

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	17 September 2019
REPORT TITLE:	Dispensation(s)
PURPOSE OF THE REPORT:	To advise the Standards Committee of the outcome of any dispensation applications received since the last written report to the Standards Committee on 13.03.2019
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## 1. INTRODUCTION

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

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

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

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

## 2. BACKGROUND

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

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

### **3. APPLICATIONS MADE SINCE THE LAST REPORT DATED 13.03.2019**

#### **3.1 Dispensation Panel Hearing on 7<sup>th</sup> March 2019**

- 3.1.1 A Dispensation Panel Hearing was held on 7<sup>th</sup> March 2019 to consider an application made by Llanelian Community Council members in relation to the provision of education in schools in the Amlwch area. More than half the Members of the Community Council had submitted an application and the matter was considered as a block dispensation.
- 3.1.2 A verbal update of the Panel's decision was provided at the Standards Committee meeting on 13<sup>th</sup> March 2019.
- 3.1.3 Attached at **Enclosure 1** is the report which was presented to the Panel at the 7<sup>th</sup> March 2019 Hearing.
- 3.1.4 Attached at **Enclosure 2** are the draft minutes from the Dispensation Panel.
- 3.1.5 The Panel decided to grant an unlimited dispensation to all the named Councillors who had applied for a dispensation on the following terms:
- To write to officers and / or the Committee / Community Council about the matter;
  - To speak to officers of the Community Council about the matter;
  - To speak at Committee / Community Council meetings and answer any questions about the issue;
  - To remain in the room during any debate/voting on the issue;
  - To vote at such meetings; and
  - To attend and speak at public meetings and to speak and meet with third parties in connection with this consultation and the project generally; and
  - That the dispensation will endure until completion of the Schools Modernisation process in the Amlwch area, or the term of this Community Council, whichever is later.
- 3.1.6 The dispensation was granted based on statutory ground (a) on the basis that more than half of the members of the Community Council by which the business is to be considered has an interest which relates to that business.

#### **3.2 Dispensation Panel Hearing on 22<sup>nd</sup> March 2019**

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

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

- 3.2.2 The Panel considered applications by 5 members of the Executive who are grandparents.
- 3.2.3 Attached at **Enclosure 3** is the report which was presented to the Panel at the 22<sup>nd</sup> March 2019 Hearing.
- 3.2.4 Attached at **Enclosure 4** are the draft minutes from the Dispensation Panel.
- 3.2.5 The Panel decided to grant an unlimited dispensation to Councillors Dew, Jones, Mummery, Parry and Williams on the following terms:
- To write to officers and the Executive / Committee / Council about the issue;
  - To speak to officers of the Council about the issue, provided a note is taken of any such discussions;
  - To speak at Executive / Committee / Council meetings and answer any questions about the issue;
  - To remain in the room during any debate/voting on the issue;
  - To vote at such meetings; and
  - To attend and speak at public meetings and to speak and meet with third parties in connection with this consultation and the project generally; and
  - That the dispensation will endure until completion of the post-16 Schools Modernisation Project or the end of the term of the current County Council (May 2022), whichever is later.
- 3.2.6 The dispensation was granted based on statutory ground (b) on the basis that no fewer than half of the members of the Executive has an interest which relates to the business and (d) the nature of the members' interest is such that their participation would not damage public confidence.

### 3.3 Dispensation Panel Hearing on 29<sup>th</sup> March 2019

- 3.3.1 A Dispensation Panel Hearing was held on 29<sup>th</sup> March 2019 to consider an application by Councillor Carwyn Elias Jones in relation to the post-16 education provision in the County on the basis he is a parent to children/young people on Anglesey and works for a post-16 education provider.
- 3.3.2 Attached at **Enclosure 5** is the report which was presented to the Panel at the 29<sup>th</sup> March 2019 Hearing.
- 3.3.3 Attached at **Enclosure 6** are the draft minutes from the Dispensation Panel.
- 3.3.4 The Panel decided to grant a partial dispensation to Councillor Jones on the following terms:
- To write to officers and the Executive / Committee / Council about the issue;

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

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

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

#### 3.4 Dispensation Panel Hearing on 18<sup>th</sup> July 2019

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

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

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

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

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

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



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

#### **4. RECOMMENDATION**

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

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

#### **ATTACHED DOCUMENTS**

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

## 1. INTRODUCTION AND BACKGROUND

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

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

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

## 2. PROCESS

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

## 3. APPLICATION

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

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

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

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

#### **4. CONSIDERATIONS OF THE PANEL**

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

#### **5. RECOMMENDATION**

To consider the merits of the application and -

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

Local Government Act 2000	Deddf Llywodraeth Leol 2000
<b>Model Code of Conduct for Members and Co-opted Members with voting rights</b>	<b>Cod Ymddygiad Enghreifftiol ar gyfer Aelodau ac Aelodau Cyfetholedig â hawliau pleidleisio</b>
<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"> <li>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.</li> <li>Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2008 (No. 2016/84) – effective from 1 April 2016.</li> </ul> <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 <b>1 April 2016</b>, 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"> <li>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.</li> <li>Gorchymyn Awdurdodau Lleol (Cod Ymddygiad Enghreifftiol) (Cymru) (Diwygio) 2008 (Rhif 2016/84) – yn dod i rym ar 1 Ebrill 2016.</li> </ul> <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 <b>1 Ebrill 2016</b> yn wir ac yn gywir, ond ni roddir unrhyw sicrwydd yn hyn o beth, a dylai'r awdurdodau geisio eu cyngor cyfreithiol eu hunain ar faterion sy'n ymwneud â'r Cod.</p> <p>Sylwer: Gwnaed Rheoliadau 2014 gan Lywodraeth y DU. Maent yn diwygio'r Cod Enghreifftiol drwy fewnosodi diffiniad o 'cymdeithas gofrestredig'. Mae'n ymddangos na ddiwygiwyd fersiwn Gymraeg y Cod Enghreifftiol ar yr un pryd. Mae Llywodraeth Cymru wrthi'n trafod hyn â Llywodraeth y DU gyda'r bwriad o ddiwygio'r fersiwn Gymraeg cyn gynted ag y bo'n ymarferol.</p> <p>Yn y cyfamser, nid yw Llywodraeth Cymru yn credu bod yr anghysondeb hwn yn effeithio'n ymarferol ar weithredu'r Cod Enghreifftiol.</p>

## THE MODEL CODE OF CONDUCT

### PART 1 INTERPRETATION

#### 1.—(1) In this code —

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) In relation to a community council—

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

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

## **PART 2 GENERAL PROVISIONS**

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

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

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

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

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

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

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

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

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

4. You must —

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

(b) show respect and consideration for others;

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

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

**5. You must not —**

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

**6.—(1) You must —**

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

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

**7. You must not —**

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

**8. You must —**

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



(v. 01.04.2016)

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

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

**9. You must —**

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

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

## **PART 3 INTERESTS**

### **Personal Interests**

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

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

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

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

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

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

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

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

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

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

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

(ix) any —

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

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

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

(dd) trade union or professional association; or

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

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

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

*[Note: subparagraph (b) is omitted.]*

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

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

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

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

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

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

to a greater extent than the majority of—

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

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

### **Disclosure of Personal Interests**

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

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

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

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

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

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

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

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

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

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

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

### **Prejudicial Interests**

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

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

- (a) relates to —
  - (i) another relevant authority of which you are also a member;
  - (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
  - (iii) a body to which you have been elected, appointed or nominated by your authority;
  - (iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;
  - (v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;
- (b) relates to —
  - (i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
  - (ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;

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

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

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

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

### **Overview and Scrutiny Committees**

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

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

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

### **Participation in Relation to Disclosed Interests**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(aa) details of the prejudicial interest;

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

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

(dd) your signature.

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

## **PART 4 THE REGISTER OF MEMBERS' INTERESTS**

### **Registration of Personal Interests**

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

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

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

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

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

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

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

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

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

### **Sensitive information**

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

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

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

### **Registration of Gifts and Hospitality**

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

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## Y COD YMDDYGIAD ENGHREIFFTIOL

### RHAN 1 DEHONGLI

#### 1.—(1) Yn y cod hwn —

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

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

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

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

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

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

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

(a) cyngor sir,

(b) cyngor bwrdeistref sirol,

(c) cyngor cymuned,

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

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

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

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

(a) o'r awdurdod perthnasol,

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

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

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

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

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

(2) Mewn perthynas â chyngor cymuned—

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

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

## **RHAN 2 DARPARIAETHAU CYFFREDINOL**

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

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

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

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

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

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

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

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

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

**4. Rhaid i chi —**

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

(b) dangos parch at eraill ac ystyriaeth ohonynt;

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

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

**5. Rhaid i chi —**

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



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

#### 6.—(1) Rhaid i chi —

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

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

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

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

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

#### 7. Rhaid i chi —

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

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

(i) yn annoeth;

(ii) yn groes i ofynion eich awdurdod;

(iii) yn anghyfreithlon;

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

(v) yn amhriodol at ddibenion gwleidyddol; neu

(vi) yn amhriodol at ddibenion preifat.

#### 8. Rhaid i chi —

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

(i) pennaeth gwasanaeth taledig yr awdurdod;

(ii) prif swyddog cyllid yr awdurdod;

(iii) swyddog monitro'r awdurdod;

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

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

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

## **9. Rhaid i chi —**

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

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

## **RHAN 3 BUDDIANNAU**

### **Buddiannau Personol**

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

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

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

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

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

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

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

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

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

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

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

(ix) unrhyw —

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

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

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

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

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

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

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

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

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

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

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

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

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

a hynny i raddau mwy—

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

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

### **Datgelu Buddiannau Personol**

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

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

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

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

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

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 chynghor 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 chawsoch 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 chawsoch eich penodi neu eich enwebu gan eich awdurdod i fod arno;

(b) yn gysylltiedig:

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

gyfrifoldeb rhiant (fel y'i diffinnir yn adran 3 o Deddf Plant 1989) dros blentyn sy'n cael addysg lawnamser, onid yw'r busnes yn benodol gysylltiedig â'r ysgol y mae'r plentyn hwnnw'n ei mynychu;

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

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

(c) yn gysylltiedig â'ch rôl fel cynghorydd cymunedol mewn perthynas â grant, benthyciad neu fath arall ar gymorth ariannol a wnaed gan eich cyngor cymuned i 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.

(v. 01.04.2016)

(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 Personol**

**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 fygythion.

### **Cofrestru Rhoddion a Lletygarwch**

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

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## **ATODIAD / ENCLOSURE 2**



**CYNULLIAD CENEDLAETHOL CYMRU****NATIONAL ASSEMBLY FOR WALES****OFFERYNNAU STATUDOL****STATUTORY INSTRUMENTS****2001 Rhif 2279 (Cy. 169 )****2001 No. 2279 (W. 169 )****LLYWODRAETH LEOL,  
CYMRU****LOCAL GOVERNMENT ,  
WALES****Rheoliadau Pwyllgorau Safonau  
(Caniatáu Gollyngiadau) (Cymru)  
2001****The Standards Committees (Grant  
of Dispensations) (Wales)  
Regulations 2001****NODYN ESBONIADOL****EXPLANATORY NOTE***(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)**(This note does not form part of the Regulations)*

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

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

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

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

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

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

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

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

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

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

2001 Rhif 2279 (Cy. 169 )

2001 No. 2279 (W. 169 )

LLYWODRAETH LEOL,  
CYMRULOCAL GOVERNMENT,  
WALESRheoliadau Pwyllgorau Safonau  
(Caniatáu Gollyngiadau) (Cymru)  
2001The Standards Committees (Grant  
of Dispensations) (Wales)  
Regulations 2001*Wedi'u gwneud**21 Mehefin 2001**Made**21st June 2001**Yn dod i rym**28 Gorffennaf 2001**Coming into force**28th July 2001*

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

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

**Enw, cychwyn, cymhwyso a dehongli****Name, commencement, application and interpretation**

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

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

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

(2) These Regulations apply to Wales only.

(3) Yn y Rheoliadau hyn -

(3) In these Regulations -

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

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

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

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

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

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

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

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

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

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

(a) 2000 p. 22.

(a) 2000 c. 22.

## **Yr amgylchiadau lle gellir caniatáu gollyngiadau**

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

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

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

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

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

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

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

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

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

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

## **Circumstances in which dispensations may be granted**

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

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

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

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

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

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

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

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

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

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

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

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

21 Mehefin 2001

21st June 2001

*D. Elis-Thomas*

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

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(a) 1998 p. 38.

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(a) 1998 c. 38.

**CYNULLIAD CENEDLAETHOL CYMRU**

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**OFFERYNNAU STATUDOL**

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**2001 Rhif 2279 (Cy. 169 )**

**LLYWODRAETH LEOL,  
CYMRU**

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

**NATIONAL ASSEMBLY FOR WALES**

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**STATUTORY INSTRUMENTS**

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**2001 No. 2279 (W. 169 )**

**LOCAL GOVERNMENT,  
WALES**

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

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## **ATODIAD / ENCLOSURE 3**



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WELSH STATUTORY INSTRUMENTS

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**2016 No. 85**

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

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

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

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

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

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

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

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

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

(3) In regulation 2—

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

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

(c) after paragraph (i) insert—

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

(4) After regulation 2 insert—

**“Dispensations granted in accordance with regulation 2(j)**

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

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

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(1) [S.I. 2001/2279 \(W. 169\)](#).



**Procedure and powers of standards committees**

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

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

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

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

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

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

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

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

## Briefing Note for Town and Community Councillors on Anglesey

### Dispensations

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

Lynn Ball - [lbxcs@anglesey.gov.uk](mailto:lbxcs@anglesey.gov.uk)

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

#### **Grounds on which a dispensation may be granted**

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

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

#### **How does a Community Councillor obtain a Dispensation?**

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

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

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

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

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

### **Requirements on Councillors when relying on a dispensation**

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

#### **(a) In formal Meetings:**

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

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

The notification must include:

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

#### **(b) In informal meetings:**

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

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

#### **(c) In writing:**

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

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

#### Footnote/definitions

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

**THE ISLE OF ANGLESEY COUNTY COUNCIL**

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

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

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

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

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

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

**THE ISLE OF ANGLESEY COUNTY COUNCIL**

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

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

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

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

\_\_\_\_\_

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

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

- declare an interest in the matter; and




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

By authority of the Isle of Anglesey Standards Committee

Dated: \_\_\_\_\_

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

Name of Applicant:	IAN NICHOLAS EVANS	
Contact details:	07825 334267	
Name of Town / Community Council:	LLANELLIAN	
Details of the prejudicial interest* in respect of which the Dispensation is sought:	SPOUSE EMPLOYED / SUPPLY TEACHER IN YSGOL PENYBARN, GRAND DAUGHTER PUPIL, DAUGHTER LLYNODRAETH - WRANG	
Business in which the applicant wishes to participate:	REVIEW PROVISION EDUCATION NE ANGLESEY	
Type of Dispensation sought (tick as necessary and insert any required information):	<input checked="" type="checkbox"/> write to officers [and/or the Committee/Community Council] about the matter; <input checked="" type="checkbox"/> speak to officers of the Community Council about the matter [with/without conditions [INSERT]] <input checked="" type="checkbox"/> speak at Committee meetings/Community Council meetings and answer any questions about the issue; <input checked="" type="checkbox"/> remain in the room during any debate/vote on the issue; <input checked="" type="checkbox"/> vote; <input type="checkbox"/> other	
Statutory Ground/s under which Dispensation is requested (See overleaf for possible grounds available):	S8(4) a, c, d, e	
Date by which a decision is required:	11/2/19	
Signed: 	Date: 15/1/19	

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

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

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

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

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

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

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

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

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

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

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

By authority of the Isle of Anglesey Standards Committee  
 Dated: \_\_\_\_\_

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

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

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

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

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

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

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

Drwy awdurdod Pwyllgor Safonau Cyngor Sir Ynys Môn

Dyddiedig: \_\_\_\_\_

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

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

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

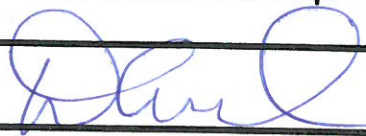


**CAIS AM GANIATÂD ARBENNIG GAN Y PWYLLGOR SAFONAU GAN GYNGHORYDD  
TREF NEU GYMUNED**

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

By authority of the Isle of Anglesey Standards Committee  
 Dated: \_\_\_\_\_

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

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

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

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

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

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

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

Drwy awdurdod Pwyllgor Safonau Cyngor Sir Ynys Môn

Dyddiedig: \_\_\_\_\_

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

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

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

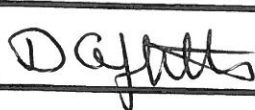
**CAIS AM GANIATÂD ARBENNIG GAN Y PWYLLGOR SAFONAU GAN GYNGHORYDD  
TREF NEU GYMUNED**

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

Drwy awdurdod Pwyllgor Safonau Cyngor Sir Ynys Môn

Dyddiedig: \_\_\_\_\_



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

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

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

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

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

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

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

By authority of the Isle of Anglesey Standards Committee  
 Dated: \_\_\_\_\_

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

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

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

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

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

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

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

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

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

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

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

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

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

Drwy awdurdod Pwyllgor Safonau Cyngor Sir Ynys Môn

Dyddiedig: \_\_\_\_\_

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

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

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

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

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

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

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

By authority of the Isle of Anglesey Standards Committee  
 Dated: \_\_\_\_\_



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

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

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


THE ISLE OF ANGLESEY COUNTY COUNCIL

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

Name of Applicant:	HE		
Contact details:			
Name of Town / Community Council:			
Details of the prejudicial interest* in respect of which the Dispensation is sought:			
Business in which the applicant wishes to participate:			
Type of Dispensation sought (tick as necessary and insert any required information):	<ul style="list-style-type: none"><li><input type="radio"/> write to officers [and/or the Committee/Community Council] about the matter;</li><li><input type="radio"/> speak to officers of the Community Council about the matter [with/without conditions [INSERT]]</li><li><input type="radio"/> speak at Committee meetings/Community Council meetings and answer any questions about the issue;</li><li><input type="radio"/> remain in the room during any debate/vote on the issue;</li><li><input type="radio"/> vote;</li><li><input type="radio"/> other</li></ul>		
Statutory Ground/s under which Dispensation is requested (See overleaf for possible grounds available):			
Date by which a decision is required:			
<table border="1" style="width: 100%;"><tr><td style="width: 50%;">Signed:</td><td style="width: 50%;">Date:</td></tr></table>		Signed:	Date:
Signed:	Date:		

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

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

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

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



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

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

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

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

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

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

- ☐ write to officers [and/or the Committee/Community Council] about the matter;
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- ☐ speak at Committee meetings/Community Council meetings and answer any questions about the issue;
- ☐ remain in the room during any debate/vote on the issue;
- ☐ vote;
- ☐ other

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

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

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

By authority of the Isle of Anglesey Standards Committee  
 Dated: \_\_\_\_\_

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

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

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

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

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

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

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

Drwy awdurdod Pwyllgor Safonau Cyngor Sir Ynys Môn

Dyddiedig: \_\_\_\_\_

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

Drwy awdurdod Pwyllgor Safonau Cyngor Sir Ynys Môn

Dyddiedig: \_\_\_\_\_



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

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

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

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

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

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

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

By authority of the Isle of Anglesey Standards Committee  
Dated: \_\_\_\_\_

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

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

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


**THE ISLE OF ANGLESEY COUNTY COUNCIL**

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

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

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

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

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

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

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

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

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

THE ISLE OF ANGLESEY COUNTY COUNCIL

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

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

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

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

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

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

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

By authority of the Isle of Anglesey Standards Committee  
Dated: \_\_\_\_\_



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

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

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

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

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

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

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

Drwy awdurdod Pwyllgor Safonau Cyngor Sir Ynys Môn

Dyddiedig: \_\_\_\_\_

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

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

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



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

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

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

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

Name of Applicant:	CAROL Whitaker
Contact details:	01407 832150 07879 458777
Name of Town / Community Council:	Cyngor Cymuned Llanelian
Details of the prejudicial interest* in respect of which the Dispensation is sought:	Employed by Local Council
Business in which the applicant wishes to participate:	Education Provision Amlwch
Type of Dispensation sought (tick as necessary and insert any required information):	<input checked="" type="checkbox"/> write to officers [and/or the Committee/Community Council] about the matter; <input checked="" type="checkbox"/> speak to officers of the Community Council about the matter [with/without conditions [INSERT]] <input checked="" type="checkbox"/> speak at Committee meetings/Community Council meetings and answer any questions about the issue; <input type="checkbox"/> remain in the room during any debate/vote on the issue; <input checked="" type="checkbox"/> vote; <input checked="" type="checkbox"/> other
Statutory Ground/s under which Dispensation is requested (See overleaf for possible grounds available):	A, C, D, E
Date by which a decision is required:	
Signed: CAROL Whitaker	Date: 15.1.19.

