

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	STANDARDS COMMITTEE
DATE:	9 March 2016
TITLE OF REPORT:	Annual Review of Registers
PURPOSE OF THE REPORT:	To agree the process and timetable
REPORT BY:	Monitoring Officer
CONTACT OFFICER:	Lynn Ball, <a href="mailto:lbxcs@anglesey.gov.uk">lbxcs@anglesey.gov.uk</a> 01248 2586

## 1. INTRODUCTION AND BACKGROUND

The annual review of registers appears every year in the standards committee's work programme.

The process of review usually begins in January, with the next due now, with a report of findings presented to the February Standards Committee.

As there are 30 councillors, the usual arrangement is for the independent members of the standards committee to review the registers of any six councillors, selected at random.

The registers are:-

- "Standing" register i.e. pre-registration of interests. The standard document is attached at <http://www.anglesey.gov.uk/council-and-democracy/councillors-democracy-and-elections/councillors/councillors-and-voting-co-opted-members-declarations-of-interest/> .
- Declaration at Meetings. The standard document is attached at **ENCLOSURE 1**
- Gifts and Hospitality. The standard document is attached at **ENCLOSURE 2**

All three registers are available, **in summary**, online.

Before the last review, the process was undertaken as a "desk top" exercise only with members of the standards committee having regard to a general advice note **ENCLOSURE 3** and elected members receiving prior notice of the review. The last such letter was sent to members on the 23<sup>rd</sup> November 2015 (**ENCLOSURE 4**)

## 2. CONTEXT

Following the last review, the standards committee instructed officers to issue generic advice to members which is at **ENCLOSURE 5**. Members are specifically referred to the penultimate paragraph of that advice which included, for the first time, a degree of

direct interaction between elected members and the independent members of the standards committee in introducing a process of discussion with members in relation to any issues arising from the review.

### **3. RECOMMENDATION**

1. To agree timetable for the review and any further information required.
2. In light of the new requirements for Town and Community Councils (**ENCLOSURE 6**) does the Committee want to conduct a limited review of the registers of town and community councillors?

ATODIAD / ENCLOSURE

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MEMBERS' DECLARATION OF INTEREST AT MEETINGS

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

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

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

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

3. Members are required to tick one box
<input type="checkbox"/> D The personal interest is not prejudicial* and I took part in the item OR
<input type="checkbox"/> D The personal interest is prejudicial* and I left the meeting when the item was discussed OR
<input type="checkbox"/> D The personal interest is prejudicial* but I have a dispensation
<small>*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.</small>

4. Members are required to tick one box and to provide reasons
<input type="checkbox"/> D I believe my personal interest is not prejudicial* Because: _____ _____ _____
OR
<input type="checkbox"/> D 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

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**ISLE OF ANGLESEY COUNTY COUNCIL**

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

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

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

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## REVIEW OF THE REGISTERS - GENERAL ADVICE NOTE

The review documents will include the following:-

1. **The Standing Register** – This appears online and the link is “Councillors and voting Co-opted Members – declaration of interests”

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

- 1.1 This is completed within 28 days of election and then updated as and when changes occur. An annual letter is sent to all Members to remind them of the requirements in the Code of Conduct which expects Members to update this Register within 28 days of any material change to the relevant interests.
- 1.2 One concern has been the anomalies between membership of outside bodies, as recorded by the Council, when compared with declarations of membership of outside bodies as made by some Members. The Council’s current list of outside bodies and including a list of School Governors has been provided to you separately.
- 1.3 There have been previous cases where forms appeared to have been completed prior to Members being appointed to outside bodies but the forms were not updated after such appointments were made. Members have been reminded that whenever they are appointed to an outside body or cease to be a member of an outside body, they are required to update their entry in the standing register within 28 days of the change.

It has also come to our attention that some Members have not been completing section 1.6 of the form setting out the address of any land in which they have a beneficial interest.

