded at 4.20 pm

**MR MICHAEL WILSON
CHAIR**

ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	STANDARDS COMMITTEE
DATE:	17 th SEPTEMBER 2019
TITLE OF REPORT :	MEMBER DEVELOPMENT
REPORT BY :	HR DEVELOPMENT TRAINEE/ HR DEVELOPMENT MANAGER/
CONTACT OFFICER :	CHERIE DUFFY/MIRIAM WILLIAMS
PURPOSE OF REPORT :	TO PROVIDE AN UPDATE ON THE PROGRESS OF THE MEMBER DEVELOPMENT PROGRAMME

1. BACKGROUND

The purpose of this report is to provide the Standards Committee with an update on the progress of the development opportunities offered to Elected Members since the report submitted 13th March 2019. The Report also addresses the queries raised in this meeting.

2. MEMBER TRAINING AND DEVELOPMENT PLAN

The Member Training and Development Plan notes all the training and development opportunities offered to Elected Members in 2019/2020. The plan is an evolving document that is reviewed and adapted regularly to meet Elected Members' training needs. The intention is to update the Development Plan on a quarterly basis and to submit to both to the Standards Committee and Democratic Services Committee in order that specific Officers can identify suitable or specific development courses for various audiences; including the Scrutiny Committee, the Standards Committee and as appropriate to each co-opted member. In addition to this, the Learning and Development team are in the process of creating a quarterly update flyer to be circulated to Elected Members, providing information on the upcoming training events. Please see Appendix 4 for a draft example.

Since the 13th of March we have reviewed and identified additional learning and development needs, which are noted in the training and Development plan (see Appendix 1). These additional development sessions are in the process of being arranged following the Summer recess, commencing September 2019. These topic areas have been identified as a result of PDR feedback and input from, SLT. Group

Leaders will be briefed on the training plan on a regular basis by the Head of Democratic Services.

The Learning and Development team are open to discuss any additional training identified and the Development Programme amended as appropriate.

3. COURSE EVALUATION

In addition to the distribution of course evaluation forms at the end of training, it is planned that an electronic version of the form (as agreed) will be distributed in an attempt to capture as much feedback as possible. To date there has been no uptake on the completion of the electronic evaluation form.

4. RECORDING ATTENDANCE

The Learning and Development team capture information regarding courses offered/attended/declined etc. within their HR systems. In addition to this, Elected Members are reminded at the beginning/end of each training course of the need to ensure they take personal responsibility to record the details on their electronic training record. Once completed these appear on the Council website under each named Member.

5. E-LEARNING

E-Learning continues to be promoted as a method of blended development. Details of the modules undertaken by Elected Members for this financial year are noted in Appendix 2.

At a recent meeting with the NHS Development Team it is understood that updates to the E-Learning platform aims to improve both user and administrative experiences and will in future be more user friendly and accessible.

In line with these updates, accessibility to the E-Learning modules via iPad is to be enhanced. The majority of modules are now accessible via iPads. For a full list of modules, please see Appendix 1.

Communication regarding further developments will be sent out as they occur.

In addition to the above, the Learning and Development team are working alongside the Authority's Audit team to help create an Audit E-Learning module. This initiative is a direct result of a commitment made by all Local Authorities' in Wales to the WLGA to create an enhanced library of modules for Elected Members. It is anticipated that this project will be completed by September 2020.

6. ICT SKILLS

Subsequent to the IT questionnaires issued to Elected Members in early 2019; the Learning and Development team has been working closely with ICT and Democratic Service Officers in an attempt to meet the training needs of the Elected Members. As part of this partnership working, a handbook has been produced and distributed in separate chapters, over a period of weeks.

The information has been distributed in the following chapters:

- Keeping Your iPad Healthy / Council Supported Apps
- Email and Calendar Usage
- Docs@Work (Annotating and editing documents)
- Printing / Using Web@Work

A full version of the handbook has also been distributed.

Alongside the distribution of the handbook, the Learning and Development and ICT teams offered additional support to Elected Members in the format of 'drop in' iPad sessions. To date, very few Elected Members have taken advantage of the 'drop in' sessions, however to ensure that continued support is available, a further two sessions have been planned for October and December.

Details of the sessions will be advertised in due course.

7. SOCIAL MEDIA TRAINING

Following on from the Social Media training offered to Elected Members in December 2018, a follow up communication was circulated in order to determine whether further support was required. Only two Elected Members expressed interest in setting up Social Media Platforms, therefore rather than arranging another group session, it has been decided to provide support on the basis of individual requests.

Contact has been made with those who initially expressed an interest so that this can be taken further.

8. GDPR POWERPOINT PRESENTATION

The presentation from the GDPR training hosted in February 2019 has been translated and is available for Elected Members to access through MonITor. Further GDPR sessions have been organised for the Autumn in order that those who were unable to attend this Mandatory training are given another opportunity to do so. This invitation will include Members of the Standards Committee and Co-Opted Members.

9. EQUALITY & DIVERSITY TRAINING

Two separate Equality and Diversity sessions were arranged and delivered for Elected Members, Lay Members and Standards Committee.

The first session provided a general overview whilst the second session, focussed more on Equality and Diversity Impact Assessments. In total 27 out of a potential 38 individuals attended the former whilst 12 out of 38 attended the Equality Impact Assessment session. Further Equality and Diversity Sessions are planned in order to target those who were unable to attend the previous sessions. For details of attendance on this and all other Mandatory courses please see Appendix 3.

A translated version of the presentation has now been made available on MonITor.

Further Equality and Diversity training sessions have been organised for the Autumn in order that those who were unable to attend this Mandatory training are given another opportunity to do so. This includes Standards Committee and Co-Opted Members.

10. SUMMARY

In conclusion, it is recommended that the matters noted with respect to the Elected Members Training and Development Programme is duly noted and accepted.

**CHERIE DUFFY - HR DEVELOPMENT TRAINEE &
MIRIAM WILLIAMS – HR DEVELOPMENT MANAGER**

SEPTEMBER 2019

ELECTED MEMBER DEVELOPMENT PROGRAMME 2019/20

(Where possible, training will be arranged Thursdays/Fridays avoiding the first Thursday afternoon each month to avoid clashes with because of Member briefing sessions. Where possible dates/times have been noted)

What	Audience	Provider	When
Treasury Management	Audit Committee	Richard Basson	November 2019
Safeguarding Issues 'Mop up'	All Elected Members (M)	Annwen M Hughes, Service Manager (Safeguarding and Quality Assurance Provision)	14 November 2019
Regulation and Inspection Act Social Services (Wales)	All Elected Members	Alwyn Rhys Jones, Head of Adults Services	Presentation by Dafydd Bulman and Rachel Williams. Date: TBC
Decisions for Future Generations (Wellbeing of Future Generations Act)	All Elected Members	Workshop - Senior officers and experienced members. E-Learning	Date: TBC
General Data Protection Regulation (GDPR)	All Elected Members (M)	E-Learning/Workshop	25th February 2019 16th October 2019 (Mop Up)

Appendix 1

Introduction to Equalities	All Elected Members(M)	E-learning/Workshop	28th March 2019 'Mop up' 2019/2020
Community Leadership and Casework	All Elected Members	E- learning	Ongoing
National Approach to Statutory Advocacy - Free Implementation training	All Elected Members	Natalie Brimble TrosGynnal Plant North Wales Advocacy	5th March 2020
WLGA Leadership Programme	Nominated Elected Members	Regional workshops	September - November
Licencing - Update	Members of the Planning and Licensing Committee	Internal Officers	Date: TBC
Personal Safety and online abuse	All Elected Members	Steve Nicol	Date: TBC
Planning <ul style="list-style-type: none"> • Flood Matters • Elected Members role in the planning process 	All Elected Members	Internal Officers	18th September 2020

Appendix 1

Dealing with Challenging Situations	All Elected Members	David Jones - ACAS	26th September 2019
Council Constitution	All Elected Members		Date: TBC
Community Leadership and identifying grants	All Elected Members		Date: TBC
Chairing Meetings	All Elected Members	Available on the Learning@Wales platform	Ongoing

ICT SKILLS

Use of iPads	All Elected Members	Internal	Ongoing
General ICT Skills	All Elected Members – as required	Internal	Ongoing

E-LEARNING MODULES

Elected Members have flexible access to E-Learning. See below details of current subject areas available. Additional modules will be developed and introduced in due course. The courses noted with (i) below can now be accessed via iPad.

Member Development	Welsh Language	Health and Safety
<ul style="list-style-type: none"> - Ethics and Standards (i) - The Effective Ward Councillor (i) - Public Speaking Skills (i) - Chairing Meetings (i) - Corporate Parenting (i) - Decisions for Future Generations (i) - Introduction to Scrutiny (i) 	<ul style="list-style-type: none"> - Work Welsh Welcome (i) - Work Welsh Welcome Back (i) 	<ul style="list-style-type: none"> - The safe use of Display Screen Equipment (i) - Managing Health and Safety (i) - Food Hygiene (i)
Well-being	Customer Care and Professional Skills	Information Technology
<ul style="list-style-type: none"> - Violence Against Women, Domestic Abuse and Sexual Violence (M) - Introduction to Equality and Diversity (i) - Health Information (i) - Stress Information (i) - Personal Resilience (i) - Prevent (i) (M) - Well-being of Future Generations (Wales) Act 2015 (i) - Pre-Retirement Planning (i) - Basic Safeguarding Awareness (i) - Modern Slavery (i) (M) 	<ul style="list-style-type: none"> - General Data Protection Regulations (GDPR) (i) (M) - Effective Writing (i) - Managing Yourself and Your Time (i) - Effective Minute Writing (i) - Giving and Receiving Feedback (i) - Meeting Skills (i) - Presentation Skills (i) - Emotional Intelligence (i) - Self Development (i) - General Information Governance (i) 	<ul style="list-style-type: none"> - Cyber Awareness (M)

(M) = Mandatory

The programme is an evolving plan which will be amended to include any additional identified training. In addition, a separate Scrutiny Development programme plus briefing sessions on key issues are offered to Elected Members.

Elected Members are actively encouraged to complete evaluation forms for any training they attend in order to identify any additional training needs. They are also encouraged to record their attendance separately online.

Categori E-ddysgu / E-learning Category	Modiwl / Module	Wedi cwblhau / Completed
<u>Modiwlau Datblygiad Aelodau / Member Development Modules</u>	Mosau a Safonau/ Ethics and Standards	Kenneth Hughes Richard Owain Jones Shaun Redmond
	Y Cyngorydd Ward Effeithiol / The Effective Ward Councillor	Margaret Roberts Richard Griffiths Richard Jones Shaun Redmond Robin Williams Dafydd Roberts Margaret Roberts
	Sgiliau Siarad Cyhoeddus / Public Speaking Skills	Margaret Roberts Dafydd Thomas Robin Williams
	Cadeirio Cyfarfodydd / Chairing Meetings	Kenneth Hughes Robin Williams
	Rhianta Corfforaethol / Corporate Parenting	Robin Williams Margaret Roberts
	Penderfyniadau I Genedlaethau'r Dyfodol / Decisions for Future Generations	Robin Williams
	Cyflwyniad I Graffu / Introduction to Scrutiny	Margaret Roberts Robin Williams Dafydd Roberts
<u>Modiwlau Gofal Cwsmer a Sgiliau Proffesiynol / Customer Care and Professional Skills Module</u>	Rheoliadau Diogelu Data Cyffredinol (GDPR) / General Data Protection Regulations	
	Ysgrifennu Effeithiol / Effective Writing	
	Rheoli Eich Hun a'ch Amser / Managing Yourself and Your Time	
	Ysgrifennu Cofnodion Effeithiol / Effective Minute Writing	
	Rhoi a Derbyn Adborth / Giving and Receiving Feedback	
	Sgiliau Cyfarfod / Meeting Skills	
	Sgiliau Cyflwyno / Presentation Skills	
	Deallusrwydd Emosiynol / Emotional Intelligence	Dafydd Rhys Thomas Robin Williams
	Hunan Datblygiad / Self Development	
	General Information Governance	Dylan Rees Dafydd Thomas
Llesiant / Well-Being	Trais yn Erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol / Violence Against Women, Domestic Abuse and Sexual Violence	Robin Williams Dafydd Roberts Nicola Roberts Dafydd Rhys Thomas
	Atal / Prevent	
	Cyflwyniad I Gydraddoldeb ac Amrywiaeth / Introduction to Equality and Diversity	
	Ymwybyddiaeth Straen / Stress Awareness	
	Cadernid Personol / Personal Resilience	
	Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 / Well-being of Future Generations (Wales) Act 2015	
	Cynllunio Cyn Ymdddeol / Pre-Retirement Planning	
	Diogelu - Ymwybyddiaeth Sylfaenol / Basic Safeguarding Awareness	Robin Williams
Caethwasiaeth Fodern / Modern Slavery	John Roberts	
Iechyd a Diogelwch / Health and Safety	Defnyddio Offer Sgriniu Arddangos (OSA) / The Safe Use of Display Screen Equipment (DSE)	Dafydd Rhys Thomas
	Rheoli Iechyd a Diogelwch / Managing Health and Safety	Dafydd Rhys Thomas
	Modiwl Glendid Bwyd / Food Hygiene Module	
<u>Technoleg Gwybodaeth / Information Technology</u>	<u>Ymwybyddiaeth Seibr / Cyber Awareness</u>	

Atodiad 2 / Appendix 2 - Hyfforddiant Gorfodol / Mandatory Training

Hyfforddiant / Training	05/06/2018				12/07/2018				14/11/2018				25/02/2019				28/03/2019			
	Diogelu / Safeguarding				Arwain yn Ddiogel IOSH Leading Safely				Arwain yn Ddiogel 'Mop Up' / Leading Safely				RhDCC / GDPR				Sesiwn Cydraddoldeb / Equalities Session			
Enw / Name	Gwahodd / Invited	Wedi Mynychu / Attended	Ddim wedi Mynychu Non-Attendanc e	Ymddiheu riadau / Apologies	Gwahodd / Invited	Wedi Mynychu / Attended	Ddim wedi Mynychu Non-Attendanc e	Ymddiheu riadau / Apologies	Gwahodd / Invited	Wedi Mynychu / Attended	Ddim wedi Mynychu Non-Attendanc e	Ymddiheuriadau / Apologies	Gwahodd / Invited	Wedi Mynychu / Attended	Ddim wedi Mynychu Non-Attendanc e	Ymddiheu riadau / Apologies	Gwahodd / Invited	Wedi Mynychu / Attended	Ddim wedi Mynychu Non-Attendanc e	Ymddiheu riadau / Apologies
Aled M Jones	✓	✓		✓	✓	✓							✓				✓			✓
Alun Roberts	✓	✓			✓		✓		✓	✓			✓	✓			✓	✓		
Alun W Mummery	✓				✓		✓		✓	✓			✓	✓			✓	✓		
Bob Parry	✓	✓			✓	✓							✓	✓			✓	✓		
Bryan Owen	✓	✓			✓	✓							✓		✓		✓	✓		
Carwyn Elias Jones	✓				✓		✓		✓	✓			✓	✓			✓	✓		
Dafydd Rhys Thomas	✓	✓			✓	✓							✓	✓			✓	✓		
Dafydd Roberts	✓	✓			✓	✓							✓			✓	✓			✓
Dylan Rees	✓	✓			✓	✓							✓	✓			✓	✓		
Eric W Jones	✓	✓			✓	✓							✓		✓		✓	✓		
Glyn Haynes	✓				✓	✓							✓	✓			✓	✓		
Gwilym Jones	✓	✓			✓	✓							✓	✓			✓	✓		
Ieuan Williams	✓	✓			✓		✓		✓			✓	✓	✓			✓			✓
John Arwel Roberts	✓				✓	✓							✓	✓			✓			✓
John Griffith	✓	✓			✓	✓							✓	✓			✓	✓		
Kenneth P Hughes	✓	✓			✓	✓							✓	✓			✓	✓		
Lewis Davies	✓	✓			✓		✓		✓			✓	✓	✓			✓	✓		
Llinos Medi Huws	✓				✓		✓		✓	✓			✓		✓		✓	✓		
Margaret M Roberts	✓				✓	✓							✓	✓			✓	✓		
Nicola Roberts	✓	✓			✓		✓		✓	✓			✓		✓		✓		✓	
Peter Rogers	✓	✓			✓			✓	✓	✓			✓	✓			✓	✓		
R Meirion Jones	✓	✓		✓	✓		✓		✓	✓			✓			✓	✓	✓		
Richard Dew	✓	✓			✓	✓							✓		✓		✓	✓		
Richard Griffiths	✓				✓	✓							✓	✓			✓			✓
Richard Owain Jones	✓				✓		✓		✓			✓	✓		✓		✓			✓
Robert Llewelyn Jones	✓	✓			✓		✓		✓		✓		✓		✓		✓		✓	
Robin W Williams	✓				✓	✓		✓	✓	✓			✓	✓			✓			✓
Shaun J Redmond	✓	✓			✓		✓		✓	✓			✓		✓		✓	✓		
Trefor Lloyd Hughes	✓	✓			✓		✓		✓	✓			✓		✓		✓		✓	
Vaughan Hughes	✓				✓		✓		✓	✓			✓		✓		✓		✓	
John Mendoza	✓				✓		✓		✓				✓				✓	✓		
Dilwyn Evans					✓												✓	✓		
Anest Frazer					✓												✓	✓		
Islwyn Jones					✓												✓	✓		
Mike Wilson					✓	✓											✓	✓		
Dilys Shaw					✓												✓	✓		
Denise Harris-Edwards					✓												✓	✓		
John R Jones					✓	✓											✓	✓		

16/05/2019

Hyfforddiant Asesu Effaith Cydraddoldeb /
Equality Impact Assessment

Gwahodd / Invited	Wedi Mynychu / Attended	Ddim wedi Mynychu Non-Attendanc e	Ymddiheu riadau / Apologies
✓			✓
✓			✓
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Elected Member Training Programme

Welcome to the first Elected Member Quarterly Training Update.

Listed below are the Training and Development Opportunities that are to be held between September and December 2019.



Dealing with Challenging Situations

This training session will explore the skills, knowledge and confidence necessary to identify challenging issues and situations and to deal with conflict more effectively.

26th September 2019

GDPR 'Mop Up'

This course will give an introduction to the GDPR Act and explain the changes in individual responsibilities. This course is a 'Mop Up' session and is only mandatory for Elected Members who did not attend the previous session in February.

16th October 2019



Safeguarding 'Mop Up'

This training session gives an overview into the safeguarding responsibilities in your role as an Elected and your role in the community. It is mandatory for all Elected Members who could not attend the 2018 training session to participate in this session.

14th November 2019



E-Learning Portal

Please note that the following E-Learning modules are mandatory for all staff and Elected Members to complete. Please click on icon below to access the desired module:



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ISLE OF ANGLESEY COUNTY COUNCIL	
Committee:	Standards Committee
Date of meeting:	17 September, 2019
Title:	Member Related Issues
Purpose of the Report:	To note progress to date
Author:	Head of Democratic Services

1.0 Background

The purpose of this report is to update the Committee on various Member related matters.

1.1 Members Annual Report

I reported to the last meeting on arrangements for the preparation of Annual Reports covering the period 2018 – 2019.

Section 5 of the Local Government Measure (Wales) 2011 places a duty on the County Council to ensure that arrangements are in place to enable Members to publish annual reports on their activities.

In relation to 2018 / 19 annual reports 28 members have prepared reports to date, and these can be viewed on the Council's website, see link below:

<https://www.anglesey.gov.uk/en/Council/Councillors-AMs-MPs-MEPs/Councillors-Annual-Report.aspx>

Progress has been monitored via Group Leaders. A separate report will be presented to the Democratic Services Committee during 2019/20 on the preparation of reports for the current financial year. This will take into account any specific expectations on Members in the forthcoming Local Government Bill.

1.2 Member Development Charter

I also reported to the last meeting on proposals to seeks re-assessment for the WLGA's Wales Charter for Member Support and Development.

Evidence to support the Council's application was presented to the WLGA during quarter 4 during 2018/19, and information copied to the Standards Committee as requested. I am pleased to report that the Council submission was successful and the Charter status Award was officially presented to the Council at a meeting of the WLGA's Member Development network in July. The Charter Award will be for a period of 3 years.

2.0 Recommendation:

To note progress as detailed in this report.

Huw Jones
Head of Democratic Services
27 August, 2019

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	17 September 2019
REPORT TITLE:	Conduct Complaints to the Public Services Ombudsman for Wales
PURPOSE OF THE REPORT:	To advise the Committee of the complaints which have been sent to the PSOW in relation to (a) County Councillors and (b) Town and Community Councillors.
REPORT BY:	Mared Wyn Yaxley Solicitor – Corporate Governance mwyics@anglesey.gov.uk
LINK OFFICER:	Lynn Ball Head of Function (Council Business)/Monitoring Officer lbxics@anglesey.gov.uk 01248 752586

1. INTRODUCTION

The Standards Committee is provided with an update every quarter on the complaints which have been received by the Public Services Ombudsman for Wales in relation to (a) County Councillors and (b) Town / Community Councillors.

2. UPDATES

2.1 The reports for Quarter 2 (July – September 2018) and Quarter 3 (October – December 2018) were submitted at the last Standards Committee Meeting on 13.03.2019.

2.2 The reports for Quarter 4 (January – March 2019) were distributed to the Standards Committee members by email on 08.04.2019.

A further copy of the report for Quarter 4, in relation to County Councillors, appears at **Enclosure 1**.

A further copy of the report for Quarter 4, in relation to Town and Community Councillors, appears at **Enclosure 2**.

2.3 The reports for Quarter 1 (April – June 2019) were distributed to the Standards Committee members by email on 05.07.2019.

A further copy of the report for Quarter 1, in relation to County Councillors, appears at **Enclosure 3**.

A further copy of the report for Quarter 1, in relation to Town and Community Councillors, appears at **Enclosure 4**.

2.4 The reports for Quarter 4 and Quarter 1 (Enclosures 1- 4) will be distributed to the Town and Community Councils and the elected and co-opted members of this Council following this Standards Committee meeting.

2.5 The next report, for Quarter 2 (July – September 2019), will be circulated to the Standards Committee members by email at the beginning of October 2019.

3. RECOMMENDATION

3.1 For the Standards Committee members to note the contents of the Enclosures at 1-4 and consider trends arising (if any) and any corrective actions which are required.

3.2 For the Head of Function (Council Business)/Monitoring Officer to distribute Enclosures 1-4 to the Town and Community Councils and elected and co-opted members of the Council.

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

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

Chwarter 4 (Ionawr – Mawrth 2019) – 2018/2019 – Quarter 4 (January – March 2019)

Enw'r Cynghorydd	Enw'r Achwynydd	Cyfeirnod y Ffeil	Dyddiad y Gŵyn - “O”	Canlyniad Ymholiad “O” a'r dyddiad neu'r sefyllfa gyfredol
Name of Councillor	Name of Complainant	File Reference (i) Un ni/Ours (ii) “O”	Complaint date - “O”	Result of “O” Investigation and date or the current situation
DIM I'W ADRODD / NOTHING TO REPORT				

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

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

Chwarter 4 (Ionawr – Mawrth 2019) - 2018/2019 – Quarter 4 (January – March 2019)

Enw'r Cynghorydd Name of Councillor	Enw'r Achwynydd Name of Complainant	Cyfeirnod y Ffeil File Reference (i) Un ni/Ours (ii) "O"	Dyddiad y Gŵyn - "O" Complaint date - "O"	Canlyniad Ymholiad "O" a'r dyddiad neu'r sefyllfa gyfredol Result of "O" Investigation and date or the current situation
Cynghorydd Cymuned/Tref Community/Town Councillor	Cynghorydd Cymuned/Tref Community/Town Councillor	(i)CC-021396 (ii)201802863	31.08.2018	Ombwdsmon yn ymchwilio'r gŵyn. / Ombudsman investigating the complaint.
Cynghorydd Cymuned/Tref Community/Town Councillor	Aelod o'r Cyhoedd / Member of the Public	(i)CC-021628 (ii)201806381	21.01.2019	Ombwdsmon wedi penderfynu peidio ymchwilio'r gŵyn. / Ombudsman has decided not to investigate the complaint.
Cynghorydd Cymuned/Tref Community/Town Councillor	Cynghorydd Cymuned/Tref Community/Town Councillor	(i)CC-021698 (ii)201807534	13.03.2019	Ombwdsmon yn ystyried y gŵyn. / Ombudsman considering the complaint.

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

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

Chwarter 1 (Ebrill – Mehefin 2019) – 2019/2020 – Quarter 1 (April – June 2019)

Enw'r Cynghorydd	Enw'r Achwynydd	Cyfeirnod y Ffeil	Dyddiad y Gŵyn - “O”	Canlyniad Ymholiad “O” a'r dyddiad neu'r sefyllfa gyfredol
Name of Councillor	Name of Complainant	File Reference (i) Un ni/Ours (ii) “O”	Complaint date - “O”	Result of “O” Investigation and date or the current situation
DIM I'W ADRODD / NOTHING TO REPORT				

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

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

Chwarter 1 (Ebrill – Mehefin 2019) – 2019/2020 – Quarter 1 (April – June 2019)

Enw'r Cyngorydd Name of Councillor	Enw'r Achwynydd Name of Complainant	Cyfeirnod y Ffeil File Reference (i) Un ni/Ours (ii) "O"	Dyddiad y Gŵyn - "O" Complaint date - "O"	Canlyniad Ymholiad "O" a'r dyddiad neu'r sefyllfa gyfredol Result of "O" Investigation and date or the current situation
Cynghorydd Cymuned/Tref Community/Town Councillor	Cynghorydd Cymuned/Tref Community/Town Councillor	(i)CC-021396 (ii)201802863	31.08.2018	Casgliad yr Ombwdsmon, ar ôl ymchwilio, yw nad oes tystiolaeth o fethu cydymffurfio â'r Cod Ymddygiad. / The Ombudsman's conclusion, following an investigation, is that there is no evidence of a failure to comply with the Code of Conduct.
Cynghorydd Cymuned/Tref Community/Town Councillor	Cynghorydd Cymuned/Tref Community/Town Councillor	(i)CC-021698 (ii)201807534	13.03.2019	Ombwdsmon wedi penderfynu peidio ymchwilio'r gŵyn. / Ombudsman has decided not to investigate the complaint.

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	17 September 2019
REPORT TITLE:	Decisions by the Public Services Ombudsman for Wales
PURPOSE OF THE REPORT:	To advise the Committee of All Wales decisions published by the Public Services Ombudsman for Wales in his Casebooks for February 2019 (Issue 19) and May 2019 (Issue 20)
REPORT BY:	Lynn Ball Head of Function (Council Business) / Monitoring Officer lbxcs@anglesey.gov.uk
LINK OFFICER:	Lynn Ball Head of Function (Council Business) / Monitoring Officer lbxcs@anglesey.gov.uk 01248 752586

1. INTRODUCTION

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

This report summarises the information published by the PSOW in his Casebook for February 2019 (Issue 19) and Casebook for May 2019 (Issue 20). A summary of the cases for Issue 19 is attached at **ENCLOSURE 1** and Issue 20 is attached as **ENCLOSURE 2**.

2. BACKGROUND

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

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

- There is evidence to suggest that the code of conduct may have been breached; and

- That the matter is sufficiently serious for it to be in the public interest for an investigation to be opened.

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

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

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

3. RECOMMENDATION

The Chair of the Standards Committee will lead a discussion on any matters of interest reported in **ENCLOSURE 1** and **ENCLOSURE 2**.

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
<p>Blaenau Gwent County Borough Council - 201707024</p>	<p>Ms E complained that the County Councillor may have breached the Code of Conduct by setting up a page on Social Media which Ms E said unfairly targeted her business.</p> <p>Ms E also complained that the Councillor had intercepted an email she would not otherwise have been entitled to and shared the content of the email on the Social Media page.</p>	<p>Paragraph 4(a) - Promotion of Equality</p> <p>Paragraph 4(b) - Respect for others</p>	<p>The Ombudsman found that the Councillor set up the Social Media page in her private capacity, there was no reference to her work as a Councillor and it was not in any way associated with the Council.</p> <p>The email referred to had been sent directly to the Councillor. The email was not marked confidential and the Council confirmed that it was the type of information it would share with anyone who made a complaint.</p> <p>The Ombudsman concluded that there was no evidence of a breach of the Code of Conduct.</p>	<p>Councillors are able to have private Social Media pages but must ensure that they are separate from their roles as Councillors. Any information published should not be derived from a Councillor's elected role if it is sensitive/confidential. The use of the title "Councillor" will engage the Code. The fact that the title is not used is not an automatic shield either. The PSOW would take the substance of the material/posts into account.</p>
<p>Rhondda Cynon Taf County Borough Council - 201802132</p>	<p>Mr C complained that a County Councillor breached the Code of Conduct when she signed a police statement indicating she had seen an altercation between Mr B and another person. Mr B said the Councillor retracted the information in court and that were it not for the Councillor's statement he would</p>	<p>Paragraph 9(a) - Duty to Uphold the Law</p>	<p>The Ombudsman found that the statement appeared to have been given in good faith and the account given in court was so similar that it appeared to be the Councillor's version of events.</p> <p>The Ombudsman's finding was that there was no evidence of a breach of the Code of Conduct.</p>	

ENCLOSURE 1 – Issue 19 (February 2019)

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
	not have gone to court.			
Beguildy Community Council - 201801874	<p>Ms B complained that the Councillor failed to declare an interest at a meeting, when a discussion took place about survey work on damaged drains on land next to land owned by the Councillor.</p> <p>Ms B also said that the Councillor failed to show her respect and consideration.</p> <p>The Councillor acknowledged a heated discussion with Ms B but said it was not personal and he did not bear Ms B any malice.</p>	<p>Paragraphs 10-15 - Disclosure and registration of interests</p>	<p>The Ombudsman found that the matters raised by the Councillor were of legitimate political concern and it is not the Ombudsman’s role to inhibit robust political debate.</p> <p>Whilst the matter discussed did directly affect the Councillor’s land and therefore might amount to a technical breach of the Code of Conduct the issue was of wider significance to the community and therefore his finding was that no action needed to be taken in respect of the matters investigated.</p>	<p>This decision seems to follow the <u>Calver</u> decision in terms of the Ombudsman’s reluctance to become involved in “robust political debate”.</p> <p>Members should be careful not to rely on this decision and should disclose personal/prejudicial interests in accordance with the Code of Conduct.</p> <p>[This may be a matter which the Standards Committee wishes to take up with the PSOW, as the report seems to contradict the PSOW’s own Guidance]</p>
Powys County Council - 201706713	<p>A complaint was received about the behaviour of a County Councillor with regard to misleading a local resident (the complainant) when the Councillor commented on raising objections to a planning</p>	<p>Accountability and openness</p> <p>Paragraph 6(1)(a) – Disrepute</p>	<p>The Ombudsman determined, following an investigation, that there was no evidence to suggest that the Councillor had breached the Code of Conduct during a telephone conversation with the Complainant.</p>	

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
	<p>application.</p> <p>The Complainant said the Councillor was attempting to secure an advantage for the applicant under the planning application and to deter local residents from objecting.</p>	<p>Paragraph 7 - using their position to create an advantage for themselves or another person</p>		
<p>City and County of Swansea - 201802771</p>	<p>The Ombudsman investigated a complaint that a Councillor may have breached the Code of Conduct by overclaiming mileage expenses.</p>	<p>Paragraph 9(a) - Duty to uphold the Law</p>	<p>Having considered the information available to him, the Ombudsman concluded that, whilst there was evidence that the member had incorrectly overclaimed expenses, consideration had to be given to the member's inexperience and unfamiliarity with the process; the fact that the member had also underclaimed expenses on a number of occasions; the value of the overpayments and, the member's apology and readiness to repay the overpaid money.</p> <p>In view of the above the Ombudsman found that no further action should be taken.</p>	<p>Members should take care to ensure any claims for expenses are made in accordance with Council policy and seek advice if required.</p>
<p>Powys</p>	<p>The Ombudsman investigated a</p>	<p>Paragraph</p>	<p>Having considered the information</p>	<p>There is no information in</p>

ENCLOSURE 1 – Issue 19 (February 2019)

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
County Council - 201706847	complaint that a Councillor may have breached the Code of Conduct by failing to honour an undertaking given to the Adjudication Panel for Wales that he would send a written letter of apology to two colleagues.	4(a) - Promotion of Equality Paragraph 4(b) - Respect for others	available to him, including the Member's comments that he had written and posted the letters, the Ombudsman concluded that, since the Member had agreed to rewrite and send the letters again, no further action should be taken.	the Ombudsman's Casebook as to which APW case this relates, but a search for APW decisions involving Powys County Council leads to the following: https://apw.gov.wales/about/upcoming-tribunals/Cllr-Edwin-Roderick-2019/?skip=1&lang=en https://apw.gov.wales/about/upcoming-tribunals/Cllr-Edwin-Roderick-2019/?lang=cy
Sully and Lavernock Community Council – 201705246	The Ombudsman received a complaint that, during a meeting of Sully and Lavernock Community Council, a member had breached the Code of Conduct by making ageist and discriminatory comments about a candidate that had applied to be co-opted to the Council.	Paragraph 4(a) - Promotion of Equality Paragraph 4(b) - Respect for others	Information was sought from the Council and interviews were undertaken with witnesses who were at the meeting, and the Member. The investigation found that the Member had made such comments, but that there was no evidence to suggest that his comments had a bearing on the outcome for the candidate. Further to this, the Member had only been elected to the Council for six weeks, the Code had not been	Members are encouraged to undertake equality and diversity training. This is considered a mandatory topic in IOACC (as decided by Group Leaders). Members should consider completing the e-learning course available, if they were unable to attend the classroom training arranged in March 2019.

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
			<p>explained to him and he had not had any training on its content. Additionally, when interviewed, the Member apologised for the comments, said he would not make such comments again and confirmed that he had since had training on the Code.</p> <p>Whilst the Ombudsman suggested that the Member consider attending an equality and diversity training course, he concluded that it was not in the public interest to pursue the matter and that no further action needed to be taken in respect of the matters complained about.</p>	<p>The course is available on the following link: https://learning.wales.nhs.uk/login/index.php</p>
<p>Pembrey & Burry Port Town Council – 201704860</p>	<p>The Ombudsman received a complaint that a Member of Pembrey & Burry Port Town Council had breached the Code of Conduct by taking part in discussions and a vote at two meetings on matters in relation to a former member of Council staff who had recently made a complaint about the Member.</p>	<p>Paragraphs 10-15 - Disclosure and registration of interests</p>	<p>The Member was interviewed, as was the Councillor who submitted the complaint, and a further member of the Council.</p> <p>At interview, the Member said he sought advice from the Clerk as to whether he could participate in discussions and he was advised that he could. He also sought his own legal advice on the matter. The Member said that he was unaware that a close personal association could give rise to</p>	<p>Members should remember that they may have a close personal association with someone with whom they are in dispute .</p>

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
			<p>a personal interest where it related to someone with whom a member may be “in dispute”. The Member said that at the time he did not feel that he was in dispute with the member of Council staff. However, the Member acknowledged that he would handle similar matters very differently in future.</p> <p>The Ombudsman concluded that the Member’s conduct in respect of both meetings was suggestive of a breach of the paragraphs of the Code of Conduct which require him to make a declaration of interest and leave the room as appropriate. However, in view of the Member’s actions being misguided rather than intentional, the Ombudsman concluded that it would not be in the public interest to refer the matter to the standards committee.</p>	
Gwynedd Council - 201702769	The Ombudsman received a complaint that a Councillor had breached the Code of Conduct for members when he failed to declare his beneficial interest in properties registered in his name and stated that he had no beneficial interests in land in the	Paragraphs 10-15 - Disclosure and registration of interests [18.5.1 and	Members must, in all matters, consider whether they have a personal interest, and whether the Code of Conduct requires them to disclose that interest. Members must regard themselves as having a personal interest in any business of the authority if it relates to or is likely to affect any land in which	Members are reminded of their obligations in relation to the registration of certain personal interests in the Register of Interests, in accordance with the Code of Conduct.

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
	<p>Council area.</p> <p>It was alleged that the Councillor failed to sign and return the Council's declaration of interests form, despite numerous opportunities to do so.</p>	<p>18.4.1(b) of the Gwynedd Code of Conduct.]</p>	<p>they have a beneficial interest, and which is in the area of their authority. Members must register financial and other interests within 28 days of their election to office by providing written notification of their interests to authority's Monitoring Officer.</p> <p>As the Councillor was a new member at the time the events took place, it was the first time that the Councillor's conduct had been brought to the Ombudsman's attention and had since correctly completed the declaration of interest form, the Ombudsman decided (following an investigation) not to take further action against the Councillor.</p>	<p>A Briefing Note on Personal / Prejudicial Interests can be seen here.</p> <p>http://monitor.anglesey.gov.uk/Journals/n/h/o/Personal-and-Prejudicial-Interest---A-Briefing-Note-to-Members.pdf</p> <p>http://monitor.ynysmon.gov.uk/Journals/c/f/c/Nodyn-Briffio-i-Aelodau---Diddordeb-Personol-a-Rhagfarnol.pdf</p> <p>Instructions on how Members can update the Register can be seen here.</p> <p>http://monitor.anglesey.gov.uk/Journals/j/n/s/How-to-update-your-register-of-interest-form.pdf</p> <p>http://monitor.ynysmon.gov.uk/Journals/x/t/v/Sut-i-ddiweddaru-eich-cofrestr-</p>

ENCLOSURE 1 – Issue 19 (February 2019)

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
Llandegla Community Council – 201704189	A complaint was received about the behaviour of a member of Llandegla Community Council at two Council meetings and also about his conduct in submitting a funding application without the Council's authority.	Integrity Paragraph 4- Respect and consideration, bullying and harassment Paragraph 6 - disrepute.	The Ombudsman determined, following an investigation, that there was no evidence to suggest that the Councillor had breached the Code at the second of the two meetings and in respect of the funding application. He found that no action needed to be taken in respect of his behaviour at the first meeting.	o-ddiddordeb.pdf
Guilsfield Community Council – 201707849	The Ombudsman investigated a complaint that a member of Guilsfield Community Council may have breached the Code of Conduct by misleading members of the public regarding the Council's consideration of a planning application and in relation to an interest he declared during Council meetings on 21 November and 20 December 2017.	Accountability and openness	The Ombudsman concluded that there was no evidence to suggest that the Councillor had advised any member of the public, other than in good faith, and there was no evidence that he deliberately set out to mislead any member of the public. Consequently, he decided that it was not in the public interest to pursue this issue any further. The Ombudsman agreed, given that the Councillor had declared an interest in the planning application at the two meetings, that he had a personal interest in it. He further considered that a reasonable member of the public, who had knowledge of the interest, would be likely to consider it so	Members should consider carefully if they have a personal / prejudicial interest in a matter. A Briefing Note on Personal / Prejudicial Interests can be seen here. http://monitor.anglesey.gov.uk/Journals/n/h/o/Personal-and-Prejudicial-Interest---A-Briefing-Note-to-Members.pdf http://monitor.ynysmon.gov.uk/Journals/c/f/c/Nodyn-

ENCLOSURE 1 – Issue 19 (February 2019)

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
			<p>significant that it would be likely to prejudice his judgment. The Councillor should, therefore, have withdrawn from the room when the business was being discussed. However, although the Councillor remained present, there was no evidence that he used his position improperly, disrupted the democratic process or influenced the Council’s discussion and ultimate decision on the Application.</p> <p>The Ombudsman therefore decided that no action needed to be taken in respect of the matters investigated, although he recommended that the Councillor should consider carefully his duties under the Code of Conduct, particularly the obligation to withdraw from a meeting when an interest is prejudicial, and seek advice if he was unsure of its implications.</p>	<p>Briffio-i-Aelodau---Diddordeb-Personol-a-Rhagfarnol.pdf</p> <p>Members should be careful not to rely on this decision and should disclose personal/prejudicial interests in accordance with the Code of Conduct.</p>

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
Pembroke Dock Town Council - 201706079	<p>The Ombudsman received a complaint that a Member of the Town Council had breached the Code of Conduct for members. It was alleged that the Member had acted in a disrespectful and bullying manner towards the previous Clerk to the Council, both in Council meetings and when communicating with her by email, between 2014 and her resignation from the Council in 2017.</p> <p>Information was sought from the Council, Pembrokeshire County Council and the Member. Interviews were also undertaken with relevant witnesses.</p>	Showing respect and consideration, bullying and harassment, bringing the Council into disrepute and a Member's duty to disclose an interest if they have one in any Council business.	The Member had not acted in a disrespectful or bullying manner towards the Clerk at meetings or when communicating with her by email. The evidence was not suggestive of a breach of the Code and the Member had not brought the Council into disrepute. The Ombudsman further concluded that it was likely that the Member may have breached the Code when failing to declare a personal interest at meetings.	
Saltney Town Council – 201800177, 201800178, 201800179, 201800180	The Ombudsman received a complaint that Members of Saltney Town Council had breached the Code of Conduct by engaging in an argument with other councillors in front of members of the public, following a Town Council meeting.	Showing respect and consideration, bullying and harassment, bringing the Council into disrepute .	The Ombudsman found that the behaviour complained about was below the standard that he would expect from elected members but that their behaviour was petty and immature and therefore to take further action and use further public resources would not be in the public	Members should be mindful of how they conduct themselves, in particular in public meetings.

ENCLOSURE 2 – Issue 20 (June 2019)

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
			interest.	

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	17 September 2019
REPORT TITLE:	Decisions by the Adjudication Panel for Wales
PURPOSE OF THE REPORT:	To provide information about the matters considered by the Adjudication Panel for Wales to date (publishing period March 2019 – August 2019)
REPORT BY:	Mared Wyn Yaxley Solicitor – Corporate Governance mwyics@ynysmon.gov.uk
LINK OFFICER:	Lynn Ball Head of Function (Council Business)/Monitoring Officer lbxcs@anglesey.gov.uk 01248 752586

1. INTRODUCTION AND BACKGROUND

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

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

This report includes decisions published by the APW during the period since the Standards Committee on the 13th March 2019. It is intended as a factual summary of the matters decided by the APW. The reported cases for the relevant period are currently available on the [APW website](#)

2. SUMMARY OF THE RELEVANT CASES

A summary of the relevant case/s is/are at **ENCLOSURE 1**.

2.1 Decisions made

17.07.2019 – Councillor Graham Down of Mathern Community Council
(formerly of Monmouthshire County Council) [APW001/2018-019/CT]

2.2 Appeals adjudicated

None

3. RECOMMENDATION

To note the content of the case summary/ies.

Summary of Cases in Tribunal – March 2019 – August 2019

Name	Summary of Facts	Decision Summary	Findings
<p>Former County Councillor (currently Community Councillor) Graham Down</p> <p>Monmouthshire County Council (currently Mathern Community Council)</p>	<p>An allegation that Councillor Down had breached the Mathern Community Council's Code of Conduct by bringing his authority into disrepute when he made homophobic remarks at a public hearing of the Adjudication Panel for Wales (APW) on 19.07.2019 and when he wrote homophobic comments in a letter to the APW on 24.04.2019, in alleged breach of Paragraph 6(1) of the Code.</p> <p>The Councillor was appearing before the APW on 19.07.2019 as a result of an alleged breach of Paragraph 4(b) of the Code (for failing to show respect and consideration for others). Details of this matter was included in the Standards Committee's Agenda on 13.03.2019 (Item 7) ('the original hearing').</p> <p>The comment: "I cannot be a part of a system where I am required to suppress my conscience. I will not do so, nor will I stand up for, defend or promote the hideous and sickening perversions of</p>	<p>The case tribunal decided that the case should be dismissed on the basis that the second referral to the APW and the subject matter of the case was not in accordance with the requirements of section 69(1)(a) or (b) of the Local Government Act 2000 as there was no written complaint about the alleged breach of the Code and the potential breaches of the Code did not come to the PSOW's attention as a result of an investigation under section 69(1)(a).</p> <p>The PSOW had referred the matter to the APW directly without investigation.</p> <p>The decision itself can be seen on this link - https://gweddiill.gov.wales/docs/apw/publications/190717-decision-graham-down.pdf</p>	<p>The decision is dated 17th July 2019 and details that the PSOW is to investigate complaints from third parties, and not to initiate the complaints or the investigations himself. The decision by the case tribunal details that "it is not for the PSOW to proactively investigate potential breaches of the Code in the absence of a written allegation (save for in the circumstances in section 69(1)(b) that the Case Tribunal has determined do not apply here)".</p> <p>On 22nd May 2019, the Public Services Ombudsman (Wales) Act 2019 came into force, which details further powers for the PSOW to investigate on own initiative. However, this does not cover alleged breaches of the Code of Conduct for members of relevant authorities.</p> <p>The Act can be seen on this link - http://www.legislation.gov.uk/anaw/2019/3/enacted</p>

Name	Summary of Facts	Decision Summary	Findings
	<p>shirt-lifters” was made by Councillor Down at the conclusion of the original hearing, at the announcement of the tribunal’s findings.</p> <p>Councillor Down was sent a copy of the APW’s decision by letter on 20th July 2018 and responded by letter of 24th July 2018 detailing “I believe homosexuality activity to be a sickening, depraved practice and I shall continue to say so”.</p> <p>The Report by the APW deals with the reference made by PSOW to the APW in relation to these alleged breaches. The case tribunal, based on papers only, was to decide, in the first instance whether the case had been properly referred to the APW in accordance with the law.</p>		

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	17 September 2019
REPORT TITLE:	Dispensation(s)
PURPOSE OF THE REPORT:	To advise the Standards Committee of the outcome of any dispensation applications received since the last written report to the Standards Committee on 13.03.2019
REPORT BY:	Mared Wyn Yaxley Solicitor – Corporate Governance mwyys@ynysmon.gov.uk
LINK OFFICER:	Lynn Ball Head of Function (Council Business) / Monitoring Officer lbxcs@anglesey.gov.uk 01248 752586

1. INTRODUCTION

Where a county councillor/town/community councillor has a prejudicial interest in a matter to be considered by their authority, the code of conduct requires that the interest be declared/registered and that the member leave the meeting and not participate/influence the decision/s.

The code of conduct provides inbuilt “dispensations” in certain limited circumstances which are listed in [paragraph 12\(2\) of the code](#).

Additionally, if paragraph 12(2) of the Code does not help, then the Standards Committee has discretion to grant a dispensation to a member, in specific circumstances, as listed in statutory regulations.

If granted, a dispensation will overreach the prejudicial element of the interest (that is the bias or perceived bias) and will enable the member to participate in the matter; perhaps with a limited or restricted input, and for a specified timescale.

2. BACKGROUND

To assist members in using the process for dispensations whenever it may be suitable, and as effectively as possible, the Standards Committee has published an Advice and Guidance Note. Additionally, information was provided to town and community council clerks on the potential for dispensations in an email dated 6th March 2017.

Given that dispensations are often required at the minimum amount of notice legally possible, the Standards Committee has established an arrangement whereby a Panel of three members may be called to deal with any application received between meetings of the full Committee. Applications received from county councillors may be heard by any three independent / County Council members (with the independent members to be in the majority) and applications from town/community councillors are to be heard by independent members and town/community council members (independent members to be in the majority).

3. APPLICATIONS MADE SINCE THE LAST REPORT DATED 13.03.2019

3.1 Dispensation Panel Hearing on 7th March 2019

3.1.1 A Dispensation Panel Hearing was held on 7th March 2019 to consider an application made by Llanelian Community Council members in relation to the provision of education in schools in the Amlwch area. More than half the Members of the Community Council had submitted an application and the matter was considered as a block dispensation.

3.1.2 A verbal update of the Panel's decision was provided at the Standards Committee meeting on 13th March 2019.

3.1.3 Attached at **Enclosure 1** is the report which was presented to the Panel at the 7th March 2019 Hearing.

3.1.4 Attached at **Enclosure 2** are the draft minutes from the Dispensation Panel.

3.1.5 The Panel decided to grant an unlimited dispensation to all the named Councillors who had applied for a dispensation on the following terms:

- To write to officers and / or the Committee / Community Council about the matter;
- To speak to officers of the Community Council about the matter;
- To speak at Committee / Community Council meetings and answer any questions about the issue;
- To remain in the room during any debate/voting on the issue;
- To vote at such meetings; and
- To attend and speak at public meetings and to speak and meet with third parties in connection with this consultation and the project generally; and
- That the dispensation will endure until completion of the Schools Modernisation process in the Amlwch area, or the term of this Community Council, whichever is later.

3.1.6 The dispensation was granted based on statutory ground (a) on the basis that more than half of the members of the Community Council by which the business is to be considered has an interest which relates to that business.

3.2 Dispensation Panel Hearing on 22nd March 2019

3.2.1 At the Dispensation Panel Hearing dated 28th January 2019 to consider Councillor Llinos Medi Huws' application for dispensation, the Panel explained that it

considered that a dispensation application should be made by any / all members of the Executive who are parents / grandparents to children and young people on Anglesey who may be affected by a decision in relation to post-16 education provision in the County.

3.2.2 The Panel considered applications by 5 members of the Executive who are grandparents.

3.2.3 Attached at **Enclosure 3** is the report which was presented to the Panel at the 22nd March 2019 Hearing.

3.2.4 Attached at **Enclosure 4** are the draft minutes from the Dispensation Panel.

3.2.5 The Panel decided to grant an unlimited dispensation to Councillors Dew, Jones, Mummery, Parry and Williams on the following terms:

- To write to officers and the Executive / Committee / Council about the issue;
- To speak to officers of the Council about the issue, provided a note is taken of any such discussions;
- To speak at Executive / Committee / Council meetings and answer any questions about the issue;
- To remain in the room during any debate/voting on the issue;
- To vote at such meetings; and
- To attend and speak at public meetings and to speak and meet with third parties in connection with this consultation and the project generally; and
- That the dispensation will endure until completion of the post-16 Schools Modernisation Project or the end of the term of the current County Council (May 2022), whichever is later.

3.2.6 The dispensation was granted based on statutory ground (b) on the basis that no fewer than half of the members of the Executive has an interest which relates to the business and (d) the nature of the members' interest is such that their participation would not damage public confidence.

3.3 Dispensation Panel Hearing on 29th March 2019

3.3.1 A Dispensation Panel Hearing was held on 29th March 2019 to consider an application by Councillor Carwyn Elias Jones in relation to the post-16 education provision in the County on the basis he is a parent to children/young people on Anglesey and works for a post-16 education provider.

3.3.2 Attached at **Enclosure 5** is the report which was presented to the Panel at the 29th March 2019 Hearing.

3.3.3 Attached at **Enclosure 6** are the draft minutes from the Dispensation Panel.

3.3.4 The Panel decided to grant a partial dispensation to Councillor Jones on the following terms:

- To write to officers and the Executive / Committee / Council about the issue;

- To speak to officers of the Council about the issue, provided a note is taken of any such discussions;
- To speak at Executive / Committee / Council meetings and answer any questions about the issue;
- To remain in the room during any debate on the issue; and
- To attend and speak at public meetings and to speak and meet with third parties in connection with this consultation and the project generally; and
- That the dispensation will endure until completion of the post-16 Schools Modernisation Project or the end of the term of the current County Council (May 2022), whichever is later.

Councillor Jones is not permitted to vote in relation to this business.

3.3.5 The dispensation was granted based on statutory ground (b) on the basis that no fewer than half of the members of the Executive has an interest which relates to the business and (d) the nature of the members' interest is such that his participation would not damage public confidence.

3.4 Dispensation Panel Hearing on 18th July 2019

3.4.1 A Dispensation Panel Hearing was held on 18th July 2019 to consider an application by Councillor Derek Owen of Llanbadrig Community Council in relation to the School Modernisation programme in so far as it relates to the provision of education in schools in the Amlwch area.

3.4.2 Attached at **Enclosure 7** is the report which was presented to the Panel at the 18th July 2019 Hearing.

3.4.3 Attached at **Enclosure 8** are the draft minutes from the Dispensation Panel.

3.4.4 The Panel decided to grant an unlimited dispensation to Councillor Owen on the following terms:

- To write to officers and the Executive / Committee / Council about the issue;
- To speak to officers of the Council about the issue, provided a note is taken of any such discussions;
- To speak at Executive / Committee / Council meetings and answer any questions about the issue;
- To remain in the room during any debate/voting on the issue;
- To vote at such meetings; and
- To attend and speak at public meetings and to speak and meet with third parties in connection with this consultation and the project generally; and
- That the dispensation will endure until the expiry of the consultation period and all discussions / decisions relating to and arising from any such consultation in relation to education provision in the Amlwch area **or** the expiry of Councillor Derek Owen's current term on Llanbadrig Community Council, whichever is later.

3.4.5 The dispensation was granted based on statutory grounds (d) [the nature of the members' interest is such that his participation would not damage public

confidence] and (f) [the member's participation is justified by his role as Chair of the Community Council].

4. RECOMMENDATION

1. For the Committee to note the dispensations granted and the grounds and circumstances in which they were granted.
2. For the members of the Panel only (Michael Wilson, John R Jones and Keith Roberts) to ratify/amend the draft minutes at **Enclosure 2**.
3. For the members of the Panel only (Michael Wilson, Denise Harris-Edwards and John R Jones) to ratify/amend the draft minutes at **Enclosure 4**.
4. For the members of the Panel only (Michael Wilson, Denise Harris-Edwards and John R Jones) to ratify/amend the draft minutes at **Enclosure 6**.
5. For the members of the Panel only (Michael Wilson, John R Jones and Keith Roberts) to ratify/amend the draft minutes at **Enclosure 8**.

CYNGOR SIR YNYS MÔN/ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	STANDARDS COMMITTEE (DISPENSATION PANEL)
DATE:	7 MARCH 2019
TITLE OF REPORT:	TO CONSIDER EIGHT APPLICATIONS FOR DISPENSATION BY LLANEILIAN COMMUNITY COUNCIL MEMBERS
PURPOSE OF THE REPORT:	TO CONSIDER WHETHER OR NOT TO GRANT A DISPENSATION TO LLANEILIAN COMMUNITY COUNCILLORS AND IF SO, ON WHAT TERMS
REPORT BY:	Mared Wyn Yaxley SOLICITOR (Corporate Governance) mwyics@anglesey.gov.uk / 01248 752566

ATTACHED DOCUMENTS

1. Code of Conduct for Members of Llaneilian Community Council
2. The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001
3. Section 4 of the Local Government Regulations (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) 2016
4. Briefing Note provided by the Standards Committee to the Town and Community Councillors on Dispensations together with Application and Decision Forms
5. Application by Councillor by Ian Nicholas Evans
6. Application by Councillor David Gerrard
7. Application by Councillor Dafydd Griffiths
8. Application by Councillor Helen Hughes
9. Application by Councillor Thomas Elfyn Hughes
10. Application by Councillor Glenys Jones
11. Application by Councillor Thomas David Jones
12. Application by Councillor Carol Whitaker
13. Table of Information in relation to the applications
14. Dispensation Considerations – Guidance for the Standards Committee Panel when considering Councillors application for dispensation

1. INTRODUCTION AND BACKGROUND

Pursuant to the Code of Conduct for Llanelian Community Council (reproduced at **Enclosure 1**), any member who has a personal and prejudicial interest in an item of business is precluded from participation in relation to that business.

In some limited, and specified, circumstances a member may be able to overreach the impediment created by the personal and prejudicial interest if they are able to obtain a dispensation from the County Council's Standards Committee.

Dispensations may only be granted in the circumstances listed in Section 2 of **Enclosure 2**, and have been amended in accordance with **Enclosure 3**. The Briefing Note and the reverse of the Application Form therein (**Enclosure 4**) also provide details of these circumstances.

2. PROCESS

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

3. APPLICATION

There are eight applications which appear at **Enclosures 5, 6, 7, 8, 9, 10, 11 and 12**. The eight applications are made by eight different individuals who each has their own reasons for applying for a dispensation and their own set of circumstances which leads to a prejudicial interest. However, all applications are made in relation to the same business, namely education provision in the Amlwch area. **Enclosure 13** is a table of information which incorporates details provided by the Clerk in relation to each applicant and other members of the Community Council, together with the information provided on each application form.

The applications have been made on the standard “application for dispensation to the Standards Committee by a Town or Community Councillor” form, and these detail the business in which each applicant wishes to participate, the type of dispensation sought and the statutory ground under which the dispensation is sought.

The panel will note that as a total of eight applications have been received, this means that more than half the Community Council members have submitted an application for dispensation (there are eleven members in total on Llanelian Community Council). On the basis more than half the Community Council members consider themselves to have a prejudicial interest, this is considered a block dispensation application and statutory ground (a) is available for situations when more than half the members of a Community Council have a prejudicial interest in relation to the same business. The panel is referred to the briefing note at **Enclosure 4** in this regard.

On this basis, the panel is asked to meet in a public meeting, but neither the Clerk for Llanelian Community Council nor the applicants themselves have been asked to attend the hearing. The panel is asked to consider this matter by way of a paper exercise only.

4. CONSIDERATIONS OF THE PANEL

On the basis of the statutory ground which is being relied upon i.e. a block dispensation application where more than half the Community Council members have a prejudicial interest, the Panel is asked to look at this matter and the applications received collectively. The Panel may retire to private session after hearing the application and return to public session to announce its decision. The Panel is referred to the Methodology Note at **Enclosure 14** which details matters which the Panel may wish to consider when reaching its decision in relation to the applications.

5. RECOMMENDATION

To consider the merits of the application and -

- (A) determine whether or not to grant a dispensation on the basis of ground (a): and
- (B) if granting a dispensation, to consider whether there are any limitations/constraints to be imposed.

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

THE MODEL CODE OF CONDUCT

PART 1 INTERPRETATION

1.—(1) In this code —

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

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

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

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

(a) of the relevant authority,

(b) of any executive or board of the relevant authority,

(c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or

(d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990,

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

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

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

(a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or

(b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

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

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

(a) a county council,

(b) a county borough council,

(c) a community council,

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(d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,

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

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

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

(2) In relation to a community council—

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

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

PART 2 GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

4. You must —

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

(b) show respect and consideration for others;

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

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

5. You must not —

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

6.—(1) You must —

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
- (b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
- (c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
- (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

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

7. You must not —

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of your authority —
 - (i) imprudently;
 - (ii) in breach of your authority's requirements;
 - (iii) unlawfully;
 - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
 - (v) improperly for political purposes; or
 - (vi) improperly for private purposes.

8. You must —

- (a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —
 - (i) the authority's head of paid service;
 - (ii) the authority's chief finance officer;
 - (iii) the authority's monitoring officer;

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

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

9. You must —

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

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

PART 3 INTERESTS

Personal Interests

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

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

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

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

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

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

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

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

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

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

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

(ix) any —

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

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

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

(dd) trade union or professional association; or

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

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

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

[Note: subparagraph (b) is omitted.]

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

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

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

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

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

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

to a greater extent than the majority of—

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

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

Disclosure of Personal Interests

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

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

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

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

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

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority

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in accordance with any requirements identified by your authority's monitoring officer, or in relation to a community council, your authority's proper officer from time to time but, as a minimum containing —

- (a) details of the personal interest;
- (b) details of the business to which the personal interest relates; and
- (c) your signature.

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

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

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

Prejudicial Interests

12.—(1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

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

(a) relates to —

- (i) another relevant authority of which you are also a member;
- (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
- (iii) a body to which you have been elected, appointed or nominated by your authority;
- (iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;
- (v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to —

- (i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
- (ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;

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

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

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

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

Overview and Scrutiny Committees

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

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

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

Participation in Relation to Disclosed Interests

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(aa) details of the prejudicial interest;

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

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

(dd) your signature.

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

PART 4 THE REGISTER OF MEMBERS' INTERESTS

Registration of Personal Interests

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

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

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

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

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

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

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

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

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

Sensitive information

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

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

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

Registration of Gifts and Hospitality

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

Y COD YMDDYGIAD ENGHREIFFTIOL

RHAN 1 DEHONGLI

1.—(1) Yn y cod hwn —

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

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

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

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

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

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

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

(a) cyngor sir,

(b) cyngor bwrdeistref sirol,

(c) cyngor cymuned,

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

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

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

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

(a) o'r awdurdod perthnasol,

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

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

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

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

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

(2) Mewn perthynas â chyngor cymuned—

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

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

RHAN 2 DARPARIAETHAU CYFFREDINOL

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

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

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

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

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

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

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

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

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

4. Rhaid i chi —

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

(b) dangos parch at eraill ac ystyriaeth ohonynt;

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

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

5. Rhaid i chi —

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

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

6.—(1) Rhaid i chi —

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

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

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

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

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

7. Rhaid i chi —

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

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

(i) yn annoeth;

(ii) yn groes i ofynion eich awdurdod;

(iii) yn anghyfreithlon;

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

(v) yn amhriodol at ddibenion gwleidyddol; neu

(vi) yn amhriodol at ddibenion preifat.

8. Rhaid i chi —

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

(i) pennaeth gwasanaeth taledig yr awdurdod;

(ii) prif swyddog cyllid yr awdurdod;

(iii) swyddog monitro'r awdurdod;

(iv) prif swyddog cyfreithiol yr awdurdod (y dylid ymgynghori ag ef pan fo unrhyw amheuaeth ynghylch pw^er yr awdurdod i weithredu, ynghylch a yw'r cam a arfaethir yn dod o fewn y fframwaith polisi y

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cytunwyd arno gan yr awdurdod neu os gallai canlyniadau cyfreithiol gweithredu neu fethu â gweithredu gan yr awdurdod gael ôl-ffeithiau pwysig);

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

9. Rhaid i chi —

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

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

RHAN 3 BUDDIANNAU

Buddiannau Personol

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

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

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

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

(ii) unrhyw berson sy'n eich cyflogi neu sydd wedi eich penodi, unrhyw 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 llesiannol mewn dosbarth o warannau sydd gan y corff hwnnw ac sy'n werth mwy na'r gwerth enwol o £25,000 neu un ganfed ran o gyfanswm cyfalaf cyfrannau dyroddedig y corff hwnnw;

(v) unrhyw gontract am nwyddau, gwasanaethau neu waith neu weithfeydd a wnaed rhyngoch chi, rhwng 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 llesiannol 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 elusennol;

(cc) corff y mae dylanwadu ar farn neu bolisi cyhoeddus ymhlith ei brif ddibenion;
(chch)undeb llafur neu gymdeithas broffesiynol; neu

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

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

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

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

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

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

(ii) ar unrhyw gyflogaeth yr ymgwymerir 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 llesiannol mewn dosbarth o warannau sy'n werth mwy na'r gwerth enwol o £5,000; neu

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

a hynny i raddau mwy—

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

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

Datgelu Buddiannau Personol

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

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

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

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

(3) Yn ddarostyngedig i baragraff 14(1)(b) isod, os bydd gennych fuddiant personol mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef ac y byddwch wedi gwneud penderfyniad wrth arfer un o swyddogaethau

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gweithrediaeth neu fwrdd, rhaid i chi mewn perthynas â'r busnes hwnnw sicrhau bod unrhyw ddatganiad ysgrifenedig ynghylch y penderfyniad hwnnw'n cofnodi bodolaeth a natur eich buddiant.

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

- (a) manylion am y buddiant personol;
- (b) manylion am y busnes y mae'r buddiant personol yn gysylltiedig ag ef; ac
- (c) eich llofnod.

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

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

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

Buddiannau sy'n Rhagfarnu

12.—(1) Yn ddarostyngedig i is-baragraff (2) isod, os bydd gennych fuddiant personol mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef bydd gennych hefyd fuddiant sy'n rhagfarnu yn y busnes hwnnw os bydd y buddiant yn un y bydd yn rhesymol i aelod o'r cyhoedd sy'n gwybod y ffeithiau perthnasol fod o'r farn ei fod mor arwyddocaol fel y bydd yn debygol o ragfarnu eich barn ynghylch buddiant cyhoeddus.

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

(a) yn gysylltiedig—

- (i) ag awdurdod perthnasol arall yr ydych hefyd yn aelod ohono;
- (ii) ag awdurdod cyhoeddus arall neu gorff sy'n arfer swyddogaethau o natur gyhoeddus lle yr ydych mewn safle rheolaeth neu reoli cyffredinol;
- (iii) â chorff yr ydych wedi cael eich ethol, eich penodi neu eich enwebu gan eich awdurdod i fod arno;
- (iv) â'ch rôl fel llywodraethwr ysgol (os na chwsoch eich penodi neu eich enwebu gan eich awdurdod) oni bai bod y busnes yn benodol gysylltiedig â'r ysgol yr ydych yn un o'i llywodraethwyr;
- (v) â'ch rôl fel aelod o Fwrdd Iechyd Lleol os na chwsoch eich penodi neu eich enwebu gan eich awdurdod i fod arno;

(b) yn gysylltiedig:

- (i) â swyddogaethau tai eich awdurdod os oes gennych denantiaeth neu les gyda'ch awdurdod, ar yr amod nad oes arnoch i'ch awdurdod ôl-ddyledion rhent o fwy na deufis, ac ar yr amod nad yw'r swyddogaethau hynny'n ymwneud yn arbennig â'ch tenantiaeth neu â'ch les;
- (ii) â swyddogaethau eich awdurdod mewn cysylltiad â phrydau ysgol, cludiant a threuliau teithio, os ydych chi'n warchodwr, yn rhiant, yn fam-gu neu'n nain neu'n dad-cu neu'n daid, neu os oes gennych

(v. 01.04.2016)

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 yn unol â darpariaethau Rhan 8 o Fesur Llywodraeth Leol (Cymru) 2011, neu lwfans neu benswn a ddarperir o dan adran 18 o Ddeddf Llywodraeth Leol a Thai 1989;

(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 gyrrff cymunedol neu wirfoddol hyd at uchafswm o £500.

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

Pwyllgorau Trosolygu a Chraffu

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

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

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

Cyfrannu mewn Perthynas â Datgelu Buddiannau

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(aa) manylion y buddiant sy'n rhagfarnu;

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

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

(chch) eich llofnod.

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

RHAN 4 COFRESTR BUDDIANNAU AELODAU

Cofrestru Buddiannau Personal

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

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

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

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

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

18.

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

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

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

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

Gwybodaeth sensitif

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

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

(3) Yn y cod hwn, ystyr "gwybodaeth sensitif" ("*sensitive information*") yw gwybodaeth y mae ei rhoi ar gael i'w harchwilio gan y cyhoedd yn creu, neu'n debygol o greu, risg ddifrifol y gallech chi neu berson sy'n byw gyda chi fod yn destun trais neu 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, neu mewn perthynas â chyngor cymuned, swyddog priodol eich awdurdod yn nodi bodolaeth a natur y rhodd honno, y lletygarwch hwnnw, y buddiant materol hwnnw neu'r fantais faterol honno.

ATODIAD / ENCLOSURE 2



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 2279 (Cy. 169)

2001 No. 2279 (W. 169)

**LLYWODRAETH LEOL,
CYMRU**

**LOCAL GOVERNMENT ,
WALES**

**Rheoliadau Pwyllgorau Safonau
(Caniatáu Gollyngiadau) (Cymru)
2001**

**The Standards Committees (Grant
of Dispensations) (Wales)
Regulations 2001**

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note does not form part of the Regulations)

O dan adran 51 o Ddeddf Llywodraeth Leol 2000 ("y Ddeddf") mae'n ofynnol i gynghorau sir a chynghorau bwrdeistref sirol, awdurdodau tân ac awdurdodau Parciau Cenedlaethol yng Nghymru ("awdurdodau perthnasol") fabwysiadu cod ymddygiad ar gyfer aelodau ac aelodau cyfetholedig sy'n gorfod ymgorffori unrhyw ddarpariaethau gorfodol o unrhyw god ymddygiad enghreifftiol a gyhoeddir gan Gynulliad Cenedlaethol Cymru o dan adran 50(2) o'r Ddeddf.

