

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	Standards Committee
DATE:	13 September 2017
TITLE OF REPORT:	Report following a Review of the Town and Community Councils' Register of Interests
PURPOSE OF THE REPORT:	To report on the findings made during a review of a sample of the Town and Community Councils' Register of Interests.
REPORT BY:	Head of Function (Council Business) / Monitoring Officer
CONTACT OFFICER:	Lynn Ball Head of Function (Council Business) / Monitoring Officer lbxcs@anglesey.gov.uk 01248 752586

1. INTRODUCTION AND BACKGROUND

- 1.1 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.
- 1.2 The reviews took place between October 2016 and February 2017, and included both town councils and community councils.
- 1.3 It was decided in September 2016 that a general report would be distributed to all town and community councils, detailing the findings made following the review, in an attempt to assist all town and community councils by way of sharing good practice and identifying matters which commonly need to be addressed.
- 1.4 A general report was sent to the clerks of all town and community councils on 7th April 2017. A copy of the report is attached as **ENCLOSURE 1**.
- 1.5 A personalised letter was also sent to each council that was subject to the review, providing specific advice to that council, following each review meeting. Such reports were not circulated or shared with others.

2. GENERAL FINDINGS

- 2.1 The review is deemed to have been a beneficial exercise. The Standards Committee was generally pleased with the findings made as several good practices were noted. Some common areas of concern were also identified and, as explained in the report (**ENCLOSURE 1**) these require attention.
- 2.2 Details of the findings made are included in section D of **ENCLOSURE 1**.

3. CONFIRMATION OF DISTRIBUTION OF REPORT BY TOWN AND COMMUNITY COUNCIL CLERKS

- 3.1 When sending the report to the clerks of the town and community councils on 7th April 2017 a request was made for:
- (a) The report to be included on the agenda for the town/community council's next available meeting, to ensure its content was brought to the attention of members,
- and
- (b) a copy of the minutes for the relevant meeting, which confirm the report was discussed, be forwarded for the attention of the Standards Committee.

These were requested by the end of July 2017.

- 3.2 The town and community council clerks were advised that responses would be the subject of a written report at the Standards Committee's September 2017 meeting.
- 3.3 The Standards Committee is asked to review **ENCLOSURE 2** which contain the details of the responses received from the clerks.

4. RECOMMENDATION

- 4.1 The Standards Committee is asked to note the contents of the report in **ENCLOSURE 1**.
- 4.2 The Standards Committee is asked to note the contents of the table in **ENCLOSURE 2**, and to confirm its intention in relation to any town and community councils which (a) have failed to respond, or (b) responded but failed to provide copy minutes of the relevant meeting.

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; Llaneilian; 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 hymrwymiaadau 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

(v. 01.04.2016)

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

THE MODEL CODE OF CONDUCT

PART 1 INTERPRETATION

1.—(1) In this code —

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

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

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

- (a) of the relevant authority,
- (b) of any executive or board of the relevant authority,
- (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or
- (d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990,

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

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

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

- (a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
- (b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

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

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

- (a) a county council,
- (b) a county borough council,
- (c) a community council,

(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.

Y COD YMDDYGIAD ENGHREIFFTIOL

RHAN 1 DEHONGLI

1.—(1) Yn y cod hwn —

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

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

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

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

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

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

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

(a) cyngor sir,

(b) cyngor bwrdeistref sirol,

(c) cyngor cymuned,

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

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

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

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

(a) o'r awdurdod perthnasol,

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

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

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

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

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

(2) Mewn perthynas â chyngor cymuned—

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

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

RHAN 2 DARPARIAETHAU CYFFREDINOL

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

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

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

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

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

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

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

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

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

4. Rhaid i chi —

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

(b) dangos parch at eraill ac ystyriaeth ohonynt;

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

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

5. Rhaid i chi —

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

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

6.—(1)Rhaid i chi —

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

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

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

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

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

7. Rhaid i chi —

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

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

(i) yn annoeth;

(ii) yn groes i ofynion eich awdurdod;

(iii) yn anghyfreithlon;

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

(v) yn amhriodol at ddibenion gwleidyddol; neu

(vi) yn amhriodol at ddibenion preifat.