## 2. **The Register of Declarations of Interests at Meetings**

- 2.1 You may wish to express a view as to whether or not the data provided in these forms has improved as a result of the said forms having previously been revised by the Standards Committee.
- 2.2 Does your review indicate whether or not some Members are having difficulty with the new forms? If so, is there any further advice that you might wish to issue?
- 2.3 It has also become apparent in the past that some Members are not always providing a clear enough description of their land holdings. Members have been reminded of the need to provide an accurate and full description of parcels of land and property holdings, and the same principle can be extended to buildings.
- 2.4 Is there any indication that Members are still declaring interests that are not relevant? In undertaking the analysis of previous declarations of interests at meetings etc. it was discovered that the forms generally seemed to be a bit rushed and sometimes



quite illegible and it was felt that members should be making more of an effort to complete them in a way that will make sense to the reader (i.e. a member of the public without specific knowledge or expertise of the code). Generally, as a matter of principle these forms should “stand alone” for the public to understand what the interest is and how it relates to and is linked with the agenda item under consideration, and whether it is a personal interest or personal and prejudicial, thereby resulting in the Member needing to leave the meeting.

- 2.5 It was also found that certain Members were being unnecessarily cautious in their declarations at meetings, specifically in relation to family members employed by the Council, where there appeared to be no item on the agenda to which the interest related. This created the impression that some Members may not be properly addressing their minds to their obligation to declare interests and may have, mistakenly, formed the view that such general/blanket declarations provide some kind of immunity.
- 2.6 Are they providing enough information about what the interest is and how it relates to Agenda items? If you wish to look at this issue in more depth, then Agenda, Reports and Minutes are available on the Council’s website.
- 2.7 Is there any indication that Members are struggling with the distinction between declaring a personal interest (which permits them to remain in a meeting) and declaring personal and prejudicial interests (which requires them to leave meetings)?
- 2.8 Some of the forms reviewed previously showed a lack of understanding by the members of the difference between both interests. The form used for declaration of interests at meetings was changed to try and make the process easier for members.
- 2.9 Are there any changes that you wish to suggest to the form in order to assist Members or to improve clarity or transparency for the public?

Would it be useful for these forms to be completed online?

- 2.10 During the previous audit it was discovered that some Members were declaring interests at meetings but then neglecting to complete the declaration of interest at meetings form. Members have been reminded of the requirement to complete these forms and submit them to the relevant Committee Clerk before the end of the meeting at which the interest is declared.

### 3. **Register of Gifts and Hospitality**

- 3.1 This Register is also open to public inspection but, the forms may only be completed in hard copy. You may wish to make a recommendation here about providing an interactive facility?
- 3.2 Declarations must be made within 28 days of any gift or hospitality having been received above the £20 limit.

- 3.3 Again, the Standards Committee has improved the registration form (which was submitted with its Protocol on Gifts and Hospitality, 5.9 in the Constitution).
- 3.4 You are asked to review the registrations to see whether there is compliance with the Protocol. Is sufficient information being provided? Are the registrations timely? Do you think the new form provides greater clarity and transparency? Can you suggest any further improvements or advice that needs to be issued to Members?
- 3.5 Of concern may be the fact that so few registrations have been made, particularly with regards to hospitality. You may wish to ask the Monitoring Officer to undertake further enquiries or to issue a reminder to Members about their obligations.

ATODIAD / ENCLOSURE

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23/11/2015

Dear Councillor/Co-opted Member

## **REVIEW OF THE REGISTERS OF INTERESTS BY THE STANDARDS COMMITTEE**

I write to remind you that the Standards Committee will soon be carrying out its annual review of the Registers in respect of declarations of interests by Councillors / Co-opted Members, which are held by the Council.

Before the review takes place, during January/February 2016 the opportunity is given to Councillors and Co-opted Members to look at their details in the Registers and to check them for completeness and accuracy. You will appreciate that any changes must be notified within 28 days of the change having occurred.

The 3 Registers are now available on line and can be accessed by the following link :-  
<http://www.anglesey.gov.uk/council-and-democracy/councillors-democracy-and-elections/councillors/councillors-and-voting-co-opted-members-declarations-of-interest/>

In order to assist, I enclose a copy of the e-mail sent to you on 13 April 2015 confirming the findings and recommendations from the last review.

Therefore, I should be obliged if you would check your entries in the registers and update them if appropriate. It is compulsory that all updates to the Standing Register, and Register of Gifts and Hospitality, are updated via the Mod Gov system, while any updates to the Register of Interests in Meetings will need to be done via the Committee Section. The Standards Committee will also be reviewing Members' training records and annual reports.