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

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

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

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

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

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

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

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

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

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

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

By authority of the Isle of Anglesey Standards Committee  
 Dated: \_\_\_\_\_



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

Penderfyniad y Pwyllgor Safonau:	
Dyddiad y gwnaethpwyd y penderfyniad gan y Pwyllgor Safonau:	
Enw'r person y dylid ei hysbysu am benderfyniad y Pwyllgor Safonau	<ul style="list-style-type: none"><li><input type="radio"/> Clerc y Cyngor Tref/Cymuned</li><li><input type="radio"/> Yr Ymgeisydd</li><li><input type="radio"/> Eraill: _____</li></ul>
Dyddiad y daw'r caniatâd arbennig i ben:	

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

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

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

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

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

Drwy awdurdod Pwyllgor Safonau Cyngor Sir Ynys Môn

Dyddiedig: \_\_\_\_\_

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

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

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

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

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

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

APPLICATION NUMBER	MEMBER'S NAME	DETAILS ON THE APPLICATION FORM FOR DISPENSATION	INFORMATION REGARDING THE INTEREST PROVIDED BY THE CLERK
5	IAN NICHOLAS EVANS	SPOUSE EMPLOYED / SUPPLY TEACHER IN YSGOL PENYSARN, GRAND-DAUGHTER PUPIL, DAUGHTER GOVERNOR	GRAND-DAUGHTER IN THE SCHOOL, WIFE IS A SUPPLY TEACHER, DAUGHTER ON BOARD OF GOVERNORS
6	DAVID GERRARD	EMPLOYED BY LOCAL COUNCIL	SCHOOL CARETAKER AT YSGOL GYNRADD PENYSARN, WIFE IS TEACHING ASSISTANT, DAUGHTER IN YSTJ
7	DAFYDD GRIFFITHS	PREVIOUS TEACHER AT YSGOL SYR THOMAS JONES (1987-2007)	PREVIOUS TEACHER AT YSTJ
8	HELEN HUGHES	<i>No details noted.</i>	DAUGHTER WORKS AS A TEACHER IN YSTJ
9	THOMAS ELFYN HUGHES	PENYSARN PRIMARY SCHOOL, SIR THOMAS JONES SCHOOL, AMLWCH – THE MAJORITY OF LLANEILIAN COMMUNITY COUNCIL HAVE A CONNECTION TO THE SCHOOLS. I AM CURRENTLY CHAIR OF THE COUNCIL AND WOULD NOT BE ABLE TO CONDUCT MEETINGS WHERE THE ABOVE IS DISCUSSED	GRAND-SONS IN THE PRIMARY SCHOOL AND YSTJ
10	GLENYS JONES	<i>No details noted.</i>	GRANDSONS IN THE PRIMARY SCHOOL AND YSTJ, GOVERNING BODY OF THE SCHOOL, FAMILY IS THE “CYLCH”



			(NURSERY) LEADER AND ON THE GOVERNING BOARD BWRDD
11	THOMAS DAVID JONES	<i>No details noted.</i>	GRANDSONS IN YSTJ
12	CAROL WHITAKER	EMPLOYED BY LOCAL COUNCIL	WORKS IN YSTJ
NO APPLICATION	JOHN GRIFFITHS	<i>No application.</i>	<i>No prejudicial interest</i>
NO APPLICATION	GORDON HAYES	<i>No application.</i>	<i>No prejudicial interest</i>
NO APPLICATION	HEFINA WILLIAMS	<i>No application.</i>	<i>No prejudicial interest</i>

**DISPENSATION CONSIDERATIONS -****Guidance for the Standards Committee Panel when considering Councillors' applications for dispensation:**

1. Reading:
  - Consider the Report prepared by / on behalf of the Monitoring Officer.
  - Consider the enclosures to the Report, particularly the Application Form completed by the Councillor, in order to gather all facts.
2. Multiple Applications:
  - Deal with each application individually and on its own facts.
  - Consider following a procedure at the Hearing:
    - o Gather background / general information (if needed);
    - o Listen to Councillor A's application / ask questions if in attendance / ask the Clerk;
    - o Retire to consider Councillor A's application;
    - o Resume – may announce the decision in relation to Councillor A's application, or may defer announcing the decision until all applications have been considered;
    - o Repeat, depending on the number of applications to be considered.
3. Personal / Prejudicial Interest:
  - For each application, determine –
    - o Is there a PERSONAL INTEREST?
      - Consider the Code of Conduct (included as an enclosure to the Report) – what is the personal interest?
    - o Is the personal interest PREJUDICIAL?
      - Again, consider the Code of Conduct (included as an enclosure to the Report) – is the personal interest also prejudicial?
  - If there is no personal interest, or the personal interest is not prejudicial, there is no need to consider an application for dispensation as the Councillor is able to fully participate in the business.
4. Ground for Dispensation:
  - Where there is a personal interest which is prejudicial, consider the GROUND on which the dispensation may be granted. The grounds are listed on the back of the Application Form.
    - o Has the Applicant correctly identified these on the Application Form?
    - o Has the Applicant included all required Dispensations on the Form i.e. for voting / speaking / writing etc.?
5. Restrictions / Limitations on the Dispensation:
  - When deciding whether or not to grant the Dispensation, consider (if the Dispensation is to be granted) if any restrictions or limitations are required. Matters such as if the Councillor can speak but not vote or whether the dispensation is for one meeting only or the duration of the Council term.
6. Decision Form
  - In granting the dispensation, the Panel will need to complete the Decision Form which details (a) the decision of the Standards Committee; (b) the date when the decision is made; (c) who should be informed of the decision; (d) the date when the dispensation expires; (e) under which ground(s) the dispensation is being granted; and (f) what the dispensation allows the Councillor to do (i.e. speak, vote etc.).

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## DISPENSATION PANEL OF THE STANDARDS COMMITTEE

### Minutes of the meeting held on 7 March 2019

**PRESENT:** Independent Members

Mr Michael Wilson (Chair)  
Mr John Robert Jones  
Mr Keith Roberts

**IN ATTENDANCE:** Head of Function (Council Business)/Monitoring Officer  
Solicitor (Corporate Governance) (MY)  
Committee Officer (SC)

**APOLOGIES:** None

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#### 1. DECLARATION OF INTEREST

Mr John R Jones declared a personal interest in respect of Item 2, as he knew one of the applicants. On the advice of the Monitoring Officer, it was confirmed that, given the nature of the relationship and the context of the application, the interest was not prejudicial.

#### 2. APPLICATION FOR DISPENSATION

A collective application for dispensation was sought by the following 8 members of Llanelian Community Council: Councillors Ian Nicholas Evans, David Gerrard, Dafydd Griffiths, Helen Hughes, Thomas Elfyn Hughes, Glenys Jones, Thomas David Jones and Carol Whitaker. The application relates to prejudicial interests regarding educational provision in the Amlwch area. It was noted that 8 of the 11 Llanelian Community Council members consider themselves to have a prejudicial interest.

The Panel, through its Chairman, had already agreed to consider an en bloc application by way of a paper exercise only. Neither the Clerk nor the applicants attended the meeting.

The Monitoring Officer reported that, as the context of each application relates to the Schools Modernisation Programme in the Amlwch catchment area, and the relevant statutory ground is the same in each case, all the applications for dispensations are being dealt with collectively.

A statutory formal consultation will begin in April, which will review the future of schools in the primary and secondary sector, including Sir Thomas Jones School in Amlwch. Llanelian Community Council will be one of the consultees in the statutory consultation process. It was noted that potentially one or more of the schools under consideration may face closure, and as a result there could be an impact on the children in the area and the staff who work in the schools. Following

the consultation process, a report will be presented to the Executive for decision.

The Monitoring Officer highlighted that all the applications are different in terms of individual facts, which, with one exception, fall into two categories:

1. the potential impact of school closures/reorganisation on children related/connected to the applicants; or
2. the potential impact on some of the applicants' family members who are employed in the schools.

The Monitoring Officer reported that each member of the Community Council has a personal and prejudicial interest, therefore has to declare an interest and leave a meeting during discussion.

The Monitoring Officer advised the Panel to give particular consideration to the seventh applicant on the basis that the circumstances described did not fall into either category 1 or 2 above and, if there is a personal/prejudicial interest, it will be a "wellbeing" interest under the Code by virtue of the applicant's long period of employment as a teacher in Sir Thomas Jones School.

The Monitoring Officer referred to Paragraph 2(a), (f) and (i) of The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001, and cited the circumstances in which a dispensation may be granted. She highlighted that should the Panel refuse to grant the dispensation, then the Community Council would not be able to participate in discussions and represent the community in the consultation process, as meetings would not be quorate.

The Panel expressed concern that there were gaps in some of the application forms received, and stressed the importance of ensuring that members/applicants are responsible for completing their own applications and should not be depending upon the Clerk to provide the additional information to the Panel. The Panel wished to highlight this concern, but was satisfied that it had sufficient information, thanks to the assistance of the Clerk, to make its decision. The Panel was also aware of the need to deal with this matter within a restricted timeframe and to ensure that decisions are taken in the best interests of the community.

Members of the Panel deliberated in private session. Following discussion, the Chair announced that the Dispensation Panel had **RESOLVED to grant an en bloc dispensation to Councillors Ian Nicholas Evans, David Gerrard, Dafydd Griffiths, Helen Hughes, Thomas Elfyn Hughes, Glenys Jones, Thomas David Jones, and Carol Whitaker to:-**

- **write to officers [and/or the Committee/Community Council] about the matter;**
- **speak to officers of the Community Council about the matter;**
- **speak at Committee meetings/Community Council meetings and answer any questions about the issue;**
- **remain in the room during any debate/vote on the issue;**
- **vote;**

- to attend and speak at public meetings and to speak and meet with third parties in connection with this consultation and the project generally;
- that the dispensation will endure until completion of the Schools Modernisation Process in the Amlwch area, or the term of this Community Council, whichever is later.

The dispensation is granted under Section 81(4) of the Local Government Act 2000 where no fewer than half of the Councillors (Community Council/Committees) by which the business is to be considered has an interest which relates to that business.

**Action:**

- The Monitoring Officer to write to the 8 members of Llanelian Community Council, confirming that they have been granted an en bloc dispensation permitting each member to write, speak and vote on all matters relating to the Schools Modernisation Programme; also, that they may remain in the room during any debate/voting on the matter.
- The Monitoring Officer to notify the Clerk of Llanelian Community Council confirming the Panel's decision and terms of the dispensation outlined above; also, the Monitoring Officer, on behalf of the Panel, to write to the Clerk to thank her for her work in connection with the above.
- The 8 members of the Llanelian Community Council to declare their personal and prejudicial interests when attending Committee/Community Council meetings.
- The Monitoring Officer to write to all Community Councils to highlight the need to fully complete application forms for dispensation (this to be included with reissue of the advice on obtaining dispensations).

The meeting concluded at 15.25 pm

**MR MICHAEL WILSON  
CHAIR**

ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	STANDARDS COMMITTEE (DISPENSATION PANEL)
DATE:	22 MARCH 2019
TITLE OF REPORT:	TO CONSIDER APPLICATIONS FOR DISPENSATION
PURPOSE OF THE REPORT:	TO DETERMINE APPLICATIONS FOR DISPENSATION FROM MEMBERS OF THE EXECUTIVE AND THE TERMS OF ANY DISPENSATION GRANTED
REPORT BY:	Lynn Ball HEAD OF FUNCTION (COUNCIL BUSINESS) / MONITORING OFFICER <a href="mailto:lbxcs@anglesey.gov.uk">lbxcs@anglesey.gov.uk</a> / 01248 752586

#### DOCUMENTS ATTACHED

1. Code of Conduct for Members of the Isle of Anglesey County Council
2. Standards Committee (Grant of Dispensations) (Wales) Regulations 2001
3. Part 4 of the Local Government Regulations (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) 2016
4. Briefing Note on Dispensations provided by the Standards Committee for the elected members of the Isle of Anglesey County Council along with Application Forms and Decisions
5. Application by Councillors Richard Dew (Executive Member for Planning and Public Protection), R Meirion Jones (Executive Member for Education, Libraries, Culture and Youth), Alun Mummery (Executive Member for Housing and Supporting Communities including Community Safety), R.G. Parry (Executive Member for Highways, Property and Waste Management) and Robin Wyn Williams (Executive Member for Finance)
6. Methodology Note for the consideration of applications for dispensation

## 1. LEGAL BACKGROUND

Pursuant to the Isle of Anglesey County Council's Code of Conduct (**Enclosure 1**), members who have a personal and prejudicial interest are precluded from any discussion on that matter in the County Council, or in any meeting which they attend in their capacity as a member of the Council.

Personal interests are listed in paragraph 10 of the Code. The definition of prejudicial interests is provided in paragraph 12 of the Code.

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

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

## 2. FACTUAL BACKGROUND

Schools Modernisation is one of the Isle of Anglesey County Council's key aims in the Council's Plan for 2017-2022. The Isle of Anglesey County Council, as part of its Schools Modernisation Strategy, is consulting with the County's secondary schools about the future of post-16 education.

On 28 January 2019, a Standards Panel Hearing was held to consider Councillor Llinos Medi Huws' application for dispensation regarding two matters; one being post-16 education. In that Hearing, the Panel explained that they were of the opinion that other members of the Executive, who are parents or grandparents of children and young people on Anglesey, and who may also be affected by decisions regarding post-16 education in the County, should apply for dispensation.

It is likely that the statutory consultation process on post-16 education will begin in the next few months. During that process, the Executive will be required to make recommendations



and decisions. The matter will be scrutinised by the Scrutiny Committee at various stages. The Executive will make the final decision.

### **3. THE APPLICATION**

Any member wishing to obtain a dispensation must submit a written application, identifying the impediments and the ground/s upon which she/he is relying in order to apply. The Standards Committee, or a Panel of the Standards Committee, will then hear the application in a public meeting. On the instruction of the Chair of the Standards Committee the Dispensation Panel will make its decision/s in the absence of the Applicants.

Following enquiries with the Executive members, an application for five Executive members is at **Appendix 5**.

The application identifies the business in which the members wish to participate, the type of dispensation sought and the statutory grounds upon which the applications are made. The relevant information regarding the personal interests of each member is also contained within the application.

In **Appendix 5**, it is noted that Councillors R. Meirion Jones and Robyn Wyn Williams are Governors at Ysgol David Hughes, Menai Bridge. The two have been appointed in their capacity as elected members of the County Council. Their appointment as Governors means that they have a personal interest in accordance with the Code of Conduct (see paragraph 10(2)(a)(viii)). However, there is no need to consider the test in paragraph 12(1) of the Code of Conduct to decide whether the personal interest is also a prejudicial interest as there is an automatic exemption in paragraph 12(2)(a)(iii) of the Code which means that they do not have a prejudicial interest. This provision within the Code enables the two members to participate fully in education matters in general and issues which are specific to Ysgol David Hughes, as Council appointed Governors are exempt from having a prejudicial interest in these circumstances. Some of the applicant members are Governors in primary schools but the details of these appointments have not been reproduced in the application as primary schools will not be affected by the Post-16 School Modernisation Project. The Panel will need to consider the applicants' family associations only.

#### **4. PANEL'S CONSIDERATIONS**

The Panel should consider following the Methodology Note (**Enclosure 6**) which lists the matters the Panel needs to take into consideration.

It is noted that the applications have been made based on the fact that over half of the Executive members (9 in total with 5 having been named in the appended application) have, in the opinion of the Standards Panel, a personal and prejudicial interest. Councillor Llinos Medi Huws' application has already been considered and granted on 28 January 2019. A separate application by Councillor Carwyn Elias Jones will be considered in the future.

Should the Panel decide to grant dispensations, consideration should also be given to imposing constraints e.g. limiting the dispensation/s specifically to those interests identified in the applications or extending the dispensation to cover other issues arising from this matter in the future, etc. The Panel is referred to the 'Decision Form' included in **Enclosure 4** which notes the considerations which may apply.

#### **5. RECOMMENDATIONS**

To consider the merits of the application and:

(A) determine whether or not to grant dispensation/s; and,

(B) if granting dispensation/s, to consider:-

- (i) on what ground or grounds any dispensation is granted; and
- (ii) whether there are any limitations/constraints to be imposed

## 5.1 Members' Code of Conduct

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

### Part 1 - Interpretation

1. (1) In this code

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

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

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

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

(a) of the relevant authority,

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

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

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

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

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

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

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

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

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

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

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

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

(2) In relation to a community council—

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

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

## **Part 2 - General Provisions**

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

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

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

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

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

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

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

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

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

#### 4. You must -

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

(b) show respect and consideration for others;

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

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

(e) attend at least one training session on this code of conduct during each full term of office, such attendance to take place during the six months following election in the case of those members elected to the County Council for the first time and those having been re-elected but without continuity of office.

#### 5. You must not -

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

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

#### 6. (1) You must -

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

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

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

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

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

7. You must not -

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

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

(i) imprudently;

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

(iii) unlawfully;

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

(v) improperly for political purposes; or

(vi) improperly for private purposes.

8. You must -

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

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

(ii) the authority's chief finance officer;

(iii) the authority's monitoring officer;

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

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

## 9. You must -

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

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

## **Part 3 - Interests**

### Personal Interests

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

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

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

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

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

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

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

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

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

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

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

(ix) any -

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

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

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

(dd) trade union or professional association; or

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

and in relation to (aa) to (ee), in which you have membership or hold a position of general control or management;

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

[Note: subparagraph (b) is omitted]

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

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

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

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

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

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

and in relation to (i) to (v), to a greater extent than the majority of –

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

or

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

Disclosure of Personal Interests



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

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

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

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

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

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

(a) details of the personal interest;

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

(c) your signature

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

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

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

## Prejudicial Interests

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

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

(a) relates to -

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

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

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

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

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

(b) relates to -

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

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

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

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

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

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

#### Overview and Scrutiny Committees

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

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

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

#### Participation in Relation to Disclosed Interests

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(aa) details of the prejudicial interest;

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

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

(dd) your signature.

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

## **Part 4 - The Register of Members' Interests**

### **Registration of Personal Interests**

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

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

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

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

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

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

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

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

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

### Sensitive information

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

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

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

### Registration of Gifts and Hospitality

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

## **ATODIAD / ENCLOSURE 2**



## CYNULLIAD CENEDLAETHOL CYMRU

## NATIONAL ASSEMBLY FOR WALES

### OFFERYNNAU STATUDOL

### STATUTORY INSTRUMENTS

**2001 Rhif 2279 (Cy. 169 )**

**2001 No. 2279 (W. 169 )**

### LLYWODRAETH LEOL, CYMRU

### LOCAL GOVERNMENT , WALES

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

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

### NODYN ESBONIADOL

### EXPLANATORY NOTE

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

*(This note does not form part of the Regulations)*

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

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

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

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

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

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



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

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

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

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

2001 Rhif 2279 (Cy. 169 )

2001 No. 2279 (W. 169 )

LLYWODRAETH LEOL,  
CYMRULOCAL GOVERNMENT,  
WALESRheoliadau Pwyllgorau Safonau  
(Caniatáu Gollyngiadau) (Cymru)  
2001The Standards Committees (Grant  
of Dispensations) (Wales)  
Regulations 2001*Wedi'u gwneud**21 Mehefin 2001**Made**21st June 2001**Yn dod i rym**28 Gorffennaf 2001**Coming into force**28th July 2001*

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

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

**Enw, cychwyn, cymhwyso a dehongli****Name, commencement, application and interpretation**

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

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

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

(2) These Regulations apply to Wales only.

(3) Yn y Rheoliadau hyn -

(3) In these Regulations -

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

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

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

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

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

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

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

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

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

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

(a) 2000 p. 22.

(a) 2000 c. 22.

## **Yr amgylchiadau lle gellir caniatáu gollyngiadau**

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

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

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

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

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

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

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

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

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

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

## **Circumstances in which dispensations may be granted**

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

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

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

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

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

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

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

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

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

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

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

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

21 Mehefin 2001

21st June 2001

*D. Elis-Thomas*

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

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(a) 1998 p. 38.

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(a) 1998 c. 38.

**CYNULLIAD CENEDLAETHOL CYMRU**

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**OFFERYNNAU STATUDOL**

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**2001 Rhif 2279 (Cy. 169 )**

**LLYWODRAETH LEOL,  
CYMRU**

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

**NATIONAL ASSEMBLY FOR WALES**

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**STATUTORY INSTRUMENTS**

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**2001 No. 2279 (W. 169 )**

**LOCAL GOVERNMENT,  
WALES**

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

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## **ATODIAD / ENCLOSURE 3**

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WELSH STATUTORY INSTRUMENTS

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**2016 No. 85**

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

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

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

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

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

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

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

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

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

(3) In regulation 2—

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

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

(c) after paragraph (i) insert—

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

(4) After regulation 2 insert—

**“Dispensations granted in accordance with regulation 2(j)**

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

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

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(1) [S.I. 2001/2279 \(W. 169\)](#).

**Procedure and powers of standards committees**

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

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

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

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

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

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

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

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



## Briefing Note to Members

### Dispensations

This is a briefing note for Members of the Isle of Anglesey County Council on the topic of 'Dispensations'. Should Members have any queries, please contact the Monitoring Officer.

#### **The Isle of Anglesey County Council's Code of Conduct for Members**

No Member is allowed to participate in a matter where he/she has an interest which is prejudicial\* unless a dispensation has already been granted by the Council's Standards Committee. This information is contained in [paragraph 14 of the Code](#)

#### **Grounds on which a dispensation may be granted**

The grounds on which a dispensation may be granted are:-

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

#### **What is the application process for a dispensation?**

The Applicant Member must apply in writing to the Standards Committee and will usually be expected to attend the meeting of the Standards Committee Panel which will take the decision.