8. Rhaid i chi —

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

(i) pennaeth gwasanaeth taledig yr awdurdod;

(ii) prif swyddog cyllid yr awdurdod;

(iii) swyddog monitro'r awdurdod;

(iv) prif swyddog cyfreithiol yr awdurdod (y dylid ymgynghori ag ef pan fo unrhyw amheuaeth ynghylch pwêr yr awdurdod i weithredu, ynghylch a yw'r cam a arfaethir yn dod o fewn y fframwaith polisi y cytunwyd arno gan yr awdurdod neu os gallai canlyniadau cyfreithiol gweithredu neu fethu â gweithredu gan yr awdurdod gael ôl-ffeithiau pwysig);

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

9. Rhaid i chi —

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

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

RHAN 3 BUDDIANNAU

Buddiannau Personol

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

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

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

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

(ii) unrhyw berson sy'n eich cyflogi neu sydd wedi eich penodi, unrhyw ffyrm yr ydych yn bartner ynddi neu unrhyw gwmni yr ydych yn gyfarwyddwr arno ac yn derbyn tâl;

(iii) unrhyw berson, ac eithrio eich awdurdod, sydd wedi rhoi taliad i chi mewn cysylltiad â'ch ethol neu mewn cysylltiad ag unrhyw dreuliau a dynnwyd gennych wrth i chi gyflawni eich dyletswyddau fel aelod;

(iv) unrhyw gorff corfforaethol y mae ganddo le busnes neu dir yn ardal eich awdurdod, ac y mae gennych chi fuddiant llesiannol mewn dosbarth o warannau sydd gan y corff hwnnw ac sy'n werth mwy na'r gwerth enwol o £25,000 neu un ganfed ran o gyfanswm cyfalaf cyfrannau dyroddedig y corff hwnnw;

(v) unrhyw gontract am nwyddau, gwasanaethau neu waith neu weithfeydd a wnaed rhyngoch chi, rhwng ffyrm yr ydych yn bartner ynddi, neu rhwng cwmni yr ydych yn gyfarwyddwr arno ac yn derbyn tâl, neu rhwng corff o'r math a ddisgrifir yn is-baragraff (iv) uchod a'ch awdurdod;

(vi) unrhyw dir y mae gennych fuddiant llesiannol ynddo ac sydd yn ardal eich awdurdod;

(vii) unrhyw dir y mae eich awdurdod yn landlord arno ac y mae ffyrm yr ydych yn bartner ynddi, cwmni yr ydych yn gyfarwyddwr arno ac yn derbyn tâl, neu gorff o'r math a ddisgrifir yn is-baragraff (iv) uchod yn denant arno;

(viii) unrhyw gorff yr ydych wedi eich ethol, eich penodi neu eich enwebu gan eich awdurdod i fod arno;

(ix) unrhyw —

(aa) awdurdod cyhoeddus neu gorff sy'n arfer swyddogaethau o natur gyhoeddus;

(bb) cwmni, cymdeithas ddiwydiannol a darbodus, elusen, neu gorff arall a chanddo ddibenion elusenol;

(cc) corff y mae dylanwadu ar farn neu bolisi cyhoeddus ymhlith ei brif ddibenion;

(chch) undeb llafur neu gymdeithas broffesiynol; neu

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

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

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

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

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

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

(ii) ar unrhyw gyflogaeth yr ymgymerir â hi neu fusnes a redir gan bersonau fel a ddisgrifir yn 10(2)(c)(i);

(iii) ar unrhyw berson sy'n cyflogi neu sydd wedi penodi'r cyfryw bersonau ag a ddisgrifir yn 10(2)(c)(i), unrhyw ffyrm y mae'r cyfryw bersonau'n bartneriaid ynddi, neu unrhyw gwmni y maent yn gyfarwyddwyr arno;

(iv) ar unrhyw gorff corfforaethol y mae gan bersonau fel a ddisgrifir yn 10(2)(c)(i) fuddiant llesiannol mewn dosbarth o warannau sy'n werth mwy na'r gwerth enwol o £5,000; neu

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

a hynny i raddau mwy—

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

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

Datgelu Buddiannau Personol

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

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

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

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

(3) Yn ddarostyngedig i baragraff 14(1)(b) isod, os bydd gennych fuddiant personol mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef ac y byddwch wedi gwneud penderfyniad wrth arfer un o swyddogaethau gweithrediaeth neu fwrdd, rhaid i chi mewn perthynas â'r busnes hwnnw sicrhau bod unrhyw ddatganiad ysgrifenedig ynghylch y penderfyniad hwnnw'n cofnodi bodolaeth a natur eich buddiant.