Yours sincerely

Mike Wilson  
Cadeirydd y Pwyllgor Safonau / Chair of the Standards Committee  
Cyngor Sir Ynys Môn / The Isle of Anglesey County Council  
Document: CC-017471-AP/286453

ATODIAD / ENCLOSURE  
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**From:** Dafydd Humphreys  
**Sent:** 13 April 2015 13:33  
**To:** Aelodau GW6  
**Cc:** Michael Wilson  
**Subject:** Y Tair Cofrestr o Ddiddordebau Aelodau / The Three Registers of Members' Interests

Annwyl Gyngorydd,

Fel y gwyddoch mae'r Pwyllgor Safonau yn cynnal adolygiad blynyddol o'r tair Cofrestr o Ddiddordebau Aelodau. Mae'r Pwyllgor Safonau yn credu mai ei swyddogaeth yw cynorthwyo Cyngorwyr i gydymffurfio â'u dyletswyddau yn hytrach 'na chwilio am gangymeriadau, ac rydym yn gobeithio bydd argymhellion yr adolygiad yn ddefnyddiol i chi.

Diolch am eich cymorth a'ch cefnogaeth gyda'r adolygiad, ac am ddiweddarau eich ffurflenni pan yn angenrheidiol cyn i'r adolygiad gael ei gynnal.

Yn dilyn yr adolygiad eleni, mae'r pwyllgor yn gofyn i chi roi sylw dyledus i'r casgliadau cyffredinol sydd fel a ganlyn:-

### **Y Gofrestr Sefydlog**

1. Rydym yn atgoffa Aelodau yn benodol i sicrhau bod eu cyfeiriadau a'u daliadau tir wedi eu disgrifio yn glir yn rhan 1.6 o'r gofrestr. Os nad oes gan Aelod diddordeb mewn tir yna dylai nodi 'Dim' neu 'Dim diddordeb' ar y gofrestr.
2. Mae'n bwysig hefyd i Aelodau ddatgelu eu haelodaeth o gyrff cyhoeddus eraill, elusennau a chymdeithasau. Dylai Aelodau nodi enw a chyfeiriad llawn y gyrff/elusennau y maent yn aelodau ohonynt.
3. Mae yna hefyd anghysondebau o ran aelodaeth o gyrff allanol, fel y cofnodwyd gan y Cyngor, a'r rheini a ddatganwyd; nid ydynt yn cael eu datgan yn y ffurflenni bob amser er eu bod yn cael eu rhestru ar "dudalen flaen" pob Cyngorydd. Gellir gweld enghraifft o "dudalen flaen" Cyngorydd ar y ddolen a ganlyn:-  
<http://democratiaeth.ynysmon.gov.uk/mgUserInfo.aspx?UID=650&LLL=1>
4. Pan fo Aelodau yn datgan diddordeb busnes nid ydynt yn rhoi digon o wybodaeth ynglŷn â natur y diddordeb busnes.

### **Datgan diddordebau mewn cyfarfodydd**

1. Mae yna lawer o enghreifftiau o Aelodau yn ticio'r blwch i ddweud fod ganddynt diddordeb ond nid ydynt yn rhoi manylion am y diddordeb. Mae angen rhoi manylion am beth yw'r diddordeb a hefyd a yw'r diddordeb yn un personol neu'n un sydd yn rhagfarnus neu'r ddau.
2. Nid yw Aelodau yn rhoi digon o wybodaeth am natur y diddordeb a sut mae'n ymwneud â'r eitemau ar y rhaglen. Mae angen bod yn fwy eglur yn hyn o beth;
3. Mae yna ddatganiadau diddordeb anghyson yn cael eu gwneud mewn gwahanol gyfarfodydd gan yr un Aelod ynghylch yr un mater. Mae Aelodau weithiau yn pleidleisio mewn rhai cyfarfodydd

ac ymatal mewn rhai eraill pan mae'r un mater yn cael ei drafod. Mae hyn yn awgrymu diffyg dealltwriaeth. Os nad yw Aelod yn sicr a oes yna ddi-ddordeb sydd angen ei ddatgelu, dylai'r Aelod ofyn am gyngor.