County and county borough councils, community councils, fire authorities and National Park authorities in Wales ("relevant authorities") are required by section 51 of the Local Government Act 2000 ("the Act") to adopt a code of conduct for members and co-opted members which must incorporate any mandatory provisions of any model code of conduct issued by the National Assembly for Wales under section 50(2) of the Act.

Mae adran 81(1) a (2) o'r Ddeddf yn darparu bod yn rhaid i'r swyddog monitro ym mhob awdurdod perthnasol sefydlu a chadw cofrestr o fuddiannau aelodau ac aelodau cyfetholedig yr awdurdod a bod darpariaethau gorfodol y cod enghreifftiol sy'n gymwysadwy i bob awdurdod perthnasol yn gorfod ei gwneud yn ofynnol i aelodau ac aelodau cyfetholedig pob awdurdod gofrestru unrhyw fuddiannau ariannol ac eraill a bennir yn y darpariaethau gorfodol yng nghofrestr yr awdurdod hwnnw.

Section 81(1) and (2) of the Act provides that the monitoring officer of each relevant authority must establish and maintain a register of interests of the members and co-opted members of the authority and that the mandatory provisions of the model code applicable to each relevant authority must require the members and co-opted members of each authority to register in that authority's register such financial and other interests as are specified in the mandatory provisions.

O dan adran 81(3) a (4) o'r Ddeddf rhaid i'r darpariaethau gorfodol hynny ei gwneud yn ofynnol hefyd i aelod neu aelod cyfetholedig o awdurdod perthnasol sydd â buddiant o'r fath ei ddatgelu cyn cymryd rhan mewn unrhyw fusnes gan yr awdurdod sy'n berthnasol i'r buddiant a gwneud darpariaeth i atal yr aelod neu'r aelod cyfetholedig hwnnw rhag cymryd rhan mewn unrhyw fusnes gan yr awdurdod y mae'r buddiant a ddatgelwyd yn berthnasol iddo neu i gyfyngu ar y rhan y mae'n ei chymryd ynddo.

Under section 81(3) and (4) of the Act those mandatory provisions must also require a member or co-opted member of a relevant authority who has such an interest to disclose it before taking part in any business of the authority which relates to it and make provision for preventing or restricting the participation of that member or co-opted member in any business of the authority to which the disclosed interest relates.

Mae adran 81(4) o'r Ddeddf yn darparu nad yw unrhyw gyfranogiad gan aelod neu aelod cyfetholedig o awdurdod perthnasol mewn unrhyw fusnes a waherddir gan y darpariaethau gorfodol yn fethiant i gydymffurfio â chod ymddygiad yr awdurdod os yw'r aelod neu'r aelod cyfetholedig wedi gweithredu yn unol â gollyngiad rhag y gwaharddiad a gafodd ei ganiatáu gan bwyllgor safonau'r awdurdod yn unol â rheoliadau a wneir o dan is-adran (5).

Mae'r rheoliadau hyn yn rhagnodi'r amgylchiadau y caiff pwyllgorau safonau'r awdurdodau perthasol ganiatáu gollyngiadau o'r fath odanynt.

Section 81(4) of the Act provides that any participation by a member or co-opted member of a relevant authority in any business which is prohibited by the mandatory provisions is not a failure to comply with the authority's code of conduct if the member or co-opted member has acted in accordance with a dispensation from the prohibition granted by the authority's standards committee in accordance with regulations made under subsection (5).

These regulations prescribe the circumstances in which standards committees of relevant authorities may grant such dispensations.

2001 Rhif 2279 (Cy. 169)

**LLYWODRAETH LEOL,
CYMRU**

**Rheoliadau Pwyllgorau Safonau
(Caniatáu Gollyngiadau) (Cymru)
2001**

Wedi'u gwneud

21 Mehefin 2001

Yn dod i rym

28 Gorffennaf 2001

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd iddo gan adran 81(5) ac (8) o Ddeddf Llywodraeth Leol 2000(a).

Enw, cychwyn, cymhwyso a dehongli

1.- (1) Enw'r Rheoliadau hyn yw Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 a deuant i rym ar 28 Gorffennaf 2001.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

(3) Yn y Rheoliadau hyn -

mae "aelod" ("*member*") yn cynnwys aelod cyfetholedig;

ystyr "awdurdod perthnasol" ("*relevant authority*") yw cyngor sir neu gyngor bwrdeistref sirol, cyngor cymuned, awdurdod tân neu awdurdod Parc Cenedlaethol;

ystyr "buddiant" ("*interest*") yw buddiant y mae'n ofynnol ei gofrestru yng nghofrestr buddiannau'r awdurdod perthnasol;

ystyr "corff gwirfoddol" ("*voluntary organisation*") yw corff (heblaw awdurdod lleol neu gorff cyhoeddus arall) sy'n cynnal ei weithgareddau heblaw ar gyfer gwneud elw;

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

(a) 2000 p. 22.

2001 No. 2279 (W. 169)

**LOCAL GOVERNMENT,
WALES**

**The Standards Committees (Grant
of Dispensations) (Wales)
Regulations 2001**

Made

21st June 2001

Coming into force

28th July 2001

The National Assembly for Wales makes the following Regulations in exercise of the power given to it by section 81(5) and (8) of the Local Government Act 2000(a).

Name, commencement, application and interpretation

1.- (1) The name of these Regulations is the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 and they shall come into force on 28th July 2001.

(2) These Regulations apply to Wales only.

(3) In these Regulations -

"interest" ("*buddiant*") means an interest which is required to be registered in the relevant authority's register of interests;

"member" ("*aelod*") includes a co-opted member;

"relevant authority" ("*awdurdod perthnasol*") means a county or county borough council, a community council, a fire authority or a National Park authority;

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

"voluntary organisation" ("*corff gwirfoddol*") means a body (other than a local authority or other public body) whose activities are carried on otherwise than for profit.

(a) 2000 c. 22.

Yr amgylchiadau lle gellir caniatáu gollyngiadau

2. Caiff pwyllgor safonau awdurdod perthnasol ganiatáu gollyngiadau o dan adran 81(4) o'r Ddeddf -

(a) os oes gan ddim llai na hanner aelodau'r awdurdod perthnasol neu hanner aelodau un o bwyllgorau'r awdurdod (yn ôl fel y digwydd) y mae'r busnes i gael ei ystyried ganddo fuddiant sy'n berthnasol i'r busnes hwnnw;

(b) os oes gan ddim llai na hanner aelodau gweithrediaeth arweinydd a chabinet y mae'r busnes i gael ei ystyried ganddo fuddiant sy'n berthnasol i'r busnes hwnnw a bod naill ai paragraff (ch) neu baragraff (d) hefyd yn gymwys;

(c) yn achos cyngor sir neu gyngor bwrdeistref sirol, os byddai anallu aelod i gymryd rhan yn tarfu ar gydbwysedd gwleidyddol yr awdurdod perthnasol neu'r pwyllgor o'r awdurdod y mae'r busnes i'w ystyried ganddo i'r fath raddau nes y byddai'r canlyniad yn debygol o gael ei effeithio;

(ch) os yw natur buddiant yr aelod yn gyfryw fel na fyddai cyfranogiad yr aelod yn y busnes y mae'r buddiant yn berthnasol iddo yn niweidio hyder y cyhoedd yn y modd y mae busnes yr awdurdod perthnasol yn cael ei gynnal;

(d) os yw'r buddiant yn gyffredin i'r aelod ac i gyfran arwyddocaol o'r cyhoedd;

(dd) os oes cyfiawnhad i'r aelod gymryd rhan yn y busnes y mae'r buddiant yn berthnasol iddo oherwydd rôl neu arbenigedd penodol yr aelod;

(e) os yw'r busnes y mae'r buddiant yn berthnasol iddo i'w ystyried gan bwyllgor trosolygu a chraffu i'r awdurdod perthnasol ac nad yw buddiant yr aelod yn fuddiant ariannol;

(f) os yw'r busnes sydd i'w ystyried yn berthnasol i arian neu eiddo corff gwirfoddol y mae'r aelod yn aelod o'i bwyllgor neu ei fwrdd rheoli heblaw fel cynrychiolydd yr awdurdod perthnasol ac nad oes gan yr aelod unrhyw fuddiant arall yn y busnes hwnnw ar yr amod na fydd unrhyw ollyngiad yn ymestyn i gymryd rhan mewn unrhyw bleidlais mewn perthynas â'r busnes hwnnw; neu

(ff) os yw'n ymddangos i'r pwyllgor ei bod o les i drigolion ardal yr awdurdod perthnasol i'r anallu gael ei godi, ar yr amod bod hysbysiad ysgrifenedig bod y gollyngiad yn cael ei ganiatáu yn cael ei roi i Gynulliad Cenedlaethol Cymru o fewn saith diwrnod a hynny mewn unrhyw fodd y gall ei bennu.

Circumstances in which dispensations may be granted

2. The standards committee of a relevant authority may grant dispensations under section 81(4) of the Act where -

(a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;

(b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;

(c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;

(d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;

(e) the interest is common to the member and a significant proportion of the general public;

(f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;

(g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;

(h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or

(i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a).

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

21 Mehefin 2001

21st June 2001

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1998 p. 38.

(a) 1998 c. 38.

CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 2279 (Cy. 169)

2001 No. 2279 (W. 169)

**LLYWODRAETH LEOL,
CYMRU**

**LOCAL GOVERNMENT,
WALES**

**Rheoliadau Pwyllgorau Safonau
(Caniatáu Gollyngiadau) (Cymru)
2001**

**The Standards Committees (Grant
of Dispensations) (Wales)
Regulations 2001**

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ATODIAD / ENCLOSURE 3

WELSH STATUTORY INSTRUMENTS

2016 No. 85

**The Local Government (Standards Committees,
Investigations, Dispensations and Referral)
(Wales) (Amendment) Regulations 2016**

Amendments to the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001

4.—(1) The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001(1) are amended as follows.

(2) In regulation 1, in paragraph (3) in the appropriate place insert—

““community sub-committee” (*“is-bwyllgor cymunedol”*) means a sub-committee appointed by a standards committee of a local authority under section 56 of the Act;”;

““joint committee” (*“cyd-bwyllgor”*) means a committee established by two or more relevant authorities under section 53(1) of the Act;”;

““section 54A sub-committee” (*“is-bwyllgor adran 54A”*) means a sub-committee appointed by a standards committee under section 54A(1) of the Act”;

““standards committee” (*“pwyllgor safonau”*) means—

- (a) a standards committee of a relevant authority;
- (b) a joint committee;
- (c) a section 54A sub-committee; or
- (d) a community sub-committee;”.

(3) In regulation 2—

(a) at the end of paragraph (h) omit “or”;

(b) in paragraph (i), for the words that follow “removed” substitute “; or”;

(c) after paragraph (i) insert—

“(j) “it appears to the committee to be otherwise appropriate to grant a dispensation.”

(4) After regulation 2 insert—

“Dispensations granted in accordance with regulation 2(j)

3.—(1) A dispensation granted by the standards committee of a relevant authority under section 81(4) of the Act on the grounds set out in regulation 2(j) and which remains in effect, must be reviewed by the standards committee once in every 12 month period from the date on which the dispensation is first granted.

(2) When conducting a review under paragraph (1) the standards committee must determine whether the dispensation should continue to have effect.

Procedure and powers of standards committees

4.—(1) A standards committee of a relevant authority may refer an application for a dispensation made by a member of the authority to the standards committee of another relevant authority for consideration and determination.

(2) The monitoring officer of a relevant authority to which an application for a dispensation is made may, with the prior written consent of the chairperson of the standards committee of that authority, make arrangements for the application to be considered and determined by the standards committee of another relevant authority.

(3) Where reasonable efforts to contact the chairperson of the standards committee of the relevant authority have been unsuccessful, the vice-chairperson of the standards committee may give consent under paragraph (2).

(4) Where a monitoring officer or standards committee makes arrangements for a dispensation application to be considered and determined by the standards committee of another relevant authority, the monitoring officer or standards committee that makes those arrangements must provide notice to the person making the application accordingly.

(5) The notice to which paragraph (4) refers must include the following—

- (a) a statement that the matter has been referred to another relevant authority's standards committee for consideration and determination;
- (b) the name of the other relevant authority; and
- (c) the reason why the application has been referred to the standards committee of the other relevant authority.

(6) When the standards committee has determined the application it must give written notice of its decision to the—

- (a) member applying for the dispensation; and
- (b) standards committee of the referring relevant authority.”

Briefing Note for Town and Community Councillors on Anglesey

Dispensations

This is a briefing note for Town and Community Councillors on the topic of 'Dispensations'. Should Councillors or Clerks have any queries, please contact the Monitoring Officer at Anglesey County Council:

Lynn Ball - lbxcs@anglesey.gov.uk

Under their Code of Conduct, no Councillor is allowed to participate in a matter in which he/she has a prejudicial* interest unless a dispensation has already been granted by the County Council's Standards Committee.

Grounds on which a dispensation may be granted

The grounds on which a dispensation may be granted are set out in statute and are:-

1. At least half of the Councillors (Community Council/Committee of the Community Council) would be unable to take part in a meeting because of a prejudicial* interest;
2. The nature of the interest is such that participation would not damage public confidence in the decision;
3. The Councillor's interest is common to a significant proportion of the general public;
4. The Councillor's particular role or expertise would justify participation;
5. The business relates to the finances or property of a voluntary organisation and the Councillor sits on its board/committee in his/her own right, and he/she does not have any other interest [although in this instance, any dispensation may allow the Councillor to speak on the matter, but not to vote];
6. The Standards Committee believes that the Councillor's participation would be in the interests of the people in the Community Council's area and the Committee notifies the Welsh Ministers within 7 days of the dispensation being granted; or
7. The Standards Committee believes it appropriate to grant the dispensation, as a practical solution to a disability (infirmity) of the Councillor's which otherwise would make it difficult for him/her to leave a room/chamber when a matter in which they have a prejudicial* interest is being discussed.

How does a Community Councillor obtain a Dispensation?

The Councillor must apply in writing to the County Council's Standards Committee and will usually be expected to attend the public meeting of the Standards Committee/Panel which will take the decision.

A Councillor may apply individually or, in common circumstances, a joint or collective application may be made by more than one Councillor.

The Standards Committee will consider all applications on their own facts; balancing the public interest in preventing those with prejudicial* interests from taking part in decisions while maximising the public interest in democratic participation.

The decision as to whether a dispensation shall be granted is at the Standards Committee's discretion. The Standards Committee will explain its reasons. The terms and duration of any dispensation shall be decided by the Standards Committee.

If the Standards Committee approves an application it must grant the dispensation in writing. No Councillor may rely on a dispensation until such time the written decision has been circulated. Where necessary, and possible, this will be expedited.

Requirements on Councillors when relying on a dispensation

Once the Standards Committee has approved an application and has granted the dispensation, in writing, the Councillor will then be able to participate (subject to any limitations imposed) despite his/her prejudicial* interest.

(a) In formal Meetings:

When a Councillor has a dispensation and wants to participate in a meeting to discuss the relevant matter, the Councillor must:

- (i) state at the meeting, when the item is to be discussed, that he/she is relying on a dispensation; and
- (ii) before, or immediately after the close of the meeting, must give written notification** to the Community Council.

The notification must include:

- 1. details of the prejudicial* interest for which the dispensation was granted;
- 2. details of the business to which the prejudicial* interest relates;
- 3. details of the dispensation, including the date on which it was granted, and
- 4. the Councillor's signature.

(b) In informal meetings:

When a Councillor has a dispensation, and is making verbal representations at informal meetings, that Councillor must:

- (i) include details of the dispensation in such discussion and
- (ii) provide written notification** to the Community Council Clerk within 14 days of the discussion.

(c) In writing:

When a Councillor has been provided with a dispensation, and is making written representations to their Community Council, the Councillor must provide details of

the dispensation in any correspondence on the subject to which the dispensation relates.

Footnote/definitions

- * prejudicial interests – these are personal interests (listed in the Code of Conduct) which an objective observer would consider so significant that they are likely to compromise the Councillor’s ability to put the public interest first.
- ** written notification – in formal meetings, Councillors may rely upon the standard form of declaration. In informal meetings Councillors must provide written confirmation to the clerk/or other lead officer and ask that the dispensation be included in any informal minute/file note of the meeting/discussion.

THE ISLE OF ANGLESEY COUNTY COUNCIL

APPLICATION FOR DISPENSATION TO THE STANDARDS COMMITTEE
BY A TOWN OR COMMUNITY COUNCILLOR

Name of Applicant:	
Contact details:	
Name of Town / Community Council:	
Details of the prejudicial interest* in respect of which the Dispensation is sought:	
Business in which the applicant wishes to participate:	
Type of Dispensation sought (tick as necessary and insert any required information):	<ul style="list-style-type: none"><input type="radio"/> write to officers [and/or the Committee/Community Council] about the matter;<input type="radio"/> speak to officers of the Community Council about the matter [with/without conditions [INSERT]]<input type="radio"/> speak at Committee meetings/Community Council meetings and answer any questions about the issue;<input type="radio"/> remain in the room during any debate/vote on the issue (available when Member has a disability);<input type="radio"/> vote;<input type="radio"/> other – please specify: _____ _____
Statutory Ground/s under which Dispensation is requested (See overleaf for possible grounds available):	
Date by which a decision is required:	
Signed:	Date:

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

Circumstances in which the Standards Committee may grant a dispensation to a Community Councillor

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

- (a) no fewer than half of the Councillors (Community Council/Committee) by which the business is to be considered has an interest which relates to that business;
- (b) NOT RELEVANT TO COMMUNITY COUNCILS
- (c) an inability to participate would upset political balance to such an extent that the outcome would likely be affected;
- (d) the nature of the interest is such that participation in the business to which the interest relates would not damage public confidence;
- (e) the interest is common to the Councillor and a significant proportion of the general public;
- (f) participation is justified by the Councillor's particular role or expertise;
- (g) NOT RELEVANT TO COMMUNITY COUNCILS
- (h) the business relates to the finances or property of a voluntary organisation of whose management committee or board the Councillor is a member otherwise than as a representative of the Community Council and the Councillor has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business;
- (i) it appears to the Standards Committee to be in the interests of the inhabitants of the area of the Community Council that the disability should be removed, provided that written notification of the grant of the dispensation is given to the Welsh Ministers within 7 days. Such a notification should specify the Councillor to whom the dispensation would apply and the Standards Committee's reasons why the disability should be removed;
- (j) it appears to the Standards Committee to be otherwise appropriate to grant the dispensation, as a practical solution to the disability of the Councillor which otherwise would make it difficult for them to leave a room/chamber when a matter in which they have a prejudicial interest is being discussed.

THE ISLE OF ANGLESEY COUNTY COUNCIL
DECISION OF THE STANDARDS COMMITTEE
IN RELATION TO AN APPLICATION FOR DISPENSATION
BY A TOWN OR COMMUNITY COUNCILLOR

Decision of the Standards Committee:	
Date decision made by the Standards Committee:	
Name of persons to be notified of the Standards Committee's decision:	<input type="radio"/> Clerk of the Town/Community Council <input type="radio"/> Applicant <input type="radio"/> Others: _____ _____
Date the dispensation expires:	

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

- write to officers [and/or the Committee/Community Council] about the matter;
- speak to officers of the Community Council about the matter [with/without conditions [INSERT]];
- speak at Committee meetings/Community Council meetings and answer any questions about the issue;
- remain in the room during any debate/vote on the issue (due to the Member's disability);
- vote;
- other

The Councillor can therefore speak [and vote] at Committee/Community Council meetings in relation to the matter and answer any questions from members of the Committee/Community Council [but must leave the meeting before matters that the Councillor speaks upon are debated or voted on] OR [and may remain in the room during the debate/vote but must not vote on the issue].

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


- declare an interest in the matter; and

- confirm that a dispensation has been granted to allow the Councillor to speak [and vote] about it; and
- complete a written notification to the clerk setting out the interest and the dispensation.

By authority of the Isle of Anglesey Standards Committee

Dated: _____

APPLICATION FOR DISPENSATION TO THE STANDARDS COMMITTEE
BY A TOWN OR COMMUNITY COUNCILLOR

Name of Applicant:	IAN NICHOLAS EVANS	
Contact details:	07825 334267	
Name of Town / Community Council:	LLANELLIAN	
Details of the prejudicial interest* in respect of which the Dispensation is sought:	SPOUSE EMPLOYED / SUPPLY TEACHER IN YSGOL PENYBARN, GRAND DAUGHTER PUPIL, DAUGHTER LLYNODRAETH - WRANG	
Business in which the applicant wishes to participate:	REVIEW PROVISION EDUCATION NE ANGLESEY	
Type of Dispensation sought (tick as necessary and insert any required information):	<input checked="" type="checkbox"/> write to officers [and/or the Committee/Community Council] about the matter; <input checked="" type="checkbox"/> speak to officers of the Community Council about the matter [with/without conditions [INSERT]] <input checked="" type="checkbox"/> speak at Committee meetings/Community Council meetings and answer any questions about the issue; <input checked="" type="checkbox"/> remain in the room during any debate/vote on the issue; <input checked="" type="checkbox"/> vote; <input type="checkbox"/> other	
Statutory Ground/s under which Dispensation is requested (See overleaf for possible grounds available):	S 8(4) a, c, d, e	
Date by which a decision is required:	11/2/19	
Signed:		Date: 15/1/19

* Prejudicial Interests – These are personal interests which an objective observer would consider so significant that they are likely to compromise a Councillor's ability to act in the public interest

Circumstances in which the Standards Committee may grant a dispensation to Community Councillor

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

- (a) no fewer than half of the Councillors (Community Council/Committee) by which the business is to be considered has an interest which relates to that business;
- (b) NOT RELEVANT TO COMMUNITY COUNCILS
- (c) an inability to participate would upset political balance to such an extent that the outcome would likely be affected;
- (d) the nature of the interest is such that participation in the business to which the interest relates would not damage public confidence;
- (e) the interest is common to the Councillor and a significant proportion of the general public;
- (f) participation is justified by the Councillor's particular role or expertise;
- (g) NOT RELEVANT TO COMMUNITY COUNCILS
- (h) the business relates to the finances or property of a voluntary organisation of whose management committee or board the Councillor is a member otherwise than as a representative of the Community Council and the Councillor has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business;
- (i) it appears to the Standards Committee to be in the interests of the inhabitants of the area of the Community Council that the disability should be removed, provided that written notification of the grant of the dispensation is given to the Welsh Ministers within 7 days. Such a notification should specify the Councillor to whom the dispensation would apply and the Standards Committee's reasons why the disability should be removed;
- (j) it appears to the Standards Committee to be otherwise appropriate to grant the dispensation, as a practical solution to the disability (infirmity) of the Councillor which otherwise would make it difficult for them to leave a room/chamber when a matter in which they have a prejudicial interest is being discussed.

THE ISLE OF ANGLESEY COUNTY COUNCIL

DECISION OF THE STANDARDS COMMITTEE
IN RELATION TO AN APPLICATION FOR DISPENSATION
BY A TOWN OR COMMUNITY COUNCILLOR

Decision of the Standards Committee:	
Date decision made by the Standards Committee:	
Name of persons to be notified of the Standards Committee's decision:	<input type="radio"/> Clerk of the Town/Community Council <input type="radio"/> Applicant <input type="radio"/> Others: _____
Date the dispensation expires:	

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

- write to officers [and/or the Committee/Community Council] about the matter;
- speak to officers of the Community Council about the matter [with/without conditions [INSERT]];
- speak at Committee meetings/Community Council meetings and answer any questions about the issue;
- remain in the room during any debate/vote on the issue;
- vote;
- other

The Councillor can therefore speak [and vote] at Committee/Community Council meetings in relation to the matter and answer any questions from members of the Committee/Community Council [but must leave the meeting before matters that the Councillor speaks upon are debated or voted on] OR [and may remain in the room during the debate/vote but must not vote on the issue].

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

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

By authority of the Isle of Anglesey Standards Committee

Dated: _____

PENDERFYNIAD Y PWYLLGOR SAFONAU MEWN PERTHYNAS Â CHAIS AM
GANIATÂD ARBENNIG GAN GYNGHORYDD TREF NEU GYMUNED

Penderfyniad y Pwyllgor Safonau:	
Dyddiad y gwnaethpwyd y penderfyniad gan y Pwyllgor Safonau:	
Enw'r person y dylid ei hysbysu am benderfyniad y Pwyllgor Safonau	<input type="radio"/> Clerc y Cyngor Tref/Cymuned <input type="radio"/> Yr Ymgeisydd <input type="radio"/> Eraill: _____
Dyddiad y daw'r caniatâd arbennig i ben:	

Yn unol â pharagraff [] Rheoliadau Pwyllgor Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 fel y'i diwygiwyd gan Reoliadau Llywodraeth Leol (Pwyllgorau Safonau, Ymchwiliadau, Gollyngiadau ac Atgyfeirio) (Cymru) (Diwygio) 2016 mae'r Pwyllgor Safonau wedi penderfynu rhoi caniatâd arbennig i'r Cyngorydd [] mewn perthynas â'r diddordeb hwnnw y cyfeirir ato / y diddordebau hynny y cyfeirir atynt yn nhudalen 1 y Cais, sy'n caniatáu i'r Cyngorydd:

- ysgrifennu at swyddogion [a/neu'r Pwyllgor/Cyngor Cymuned] ynglŷn â'r mater;
- siarad â swyddogion y Cyngor Cymuned ynglŷn â'r mater [hefo/heb amodau];
- siarad yng nghyfarfodydd Pwyllgorau/cyfarfodydd y Cyngor Cymuned ac ateb unrhyw gwestiynau ynglŷn â'r mater;
- aros yn yr ystafell yn ystod unrhyw drafodaeth/bleidlais ynglŷn â'r mater;
- pleidleisio;
- arall

Mae gan y Cyngorydd felly hawl i siarad [a phleidleisio] yng nghyfarfodydd Pwyllgorau/cyfarfodydd y Cyngor Cymuned ynghylch y mater ac ateb unrhyw gwestiynau gan aelodau o'r Pwyllgor/Cyngor Cymuned [ond mae'n rhaid iddo/iddi adael y cyfarfod cyn y drafodaeth a'r bleidlais ar y materion hynny y mae'r Cyngorydd yn siarad yn eu cylch] NEU [a chaniateir iddynt aros yn yr ystafell yn ystod y drafodaeth a'r bleidlais ond ni chaniateir iddynt bleidleisio ar y mater].

Cyn i'r Cyngorydd siarad â, neu ysgrifennu at, swyddogion y Cyngor Cymuned, neu siarad yng nghyfarfod y Pwyllgor/cyfarfodydd y Cyngor Cymuned ar y mater, mae'n rhaid i'r Cyngorydd :-

- ddatgan diddordeb yn y mater; a
- cadarnhau bod caniatâd arbennig wedi ei roi er mwyn caniatáu i'r Cyngorydd siarad [a phleidleisio] ar y mater; a
- cwblhau hysbysiad ysgrifenedig i'r Clerc yn manylu ar y diddordeb a'r caniatâd arbennig.

Drwy awdurdod Pwyllgor Safonau Cyngor Sir Ynys Môn

Dyddiedig: _____

Amgylchiadau lle gall y Pwyllgor Safonau Roddi Caniatâd Arbennig i Gynghorydd Cymuned

Mae Rheoliadau Pwyllgor Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 fel y'i diwygiwyd gan Reoliadau Llywodraeth Leol (Pwyllgorau Safonau, Ymchwiliadau, Gollyngiadau ac Atgyfeirio) (Cymru) (Diwygio) 2016 yn nodi y caniateir i Bwyllgor Safonau'r Cyngor roi caniatâd arbennig o dan Adran 81(4) Deddf Llywodraeth Leol 2000 o dan yr amgylchiadau canlynol:

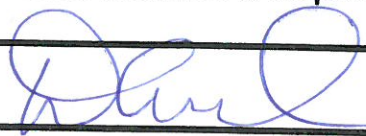
- (a) Mae gan o leiaf hanner Cynghorwyr y Cyngor Cymuned neu Bwyllgor y Cyngor Cymuned (fel sy'n briodol) fydd yn ystyried y busnes ddiddordeb sy'n gysylltiedig â'r busnes hwnnw;
- (b) DIM YN BERTHNASOL I GYNGHORAU CYMUNED;
- (c) Byddai anallu i gymryd rhan yn effeithio ar y cydbwysedd gwleidyddol, i'r fath raddau y byddai'n debygol o effeithio ar y penderfyniad;
- (d) Mae natur y diddordeb yn golygu na fyddai cyfranogiad i'r busnes y mae'r diddordeb yn ymwneud ag ef yn andwyol i hyder y cyhoedd;
- (e) Mae'r diddordeb yn gyffredin i'r Cynghorydd a chyfran sylweddol o'r cyhoedd;
- (f) Mae cyfranogiad yn cael ei gyfiawnhau yn rhinwedd swyddogaeth neu arbenigedd penodol y Cynghorydd;
- (g) DIM YN BERTHNASOL I GYNGHORAU CYMUNED;
- (h) Mae'r busnes yn ymwneud ag arian neu eiddo sefydliad gwirfoddol y mae'r Cynghorydd yn aelod o'i bwyllgor neu ei fwrdd rheoli, ond nid fel cynrychiolydd o'r Cyngor Cymuned, ac nid oes gan y Cynghorydd unrhyw ddiddordeb arall yn y busnes hwnnw, ar yr amod nad yw'r caniatâd arbennig yn cynnwys cymryd rhan mewn unrhyw bleidlais mewn perthynas â'r busnes hwnnw;
- (i) Ymddengys i'r Pwyllgor Safonau fod y diddordeb yn ddiddordeb i drigolion ardal y Cyngor Cymuned ac y dylid dileu'r anallu, cyhyd â bod hysbysiad ysgrifenedig o roddi caniatâd arbennig yn cael ei roi i Weinidogion Cymru o fewn 7 niwrnod. Dylai hysbysiad o'r fath roi manylion am y Cynghorydd sydd wedi derbyn y caniatâd arbennig a rhesymau'r Pwyllgor Safonau dros ddileu'r anabledd;
- (j) Ymddengys i'r Pwyllgor Safonau ei bod yn briodol rhoi caniatâd arbennig, fel ateb ymarferol i anabledd (gwendid) y Cynghorydd a fyddai'n golygu y byddai'n anodd iddynt adael yr ystafell/siambwr pan drafodir mater y mae ganddynt ddiddordeb sy'n rhagfarnu ynddo.

**CAIS AM GANIATÂD ARBENNIG GAN Y PWYLLGOR SAFONAU GAN GYNGHORYDD
TREF NEU GYMUNED**

Enw'r Ymgeisydd	
Manylion Cyswllt:	
Enw'r Cyngor Tref / Cymuned:	
Manylion y diddordeb sy'n rhagfarnu* y gofynnir am Ganiatâd Arbennig yn ei gylch:	
Y busnes mae'r Ymgeisydd yn dymuno cymryd rhan ynddo:	
Y math o Ganiatâd Arbennig y gofynnir amdano (rhoch ✓ fel sy'n briodol a chynhwyswch unrhyw wybodaeth sydd ei hangen)	<ul style="list-style-type: none"> ○ ysgrifennu at swyddogion [a/neu'r Pwyllgor /Cyngor Cymuned] ynglŷn â'r mater; ○ siarad gyda swyddogion y Cyngor Cymuned ynglŷn â'r mater [hefo/heb amodau]; ○ siarad mewn cyfarfodydd Pwyllgor /cyfarfodydd y Cyngor Cymuned ac ateb unrhyw gwestiynau ynglŷn â'r mater; ○ aros yn yr ystafell yn ystod unrhyw drafodaeth/bleidlais ynglŷn â'r mater; ○ pleidleisio; ○ arall
Sail statudol ar gyfer gofyn am Ganiatâd Arbennig:	
Dyddiad erbyn pryd y bydd angen y penderfyniad:	
Llofnod:	Dyddiad:

* Diddordeb sy'n Rhagfarnu – Diddordebau personol yw'r rhain y byddai arsyllwr gwrthrychol yn ystyried eu bod mor sylweddol fel eu bod yn debygol o effeithio'n andwyol ar allu Cyngorydd i weithredu er budd y cyhoedd.

APPLICATION FOR DISPENSATION TO THE STANDARDS COMMITTEE
BY A TOWN OR COMMUNITY COUNCILLOR

Name of Applicant:	DAVID GERRARD	
Contact details:	07967956770 01407 832 847	
Name of Town / Community Council:	Cyngor Cymuned Llanellwyr	
Details of the prejudicial interest* in respect of which the Dispensation is sought:	Employed By Local Council.	
Business in which the applicant wishes to participate:	Education Provision Am Iwch	
Type of Dispensation sought (tick as necessary and insert any required information):	<input checked="" type="checkbox"/> write to officers [and/or the Committee/Community Council] about the matter; <input checked="" type="checkbox"/> speak to officers of the Community Council about the matter [with/without conditions [INSERT]] <input checked="" type="checkbox"/> speak at Committee meetings/Community Council meetings and answer any questions about the issue; <input checked="" type="checkbox"/> remain in the room during any debate/vote on the issue; <input checked="" type="checkbox"/> vote; <input checked="" type="checkbox"/> other	
Statutory Ground/s under which Dispensation is requested (See overleaf for possible grounds available):	A, C, D, E.	
Date by which a decision is required:		
Signed: 	Date:	15/11/19.

* Prejudicial Interests – These are personal interests which an objective observer would consider so significant that they are likely to compromise a Councillor's ability to act in the public interest

Circumstances in which the Standards Committee may grant a dispensation to a Community Councillor

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

- (a) no fewer than half of the Councillors (Community Council/Committee) by which the business is to be considered has an interest which relates to that business;
- (b) NOT RELEVANT TO COMMUNITY COUNCILS
- (c) an inability to participate would upset political balance to such an extent that the outcome would likely be affected;
- (d) the nature of the interest is such that participation in the business to which the interest relates would not damage public confidence;
- (e) the interest is common to the Councillor and a significant proportion of the general public;
- (f) participation is justified by the Councillor's particular role or expertise;
- (g) NOT RELEVANT TO COMMUNITY COUNCILS
- (h) the business relates to the finances or property of a voluntary organisation of whose management committee or board the Councillor is a member otherwise than as a representative of the Community Council and the Councillor has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business;
- (i) it appears to the Standards Committee to be in the interests of the inhabitants of the area of the Community Council that the disability should be removed, provided that written notification of the grant of the dispensation is given to the Welsh Ministers within 7 days. Such a notification should specify the Councillor to whom the dispensation would apply and the Standards Committee's reasons why the disability should be removed;
- (j) it appears to the Standards Committee to be otherwise appropriate to grant the dispensation, as a practical solution to the disability (infirmity) of the Councillor which otherwise would make it difficult for them to leave a room/chamber when a matter in which they have a prejudicial interest is being discussed.

THE ISLE OF ANGLESEY COUNTY COUNCIL

DECISION OF THE STANDARDS COMMITTEE
IN RELATION TO AN APPLICATION FOR DISPENSATION
BY A TOWN OR COMMUNITY COUNCILLOR

Decision of the Standards Committee:	
Date decision made by the Standards Committee:	
Name of persons to be notified of the Standards Committee's decision:	<ul style="list-style-type: none"><input type="radio"/> Clerk of the Town/Community Council<input type="radio"/> Applicant<input type="radio"/> Others: _____
Date the dispensation expires:	

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

- write to officers [and/or the Committee/Community Council] about the matter;
- speak to officers of the Community Council about the matter [with/without conditions [INSERT]];
- speak at Committee meetings/Community Council meetings and answer any questions about the issue;
- remain in the room during any debate/vote on the issue;
- vote;
- other

The Councillor can therefore speak [and vote] at Committee/Community Council meetings in relation to the matter and answer any questions from members of the Committee/Community Council [but must leave the meeting before matters that the Councillor speaks upon are debated or voted on] OR [and may remain in the room during the debate/vote but must not vote on the issue].

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

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

By authority of the Isle of Anglesey Standards Committee
Dated: _____

**PENDERFYNIAD Y PWYLLGOR SAFONAU MEWN PERTHYNAS Â CHAIS AM
GANIATÂD ARBENNIG GAN GYNGHORYDD TREF NEU GYMUNED**

Penderfyniad y Pwyllgor Safonau:	
Dyddiad y gwnaethpwyd y penderfyniad gan y Pwyllgor Safonau:	
Enw'r person y dylid ei hysbysu am benderfyniad y Pwyllgor Safonau	<input type="radio"/> Clerc y Cyngor Tref/Cymuned <input type="radio"/> Yr Ymgeisydd <input type="radio"/> Eraill: _____
Dyddiad y daw'r caniatâd arbennig i ben:	

Yn unol â pharagraff [] Rheoliadau Pwyllgor Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 fel y'i diwygiwyd gan Reoliadau Llywodraeth Leol (Pwyllgorau Safonau, Ymchwiliadau, Gollyngiadau ac Atgyfeirio) (Cymru) (Diwygio) 2016 mae'r Pwyllgor Safonau wedi penderfynu rhoi **caniatâd arbennig** i'r Cyngorydd [] mewn perthynas â'r diddordeb hwnnw y cyfeirir ato / y diddordebau hynny y cyfeirir atynt yn nhudalen 1 y Cais, sy'n caniatáu i'r Cyngorydd:

- ysgrifennu at swyddogion [a/neu'r Pwyllgor/Cyngor Cymuned] ynglŷn â'r mater;
- siarad â swyddogion y Cyngor Cymuned ynglŷn â'r mater [hefo/heb amodau];
- siarad yng nghyfarfodydd Pwyllgorau/cyfarfodydd y Cyngor Cymuned ac ateb unrhyw gwestiynau ynglŷn â'r mater;
- aros yn yr ystafell yn ystod unrhyw drafodaeth/bleidlais ynglŷn â'r mater;
- pleidleisio;
- arall

Mae gan y Cyngorydd felly hawl i siarad [a phleidleisio] yng nghyfarfodydd Pwyllgorau/cyfarfodydd y Cyngor Cymuned ynghylch y mater ac ateb unrhyw gwestiynau gan aelodau o'r Pwyllgor/Cyngor Cymuned [ond mae'n rhaid iddo/iddi adael y cyfarfod cyn y drafodaeth a'r bleidlais ar y materion hynny y mae'r Cyngorydd yn siarad yn eu cylch] NEU [a chaniateir iddynt aros yn yr ystafell yn ystod y drafodaeth a'r bleidlais ond ni chaniateir iddynt bleidleisio ar y mater].

Cyn i'r Cyngorydd siarad â, neu ysgrifennu at, swyddogion y Cyngor Cymuned, neu siarad yng nghyfarfod y Pwyllgor/cyfarfodydd y Cyngor Cymuned ar y mater, mae'n rhaid i'r Cyngorydd :-

- ddatgan diddordeb yn y mater; a
- cadarnhau bod caniatâd arbennig wedi ei roi er mwyn caniatáu i'r Cyngorydd siarad [a phleidleisio] ar y mater; a
- cwblhau hysbysiad ysgrifenedig i'r Clerc yn manylu ar y diddordeb a'r caniatâd arbennig.

Drwy awdurdod Pwyllgor Safonau Cyngor Sir Ynys Môn

Dyddiedig: _____

Amgylchiadau lle gall y Pwyllgor Safonau Roddi Caniatâd Arbennig i Gynghorydd Cymuned

Mae Rheoliadau Pwyllgor Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 fel y'i diwygiwyd gan Reoliadau Llywodraeth Leol (Pwyllgorau Safonau, Ymchwiliadau, Gollyngiadau ac Atgyfeirio) (Cymru) (Diwygio) 2016 yn nodi y caniateir i Bwyllgor Safonau'r Cyngor roi caniatâd arbennig o dan Adran 81(4) Deddf Llywodraeth Leol 2000 o dan yr amgylchiadau canlynol:

- (a) Mae gan o leiaf hanner Cynghorwyr y Cyngor Cymuned neu Bwyllgor y Cyngor Cymuned (fel sy'n briodol) fydd yn ystyried y busnes ddiddordeb sy'n gysylltiedig â'r busnes hwnnw;
- (b) DIM YN BERTHNASOL I GYNGHORAU CYMUNED;
- (c) Byddai anallu i gymryd rhan yn effeithio ar y cydbwysedd gwleidyddol, i'r fath raddau y byddai'n debygol o effeithio ar y penderfyniad;
- (d) Mae natur y diddordeb yn golygu na fyddai cyfranogiad i'r busnes y mae'r diddordeb yn ymwneud ag ef yn andwyol i hyder y cyhoedd;
- (e) Mae'r diddordeb yn gyffredin i'r Cynghorydd a chyfran sylweddol o'r cyhoedd;
- (f) Mae cyfranogiad yn cael ei gyfiawnhau yn rhinwedd swyddogaeth neu arbenigedd penodol y Cynghorydd;
- (g) DIM YN BERTHNASOL I GYNGHORAU CYMUNED;
- (h) Mae'r busnes yn ymwneud ag arian neu eiddo sefydliad gwirfoddol y mae'r Cynghorydd yn aelod o'i bwyllgor neu ei fwrdd rheoli, ond nid fel cynrychiolydd o'r Cyngor Cymuned, ac nid oes gan y Cynghorydd unrhyw ddiddordeb arall yn y busnes hwnnw, ar yr amod nad yw'r caniatâd arbennig yn cynnwys cymryd rhan mewn unrhyw bleidlais mewn perthynas â'r busnes hwnnw;
- (i) Ymddengys i'r Pwyllgor Safonau fod y diddordeb yn ddiddordeb i drigolion ardal y Cyngor Cymuned ac y dylid dileu'r anallu, cyhyd â bod hysbysiad ysgrifenedig o rod-di caniatâd arbennig yn cael ei roi i Weinidogion Cymru o fewn 7 niwrnod. Dylai hysbysiad o'r fath roi manylion am y Cynghorydd sydd wedi derbyn y caniatâd arbennig a rhesymau'r Pwyllgor Safonau dros ddileu'r anabledd;
- (j) Ymddengys i'r Pwyllgor Safonau ei bod yn briodol rhoi caniatâd arbennig, fel ateb ymarferol i anabledd (gwendid) y Cynghorydd a fyddai'n golygu y byddai'n anodd iddynt adael yr ystafell/siambwr pan drafodir mater y mae ganddynt ddiddordeb sy'n rhagfarnu ynddo.

**CAIS AM GANIATÂD ARBENNIG GAN Y PWYLLGOR SAFONAU GAN GYNGHORYDD
TREF NEU GYMUNED**

Enw'r Ymgeisydd	
Manylion Cyswllt:	
Enw'r Cyngor Tref / Cymuned:	
Manylion y diddordeb sy'n rhagfarnu* y gofynnir am Ganiatâd Arbennig yn ei gylch:	
Y busnes mae'r Ymgeisydd yn dymuno cymryd rhan ynddo:	
Y math o Ganiatâd Arbennig y gofynnir amdano (rhowch ✓ fel sy'n briodol a chynhwyswch unrhyw wybodaeth sydd ei hangen)	<ul style="list-style-type: none"> <input type="radio"/> ysgrifennu at swyddogion [a/neu'r Pwyllgor /Cyngor Cymuned] ynglŷn â'r mater; <input type="radio"/> siarad gyda swyddogion y Cyngor Cymuned ynglŷn â'r mater [hefo/heb amodau]; <input type="radio"/> siarad mewn cyfarfodydd Pwyllgor /cyfarfodydd y Cyngor Cymuned ac ateb unrhyw gwestiynau ynglŷn â'r mater; <input type="radio"/> aros yn yr ystafell yn ystod unrhyw drafodaeth/bleidlais ynglŷn â'r mater; <input type="radio"/> pleidleisio; <input type="radio"/> arall
Sail statudol ar gyfer gofyn am Ganiatâd Arbennig:	
Dyddiad erbyn pryd y bydd angen y penderfyniad:	
Llofnod:	Dyddiad:

* Diddordeb sy'n Rhagfarnu – Diddordebau personol yw'r rhain y byddai arsyllwr gwrthrychol yn ystyried eu bod mor sylweddol fel eu bod yn debygol o effeithio'n andwyol ar allu Cyngorydd i weithredu er budd y cyhoedd.

CAIS AM GANIATÂD ARBENNIG GAN Y PWYLLGOR SAFONAU GAN GYNGHORYDD
TREF NEU GYMUNED

Enw'r Ymgeisydd	DAFYDD GRIFFITHS
Manylion Cyswllt:	dafydd.griffiths@aol.co.uk
Enw'r Cyngor Tref / Cymuned:	Cyngor Cymuned Manelïan
Manylion y diddordeb sy'n rhagfarnu* y gofynnir am Ganiatâd Arbennig yn ei gylch:	Cyathro Ysgol Syr Thomas Jones (1987-2007)
Y busnes mae'r Ymgeisydd yn dymuno cymryd rhan ynddo:	Ymgynghorad ail drefnu ysgolïa ardal Amlwch/Cemau
Y math o Ganiatâd Arbennig y gofynnir amdano (rhoch ✓ fel sy'n briodol a chynhwyswch unrhyw wybodaeth sydd ei hangen)	<input checked="" type="checkbox"/> ysgrifennu at swyddogion [a/neu'r Pwyllgor /Cyngor Cymuned] ynglŷn â'r mater; <input checked="" type="checkbox"/> siarad gyda swyddogion y Cyngor Cymuned ynglŷn â'r mater [hefo/heb amodau]; <input checked="" type="checkbox"/> siarad mewn cyfarfodydd Pwyllgor /cyfarfodydd y Cyngor Cymuned ac ateb unrhyw gwestiynau ynglŷn â'r mater; <input checked="" type="checkbox"/> aros yn yr ystafell yn ystod unrhyw drafodaeth/bleidlais ynglŷn â'r mater; <input checked="" type="checkbox"/> pleidleisio; <input type="checkbox"/> arall
Sail statudol ar gyfer gofyn am Ganiatâd Arbennig:	a, d, e, f.
Dyddiad erbyn pryd y bydd angen y penderfyniad:	11, Chwefror 2019
Llofnod: Dafydd	Dyddiad: 15/1/19

* Diddordeb sy'n Rhagfarnu – Diddordebau personol yw'r rhain y byddai arsyllwr gwrthrychol yn ystyried eu bod mor sylweddol fel eu bod yn debygol o effeithio'n andwyol ar allu Cyngorydd i weithredu er budd y cyhoedd.

Amgylchiadau lle gall y Pwyllgor Safonau Roddi Caniatâd Arbennig i Gynghorydd Cymuned

Mae Rheoliadau Pwyllgor Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 fel y'i diwygiwyd gan Reoliadau Llywodraeth Leol (Pwyllgorau Safonau, Ymchwiliadau, Gollyngiadau ac Atgyfeirio) (Cymru) (Diwygio) 2016 yn nodi y caniateir i Bwyllgor Safonau'r Cyngor roi caniatâd arbennig o dan Adran 81(4) Deddf Llywodraeth Leol 2000 o dan yr amgylchiadau canlynol:

- (a) Mae gan o leiaf hanner Cyngorwyr y Cyngor Cymuned neu Bwyllgor y Cyngor Cymuned (fel sy'n briodol) fydd yn ystyried y busnes ddiddordeb sy'n gysylltiedig â'r busnes hwnnw;
- (b) DIM YN BERTHNASOL I GYNGHORAU CYMUNED;
- (c) Byddai anallu i gymryd rhan yn effeithio ar y cydbwysedd gwleidyddol, i'r fath raddau y byddai'n debygol o effeithio ar y penderfyniad;
- (d) Mae natur y diddordeb yn golygu na fyddai cyfranogiad i'r busnes y mae'r diddordeb yn ymwneud ag ef yn andwyol i hyder y cyhoedd;
- (e) Mae'r diddordeb yn gyffredin i'r Cynghorydd a chyfran sylweddol o'r cyhoedd;
- (f) Mae cyfranogiad yn cael ei gyfiawnhau yn rhinwedd swyddogaeth neu arbenigedd penodol y Cynghorydd;
- (g) DIM YN BERTHNASOL I GYNGHORAU CYMUNED;
- (h) Mae'r busnes yn ymwneud ag arian neu eiddo sefydliad gwirfoddol y mae'r Cynghorydd yn aelod o'i bwyllgor neu ei fwrdd rheoli, ond nid fel cynrychiolydd o'r Cyngor Cymuned, ac nid oes gan y Cynghorydd unrhyw ddiddordeb arall yn y busnes hwnnw, ar yr amod nad yw'r caniatâd arbennig yn cynnwys cymryd rhan mewn unrhyw bleidlais mewn perthynas â'r busnes hwnnw;
- (i) Ymddengys i'r Pwyllgor Safonau fod y diddordeb yn ddiddordeb i drigolion ardal y Cyngor Cymuned ac y dylid dileu'r anallu, cyhyd â bod hysbysiad ysgrifenedig o rod-di caniatâd arbennig yn cael ei roi i Weinidogion Cymru o fewn 7 niwrnod. Dylai hysbysiad o'r fath roi manylion am y Cynghorydd sydd wedi derbyn y caniatâd arbennig a rhesymau'r Pwyllgor Safonau dros ddileu'r anabledd;
- (j) Ymddengys i'r Pwyllgor Safonau ei bod yn briodol rhoi caniatâd arbennig, fel ateb ymarferol i anabledd (gwendid) y Cynghorydd a fyddai'n golygu y byddai'n anodd iddynt adael yr ystafell/siambr pan drafodir mater y mae ganddynt ddiddordeb sy'n rhagfarnu ynddo.

**PENDERFYNIAD Y PWYLLGOR SAFONAU MEWN PERTHYNAS Â CHAIS AM
GANIATÂD ARBENNIG GAN GYNGHORYDD TREF NEU GYMUNED**

Penderfyniad y Pwyllgor Safonau:	
Dyddiad y gwnaethpwyd y penderfyniad gan y Pwyllgor Safonau:	
Enw'r person y dylid ei hysbysu am benderfyniad y Pwyllgor Safonau	<input type="radio"/> Clerc y Cyngor Tref/Cymuned <input type="radio"/> Yr Ymgeisydd <input type="radio"/> Eraill: _____
Dyddiad y daw'r caniatâd arbennig i ben:	

Yn unol â pharagraff [] Rheoliadau Pwyllgor Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 fel y'i diwygiwyd gan Reoliadau Llywodraeth Leol (Pwyllgorau Safonau, Ymchwiliadau, Gollyngiadau ac Atgyfeirio) (Cymru) (Diwygio) 2016 mae'r Pwyllgor Safonau wedi penderfynu **rhoi caniatâd arbennig** i'r Cynghorydd [] mewn perthynas â'r diddordeb hwnnw y cyfeirir ato / y diddordebau hynny y cyfeirir atynt yn nhudalen 1 y Cais, sy'n caniatáu i'r Cynghorydd:

- ysgrifennu at swyddogion [a/neu'r Pwyllgor/Cyngor Cymuned] ynglŷn â'r mater;
- siarad â swyddogion y Cyngor Cymuned ynglŷn â'r mater [hefo/heb amodau];
- siarad yng nghyfarfodydd Pwyllgorau/cyfarfodydd y Cyngor Cymuned ac ateb unrhyw gwestiynau ynglŷn â'r mater;
- aros yn yr ystafell yn ystod unrhyw drafodaeth/bleidlais ynglŷn â'r mater;
- pleidleisio;
- arall

Mae gan y Cynghorydd felly hawl i siarad [a phleidleisio] yng nghyfarfodydd Pwyllgorau/cyfarfodydd y Cyngor Cymuned ynghylch y mater ac ateb unrhyw gwestiynau gan aelodau o'r Pwyllgor/Cyngor Cymuned [ond mae'n rhaid iddo/iddi adael y cyfarfod cyn y drafodaeth a'r bleidlais ar y materion hynny y mae'r Cynghorydd yn siarad yn eu cylch] NEU [a chaniateir iddynt aros yn yr ystafell yn ystod y drafodaeth a'r bleidlais ond ni chaniateir iddynt bleidleisio ar y mater].

Cyn i'r Cynghorydd siarad â, neu ysgrifennu at, swyddogion y Cyngor Cymuned, neu siarad yng nghyfarfod y Pwyllgor/cyfarfodydd y Cyngor Cymuned ar y mater, mae'n rhaid i'r Cynghorydd :-

- ddatgan diddordeb yn y mater; a
- cadarnhau bod caniatâd arbennig wedi ei roi er mwyn caniatáu i'r Cynghorydd siarad [a phleidleisio] ar y mater; a
- cwblhau hysbysiad ysgrifenedig i'r Clerc yn manylu ar y diddordeb a'r caniatâd arbennig.

Drwy awdurdod Pwyllgor Safonau Cyngor Sir Ynys Môn

Dyddiedig: _____

THE ISLE OF ANGLESEY COUNTY COUNCIL
DECISION OF THE STANDARDS COMMITTEE
IN RELATION TO AN APPLICATION FOR DISPENSATION
BY A TOWN OR COMMUNITY COUNCILLOR

Decision of the Standards Committee:	
Date decision made by the Standards Committee:	
Name of persons to be notified of the Standards Committee's decision:	<input type="radio"/> Clerk of the Town/Community Council <input type="radio"/> Applicant <input type="radio"/> Others: _____ _____
Date the dispensation expires:	

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

- write to officers [and/or the Committee/Community Council] about the matter;
- speak to officers of the Community Council about the matter [with/without conditions [INSERT]];
- speak at Committee meetings/Community Council meetings and answer any questions about the issue;
- remain in the room during any debate/vote on the issue;
- vote;
- other

The Councillor can therefore speak [and vote] at Committee/Community Council meetings in relation to the matter and answer any questions from members of the Committee/Community Council [but must leave the meeting before matters that the Councillor speaks upon are debated or voted on] OR [and may remain in the room during the debate/vote but must not vote on the issue].

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

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

By authority of the Isle of Anglesey Standards Committee
 Dated: _____

CAIS AM GANIATÂD ARBENNIG GAN Y PWYLLGOR SAFONAU GAN GYNGHORYDD
TREF NEU GYMUNED

Enw'r Ymgeisydd	HELEN HUGHES
Manylion Cyswllt:	LLETY'R WENNDL LLANEILIAN AMLWCH
Enw'r Cyngor Tref / Cymuned:	LLANEILIAN
Manylion y diddordeb sy'n rhagfarnu* y gofynnir am Ganiatâd Arbennig yn ei gylch:	
Y busnes mae'r Ymgeisydd yn dymuno cymryd rhan ynddo:	
Y math o Ganiatâd Arbennig y gofynnir amdano (rhowch ✓ fel sy'n briodol a chynhwyswch unrhyw wybodaeth sydd ei hangen)	<input checked="" type="checkbox"/> ysgrifennu at swyddogion [a/neu'r Pwyllgor /Cyngor Cymuned] ynglŷn â'r mater; <input checked="" type="checkbox"/> siarad gyda swyddogion y Cyngor Cymuned ynglŷn â'r mater [hefo/heb amodau]; <input checked="" type="checkbox"/> siarad mewn cyfarfodydd Pwyllgor /cyfarfodydd y Cyngor Cymuned ac ateb unrhyw gwestiynau ynglŷn â'r mater; <input checked="" type="checkbox"/> aros yn yr ystafell yn ystod unrhyw drafodaeth/bleidlais ynglŷn â'r mater; <input checked="" type="checkbox"/> pleidleisio; <input checked="" type="checkbox"/> arall
Sail statudol ar gyfer gofyn am Ganiatâd Arbennig:	
Dyddiad erbyn pryd y bydd angen y penderfyniad:	
Llofnod: <i>H. Hughes.</i>	Dyddiad: 15.01.19

* Diddordeb sy'n Rhagfarnu – Diddordebau personol yw'r rhain y byddai arsyllwr gwrthrychol yn ystyried eu bod mor sylweddol fel eu bod yn debygol o effeithio'n andwyol ar allu Cyngorydd i weithredu er budd y cyhoedd.

Amgylchiadau lle gall y Pwyllgor Safonau Roddi Caniatâd Arbennig i Gyngorydd Cymuned

Mae Rheoliadau Pwyllgor Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 fel y'i diwygiwyd gan Reoliadau Llywodraeth Leol (Pwyllgorau Safonau, Ymchwiliadau, Gollyngiadau ac Atgyfeirio) (Cymru) (Diwygio) 2016 yn nodi y caniateir i Bwyllgor Safonau'r Cyngor roi caniatâd arbennig o dan Adran 81(4) Deddf Llywodraeth Leol 2000 o dan yr amgylchiadau canlynol:

- (a) Mae gan o leiaf hanner Cyngorwyr y Cyngor Cymuned neu Bwyllgor y Cyngor Cymuned (fel sy'n briodol) fydd yn ystyried y busnes ddiddordeb sy'n gysylltiedig â'r busnes hwnnw;
- (b) DIM YN BERTHNASOL I GYNGHORAU CYMUNED;
- (c) Byddai anallu i gymryd rhan yn effeithio ar y cydbwysedd gwleidyddol, i'r fath raddau y byddai'n debygol o effeithio ar y penderfyniad;
- (d) Mae natur y diddordeb yn golygu na fyddai cyfranogiad i'r busnes y mae'r diddordeb yn ymwneud ag ef yn andwyol i hyder y cyhoedd;
- (e) Mae'r diddordeb yn gyffredin i'r Cyngorydd a chyfran sylweddol o'r cyhoedd;
- (f) Mae cyfranogiad yn cael ei gyfiawnhau yn rhinwedd swyddogaeth neu arbenigedd penodol y Cyngorydd;
- (g) DIM YN BERTHNASOL I GYNGHORAU CYMUNED;
- (h) Mae'r busnes yn ymwneud ag arian neu eiddo sefydliad gwirfoddol y mae'r Cyngorydd yn aelod o'i bwyllgor neu ei fwrdd rheoli, ond nid fel cynrychiolydd o'r Cyngor Cymuned, ac nid oes gan y Cyngorydd unrhyw ddiddordeb arall yn y busnes hwnnw, ar yr amod nad yw'r caniatâd arbennig yn cynnwys cymryd rhan mewn unrhyw bleidlais mewn perthynas â'r busnes hwnnw;
- (i) Ymddengys i'r Pwyllgor Safonau fod y diddordeb yn ddiddordeb i drigolion ardal y Cyngor Cymuned ac y dylid dileu'r anallu, cyhyd â bod hysbysiad ysgrifenedig o roddi caniatâd arbennig yn cael ei roi i Weinidogion Cymru o fewn 7 niwrnod. Dylai hysbysiad o'r fath roi manylion am y Cyngorydd sydd wedi derbyn y caniatâd arbennig a rhesymau'r Pwyllgor Safonau dros ddileu'r anabledd;
- (j) Ymddengys i'r Pwyllgor Safonau ei bod yn briodol rhoi caniatâd arbennig, fel ateb ymarferol i anabledd (gwendid) y Cyngorydd a fyddai'n golygu y byddai'n anodd iddynt adael yr ystafell/siambr pan drafodir mater y mae ganddynt ddiddordeb sy'n rhagfarnu ynddo.

**PENDERFYNIAD Y PWYLLGOR SAFONAU MEWN PERTHYNAS Â CHAIS AM
GANIATÂD ARBENNIG GAN GYNGHORYDD TREF NEU GYMUNED**

Penderfyniad y Pwyllgor Safonau:	
Dyddiad y gwnaethpwyd y penderfyniad gan y Pwyllgor Safonau:	
Enw'r person y dylid ei hysbysu am benderfyniad y Pwyllgor Safonau	<input type="radio"/> Clerc y Cyngor Tref/Cymuned <input type="radio"/> Yr Ymgeisydd <input type="radio"/> Eraill: _____
Dyddiad y daw'r caniatâd arbennig i ben:	

Yn unol â pharagraff [] Rheoliadau Pwyllgor Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 fel y'i diwygiwyd gan Reoliadau Llywodraeth Leol (Pwyllgorau Safonau, Ymchwiliadau, Gollyngiadau ac Atgyfeirio) (Cymru) (Diwygio) 2016 mae'r Pwyllgor Safonau wedi penderfynu rhoi **caniatâd arbennig** i'r Cynghorydd [] mewn perthynas â'r diddordeb hwnnw y cyfeirir ato / y diddordebau hynny y cyfeirir atynt yn nhudalen 1 y Cais, sy'n caniatáu i'r Cynghorydd:

- ysgrifennu at swyddogion [a/neu'r Pwyllgor/Cyngor Cymuned] ynglŷn â'r mater;
- siarad â swyddogion y Cyngor Cymuned ynglŷn â'r mater [hefo/heb amodau];
- siarad yng nghyfarfodydd Pwyllgorau/cyfarfodydd y Cyngor Cymuned ac ateb unrhyw gwestiynau ynglŷn â'r mater;
- aros yn yr ystafell yn ystod unrhyw drafodaeth/bleidlais ynglŷn â'r mater;
- pleidleisio;
- arall

Mae gan y Cynghorydd felly hawl i siarad [a phleidleisio] yng nghyfarfodydd Pwyllgorau/cyfarfodydd y Cyngor Cymuned ynghylch y mater ac ateb unrhyw gwestiynau gan aelodau o'r Pwyllgor/Cyngor Cymuned [ond mae'n rhaid iddo/iddi adael y cyfarfod cyn y drafodaeth a'r bleidlais ar y materion hynny y mae'r Cynghorydd yn siarad yn eu cylch] NEU [a chaniateir iddynt aros yn yr ystafell yn ystod y drafodaeth a'r bleidlais ond ni chaniateir iddynt bleidleisio ar y mater].

Cyn i'r Cynghorydd siarad â, neu ysgrifennu at, swyddogion y Cyngor Cymuned, neu siarad yng nghyfarfod y Pwyllgor/cyfarfodydd y Cyngor Cymuned ar y mater, mae'n rhaid i'r Cynghorydd :-

- ddatgan diddordeb yn y mater; a
- cadarnhau bod caniatâd arbennig wedi ei roi er mwyn caniatáu i'r Cynghorydd siarad [a phleidleisio] ar y mater; a
- cwblhau hysbysiad ysgrifenedig i'r Clerc yn manylu ar y diddordeb a'r caniatâd arbennig.

Drwy awdurdod Pwyllgor Safonau Cyngor Sir Ynys Môn

Dyddiedig: _____

THE ISLE OF ANGLESEY COUNTY COUNCIL
DECISION OF THE STANDARDS COMMITTEE
IN RELATION TO AN APPLICATION FOR DISPENSATION
BY A TOWN OR COMMUNITY COUNCILLOR

Decision of the Standards Committee:	
Date decision made by the Standards Committee:	
Name of persons to be notified of the Standards Committee's decision:	<input type="radio"/> Clerk of the Town/Community Council <input type="radio"/> Applicant <input type="radio"/> Others: _____ _____
Date the dispensation expires:	

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

- write to officers [and/or the Committee/Community Council] about the matter;
- speak to officers of the Community Council about the matter [with/without conditions [INSERT]];
- speak at Committee meetings/Community Council meetings and answer any questions about the issue;
- remain in the room during any debate/vote on the issue;
- vote;
- other

The Councillor can therefore speak [and vote] at Committee/Community Council meetings in relation to the matter and answer any questions from members of the Committee/Community Council [but must leave the meeting before matters that the Councillor speaks upon are debated or voted on] OR [and may remain in the room during the debate/vote but must not vote on the issue].

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

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

By authority of the Isle of Anglesey Standards Committee
 Dated: _____

Circumstances in which the Standards Committee may grant a dispensation to a Community Councillor

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

- (a) no fewer than half of the Councillors (Community Council/Committee) by which the business is to be considered has an interest which relates to that business;
- (b) NOT RELEVANT TO COMMUNITY COUNCILS
- (c) an inability to participate would upset political balance to such an extent that the outcome would likely be affected;
- (d) the nature of the interest is such that participation in the business to which the interest relates would not damage public confidence;
- (e) the interest is common to the Councillor and a significant proportion of the general public;
- (f) participation is justified by the Councillor's particular role or expertise;
- (g) NOT RELEVANT TO COMMUNITY COUNCILS
- (h) the business relates to the finances or property of a voluntary organisation of whose management committee or board the Councillor is a member otherwise than as a representative of the Community Council and the Councillor has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business;
- (i) it appears to the Standards Committee to be in the interests of the inhabitants of the area of the Community Council that the disability should be removed, provided that written notification of the grant of the dispensation is given to the Welsh Ministers within 7 days. Such a notification should specify the Councillor to whom the dispensation would apply and the Standards Committee's reasons why the disability should be removed;
- (j) it appears to the Standards Committee to be otherwise appropriate to grant the dispensation, as a practical solution to the disability (infirmity) of the Councillor which otherwise would make it difficult for them to leave a room/chamber when a matter in which they have a prejudicial interest is being discussed.




THE ISLE OF ANGLESEY COUNTY COUNCIL

APPLICATION FOR DISPENSATION TO THE STANDARDS COMMITTEE
BY A TOWN OR COMMUNITY COUNCILLOR

Name of Applicant:	HE
Contact details:	
Name of Town / Community Council:	
Details of the prejudicial interest* in respect of which the Dispensation is sought:	
Business in which the applicant wishes to participate:	
Type of Dispensation sought (tick as necessary and insert any required information):	<ul style="list-style-type: none"><input type="radio"/> write to officers [and/or the Committee/Community Council] about the matter;<input type="radio"/> speak to officers of the Community Council about the matter [with/without conditions [INSERT]]<input type="radio"/> speak at Committee meetings/Community Council meetings and answer any questions about the issue;<input type="radio"/> remain in the room during any debate/vote on the issue;<input type="radio"/> vote;<input type="radio"/> other
Statutory Ground/s under which Dispensation is requested (See overleaf for possible grounds available):	
Date by which a decision is required:	
Signed:	Date:

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

APPLICATION FOR DISPENSATION TO THE STANDARDS COMMITTEE
BY A TOWN OR COMMUNITY COUNCILLOR

Name of Applicant:	THOMAS ELFYN HUGHES		
Contact details:	HAFAN, PENYSARN, ANGLESEY LL69 9BQ 01407 831350 elfynhughes@fframwaith.co.uk		
Name of Town / Community Council:	LLANELLIAN		
Details of the prejudicial interest* in respect of which the Dispensation is sought:	PENYSARN PRIMARY SCHOOL SIR THOMAS JONES SCHOOL, AMLWCH		
Business in which the applicant wishes to participate:	CLOSURE/MERGER OF ANGLESEY SCHOOLS		
Type of Dispensation sought (tick as necessary and insert any required information):	<input checked="" type="checkbox"/> write to officers [and/or the Committee/Community Council] about the matter; <input checked="" type="checkbox"/> speak to officers of the Community Council about the matter [with/without conditions [INSERT]] <input checked="" type="checkbox"/> speak at Committee meetings/Community Council meetings and answer any questions about the issue; <input checked="" type="checkbox"/> remain in the room during any debate/vote on the issue; <input checked="" type="checkbox"/> vote; <input checked="" type="checkbox"/> other		
Statutory Ground/s under which Dispensation is requested (See overleaf for possible grounds available):	THE MAJORITY OF LLANELLIAN COMMUNITY COUNCIL HAVE A CONNECTION TO THE SCHOOLS I AM CURRENTLY CHAIR OF THE COUNCIL AND WOULD NOT BE ABLE TO CONDUCT MEETINGS WHERE THE ABOVE IS DISCUSSED		
Date by which a decision is required:	1. MARCH 2019		
<table border="1"> <tr> <td>Signed: </td> <td>Date: 20. JAN. 2019</td> </tr> </table>		Signed: 	Date: 20. JAN. 2019
Signed: 	Date: 20. JAN. 2019		

* Prejudicial Interests – These are personal interests which an objective observer would consider so significant that they are likely to compromise a Councillor's ability to act in the public interest

Circumstances in which the Standards Committee may grant a dispensation to a Community Councillor

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

- (a) no fewer than half of the Councillors (Community Council/Committee) by which the business is to be considered has an interest which relates to that business;
- (b) NOT RELEVANT TO COMMUNITY COUNCILS
- (c) an inability to participate would upset political balance to such an extent that the outcome would likely be affected;
- (d) the nature of the interest is such that participation in the business to which the interest relates would not damage public confidence;
- (e) the interest is common to the Councillor and a significant proportion of the general public;
- (f) participation is justified by the Councillor's particular role or expertise;
- (g) NOT RELEVANT TO COMMUNITY COUNCILS
- (h) the business relates to the finances or property of a voluntary organisation of whose management committee or board the Councillor is a member otherwise than as a representative of the Community Council and the Councillor has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business;
- (i) it appears to the Standards Committee to be in the interests of the inhabitants of the area of the Community Council that the disability should be removed, provided that written notification of the grant of the dispensation is given to the Welsh Ministers within 7 days. Such a notification should specify the Councillor to whom the dispensation would apply and the Standards Committee's reasons why the disability should be removed;
- (j) it appears to the Standards Committee to be otherwise appropriate to grant the dispensation, as a practical solution to the disability (infirmity) of the Councillor which otherwise would make it difficult for them to leave a room/chamber when a matter in which they have a prejudicial interest is being discussed.

