

ISLE OF ANGLESEY COUNTY COUNCIL

MEETING:	County Council
DATE:	23 rd May 2017 (11am)
TITLE:	Annual Report of the Chair of the Standards Committee
REPORT BY:	Michael Wilson, Chair of the Standards Committee & Independent Member of the Council
PURPOSE OF REPORT:	To Report on the Activities of the Standards Committee in 2016/17 and to secure Council Approval for the Committee's Programme for 2017/18
CONTACT OFFICER:	Lynn Ball, Head of Function (Council Business) / Monitoring Officer (ext 2568)

Introduction

1. The Standards Committee is a statutory committee which comprises 9 members (2 County Councillors, 5 Independent Members and 2 Community Council members).
2. There is currently a casual vacancy for an independent member of the Standards Committee. This vacancy will be filled through an open and competitive process, conducted by the Council's Standards Committee Selection Panel. The term of the other four independent members ends on the 17th December 2019.
3. The Standards Committee has (amongst others) the following roles and functions in relation to County Councillors and Town/Community Councillors:-
 - (a) promoting and maintaining high standards of conduct by Councillors;
 - (b) assisting Councillors to observe their Code of Conduct;
 - (c) advising, training, or arranging to train Councillors;
 - (d) considering applications for dispensations;
 - (e) dealing with any referrals from the Public Services Ombudsman for Wales (PSOW), or the Adjudication Panel for Wales (effectively the national Standards Committee).

Background

4. At its meeting on the 12th May 2016 the County Council resolved to approve the Standards Committee's Programme for 2016/17. The original Programme identified proposed areas of work, timetable and resources. This document is reproduced at **ENCLOSURE A** to this Report and has been updated to include the work which has since been delivered against the objectives originally set.

5. **ENCLOSURE B** to this Report contains the Standards Committee's Programme for 2017/18, which is presented for the Council's endorsement.
6. **Chairman's Comments**

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

6.1 Code of Conduct Referrals

In relation to County Councillors, during 2016/17, only two complaints were made to the PSOW under the Code of Conduct and no complaint was referred by the PSOW to the Standards Committee for hearing.

This positive trend developed throughout the lifetime of the outgoing Council.

It is the view of the Standards Committee that this desirable state of affairs owes much to self-regulation by Members and by political groups. Where possible, and appropriate, the Standards Committee would recommend this approach to the new Council.

Members are also reminded that a voluntary and informal Local Resolution Protocol exists, which may resolve matters more quickly and effectively than a complaint to the PSOW, in circumstances where disputes may arise between Members.

Regrettably, though, there were 12 complaints filed against Town and Community Councillors during 2016/17; although none has been referred by the PSOW for a formal hearing by the Standards Committee.

The PSOW has made it clear that, while there is no legal requirement, he expects Town and Community Councils to take all reasonable steps to resolve internal matters under their own local resolution arrangements. The Standards Committee strongly endorses this approach, where appropriate. Referral to the PSOW should be reserved only for any serious cases or complaints by the public.

During the course of the year, the PSOW has expressed the intention to focus his limited resources on only the most serious matters, where he sees a public interest in conducting an investigation.

6.2 Dispensations

The Standards Committee circulated a further advice to Members about dispensations on the 31st January 2017 and this was mentioned again in training on 18th May 2017.

As Members will be aware, dispensations may be granted by the Standards Committee, in certain circumstances defined by statute, where the Member would otherwise be unable to participate in a debate or decision owing to a significant (prejudicial) personal interest. The Standards Committee may sometimes be in a position to overreach that prejudicial interest if certain conditions are met.

The Dispensations Regulations apply to County Councillors and Town and Community Councillors and all are recommended to consider whether such an application may be appropriate in some circumstances.

6.3 Personal Development

The Standards Committee recommends to all Members, and particularly newly elected Members, that they engage with the Training and Development Programme offered by the County Council; particularly in the first year of a new Council and in specialist areas like planning, social services etc.

6.4 Three Registers of Interests

County Councillors will know that they are required to comply with three categories of registration (pre-registration / meetings / gifts and hospitality).

In previous years, the Standards Committee has undertaken an annual review of the three registers, but in the past 12 months has focused only on sampling the single register of interests retained by the Town and Community Councils. This was done with a view to putting forward recommendations to the Town and Community Councils in readiness for their new term in May 2017. The generic findings of that review were published on the 7th April 2017 and a copy is attached at **ENCLOSURE C**.