4. O bryd i'w gilydd, mae Aelodau yn datgan diddordeb mewn cyfarfodydd ar lafar, ond ddim yn cwblhau'r gwaith papur. Bydd angen cwblhau'r ffurflen ar gyfer datgan diddordeb mewn cyfarfod bob tro lle mae diddordeb fel hyn yn cael ei ddatgan ar lafar, gan nid yw yn ddigon i ddatgan diddordeb ar lafar yn unig.

5. Mae rhai datganiadau'n parhau i gael eu gwneud heb fod raid, er enghraifft, datganwyd diddordeb gan un Aelod pan nad oedd yn bresennol yn y cyfarfod.

### **Cofrestr o roddion a lletygarwch**

Ychydig iawn o ddatganiadau sydd yn cael eu gwneud ynghylch rhoddion a lletygarwch a gwahoddir Aelodau i ailymgyfarwyddo gyda'r Protocol ar gyfer Rhoddion a Lletygarwch:- <http://www.ynysmon.gov.uk/cyngor-a-democratiaeth/cynghorwyr-democratiaeth-ac-etholiadau/cyfansoddiad/cyfansoddiad-rhan-5-codau-a-phrotocolau/cyfansoddiad-59-protocol-ar-roddion-a-lletygarwch?redirect=false>

### **Hyfforddiant**

Mae'r Pwyllgor Safonau wedi nodi bod sawl Aelod wedi methu â dod i ddigon o sesiynau hyfforddiant eleni.

Mae'r casgliadau yma yn gosod allan y canlyniadau cyffredinol o'r adolygiad, ond mi fydd aelodau o'r Pwyllgor Safonau yn cysylltu gydag ambell Aelod Etholedig yn uniongyrchol lle bydd angen, er mwyn sicrhau fod yr Aelodau yna yn diweddar eu datganiadau lle teimlwyd fod problem wedi codi yn ystod yr adolygiad. Os gwelwch yn dda a fuasech felly yn barod i drafod eich cofrestr gyda'r Pwyllgor Safonau rhag ofn bod un ohonynt yn cysylltu gyda chi.

Mae'r pwyllgor yn gwerthfawrogi eich bod i gyd yn brysur iawn ac yn ymwybodol mai dim ond un o nifer o'r tasgau y mae'n rhaid i chi roi sylw iddynt yw hon. Fodd bynnag, rydym yn gobeithio fod yr argymhellion uchod o gymorth i arbed amser i Aelodau oherwydd fod gwella safon y ffurflenni, gyda gobaith, yn osgoi cyflwyno cwynion di sail sy'n draul ar amser.

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Dear Councillor,

As you know, the Standards Committee conducts an annual review of the three Registers of Members' Interests. The Standards Committee believe their role is to assist councillors to comply with their duties, not to look for errors, and we hope that you will find the recommendations from the review helpful.

Thank you for your support and assistance with the review, and for updating your forms where necessary prior to the review being conducted.

Following this year's review, the Committee asks that you have due regard to its general findings, which are as follows:-

### **The Standing Register**

1. We would remind Members specifically to ensure that their addresses and land holdings are clearly described in section 1.6 of the register. If a Member has no interest in land they should enter 'None' or 'No Interest' on the register.

2. It is also important that Members disclose their membership of other public bodies, charities and associations. Members should provide the full name and address of organisations/charities of which they are members.

3. There are also inconsistencies in terms of membership of external organisations between those listed by the Council and those declared by individual members; they are not always recorded on the forms although they are listed on every Councillor's "front page". An example of a Councillor's "front page" can be found via the following link:-

<http://democracy.anglesey.gov.uk/mgUserInfo.aspx?UID=650&LLL=0>

4. Where members are declaring a business interest they're not providing enough information on what the business interest is.

### **Declaration of interests in meetings**

1. There are many examples of Members ticking the box to declare an interest but not providing details of that interest. Details are required of the nature of the interest and whether that interest is a personal or a prejudicial interest or both.

2. Members do not provide sufficient information regarding the nature of the interest and how it relates to the items on the agenda. Greater clarity is required in this respect.