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

(a) manylion am y buddiant personol;

(b) manylion am y busnes y mae'r buddiant personol yn gysylltiedig ag ef; ac

(c) eich llofnod.

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

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

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

Buddiannau sy'n Rhagfarnu

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

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

(a) yn gysylltiedig—

(i) ag awdurdod perthnasol arall yr ydych hefyd yn aelod ohono;

(ii) ag awdurdod cyhoeddus arall neu gorff sy'n arfer swyddogaethau o natur gyhoeddus lle yr ydych mewn safle rheolaeth neu reoli cyffredinol;

(iii) â chorff yr ydych wedi cael eich ethol, eich penodi neu eich enwebu gan eich awdurdod i fod arno;

(iv) â'ch rôl fel llywodraethwr ysgol (os na chwsoch eich penodi neu eich enwebu gan eich awdurdod) oni bai bod y busnes yn benodol gysylltiedig â'r ysgol yr ydych yn un o'i llywodraethwyr;

(v) â'ch rôl fel aelod o Fwrdd Iechyd Lleol os na chwsoch eich penodi neu eich enwebu gan eich awdurdod i fod arno;

(b) yn gysylltiedig:

(i) â swyddogaethau tai eich awdurdod os oes gennych denantiaeth neu les gyda'ch awdurdod, ar yr amod nad oes arnoch i'ch awdurdod ôl-ddyledion rhent o fwy na deufis, ac ar yr amod nad yw'r swyddogaethau hynny'n ymwneud yn arbennig â'ch tenantiaeth neu â'ch les;

(ii) â swyddogaethau eich awdurdod mewn cysylltiad â phrydau ysgol, cludiant a threuliau teithio, os ydych chi'n warchodwr, yn rhiant, yn fam-gu neu'n nain neu'n dad-cu neu'n daid, neu os oes gennych gyfrifoldeb rhiant (fel y'i diffinnir yn adran 3 o Deddf Plant 1989) dros blentyn sy'n cael addysg lawnamsr, onid yw'r busnes yn benodol gysylltiedig â'r ysgol y mae'r plentyn hwnnw'n ei mynychu;

(iii) â swyddogaethau eich awdurdod mewn cysylltiad â thâl salwch statudol o dan Ran XI o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992, os ydych yn cael, neu os oes gennych hawl i gael, taliad o'r fath gan eich awdurdod;

“(iv) â swyddogaethau eich awdurdod mewn cysylltiad â lwfans neu daliad a wneir yn unol â darpariaethau Rhan 8 o Fesur Llywodraeth Leol (Cymru) 2011, neu lwfans neu benswng a ddarperir o dan adran 18 o Ddeddf Llywodraeth Leol a Thai 1989;

(c) yn gysylltiedig â'ch rôl fel cyngorydd cymunedol mewn perthynas â grant, benthyciad neu fath arall ar gymorth ariannol a wnaed gan eich cyngor cymuned i gyrff cymunedol neu wirfoddol hyd at uchafswm o £500.

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

Pwyllgorau Trosolygu a Chraffu

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

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

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

Cyfrannu mewn Perthynas â Datgelu Buddiannau

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(aa) manylion y buddiant sy'n rhagfarnu;

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

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

(chch) eich llofnod.

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

RHAN 4 COFRESTR BUDDIANNAU AELODAU

Cofrestru Buddiannau Personal

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

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

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

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

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

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

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

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

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

Gwybodaeth sensitif

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

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

(3) Yn y cod hwn, ystyr "gwybodaeth sensitif" ("*sensitive information*") yw gwybodaeth y mae ei rhoi ar gael i'w harchwilio gan y cyhoedd yn creu, neu'n debygol o greu, risg ddifrifol y gallech chi neu berson sy'n byw gyda chi fod yn destun trais neu fgythion.