THE ISLE OF ANGLESEY COUNTY COUNCIL

DECISION OF THE STANDARDS COMMITTEE
IN RELATION TO AN APPLICATION FOR DISPENSATION
BY A TOWN OR COMMUNITY COUNCILLOR

Decision of the Standards Committee:	
Date decision made by the Standards Committee:	
Name of persons to be notified of the Standards Committee's decision:	<ul style="list-style-type: none"><input type="radio"/> Clerk of the Town/Community Council<input type="radio"/> Applicant<input type="radio"/> Others: _____
Date the dispensation expires:	

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

- write to officers [and/or the Committee/Community Council] about the matter;
- speak to officers of the Community Council about the matter [with/without conditions [INSERT]];
- speak at Committee meetings/Community Council meetings and answer any questions about the issue;
- remain in the room during any debate/vote on the issue;
- vote;
- other

The Councillor can therefore speak [and vote] at Committee/Community Council meetings in relation to the matter and answer any questions from members of the Committee/Community Council [but must leave the meeting before matters that the Councillor speaks upon are debated or voted on] OR [and may remain in the room during the debate/vote but must not vote on the issue].

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

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

By authority of the Isle of Anglesey Standards Committee

Dated: _____

**PENDERFYNIAD Y PWYLLGOR SAFONAU MEWN PERTHYNAS Â CHAIS AM
GANIATÂD ARBENNIG GAN GYNGHORYDD TREF NEU GYMUNED**

Penderfyniad y Pwyllgor Safonau:	
Dyddiad y gwnaethpwyd y penderfyniad gan y Pwyllgor Safonau:	
Enw'r person y dylid ei hysbysu am benderfyniad y Pwyllgor Safonau	<input type="radio"/> Clerc y Cyngor Tref/Cymuned <input type="radio"/> Yr Ymgeisydd <input type="radio"/> Eraill: _____
Dyddiad y daw'r caniatâd arbennig i ben:	

Yn unol â pharagraff [] Rheoliadau Pwyllgor Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 fel y'i diwygiwyd gan Reoliadau Llywodraeth Leol (Pwyllgorau Safonau, Ymchwiliadau, Gollyngiadau ac Atgyfeirio) (Cymru) (Diwygio) 2016 mae'r Pwyllgor Safonau wedi penderfynu rhoi caniatâd arbennig i'r Cyngorydd [] mewn perthynas â'r diddordeb hwnnw y cyfeirir ato / y diddordebau hynny y cyfeirir atynt yn nhudalen 1 y Cais, sy'n caniatáu i'r Cyngorydd:

- ysgrifennu at swyddogion [a/neu'r Pwyllgor/Cyngor Cymuned] ynglŷn â'r mater;
- siarad â swyddogion y Cyngor Cymuned ynglŷn â'r mater [hefo/heb amodau];
- siarad yng nghyfarfodydd Pwyllgorau/cyfarfodydd y Cyngor Cymuned ac ateb unrhyw gwestiynau ynglŷn â'r mater;
- aros yn yr ystafell yn ystod unrhyw drafodaeth/bleidlais ynglŷn â'r mater;
- pleidleisio;
- arall

Mae gan y Cyngorydd felly hawl i siarad [a phleidleisio] yng nghyfarfodydd Pwyllgorau/cyfarfodydd y Cyngor Cymuned ynghylch y mater ac ateb unrhyw gwestiynau gan aelodau o'r Pwyllgor/Cyngor Cymuned [ond mae'n rhaid iddo/iddi adael y cyfarfod cyn y drafodaeth a'r bleidlais ar y materion hynny y mae'r Cyngorydd yn siarad yn eu cylch] NEU [a chaniateir iddynt aros yn yr ystafell yn ystod y drafodaeth a'r bleidlais ond ni chaniateir iddynt bleidleisio ar y mater].

Cyn i'r Cyngorydd siarad â, neu ysgrifennu at, swyddogion y Cyngor Cymuned, neu siarad yng nghyfarfod y Pwyllgor/cyfarfodydd y Cyngor Cymuned ar y mater, mae'n rhaid i'r Cyngorydd :-

- ddatgan diddordeb yn y mater; a
- cadarnhau bod caniatâd arbennig wedi ei roi er mwyn caniatáu i'r Cyngorydd siarad [a phleidleisio] ar y mater; a
- cwblhau hysbysiad ysgrifenedig i'r Clerc yn manylu ar y diddordeb a'r caniatâd arbennig.

Drwy awdurdod Pwyllgor Safonau Cyngor Sir Ynys Môn

Dyddiedig: _____

Amgylchiadau lle gall y Pwyllgor Safonau Roddi Caniatâd Arbennig i Gyngorydd Cymuned

Mae Rheoliadau Pwyllgor Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 fel y'i diwygiwyd gan Reoliadau Llywodraeth Leol (Pwyllgorau Safonau, Ymchwiliadau, Gollyngiadau ac Atgyfeirio) (Cymru) (Diwygio) 2016 yn nodi y caniateir i Bwyllgor Safonau'r Cyngor roi caniatâd arbennig o dan Adran 81(4) Deddf Llywodraeth Leol 2000 o dan yr amgylchiadau canlynol:

- (a) Mae gan o leiaf hanner Cynghorwyr y Cyngor Cymuned neu Bwyllgor y Cyngor Cymuned (fel sy'n briodol) fydd yn ystyried y busnes ddiddordeb sy'n gysylltiedig â'r busnes hwnnw;
- (b) DIM YN BERTHNASOL I GYNGHORAU CYMUNED;
- (c) Byddai anallu i gymryd rhan yn effeithio ar y cydbwysedd gwleidyddol, i'r fath raddau y byddai'n debygol o effeithio ar y penderfyniad;
- (d) Mae natur y diddordeb yn golygu na fyddai cyfranogiad i'r busnes y mae'r diddordeb yn ymwneud ag ef yn andwyol i hyder y cyhoedd;
- (e) Mae'r diddordeb yn gyffredin i'r Cynghorydd a chyfran sylweddol o'r cyhoedd;
- (f) Mae cyfranogiad yn cael ei gyfiawnhau yn rhinwedd swyddogaeth neu arbenigedd penodol y Cynghorydd;
- (g) DIM YN BERTHNASOL I GYNGHORAU CYMUNED;
- (h) Mae'r busnes yn ymwneud ag arian neu eiddo sefydliad gwirfoddol y mae'r Cynghorydd yn aelod o'i bwyllgor neu ei fwrdd rheoli, ond nid fel cynrychiolydd o'r Cyngor Cymuned, ac nid oes gan y Cynghorydd unrhyw ddiddordeb arall yn y busnes hwnnw, ar yr amod nad yw'r caniatâd arbennig yn cynnwys cymryd rhan mewn unrhyw bleidlais mewn perthynas â'r busnes hwnnw;
- (i) Ymddengys i'r Pwyllgor Safonau fod y diddordeb yn ddiddordeb i drigolion ardal y Cyngor Cymuned ac y dylid dileu'r anallu, cyhyd â bod hysbysiad ysgrifenedig o rod-di caniatâd arbennig yn cael ei roi i Weinidogion Cymru o fewn 7 niwrnod. Dylai hysbysiad o'r fath roi manylion am y Cynghorydd sydd wedi derbyn y caniatâd arbennig a rhesymau'r Pwyllgor Safonau dros ddileu'r anabledd;
- (j) Ymddengys i'r Pwyllgor Safonau ei bod yn briodol rhoi caniatâd arbennig, fel ateb ymarferol i anabledd (gwendid) y Cynghorydd a fyddai'n golygu y byddai'n anodd iddynt adael yr ystafell/siambwr pan drafodir mater y mae ganddynt ddiddordeb sy'n rhagfarnu ynddo.

CAIS AM GANIATÂD ARBENNIG GAN Y PWYLLGOR SAFONAU GAN GYNGHORYDD
TREF NEU GYMUNED

Enw'r Ymgeisydd	
Manylion Cyswllt:	
Enw'r Cyngor Tref / Cymuned:	
Manylion y diddordeb sy'n rhagfarnu* y gofynnir am Ganiatâd Arbennig yn ei gylch:	
Y busnes mae'r Ymgeisydd yn dymuno cymryd rhan ynddo:	
Y math o Ganiatâd Arbennig y gofynnir amdano (rhoch ✓ fel sy'n briodol a chynhwyswch unrhyw wybodaeth sydd ei hangen)	<ul style="list-style-type: none">○ ysgrifennu at swyddogion [a/neu'r Pwyllgor /Cyngor Cymuned] ynglŷn â'r mater;○ siarad gyda swyddogion y Cyngor Cymuned ynglŷn â'r mater [hefo/heb amodau];○ siarad mewn cyfarfodydd Pwyllgor /cyfarfodydd y Cyngor Cymuned ac ateb unrhyw gwestiynau ynglŷn â'r mater;○ aros yn yr ystafell yn ystod unrhyw drafodaeth/bleidlais ynglŷn â'r mater;○ pleidleisio;○ arall
Sail statudol ar gyfer gofyn am Ganiatâd Arbennig:	
Dyddiad erbyn pryd y bydd angen y penderfyniad:	
Llofnod:	Dyddiad:

* Diddordeb sy'n Rhagfarnu – Diddordebau personol yw'r rhain y byddai arsyllwr gwrthrychol yn ystyried eu bod mor sylweddol fel eu bod yn debygol o effeithio'n andwyol ar allu Cyngorydd i weithredu er budd y cyhoedd.

CAIS AM GANIATÂD ARBENNIG GAN Y PWYLLGOR SAFONAU GAN GYNGHORYDD
TREF NEU GYMUNED

Enw'r Ymgeisydd	GLENYS JONES
Manylion Cyswllt:	GROESWEN, GADFA PENYSARN AMLWCH
Enw'r Cyngor Tref / Cymuned:	LLANEILIAN
Manylion y diddordeb sy'n rhagfarnu* y gofynnir am Ganiatâd Arbennig yn ei gylch:	
Y busnes mae'r Ymgeisydd yn dymuno cymryd rhan ynddo:	
Y math o Ganiatâd Arbennig y gofynnir amdano (rhoch ✓ fel sy'n briodol a chynhwyswch unrhyw wybodaeth sydd ei hangen)	<input checked="" type="checkbox"/> ysgrifennu at swyddogion [a/neu'r Pwyllgor /Cyngor Cymuned] ynglŷn â'r mater; <input checked="" type="checkbox"/> siarad gyda swyddogion y Cyngor Cymuned ynglŷn â'r mater [hefo/heb amodau]; <input checked="" type="checkbox"/> siarad mewn cyfarfodydd Pwyllgor /cyfarfodydd y Cyngor Cymuned ac ateb unrhyw gwestiynau ynglŷn â'r mater; <input checked="" type="checkbox"/> aros yn yr ystafell yn ystod unrhyw drafodaeth/bleidlais ynglŷn â'r mater; <input checked="" type="checkbox"/> pleidleisio; <input type="checkbox"/> arall
Sail statudol ar gyfer gofyn am Ganiatâd Arbennig:	
Dyddiad erbyn pryd y bydd angen y penderfyniad:	
Llofnod: <i>Glenys Jones</i>	Dyddiad: 15/01/19.

* Diddordeb sy'n Rhagfarnu – Diddordebau personol yw'r rhain y byddai arsyllwr gwrthrychol yn ystyried eu bod mor sylweddol fel eu bod yn debygol o effeithio'n andwyol ar allu Cyngorydd i weithredu er budd y cyhoedd.

Amgylchiadau lle gall y Pwyllgor Safonau Roddi Caniatâd Arbennig i Gyngorydd Cymuned

Mae Rheoliadau Pwyllgor Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 fel y'i diwygiwyd gan Reoliadau Llywodraeth Leol (Pwyllgorau Safonau, Ymchwiliadau, Gollyngiadau ac Atgyfeirio) (Cymru) (Diwygio) 2016 yn nodi y caniateir i Bwyllgor Safonau'r Cyngor roi caniatâd arbennig o dan Adran 81(4) Deddf Llywodraeth Leol 2000 o dan yr amgylchiadau canlynol:

- (a) Mae gan o leiaf hanner Cyngorwyr y Cyngor Cymuned neu Bwyllgor y Cyngor Cymuned (fel sy'n briodol) fydd yn ystyried y busnes ddiddordeb sy'n gysylltiedig â'r busnes hwnnw;
- (b) DIM YN BERTHNASOL I GYNGHORAU CYMUNED;
- (c) Byddai anallu i gymryd rhan yn effeithio ar y cydbwysedd gwleidyddol, i'r fath raddau y byddai'n debygol o effeithio ar y penderfyniad;
- (d) Mae natur y diddordeb yn golygu na fyddai cyfranogiad i'r busnes y mae'r diddordeb yn ymwneud ag ef yn andwyol i hyder y cyhoedd;
- (e) Mae'r diddordeb yn gyffredin i'r Cyngorydd a chyfran sylweddol o'r cyhoedd;
- (f) Mae cyfranogiad yn cael ei gyfiawnhau yn rhinwedd swyddogaeth neu arbenigedd penodol y Cyngorydd;
- (g) DIM YN BERTHNASOL I GYNGHORAU CYMUNED;
- (h) Mae'r busnes yn ymwneud ag arian neu eiddo sefydliad gwirfoddol y mae'r Cyngorydd yn aelod o'i bwyllgor neu ei fwrdd rheoli, ond nid fel cynrychiolydd o'r Cyngor Cymuned, ac nid oes gan y Cyngorydd unrhyw ddiddordeb arall yn y busnes hwnnw, ar yr amod nad yw'r caniatâd arbennig yn cynnwys cymryd rhan mewn unrhyw bleidlais mewn perthynas â'r busnes hwnnw;
- (i) Ymddengys i'r Pwyllgor Safonau fod y diddordeb yn ddiddordeb i drigolion ardal y Cyngor Cymuned ac y dylid dileu'r anallu, cyhyd â bod hysbysiad ysgrifenedig o roddi caniatâd arbennig yn cael ei roi i Weinidogion Cymru o fewn 7 niwrnod. Dylai hysbysiad o'r fath roi manylion am y Cyngorydd sydd wedi derbyn y caniatâd arbennig a rhesymau'r Pwyllgor Safonau dros ddileu'r anabledd;
- (j) Ymddengys i'r Pwyllgor Safonau ei bod yn briodol rhoi caniatâd arbennig, fel ateb ymarferol i anabledd (gwendid) y Cyngorydd a fyddai'n golygu y byddai'n anodd iddynt adael yr ystafell/siambwr pan drafodir mater y mae ganddynt ddiddordeb sy'n rhagfarnu ynddo.

**PENDERFYNIAD Y PWYLLGOR SAFONAU MEWN PERTHYNAS Â CHAIS AM
GANIATÂD ARBENNIG GAN GYNGHORYDD TREF NEU GYMUNED**

Penderfyniad y Pwyllgor Safonau:	
Dyddiad y gwnaethpwyd y penderfyniad gan y Pwyllgor Safonau:	
Enw'r person y dylid ei hysbysu am benderfyniad y Pwyllgor Safonau	<input type="radio"/> Clerc y Cyngor Tref/Cymuned <input type="radio"/> Yr Ymgeisydd <input type="radio"/> Eraill: _____
Dyddiad y daw'r caniatâd arbennig i ben:	

Yn unol â pharagraff [] Rheoliadau Pwyllgor Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 fel y'i diwygiwyd gan Reoliadau Llywodraeth Leol (Pwyllgorau Safonau, Ymchwiliadau, Gollyngiadau ac Atgyfeirio) (Cymru) (Diwygio) 2016 mae'r Pwyllgor Safonau wedi penderfynu **rhoi caniatâd arbennig** i'r Cynghorydd [] mewn perthynas â'r diddordeb hwnnw y cyfeirir ato / y diddordebau hynny y cyfeirir atynt yn nhudalen 1 y Cais, sy'n caniatáu i'r Cynghorydd:

- ysgrifennu at swyddogion [a/neu'r Pwyllgor/Cyngor Cymuned] ynglŷn â'r mater;
- siarad â swyddogion y Cyngor Cymuned ynglŷn â'r mater [hefo/heb amodau];
- siarad yng nghyfarfodydd Pwyllgorau/cyfarfodydd y Cyngor Cymuned ac ateb unrhyw gwestiynau ynglŷn â'r mater;
- aros yn yr ystafell yn ystod unrhyw drafodaeth/bleidlais ynglŷn â'r mater;
- pleidleisio;
- arall

Mae gan y Cynghorydd felly hawl i siarad [a phleidleisio] yng nghyfarfodydd Pwyllgorau/cyfarfodydd y Cyngor Cymuned ynghylch y mater ac ateb unrhyw gwestiynau gan aelodau o'r Pwyllgor/Cyngor Cymuned [ond mae'n rhaid iddo/iddi adael y cyfarfod cyn y drafodaeth a'r bleidlais ar y materion hynny y mae'r Cynghorydd yn siarad yn eu cylch] NEU [a chaniateir iddynt aros yn yr ystafell yn ystod y drafodaeth a'r bleidlais ond ni chaniateir iddynt bleidleisio ar y mater].

Cyn i'r Cynghorydd siarad â, neu ysgrifennu at, swyddogion y Cyngor Cymuned, neu siarad yng nghyfarfod y Pwyllgor/cyfarfodydd y Cyngor Cymuned ar y mater, mae'n rhaid i'r Cynghorydd :-

- ddatgan diddordeb yn y mater; a
- cadarnhau bod caniatâd arbennig wedi ei roi er mwyn caniatáu i'r Cynghorydd siarad [a phleidleisio] ar y mater; a
- cwblhau hysbysiad ysgrifenedig i'r Clerc yn manylu ar y diddordeb a'r caniatâd arbennig.

Drwy awdurdod Pwyllgor Safonau Cyngor Sir Ynys Môn

Dyddiedig: _____

THE ISLE OF ANGLESEY COUNTY COUNCIL
DECISION OF THE STANDARDS COMMITTEE
IN RELATION TO AN APPLICATION FOR DISPENSATION
BY A TOWN OR COMMUNITY COUNCILLOR

Decision of the Standards Committee:	
Date decision made by the Standards Committee:	
Name of persons to be notified of the Standards Committee's decision:	<input type="radio"/> Clerk of the Town/Community Council <input type="radio"/> Applicant <input type="radio"/> Others: _____ _____
Date the dispensation expires:	

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

- write to officers [and/or the Committee/Community Council] about the matter;
- speak to officers of the Community Council about the matter [with/without conditions [INSERT]];
- speak at Committee meetings/Community Council meetings and answer any questions about the issue;
- remain in the room during any debate/vote on the issue;
- vote;
- other

The Councillor can therefore speak [and vote] at Committee/Community Council meetings in relation to the matter and answer any questions from members of the Committee/Community Council [but must leave the meeting before matters that the Councillor speaks upon are debated or voted on] OR [and may remain in the room during the debate/vote but must not vote on the issue].

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

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

By authority of the Isle of Anglesey Standards Committee
 Dated: _____

Circumstances in which the Standards Committee may grant a dispensation to a Community Councillor

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

- (a) no fewer than half of the Councillors (Community Council/Committee) by which the business is to be considered has an interest which relates to that business;
- (b) NOT RELEVANT TO COMMUNITY COUNCILS
- (c) an inability to participate would upset political balance to such an extent that the outcome would likely be affected;
- (d) the nature of the interest is such that participation in the business to which the interest relates would not damage public confidence;
- (e) the interest is common to the Councillor and a significant proportion of the general public;
- (f) participation is justified by the Councillor's particular role or expertise;
- (g) NOT RELEVANT TO COMMUNITY COUNCILS
- (h) the business relates to the finances or property of a voluntary organisation of whose management committee or board the Councillor is a member otherwise than as a representative of the Community Council and the Councillor has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business;
- (i) it appears to the Standards Committee to be in the interests of the inhabitants of the area of the Community Council that the disability should be removed, provided that written notification of the grant of the dispensation is given to the Welsh Ministers within 7 days. Such a notification should specify the Councillor to whom the dispensation would apply and the Standards Committee's reasons why the disability should be removed;
- (j) it appears to the Standards Committee to be otherwise appropriate to grant the dispensation, as a practical solution to the disability (infirmity) of the Councillor which otherwise would make it difficult for them to leave a room/chamber when a matter in which they have a prejudicial interest is being discussed.




THE ISLE OF ANGLESEY COUNTY COUNCIL

APPLICATION FOR DISPENSATION TO THE STANDARDS COMMITTEE
BY A TOWN OR COMMUNITY COUNCILLOR

Name of Applicant:	
Contact details:	
Name of Town / Community Council:	
Details of the prejudicial interest* in respect of which the Dispensation is sought:	
Business in which the applicant wishes to participate:	
Type of Dispensation sought (tick as necessary and insert any required information):	<ul style="list-style-type: none"><input type="radio"/> write to officers [and/or the Committee/Community Council] about the matter;<input type="radio"/> speak to officers of the Community Council about the matter [with/without conditions [INSERT]]<input type="radio"/> speak at Committee meetings/Community Council meetings and answer any questions about the issue;<input type="radio"/> remain in the room during any debate/vote on the issue;<input type="radio"/> vote;<input type="radio"/> other
Statutory Ground/s under which Dispensation is requested (See overleaf for possible grounds available):	
Date by which a decision is required:	
Signed:	Date:

* Prejudicial Interests – These are personal interests which an objective observer would consider so significant that they are likely to compromise a Councillor's ability to act in the public interest

APPLICATION FOR DISPENSATION TO THE STANDARDS COMMITTEE
BY A TOWN OR COMMUNITY COUNCILLOR

Name of Applicant:	THOMAS DAVID JONES		
Contact details:	6 MAES HERBERT LLANEIWAN AMLUWCH.		
Name of Town / Community Council:	LLANEIWAN		
Details of the prejudicial interest* in respect of which the Dispensation is sought:			
Business in which the applicant wishes to participate:			
Type of Dispensation sought (tick as necessary and insert any required information):	<input checked="" type="checkbox"/> write to officers [and/or the Committee/Community Council] about the matter; <input checked="" type="checkbox"/> speak to officers of the Community Council about the matter [with/without conditions [INSERT]] <input checked="" type="checkbox"/> speak at Committee meetings/Community Council meetings and answer any questions about the issue; <input type="checkbox"/> remain in the room during any debate/vote on the issue; <input checked="" type="checkbox"/> vote; <input checked="" type="checkbox"/> other		
Statutory Ground/s under which Dispensation is requested (See overleaf for possible grounds available):			
Date by which a decision is required:			
<table border="1" style="width: 100%;"> <tr> <td style="width: 60%;">Signed: </td> <td style="width: 40%;">Date: 15-1-2019.</td> </tr> </table>		Signed: 	Date: 15-1-2019.
Signed: 	Date: 15-1-2019.		

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

Circumstances in which the Standards Committee may grant a dispensation to a Community Councillor

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

- (a) no fewer than half of the Councillors (Community Council/Committee) by which the business is to be considered has an interest which relates to that business;
- (b) NOT RELEVANT TO COMMUNITY COUNCILS
- (c) an inability to participate would upset political balance to such an extent that the outcome would likely be affected;
- (d) the nature of the interest is such that participation in the business to which the interest relates would not damage public confidence;
- (e) the interest is common to the Councillor and a significant proportion of the general public;
- (f) participation is justified by the Councillor's particular role or expertise;
- (g) NOT RELEVANT TO COMMUNITY COUNCILS
- (h) the business relates to the finances or property of a voluntary organisation of whose management committee or board the Councillor is a member otherwise than as a representative of the Community Council and the Councillor has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business;
- (i) it appears to the Standards Committee to be in the interests of the inhabitants of the area of the Community Council that the disability should be removed, provided that written notification of the grant of the dispensation is given to the Welsh Ministers within 7 days. Such a notification should specify the Councillor to whom the dispensation would apply and the Standards Committee's reasons why the disability should be removed;
- (j) it appears to the Standards Committee to be otherwise appropriate to grant the dispensation, as a practical solution to the disability (infirmity) of the Councillor which otherwise would make it difficult for them to leave a room/chamber when a matter in which they have a prejudicial interest is being discussed.

THE ISLE OF ANGLESEY COUNTY COUNCIL

DECISION OF THE STANDARDS COMMITTEE
IN RELATION TO AN APPLICATION FOR DISPENSATION
BY A TOWN OR COMMUNITY COUNCILLOR

Decision of the Standards Committee:	
Date decision made by the Standards Committee:	
Name of persons to be notified of the Standards Committee's decision:	<ul style="list-style-type: none"><input type="radio"/> Clerk of the Town/Community Council<input type="radio"/> Applicant<input type="radio"/> Others: _____
Date the dispensation expires:	

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

- write to officers [and/or the Committee/Community Council] about the matter;
- speak to officers of the Community Council about the matter [with/without conditions [INSERT]];
- speak at Committee meetings/Community Council meetings and answer any questions about the issue;
- remain in the room during any debate/vote on the issue;
- vote;
- other

The Councillor can therefore speak [and vote] at Committee/Community Council meetings in relation to the matter and answer any questions from members of the Committee/Community Council [but must leave the meeting before matters that the Councillor speaks upon are debated or voted on] OR [and may remain in the room during the debate/vote but must not vote on the issue].

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

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

By authority of the Isle of Anglesey Standards Committee
Dated: _____

**PENDERFYNIAD Y PWYLLGOR SAFONAU MEWN PERTHYNAS Â CHAIS AM
GANIATÂD ARBENNIG GAN GYNGHORYDD TREF NEU GYMUNED**

Penderfyniad y Pwyllgor Safonau:	
Dyddiad y gwnaethpwyd y penderfyniad gan y Pwyllgor Safonau:	
Enw'r person y dylid ei hysbysu am benderfyniad y Pwyllgor Safonau	<input type="radio"/> Clerc y Cyngor Tref/Cymuned <input type="radio"/> Yr Ymgeisydd <input type="radio"/> Eraill: _____
Dyddiad y daw'r caniatâd arbennig i ben:	

Yn unol â pharagraff [] Rheoliadau Pwyllgor Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 fel y'i diwygiwyd gan Reoliadau Llywodraeth Leol (Pwyllgorau Safonau, Ymchwiliadau, Gollyngiadau ac Atgyfeirio) (Cymru) (Diwygio) 2016 mae'r Pwyllgor Safonau wedi penderfynu rhoi caniatâd arbennig i'r Cyngorydd [] mewn perthynas â'r diddordeb hwnnw y cyfeirir ato / y diddordebau hynny y cyfeirir atynt yn nhudalen 1 y Cais, sy'n caniatáu i'r Cyngorydd:

- ysgrifennu at swyddogion [a/neu'r Pwyllgor/Cyngor Cymuned] ynglŷn â'r mater;
- siarad â swyddogion y Cyngor Cymuned ynglŷn â'r mater [hefo/heb amodau];
- siarad yng nghyfarfodydd Pwyllgorau/cyfarfodydd y Cyngor Cymuned ac ateb unrhyw gwestiynau ynglŷn â'r mater;
- aros yn yr ystafell yn ystod unrhyw drafodaeth/bleidlais ynglŷn â'r mater;
- pleidleisio;
- arall

Mae gan y Cyngorydd felly hawl i siarad [a phleidleisio] yng nghyfarfodydd Pwyllgorau/cyfarfodydd y Cyngor Cymuned ynghylch y mater ac ateb unrhyw gwestiynau gan aelodau o'r Pwyllgor/Cyngor Cymuned [ond mae'n rhaid iddo/iddi adael y cyfarfod cyn y drafodaeth a'r bleidlais ar y materion hynny y mae'r Cyngorydd yn siarad yn eu cylch] NEU [a chaniateir iddynt aros yn yr ystafell yn ystod y drafodaeth a'r bleidlais ond ni chaniateir iddynt bleidleisio ar y mater].

Cyn i'r Cyngorydd siarad â, neu ysgrifennu at, swyddogion y Cyngor Cymuned, neu siarad yng nghyfarfod y Pwyllgor/cyfarfodydd y Cyngor Cymuned ar y mater, mae'n rhaid i'r Cyngorydd :-

- ddatgan diddordeb yn y mater; a
- cadarnhau bod caniatâd arbennig wedi ei roi er mwyn caniatáu i'r Cyngorydd siarad [a phleidleisio] ar y mater; a
- cwblhau hysbysiad ysgrifenedig i'r Clerc yn manylu ar y diddordeb a'r caniatâd arbennig.

Drwy awdurdod Pwyllgor Safonau Cyngor Sir Ynys Môn

Dyddiedig: _____

Amgylchiadau lle gall y Pwyllgor Safonau Roddi Caniatâd Arbennig i Gynghorydd Cymuned

Mae Rheoliadau Pwyllgor Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 fel y'i diwygiwyd gan Reoliadau Llywodraeth Leol (Pwyllgorau Safonau, Ymchwiliadau, Gollyngiadau ac Atgyfeirio) (Cymru) (Diwygio) 2016 yn nodi y caniateir i Bwyllgor Safonau'r Cyngor roi caniatâd arbennig o dan Adran 81(4) Deddf Llywodraeth Leol 2000 o dan yr amgylchiadau canlynol:

- (a) Mae gan o leiaf hanner Cynghorwyr y Cyngor Cymuned neu Bwyllgor y Cyngor Cymuned (fel sy'n briodol) fydd yn ystyried y busnes ddiddordeb sy'n gysylltiedig â'r busnes hwnnw;
- (b) DIM YN BERTHNASOL I GYNGHORAU CYMUNED;
- (c) Byddai anallu i gymryd rhan yn effeithio ar y cydbwysedd gwleidyddol, i'r fath raddau y byddai'n debygol o effeithio ar y penderfyniad;
- (d) Mae natur y diddordeb yn golygu na fyddai cyfranogiad i'r busnes y mae'r diddordeb yn ymwneud ag ef yn andwyol i hyder y cyhoedd;
- (e) Mae'r diddordeb yn gyffredin i'r Cynghorydd a chyfran sylweddol o'r cyhoedd;
- (f) Mae cyfranogiad yn cael ei gyfiawnhau yn rhinwedd swyddogaeth neu arbenigedd penodol y Cynghorydd;
- (g) DIM YN BERTHNASOL I GYNGHORAU CYMUNED;
- (h) Mae'r busnes yn ymwneud ag arian neu eiddo sefydliad gwirfoddol y mae'r Cynghorydd yn aelod o'i bwyllgor neu ei fwrdd rheoli, ond nid fel cynrychiolydd o'r Cyngor Cymuned, ac nid oes gan y Cynghorydd unrhyw ddiddordeb arall yn y busnes hwnnw, ar yr amod nad yw'r caniatâd arbennig yn cynnwys cymryd rhan mewn unrhyw bleidlais mewn perthynas â'r busnes hwnnw;
- (i) Ymddengys i'r Pwyllgor Safonau fod y diddordeb yn ddiddordeb i drigolion ardal y Cyngor Cymuned ac y dylid dileu'r anallu, cyhyd â bod hysbysiad ysgrifenedig o roddi caniatâd arbennig yn cael ei roi i Weinidogion Cymru o fewn 7 niwrnod. Dylai hysbysiad o'r fath roi manylion am y Cynghorydd sydd wedi derbyn y caniatâd arbennig a rhesymau'r Pwyllgor Safonau dros ddileu'r anabledd;
- (j) Ymddengys i'r Pwyllgor Safonau ei bod yn briodol rhoi caniatâd arbennig, fel ateb ymarferol i anabledd (gwendid) y Cynghorydd a fyddai'n golygu y byddai'n anodd iddynt adael yr ystafell/siambr pan drafodir mater y mae ganddynt ddiddordeb sy'n rhagfarnu ynddo.

**CAIS AM GANIATÂD ARBENNIG GAN Y PWYLLGOR SAFONAU GAN GYNGHORYDD
TREF NEU GYMUNED**

Enw'r Ymgeisydd	
Manylion Cyswllt:	
Enw'r Cyngor Tref / Cymuned:	
Manylion y diddordeb sy'n rhagfarnu* y gofynnir am Ganiatâd Arbennig yn ei gylch:	
Y busnes mae'r Ymgeisydd yn dymuno cymryd rhan ynddo:	
Y math o Ganiatâd Arbennig y gofynnir amdano (rhoch ✓ fel sy'n briodol a chynhwyswch unrhyw wybodaeth sydd ei hangen)	<ul style="list-style-type: none"> ○ ysgrifennu at swyddogion [a/neu'r Pwyllgor /Cyngor Cymuned] ynglŷn â'r mater; ○ siarad gyda swyddogion y Cyngor Cymuned ynglŷn â'r mater [hefo/heb amodau]; ○ siarad mewn cyfarfodydd Pwyllgor /cyfarfodydd y Cyngor Cymuned ac ateb unrhyw gwestiynau ynglŷn â'r mater; ○ aros yn yr ystafell yn ystod unrhyw drafodaeth/bleidlais ynglŷn â'r mater; ○ pleidleisio; ○ arall
Sail statudol ar gyfer gofyn am Ganiatâd Arbennig:	
Dyddiad erbyn pryd y bydd angen y penderfyniad:	
Llofnod:	Dyddiad:

* Diddordeb sy'n Rhagfarnu – Diddordebau personol yw'r rhain y byddai arsyllwr gwrthrychol yn ystyried eu bod mor sylweddol fel eu bod yn debygol o effeithio'n andwyol ar allu Cyngorydd i weithredu er budd y cyhoedd.

APPLICATION FOR DISPENSATION TO THE STANDARDS COMMITTEE
BY A TOWN OR COMMUNITY COUNCILLOR

Name of Applicant:	CARR Whitaker		
Contact details:	01407 832150 07879 458777		
Name of Town / Community Council:	Cyngor Cymuned Llanelian		
Details of the prejudicial interest* in respect of which the Dispensation is sought:	Employed by Local Council		
Business in which the applicant wishes to participate:	Education Provision Amlwch		
Type of Dispensation sought (tick as necessary and insert any required information):	<input checked="" type="checkbox"/> write to officers [and/or the Committee/Community Council] about the matter; <input checked="" type="checkbox"/> speak to officers of the Community Council about the matter [with/without conditions [INSERT]] <input checked="" type="checkbox"/> speak at Committee meetings/Community Council meetings and answer any questions about the issue; <input type="checkbox"/> remain in the room during any debate/vote on the issue; <input checked="" type="checkbox"/> vote; <input checked="" type="checkbox"/> other		
Statutory Ground/s under which Dispensation is requested (See overleaf for possible grounds available):	A, C, D, E		
Date by which a decision is required:			
<table border="1" style="width:100%"> <tr> <td data-bbox="140 1816 951 1910">Signed: C. Whitaker</td> <td data-bbox="951 1816 1481 1910">Date: 15.1.19.</td> </tr> </table>		Signed: C. Whitaker	Date: 15.1.19.
Signed: C. Whitaker	Date: 15.1.19.		

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

Circumstances in which the Standards Committee may grant a dispensation to a Community Councillor

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

- (a) no fewer than half of the Councillors (Community Council/Committee) by which the business is to be considered has an interest which relates to that business;
- (b) NOT RELEVANT TO COMMUNITY COUNCILS
- (c) an inability to participate would upset political balance to such an extent that the outcome would likely be affected;
- (d) the nature of the interest is such that participation in the business to which the interest relates would not damage public confidence;
- (e) the interest is common to the Councillor and a significant proportion of the general public;
- (f) participation is justified by the Councillor's particular role or expertise;
- (g) NOT RELEVANT TO COMMUNITY COUNCILS
- (h) the business relates to the finances or property of a voluntary organisation of whose management committee or board the Councillor is a member otherwise than as a representative of the Community Council and the Councillor has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business;
- (i) it appears to the Standards Committee to be in the interests of the inhabitants of the area of the Community Council that the disability should be removed, provided that written notification of the grant of the dispensation is given to the Welsh Ministers within 7 days. Such a notification should specify the Councillor to whom the dispensation would apply and the Standards Committee's reasons why the disability should be removed;
- (j) it appears to the Standards Committee to be otherwise appropriate to grant the dispensation, as a practical solution to the disability (infirmity) of the Councillor which otherwise would make it difficult for them to leave a room/chamber when a matter in which they have a prejudicial interest is being discussed.

THE ISLE OF ANGLESEY COUNTY COUNCIL

DECISION OF THE STANDARDS COMMITTEE
IN RELATION TO AN APPLICATION FOR DISPENSATION
BY A TOWN OR COMMUNITY COUNCILLOR

Decision of the Standards Committee:	
Date decision made by the Standards Committee:	
Name of persons to be notified of the Standards Committee's decision:	<ul style="list-style-type: none"><input type="radio"/> Clerk of the Town/Community Council<input type="radio"/> Applicant<input type="radio"/> Others: _____
Date the dispensation expires:	

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

- write to officers [and/or the Committee/Community Council] about the matter;
- speak to officers of the Community Council about the matter [with/without conditions [INSERT]];
- speak at Committee meetings/Community Council meetings and answer any questions about the issue;
- remain in the room during any debate/vote on the issue;
- vote;
- other

The Councillor can therefore speak [and vote] at Committee/Community Council meetings in relation to the matter and answer any questions from members of the Committee/Community Council [but must leave the meeting before matters that the Councillor speaks upon are debated or voted on] OR [and may remain in the room during the debate/vote but must not vote on the issue].

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

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

By authority of the Isle of Anglesey Standards Committee
Dated: _____

PENDERFYNIAD Y PWYLLGOR SAFONAU MEWN PERTHYNAS Â CHAIS AM
GANIATÂD ARBENNIG GAN GYNGHORYDD TREF NEU GYMUNED

Penderfyniad y Pwyllgor Safonau:	
Dyddiad y gwnaethpwyd y penderfyniad gan y Pwyllgor Safonau:	
Enw'r person y dylid ei hysbysu am benderfyniad y Pwyllgor Safonau	<input type="radio"/> Clerc y Cyngor Tref/Cymuned <input type="radio"/> Yr Ymgeisydd <input type="radio"/> Eraill: _____
Dyddiad y daw'r caniatâd arbennig i ben:	

Yn unol â pharagraff [] Rheoliadau Pwyllgor Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 fel y'i diwygiwyd gan Reoliadau Llywodraeth Leol (Pwyllgorau Safonau, Ymchwiliadau, Gollyngiadau ac Atgyfeirio) (Cymru) (Diwygio) 2016 mae'r Pwyllgor Safonau wedi penderfynu rhoi caniatâd arbennig i'r Cynghorydd [] mewn perthynas â'r diddordeb hwnnw y cyfeirir ato / y diddordebau hynny y cyfeirir atynt yn nhudalen 1 y Cais, sy'n caniatáu i'r Cynghorydd:

- ysgrifennu at swyddogion [a/neu'r Pwyllgor/Cyngor Cymuned] ynglŷn â'r mater;
- siarad â swyddogion y Cyngor Cymuned ynglŷn â'r mater [hefo/heb amodau];
- siarad yng nghyfarfodydd Pwyllgorau/cyfarfodydd y Cyngor Cymuned ac ateb unrhyw gwestiynau ynglŷn â'r mater;
- aros yn yr ystafell yn ystod unrhyw drafodaeth/bleidlais ynglŷn â'r mater;
- pleidleisio;
- arall

Mae gan y Cynghorydd felly hawl i siarad [a phleidleisio] yng nghyfarfodydd Pwyllgorau/cyfarfodydd y Cyngor Cymuned ynghylch y mater ac ateb unrhyw gwestiynau gan aelodau o'r Pwyllgor/Cyngor Cymuned [ond mae'n rhaid iddo/iddi adael y cyfarfod cyn y drafodaeth a'r bleidlais ar y materion hynny y mae'r Cynghorydd yn siarad yn eu cylch] NEU [a chaniateir iddynt aros yn yr ystafell yn ystod y drafodaeth a'r bleidlais ond ni chaniateir iddynt bleidleisio ar y mater].

Cyn i'r Cynghorydd siarad â, neu ysgrifennu at, swyddogion y Cyngor Cymuned, neu siarad yng nghyfarfod y Pwyllgor/cyfarfodydd y Cyngor Cymuned ar y mater, mae'n rhaid i'r Cynghorydd :-

- ddatgan diddordeb yn y mater; a
- cadarnhau bod caniatâd arbennig wedi ei roi er mwyn caniatáu i'r Cynghorydd siarad [a phleidleisio] ar y mater; a
- cwblhau hysbysiad ysgrifenedig i'r Clerc yn manylu ar y diddordeb a'r caniatâd arbennig.

Drwy awdurdod Pwyllgor Safonau Cyngor Sir Ynys Môn

Dyddiedig: _____

Amgylchiadau lle gall y Pwyllgor Safonau Roddi Caniatâd Arbennig i Gyngorydd Cymuned

Mae Rheoliadau Pwyllgor Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 fel y'i diwygiwyd gan Reoliadau Llywodraeth Leol (Pwyllgorau Safonau, Ymchwiliadau, Gollyngiadau ac Atgyfeirio) (Cymru) (Diwygio) 2016 yn nodi y caniateir i Bwyllgor Safonau'r Cyngor roi caniatâd arbennig o dan Adran 81(4) Deddf Llywodraeth Leol 2000 o dan yr amgylchiadau canlynol:

- (a) Mae gan o leiaf hanner Cynghorwyr y Cyngor Cymuned neu Bwyllgor y Cyngor Cymuned (fel sy'n briodol) fydd yn ystyried y busnes ddiddordeb sy'n gysylltiedig â'r busnes hwnnw;
- (b) DIM YN BERTHNASOL I GYNGHORAU CYMUNED;
- (c) Byddai anallu i gymryd rhan yn effeithio ar y cydbwysedd gwleidyddol, i'r fath raddau y byddai'n debygol o effeithio ar y penderfyniad;
- (d) Mae natur y diddordeb yn golygu na fyddai cyfranogiad i'r busnes y mae'r diddordeb yn ymwneud ag ef yn andwyol i hyder y cyhoedd;
- (e) Mae'r diddordeb yn gyffredin i'r Cynghorydd a chyfran sylweddol o'r cyhoedd;
- (f) Mae cyfranogiad yn cael ei gyfiawnhau yn rhinwedd swyddogaeth neu arbenigedd penodol y Cynghorydd;
- (g) DIM YN BERTHNASOL I GYNGHORAU CYMUNED;
- (h) Mae'r busnes yn ymwneud ag arian neu eiddo sefydliad gwirfoddol y mae'r Cynghorydd yn aelod o'i bwyllgor neu ei fwrdd rheoli, ond nid fel cynrychiolydd o'r Cyngor Cymuned, ac nid oes gan y Cynghorydd unrhyw ddiddordeb arall yn y busnes hwnnw, ar yr amod nad yw'r caniatâd arbennig yn cynnwys cymryd rhan mewn unrhyw bleidlais mewn perthynas â'r busnes hwnnw;
- (i) Ymddengys i'r Pwyllgor Safonau fod y diddordeb yn ddiddordeb i drigolion ardal y Cyngor Cymuned ac y dylid dileu'r anallu, cyhyd â bod hysbysiad ysgrifenedig o roddi caniatâd arbennig yn cael ei roi i Weinidogion Cymru o fewn 7 niwrnod. Dylai hysbysiad o'r fath roi manylion am y Cynghorydd sydd wedi derbyn y caniatâd arbennig a rhesymau'r Pwyllgor Safonau dros ddileu'r anabledd;
- (j) Ymddengys i'r Pwyllgor Safonau ei bod yn briodol rhoi caniatâd arbennig, fel ateb ymarferol i anabledd (gwendid) y Cynghorydd a fyddai'n golygu y byddai'n anodd iddynt adael yr ystafell/siambr pan drafodir mater y mae ganddynt ddiddordeb sy'n rhagfarnu ynddo.

CAIS AM GANIATÂD ARBENNIG GAN Y PWYLLGOR SAFONAU GAN GYNGHORYDD
TREF NEU GYMUNED

Enw'r Ymgeisydd	
Manylion Cyswllt:	
Enw'r Cyngor Tref / Cymuned:	
Manylion y diddordeb sy'n rhagfarnu* y gofynnir am Ganiatâd Arbennig yn ei gylch:	
Y busnes mae'r Ymgeisydd yn dymuno cymryd rhan ynddo:	
Y math o Ganiatâd Arbennig y gofynnir amdano (rhoch ✓ fel sy'n briodol a chynhwyswch unrhyw wybodaeth sydd ei hangen)	<ul style="list-style-type: none"> ○ ysgrifennu at swyddogion [a/neu'r Pwyllgor /Cyngor Cymuned] ynglŷn â'r mater; ○ siarad gyda swyddogion y Cyngor Cymuned ynglŷn â'r mater [hefo/heb amodau]; ○ siarad mewn cyfarfodydd Pwyllgor /cyfarfodydd y Cyngor Cymuned ac ateb unrhyw gwestiynau ynglŷn â'r mater; ○ aros yn yr ystafell yn ystod unrhyw drafodaeth/bleidlais ynglŷn â'r mater; ○ pleidleisio; ○ arall
Sail statudol ar gyfer gofyn am Ganiatâd Arbennig:	
Dyddiad erbyn pryd y bydd angen y penderfyniad:	
Llofnod:	Dyddiad:

* Diddordeb sy'n Rhagfarnu – Diddordebau personol yw'r rhain y byddai arsyllwr gwrthrychol yn ystyried eu bod mor sylweddol fel eu bod yn debygol o effeithio'n andwyol ar allu Cyngorydd i weithredu er budd y cyhoedd.

APPLICATION NUMBER	MEMBER'S NAME	DETAILS ON THE APPLICATION FORM FOR DISPENSATION	INFORMATION REGARDING THE INTEREST PROVIDED BY THE CLERK
5	IAN NICHOLAS EVANS	SPOUSE EMPLOYED / SUPPLY TEACHER IN YSGOL PENYSARN, GRAND-DAUGHTER PUPIL, DAUGHTER GOVERNOR	GRAND-DAUGHTER IN THE SCHOOL, WIFE IS A SUPPLY TEACHER, DAUGHTER ON BOARD OF GOVERNORS
6	DAVID GERRARD	EMPLOYED BY LOCAL COUNCIL	SCHOOL CARETAKER AT YSGOL GYNRADD PENYSARN, WIFE IS TEACHING ASSISTANT, DAUGHTER IN YSTJ
7	DAFYDD GRIFFITHS	PREVIOUS TEACHER AT YSGOL SYR THOMAS JONES (1987-2007)	PREVIOUS TEACHER AT YSTJ
8	HELEN HUGHES	<i>No details noted.</i>	DAUGHTER WORKS AS A TEACHER IN YSTJ
9	THOMAS ELFYN HUGHES	PENYSARN PRIMARY SCHOOL, SIR THOMAS JONES SCHOOL, AMLWCH - THE MAJORITY OF LLANEILIAN COMMUNITY COUNCIL HAVE A CONNECTION TO THE SCHOOLS. I AM CURRENTLY CHAIR OF THE COUNCIL AND WOULD NOT BE ABLE TO CONDUCT MEETINGS WHERE THE ABOVE IS DISCUSSED	GRAND-SONS IN THE PRIMARY SCHOOL AND YSTJ
10	GLENYS JONES	<i>No details noted.</i>	GRANDSONS IN THE PRIMARY SCHOOL AND YSTJ, GOVERNING BODY OF THE SCHOOL, FAMILY IS THE "CYLCH"

			(NURSERY) LEADER AND ON THE GOVERNING BOARD BWRDD
11	THOMAS DAVID JONES	<i>No details noted.</i>	GRANDSONS IN YSTJ
12	CAROL WHITAKER	EMPLOYED BY LOCAL COUNCIL	WORKS IN YSTJ
NO APPLICATION	JOHN GRIFFITHS	<i>No application.</i>	<i>No prejudicial interest</i>
NO APPLICATION	GORDON HAYES	<i>No application.</i>	<i>No prejudicial interest</i>
NO APPLICATION	HEFINA WILLIAMS	<i>No application.</i>	<i>No prejudicial interest</i>

DISPENSATION CONSIDERATIONS -**Guidance for the Standards Committee Panel when considering Councillors' applications for dispensation:**

1. Reading:
 - Consider the Report prepared by / on behalf of the Monitoring Officer.
 - Consider the enclosures to the Report, particularly the Application Form completed by the Councillor, in order to gather all facts.

2. Multiple Applications:
 - Deal with each application individually and on its own facts.
 - Consider following a procedure at the Hearing:
 - o Gather background / general information (if needed);
 - o Listen to Councillor A's application / ask questions if in attendance / ask the Clerk;
 - o Retire to consider Councillor A's application;
 - o Resume – may announce the decision in relation to Councillor A's application, or may defer announcing the decision until all applications have been considered;
 - o Repeat, depending on the number of applications to be considered.

3. Personal / Prejudicial Interest:
 - For each application, determine –
 - o Is there a PERSONAL INTEREST?
 - Consider the Code of Conduct (included as an enclosure to the Report) – what is the personal interest?
 - o Is the personal interest PREJUDICIAL?
 - Again, consider the Code of Conduct (included as an enclosure to the Report) – is the personal interest also prejudicial?
 - If there is no personal interest, or the personal interest is not prejudicial, there is no need to consider an application for dispensation as the Councillor is able to fully participate in the business.

4. Ground for Dispensation:
 - Where there is a personal interest which is prejudicial, consider the GROUND on which the dispensation may be granted. The grounds are listed on the back of the Application Form.
 - o Has the Applicant correctly identified these on the Application Form?
 - o Has the Applicant included all required Dispensations on the Form i.e. for voting / speaking / writing etc.?

5. Restrictions / Limitations on the Dispensation:
 - When deciding whether or not to grant the Dispensation, consider (if the Dispensation is to be granted) if any restrictions or limitations are required. Matters such as if the Councillor can speak but not vote or whether the dispensation is for one meeting only or the duration of the Council term.

6. Decision Form
 - In granting the dispensation, the Panel will need to complete the Decision Form which details (a) the decision of the Standards Committee; (b) the date when the decision is made; (c) who should be informed of the decision; (d) the date when the dispensation expires; (e) under which ground(s) the dispensation is being granted; and (f) what the dispensation allows the Councillor to do (i.e. speak, vote etc.).

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DISPENSATION PANEL OF THE STANDARDS COMMITTEE**Minutes of the meeting held on 7 March 2019****PRESENT:** **Independent Members**

Mr Michael Wilson (Chair)
 Mr John Robert Jones
 Mr Keith Roberts

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

APOLOGIES: None**1. DECLARATION OF INTEREST**

Mr John R Jones declared a personal interest in respect of Item 2, as he knew one of the applicants. On the advice of the Monitoring Officer, it was confirmed that, given the nature of the relationship and the context of the application, the interest was not prejudicial.

2. APPLICATION FOR DISPENSATION

A collective application for dispensation was sought by the following 8 members of Llanelian Community Council: Councillors Ian Nicholas Evans, David Gerrard, Dafydd Griffiths, Helen Hughes, Thomas Elfyn Hughes, Glenys Jones, Thomas David Jones and Carol Whitaker. The application relates to prejudicial interests regarding educational provision in the Amlwch area. It was noted that 8 of the 11 Llanelian Community Council members consider themselves to have a prejudicial interest.

The Panel, through its Chairman, had already agreed to consider an en bloc application by way of a paper exercise only. Neither the Clerk nor the applicants attended the meeting.

The Monitoring Officer reported that, as the context of each application relates to the Schools Modernisation Programme in the Amlwch catchment area, and the relevant statutory ground is the same in each case, all the applications for dispensations are being dealt with collectively.

A statutory formal consultation will begin in April, which will review the future of schools in the primary and secondary sector, including Sir Thomas Jones School in Amlwch. Llanelian Community Council will be one of the consultees in the statutory consultation process. It was noted that potentially one or more of the schools under consideration may face closure, and as a result there could be an impact on the children in the area and the staff who work in the schools. Following

the consultation process, a report will be presented to the Executive for decision.

The Monitoring Officer highlighted that all the applications are different in terms of individual facts, which, with one exception, fall into two categories:

1. the potential impact of school closures/reorganisation on children related/ connected to the applicants; or
2. the potential impact on some of the applicants' family members who are employed in the schools.

The Monitoring Officer reported that each member of the Community Council has a personal and prejudicial interest, therefore has to declare an interest and leave a meeting during discussion.

The Monitoring Officer advised the Panel to give particular consideration to the seventh applicant on the basis that the circumstances described did not fall into either category 1 or 2 above and, if there is a personal/prejudicial interest, it will be a "wellbeing" interest under the Code by virtue of the applicant's long period of employment as a teacher in Sir Thomas Jones School.

The Monitoring Officer referred to Paragraph 2(a), (f) and (i) of The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001, and cited the circumstances in which a dispensation may be granted. She highlighted that should the Panel refuse to grant the dispensation, then the Community Council would not be able to participate in discussions and represent the community in the consultation process, as meetings would not be quorate.

The Panel expressed concern that there were gaps in some of the application forms received, and stressed the importance of ensuring that members/applicants are responsible for completing their own applications and should not be depending upon the Clerk to provide the additional information to the Panel. The Panel wished to highlight this concern, but was satisfied that it had sufficient information, thanks to the assistance of the Clerk, to make its decision. The Panel was also aware of the need to deal with this matter within a restricted timeframe and to ensure that decisions are taken in the best interests of the community.

Members of the Panel deliberated in private session. Following discussion, the Chair announced that the Dispensation Panel had **RESOLVED to grant an en bloc dispensation to Councillors Ian Nicholas Evans, David Gerrard, Dafydd Griffiths, Helen Hughes, Thomas Elfyn Hughes, Glenys Jones, Thomas David Jones, and Carol Whitaker to:-**

- **write to officers [and/or the Committee/Community Council] about the matter;**
- **speak to officers of the Community Council about the matter;**
- **speak at Committee meetings/Community Council meetings and answer any questions about the issue;**
- **remain in the room during any debate/vote on the issue;**
- **vote;**

- to attend and speak at public meetings and to speak and meet with third parties in connection with this consultation and the project generally;
- that the dispensation will endure until completion of the Schools Modernisation Process in the Amlwch area, or the term of this Community Council, whichever is later.

The dispensation is granted under Section 81(4) of the Local Government Act 2000 where no fewer than half of the Councillors (Community Council/Committees) by which the business is to be considered has an interest which relates to that business.

Action:

- The Monitoring Officer to write to the 8 members of Llanelian Community Council, confirming that they have been granted an en bloc dispensation permitting each member to write, speak and vote on all matters relating to the Schools Modernisation Programme; also, that they may remain in the room during any debate/voting on the matter.
- The Monitoring Officer to notify the Clerk of Llanelian Community Council confirming the Panel's decision and terms of the dispensation outlined above; also, the Monitoring Officer, on behalf of the Panel, to write to the Clerk to thank her for her work in connection with the above.
- The 8 members of the Llanelian Community Council to declare their personal and prejudicial interests when attending Committee/Community Council meetings.
- The Monitoring Officer to write to all Community Councils to highlight the need to fully complete application forms for dispensation (this to be included with reissue of the advice on obtaining dispensations).

The meeting concluded at 15.25 pm

**MR MICHAEL WILSON
CHAIR**

ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	STANDARDS COMMITTEE (DISPENSATION PANEL)
DATE:	22 MARCH 2019
TITLE OF REPORT:	TO CONSIDER APPLICATIONS FOR DISPENSATION
PURPOSE OF THE REPORT:	TO DETERMINE APPLICATIONS FOR DISPENSATION FROM MEMBERS OF THE EXECUTIVE AND THE TERMS OF ANY DISPENSATION GRANTED
REPORT BY:	Lynn Ball HEAD OF FUNCTION (COUNCIL BUSINESS) / MONITORING OFFICER lbxcs@anglesey.gov.uk / 01248 752586

DOCUMENTS ATTACHED

1. Code of Conduct for Members of the Isle of Anglesey County Council
2. Standards Committee (Grant of Dispensations) (Wales) Regulations 2001
3. Part 4 of the Local Government Regulations (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) 2016
4. Briefing Note on Dispensations provided by the Standards Committee for the elected members of the Isle of Anglesey County Council along with Application Forms and Decisions
5. Application by Councillors Richard Dew (Executive Member for Planning and Public Protection), R Meirion Jones (Executive Member for Education, Libraries, Culture and Youth), Alun Mummery (Executive Member for Housing and Supporting Communities including Community Safety), R.G. Parry (Executive Member for Highways, Property and Waste Management) and Robin Wyn Williams (Executive Member for Finance)
6. Methodology Note for the consideration of applications for dispensation

1. LEGAL BACKGROUND

Pursuant to the Isle of Anglesey County Council's Code of Conduct (**Enclosure 1**), members who have a personal and prejudicial interest are precluded from any discussion on that matter in the County Council, or in any meeting which they attend in their capacity as a member of the Council.

Personal interests are listed in paragraph 10 of the Code. The definition of prejudicial interests is provided in paragraph 12 of the Code.

In some limited, and specified, circumstances a member may be able to overreach the impediment created by the personal and prejudicial interest if they are able to obtain a dispensation from the Standards Committee.

Dispensations may only be granted in the circumstances listed in Section 2 of **Enclosure 2**, and have been amended in accordance with **Enclosure 3**. The Briefing Note and the reverse of the Application Form therein (**Enclosure 4**) also provide details of these circumstances.

2. FACTUAL BACKGROUND

Schools Modernisation is one of the Isle of Anglesey County Council's key aims in the Council's Plan for 2017-2022. The Isle of Anglesey County Council, as part of its Schools Modernisation Strategy, is consulting with the County's secondary schools about the future of post-16 education.

On 28 January 2019, a Standards Panel Hearing was held to consider Councillor Llinos Medi Huws' application for dispensation regarding two matters; one being post-16 education. In that Hearing, the Panel explained that they were of the opinion that other members of the Executive, who are parents or grandparents of children and young people on Anglesey, and who may also be affected by decisions regarding post-16 education in the County, should apply for dispensation.

It is likely that the statutory consultation process on post-16 education will begin in the next few months. During that process, the Executive will be required to make recommendations

and decisions. The matter will be scrutinised by the Scrutiny Committee at various stages. The Executive will make the final decision.

3. THE APPLICATION

Any member wishing to obtain a dispensation must submit a written application, identifying the impediments and the ground/s upon which she/he is relying in order to apply. The Standards Committee, or a Panel of the Standards Committee, will then hear the application in a public meeting. On the instruction of the Chair of the Standards Committee the Dispensation Panel will make its decision/s in the absence of the Applicants.

Following enquiries with the Executive members, an application for five Executive members is at **Appendix 5**.

The application identifies the business in which the members wish to participate, the type of dispensation sought and the statutory grounds upon which the applications are made. The relevant information regarding the personal interests of each member is also contained within the application.

In **Appendix 5**, it is noted that Councillors R. Meirion Jones and Robyn Wyn Williams are Governors at Ysgol David Hughes, Menai Bridge. The two have been appointed in their capacity as elected members of the County Council. Their appointment as Governors means that they have a personal interest in accordance with the Code of Conduct (see paragraph 10(2)(a)(viii)). However, there is no need to consider the test in paragraph 12(1) of the Code of Conduct to decide whether the personal interest is also a prejudicial interest as there is an automatic exemption in paragraph 12(2)(a)(iii) of the Code which means that they do not have a prejudicial interest. This provision within the Code enables the two members to participate fully in education matters in general and issues which are specific to Ysgol David Hughes, as Council appointed Governors are exempt from having a prejudicial interest in these circumstances. Some of the applicant members are Governors in primary schools but the details of these appointments have not been reproduced in the application as primary schools will not be affected by the Post-16 School Modernisation Project. The Panel will need to consider the applicants' family associations only.

4. PANEL'S CONSIDERATIONS

The Panel should consider following the Methodology Note (**Enclosure 6**) which lists the matters the Panel needs to take into consideration.

It is noted that the applications have been made based on the fact that over half of the Executive members (9 in total with 5 having been named in the appended application) have, in the opinion of the Standards Panel, a personal and prejudicial interest. Councillor Llinos Medi Huws' application has already been considered and granted on 28 January 2019. A separate application by Councillor Carwyn Elias Jones will be considered in the future.

Should the Panel decide to grant dispensations, consideration should also be given to imposing constraints e.g. limiting the dispensation/s specifically to those interests identified in the applications or extending the dispensation to cover other issues arising from this matter in the future, etc. The Panel is referred to the 'Decision Form' included in **Enclosure 4** which notes the considerations which may apply.

5. RECOMMENDATIONS

To consider the merits of the application and:

(A) determine whether or not to grant dispensation/s; and,

(B) if granting dispensation/s, to consider:-

- (i) on what ground or grounds any dispensation is granted; and
- (ii) whether there are any limitations/constraints to be imposed

5.1 Members' Code of Conduct

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

Part 1 - Interpretation

1. (1) In this code

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

(a) is a member of any committee or subcommittee of the authority, or

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

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

(a) of the relevant authority,

(b) of any executive or board of the relevant authority,

(c) of any committee, subcommittee, joint committee or joint subcommittee of the relevant authority or of any such committee, subcommittee, joint committee or joint subcommittee of any executive or board of the authority, or

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

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

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

(a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or

(b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

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

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

- (a) a county council,
- (b) a county borough council,
- (c) a community council,
- (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,
- (e) a National Park authority established under section 63 of the Environment Act 1995;

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

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

(2) In relation to a community council—

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

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

Part 2 - General Provisions

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

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

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

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

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

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

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

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

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

4. You must -

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

(b) show respect and consideration for others;

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

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

(e) attend at least one training session on this code of conduct during each full term of office, such attendance to take place during the six months following election in the case of those members elected to the County Council for the first time and those having been re-elected but without continuity of office.

5. You must not -

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

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

6. (1) You must -

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

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

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

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

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

7. You must not -

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

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

(i) imprudently;

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

(iii) unlawfully;

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

(v) improperly for political purposes; or

(vi) improperly for private purposes.

8. You must -

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

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

(ii) the authority's chief finance officer;

(iii) the authority's monitoring officer;

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

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

9. You must -

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

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

Part 3 - Interests

Personal Interests

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

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

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

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

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

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

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

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

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

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

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

(ix) any -

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

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

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

(dd) trade union or professional association; or

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

and in relation to (aa) to (ee), in which you have membership or hold a position of general control or management;

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

[Note: subparagraph (b) is omitted]

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

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

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

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

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

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

and in relation to (i) to (v), to a greater extent than the majority of –

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

or

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

Disclosure of Personal Interests

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

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

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

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

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

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

(a) details of the personal interest;

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

(c) your signature

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

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

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

Prejudicial Interests

12. (1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

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

(a) relates to -

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

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

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

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

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

(b) relates to -

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

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

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

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

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

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

Overview and Scrutiny Committees

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

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

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

Participation in Relation to Disclosed Interests

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(aa) details of the prejudicial interest;

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

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

(dd) your signature.

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

Part 4 - The Register of Members' Interests

Registration of Personal Interests

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

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

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

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

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

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

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

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

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

Sensitive information

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

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

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

Registration of Gifts and Hospitality

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

ATODIAD / ENCLOSURE 2



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 2279 (Cy. 169)

2001 No. 2279 (W. 169)

LLYWODRAETH LEOL,
CYMRU

LOCAL GOVERNMENT ,
WALES

Rheoliadau Pwyllgorau Safonau
(Caniatáu Gollyngiadau) (Cymru)
2001

The Standards Committees (Grant
of Dispensations) (Wales)
Regulations 2001

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note does not form part of the Regulations)

O dan adran 51 o Ddeddf Llywodraeth Leol 2000 ("y Ddeddf") mae'n ofynnol i gynghorau sir a chynghorau bwrdeistref sirol, awdurdodau tân ac awdurdodau Parciau Cenedlaethol yng Nghymru ("awdurdodau perthnasol") fabwysiadu cod ymddygiad ar gyfer aelodau ac aelodau cyfetholedig sy'n gorfod ymgorffori unrhyw ddarpariaethau gorfodol o unrhyw god ymddygiad enghreifftiol a gyhoeddir gan Gynulliad Cenedlaethol Cymru o dan adran 50(2) o'r Ddeddf.

County and county borough councils, community councils, fire authorities and National Park authorities in Wales ("relevant authorities") are required by section 51 of the Local Government Act 2000 ("the Act") to adopt a code of conduct for members and co-opted members which must incorporate any mandatory provisions of any model code of conduct issued by the National Assembly for Wales under section 50(2) of the Act.

Mae adran 81(1) a (2) o'r Ddeddf yn darparu bod yn rhaid i'r swyddog monitro ym mhob awdurdod perthnasol sefydlu a chadw cofrestr o fuddiannau aelodau ac aelodau cyfetholedig yr awdurdod a bod darpariaethau gorfodol y cod enghreifftiol sy'n gymwysadwy i bob awdurdod perthnasol yn gorfod ei gwneud yn ofynnol i aelodau ac aelodau cyfetholedig pob awdurdod gofrestru unrhyw fuddiannau ariannol ac eraill a bennir yn y darpariaethau gorfodol yng nghofrestr yr awdurdod hwnnw.

Section 81(1) and (2) of the Act provides that the monitoring officer of each relevant authority must establish and maintain a register of interests of the members and co-opted members of the authority and that the mandatory provisions of the model code applicable to each relevant authority must require the members and co-opted members of each authority to register in that authority's register such financial and other interests as are specified in the mandatory provisions.

O dan adran 81(3) a (4) o'r Ddeddf rhaid i'r darpariaethau gorfodol hynny ei gwneud yn ofynnol hefyd i aelod neu aelod cyfetholedig o awdurdod perthnasol sydd â buddiant o'r fath ei ddatgelu cyn cymryd rhan mewn unrhyw fusnes gan yr awdurdod sy'n berthnasol i'r buddiant a gwneud darpariaeth i atal yr aelod neu'r aelod cyfetholedig hwnnw rhag cymryd rhan mewn unrhyw fusnes gan yr awdurdod y mae'r buddiant a ddatgelwyd yn berthnasol iddo neu i gyfyngu ar y rhan y mae'n ei chymryd ynddo.

Under section 81(3) and (4) of the Act those mandatory provisions must also require a member or co-opted member of a relevant authority who has such an interest to disclose it before taking part in any business of the authority which relates to it and make provision for preventing or restricting the participation of that member or co-opted member in any business of the authority to which the disclosed interest relates.

Mae adran 81(4) o'r Ddeddf yn darparu nad yw unrhyw gyfranogiad gan aelod neu aelod cyfetholedig o awdurdod perthnasol mewn unrhyw fusnes a waherddir gan y darpariaethau gorfodol yn fethiant i gydymffurfio â chod ymddygiad yr awdurdod os yw'r aelod neu'r aelod cyfetholedig wedi gweithredu yn unol â gollyngiad rhag y gwaharddiad a gafodd ei ganiatáu gan bwyllgor safonau'r awdurdod yn unol â rheoliadau a wneir o dan is-adran (5).