An Applicant Member may apply individually or, in common circumstances, a joint or collective application may be made by more than one Member.

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

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

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

### **Requirements on Members when relying on a dispensation**

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

#### **(a) Meetings:**

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

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

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

#### **(b) Written representations:**

Where a Member has been provided with a dispensation, and is making written representations to the Council, the Member must provide details of the dispensation in any correspondence on the subject to which the dispensation relates.

#### **(c) Oral representations:**

Where a Member has been provided with a dispensation, and is making oral representations to the Council, that Member must:

- (i) include details of the dispensation in any oral representations and
- (ii) provide written notification\*\* to the Council within 14 days of making the oral representations

#### Footnote/definitions

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

**THE ISLE OF ANGLESEY COUNTY COUNCIL**

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

<b>Name of Member:</b>	
<b>Member's contact details:</b>	
<b>Ward:</b>	
<b>Nature of prejudicial interest* in respect of which the Dispensation is sought:</b>	
<b>Business in which the Member wishes to participate:</b>	
<b>Type of Dispensation sought (tick as necessary and insert any required information):</b>	<ul style="list-style-type: none"> <li><input type="radio"/> write to officers [and/or the Executive / Committee / Council] about the issue;</li> <li><input type="radio"/> speak to officers of the Council about the issue [in the presence of two other persons] [who are not Trustees or Board Members of [INSERT]], provided a note is taken of any such discussions;</li> <li><input type="radio"/> speak at Executive/Committee/Council meetings and answer any questions about the issue;</li> <li><input type="radio"/> remain in the room during any debate/voting on the issue;</li> <li><input type="radio"/> vote at such meetings;</li> <li><input type="radio"/> other</li> </ul>
<b>Statutory Ground/s under which Dispensation is requested (See overleaf for available grounds):</b>	
<b>Is the interest registered as per Section 81(1) &amp; (2) of the LGA 2000:</b>	<b>Yes / No</b>
<b>Date by which a decision is required:</b>	
<b>Signed:</b>	<b>Date:</b>

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

## **Circumstances When A Standards Committee May Grant Dispensation**

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

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

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

<b>Decision of the Standards Committee:</b>	
<b>Date decision made by the Standards Committee:</b>	
<b>Name of persons to be notified of the Standards Committee's decision:</b>	
<b>Date any dispensation expires:</b>	

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

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

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

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

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

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

Dated: \_\_\_\_\_

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

<p><b>Name of Member:</b></p>	<ul style="list-style-type: none"> <li>• Councillor Richard Dew, Executive Member for Planning and Public Protection</li> <li>• Councillor R Meirion Jones, Executive Member for Education, Libraries, Culture and Youth</li> <li>• Councillor Alun Mummery, Executive Member for Housing and Supporting Communities including Community Safety</li> <li>• Councillor R G Parry OBE, Executive Member for Highways, Property and Waste Management</li> <li>• Councillor Robin Wyn Williams, Executive Member for Finance</li> </ul>
<p><b>Member's contact details:</b></p>	<p>Following the above order:</p> <ul style="list-style-type: none"> <li>• <a href="mailto:RICHARDDEW@ynysmon.gov.uk">RICHARDDEW@ynysmon.gov.uk</a> 01407 810825</li> <li>• <a href="mailto:RMeirionJones@ynysmon.gov.uk">RMeirionJones@ynysmon.gov.uk</a> 01248 714270</li> <li>• <a href="mailto:AlunMummery@ynysmon.gov.uk">AlunMummery@ynysmon.gov.uk</a> 01248 714938</li> <li>• <a href="mailto:BobParry@ynysmon.gov.uk">BobParry@ynysmon.gov.uk</a> 01407 720437</li> <li>• <a href="mailto:RobinWilliams@ynysmon.gov.uk">RobinWilliams@ynysmon.gov.uk</a> 07887 842404</li> </ul>
<p><b>Ward:</b></p>	<p>Following the above order:-</p> <ul style="list-style-type: none"> <li>• Llifon</li> <li>• Aethwy</li> <li>• Aethwy</li> <li>• Central Anglesey</li> <li>• Aethwy</li> </ul>
<p><b>Nature of prejudicial interest* in respect of which the Dispensation is sought:</b></p>	<p>The five applicants are grandparents of children and young people who may be affected in the future by any decision made regarding post-16 education in the County.</p> <p>Such decisions will be made by the Executive, over the coming months.</p> <p>Councillor R Meirion Jones and Councillor Robin Williams are County Council appointed Governors at Ysgol David Hughes, Menai Bridge.</p> <p>Councillor R Meirion Jones has also been</p>

	<p>nominated by the County Council to serve as a member of Grŵp Llandrillo Menai, the Cynnal Management Committee and the GwE Joint-Committee – three bodies which have an involvement with education (in his capacity as portfolio holder for Education, Youth, Libraries and Culture).</p> <p>There is provision in the Code of Conduct to allow Councillor R Meirion Jones and Councillor Robin Williams, in relation to their roles as Council appointed Governors, and Councillor R Meirion Jones as a Council appointed representative on other bodies, to take part without the need for a dispensation, as they are exempt from having a prejudicial interest in these circumstances.</p> <p>The application for a dispensation relates to the applicants' family associations only.</p>
<p><b>Business in which the Member/s wishes to participate:</b></p>	<p>Education matters regarding the provision of Post-16 Education in the County.</p>
<p><b>Type of Dispensation sought (tick as necessary and insert any required information):</b></p>	<ul style="list-style-type: none"> <li>○ write to officers [and/or the Executive / Committee / Council] about the issue;</li> <li>○ speak to officers of the Council about the issue <del>[in the presence of two other persons] [who are not Trustees or Board Members of [INSERT]],</del> provided a note is taken of any such discussions;</li> <li>○ speak at Executive/Committee/Council meetings and answer any questions about the issue;</li> <li>○ remain in the room during any debate/voting on the issue (available when a Member has a disability);</li> <li>○ vote at such meetings;</li> <li>○ other: To participate in all external meetings and meetings of any outside bodies in capacity as an elected member</li> </ul>
<p><b>Statutory Ground/s under which Dispensation/s is/are requested (See overleaf for available grounds):</b></p>	<p>(b) at least half the Members of Council's Executive (i.e. the Leader and the Executive Committee) who will be considering the business, have an interest in that business and paragraphs (d) and (e) are also relevant:</p> <p>(d) the nature of the Member's interest is such that the Member's participation in the business to which the interest relates would not damage public confidence in the conduct of the Council's business;</p> <p>(e) the interest is common to the Member and a</p>



	<p>significant proportion of the public;</p> <p>(f) the participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;</p> <p>(g) the interest which must be registered relates to business which will be considered by the Council's Scrutiny Committee and the Member does not have a pecuniary interest in that business;</p> <p>(i) it appears to the Standards Committee to be in the interest of the inhabitants of the area of the Council that the disability should be removed,</p>		
Is the interest registered as per Section 81(1) & (2) of the LGA 2000:	<p>The Members' role as Governors, and membership of other organisations have been registered.</p> <p>The family related interests noted above have not been registered, as they are unsuitable for pre-registration.</p>		
Date by which a decision is required:	As soon as possible		
<table border="1"> <tr> <td>Signed:</td><td>Date:</td></tr> </table>		Signed:	Date:
Signed:	Date:		

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

## **Circumstances When A Standards Committee May Grant Dispensation**

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

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

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

<b>Decision of the Standards Committee:</b>	
<b>Date decision made by the Standards Committee:</b>	
<b>Name of persons to be notified of the Standards Committee's decision:</b>	
<b>Date any dispensation expires:</b>	

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

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

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

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

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

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

Dated: \_\_\_\_\_

## **DISPENSATION CONSIDERATIONS -**

### **Guidance for the Standards Committee Panel when considering Councillors' applications for dispensation:**

1. Reading:
  - Consider the Report prepared by / on behalf of the Monitoring Officer.
  - Consider the enclosures to the Report, particularly the Application Form completed by the Councillor, in order to gather all facts.
2. Multiple Applications:
  - Deal with each application individually and on its own facts.
  - Consider following a procedure at the Hearing:
    - o Gather background / general information (if needed);
    - o Listen to Councillor A's application / ask questions if in attendance / ask the Clerk;
    - o Retire to consider Councillor A's application;
    - o Resume – may announce the decision in relation to Councillor A's application, or may defer announcing the decision until all applications have been considered;
    - o Repeat, depending on the number of applications to be considered.
3. Personal / Prejudicial Interest:
  - For each application, determine –
    - o Is there a PERSONAL INTEREST?
      - Consider the Code of Conduct (included as an enclosure to the Report) – what is the personal interest?
    - o Is the personal interest PREJUDICIAL?
      - Again, consider the Code of Conduct (included as an enclosure to the Report) – is the personal interest also prejudicial?
  - If there is no personal interest, or the personal interest is not prejudicial, there is no need to consider an application for dispensation as the Councillor is able to fully participate in the business.
4. Ground for Dispensation:
  - Where there is a personal interest which is prejudicial, consider the GROUND on which the dispensation may be granted. The grounds are listed on the back of the Application Form.
    - o Has the Applicant correctly identified these on the Application Form?
    - o Has the Applicant included all required Dispensations on the Form i.e. for voting / speaking / writing etc.?
5. Restrictions / Limitations on the Dispensation:
  - When deciding whether or not to grant the Dispensation, consider (if the Dispensation is to be granted) if any restrictions or limitations are required. Matters such as if the Councillor can speak but not vote or whether the dispensation is for one meeting only or the duration of the Council term.
6. Decision Form
  - In granting the dispensation, the Panel will need to complete the Decision Form which details (a) the decision of the Standards Committee; (b) the date when the decision is made; (c) who should be informed of the decision; (d) the date when the dispensation expires; (e) under which ground(s) the dispensation is being granted; and (f) what the dispensation allows the Councillor to do (i.e. speak, vote etc.).

## **STANDARDS COMMITTEE**

### **Minutes of the meeting held on 22 March 2019**

**PRESENT:**                    **Independent Members**

Mr Michael Wilson (Chair),  
Ms Denise Harris-Edwards.

**IN ATTENDANCE:**    Head of Function (Council Business)/Monitoring Officer,  
Committee Officer (MEH)

**ALSO PRESENT:**        None

**APOLOGIES:**            None

#### **1        DECLARATION OF INTEREST**

No declaration of interest was received.

#### **2        APPLICATION FOR DISPENSATION**

A collective application for dispensation was made by Councillors Richard Dew, R Meirion Jones, Alun Mummery, R G Parry OBE FRAGS and Robin W Williams (Executive Members), requesting the Standards Committee to consider granting dispensations to overcome prejudicial interests in the County Council's project for modernising post-16 education provision in the County.

The Dispensation Panel, through its Chairman, had already agreed to consider an en bloc application by way of a paper exercise only.

The Monitoring Officer reported that the Isle of Anglesey County Council as part of its Schools Modernisation Strategy, is consulting about the future of post-16 education. On 28 January 2019 a Standards Panel Hearing was held to consider an application for dispensation from Councillor Llinos M Huws. One of the reasons for that application related to the modernisation project for post-16 education. In that Hearing, the Standards Committee Panel explained that it was of the view that other members of the Executive, both parents and grandparents of children/young people on Anglesey, who may also be affected by decisions regarding post-16 education should apply for dispensation.

The statutory consultation process on post-16 education is likely to begin in the next few months. The consultation will have to be authorised by the Executive and the Executive may be required to make a number of decisions during and after the consultation has concluded.

It was further reported that Councillors R Meirion Jones and Robyn W Williams are Governors at Ysgol David Hughes, Menai Bridge. The two Members have been appointed in the capacity as elected members of the County Council. Their appointment as Governors means that they have a personal interest in accordance with the Code of Conduct (Paragraph 10(2)(a)(viii)). However, there is no need to consider the test in paragraph 12(1) of the Code of Conduct to decide whether the personal interest is also a prejudicial interest as there is an automatic exemption in paragraph 12(2)(a)(iii) of the Code which means that they do not have a prejudicial interest.

The block application has been made primarily on the ground that over half the Members of the Executive (9 in total with 5 having been named in the appended application) have, in the opinion of the Standards Committee Panel, a personal and prejudicial interest.

The Chair noted that, for the purpose of this application, the Panel will therefore consider the family associations of the Applicants only with regard to the post-16 Schools Modernisation Project.

Members of the Panel then deliberated in private session and following discussion, the Chair announced that the Dispensation Panel had **RESOLVED:-**

- **to grant an en bloc dispensation to Councillors Richard A Dew, R Meirion Jones, Alun W Mummery, Bob Parry OBE FRAGS and Robin W Williams for the duration of all matters in respect of the post-16 Schools Modernisation Project or until the end of the term of the current County Council (May 2022 whichever is longer);**
- **that the Members declare their prejudicial interest , but also the fact that they have been granted a dispensation by the Standards Committee Panel, at every relevant meeting when discussion and/or voting are undertaken as regards the post-16 Schools Modernisation Project.**

**MR MICHAEL WILSON  
CHAIR**

ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	STANDARDS COMMITTEE (DISPENSATION PANEL)
DATE:	29 MARCH 2019
TITLE OF REPORT:	TO CONSIDER AN APPLICATION FOR DISPENSATION
PURPOSE OF THE REPORT:	TO DETERMINE AN APPLICATION FOR DISPENSATION FROM A COUNTY COUNCILLOR (MEMBER OF THE EXECUTIVE) AND THE TERMS OF ANY DISPENSATION GRANTED
REPORT BY:	Mared Wyn Yaxley SOLICITOR (Corporate Governance) <a href="mailto:mwyys@anglesey.gov.uk">mwyys@anglesey.gov.uk</a> / 01248 752566

## DOCUMENTS ATTACHED

1. Code of Conduct for Members of the Isle of Anglesey County Council
2. Standards Committee (Grant of Dispensations) (Wales) Regulations 2001
3. Part 4 of the Local Government Regulations (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) 2016
4. Briefing Note on Dispensations provided by the Standards Committee for the elected members of the Isle of Anglesey County Council along with Application Forms and Decisions
5. Application by Councillor Carwyn Elias Jones (Member of the Executive for Major Projects and Economic Development)
6. Methodology Note for the consideration of applications for dispensation

## 1. LEGAL BACKGROUND

Pursuant to the Isle of Anglesey County Council's Code of Conduct (**Enclosure 1**), members who have a personal and prejudicial interest are precluded from any discussion on that matter in the County Council, Executive or in any meeting which they attend in their capacity as a member of the Council.

Personal interests are listed in paragraph 10 of the Code. The definition of prejudicial interests is provided in paragraph 12 of the Code.

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

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

## **2. FACTUAL BACKGROUND**

Schools Modernisation is one of the Isle of Anglesey County Council's key aims in the Council's Plan for 2017-2022. It is known that the Isle of Anglesey County Council, as part of its Schools Modernisation Strategy, is consulting with the County's secondary schools about the future of post-16 education.

On 28 January 2019, a Standards Panel Hearing was held to consider Councillor Llinos Medi Huws' application for dispensation regarding two matters; one being post-16 education. In that Hearing, the Panel explained that they were of the opinion that other members of the Executive, who are parents or grandparents of children and young people on Anglesey, and who may also be affected by decisions regarding post-16 education in the County, should apply for dispensation.

On 22 March 2019, a Standards Panel Hearing will be held to consider an application for dispensation for five members of the Executive who are grandparents of children and young people on Anglesey, and who may also be affected by decisions regarding post-16 education in the County.

It is likely that the statutory consultation process on post-16 education will begin in the next few months. During that process, the Executive will be required to make recommendations and decisions. The matter will be scrutinised by the Scrutiny Committee at various stages. The Executive will make the final decision.



### 3. THE APPLICATION

Any member wishing to obtain a dispensation must submit a written application, identifying the impediments and the grounds upon which he is relying in order to apply. The Standards Committee, or a Panel of the Standards Committee, will then hear the application in a public meeting.

The application to be considered is included in **Appendix 5**, and the application identifies the business in which the member wishes to participate, the type of dispensation sought and the statutory grounds upon which the application is made. The applicant's interest is twofold – (1) he is a parent to children who may be affected by a decision regarding post-16 education in the County; and (2) he is employed as a Lecturer by Grŵp Llandrillo / Menai, a post-16 education provider.

In **Appendix 5**, it is noted that Councillor Carwyn Elias Jones is a Governor at Ysgol David Hughes, Menai Bridge. He has been appointed in his capacity as an elected member of the County Council. His appointment as Governor means he has a personal interest in accordance with the Code of Conduct (see paragraph 10(2)(a)(viii)). However, there is no need to consider the test in paragraph 12(1) of the Code of Conduct to decide whether the personal interest is also a prejudicial interest as there is an automatic exemption in paragraph 12(2)(a)(iii) of the Code which means that he does not have a prejudicial interest. This provision within the Code enables the member to participate fully in education matters in general and issues which are specific to Ysgol David Hughes, as Council appointed Governors are exempt from having a prejudicial interest in these circumstances. Councillor Carwyn Elias Jones is also a Governor in primary schools but the details of these appointments have not been reproduced in the application as primary schools will not be affected by the Post-16 School Modernisation Project.

The Panel will recall that the Programme, Business Planning and Performance Manager, who is Project Manager for the Schools' Modernisation Programme, attended the Hearing on 28 January 2019 to provide information about the project. He will not attend this Hearing but has provided specific information about the Project and its possible effect on Grŵp Llandrillo / Menai:-

Grŵp Llandrillo / Menai's current position may remain unchanged as a result of the Council's decision regarding post-16 education i.e. Coleg Menai continues to provide the majority of vocational education whilst 6<sup>th</sup> forms in schools teach 'A' levels. On the other hand, the Council's decision could mean that Grŵp Llandrillo / Menai will have an opportunity to foster and develop a wider post-16 education provision than is currently implemented by group on Anglesey (because the Council may decide to withdraw the 6<sup>th</sup> form provision in one or more of its secondary schools, and all 'A' level subjects on Anglesey would be taught via Coleg Llandrillo / Menai.

A statutory consultation process has not yet started, therefore options have not been identified, but the possible effects of any decision regarding post-16 education on Grŵp Llandrillo / Menai is

- The Group might not provide an 'A' level provision and continue to prioritise vocational courses;
- The Group could compete with schools on the Island (or separate 6<sup>th</sup> form college) by extending its 'A' level provision;
- The Group could be the only provider of 'A' levels (if the schools end the provision)

Currently (and this figure is forecast every year for the next 5 years), approx. 550 pupils want an 'A' Level Education in the schools. If the post-16 education provision stops completely in the schools, these 550 pupils will potentially be looking for an alternative 'A' Level provider – and Grŵp Llandrillo / Menai could benefit as a result.

The applicant will attend before the Standards Committee Panel to present his application and to provide the Panel with any further information.

#### **4. PANEL'S CONSIDERATIONS**

The Panel should consider following the Methodology Note (**Enclosure 6**) which lists the matters the Panel needs to take into consideration.

It is noted that the application has been made based on the fact that over half of the Executive members have, in the opinion of the Standards Committee's Panel, a personal and prejudicial interest. There are 9 members on the Executive. The Leader has obtained a dispensation on 28 January 2019. An application by another five members of the Executive will be made on 22 March 2019. This is the seventh member to disclose a prejudicial interest.

Should the Panel decide to grant the dispensation, consideration should also be given to imposing constraints e.g. limiting the dispensation specifically to those interests identified in the application or extending the dispensation to cover other issues arising from this matter in the future, etc. The Panel is referred to the 'Decision Form' included in **Enclosure 4** which notes the considerations which may apply.

## **5. RECOMMENDATIONS**

To consider the merits of the application and:

(A) determine whether or not to grant dispensation; and,

(B) if granting dispensation, to consider:-

- (i) on what ground or grounds the dispensation is granted; and
- (ii) whether there are any limitations/constraints to be imposed

## 5.1 Members' Code of Conduct

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

### Part 1 - Interpretation

1. (1) In this code

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

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

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

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

(a) of the relevant authority,

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

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

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

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

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

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

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

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

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

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

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

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

(2) In relation to a community council—

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

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

## **Part 2 - General Provisions**

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

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

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

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

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

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

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

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

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

#### 4. You must -

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

(b) show respect and consideration for others;

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

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

(e) attend at least one training session on this code of conduct during each full term of office, such attendance to take place during the six months following election in the case of those members elected to the County Council for the first time and those having been re-elected but without continuity of office.

#### 5. You must not -

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

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

#### 6. (1) You must -

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

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

(c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;

(d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7. You must not -

(a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;

(b) use, or authorise others to use, the resources of your authority -

(i) imprudently;

(ii) in breach of your authority's requirements;

(iii) unlawfully;

(iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;

(v) improperly for political purposes; or

(vi) improperly for private purposes.