Many County Councillors will sit on Town or Community Councils, or act as a “link” between the County Council and their Town and Community Councils, and are asked to please promote and encourage the recommendations in **ENCLOSURE C** to their Town and Community Councillors.

Towards the end of 2017/18 it will be the Standards Committee’s intention to once again review the three registers of County Councillors’ interests, with a view to contacting individual Councillors for discussion and clarification where needed, followed by publication of generic advice or recommendations (should any arise).

6.5 Briefing Notes

Members are referred to the following briefing notes published by the Standards Committee during 2016/17 namely:-

- [Briefing Note on statutory changes to the Code of Conduct and amended Guidance for County Councillors](#)
- [Briefing Note on Dispensations for County Councillors](#)
- [Briefing Note to County Councillors on Personal and Prejudicial Interests](#)
- [Briefing Note to County Councillors on Personal and Prejudicial Interests as School Governors](#)

6.6 Standards Committee Forum

During 2016/17 Isle of Anglesey County Council once again hosted the PSOW at the regional Forum Meeting. There was a lengthy question and answer session addressing particular issues of concern. The questions and answers were circulated in full to members on the 28th March 2017.

Finally, the Standards Committee would like to extend its congratulations to new and returning Councillors, and wish you all success in your respective roles. We look forward to a positive working relationship and continuation of the mutual respect which has developed over the last four years.

RECOMMENDATION:-

1. To note the Programme delivered by the Standards Committee between April 2016 and May 2017 at **ENCLOSURE A.**
2. To endorse the Standards Committee's Work Programme for 2017/18 as outlined in **ENCLOSURE B.**

ENCLOSURE A

STANDARDS COMMITTEE WORK PROGRAMME – MAY 2016 TO APRIL 2017

		TIMETABLE	RESOURCES	STATUS AS AT YEAR END
1.	To conduct hearings into alleged breaches of the Members' Code of Conduct by County Councillors and Town/Community Councillors following a referral from the Public Services Ombudsman for Wales (PSOW)	<ul style="list-style-type: none"> As and when referrals are made and in accordance with the performance indicator 	<ul style="list-style-type: none"> Monitoring Officer 	<ul style="list-style-type: none"> No referrals
2.	To conduct hearings into applications for Dispensations made by County Councillors and Town/Community Councillors	<ul style="list-style-type: none"> As and when applications are made and in accordance with the performance indicator 	<ul style="list-style-type: none"> Monitoring Officer 	<ul style="list-style-type: none"> No applications
3.	To undertake an advisory role in connection with any matters arising under the Council's Local Resolution Protocol	<ul style="list-style-type: none"> As and when requested 	<ul style="list-style-type: none"> Monitoring Officer 	<ul style="list-style-type: none"> No requests

4.	To oversee training and development on the Members' Code of Conduct in accordance with paragraph 2.6 of the Code; focusing on preparing for new intake of members in May 2017	<ul style="list-style-type: none"> • Ready for May 2017 	<ul style="list-style-type: none"> • Monitoring Officer • Human Resources Development Manager • Head of Democratic Services 	
	<ul style="list-style-type: none"> • Town Councils 			<ul style="list-style-type: none"> • 16.05.2016 - training provided by Monitoring Officer and Committee • Attended Town and Community Councils Liaison Forum on 24.11.2016 to report/advise on:- <ol style="list-style-type: none"> 1. Adoption of amended Code of Conduct 2. Ombudsman's amended Guidance on the Code of Conduct 3. Requirements for maintaining Town and Community Councils' Register of Interests 4. Review of the Town and Community Councils' Register of Interests 5. PSOW's presentation at the North Wales Standards Committee Forum 6. Decisions of the Adjudication Panel for Wales

	<ul style="list-style-type: none"> Preparation for new County Council in May 2017 			<ul style="list-style-type: none"> Programme agreed by Standards Committee on 14.09.2016 Training programme has been approved and published to members.
5.	To review a sample of the Register of Members' interest as retained by Town and Community Councils followed by any necessary advice and guidance.	<ul style="list-style-type: none"> By the end of April 2017 	<ul style="list-style-type: none"> Monitoring Officer 	<ul style="list-style-type: none"> Reviews conducted between 18.10.2016, and 22.02.2017 Individual letters sent to each Council following their review General Report published and shared with Town/Community Council Clerks on 7.4.2017 (attached)
6.	To undertake the role of consultee on any proposed change to the Constitution relevant to the role of the Standards Committee and especially where such proposed changes might disproportionately prejudice the rights and interests of any minority group on the Council.	<ul style="list-style-type: none"> As and when required 	<ul style="list-style-type: none"> Monitoring Officer 	<ul style="list-style-type: none"> No referrals
7.	To undertake the role of consultee on any proposed legislative/policy changes etc relevant to the Standards Committee's area of responsibility.	<ul style="list-style-type: none"> As and when required 	<ul style="list-style-type: none"> Monitoring Officer 	<ul style="list-style-type: none"> May 2016 – Advising Town/Community Councillors on amended Code of Conduct 21.07.2016 - Video to Town/Community Councils. 06.01.2017* – Briefing Note on statutory changes to the Code of Conduct and amended Guidance for County Councillors.