Mae'r rheoliadau hyn yn rhagnodi'r amgylchiadau y caiff pwyllgorau safonau'r awdurdodau perthasol ganiatáu gollyngiadau o'r fath odanynt.

Section 81(4) of the Act provides that any participation by a member or co-opted member of a relevant authority in any business which is prohibited by the mandatory provisions is not a failure to comply with the authority's code of conduct if the member or co-opted member has acted in accordance with a dispensation from the prohibition granted by the authority's standards committee in accordance with regulations made under subsection (5).

These regulations prescribe the circumstances in which standards committees of relevant authorities may grant such dispensations.

2001 Rhif 2279 (Cy. 169)

**LLYWODRAETH LEOL,
CYMRU**

**Rheoliadau Pwyllgorau Safonau
(Caniatáu Gollyngiadau) (Cymru)
2001**

Wedi'u gwneud

21 Mehefin 2001

Yn dod i rym

28 Gorffennaf 2001

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd iddo gan adran 81(5) ac (8) o Ddeddf Llywodraeth Leol 2000(a).

Enw, cychwyn, cymhwyso a dehongli

1.- (1) Enw'r Rheoliadau hyn yw Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 a deuant i rym ar 28 Gorffennaf 2001.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

(3) Yn y Rheoliadau hyn -

mae "aelod" ("*member*") yn cynnwys aelod cyfetholedig;

ystyr "awdurdod perthnasol" ("*relevant authority*") yw cyngor sir neu gyngor bwrdeistref sirol, cyngor cymuned, awdurdod tân neu awdurdod Parc Cenedlaethol;

ystyr "buddiant" ("*interest*") yw buddiant y mae'n ofynnol ei gofrestru yng nghofrestr buddiannau'r awdurdod perthnasol;

ystyr "corff gwirfoddol" ("*voluntary organisation*") yw corff (heblaw awdurdod lleol neu gorff cyhoeddus arall) sy'n cynnal ei weithgareddau heblaw ar gyfer gwneud elw;

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

(a) 2000 p. 22.

2001 No. 2279 (W. 169)

**LOCAL GOVERNMENT,
WALES**

**The Standards Committees (Grant
of Dispensations) (Wales)
Regulations 2001**

Made

21st June 2001

Coming into force

28th July 2001

The National Assembly for Wales makes the following Regulations in exercise of the power given to it by section 81(5) and (8) of the Local Government Act 2000(a).

Name, commencement, application and interpretation

1.- (1) The name of these Regulations is the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 and they shall come into force on 28th July 2001.

(2) These Regulations apply to Wales only.

(3) In these Regulations -

"interest" ("*buddiant*") means an interest which is required to be registered in the relevant authority's register of interests;

"member" ("*aelod*") includes a co-opted member;

"relevant authority" ("*awdurdod perthnasol*") means a county or county borough council, a community council, a fire authority or a National Park authority;

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

"voluntary organisation" ("*corff gwirfoddol*") means a body (other than a local authority or other public body) whose activities are carried on otherwise than for profit.

(a) 2000 c. 22.

Yr amgylchiadau lle gellir caniatáu gollyngiadau

2. Caiff pwyllgor safonau awdurdod perthnasol ganiatáu gollyngiadau o dan adran 81(4) o'r Ddeddf -

(a) os oes gan ddim llai na hanner aelodau'r awdurdod perthnasol neu hanner aelodau un o bwyllgorau'r awdurdod (yn ôl fel y digwydd) y mae'r busnes i gael ei ystyried ganddo fuddiant sy'n berthnasol i'r busnes hwnnw;

(b) os oes gan ddim llai na hanner aelodau gweithrediaeth arweinydd a chabinet y mae'r busnes i gael ei ystyried ganddo fuddiant sy'n berthnasol i'r busnes hwnnw a bod naill ai paragraff (ch) neu baragraff (d) hefyd yn gymwys;

(c) yn achos cyngor sir neu gyngor bwrdeistref sirol, os byddai anallu aelod i gymryd rhan yn tarfu ar gydbwysedd gwleidyddol yr awdurdod perthnasol neu'r pwyllgor o'r awdurdod y mae'r busnes i'w ystyried ganddo i'r fath raddau nes y byddai'r canlyniad yn debygol o gael ei effeithio;

(ch) os yw natur buddiant yr aelod yn gyfryw fel na fyddai cyfranogiad yr aelod yn y busnes y mae'r buddiant yn berthnasol iddo yn niweidio hyder y cyhoedd yn y modd y mae busnes yr awdurdod perthnasol yn cael ei gynnal;

(d) os yw'r buddiant yn gyffredin i'r aelod ac i gyfran arwyddocaol o'r cyhoedd;

(dd) os oes cyfiawnhad i'r aelod gymryd rhan yn y busnes y mae'r buddiant yn berthnasol iddo oherwydd rôl neu arbenigedd penodol yr aelod;

(e) os yw'r busnes y mae'r buddiant yn berthnasol iddo i'w ystyried gan bwyllgor trosolygu a chraffu i'r awdurdod perthnasol ac nad yw buddiant yr aelod yn fuddiant ariannol;

(f) os yw'r busnes sydd i'w ystyried yn berthnasol i arian neu eiddo corff gwirfoddol y mae'r aelod yn aelod o'i bwyllgor neu ei fwrdd rheoli heblaw fel cynrychiolydd yr awdurdod perthnasol ac nad oes gan yr aelod unrhyw fuddiant arall yn y busnes hwnnw ar yr amod na fydd unrhyw ollyngiad yn ymestyn i gymryd rhan mewn unrhyw bleidlais mewn perthynas â'r busnes hwnnw; neu

(ff) os yw'n ymddangos i'r pwyllgor ei bod o les i drigolion ardal yr awdurdod perthnasol i'r anallu gael ei godi, ar yr amod bod hysbysiad ysgrifenedig bod y gollyngiad yn cael ei ganiatáu yn cael ei roi i Gynulliad Cenedlaethol Cymru o fewn saith diwrnod a hynny mewn unrhyw fodd y gall ei bennu.

Circumstances in which dispensations may be granted

2. The standards committee of a relevant authority may grant dispensations under section 81(4) of the Act where -

(a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;

(b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;

(c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;

(d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;

(e) the interest is common to the member and a significant proportion of the general public;

(f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;

(g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;

(h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or

(i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a).

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

21 Mehefin 2001

21st June 2001

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1998 p. 38.

(a) 1998 c. 38.

CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2001 Rhif 2279 (Cy. 169)

**LLYWODRAETH LEOL,
CYMRU**

**Rheoliadau Pwyllgorau Safonau
(Caniatáu Gollyngiadau) (Cymru)
2001**

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2001 No. 2279 (W. 169)

**LOCAL GOVERNMENT,
WALES**

**The Standards Committees (Grant
of Dispensations) (Wales)
Regulations 2001**

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ATODIAD / ENCLOSURE 3

WELSH STATUTORY INSTRUMENTS

2016 No. 85

**The Local Government (Standards Committees,
Investigations, Dispensations and Referral)
(Wales) (Amendment) Regulations 2016**

Amendments to the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001

4.—(1) The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001(1) are amended as follows.

(2) In regulation 1, in paragraph (3) in the appropriate place insert—

““community sub-committee” (*“is-bwyllgor cymunedol”*) means a sub-committee appointed by a standards committee of a local authority under section 56 of the Act;”;

““joint committee” (*“cyd-bwyllgor”*) means a committee established by two or more relevant authorities under section 53(1) of the Act;”;

““section 54A sub-committee” (*“is-bwyllgor adran 54A”*) means a sub-committee appointed by a standards committee under section 54A(1) of the Act”;

““standards committee” (*“pwyllgor safonau”*) means—

- (a) a standards committee of a relevant authority;
- (b) a joint committee;
- (c) a section 54A sub-committee; or
- (d) a community sub-committee;”.

(3) In regulation 2—

(a) at the end of paragraph (h) omit “or”;

(b) in paragraph (i), for the words that follow “removed” substitute “; or”;

(c) after paragraph (i) insert—

“(j) “it appears to the committee to be otherwise appropriate to grant a dispensation.”

(4) After regulation 2 insert—

“Dispensations granted in accordance with regulation 2(j)

3.—(1) A dispensation granted by the standards committee of a relevant authority under section 81(4) of the Act on the grounds set out in regulation 2(j) and which remains in effect, must be reviewed by the standards committee once in every 12 month period from the date on which the dispensation is first granted.

(2) When conducting a review under paragraph (1) the standards committee must determine whether the dispensation should continue to have effect.

(1) S.I. 2001/2279 (W. 169).

Procedure and powers of standards committees

4.—(1) A standards committee of a relevant authority may refer an application for a dispensation made by a member of the authority to the standards committee of another relevant authority for consideration and determination.

(2) The monitoring officer of a relevant authority to which an application for a dispensation is made may, with the prior written consent of the chairperson of the standards committee of that authority, make arrangements for the application to be considered and determined by the standards committee of another relevant authority.

(3) Where reasonable efforts to contact the chairperson of the standards committee of the relevant authority have been unsuccessful, the vice-chairperson of the standards committee may give consent under paragraph (2).

(4) Where a monitoring officer or standards committee makes arrangements for a dispensation application to be considered and determined by the standards committee of another relevant authority, the monitoring officer or standards committee that makes those arrangements must provide notice to the person making the application accordingly.

(5) The notice to which paragraph (4) refers must include the following—

- (a) a statement that the matter has been referred to another relevant authority's standards committee for consideration and determination;
- (b) the name of the other relevant authority; and
- (c) the reason why the application has been referred to the standards committee of the other relevant authority.

(6) When the standards committee has determined the application it must give written notice of its decision to the—

- (a) member applying for the dispensation; and
- (b) standards committee of the referring relevant authority.”

Briefing Note to Members

Dispensations

This is a briefing note for Members of the Isle of Anglesey County Council on the topic of 'Dispensations'. Should Members have any queries, please contact the Monitoring Officer.

The Isle of Anglesey County Council's Code of Conduct for Members

No Member is allowed to participate in a matter where he/she has an interest which is prejudicial* unless a dispensation has already been granted by the Council's Standards Committee. This information is contained in [paragraph 14 of the Code](#)

Grounds on which a dispensation may be granted

The grounds on which a dispensation may be granted are:-

1. At least half of the relevant Members (Council/Committee) would be unable to take part in a meeting because of a prejudicial interest;
2. The lack of participation by Members would affect political balance;
3. The nature of the interest is such that participation would not damage public confidence in the decision;
4. The Applicant Member's interest is common to a significant proportion of the general public;
5. The Applicant Member's particular role or expertise would justify participation;
6. The interest is registrable but not financial and the decision will be considered by a scrutiny committee
7. The business relates to the finances or property of a voluntary organisation and the Applicant Member sits on its board or committee in his/her own right, and he/she does not have any other interest [although in this instance, any dispensation will not allow the Applicant Member to vote on the matter];
8. The Standards Committee believes that the Applicant Member's participation would be in the interest of the people in the Council's area and the Committee notifies Welsh Ministers within 7 days of the dispensation being granted; or
9. The Standards Committee believes it appropriate to grant the dispensation, as a practical solution to the disability (infirmity) of the Applicant Member which otherwise would make it difficult for them to leave a room/chamber when a matter in which they have a prejudicial* interest is being discussed.

What is the application process for a dispensation?

The Applicant Member must apply in writing to the Standards Committee and will usually be expected to attend the meeting of the Standards Committee Panel which will take the decision.

An Applicant Member may apply individually or, in common circumstances, a joint or collective application may be made by more than one Member.

The Standards Committee will consider all applications on their own facts; balancing the public interest in preventing those with prejudicial* interests from taking part in decisions while maximising the public interest in democratic participation.

The decision as to whether a dispensation shall be granted is at the Standards Committee's discretion. The terms and duration of any dispensation shall be decided by the Standards Committee.

If the Standards Committee approves an application it must grant the dispensation in writing. No Member may rely on a dispensation until such time as the written decision has been published. Where necessary, and possible, this will be expedited.

Requirements on Members when relying on a dispensation

Once the Standards Committee has approved an application and has granted the dispensation, in writing, the Member will then be able to participate (subject to any limitations imposed) despite his/her prejudicial* interest.

(a) Meetings:

Where a Member has a dispensation and wants to participate in a meeting to discuss the relevant matter, the Member must:

- (i) state at the meeting, when the item is to be discussed, that he/she is relying on a dispensation; and
- (ii) before, or immediately after the close of the meeting, he/she must give written notification** to the Council.

The notification must include:

- 1. details of the prejudicial* interest for which the dispensation was granted;
- 2. details of the business to which the prejudicial* interest relates;
- 3. details of the dispensation, including the date on which it was granted, and
- 4. the Member's signature.

(b) Written representations:

Where a Member has been provided with a dispensation, and is making written representations to the Council, the Member must provide details of the dispensation in any correspondence on the subject to which the dispensation relates.

(c) Oral representations:

Where a Member has been provided with a dispensation, and is making oral representations to the Council, that Member must:

- (i) include details of the dispensation in any oral representations and
- (ii) provide written notification** to the Council within 14 days of making the oral representations

Footnote/definitions

- * prejudicial interests – these are personal interests (listed in the Members' Code of Conduct) which an objective observer would consider so significant that they are likely to compromise the Member's ability to put the public interest first.
- ** written notification – in formal meetings, Members may rely upon the standard form of declaration. In informal meetings Members must provide written confirmation to the lead officer and ask that the dispensation be included in any informal minute/file note of the meeting.

THE ISLE OF ANGLESEY COUNTY COUNCIL

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

Name of Member:	
Member's contact details:	
Ward:	
Nature of prejudicial interest* in respect of which the Dispensation is sought:	
Business in which the Member wishes to participate:	
Type of Dispensation sought (tick as necessary and insert any required information):	<ul style="list-style-type: none"> <input type="radio"/> write to officers [and/or the Executive / Committee / Council] about the issue; <input type="radio"/> speak to officers of the Council about the issue [in the presence of two other persons] [who are not Trustees or Board Members of [INSERT]], provided a note is taken of any such discussions; <input type="radio"/> speak at Executive/Committee/Council meetings and answer any questions about the issue; <input type="radio"/> remain in the room during any debate/voting on the issue; <input type="radio"/> vote at such meetings; <input type="radio"/> other
Statutory Ground/s under which Dispensation is requested (See overleaf for available grounds):	
Is the interest registered as per Section 81(1) & (2) of the LGA 2000:	Yes / No
Date by which a decision is required:	
Signed:	Date:

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

Circumstances When A Standards Committee May Grant Dispensation

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

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

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

Decision of the Standards Committee:	
Date decision made by the Standards Committee:	
Name of persons to be notified of the Standards Committee's decision:	
Date any dispensation expires:	

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

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

The Councillor can therefore speak [and vote] at Executive/Committee/Council meetings in relation to the issue and answer any questions from members of the Executive/ Committee/Council [but must leave the meeting before matters that the Councillor speaks upon are debated or voted up on] OR [and may remain in the room during the debate and vote on the issue but must not vote on the issue].

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

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

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

Dated: _____

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

<p>Name of Member:</p>	<ul style="list-style-type: none"> • Councillor Richard Dew, Executive Member for Planning and Public Protection • Councillor R Meirion Jones, Executive Member for Education, Libraries, Culture and Youth • Councillor Alun Mummery, Executive Member for Housing and Supporting Communities including Community Safety • Councillor R G Parry OBE, Executive Member for Highways, Property and Waste Management • Councillor Robin Wyn Williams, Executive Member for Finance
<p>Member's contact details:</p>	<p>Following the above order:</p> <ul style="list-style-type: none"> • RICHARDEW@ynysmon.gov.uk 01407 810825 • RMeirionJones@ynysmon.gov.uk 01248 714270 • AlunMummery@ynysmon.gov.uk 01248 714938 • BobParry@ynysmon.gov.uk 01407 720437 • RobinWilliams@ynysmon.gov.uk 07887 842404
<p>Ward:</p>	<p>Following the above order:-</p> <ul style="list-style-type: none"> • Llifon • Aethwy • Aethwy • Central Anglesey • Aethwy
<p>Nature of prejudicial interest* in respect of which the Dispensation is sought:</p>	<p>The five applicants are grandparents of children and young people who may be affected in the future by any decision made regarding post-16 education in the County.</p> <p>Such decisions will be made by the Executive, over the coming months.</p> <p>Councillor R Meirion Jones and Councillor Robin Williams are County Council appointed Governors at Ysgol David Hughes, Menai Bridge.</p> <p>Councillor R Meirion Jones has also been</p>

	<p>nominated by the County Council to serve as a member of Grŵp Llandrillo Menai, the Cynnal Management Committee and the GwE Joint-Committee – three bodies which have an involvement with education (in his capacity as portfolio holder for Education, Youth, Libraries and Culture).</p> <p>There is provision in the Code of Conduct to allow Councillor R Meirion Jones and Councillor Robin Williams, in relation to their roles as Council appointed Governors, and Councillor R Meirion Jones as a Council appointed representative on other bodies, to take part without the need for a dispensation, as they are exempt from having a prejudicial interest in these circumstances.</p> <p>The application for a dispensation relates to the applicants' family associations only.</p>
<p>Business in which the Member/s wishes to participate:</p>	<p>Education matters regarding the provision of Post-16 Education in the County.</p>
<p>Type of Dispensation sought (tick as necessary and insert any required information):</p>	<ul style="list-style-type: none"> ○ write to officers [and/or the Executive / Committee / Council] about the issue; ○ speak to officers of the Council about the issue [in the presence of two other persons] [who are not Trustees or Board Members of [INSERT]], provided a note is taken of any such discussions; ○ speak at Executive/Committee/Council meetings and answer any questions about the issue; ○ remain in the room during any debate/voting on the issue (available when a Member has a disability); ○ vote at such meetings; ○ other: To participate in all external meetings and meetings of any outside bodies in capacity as an elected member
<p>Statutory Ground/s under which Dispensation/s is/are requested (See overleaf for available grounds):</p>	<p>(b) at least half the Members of Council's Executive (i.e. the Leader and the Executive Committee) who will be considering the business, have an interest in that business and paragraphs (d) and (e) are also relevant:</p> <p>(d) the nature of the Member's interest is such that the Member's participation in the business to which the interest relates would not damage public confidence in the conduct of the Council's business;</p> <p>(e) the interest is common to the Member and a</p>

	<p>significant proportion of the public;</p> <p>(f) the participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;</p> <p>(g) the interest which must be registered relates to business which will be considered by the Council's Scrutiny Committee and the Member does not have a pecuniary interest in that business;</p> <p>(i) it appears to the Standards Committee to be in the interest of the inhabitants of the area of the Council that the disability should be removed,</p>
<p>Is the interest registered as per Section 81(1) & (2) of the LGA 2000:</p>	<p>The Members' role as Governors, and membership of other organisations have been registered.</p> <p>The family related interests noted above have not been registered, as they are unsuitable for pre-registration.</p>
<p>Date by which a decision is required:</p>	<p>As soon as possible</p>
<p>Signed:</p>	<p>Date:</p>

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

Circumstances When A Standards Committee May Grant Dispensation

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

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

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

Decision of the Standards Committee:	
Date decision made by the Standards Committee:	
Name of persons to be notified of the Standards Committee's decision:	
Date any dispensation expires:	

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

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

The Councillor can therefore speak [and vote] at Executive/Committee/Council meetings in relation to the issue and answer any questions from members of the Executive/Committee/Council [but must leave the meeting before matters that the Councillor speaks upon are debated or voted up on] OR [and may remain in the room during the debate and vote on the issue but must not vote on the issue].

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

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

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

Dated: _____

DISPENSATION CONSIDERATIONS -**Guidance for the Standards Committee Panel when considering Councillors' applications for dispensation:**

1. Reading:
 - Consider the Report prepared by / on behalf of the Monitoring Officer.
 - Consider the enclosures to the Report, particularly the Application Form completed by the Councillor, in order to gather all facts.

2. Multiple Applications:
 - Deal with each application individually and on its own facts.
 - Consider following a procedure at the Hearing:
 - o Gather background / general information (if needed);
 - o Listen to Councillor A's application / ask questions if in attendance / ask the Clerk;
 - o Retire to consider Councillor A's application;
 - o Resume – may announce the decision in relation to Councillor A's application, or may defer announcing the decision until all applications have been considered;
 - o Repeat, depending on the number of applications to be considered.

3. Personal / Prejudicial Interest:
 - For each application, determine –
 - o Is there a PERSONAL INTEREST?
 - Consider the Code of Conduct (included as an enclosure to the Report) – what is the personal interest?
 - o Is the personal interest PREJUDICIAL?
 - Again, consider the Code of Conduct (included as an enclosure to the Report) – is the personal interest also prejudicial?
 - If there is no personal interest, or the personal interest is not prejudicial, there is no need to consider an application for dispensation as the Councillor is able to fully participate in the business.

4. Ground for Dispensation:
 - Where there is a personal interest which is prejudicial, consider the GROUND on which the dispensation may be granted. The grounds are listed on the back of the Application Form.
 - o Has the Applicant correctly identified these on the Application Form?
 - o Has the Applicant included all required Dispensations on the Form i.e. for voting / speaking / writing etc.?

5. Restrictions / Limitations on the Dispensation:
 - When deciding whether or not to grant the Dispensation, consider (if the Dispensation is to be granted) if any restrictions or limitations are required. Matters such as if the Councillor can speak but not vote or whether the dispensation is for one meeting only or the duration of the Council term.

6. Decision Form
 - In granting the dispensation, the Panel will need to complete the Decision Form which details (a) the decision of the Standards Committee; (b) the date when the decision is made; (c) who should be informed of the decision; (d) the date when the dispensation expires; (e) under which ground(s) the dispensation is being granted; and (f) what the dispensation allows the Councillor to do (i.e. speak, vote etc.).

STANDARDS COMMITTEE**Minutes of the meeting held on 22 March 2019**

PRESENT: **Independent Members**

Mr Michael Wilson (Chair),
Ms Denise Harris-Edwards.

IN ATTENDANCE: Head of Function (Council Business)/Monitoring Officer,
Committee Officer (MEH)

ALSO PRESENT: None

APOLOGIES: None

1 DECLARATION OF INTEREST

No declaration of interest was received.

2 APPLICATION FOR DISPENSATION

A collective application for dispensation was made by Councillors Richard Dew, R Meirion Jones, Alun Mummery, R G Parry OBE FRAGS and Robin W Williams (Executive Members), requesting the Standards Committee to consider granting dispensations to overcome prejudicial interests in the County Council's project for modernising post-16 education provision in the County.

The Dispensation Panel, through its Chairman, had already agreed to consider an en bloc application by way of a paper exercise only.

The Monitoring Officer reported that the Isle of Anglesey County Council as part of its Schools Modernisation Strategy, is consulting about the future of post-16 education. On 28 January 2019 a Standards Panel Hearing was held to consider an application for dispensation from Councillor Llinos M Huws. One of the reasons for that application related to the modernisation project for post-16 education. In that Hearing, the Standards Committee Panel explained that it was of the view that other members of the Executive, both parents and grandparents of children/young people on Anglesey, who may also be affected by decisions regarding post-16 education should apply for dispensation.

The statutory consultation process on post-16 education is likely to begin in the next few months. The consultation will have to be authorised by the Executive and the Executive may be required to make a number of decisions during and after the consultation has concluded.

It was further reported that Councillors R Meirion Jones and Robyn W Williams are Governors at Ysgol David Hughes, Menai Bridge. The two Members have been appointed in the capacity as elected members of the County Council. Their appointment as Governors means that they have a personal interest in accordance with the Code of Conduct (Paragraph 10(2)(a)(viii)). However, there is no need to consider the test in paragraph 12(1) of the Code of Conduct to decide whether the personal interest is also a prejudicial interest as there is an automatic exemption in paragraph 12(2)(a)(iii) of the Code which means that they do not have a prejudicial interest.

The block application has been made primarily on the ground that over half the Members of the Executive (9 in total with 5 having been named in the appended application) have, in the opinion of the Standards Committee Panel, a personal and prejudicial interest.

The Chair noted that, for the purpose of this application, the Panel will therefore consider the family associations of the Applicants only with regard to the post-16 Schools Modernisation Project.

Members of the Panel then deliberated in private session and following discussion, the Chair announced that the Dispensation Panel had **RESOLVED:-**

- **to grant an en bloc dispensation to Councillors Richard A Dew, R Meirion Jones, Alun W Mummery, Bob Parry OBE FRAGS and Robin W Williams for the duration of all matters in respect of the post-16 Schools Modernisation Project or until the end of the term of the current County Council (May 2022 whichever is longer);**
- **that the Members declare their prejudicial interest, but also the fact that they have been granted a dispensation by the Standards Committee Panel, at every relevant meeting when discussion and/or voting are undertaken as regards the post-16 Schools Modernisation Project.**

**MR MICHAEL WILSON
CHAIR**

ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	STANDARDS COMMITTEE (DISPENSATION PANEL)
DATE:	29 MARCH 2019
TITLE OF REPORT:	TO CONSIDER AN APPLICATION FOR DISPENSATION
PURPOSE OF THE REPORT:	TO DETERMINE AN APPLICATION FOR DISPENSATION FROM A COUNTY COUNCILLOR (MEMBER OF THE EXECUTIVE) AND THE TERMS OF ANY DISPENSATION GRANTED
REPORT BY:	Mared Wyn Yaxley SOLICITOR (Corporate Governance) mwyics@anglesey.gov.uk / 01248 752566

DOCUMENTS ATTACHED

1. Code of Conduct for Members of the Isle of Anglesey County Council
2. Standards Committee (Grant of Dispensations) (Wales) Regulations 2001
3. Part 4 of the Local Government Regulations (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) 2016
4. Briefing Note on Dispensations provided by the Standards Committee for the elected members of the Isle of Anglesey County Council along with Application Forms and Decisions
5. Application by Councillor Carwyn Elias Jones (Member of the Executive for Major Projects and Economic Development)
6. Methodology Note for the consideration of applications for dispensation

1. LEGAL BACKGROUND

Pursuant to the Isle of Anglesey County Council's Code of Conduct (**Enclosure 1**), members who have a personal and prejudicial interest are precluded from any discussion on that matter in the County Council, Executive or in any meeting which they attend in their capacity as a member of the Council.

Personal interests are listed in paragraph 10 of the Code. The definition of prejudicial interests is provided in paragraph 12 of the Code.

In some limited, and specified, circumstances a member may be able to overreach the impediment created by the personal and prejudicial interest if they are able to obtain a dispensation from the Standards Committee.

Dispensations may only be granted in the circumstances listed in Section 2 of **Enclosure 2**, and have been amended in accordance with **Enclosure 3**. The Briefing Note and the reverse of the Application Form therein (**Enclosure 4**) also provide details of these circumstances.

2. FACTUAL BACKGROUND

Schools Modernisation is one of the Isle of Anglesey County Council's key aims in the Council's Plan for 2017-2022. It is known that the Isle of Anglesey County Council, as part of its Schools Modernisation Strategy, is consulting with the County's secondary schools about the future of post-16 education.

On 28 January 2019, a Standards Panel Hearing was held to consider Councillor Llinos Medi Huws' application for dispensation regarding two matters; one being post-16 education. In that Hearing, the Panel explained that they were of the opinion that other members of the Executive, who are parents or grandparents of children and young people on Anglesey, and who may also be affected by decisions regarding post-16 education in the County, should apply for dispensation.

On 22 March 2019, a Standards Panel Hearing will be held to consider an application for dispensation for five members of the Executive who are grandparents of children and young people on Anglesey, and who may also be affected by decisions regarding post-16 education in the County.

It is likely that the statutory consultation process on post-16 education will begin in the next few months. During that process, the Executive will be required to make recommendations and decisions. The matter will be scrutinised by the Scrutiny Committee at various stages. The Executive will make the final decision.

3. THE APPLICATION

Any member wishing to obtain a dispensation must submit a written application, identifying the impediments and the grounds upon which he is relying in order to apply. The Standards Committee, or a Panel of the Standards Committee, will then hear the application in a public meeting.

The application to be considered is included in **Appendix 5**, and the application identifies the business in which the member wishes to participate, the type of dispensation sought and the statutory grounds upon which the application is made. The applicant's interest is twofold – (1) he is a parent to children who may be affected by a decision regarding post-16 education in the County; and (2) he is employed as a Lecturer by Grŵp Llandrillo / Menai, a post-16 education provider.

In **Appendix 5**, it is noted that Councillor Carwyn Elias Jones is a Governor at Ysgol David Hughes, Menai Bridge. He has been appointed in his capacity as an elected member of the County Council. His appointment as Governor means he has a personal interest in accordance with the Code of Conduct (see paragraph 10(2)(a)(viii)). However, there is no need to consider the test in paragraph 12(1) of the Code of Conduct to decide whether the personal interest is also a prejudicial interest as there is an automatic exemption in paragraph 12(2)(a)(iii) of the Code which means that he does not have a prejudicial interest. This provision within the Code enables the member to participate fully in education matters in general and issues which are specific to Ysgol David Hughes, as Council appointed Governors are exempt from having a prejudicial interest in these circumstances. Councillor Carwyn Elias Jones is also a Governor in primary schools but the details of these appointments have not been reproduced in the application as primary schools will not be affected by the Post-16 School Modernisation Project.

The Panel will recall that the Programme, Business Planning and Performance Manager, who is Project Manager for the Schools' Modernisation Programme, attended the Hearing on 28 January 2019 to provide information about the project. He will not attend this Hearing but has provided specific information about the Project and its possible effect on Grŵp Llandrillo / Menai:-

Grŵp Llandrillo / Menai's current position may remain unchanged as a result of the Council's decision regarding post-16 education i.e. Coleg Menai continues to provide the majority of vocational education whilst 6th forms in schools teach 'A' levels. On the other hand, the Council's decision could mean that Grŵp Llandrillo / Menai will have an opportunity to foster and develop a wider post-16 education provision than is currently implemented by group on Anglesey (because the Council may decide to withdraw the 6th form provision in one or more of its secondary schools, and all 'A' level subjects on Anglesey would be taught via Coleg Llandrillo / Menai.

A statutory consultation process has not yet started, therefore options have not been identified, but the possible effects of any decision regarding post-16 education on Grŵp Llandrillo / Menai is

- The Group might not provide an 'A' level provision and continue to prioritise vocational courses;
- The Group could compete with schools on the Island (or separate 6th form college) by extending its 'A' level provision;
- The Group could be the only provider of 'A' levels (if the schools end the provision)

Currently (and this figure is forecast every year for the next 5 years), approx. 550 pupils want an 'A' Level Education in the schools. If the post-16 education provision stops completely in the schools, these 550 pupils will potentially be looking for an alternative 'A' Level provider – and Grŵp Llandrillo / Menai could benefit as a result.

The applicant will attend before the Standards Committee Panel to present his application and to provide the Panel with any further information.

4. PANEL'S CONSIDERATIONS

The Panel should consider following the Methodology Note (**Enclosure 6**) which lists the matters the Panel needs to take into consideration.

It is noted that the application has been made based on the fact that over half of the Executive members have, in the opinion of the Standards Committee's Panel, a personal and prejudicial interest. There are 9 members on the Executive. The Leader has obtained a dispensation on 28 January 2019. An application by another five members of the Executive will be made on 22 March 2019. This is the seventh member to disclose a prejudicial interest.

Should the Panel decide to grant the dispensation, consideration should also be given to imposing constraints e.g. limiting the dispensation specifically to those interests identified in the application or extending the dispensation to cover other issues arising from this matter in the future, etc. The Panel is referred to the 'Decision Form' included in **Enclosure 4** which notes the considerations which may apply.

5. RECOMMENDATIONS

To consider the merits of the application and:

(A) determine whether or not to grant dispensation; and,

(B) if granting dispensation, to consider:-

- (i) on what ground or grounds the dispensation is granted; and
- (ii) whether there are any limitations/constraints to be imposed

5.1 Members' Code of Conduct

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

Part 1 - Interpretation

1. (1) In this code

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

(a) is a member of any committee or subcommittee of the authority, or

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

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

(a) of the relevant authority,

(b) of any executive or board of the relevant authority,

(c) of any committee, subcommittee, joint committee or joint subcommittee of the relevant authority or of any such committee, subcommittee, joint committee or joint subcommittee of any executive or board of the authority, or

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

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

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

(a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or

(b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

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

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

- (a) a county council,
- (b) a county borough council,
- (c) a community council,
- (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,
- (e) a National Park authority established under section 63 of the Environment Act 1995;

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

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

(2) In relation to a community council—

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

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

Part 2 - General Provisions

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

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

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

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

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

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

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

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

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

4. You must -

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

(b) show respect and consideration for others;

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

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

(e) attend at least one training session on this code of conduct during each full term of office, such attendance to take place during the six months following election in the case of those members elected to the County Council for the first time and those having been re-elected but without continuity of office.

5. You must not -

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

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

6. (1) You must -

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

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

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

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

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

7. You must not -

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

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

(i) imprudently;

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

(iii) unlawfully;

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

(v) improperly for political purposes; or

(vi) improperly for private purposes.

8. You must -

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

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

(ii) the authority's chief finance officer;

(iii) the authority's monitoring officer;

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

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

9. You must -

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

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

Part 3 - Interests

Personal Interests

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

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

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

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

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

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

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

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

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

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

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

(ix) any -

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

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

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

(dd) trade union or professional association; or

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

and in relation to (aa) to (ee), in which you have membership or hold a position of general control or management;

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

[Note: subparagraph (b) is omitted]

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

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

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

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

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

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

and in relation to (i) to (v), to a greater extent than the majority of –

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

or

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

Disclosure of Personal Interests

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

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

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

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

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

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

(a) details of the personal interest;

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

(c) your signature

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

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

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

Prejudicial Interests

12. (1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

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

(a) relates to -

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

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

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

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

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

(b) relates to -

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

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

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

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

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

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

Overview and Scrutiny Committees

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

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

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

Participation in Relation to Disclosed Interests

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(aa) details of the prejudicial interest;

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

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

(dd) your signature.

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

Part 4 - The Register of Members' Interests

Registration of Personal Interests

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

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

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

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

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

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

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

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

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

Sensitive information

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

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

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

Registration of Gifts and Hospitality

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

ATODIAD / ENCLOSURE 2



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 2279 (Cy. 169)

2001 No. 2279 (W. 169)

LLYWODRAETH LEOL,
CYMRU

LOCAL GOVERNMENT ,
WALES

Rheoliadau Pwyllgorau Safonau
(Caniatáu Gollyngiadau) (Cymru)
2001

The Standards Committees (Grant
of Dispensations) (Wales)
Regulations 2001

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note does not form part of the Regulations)

O dan adran 51 o Ddeddf Llywodraeth Leol 2000 ("y Ddeddf") mae'n ofynnol i gynghorau sir a chynghorau bwrdeistref sirol, awdurdodau tân ac awdurdodau Parciau Cenedlaethol yng Nghymru ("awdurdodau perthnasol") fabwysiadu cod ymddygiad ar gyfer aelodau ac aelodau cyfetholedig sy'n gorfod ymgorffori unrhyw ddarpariaethau gorfodol o unrhyw god ymddygiad enghreifftiol a gyhoeddir gan Gynulliad Cenedlaethol Cymru o dan adran 50(2) o'r Ddeddf.

County and county borough councils, community councils, fire authorities and National Park authorities in Wales ("relevant authorities") are required by section 51 of the Local Government Act 2000 ("the Act") to adopt a code of conduct for members and co-opted members which must incorporate any mandatory provisions of any model code of conduct issued by the National Assembly for Wales under section 50(2) of the Act.

Mae adran 81(1) a (2) o'r Ddeddf yn darparu bod yn rhaid i'r swyddog monitro ym mhob awdurdod perthnasol sefydlu a chadw cofrestr o fuddiannau aelodau ac aelodau cyfetholedig yr awdurdod a bod darpariaethau gorfodol y cod enghreifftiol sy'n gymwysadwy i bob awdurdod perthnasol yn gorfod ei gwneud yn ofynnol i aelodau ac aelodau cyfetholedig pob awdurdod gofrestru unrhyw fuddiannau ariannol ac eraill a bennir yn y darpariaethau gorfodol yng nghofrestr yr awdurdod hwnnw.

Section 81(1) and (2) of the Act provides that the monitoring officer of each relevant authority must establish and maintain a register of interests of the members and co-opted members of the authority and that the mandatory provisions of the model code applicable to each relevant authority must require the members and co-opted members of each authority to register in that authority's register such financial and other interests as are specified in the mandatory provisions.

O dan adran 81(3) a (4) o'r Ddeddf rhaid i'r darpariaethau gorfodol hynny ei gwneud yn ofynnol hefyd i aelod neu aelod cyfetholedig o awdurdod perthnasol sydd â buddiant o'r fath ei ddatgelu cyn cymryd rhan mewn unrhyw fusnes gan yr awdurdod sy'n berthnasol i'r buddiant a gwneud darpariaeth i atal yr aelod neu'r aelod cyfetholedig hwnnw rhag cymryd rhan mewn unrhyw fusnes gan yr awdurdod y mae'r buddiant a ddatgelwyd yn berthnasol iddo neu i gyfyngu ar y rhan y mae'n ei chymryd ynddo.

Under section 81(3) and (4) of the Act those mandatory provisions must also require a member or co-opted member of a relevant authority who has such an interest to disclose it before taking part in any business of the authority which relates to it and make provision for preventing or restricting the participation of that member or co-opted member in any business of the authority to which the disclosed interest relates.

Mae adran 81(4) o'r Ddeddf yn darparu nad yw unrhyw gyfranogiad gan aelod neu aelod cyfetholedig o awdurdod perthnasol mewn unrhyw fusnes a waherddir gan y darpariaethau gorfodol yn fethiant i gydymffurfio â chod ymddygiad yr awdurdod os yw'r aelod neu'r aelod cyfetholedig wedi gweithredu yn unol â gollyngiad rhag y gwaharddiad a gafodd ei ganiatáu gan bwyllgor safonau'r awdurdod yn unol â rheoliadau a wneir o dan is-adran (5).

Mae'r rheoliadau hyn yn rhagnodi'r amgylchiadau y caiff pwyllgorau safonau'r awdurdodau perthasol ganiatáu gollyngiadau o'r fath odanynt.

Section 81(4) of the Act provides that any participation by a member or co-opted member of a relevant authority in any business which is prohibited by the mandatory provisions is not a failure to comply with the authority's code of conduct if the member or co-opted member has acted in accordance with a dispensation from the prohibition granted by the authority's standards committee in accordance with regulations made under subsection (5).

These regulations prescribe the circumstances in which standards committees of relevant authorities may grant such dispensations.

2001 Rhif 2279 (Cy. 169)

**LLYWODRAETH LEOL,
CYMRU**

**Rheoliadau Pwyllgorau Safonau
(Caniatáu Gollyngiadau) (Cymru)
2001**

Wedi'u gwneud

21 Mehefin 2001

Yn dod i rym

28 Gorffennaf 2001

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd iddo gan adran 81(5) ac (8) o Ddeddf Llywodraeth Leol 2000(a).

Enw, cychwyn, cymhwyso a dehongli

1.- (1) Enw'r Rheoliadau hyn yw Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 a deuant i rym ar 28 Gorffennaf 2001.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

(3) Yn y Rheoliadau hyn -

mae "aelod" ("*member*") yn cynnwys aelod cyfetholedig;

ystyr "awdurdod perthnasol" ("*relevant authority*") yw cyngor sir neu gyngor bwrdeistref sirol, cyngor cymuned, awdurdod tân neu awdurdod Parc Cenedlaethol;

ystyr "buddiant" ("*interest*") yw buddiant y mae'n ofynnol ei gofrestru yng nghofrestr buddiannau'r awdurdod perthnasol;

ystyr "corff gwirfoddol" ("*voluntary organisation*") yw corff (heblaw awdurdod lleol neu gorff cyhoeddus arall) sy'n cynnal ei weithgareddau heblaw ar gyfer gwneud elw;

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

(a) 2000 p. 22.

2001 No. 2279 (W. 169)

**LOCAL GOVERNMENT,
WALES**

**The Standards Committees (Grant
of Dispensations) (Wales)
Regulations 2001**

Made

21st June 2001

Coming into force

28th July 2001

The National Assembly for Wales makes the following Regulations in exercise of the power given to it by section 81(5) and (8) of the Local Government Act 2000(a).

Name, commencement, application and interpretation

1.- (1) The name of these Regulations is the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 and they shall come into force on 28th July 2001.

(2) These Regulations apply to Wales only.

(3) In these Regulations -

"interest" ("*buddiant*") means an interest which is required to be registered in the relevant authority's register of interests;

"member" ("*aelod*") includes a co-opted member;

"relevant authority" ("*awdurdod perthnasol*") means a county or county borough council, a community council, a fire authority or a National Park authority;

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

"voluntary organisation" ("*corff gwirfoddol*") means a body (other than a local authority or other public body) whose activities are carried on otherwise than for profit.

(a) 2000 c. 22.

Yr amgylchiadau lle gellir caniatáu gollyngiadau

2. Caiff pwyllgor safonau awdurdod perthnasol ganiatáu gollyngiadau o dan adran 81(4) o'r Ddeddf -

(a) os oes gan ddim llai na hanner aelodau'r awdurdod perthnasol neu hanner aelodau un o bwyllgorau'r awdurdod (yn ôl fel y digwydd) y mae'r busnes i gael ei ystyried ganddo fuddiant sy'n berthnasol i'r busnes hwnnw;

(b) os oes gan ddim llai na hanner aelodau gweithrediaeth arweinydd a chabinet y mae'r busnes i gael ei ystyried ganddo fuddiant sy'n berthnasol i'r busnes hwnnw a bod naill ai paragraff (ch) neu baragraff (d) hefyd yn gymwys;

(c) yn achos cyngor sir neu gyngor bwrdeistref sirol, os byddai anallu aelod i gymryd rhan yn tarfu ar gydbwysedd gwleidyddol yr awdurdod perthnasol neu'r pwyllgor o'r awdurdod y mae'r busnes i'w ystyried ganddo i'r fath raddau nes y byddai'r canlyniad yn debygol o gael ei effeithio;

(ch) os yw natur buddiant yr aelod yn gyfryw fel na fyddai cyfranogiad yr aelod yn y busnes y mae'r buddiant yn berthnasol iddo yn niweidio hyder y cyhoedd yn y modd y mae busnes yr awdurdod perthnasol yn cael ei gynnal;

(d) os yw'r buddiant yn gyffredin i'r aelod ac i gyfran arwyddocaol o'r cyhoedd;

(dd) os oes cyfiawnhad i'r aelod gymryd rhan yn y busnes y mae'r buddiant yn berthnasol iddo oherwydd rôl neu arbenigedd penodol yr aelod;

(e) os yw'r busnes y mae'r buddiant yn berthnasol iddo i'w ystyried gan bwyllgor trosolygu a chraffu i'r awdurdod perthnasol ac nad yw buddiant yr aelod yn fuddiant ariannol;

(f) os yw'r busnes sydd i'w ystyried yn berthnasol i arian neu eiddo corff gwirfoddol y mae'r aelod yn aelod o'i bwyllgor neu ei fwrdd rheoli heblaw fel cynrychiolydd yr awdurdod perthnasol ac nad oes gan yr aelod unrhyw fuddiant arall yn y busnes hwnnw ar yr amod na fydd unrhyw ollyngiad yn ymestyn i gymryd rhan mewn unrhyw bleidlais mewn perthynas â'r busnes hwnnw; neu

(ff) os yw'n ymddangos i'r pwyllgor ei bod o les i drigolion ardal yr awdurdod perthnasol i'r anallu gael ei godi, ar yr amod bod hysbysiad ysgrifenedig bod y gollyngiad yn cael ei ganiatáu yn cael ei roi i Gynulliad Cenedlaethol Cymru o fewn saith diwrnod a hynny mewn unrhyw fodd y gall ei bennu.

Circumstances in which dispensations may be granted

2. The standards committee of a relevant authority may grant dispensations under section 81(4) of the Act where -

(a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;

(b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;

(c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;

(d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;

(e) the interest is common to the member and a significant proportion of the general public;

(f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;

(g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;

(h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or

(i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a).

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

21 Mehefin 2001

21st June 2001

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1998 p. 38.

(a) 1998 c. 38.

CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 2279 (Cy. 169)

2001 No. 2279 (W. 169)

**LLYWODRAETH LEOL,
CYMRU**

**LOCAL GOVERNMENT,
WALES**

**Rheoliadau Pwyllgorau Safonau
(Caniatáu Gollyngiadau) (Cymru)
2001**

**The Standards Committees (Grant
of Dispensations) (Wales)
Regulations 2001**

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ATODIAD / ENCLOSURE 3

WELSH STATUTORY INSTRUMENTS

2016 No. 85

**The Local Government (Standards Committees,
Investigations, Dispensations and Referral)
(Wales) (Amendment) Regulations 2016**

Amendments to the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001

4.—(1) The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001(1) are amended as follows.

(2) In regulation 1, in paragraph (3) in the appropriate place insert—

““community sub-committee” (*“is-bwyllgor cymunedol”*) means a sub-committee appointed by a standards committee of a local authority under section 56 of the Act;”;

““joint committee” (*“cyd-bwyllgor”*) means a committee established by two or more relevant authorities under section 53(1) of the Act;”;

““section 54A sub-committee” (*“is-bwyllgor adran 54A”*) means a sub-committee appointed by a standards committee under section 54A(1) of the Act”;

““standards committee” (*“pwyllgor safonau”*) means—

- (a) a standards committee of a relevant authority;
- (b) a joint committee;
- (c) a section 54A sub-committee; or
- (d) a community sub-committee;”.

(3) In regulation 2—

(a) at the end of paragraph (h) omit “or”;

(b) in paragraph (i), for the words that follow “removed” substitute “; or”;

(c) after paragraph (i) insert—

“(j) “it appears to the committee to be otherwise appropriate to grant a dispensation.”

(4) After regulation 2 insert—

“Dispensations granted in accordance with regulation 2(j)

3.—(1) A dispensation granted by the standards committee of a relevant authority under section 81(4) of the Act on the grounds set out in regulation 2(j) and which remains in effect, must be reviewed by the standards committee once in every 12 month period from the date on which the dispensation is first granted.

(2) When conducting a review under paragraph (1) the standards committee must determine whether the dispensation should continue to have effect.

(1) S.I. 2001/2279 (W. 169).

Procedure and powers of standards committees

4.—(1) A standards committee of a relevant authority may refer an application for a dispensation made by a member of the authority to the standards committee of another relevant authority for consideration and determination.

(2) The monitoring officer of a relevant authority to which an application for a dispensation is made may, with the prior written consent of the chairperson of the standards committee of that authority, make arrangements for the application to be considered and determined by the standards committee of another relevant authority.

(3) Where reasonable efforts to contact the chairperson of the standards committee of the relevant authority have been unsuccessful, the vice-chairperson of the standards committee may give consent under paragraph (2).

(4) Where a monitoring officer or standards committee makes arrangements for a dispensation application to be considered and determined by the standards committee of another relevant authority, the monitoring officer or standards committee that makes those arrangements must provide notice to the person making the application accordingly.

(5) The notice to which paragraph (4) refers must include the following—

- (a) a statement that the matter has been referred to another relevant authority's standards committee for consideration and determination;
- (b) the name of the other relevant authority; and
- (c) the reason why the application has been referred to the standards committee of the other relevant authority.

(6) When the standards committee has determined the application it must give written notice of its decision to the—

- (a) member applying for the dispensation; and
- (b) standards committee of the referring relevant authority.”

Briefing Note to Members

Dispensations

This is a briefing note for Members of the Isle of Anglesey County Council on the topic of 'Dispensations'. Should Members have any queries, please contact the Monitoring Officer.

The Isle of Anglesey County Council's Code of Conduct for Members

No Member is allowed to participate in a matter where he/she has an interest which is prejudicial* unless a dispensation has already been granted by the Council's Standards Committee. This information is contained in [paragraph 14 of the Code](#)

Grounds on which a dispensation may be granted

The grounds on which a dispensation may be granted are:-

1. At least half of the relevant Members (Council/Committee) would be unable to take part in a meeting because of a prejudicial interest;
2. The lack of participation by Members would affect political balance;
3. The nature of the interest is such that participation would not damage public confidence in the decision;
4. The Applicant Member's interest is common to a significant proportion of the general public;
5. The Applicant Member's particular role or expertise would justify participation;
6. The interest is registrable but not financial and the decision will be considered by a scrutiny committee
7. The business relates to the finances or property of a voluntary organisation and the Applicant Member sits on its board or committee in his/her own right, and he/she does not have any other interest [although in this instance, any dispensation will not allow the Applicant Member to vote on the matter];
8. The Standards Committee believes that the Applicant Member's participation would be in the interest of the people in the Council's area and the Committee notifies Welsh Ministers within 7 days of the dispensation being granted; or
9. The Standards Committee believes it appropriate to grant the dispensation, as a practical solution to the disability (infirmity) of the Applicant Member which otherwise would make it difficult for them to leave a room/chamber when a matter in which they have a prejudicial* interest is being discussed.

What is the application process for a dispensation?

The Applicant Member must apply in writing to the Standards Committee and will usually be expected to attend the meeting of the Standards Committee Panel which will take the decision.

An Applicant Member may apply individually or, in common circumstances, a joint or collective application may be made by more than one Member.

The Standards Committee will consider all applications on their own facts; balancing the public interest in preventing those with prejudicial* interests from taking part in decisions while maximising the public interest in democratic participation.

The decision as to whether a dispensation shall be granted is at the Standards Committee's discretion. The terms and duration of any dispensation shall be decided by the Standards Committee.

If the Standards Committee approves an application it must grant the dispensation in writing. No Member may rely on a dispensation until such time as the written decision has been published. Where necessary, and possible, this will be expedited.

Requirements on Members when relying on a dispensation

Once the Standards Committee has approved an application and has granted the dispensation, in writing, the Member will then be able to participate (subject to any limitations imposed) despite his/her prejudicial* interest.

(a) Meetings:

Where a Member has a dispensation and wants to participate in a meeting to discuss the relevant matter, the Member must:

- (i) state at the meeting, when the item is to be discussed, that he/she is relying on a dispensation; and
- (ii) before, or immediately after the close of the meeting, he/she must give written notification** to the Council.

The notification must include:

- 1. details of the prejudicial* interest for which the dispensation was granted;
- 2. details of the business to which the prejudicial* interest relates;
- 3. details of the dispensation, including the date on which it was granted, and
- 4. the Member's signature.

(b) Written representations:

Where a Member has been provided with a dispensation, and is making written representations to the Council, the Member must provide details of the dispensation in any correspondence on the subject to which the dispensation relates.

(c) Oral representations:

Where a Member has been provided with a dispensation, and is making oral representations to the Council, that Member must:

- (i) include details of the dispensation in any oral representations and
- (ii) provide written notification** to the Council within 14 days of making the oral representations

Footnote/definitions

- * prejudicial interests – these are personal interests (listed in the Members' Code of Conduct) which an objective observer would consider so significant that they are likely to compromise the Member's ability to put the public interest first.
- ** written notification – in formal meetings, Members may rely upon the standard form of declaration. In informal meetings Members must provide written confirmation to the lead officer and ask that the dispensation be included in any informal minute/file note of the meeting.

THE ISLE OF ANGLESEY COUNTY COUNCIL

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

Name of Member:	
Member's contact details:	
Ward:	
Nature of prejudicial interest* in respect of which the Dispensation is sought:	
Business in which the Member wishes to participate:	
Type of Dispensation sought (tick as necessary and insert any required information):	<ul style="list-style-type: none"> <input type="checkbox"/> write to officers [and/or the Executive / Committee / Council] about the issue; <input type="checkbox"/> speak to officers of the Council about the issue [in the presence of two other persons] [who are not Trustees or Board Members of [INSERT]], provided a note is taken of any such discussions; <input type="checkbox"/> speak at Executive/Committee/Council meetings and answer any questions about the issue; <input type="checkbox"/> remain in the room during any debate/voting on the issue; <input type="checkbox"/> vote at such meetings; <input type="checkbox"/> other
Statutory Ground/s under which Dispensation is requested (See overleaf for available grounds):	
Is the interest registered as per Section 81(1) & (2) of the LGA 2000:	Yes / No
Date by which a decision is required:	
Signed:	Date:

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

Circumstances When A Standards Committee May Grant Dispensation

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

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

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

Decision of the Standards Committee:	
Date decision made by the Standards Committee:	
Name of persons to be notified of the Standards Committee's decision:	
Date any dispensation expires:	

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

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

The Councillor can therefore speak [and vote] at Executive/Committee/Council meetings in relation to the issue and answer any questions from members of the Executive/ Committee/Council [but must leave the meeting before matters that the Councillor speaks upon are debated or voted up on] OR [and may remain in the room during the debate and vote on the issue but must not vote on the issue].

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

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

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

Dated: _____

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

Name of Member:	Councillor Carwyn Elias Jones, Executive Member for Major Projects and Economic Development
Member's contact details:	CarwynEliasJone@anglesey.gov.uk 01248 450163
Ward:	Seiriol
Nature of prejudicial interest* in respect of which the Dispensation is sought:	<p>I have three children. One of whom is currently in year 8 in Ysgol David Hughes, Menai Bridge. It is intended that the others will also attend this secondary school in due course. It is likely that my children will be affected by any decision made regarding Post-16 Education in the County.</p> <p>Such decisions will be made by the Executive, over the coming months.</p> <p>In addition, I have, since 2002, been employed as a business studies lecturer by Grŵp Llandrillo Menai. I am based at the Coleg Menai campus in Bangor. Grŵp Llandrillo Menai is a provider of post-16 education. It is possible that any decision made regarding Post-16 Education will affect my employer although I do not believe that it will affect my employment.</p> <p>I am a County Council appointed governor at Ysgol David Hughes, Menai Bridge.</p> <p>There is provision in the Code of Conduct to allow me, in relation to my role as Council appointed Governor, to take part without the need for a dispensation, as I am exempt from having a prejudicial interest in these circumstances.</p>
Business in which the Member wishes to participate:	Education matters regarding the provision of Post-16 Education in the County.
Type of Dispensation sought (tick as necessary and insert any required information):	<ul style="list-style-type: none"> ○ write to officers [and/or the Executive / Committee / Council] about the issue; ○ speak to officers of the Council about the issue [in the presence of two other persons] [who are not Trustees or Board Members of [INSERT]]], provided a note is taken of any such

	<p>discussions;</p> <ul style="list-style-type: none"> ○ speak at Executive/Committee/Council meetings and answer any questions about the issue; ○ remain in the room during any debate/voting on the issue; ○ vote at such meetings; ○ other: <ul style="list-style-type: none"> To participate in all external meetings and meetings of any outside bodies in capacity as an elected member 		
<p>Statutory Ground/s under which Dispensation is requested (See overleaf for available grounds):</p>	<p>(b) at least half the Members of Council’s Executive (i.e. the Leader and the Executive Committee) who will be considering the business, have an interest in that business and paragraphs (d) and (e) are also relevant:</p> <p>(d) the nature of the Member’s interest is such that the Member’s participation in the business to which the interest relates would not damage public confidence in the conduct of the Council’s business;</p> <p>(e) the interest is common to the Member and a significant proportion of the public;</p> <p>(f) the participation of the Member in the business to which the interest relates is justified by the Member’s particular role or expertise;</p> <p>(g) the interest which must be registered relates to business which will be considered by the Council’s Scrutiny Committee and the Member does not have a pecuniary interest in that business;</p> <p>(i) it appears to the Standard Committee to be in the interest of the inhabitants of the area of the Council that the disability should be removed,</p>		
<p>Is the interest registered as per Section 81(1) & (2) of the LGA 2000:</p>	<p>My employment with Grŵp Llandrillo Menai and my role as Governor at Ysgol David Hughes have been registered.</p> <p>My interest as a parent is not suitable for pre-registration.</p>		
<p>Date by which a decision is required:</p>	<p>As soon as possible</p>		
<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Signed:</td> <td style="width: 50%;">Date:</td> </tr> </table>		Signed:	Date:
Signed:	Date:		

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

Circumstances When A Standards Committee May Grant Dispensation

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

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

THE ISLE OF ANGLESEY COUNTY COUNCIL

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

Decision of the Standards Committee:	
Date decision made by the Standards Committee:	
Name of persons to be notified of the Standards Committee's decision:	
Date any dispensation expires:	

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

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

The Councillor can therefore speak [and vote] at Executive/Committee/Council meetings in relation to the issue and answer any questions from members of the Executive/Committee/Council [but must leave the meeting before matters that the Councillor speaks upon are debated or voted up on] OR [and may remain in the room during the debate and vote on the issue but must not vote on the issue].

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

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

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

Dated: _____

DISPENSATION CONSIDERATIONS -**Guidance for the Standards Committee Panel when considering Councillors' applications for dispensation:**

1. Reading:
 - Consider the Report prepared by / on behalf of the Monitoring Officer.
 - Consider the enclosures to the Report, particularly the Application Form completed by the Councillor, in order to gather all facts.

2. Multiple Applications:
 - Deal with each application individually and on its own facts.
 - Consider following a procedure at the Hearing:
 - o Gather background / general information (if needed);
 - o Listen to Councillor A's application / ask questions if in attendance / ask the Clerk;
 - o Retire to consider Councillor A's application;
 - o Resume – may announce the decision in relation to Councillor A's application, or may defer announcing the decision until all applications have been considered;
 - o Repeat, depending on the number of applications to be considered.

3. Personal / Prejudicial Interest:
 - For each application, determine –
 - o Is there a PERSONAL INTEREST?
 - Consider the Code of Conduct (included as an enclosure to the Report) – what is the personal interest?
 - o Is the personal interest PREJUDICIAL?
 - Again, consider the Code of Conduct (included as an enclosure to the Report) – is the personal interest also prejudicial?
 - If there is no personal interest, or the personal interest is not prejudicial, there is no need to consider an application for dispensation as the Councillor is able to fully participate in the business.

4. Ground for Dispensation:
 - Where there is a personal interest which is prejudicial, consider the GROUND on which the dispensation may be granted. The grounds are listed on the back of the Application Form.
 - o Has the Applicant correctly identified these on the Application Form?
 - o Has the Applicant included all required Dispensations on the Form i.e. for voting / speaking / writing etc.?

5. Restrictions / Limitations on the Dispensation:
 - When deciding whether or not to grant the Dispensation, consider (if the Dispensation is to be granted) if any restrictions or limitations are required. Matters such as if the Councillor can speak but not vote or whether the dispensation is for one meeting only or the duration of the Council term.

6. Decision Form
 - In granting the dispensation, the Panel will need to complete the Decision Form which details (a) the decision of the Standards Committee; (b) the date when the decision is made; (c) who should be informed of the decision; (d) the date when the dispensation expires; (e) under which ground(s) the dispensation is being granted; and (f) what the dispensation allows the Councillor to do (i.e. speak, vote etc.).

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DISPENSATION PANEL OF THE STANDARDS COMMITTEE**Minutes of the meeting held on 29 March 2019****PRESENT:** **Independent Members**

Mr Michael Wilson (Chair)
 Ms Denise Harris-Edwards
 Mr John Robert Jones

IN ATTENDANCE: Head of Function (Council Business)/Monitoring Officer
 Solicitor (Corporate Governance) (MY)
 Committee Officer (SC)**ALSO PRESENT:** Councillor Carwyn Jones**APOLOGIES:** None**1. DECLARATION OF INTEREST**

No declaration of interest was received.

2. APPLICATION FOR DISPENSATION

An application was made by Councillor Carwyn Jones requesting that the Standards Committee should consider granting him a dispensation in relation to prejudicial interests regarding post-16 education provision in Anglesey.

The applicant's interests relate to his children, who may be impacted by a decision on post-16 education in Anglesey, and his employment as a Lecturer working for Grŵp Llandrillo/Menai, Bangor, a post-16 educational provider.

The Chair welcomed Councillor Jones to the meeting, and gave him an opportunity to present his application.

Councillor Jones reported that he has three children, one of whom is currently in Year 8 in Ysgol David Hughes, Menai Bridge. He stated that it is likely that his other two children will attend this secondary school in due course. It was noted that the outcome of any decision taken regarding the future of post-16 education in Anglesey could affect Councillor Jones' children and his employer, but not his employment. He does not teach 'A' levels but, rather, he teaches business on a vocational course. There is no basis to think this would change.

Councillor Jones reported that he is also a Governor at Ysgol David Hughes. It was noted that he has been appointed in his capacity as an elected Member of the County Council in accordance with Para 10(2)(a)(viii) of the Code of Conduct. It was further noted that an automatic exemption applies in Para 12(2)(a)(iii) of the Code, therefore Councillor Jones does not have a prejudicial interest arising from this role. He is also

based in Bangor, so any impact on his employment would be in Llangefni, with a possible transfer of 'A' level students.

The Monitoring Officer proposed that the application should be considered primarily in the context of ground (b) - that at least half the Members of the Executive will be considering the business, or have an interest in that business. The Monitoring Officer highlighted that of the 9 Members of the Executive, 6 Members have been granted dispensations, whilst 2 do not have an interest. She stated that Paragraphs (d) or (e) will also be relevant.

Members of the Panel deliberated in private session. Following discussion, the Chair announced that the Standards Committee had **RESOLVED to grant a partial dispensation to Councillor Carwyn Jones in respect of those interests referred to in the application, which permits the Councillor to:-**

- **write to officers [and/the Executive/Committee/Council] about the issue;**
- **speak to officers of the Council about the issue, provided a note is taken of any such discussions;**
- **speak at Executive/Committee/Council meetings and answer any questions about the issue;**
- **remain in the room during any debate/voting on the issue;**
- **~~vote at such meetings;~~**
- **other: to participate in all external meetings and meetings of any outside bodies in his capacity as an elected Member.**

The dispensation is granted on the grounds that at least half the Members of Council's Executive (i.e. the Leader and the Executive Committee) who will be considering the business, have an interest in that business and that the nature of the interest, given the restriction on voting, will not affect the public's confidence in the decision/s of the Executive.

Action:

- **That the Monitoring Officer writes to Councillor Jones confirming that the Standards Committee Panel has granted a partial dispensation permitting him to write, speak, but not vote on all matters relating to post-16 education provision in Anglesey.**
- **Councillor Jones must declare a prejudicial interest when attending the Executive and relevant meetings, and state that he has been granted a partial dispensation by the Standards Committee to participate, but not vote on post-16 education matters.**

The meeting concluded at 11.20 am

**MICHAEL WILSON
CHAIR**

CYNGOR SIR YNYS MÔN/ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	STANDARDS COMMITTEE (DISPENSATION PANEL)
DATE:	18 JULY 2019
TITLE OF REPORT:	TO CONSIDER AN APPLICATION FOR A DISPENSATION BY A MEMBER OF LLANBADRIG COMMUNITY COUNCIL
PURPOSE OF THE REPORT:	TO CONSIDER WHETHER OR NOT TO GRANT A DISPENSATION TO THE COMMUNITY COUNCILLOR AND IF SO, ON WHAT TERMS
REPORT BY:	Mared Wyn Yaxley SOLICITOR (Corporate Governance) mwyics@anglesey.gov.uk / 01248 752566

ATTACHED DOCUMENTS

1. Code of Conduct for Members of Llanbadrig Community Council
2. The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001
3. Section 4 of the Local Government Regulations (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) 2016
4. Briefing Note provided by the Standards Committee to the Town and Community Councillors on Dispensations together with Application and Decision Forms
5. Application by Councillor Derek Owen
6. Dispensation Considerations – Guidance for the Standards Committee Panel when considering Councillors application for dispensation

1. INTRODUCTION AND BACKGROUND

Pursuant to the Code of Conduct for Llanbadrig Community Council (reproduced at **Enclosure 1**), any member who has a personal and prejudicial interest in an item of business is precluded from participation in relation to that business.

In some limited, and specified, circumstances a member may be able to overreach the impediment created by the personal and prejudicial interest if they are able to obtain a dispensation from the County Council's Standards Committee.

Dispensations may only be granted in the circumstances listed in Section 2 of **Enclosure 2**, and have been amended in accordance with **Enclosure 3**. The Briefing Note and the reverse of the Application Form therein (**Enclosure 4**) also provide details of these circumstances.

2. PROCESS

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

3. APPLICATION

The application by Councillor Owen appears at **Enclosure 5**. Councillor Owen makes this application on the basis he is a grandparent to children that attend Ysgol Penysarn. Ysgol Penysarn is one of the schools considered as part of the School Modernisation programme in the Amlwch area. Another school affected by the School Modernisation programme in the Amlwch area is Ysgol Cemaes, which is the local school for Llanbadrig Community Council. Councillor Owen's personal interest is that he has grandchildren attending Ysgol Penysarn and the prejudicial interest arises as Ysgol Penysarn is in the same pool of schools as Ysgol Cemaes, and there is the potential that keeping one of these schools open could jeopardise the future of the other school. However, the Panel should appreciate that no decisions have been made in relation to the School Modernisation programme options in the Amlwch area at present. Llanbadrig Community Council will be part of the consultation on the School Modernisation programme in the Amlwch area, albeit the Community Council is, of course, not the decision maker.

The application has been made on the standard "application for dispensation to the Standards Committee by a Town or Community Councillor" form, and it details the business in which the applicant wishes to participate, the type of dispensation sought and the statutory ground under which the dispensation is sought.

The Panel is asked to meet in a public meeting, but neither the Clerk for Llanbadrig Community Council nor the applicant have been asked to attend the hearing. As agreed with the Chair, the Panel is asked to consider this matter by way of a paper exercise only.

4. CONSIDERATIONS OF THE PANEL

The Panel is asked to consider this application for dispensation based on the written information included in **Enclosure 5**.

The Panel is referred to the Methodology Note at **Enclosure 6**; this details matters which the Panel may wish to consider when reaching its decision in relation to the applications.

The Panel may retire to private session after hearing the application and return to public session to announce its decision.

5. RECOMMENDATION

To consider the merits of the application and -

(A) determine whether or not to grant a dispensation; and

(B) if granting a dispensation, to consider:

- i. on what ground(s) the dispensation is granted; and
- ii. whether there are any limitations/constraints to be imposed.

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

THE MODEL CODE OF CONDUCT

PART 1 INTERPRETATION

1.—(1) In this code —

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

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

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

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

(a) of the relevant authority,

(b) of any executive or board of the relevant authority,

(c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or

(d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990,

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

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

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

(a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or

(b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

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

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

(a) a county council,

(b) a county borough council,

(c) a community council,

(v. 01.04.2016)

(d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,

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

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

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

(2) In relation to a community council—

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

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

PART 2 GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

4. You must —

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

(b) show respect and consideration for others;

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

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

5. You must not —

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

6.—(1) You must —

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
- (b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
- (c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
- (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

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

7. You must not —

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of your authority —
 - (i) imprudently;
 - (ii) in breach of your authority's requirements;
 - (iii) unlawfully;
 - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
 - (v) improperly for political purposes; or
 - (vi) improperly for private purposes.

8. You must —

- (a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —
 - (i) the authority's head of paid service;
 - (ii) the authority's chief finance officer;
 - (iii) the authority's monitoring officer;

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

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

9. You must —

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

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

PART 3 INTERESTS

Personal Interests

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

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

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

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

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

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

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

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

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

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

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

(ix) any —

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

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

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

(dd) trade union or professional association; or

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

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

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

[Note: subparagraph (b) is omitted.]