8. You must -

(a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by -

(i) the authority's head of paid service;

(ii) the authority's chief finance officer;

(iii) the authority's monitoring officer;

(iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

## 9. You must -

(a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;

(b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

## **Part 3 - Interests**

### Personal Interests

10. (1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

(2) You must regard yourself as having a personal interest in any business of your authority if -

(a) it relates to, or is likely to affect -

(i) any employment or business carried on by you;

(ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

(iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(vi) any land in which you have a beneficial interest and which is in the area of your authority;

(vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(viii) any body to which you have been elected, appointed or nominated by your authority;



(ix) any -

(aa) public authority or body exercising functions of a public nature;

(bb) company, registered society, charity, or body directed to charitable purposes;

(cc) body whose principal purposes include the influence of public opinion or policy;

(dd) trade union or professional association; or

(ee) private club, society or association operating within your authority's area,

and in relation to (aa) to (ee), in which you have membership or hold a position of general control or management;

(x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

[Note: subparagraph (b) is omitted]

(c) a decision upon it might reasonably be regarded as affecting -

(i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;

(ii) any employment or business carried on by persons as described in 10(2)(c)(i);

(iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;

(iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,

and in relation to (i) to (v), to a greater extent than the majority of –

(aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

or

(bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure of Personal Interests

11. (1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority and you make -

(a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or

(b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

(3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer from time to time but, as a minimum containing -

(a) details of the personal interest;

(b) details of the business to which the personal interest relates; and

(c) your signature

(5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

(7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

## Prejudicial Interests

12. (1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business -

(a) relates to -

(i) another relevant authority of which you are also a member;

(ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;

(iii) a body to which you have been elected, appointed or nominated by your authority;

(iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;

(v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to -

(i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;

(ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;

(iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;

(iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;

(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

#### Overview and Scrutiny Committees

13. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a Subcommittee of such a committee) where -

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, Subcommittees, joint committees or joint Subcommittees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, Subcommittee, joint-committee or joint Subcommittee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

#### Participation in Relation to Disclosed Interests

14. (1) Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee –

(a) withdraw from the room, chamber or place where a meeting considering the business is being held -

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise executive or board functions in relation to that business;

(c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(2A) where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under statutory right or otherwise.

(2B) when submitting written representations under sub-paragraph (2A) you must comply with any procedure that your authority may adopt for the submission of such representations.

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if -

(a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or

(b) you have the benefit of a dispensation provided that you -

(i) state at the meeting that you are relying on the dispensation; and

(ii) before or immediately after the close of the meeting give written notification to your authority containing -

(aa) details of the prejudicial interest;

(bb) details of the business to which the prejudicial interest relates;

(cc) details of, and the date on which, the dispensation was granted; and

(dd) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

## **Part 4 - The Register of Members' Interests**

### **Registration of Personal Interests**

15. (1) Subject to sub-paragraph (4), you must, within 28 days of -

(a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or

(b) your election or appointment to office (if that is later),

register your personal interests, where they fall within a category mentioned in paragraph 10(2)(a) in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(2) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 10(2)(a), register that new personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(3) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 10(2)(a), register that change in your authority's register of members' interests by providing written notification to your authority's monitoring officer..

(4) Sub-paragraphs (1) and (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).

(5) Sub-paragraph (1) and (2) will not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

(6) You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

### Sensitive information

16. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this code, "sensitive information" ("gwybodaeth sensitif") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

### Registration of Gifts and Hospitality

17. You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer of the existence and nature of that gift, hospitality, material benefit or advantage. Such written notification should be provided [here](#)

## **ATODIAD / ENCLOSURE 2**





## CYNULLIAD CENEDLAETHOL CYMRU

## NATIONAL ASSEMBLY FOR WALES

### OFFERYNNAU STATUDOL

### STATUTORY INSTRUMENTS

**2001 Rhif 2279 (Cy. 169 )**

**2001 No. 2279 (W. 169 )**

### LLYWODRAETH LEOL, CYMRU

### LOCAL GOVERNMENT , WALES

**Rheoliadau Pwyllgorau Safonau  
(Caniatáu Gollyngiadau) (Cymru)  
2001**

**The Standards Committees (Grant  
of Dispensations) (Wales)  
Regulations 2001**

### NODYN ESBONIADOL

### EXPLANATORY NOTE

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*

*(This note does not form part of the Regulations)*

O dan adran 51 o Ddeddf Llywodraeth Leol 2000 ("y Ddeddf") mae'n ofynnol i gynghorau sir a chynghorau bwrdeistref sirol, awdurdodau tân ac awdurdodau Parciau Cenedlaethol yng Nghymru ("awdurdodau perthnasol") fabwysiadu cod ymddygiad ar gyfer aelodau ac aelodau cyfetholedig sy'n gorfod ymgorffori unrhyw ddarpariaethau gorfodol o unrhyw god ymddygiad enghreifftiol a gyhoeddir gan Gynulliad Cenedlaethol Cymru o dan adran 50(2) o'r Ddeddf.

Mae adran 81(1) a (2) o'r Ddeddf yn darparu bod yn rhaid i'r swyddog monitro ym mhob awdurdod perthnasol sefydlu a chadw cofrestr o fuddiannau aelodau ac aelodau cyfetholedig yr awdurdod a bod darpariaethau gorfodol y cod enghreifftiol sy'n gymwysadwy i bob awdurdod perthnasol yn gorfod ei gwneud yn ofynnol i aelodau ac aelodau cyfetholedig pob awdurdod gofrestru unrhyw fuddiannau ariannol ac eraill a bennir yn y darpariaethau gorfodol yng nghofrestr yr awdurdod hwnnw.

O dan adran 81(3) a (4) o'r Ddeddf rhaid i'r darpariaethau gorfodol hynny ei gwneud yn ofynnol hefyd i aelod neu aelod cyfetholedig o awdurdod perthnasol sydd â buddiant o'r fath ei ddatgelu cyn cymryd rhan mewn unrhyw fusnes gan yr awdurdod sy'n berthnasol i'r buddiant a gwneud darpariaeth i atal yr aelod neu'r aelod cyfetholedig hwnnw rhag cymryd rhan mewn unrhyw fusnes gan yr awdurdod y mae'r buddiant a ddatgelwyd yn berthnasol iddo neu i gyfyngu ar y rhan y mae'n ei chymryd ynddo.

County and county borough councils, community councils, fire authorities and National Park authorities in Wales ("relevant authorities") are required by section 51 of the Local Government Act 2000 ("the Act") to adopt a code of conduct for members and co-opted members which must incorporate any mandatory provisions of any model code of conduct issued by the National Assembly for Wales under section 50(2) of the Act.

Section 81(1) and (2) of the Act provides that the monitoring officer of each relevant authority must establish and maintain a register of interests of the members and co-opted members of the authority and that the mandatory provisions of the model code applicable to each relevant authority must require the members and co-opted members of each authority to register in that authority's register such financial and other interests as are specified in the mandatory provisions.

Under section 81(3) and (4) of the Act those mandatory provisions must also require a member or co-opted member of a relevant authority who has such an interest to disclose it before taking part in any business of the authority which relates to it and make provision for preventing or restricting the participation of that member or co-opted member in any business of the authority to which the disclosed interest relates.

Mae adran 81(4) o'r Ddeddf yn darparu nad yw unrhyw gyfranogiad gan aelod neu aelod cyfetholedig o awdurdod perthnasol mewn unrhyw fusnes a waherddir gan y darpariaethau gorfodol yn fethiant i gydymffurfio â chod ymddygiad yr awdurdod os yw'r aelod neu'r aelod cyfetholedig wedi gweithredu yn unol â gollyngiad rhag y gwaharddiad a gafodd ei ganiatáu gan bwyllgor safonau'r awdurdod yn unol â rheoliadau a wneir o dan is-adran (5).

Mae'r rheoliadau hyn yn rhagnodi'r amgylchiadau y caiff pwyllgorau safonau'r awdurdodau perthasol ganiatáu gollyngiadau o'r fath odanynt.

Section 81(4) of the Act provides that any participation by a member or co-opted member of a relevant authority in any business which is prohibited by the mandatory provisions is not a failure to comply with the authority's code of conduct if the member or co-opted member has acted in accordance with a dispensation from the prohibition granted by the authority's standards committee in accordance with regulations made under subsection (5).

These regulations prescribe the circumstances in which standards committees of relevant authorities may grant such dispensations.

2001 Rhif 2279 (Cy. 169 )

2001 No. 2279 (W. 169 )

LLYWODRAETH LEOL,  
CYMRULOCAL GOVERNMENT,  
WALESRheoliadau Pwyllgorau Safonau  
(Caniatáu Gollyngiadau) (Cymru)  
2001The Standards Committees (Grant  
of Dispensations) (Wales)  
Regulations 2001*Wedi'u gwneud**21 Mehefin 2001**Made**21st June 2001**Yn dod i rym**28 Gorffennaf 2001**Coming into force**28th July 2001*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd iddo gan adran 81(5) ac (8) o Ddeddf Llywodraeth Leol 2000(a).

The National Assembly for Wales makes the following Regulations in exercise of the power given to it by section 81(5) and (8) of the Local Government Act 2000(a).

**Enw, cychwyn, cymhwyso a dehongli****Name, commencement, application and interpretation**

1.- (1) Enw'r Rheoliadau hyn yw Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 a deuant i rym ar 28 Gorffennaf 2001.

1.- (1) The name of these Regulations is the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 and they shall come into force on 28th July 2001.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

(2) These Regulations apply to Wales only.

(3) Yn y Rheoliadau hyn -

(3) In these Regulations -

mae "aelod" ("*member*") yn cynnwys aelod cyfetholedig;

"interest" ("*buddiant*") means an interest which is required to be registered in the relevant authority's register of interests;

ystyr "awdurdod perthnasol" ("*relevant authority*") yw cyngor sir neu gyngor bwrdeistref sirol, cyngor cymuned, awdurdod tân neu awdurdod Parc Cenedlaethol;

"member" ("*aelod*") includes a co-opted member;

ystyr "buddiant" ("*interest*") yw buddiant y mae'n ofynnol ei gofrestru yng nghofrestr buddiannau'r awdurdod perthnasol;

"relevant authority" ("*awdurdod perthnasol*") means a county or county borough council, a community council, a fire authority or a National Park authority;

ystyr "corff gwirfoddol" ("*voluntary organisation*") yw corff (heblaw awdurdod lleol neu gorff cyhoeddus arall) sy'n cynnal ei weithgareddau heblaw ar gyfer gwneud elw;

"the Act" ("*y Ddeddf*") means the Local Government Act 2000; and

acystyr "y Ddeddf" ("*the Act*") yw Deddf Llywodraeth Leol 2000.

"voluntary organisation" ("*corff gwirfoddol*") means a body (other than a local authority or other public body) whose activities are carried on otherwise than for profit.

(a) 2000 p. 22.

(a) 2000 c. 22.

## **Yr amgylchiadau lle gellir caniatáu gollyngiadau**

**2.** Caiff pwyllgor safonau awdurdod perthnasol ganiatáu gollyngiadau o dan adran 81(4) o'r Ddeddf -

(a) os oes gan ddim llai na hanner aelodau'r awdurdod perthnasol neu hanner aelodau un o bwyllgorau'r awdurdod (yn ôl fel y digwydd) y mae'r busnes i gael ei ystyried ganddo fuddiant sy'n berthnasol i'r busnes hwnnw;

(b) os oes gan ddim llai na hanner aelodau gweithrediaeth arweinydd a chabinet y mae'r busnes i gael ei ystyried ganddo fuddiant sy'n berthnasol i'r busnes hwnnw a bod naill ai paragraff (ch) neu baragraff (d) hefyd yn gymwys;

(c) yn achos cyngor sir neu gyngor bwrdeistref sirol, os byddai anallu aelod i gymryd rhan yn tarfu ar gydbwysedd gwleidyddol yr awdurdod perthnasol neu'r pwyllgor o'r awdurdod y mae'r busnes i'w ystyried ganddo i'r fath raddau nes y byddai'r canlyniad yn debygol o gael ei effeithio;

(ch) os yw natur buddiant yr aelod yn gyfryw fel na fyddai cyfranogiad yr aelod yn y busnes y mae'r buddiant yn berthnasol iddo yn niweidio hyder y cyhoedd yn y modd y mae busnes yr awdurdod perthnasol yn cael ei gynnal;

(d) os yw'r buddiant yn gyffredin i'r aelod ac i gyfran arwyddocaol o'r cyhoedd;

(dd) os oes cyfiawnhad i'r aelod gymryd rhan yn y busnes y mae'r buddiant yn berthnasol iddo oherwydd rôl neu arbenigedd penodol yr aelod;

(e) os yw'r busnes y mae'r buddiant yn berthnasol iddo i'w ystyried gan bwyllgor trosolygu a chraffu i'r awdurdod perthnasol ac nad yw buddiant yr aelod yn fuddiant ariannol;

(f) os yw'r busnes sydd i'w ystyried yn berthnasol i arian neu eiddo corff gwirfoddol y mae'r aelod yn aelod o'i bwyllgor neu ei fwrdd rheoli heblaw fel cynrychiolydd yr awdurdod perthnasol ac nad oes gan yr aelod unrhyw fuddiant arall yn y busnes hwnnw ar yr amod na fydd unrhyw ollyngiad yn ymestyn i gymryd rhan mewn unrhyw bleidlais mewn perthynas â'r busnes hwnnw; neu

(ff) os yw'n ymddangos i'r pwyllgor ei bod o les i drigolion ardal yr awdurdod perthnasol i'r anallu gael ei godi, ar yr amod bod hysbysiad ysgrifenedig bod y gollyngiad yn cael ei ganiatáu yn cael ei roi i Gynulliad Cenedlaethol Cymru o fewn saith diwrnod a hynny mewn unrhyw fodd y gall ei bennu.

## **Circumstances in which dispensations may be granted**

**2.** The standards committee of a relevant authority may grant dispensations under section 81(4) of the Act where -

(a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;

(b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;

(c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;

(d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;

(e) the interest is common to the member and a significant proportion of the general public;

(f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;

(g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;

(h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or

(i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(a).

21 Mehefin 2001

21st June 2001

*D. Elis-Thomas*

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

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(a) 1998 p. 38.

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(a) 1998 c. 38.

**CYNULLIAD CENEDLAETHOL CYMRU**

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**OFFERYNNAU STATUDOL**

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**2001 Rhif 2279 (Cy. 169 )**

**LLYWODRAETH LEOL,  
CYMRU**

**Rheoliadau Pwyllgorau Safonau  
(Caniatáu Gollyngiadau) (Cymru)  
2001**

**NATIONAL ASSEMBLY FOR WALES**

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**STATUTORY INSTRUMENTS**

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**2001 No. 2279 (W. 169 )**

**LOCAL GOVERNMENT,  
WALES**

**The Standards Committees (Grant  
of Dispensations) (Wales)  
Regulations 2001**

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## **ATODIAD / ENCLOSURE 3**



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WELSH STATUTORY INSTRUMENTS

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**2016 No. 85**

**The Local Government (Standards Committees,  
Investigations, Dispensations and Referral)  
(Wales) (Amendment) Regulations 2016**

**Amendments to the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001**

4.—(1) The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001(1) are amended as follows.

(2) In regulation 1, in paragraph (3) in the appropriate place insert—

““community sub-committee” (*“is-bwyllgor cymunedol”*) means a sub-committee appointed by a standards committee of a local authority under section 56 of the Act;”;

““joint committee” (*“cyd-bwyllgor”*) means a committee established by two or more relevant authorities under section 53(1) of the Act;”;

““section 54A sub-committee” (*“is-bwyllgor adran 54A”*) means a sub-committee appointed by a standards committee under section 54A(1) of the Act”;

““standards committee” (*“pwyllgor safonau”*) means—

- (a) a standards committee of a relevant authority;
- (b) a joint committee;
- (c) a section 54A sub-committee; or
- (d) a community sub-committee;”.

(3) In regulation 2—

(a) at the end of paragraph (h) omit “or”;

(b) in paragraph (i), for the words that follow “removed” substitute “; or”;

(c) after paragraph (i) insert—

“(j) “it appears to the committee to be otherwise appropriate to grant a dispensation.”

(4) After regulation 2 insert—

**“Dispensations granted in accordance with regulation 2(j)**

3.—(1) A dispensation granted by the standards committee of a relevant authority under section 81(4) of the Act on the grounds set out in regulation 2(j) and which remains in effect, must be reviewed by the standards committee once in every 12 month period from the date on which the dispensation is first granted.

(2) When conducting a review under paragraph (1) the standards committee must determine whether the dispensation should continue to have effect.

---

(1) [S.I. 2001/2279 \(W. 169\)](#).



**Procedure and powers of standards committees**

4.—(1) A standards committee of a relevant authority may refer an application for a dispensation made by a member of the authority to the standards committee of another relevant authority for consideration and determination.

(2) The monitoring officer of a relevant authority to which an application for a dispensation is made may, with the prior written consent of the chairperson of the standards committee of that authority, make arrangements for the application to be considered and determined by the standards committee of another relevant authority.

(3) Where reasonable efforts to contact the chairperson of the standards committee of the relevant authority have been unsuccessful, the vice-chairperson of the standards committee may give consent under paragraph (2).

(4) Where a monitoring officer or standards committee makes arrangements for a dispensation application to be considered and determined by the standards committee of another relevant authority, the monitoring officer or standards committee that makes those arrangements must provide notice to the person making the application accordingly.

(5) The notice to which paragraph (4) refers must include the following—

- (a) a statement that the matter has been referred to another relevant authority's standards committee for consideration and determination;
- (b) the name of the other relevant authority; and
- (c) the reason why the application has been referred to the standards committee of the other relevant authority.

(6) When the standards committee has determined the application it must give written notice of its decision to the—

- (a) member applying for the dispensation; and
- (b) standards committee of the referring relevant authority.”

## Briefing Note to Members

### Dispensations

This is a briefing note for Members of the Isle of Anglesey County Council on the topic of 'Dispensations'. Should Members have any queries, please contact the Monitoring Officer.

#### **The Isle of Anglesey County Council's Code of Conduct for Members**

No Member is allowed to participate in a matter where he/she has an interest which is prejudicial\* unless a dispensation has already been granted by the Council's Standards Committee. This information is contained in [paragraph 14 of the Code](#)

#### **Grounds on which a dispensation may be granted**

The grounds on which a dispensation may be granted are:-

1. At least half of the relevant Members (Council/Committee) would be unable to take part in a meeting because of a prejudicial interest;
2. The lack of participation by Members would affect political balance;
3. The nature of the interest is such that participation would not damage public confidence in the decision;
4. The Applicant Member's interest is common to a significant proportion of the general public;
5. The Applicant Member's particular role or expertise would justify participation;
6. The interest is registrable but not financial and the decision will be considered by a scrutiny committee
7. The business relates to the finances or property of a voluntary organisation and the Applicant Member sits on its board or committee in his/her own right, and he/she does not have any other interest [although in this instance, any dispensation will not allow the Applicant Member to vote on the matter];
8. The Standards Committee believes that the Applicant Member's participation would be in the interest of the people in the Council's area and the Committee notifies Welsh Ministers within 7 days of the dispensation being granted; or
9. The Standards Committee believes it appropriate to grant the dispensation, as a practical solution to the disability (infirmity) of the Applicant Member which otherwise would make it difficult for them to leave a room/chamber when a matter in which they have a prejudicial\* interest is being discussed.

#### **What is the application process for a dispensation?**

The Applicant Member must apply in writing to the Standards Committee and will usually be expected to attend the meeting of the Standards Committee Panel which will take the decision.

An Applicant Member may apply individually or, in common circumstances, a joint or collective application may be made by more than one Member.

The Standards Committee will consider all applications on their own facts; balancing the public interest in preventing those with prejudicial\* interests from taking part in decisions while maximising the public interest in democratic participation.

The decision as to whether a dispensation shall be granted is at the Standards Committee's discretion. The terms and duration of any dispensation shall be decided by the Standards Committee.

If the Standards Committee approves an application it must grant the dispensation in writing. No Member may rely on a dispensation until such time as the written decision has been published. Where necessary, and possible, this will be expedited.

### **Requirements on Members when relying on a dispensation**

Once the Standards Committee has approved an application and has granted the dispensation, in writing, the Member will then be able to participate (subject to any limitations imposed) despite his/her prejudicial\* interest.

#### **(a) Meetings:**

Where a Member has a dispensation and wants to participate in a meeting to discuss the relevant matter, the Member must:

- (i) state at the meeting, when the item is to be discussed, that he/she is relying on a dispensation; and
- (ii) before, or immediately after the close of the meeting, he/she must give written notification\*\* to the Council.  
The notification must include:

- 1. details of the prejudicial\* interest for which the dispensation was granted;
- 2. details of the business to which the prejudicial\* interest relates;
- 3. details of the dispensation, including the date on which it was granted, and
- 4. the Member's signature.

#### **(b) Written representations:**

Where a Member has been provided with a dispensation, and is making written representations to the Council, the Member must provide details of the dispensation in any correspondence on the subject to which the dispensation relates.

#### **(c) Oral representations:**

Where a Member has been provided with a dispensation, and is making oral representations to the Council, that Member must:

- (i) include details of the dispensation in any oral representations and
- (ii) provide written notification\*\* to the Council within 14 days of making the oral representations

#### Footnote/definitions

- \* prejudicial interests – these are personal interests (listed in the Members' Code of Conduct) which an objective observer would consider so significant that they are likely to compromise the Member's ability to put the public interest first.
- \*\* written notification – in formal meetings, Members may rely upon the standard form of declaration. In informal meetings Members must provide written confirmation to the lead officer and ask that the dispensation be included in any informal minute/file note of the meeting.