				<ul style="list-style-type: none"> • 06.01.2017 – Briefing Note on statutory changes to the Code of Conduct and amended Guidance for Town and Community Councillors • 31.01.2017* – Briefing Note on Dispensations for County Councillors • 06.03.2017 – Briefing Note on Dispensations to Town and Community Councillors • 14.03.2017* – Briefing Note to County Councillors on Personal and Prejudicial Interests • 27.03.2017 – Briefing Note to Town and Community Councillors on Personal and Prejudicial Interests • 22.03.2017* – Briefing Note to County Councillors on Personal and Prejudicial Interests as School Governors • Advising Town/Community Councils on statutory requirements re: websites • Standards Committee Selection Panel to appoint new independent Member <p>* Available at link</p>
8.	To make any recommendations to the Council for improvements in those areas of work which relate to the Standards Committee.	<ul style="list-style-type: none"> • As and when required 	<ul style="list-style-type: none"> • Monitoring Officer 	<ul style="list-style-type: none"> • 12/05/2016 – recommend reduction in the number of ordinary meetings of the

				<p>Standards Committee – approved by Council and Constitution amended</p> <ul style="list-style-type: none"> • 04/04/2017 - publish amended Constitution for the Standards Committee. • 24/03/2017 - publish summary Scheme of Delegation • 24/04/2017 - publish summary “Standing Committees and Panels”
9.	The Chair of the Standards Committee to present an annual report to the Council outlining the work of the committee during the previous year.	<ul style="list-style-type: none"> • May 2017 	<ul style="list-style-type: none"> • Chair 	<ul style="list-style-type: none"> • 23.05.2017
10.	To ensure that the knowledge and skills of the Standards Committee are developed and updated by:-	<ul style="list-style-type: none"> • As and when required and subject to capacity 	<ul style="list-style-type: none"> • Monitoring Officer 	
	<ul style="list-style-type: none"> - regular reviews of decided cases from <ul style="list-style-type: none"> o other relevant authorities o Adjudication Panel for Wales 			<ul style="list-style-type: none"> • Delivered on 14.09.2016 and 08.03.2017. Published to County Councillors on 30.09.2016 and 09.03.2017 and Town and Community Councillors on 09.03.2017.
	<ul style="list-style-type: none"> - to participate and contribute on the North Wales Standards Committee Forum 			<ul style="list-style-type: none"> • 17.10.2016 – Forum arranged by IOACC including PSOW’s attendance. Questions to and answers from PSOW circulated to County Council members on

				<p>28/03/2017</p> <ul style="list-style-type: none"> • 10.04.2017 – Forum meeting. Agenda items:- <ul style="list-style-type: none"> • Model Local Resolution Protocol for City, Town and Community Councils • New Member Induction and Training on ethical issues • Websites for Town and Community Council • Use of neighbouring authority Standards Committees for hearings involving internal conflicts
	- to participate and contribute to the All Wales Standards Committee Conference.			<ul style="list-style-type: none"> • No Conference 2016/17. Scheduled for 2017/18.
	- To be reviewed under a performance appraisal review scheme similar to that used by the County Councillors.			<ul style="list-style-type: none"> • The Chair undertook a Personal Development Review with the Monitoring Officer on 11.08.2017 and reviewed the independent members thereafter • To take place every two years
11.	To monitor progress on Member complaints filed with the PSOW and to undertake an annual analysis of complaints data in relation	<ul style="list-style-type: none"> • Annually if data allows 	<ul style="list-style-type: none"> • Monitoring Officer 	<ul style="list-style-type: none"> • Report to the Standards Committee on 14.09.2016 and 08.03.2017