3. Inconsistent declarations of interest are made in various meetings by the same Member on the same matter. Members occasionally vote in some meetings and abstain in others when the same matter is being discussed. This suggests a lack of understanding. If Members are unsure as to whether they have a declarable interest they should seek advice.

4. Members occasionally declare an interest orally at meetings but do not complete the paperwork. The form needs to be completed for declarations of interest at every meeting where such an interest is declared orally, as oral declarations of interest alone are not sufficient.

5. Some interests are continuing to be declared unnecessarily, for example, one Member declared an interest when he was not present at the meeting.

### **Register of Gifts and Hospitality**

Few declarations are made with regard to gifts and hospitality and members are invited to re-familiarise themselves with the Protocol of Gifts and Hospitality:-

<http://www.anglesey.gov.uk/council-and-democracy/councillors-democracy-and-elections/constitution/constitution-part-5-codes-and-protocols/constitution-59-protocol-on-gifts-and-hospitality/>

### **Training**

The Standards Committee has observed that several members have failed to attend sufficient training this year.



These findings set out the general conclusions of the review but Members of the Standards Committee will be contacting some elected Members direct, if needed, in order to ensure that they update their declarations where it is felt that a problem has arisen during the review. Would you therefore please be ready to discuss your register with the Standards Committee in case one of them contacts you.

The Committee appreciates that you are all very busy and is aware that this task is only one of a number that you have to address. However, we hope that the above recommendations will assist in saving time for Members as improving the standard of the forms will hopefully avoid groundless and time consuming complaints.

Yn Gywir / Regards

Mike Wilson

Cadeirydd y Pwyllgor Safonau /Chair of the Standards Committee,  
Cyngor Sir Ynys Môn / The Isle of Anglesey County Council  
Document: CC-017471-AP/257200

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**CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL**

<b>MEETING:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>16 September 2015</b>
<b>TITLE OF REPORT:</b>	<b>The Local Government (Democracy) (Wales) Act 2015</b>
<b>PURPOSE OF THE REPORT:</b>	<b>To report to the Standards Committee on legislative changes</b>
<b>REPORT BY:</b>	<b>Monitoring Officer</b>
<b>CONTACT OFFICER:</b>	<b>Lynn Ball, <a href="mailto:lbxcs@anglesey.gov.uk">lbxcs@anglesey.gov.uk</a> 01248 752586</b>

## **INTRODUCTION**

The Local Government (Democracy) (Wales) Act 2013 (“the 2013 Act”) received Royal Assent on the 30<sup>th</sup> July 2013. Its primary purpose was to reform the constitution and function of the Local Democracy and Boundary Commission for Wales. However, the 2013 Act also introduced other provisions connected with local government, some of which are indirectly relevant to the work of the standards committee.

## **RELEVANT STATUTORY CHANGES**

The Local Government (Democracy) (Wales) Act 2013 (Commencement No. 2) Order 2015 activates sections 55 to 58, 68 and 69 of the 2013 Act with effect from May 2015.

The relevant changes are:-

### **1. Community Councils – Electronic Publication of Information**

Community councils are now required to publish certain information on their websites. This includes information about the clerk, the members, minutes of meetings and any audited statements of accounts. Community councils are also required to publish public notices electronically and to make certain information about their meetings and proceedings available electronically.

Statutory Guidance has been issued to assist community councils in fulfilling their new obligations and a copy of the Guidance is attached at **Enclosure 1**.

### **2. Register of Members’ Interests**

Section 81(1) of the Local Government Act 2000 currently requires the monitoring officer of every relevant authority to establish and maintain a register of members’ interests. To maintain the distinction with declarations in meetings, this is sometimes called the “standing register” or “pre-registration”.

Prior to implementation of the new statutory requirements in May 2015, community councils did not hold a “standing” register as the wording in the legislation required the monitoring officer of each authority to retain such a register. As community councils are separate authorities in their own right, but do not engage monitoring officers, it was interpreted that the requirement for the standing register related to unitary authorities only.

The legislation has now been amended and it is clear that community councils are required to have “standing” registers of interests, as well as that containing interests declared during meetings. The legislation also makes it clear that community council clerks are the relevant officers for maintaining the register.