Cofrestru Rhoddion a Lletygarwch

17. Rhaid i chi, o fewn 28 o ddiwrnodau ar ôl i chi gael unrhyw rodd, lletygarwch, buddiant materol neu fantais faterol, sy'n fwy na gwerth a bennir mewn penderfyniad gan eich awdurdod, ddarparu hysbysiad ysgrifenedig ar gyfer swyddog monitro eich awdurdod, neu mewn perthynas â chyngor cymuned, swyddog priodol eich awdurdod yn nodi bodolaeth a natur y rhodd honno, y lletygarwch hwnnw, y buddiant materol hwnnw neu'r fantais faterol honno.

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

Digital ISBN 978 1 4734 3398 4
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WG25090

WELSH GOVERNMENT GUIDANCE

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

Status and Application

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

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

Background

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

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

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

Community Council websites – section 55

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

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

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

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

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

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

Guidance about Community Council websites

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

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

10. The majority of Community Councils in Wales already have a presence online and publish information electronically. Community Councils are urged to seek assistance from One Voice Wales, their Principal Council or other reliable sources if they need it to develop their web presence.
11. Under section 55, the Council must publish electronically its telephone number, postal address and e-mail address on the website. Councils should have a generic email address and not use a personal email address, enabling the Clerk to access messages. The information must be available for the Council Clerk if the Council does not have an office address or telephone number. In some cases, the Community Council will have its own, or a share of, offices and the telephone number, postal address and e-mail address for these premises would be appropriate. Councils will be expected, however, to have arrangements to ensure messages are regularly retrieved and responded to.
12. It is not obligatory for individual members to have e-mail addresses. In a Principal Council this would be expected because the Council itself can usually provide e-mail addresses on the Council's site. However, the members' names must be listed and details of how they may be contacted must be available online. Some Councils will wish to place photographs of each member but this is a decision for them.
13. The Act requires that the political affiliation of the members of the Council is published. Some Community Councils choose not to do this at present. However, the public has a right to know the political persuasions of those in elected office or whether they are independent of any group. It is unacceptable for a member to hide their political affiliation.
14. If the Community Council is divided into community wards, the ward the member represents must be published. If they hold office of some sort in the Council or belong to a council committee of some sort, it must be published on the site.
15. Co-opted members should be recorded in the interest of transparency to distinguish them from elected members.

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

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

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

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

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

Information about meetings and proceedings

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

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

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

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

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

25. Finally, the Act contains new requirements relating to the registration of members' interests. Section 81 of the Local Government Act 2000 requires a Community Council (as well as other authorities) to maintain and publish a register of members' financial and other interests as are specified in the model code of conduct (prescribed by Order under section 50 of the 2000 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

The personal interest is **not prejudicial*** and I took part in the item **OR**

The personal interest is **prejudicial*** and I left the meeting when the item was discussed **OR**

The personal interest is **prejudicial*** but I have a dispensation

*A prejudicial interest is a personal interest which is so significant that a well-informed member of the public would reasonably believe that the Member would be unable to act on the matter in the public interest.

4. Members are required to tick one box and to provide reasons

I believe my personal interest is **not prejudicial***
Because:

OR

I believe my personal interest is **prejudicial***
Because:

Signed Date of signature

THIS COMPLETED FORM SHOULD BE HANDED TO A MEMBER OF THE COMMITTEE SERVICES STAFF DURING THE COURSE OF, OR IMMEDIATELY AFTER, THE MEETING