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

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

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

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

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

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

to a greater extent than the majority of—

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

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

Disclosure of Personal Interests

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

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

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

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

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

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority

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in accordance with any requirements identified by your authority's monitoring officer, or in relation to a community council, your authority's proper officer from time to time but, as a minimum containing —

- (a) details of the personal interest;
- (b) details of the business to which the personal interest relates; and
- (c) your signature.

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

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

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

Prejudicial Interests

12.—(1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

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

- (a) relates to —
 - (i) another relevant authority of which you are also a member;
 - (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
 - (iii) a body to which you have been elected, appointed or nominated by your authority;
 - (iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;
 - (v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

- (b) relates to —
 - (i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;

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

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

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

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

Overview and Scrutiny Committees

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

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

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

Participation in Relation to Disclosed Interests

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(aa) details of the prejudicial interest;

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

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

(dd) your signature.

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

PART 4 THE REGISTER OF MEMBERS' INTERESTS

Registration of Personal Interests

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

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

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

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

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

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

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

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

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

Sensitive information

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

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

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

Registration of Gifts and Hospitality

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

Y COD YMDDYGIAD ENGHREIFFTIOL

RHAN 1 DEHONGLI

1.—(1) Yn y cod hwn —

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

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

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

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

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

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

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

(a) cyngor sir,

(b) cyngor bwrdeistref sirol,

(c) cyngor cymuned,

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

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

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

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

(a) o'r awdurdod perthnasol,

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

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

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

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

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

(2) Mewn perthynas â chyngor cymuned—

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

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

RHAN 2 DARPARIAETHAU CYFFREDINOL

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

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

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

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

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

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

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

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

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

4. Rhaid i chi —

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

(b) dangos parch at eraill ac ystyriaeth ohonynt;

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

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

5. Rhaid i chi —

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

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

6.—(1) Rhaid i chi —

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

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

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

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

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

7. Rhaid i chi —

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

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

(i) yn annoeth;

(ii) yn groes i ofynion eich awdurdod;

(iii) yn anghyfreithlon;

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

(v) yn amhriodol at ddibenion gwleidyddol; neu

(vi) yn amhriodol at ddibenion preifat.

8. Rhaid i chi —

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

(i) pennaeth gwasanaeth taledig yr awdurdod;

(ii) prif swyddog cyllid yr awdurdod;

(iii) swyddog monitro'r awdurdod;

(iv) prif swyddog cyfreithiol yr awdurdod (y dylid ymgynghori ag ef pan fo unrhyw amheuaeth ynghylch pw^er yr awdurdod i weithredu, ynghylch a yw'r cam a arfaethir yn dod o fewn y fframwaith polisi y

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cytunwyd arno gan yr awdurdod neu os gallai canlyniadau cyfreithiol gweithredu neu fethu â gweithredu gan yr awdurdod gael ôl-ffeithiau pwysig);

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

9. Rhaid i chi —

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

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

RHAN 3 BUDDIANNAU

Buddiannau Personol

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

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

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

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

(ii) unrhyw berson sy'n eich cyflogi neu sydd wedi eich penodi, unrhyw 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 llesiannol mewn dosbarth o warannau sydd gan y corff hwnnw ac sy'n werth mwy na'r gwerth enwol o £25,000 neu un ganfed ran o gyfanswm cyfalaf cyfrannau dyroddedig y corff hwnnw;

(v) unrhyw gontract am nwyddau, gwasanaethau neu waith neu weithfeydd a wnaed rhyngoch chi, rhwng 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 llesiannol 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 elusennol;

(cc) corff y mae dylanwadu ar farn neu bolisi cyhoeddus ymhlith ei brif ddibenion;
(chch)undeb llafur neu gymdeithas broffesiynol; neu

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

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

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

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

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

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

(ii) ar unrhyw gyflogaeth yr ymgwymerir 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 llesiannol mewn dosbarth o warannau sy'n werth mwy na'r gwerth enwol o £5,000; neu

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

a hynny i raddau mwy—

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

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

Datgelu Buddiannau Personol

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

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

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

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

(3) Yn ddarostyngedig i baragraff 14(1)(b) isod, os bydd gennych fuddiant personol mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef ac y byddwch wedi gwneud penderfyniad wrth arfer un o swyddogaethau

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gweithrediaeth neu fwrdd, rhaid i chi mewn perthynas â'r busnes hwnnw sicrhau bod unrhyw ddatganiad ysgrifenedig ynghylch y penderfyniad hwnnw'n cofnodi bodolaeth a natur eich buddiant.

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

- (a) manylion am y buddiant personol;
- (b) manylion am y busnes y mae'r buddiant personol yn gysylltiedig ag ef; ac
- (c) eich llofnod.

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

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

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

Buddiannau sy'n Rhagfarnu

12.—(1) Yn ddarostyngedig i is-baragraff (2) isod, os bydd gennych fuddiant personol mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef bydd gennych hefyd fuddiant sy'n rhagfarnu yn y busnes hwnnw os bydd y buddiant yn un y bydd yn rhesymol i aelod o'r cyhoedd sy'n gwybod y ffeithiau perthnasol fod o'r farn ei fod mor arwyddocaol fel y bydd yn debygol o ragfarnu eich barn ynghylch buddiant cyhoeddus.

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

(a) yn gysylltiedig—

- (i) ag awdurdod perthnasol arall yr ydych hefyd yn aelod ohono;
- (ii) ag awdurdod cyhoeddus arall neu gorff sy'n arfer swyddogaethau o natur gyhoeddus lle yr ydych mewn safle rheolaeth neu reoli cyffredinol;
- (iii) â chorff yr ydych wedi cael eich ethol, eich penodi neu eich enwebu gan eich awdurdod i fod arno;
- (iv) â'ch rôl fel llywodraethwr ysgol (os na chwsoch eich penodi neu eich enwebu gan eich awdurdod) oni bai bod y busnes yn benodol gysylltiedig â'r ysgol yr ydych yn un o'i llywodraethwyr;
- (v) â'ch rôl fel aelod o Fwrdd Iechyd Lleol os na chwsoch eich penodi neu eich enwebu gan eich awdurdod i fod arno;

(b) yn gysylltiedig:

- (i) â swyddogaethau tai eich awdurdod os oes gennych denantiaeth neu les gyda'ch awdurdod, ar yr amod nad oes arnoch i'ch awdurdod ôl-ddyledion rhent o fwy na deufis, ac ar yr amod nad yw'r swyddogaethau hynny'n ymwneud yn arbennig â'ch tenantiaeth neu â'ch les;
- (ii) â swyddogaethau eich awdurdod mewn cysylltiad â phrydau ysgol, cludiant a threuliau teithio, os ydych chi'n warchodwr, yn rhiant, yn fam-gu neu'n nain neu'n dad-cu neu'n daid, neu os oes gennych

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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 yn unol â darpariaethau Rhan 8 o Fesur Llywodraeth Leol (Cymru) 2011, neu lwfans neu benswn a ddarperir o dan adran 18 o Ddeddf Llywodraeth Leol a Thai 1989;

(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 gyrrff cymunedol neu wirfoddol hyd at uchafswm o £500.

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

Pwyllgorau Trosolygu a Chraffu

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

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

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

Cyfrannu mewn Perthynas â Datgelu Buddiannau

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(aa) manylion y buddiant sy'n rhagfarnu;

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

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

(chch) eich llofnod.

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

RHAN 4 COFRESTR BUDDIANNAU AELODAU

Cofrestru Buddiannau Personal

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

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

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

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

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

18.

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

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

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

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

Gwybodaeth sensitif

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

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

(3) Yn y cod hwn, ystyr "gwybodaeth sensitif" ("*sensitive information*") yw gwybodaeth y mae ei rhoi ar gael i'w harchwilio gan y cyhoedd yn creu, neu'n debygol o greu, risg ddifrifol y gallech chi neu berson sy'n byw gyda chi fod yn destun trais neu 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, neu mewn perthynas â chyngor cymuned, swyddog priodol eich awdurdod yn nodi bodolaeth a natur y rhodd honno, y lletygarwch hwnnw, y buddiant materol hwnnw neu'r fantais faterol honno.

ATODIAD / ENCLOSURE 2



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 2279 (Cy. 169)

2001 No. 2279 (W. 169)

LLYWODRAETH LEOL,
CYMRU

LOCAL GOVERNMENT ,
WALES

Rheoliadau Pwyllgorau Safonau
(Caniatáu Gollyngiadau) (Cymru)
2001

The Standards Committees (Grant
of Dispensations) (Wales)
Regulations 2001

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note does not form part of the Regulations)

O dan adran 51 o Ddeddf Llywodraeth Leol 2000 ("y Ddeddf") mae'n ofynnol i gynghorau sir a chynghorau bwrdeistref sirol, awdurdodau tân ac awdurdodau Parciau Cenedlaethol yng Nghymru ("awdurdodau perthnasol") fabwysiadu cod ymddygiad ar gyfer aelodau ac aelodau cyfetholedig sy'n gorfod ymgorffori unrhyw ddarpariaethau gorfodol o unrhyw god ymddygiad enghreifftiol a gyhoeddir gan Gynulliad Cenedlaethol Cymru o dan adran 50(2) o'r Ddeddf.

County and county borough councils, community councils, fire authorities and National Park authorities in Wales ("relevant authorities") are required by section 51 of the Local Government Act 2000 ("the Act") to adopt a code of conduct for members and co-opted members which must incorporate any mandatory provisions of any model code of conduct issued by the National Assembly for Wales under section 50(2) of the Act.

Mae adran 81(1) a (2) o'r Ddeddf yn darparu bod yn rhaid i'r swyddog monitro ym mhob awdurdod perthnasol sefydlu a chadw cofrestr o fuddiannau aelodau ac aelodau cyfetholedig yr awdurdod a bod darpariaethau gorfodol y cod enghreifftiol sy'n gymwysadwy i bob awdurdod perthnasol yn gorfod ei gwneud yn ofynnol i aelodau ac aelodau cyfetholedig pob awdurdod gofrestru unrhyw fuddiannau ariannol ac eraill a bennir yn y darpariaethau gorfodol yng nghofrestr yr awdurdod hwnnw.

Section 81(1) and (2) of the Act provides that the monitoring officer of each relevant authority must establish and maintain a register of interests of the members and co-opted members of the authority and that the mandatory provisions of the model code applicable to each relevant authority must require the members and co-opted members of each authority to register in that authority's register such financial and other interests as are specified in the mandatory provisions.

O dan adran 81(3) a (4) o'r Ddeddf rhaid i'r darpariaethau gorfodol hynny ei gwneud yn ofynnol hefyd i aelod neu aelod cyfetholedig o awdurdod perthnasol sydd â buddiant o'r fath ei ddatgelu cyn cymryd rhan mewn unrhyw fusnes gan yr awdurdod sy'n berthnasol i'r buddiant a gwneud darpariaeth i atal yr aelod neu'r aelod cyfetholedig hwnnw rhag cymryd rhan mewn unrhyw fusnes gan yr awdurdod y mae'r buddiant a ddatgelwyd yn berthnasol iddo neu i gyfyngu ar y rhan y mae'n ei chymryd ynddo.

Under section 81(3) and (4) of the Act those mandatory provisions must also require a member or co-opted member of a relevant authority who has such an interest to disclose it before taking part in any business of the authority which relates to it and make provision for preventing or restricting the participation of that member or co-opted member in any business of the authority to which the disclosed interest relates.

Mae adran 81(4) o'r Ddeddf yn darparu nad yw unrhyw gyfranogiad gan aelod neu aelod cyfetholedig o awdurdod perthnasol mewn unrhyw fusnes a waherddir gan y darpariaethau gorfodol yn fethiant i gydymffurfio â chod ymddygiad yr awdurdod os yw'r aelod neu'r aelod cyfetholedig wedi gweithredu yn unol â gollyngiad rhag y gwaharddiad a gafodd ei ganiatáu gan bwyllgor safonau'r awdurdod yn unol â rheoliadau a wneir o dan is-adran (5).

Mae'r rheoliadau hyn yn rhagnodi'r amgylchiadau y caiff pwyllgorau safonau'r awdurdodau perthasol ganiatáu gollyngiadau o'r fath odanynt.

Section 81(4) of the Act provides that any participation by a member or co-opted member of a relevant authority in any business which is prohibited by the mandatory provisions is not a failure to comply with the authority's code of conduct if the member or co-opted member has acted in accordance with a dispensation from the prohibition granted by the authority's standards committee in accordance with regulations made under subsection (5).

These regulations prescribe the circumstances in which standards committees of relevant authorities may grant such dispensations.

2001 Rhif 2279 (Cy. 169)

**LLYWODRAETH LEOL,
CYMRU**

**Rheoliadau Pwyllgorau Safonau
(Caniatáu Gollyngiadau) (Cymru)
2001**

Wedi'u gwneud

21 Mehefin 2001

Yn dod i rym

28 Gorffennaf 2001

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd iddo gan adran 81(5) ac (8) o Ddeddf Llywodraeth Leol 2000(a).

Enw, cychwyn, cymhwyso a dehongli

1.- (1) Enw'r Rheoliadau hyn yw Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 a deuant i rym ar 28 Gorffennaf 2001.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

(3) Yn y Rheoliadau hyn -

mae "aelod" ("*member*") yn cynnwys aelod cyfetholedig;

ystyr "awdurdod perthnasol" ("*relevant authority*") yw cyngor sir neu gyngor bwrdeistref sirol, cyngor cymuned, awdurdod tân neu awdurdod Parc Cenedlaethol;

ystyr "buddiant" ("*interest*") yw buddiant y mae'n ofynnol ei gofrestru yng nghofrestr buddiannau'r awdurdod perthnasol;

ystyr "corff gwirfoddol" ("*voluntary organisation*") yw corff (heblaw awdurdod lleol neu gorff cyhoeddus arall) sy'n cynnal ei weithgareddau heblaw ar gyfer gwneud elw;

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

(a) 2000 p. 22.

2001 No. 2279 (W. 169)

**LOCAL GOVERNMENT,
WALES**

**The Standards Committees (Grant
of Dispensations) (Wales)
Regulations 2001**

Made

21st June 2001

Coming into force

28th July 2001

The National Assembly for Wales makes the following Regulations in exercise of the power given to it by section 81(5) and (8) of the Local Government Act 2000(a).

Name, commencement, application and interpretation

1.- (1) The name of these Regulations is the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 and they shall come into force on 28th July 2001.

(2) These Regulations apply to Wales only.

(3) In these Regulations -

"interest" ("*buddiant*") means an interest which is required to be registered in the relevant authority's register of interests;

"member" ("*aelod*") includes a co-opted member;

"relevant authority" ("*awdurdod perthnasol*") means a county or county borough council, a community council, a fire authority or a National Park authority;

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

"voluntary organisation" ("*corff gwirfoddol*") means a body (other than a local authority or other public body) whose activities are carried on otherwise than for profit.

(a) 2000 c. 22.

Yr amgylchiadau lle gellir caniatáu gollyngiadau

2. Caiff pwyllgor safonau awdurdod perthnasol ganiatáu gollyngiadau o dan adran 81(4) o'r Ddeddf -

(a) os oes gan ddim llai na hanner aelodau'r awdurdod perthnasol neu hanner aelodau un o bwyllgorau'r awdurdod (yn ôl fel y digwydd) y mae'r busnes i gael ei ystyried ganddo fuddiant sy'n berthnasol i'r busnes hwnnw;

(b) os oes gan ddim llai na hanner aelodau gweithrediaeth arweinydd a chabinet y mae'r busnes i gael ei ystyried ganddo fuddiant sy'n berthnasol i'r busnes hwnnw a bod naill ai paragraff (ch) neu baragraff (d) hefyd yn gymwys;

(c) yn achos cyngor sir neu gyngor bwrdeistref sirol, os byddai anallu aelod i gymryd rhan yn tarfu ar gydbwysedd gwleidyddol yr awdurdod perthnasol neu'r pwyllgor o'r awdurdod y mae'r busnes i'w ystyried ganddo i'r fath raddau nes y byddai'r canlyniad yn debygol o gael ei effeithio;

(ch) os yw natur buddiant yr aelod yn gyfryw fel na fyddai cyfranogiad yr aelod yn y busnes y mae'r buddiant yn berthnasol iddo yn niweidio hyder y cyhoedd yn y modd y mae busnes yr awdurdod perthnasol yn cael ei gynnal;

(d) os yw'r buddiant yn gyffredin i'r aelod ac i gyfran arwyddocaol o'r cyhoedd;

(dd) os oes cyfiawnhad i'r aelod gymryd rhan yn y busnes y mae'r buddiant yn berthnasol iddo oherwydd rôl neu arbenigedd penodol yr aelod;

(e) os yw'r busnes y mae'r buddiant yn berthnasol iddo i'w ystyried gan bwyllgor trosolygu a chraffu i'r awdurdod perthnasol ac nad yw buddiant yr aelod yn fuddiant ariannol;

(f) os yw'r busnes sydd i'w ystyried yn berthnasol i arian neu eiddo corff gwirfoddol y mae'r aelod yn aelod o'i bwyllgor neu ei fwrdd rheoli heblaw fel cynrychiolydd yr awdurdod perthnasol ac nad oes gan yr aelod unrhyw fuddiant arall yn y busnes hwnnw ar yr amod na fydd unrhyw ollyngiad yn ymestyn i gymryd rhan mewn unrhyw bleidlais mewn perthynas â'r busnes hwnnw; neu

(ff) os yw'n ymddangos i'r pwyllgor ei bod o les i drigolion ardal yr awdurdod perthnasol i'r anallu gael ei godi, ar yr amod bod hysbysiad ysgrifenedig bod y gollyngiad yn cael ei ganiatáu yn cael ei roi i Gynulliad Cenedlaethol Cymru o fewn saith diwrnod a hynny mewn unrhyw fodd y gall ei bennu.

Circumstances in which dispensations may be granted

2. The standards committee of a relevant authority may grant dispensations under section 81(4) of the Act where -

(a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;

(b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;

(c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;

(d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;

(e) the interest is common to the member and a significant proportion of the general public;

(f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;

(g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;

(h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or

(i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a).

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

21 Mehefin 2001

21st June 2001

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1998 p. 38.

(a) 1998 c. 38.

CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2001 Rhif 2279 (Cy. 169)

**LLYWODRAETH LEOL,
CYMRU**

**Rheoliadau Pwyllgorau Safonau
(Caniatáu Gollyngiadau) (Cymru)
2001**

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2001 No. 2279 (W. 169)

**LOCAL GOVERNMENT,
WALES**

**The Standards Committees (Grant
of Dispensations) (Wales)
Regulations 2001**

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ATODIAD / ENCLOSURE 3

WELSH STATUTORY INSTRUMENTS

2016 No. 85

**The Local Government (Standards Committees,
Investigations, Dispensations and Referral)
(Wales) (Amendment) Regulations 2016**

Amendments to the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001

4.—(1) The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001(1) are amended as follows.

(2) In regulation 1, in paragraph (3) in the appropriate place insert—

““community sub-committee” (*“is-bwyllgor cymunedol”*) means a sub-committee appointed by a standards committee of a local authority under section 56 of the Act;”;

““joint committee” (*“cyd-bwyllgor”*) means a committee established by two or more relevant authorities under section 53(1) of the Act;”;

““section 54A sub-committee” (*“is-bwyllgor adran 54A”*) means a sub-committee appointed by a standards committee under section 54A(1) of the Act”;

““standards committee” (*“pwyllgor safonau”*) means—

- (a) a standards committee of a relevant authority;
- (b) a joint committee;
- (c) a section 54A sub-committee; or
- (d) a community sub-committee;”.

(3) In regulation 2—

(a) at the end of paragraph (h) omit “or”;

(b) in paragraph (i), for the words that follow “removed” substitute “; or”;

(c) after paragraph (i) insert—

“(j) “it appears to the committee to be otherwise appropriate to grant a dispensation.”

(4) After regulation 2 insert—

“Dispensations granted in accordance with regulation 2(j)

3.—(1) A dispensation granted by the standards committee of a relevant authority under section 81(4) of the Act on the grounds set out in regulation 2(j) and which remains in effect, must be reviewed by the standards committee once in every 12 month period from the date on which the dispensation is first granted.

(2) When conducting a review under paragraph (1) the standards committee must determine whether the dispensation should continue to have effect.

(1) S.I. 2001/2279 (W. 169).

Procedure and powers of standards committees

4.—(1) A standards committee of a relevant authority may refer an application for a dispensation made by a member of the authority to the standards committee of another relevant authority for consideration and determination.

(2) The monitoring officer of a relevant authority to which an application for a dispensation is made may, with the prior written consent of the chairperson of the standards committee of that authority, make arrangements for the application to be considered and determined by the standards committee of another relevant authority.

(3) Where reasonable efforts to contact the chairperson of the standards committee of the relevant authority have been unsuccessful, the vice-chairperson of the standards committee may give consent under paragraph (2).

(4) Where a monitoring officer or standards committee makes arrangements for a dispensation application to be considered and determined by the standards committee of another relevant authority, the monitoring officer or standards committee that makes those arrangements must provide notice to the person making the application accordingly.

(5) The notice to which paragraph (4) refers must include the following—

- (a) a statement that the matter has been referred to another relevant authority's standards committee for consideration and determination;
- (b) the name of the other relevant authority; and
- (c) the reason why the application has been referred to the standards committee of the other relevant authority.

(6) When the standards committee has determined the application it must give written notice of its decision to the—

- (a) member applying for the dispensation; and
- (b) standards committee of the referring relevant authority.”

Briefing Note for Town and Community Councillors on Anglesey

Dispensations

This is a briefing note for Town and Community Councillors on the topic of 'Dispensations'. Should Councillors or Clerks have any queries, please contact the Monitoring Officer at Anglesey County Council:

Lynn Ball - lbxcs@anglesey.gov.uk

Under their Code of Conduct, no Councillor is allowed to participate in a matter in which he/she has a prejudicial* interest unless a dispensation has already been granted by the County Council's Standards Committee.

Grounds on which a dispensation may be granted

The grounds on which a dispensation may be granted are set out in statute and are:-

1. At least half of the Councillors (Community Council/Committee of the Community Council) would be unable to take part in a meeting because of a prejudicial* interest;
2. The nature of the interest is such that participation would not damage public confidence in the decision;
3. The Councillor's interest is common to a significant proportion of the general public;
4. The Councillor's particular role or expertise would justify participation;
5. The business relates to the finances or property of a voluntary organisation and the Councillor sits on its board/committee in his/her own right, and he/she does not have any other interest [although in this instance, any dispensation may allow the Councillor to speak on the matter, but not to vote];
6. The Standards Committee believes that the Councillor's participation would be in the interests of the people in the Community Council's area and the Committee notifies the Welsh Ministers within 7 days of the dispensation being granted; or
7. The Standards Committee believes it appropriate to grant the dispensation, as a practical solution to a disability (infirmity) of the Councillor's which otherwise would make it difficult for him/her to leave a room/chamber when a matter in which they have a prejudicial* interest is being discussed.

How does a Community Councillor obtain a Dispensation?

The Councillor must apply in writing to the County Council's Standards Committee and will usually be expected to attend the public meeting of the Standards Committee/Panel which will take the decision.

A Councillor may apply individually or, in common circumstances, a joint or collective application may be made by more than one Councillor.

The Standards Committee will consider all applications on their own facts; balancing the public interest in preventing those with prejudicial* interests from taking part in decisions while maximising the public interest in democratic participation.

The decision as to whether a dispensation shall be granted is at the Standards Committee's discretion. The Standards Committee will explain its reasons. The terms and duration of any dispensation shall be decided by the Standards Committee.

If the Standards Committee approves an application it must grant the dispensation in writing. No Councillor may rely on a dispensation until such time the written decision has been circulated. Where necessary, and possible, this will be expedited.

Requirements on Councillors when relying on a dispensation

Once the Standards Committee has approved an application and has granted the dispensation, in writing, the Councillor will then be able to participate (subject to any limitations imposed) despite his/her prejudicial* interest.

(a) In formal Meetings:

When a Councillor has a dispensation and wants to participate in a meeting to discuss the relevant matter, the Councillor must:

- (i) state at the meeting, when the item is to be discussed, that he/she is relying on a dispensation; and
- (ii) before, or immediately after the close of the meeting, must give written notification** to the Community Council.

The notification must include:

- 1. details of the prejudicial* interest for which the dispensation was granted;
- 2. details of the business to which the prejudicial* interest relates;
- 3. details of the dispensation, including the date on which it was granted, and
- 4. the Councillor's signature.

(b) In informal meetings:

When a Councillor has a dispensation, and is making verbal representations at informal meetings, that Councillor must:

- (i) include details of the dispensation in such discussion and
- (ii) provide written notification** to the Community Council Clerk within 14 days of the discussion.

(c) In writing:

When a Councillor has been provided with a dispensation, and is making written representations to their Community Council, the Councillor must provide details of

the dispensation in any correspondence on the subject to which the dispensation relates.

Footnote/definitions

- * prejudicial interests – these are personal interests (listed in the Code of Conduct) which an objective observer would consider so significant that they are likely to compromise the Councillor’s ability to put the public interest first.
- ** written notification – in formal meetings, Councillors may rely upon the standard form of declaration. In informal meetings Councillors must provide written confirmation to the clerk/or other lead officer and ask that the dispensation be included in any informal minute/file note of the meeting/discussion.

THE ISLE OF ANGLESEY COUNTY COUNCIL

APPLICATION FOR DISPENSATION TO THE STANDARDS COMMITTEE
BY A TOWN OR COMMUNITY COUNCILLOR

Name of Applicant:	
Contact details:	
Name of Town / Community Council:	
Details of the prejudicial interest* in respect of which the Dispensation is sought:	
Business in which the applicant wishes to participate:	
Type of Dispensation sought (tick as necessary and insert any required information):	<ul style="list-style-type: none"><input type="radio"/> write to officers [and/or the Committee/Community Council] about the matter;<input type="radio"/> speak to officers of the Community Council about the matter [with/without conditions [INSERT]]<input type="radio"/> speak at Committee meetings/Community Council meetings and answer any questions about the issue;<input type="radio"/> remain in the room during any debate/vote on the issue (available when Member has a disability);<input type="radio"/> vote;<input type="radio"/> other – please specify: _____ _____
Statutory Ground/s under which Dispensation is requested (See overleaf for possible grounds available):	
Date by which a decision is required:	
Signed:	Date:

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

Circumstances in which the Standards Committee may grant a dispensation to a Community Councillor

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

- (a) no fewer than half of the Councillors (Community Council/Committee) by which the business is to be considered has an interest which relates to that business;
- (b) NOT RELEVANT TO COMMUNITY COUNCILS
- (c) an inability to participate would upset political balance to such an extent that the outcome would likely be affected;
- (d) the nature of the interest is such that participation in the business to which the interest relates would not damage public confidence;
- (e) the interest is common to the Councillor and a significant proportion of the general public;
- (f) participation is justified by the Councillor's particular role or expertise;
- (g) NOT RELEVANT TO COMMUNITY COUNCILS
- (h) the business relates to the finances or property of a voluntary organisation of whose management committee or board the Councillor is a member otherwise than as a representative of the Community Council and the Councillor has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business;
- (i) it appears to the Standards Committee to be in the interests of the inhabitants of the area of the Community Council that the disability should be removed, provided that written notification of the grant of the dispensation is given to the Welsh Ministers within 7 days. Such a notification should specify the Councillor to whom the dispensation would apply and the Standards Committee's reasons why the disability should be removed;
- (j) it appears to the Standards Committee to be otherwise appropriate to grant the dispensation, as a practical solution to the disability of the Councillor which otherwise would make it difficult for them to leave a room/chamber when a matter in which they have a prejudicial interest is being discussed.

THE ISLE OF ANGLESEY COUNTY COUNCIL

DECISION OF THE STANDARDS COMMITTEE
IN RELATION TO AN APPLICATION FOR DISPENSATION
BY A TOWN OR COMMUNITY COUNCILLOR

Decision of the Standards Committee:	
Date decision made by the Standards Committee:	
Name of persons to be notified of the Standards Committee's decision:	<ul style="list-style-type: none">○ Clerk of the Town/Community Council○ Applicant○ Others: _____
Date the dispensation expires:	

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

- write to officers [and/or the Committee/Community Council] about the matter;
- speak to officers of the Community Council about the matter [with/without conditions [INSERT]];
- speak at Committee meetings/Community Council meetings and answer any questions about the issue;
- remain in the room during any debate/vote on the issue (due to the Member's disability);
- vote;
- other

The Councillor can therefore speak [and vote] at Committee/Community Council meetings in relation to the matter and answer any questions from members of the Committee/Community Council [but must leave the meeting before matters that the Councillor speaks upon are debated or voted on] OR [and may remain in the room during the debate/vote but must not vote on the issue].

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



- declare an interest in the matter; and

- confirm that a dispensation has been granted to allow the Councillor to speak [and vote] about it; and
- complete a written notification to the clerk setting out the interest and the dispensation.

By authority of the Isle of Anglesey Standards Committee

Dated: _____

THE ISLE OF ANGLESEY COUNTY COUNCIL
APPLICATION FOR DISPENSATION TO THE STANDARDS COMMITTEE
BY A TOWN OR COMMUNITY COUNCILLOR

Name of Applicant:	DEREK OWEN
Contact details:	
Name of Town / Community Council:	HAWTHORNE
Details of the prejudicial interest* in respect of which the Dispensation is sought:	Grandchildren attend school within catchment area (Pisam)
Business in which the applicant wishes to participate:	School Modernisation - Amlwch Catchment
Type of Dispensation sought (tick as necessary and insert any required information):	<ul style="list-style-type: none"> <input type="radio"/> write to officers [and/or the Committee/Community Council] about the matter; <input type="radio"/> speak to officers of the Community Council about the matter [with/without conditions [INSERT]] <input checked="" type="checkbox"/> speak at Committee meetings/Community Council meetings and answer any questions about the issue; <input checked="" type="checkbox"/> remain in the room during any debate/vote on the issue; <input checked="" type="checkbox"/> vote; <input type="radio"/> other
Statutory Ground/s under which Dispensation is requested (See overleaf for possible grounds available):	
Date by which a decision is required:	
Signed: 	Date: 20-05-19

* Prejudicial Interests – These are personal interests which an objective observer would consider so significant that they are likely to compromise a Councillor's ability to act in the public interest

Circumstances in which the Standards Committee may grant a dispensation to a Community Councillor

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

- (a) no fewer than half of the Councillors (Community Council/Committee) by which the business is to be considered has an interest which relates to that business;
- (b) NOT RELEVANT TO COMMUNITY COUNCILS
- (c) an inability to participate would upset political balance to such an extent that the outcome would likely be affected;
- ✓(d) the nature of the interest is such that participation in the business to which the interest relates would not damage public confidence;
- ✓(e) the interest is common to the Councillor and a significant proportion of the general public;
- ✓(f) participation is justified by the Councillor's particular role or expertise; Chair of Llanbadarn.
- (g) NOT RELEVANT TO COMMUNITY COUNCILS
- (h) the business relates to the finances or property of a voluntary organisation of whose management committee or board the Councillor is a member otherwise than as a representative of the Community Council and the Councillor has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business;
- (i) it appears to the Standards Committee to be in the interests of the inhabitants of the area of the Community Council that the disability should be removed, provided that written notification of the grant of the dispensation is given to the Welsh Ministers within 7 days. Such a notification should specify the Councillor to whom the dispensation would apply and the Standards Committee's reasons why the disability should be removed;
- (j) it appears to the Standards Committee to be otherwise appropriate to grant the dispensation, as a practical solution to the disability (infirmity) of the Councillor which otherwise would make it difficult for them to leave a room/chamber when a matter in which they have a prejudicial interest is being discussed.

THE ISLE OF ANGLESEY COUNTY COUNCIL
DECISION OF THE STANDARDS COMMITTEE
IN RELATION TO AN APPLICATION FOR DISPENSATION
BY A TOWN OR COMMUNITY COUNCILLOR

Decision of the Standards Committee:	
Date decision made by the Standards Committee:	
Name of persons to be notified of the Standards Committee's decision:	<input type="radio"/> Clerk of the Town/Community Council <input type="radio"/> Applicant <input type="radio"/> Others: _____ _____
Date the dispensation expires:	

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

- write to officers [and/or the Committee/Community Council] about the matter;
- speak to officers of the Community Council about the matter [with/without conditions [INSERT]];
- speak at Committee meetings/Community Council meetings and answer any questions about the issue;
- remain in the room during any debate/vote on the issue;
- vote;
- other

The Councillor can therefore speak [and vote] at Committee/Community Council meetings in relation to the matter and answer any questions from members of the Committee/Community Council [but must leave the meeting before matters that the Councillor speaks upon are debated or voted on] OR [and may remain in the room during the debate/vote but must not vote on the issue].

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

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

By authority of the Isle of Anglesey Standards Committee
 Dated: _____

DISPENSATION CONSIDERATIONS -**Guidance for the Standards Committee Panel when considering Councillors' applications for dispensation:**

1. Reading:
 - Consider the Report prepared by / on behalf of the Monitoring Officer.
 - Consider the enclosures to the Report, particularly the Application Form completed by the Councillor, in order to gather all facts.

2. Multiple Applications:
 - Deal with each application individually and on its own facts.
 - Consider following a procedure at the Hearing:
 - o Gather background / general information (if needed);
 - o Listen to Councillor A's application / ask questions if in attendance / ask the Clerk;
 - o Retire to consider Councillor A's application;
 - o Resume – may announce the decision in relation to Councillor A's application, or may defer announcing the decision until all applications have been considered;
 - o Repeat, depending on the number of applications to be considered.

3. Personal / Prejudicial Interest:
 - For each application, determine –
 - o Is there a PERSONAL INTEREST?
 - Consider the Code of Conduct (included as an enclosure to the Report) – what is the personal interest?
 - o Is the personal interest PREJUDICIAL?
 - Again, consider the Code of Conduct (included as an enclosure to the Report) – is the personal interest also prejudicial?
 - If there is no personal interest, or the personal interest is not prejudicial, there is no need to consider an application for dispensation as the Councillor is able to fully participate in the business.

4. Ground for Dispensation:
 - Where there is a personal interest which is prejudicial, consider the GROUND on which the dispensation may be granted. The grounds are listed on the back of the Application Form.
 - o Has the Applicant correctly identified these on the Application Form?
 - o Has the Applicant included all required Dispensations on the Form i.e. for voting / speaking / writing etc.?

5. Restrictions / Limitations on the Dispensation:
 - When deciding whether or not to grant the Dispensation, consider (if the Dispensation is to be granted) if any restrictions or limitations are required. Matters such as if the Councillor can speak but not vote or whether the dispensation is for one meeting only or the duration of the Council term.

6. Decision Form
 - In granting the dispensation, the Panel will need to complete the Decision Form which details (a) the decision of the Standards Committee; (b) the date when the decision is made; (c) who should be informed of the decision; (d) the date when the dispensation expires; (e) under which ground(s) the dispensation is being granted; and (f) what the dispensation allows the Councillor to do (i.e. speak, vote etc.).

DISPENSATION PANEL OF THE STANDARDS COMMITTEE**Minutes of the meeting held on 18 July 2019****PRESENT:** **Independent Members**

Mr Michael Wilson (Chair)
 Mr John Robert Jones
 Mr Keith Roberts

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

APOLOGIES: None**1. DECLARATION OF INTEREST**

The Committee Officer declared a personal interest in the meeting, as her husband is a distant relative of the applicant.

2. APPLICATION FOR DISPENSATION

The Solicitor (Corporate Governance) reported that an application for dispensation was sought by Councillor Derek Owen, Chair of Llanbadrig Community Council, in relation to the Schools' Modernisation Programme in the Amlwch catchment area. Councillor Owen wishes to participate in discussions during the process.

Councillor Owen considers himself to have a personal interest, as his grandchildren attend Ysgol Penysarn, which is one of the schools under consideration in the Schools' Modernisation Programme within the Amlwch area. Ysgol Cemaes is the local school for Llanbadrig Community Council and this school is also under consideration in the Schools' Modernisation Programme within the Amlwch area. Councillor Owen's prejudicial interest arises from the fact that Ysgol Penysarn and Ysgol Cemaes are in the same pool of schools whose future is to be reviewed.

The Dispensation Panel, through its Chairman, had agreed to consider the application by way of a paper exercise only. The applicant did not attend the meeting.

The Solicitor (Corporate Governance) referred to the Code of Conduct for Llanbadrig Community Council and highlighted the relevant ground for Councillor Owen's personal interest, namely Para 10(2)(c)(i) and the question as to whether the personal interest is prejudicial is considered under Para 12(1)

The Solicitor (Corporate Governance) explained to the Panel that if it agreed that Councillor Owen had a personal and prejudicial interest, the Panel would then

need to determine whether it would grant a dispensation and, if so, on what grounds and whether it was going to be a full or partial dispensation.

The Monitoring Officer reported that when determining a prejudicial interest, it is not just the role of the decision maker that must be considered, but influencing an important decision, which constitutes a prejudicial interest. She stated that the possible closure of school/s is a significant matter for the area, and those affected.

The Monitoring Officer reported that, as part of the Schools' Modernisation Programme, the Chairs of Governing bodies may attend the County Council's Corporate Scrutiny Committee to present their views. The Corporate Scrutiny Committee will then submit its views to the Executive, by which the decision/s will be taken.

The Panel discussed the individual circumstances in relation to the application, and agreed that Councillor Owen's interests were personal and prejudicial. As the Standards Committee had previously granted dispensations in similar circumstances (i.e. to Grandparents of children attending Schools affected by the School Modernisation Programme) it was considered that the applicant had a personal and prejudicial interest in this instance too.

Members of the Panel deliberated in private session. Following discussion, the Chair announced that the Standards Committee had **RESOLVED to grant a full dispensation to Councillor Derek Owen of Llanbadrig Community Council to:-**

- **write to officers and/or the Committee/Community Council about the matter;**
- **speak to officers of the Community Council about the matter without conditions;**
- **speak at Committee meetings/Community Council meetings and answer any questions about the issue;**
- **remain in the room during any debate, and vote on the issue;**
- **participate in all external meetings and meetings of any outside bodies in his capacity as a member of the Community Council.**

The dispensation is granted under Para 81(4) of the Local Government Act 2000 on the following grounds:-

- (d) the nature of the interest is such that participation in the business to which the interest relates would not damage public confidence; and**
- (f) participation is justified by the Councillor's particular role or expertise (as Chair of Llanbadrig Community Council).**

The Dispensation is to be valid until the expiry of the consultation period and all discussions / decisions relating to and arising from any such consultation in relation to education provision in the Amlwch area or the expiry of Councillor Derek Owen's current term on Llanbadrig Community Council, whichever is later.

Action:

- **The Monitoring Officer to write to Councillor Owen confirming that he has been granted a full dispensation permitting him to write to officers; speak and vote on all matters relating to the Schools Modernisation Programme;**
- **The Monitoring Officer to notify the Clerk of Llanbadrig Community Council confirming the Panel's decision and terms of the dispensation outlined above.**
- **Councillor Owen to declare his personal and prejudicial interest when attending Committee/Community Council meetings and to confirm that he has the benefit of a dispensation.**

The meeting concluded at 10.15 am

**MR MICHAEL WILSON
CHAIR**

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CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	17 September 2019
REPORT TITLE:	Review of the Registers of Interests for the elected and co-opted members of CSYM
PURPOSE OF THE REPORT:	To advise Standards Committee members of the general findings made and agree on the advice note to be shared with elected and co-opted members
REPORT BY:	Mared Wyn Yaxley Solicitor – Corporate Governance mwy@ynysmon.gov.uk
LINK OFFICER:	Lynn Ball Head of Function (Council Business)/Monitoring Officer lbx@anglesey.gov.uk 01248 752586

A REVIEW OF THE ELECTED MEMBERS' REGISTERS

1. Background

- 1.1 At its meeting on 13 March 2019, the Standards Committee resolved to undertake a review of the three registers of interests for elected members and co-opted members of CSYM/IOACC.
- 1.2 The review of the elected and co-opted members of the Council (excluding co-opted members of the Standards Committee – see Section B of this report) was conducted in June/July 2019.
- 1.3 It was also resolved at the 13th March 2019 meeting that, following an informal discussion by the Standards Committee of the findings made by each member, a general letter would be circulated to all members confirming the outcome of the review. It was also decided that the Chair of the Standards Committee would attend the next available meeting of the Group Leaders following the review in order to discuss the findings.
- 1.4 The Chair of the Standards Committee attended the Group Leaders meeting on 21st March 2019 in order to advise Group Leaders of the Standards Committee's intentions and proposals as to the reviews of the registers. The Chair of the Standards Committee also attended the Group Leaders meeting

on 5th September 2019 when matters arising from the review of the registers were discussed.

1.5 An informal meeting of the independent members of the Standards Committee (who conducted the reviews) was held on 19th July 2019.

1.6 A general letter of advice has been drafted, based on the discussions at the 19th July meeting, and is at **Enclosure 1**.

2. General findings

2.1 The review is deemed to have been a beneficial exercise. The Standards Committee was generally pleased with the findings made as several good practices were noted. Some common areas of concern were also identified and, as explained in the email to members (**Enclosure 1**), these require attention. The Chair of the Standards Committee noted that whilst there is still room for improvement, the standards are an improvement once again on the previous year, which is encouraging.

2.2 As a result of the review, and as noted in **Enclosure 1**, certain matters will need to be raised with the Council's officers. These are:

2.2.1 ICT section / Head of Democratic Service:

Not all Annual Reports appear on the website. Where Councillors have completed an Annual Report, it should be published.

2.2.2 ICT section / Human Resources Development Manager:

Councillors are required to update their own training records. Is it possible to include further training for members on how to do this?

2.2.3 ICT section:

It is not currently possible for co-opted members to record their training online. So as to ensure transparency, is it possible to arrange this?

2.2.4 ICT section:

Is it possible to include a link to the Dispensations which have been granted to members from each member's biography page/annual report?

B REVIEW OF THE STANDARDS COMMITTEE MEMBERS' REGISTERS OF INTERESTS

3. Background

3.1 As a separate exercise, it was resolved that the Town and Community Council members of the Standards Committee would undertake a review of the interests of the independent members of the Standards Committee.

3.2 This review was conducted on 28th June 2019.

3.3 Individual letters of advice were distributed to the 5 independent members of the Standards Committee on 19th July 2018.

4. General findings (Co-opted Members generally)

4.1 The general findings made, which refer to limitations within the systems rather than being a reflection on the actions taken by the independent members, include:

4.1.1 No information regarding independent member training has been captured online. The reviewers considered that this should be published. Even if it is not possible to input via the website software then it was proposed that a pdf document be published for each member on their biography page (list to be maintained by each member individually) and this would list all training attended.

4.1.2 It is known that one member made a declaration of interest at a meeting and the Minutes for that meeting confirm the declaration was made. However, details of the declaration does not appear against a search of all declarations of interests made during that period, on the website; presumably as there is an issue that the website only allows declarations by elected members (i.e. The dropdown list of names only includes elected members and not co-opted members).The reviewers felt it was imperative that this should be published on the website as it was conflicting information for members of the public.

4.1.3 On basis of the result noted in 3.4.2 above, it was difficult for the reviewers to ascertain if the information included in relation to “declarations in meetings” and “gifts and hospitality”, on the website, were correct because no information was included. The reviewers speculated whether this was because no declarations had been made by independent members in meetings and/or no gifts and hospitality received? Or was it the case that these did not appear on the website (because independent members are not included on the dropdown list)?

4.2 The Standards Committee is asked whether it wishes for matters 4.1.1 – 4.1.3 to be raised with the ICT section.

5 RECOMMENDATION

5.1 The Standards Committee is asked to

(a) Note the contents of this report;

- (b) Approve the contents of **Enclosure 1** and confirm its agreement for the letter to be shared with co-opted and elected members;
- (c) Confirm it agrees to follow the action noted in relation to the items identified in paragraph 2.2 of this report; and
- (d) Decide if it wants to contact the ICT section in relation to the items identified in paragraph 4.1 of this report, or what other action to take (if any).

Dear Member,

As you are aware, as part of its annual work programme, the Standards Committee conducted a review of the three Registers of Members' declarations of interests. The Standards Committee believes its role is to assist Members to comply with their duties, and I am pleased to report that this latest review was encouraging and certainly an improvement on previous years, but still with room for further improvement by a few Members.

Thank you for your support and assistance with the Review. The information reviewed included:-

- The Standing Register of Interests
- Declarations of Interests in meetings
- The Gifts & Hospitality Register
- Members' Annual Reports
- Agenda and Minutes of Meetings
- Training offered by the Council and the Training Record of each Member
- Personal Development Reviews (no detail – only that it has been offered)
- Biography as included on the Council's website
- Outside Bodies list.

Following this year's Review, the Standards Committee asks that you have due regard to its general findings / recommendations, which are as follows:-

The Standing Register

There have been examples recently of complaints being submitted to the Public Services Ombudsman for Wales (PSOW) as a result of a lack of information being included on the Standing Register of some individuals. Members are therefore encouraged to take note of the following matters in particular:

1. To ensure that addresses and land holdings are clearly and fully described. Additionally, if a Member has no interest in land they should enter 'None' or 'No Interest' on the Register.
2. It is also important that Members disclose their membership of other public bodies, charities and associations. Members should provide the full name and address of organisations/charities of which they are members. Members should review their Registers to check that they have included details of their role/status within any such organisations.
3. Where Members state they are school governors, the Register should identify the school and also in what capacity i.e. appointed by the Council / parent governor etc. The reason for this is because this affects Members' right to speak/vote on some matters as the inbuilt dispensation in the Code of Conduct may/may not be relied upon.
4. Where Members are elected or co-opted onto another Town/Community Council, membership of that Council should be included in the Standing register.

5. Members are reminded of the statutory requirement to update the Standing Register within 28 days of any changes occurring.
6. Members are also reminded of the statutory requirement to update the Standing Register following every election, even where the information is unchanged.
7. Whilst not a statutory requirement, Members are encouraged to review their Standing Register annually even if there are no changes so as to refresh the date (which appears online) and which demonstrates that the Register is being reviewed by the Member.

Declaration of Interests in Meetings

1. When Members are ticking the box to declare an interest they must also provide details of that interest. Both the nature of the interest, and whether that interest is a personal or a prejudicial interest must be evident on the form.
2. Greater clarity is required in respect of the information supplied by Members regarding the nature of the interest and how it relates to the item on the agenda.
3. Members should not use abbreviations of organisations etc. on the declaration forms, nor assume the reader has any background information in relation to the interest being declared.
4. Members are encouraged to fully complete the forms by answering each relevant question in their correct order.
5. If Members are unsure as to whether they have a declarable interest in meetings they should seek advice.

Register of Gifts and Hospitality

1. One declaration was noted in respect of gifts and hospitality.
2. Members are invited to re-familiarise themselves with the [Protocol of Gifts and Hospitality](#) to ensure they are aware when declarations may be required.

Annual Reports

1. Not all Annual Reports appear on the website and the Standards Committee is making enquiries in this regard.
2. Two of the thirty Members have decided not to publish Annual Reports. Whilst there is no statutory requirement for Members to produce Annual Reports, it is considered best practice by the Standards Committee and Members are encouraged to provide this information.

Training

1. In conducting this review, the Standards Committee considered the training record available online (which each Member is personally responsible for updating) and a

list of Member attendance at training events provided by the Human Resources Section. The Standards Committee is concerned that Members are doing themselves a dis-service as Members seem to be recording fewer training sessions online than they have actually attended.

2. On the other hand, the number of training events attended by some Members was considered to be low (as was attendance at meetings). This has been raised with Group Leaders. Members are encouraged to attend training and meetings in accordance with the requests made.
3. Members are encouraged to complete their online training record after every training event. Training includes classroom events, e-learning and briefing sessions.
4. The Standards Committee is trying to arrange further training for Members on how to update their training records.
5. Enquiries are also ongoing in relation to the recording of training by co-opted members as this is not currently possible online. The Standards Committee considers this to be a limitation in the system which should be ratified as soon as possible so as to provide assurance and transparency.

Personal Development Reviews

1. PDRs are not compulsory and they are outside the direct scope of the Standards Committee. However, Group Leaders have been encouraged to ensure the option of a PDR is offered to Members and Members are encouraged to attend when invited.
2. PDRs are a useful tool for developing a training needs plan for each Member and feeding into the training offered to Members generally so as to ensure training is specific, useful, targeted and good value for money.

Biography

As you know, each Member has a biography section on the Council's website. The information included in the biography does not always match the information contained within the Standing Register for each Member. Members are encouraged to review their biographies and cross-reference with their Standing Register and the register of outside bodies held by the Council.

Membership and Attendance on Outside Bodies

Group Leaders have been asked to reconsider the responsibility on outside bodies placed on various individual Members, as the Standards Committee is concerned that the workload of some Members is disproportionate (even disregarding senior salaries). Whilst this is a matter for Council, the Standards Committee considers that the Council should review its membership on outside bodies to which it is committed to sending Members. The Council's expectations of its Member should be realistic.

Miscellaneous

A number of Dispensations have been granted recently to Members. The Standards Committee is making enquiries as to whether it would be possible for a link to all Dispensations to be created, perhaps from each Member's biography page, or within their annual report.

These findings set out the general conclusions of the Review. Some Members have received personal emails from the Standards Committee with recommendations for review / updating / explaining some of the information which has been published. Where it was considered necessary, some Members have been requested to meet with me, or letters have been sent for responses. Where responses have not been received, please be aware that we will be raising the matter with Group Leaders.

The Committee appreciates that you are all very busy and is aware that this task is only one of a number that you have to address. However, we hope that the above recommendations will assist in saving time for Members as improving the standard of the forms will hopefully avoid, what may be potentially groundless and time consuming complaints. As we have seen, a lack of clarity in recent cases has resulted in complaints/challenges being issued because Declaration of Interest Forms have not been fully/accurately completed.

Regards,

Mike Wilson

Cadeirydd y Pwyllgor Safonau / Chair of the Standards Committee.
Cyngor Sir Ynys Môn / The Isle of Anglesey County Council

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	17 September 2019
REPORT TITLE:	Report on the North Wales Standards Committees Forum on 24th June 2019
PURPOSE OF THE REPORT:	To update Members of the Standards Committee
REPORT BY:	Michael Wilson Chair of the Standards Committee
LINK OFFICER:	Lynn Ball Head of Function (Council Business) / Monitoring Officer lbxcs@anglesey.gov.uk Tel: 01248 752586

1. BACKGROUND

- 1.1 The North Wales Standards Committees Forum is a forum made up of representatives from the Standards Committees in the North Wales local authorities and the North Wales Fire and Rescue Authority. Powys and Ceredigion are also new members on the Forum.
- 1.2 The last meeting of the Forum was held on 24th June 2019 and hosted by Flintshire County Council.

2. MEETING OF THE FORUM ON 24TH JUNE 2019

- 2.1 In accordance with the Forum's protocol, the Chair and Vice-Chair of the Isle of Anglesey County Council's Standards Committee were invited to attend the Forum meeting on 24th June.
- 2.2 **Enclosure 1** is a copy of the Agenda.
- 2.3 Presentations were provided in relation to items 4, 5 and 7 on the Agenda. The presentation on item 4 appears at **Enclosure 2**, the presentation on item 5 appears at **Enclosure 3** and the presentation on item 7 appears at **Enclosure 4**.
- 2.4 I, together with Islwyn Jones as the Vice-Chair of the Standards Committee will give a verbal update at the Standards Committee meeting on 17th September 2019 on the matters discussed at the Forum meeting.

- 2.5 A copy of the draft Minutes are included at **Enclosure 5** which are yet to be approved by the Forum.

3. JOINT STANDARDS COMMITTEE

- 3.1 Members will note that the establishment of a Joint Standards Committee was considered as item 7 on the Agenda and the presentation which appears at **Enclosure 4** was made by the Monitoring Officer for Flintshire County Council.
- 3.2 I understand that whilst the principle of a joint standards committee is accepted, it is a proposal that answers problems which the IOACC does not recognise; such as recruitment difficulties, member availability for urgent matters / meetings at short notice etc. The matter has been discussed with the Chief Executive and at present it is suggested that there is no desire to explore this possibility further as there would currently be no benefit to IOACC. I also understand that the Chief Executive will be discussing this matter further with Group Leaders.
- 3.3 IOACC has recently undertaken a recruitment process for four new independent members and I understand the Appointments Panel was impressed with the calibre and number of applicants. Additionally, there are no problems in relation to forming Panels at short or urgent notice for matters such as applications for dispensations. Early, local resolution of disputes is something which is being used more frequently, and indeed recognised as a priority by the Public Services Ombudsman for Wales. It is therefore questionable how effective local resolution may be if it were regional?.

4. REPORT BY THE COMMITTEE ON STANDARDS IN PUBLIC LIFE FOR ENGLAND

- 4.1 I understand that it is intended that a further report be brought to the Standards Committee by way of training to its members in relation to the findings of the Committee on Standards in Public Life, which relates to England, but where there are lessons to be learnt in Wales too. This will be presented to the Standards Committee at the next formal meeting in March 2020, particularly as five of the nine members of the Committee will be newly appointed (four independent members and one County Councillor representative).

5. RECOMMENDATION

- 5.1 For members of the Standards Committee to note the contents of the Agenda and the presentations made at the Forum meeting on 24th June 2019.
- 5.2 To note the verbal update provided by me and the Vice-Chair of the Standards Committee.
- 5.3 To raise any matters to be considered at the next meeting of the Forum.

Complete Agenda



NORTH WALES STANDARDS COMMITTEES FORUM

Monday, 24th June, 2018 at 11.00 am

Delyn Committee Room, Council Offices, Mold, Flintshire, CH7 6NB

To the Chair, Vice-Chair and Monitoring Officer of:-

Isle of Anglesey Standards Committee

Ceredigion Standards Committee

Conwy Standards Committee

Denbighshire Standards Committee

Flintshire Standards Committee

Gwynedd Standards Committee

Powys Standards Committee

Wrexham Standards Committee

North Wales Fire and Rescue Authority Standards Committee

AGENDA

1. **APPOINTMENT OF CHAIR FOR THE MEETING**

To appoint a Chair for the meeting.

(N.B. The forum has previously agreed that its meetings will be chaired by the hosting authority.)

2. **APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

3. **MINUTES OF THE MEETING HELD ON 29th JUNE, 2018**

The Chair shall propose that the minutes of the previous meeting of the Forum held on 29th June, 2018 be signed as a true record (attached).

4. **PRESENTATION BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES – NICK BENNETT**

The PSOW will speak on the following theme and there will be the opportunity for questions –

Actions beyond the Code to address poor behaviour.

Common issues and behaviours which lead to low level complaints which do not pass the 2 stage test. Advice from the Ombudsman on how to avoid such matters or deal with them when they arise.

5. **LESSONS FROM THE COMMITTEE ON STANDARDS IN PUBLIC LIFE'S REVIEW OF THE CODE OF CONDUCT IN ENGLAND**

In light of its findings, are there any changes we need to be recommending in Wales?

The report of the Committee can be found here –

<https://www.gov.uk/government/collections/local-government-ethical-standards>

BREAK FOR LUNCH

6. **NAME OF THE FORUM**

To consider changing the name in light of the expanded membership.

7. **JOINT STANDARD COMMITTEES**

Presentation and discussion item on introducing one or more Joint Standards Committees across the region.

8. **WELSH AUDIT OFFICE REPORTS HAVE RECENTLY BEEN PUBLISHED IN RELATION TO TWO COMMUNITY COUNCILS WITHIN THE ISLE OF ANGLESEY**

Albeit a vast majority of the matters raised in the reports are outside the remit of the Standards Committee, there are some code of conduct / governance matters, which are of concern to the Standards Committee. The reports are dated 30 January 2019 but relate to the Audit periods 2013-2014 and 2014-2015. This seems a lengthy delay between review and publication of findings, particularly where there are issues of concern. Is this a familiar story? What are the experience of other authorities?

9. **ANY OTHER BUSINESS**

To consider any other business.

10. **DATE AND LOCATION OF NEXT MEETING**

To determine the date and location of the next meeting.

**MINUTES OF THE NORTH WALES STANDARDS
COMMITTEES FORUM MEETING HELD IN HYWEL DDA
CHAMBER, COUNCIL OFFICES, CAERNARFON ON FRIDAY,
29 JUNE, 2018**

PRESENT

Gwynedd Council - Einir Young (Chair) and Margaret E. Jones (Vice-chair),
Wrexham County Borough Council - Michael Pugh (Chair)
Conwy County Borough Council - Ian Kyffin (Independent Member)
Flintshire Council – Phillipa Earlam (Independent Member)
Denbighshire Council - Ian Trigger (Chair) and Julia Hughes (Vice-chair)
Isle of Anglesey County Council - Mike Wilson (Chair) and Islwyn Jones (Vice-chair)
Snowdonia National Park Authority - Sharon Warnes (Chair)

ALSO PRESENT

Gwynedd Council - Iwan Evans (Monitoring Officer), Carwyn Meredydd (Communications Officer - Press / Promoting Services) and Eirian Roberts (Member Support Officer)
Ceredigion County Council - Elin Prysor (Monitoring Officer)
Isle of Anglesey County Council - Mared Yaxley (Solicitor)

1. ELECTION OF CHAIR FOR THE MEETING

Einir Young, Chair of Gwynedd Council's Standards Committee was elected chair of the meeting.

2. APOLOGIES

Apologies were received from:-

Ceredigion County Council - Hywel Jones (Chair) and Caroline White (vice-chair)
Wrexham County Borough Council - Neil Benson (Vice-chair) and Sioned Davies (Monitoring Officer)
Snowdonia National Park Authority - Iwan Jones (Monitoring Officer)

3. MINUTES OF THE MEETING HELD ON 24 NOVEMBER, 2017

Submitted - the minutes of the North Wales Standards Committees Forum meeting held on 24, November, 2017.

RESOLVED to accept the minutes of the meeting held on 24 November, 2017 as an accurate record.

Matter arising from the minutes

Item 6 - Procedures for dealing with allegations against members

Referring to the decision to ask Anglesey's Monitoring Officer to draft a letter for the Ombudsman and to circulate it among Monitoring Officers in all authorities, Anglesey's Solicitor noted that she had been given to understand that a letter had been drafted and

sent to Wrexham County Borough Council, but before anything further had taken place, the Ombudsman had drafted a guide responding to many questions that had been raised at the forum.

It was agreed to provide copies of the guidelines for members who were present and to discuss the matter further under item 6 - Any Other Business.

4. PRACTICES / PROTOCOLS ON THE USE OF SOCIAL MEDIA AND THE REVIEW OF WELSH LOCAL GOVERNMENT ASSOCIATION GUIDANCE

Gwynedd's Monitoring Officer explained the background to this item and noted:-

- That the Welsh Local Government Association had just released a pre-consultation draft of new guidelines for members on social media.
- The training on social media arranged for Gwynedd Council members dealt with the nature of those media, as well as the behavioural aspect.
- The aim in submitting this item was to encourage a discussion regarding how politicians were trained to use social media and how it changed their world in terms of communication etc., and the risks that derived from it.

A general presentation on the social media field was given by Gwynedd Council's Communications Officer - Press / Promoting Services. He also elaborated on the type of training and advice that was provided to Council members. He noted that social media were a convenient and powerful method of promoting services, to hold a two-way conversation and to ensure that councillors were accountable and open, but there were also risks for councillors to consider when setting up accounts and publishing information.

The Chair thanked the officer for his comprehensive presentation on such a timely topic.

A discussion followed on the practices / protocols on the use of social media that were being implemented by different authorities.

Gwynedd's Monitoring Officer noted:-

- That Gwynedd Council members were advised to differentiate between their private lives and their public lives on-line by setting up a personal account and a member account separately as combining both could lead to risks as the code was relevant to members when acting as councillors or when professing to be members.
- Although Article 10, which referred to the right to make political statements without restraint, meant that it was now possible to make quite critical observations without breaching the code, that many of the discussions on social media could still lead to complaints.
- As different people's involvement with social media varied, it was difficult to manage expectations and that this raised genuinely difficult questions in terms of how and when one should intervene and what would bring the role of councillor into disrepute. In this context, an example of a Facebook-related complaint was distributed and members were asked for their opinions.

The following points were noted during the discussion:-

- There was a need for the person who wrote the message to consider, not what he/she thought of the message, but how it could be interpreted by someone else.

- It was a very fine line and that the way a message was received by people depended on the audience.

Contributions to the review of the Welsh Local Government Association guidance were invited.

Gwynedd's Monitoring Officer drew attention to some matters in the document that could be of interest to members, namely:-

- Page 19 - the concept of a 'friend' on Facebook. It was possible to have hundreds of 'friends' on Facebook, but the suggestion that there was a close personal connection between a person on Facebook and his/her followers was extreme and likely to create many problems in terms of interpretation.
- Page 21 - the reference to the difference between the role as member and as a private individual. A member could bring his/her post as councillor into disrepute in any capacity, but differentiating accounts was a way of ensuring the greatest possible control over the relationship.
- Page 22 - making a decision in advance. A matter raised from Planning Committees where e.g. a committee member supported a campaign to refuse planning permission and had to step back from the committee and was at risk of breaching the code.

He noted that there would be an opportunity for the Standards Committees of all authorities to discuss the new guidelines during the full consultation.

A question was asked regarding the relevance of the General Data Protection Regulation (GDPR) to elected members and their rights in terms of uploading people's photographs on private and public social media accounts. With the exception of Cabinet Members, when undertaking the formal role of the Executive, Gwynedd's Monitoring Officer explained that councillors, as post holders, were responsible for their own data as elected members. In terms of uploading photographs of people, it was unlikely that the Act would have any bearing on any image that was freely obtainable, but a member would have to be more cautious if he/she used a photograph that he/she could not have accessed were it not for his/her role as councillor. Should the case be serious enough e.g. in terms of propriety, or something that suggested that the member was bringing the post into disrepute, he also noted that a member could breach the code by misusing a photograph on-line. However, should a member regularly be accused of breaching data protection regulations, the behaviour, rather than the breach itself, is what would bring the role into disrepute.

Gwynedd's Communications Officer - Press / Promoting Services added that care needed to be taken also in terms of the time period when a photograph was used and that the Council deleted photos after five years as it could not insist that it had the right to use it beyond that time.

It was noted that a situation where a councillor took a photograph in a location where children happened to be present could be challenging as it would not have been practical for the member to ask everyone present for permission to use the photograph. It was suggested that it could have been better for the councillor not to have taken the photograph in the first place.

It was noted that there would be much discussion on this field over the coming months and it was agreed that this could be a topic for the forum to examine in future.

RESOLVED to ask Standards Committees of the different authorities to discuss the pre-consultation draft and full consultation on the new guidelines on social media and respond directly to the Welsh Local Government Association.

5. QUESTIONS RAISED BY THE CHAIR OF THE ISLE OF ANGLESEY COUNTY COUNCIL'S STANDARDS COMMITTEE

The following questions raised by the Chair of the Isle of Anglesey County Council's Standards Committee were discussed:

- (a) In light of Welsh Government's intention to merge local authorities, how does the Forum envisage the Standards Committees working in future, especially in relation to Town and Community Councils? For example, should Anglesey and Gwynedd merge, as was proposed, there would be over 100 Town and Community Councils for one Standards Committee - was there a need to reduce the number of Community and Town Councils?

Gwynedd's Monitoring Officer referred to the review of Community and Town Councils that was currently taking place and noted:-

- That a question arose regarding the need for Community and Town Councils to have a code of conduct that was as full and detailed as that of County Councils, given the matter of risks and the extent of decisions they made.
- The highest percentage of enquiries and problems regarding the behaviour of members arose from Community and Town Councils.

The Chair of Anglesey's Standards Committee noted:-

- No future collaboration between Councils should lead to fewer Standards Committees, given the number of community and town councils in their areas.
- An increasing number of minor complaints coming from Town Councils in particular, fell below the Ombudsman's threshold in relation to public interest, and therefore, had to be resolved locally.

It was asked whether or not Anglesey's experiences were being reflected in other Councils. In response, the following observations were noted:-

- Denbighshire Council had received fewer complaints on every level over the past eight years and there were many reasons for this, including the very effective training which was arranged for members and clerks and the fact that people were now beginning to realise that the Ombudsman did not have an infinite amount of resources to investigate complaints.
- The local resolution system had made a difference and had substantially brought the number of cases down across Wales.
- As training was not mandatory, the people who did not require it were most likely to attend the sessions.

Gwynedd's Monitoring Officer further noted:-

- There was a need to raise awareness across all Community and Town Councils regarding the system and the existence and function of the Standards Committee and the Monitoring Officer.

- The Ombudsman's address and the public interest test suggested that irrelevant parts could be omitted from the code without losing much in terms of propriety thus allowing the community and town councils to focus on its relevant parts.

- (b) The recent process of selecting representatives from Town and Community Councils to sit on the Isle of Anglesey County Council's Standards Committee had appeared to be lengthy and burdensome. How do other Standards Committees undertake this process?

Anglesey's Solicitor outlined the process that had been followed in Anglesey, and the representatives of different authorities elaborated on their own processes of appointing representatives from Town and Community Councils and independent members on their Standards Committees.

It was suggested that authorities seeking a new independent member could ask neighbouring authorities whether or not they also required a new member so that the person could sit on the Standards Committee of both authorities.

Everyone was thanked for sharing their experiences.

- (c) Isle of Anglesey County Council had recently adopted an amended Local Resolution Protocol which was based on a voluntary process of mediation between Councillors and Standards Committee members. If both sides agreed to the process, Councillors had to seek their own resolutions and a representative of the Standards Committee would be present as a mediator only. In order to undertake the process effectively, arrangements were in place for members of Standards Committees to receive mediation training. Had the other Standards Committees arranged such training? Were there good practices / learning points to share among members of the Forum?

Representatives of the different authorities elaborated on their arrangements and experiences. It became apparent that the situation varied from authority to authority, with only the Monitoring Officer undertaking the process in some Councils, while others included a member(s) of the Standards Committee and / or Leaders of the Political Groups.

During the discussion, the following observations were made:-

- Should the mediation fail and the matter referred to the Standards Committee, any member of the Standards Committee who had been part of the mediation process would have to stand down from the committee to avoid being seen as partisan.
- The Monitoring Officer and Group Leaders should be responsible for the mediation process.
- A member of the Standards Committee acting as mediator could feel that he/she has been unduly burdened.
- If a matter, in which a local resolution had been proposed, were referred to the Ombudsman, the Ombudsman would be aware that the proposal had been made and he/she could take the fact that the process had failed into consideration.
- A mediator should not take sides, and only attempt to get both sides to see the other's viewpoints.

- (ch) Isle of Anglesey County Council would be willing to arrange for David Richards, WG Director, to attend a meeting of this Forum in future to give a presentation on general governance matters. Was this something that would assist Forum members?

Anglesey's Solicitor noted that the Authority's Monitoring Officer had attended a course where David Richards had held a session on governance in general and that he had suggested that he could give a presentation on this, or another subject, to the forum.

RESOLVED to ask Isle of Anglesey County Council's Monitoring Officer to send a copy of David Richards' presentation on governance in general to every Monitoring Officer so that they can submit it to their Standards Committees to discuss and decide whether it would be possible to tailor it to this forum.

6. ANY OTHER BUSINESS

- (a) Agenda of the Next Meeting

Gwynedd's Monitoring Officer noted that it would be beneficial for whoever was arranging the next forum meeting to get an idea of the type of items everyone wished to include in the agenda.

RESOLVED to ask everyone to consult with their Standards Committees regarding potential items for the next meeting and feed back any suggestions, through the Monitoring Officer, to the next host authority.

- (b) Standards Conference 2018

Ceredigion's Monitoring Officer outlined the arrangements for the Standards Conference 2018, which would be held in Aberystwyth on 14 September. She presented an outline of the contents of the day's agenda and noted that any ideas or assistance would be welcomed by anyone.