	to Ynys Mon County Council in order to identify trends/issues of concern/training needs.			<ul style="list-style-type: none"> • A decision that the complaints matrix be circulated quarterly, via email when there is no committee meeting. Matrix under discussion with the PSOW. • Report on any recent trends to be prepared by September 2017 and considered by Standards Committee with a view to targeting any specific training needs
12.	To maintain contact with Group Leaders to discuss any issues arising.	<ul style="list-style-type: none"> • As and when required 	<ul style="list-style-type: none"> • The Chair 	<ul style="list-style-type: none"> • 22.09.2016
13.	<p>Report performance indicators on a default basis</p> <ul style="list-style-type: none"> • Relationship between Members and Political Groups • The effectiveness of the Council's Standards Committee • Standards of conduct and behaviour of Members 	<ul style="list-style-type: none"> • Quarterly 	<ul style="list-style-type: none"> • Monitoring Officer 	<ul style="list-style-type: none"> • Reported quarterly

ENCLOSURE B

STANDARDS COMMITTEE WORK PROGRAMME – MAY 2017 TO APRIL 2018

		TIMETABLE	RESOURCES	STATUS AS AT YEAR END
1.	To conduct hearings into alleged breaches of the Members' Code of Conduct, by County Councillors and Town and Community Councillors, following a referral from the Public Services Ombudsman for Wales (PSOW)	<ul style="list-style-type: none">• As and when referrals are made and in accordance with the performance indicator	<ul style="list-style-type: none">• Monitoring Officer	
2.	To conduct hearings into applications for Dispensations made by County Councillors and Town/Community Councillors	<ul style="list-style-type: none">• As and when applications are made and in accordance with the performance indicator	<ul style="list-style-type: none">• Monitoring Officer	
3.	To undertake an advisory role in connection with any matters arising under the Council's Local Resolution Protocol.	<ul style="list-style-type: none">• As and when requested	<ul style="list-style-type: none">• Monitoring Officer	

4.	To oversee training and development on the Members' Code of Conduct in accordance with paragraph 2.6 of the Code.	<ul style="list-style-type: none"> • Ready for May 2018 	<ul style="list-style-type: none"> • Monitoring Officer 	
5.	To review the three registers of Members' Interests followed by any necessary advice and guidance.	<ul style="list-style-type: none"> • By the end of April 2018 	<ul style="list-style-type: none"> • Monitoring Officer 	
6.	To undertake the role of consultee on any proposed change to the Constitution relevant to the role of the Standards Committee and especially where such proposed changes might disproportionately prejudice the rights and interests of any minority group.	<ul style="list-style-type: none"> • As and when required 	<ul style="list-style-type: none"> • Monitoring Officer 	
7.	To undertake the role of consultee on any proposed legislative / policy changes etc relevant to the Standards Committee's area of responsibility.	<ul style="list-style-type: none"> • As and when required 	<ul style="list-style-type: none"> • Monitoring Officer 	
8.	To make any recommendations to the Council for improvements in those areas of work which relate to the Standards Committee.	<ul style="list-style-type: none"> • As and when required 	<ul style="list-style-type: none"> • Monitoring Officer 	
9.	The Chair of the Standards Committee to present an annual report to the Council outlining the work of the committee during the previous year.	<ul style="list-style-type: none"> • May 2018 	<ul style="list-style-type: none"> • Chair 	
10.	To ensure that the knowledge and skills of the Standards Committee are developed and updated by:-		<ul style="list-style-type: none"> • Monitoring Officer 	
	- regular reviews of decided cases from	<ul style="list-style-type: none"> • Ordinary 		

	<ul style="list-style-type: none"> ○ other relevant authorities ○ Adjudication Panel for Wales 	meeting of the Committee		
	- to participate and contribute on the North Wales Standards Committee Forum	<ul style="list-style-type: none"> • Twice annually 		
	- to participate and contribute to the All Wales Standards Committee Conference.	<ul style="list-style-type: none"> • Once every 2 years – due 2017/18 		
	- To be reviewed under a performance appraisal review scheme similar to that used by the county council's elected members.	<ul style="list-style-type: none"> • One every 2 years – due 2018 		
11.	To monitor progress on Member complaints filed with the PSOW and to undertake an annual analysis of complaints data in relation to Ynys Mon County Council and Town and Community Councils in order to identify trends/issues of concern/training needs.	<ul style="list-style-type: none"> • Quarterly 	<ul style="list-style-type: none"> • Monitoring Officer 	
12.	To maintain contact with Group Leaders to discuss any issues of concern.	<ul style="list-style-type: none"> • As and when required 	<ul style="list-style-type: none"> • Chair 	
13.	Appoint a new independent member to the Standards Committee.	<ul style="list-style-type: none"> • As soon as possible 	<ul style="list-style-type: none"> • Monitoring Officer • Standards Committee Selection Panel 	
14	Appoint two Town and Community Council representatives to the Standards Committee	<ul style="list-style-type: none"> • Following May 2017's election 	<ul style="list-style-type: none"> • Monitoring Officer 	
15	Report performance indicators on a default basis	<ul style="list-style-type: none"> • Quarterly 	<ul style="list-style-type: none"> • Monitoring Officer 	