Atodiad/Enclosure 2

Cyngor Tref a Chymuned / Town and Community Council	Ymateb wedi ei dderbyn ? (Do/Na) Response Received? (Yes/No)	Dyddiad y cyfarfod Date of Meeting	Copi o'r Cofnodion wedi eu darparu? (Do/Na) Copy of Minutes supplied? (Yes/No)
Cyngor Cymdeithas Aberffraw Community Council	Do / Yes	19/7/2017	Na. Ni fydd cyfarfod i gadarnhau y munudau wedi cymryd lle erbyn 13/9/2017 No. Meeting to confirm the minutes will not have taken place by 13/9/2017
Cyngor Tref Amlwch Town Council	Do / Yes	25/4/2017	Do / Yes
Cyngor Tref Biwmares / Beaumaris Town Council	Na / No		
Cyngor Cymdeithas Bodedern Community Council	Na / No		
Cyngor Cymdeithas Bodffordd Community Council	Na / No		
Cyngor Cymdeithas Bodorgan Community Council	Na / No		
Cyngor Cymdeithas Bryngwran Community Council	Na / No		
Cyngor Tref Caergybi / Holyhead Town Council	Do / Yes	4/4/2016	Do / Yes
Cyngor Bro Cwm Cadnant Community Council	Na / No		
Cyngor Bro Cylch y Garn Community Council	Na / No		
Cyngor Cymuned Llanbadrig	Do / Yes	15/5/2017	Do / Yes

Cyngor Tref a Chymuned / Town and Community Council	Ymateb wedi ei dderbyn ? (Do/Na) Response Received? (Yes/No)	Dyddiad y cyfarfod Date of Meeting	Copi o'r Cofnodion wedi eu darparu? (Do/Na) Copy of Minutes supplied? (Yes/No)
Community Council			
Cyngor Cymdeithas Llanddaniel-Fab Community Council	Na / No		
Cyngor Cymdeithas Llanddona Community Council	Na / No		
Cyngor Cymdeithas Llanddyfnan Community Council	Na / No		
Cyngor Cymdeithas Llaneilian Community Council	Na / No		
Cyngor Cymuned Llanerchymedd Community Council	Na / No		
Cyngor Cymuned Llaneugrad Community Council	Do / Yes	26/4/2017	Do / Yes
Cyngor Cymdeithas Llanfachraeth Community Council	Na / No		
Cyngor Cymdeithas Llanfaelog Community Council	Na / No		
Cyngor Cymdeithas Llanfaethlu Community Council	Na / No		
Cyngor Cymuned Llanfair Mathafarn Eithaf Community Council	Na / No		
Cyngor Cymdeithas Llanfair yn Neubwll Community Council	Do / Yes	16/5/2017	Do / Yes
Cyngor Cymuned Llanfairpwll Community Council	Na / No		
Cyngor Cymdeithas Llanfihangelesceifiog Community Council	Na / No		
Cyngor Tref Llangefni Town Council	Do / Yes	02/5/2017 + 15/5/2017	Do / Yes

Cyngor Tref a Chymuned / Town and Community Council	Ymateb wedi ei dderbyn ? (Do/Na) Response Received? (Yes/No)	Dyddiad y cyfarfod Date of Meeting	Copi o'r Cofnodion wedi eu darparu? (Do/Na) Copy of Minutes supplied? (Yes/No)
Cyngor Cymdeithas Llangoed a Phenmon / Llangoed and Penmon Community Council	Na / No		
Cyngor Cymdeithas Llangristiolus Community Council	Na / No		
Cyngor Cymdeithas Llanidan Community Council	Na / No		
Cyngor Cymdeithas Mechell Community Council	Na / No		
Cyngor Cymuned Moelfre Community Council	Na / No		
Cyngor Cymuned Penmynydd a Star / Penmynydd and Star Community Council	Na / No		
Cyngor Cymdeithas Pentraeth Community Council	Na / No		
Cyngor Tref Porthaethwy / Menai Bridge Town Council			
Cyngor Cymdeithas Rhoscolyn Community Council	Do / Yes	18/4/2017	Do / Yes
Cyngor Cymuned Rhosybol Community Council	Na / No		
Cyngor Rhosyr Council	Do / Yes	30/5/2017	Do / Yes
Cyngor Bro Trearddur Community Council	Do / Yes	15/5/2017	Do / Yes
Cyngor Cymdeithas Tref Alaw Community Council	Na / No		

Cyngor Tref a Chymuned / Town and Community Council	Ymateb wedi ei dderbyn ? (Do/Na) Response Received? (Yes/No)	Dyddiad y cyfarfod Date of Meeting	Copi o'r Cofnodion wedi eu darparu? (Do/Na) Copy of Minutes supplied? (Yes/No)
Cyngor Bro Trewalchmai Community Council	Do / Yes	15/5/2017	Do / Yes
Cyngor Cymuned Y Fali / Valley Community Council	Na / No		