- (c) Procedures to deal with allegations against members

The Ombudsman's draft guideline 'Code of Conduct - Interim Powers' was discussed.

Gwynedd's Monitoring Officer noted that the viewpoint on this at the Wales Monitoring Officers' meeting was that no one wanted to see a ruling in suspension being delayed as it would put more pressure on time.

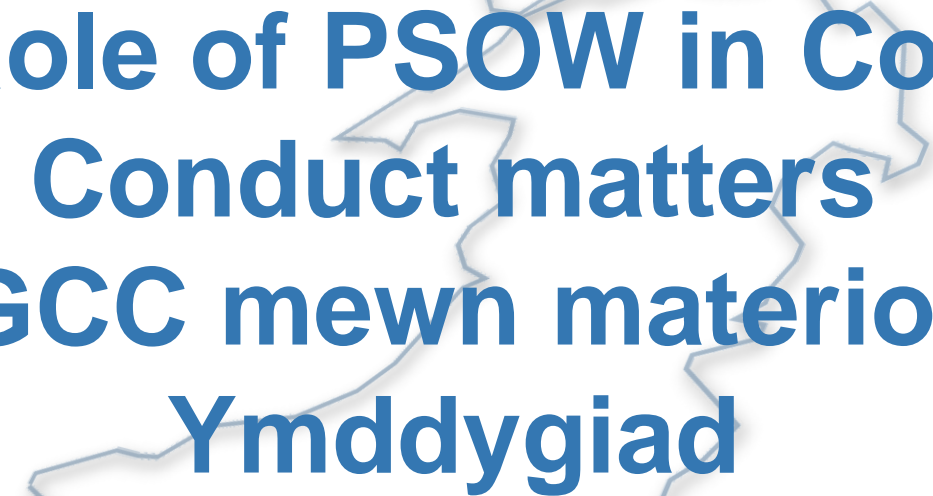
The Vice-chair of Anglesey's Standards Committee explained that they had originally brought this matter before the forum as they had not been persuaded that a process existed should an accusation be made against a county councillor. Accordingly, the last forum had resolved that Anglesey would draft a letter to the Ombudsman to be circulated among the Monitoring Officers of every authority. The letter had been sent to Wrexham County Borough Council, but before it had been forwarded to the Ombudsman, a similar matter had been discussed at the Monitoring Officers' meeting in Llandrindod, where an officer from the Ombudsman's office was present who had agreed to return the matter to the Ombudsman. The draft guideline did not answer every question in the letter, but it was believed that

this was the best answer the forum would be likely to receive from the Ombudsman, especially considering how much time had passed since the letter had been drafted.

7. DATE AND LOCATION OF NEXT MEETING

It was noted that information regarding the date and location of the next meeting would be circulated.

The meeting commenced at 10.00am and concluded at 11.55am.



The Role of PSOW in Code of Conduct matters

Rôl OGCC mewn materion Cod Ymddygiad

Nick Bennett

Public Services Ombudsman for Wales

Ombwdsmon Gwasanaethau Cyhoeddus Cymru

Who is the Ombudsman? Pwy yw'r Ombwdsmon?

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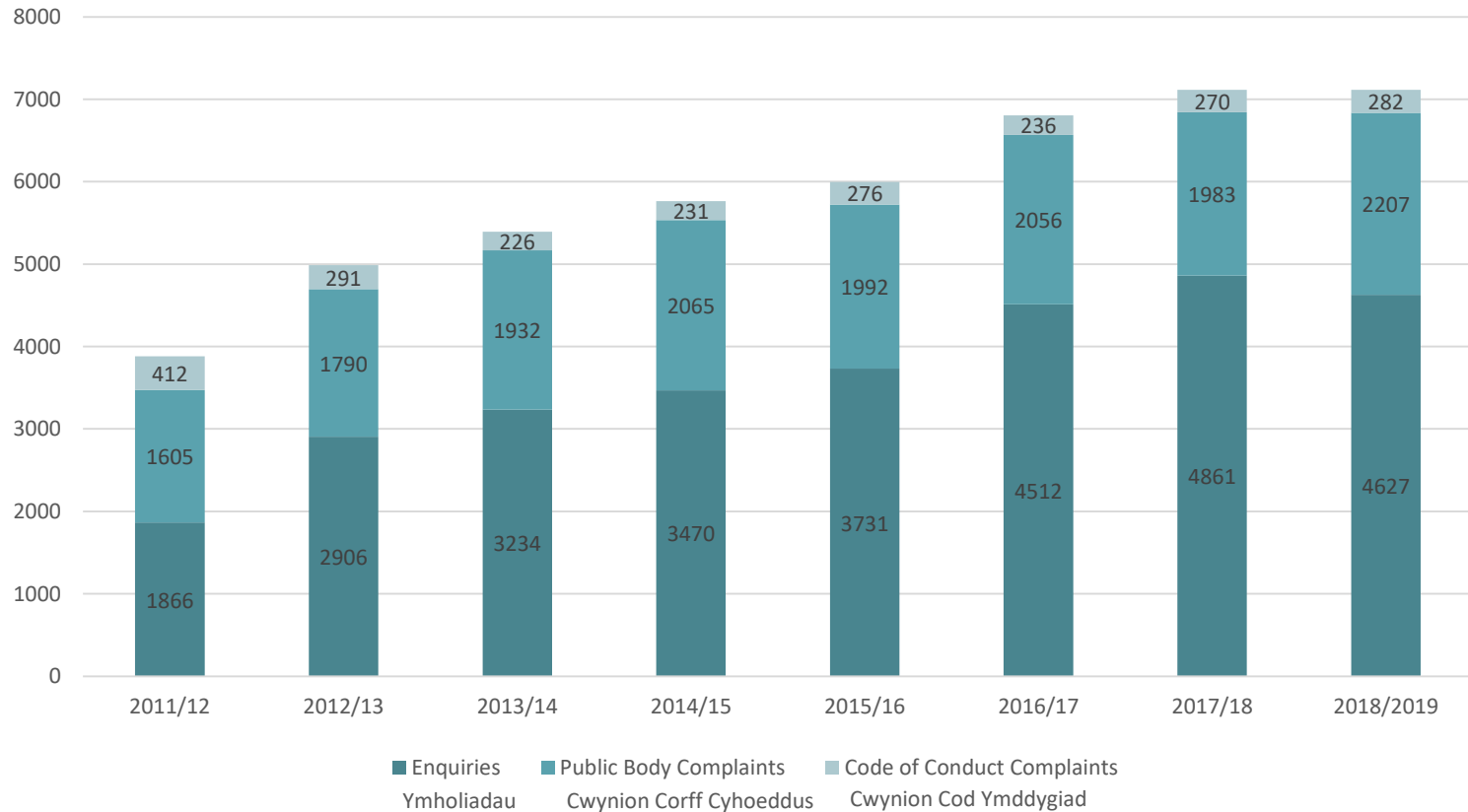


- Est 2006 - PSOW Act 2005
- Two specific roles:
 - Complaints about public services providers in Wales
 - Complaints that members of local authorities have broken the Code of Conduct
- New PSOW Act 2019
- Sefydlwyd 2006 – Deddf OGCC 2005
- Dwy rôl benodol:
 - Cwynion am ddarparwyr gwasanaethau cyhoeddus yng Nghymru
 - Cwynion bod aelodau o awdurdodau lleol wedi torri'r Cod Ymddygiad
 - Deddf OGCC newydd 2019

Trends – Enquiries & Complaints

Tueddiadau – Ymholiadau & Chwynion

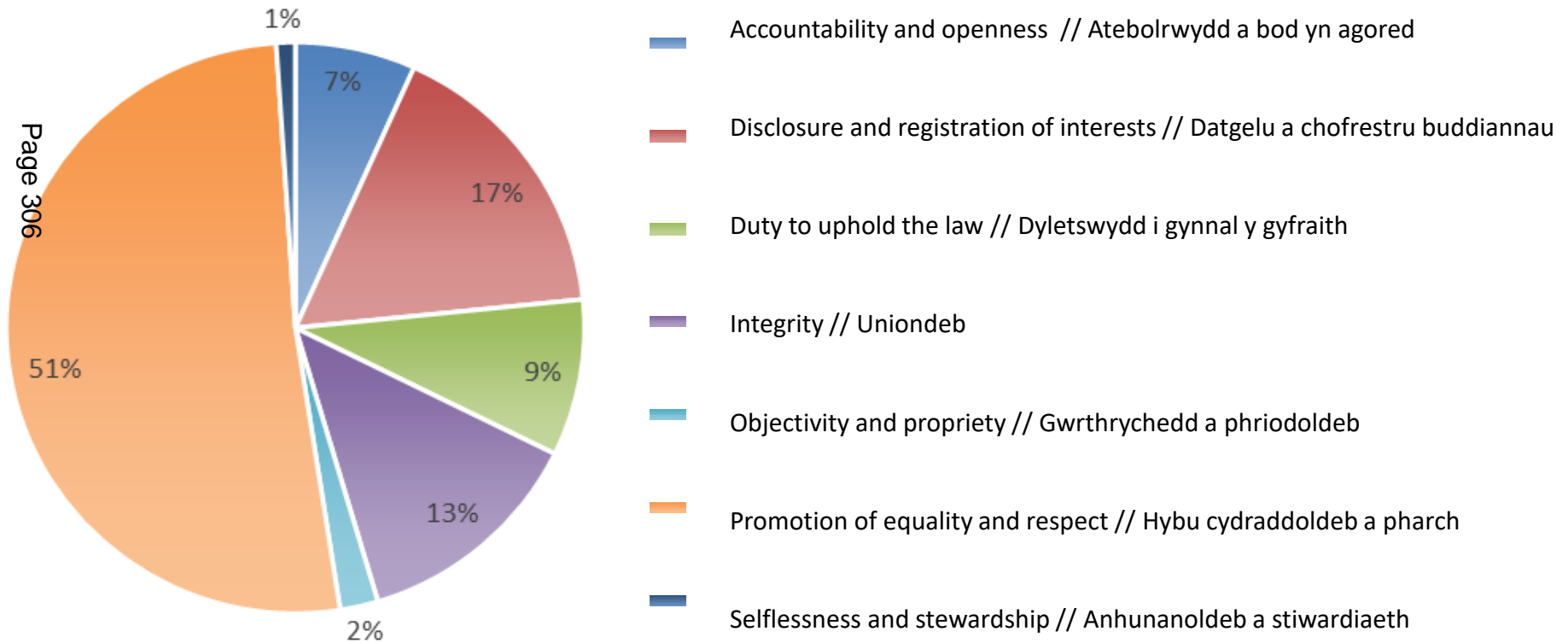
Total Enquiries and Complaints received by year
Cyfanswm yr Ymholiadau & Chwynion a dderbyniwyd yn ôl blwyddyn



PSOW Annual Report 2018/19

Adroddiad Blynyddol OGCC 2018/19

Nature of Code of Conduct complaints received
Natur y cwynion Cod Ymddygiad a dderbyniwyd



Page 306

Outcomes Canlyniadau

255

- Closed After Initial consideration // Caewyd ar ôl ystyriaeth gychwynnol

2

- Complaint Withdrawn // Tynnwyd y gŵyn yn ôl

15

- Investigation Discontinued // Terfynwyd yr ymchwiliad

9

- Investigation Completed: No evidence of breach //
- Ymchwiliad wedi'i gyflawni: Dim tystiolaeth bod y cod wedi'i dorri

19

- Investigation Completed: No action necessary //
- Ymchwiliad wedi'i gyflawni: Dim angen gweithredu

4

- Investigation completed: Refer to Standards Committee //
- Ymchwiliad wedi'i gyflawni: Atgyfeirio at y Pwyllgor Safonau

4

- Investigation completed: Refer to Adjudication Panel //
- Ymchwiliad wedi'i gyflawni: Atgyfeirio at y Panel Dyfarnu

Types of complaints

Mathau o gwynion

190

- Town and Community Councils
Cynghorau Tref a Chymuned

91

- Local Authority
Awdurdod Lleol

1

- National Park
Parc Cenedlaethol

282

Two stage test

Prawf Dau gam

- Is there direct evidence that a breach actually took place?

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If so:

- Is an investigation required in the public interest?



- A oes tystiolaeth uniongyrchol bod toriad gwirioneddol wedi digwydd?

Os felly:

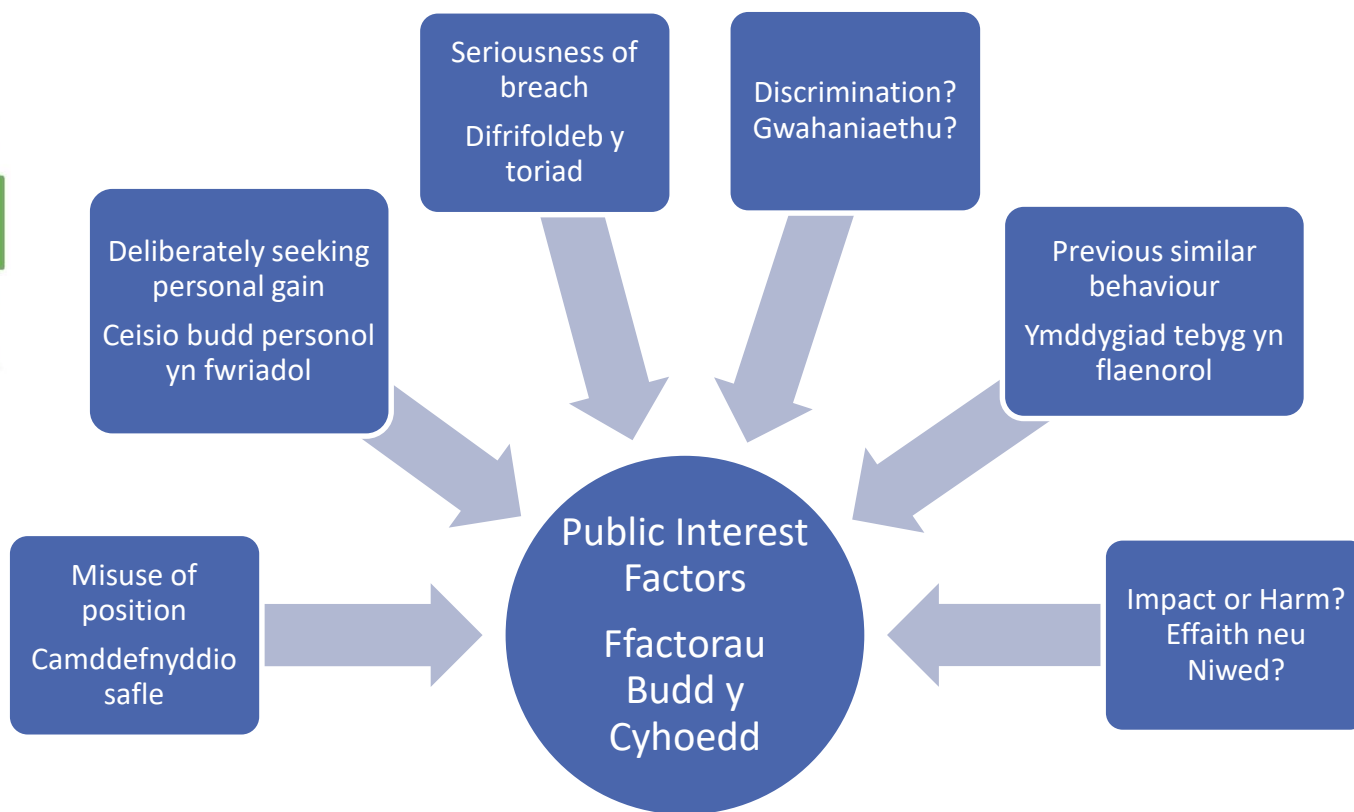
- A oes angen ymchwilio er budd y cyhoedd?

The Public Interest Test

Prawf Er Budd y Cyhoedd

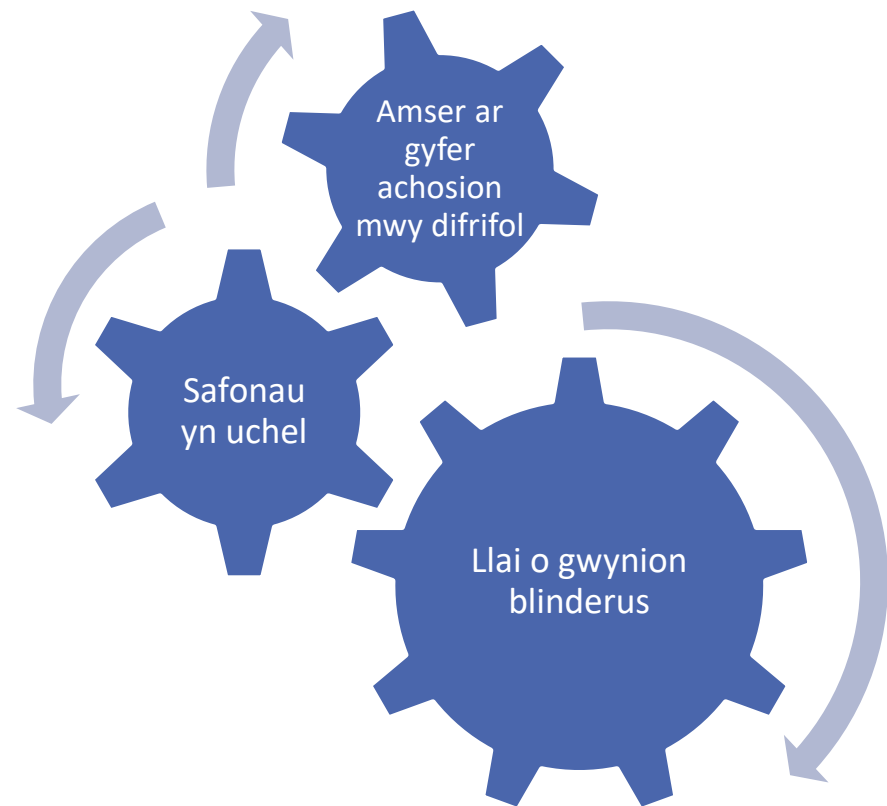
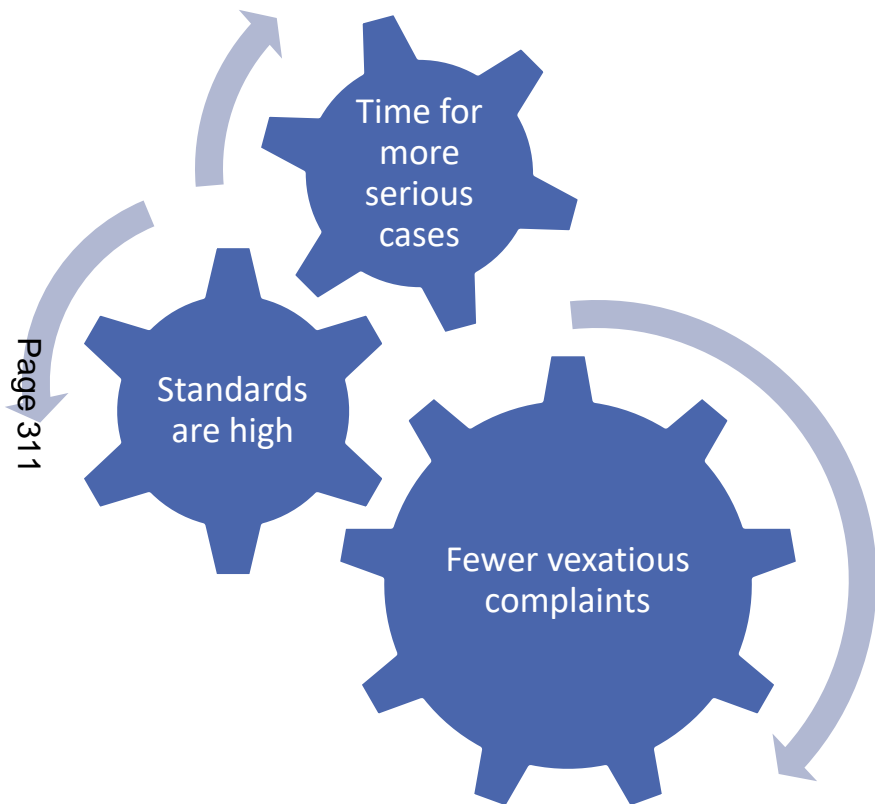
Is an investigation required in the public interest?

A oes angen ymchwilio er budd y cyhoedd?



Public Interest in practice

Budd y cyhoedd yn ymarferol



North Wales

Gogledd Cymru

- 22% of the population
- 32% of the complaints
- Only 17% of the total referrals across Wales
- 22% o'r boblogaeth
- 32% o'r cwynion
- Dim ond 17% o gyfanswm yr atgyfeiriadau ledled Cymru

Recent examples of vexatious complaints

Enghreifftiau diweddar o gwynion blinderus

Page 313

'Absurd' terrorism complaint made about councillors thrown out by Ombudsman
Cwyn 'hurt' am derfysgaeth a wnaed am gynghorwyr wedi'i wrthod gan Ombwdsmon

Examples of vexatious complaints

Enghreifftiau o gwynion blinderus

A Councillor left a one star rating on a local business without an explanation!
Gadawodd Gynghorydd radd un seren ar fusnes lleol heb roi esboniad!

Page 314

A Councillor unfriended me on Facebook so I had to set up an account in my cat's name!
Cefais fy nileu oddi ar Facebook gan Gynghorydd felly roedd rhaid i mi greu cyfrif yn enw fy nghath!

Moving forward / Symud ymlaen

- Member v Member complaints (at a county level) are now largely dealt with by an internal dispute resolution procedure
- Extension of this to Town & Community Councils
- Serious cases referred to Standards Committees or Adjudication Panel for Wales
- Erbyn hyn, ymdrinnir â chwynion Aelod yn erbyn Aelod (ar lefel siriol) yn bennaf gan weithdrefn fewnol ar gyfer datrys anghydfodau
- Ymestyn hyn i Gyngorau Tref & Chymuned
- Achosion difrifol yn cael eu cyfeirio at Bwyllgor Safonau neu Banel Dyfarnu Cymru

Local leadership?

Arweinyddiaeth Leol?

- Nolan
- Distributed leadership
- Local Standards
Committees to guide local behaviours ?
- How can they support each other and exchange best practice?
- Is there appetite?
- Training and good practice –
Monmouthshire, Cardiff and Swansea
- Nolan
- Arweinyddiaeth ddosbarthedig
- Pwyllgorau Safonau Lleol i arwain ymddygiad lleol?
- Sut y gallant gefnogi ei gilydd a chyfnewid arfer gorau?
- A oes chwant?
- Hyfforddiant ac arfer da –
Sir Fynwy, Caerdydd ac Abertawe

Questions Cwestiynau

Committee on Standards in Public Life

- Established in 1994 by then PM John Major
- Responsible for promoting the Nolan Principles
- 3rd report in 1997 on local government
- Led to Standards Board for England, AP Wales etc
- Current report – a review of effectiveness of post 2011 changes in England



Terms of reference

1. examine structures, processes and practices of local gov in England (but compared Wales, Scotland and NI) for
 - a. maintaining code of conduct for councillors
 - b. investigating alleged breaches fairly and with due process
 - c. enforcing code and imposing sanctions for misconduct
 - d. declaring interests and managing conflicts of interests
 - e. whistleblowing
2. Assess whether existing structures etc are conducive to high standards of conduct
3. Make recommendations for improvement
4. Note evidence of intimidation and make recommendations to prevent

Review

- covers 10,000 town and parish councils in England
- 353 principal English authorities
- 319 submissions
- 2 roundtable seminars
- 30 stakeholder meetings
- 5 visits to LAs
- studied 20 codes
- studied reports of LA failure
- Report launch 30th Jan 2019



Key areas and issues considered

- Codes of conduct
- Interests
- Gifts and hospitality
- Investigations and safeguards
- Sanctions
- Town and parish councils
- Role of the Monitoring Officer
- Council governance, leadership and culture



Codes of conduct

Findings

- Inconsistent
- Don't cover bullying effectively
- Problems re scope – social media, claiming to or appearing to act as a councillor
- Nolan only codes inadequate
- Need to be reviewed
- Hard to find on LA websites

Codes of conduct

Recommendations / Best Practice

R1 LGA to create new model code, in consultation with SLCC, NALC etc

BP1 LA codes to define and prohibit bullying and harassment, with examples

R3 Councillors presumed to be acting in an official capacity in their public conduct

R4 Code to apply to when cllr claims, or appears to be acting as such

BP2 Failure to co-operate with investigation to be breach of code

BP3 LAs to review code annually

BP4 Code readily accessible in prominent position on LA website

Interests

Findings

- DPIs too narrow, unclear and criminalisation is disproportionate
- Registers disclose home addresses exposing clrs to intimidation
- List of people whose interests need to be registered is too narrow
- But current list of pecuniary interests ok
- Need to include non-pecuniary interests in codes
- Unsatisfactory arrangements on registers of gifts and hospitality
- Requirements to declare DPIs and withdraw are too narrow

Interests

Recommendations / Best Practice

R18 abolish DPI criminal offences

R2 amend DPI regs so that cllr home address not registrable

R5 amend DPI regs to include unpaid directorships, trusteeships, charity / public body roles and lobbying organisations


R6 code to require registration of gifts / hospitality over £50 or over £100 pa from a single source

BP5 LAs to update registers of gifts & hospitality quarterly and make accessible

R7 abolish s31 Localism Act, code to require cllr to leave room if member of public would reasonably regard their interest as so significant that likely to prejudice their discussion or decision making

Investigations and safeguards

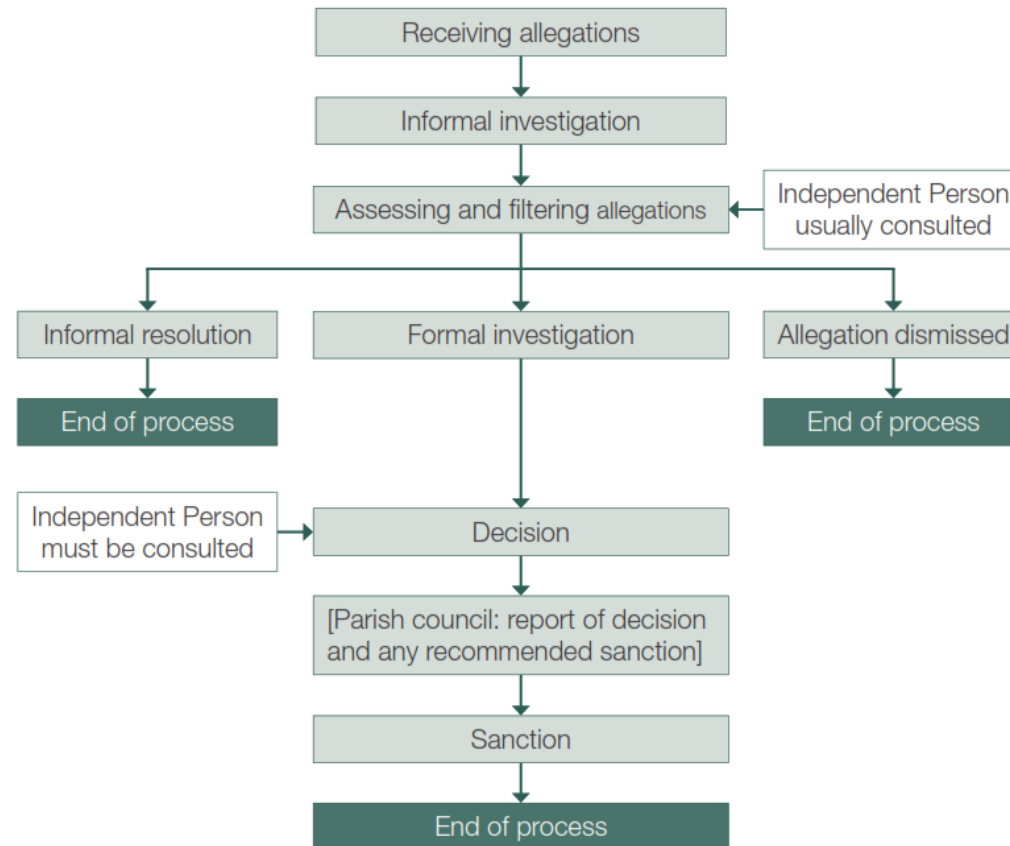
Findings

-  public interest test for filtering complaints
- No role specification, term, formal powers or legal protection for IPs
- IP views not public
- Many LAs not transparent on numbers of complaints and details of decisions
- Standards Committees should have voting independent and parish members
- No current right of appeal after hearings

Investigations and safeguards

Findings

The current investigation process



Investigations and safeguards

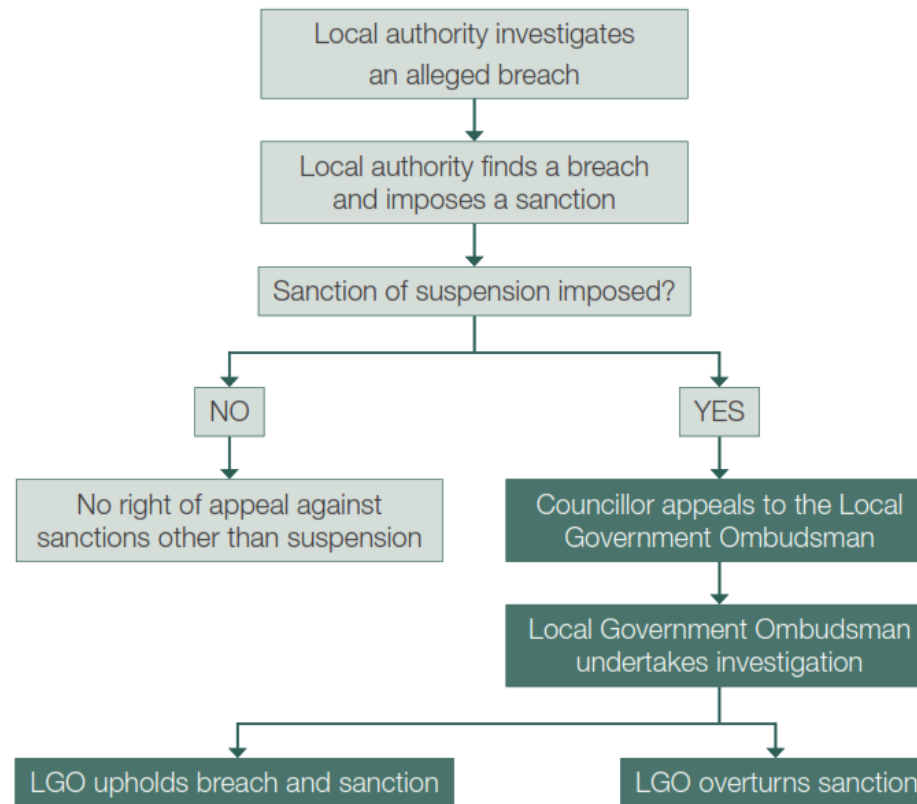
Recommendations / Best Practice

- BP6** LAs to adopt public interest test for filtering complaints
- BP7** LAs to have at least 2 IPs
- BP8** IP views on assessment
- R8** 2 year term of office for IPs, renewable once
- R9** IPs views to be recorded in decision notice and minutes
- R10** IP must agree breach and sanction on suspensions
- R11** LAs to provide legal indemnity to IPs
- R12** LAs may have voting independent and parish members on standards committees
- R13** Right of appeal to LGO if suspension **R14** LGO power to investigate and binding sanction
- R15** LAs required annually to publish complaints data and outcomes
- BP9** LAs to publish full hearing decisions
- BP10** LA websites to have clear complaints guidance and info

Investigations and safeguards

Recommendations / Best Practice

Proposed appeals process



Investigations and safeguards

Recommendations / Best Practice

- BP6 Assessment criteria
- **CAN / SHOULD** test

Northern Ireland Local Government Commissioner for Standards public interest test

1 'CAN' we investigate your complaint?

- Is the person you are complaining about a councillor?
- Did the conduct occur within the last six months?
- Is the conduct something that is covered by the code?

2 'SHOULD' we investigate your complaint?

- Is there evidence which supports the complaint?
- Is the conduct something which it is possible to investigate?
- Would an investigation be proportionate and in the public interest?⁵³

Sanctions

Findings

- Lack of serious sanctions:-
 - Prevents enforcement of lower level sanctions
 - Damages public credibility
 - Makes cost of investigations disproportionate to outcome
 - Removes means of LAs containing reputational damage
- Credibility of current regime undermined by lack of serious sanctions
- Party group discipline can fill the gap but lacks transparency, consistency and checks on impartiality of a standards system
- Suspension preserves the ballot box which is insufficient in itself
- Legal uncertainty of premises bans

Sanctions

Recommendations / Best Practice

R16 LA power to suspend without allowances for up to 6 months

R17 Government / legislation to put beyond doubt lawfulness of premises bans

R18 decriminalise DPs (see interests)



Town and parish councils

Findings

- Parish councils are highly dependent on the skills, experience and support of clerks – evidence of substantial difficulties where clerks are inexperienced, untrained, feel isolated and poor member behaviour
- **15% of PCs experience serious behaviour issues, 5% dysfunctional**
- PCs should report complaints, not the clerk
- Some MOs decline or lack resources to provide advice or accept parish complaints
- Variation in parish codes is a burden on the principal authority and confusing for dual hatted members
- PCs can ignore sanctions recommended by principal authority hearing
- PCs can take lawful protective steps short of sanctions

Town and parish councils

Recommendations / Best Practice

R19 Parish clerks to be qualified

BP11 standards complaints about member on clerk conduct to be made by chair or PC as a whole

BP12 MO role and resourcing to include advice, support and management of PC cases

R20 PCs to adopt parish version of principal authority code of conduct

R21 Parish councillor sanctions to be determined by principal authority only

Role of the Monitoring Officer

Findings

- MO is the lynchpin for upholding standards
- Can be conflicts of interest in MO being involved in investigation of senior members
- Confidence and support of chief executive is crucial to ensure MO has ability to upholds standards
- Some MOs have been forced to resign because of unwelcome advice or decisions
- Whistle-blowers could be deterred from reporting concerns to a private audit firm
- Whistle-blowers should be able to report concerns to councillors

Role of the Monitoring Officer

Recommendations / Best Practice

- BP13** LA should have investigation conflict procedures, including use of MOs from other LAs
- R22** statutory protection for MOs etc to extend to all disciplinary action, not just dismissal
- R23** LAs required to ensure whistleblowing policy and website specifies named contact for external auditor
- R24** councillors to be “prescribed persons” in Public Interest Disclosure Act 1998



Council governance, leadership and culture

Findings

- LAs now have complex governance – joint ventures, owned companies, LEPs
- Increased risk of conflicts of interest, lack of transparency
- 3 common threads in corporate failure:-
 - Unbalanced relation between members and officers
 - Lack of understanding of governance processes and scrutiny
 - Culture of fear or bullying
- Visible leadership essential in embedding ethical culture
- Early induction for councillors vital to set ethical tone

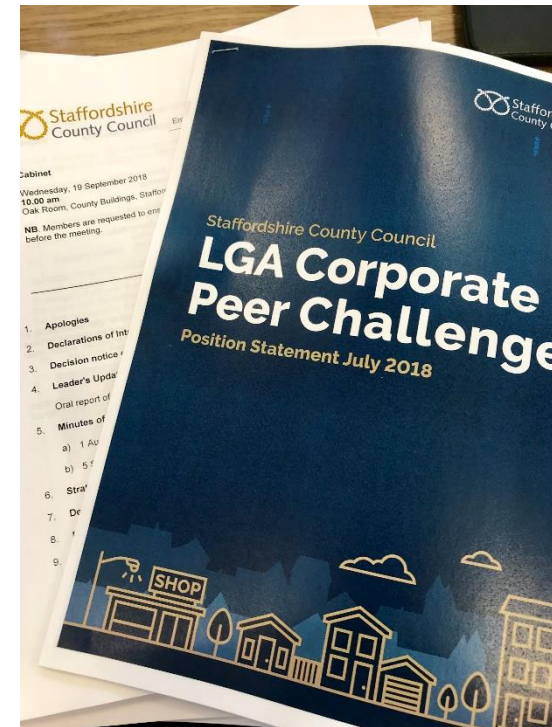
Council governance, leadership and culture

Recommendations / Best Practice

BP14 LA governance statement to include related bodies, those bodies to publish agendas, minutes and annual reports

BP15 senior officers to meet regularly with group leaders or whips re standards

R26 LGA peer reviews to include standards processes



Where now?

- Detailed and challenging report
- Some recommendations require primary legislation, some changes to regulations
- **Many best practice points can be implemented now by LAs**

	Recommendation	Action
BP1	LA codes to define and prohibit bullying and harassment, with examples	Revise code
BP2	Failure to co-operate with investigation to be breach of code	Revise code
BP3	Review code annually	Build into Standards Committee business cycle
BP4	Code readily accessible in prominent position on website	Home page link
BP5	Update registers of gifts & hospitality quarterly and make accessible	Home page link, send out update forms to members every 3 months
BP6	Public interest test for filtering complaints	Revise arrangements
BP7	At least 2 IPs	Joint recruitment campaign?
BP8	IP views on assessment	Revise arrangements
BP9	Publish full hearing decisions	Revise arrangements
BP10	Clear complaints guidance on website	Home page link

	Recommendations	Action
BP11	Standards complaints about member on clerk conduct to be made by chair or PC as a whole	Refer to ERNLCA
BP12	MO role and resourcing to include advice, support and management of PC cases	Include in budget round, involve s151 officer
BP13	LA should have investigation conflict procedures, including use of MOs from other LAs	Revise arrangements, agree other MO use protocol
BP14	LA governance statement to include related bodies, those bodies to publish agendas, minutes and annual reports	Ensure s151 officer aware, identify relevant related bodies and raise with them, brief Council reps, monitor compliance
BP15	Senior officers to meet regularly with group leaders or whips re standards	Raise with Ch Exec and s151 officer, Ch Exec to arrange (involve SC chair)

Where now?

- LLG, SLCC, ADSO, NALC group on code (all cover Wales and England)
- Association of Drainage Authorities might be interested in code (covers Wales and England)
- LGA ambivalent, but new leader being elected to replace Lord Porter
- Whitehall MCLG appears to want to reduce recommendations to best practice
- Even if interested, has Westminster Government the capacity or focus, post Brexit?
- **Failure to implement 6 months suspension will undermine whole system**



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CYD-BWYLLGOR (AU) SAFONAU JOINT STANDARDS COMMITTEE(S)

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Gareth Owens

Cyflwyniad/Introduction

- » **Trafodaeth am ddichonoldeb cyd-bwyllgor(au)**
- » **Edrych ar**
 - » Manteision posibl
 - » Anfanteision posibl
 - » Ffactorau llwyddiant
- » **Mapio ffyrdd posibl o weithio**
- » **Discussion piece on feasibility of joint committee(s)**
- » **Look at**
 - » Potential advantages
 - » Potential disadvantages
 - » Success factors
- » **Map out possible ways of working**

Cefndir/Background

- » **Adran 53 a 54 o Ddeddf Llywodraeth Leol 2000**
- » **Mae'n rhaid sefydlu Pwyllgor Safonau**
- » **Pwrpas**
- » **(a) hyrwyddo a chynnal safonau ymddygiad uchel gan aelodau ac aelodau cyfetholedig yr awdurdod, a**
- » **(b) cynorthwyo aelodau ac aelodau cyfetholedig yr awdurdod i gadw at god ymddygiad yr awdurdod**
- » **Deddfwriaeth 2016 wedi galluogi Cyd-bwyllgorau**
- » **Section 53 and 54 Local Government Act 2000**
- » **Must establish a Standards Committee**
- » **Purpose**
- » **(a) promoting and maintaining high standards of conduct by the members and co-opted members of the authority, and**
- » **(b) assisting members and co-opted members of the authority to observe the authority's code of conduct**
- » **2016 legislation enabled Joint Committees**



Sefyllfa Bresennol/Current Position

- » **Cyfarfodydd dros y 12 mis diwethaf**
- » **Meetings over last 12 months**

CeCC	CoCBC	DCC	Fire/Tan	FCC	GCC	PCC	WCBC	YMC
5	3	5	2	10	4	3	4	7*

- » **0 o wrandawiadau ar draws y rhanbarth cyfan**
- » **Anawsterau recriwtio**
- » **Anghenion wedi lluosio o ran adnoddau**
- » **Sgiliau a phrofiad cyfredol (“oriau hedfan”)**
- » **0 hearings across whole region**
- » **Recruitment difficulties**
- » **Multiplication of resourcing needs**
- » **Currency of skills and experience (“flying hours”)**

*gan gynnwys Cyfarfodydd Panel Goddefebau

*including Dispensation Panel Meetings

Dichonoldeb/Feasibility

- » **Beth ym marn yr aelodau fyddai'r**
 - » Manteision posibl?
 - » Anfanteision posibl?
- » **Pe baem yn cael Cydbwyllgorau, sawl un ddylem ei gael?**
- » **Pa broblemau fyddai'n rhaid i ni eu datrys er mwyn i Gydbwyllgorau fod yn llwyddiannus e.e. lleoliad, iaith, cefnogaeth ysgrifenyddol a phroffesiynol??**
- » **What do members think would be the**
 - » Potential benefits?
 - » Potential disadvantages?
- » **If we were to have Joint Committees, how many should there be?**
- » **What issues would we need to resolved in order for Joint Committees to be successful e.g. location, language, secretarial and professional support?**



Ffactorau llwyddiant/Success factors

- » **Pa broblemau fyddai'n rhaid i ni eu datrys er mwyn i gydbwyllgorau fod yn llwyddiannus e.e. amledd, lleoliad, iaith, cefnogaeth ysgrifenyddol a phroffesiynol?**

- » **Sut fyddai'r cydbwyllgorau newydd yn gweithredu**
 - » Adlewyrchu gwahaniaethau rhwng gwahanol gynghorau
 - » Magu hyder

- » **What issues would we need to resolved in order for JC's to be successful e.g. frequency, location, language, secretarial & professional support?**

- » **How would the new JC's operate to**
 - » Reflect differences between different councils
 - » Instil confidence

Camau nesaf (?)/ Next steps (?)

- » **Camau nesaf posibl:**

- » Trafodaeth am ddichonoldeb gyda

- » Pwyllgorau Safonau

- » Cynghorwyr e.e. Arweinydd, Cadeirydd ac ati

- » Swyddogion e.e. Prif Weithredwr

- » **Cael Swyddogion Monitro i lunio cylch gorchwyl ar y cyd**

- » **Possible next steps include**

- » Discussion of feasibility with

- » Standards Committees

- » Councillors e.g. Leader, Chair etc

- » Officers e.g. Chief Executive

- » **Task Monitoring Officers with drawing up joint terms of reference**

**MINUTES OF THE NORTH WALES STANDARDS
COMMITTEES FORUM MEETING HELD IN THE DELYN
COMMITTEE ROOM, COUNCIL OFFICES, MOLD ON
MONDAY, 24 JUNE, 2019**

PRESENT

Ceredigion County Council – Hywel Jones (Chair)
Conwy County Borough Council – John Roberts (Chair) and Iain Moore (Vice Chair)
Denbighshire Council - Julia Hughes (Vice-chair) and Anne Mellor (Independent Member)
Flintshire Council – Gareth Owens (Monitoring Officer), Matthew Georgiou (Deputy Monitoring Officer), Robert Dewey (Chair), Julia Hughes (Vice Chair), Ken Molyneux (Independent Member), Phillipa Earlam (Independent Member)
Gwynedd Council - Einir Young (Chair) and Margaret E. Jones (Vice-chair)
Powys – Stephan Hays (Chair)
Wrexham County Borough Council - Neil Benson (Vice-chair) Sandra Hunt (Independent Member)
Isle of Anglesey County Council - Mike Wilson (Chair) and Islwyn Jones (Vice-chair)
Public Ombudsman for Wales – Nick Bennett

1. ELECTION OF CHAIR FOR THE MEETING

Robert Dewey, Chair Flintshire County Council Standards Committee, was elected chair of the meeting.

2. APOLOGIES

Apologies were received from:-

Ceredigion County Council - Caroline White (Vice-Chair)
Denbighshire Council - Ian Trigger (Chair)
Powys – Claire Jackson (Vice Chair) Debby Jones (Monitoring Officer)
Wrexham County Borough Council - Michael Pugh (Chair)

3. MINUTES OF THE MEETING HELD ON 29 JUNE, 2018

Submitted - the minutes of the North Wales Standards Committees Forum meeting held on 29 June 2018.

RESOLVED to accept the minutes of the meeting held on 29 June 2018 as an accurate record.

4. PRESENTATION BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES – NICK BENNETT

PSOW Code – the Ombudsman explained his new powers to

- i. Consider oral complaints
- ii. Complaints about Private Health Care
- iii. Own initiative

There have been an increasing number of service complaints especially in health, but there has been a similar increase in code complaints. There is a small office in North Wales which may grow over time. Of the large number of code complaints, the vast majority are found to be meritless. There are a relatively a small number of serious issues – 8 out of 288 referred for a hearing, which demonstrates the high standards in Wales.

Two out of three complaints were about Town and Community Councils - previously more. This was more balanced with an equal number coming from County Councils. The Ombudsman believes this shows that LRP is working but still more work is still needed in Town and Community Councils.

The 2 stage test is important, it allows more time for more serious cases and fewer vexatious complaints.

In North Wales, 32% of complaints but only 22% of the population. Only 17% were referred for hearings. There is work to do on lower level complaints.

Mr Bennett gave some examples of absurd complaints received by his office.

There has been a reduction in Member vs Member complaints at County level. This needs to be extended to Town and Community Council level.

What can the PSOW do to support local leadership? Ynys Mon, Monmouth and Swansea have done some good work to promote training and would have no problem coming to speak.

Powys raised questions about how to enforce promises made by Members as part of an Ethical process. They want more power to require compliance. Flintshire's Monitoring Officer said he had asked Welsh Government for more flexible sanction powers but this was refused.

Mike Wilson, Ynys Mon, said that the problem with Town and Community Councils is that County has no jurisdiction over them. They are trying to get the message across in order to help with local resolution. We have no investigative powers so have to accept what we're told. The PSOW agreed that soft power and influence was equally important. He said his help was not going to resolve every problem.

Einir Young, Gwynedd, said she would like the power to require an apology. Mr Bennett would like to explore this more with Welsh Government but said legislation takes a long time. Cheap solutions could be enshrined in legislation. The costs of appeals could be published – the PSOW thought this might reduce vexatious behaviour.

Conwy suggested attendance at training can be low - was there any scope for toughening obligation to attend training? Mr Bennett thinks that it is interest to attend. In Monmouthshire they have had presentations on –

1. The role of the MO
2. WLGA on future role of Town and Community Councils
3. How OVW can help
4. Role of Standards Committees
5. Introduction to WAO
6. Work of the PSOW

Flintshire asked whether there could be clarity or guidance on what amounts to bullying, which is the biggest single type of complaint. Gwynedd suggested seeking advice from HR.

Ceredigion give high profile to importance training. They had held a series of sessions where Independent Members attend. They had also had 4 area meetings to do the training. Not everyone attended but this is helping set a tone. The PSOW agreed culture is important. The Monitoring Officer at Gwynedd also does a lot of training but those who least need training are the ones who attend. There can be a flip side of over cautious behaviour and unnecessary declarations of interest.

Flintshire are developing an increasingly detailed list of expected behaviours.

Julia Hughes, Vice Chair of Flintshire and Denbighshire, described the process of visits to Town and Community Councils to better understand how meetings are working and pick up areas of good/bad practice. She explained that feedback was then given to all the clerks.

Hywel Jones, Ceredigion, asked about a report on reform of Town and Community Councils and whether there was any progress. Mr Bennett thinks that proposals for reform can give rise to a lack of clarity and accountability. However, there is potential to develop Town and Community Councils but there would need to be an improvement in behaviours.

Islwyn Jones, Ynys Mon, made the point that the Commissioner remains responsible for any service delivered (Mr Bennett agreed but stated this was not always the case). Ynys Mon have reviewed five or six of their biggest – looked at websites, minutes and Declarations of Interest with them and given specific feedback as well as a generic letter.

Flintshire asked whether the PSOW keeps records of low level complaints in order to see a pattern in the event of subsequent complaints. Mr Bennett suggested all complainants should keep a log.

Conwy raised a question regarding Social Media – Members were not attending training so were not finding out about the help that is available. Independent Members have been asked to leave some Councils as outsiders because they are a challenge to longstanding Councillors. Mr Bennett said it was important for that elections are important as a means of ensuring that there is accountability.

Powys raised a question about when matters are made public. Mr Bennett stated you cannot gag Members who choose to confirm the existence of a complaint. His office will confirm existence of an investigation. If nothing is confirmed, this leads to speculation. Rather than report matters publicly, Council could e mail Standards Committee members so that they are confidentially made aware of complaints.

5. LESSONS FROM THE COMMITTEE ON STANDARDS IN PUBLIC LIFE'S REVIEW OF THE CODE OF CONDUCT IN ENGLAND

<https://www.gov.uk/government/collections/local-government-ethical-standards>

Flintshire confirmed patchy practice on displaying the Code of Conduct – promotion of easy access is required.

Gwynedd asked to what extent there are matters which should be but have not been reported.

Ynys Mon asked whether standards might slip if there was more joint working.

6. NAME OF THE FORUM

Standards Forum for North and Mid Wales.

7. JOINT STANDARDS COMMITTEE

Ynys Mon meet informally to undertake tasks in between meetings.

Conwy have reduced their meetings so they can meet informally within the budget.

Ynys Mon has a sub-committee to consider dispensation requests. There is a 30 minute training session prior to each meeting – JH suggests sharing members across Committees.

Welsh translation would be essential.

There was a discussion considering dispensations and how to handle them with Infrequent meetings of the Standards Committee.

The potential disadvantage would be cost and travel.

Training – a lay member from each of the Counties plus an elected representative From each Council.

We might want to consider different models e.g. 1, 2 or 3 options.

Gwynedd thinks the same things are common to everyone and could be shared e.g. training based around geography.

Mike Wilson, Ynys Mon, saw potential advantages (e.g. cost savings). Issues such as how Independent Members are appointed could then be considered. Ynys Mon will have an almost completely new Committee in November.

A local connection/link might be important to build confidence.

It would be interesting to see the pros and cons and whether it would then improve standards.

Robert Dewey of Flintshire wants to keep the opportunity to grant dispensations quickly.

A SWOT analysis was requested with answers to be fed back to Flintshire
Either – Yes, No or Maybe

8. WELSH AUDIT OFFICE REPORTS HAVE RECENTLY BEEN PUBLISHED IN RELATION TO TWO COMMUNITY COUNCILS WITHIN THE ISLE OF ANGLESEY

Welsh Audit Office have reported publicly on contrived audit failings dating back to 2013/14 and 2014/15. Is this a recurring pattern (of late reports) or is it a one off? In Flintshire there has been a recent public interest report where there was a history of discussion with the Town Council and that the issue was 'taken to the next level' because of a lack of resolution.

9. ANY OTHER BUSINESS

10. DATE AND LOCATION OF NEXT MEETING

It was suggested that Powys host in November at a venue in Machynlleth.

DRAFT

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CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	17 September 2019
REPORT TITLE:	Responses from Town and Community Councils regarding: <ul style="list-style-type: none"> • Review of the Community Council Registers in 2018/2019; and • Training for Community Councillors and Clerks
PURPOSE OF THE REPORT:	To provide an update to the Committee following discussions at the 13 March 2019 meeting
REPORT BY:	Lynn Ball Head of Function (Council Business) / Monitoring Officer lbxcs@anglesey.gov.uk 01248 752586
LINK OFFICER:	Lynn Ball Head of Function (Council Business) / Monitoring Officer lbxcs@anglesey.gov.uk 01248 752586

1. REVIEW OF THE COMMUNITY COUNCIL REGISTERS IN 2018/2019

1.1 BACKGROUND

- 1.1.1 In the meeting of the Standards Committee held on 13 March 2019, it was reported that the Standards Committee had conducted a review in 5 Town and Community Councils in December 2018 / January and February 2019, to ensure compliance with the Code of Conduct for members.
- 1.1.2 It was reported that a personalised letter has been circulated to the Clerk and Chair of each Town and Community Council who had participated, with specific advice.
- 1.1.3 A general report had also been produced and the Standards Committee resolved to circulate the report to all Town and Community Councils with a request for the report to be discussed at the Town/Community Council's next meeting and a copy of the minutes be forwarded to the Standards Committee.

- 1.1.4 The Standards Committee also resolved that the Monitoring Officer prepare an update report for the Standards Committee's meeting in September 2019, detailing the responses received. This report is prepared in response to that request,

1.2 RESPONSES RECEIVED TO THE REQUEST

- 1.2.1 An email was sent to all Town and Community Councils on 16th April 2019 with a request for responses by 31st July 2019. A copy of the email and its attachments appear as **Appendix 1**.
- 1.2.2 The responses received appear as **Appendix 2**. Twenty two of the forty Town and Community Councils have failed to respond.
- 1.2.3 The Standards Committee is asked to take particular notice, for future reference, of the comments made in relation to the length of the report produced / issues with reviewing the documentation. Llanddona Community Council also requested a "bulleted version of the report".

2. TRAINING FOR COMMUNITY COUNCILLORS AND CLERKS

2.1 BACKGROUND

- 2.1.1 The Standards Committee was provided with a report at its meeting on 12th September 2018 about the response to its advice to Town and Community Councils to include a sum for training (for Clerks and members) within the precept amount set by each Town and Community Council. ([Agenda Item 18](#))
- 2.1.2 The Standards Committee was provided with a further report on this at its meeting on 13th March 2019.

2.2 FURTHER CORRESPONDENCE

- 2.2.1 In accordance with the Standards Committee's decision at its meeting on 13th March 2019, correspondence was sent to all Town and Community Councils. A copy of the email can be seen at **Appendix 3**.
- 2.2.2 The responses received to the 1st May 2019 correspondence appears at **Appendix 4**. Responses were requested by 31st July 2019. Twenty three of the forty have not responded.
- 2.2.3 **Appendix 5** details which Councils have / have not responded to the original request for information in relation to training and the latest request for the same.

3. RECOMMENDATIONS

- 3.1 In relation to the Review of the Community Council Registers in 2018/2019, the Standards Committee is asked to:
 - 3.1.1 note the information detailed with regard to the Town and Community Councils in **Appendix 2**;
 - 3.1.2 decide what action should be taken, if any, with regard to those Town/Community Councils who have not responded; and
 - 3.1.3 consider how the Standards Committee should report its findings to the Town/Community Councils following any future review.
- 3.2 In relation to Training for Community Councillors and Clerks, the Standards Committee is asked to:
 - 3.2.1 note the information detailed with regard to the Town and Community Councils in **Appendix 4**; and
 - 3.2.2 decide what action should be taken, if any, with regard to those Town/Community Councils who have not responded as shown highlighted in **Appendix 5**.

From: [Lynn Ball](#)
To: ["Aberffraw"; "Amlwch"; "Beaumaris"; "Bodedern"; "Bodffordd a Llanfachraeth"; "Bodorgan Cwm Cadnant Llanfihangelceifiog"; "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"; "Treaddur"; "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](#)

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. 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

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 . 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 1st 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

- 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



OFFERYNNAU STATUDOL
CYMRU

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

WELSH
STATUTORY INSTRUMENTS

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.

(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.

(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 enghrefftiol yn yr Atodlen i'r Gorchymyn hwn;

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

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

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

Cod Ymddygiad Enghrefftiol

3.—(1) Ceir yn yr Atodlen i'r Gorchymyn hwn god enghrefftiol 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 enghrefftiol 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 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 fethu â gweithredu gan yr awdurdod gael ôl-ffeithiau pwysig);
- (b) rhoi rhesymau dros bob penderfyniad yn unol ag unrhyw ofynion statudol ac unrhyw ofynion rhesymol ychwanegol a osodir gan eich awdurdod.

9. Rhaid i chi —

- (a) parchu'r gyfraith a rheolau eich awdurdod sy'n llywodraethu hawlio treuliau a lwfansau mewn cysylltiad â'ch dyletswyddau fel aelod;
- (b) osgoi derbyn rhoddion oddi wrth neb, na lletygarwch (ac eithrio lletygarwch swyddogol, megis derbyniad dinesig neu weithio dros ginio, a awdurdodir yn briodol gan eich awdurdod) na buddiannau materol neu wasanaethau i chi eich hun neu i unrhyw berson os byddai gwneud hynny'n eich rhoi o dan rwymedigaeth amhriodol, neu os gallai'n rhesymol ymddangos fel pe bai'n gwneud hynny.

RHAN 3

BUDDIANNAU

Buddiannau Personol

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

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

- (a) os yw'n gysylltiedig â'r canlynol, neu'n debygol o effeithio arnynt —
 - (i) unrhyw gyflogaeth yr ydych yn ymgymryd â hi neu fusnes yr ydych yn ei redeg;
 - (ii) unrhyw berson sy'n eich cyflogi neu sydd wedi eich penodi, unrhyw 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 llesiannol mewn dosbarth o warannau sydd gan y corff hwnnw ac sy'n werth mwy na'r gwerth enwol o £25,000 neu un ganfed ran o gyfanswm cyfalaf cyfrannau dyroddedig y corff hwnnw;
- (v) unrhyw gontract am nwyddau, gwasanaethau neu waith neu weithfeydd a wnaed rhyngoch chi, rhwng ffyrn yr ydych yn bartner ynddi, neu rhwng cwmni yr ydych yn gyfarwyddwr arno ac yn derbyn tâl, neu rhwng corff o'r math a ddisgrifir yn is-baragraff (iv) uchod a'ch awdurdod;
- (vi) unrhyw dir y mae gennych fuddiant llesiannol ynddo ac sydd yn ardal eich awdurdod;
- (vii) unrhyw dir y mae eich awdurdod yn landlord arno ac y mae ffyrn yr ydych yn bartner ynddi, cwmni yr ydych yn gyfarwyddwr arno ac yn derbyn tâl, neu gorff o'r math a ddisgrifir yn is-baragraff (iv) uchod yn denant arno;
- (viii) unrhyw gorff yr ydych wedi eich ethol, eich penodi neu eich enwebu gan eich awdurdod i fod arno;
- (ix) unrhyw —
 - (aa) awdurdod cyhoeddus neu gorff sy'n arfer swyddogaethau o natur gyhoeddus;
 - (bb) cwmni, cymdeithas ddiwydiannol a darbodus, elusen, neu gorff arall a chanddo ddibenion elusenol;
 - (cc) corff y mae dylanwadu ar farn neu bolisi cyhoeddus ymhlith ei brif ddibenion;
 - (chch) undeb llafur neu gymdeithas broffesiynol; neu
 - (dd) clwb preifat neu gymdeithas breifat sy'n gweithredu o fewn ardal eich awdurdod,

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

- (x) unrhyw dir yn ardal eich awdurdod y mae gennych drwydded (ar eich pen eich hun neu ar y cyd ag eraill) i'w feddiannu am 28 o ddiwrnodau neu fwy;
- (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 llesiannol mewn dosbarth o warannau sy'n werth mwy na'r gwerth enwol o £5,000; neu
 - (v) ar unrhyw gorff a restrir ym mharagraffau 10(2)(a)(ix)(aa) i (dd) y mae personau a ddisgrifir yn 10(2)(c)(i) mewn safle rheolaeth neu reoli cyffredinol ynddo,

a hynny i raddau mwy—

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

Datgelu Buddiannau Personol

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

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

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

manylion am y buddiant hwnnw yn y gyfathrebiaeth ysgrifenedig; neu

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

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

(4) Rhaid i chi, mewn cysylltiad â buddiant personol nas datgelwyd eisoes, cyn cyfarfod neu'n syth ar ôl diwedd cyfarfod pan ddatgelir y buddiant yn unol ag is-baragraff 11(1), roi hysbysiad ysgrifenedig i'ch awdurdod yn unol ag unrhyw ofynion a nodir gan swyddog monitro eich awdurdod 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.

(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 1st 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.

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March 2019



OFFERYNNAU STATUDOL
CYMRU

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

WELSH
STATUTORY INSTRUMENTS

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.

(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.

(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.

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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

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 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.

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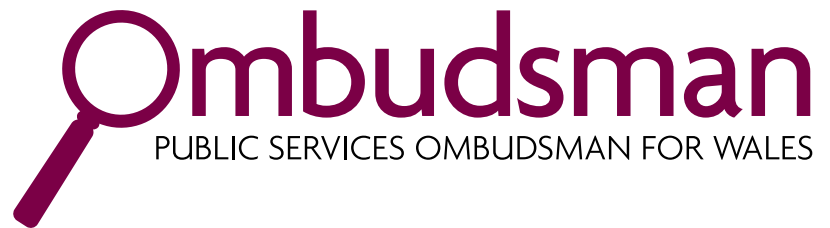
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The Code of Conduct for members of local authorities in Wales

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

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

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).

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 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 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 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 or via the website at 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?

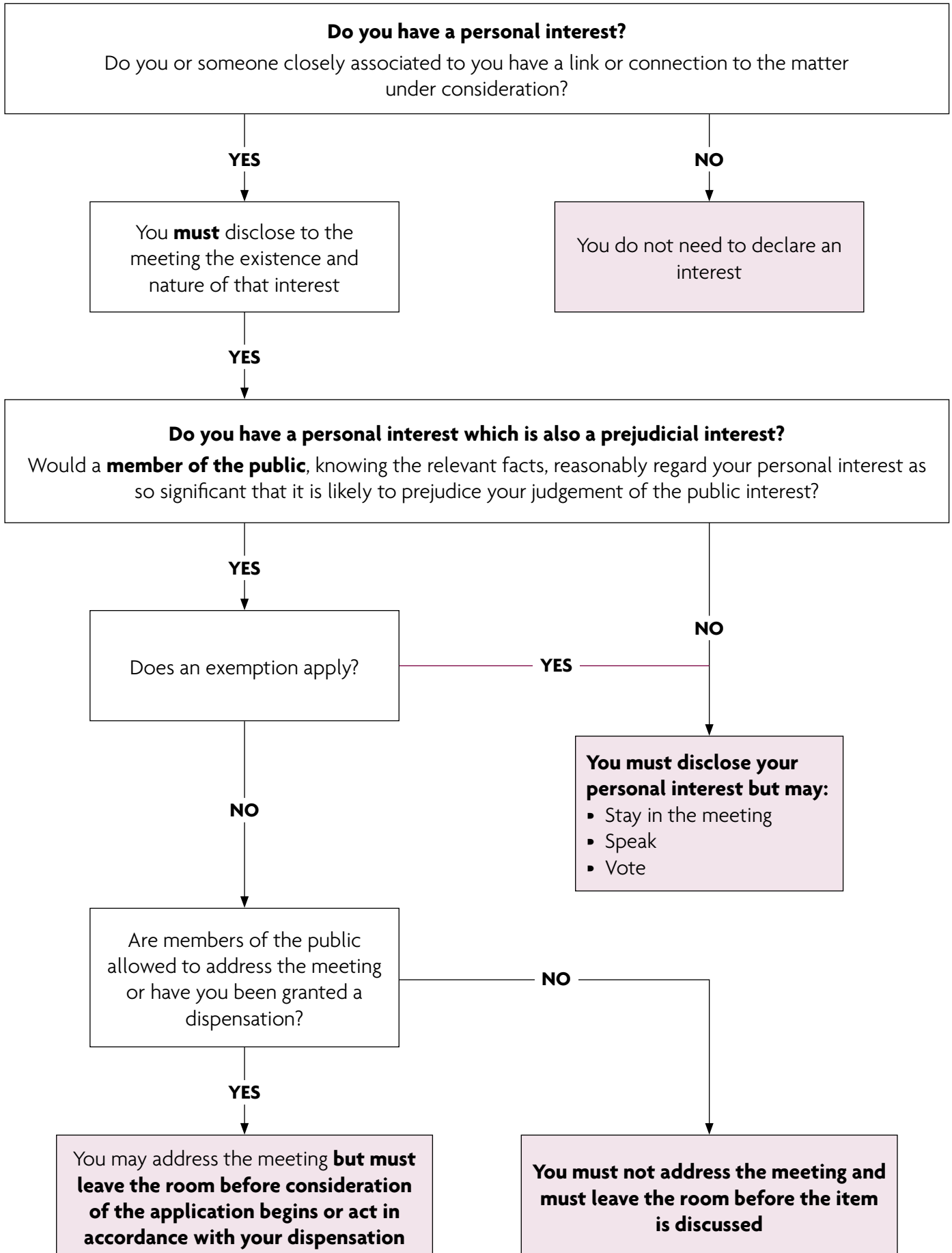
The general rule is, if in doubt as to the value of a gift or hospitality, you should notify your Clerk of it, as a matter of good practice and in accordance with the principles of openness and accountability in public life.

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 (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

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 28th 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

Statutory Guidance

Access to Information on Community And Town Councils

May 2015



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WG25090

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 Act¹). 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.

¹ 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

ADOLYGIAD Y PWYLLGOR SAFONAU / STANDARDS COMMITTEE REVIEW

Ymateb erbyn / Response by 31.07.2019

	Dyddiad Ymateb Wedi ei dderbyn / Date Response Received	Copi Cofnodion wedi eu derbyn / Copy Minutes Received
Aberffraw	30/7/2019	 19062019c.doc  19062019e.doc
Amlwch	30/5/2019	 01 Amlwch - Cofnodion 23-4-20`
Bodedern		
Biwmares / Beaumaris		
Bodffordd		
Bodorgan		
Bryngwran	30/7/2019	 Cofnodion 19.05.09.doc
Cwm Cadnant		
Cylch y Garn	22/4/2019	
Caergybi / Holyhead		
Llanbadrig	16/6/2019	 059 Cofnodion 20-5-2019.pdf
Llanddaniel Fab		
Llanddona	30/7/2019	 Cofnodion Llanddona_Mehffin

Llanddyfnan	30/7/2019	 Cofnodion 19.05.21.doc
Llaneilian	14/6/2019	 312 minutes 7-5-2019.docx
Llanerchymedd		
Llaneugrad (Ilythyr)		
Llanfachraeth		
Llanfaelog	31/7/2019	 Minutes April 2019 Lanfaelog.pdf
Llanfaethlu a Llanfwrog		
LlanfairME		
Llanfair yn Neubwll	31/7/2019	 April 2019 M LNB.pdf
Llanfairpwll		
Llanfihangelesceifiog		
Llangefni	17/6/2019	 COFNODION 07.05.2019.docx
Llangoed a Phenmon	30/7/2019	 Cofnodion Llangoed Mehefin15
Llangristiolus (Ilythyr)	30/7/2019	 Cofnodion 19.05.28.doc
Llanidan		
Mechell		
Porthaethwy / Menai Bridge	23/6/2019	 Minutes Council Meeting 16 May 201
Moelfre		

Penmynydd a Star	30/7/2019	 Cofnodion 19.05.01.doc
Pentraeth		
Rhoscolyn (Ilythyr)	8/7/2019 (Ilythyr dyddiedig 3/7/2019)	 SKM_C25819070810 580.pdf
Rhosybol		
Rhosyr		
Trearddur	31/7/2019	 APRIL 2019 MTB.doc
Tref Alaw		
Trewalchmai	30/5/2019	 Cofnodion Mai 2019.doc
Y Fali / Valley		

From: [Lynn Ball](#)
 To: [Aberffraw](#); [Amlwch](#); [Beaumaris](#); [Bodedern](#); [Bodffordd a Llanfachraeth](#); [Bodorgan Cwm Cadnant](#); [Llanfihangelceifiog](#); [Bryngwran](#); [Cylch-y-Garn Community Council](#); [Holyhead Town Council](#); [Llanbadrig](#); [Llandaniel Fab](#); [Llanddona a Llangoed](#); [Llanddyfnan](#); [Llaneilian](#); [Llanerchymedd](#); [Llanfaelog](#); [Llanfaethlu](#); [Llanfair ME](#); [Llanfair yn Neubwll](#); [Llanfairpwll](#); [Llangefni](#); [Llangefni](#); [Llanidan](#); [Mechell](#); [Menai Bridge](#); [Moelfre](#); [Penmynydd a Star](#); [Pentraeth](#); [Rhosybol](#); [Rhosyr](#); [Treaddur](#); [Tref Alaw](#); [Trewalchmai](#); [Valley](#)
 Cc: [Mared W. Yaxley](#)
 Subject: Hyfforddiant a Datblygiad ar gyfer Cynghorwyr a Chlercod Cynghorau Tref/Cymuned / Training and Development for Town/Community Councillors and Clerks
 Date: 01 May 2019 13:06:26
 Attachments: [image001.png](#)

Annwyl Glerc,

Yn ei gyfarfod ym mis Mawrth 2019, bu'r Pwyllgor Safonau yn trafod anghenion hyfforddiant a datblygiad y Cynghorau Cymuned a'r Clercod. Gwelir [linc i adroddiad](#) a baratowyd ynghylch y mater (Eitem 10).