Following commencement of Section 58 of the 2013 Act, the requirements are amended/clarified as follows:-

- (i) There is a duty to establish and maintain a register of members’ interests. The responsibility is with the “proper officer” of the community council i.e. the council clerk.
- (ii) In addition to being available for public inspection, the register of members’ interests must be published electronically and should therefore be available on the website for each community council (each community council is now legally required to operate a website)

### **3. Standards Committee (Joint Committees)**

Section 68 of the 2013 Act amends the duty on the relevant authorities to establish a standards committee, empowering, but not compelling, two or more authorities to establish a joint standards committee.

### **4. Referral of misconduct cases/dispensation applications**

Section 69 of the 2013 Act provides power for local authorities to refer misconduct cases / dispensation applications between standards committees of different authorities.

## **RECOMMENDATION**

To note the changes listed in the report and to give particular consideration to paragraph 2 and whether or not compliance issues in relation to this new responsibility should form part of the standards committee’s next work programme.

ATODIAD / ENCLOSURE  
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Llywodraeth Cymru  
Welsh Government

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

Statutory Guidance

# Access to Information on Community And Town Councils

May 2015



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# **WELSH GOVERNMENT GUIDANCE**

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



## **Status and Application**

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

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

## **Background**

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

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

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

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

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

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

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

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

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

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

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

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

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

10. The majority of Community Councils in Wales already have a presence online and publish information electronically. Community Councils are urged to seek assistance from One Voice Wales, their Principal Council or other reliable sources if they need it to develop their web presence.

11. Under section 55, the Council must publish electronically its telephone number, postal address and e-mail address on the website. Councils should have a generic email address and not use a personal email address, enabling the Clerk to access messages. The information must be available for the Council Clerk if the Council does not have an office address or telephone number. In some cases, the Community Council will have its own, or a share of, offices and the telephone number, postal address and e-mail address for these premises would be appropriate. Councils will be expected, however, to have arrangements to ensure messages are regularly retrieved and responded to.

12. It is not obligatory for individual members to have e-mail addresses. In a Principal Council this would be expected because the Council itself can usually provide e-mail addresses on the Council's site. However, the members' names must be listed and details of how they may be contacted must be available online. Some Councils will wish to place photographs of each member but this is a decision for them.

13. The Act requires that the political affiliation of the members of the Council is published. Some Community Councils choose not to do this at present. However, the public has a right to know the political persuasions of those in elected office or whether they are independent of any group. It is unacceptable for a member to hide their political affiliation.

14. If the Community Council is divided into community wards, the ward the member represents must be published. If they hold office of some sort in the Council or belong to a council committee of some sort, it must be published on the site.

15. Co-opted members should be recorded in the interest of transparency to distinguish them from elected members.

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

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

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

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

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

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

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

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

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

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

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

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

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



Status:  Law In Force

## **Local Government Act 2000 c. 22**

### **Part III CONDUCT OF LOCAL GOVERNMENT MEMBERS AND EMPLOYEES**

#### **Chapter V SUPPLEMENTARY**

##### **Disclosure and registration of members' interests etc.**

This version in force from: **May 1, 2015** to **present**

(version 6 of 6)

##### **81.— Disclosure and registration of members' interests etc.**

(1) 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.

(2) The mandatory provisions of the model code applicable to each relevant authority ("the mandatory provisions") must require the members and co-opted members of each authority to register in that authority's register maintained under subsection (1) such financial and other interests as are specified in the mandatory provisions.

(3) The mandatory provisions must also—

(a) require any member or co-opted member of a relevant authority who has an interest specified in the mandatory provisions under subsection (2) to disclose that interest before taking part in any business of the authority relating to that interest,

(b) make provision for preventing or restricting the participation of a member or co-opted member of a relevant authority in any business of the authority to which an interest disclosed under paragraph (a) relates.

(4) 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 [, or by the standards committee of another relevant authority,] <sup>1</sup> in accordance with regulations made under subsection (5).

(5) The [Welsh Ministers]<sup>2</sup> may prescribe in regulations the [—]<sup>3</sup>

[

(a) circumstances in which standards committees may grant dispensations under subsection (4),

(b) procedure to be followed for the granting of dispensations.