**THE ISLE OF ANGLESEY COUNTY COUNCIL**

**DISPENSATION APPLICATION TO THE STANDARDS COMMITTEE**  
**BY A MEMBER OF THE COUNTY COUNCIL**

<b>Name of Member:</b>	
<b>Member's contact details:</b>	
<b>Ward:</b>	
<b>Nature of prejudicial interest* in respect of which the Dispensation is sought:</b>	
<b>Business in which the Member wishes to participate:</b>	
<b>Type of Dispensation sought (tick as necessary and insert any required information):</b>	<ul style="list-style-type: none"><li>○ write to officers [and/or the Executive / Committee / Council] about the issue;</li><li>○ speak to officers of the Council about the issue [in the presence of two other persons] [who are not Trustees or Board Members of [INSERT]], provided a note is taken of any such discussions;</li><li>○ speak at Executive/Committee/Council meetings and answer any questions about the issue;</li><li>○ remain in the room during any debate/voting on the issue;</li><li>○ vote at such meetings;</li><li>○ other</li></ul>
<b>Statutory Ground/s under which Dispensation is requested (See overleaf for available grounds):</b>	
<b>Is the interest registered as per Section 81(1) &amp; (2) of the LGA 2000:</b>	<b>Yes / No</b>
<b>Date by which a decision is required:</b>	
<b>Signed:</b>	<b>Date:</b>

\* Prejudicial Interests – these are personal interests which an objective observer would consider so significant that they are likely to compromise a member's ability to act in the public interest

## **Circumstances When A Standards Committee May Grant Dispensation**

The Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 as amended by The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 specifies that the Council's Standards Committee may grant dispensations under Section 81(4) of the Local Government Act 2000 where:

- (a) no fewer than half of the Members of the Council or of a Committee of the Council (as the case may be) by which the business is to be considered has an interest which relates to that business;
- (b) no fewer than half of the Members of the Executive of the Council (i.e. Leader and Cabinet) by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) Members' inability to participate would upset the political balance of the Council, or any of its committees by which the business is to be considered, to such an extent that the outcome would be likely to be affected;
- (d) the nature of the Member's interest is such that the Member's participation in the business to which the interest relates would not damage public confidence in the conduct of the Council's business;
- (e) the interest is common to the Member and a significant proportion of the general public;
- (f) the participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;
- (g) the registerable interest relates to business which is to be considered by Scrutiny Committee of the Council, and the Member's interest is not a pecuniary/financial interest;
- (h) the business relates to the finances or property of a voluntary organisation of whose management committee or board the Member is a member otherwise than as a representative of the Council and the Member has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business;
- (i) it appears to the Standard Committee to be in the interest of the inhabitants of the area of the Council that the disability should be removed, provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within 7 days. Such a notification should specify the Member to whom the dispensation would apply and the Standards Committee's reasons why the disability should be removed; or
- (j) it appears to the committee to be appropriate to grant the dispensation, as a practical solution to the disability (infirmary) of the Member which otherwise would make it difficult for them to leave a room/chamber when a matter in which they have a prejudicial interest is being discussed.

**THE ISLE OF ANGLESEY COUNTY COUNCIL**  
**DECISION OF THE STANDARDS COMMITTEE**  
**IN RELATION TO AN APPLICATION FOR DISPENSATION**  
**BY A MEMBER OF THE COUNTY COUNCIL**

<b>Decision of the Standards Committee:</b>	
<b>Date decision made by the Standards Committee:</b>	
<b>Name of persons to be notified of the Standards Committee's decision:</b>	
<b>Date any dispensation expires:</b>	

Pursuant to paragraph [ ] of The Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 as amended by The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016, the Standards Committee has resolved to **grant a dispensation** to Councillor [ ] in respect of that / those interest(s) referred to in the Application at page 1, which permits the Councillor to:

- write to officers [and/or the Executive/Committee/Council] about the issue;
- speak to officers of the Council about the issue [in the presence of two other persons] [who are not Trustees or Board Members of [INSERT]], provided a note is taken of any such discussions;
- speak at Executive/Committee/Council meetings and answer any questions about the issue;
- remain in the room during any debate/voting on the issue;
- vote at such meetings;
- other

The Councillor can therefore speak [and vote] at Executive/Committee/Council meetings in relation to the issue and answer any questions from members of the Executive/ Committee/Council [but must leave the meeting before matters that the Councillor speaks upon are debated or voted up on] OR [and may remain in the room during the debate and vote on the issue but must not vote on the issue].

Before the Councillor speaks with, or writes to, officers of the Council, or speaks at Executive/Committee/Council meetings on the issue, the Councillor must still:-

- declare an interest in the matter; and
- confirm that a dispensation has been granted to allow the Councillor to speak [and vote] about it; and
- complete the notification to the Clerk setting out the interest and the dispensation.

By authority of the Isle of Anglesey County Council's Standards Committee

Dated: \_\_\_\_\_

**THE ISLE OF ANGLESEY COUNTY COUNCIL****DISPENSATION APPLICATION TO THE STANDARDS COMMITTEE**  
**BY A MEMBER OF THE COUNTY COUNCIL**

<b>Name of Member:</b>	Councillor Carwyn Elias Jones, Executive Member for Major Projects and Economic Development
<b>Member's contact details:</b>	<a href="mailto:CarwynEliasJone@anglesey.gov.uk">CarwynEliasJone@anglesey.gov.uk</a> 01248 450163
<b>Ward:</b>	Seiriol
<b>Nature of prejudicial interest* in respect of which the Dispensation is sought:</b>	<p>I have three children. One of whom is currently in year 8 in Ysgol David Hughes, Menai Bridge. It is intended that the others will also attend this secondary school in due course. It is likely that my children will be affected by any decision made regarding Post-16 Education in the County.</p> <p>Such decisions will be made by the Executive, over the coming months.</p> <p>In addition, I have, since 2002, been employed as a business studies lecturer by Grŵp Llandrillo Menai. I am based at the Coleg Menai campus in Bangor. Grŵp Llandrillo Menai is a provider of post-16 education. It is possible that any decision made regarding Post-16 Education will affect my employer although I do not believe that it will affect my employment.</p> <p>I am a County Council appointed governor at Ysgol David Hughes, Menai Bridge.</p> <p>There is provision in the Code of Conduct to allow me, in relation to my role as Council appointed Governor, to take part without the need for a dispensation, as I am exempt from having a prejudicial interest in these circumstances.</p>
<b>Business in which the Member wishes to participate:</b>	Education matters regarding the provision of Post-16 Education in the County.
<b>Type of Dispensation sought (tick as necessary and insert any required information):</b>	<ul style="list-style-type: none"> <li>○ write to officers [and/or the Executive / Committee / Council] about the issue;</li> <li>○ speak to officers of the Council about the issue <del>[in the presence of two other persons] [who are not Trustees or Board Members of [INSERT]],</del> provided a note is taken of any such</li> </ul>



	<p><b>discussions;</b></p> <ul style="list-style-type: none"> <li>○ <b>speak at Executive/Committee/Council meetings and answer any questions about the issue;</b></li> <li>○ <b>remain in the room during any debate/voting on the issue;</b></li> <li>○ <b>vote at such meetings;</b></li> <li>○ <b>other:</b>  <p style="margin-left: 40px;"><b>To participate in all external meetings and meetings of any outside bodies in capacity as an elected member</b></p> </li> </ul>		
<p><b>Statutory Ground/s under which Dispensation is requested (See overleaf for available grounds):</b></p>	<p><b>(b) at least half the Members of Council's Executive (i.e. the Leader and the Executive Committee) who will be considering the business, have an interest in that business and paragraphs (d) and (e) are also relevant:</b></p> <p><b>(d) the nature of the Member's interest is such that the Member's participation in the business to which the interest relates would not damage public confidence in the conduct of the Council's business;</b></p> <p><b>(e) the interest is common to the Member and a significant proportion of the public;</b></p> <p><b>(f) the participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;</b></p> <p><b>(g) the interest which must be registered relates to business which will be considered by the Council's Scrutiny Committee and the Member does not have a pecuniary interest in that business;</b></p> <p><b>(i) it appears to the Standard Committee to be in the interest of the inhabitants of the area of the Council that the disability should be removed,</b></p>		
<p><b>Is the interest registered as per Section 81(1) &amp; (2) of the LGA 2000:</b></p>	<p><b>My employment with Grŵp Llandrillo Menai and my role as Governor at Ysgol David Hughes have been registered.</b></p> <p><b>My interest as a parent is not suitable for pre-registration.</b></p>		
<p><b>Date by which a decision is required:</b></p>	<p><b>As soon as possible</b></p>		
<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;"><b>Signed:</b></td> <td style="width: 50%;"><b>Date:</b></td> </tr> </table>		<b>Signed:</b>	<b>Date:</b>
<b>Signed:</b>	<b>Date:</b>		

- \* Prejudicial Interests – these are personal interests which an objective observer would consider so significant that they are likely to compromise a member’s ability to act in the public interest

## **Circumstances When A Standards Committee May Grant Dispensation**

The Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 as amended by The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 specifies that the Council's Standards Committee may grant dispensations under Section 81(4) of the Local Government Act 2000 where:

- (a) no fewer than half of the Members of the Council or of a Committee of the Council (as the case may be) by which the business is to be considered has an interest which relates to that business;
- (b) no fewer than half of the Members of the Executive of the Council (i.e. Leader and Cabinet) by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) Members' inability to participate would upset the political balance of the Council, or any of its committees by which the business is to be considered, to such an extent that the outcome would be likely to be affected;
- (d) the nature of the Member's interest is such that the Member's participation in the business to which the interest relates would not damage public confidence in the conduct of the Council's business;
- (e) the interest is common to the Member and a significant proportion of the general public;
- (f) the participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;
- (g) the registerable interest relates to business which is to be considered by Scrutiny Committee of the Council, and the Member's interest is not a pecuniary/financial interest;
- (h) the business relates to the finances or property of a voluntary organisation of whose management committee or board the Member is a member otherwise than as a representative of the Council and the Member has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business;
- (i) it appears to the Standard Committee to be in the interest of the inhabitants of the area of the Council that the disability should be removed, provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within 7 days. Such a notification should specify the Member to whom the dispensation would apply and the Standards Committee's reasons why the disability should be removed; or
- (j) it appears to the committee to be appropriate to grant the dispensation, as a practical solution to the disability of the Member which otherwise would make it difficult for them to leave a room/chamber when a matter in which they have a prejudicial interest is being discussed.

**THE ISLE OF ANGLESEY COUNTY COUNCIL**  
**DECISION OF THE STANDARDS COMMITTEE**  
**IN RELATION TO AN APPLICATION FOR DISPENSATION**  
**BY A MEMBER OF THE COUNTY COUNCIL**

<b>Decision of the Standards Committee:</b>	
<b>Date decision made by the Standards Committee:</b>	
<b>Name of persons to be notified of the Standards Committee's decision:</b>	
<b>Date any dispensation expires:</b>	

Pursuant to paragraph [ ] of The Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 as amended by The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016, the Standards Committee has resolved to **grant a dispensation** to Councillor [ ] in respect of that / those interest(s) referred to in the Application at page 1, which permits the Councillor to:

- write to officers [and/or the Executive/Committee/Council] about the issue;
- speak to officers of the Council about the issue [in the presence of two other persons] [who are not Trustees or Board Members of [INSERT]], provided a note is taken of any such discussions;
- speak at Executive/Committee/Council meetings and answer any questions about the issue;
- remain in the room during any debate/voting on the issue (due to the Member's disability);
- vote at such meetings;
- other - \_\_\_\_\_

The Councillor can therefore speak [and vote] at Executive/Committee/Council meetings in relation to the issue and answer any questions from members of the Executive/Committee/Council [but must leave the meeting before matters that the Councillor speaks upon are debated or voted up on] OR  
[and may remain in the room during the debate and vote on the issue but must not vote on the issue].

Before the Councillor speaks with, or writes to, officers of the Council, or speaks at Executive/Committee/Council meetings on the issue, the Councillor must still:-

- declare an interest in the matter; and
- confirm that a dispensation has been granted to allow the Councillor to speak [and vote] about it; and
- complete the notification to the Clerk setting out the interest and the dispensation.

By authority of the Isle of Anglesey County Council's Standards Committee

Dated: \_\_\_\_\_

**DISPENSATION CONSIDERATIONS -****Guidance for the Standards Committee Panel when considering Councillors' applications for dispensation:**

1. Reading:
  - Consider the Report prepared by / on behalf of the Monitoring Officer.
  - Consider the enclosures to the Report, particularly the Application Form completed by the Councillor, in order to gather all facts.
2. Multiple Applications:
  - Deal with each application individually and on its own facts.
  - Consider following a procedure at the Hearing:
    - o Gather background / general information (if needed);
    - o Listen to Councillor A's application / ask questions if in attendance / ask the Clerk;
    - o Retire to consider Councillor A's application;
    - o Resume – may announce the decision in relation to Councillor A's application, or may defer announcing the decision until all applications have been considered;
    - o Repeat, depending on the number of applications to be considered.
3. Personal / Prejudicial Interest:
  - For each application, determine –
    - o Is there a PERSONAL INTEREST?
      - Consider the Code of Conduct (included as an enclosure to the Report) – what is the personal interest?
    - o Is the personal interest PREJUDICIAL?
      - Again, consider the Code of Conduct (included as an enclosure to the Report) – is the personal interest also prejudicial?
  - If there is no personal interest, or the personal interest is not prejudicial, there is no need to consider an application for dispensation as the Councillor is able to fully participate in the business.
4. Ground for Dispensation:
  - Where there is a personal interest which is prejudicial, consider the GROUND on which the dispensation may be granted. The grounds are listed on the back of the Application Form.
    - o Has the Applicant correctly identified these on the Application Form?
    - o Has the Applicant included all required Dispensations on the Form i.e. for voting / speaking / writing etc.?
5. Restrictions / Limitations on the Dispensation:
  - When deciding whether or not to grant the Dispensation, consider (if the Dispensation is to be granted) if any restrictions or limitations are required. Matters such as if the Councillor can speak but not vote or whether the dispensation is for one meeting only or the duration of the Council term.
6. Decision Form
  - In granting the dispensation, the Panel will need to complete the Decision Form which details (a) the decision of the Standards Committee; (b) the date when the decision is made; (c) who should be informed of the decision; (d) the date when the dispensation expires; (e) under which ground(s) the dispensation is being granted; and (f) what the dispensation allows the Councillor to do (i.e. speak, vote etc.).

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## **DISPENSATION PANEL OF THE STANDARDS COMMITTEE**

### **Minutes of the meeting held on 29 March 2019**

**PRESENT:**               **Independent Members**

Mr Michael Wilson (Chair)  
Ms Denise Harris-Edwards  
Mr John Robert Jones

**IN ATTENDANCE:**       Head of Function (Council Business)/Monitoring Officer  
Solicitor (Corporate Governance) (MY)  
Committee Officer (SC)

**ALSO PRESENT:**   Councillor Carwyn Jones

**APOLOGIES:**       None

---

#### **1. DECLARATION OF INTEREST**

No declaration of interest was received.

#### **2. APPLICATION FOR DISPENSATION**

An application was made by Councillor Carwyn Jones requesting that the Standards Committee should consider granting him a dispensation in relation to prejudicial interests regarding post-16 education provision in Anglesey.

The applicant's interests relate to his children, who may be impacted by a decision on post-16 education in Anglesey, and his employment as a Lecturer working for Grŵp Llandrillo/Menai, Bangor, a post-16 educational provider.

The Chair welcomed Councillor Jones to the meeting, and gave him an opportunity to present his application.

Councillor Jones reported that he has three children, one of whom is currently in Year 8 in Ysgol David Hughes, Menai Bridge. He stated that it is likely that his other two children will attend this secondary school in due course. It was noted that the outcome of any decision taken regarding the future of post-16 education in Anglesey could affect Councillor Jones' children and his employer, but not his employment. He does not teach 'A' levels but, rather, he teaches business on a vocational course. There is no basis to think this would change.

Councillor Jones reported that he is also a Governor at Ysgol David Hughes. It was noted that he has been appointed in his capacity as an elected Member of the County Council in accordance with Para 10(2)(a)(viii) of the Code of Conduct. It was further noted that an automatic exemption applies in Para 12(2)(a)(iii) of the Code, therefore Councillor Jones does not have a prejudicial interest arising from this role. He is also

based in Bangor, so any impact on his employment would be in Llangefni, with a possible transfer of 'A' level students.

The Monitoring Officer proposed that the application should be considered primarily in the context of ground (b) - that at least half the Members of the Executive will be considering the business, or have an interest in that business. The Monitoring Officer highlighted that of the 9 Members of the Executive, 6 Members have been granted dispensations, whilst 2 do not have an interest. She stated that Paragraphs (d) or (e) will also be relevant.

Members of the Panel deliberated in private session. Following discussion, the Chair announced that the Standards Committee had **RESOLVED to grant a partial dispensation to Councillor Carwyn Jones in respect of those interests referred to in the application, which permits the Councillor to:-**

- **write to officers [and/the Executive/Committee/Council] about the issue;**
- **speak to officers of the Council about the issue, provided a note is taken of any such discussions;**
- **speak at Executive/Committee/Council meetings and answer any questions about the issue;**
- **remain in the room during any debate/voting on the issue;**
- **~~vote at such meetings;~~**
- **other: to participate in all external meetings and meetings of any outside bodies in his capacity as an elected Member.**

**The dispensation is granted on the grounds that at least half the Members of Council's Executive (i.e. the Leader and the Executive Committee) who will be considering the business, have an interest in that business and that the nature of the interest, given the restriction on voting, will not affect the public's confidence in the decision/s of the Executive.**

**Action:**

- **That the Monitoring Officer writes to Councillor Jones confirming that the Standards Committee Panel has granted a partial dispensation permitting him to write, speak, but not vote on all matters relating to post-16 education provision in Anglesey.**
- **Councillor Jones must declare a prejudicial interest when attending the Executive and relevant meetings, and state that he has been granted a partial dispensation by the Standards Committee to participate, but not vote on post-16 education matters.**

The meeting concluded at 11.20 am

**MICHAEL WILSON  
CHAIR**



CYNGOR SIR YNYS MÔN/ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	STANDARDS COMMITTEE (DISPENSATION PANEL)
DATE:	18 JULY 2019
TITLE OF REPORT:	TO CONSIDER AN APPLICATION FOR A DISPENSATION BY A MEMBER OF LLANBADRIG COMMUNITY COUNCIL
PURPOSE OF THE REPORT:	TO CONSIDER WHETHER OR NOT TO GRANT A DISPENSATION TO THE COMMUNITY COUNCILLOR AND IF SO, ON WHAT TERMS
REPORT BY:	Mared Wyn Yaxley SOLICITOR (Corporate Governance) <a href="mailto:mwy@anglesey.gov.uk">mwy@anglesey.gov.uk</a> / 01248 752566

## ATTACHED DOCUMENTS

1. Code of Conduct for Members of Llanbadrig Community Council
2. The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001
3. Section 4 of the Local Government Regulations (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) 2016
4. Briefing Note provided by the Standards Committee to the Town and Community Councillors on Dispensations together with Application and Decision Forms
5. Application by Councillor Derek Owen
6. Dispensation Considerations – Guidance for the Standards Committee Panel when considering Councillors application for dispensation

## 1. INTRODUCTION AND BACKGROUND

Pursuant to the Code of Conduct for Llanbadrig Community Council (reproduced at **Enclosure 1**), any member who has a personal and prejudicial interest in an item of business is precluded from participation in relation to that business.

In some limited, and specified, circumstances a member may be able to overreach the impediment created by the personal and prejudicial interest if they are able to obtain a dispensation from the County Council's Standards Committee.

Dispensations may only be granted in the circumstances listed in Section 2 of **Enclosure 2**, and have been amended in accordance with **Enclosure 3**. The Briefing Note and the reverse of the Application Form therein (**Enclosure 4**) also provide details of these circumstances.

## **2. PROCESS**

Any member wishing to obtain a dispensation must put an application in writing, identifying the impediment and the grounds upon which the application is sought. The Standards Committee, or a properly constituted Panel of the Standards Committee, will then hear the application. The hearing will be in public. The Standards Committee has a discretion on whether or not to grant the dispensation sought and to impose any restrictions or limitations as appropriate in the circumstances outlined as part of the application.

## **3. APPLICATION**

The application by Councillor Owen appears at **Enclosure 5**. Councillor Owen makes this application on the basis he is a grandparent to children that attend Ysgol Penysarn. Ysgol Penysarn is one of the schools considered as part of the School Modernisation programme in the Amlwch area. Another school affected by the School Modernisation programme in the Amlwch area is Ysgol Cemaes, which is the local school for Llanbadrig Community Council. Councillor Owen's personal interest is that he has grandchildren attending Ysgol Penysarn and the prejudicial interest arises as Ysgol Penysarn is in the same pool of schools as Ysgol Cemaes, and there is the potential that keeping one of these schools open could jeopardise the future of the other school. However, the Panel should appreciate that no decisions have been made in relation to the School Modernisation programme options in the Amlwch area at present. Llanbadrig Community Council will be part of the consultation on the School Modernisation programme in the Amlwch area, albeit the Community Council is, of course, not the decision maker.

The application has been made on the standard "application for dispensation to the Standards Committee by a Town or Community Councillor" form, and it details the business in which the applicant wishes to participate, the type of dispensation sought and the statutory ground under which the dispensation is sought.