Yn sgîl hyn, trafodwyd cynnwys adroddiadau a gyhoeddwyd gan Swyddfa Archwilio Cymru yn ddiweddar ynghylch dau o Gynghorau Cymuned yn Ynys Môn - [Cyngor Cymuned Llangristiolus a Cerrigceinwen](#), a [Cyngor Cymuned Bodorgan](#).

Roedd hyfforddiant yn rhywbeth gafodd ei ystyried o fewn yr Adolygiadau yn y Cynghorau Tref a Chymuned hefyd. 'Roedd hi'n amlwg wrth ystyried canlyniadau'r adolygiadau, fod yr arian ar gael ond nad oedd yn cael ei ddefnyddio i'w lawn botensial.

Mae'r Pwyllgor Safonau'n teimlo'n gryf fod Clercod ac Aelodau sydd wedi derbyn hyfforddiant mewn sefyllfa gryfach o ran sicrhau materion llywodraethol, gan gynnwys cadw o fewn gofynion y Cod Ymyddygiad.

Mae'r Pwyllgor Safonau felly'n awyddus fod y Cynghorau Tref a Chymuned yn cytuno ar eu cynlluniau ar gyfer hyfforddiant y Clerc a'r Aelodau ar gyfer y flwyddyn. Gofynnir i'r cynlluniau hyn gael eu rhannu efo'r Pwyllgor Safonau dros e-bost i mwjcs@ynysmon.gov.uk erbyn **31 Gorffennaf 2019**. Bydd adroddiad cyhoeddus yn cael ei chyhoeddi o fewn papurau'r Pwyllgor Safonau ar gyfer ei gyfarfod ym mis Medi 2019 fydd ym amlygu'r ymatebion sydd wedi eu derbyn.

Yn gywir iawn,

Michael Wilson
 Cadeirydd y Pwyllgor Safonau / Chair of the Standards Committee

Dear Clerk,

In its meeting in March 2019, the Standards Committee discussed the training and development requirements of Community Councils and their Clerks. See [link to the report](#) provided on this matter (Item 10).

As a result, a report published recently by the Wales Audit Office regarding two Community Councils on Anglesey - [Llangristiolus and Cerrigceinwen Community Council](#), and [Bodorgan Community Council](#) was discussed.

Training was also considered in the Reviews of Town and Community Councils. It was evident when considering the results of the reviews that funding was available but was not being used to its full potential.

The Standards Committee strongly feels that Clerks and Members who have received training are better placed to deal with governance issues, including compliance with the Code of Conduct.

The Standards Committee therefore is eager for Town and Community Councils to agree on their training plans for Clerks and Members for the year. It is requested that these plans be shared with the Standards Committee via e-mail to mwjcs@ynysmon.gov.uk by **31 July 2019**. A public report will be published with the Standard Committee's papers for the September 2019 meeting which will incorporate the responses received.

Yours sincerely,

Michael Wilson
Cadeirydd y Pwyllgor Safonau / Chair of the Standards Committee

Document: CC-019486-MY/499568



A yw'r e-bost hwn wedi ei farcio'n 'Swyddogol-Sensitif'? Os ydyw, rhaid i chi ystyried a oes gennych hawl i'w ddyblygu, ei argraffu neu ai anfon ymlaen. Os oes, sicrhewch os gwelwch yn dda fod yr e-bost ynghyd ag unrhyw atodiadau'n cael eu marcio'n 'Swyddogol-Sensitif'. Eich cyfrifoldeb chi yw sicrhau fod mesurau'n cael eu cymryd i ddiogelu, storio a chael gwared ar y wybodaeth mewn modd priodol. Mae hyn yn golygu fod rhaid diogelu'r wybodaeth gyda chyfrinair neu ei chadw mewn cwpwrdd ffeilio y mae modd ei gloi. Rhaid cael gwared ar ddogfennau 'Swyddogol-Sensitif' yn y biniau gwastraff y mae modd eu cloi. Os ydych yn ansicr ynghylch sut i ddefnyddio gwybodaeth 'Swyddogol-Sensitif', yna cysylltwch os gwelwch yn dda gyda llywodgwyb@ynysmon.gov.uk

Croeso i chi ddelio gyda'r Cyngor yn Gymraeg neu'n Saesneg. Cewch yr un safon o wasanaeth yn y ddwy iaith.

Has this e-mail been marked 'Official-Sensitive'? If so you must consider whether you have the right to duplicate, print or forward it on. If so please ensure that the e-mail and any attachments are marked as 'Official-Sensitive'. It is your responsibility to ensure that appropriate measures are taken to protect, store and dispose of this information properly. This means that the information must be password protected or kept in a lockable filing cabinet. 'Official-Sensitive' documents must be disposed of in the lockable waste bins. If you are unsure about how to use Official-Sensitive information please contact infogov@anglesey.gov.uk

You are welcome to deal with the Council in Welsh or English. You will receive the same standard of service in both languages.



ENCLOSURE 4

Hyfforddiant a Datblygiad ar gyfer Cynghorwyr a Chlercod Cynghorau Tref/Cymuned / Training and Development for Town/Community Councillors and Clerks

Ymatebion erbyn / Responses by 31.07.2019

	Dyddiad Ymateb wedi ei dderbyn / Date Response Received
Aberffraw	
Amlwch	<p>17/6/2019</p> <p>Trafodwyd cynnwys yr e-bost isod yng nghyfarfod diwethaf y Cyngor. Nodwyd nad oedd gan y Cyngor gynllun penodol ond bod posib i aelodau fynychu hyfforddiant perthnasol a bod cyllideb wedi ei glustnodi ar gyfer y gost. Nododd y Cadeirydd ei bod wedi mynychu nifer o sesiynau Un Llais Cymru a'u bod yn ddefnyddiol iawn.</p> <p><i>The content of the following e-mail was discussed in the last meeting of the Council. It was noted that the Council did not have a specific programme but that it is possible for members to attend relevant training and that a budget has been allocated for the cost. The Chair noted that she had attended a number of One Voice Wales and that they were very useful.</i></p>
Bodedern	
Biwmares / Beaumaris	
Bodffordd	
Bodorgan	
Bryngwran	<p>30/7/2019</p> <p>Mae Cynghorau Cymuned Llanddyfnan, Bryngwran, Llangristiolus a Penmynydd wedi trafod a chytuno ar gynlluniau hyfforddi ac wedi cyllidebu ar gyfer hyfforddiant. Mae'r pedwar cyngor yn mynychu cyrsiau wrth iddynt ddod ar gael.</p> <p><i>Llanddyfnan, Bryngwran, Llangristiolus and Penmynydd Community Council had discussed and agreed on training programmes and had provided a training budget. The four councils attend courses as they become available.</i></p>
Cwm Cadnant	
Cylch y Garn	
Caergybi / Holyhead	<p>26/7/2019</p> <p>Yn dilyn yr e-bost isod, dyma'r hyfforddiant sydd wedi ei drefnu ar</p>

	<p>gyfer aelodau hyd yn hyn.</p> <ul style="list-style-type: none"> Hyfforddiant Côt Ymddygiad wedi ei drefnu ar gyfer yr holl aelodau a swyddogion ar 10 Hydref. <p>Cytunir ar hyfforddiant pellach ar ôl yr hyfforddiant ar y Côt Ymddygiad.</p> <p>Rwyf ar hyn o bryd yn gweithio i gael cymhwyster CILCA (tystysgrif mewn gweinyddiaeth cyngorau lleol).</p> <p><i>Following the email sent below the training booked in for the members up to date.</i></p> <ul style="list-style-type: none"> <i>Code of Conduct for all members and officers booked in 10th October.</i> <p><i>Further training will be agreed after the Code of Conduct training.</i></p> <p><i>I am currently undertaking the CILCA (certificate in local council administration) qualification.</i></p>
Llanbadrig	<p>29/5/2019</p> <p>Ar ran Cyngor Cymuned Llanbadrig, hoffwn gadarnhau bod yr aelodau wedi trafod eich e-bost yn y cyfarfod diwethaf. Nodwyd bod cyllideb ar gyfer hyfforddiant i aelodau a'r clerc ond nad oedd cynllun penodol. Mae cyfle i unigolion fynychu unrhyw sesiwn hyfforddiant perthnasol sydd ar gael iddynt. Mae gwybodaeth am sesiynau Un Llais Cymru er enghraifft yn cael eu rhannu a'r aelodau yn reolaidd.</p> <p><i>On behalf of Llanbadrig Community Council, I wish to confirm that the members discussed your e-mail in the last meeting. It was noted that a budget was available for training for the members and the clerk but that there was no specific programme. Individuals may attend any relevant training sessions. Information regarding One Voice Wales sessions is circulated regularly to the members.</i></p>
Llanddaniel Fab	
Llanddona	<p>30/7/2019</p> <p>Mae'r ddau gyngor wedi clustnodi cyllideb ar gyfer hyfforddiant am 2019/20 ac mae dyddiadau a gynigir gan Un Llais Cymru neu asiantaethau eraill yn cael eu cylchredeg i'r aelodau ar unwaith wedi iddynt cael eu cyhoeddi.</p> <p>Mae Aelodau'n achub ar y cyfle i fynychu hyfforddiant os yn bosibl ond nid oes gennym raglen hyfforddiant.</p> <p><i>Both Councils have set a budget for training for 2019/20 and training dates offered by One voice Wales or other agencies are circulated to members as soon as they are released.</i></p>

	<p><i>Members take up the opportunity for training if possible, no do not have a training plan in place.</i></p>
Llanddyfnan	<p>30/7/2019</p> <p><i>Mae Cyngorau Cymuned Llanddyfnan, Bryngwran, Llangristiolus a Penmynydd wedi trafod a chytuno ar gynlluniau hyfforddi ac wedi cyllidebu ar gyfer hyfforddiant. Mae'r pedwar cyngor yn mynychu cyrsiau wrth iddynt ddod ar gael.</i></p> <p>Llanddyfnan, Bryngwran, Llangristiolus and Penmynydd Community Council have discussed and agreed training plans and have provided a training budget. The four councils attend courses as they become available.</p>
Llaneilian	<p>29/5/2019</p> <p><i>Ar ran Cyngor Cymuned Llaneilian, hoffwn gadarnhau bod yr aelodau wedi trafod eich ebost yn y cyfarfod diwethaf. Nodwyd bod cyllideb ar gyfer hyfforddiant i aelodau a'r clercc ond nad oedd cynllun penodol. Mae cyfle i unigolion fynychu unrhyw sesiwn hyfforddiant perthnasol sydd ar gael iddynt. Mae gwybodaeth am sesiynau Un Llais Cymru er enghraifft yn cael eu rhannu a'r aelodau yn reolaidd.</i></p> <p>On behalf of Llaneilian Community Council, I wish to confirm that the members discussed your e-mail in the last meeting. It was noted that a budget is available for training for members and the clerk but that there is no specific training programme. Individuals may attend any relevant training session which is available to them. Information regarding One Voice Wales sessions for instance is circulated regularly to the members.</p>
Llanerchymedd	
Llaneugrad (llythyr)	
Llanfachraeth	
Llanfaelog	<p>31/7/2019</p> <p> Minutes May 2019 Llanfaelog.pdf</p> <p> Llanfaelog CC Training Plan 2019-2</p>
Llanfaethlu a Llanfwrog	<p>1/7/2019</p> <p>Yn y cyfarfod o Gyngor Cymuned Llanfaethlu a Llanfwrog a gynhaliwyd ar 7 Mai 2019, cafodd eich e-bost ynghylch trafodaeth y Pwyllgor Safonau ar ofynion hyfforddiant a datblygu Cyngorau Cymuned a'u Clercod ei drafod yn faith.</p>

Er nad oedd unrhyw un yn gwrthwynebu i'r Côd Ymddygiad, roedd teimladau cryf ynghylch y disgwyliad sydd ar Gyngorwyr Cymuned i fynychu hyfforddiant ychwanegol ar gyfer eu rolau. Rhaid nodi bod Cyngorwyr yn rhoddi o'u hamser yn rhad ac am ddim er budd y gymuned ac yn y rhan fwyaf o achosion, maent dan bwysau oherwydd eu hymrwymadau i'w swyddi neu eu busnesau eu hunain. Ni fyddai gorfodi gofynion ychwanegol ar gyngorwyr i ymrwymo mwy yn cael derbyniad da yn enwedig pan mae gan aelodau ymrwymadau eraill yn y gymuned, megis fel Llywodraethwyr ysgol. Mae gennym lefydd gwag eisoes ar y cyngor ac mae nifer o gyngorwyr wedi dweud yn glir y byddant yn sefyll i lawr os ydynt yn cael eu gorfodi i fynychu hyfforddiant. Roedd cryn drwgdeimlad ynghylch y ffaith fod swyddogion o'r cyngor sydd ar gyflogau da yn mynnu eu bod hwy, fel gwirfoddolwyr, yn mynd ar hyfforddiant.



Ymhellach, yn ystod y cyfnod hwn o dorri cyllidebau cyngorau, rydym yn teimlo bod cost hyfforddiant o'r math yma yn foethusrwydd nad oes ei angen. Er mwyn arbed arian, mae'r cyfan o'n haelodau unwaith eto eleni wedi cytuno i beidio hawlio eu lwfansau.



Mae gennym nifer o aelodau ar ein Cyngor sydd wedi bod yn gwasanaethu am flynyddoedd lawer a chanddynt gryn brofiad o'r modd y mae cyfarfodydd yn cael eu rhedeg. Yn fy achos i, fel un sy'n weddol newydd i'r ardal, rwy'n fodlon rhoi o fy amser i'r Cyngor ond nid i ymrwymo fy hun i gyfarfodydd pellach. Rwyf hefyd yn gyn-Gadeirydd Cymdeithas ar lefel y DU gyda dros 30 o flynyddoedd o brofiad o gadeirio cyfarfodydd.



Hyderaf y byddwch yn deall teimladau'r Cyngor ac edrychwn ymlaen at ymateb yn y man.

At the meeting of the Llanfaethlu and Llanfwrog Community Council on 7th May 2019, your email regarding the Standards Committee discussion of training and development requirements of Community Councils and their Clerks was discussed at length.

Whilst no-one objected to the Code of Conduct, there was very strong feeling about the expectation on Community Councillors to undertake additional training for their roles. It must be pointed out that the Councillors give of their time freely for the benefit of the community, whilst in most cases being pressured by the commitments of their own employment or businesses. To impose additional requirements on councillors to increase their commitments would not be received well, particularly when members have other community commitments, such as school Governors. We already carry vacancies and several members have made it clear that they will stand down if forced to undergo training. There was considerable ill-feeling at being required to do such training as volunteers by well-paid officers of the council.

	<p><i>Furthermore in these days of cost-restricted council budgets we feel the expense of training of this sort is an unnecessary luxury. In order to save money all our members have agreed not to claim their allowance again this year.</i></p> <p><i>On our Council we have members who have served many years, with considerable experience of how the meetings run. For my part, as a relative newcomer to the area, I am happy to give up my time for the Council but not to commit myself to further meetings. I am also a former Chair of a UK-wide Association, with over 30 years of experience chairing meetings.</i></p> <p><i>I trust you will understand the feeling of the Council and we look forward to a response in due course.</i></p>
LlanfairME	
Llanfair yn Neubwll	<p>31/7/2019</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  May 2019M.doc </div> <div style="text-align: center;">  Llan NB Training Plan 2019-2022.pdf </div> </div>
Llanfairpwll	
Llanfihangelesceifiog	
Llangefni	
Llangoed a Phenmon	<p>30/7/2019</p> <p><i>Mae'r ddau Gyngor wedi gosod cyllideb ar gyfer hyfforddiant am 2019/20 ac mae dyddiadau hyfforddiant a gynigir gan Un Llais Cymru neu asiantaethau eraill yn cael eu cylchredeg i aelodau ar unwaith pan gânt eu cyhoeddi.</i></p> <p><i>Mae Aelodau'n achub ar y cyfle i fynd ar hyfforddiant os yw hynny'n bosibl ond nid oes cynllun hyfforddiant ar gael.</i></p> <p><i>Both Councils have set a budget for training for 2019/20 and training dates offered by One voice Wales or other agencies are circulated to members as soon as they are released.</i></p> <p><i>Members take up the opportunity for training if possible, no do not have a training plan in place.</i></p>
Llangristiolus (Ilythyr)	<p>30/7/2019</p> <p><i>Mae Cynghorau Cymuned Llanddyfnan, Bryngwran, Llangristiolus a Penmynydd wedi trafod a chytuno ar gynlluniau hyfforddi ac wedi cyllidebu ar gyfer hyfforddiant. Mae'r pedwar cyngor yn mynychu</i></p>

	cyrsgau wrth iddynt ddod ar gael
Llanidan	
Mechell	
Porthaethwy / Menai Bridge	
Moelfre	
Penmynydd a Star	<p>30/7/2019</p> <p>Mae Cyngorau Cymuned Llanddyfnan, Bryngwran, Llangristiolus a Penmynydd wedi trafod a chytuno ar gynlluniau hyfforddi ac wedi cyllidebu ar gyfer hyfforddiant. Mae'r pedwar cyngor yn mynychu cyrsiau wrth iddynt ddod ar gael.</p> <p><i>Llanddyfnan, Bryngwran, Llangristiolus and Penmynydd Community Councils have discussed and agreed training plans and have provided a budget for training. The four councils attend courses as they become available.</i></p>
Pentraeth	
Rhoscolyn (Ilythyr)	
Rhosybol	
Rhosyr	
Trearddur	<p>31/7/2019</p> <p>Gweler ynghlwm os gwelwch yn dda gopi o'r Cofnodion a'r cynllun hyfforddiant yn ôl yr angen.</p> <p>Mae'r Cyngor Cymuned wedi gofyn i mi hefyd fwydo'n ôl fod Un Llais Cymru'n darparu hyfforddiant codi ymwybyddiaeth yn bennaf ac mai ychydig iawn o hyfforddiant o ansawdd sydd ar gael i'r clercod ar hyn o bryd. Awgrymwyd hefyd bod staff y Cyngor efallai mewn gwell sefyllfa i rannu arfer orau a rhoi cefnogaeth i glercod.</p> <p><i>Please find attached a copy of the Minutes and Training plan as requested.</i></p> <p><i>I have also been asked by the Community Council to feed back that One Voice Wales mainly provide awareness training and that there is very little quality training available to the clerks at this time. It was also suggested that perhaps the County Council staff would be well placed to share best practices and provide support for clerks.</i></p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  <p>May 2019M.dotx</p> </div> <div style="text-align: center;">  <p>TB Training Plan 2019-2022.pdf</p> </div> </div>
Tref Alaw	

<p>Trewalchmai</p>	<p>16/7/2019 - Yn dilyn yr e-bost isod, amgaeaf gopi o gofnodion y Cyngor sy'n cadarnhau a Hyfforddiant a Datblygiad ar gyfer Cynghorwyr a Chlercod Cynghorau Cymuned a Thref (fe'u gwelir dan Eitem 4 Materion yn Codi (d).</p> <p><i>16/7/09 – Following the e-mail attached below, a enclose a copy of the Council minutes which confirm the Training and Development for Councillors and Clerks of Community and Town Councils (as they appear under Item 4 – Matters Arising (d).</i></p> <p> Cofnodion Gorffennaf 2019.do</p>
<p>Y Fali / Valley</p>	<p>14/7/2019 - Amgaeaf daflen yn gosod gwybodaeth ynglyn a hyfforddiant aelodau Cyngor Cymuned y Fali.</p> <p><i>14/7/19 – I enclose a spreadsheet which incorporates information regarding training undertaken by members of Valley Community Council.</i></p> <p> Training Record 140719.xlsx</p>

ENCLOSURE 5

Cyngor Tref/Cymuned / Town/Community Council	Ymateb ebost 4.7.2018 / Responded to email 4.7.2018	Ymateb ebost 1.5.2019 / Responded to email 1.5.2019
Aberffraw		
Amlwch		
Bodedern		
Biwmares / Beaumaris		
Bodffordd		
Bodorgan		
Bryngwran		
Cwm Cadnant		
Cylch y Garn		
Caergybi / Holyhead		
Llanbadrig		
Llanddaniel Fab		
Llanddona		
Llanddyfnan		
Llaneilian		
Llanerchymedd		
Llaneugrad		
Llanfachraeth		
Llanfaelog		
Llanfaethlu a Llanfwrog		
Llanfair Mathafarn Eithaf		
Llanfair yn Neubwll		
Llanfairpwll		
Llanfihangelesceifiog		
Llangefni		
Llangoed a Phenmon		
Llangristiolus		
Llanidan		
Mechell		
Porthaethwy / Menai Bridge		
Moelfre		
Penmynydd a Star		
Pentraeth		
Rhoscolyn		
Rhosybol		
Rhosyr		
Trearddur		
Tref Alaw		
Trewalchmai		
Y Fali / Valley		

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CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	17 September 2019
REPORT TITLE:	Review of Precedents / Briefing Notes for approval of the Standards Committee: <ul style="list-style-type: none"> - Briefing Note on Dispensation; - Methodology Note on the Review of the Registers for Community Councils; and - Standards Committee’s Terms of Reference / Constitution
PURPOSE OF THE REPORT:	To obtain the Standards Committee’s approval to the Precedents / Briefing Notes enclosed
REPORT BY:	Mared Wyn Yaxley Solicitor – Corporate Governance mwyics@ynysmon.gov.uk
LINK OFFICER:	Lynn Ball Head of Function (Council Business) / Monitoring Officer lbxcs@anglesey.gov.uk 01248 752586

1. INTRODUCTION

1.1 The Standards Committee regularly produces Precedents / Briefing Notes for Members in accordance with its decision to be pro-active and in an effort to assist members to comply with their obligations / by way of assistance.

Three documents are presented to the Committee for its approval.

2. BRIEFING NOTE ON DISPENSATIONS

2.1 The Standards Committee has agreed that the Briefing Notes prepared for members of the IOACC and Town and Community Councillors in relation to Dispensations should be reviewed.

2.2 The Standards Committee also agreed that the Public Services Ombudsman for Wales’ (PSOW) view should be ascertained in relation to the wording used in the PSOW’s Guidance on the Code of Conduct in relation to ground (j) in the legislation. The response from the PSOW should be reflected in the amended Briefing Note. The response from the PSOW is discussed under agenda item 14]

- 2.3 The originally Briefing Note has been amended in accordance with the discussions of the Standards Committee and the PSOW's responses to queries. The amended document, with tracked changes noted, for the Town and Community Councillors can be seen in **Appendix 1** and for the County Councillors can be seen in **Appendix 2**.
- 2.4 The Committee is asked to approve the documentation as amended and for the same to be distributed to the Town and Community Councillors and County Councillors accordingly.

3. METHODOLOGY NOTE ON THE REVIEW OF THE REGISTERS FOR COMMUNITY COUNCILS

- 3.1 The Standards Committee has agreed that the Methodology Note on the Town and Community Council Reviews should be reviewed in light of findings made when the Standards Committee members conducted the reviews during December 2018-February 2019.
- 3.2 The originally drafted Methodology Note has been amended in accordance with the discussions of the Standards Committee. The amended document, with tracked changes noted, can be seen in **Appendix 3** and a clean copy of the amended version is in **Appendix 4**.
- 3.3 The Committee is asked to approve the documentation as amended and for the same to be used in any future reviews conducted in the Town and Community Councils.

4. STANDARDS COMMITTEE'S TERMS OF REFERENCE / CONSTITUTION

4.1 Introduction

- 4.1.1 The Standards Committee, as a committee of the Isle of Anglesey County Council, is referred to in the Isle of Anglesey County Council's Constitution at paragraph 2.9.
- 4.1.2 There is also a full Standards Committee constitution / terms of reference document, which does not form part of the Council's Constitution but is referred to therein.
- 4.1.3 The detail included for the Standards Committee at paragraph 2.9 of the County Council's Constitution is limited.
- 4.1.4 The terms of reference document is intended as a more detailed document, which offers more practical information. As the document suggests, "It is intended as a 'working document' which incorporates the detail in relation to the proceedings of the Standards Committee and the documents which it has produced to assist elected and co-opted members of the Authority and Town and Community Councillors."

4.2 Documentation

4.2.1 IOACC's Constitution

- 4.2.1.1 At **Appendix 5** is a marked copy of Paragraph 2.9 of the current IOACC's Constitution.
- 4.2.1.2 The proposed changes are minimal and are suggested in order for the document to be clearer / confirm the legislative requirements.
- 4.2.1.3 Changes to the Constitution require a full Council decision, unless the changes come under the delegation provided to the Monitoring Officer. The proposed changes, as marked, come within the said delegation and so a Council decision will not be required.
- 4.2.1.4 The proposed changes are presented to the Standards Committee by way of consultation.

4.2.2 Terms of Reference

- 4.2.2.1 At **Appendix 6** is a marked copy of the current Terms of Reference of the Standards Committee.
- 4.2.2.2 This document is not part of the Council's Constitution and so a Council decision is not required. It is an internal document (albeit referred to in the full Council's Constitution) and as it includes details on the workings of the Standards Committee, any changes can be made by the Standards Committee itself.
- 4.2.2.3 The amendments made to this document are extensive, as this is seen to be a live document, which is intended as a practical guide. They include an additional section on "dispensations" and a section which will be a 'quick reference' list of the documentation provided by the Standards Committee to members in the County Council and/or the Town/Community Councils.

5. RECOMMENDATION

5.1 For the Standards Committee to

- 5.1.1 note the contents of this report;
- 5.1.2 confirm its agreement with the amendments to the Briefing Notes on Dispensations as shown in **Appendix 1** and **Appendix 2**;
- 5.1.3 confirm its agreement for **Appendix 1** to be sent to the Town and Community Councils with a request that the Clerks bring the same to the attention of the members, and for **Appendix 2** to be distributed to the IOACC elected and co-opted members and for the amended document to be uploaded to the intranet system accordingly;
- 5.1.4 confirm its agreement with the amendments to the Methodology Note on the Review of Registers as shown in **Appendix 3**;

- 5.1.5 confirm its agreement for the amended Methodology Note in **Appendix 4** to be used in any future reviews conducted in the Town and Community Councils;
- 5.1.6 confirm its agreement with the adoption of the Constitution of the Standards Committee of the Isle of Anglesey County Council with the annotated amendments noted in **Appendix 5**; and
- 5.1.7 adopt the Terms of Reference with the annotated amendments noted in **Appendix 6** and to publish the same on the Council's website.

Briefing Note for Town and Community Councillors on Anglesey

Dispensations

This is a briefing note for Town and Community Councillors on the topic of 'Dispensations'. Should Councillors or Clerks have any queries, please contact the Monitoring Officer at Anglesey County Council:

Lynn Ball - lbxc@anglesey.gov.uk

Under their Code of Conduct, no Councillor is allowed to participate in a matter in which he/she has a prejudicial* interest unless a dispensation has already been granted by the County Council's Standards Committee.

Grounds on which a dispensation may be granted

The grounds on which a dispensation may be granted are set out in statute and ~~are~~ are included in the [Standards Committees \(Grant of Dispensations\) \(Wales\) Regulations 2001 \(Appendix 1\)](#) as amended by Section 4 of the [Local Government \(Standard Committees, Investigations, Dispensations and Referral\) \(Wales\) \(Amendment\) Regulations 2016 \(Appendix 2\)](#):-

Dispensation may be granted on one or more of the following grounds:-

1. if no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business: (ground (a) in Welsh and English in the legislation);
2. (ground (b) in Welsh and English) – NOT APPLICABLE FOR TOWN AND COMMUNITY COUNCILS
3. (ground (c) in Welsh and English) – NOT APPLICABLE FOR TOWN AND COMMUNITY COUNCILS
4. if the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business: (ground (ch) in Welsh and ground (d) in English in the legislation);
5. if the interest is common to the member and a significant proportion of the general public: (ground (d) in Welsh and ground (e) in English in the legislation);
6. if the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise: (ground (dd) in Welsh and ground (f) in English in the legislation);
7. (ground (e) in Welsh and ground (g) in English) – NOT APPLICABLE FOR TOWN AND COMMUNITY COUNCILS
8. if the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the

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member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; (ground (f) in Welsh and ground (h) in English in the legislation);

9. if it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed; (ground (ff) in Welsh and ground (i) in English in the legislation); - or

10. if it appears to the committee that it is otherwise appropriate to grant a dispensation; (ground (g) in Welsh and ground (j) in English in the legislation).

[The Standards Committee must review dispensation on this ground every 12 months from the date the Dispensation is granted].

- ~~1. At least half of the Councillors (Community Council/Committee of the Community Council) would be unable to take part in a meeting because of a prejudicial* interest;~~
- ~~2. The nature of the interest is such that participation would not damage public confidence in the decision;~~
- ~~3. The Councillor's interest is common to a significant proportion of the general public;~~
- ~~4. The Councillor's particular role or expertise would justify participation;~~
- ~~5. The business relates to the finances or property of a voluntary organisation and the Councillor sits on its board/committee in his/her own right, and he/she does not have any other interest [although in this instance, any dispensation may allow the Councillor to speak on the matter, but not to vote];~~
- ~~6. The Standards Committee believes that the Councillor's participation would be in the interests of the people in the Community Council's area and the Committee notifies the Welsh Ministers within 7 days of the dispensation being granted; or~~
- ~~7.11. The Standards Committee believes it appropriate to grant the dispensation, as a practical solution to a disability (infirmity) of the Councillor's which otherwise would make it difficult for him/her to leave a room/chamber when a matter in which they have a prejudicial* interest is being discussed.~~

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How does a Community Councillor obtain a Dispensation?

The Councillor must apply in writing to the County Council's Standards Committee and will usually be expected to attend the public meeting of the Standards Committee/Panel which will take the decision.

A Councillor may apply individually or, in common circumstances, a joint or collective application may be made by more than one Councillor.

The Standards Committee will consider all applications on their own facts; balancing the public interest in preventing those with prejudicial* interests from taking part in decisions while maximising the public interest in democratic participation.

The decision as to whether a dispensation shall be granted is at the Standards Committee's discretion. The Standards Committee will explain its reasons. The terms and duration of any dispensation shall be decided by the Standards Committee.

If the Standards Committee approves an application it must grant the dispensation in writing. No Councillor may rely on a dispensation until such time the written decision has been circulated. Where necessary, and possible, this will be expedited.

Requirements on Councillors when relying on a dispensation

Once the Standards Committee has approved an application and has granted the dispensation, in writing, the Councillor will then be able to participate (subject to any limitations imposed) despite his/her prejudicial* interest.

(a) In formal Meetings:

When a Councillor has a dispensation and wants to participate in a meeting to discuss the relevant matter, the Councillor must:

- (i) state at the meeting, when the item is to be discussed, that he/she is relying on a dispensation; and
- (ii) before, or immediately after the close of the meeting, must give written notification** to the Community Council.

The notification must include:

1. details of the prejudicial* interest for which the dispensation was granted;
2. details of the business to which the prejudicial* interest relates;
3. details of the dispensation, including the date on which it was granted, and
4. the Councillor's signature.

(b) In informal meetings:

When a Councillor has a dispensation, and is making verbal representations at informal meetings, that Councillor must:

- (i) include details of the dispensation in such discussion and
- (ii) provide written notification** to the Community Council Clerk within 14 days of the discussion.

(c) In writing:

When a Councillor has been provided with a dispensation, and is making written representations to their Community Council, the Councillor must provide details of the dispensation in any correspondence on the subject to which the dispensation relates.

Footnote/definitions

CC-019560-MY / 354288 – Briefing Note
CC-019560-MY / 470956 – Application Form

Page 3

- * prejudicial interests – these are personal interests (listed in the Code of Conduct) which an objective observer would consider so significant that they are likely to compromise the Councillor’s ability to put the public interest first.
- ** written notification – in formal meetings, Councillors may rely upon the standard form of declaration. In informal meetings Councillors must provide written confirmation to the clerk/or other lead officer and ask that the dispensation be included in any informal minute/file note of the meeting/discussion.

THE ISLE OF ANGLESEY COUNTY COUNCIL

**APPLICATION FOR DISPENSATION TO THE STANDARDS COMMITTEE
BY A TOWN OR COMMUNITY COUNCILLOR**

Name of Applicant:	
Contact details:	
Name of Town / Community Council:	
Details of the prejudicial interest* in respect of which the Dispensation is sought:	
Business in which the applicant wishes to participate:	
Type of Dispensation sought (tick as necessary and insert any required information):	<ul style="list-style-type: none"> <input type="radio"/> write to officers [and/or the Committee/Community Council] about the matter; <input type="radio"/> speak to officers of the Community Council about the matter [with/without conditions [INSERT]] <input type="radio"/> speak at Committee meetings/Community Council meetings and answer any questions about the issue; <input type="radio"/> remain in the room during any debate/vote on the issue (available when Member has a disability); <input type="radio"/> vote; <input type="radio"/> <u>participate fully in any public meetings and meetings of any outside bodies etc.</u> <input type="radio"/> other – please specify: _____
Statutory Ground/s under which Dispensation is requested (See overleaf for possible grounds available):	
Date by which a decision is required:	

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Signed:	Date:
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* Prejudicial Interests – These are personal interests which an objective observer would consider so significant that they are likely to compromise a Councillor's ability to act in the public interest

Circumstances in which the Standards Committee may grant a dispensation to a Community Councillor

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

- ~~(a) no fewer than half of the Councillors (Community Council/Committee) by which the business is to be considered has an interest which relates to that business;~~
- ~~(b) NOT RELEVANT TO COMMUNITY COUNCILS~~
- ~~(c) an inability to participate would upset political balance to such an extent that the outcome would likely be affected;~~
- ~~(d) the nature of the interest is such that participation in the business to which the interest relates would not damage public confidence;~~
- ~~(e) the interest is common to the Councillor and a significant proportion of the general public;~~
- ~~(f) participation is justified by the Councillor's particular role or expertise;~~
- ~~(g) NOT RELEVANT TO COMMUNITY COUNCILS~~
- ~~(h) the business relates to the finances or property of a voluntary organisation of whose management committee or board the Councillor is a member otherwise than as a representative of the Community Council and the Councillor has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business;~~
- ~~(a) it appears to the Standards Committee to be in the interests of the inhabitants of the area of the Community Council that the disability should be removed, provided that written notification of the grant of the dispensation is given to the Welsh Ministers within 7 days. Such a notification should specify the Councillor to whom the dispensation would apply and the Standards Committee's reasons why the disability should be removed;~~
- ~~(b)(a) it appears to the Standards Committee to be otherwise appropriate to grant the dispensation, as a practical solution to the disability of the Councillor which otherwise would make it difficult for them to leave a room/chamber when a matter in which they have a prejudicial interest is being discussed.~~

(a) if no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business: (*English/Welsh ground (a)*)

(b) (*English/Welsh ground (b)*) – NOT APPLICABLE FOR TOWN AND COMMUNITY COUNCILS

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(c) (EnglishWelsh ground (c)) – NOT APPLICABLE FOR TOWN AND COMMUNITY COUNCILS

(d) if the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business; (EnglishWelsh ground (dch))

(e) if the interest is common to the member and a significant proportion of the general public; (EnglishWelsh ground (ed))

(f) if the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise; (EnglishWelsh ground (fd))

(g) (EnglishWelsh ground (ge)) – NOT APPLICABLE FOR TOWN AND COMMUNITY COUNCILS

(h) if the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; (EnglishWelsh ground (hf))

(i) if it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed; (EnglishWelsh ground (iff)) – or

(j) if it appears to the committee that it is otherwise appropriate to grant a dispensation; (EnglishWelsh ground (ig)),

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THE ISLE OF ANGLESEY COUNTY COUNCIL

**DECISION OF THE STANDARDS COMMITTEE
IN RELATION TO AN APPLICATION FOR DISPENSATION
BY A TOWN OR COMMUNITY COUNCILLOR**

Decision of the Standards Committee:	
Date decision made by the Standards Committee:	
Name of persons to be notified of the Standards Committee's decision:	<ul style="list-style-type: none">○ Clerk of the Town/Community Council○ Applicant○ Others: _____
Date the dispensation expires:	

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

- write to officers [and/or the Committee/Community Council] about the matter;
- speak to officers of the Community Council about the matter [with/without conditions [INSERT]];
- speak at Committee meetings/Community Council meetings and answer any questions about the issue;
- remain in the room during any debate/vote on the issue (due to the Member's disability);
- vote;
- other - _____

The Councillor can therefore speak [and vote] at Committee/Community Council meetings in relation to the matter and answer any questions from members of the Committee/Community Council [but must leave the meeting before matters that the Councillor speaks upon are debated or voted on] OR [and may remain in the room during the debate/vote but must not vote on the issue].

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

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

- complete a written notification to the clerk setting out the interest and the dispensation.

By authority of the Isle of Anglesey Standards Committee

Dated: _____



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 2279 (Cy. 169)

2001 No. 2279 (W. 169)

LLYWODRAETH LEOL,
CYMRULOCAL GOVERNMENT ,
WALESRheoliadau Pwyllgorau Safonau
(Caniatáu Gollyngiadau) (Cymru)
2001The Standards Committees (Grant
of Dispensations) (Wales)
Regulations 2001

NODYN ESBONIADOL

EXPLANATORY NOTE

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)**(This note does not form part of the Regulations)*

O dan adran 51 o Ddeddf Llywodraeth Leol 2000 ("y Ddeddf") mae'n ofynnol i gynghorau sir a chynghorau bwrdeistref sirol, awdurdodau tân ac awdurdodau Parciau Cenedlaethol yng Nghymru ("awdurdodau perthnasol") fabwysiadu cod ymddygiad ar gyfer aelodau ac aelodau cyfetholedig sy'n gorfod ymgorffori unrhyw ddarpariaethau gorfodol o unrhyw god ymddygiad enghreifftiol a gyhoeddir gan Gynulliad Cenedlaethol Cymru o dan adran 50(2) o'r Ddeddf.

County and county borough councils, community councils, fire authorities and National Park authorities in Wales ("relevant authorities") are required by section 51 of the Local Government Act 2000 ("the Act") to adopt a code of conduct for members and co-opted members which must incorporate any mandatory provisions of any model code of conduct issued by the National Assembly for Wales under section 50(2) of the Act.

Mae adran 81(1) a (2) o'r Ddeddf yn darparu bod yn rhaid i'r swyddog monitro ym mhob awdurdod perthnasol sefydlu a chadw cofrestr o fuddiannau aelodau ac aelodau cyfetholedig yr awdurdod a bod darpariaethau gorfodol y cod enghreifftiol sy'n gymwysadwy i bob awdurdod perthnasol yn gorfod ei gwneud yn ofynnol i aelodau ac aelodau cyfetholedig pob awdurdod gofrestru unrhyw fuddiannau ariannol ac eraill a bennir yn y darpariaethau gorfodol yng nghofrestr yr awdurdod hwnnw.

Section 81(1) and (2) of the Act provides that the monitoring officer of each relevant authority must establish and maintain a register of interests of the members and co-opted members of the authority and that the mandatory provisions of the model code applicable to each relevant authority must require the members and co-opted members of each authority to register in that authority's register such financial and other interests as are specified in the mandatory provisions.

O dan adran 81(3) a (4) o'r Ddeddf rhaid i'r darpariaethau gorfodol hynny ei gwneud yn ofynnol hefyd i aelod neu aelod cyfetholedig o awdurdod perthnasol sydd â buddiant o'r fath ei ddatgelu cyn cymryd rhan mewn unrhyw fusnes gan yr awdurdod sy'n berthnasol i'r buddiant a gwneud darpariaeth i atal yr aelod neu'r aelod cyfetholedig hwnnw rhag cymryd rhan mewn unrhyw fusnes gan yr awdurdod y mae'r buddiant a ddatgelwyd yn berthnasol iddo neu i gyfyngu ar y rhan y mae'n ei chymryd ynddo.

Under section 81(3) and (4) of the Act those mandatory provisions must also require a member or co-opted member of a relevant authority who has such an interest to disclose it before taking part in any business of the authority which relates to it and make provision for preventing or restricting the participation of that member or co-opted member in any business of the authority to which the disclosed interest relates.

Mae adran 81(4) o'r Ddeddf yn darparu nad yw unrhyw gyfranogiad gan aelod neu aelod cyfetholedig o awdurdod perthnasol mewn unrhyw fusnes a waherddir gan y darpariaethau gorfodol yn fethiant i gydymffurfio â chod ymddygiad yr awdurdod os yw'r aelod neu'r aelod cyfetholedig wedi gweithredu yn unol â gollyngiad rhag y gwaharddiad a gafodd ei ganiatáu gan bwyllgor safonau'r awdurdod yn unol â rheoliadau a wneir o dan is-adran (5).

Mae'r rheoliadau hyn yn rhagnodi'r amgylchiadau y caiff pwyllgorau safonau'r awdurdodau perthasol ganiatáu gollyngiadau o'r fath odanynt.

Section 81(4) of the Act provides that any participation by a member or co-opted member of a relevant authority in any business which is prohibited by the mandatory provisions is not a failure to comply with the authority's code of conduct if the member or co-opted member has acted in accordance with a dispensation from the prohibition granted by the authority's standards committee in accordance with regulations made under subsection (5).

These regulations prescribe the circumstances in which standards committees of relevant authorities may grant such dispensations.

2001 Rhif 2279 (Cy. 169)

2001 No. 2279 (W. 169)

LLYWODRAETH LEOL,
CYMRULOCAL GOVERNMENT,
WALESRheoliadau Pwyllgorau Safonau
(Caniatáu Gollyngiadau) (Cymru)
2001The Standards Committees (Grant
of Dispensations) (Wales)
Regulations 2001

Wedi'u gwneud 21 Mehefin 2001
Yn dod i rym 28 Gorffennaf 2001

Made 21st June 2001
Coming into force 28th July 2001

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd iddo gan adran 81(5) ac (8) o Ddeddf Llywodraeth Leol 2000(a).

The National Assembly for Wales makes the following Regulations in exercise of the power given to it by section 81(5) and (8) of the Local Government Act 2000(a).

Enw, cychwyn, cymhwyso a dehongli**Name, commencement, application and interpretation**

1.- (1) Enw'r Rheoliadau hyn yw Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 a deuant i rym ar 28 Gorffennaf 2001.

1.- (1) The name of these Regulations is the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 and they shall come into force on 28th July 2001.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

(2) These Regulations apply to Wales only.

(3) Yn y Rheoliadau hyn -

(3) In these Regulations -

mae "aelod" ("*member*") yn cynnwys aelod cyfetholedig;

"interest" ("*buddiant*") means an interest which is required to be registered in the relevant authority's register of interests;

ystyr "awdurdod perthnasol" ("*relevant authority*") yw cyngor sir neu gyngor bwrdeistref sirol, cyngor cymuned, awdurdod tân neu awdurdod Parc Cenedlaethol;

"member" ("*aelod*") includes a co-opted member;

ystyr "buddiant" ("*interest*") yw buddiant y mae'n ofynnol ei gofrestru yng nghofrestr buddiannau'r awdurdod perthnasol;

"relevant authority" ("*awdurdod perthnasol*") means a county or county borough council, a community council, a fire authority or a National Park authority;

ystyr "corff gwirfoddol" ("*voluntary organisation*") yw corff (heblaw awdurdod lleol neu gorff cyhoeddus arall) sy'n cynnal ei weithgareddau heblaw ar gyfer gwneud elw;

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

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

"voluntary organisation" ("*corff gwirfoddol*") means a body (other than a local authority or other public body) whose activities are carried on otherwise than for profit.

(a) 2000 p. 22.

(a) 2000 c. 22.

Yr amgylchiadau lle gellir caniatáu gollyngiadau

2. Caiff pwyllgor safonau awdurdod perthnasol ganiatáu gollyngiadau o dan adran 81(4) o'r Ddeddf -

(a) os oes gan ddim llai na hanner aelodau'r awdurdod perthnasol neu hanner aelodau un o bwyllgorau'r awdurdod (yn ôl fel y digwydd) y mae'r busnes i gael ei ystyried ganddo fuddiant sy'n berthnasol i'r busnes hwnnw;

(b) os oes gan ddim llai na hanner aelodau gweithrediaeth arweinydd a chabinet y mae'r busnes i gael ei ystyried ganddo fuddiant sy'n berthnasol i'r busnes hwnnw a bod naill ai paragraff (ch) neu baragraff (d) hefyd yn gymwys;

(c) yn achos cyngor sir neu gyngor bwrdeistref sirol, os byddai anallu aelod i gymryd rhan yn tarfu ar gydbwysedd gwleidyddol yr awdurdod perthnasol neu'r pwyllgor o'r awdurdod y mae'r busnes i'w ystyried ganddo i'r fath raddau nes y byddai'r canlyniad yn debygol o gael ei effeithio;

(ch) os yw natur buddiant yr aelod yn gyfryw fel na fyddai cyfranogiad yr aelod yn y busnes y mae'r buddiant yn berthnasol iddo yn niweidio hyder y cyhoedd yn y modd y mae busnes yr awdurdod perthnasol yn cael ei gynnal;

(d) os yw'r buddiant yn gyffredin i'r aelod ac i gyfran arwyddocaol o'r cyhoedd;

(dd) os oes cyfiawnhad i'r aelod gymryd rhan yn y busnes y mae'r buddiant yn berthnasol iddo oherwydd rôl neu arbenigedd penodol yr aelod;

(e) os yw'r busnes y mae'r buddiant yn berthnasol iddo i'w ystyried gan bwyllgor trosolygu a chraffu i'r awdurdod perthnasol ac nad yw buddiant yr aelod yn fuddiant ariannol;

(f) os yw'r busnes sydd i'w ystyried yn berthnasol i arian neu eiddo corff gwirfoddol y mae'r aelod yn aelod o'i bwyllgor neu ei fwrdd rheoli heblaw fel cynrychiolydd yr awdurdod perthnasol ac nad oes gan yr aelod unrhyw fuddiant arall yn y busnes hwnnw ar yr amod na fydd unrhyw ollyngiad yn ymestyn i gymryd rhan mewn unrhyw bleidlais mewn perthynas â'r busnes hwnnw; neu

(ff) os yw'n ymddangos i'r pwyllgor ei bod o les i drigolion ardal yr awdurdod perthnasol i'r anallu gael ei godi, ar yr amod bod hysbysiad ysgrifenedig bod y gollyngiad yn cael ei ganiatáu yn cael ei roi i Gynulliad Cenedlaethol Cymru o fewn saith diwrnod a hynny mewn unrhyw fodd y gall ei bennu.

Circumstances in which dispensations may be granted

2. The standards committee of a relevant authority may grant dispensations under section 81(4) of the Act where -

(a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;

(b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;

(c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;

(d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;

(e) the interest is common to the member and a significant proportion of the general public;

(f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;

(g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;

(h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or

(i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a).

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

21 Mehefin 2001

21st June 2001

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 2279 (Cy. 169)

2001 No. 2279 (W. 169)

**LLYWODRAETH LEOL,
CYMRU**

**LOCAL GOVERNMENT,
WALES**

**Rheoliadau Pwyllgorau Safonau
(Caniatáu Gollyngiadau) (Cymru)
2001**

**The Standards Committees (Grant
of Dispensations) (Wales)
Regulations 2001**

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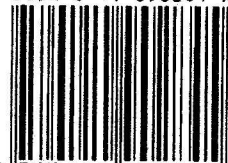
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WELSH STATUTORY INSTRUMENTS

2016 No. 85

**The Local Government (Standards Committees,
Investigations, Dispensations and Referral)
(Wales) (Amendment) Regulations 2016**

Amendments to the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001

4.—(1) The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001(1) are amended as follows.

(2) In regulation 1, in paragraph (3) in the appropriate place insert—

““community sub-committee” (“*is-bwyllgor cymunedol*”) means a sub-committee appointed by a standards committee of a local authority under section 56 of the Act;”;

““joint committee” (“*cyd-bwyllgor*”) means a committee established by two or more relevant authorities under section 53(1) of the Act;”;

““section 54A sub-committee” (“*is-bwyllgor adran 54A*”) means a sub-committee appointed by a standards committee under section 54A(1) of the Act”;

““standards committee” (“*pwyllogor safonau*”) means—

- (a) a standards committee of a relevant authority;
- (b) a joint committee;
- (c) a section 54A sub-committee; or
- (d) a community sub-committee;”.

(3) In regulation 2—

- (a) at the end of paragraph (h) omit “or”;
- (b) in paragraph (i), for the words that follow “removed” substitute “; or”;
- (c) after paragraph (i) insert—

“(j) “it appears to the committee to be otherwise appropriate to grant a dispensation.”

(4) After regulation 2 insert—

“Dispensations granted in accordance with regulation 2(j)

3.—(1) A dispensation granted by the standards committee of a relevant authority under section 81(4) of the Act on the grounds set out in regulation 2(j) and which remains in effect, must be reviewed by the standards committee once in every 12 month period from the date on which the dispensation is first granted.

(2) When conducting a review under paragraph (1) the standards committee must determine whether the dispensation should continue to have effect.

(1) S.I. 2001/2279 (W. 169).

Procedure and powers of standards committees

4.—(1) A standards committee of a relevant authority may refer an application for a dispensation made by a member of the authority to the standards committee of another relevant authority for consideration and determination.

(2) The monitoring officer of a relevant authority to which an application for a dispensation is made may, with the prior written consent of the chairperson of the standards committee of that authority, make arrangements for the application to be considered and determined by the standards committee of another relevant authority.

(3) Where reasonable efforts to contact the chairperson of the standards committee of the relevant authority have been unsuccessful, the vice-chairperson of the standards committee may give consent under paragraph (2).

(4) Where a monitoring officer or standards committee makes arrangements for a dispensation application to be considered and determined by the standards committee of another relevant authority, the monitoring officer or standards committee that makes those arrangements must provide notice to the person making the application accordingly.

(5) The notice to which paragraph (4) refers must include the following—

- (a) a statement that the matter has been referred to another relevant authority's standards committee for consideration and determination;
- (b) the name of the other relevant authority; and
- (c) the reason why the application has been referred to the standards committee of the other relevant authority.

(6) When the standards committee has determined the application it must give written notice of its decision to the—

- (a) member applying for the dispensation; and
- (b) standards committee of the referring relevant authority.”

Briefing Note to Members

Dispensations

This is a briefing note for Members of the Isle of Anglesey County Council on the topic of 'Dispensations'. Should Members have any queries, please contact the Monitoring Officer.

The Isle of Anglesey County Council's Code of Conduct for Members

No Member is allowed to participate in a matter where he/she has an interest which is prejudicial* unless a dispensation has already been granted by the Council's Standards Committee. This information is contained in [paragraph 14 of the Code](#)

Grounds on which a dispensation may be granted

The grounds on which a dispensation may be granted are [included in the Standards Committees \(Grant of Dispensations\) \(Wales\) Regulations 2001 \(Appendix 1\) as amended by Section 4 of the Local Government \(Standard Committees, Investigations, Dispensations and Referral\) \(Wales\) \(Amendment\) Regulations 2016 \(Appendix 2\).](#)

[Dispensation may be granted on one or more of the following grounds:-](#)

1. [if no fewer than half of the members of the relevant authority or of a committee of the authority \(as the case may be\) by which the business is to be considered has an interest which relates to that business; \(ground \(a\) in Welsh and English in the legislation\).](#)
2. [if no fewer than half of the members of a leader and cabinet executive by which the business is to be considered has an interest which relates to that business and either paragraph \(ch\) or \(d\) also applies; \(ground \(b\) in Welsh and English in the legislation\);](#)

[\[the Leader should be included in the Executive in calculating the proportion\].](#)
3. [in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected; \(ground \(c\) in Welsh and English in the legislation\);](#)
4. [if the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business; \(ground \(ch\) in Welsh and ground \(d\) in English in the legislation\);](#)
5. [if the interest is common to the member and a significant proportion of the general public; \(ground \(d\) in Welsh and ground \(e\) in English in the legislation\);](#)
6. [if the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise; \(ground \(dd\) in Welsh and ground \(f\) in English in the legislation\);](#)

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7. if the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest; (ground (e) in Welsh and ground (g) in English in the legislation);

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8. if the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; (ground (f) in Welsh and ground (h) in English in the legislation);

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9. if it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed; (ground (ff) in Welsh and ground (i) in English in the legislation); - or

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10. if it appears to the committee that it is otherwise appropriate to grant a dispensation; (ground (g) in Welsh and ground (j) in English in the legislation).

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[The Standards Committee must review dispensation on this ground every 12 months from the date the Dispensation is granted].

~~1. At least half of the relevant Members (Council/Committee) would be unable to take part in a meeting because of a prejudicial interest;~~

~~2. The lack of participation by Members would affect political balance;~~

~~3. The nature of the interest is such that participation would not damage public confidence in the decision;~~

~~4. The Applicant Member's interest is common to a significant proportion of the general public;~~

~~5. The Applicant Member's particular role or expertise would justify participation;~~

~~6. The interest is registrable but not financial and the decision will be considered by a scrutiny committee~~

~~7. The business relates to the finances or property of a voluntary organisation and the Applicant Member sits on its board or committee in his/her own right, and he/she does not have any other interest [although in this instance, any dispensation will not allow the Applicant Member to vote on the matter];~~

~~8. The Standards Committee believes that the Applicant Member's participation would be in the interest of the people in the Council's area and the Committee notifies Welsh Ministers within 7 days of the dispensation being granted; or~~

~~9.11. The Standards Committee believes it appropriate to grant the dispensation, as a practical solution to the disability (infirmity) of the Applicant Member which otherwise would make it difficult for them to leave a room/chamber when a matter in which they have a prejudicial* interest is being discussed.~~

What is the application process for a dispensation?

The Applicant Member must apply in writing to the Standards Committee and will usually be expected to attend the meeting of the Standards Committee Panel which will take the decision.

An Applicant Member may apply individually or, in common circumstances, a joint or collective application may be made by more than one Member.

The Standards Committee will consider all applications on their own facts; balancing the public interest in preventing those with prejudicial* interests from taking part in decisions while maximising the public interest in democratic participation.

The decision as to whether a dispensation shall be granted is at the Standards Committee's discretion. The terms and duration of any dispensation shall be decided by the Standards Committee.

If the Standards Committee approves an application it must grant the dispensation in writing. No Member may rely on a dispensation until such time as the written decision has been published. Where necessary, and possible, this will be expedited.

Requirements on Members when relying on a dispensation

Once the Standards Committee has approved an application and has granted the dispensation, in writing, the Member will then be able to participate (subject to any limitations imposed) despite his/her prejudicial* interest.

(a) Meetings:

Where a Member has a dispensation and wants to participate in a meeting to discuss the relevant matter, the Member must:

- (i) state at the meeting, when the item is to be discussed, that he/she is relying on a dispensation; and
- (ii) before, or immediately after the close of the meeting, he/she must give written notification** to the Council.
The notification must include:

- 1. details of the prejudicial* interest for which the dispensation was granted;
- 2. details of the business to which the prejudicial* interest relates;
- 3. details of the dispensation, including the date on which it was granted, and
- 4. the Member's signature.

(b) Written representations:

Where a Member has been provided with a dispensation, and is making written representations to the Council, the Member must provide details of the dispensation in any correspondence on the subject to which the dispensation relates.

(c) Oral representations:

Where a Member has been provided with a dispensation, and is making oral representations to the Council, that Member must:

- (i) include details of the dispensation in any oral representations and
- (ii) provide written notification** to the Council within 14 days of making the oral representations

Footnote/definitions

- * prejudicial interests – these are personal interests (listed in the Members' Code of Conduct) which an objective observer would consider so significant that they are likely to compromise the Member's ability to put the public interest first.
- ** written notification – in formal meetings, Members may rely upon the standard form of declaration. In informal meetings Members must provide written confirmation to the lead officer and ask that the dispensation be included in any informal minute/file note of the meeting.

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

Name of Member:	
Member's contact details:	
Ward:	
Nature of prejudicial interest* in respect of which the Dispensation is sought:	
Business in which the Member wishes to participate:	
Type of Dispensation sought (tick as necessary and insert any required information):	<ul style="list-style-type: none"> <input type="checkbox"/> write to officers [and/or the Executive / Committee / Council] about the issue; <input type="checkbox"/> speak to officers of the Council about the issue [in the presence of two other persons] [who are not Trustees or Board Members of [INSERT]], provided a note is taken of any such discussions; <input type="checkbox"/> speak at Executive/Committee/Council meetings and answer any questions about the issue; <input type="checkbox"/> remain in the room during any debate/voting on the issue (available where Member has a disability); <input type="checkbox"/> vote at such meetings; <input type="checkbox"/> participate fully in any public meetings and meetings of any outside bodies etc. <input type="checkbox"/> other – please specify: <hr style="width: 100%; border: 0; border-top: 1px solid black; margin-bottom: 2px;"/> <hr style="width: 100%; border: 0; border-top: 1px solid black; margin-bottom: 2px;"/>
Statutory Ground/s under which Dispensation is requested (See overleaf for available grounds):	
Is the interest registered as per Section 81(1) & (2) of the LGA 2000:	Yes / No
Date by which a decision is required:	
Signed:	Date:

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

Circumstances When A Standards Committee May Grant Dispensation

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

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

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- (d) if the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business: *(EnglishWelsh ground (dch))*
- (e) if the interest is common to the member and a significant proportion of the general public: *(EnglishWelsh ground (ed))*
- (f) if the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise: *(EnglishWelsh ground (fd))*
- (g) if the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest: *(EnglishWelsh ground (ge))*
- (h) if the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business: *(EnglishWelsh ground (hf))*
- (i) if it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed: *(EnglishWelsh ground (iff)) – or*
- (j) if it appears to the committee that it is otherwise appropriate to grant a dispensation: *(EnglishWelsh ground (ig))*

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

Decision of the Standards Committee:	
Date decision made by the Standards Committee:	
Name of persons to be notified of the Standards Committee's decision:	
Date any dispensation expires:	

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

- o write to officers [and/or the Executive/Committee/Council] about the issue;
- o speak to officers of the Council about the issue [in the presence of two other persons] [who are not Trustees or Board Members of [INSERT]], provided a note is taken of any such discussions;
- o speak at Executive/Committee/Council meetings and answer any questions about the issue;
- o remain in the room during any debate/voting on the issue (due to the Member's disability);
- o vote at such meetings;
- o [if relevant, this will include participating fully in any public meetings and meetings of any outside bodies etc.](#)
- o other - _____

The Councillor can therefore speak [and vote] at Executive/Committee/Council meetings in relation to the issue and answer any questions from members of the Executive/ Committee/Council [but must leave the meeting before matters that the Councillor speaks upon are debated or voted up on] OR [and may remain in the room during the debate and vote on the issue but must not vote on the issue].

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

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

By authority of the Isle of Anglesey County Council's Standards Committee

Dated: _____



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

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2001

The Standards Committees (Grant
of Dispensations) (Wales)
Regulations 2001

NODYN ESBONIADOL**EXPLANATORY NOTE**

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note does not form part of the Regulations)

O dan adran 51 o Ddeddf Llywodraeth Leol 2000 ("y Ddeddf") mae'n ofynnol i gynghorau sir a chynghorau bwrdeistref sirol, awdurdodau tân ac awdurdodau Parciau Cenedlaethol yng Nghymru ("awdurdodau perthnasol") fabwysiadu cod ymddygiad ar gyfer aelodau ac aelodau cyfetholedig sy'n gorfod ymgorffori unrhyw ddarpariaethau gorfodol o unrhyw god ymddygiad enghreifftiol a gyhoeddir gan Gynulliad Cenedlaethol Cymru o dan adran 50(2) o'r Ddeddf.

County and county borough councils, community councils, fire authorities and National Park authorities in Wales ("relevant authorities") are required by section 51 of the Local Government Act 2000 ("the Act") to adopt a code of conduct for members and co-opted members which must incorporate any mandatory provisions of any model code of conduct issued by the National Assembly for Wales under section 50(2) of the Act.

Mae adran 81(1) a (2) o'r Ddeddf yn darparu bod yn rhaid i'r swyddog monitro ym mhob awdurdod perthnasol sefydlu a chadw cofrestr o fuddiannau aelodau ac aelodau cyfetholedig yr awdurdod a bod darpariaethau gorfodol y cod enghreifftiol sy'n gymwysadwy i bob awdurdod perthnasol yn gorfod ei gwneud yn ofynnol i aelodau ac aelodau cyfetholedig pob awdurdod gofrestru unrhyw fuddiannau ariannol ac eraill a bennir yn y darpariaethau gorfodol yng nghofrestr yr awdurdod hwnnw.

Section 81(1) and (2) of the Act provides that the monitoring officer of each relevant authority must establish and maintain a register of interests of the members and co-opted members of the authority and that the mandatory provisions of the model code applicable to each relevant authority must require the members and co-opted members of each authority to register in that authority's register such financial and other interests as are specified in the mandatory provisions.

O dan adran 81(3) a (4) o'r Ddeddf rhaid i'r darpariaethau gorfodol hynny ei gwneud yn ofynnol hefyd i aelod neu aelod cyfetholedig o awdurdod perthnasol sydd â buddiant o'r fath ei ddatgelu cyn cymryd rhan mewn unrhyw fusnes gan yr awdurdod sy'n berthnasol i'r buddiant a gwneud darpariaeth i atal yr aelod neu'r aelod cyfetholedig hwnnw rhag cymryd rhan mewn unrhyw fusnes gan yr awdurdod y mae'r buddiant a ddatgelwyd yn berthnasol iddo neu i gyfyngu ar y rhan y mae'n ei chymryd ynddo.

Under section 81(3) and (4) of the Act those mandatory provisions must also require a member or co-opted member of a relevant authority who has such an interest to disclose it before taking part in any business of the authority which relates to it and make provision for preventing or restricting the participation of that member or co-opted member in any business of the authority to which the disclosed interest relates.

Mae adran 81(4) o'r Ddeddf yn darparu nad yw unrhyw gyfranogiad gan aelod neu aelod cyfetholedig o awdurdod perthnasol mewn unrhyw fusnes a waherddir gan y darpariaethau gorfodol yn fethiant i gydymffurfio â chod ymddygiad yr awdurdod os yw'r aelod neu'r aelod cyfetholedig wedi gweithredu yn unol â gollyngiad rhag y gwaharddiad a gafodd ei ganiatáu gan bwyllgor safonau'r awdurdod yn unol â rheoliadau a wneir o dan is-adran (5).

Mae'r rheoliadau hyn yn rhagnodi'r amgylchiadau y caiff pwyllgorau safonau'r awdurdodau perthasol ganiatáu gollyngiadau o'r fath odanynt.

Section 81(4) of the Act provides that any participation by a member or co-opted member of a relevant authority in any business which is prohibited by the mandatory provisions is not a failure to comply with the authority's code of conduct if the member or co-opted member has acted in accordance with a dispensation from the prohibition granted by the authority's standards committee in accordance with regulations made under subsection (5).

These regulations prescribe the circumstances in which standards committees of relevant authorities may grant such dispensations.

2001 Rhif 2279 (Cy. 169)

2001 No. 2279 (W. 169)

LLYWODRAETH LEOL,
CYMRULOCAL GOVERNMENT,
WALESRheoliadau Pwyllgorau Safonau
(Caniatáu Gollyngiadau) (Cymru)
2001The Standards Committees (Grant
of Dispensations) (Wales)
Regulations 2001

Wedi'u gwneud 21 Mehefin 2001
Yn dod i rym 28 Gorffennaf 2001

Made 21st June 2001
Coming into force 28th July 2001

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd iddo gan adran 81(5) ac (8) o Ddeddf Llywodraeth Leol 2000(a).

The National Assembly for Wales makes the following Regulations in exercise of the power given to it by section 81(5) and (8) of the Local Government Act 2000(a).

Enw, cychwyn, cymhwyso a dehongli**Name, commencement, application and interpretation**

1.- (1) Enw'r Rheoliadau hyn yw Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 a deuant i rym ar 28 Gorffennaf 2001.

1.- (1) The name of these Regulations is the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 and they shall come into force on 28th July 2001.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

(2) These Regulations apply to Wales only.

(3) Yn y Rheoliadau hyn -

(3) In these Regulations -

mae "aelod" ("*member*") yn cynnwys aelod cyfetholedig;

"interest" ("*buddiant*") means an interest which is required to be registered in the relevant authority's register of interests;

ystyr "awdurdod perthnasol" ("*relevant authority*") yw cyngor sir neu gyngor bwrdeistref sirol, cyngor cymuned, awdurdod tân neu awdurdod Parc Cenedlaethol;

"member" ("*aelod*") includes a co-opted member;

ystyr "buddiant" ("*interest*") yw buddiant y mae'n ofynnol ei gofrestru yng nghofrestr buddiannau'r awdurdod perthnasol;

"relevant authority" ("*awdurdod perthnasol*") means a county or county borough council, a community council, a fire authority or a National Park authority;

ystyr "corff gwirfoddol" ("*voluntary organisation*") yw corff (heblaw awdurdod lleol neu gorff cyhoeddus arall) sy'n cynnal ei weithgareddau heblaw ar gyfer gwneud elw;

"the Act" ("*y Ddeddf*") means the Local Government Act 2000; and

acystyr "y Ddeddf" ("*the Act*") yw Deddf Llywodraeth Leol 2000.

"voluntary organisation" ("*corff gwirfoddol*") means a body (other than a local authority or other public body) whose activities are carried on otherwise than for profit.

(a) 2000 p. 22.

(a) 2000 c. 22.