	<ul style="list-style-type: none">• Relationship between Members and Political Groups• The effectiveness of the Council's Standards Committee• Standards of conduct and behaviour of Members			
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Medwen Jones

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

Annwyl Glercod,

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

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

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

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

Cofion,

Michael Wilson
 Cadeirydd y Pwyllgor Safonau

Dear Clerks,

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

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

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

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

Regards,

Michael Wilson
Chairman of the Standards Committee

Document: CC-019456-MY/370839 -

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

Report prepared March 2017

A) INTRODUCTION AND BACKGROUND

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

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

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

B) GENERAL COMMENTS

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

C) DOCUMENTS / PAPERWORK REVIEWED

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

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

D) FINDINGS

- 1) The Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016 came into force on 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, and although the Standards Committee was

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

E. CONCLUSION/RECOMMENDATIONS

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

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

However, some areas for improvement were noted:

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

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

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

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

Michael Wilson
Chairman of the Standards Committee

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 Cwmniâu 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,

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

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

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

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

(2) In relation to a community council—

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

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

PART 2 GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

4. You must —

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

- (b) show respect and consideration for others;
- (c) not use bullying behaviour or harass any person; and
- (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

5. You must not —

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

6.—(1) You must —

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

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

7. You must not —

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

(vi) improperly for private purposes.

8. You must —

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

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

(ii) the authority's chief finance officer;

(iii) the authority's monitoring officer;

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

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

9. You must —

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

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

PART 3 INTERESTS

Personal Interests

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

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

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

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

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

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

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

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

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

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

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

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

(ix) any —

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

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

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

(dd) trade union or professional association; or

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

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

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

[Note: subparagraph (b) is omitted.]

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

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

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

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

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

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

to a greater extent than the majority of—

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

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

Disclosure of Personal Interests

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

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

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

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

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

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

(a) details of the personal interest;

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

(c) your signature.

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

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

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

Prejudicial Interests

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

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

(a) relates to —

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

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

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

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

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

(b) relates to —

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

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

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

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

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

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

Overview and Scrutiny Committees

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

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

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

Participation in Relation to Disclosed Interests

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(aa) details of the prejudicial interest;

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

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

(dd) your signature.

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

PART 4 THE REGISTER OF MEMBERS' INTERESTS

Registration of Personal Interests

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

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

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

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

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

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

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

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

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

Sensitive information

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

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

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

Registration of Gifts and Hospitality

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

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

A. Background

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

B. The Requirements

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

(i) A Member's Duty:

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

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

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

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

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

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

(ii) The Clerk's Duty:

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

(iii) Generally:-

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

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

If you have any questions with respect to this Briefing Note, please contact:
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Footnote

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



Llywodraeth Cymru
Welsh Government

www.gov.wales

Statutory Guidance

Access to Information on Community And Town Councils

May 2015

OGL

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WELSH GOVERNMENT GUIDANCE

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

Status and Application

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

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

Background

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

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

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

Community Council websites – section 55

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

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

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

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

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

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

Guidance about Community Council websites

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

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

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

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

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

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

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

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

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

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

18. The Act's provisions should be viewed as outlining the minimum requirements. Many Councils will want to place far more information than this on their webpages and are encouraged to do so. Councils will need to have regard to the Code of Recommended Practice for Local Authority Publicity when considering the appropriateness of what they may wish to publish.
<http://wales.gov.uk/topics/improvingservices/publicationsevents/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'

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"/> The personal interest is not prejudicial* and I took part in the item OR
<input type="checkbox"/> The personal interest is prejudicial* and I left the meeting when the item was discussed OR
<input type="checkbox"/> 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"/> I believe my personal interest is not prejudicial* Because: _____ _____ _____
OR
<input type="checkbox"/> I believe my personal interest is prejudicial* Because: _____ _____ _____

Signed Date of signature

THIS COMPLETED FORM SHOULD BE HANDED TO YOUR CLERK DURING THE COURSE OF, OR IMMEDIATELY AFTER, THE MEETING