The Panel is asked to meet in a public meeting, but neither the Clerk for Llanbadrig Community Council nor the applicant have been asked to attend the hearing. As agreed with the Chair, the Panel is asked to consider this matter by way of a paper exercise only.

#### **4. CONSIDERATIONS OF THE PANEL**

The Panel is asked to consider this application for dispensation based on the written information included in **Enclosure 5**.

The Panel is referred to the Methodology Note at **Enclosure 6**; this details matters which the Panel may wish to consider when reaching its decision in relation to the applications.

The Panel may retire to private session after hearing the application and return to public session to announce its decision.

#### **5. RECOMMENDATION**

To consider the merits of the application and -

(A) determine whether or not to grant a dispensation; and

(B) if granting a dispensation, to consider:

- i. on what ground(s) the dispensation is granted; and
- ii. whether there are any limitations/constraints to be imposed.

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Local Government Act 2000	Deddf Llywodraeth Leol 2000
Model Code of Conduct for Members and Co-opted Members with voting rights	Cod Ymddygiad Enghreifftiol ar gyfer Aelodau ac Aelodau Cyfetholedig â hawliau pleidleisio
<p>The attached Annex sets out the text (in English and Welsh) of the Model Code of Conduct prescribed by the Local Authorities (Model Code of Conduct) (Wales) Order 2008, as amended by the following statutory instruments:</p> <ul style="list-style-type: none"> <li>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.</li> <li>Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2008 (No. 2016/84) – effective from 1 April 2016.</li> </ul> <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 <b>1 April 2016</b>, 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"> <li>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.</li> <li>Gorchymyn Awdurdodau Lleol (Cod Ymddygiad Enghreifftiol) (Cymru) (Diwygio) 2008 (Rhif 2016/84) – yn dod i rym ar 1 Ebrill 2016.</li> </ul> <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 <b>1 Ebrill 2016</b> yn wir ac yn gywir, ond ni roddir unrhyw sicrwydd yn hyn o beth, a dylai'r awdurdodau geisio eu cyngor cyfreithiol eu hunain ar faterion sy'n ymwneud â'r Cod.</p> <p>Sylwer: Gwnaed Rheoliadau 2014 gan Lywodraeth y DU. Maent yn diwygio'r Cod Enghreifftiol drwy fewnosodi diffiniad o 'cymdeithas gofrestredig'. Mae'n ymddangos na ddiwygiwyd fersiwn Gymraeg y Cod Enghreifftiol ar yr un pryd. Mae Llywodraeth Cymru wrthi'n trafod hyn â Llywodraeth y DU gyda'r bwriad o ddiwygio'r fersiwn Gymraeg cyn gynted ag y bo'n ymarferol.</p> <p>Yn y cyfamser, nid yw Llywodraeth Cymru yn credu bod yr anghysondeb hwn yn effeithio'n ymarferol ar weithredu'r Cod Enghreifftiol.</p>

## THE MODEL CODE OF CONDUCT

### PART 1 INTERPRETATION

#### 1.—(1) In this code —

"co-opted member" ("*aelod cyfetholedig*"), in relation to a relevant authority, means a person who is not a member of the authority but who —

- (a) is a member of any committee or sub-committee of the authority, or
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority, and who is entitled to vote on any question which falls to be decided at any meeting of that committee or subcommittee;

"meeting" ("*cyfarfod*") means any meeting —

- (a) of the relevant authority,
- (b) of any executive or board of the relevant authority,
- (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or
- (d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990,

and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

"member" ("*aelod*") includes, unless the context requires otherwise, a co-opted member;

"registered society" means a society, other than a society registered as a credit union, which is —

- (a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
- (b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

"register of members' interests" ("*cofrestr o fuddiannau'r aelodau*") means the register established and maintained under section 81 of the Local Government Act 2000;

"relevant authority" ("*awdurdod perthnasol*") means—

- (a) a county council,
- (b) a county borough council,
- (c) a community council,

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(d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,

(e) a National Park authority established under section 63 of the Environment Act 1995;

"you" ("*chi*") means you as a member or co-opted member of a relevant authority; and

"your authority" ("*eich awdurdod*") means the relevant authority of which you are a member or co-opted member.

(2) In relation to a community council—

(a) "proper officer" ("*swyddog priodol*") means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972; and

(b) "standards committee" ("*pwyllgor safonau*") means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

## **PART 2 GENERAL PROVISIONS**

2.—(1) Save where paragraph 3(a) applies, you must observe this code of conduct —

(a) whenever you conduct the business, or are present at a meeting, of your authority;

(b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;

(c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or

(d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

(2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

3. Where you are elected, appointed or nominated by your authority to serve —

(a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or

(b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. You must —

(a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;

(b) show respect and consideration for others;

(c) not use bullying behaviour or harass any person; and

(d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

**5. You must not —**

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

**6.—(1) You must —**

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
- (b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
- (c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
- (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

**7. You must not —**

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of your authority —
  - (i) imprudently;
  - (ii) in breach of your authority's requirements;
  - (iii) unlawfully;
  - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
  - (v) improperly for political purposes; or
  - (vi) improperly for private purposes.

**8. You must —**

- (a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —
  - (i) the authority's head of paid service;
  - (ii) the authority's chief finance officer;
  - (iii) the authority's monitoring officer;

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(iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

**9. You must —**

(a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;

(b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

## **PART 3 INTERESTS**

### **Personal Interests**

**10.—**(1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

(2) You must regard yourself as having a personal interest in any business of your authority if —

(a) it relates to, or is likely to affect —

(i) any employment or business carried on by you;

(ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

(iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(vi) any land in which you have a beneficial interest and which is in the area of your authority;

(vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in subparagraph (iv) above;

(viii) any body to which you have been elected, appointed or nominated by your authority;

(ix) any —

(aa) public authority or body exercising functions of a public nature;

(bb) company, registered society, charity, or body directed to charitable purposes;



(cc) body whose principal purposes include the influence of public opinion or policy;

(dd) trade union or professional association; or

(ee) private club, society or association operating within your authority's area,

in which you have membership or hold a position of general control or management;

(x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

*[Note: subparagraph (b) is omitted.]*

(c) a decision upon it might reasonably be regarded as affecting —

(i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;

(ii) any employment or business carried on by persons as described in 10(2)(c)(i);

(iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;

(iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,

to a greater extent than the majority of—

(aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or

(bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

### **Disclosure of Personal Interests**

**11.—**(1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority and you make —

(a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or

(b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

(3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority

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in accordance with any requirements identified by your authority's monitoring officer, or in relation to a community council, your authority's proper officer from time to time but, as a minimum containing —

- (a) details of the personal interest;
- (b) details of the business to which the personal interest relates; and
- (c) your signature.

(5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

(7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

### **Prejudicial Interests**

**12.—**(1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—

- (a) relates to —
  - (i) another relevant authority of which you are also a member;
  - (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
  - (iii) a body to which you have been elected, appointed or nominated by your authority;
  - (iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;
  - (v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;
- (b) relates to —
  - (i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
  - (ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;

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(iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;

(iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;

(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

### **Overview and Scrutiny Committees**

**13.** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint subcommittees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

### **Participation in Relation to Disclosed Interests**

**14.—**(1) Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee —

(a) withdraw from the room, chamber or place where a meeting considering the business is being held—

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise executive or board functions in relation to that business;

(c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

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(2A) Where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under statutory right or otherwise.

(2B) When submitting written representations under sub-paragraph (2A) you must comply with any procedure that your authority may adopt for the submission of such representations.

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if —

(a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or

(b) you have the benefit of a dispensation provided that you —

(i) state at the meeting that you are relying on the dispensation; and

(ii) before or immediately after the close of the meeting give written notification to your authority containing —

(aa) details of the prejudicial interest;

(bb) details of the business to which the prejudicial interest relates;

(cc) details of, and the date on which, the dispensation was granted; and

(dd) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

## **PART 4 THE REGISTER OF MEMBERS' INTERESTS**

### **Registration of Personal Interests**

**15.—**(1) Subject to sub-paragraph (4), you must, within 28 days of—

(a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or

(b) your election or appointment to office (if that is later),

register your personal interests, where they fall within a category mentioned in paragraph 10(2)(a), in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(2) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 10(2)(a), register that new personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(3) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 10(2)(a), register that change in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

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(4) Sub-paragraphs (1), (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).

(5) Sub-paragraphs (1) and (2) do not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

(6) You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

### **Sensitive information**

**16.—**(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer, or in relation to a community council, your authority's proper officer asking that the information be included in your authority's register of members' interests.

(3) In this code, "sensitive information" ("*gwybodaeth sensitif*") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

### **Registration of Gifts and Hospitality**

**17.** You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer, or in relation to a community council, to your authority's proper officer of the existence and nature of that gift, hospitality, material benefit or advantage.

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## Y COD YMDDYGIAD ENGHREIFFTIOL

### RHAN 1 DEHONGLI

#### 1.—(1) Yn y cod hwn —

mae "aelod" ("*member*") yn cynnwys aelod cyfetholedig onid yw'r cyd-destun yn mynnu fel arall;

ystyr "aelod cyfetholedig" ("*co-opted member*"), mewn perthynas ag awdurdod perthnasol, yw person nad yw'n aelod o'r awdurdod ond—

(a) sy'n aelod o unrhyw bwyllgor neu is-bwyllgor i'r awdurdod, neu

(b) sy'n aelod o unrhyw gyd-bwyllgor neu gyd-is-bwyllgor i'r awdurdod, ac sy'n cynrychioli'r awdurdod arno,

ac sydd â'r hawl i bleidleisio ar unrhyw gwestiwn sydd i'w benderfynu mewn unrhyw gyfarfod o'r pwyllgor neu o'r is-bwyllgor hwnnw;

ystyr "eich awdurdod" ("*your authority*") yw'r awdurdod perthnasol yr ydych chi'n aelod neu'n aelod cyfetholedig ohono;

ystyr "awdurdod perthnasol" ("*relevant authority*") yw—

(a) cyngor sir,

(b) cyngor bwrdeistref sirol,

(c) cyngor cymuned,

(ch) awdurdod tân ac achub a gyfansoddwyd drwy gynllun o dan adran 2 o Ddeddf Gwasanaethau Tân ac Achub 2004 neu gynllun y mae adran 4 o'r Ddeddf honno yn gymwys iddo,

(d) awdurdod Parc Cenedlaethol a sefydlwyd o dan adran 63 o Ddeddf yr Amgylchedd 1995;

ystyr "cofrestr o fuddiannau'r aelodau" ("register of members' interests") yw'r gofrestr a sefydlir ac a gedwir o dan adran 81 o Ddeddf Llywodraeth Leol 2000;

ystyr "cyfarfod" ("*meeting*") yw unrhyw gyfarfod —

(a) o'r awdurdod perthnasol,

(b) o unrhyw weithrediaeth neu fwrdd i'r awdurdod perthnasol,

(c) o unrhyw bwyllgor, is-bwyllgor, cyd-bwyllgor neu gyd-is-bwyllgor i'r awdurdod perthnasol neu unrhyw bwyllgor, is-bwyllgor, cyd-bwyllgor neu gyd-is-bwyllgor o'r fath i unrhyw weithrediaeth neu fwrdd i'r awdurdod, neu

(ch) y mae aelodau neu swyddogion yr awdurdod perthnasol yn bresennol ynddo ac eithrio cyfarfod grŵp gwleidyddol a gyfansoddwyd yn unol â rheoliad 8 o Reoliadau Llywodraeth Leol (Pwyllgorau a Grwpiau Gwleidyddol) 1990,

ac mae'n cynnwys amgylchiadau pan fo aelod o weithrediaeth neu fwrdd neu swyddog sy'n gweithredu ar ei ben ei hun yn arfer un o swyddogaethau awdurdod; ac

ystyr "chi" ("*you*") yw chi fel aelod neu aelod cyfetholedig o awdurdod perthnasol.

(2) Mewn perthynas â chyngor cymuned—

(a) ystyr “swyddog priodol” (“proper officer”) yw swyddog o’r cyngor hwnnw o fewn ystyr adran 270(3) o Ddeddf Llywodraeth Leol 1972; a

(b) ystyr “pwyllgor safonau” (“standards committee”) yw pwyllgor safonau’r cyngor sir neu’r cyngor bwrdeistref sirol sydd â swyddogaethau mewn perthynas â’r cyngor cymuned y mae’n gyfrifol amdano o dan adran 56(1) a (2) o Ddeddf Llywodraeth Leol 2000.

## **RHAN 2 DARPARIAETHAU CYFFREDINOL**

**2.—(1) Ac eithrio pan fo paragraff 3(a) yn gymwys, rhaid i chi gydymffurfio â’r cod ymddygiad hwn —**

(a) pa bryd bynnag y byddwch yn cynnal busnes eich awdurdod, neu’n bresennol mewn un o gyfarfodydd eich awdurdod;

(b) pa bryd bynnag y byddwch yn gweithredu, yn honni gweithredu neu’n rhoi’r argraff eich bod yn gweithredu yn rôl aelod y cawsoch eich ethol neu eich penodi iddi;

(c) pa bryd bynnag y byddwch yn gweithredu, yn honni gweithredu neu’n rhoi’r argraff eich bod yn gweithredu fel un o gynrychiolwyr eich awdurdod; neu

(ch) ar bob adeg ac mewn unrhyw gapasiti, mewn cysylltiad ag ymddygiad a nodir ym mharagraffau 6(1)(a) a 7.

(2) Dylech ddarllen y cod hwn ar y cyd â’r egwyddorion cyffredinol a ragnodir o dan adran 49(2) o Ddeddf Llywodraeth Leol 2000 o ran Cymru.

**3. Os byddwch wedi eich ethol, eich penodi neu eich enwebu gan eich awdurdod i wasanaethu —**

(a) ar awdurdod perthnasol arall, neu ar unrhyw gorff arall, sy’n cynnwys Bwrdd Iechyd Lleol rhaid i chi, pan fyddwch yn gweithredu ar ran yr awdurdod arall neu’r corff arall hwnnw, gydymffurfio â chod ymddygiad yr awdurdod arall neu’r corff arall hwnnw; neu

(b) ar unrhyw gorff arall nad oes ganddo god sy’n ymwneud ag ymddygiad ei aelodau, rhaid i chi, pan fyddwch yn gweithredu ar ran y corff arall hwnnw, gydymffurfio â’r cod ymddygiad hwn, ac eithrio pan yw’n gwrthdaro ag unrhyw rwymedigaethau cyfreithlon eraill y gall y corff hwnnw fod yn ddarostyngedig iddynt neu i’r graddau y mae’n gwrthdaro â’r cyfryw rwymedigaethau.

**4. Rhaid i chi —**

(a) cyflawni eich dyletswyddau a’ch cyfrifoldebau gan roi sylw dyladwy i’r egwyddor y dylai fod cyfle cyfartal i bawb, waeth beth fo’u rhyw, eu hil, eu hanabledd, eu cyfeiriadedd rhywiol, eu hoed neu eu crefydd;

(b) dangos parch at eraill ac ystyriaeth ohonynt;

(c) peidio ag ymddwyn fel bwli neu harasio unrhyw berson; a

(ch) peidio â gwneud dim sy’n cyfaddawdu, neu sy’n debygol o gyfaddawdu, didueddrwydd y sawl sy’n gweithio i’ch cyngor neu ar ei ran.

**5. Rhaid i chi —**

(a) peidio â datgelu gwybodaeth gyfrinachol neu wybodaeth y byddai’n rhesymol ystyried ei bod o natur gyfrinachol, heb gydsyniad datganedig person a awdurdodwyd i roi cydsyniad o’r fath, neu onid yw’r gyfraith yn mynnu eich bod yn gwneud hynny;

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(b) peidio â rhwystro unrhyw berson rhag gweld gwybodaeth y mae gan y person hwnnw hawl i'w gweld yn ôl y gyfraith.

#### 6.—(1) Rhaid i chi —

(a) peidio ag ymddwyn mewn ffordd y gellid yn rhesymol ei hystyried yn un sy'n dwyn anfri ar eich swydd neu ar eich awdurdod;

(b) adrodd, p'un ai drwy weithdrefn adrodd gyfrinachol eich awdurdod neu'n uniongyrchol i'r awdurdod priodol, ar unrhyw ymddygiad gan aelod arall neu gan unrhyw un sy'n gweithio i'ch awdurdod neu ar ei ran ac y mae'n rhesymol i chi fod o'r farn ei fod yn golygu neu'n debygol o olygu ymddygiad troseddol (nad yw at ddibenion y paragraff hwn yn cynnwys tramgwyddau neu ymddygiad y gellir ei gosbi drwy gosb benodedig);

(c) adrodd i swyddog monitro eich awdurdod ar unrhyw ymddygiad gan aelod arall y mae'n rhesymol i chi fod o'r farn ei fod yn groes i'r cod ymddygiad hwn;

(ch) peidio â gwneud cwynion blinderus, maleisus neu wacsaw yn erbyn aelodau eraill neu unrhyw un sy'n gweithio i'ch awdurdod neu ar ei ran.

(2) Rhaid i chi gydymffurfio ag unrhyw gais gan swyddog monitro eich awdurdod, neu gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru, mewn cysylltiad ag ymchwiliad a wneir yn unol â'u gwahanol bwerau statudol.

#### 7. Rhaid i chi —

(a) yn eich capasiti swyddogol neu fel arall, beidio â defnyddio neu geisio defnyddio eich safle yn amhriodol i roi neu i sicrhau mantais i chi eich hun neu i unrhyw berson arall, neu i greu neu i osgoi anfantais i chi eich hun neu i unrhyw berson arall;

(b) peidio â defnyddio adnoddau eich awdurdod, neu awdurdodi eraill i'w defnyddio—

(i) yn annoeth;

(ii) yn groes i ofynion eich awdurdod;

(iii) yn anghyfreithlon;

(iv) ac eithrio mewn dull a fwriedir i hwyluso neu i ffafrio cyflawni swyddogaethau'r awdurdod neu'r swydd yr ydych wedi eich ethol neu eich penodi iddo neu iddi;

(v) yn amhriodol at ddibenion gwleidyddol; neu

(vi) yn amhriodol at ddibenion preifat.

#### 8. Rhaid i chi —

(a) pan fyddwch yn cyfrannu mewn cyfarfodydd neu'n gwneud penderfyniadau ynghylch busnes y mae a wnelo eich awdurdod ag ef, wneud hynny ar sail rhinweddau'r amgylchiadau o dan sylw ac er budd y cyhoedd gan roi sylw i unrhyw gyngor perthnasol a ddarperir gan swyddogion eich awdurdod, ac yn benodol gan —

(i) pennaeth gwasanaeth taledig yr awdurdod;

(ii) prif swyddog cyllid yr awdurdod;

(iii) swyddog monitro'r awdurdod;

(iv) prif swyddog cyfreithiol yr awdurdod (y dylid ymgynghori ag ef pan fo unrhyw amheuaeth ynghylch pw^er yr awdurdod i weithredu, ynghylch a yw'r cam a arfaethir yn dod o fewn y fframwaith polisi y



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cytunwyd arno gan yr awdurdod neu os gallai canlyniadau cyfreithiol gweithredu neu fethu â gweithredu gan yr awdurdod gael ôl-ffeithiau pwysig);

(b) rhoi rhesymau dros bob penderfyniad yn unol ag unrhyw ofynion statudol ac unrhyw ofynion rhesymol ychwanegol a osodir gan eich awdurdod.

## **9. Rhaid i chi —**

(a) parchu'r gyfraith a rheolau eich awdurdod sy'n llywodraethu hawlio treuliau a lwfansau mewn cysylltiad â'ch dyletswyddau fel aelod;

(b) osgoi derbyn rhoddion oddi wrth neb, na lletygarwch (ac eithrio lletygarwch swyddogol, megis derbyniad dinesig neu weithio dros ginio, a awdurdodir yn briodol gan eich awdurdod) na buddiannau materol neu wasanaethau i chi eich hun neu i unrhyw berson os byddai gwneud hynny'n eich rhoi o dan rwymedigaeth amhriodol, neu os gallai'n rhesymol ymddangos fel pe bai'n gwneud hynny.

## **RHAN 3 BUDDIANNAU**

### **Buddiannau Personol**

**10.—(1)** Ym mhob mater rhaid i chi ystyried a oes gennych fuddiant personol, ac a yw'r cod ymddygiad hwn yn ei gwneud yn ofynnol i chi ddatgelu'r buddiant hwnnw.