Yr amgylchiadau lle gellir caniatáu gollyngiadau

2. Caiff pwyllgor safonau awdurdod perthnasol ganiatáu gollyngiadau o dan adran 81(4) o'r Ddeddf -

(a) os oes gan ddim llai na hanner aelodau'r awdurdod perthnasol neu hanner aelodau un o bwyllgorau'r awdurdod (yn ôl fel y digwydd) y mae'r busnes i gael ei ystyried ganddo fuddiant sy'n berthnasol i'r busnes hwnnw;

(b) os oes gan ddim llai na hanner aelodau gweithrediaeth arweinydd a chabinet y mae'r busnes i gael ei ystyried ganddo fuddiant sy'n berthnasol i'r busnes hwnnw a bod naill ai paragraff (ch) neu baragraff (d) hefyd yn gymwys;

(c) yn achos cyngor sir neu gyngor bwrdeistref sirol, os byddai anallu aelod i gymryd rhan yn tarfu ar gydbwysedd gwleidyddol yr awdurdod perthnasol neu'r pwyllgor o'r awdurdod y mae'r busnes i'w ystyried ganddo i'r fath raddau nes y byddai'r canlyniad yn debygol o gael ei effeithio;

(ch) os yw natur buddiant yr aelod yn gyfryw fel na fyddai cyfranogiad yr aelod yn y busnes y mae'r buddiant yn berthnasol iddo yn niweidio hyder y cyhoedd yn y modd y mae busnes yr awdurdod perthnasol yn cael ei gynnal;

(d) os yw'r buddiant yn gyffredin i'r aelod ac i gyfran arwyddocaol o'r cyhoedd;

(dd) os oes cyfiawnhad i'r aelod gymryd rhan yn y busnes y mae'r buddiant yn berthnasol iddo oherwydd rôl neu arbenigedd penodol yr aelod;

(e) os yw'r busnes y mae'r buddiant yn berthnasol iddo i'w ystyried gan bwyllgor trosolygu a chraffu i'r awdurdod perthnasol ac nad yw buddiant yr aelod yn fuddiant ariannol;

(f) os yw'r busnes sydd i'w ystyried yn berthnasol i arian neu eiddo corff gwirfoddol y mae'r aelod yn aelod o'i bwyllgor neu ei fwrdd rheoli heblaw fel cynrychiolydd yr awdurdod perthnasol ac nad oes gan yr aelod unrhyw fuddiant arall yn y busnes hwnnw ar yr amod na fydd unrhyw ollyngiad yn ymestyn i gymryd rhan mewn unrhyw bleidlais mewn perthynas â'r busnes hwnnw; neu

(ff) os yw'n ymddangos i'r pwyllgor ei bod o les i drigolion ardal yr awdurdod perthnasol i'r anallu gael ei godi, ar yr amod bod hysbysiad ysgrifenedig bod y gollyngiad yn cael ei ganiatáu yn cael ei roi i Gynulliad Cenedlaethol Cymru o fewn saith diwrnod a hynny mewn unrhyw fodd y gall ei bennu.

Circumstances in which dispensations may be granted

2. The standards committee of a relevant authority may grant dispensations under section 81(4) of the Act where -

(a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;

(b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;

(c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;

(d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;

(e) the interest is common to the member and a significant proportion of the general public;

(f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;

(g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;

(h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or

(i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(a).

21 Mehefin 2001

21st June 2001

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 2279 (Cy. 169)

2001 No. 2279 (W. 169)

**LLYWODRAETH LEOL,
CYMRU**

**LOCAL GOVERNMENT,
WALES**

**Rheoliadau Pwyllgorau Safonau
(Caniatáu Gollyngiadau) (Cymru)
2001**

**The Standards Committees (Grant
of Dispensations) (Wales)
Regulations 2001**

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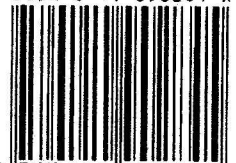
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WELSH STATUTORY INSTRUMENTS

2016 No. 85

**The Local Government (Standards Committees,
Investigations, Dispensations and Referral)
(Wales) (Amendment) Regulations 2016**

Amendments to the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001

4.—(1) The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001(1) are amended as follows.

(2) In regulation 1, in paragraph (3) in the appropriate place insert—

““community sub-committee” (“*is-bwyllgor cymunedol*”) means a sub-committee appointed by a standards committee of a local authority under section 56 of the Act;”;

““joint committee” (“*cyd-bwyllgor*”) means a committee established by two or more relevant authorities under section 53(1) of the Act;”;

““section 54A sub-committee” (“*is-bwyllgor adran 54A*”) means a sub-committee appointed by a standards committee under section 54A(1) of the Act”;

““standards committee” (“*pwyllogor safonau*”) means—

- (a) a standards committee of a relevant authority;
- (b) a joint committee;
- (c) a section 54A sub-committee; or
- (d) a community sub-committee;”.

(3) In regulation 2—

(a) at the end of paragraph (h) omit “or”;

(b) in paragraph (i), for the words that follow “removed” substitute “; or”;

(c) after paragraph (i) insert—

“(j) “it appears to the committee to be otherwise appropriate to grant a dispensation.”

(4) After regulation 2 insert—

“Dispensations granted in accordance with regulation 2(j)

3.—(1) A dispensation granted by the standards committee of a relevant authority under section 81(4) of the Act on the grounds set out in regulation 2(j) and which remains in effect, must be reviewed by the standards committee once in every 12 month period from the date on which the dispensation is first granted.

(2) When conducting a review under paragraph (1) the standards committee must determine whether the dispensation should continue to have effect.

(1) S.I. 2001/2279 (W. 169).

Procedure and powers of standards committees

4.—(1) A standards committee of a relevant authority may refer an application for a dispensation made by a member of the authority to the standards committee of another relevant authority for consideration and determination.

(2) The monitoring officer of a relevant authority to which an application for a dispensation is made may, with the prior written consent of the chairperson of the standards committee of that authority, make arrangements for the application to be considered and determined by the standards committee of another relevant authority.

(3) Where reasonable efforts to contact the chairperson of the standards committee of the relevant authority have been unsuccessful, the vice-chairperson of the standards committee may give consent under paragraph (2).

(4) Where a monitoring officer or standards committee makes arrangements for a dispensation application to be considered and determined by the standards committee of another relevant authority, the monitoring officer or standards committee that makes those arrangements must provide notice to the person making the application accordingly.

(5) The notice to which paragraph (4) refers must include the following—

- (a) a statement that the matter has been referred to another relevant authority's standards committee for consideration and determination;
- (b) the name of the other relevant authority; and
- (c) the reason why the application has been referred to the standards committee of the other relevant authority.

(6) When the standards committee has determined the application it must give written notice of its decision to the—

- (a) member applying for the dispensation; and
- (b) standards committee of the referring relevant authority.”

**STANDARDS COMMITTEE: REVIEW OF THE REGISTER OF INTERESTS
OF THE TOWN AND COMMUNITY COUNCILLORS –
METHODOLOGY ADVICE NOTE (September 2018/April 2019)**

You have been asked to carry out a review of the Registers of Interests for Town and Community Councillors. This note has been produced in order to assist you in that process by detailing the documents which need to be reviewed, the type of information which you will need to gather from looking at those documents and the method for reporting your findings.

A. DOCUMENTS TO BE REVIEWED

The documents to be reviewed during this exercise are since the ~~as of~~ **4th May 2017** (‘the relevant date’):-

1. The Register of Personal Interests

- There is no specific format for the Register of Interests, but generally the Register will consist of:

- ~~(a) Minutes for the relevant meeting (which should confirm the declaration of interest made) and (b) (a) the Declaration of Interest forms (completed by each member following an oral declaration of personal and/or prejudicial interests made for the first time at the relevant meeting) and (b) any written confirmation received from Councillors notifying of any change in their personal/prejudicial interests within the Register.~~

(a) Minutes of Meetings:

- You should review the Agenda and Minutes for the Council and its sub-Committee meetings.

(a) Declaration of Interests in Meetings Forms:

(b)

- These are the paper forms which are completed by each Member Councillor who declares either a personal, or a personal and prejudicial interest, for the first time, regarding an item discussed at a meeting.

(b) Declarations regarding any change to registered interests

- This is the written confirmation provided by a councillor within 28 days of their registered personal/prejudicial interest changing.

(b) Declarations regarding any change to registered interests

~~This is the written confirmation provided by a Councillor within 28 days of their registered personal/prejudicial interest changing.~~

The Register should be considered in line with the declarations noted in the Minutes of Council Meetings.

2. (c) Minutes of Meetings:

- You should review the Agenda and Minutes of the Council’s meetings and its sub-committees in the context of the declarations in 1 above.

3. Code of Conduct

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- Copy of the Town/Community Council's Code of Conduct for its memberscouncillors.

~~3.~~ **4. List of names of all Town/Community Councillors since the relevant date**

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~~5.~~ **5. Copy of the form of acceptance of office by each current member councillor of the Town/Community Council, which includes the statutory undertaking to comply with the Code of Conduct**

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- ~~4.~~
- Councillors are expected to have signed a new undertaking to abide by the Code of Conduct following the local elections in May 2017; this is required irrespective of whether or not the member was being re-elected and whether or not an election took place for that Town/Community Council.

~~5.~~ **6. Members' Training Records**

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- There is no statutory requirement to maintain a TrainRecord, but the Standards Committee considers it to be good practice.

~~6.~~ **7. Information on Clerk Training**

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- Clerks are employed by the Town/Community Council and do not come under the remit of the Standards Committee's role. However, Clerks are the proper officers within the Town/Community Councils and the Standards Committee s experience demonstrates feels that a properly trained and resourced Clerk will assist the Council collectively, being better equipped to advise memberscouncillors, both inside and outside meetings, on matters including the Code of Conduct.

~~7.~~ **8. The Town / Community Council's Website**

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- As of May 2015, Town and Community Councils now have a statutory requirement to have websites and to publish specified information on these websites. [The details of these requirements are discussed further in section B.7 below.]

~~8.~~ **9. Local Resolution Protocol**

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- For a Town/Community Council to adopt a Local Resolution Protocol is considered good practice.
- A precedent Protocol has been drafted by One Voice Wales and circulated by them to all the Town/Community Councils.

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B. WHAT NEEDS TO BE REVIEWED?

1. The Register of Personal Interests

- The requirements for Town and Community Councils is different from cocouncillors in the IOACC.

- There is no requirement for a sStanding Rregister i.e. pre-registration of employment / business / land holdings / membership of outside bodies etc; nor is there a requirement for a gifts and Hospitality Rregister.
 - The requirement for Town and Community Councillors is to declare a personal or personal and prejudicial interest (which includes any gift and / or hospitality received if it is connected to the matter under consideration) "there and then" if, and when, a matter arises. Also, if a declaration is made for the first time, the cCouncillor is obliged re-is-a-duty under the cCode of Conduct to for the Councillor to confirm that oral declaration by giving written notification to the cClerk.
 - A copy of a Briefing Note prepared for members of Town and Community Councils in 2016-2019 is included as **Appendix 1**.
- There is no specific format for the rRegister of interests, but using a standard form for every registration of personal/prejudicial interests, and collecting them in an individual file, in the order of the Members' names, will suffice. Any written notifications by cCouncillors that are received in order to confirm a change to their registered personal/prejudicial interest, can be added. These individual forms, togethercollectively, form the Rregister of interests declared by the Town/Community councillorsCouncil Members. If a Councillor has not made any declaration, then he/s/he will have no records/forms in the Rregister.
 - generally the Register will consist of the Declaration of Interest forms and the Minutes for the relevant meeting.
- The requirement to declare the personal/prejudicial interest orallyverbally, provide the written confirmation in order to "register" the interest, and to provide written confirmation of any change in those registered interests, is the responsibility of the cCouncillor. The requirement to maintain and publish the Rregister of interests is the responsibility of the Clerk, as the proper officer of the Town/Community Council. Maintenance of a Register is the Clerk's responsibility as the proper officer of the Council; but completing the Declarations and ensuring the same have been recorded correctly is each Councillor's own responsibility under the Code of Conduct.
- Whatever format the Rregister of interests takes,
 - Check the rRegister is made available by the Town/Community Council for inspection by the public at all reasonable times. [There is also a requirement for the same to be published on the Town/Community Council's website; this is discussed further in sub-section 7 below.]

➤ **Declaration of Interests in Meetings Forms:**

- a. There is no single format for the dDeclaration of interests Form to be used to confirm a declaration of personal and/or prejudicial interest made for the first time orally at a meeting. The dDeclaration Form² used by IOACC is attached as **Appendix 2** and this shows all required fields.

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→ Check that the form used by the Town/Community Council is satisfactory.

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→ Do you wish to suggest any changes to the form for the declaration of interests in meetings in order to assist councillors in the Town/Community Councils or to improve clarity and/or transparency for the public?

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b. In general, and as a matter of principle, the paper declaration forms should be standalone in order that the public understand the interest and how it is relevant to the item on the agenda, the connection with that item, and whether the interest is a personal interest or a personal and prejudicial interest, meaning that the Councillor had to leave the meeting as a result of a personal interest which is also prejudicial.

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b. → Check if the form has been completed in full and in a way that would make sense to anybody reading it (i.e. members of the public who have no information or specific expertise with regard to the code of Conduct and its requirements)?

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→ Is there sufficient information regarding the interest and how it is relevant to the Agenda item?

c. Is there any indication that councillors are having difficulty differentiating between the declaration of personal interests (where they would be permitted to remain in the meeting) and the declaration of personal and prejudicial interests (where they are required to leave meetings)? Or are Councillors declaring interests unnecessarily and being over-cautious?

→ Consider, based on the facts which have been declared by the councillor or the detail included in the Agenda/Reports/Minutes if the declaration was personal or personal and prejudicial. Does your opinion concur with that which resemble what the councillor expressed?

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d. You will then need to cross-reference the information included in the dDeclaration of interests Form with the Minutes for the relevant meeting. Of course, the only requirement is that a written confirmation has been completed for when the declaration was made orally/verbally for the first time, therefore there will not be a form will not be available for every time a Councillor makes a verbal-oral declaration (although the Mminutes should confirm every oral-verbal declaration) (see below for further information about regarding the requirements for the Mminutes).

➤ A personal / prejudicial interest will only be regarded as a previously disclosed interest if a written notification has been provided since the last date ~~on~~ when the individual was elected, appointed or nominated as a member of the Town/Community Council.

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➤ Written confirmation from Councillors regarding changes to their

registered interests:

a. Should there be any changes to registered personal interests / prejudicial interests, a Town/Community Councillor must confirm the change in writing with the Clerk of the Town/Community Council within 28 days of the change occurring.

a. → Check whether a written confirmation has been completed for updating any change to a personal / prejudicial interest.

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Minutes of Meetings:

a. 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 of their obligation.

a. → Check that the Agendas includes "Declarations of Interest" as a standing item on the agenda

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b. Review the Minutes for the meeting in which the declaration was made for the first time to ascertain if those Minutes confirm the information included on the Declaration of Interests Form.

When a declaration of personal/prejudicial interest is made orally/verbally by a Councillor in a meeting, the verbal declaration should be recorded in the Minutes (although a Declaration of Interest Form has not been completed since the interest is already registered).

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→ Check that under the "Declarations of Interest" standing item on the agenda, that the Minutes confirm:

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- a declaration of interest was made,
- the name of the member-councillor making the oral declaration,
- to which agenda item the declaration relates, and
- whether the declaration made was a personal or prejudicial interest;
- and if prejudicial, that the Member-councillor left the meeting for that item.

c. Furthermore, under the business item itself, it would be good practice for the Minutes to confirm:

- e.
 - a declaration of interest has been made, and by whom,
 - whether the interest is personal or prejudicial,
 - details of the personal/prejudicial interest, and
 - when prejudicial, that the member-councillor left the meeting room.

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d. Consider the interests that have been "registered" by the Councillors (check the Register and the information contained on the Declaration of Interests Form) and then consider a few items on various-

~~the agenda of various meetings. Agenda~~ Should a Councillor be declaring an interest in a particular matter?

~~→ It is good practice to include in the for the Mminutes of meetings, to include~~ a reference (within the declaration of interest that is noted) to the date on which the interest (which is being declared ~~or~~ verbally) was registered in the Register of Interests, for the expediency/convenience of to the public.

e. ~~(e)~~ → Are there any examples when Councillors have declared interests in meetings for the first time but have forgotten to complete the declaration of interests in meetings form?

~~d~~

→ Are there any examples when Councillors have completed a declared interests by virtue of the Declaration of Interests Form in order to confirm an interest that was declared ~~or~~ verbally at a meeting but that information has not been confirmed the verbal declaration was not mentioned in the Mminutes of the Council meeting itself?

Other:

There are several Town/Community Councils where the councillors Members follow/adapt the practice of confirming every verbal declaration of personal or prejudicial interests through written confirmation. In these circumstances, the Register is formed of/contains all the declaration forms, which are usually kept in order-of-date order.

2. Code of Conduct

a. Since 1st April 2016, there is a requirement for all Town and Community Councils to adopt a Code of Conduct in accordance with the Model Code of Conduct introduced by that legislation.

~~a~~

→ Check that the Town-/Community Council has adopted the a Code of Conduct which is in accordance with the Model Code of Conduct.

b. 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 (PSOW).

~~b~~

→ Check that the Town-/Community Council has advised the PSOW Ombudsman and satisfied the advertising requirements in relation to this adoption.

c. In its advice note dated March 2017 (following a review of a sample of the Town and Community Councils during the Autumn and Winter of 2016/2017) the Standards Committee asked the Town and Community Councils to ensure the updated Code of Conduct and the Briefing Note on the statutory requirements for Town and Community councillors/members on declaration of personal interests be (referred to in this Methodology Note as Appendix 4) were brought to the attention of its councillors/members following the May 2017 elections.

~~c~~

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→ Check that the **Town-/Community Council** has complied with this requirement by reviewing the **Minutes** for the relevant meeting.

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3. List of names of all Town-/Community Councillors since the relevant date

4. Copy of the form of acceptance of office by each current members of the **Town-/Community Council**, which included the statutory undertaking to comply with the Code of Conduct

a. Each **Town-/Community Councillor** needs to have signed a form of acceptance of office and a statutory undertaking to comply with the **Code of Conduct**.

a.

→ Check the list of **Town-/Community Councillor** names (document 3) against all the forms of acceptance received (documents 4).

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→ Has each **member-councillor** signed a new undertaking to abide by the **Code of Conduct** following the local elections in May 2017?

→ Has the undertaking been signed by the **Councillor** 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.

5. Members' Training Records

a. → Have the **Councillors** been offered **Code of Conduct** training?

b. → Do **Councillors** attend training when it is offered?

6. Information on Clerk Training

a. → Has the **Clerk** attended training?

b. → How was the cost of this training met? Was this included in the precept amount, as suggested by the Standards Committee in its communication to the **Town and Community Councils** in November 2017?

7. Websites

a. Statutory Guidance has been issued to assist **Town and Community Councils** in fulfilling their obligation to make certain information available electronically (**Appendix 3.**)

b. Check:

→ Does the **Town-/Community Council** have a website?

→ If not **in relation to the above**, query if the **Town-/Community Council** has applied for a grant to spend on establishing a new website?

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→ Are notices and papers published electronically on the website?

- Is the rRegister of iinterests published electronically on the website?
- Is there contact information for the tTown-/Cccommunity c-Council (and if different, the cClerk) on the website including a telephone number, a postal address and an email address?
- Is the cCouncil's email address a generic email address (rather than a personal email address)?
- Does the website include 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 cCouncil?
- Are public notices, including notices of meetings, published electronically?
- Are the minutes of the meetings and any documents referred to therein published on the website?
- Are the annual audited accounts for the tTown-/Cccommunity Ccouncil published on the website?
- Is it possible to distinguish between those who are co-opted members and elected members? This is advised in the statutory guidance as being in the interest of transparency.

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8. Local Resolution Protocol

- a. → Has the tTown-/Cccommunity Ccouncil adopted a lLocal Rresolution Pprotocol?
- b. → Is the pProtocol adopted by the the Ttown-/Cccommunity Ccouncil the protocol prepared by One Voice Wales?

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C. REPORTING YOUR FINDINGS

1. It is suggested that you report your findings by way of a table with the following headings:

REVIEWERS	TOWN / COMMUNITY COUNCIL	REGISTER OF PERSONAL INTERESTS	ADOPTION OF CODE OF CONDUCT	FORM OF ACCEPTANCE / STATUTORY UNDERTAKING BY THE INDIVIDUAL COUNCILLORS	MEMBER TRAINING	CLERK TRAINING	WEBSITE	LOCAL RESOLUTION PROTOCOL
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2. The information which is included under each heading will be the 'answers' to those questions which have been asked in B above, whilst considering the documentation referred to in A above.

3. You may include any further information—/—comments which has not been mentioned or referred to in this Advisory Note. This Note has been prepared by way of guidance only and is not designed to limit your conduct in carrying out the Review albeit the Standards Committee's remit must be borne in mind.

Prepared by the Monitoring Officer
~~September 2018~~August pril-2019

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 1st 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

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



Llywodraeth Cymru
Welsh Government

www.gov.wales

Statutory Guidance

Access to Information on Community And Town Councils

May 2015



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WG25090

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 Act¹). 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.

¹ Currently the 'Local Authorities (Model Code of Conduct) (Wales) Order 2008'

**STANDARDS COMMITTEE: REVIEW OF THE REGISTER OF INTERESTS
OF THE TOWN AND COMMUNITY COUNCILLORS –
METHODOLOGY ADVICE NOTE (April 2019)**

You have been asked to carry out a review of the registers of interests for town and community councillors. This note has been produced in order to assist you in that process by detailing the documents which need to be reviewed, the type of information which you will need to gather from looking at those documents and the method for reporting your findings.

A. DOCUMENTS TO BE REVIEWED

The documents to be reviewed during this exercise are since the **4th May 2017** ('the relevant date'):-

1. The Register of Personal Interests

- There is no specific format for the register of interests, but generally the register will consist of:

(a) Declaration of Interests in Meetings Forms:

- These are the paper forms which are completed by each councillor who declares either a personal, or a personal and prejudicial, interest for the first time, regarding an item discussed at a meeting.

(b) Declarations regarding any change to registered interests

- This is the written [confirmation provided](#) by a councillor within 28 days of their registered personal/prejudicial interest changing.

The Register should be considered in line with the declarations noted in the minutes of council meetings.

2. Minutes of Meetings:

- You should review the agenda and minutes of the council's meetings and its sub-committees in the context of the declarations in 1 above.

3. Code of Conduct

- Copy of the town/community council's code of conduct for its councillors.

4. List of names of all town/community councillors since the relevant date

5. Copy of the form of acceptance of office by each current councillor of the town/community council, which includes the statutory undertaking to comply with the code of conduct

- Councillors are expected to have signed a new undertaking to abide by the code of conduct following the local elections in May 2017; this is required irrespective of whether or not the member was being re-elected and whether or not an election took place for that town/community council.

6. **Members' Training Records**

- There is no statutory requirement to maintain a training record, but the Standards Committee considers it to be good practice.

7. **Information on Clerk Training**

- Clerks are employed by the town/community council and do not come under the remit of the Standards Committee's role. However, clerks are the proper officers within the town/community councils and the Standards Committee's experience demonstrates that a properly trained and resourced clerk will assist the council collectively, being better equipped to advise councillors, both inside and outside meetings, on matters including the code of conduct.

8. **The Town / Community Council's Website**

- As of May 2015, town and community councils have a statutory requirement to have websites and to publish specified information on these websites. [The details of these requirements are discussed further in section B.7 below.]

9. **Local Resolution Protocol**

- For a town/community council to adopt a local resolution protocol is good practice.
- A precedent protocol has been drafted by One Voice Wales and circulated by them to all town/community councils.

B. WHAT NEEDS TO BE REVIEWED?

1. The Register of Personal Interests

- The requirements for town and community councils is different from councillors in the IOACC.
 - There is no requirement for a standing register i.e. pre-registration of employment / business / land holdings / membership of outside bodies etc; nor is there a requirement for a gifts and hospitality register.
 - The requirement for town and community councillors is to declare a personal, or personal and prejudicial, interest (which includes any gift and / or hospitality received if it is connected to the matter under consideration) "there and then" if, and when, a matter arises. Also, if a declaration is made for the first time, the councillor is obliged under the code of conduct to confirm that oral declaration by giving written notification to the clerk.
 - A copy of a Briefing Note prepared for members of town and community councils in 2019 is included as **Appendix 1**.
- There is no specific format for the register of interests, but using a standard form for every registration of personal/prejudicial interests, and collecting them in an individual file, in the order of the members' names, will suffice. Any written notifications by councillors that are received in order to confirm a change to their

registered personal/prejudicial interest, can be added. These individual forms, collectively, form the register of interests declared by the town/community councillors. If a councillor has not made any declaration, then s/he will have no records/forms in the register.

- The requirement to declare the personal/prejudicial interest verbally, provide the written confirmation in order to “register” the interest, and to provide written confirmation of any change in those registered interests, is the responsibility of the councillor. The requirement to maintain and publish the register of interests is the responsibility of the clerk, as the proper officer of the town/community council.
- Whatever format the register of interests takes,
 - Check the register is made available by the town/community council for inspection by the public at all reasonable times. [There is also a requirement for the same to be published on the town/community council’s website; this is discussed further in sub-section 7 below.]
 - **Declaration of Interests in Meetings Forms:**
 - a. 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 **for the first time** orally at a meeting. The declaration form used by IOACC is attached as **Appendix 2** and this shows all required fields.
 - Check that the form used by the town/community council is satisfactory.
 - Do you wish to suggest any changes to the form for the declaration of interests in meetings in order to assist councillors in the town/community councils or to improve clarity and/or transparency for the public?
 - b. In general, and as a matter of principle, the paper declaration forms should be standalone in order that the public understand the interest and how it is relevant to the item on the agenda, the connection with that item, and whether the interest is a personal interest or a personal and prejudicial interest, meaning that the councillor had to leave the meeting as a result of a personal interest which is also prejudicial.
 - Check if the form has been completed in full and in a way that would make sense to anybody reading it (i.e. members of the public who have no information or specific expertise with regard to the code of conduct and its requirements)
 - Is there sufficient information regarding the interest and how it is relevant to the agenda item?
 - c. Is there any indication that councillors are having difficulty differentiating between the declaration of personal interests (where they would be permitted to remain in the meeting) and the declaration of personal and prejudicial interests (where they are required to leave meetings)?

Or are councillors declaring interests unnecessarily and being over-cautious?

- Consider, based on the facts which have been declared by the councillor or the detail included in the agenda/reports/minutes if the declaration was personal or personal and prejudicial. Does your opinion concur with that which the councillor expressed?
- d. You will then need to cross-reference the information included in the declaration of interests form with the minutes for the relevant meeting. Of course, the only requirement is that a written confirmation has been completed for when the declaration was made verbally for the first time, therefore a form will not be available every time a councillor makes a verbal declaration (although the minutes should confirm every verbal declaration) (*see below further information regarding the requirements for the minutes*).
- A personal / prejudicial interest will only be regarded as a previously disclosed interest if a written notification has been provided since the last date when the individual was elected, appointed or nominated as a member of the town/community council.

➤ **Written confirmation from Councillors regarding changes to their registered interests:**

- a. Should there be any changes to registered personal interests / prejudicial interests, a town/community councillor must confirm the change in writing with the clerk of the town/community council within 28 days of the change occurring.
- Check whether a written confirmation has been completed for updating any change to a personal / prejudicial interest.

➤ **Minutes of Meetings:**

- a. 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 of their obligation.
- Check that the agendas include declarations of interest as a standing item on the agenda
- b. Review the minutes for the meeting in which the declaration was made for the first time to ascertain if those minutes confirm the information included on the declaration of interests form.

When a declaration of personal/prejudicial interest is made verbally by a councillor in a meeting, the verbal declaration should be recorded in the minutes (although a declaration of interest form has not been completed since the interest is already registered).

→ Check that under the declarations of interest standing item on the agenda, that the minutes confirm:

- a declaration of interest was made,
- the name of the councillor making the oral declaration,
- to which agenda item the declaration relates, and
- whether the declaration made was a personal or prejudicial interest;
- and if prejudicial, that the councillor left the meeting for that item.

c. Furthermore, under the business item itself, it would be good practice for the minutes to confirm:

- a declaration of interest has been made, and by whom,
- whether the interest is personal or prejudicial,
- details of the personal/prejudicial interest, and
- when prejudicial, that the councillor left the meeting room.

d. Consider the interests that have been “registered” by the councillors (check the register and the information contained on the declaration of interests form) and then consider a few items on the agenda of various meetings. Should a councillor be declaring an interest in a particular matter?

→ It is good practice to include in the minutes of meetings, a reference (within the declaration of interest that is noted) to the date on which the interest (which is being declared verbally) was registered in the register of interests, for the convenience of the public.

e. Are there any examples when councillors have declared interests in meetings for the first time but have forgotten to complete the declaration of interests in meetings form?

→ Are there any examples when councillors have completed a declaration of interests form in order to confirm an interest that was declared verbally at a meeting but that the verbal declaration was not mentioned in the minutes of the council meeting itself?

Other:

There are several town/community councils where the councillors adopt the practice of confirming every verbal declaration of personal or prejudicial interests through written confirmation. In these circumstances, the register contains all the declaration forms, which are usually kept in date order.

2. Code of Conduct

a. Since 1st April 2016, there is a requirement for all town and community councils to adopt a code of conduct in accordance with the Model Code of Conduct introduced by that legislation.

→ Check that the town/community council has adopted a code of conduct which is in accordance with the Model Code of Conduct.

- b. 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 (PSOW).

→ Check that the town/community council has advised the PSOW and satisfied the advertising requirements in relation to this adoption.

- c. In its advice note dated March 2017 (following a review of a sample of the town and community councils during the Autumn and Winter of 2016/2017) the Standards Committee asked the town and community councils to ensure the updated code of conduct and the Briefing Note on the statutory requirements for town and community councillors on declaration of personal interests be brought to the attention of its councillors following the May 2017 elections.

→ Check that the town/community council has complied with this requirement by reviewing the minutes for the relevant meeting.

3. List of names of all Town/Community Councillors since the relevant date

4. Copy of the form of acceptance of office by each current members of the town/community council, which included the statutory undertaking to comply with the Code of Conduct

- a. Each town/community councillor needs to have signed a form of acceptance of office and a statutory undertaking to comply with the code of conduct.

→ Check the list of town/community councillor names (document 3) against all the forms of acceptance received (documents 4).

→ Has each councillor signed a new undertaking to abide by the code of conduct following the local elections in May 2017?

→ Has the undertaking been signed by the councillor 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.

5. Members' Training Records

- a. → Have the councillors been offered code of conduct training?

- b. → Do councillors attend training when it is offered?

6. Information on Clerk Training

- a. → Has the clerk attended training?

- b. → How was the cost of this training met? Was this included in the precept amount, as suggested by the Standards Committee in its communication to the town and community councils in November 2017?

7. Websites

- a. Statutory Guidance has been issued to assist town and community councils in fulfilling their obligation to make certain information available electronically (**Appendix 3.**)
- b. Check:
 - Does the town/community council have a website?
 - If not, query if the town/community council has applied for a grant to spend on establishing a new website?
 - Are notices and papers published electronically on the website?
 - Is the register of interests published electronically on the website?
 - Is there contact information for the town/community council (and if different, the clerk) on the website including a telephone number, a postal address and an email address?
 - Is the council's email address a generic email address (rather than a personal email address)?
 - Does the website include 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?
 - Are public notices, including notices of meetings, published electronically?
 - Are the minutes of the meetings and any documents referred to therein published on the website?
 - Are the annual audited accounts for the town/community council published on the website?
 - Is it possible to distinguish between those who are co-opted members and elected members? This is advised in the statutory guidance as being in the interest of transparency.

8. Local Resolution Protocol

- a. → Has the town/community council adopted a local resolution protocol?
- b. → Is the protocol adopted by the town/community council the protocol prepared by One Voice Wales?

C. REPORTING YOUR FINDINGS

1. It is suggested that you report your findings by way of a table with the following headings:

REVIEWERS	TOWN / COMMUNITY COUNCIL	REGISTER OF PERSONAL INTERESTS	ADOPTION OF CODE OF CONDUCT	FORM OF ACCEPTANCE / STATUTORY UNDERTAKING BY THE INDIVIDUAL COUNCILLORS	MEMBER TRAINING	CLERK TRAINING	WEBSITE	LOCAL RESOLUTION PROTOCOL
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2. The information which is included under each heading will be the 'answers' to those questions which have been asked in B above, whilst considering the documentation referred to in A above.

3. You may include any further information/comments which has not been mentioned or referred to in this Advisory Note. This Note has been prepared by way of guidance only and is not designed to limit your conduct in carrying out the review albeit the Standards Committee's remit must be borne in mind.

Prepared by the Monitoring Officer
August 2019

2.9 Article 9 – The Standards Committee

2.9.1 Standards Committee

The Council will establish a Standards Committee.

2.9.2 Composition

2.9.2.1 Membership

The Standards Committee will, in accordance with the provisions of the Local Government Act 2000, be composed of:

2 County Councillors

5 independent members

2 community council members (who are not deemed to be independent members for the purposes of this Constitution).

2.9.2.2 Term of office

2.9.2.2.1 The independent members are automatically appointed for a period of two consecutive four year terms.

2.9.2.2.2 ~~Unless re-selected t~~The community council members are appointed until the next election or until they cease to be community council members within the area of Isle of Anglesey County Council, whichever is the shorter. A community council member may be re-appointed for one further consecutive term, provided that the Isle of Anglesey Town and Community Councils have collectively agreed to select a current community council member(s) as a nominee for the appointment.

2.9.2.2.3 The County Councillors who are members of the Standards Committee will have a term of office of no more than four years or until the next ordinary local government election following their appointment whichever is the shorter. A County Councillor member may be re-appointed for one further consecutive term.

2.9.2.3 Quorum

A meeting of the Standards Committee shall only be quorate when:

2.9.2.3.1 at least three members, including the chairperson, are present, and

2.9.2.3.2 at least half the members present (including the chairperson) are independent members.

2.9.2.4 Voting

County Council members, independent members and the community council members will be entitled to vote at meetings.

2.9.2.5 Community Council Members

2.9.2.5.1 The community council members shall not take part in the proceedings of the Standards Committee when any matter relating to their Community Council is being considered.

2.9.2.5.2 The community council members shall only participate in hearings/applications before the Standards Committee when it is discharging those functions in relation to community councils and community council members.

2.9.2.6 Chairing the Committee

2.9.2.6.1 Only an independent member of the Standards Committee may be the chairperson.

2.9.2.6.2 The chairperson will be elected by the members of the Standards Committee for a period not exceeding, four years or the period he/she remains a member of the Committee, whichever is the shorter period, but will be eligible for re-election as chairperson.

2.9.3 Role and Function

The Standards Committee will have the following roles and functions:

2.9.3.1 promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives;

2.9.3.2 assisting the Councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct (5.1);

2.9.3.3 advising the Council on the adoption or revision of the Members' Code of Conduct (5.1);

2.9.3.4 monitoring the operation of the Members' Code of Conduct (5.1);

2.9.3.5 advising, training or arranging to train Councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct (5.1);

2.9.3.6 granting dispensations to Councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct (5.1);

2.9.3.7 dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales.

2.9.3.8 the exercise of 2.9.3.1 to 2.9.3.7 above in relation to the community councils in its area and the members of those community councils.

NB A copy of the full Constitution of the Standards Committee is available [on the Council's website by following this link - ~~from the Monitoring Officer.~~](#)

CONSTITUTION TERMS OF REFERENCE OF THE STANDARDS COMMITTEE OF THE ISLE OF ANGLESEY COUNTY COUNCIL AS ESTABLISHED IN ACCORDANCE WITH PART III OF THE LOCAL GOVERNMENT ACT 2000

There is a legal duty on the Isle of Anglesey County Council to establish a Standards Committee to govern issues of conduct by elected and co-opted members of the Authority and the conduct of community councillors located within the Isle of Anglesey.

The Standards Committee's constitution, as a committee of the Isle of Anglesey County Council, is included in its Constitution at Paragraph 2.9 (Article 9).

This Terms of Reference document includes more detail than what is included in the Constitution. It is intended as a 'working document' which incorporates the detail in relation to the proceedings of the Standards Committee and the documents which it has produced to assist elected and co-opted members of the Authority and Town and Community Councillors.

Relevant Legislation:

- Local Government Act 2000
- The Standards Committees (Wales) Regulations 2001
- Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001
- The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001
- The Standards Committees (Wales) (Amendment) Regulations 2006
- Local Government (Democracy) (Wales) Act 2013
- The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016

1. DEFINITIONS

In this Constitution, unless the context otherwise requires, the following terms shall mean:-

'Authority' - the corporate body known as "The Isle of Anglesey County Council"

'Code of Conduct' - a code of conduct adopted by the Authority pursuant to Section 51 of the Local Government Act 2000.

'Complainant' - a person who makes a complaint against a Councillor including other Councillors, members of the Standards Committee, an officer of the Authority or a member of the public.

'Community Council Committee Member' - a member of the Standards Committee who is also a member of a Community Council within the area of the Authority [appointed in accordance with the Standards Committees (Wales) Regulations 2001 (as amended)]. Such members are excluded from the term 'Independent Member' [collectively referred to as "Community Council Committee Members"].

'Council' - the body comprising the totality of the members of the Authority.

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'Councillor' - an elected member of the Authority or including a co-opted members of the Authority (as defined by section 49(7) of the Local Government Act 2000) [collectively referred to as "Councillors"].

'Independent Member' - a Member of the Standards Committee who conforms with the statutory limitations included in ~~is not an elected member, an officer, or the spouse of a member or officer of the Authority, or any other relevant authority, or a community council, as defined by~~ the Standards Committees (Wales) Regulations 2001 (as amended) [collectively referred to as "Independent Members"].

'Member' - a member of the Standards Committee [collectively referred to as "Members"].

'Monitoring Officer' - the officer appointed by the Council for the purposes of section 5 of the Local Government and Housing Act 1989. This term shall also include any Deputy Monitoring Officer appointed by the Council.

'Standards Committee' - the standards committee of The Isle of Anglesey County Council for the purposes of section 53 of the Local Government Act 2000.

2. TERMS OF REFERENCE

Generally

- 2.1 To promote and maintain high standards of conduct by Councillors.
- 2.2 To assist Councillors to observe the Authority's Code of Conduct.
- 2.3 To exercise the above functions in respect of ~~the C~~community ~~C~~councils and members of ~~these C~~community ~~C~~councils within the area of the Authority.

Specifically

- 2.4 To advise the Authority on the adoption or revision of a Code of Conduct.
- 2.5 To monitor the operation of the Authority's Code of Conduct.
- 2.6 To advise, train or arrange to train Councillors on matters relating to the Authority's Code of Conduct.
- 2.7 To consider any reports from a case tribunal or interim case tribunal and/or any report from or recommendations made by the Monitoring Officer on any matter referred to that officer by either generally or following any investigation made pursuant to the Monitoring Officer's powers or duties under Part III of the Local Government Act 2000 or made following the receipt of any report sent to him or her by the -Public Services Ombudsman for Wales.
- 2.8 To follow the "Procedure for Hearings", detailed in **Enclosure 1** to this Terms of Reference~~Constitution~~.
- 2.9 To grant dispensations under Section 81(4) of the Local Government Act 2000 in accordance with Regulations of the Standards Committees (Grant of Dispensations)

~~(Wales) Regulations 2001 and The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 to Councillors, co-opted members of the Council and church and parent governor representatives to allow them a member or a co-opted member of the Council to participate in any business of the Council in respect of which he or she may be otherwise prohibited by the Council's Code of Conduct.~~

2.10 To consider (in consultation with the Monitoring Officer) such other matters as are appropriate and necessary to maintain the highest standards of conduct by Councillors.

~~2.11 To receive reports from the Monitoring Officer of allowances and expenses paid to persons who have assisted in an investigation by the Monitoring Officer.~~

2.12 To exercise the above functions in respect of community councils and members of those community councils within the area of the Authority.

2.13 To conform with the Local Resolution Protocol, detailed in **Enclosure 2** to this Constitution

3. SIZE, COMPOSITION, APPOINTMENT OF INDEPENDENT MEMBERS, TERMS OF OFFICE, RE-APPOINTMENT OF MEMBER, CHAIRPERSON AND VICE CHAIRPERSONS, VOTING, QUORUM, MEETINGS, ADMISSION OF THE PUBLIC, AND MINUTES.

3.1 The ~~provisions of the Standards Committees (Wales) Regulations 2001, Standards Committees (Wales) (Amendment) Regulations 2006 and The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 (copies attached at Enclosures 3, 4 and 5 respectively) regulate the above matters (listed in the heading) are regulated by legislation but are subject to local choice decisions the following adaptations which have been agreed by the Authority as follows:~~

~~Regulation 3 Membership Size of Standards Committee~~
~~Independent Members (5 members)~~
~~Community Council Committee Members (2 members)~~
~~County Councillors (2 members)~~

~~Regulation 15 Panel re-appointment of Independent Member~~
~~Lay Person (1)~~
~~Community Committee Member (1)~~
~~County Councillors (3)~~
~~Period of Office of Panel to be 4 years~~

~~Regulation 18A Term of Office of Community Council Committee Members—~~
~~Until the next ordinary election of the Authority or until sooner if the individual ceases to be a community councillor, whichever is shorter.~~
~~A Community Council Committee Member may be re-appointed for one further consecutive term provided the legislative requirements for consultation have been followed.~~

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~~Regulation 20~~ Terms of Office of Independent Members

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~~Two consecutive four year terms or until the individual ceases to be an "independent member" (in accordance with the legislative requirements).~~

~~Regulation 21A~~ Terms of Office of Community-Council Committee Members

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~~No more than four years or until the next ordinary election of the Authority, whichever is shorter.~~

~~A County Council Committee Member may be re-appointed for one further consecutive term. Two consecutive terms~~

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(Note: A Community Council ~~Committee Member~~ shall not sit on the Standards Committee when it is discharging statutory functions (hearings / applications for dispensations) in relation to County Council ~~ors Members~~.)

Standards Committee's Appointment Panel (Panel established for the appointment of Independent Member(s) to the Standards Committee)

Lay Person (1 member)

Community Councillor (1 member)

County Councillors (3 members)

Period of Office of Panel members to be 4 years or until such members cease to satisfy the criteria for being a "lay panel member" / a member of a community council situated in the Authority's area / a County Councillor of the Authority, as the case may be, whichever is sooner.

~~3.2~~ Frequency of Meetings

~~3.2.1~~ There will be two ordinary meetings of the Standards Committee per annum.

~~3.2.2~~ Extraordinary meetings of the Standards Committee will be convened in addition to the meetings in 3.2.1 to ensure compliance with any statutory obligations including complaints and / or dispensations.

Working meetings of the Standards Committee will also take place to deal with non-statutory business, as and when required.

Dispensation Hearings

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An application for a dispensation will be considered by a panel of 3 of the Standards Committee members, including the Chair (in her/his absence, the Vice-Chair).

When the application is made by a member of a community council, the panel will include one Community Council Committee Member and two Independent Members.

When the application is made by a Councillor, the panel will consist of: two Independent Members and one County Council member of the Standards Committee; or

three Independent Members,
as determined by the Monitoring Officer in the circumstances.

With the Chair's agreement, an application for dispensation may be considered based on the application form alone without requiring the applicant's attendance at the hearing.

4. PROCEDURES

- 4.1 The Standards Committee will regulate its own procedures, taking into account all relevant statutory provisions and whenever appropriate the procedures will be consistent with the Principles of Conduct, Code of Conduct and Constitution of the Authority.
- 4.2 A complainant, or a Councillor subject to a complaint, must not canvass in any way any other Councillor. Any Councillor who is canvassed will report the matter immediately to the Monitoring Officer.
- 4.3 If a complaint is made by a Councillor, or a person connected with a Councillor, then that Councillor shall not participate in the proceedings when the complaint is considered.
- 4.4 In accordance with Regulation 14 of the Local Government Investigation (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001, a person making oral representations to the Standards Committee may have representation, including legal representation.

5. ANNUAL REPORT

The Chair will present a report by the Standards Committee ~~will report~~ at least once every calendar year to the Council on its work the preceding year.

6. ALLOWANCES AND EXPENSES

Independent Members and Community Council Committee Members shall be paid such allowances as may from time to time be approved by the Authority. Information on allowances are included in the Council's Constitution.

7. ~~FURTHER CONSTITUTIONAL REQUIREMENTS~~

~~7.1 Further detail regarding the Constitution of the Standards Committee is included in Paragraph 2.9 of the Isle of Anglesey County Council's Constitution, attached as **Enclosure 6** to this Constitution.~~

7. DOCUMENTATION RELEVANT TO / DEVELOPED AND PUBLISHED BY THE STANDARDS COMMITTEE

<u>Name of document:</u>	<u>Intended for use by:</u>	<u>Link to document:</u>
<u>Code of Conduct for Members of IOACC</u>	<u>Councillors</u>	
<u>Protocol for Member /</u>	<u>Councillors</u>	

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<u>Officer relations</u>		
<u>Personal and Prejudicial Interests - A Briefing Note to Members</u>	<u>Councillors</u>	http://monitor.anglesey.gov.uk/corporate-resource/corporate-governance/briefing-notes-to-members/
<u>Personal and Prejudicial Interests</u>	<u>Members of the Town and Community Councils</u>	
<u>Gifts and Hospitality - A Briefing Note for Members</u>	<u>Councillors</u>	http://monitor.anglesey.gov.uk/corporate-resource/corporate-governance/briefing-notes-to-members/
<u>Personal and Prejudicial Interest Considerations for Members Who are also School Governors</u>	<u>Councillors</u>	http://monitor.anglesey.gov.uk/corporate-resource/corporate-governance/briefing-notes-to-members/
<u>Briefing Note for Members - Implementing Rights as Individuals in relation to the Council's Services</u>	<u>Councillors</u>	http://monitor.anglesey.gov.uk/corporate-resource/corporate-governance/briefing-notes-to-members/
<u>Briefing Note on Applications for Dispensations</u>	<u>Councillors</u>	http://monitor.anglesey.gov.uk/corporate-resource/corporate-governance/briefing-notes-to-members/
<u>Briefing Note on Applications for Dispensations - Town and Community Councillors</u>	<u>Members of the Town and Community Councils</u>	
<u>Local Resolution Protocol</u>	<u>Councillors</u>	
<u>Methodology Note – Review of Members' Registers of Interests</u>	<u>Councillors</u>	
<u>Methodology Note – Review of Register of Interests in the Town and Community Councils</u>	<u>Members of the Town and Community Councils</u>	

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Isle of Anglesey County Council

Standards Committee

Procedure for Local Standards Hearings

1 Introduction

This procedure sets out how the County Council will determine complaints of Member misconduct

2 Interpretation

- (a) "Member" means the Member of the Council who is the subject of the allegation being considered by the Standards Committee, unless stated otherwise. It also includes the Member's nominated representative.
- (b) "Investigating Officer" means the Public Services Ombudsman for Wales (PSOW), and includes his or her nominated representative. In the case of matters that have been referred for local investigation, references to the Investigating Officer means the person appointed by the Monitoring Officer to undertake that investigation.
- (c) "The Matter" is the subject matter of the Investigating Officer's report.
- (ch) "The Standards Committee" refers to the Standards Committee, or to any Standards Sub-Committee, to which it has delegated the conduct of the hearing.
- (d) "The Committee Support Officer" means an Officer of the Council responsible for supporting the Standards Committee's discharge of its functions and recording the decisions of the Standards Committee.
- (dd) "The Legal Advisor" means the Officer responsible for providing legal advice to the Standards Committee. This may be the Monitoring Officer, another legally qualified Officer of the Council, or someone appointed for this purpose from outside the Council.
- (e) "The Chairman" refers to the person presiding at the hearing
- (f) "The Complainant" means the person or persons who made the original allegation which has been investigated.

3 Modification of Procedure

The Chairman may agree to vary this procedure in any particular instance where he/she is of the opinion that such a variation is necessary in the interests of fairness.

4 Representation

The Member may be represented or accompanied at any stage of this procedure by a Solicitor, Counsel or, with the permission of the Standards Committee, by another person. Note that the cost of such representation must be met by the Member, unless the indemnities Sub Committee has expressly agreed to meet all or any parts of that cost.

5 Decision to conduct a local hearing

- (a) Upon receipt of the PSOW's report, or the report of an Investigating Officer, the Monitoring Officer shall refer that report to the Standards Committee, which shall resolve either –
 - (i) That there is perhaps evidence of a failure by the Member to comply with the Code of Conduct, or
 - (ii) That the matter should go for a local hearing.
- (b) Where the Standards Committee resolves that there is no evidence of a failure to comply with the Code of Conduct, the Monitoring Officer shall notify the Member and the Complainant accordingly.
- (c) Where the Standards Committee resolves that the matter shall go to a local hearing, the Monitoring Officer shall conduct the pre-hearing procedure as set out below.

6 Pre-Hearing Procedure

Following a resolution of the Standards Committee to conduct a local hearing on a matter, the Monitoring Officer shall:

- (a) Arrange a date for the Standards Committee's hearing as determined by the Chairman;
- (b) Send a copy of the report to the Member and advise him of the date, time and place for the hearing;
- (c) Send a copy of the report to the Complainant and advise him of the date, time and place for the hearing;
- (ch) Notify the Community Council of the matter and of the date, time and place of the hearing (where the matter relates to the conduct of a Community Councillor);
- (d) Notify the Investigating Officer of the date, time and place of the hearing;
- (dd) Request the Member to complete and return the Pre-Hearing Forms appended to this Procedure within 14 days of receipt;
- (e) In the light of any Pre-Hearing Forms returned by the Member, determine whether the Standards Committee will require the attendance of the

Investigating Officer and any additional witnesses¹, including the Complainant, at the hearing to enable it to come to a properly considered conclusion at the hearing, and arrange for their attendance;

- (f) Request the Chairman to make such Directions as to the conduct of the hearing as may be necessary for the effective conduct of the hearing, which Directions may address such issues as –
 - (i) The time that the Standards Committee will sit to conduct the hearing;
 - (ii) Any matters which are to be taken as read and on which evidence is not required;
 - (iii) The witnesses to be heard and the times at which they should be present; and
 - (iv) The presence of witnesses when not giving evidence.
- (ff) Prepare a Pre-Hearing Summary Report setting out the course of the allegation, investigation and Pre-Hearing Process and high-lighting the issues which the Standards Committee will need to address, and
- (g) Arrange with the Committee Support Officer that the agenda for the hearing, together with the Monitoring Officer's Pre-Hearing Summary Report, the Investigating Officer's report and any other relevant documents are sent to:
 - (i) All members of the Standards Committee who will conduct the hearing;
 - (ii) The Member;
 - (iii) The person who made the allegation, and
 - (iv) The Investigating Officer.

7 Legal Advice

The Standards Committee may take legal advice from its legal advisor at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the Standards Committee should be shared with the Member and the Investigating Officer if they are present.

8 Setting the Scene

At the start of the hearing, the Chairman shall introduce each of the Members of the Standards Committee, the Member (if present), the Investigating Officer (if present) and any other Officers present, and shall then explain the procedure which the Standards Committee will follow in the conduct of the hearing.

9 Preliminary Procedural Issues

The Standards Committee shall then deal with the following preliminary procedural matters in the following order:

¹ Where the Member has indicated that he disputes any finding of fact in the Investigating Officer's report, the Standards Committee will need to hear evidence on the disputed point from a first hand witness, wherever possible.

- (a) Apologies for absence
- (b) Disclosures of interest

The Chairman shall ask members of the Standards Committee to disclose the existence and nature of any personal or prejudicial interests which they have in the matter, and to withdraw from consideration of the matter if so required.

- (c) Quorum

The Chairman shall confirm that the Standards Committee is quorate²

- (ch) Hearing procedure

The Chairman shall confirm that all present know the procedure which the Standards Committee will follow in determining the matter.

- (d) Proceeding in the absence of the Member

If the Member is not present at the start of the hearing:

- (i) the Chairman shall ask the Monitoring Officer whether the Member has indicated his/her intention not to attend the hearing;
- (ii) the Standards Committee shall then consider any reasons which the Member has provided for not attending the hearing and shall decide whether it is satisfied that there is sufficient reason for such failure to attend;
- (iii) if the Standards Committee is satisfied with such reasons, it shall adjourn the hearing to another date;
- (iv) if the Standards Committee is not satisfied with such reasons, or if the Member has not given any such reasons, the Standards Committee shall decide whether to consider the matter and make a determination in the absence of the Member or to adjourn the hearing to another date.

- (dd) Exclusion of Press and Public

The Standards Committee may exclude the press and public from all or part of its consideration of the matter where it appears likely that confidential or exempt information will be disclosed in the course of its consideration.

The Chairman shall ask the Member, the Investigating Officer and the Legal Advisor to the Standards Committee whether they wish to ask the Standards Committee to exclude the press and public from all or any part of the hearing. If any of them so request, the Chairman shall ask them to put forward reasons

² A meeting of the Standards Committee is not quorate unless at least three members of the Standards Committee are present for the duration of the meeting. The Chairman must be an Independent member, and at least half of the members of the Committee present must be Independent members. Where the Committee is considering a matter relating to the conduct of a member of a Community Council, at least one member of the Committee must be a Community Council representative, but the Committee is not inquorate by reason of the absence of the Community Council representative.

for so doing and ask for responses from the others, and the Standards Committee shall then determine whether to exclude the press and public from all or any part of the hearing.

Where the Standards Committee does not resolve to exclude press and public, the agenda and any documents which have been withheld from the press and public in advance of the meeting shall then be made available to the press and public.

10 **Failure to Comply with the Code of Conduct?**

The Standards Committee will then address the issue of whether the Member failed to comply with the Code of Conduct in the manner set out in the Investigating Officer's report.³

(a) The Pre-Hearing Process Summary

The Chairman will ask the Legal Advisor or the Committee Support Officer to present the Monitoring Officer's Pre-Hearing Summary Report, highlighting any points of difference in respect of which the Member has stated that he/she disagrees with any finding of fact in the Investigating Officer's report. The Chairman will then ask the Member to confirm that this is an accurate summary of the issues, to confirm that he/she maintains the position as set out in the pre-hearing summary, and ask the Member to identify any additional points upon which he/she disagrees with any finding of fact in the Investigating Officer's report.

- (i) If the Member admits that he/she has failed to comply with the Code of Conduct in the manner described in the Investigating Officer's report, the Standards Committee may then take the Investigating Officer's report as read and make a determination that the Member has failed to comply with the Code of Conduct in the manner described in the Investigating Officer's report and proceed directly to consider whether any action should be taken in respect of the Member's misconduct.
- (ii) If the Member identifies additional points of difference, the Chairman shall ask the Member to explain why he/she did not identify these points as part of the pre-hearing process. He/she shall then ask the Investigating Officer (if present) whether he/she is in a position to deal with those additional points of difference directly or through any

³ Note that the Standards Committee's consideration is limited to the matter, in terms of the set of facts, as set out in the Investigating Officer's report. The Standards Committee may find that these facts disclose a breach of a part of the Code of Conduct other than that found by the Investigating Officer (for example that the facts constituted bullying rather than just a failure to treat with respect). However, if, in the course of their consideration, the Standards Committee apprehend that the evidence before them reveals an entirely different failure to comply with the Code of Conduct (for example where the complaint is of failure to treat Officer A with respect, but the evidence also indicates a failure to treat Officer B with respect), such a possible additional or alternative failure will not be within the remit of the Standards Committee. At that stage, the member will not have had notice of the Standards Committee's consideration of the possible additional or alternative failure and that it would therefore be unfair to proceed to consider that second matter at the hearing into the first alleged failure. Where the Standards Committee do apprehend a possible additional or alternative failure, a failure by a different member, or a failure in respect of the code of conduct of another authority, they should refer the second matter to the PSOW as a new allegation.

witnesses who are in attendance or whose attendance at the hearing can conveniently be arranged. Where the Standards Committee is not satisfied with the Member's reasons for failing to identify each additional point of difference as part of the pre-hearing process, it may decide that it will continue the hearing but without allowing the Member to challenge the veracity of those findings of fact which are set out in the Investigating Officer's report but in respect of which the Member did not identify a point of difference as part of the pre-hearing process, or it may decide to adjourn the hearing to allow the Investigating Officer and/or any additional witnesses to attend the hearing.

- (b) Presenting the Investigating Officer's report
 - (i) If the Investigating Officer is present, the Chairman will then ask the Investigating Officer to present his/her report, having particular regard to any points of difference identified by the Member and why he/she concluded, on the basis of his/her findings of fact, that the Member had failed to comply with the Code of Conduct. The Investigating Officer may call witnesses as necessary to address any points of difference.
 - (ii) If the Investigating Officer is not present, the Standards Committee shall only conduct a hearing if they are satisfied that there are no substantial points of difference or that any points of difference can be satisfactorily resolved in the absence of the Investigating Officer. In the absence of the Investigating Officer, the Standards Committee shall determine on the advice of the Monitoring Officer which witnesses, if any, to call. Where such witnesses are called, the Chairman shall draw the witnesses' attention to any relevant section of the Investigating Officer's report and ask the witness to confirm or correct the report and to provide any relevant evidence.
 - (iii) No cross-examination shall be permitted but, at the conclusion of the Investigating Officer's report and/or of the evidence of each witness, the Chairman shall ask the Member if there are any matters upon which the Standards Committee should seek the representations of the Investigating Officer or the witness, and then the members of the Standards Committee may address questions to the Investigating Officer or the witness.
- (c) The Member's response
 - (i) The Chairman shall then invite the Member to respond to the Investigating Officer's report and to call any witnesses as necessary to address any points of difference.
 - (A) The Member may arrange for his representative to make submission on his behalf, and/or to introduce the Member and any witnesses on his behalf;
 - (B) The Member does not have to give evidence or to answer any questions, but the Standards Committee may draw reasonable conclusions from any failure on his part to give evidence or to answer any question.
 - (ii) No cross-examination shall be permitted but, at the conclusion of the

Member's evidence and/or of the evidence of each witness, the Chairman shall ask the Investigating Officer if there are any matters upon which the Standards Committee should seek the representations of the Member or the witness, and then the Members of the Standards Committee may address questions to the Member or the witness.

(ch) Witnesses

The Standards Committee shall be entitled to refuse to hear evidence from the Investigating Officer, the Member or a witness unless they are satisfied that the witness is likely to give evidence which they need to hear in order to be able to determine whether there has been a failure to comply with the code of conduct.

(d) Additional Evidence

- (i) At the conclusion of the evidence, the Chairman shall check with the Members of the Standards Committee that they are satisfied that they have sufficient evidence to come to a considered conclusion on the matter.
- (ii) If the Standards Committee, at any stage prior to determining whether there was a failure to comply with the Code of Conduct, are of the opinion that they require additional evidence on any point in order to be able to come to a considered conclusion on the matter, the Standards Committee may (on not more than one occasion) adjourn the hearing and make a request to the Investigating Officer to seek and provide such additional evidence and to undertake further investigation on any point specified by the Standards Committee.

(dd) The Member and the Investigating Officer will be given an opportunity to make closing representations.

(e) Determination as to whether there was a failure to comply with the Code of Conduct.

- (i) Unless the determination merely confirms the Member's admission of a failure to comply with the Code of Conduct (as set out in Paragraph 10(a)(i) above), the Standards Committee shall retire to another room to consider:

1. Are the facts of the allegations likely to have been proven on the balance of probability based on the evidence?

If this is confirmed, then the matter will be discussed in private

2. Did the Member fail to comply with the Code of Conduct?

- (ii) The Standards Committee shall take its decision on the balance of probability based on the evidence which it has received at the hearing.
- (iii) The Standards Committee's function is to make a determination on the matter. It may, at any time, return to the main hearing room in order to seek additional evidence from the Investigating Officer, the Member or a witness. If it requires any further information, it may adjourn and instruct an officer or request the Member to produce such further evidence to the Standards Committee.

- (iv) If the Standards Committee requires legal advice on any point, it may either –
 - (A) Request the Legal Adviser to join the Committee and provide such advice, in which case the Legal Advisor shall repeat such advice in open forum when the Standards Committee returns, and the Member's legal representative may respond to such advice; or
 - (B) Return to open forum and request the Legal Advisor to give advice, inviting the Member's legal representative to respond to any such advice.
- (v) At the conclusion of the Standards Committee's consideration, the Standards Committee shall consider whether it is minded to make any recommendations to the Council with a view to promoting high standards of conduct among Members.
- (vi) The Standards Committee shall then return to the main hearing room and the Chairman will state the Standards Committee's principal findings of fact and their determination as to whether the Member failed to comply with the Code of Conduct as set out in the Investigating Officer's report.

11 If the Member has not failed to follow the Code of Conduct

If the Standards Committee determines that the Member has not failed to follow the Code of Conduct in the manner set out in the Investigating Officer's report:

- (a) The Chairman should summarise the Standards Committee's findings;
- (b) If the Standards Committee apprehends, from the evidence which they have received during the hearing, that a Member has failed to comply with the Code of Conduct (other than the matter which the Standards Committee has just determined), the Chairman shall outline the Standards Committee's concerns and state that the Standards Committee has referred this additional or alternative failure to the Monitoring Officer with a view to a further allegation being made to the PSOW.
- (c) The Chairman should then set out any recommendations which the Standards Committee is minded to make to the Council with a view to promoting high standards of conduct among Members and seek the views of the Member, the Investigating Officer and the legal advisor before the Standards Committee finalises any such recommendations.
- (ch) Finally, the Chairman should ask the Member whether he/she wishes the Council not to publish a statement of its finding in a local newspaper.

12 Action consequent upon a failure to comply with the Code of Conduct

If the Standards Committee determines that the Member has failed to follow the Code of Conduct in the manner set out in the Investigating Officer's report:

- (a) The Chairman shall summarise the Standards Committee's findings;

- (b) The Chairman may then indicate the order of sanction which he considers may be appropriate and ask the Member or his legal representative to make representations on sanction.⁴
- (c) The Chairman may then ask the Investigating Officer to make representations as to sanction.
- (ch) The Chairman will then ensure that each member of the Standards Committee is satisfied that he/she has sufficient information to enable him/her to take an informed decision as to whether to impose a sanction and (if appropriate) as to the form of the sanction.
- (d) Any member of the Standards Committee may address questions to the Investigating Officer or to the Member as necessary to enable him/her to take such an informed decision.
- (dd) The Standards Committee shall then retire to another room to consider in private whether to impose a sanction, (where a sanction is to be imposed) what sanction to impose and when that sanction should take effect, and any recommendations which the Standards Committee will make to the Council.
- (e) At the completion of their consideration, the Standards Committee shall return to the main hearing room and the Chairman shall state the Standards Committee's decisions as to whether to impose a sanction and (where a sanction is to be imposed) the nature of that sanction, and when it should take effect, together with the principal reasons for those decisions, and any recommendations which the Standards Committee will make to the Council.

13 The close of the hearing

- (a) The Standards Committee will announce its decision on the day of the hearing and provide the Committee Support Officer with a short written statement of their decision, which the Committee Support Officer will deliver to the Member as soon as practicable after the close of the hearing;
- (b) The Chairman will thank all those present who have contributed to the conduct of the hearing and formally close the hearing;
- (c) Following the close of the hearing, the Committee Support Officer will agree a

⁴ The decisions as to sanctions which are available to the Standards Committee are any of the following :

- “(i) that no action is required
- (ii) to censure the Member;
- (iii) partial suspension of the Member for a period up to a maximum of six months or the remainder of the Member's term of office, whichever is the shorter period;
- (iv) suspension of the Member for a period up to a maximum of six months or the remainder of the Member's term of office, whichever is the shorter period.

Suspension and partial suspension only relate to the Member in his capacity as a member of the authority to which the complaint related.

Any sanction imposed shall begin after 21 days of the Standards Committee's written notice of decision to the Member unless the Standards Committee direct (for any sanction other than censure) that it shall commence on any date specified by the Standards Committee within six months of the date of the hearing.

formal written notice of the Standards Committee's determination and the Monitoring Officer shall arrange for the distribution and publication of that notice (or a summary of that notice, where required).

14 Appeals

The Member may request the permission of the President of the Adjudication Panel for Wales to appeal against the decision of the Standards Committee by writing to the President. The decision of the President or a deputy appointed to make the decision on the President's behalf, will be made without the parties, unless the President or his/her deputy is of the opinion that there is a special case which merits a hearing. The letter should set out the grounds for such an appeal, and include a statement as to whether or not he consents to the appeal being heard by way of written representations. The letter must be received by the President within 21 days of the date of the written notice of decision from the Standards Committee. The President or his/her deputy may request further information. Any request for information must be responded to within 14 days.

ISLE OF ANGLESEY COUNTY COUNCIL

LOCAL RESOLUTION PROTOCOL

Generally

1. The purpose of the Protocol is to promote high standards of conduct, with a view to fostering positive working relationships among Members, and between Members and Officers, to avoid spurious complaints to the Public Services Ombudsman for Wales (PSOW) and to safeguard the Council's reputation.
2. The Protocol will only apply to cases of alleged misconduct against Members under paragraphs 4(b) and 6(1)(d) of the Code of Conduct. That is to say, allegations of failure to show respect and consideration for others, or allegations that a Member has made vexatious, malicious or frivolous complaints against other Members or anyone who works for, or on behalf of, the Council.
3. The Protocol seeks to achieve swift mediation and reconciliation. It is not punitive but it may become relevant to sanction if a formal complaint, involving a pattern of similar conduct, is made to the PSOW.
4. The Protocol is not intended to interfere with, or take the place of, group or party discipline.
5. The Protocol is not intended to interfere with, or take the place of, any statutory or contractual rights which Officers may have.
6. The Protocol is not intended to oust the jurisdiction of the PSOW but, rather, to deal with a limited category of cases, where a breach of paragraphs 4(b) or 6(1)(d) of the Code may have occurred, but where such a finding would probably not result in disciplinary action. Such cases, at least individually, would not meet the PSOW's threshold test for investigation.

Procedure

7. A Member or Officer wishing to use the Protocol must put their complaint in writing to the Monitoring Officer, explaining when and where the alleged breach occurred, how and why paragraph 4(b) and/or 6(1)(d) have been breached, together with the details of any witnesses and any relevant documentation.
8. Any written complaint must be sent to the Monitoring Officer within 7 working days from the date of the event which is the subject of the complaint, or 7 working days from the date when the event came to the knowledge of the complainant.
9. The Monitoring Officer, or his/her representative, will send a copy of the complaint, and any supporting evidence, to the Member who is the subject of the complaint. That Member will have 7 working days, from receipt, within which to send a written reply to the Monitoring Officer setting out their response and providing details of any witnesses and any relevant documentation.

10. Having received a reply from the Member complained of, or when the time for reply has elapsed, the Monitoring Officer will:-
 - copy the full response to the complainant;
 - arrange a meeting of an informal Panel of the Standards Committee to consider the complaint on the first convenient date available for all concerned.
11. The meeting of the Standards Committee Panel will take place in private and any paperwork which it receives, or which it generates, will remain confidential to the Panel, its advisors, and the parties. This is, however, subject to any legal duty to disclose e.g. to the PSOW in the event that matters escalate.
12. Any informal Panel of the Standards Committee will consist of two Members of the Committee, on a rotational basis, but will not include a Community Council Member.
13. The parties will be asked to attend the Panel and will be responsible for bringing along any witnesses upon whom they intend to rely.
14. In the absence of a party or witness it will be a matter for the discretion of the Panel as to whether or not they proceed, or reschedule.
15. If the complainant, or the Member complained of, is a Member of a political group then he/she may invite their Group Leader to attend the Panel. Any relevant Group Leader is not required to attend, but is encouraged to do so.
16. The Monitoring Officer, or his/her representative, will attend to advise the Panel.
17. The procedure of any Panel will be informal. The Panel will endeavour to be fair and even handed to both parties. There will be no rules of evidence, as such, but any witnesses called will only attend to share their information with the Panel; they will not "sit in" during the meeting.
18. After hearing from the parties, and any witnesses, together with the Group Leaders (should there be Group Leaders in attendance and should they wish to address the Panel) the Panel will then retire to private session, returning to express its view and to put forward any recommendations it may have for resolution. The Panel has no disciplinary powers but may make recommendations to Group Leaders individually, in relation to Members of their Group and, to the Group Leaders collectively in relation to any unaffiliated Member.
19. There will be no right of appeal under this process.
20. The parties will receive written confirmation of the Panel's findings and the outcome of all Panels will be reported, albeit in an anonymised format only, to all quarterly meetings of the Standards Committee.
21. The outcome of any Panel will also be discussed as a standing item at Group Leaders' meetings.

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