]<sup>3</sup>

(6) A relevant authority must ensure that [—]<sup>4</sup>

[

(a) copies of the register for the time being maintained by their monitoring officer under this section are available at an office of the authority for inspection by members of the public at all reasonable hours,

(b) the register mentioned in paragraph (a) is published electronically.

]<sup>4</sup>

(7) As soon as practicable after the establishment by their monitoring officer of a register under this section, a relevant authority must—

(a) publish in one or more newspapers circulating in their area a notice which—

(i) states that copies of the register are available at an office of the authority for inspection by members of the public at all reasonable hours, and

(ii) specifies the address of that office, [ and ]<sup>5</sup>[...] <sup>6</sup>

[(iii) states that the register is available to be viewed electronically, and



(iv) specifies how to access the electronic version,

] <sup>7</sup>

[...] <sup>5</sup>

[

(c) [...] <sup>2</sup> inform the Public Services Ombudsman for Wales that copies of the register are so available.

] <sup>6</sup>

[(7A) For the purposes of this section—

(a) [section 83\(13\)](#) does not apply, and

(b) in relation to a relevant authority which is a community council, the references in this section to a monitoring officer are to be read as references to the proper officer of that council (within the meaning of [section 270\(3\)](#) of the [Local Government Act 1972](#)).

] <sup>8</sup>

[...] <sup>2</sup>

## Notes

1. Words inserted by Local Government (Democracy) (Wales) Act 2013 anaw. 4 [Pt 5 s.69\(3\)\(a\)](#) (May 1, 2015)
2. Amended by Localism Act 2011 c. 20 [Sch.4\(1\) para.48](#) (July 1, 2012: amendment has effect as SI 2012/1463 subject to transitional, transitory and savings provisions specified in SI 2012/1463 art.7(3) and (4))
3. Existing s.81(5) renumbered as s.81(5)(a) and s.81(5)(b) inserted by Local Government (Democracy) (Wales) Act 2013 anaw. 4 [Pt 5 s.69\(3\)\(b\)](#) (May 1, 2015)
4. Existing s.81(6) renumbered as s.81(6)(a) and s.81(6)(b) inserted by Local Government (Democracy) (Wales) Act 2013 anaw. 4 [Pt 5 s.58\(2\)](#) (May 1, 2015)
5. Repealed by Localism Act 2011 c. 20 [Sch.25\(5\) para.1](#) (January 31, 2012: repeal has effect as SI 2012/57 subject to transitional and savings provisions specified in SI 2012/57 arts 6 and 8)
6. Added by Public Services Ombudsman (Wales) Act 2005 c. 10 [Sch.4 para.22\(b\)](#) (April 1, 2006)
7. Added by Local Government (Democracy) (Wales) Act 2013 anaw. 4 [Pt 5 s.58\(3\)](#) (May 1, 2015)

8. Added by Local Government (Democracy) (Wales) Act 2013 anaw. 4 [Pt 5 s.58\(4\)](#) (May 1, 2015)

## Modifications

Pt III	Modified in relation to the shadow authority by <a href="#">Bedfordshire (Structural Changes) Order 2008/907, Pt 5 art. 16(8)</a>
	Modified in relation to each shadow authority by <a href="#">Cheshire (Structural Changes) Order 2008/634, Pt 3 art. 7(5)</a>
	Modified in relation to a Welsh Part 3 panel and the members of such a panel by <a href="#">Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012/2734, reg. 6, reg. 5, Sch. 1(3) para. 33</a>
	Modified in relation to any allegation that a member or co-opted member of the London Assembly has failed, or may have failed, to comply with that authority's code of conduct by <a href="#">Police Reform and Social Responsibility Act 2011 (Commencement No. 3 and Transitional Provisions) Order 2011/3019, art. 5(2)</a>
	Modified in relation to any allegation that a member or co-opted is not a member of the London Assembly has failed, or may have failed, to comply with that authority's code of conduct by <a href="#">Police Reform and Social Responsibility Act 2011 (Commencement No. 3 and Transitional Provisions) Order 2011/3019, art. 5(3)</a>
	Modified in relation to references to the Local Commissioner in Wales by <a href="#">Public Services Ombudsman (Wales) Act 2005 (Transitional Provisions and Consequential Amendments) Order 2006/362, art. 4(5)</a>

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