**(2)** Rhaid i chi ystyried bod gennych fuddiant personol mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef

—  
(a) os yw'n gysylltiedig â'r canlynol, neu'n debygol o effeithio arnynt —

(i) unrhyw gyflogaeth yr ydych yn ymgymryd â hi neu fusnes yr ydych yn ei redeg;

(ii) unrhyw berson sy'n eich cyflogi neu sydd wedi eich penodi, unrhyw ffyrn yr ydych yn bartner ynddi neu unrhyw gwmni yr ydych yn gyfarwyddwr arno ac yn derbyn tâl;

(iii) unrhyw berson, ac eithrio eich awdurdod, sydd wedi rhoi taliad i chi mewn cysylltiad â'ch ethol neu mewn cysylltiad ag unrhyw dreuliau a dynnwyd gennych wrth i chi gyflawni eich dyletswyddau fel aelod;

(iv) unrhyw gorff corfforaethol y mae ganddo le busnes neu dir yn ardal eich awdurdod, ac y mae gennych chi fuddiant llesiannol mewn dosbarth o warannau sydd gan y corff hwnnw ac sy'n werth mwy na'r gwerth enwol o £25,000 neu un ganfed ran o gyfanswm cyfalaf cyfrannau dyroddedig y corff hwnnw;

(v) unrhyw gontract am nwyddau, gwasanaethau neu waith neu weithfeydd a wnaed rhyngoch chi, rhwng ffyrn yr ydych yn bartner ynddi, neu rhwng cwmni yr ydych yn gyfarwyddwr arno ac yn derbyn tâl, neu rhwng corff o'r math a ddisgrifir yn is-baragraff (iv) uchod a'ch awdurdod;

(vi) unrhyw dir y mae gennych fuddiant llesiannol ynddo ac sydd yn ardal eich awdurdod;

(vii) unrhyw dir y mae eich awdurdod yn landlord arno ac y mae ffyrn yr ydych yn bartner ynddi, cwmni yr ydych yn gyfarwyddwr arno ac yn derbyn tâl, neu gorff o'r math a ddisgrifir yn is-baragraff (iv) uchod yn denant arno;

(viii) unrhyw gorff yr ydych wedi eich ethol, eich penodi neu eich enwebu gan eich awdurdod i fod arno;

(ix) unrhyw —

(aa) awdurdod cyhoeddus neu gorff sy'n arfer swyddogaethau o natur gyhoeddus;

(bb) cwmni, cymdeithas ddiwydiannol a darbodus, elusen, neu gorff arall a chanddo ddibenion elusennol;

(cc) corff y mae dylanwadu ar farn neu bolisi cyhoeddus ymhlith ei brif ddibenion;  
(chch)undeb llafur neu gymdeithas broffesiynol; neu

(dd) clwb preifat neu gymdeithas breifat sy'n gweithredu o fewn ardal eich awdurdod,

yr ydych yn aelod ohono neu ohoni neu mewn safle rheolaeth neu reoli cyffredinol ynddo neu ynddi;

(x) unrhyw dir yn ardal eich awdurdod y mae gennych drwydded (ar eich pen eich hun neu ar y cyd ag eraill) i'w feddiannu am 28 o ddiwrnodau neu fwy;

*[Nodyn: Mae is-baragraff (b) wedi ei hepgor.]*

(c) pe byddai'n rhesymol ystyried penderfyniad arno yn benderfyniad a fyddai'n effeithio —

(i) ar eich llesiant neu eich sefyllfa ariannol, neu lesiant neu sefyllfa ariannol person yr ydych yn byw gydag ef, neu unrhyw berson y mae gennych gysylltiad personol agos ag ef;

(ii) ar unrhyw gyflogaeth yr ymgwymerir â hi neu fusnes a redir gan bersonau fel a ddisgrifir yn 10(2)(c)(i);

(iii) ar unrhyw berson sy'n cyflogi neu sydd wedi penodi'r cyfryw bersonau ag a ddisgrifir yn 10(2)(c)(i), unrhyw ffyrm y mae'r cyfryw bersonau'n bartneriaid ynddi, neu unrhyw gwmni y maent yn gyfarwyddwyr arno;

(iv) ar unrhyw gorff corfforaethol y mae gan bersonau fel a ddisgrifir yn 10(2)(c)(i) fuddiant llesiannol mewn dosbarth o warannau sy'n werth mwy na'r gwerth enwol o £5,000; neu

(v) ar unrhyw gorff a restrir ym mharagraffau 10(2)(a)(ix)(aa) i (dd) y mae personau a ddisgrifir yn 10(2)(c)(i) mewn safle rheolaeth neu reoli cyffredinol ynddo,

a hynny i raddau mwy—

(aa) yn achos awdurdod â dosbarthiadau etholiadol neu wardiau, na'r rhelyw o bobl eraill sy'n talu'r dreth gyngor, bobl eraill sy'n talu ardrethi neu breswylwyr eraill yn y dosbarth etholiadol neu'r ward, yn ôl y digwydd, y bydd y penderfyniad yn effeithio arnynt; neu

(bb) ym mhob achos arall, na'r rhelyw o bobl eraill sy'n talu'r dreth gyngor, o bobl eraill sy'n talu ardrethi neu breswylwyr eraill yn ardal yr awdurdod.

### **Datgelu Buddiannau Personol**

**11.—(1)** Pan fydd gennych fuddiant personol mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef ac y byddwch yn bresennol mewn cyfarfod lle y caiff y busnes hwnnw ei ystyried, rhaid i chi ddatgelu ar lafar gerbron y cyfarfod hwnnw fodolaeth a natur y buddiant hwnnw cyn i'r cyfarfod ystyried y busnes neu ar ddechrau'r ystyriaeth, neu pan ddaw'r buddiant i'r amlwg.

**(2)** Pan fydd gennych fuddiant personol mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef ac y byddwch yn gwneud —

(a) cynrychioliadau ysgrifenedig (p'un ai drwy lythyr, neges ffacs neu ar ryw ffurf arall ar gyfathrebu electronig) i un o aelodau neu o swyddogion eich awdurdod ynghylch y busnes hwnnw, dylech gynnwys manylion am y buddiant hwnnw yn y gyfathrebiaeth ysgrifenedig; neu

(b) cynrychioliadau llafar (p'un ai'n bersonol neu ar ryw ffurf ar gyfathrebu electronig) i un o aelodau neu o swyddogion eich awdurdod dylech ddatgelu'r buddiant ar ddechrau'r cyfryw gynrychioliadau, neu pan ddaw'n amlwg i chi fod gennych fuddiant o'r fath, a chadarnhau'r cynrychioliad a'r buddiant yn ysgrifenedig o fewn 14 o ddiwrnodau ar ôl gwneud y cynrychioliad.

**(3)** Yn ddarostyngedig i baragraff 14(1)(b) isod, os bydd gennych fuddiant personol mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef ac y byddwch wedi gwneud penderfyniad wrth arfer un o swyddogaethau

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 chynghor 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 chawsoch 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 chawsoch eich penodi neu eich enwebu gan eich awdurdod i fod arno;

(b) yn gysylltiedig:

- (i) â swyddogaethau tai eich awdurdod os oes gennych denantiaeth neu les gyda'ch awdurdod, ar yr amod nad oes arnoch i'ch awdurdod ôl-ddyledion rhent o fwy na deufis, ac ar yr amod nad yw'r swyddogaethau hynny'n ymwneud yn arbennig â'ch tenantiaeth neu â'ch les;
- (ii) â swyddogaethau eich awdurdod mewn cysylltiad â phrydau ysgol, cludiant a threuliau teithio, os ydych chi'n warchodwr, yn rhiant, yn fam-gu neu'n nain neu'n dad-cu neu'n daid, neu os oes gennych

gyfrifoldeb rhiant (fel y'i diffinnir yn adran 3 o Deddf Plant 1989) dros blentyn sy'n cael addysg lawnamser, onid yw'r busnes yn benodol gysylltiedig â'r ysgol y mae'r plentyn hwnnw'n ei mynychu;

(iii) â swyddogaethau eich awdurdod mewn cysylltiad â thâl salwch statudol o dan Ran XI o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992, os ydych yn cael, neu os oes gennych hawl i gael, taliad o'r fath gan eich awdurdod;

“(iv) â swyddogaethau eich awdurdod mewn cysylltiad â lwfans neu daliad a wneir yn unol â darpariaethau Rhan 8 o Fesur Llywodraeth Leol (Cymru) 2011, neu lwfans neu bensiwn a ddarperir o dan adran 18 o Ddeddf Llywodraeth Leol a Thai 1989;

(c) yn gysylltiedig â'ch rôl fel cynghorydd cymunedol mewn perthynas â grant, benthyciad neu fath arall ar gymorth ariannol a wnaed gan eich cyngor cymuned i 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.

(v. 01.04.2016)

(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 Personol**

**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 fygythion.

### **Cofrestru Rhoddion a Lletygarwch**

**17.** Rhaid i chi, o fewn 28 o ddiwrnodau ar ôl i chi gael unrhyw rodd, lletygarwch, buddiant materol neu fantais faterol, sy'n fwy na gwerth a bennir mewn penderfyniad gan eich awdurdod, ddarparu hysbysiad ysgrifenedig ar gyfer swyddog monitro eich awdurdod, neu mewn perthynas â chyngor cymuned, swyddog priodol eich awdurdod yn nodi bodolaeth a natur y rhodd honno, y lletygarwch hwnnw, y buddiant materol hwnnw neu'r fantais faterol honno.

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## **ATODIAD / ENCLOSURE 2**



## CYNULLIAD CENEDLAETHOL CYMRU

## NATIONAL ASSEMBLY FOR WALES

### OFFERYNNAU STATUDOL

### STATUTORY INSTRUMENTS

**2001 Rhif 2279 (Cy. 169 )**

**2001 No. 2279 (W. 169 )**

### LLYWODRAETH LEOL, CYMRU

### LOCAL GOVERNMENT , WALES

**Rheoliadau Pwyllgorau Safonau  
(Caniatáu Gollyngiadau) (Cymru)  
2001**

**The Standards Committees (Grant  
of Dispensations) (Wales)  
Regulations 2001**

### NODYN ESBONIADOL

### EXPLANATORY NOTE

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*

*(This note does not form part of the Regulations)*

O dan adran 51 o Ddeddf Llywodraeth Leol 2000 ("y Ddeddf") mae'n ofynnol i gynghorau sir a chynghorau bwrdeistref sirol, awdurdodau tân ac awdurdodau Parciau Cenedlaethol yng Nghymru ("awdurdodau perthnasol") fabwysiadu cod ymddygiad ar gyfer aelodau ac aelodau cyfetholedig sy'n gorfod ymgorffori unrhyw ddarpariaethau gorfodol o unrhyw god ymddygiad enghreifftiol a gyhoeddir gan Gynulliad Cenedlaethol Cymru o dan adran 50(2) o'r Ddeddf.

Mae adran 81(1) a (2) o'r Ddeddf yn darparu bod yn rhaid i'r swyddog monitro ym mhob awdurdod perthnasol sefydlu a chadw cofrestr o fuddiannau aelodau ac aelodau cyfetholedig yr awdurdod a bod darpariaethau gorfodol y cod enghreifftiol sy'n gymwysadwy i bob awdurdod perthnasol yn gorfod ei gwneud yn ofynnol i aelodau ac aelodau cyfetholedig pob awdurdod gofrestru unrhyw fuddiannau ariannol ac eraill a bennir yn y darpariaethau gorfodol yng nghofrestr yr awdurdod hwnnw.

O dan adran 81(3) a (4) o'r Ddeddf rhaid i'r darpariaethau gorfodol hynny ei gwneud yn ofynnol hefyd i aelod neu aelod cyfetholedig o awdurdod perthnasol sydd â buddiant o'r fath ei ddatgelu cyn cymryd rhan mewn unrhyw fusnes gan yr awdurdod sy'n berthnasol i'r buddiant a gwneud darpariaeth i atal yr aelod neu'r aelod cyfetholedig hwnnw rhag cymryd rhan mewn unrhyw fusnes gan yr awdurdod y mae'r buddiant a ddatgelwyd yn berthnasol iddo neu i gyfyngu ar y rhan y mae'n ei chymryd ynddo.

County and county borough councils, community councils, fire authorities and National Park authorities in Wales ("relevant authorities") are required by section 51 of the Local Government Act 2000 ("the Act") to adopt a code of conduct for members and co-opted members which must incorporate any mandatory provisions of any model code of conduct issued by the National Assembly for Wales under section 50(2) of the Act.

Section 81(1) and (2) of the Act provides that the monitoring officer of each relevant authority must establish and maintain a register of interests of the members and co-opted members of the authority and that the mandatory provisions of the model code applicable to each relevant authority must require the members and co-opted members of each authority to register in that authority's register such financial and other interests as are specified in the mandatory provisions.

Under section 81(3) and (4) of the Act those mandatory provisions must also require a member or co-opted member of a relevant authority who has such an interest to disclose it before taking part in any business of the authority which relates to it and make provision for preventing or restricting the participation of that member or co-opted member in any business of the authority to which the disclosed interest relates.



Mae adran 81(4) o'r Ddeddf yn darparu nad yw unrhyw gyfranogiad gan aelod neu aelod cyfetholedig o awdurdod perthnasol mewn unrhyw fusnes a waherddir gan y darpariaethau gorfodol yn fethiant i gydymffurfio â chod ymddygiad yr awdurdod os yw'r aelod neu'r aelod cyfetholedig wedi gweithredu yn unol â gollyngiad rhag y gwaharddiad a gafodd ei ganiatáu gan bwyllgor safonau'r awdurdod yn unol â rheoliadau a wneir o dan is-adran (5).

Mae'r rheoliadau hyn yn rhagnodi'r amgylchiadau y caiff pwyllgorau safonau'r awdurdodau perthasol ganiatáu gollyngiadau o'r fath odanynt.

Section 81(4) of the Act provides that any participation by a member or co-opted member of a relevant authority in any business which is prohibited by the mandatory provisions is not a failure to comply with the authority's code of conduct if the member or co-opted member has acted in accordance with a dispensation from the prohibition granted by the authority's standards committee in accordance with regulations made under subsection (5).

These regulations prescribe the circumstances in which standards committees of relevant authorities may grant such dispensations.

2001 Rhif 2279 (Cy. 169 )

2001 No. 2279 (W. 169 )

LLYWODRAETH LEOL,  
CYMRULOCAL GOVERNMENT,  
WALESRheoliadau Pwyllgorau Safonau  
(Caniatáu Gollyngiadau) (Cymru)  
2001The Standards Committees (Grant  
of Dispensations) (Wales)  
Regulations 2001*Wedi'u gwneud**21 Mehefin 2001**Made**21st June 2001**Yn dod i rym**28 Gorffennaf 2001**Coming into force**28th July 2001*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd iddo gan adran 81(5) ac (8) o Ddeddf Llywodraeth Leol 2000(a).

The National Assembly for Wales makes the following Regulations in exercise of the power given to it by section 81(5) and (8) of the Local Government Act 2000(a).

**Enw, cychwyn, cymhwyso a dehongli****Name, commencement, application and interpretation**

1.- (1) Enw'r Rheoliadau hyn yw Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 a deuant i rym ar 28 Gorffennaf 2001.

1.- (1) The name of these Regulations is the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 and they shall come into force on 28th July 2001.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

(2) These Regulations apply to Wales only.

(3) Yn y Rheoliadau hyn -

(3) In these Regulations -

mae "aelod" ("*member*") yn cynnwys aelod cyfetholedig;

"interest" ("*buddiant*") means an interest which is required to be registered in the relevant authority's register of interests;

ystyr "awdurdod perthnasol" ("*relevant authority*") yw cyngor sir neu gyngor bwrdeistref sirol, cyngor cymuned, awdurdod tân neu awdurdod Parc Cenedlaethol;

"member" ("*aelod*") includes a co-opted member;

ystyr "buddiant" ("*interest*") yw buddiant y mae'n ofynnol ei gofrestru yng nghofrestr buddiannau'r awdurdod perthnasol;

"relevant authority" ("*awdurdod perthnasol*") means a county or county borough council, a community council, a fire authority or a National Park authority;

ystyr "corff gwirfoddol" ("*voluntary organisation*") yw corff (heblaw awdurdod lleol neu gorff cyhoeddus arall) sy'n cynnal ei weithgareddau heblaw ar gyfer gwneud elw;

"the Act" ("*y Ddeddf*") means the Local Government Act 2000; and

acystyr "y Ddeddf" ("*the Act*") yw Deddf Llywodraeth Leol 2000.

"voluntary organisation" ("*corff gwirfoddol*") means a body (other than a local authority or other public body) whose activities are carried on otherwise than for profit.

(a) 2000 p. 22.

(a) 2000 c. 22.

## **Yr amgylchiadau lle gellir caniatáu gollyngiadau**

**2.** Caiff pwyllgor safonau awdurdod perthnasol ganiatáu gollyngiadau o dan adran 81(4) o'r Ddeddf -

(a) os oes gan ddim llai na hanner aelodau'r awdurdod perthnasol neu hanner aelodau un o bwyllgorau'r awdurdod (yn ôl fel y digwydd) y mae'r busnes i gael ei ystyried ganddo fuddiant sy'n berthnasol i'r busnes hwnnw;

(b) os oes gan ddim llai na hanner aelodau gweithrediaeth arweinydd a chabinet y mae'r busnes i gael ei ystyried ganddo fuddiant sy'n berthnasol i'r busnes hwnnw a bod naill ai paragraff (ch) neu baragraff (d) hefyd yn gymwys;

(c) yn achos cyngor sir neu gyngor bwrdeistref sirol, os byddai anallu aelod i gymryd rhan yn tarfu ar gydbwysedd gwleidyddol yr awdurdod perthnasol neu'r pwyllgor o'r awdurdod y mae'r busnes i'w ystyried ganddo i'r fath raddau nes y byddai'r canlyniad yn debygol o gael ei effeithio;

(ch) os yw natur buddiant yr aelod yn gyfryw fel na fyddai cyfranogiad yr aelod yn y busnes y mae'r buddiant yn berthnasol iddo yn niweidio hyder y cyhoedd yn y modd y mae busnes yr awdurdod perthnasol yn cael ei gynnal;

(d) os yw'r buddiant yn gyffredin i'r aelod ac i gyfran arwyddocaol o'r cyhoedd;

(dd) os oes cyfiawnhad i'r aelod gymryd rhan yn y busnes y mae'r buddiant yn berthnasol iddo oherwydd rôl neu arbenigedd penodol yr aelod;

(e) os yw'r busnes y mae'r buddiant yn berthnasol iddo i'w ystyried gan bwyllgor trosolygu a chraffu i'r awdurdod perthnasol ac nad yw buddiant yr aelod yn fuddiant ariannol;

(f) os yw'r busnes sydd i'w ystyried yn berthnasol i arian neu eiddo corff gwirfoddol y mae'r aelod yn aelod o'i bwyllgor neu ei fwrdd rheoli heblaw fel cynrychiolydd yr awdurdod perthnasol ac nad oes gan yr aelod unrhyw fuddiant arall yn y busnes hwnnw ar yr amod na fydd unrhyw ollyngiad yn ymestyn i gymryd rhan mewn unrhyw bleidlais mewn perthynas â'r busnes hwnnw; neu

(ff) os yw'n ymddangos i'r pwyllgor ei bod o les i drigolion ardal yr awdurdod perthnasol i'r anallu gael ei godi, ar yr amod bod hysbysiad ysgrifenedig bod y gollyngiad yn cael ei ganiatáu yn cael ei roi i Gynulliad Cenedlaethol Cymru o fewn saith diwrnod a hynny mewn unrhyw fodd y gall ei bennu.

## **Circumstances in which dispensations may be granted**

**2.** The standards committee of a relevant authority may grant dispensations under section 81(4) of the Act where -

(a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;

(b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;

(c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;

(d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;

(e) the interest is common to the member and a significant proportion of the general public;

(f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;

(g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;

(h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or

(i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(a).

21 Mehefin 2001

21st June 2001

*D. Elis-Thomas*

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

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(a) 1998 p. 38.

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(a) 1998 c. 38.

**CYNULLIAD CENEDLAETHOL CYMRU**

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**OFFERYNNAU STATUDOL**

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**2001 Rhif 2279 (Cy. 169 )**

**LLYWODRAETH LEOL,  
CYMRU**

**Rheoliadau Pwyllgorau Safonau  
(Caniatáu Gollyngiadau) (Cymru)  
2001**

**NATIONAL ASSEMBLY FOR WALES**

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**STATUTORY INSTRUMENTS**

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**2001 No. 2279 (W. 169 )**

**LOCAL GOVERNMENT,  
WALES**

**The Standards Committees (Grant  
of Dispensations) (Wales)  
Regulations 2001**

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## **ATODIAD / ENCLOSURE 3**

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WELSH STATUTORY INSTRUMENTS

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**2016 No. 85**

**The Local Government (Standards Committees,  
Investigations, Dispensations and Referral)  
(Wales) (Amendment) Regulations 2016**

**Amendments to the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001**

4.—(1) The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001(1) are amended as follows.

(2) In regulation 1, in paragraph (3) in the appropriate place insert—

““community sub-committee” (“*is-bwyllgor cymunedol*”) means a sub-committee appointed by a standards committee of a local authority under section 56 of the Act;”;

““joint committee” (“*cyd-bwyllgor*”) means a committee established by two or more relevant authorities under section 53(1) of the Act;”;

““section 54A sub-committee” (“*is-bwyllgor adran 54A*”) means a sub-committee appointed by a standards committee under section 54A(1) of the Act”;

““standards committee” (“*pwyllogor safonau*”) means—

- (a) a standards committee of a relevant authority;
- (b) a joint committee;
- (c) a section 54A sub-committee; or
- (d) a community sub-committee;”.

(3) In regulation 2—

(a) at the end of paragraph (h) omit “or”;

(b) in paragraph (i), for the words that follow “removed” substitute “; or”;

(c) after paragraph (i) insert—

“(j) “it appears to the committee to be otherwise appropriate to grant a dispensation.”

