

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

1. INTRODUCTION & BACKGROUND

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

2. PROCESS

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

3. APPLICATION

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

4. RECOMMENDATIONS

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

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

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

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

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

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

Signed:	Date: 6 September 2017
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- * Prejudicial Interests – these are personal interests which an objective observer would consider so significant that they are likely to compromise a member's ability to act in the public interest

Circumstances When A Standards Committee May Grant Dispensation

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

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

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

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

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

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

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

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

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

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

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

Dated: _____

Isle of Anglesey County Council

INDEMNITIES POLICY FOR MEMBERS AND OFFICERS

Version 1.0 (5 March 2013)

About this policy

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

Revision history

Version	Date	Summary of changes
1.0	5 March 2013	

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

Contact Details:

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

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

Mae'r ddogfen yma ar gael yn y
Gymraeg.

This document is available in Welsh.

INDEMNITIES POLICY FOR MEMBERS AND OFFICERS

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

A. Procedure

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

2 The Application

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

- 2.1.9 address those matters in the Order which prevent, restrict or limit the giving of an indemnity and to do so with sufficient detail so as to enable the Council to be satisfied that the granting of an indemnity falls within the powers granted by the Order.
- 2.2 Notwithstanding the above, the Council (initially acting by its Head of Function (Council Business)/Monitoring Officer) may request further information of the Matter from the Applicant where it believes that it has insufficient information to properly determine the Application in accordance with the provisions of the Order.
- 2.3 No indemnity shall be granted in respect of any costs incurred by the Applicant prior to the submission to the Council of an Application which must comply with the requirements of this section 2.
- 2.4 Any decision on an Application does not prevent the Applicant from taking such action as he/she thinks fit in the conduct of the matter subject to any terms upon which an indemnity may be given.

3 Determining the Application

- 3.1 Determining the Application shall be the responsibility of the Sub-Committee established by full Council for that purpose.
- 3.2 A meeting of the Sub-Committee (“the Meeting”) shall be convened as soon as is practicable to determine the Application after receipt of an Application that complies with the requirements of paragraph 2 above. Where necessary the Meeting shall be in private with the press and public excluded.
- 3.3 At the Meeting there shall be tabled a written report from the Head of Function (Council Business)/Monitoring Officer together with a copy of the Application.
- 3.4 It is possible that where the Applicant is a Member he (or she) shall have a prejudicial interest which shall preclude him (or her) from attending the Meeting. The Applicant may consider and can request that the Application be dealt with as follows by the Sub-Committee:
 - 3.4.1 as a paper Application only with no representations on behalf of the Applicant,
 - 3.4.2 by way of a brief presentation of the Application on behalf of the Applicant (such as by their solicitor), or
 - 3.4.3 by way of a brief presentation by the Applicant provided that where the Applicant has a prejudicial interest in the Matter they have first obtained a dispensation from the Council’s Standards allowing them to attend the meeting and to make their representations in accordance with the terms of any such dispensation .
- 3.5 Where the Applicant requests the right to make a presentation (either by themselves or their representative) at the Meeting the following procedure shall be followed:

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

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

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

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

C. General Terms of the Indemnity

1. Subject to the above and to any terms, conditions or limitations determined or imposed in any particular case by the Sub-Committee, the Isle of Anglesey County Council indemnifies each member and officer of the Council against any claim, liability or loss and/or damage in relation to any action or failure to act by any member or officer and:-

(a) is authorised by the Council; or

(b) forms part of or arises from any powers conferred, or duties placed upon that member or officer as a consequence of any function being exercised by that member or officer (whether or not in exercising that function the member or officer does so in the capacity of member or officer of the Council)

(i) at the request of or with the express approval of the Council; or

(ii) for the purposes of the Council

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

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

(a) taken under delegated powers;

(b) taken personally under any specific statutory provision such as Head of Paid Service (Chief Executive), Chief Finance Officer (S151 Officer), Monitoring Officer, Local Government (Contracts) Act 1997.

(c) Taken at partnerships, informal joint working arrangements, charitable organisations, companies (however constituted) when the member or officer is serving as the Council's representative on these bodies.

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

2. Conditions and Limitations applying to the Indemnity

A. Good faith

A member or officer relying on the indemnity :-

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

The Council will provide the indemnity in relation to an act, or failure to act, which is subsequently found to be beyond the power of that member, or officer, in question; but only to the extent that the member or officer reasonably believed that the act or failure to act in question was within that member or officer's powers at the time at which that member or officer acted, or failed, to act.

B. Repayment

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

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

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

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

C. Defamation

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

D. Returning Officer

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

E. General Principles

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

5.1 Members' Code of Conduct

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

Part 1 – Interpretation

1. (1) In this code

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

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

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

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

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

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

- (a) a county council,
- (b) a county borough council,
- (c) a community council,
- (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,
- (e) a National Park authority established under section 63 of the Environment Act 1995;

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

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

Part 2 - General Provisions

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

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

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

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

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

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

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

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

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

4. You must –

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

(b) show respect and consideration for others;

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

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

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

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

5. You must not –

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

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

6. (1) You must –

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

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

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

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

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

7. You must not –

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

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

(i) imprudently;

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

(iii) unlawfully;

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

(v) improperly for political purposes; or

(vi) improperly for private purposes.

8. You must –

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

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

(ii) the authority's chief finance officer;

(iii) the authority's monitoring officer;

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

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

9. You must –

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

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

Part 3 – Interests

Personal Interests

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

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

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

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

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

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

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

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

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

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

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

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

(ix) any –

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

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

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

(dd) trade union or professional association; or

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

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

[Note: subparagraph (b) is omitted]

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

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

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

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

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

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

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

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

or

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

Disclosure of Personal Interests

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

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

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

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

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

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

(a) details of the personal interest;

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

(c) your signature

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

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

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

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

Prejudicial Interests

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

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

(a) relates to –

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

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

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

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

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

(b) relates to –

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

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

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

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

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

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

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

Overview and Scrutiny Committees

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

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

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

Participation in Relation to Disclosed Interests

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(aa) details of the prejudicial interest;

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

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

(dd) your signature.

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

Part 4 - The Register of Members' Interests

Registration of Financial and Other Interests and Memberships and Management Positions

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

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

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

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

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

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

Sensitive information

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

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

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

Registration of Gifts and Hospitality

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

DISPENSATION GRANTED BY THE STANDARDS COMMITTEE
ON 13th SEPTEMBER 2017

The Standards Committee unanimously agrees to the following:-

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

Standards Committee Co-Opted Members Only

13th September 2017