(4) After regulation 2 insert—

**“Dispensations granted in accordance with regulation 2(j)**

3.—(1) A dispensation granted by the standards committee of a relevant authority under section 81(4) of the Act on the grounds set out in regulation 2(j) and which remains in effect, must be reviewed by the standards committee once in every 12 month period from the date on which the dispensation is first granted.

(2) When conducting a review under paragraph (1) the standards committee must determine whether the dispensation should continue to have effect.

---

(1) [S.I. 2001/2279 \(W. 169\)](#).

### **Procedure and powers of standards committees**

4.—(1) A standards committee of a relevant authority may refer an application for a dispensation made by a member of the authority to the standards committee of another relevant authority for consideration and determination.

(2) The monitoring officer of a relevant authority to which an application for a dispensation is made may, with the prior written consent of the chairperson of the standards committee of that authority, make arrangements for the application to be considered and determined by the standards committee of another relevant authority.

(3) Where reasonable efforts to contact the chairperson of the standards committee of the relevant authority have been unsuccessful, the vice-chairperson of the standards committee may give consent under paragraph (2).

(4) Where a monitoring officer or standards committee makes arrangements for a dispensation application to be considered and determined by the standards committee of another relevant authority, the monitoring officer or standards committee that makes those arrangements must provide notice to the person making the application accordingly.

(5) The notice to which paragraph (4) refers must include the following—

- (a) a statement that the matter has been referred to another relevant authority's standards committee for consideration and determination;
- (b) the name of the other relevant authority; and
- (c) the reason why the application has been referred to the standards committee of the other relevant authority.

(6) When the standards committee has determined the application it must give written notice of its decision to the—

- (a) member applying for the dispensation; and
- (b) standards committee of the referring relevant authority.”



## Briefing Note for Town and Community Councillors on Anglesey

### Dispensations

This is a briefing note for Town and Community Councillors on the topic of 'Dispensations'. Should Councillors or Clerks have any queries, please contact the Monitoring Officer at Anglesey County Council:

Lynn Ball - [lbxcs@anglesey.gov.uk](mailto:lbxcs@anglesey.gov.uk)

Under their Code of Conduct, no Councillor is allowed to participate in a matter in which he/she has a prejudicial\* interest unless a dispensation has already been granted by the County Council's Standards Committee.

#### **Grounds on which a dispensation may be granted**

The grounds on which a dispensation may be granted are set out in statute and are:-

1. At least half of the Councillors (Community Council/Committee of the Community Council) would be unable to take part in a meeting because of a prejudicial\* interest;
2. The nature of the interest is such that participation would not damage public confidence in the decision;
3. The Councillor's interest is common to a significant proportion of the general public;
4. The Councillor's particular role or expertise would justify participation;
5. The business relates to the finances or property of a voluntary organisation and the Councillor sits on its board/committee in his/her own right, and he/she does not have any other interest [although in this instance, any dispensation may allow the Councillor to speak on the matter, but not to vote];
6. The Standards Committee believes that the Councillor's participation would be in the interests of the people in the Community Council's area and the Committee notifies the Welsh Ministers within 7 days of the dispensation being granted; or
7. The Standards Committee believes it appropriate to grant the dispensation, as a practical solution to a disability (infirmity) of the Councillor's which otherwise would make it difficult for him/her to leave a room/chamber when a matter in which they have a prejudicial\* interest is being discussed.

#### **How does a Community Councillor obtain a Dispensation?**

The Councillor must apply in writing to the County Council's Standards Committee and will usually be expected to attend the public meeting of the Standards Committee/Panel which will take the decision.

A Councillor may apply individually or, in common circumstances, a joint or collective application may be made by more than one Councillor.

The Standards Committee will consider all applications on their own facts; balancing the public interest in preventing those with prejudicial\* interests from taking part in decisions while maximising the public interest in democratic participation.

The decision as to whether a dispensation shall be granted is at the Standards Committee's discretion. The Standards Committee will explain its reasons. The terms and duration of any dispensation shall be decided by the Standards Committee.

If the Standards Committee approves an application it must grant the dispensation in writing. No Councillor may rely on a dispensation until such time the written decision has been circulated. Where necessary, and possible, this will be expedited.

### **Requirements on Councillors when relying on a dispensation**

Once the Standards Committee has approved an application and has granted the dispensation, in writing, the Councillor will then be able to participate (subject to any limitations imposed) despite his/her prejudicial\* interest.

#### **(a) In formal Meetings:**

When a Councillor has a dispensation and wants to participate in a meeting to discuss the relevant matter, the Councillor must:

- (i) state at the meeting, when the item is to be discussed, that he/she is relying on a dispensation; and
- (ii) before, or immediately after the close of the meeting, must give written notification\*\* to the Community Council.

The notification must include:

- 1. details of the prejudicial\* interest for which the dispensation was granted;
- 2. details of the business to which the prejudicial\* interest relates;
- 3. details of the dispensation, including the date on which it was granted, and
- 4. the Councillor's signature.

#### **(b) In informal meetings:**

When a Councillor has a dispensation, and is making verbal representations at informal meetings, that Councillor must:

- (i) include details of the dispensation in such discussion and
- (ii) provide written notification\*\* to the Community Council Clerk within 14 days of the discussion.

#### **(c) In writing:**

When a Councillor has been provided with a dispensation, and is making written representations to their Community Council, the Councillor must provide details of

the dispensation in any correspondence on the subject to which the dispensation relates.

#### Footnote/definitions

- \* prejudicial interests – these are personal interests (listed in the Code of Conduct) which an objective observer would consider so significant that they are likely to compromise the Councillor's ability to put the public interest first.
- \*\* written notification – in formal meetings, Councillors may rely upon the standard form of declaration. In informal meetings Councillors must provide written confirmation to the clerk/or other lead officer and ask that the dispensation be included in any informal minute/file note of the meeting/discussion.

**THE ISLE OF ANGLESEY COUNTY COUNCIL**

**APPLICATION FOR DISPENSATION TO THE STANDARDS COMMITTEE**  
**BY A TOWN OR COMMUNITY COUNCILLOR**

<b>Name of Applicant:</b>	
<b>Contact details:</b>	
<b>Name of Town / Community Council:</b>	
<b>Details of the prejudicial interest* in respect of which the Dispensation is sought:</b>	
<b>Business in which the applicant wishes to participate:</b>	
<b>Type of Dispensation sought (tick as necessary and insert any required information):</b>	<ul style="list-style-type: none"><li><input type="radio"/> write to officers [and/or the Committee/Community Council] about the matter;</li><li><input type="radio"/> speak to officers of the Community Council about the matter [with/without conditions [INSERT]]</li><li><input type="radio"/> speak at Committee meetings/Community Council meetings and answer any questions about the issue;</li><li><input type="radio"/> remain in the room during any debate/vote on the issue (available when Member has a disability);</li><li><input type="radio"/> vote;</li><li><input type="radio"/> other – please specify: _____ _____</li></ul>
<b>Statutory Ground/s under which Dispensation is requested (See overleaf for possible grounds available):</b>	
<b>Date by which a decision is required:</b>	
<b>Signed:</b>	<b>Date:</b>

- \* Prejudicial Interests – These are personal interests which an objective observer would consider so significant that they are likely to compromise a Councillor's ability to act in the public interest

## **Circumstances in which the Standards Committee may grant a dispensation to a Community Councillor**

The Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 as amended by The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 specifies that the Council's Standards Committee may grant dispensations under Section 81(4) of the Local Government Act 2000 where:

- (a) no fewer than half of the Councillors (Community Council/Committee) by which the business is to be considered has an interest which relates to that business;
- (b) NOT RELEVANT TO COMMUNITY COUNCILS
- (c) an inability to participate would upset political balance to such an extent that the outcome would likely be affected;
- (d) the nature of the interest is such that participation in the business to which the interest relates would not damage public confidence;
- (e) the interest is common to the Councillor and a significant proportion of the general public;
- (f) participation is justified by the Councillor's particular role or expertise;
- (g) NOT RELEVANT TO COMMUNITY COUNCILS
- (h) the business relates to the finances or property of a voluntary organisation of whose management committee or board the Councillor is a member otherwise than as a representative of the Community Council and the Councillor has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business;
- (i) it appears to the Standards Committee to be in the interests of the inhabitants of the area of the Community Council that the disability should be removed, provided that written notification of the grant of the dispensation is given to the Welsh Ministers within 7 days. Such a notification should specify the Councillor to whom the dispensation would apply and the Standards Committee's reasons why the disability should be removed;
- (j) it appears to the Standards Committee to be otherwise appropriate to grant the dispensation, as a practical solution to the disability of the Councillor which otherwise would make it difficult for them to leave a room/chamber when a matter in which they have a prejudicial interest is being discussed.

**THE ISLE OF ANGLESEY COUNTY COUNCIL**

**DECISION OF THE STANDARDS COMMITTEE**  
**IN RELATION TO AN APPLICATION FOR DISPENSATION**  
**BY A TOWN OR COMMUNITY COUNCILLOR**

<b>Decision of the Standards Committee:</b>	
<b>Date decision made by the Standards Committee:</b>	
<b>Name of persons to be notified of the Standards Committee's decision:</b>	<ul style="list-style-type: none"><li>○ Clerk of the Town/Community Council</li><li>○ Applicant</li><li>○ Others: _____</li></ul>
<b>Date the dispensation expires:</b>	

Pursuant to paragraph [ ] of The Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 as amended by The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016, the Standards Committee has resolved to **grant a dispensation** to Councillor [ ] in respect of that / those interest(s) referred to in the Application at page 1, which permits the Councillor to:

- write to officers [and/or the Committee/Community Council] about the matter;
  - speak to officers of the Community Council about the matter [with/without conditions [INSERT]];
  - speak at Committee meetings/Community Council meetings and answer any questions about the issue;
  - remain in the room during any debate/vote on the issue (due to the Member's disability);
  - vote;
  - other
- 

\_\_\_\_\_

The Councillor can therefore speak [and vote] at Committee/Community Council meetings in relation to the matter and answer any questions from members of the Committee/Community Council [but must leave the meeting before matters that the Councillor speaks upon are debated or voted on] OR [and may remain in the room during the debate/vote but must not vote on the issue].

Before the Councillor speaks with or writes to officers of the Community Council, or speaks at Committee/Community Council meetings on the issue, the Councillor must still:

- declare an interest in the matter; and

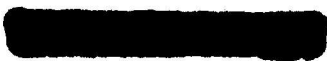

- confirm that a dispensation has been granted to allow the Councillor to speak [and vote] about it; and
- complete a written notification to the clerk setting out the interest and the dispensation.

By authority of the Isle of Anglesey Standards Committee

Dated: \_\_\_\_\_



**THE ISLE OF ANGLESEY COUNTY COUNCIL**  
**APPLICATION FOR DISPENSATION TO THE STANDARDS COMMITTEE**  
**BY A TOWN OR COMMUNITY COUNCILLOR**

Name of Applicant:	DEREK OWEN	
Contact details:		
Name of Town / Community Council:	HAWTHORNE	
Details of the prejudicial interest* in respect of which the Dispensation is sought:	Grandchildren attend school within catchment area (P5am)	
Business in which the applicant wishes to participate:	School Modernisation - Amlwch Catchment	
Type of Dispensation sought (tick as necessary and insert any required information):	<input type="radio"/> write to officers [and/or the Committee/Community Council] about the matter; <input type="radio"/> speak to officers of the Community Council about the matter [with/without conditions [INSERT]] <input checked="" type="checkbox"/> speak at Committee meetings/Community Council meetings and answer any questions about the issue; <input checked="" type="checkbox"/> remain in the room during any debate/vote on the issue; <input checked="" type="checkbox"/> vote; <input type="radio"/> other	
Statutory Ground/s under which Dispensation is requested (See overleaf for possible grounds available):		
Date by which a decision is required:		
Signed: 	Date: 20-05-19	

\* Prejudicial Interests – These are personal interests which an objective observer would consider so significant that they are likely to compromise a Councillor's ability to act in the public interest

## Circumstances in which the Standards Committee may grant a dispensation to a Community Councillor

The Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 as amended by The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 specifies that the Council's Standards Committee may grant dispensations under Section 81(4) of the Local Government Act 2000 where:

- (a) no fewer than half of the Councillors (Community Council/Committee) by which the business is to be considered has an interest which relates to that business;
- (b) NOT RELEVANT TO COMMUNITY COUNCILS
- (c) an inability to participate would upset political balance to such an extent that the outcome would likely be affected;
- ✓(d) the nature of the interest is such that participation in the business to which the interest relates would not damage public confidence;
- ✓(e) the interest is common to the Councillor and a significant proportion of the general public;
- ✓(f) participation is justified by the Councillor's particular role or expertise; Chair of Llanbadarn.
- (g) NOT RELEVANT TO COMMUNITY COUNCILS
- (h) the business relates to the finances or property of a voluntary organisation of whose management committee or board the Councillor is a member otherwise than as a representative of the Community Council and the Councillor has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business;
- (i) it appears to the Standards Committee to be in the interests of the inhabitants of the area of the Community Council that the disability should be removed, provided that written notification of the grant of the dispensation is given to the Welsh Ministers within 7 days. Such a notification should specify the Councillor to whom the dispensation would apply and the Standards Committee's reasons why the disability should be removed;
- (j) it appears to the Standards Committee to be otherwise appropriate to grant the dispensation, as a practical solution to the disability (infirmity) of the Councillor which otherwise would make it difficult for them to leave a room/chamber when a matter in which they have a prejudicial interest is being discussed.



**THE ISLE OF ANGLESEY COUNTY COUNCIL**  
**DECISION OF THE STANDARDS COMMITTEE**  
**IN RELATION TO AN APPLICATION FOR DISPENSATION**  
**BY A TOWN OR COMMUNITY COUNCILLOR**

<b>Decision of the Standards Committee:</b>	
<b>Date decision made by the Standards Committee:</b>	
<b>Name of persons to be notified of the Standards Committee's decision:</b>	<input type="radio"/> Clerk of the Town/Community Council <input type="radio"/> Applicant <input type="radio"/> Others: _____ _____
<b>Date the dispensation expires:</b>	

Pursuant to paragraph [ ] of The Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 as amended by The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016, the Standards Committee has resolved to **grant a dispensation** to Councillor [ ] in respect of that / those interest(s) referred to in the Application at page 1, which permits the Councillor to:

- ☐ write to officers [and/or the Committee/Community Council] about the matter;
- ☐ speak to officers of the Community Council about the matter [with/without conditions [INSERT]];
- ☐ speak at Committee meetings/Community Council meetings and answer any questions about the issue;
- ☐ remain in the room during any debate/vote on the issue;
- ☐ vote;
- ☐ other

The Councillor can therefore speak [and vote] at Committee/Community Council meetings in relation to the matter and answer any questions from members of the Committee/Community Council [but must leave the meeting before matters that the Councillor speaks upon are debated or voted on] OR [and may remain in the room during the debate/vote but must not vote on the issue].

Before the Councillor speaks with or writes to officers of the Community Council, or speaks at Committee/Community Council meetings on the issue, the Councillor must still:

- declare an interest in the matter; and
- confirm that a dispensation has been granted to allow the Councillor to speak [and vote] about it; and
- complete a written notification to the clerk setting out the interest and the dispensation.

By authority of the Isle of Anglesey Standards Committee  
 Dated: \_\_\_\_\_

## **DISPENSATION CONSIDERATIONS -**

### **Guidance for the Standards Committee Panel when considering Councillors' applications for dispensation:**

1. Reading:
  - Consider the Report prepared by / on behalf of the Monitoring Officer.
  - Consider the enclosures to the Report, particularly the Application Form completed by the Councillor, in order to gather all facts.
2. Multiple Applications:
  - Deal with each application individually and on its own facts.
  - Consider following a procedure at the Hearing:
    - o Gather background / general information (if needed);
    - o Listen to Councillor A's application / ask questions if in attendance / ask the Clerk;
    - o Retire to consider Councillor A's application;
    - o Resume – may announce the decision in relation to Councillor A's application, or may defer announcing the decision until all applications have been considered;
    - o Repeat, depending on the number of applications to be considered.
3. Personal / Prejudicial Interest:
  - For each application, determine –
    - o Is there a PERSONAL INTEREST?
      - Consider the Code of Conduct (included as an enclosure to the Report) – what is the personal interest?
    - o Is the personal interest PREJUDICIAL?
      - Again, consider the Code of Conduct (included as an enclosure to the Report) – is the personal interest also prejudicial?
  - If there is no personal interest, or the personal interest is not prejudicial, there is no need to consider an application for dispensation as the Councillor is able to fully participate in the business.
4. Ground for Dispensation:
  - Where there is a personal interest which is prejudicial, consider the GROUND on which the dispensation may be granted. The grounds are listed on the back of the Application Form.
    - o Has the Applicant correctly identified these on the Application Form?
    - o Has the Applicant included all required Dispensations on the Form i.e. for voting / speaking / writing etc.?
5. Restrictions / Limitations on the Dispensation:
  - When deciding whether or not to grant the Dispensation, consider (if the Dispensation is to be granted) if any restrictions or limitations are required. Matters such as if the Councillor can speak but not vote or whether the dispensation is for one meeting only or the duration of the Council term.
6. Decision Form
  - In granting the dispensation, the Panel will need to complete the Decision Form which details (a) the decision of the Standards Committee; (b) the date when the decision is made; (c) who should be informed of the decision; (d) the date when the dispensation expires; (e) under which ground(s) the dispensation is being granted; and (f) what the dispensation allows the Councillor to do (i.e. speak, vote etc.).

**DISPENSATION PANEL OF THE STANDARDS COMMITTEE**

**Minutes of the meeting held on 18 July 2019**

**PRESENT:**           **Independent Members**

Mr Michael Wilson (Chair)  
Mr John Robert Jones  
Mr Keith Roberts

**IN ATTENDANCE:**    Head of Function (Council Business)/Monitoring Officer  
Solicitor (Corporate Governance) (MY)  
Committee Officer (SC)

**APOLOGIES:**       None

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**1.     DECLARATION OF INTEREST**

The Committee Officer declared a personal interest in the meeting, as her husband is a distant relative of the applicant.

**2.     APPLICATION FOR DISPENSATION**

The Solicitor (Corporate Governance) reported that an application for dispensation was sought by Councillor Derek Owen, Chair of Llanbadrig Community Council, in relation to the Schools' Modernisation Programme in the Amlwch catchment area. Councillor Owen wishes to participate in discussions during the process.

Councillor Owen considers himself to have a personal interest, as his grandchildren attend Ysgol Penysarn, which is one of the schools under consideration in the Schools' Modernisation Programme within the Amlwch area. Ysgol Cemaes is the local school for Llanbadrig Community Council and this school is also under consideration in the Schools' Modernisation Programme within the Amlwch area. Councillor Owen's prejudicial interest arises from the fact that Ysgol Penysarn and Ysgol Cemaes are in the same pool of schools whose future is to be reviewed.

The Dispensation Panel, through its Chairman, had agreed to consider the application by way of a paper exercise only. The applicant did not attend the meeting.

The Solicitor (Corporate Governance) referred to the Code of Conduct for Llanbadrig Community Council and highlighted the relevant ground for Councillor Owen's personal interest, namely Para 10(2)(c)(i) and the question as to whether the personal interest is prejudicial is considered under Para 12(1)

The Solicitor (Corporate Governance) explained to the Panel that if it agreed that Councillor Owen had a personal and prejudicial interest, the Panel would then

need to determine whether it would grant a dispensation and, if so, on what grounds and whether it was going to be a full or partial dispensation.

The Monitoring Officer reported that when determining a prejudicial interest, it is not just the role of the decision maker that must be considered, but influencing an important decision, which constitutes a prejudicial interest. She stated that the possible closure of school/s is a significant matter for the area, and those affected.

The Monitoring Officer reported that, as part of the Schools' Modernisation Programme, the Chairs of Governing bodies may attend the County Council's Corporate Scrutiny Committee to present their views. The Corporate Scrutiny Committee will then submit its views to the Executive, by which the decision/s will be taken.

The Panel discussed the individual circumstances in relation to the application, and agreed that Councillor Owen's interests were personal and prejudicial. As the Standards Committee had previously granted dispensations in similar circumstances (i.e. to Grandparents of children attending Schools affected by the School Modernisation Programme) it was considered that the applicant had a personal and prejudicial interest in this instance too.

Members of the Panel deliberated in private session. Following discussion, the Chair announced that the Standards Committee had **RESOLVED to grant a full dispensation to Councillor Derek Owen of Llanbadrig Community Council to:-**

- **write to officers and/or the Committee/Community Council about the matter;**
- **speak to officers of the Community Council about the matter without conditions;**
- **speak at Committee meetings/Community Council meetings and answer any questions about the issue;**
- **remain in the room during any debate, and vote on the issue;**
- **participate in all external meetings and meetings of any outside bodies in his capacity as a member of the Community Council.**

**The dispensation is granted under Para 81(4) of the Local Government Act 2000 on the following grounds:-**

- (d) the nature of the interest is such that participation in the business to which the interest relates would not damage public confidence; and**
- (f) participation is justified by the Councillor's particular role or expertise (as Chair of Llanbadrig Community Council).**

**The Dispensation is to be valid until the expiry of the consultation period and all discussions / decisions relating to and arising from any such consultation in relation to education provision in the Amlwch area or the expiry of Councillor Derek Owen's current term on Llanbadrig Community Council, whichever is later.**

**Action:**

- **The Monitoring Officer to write to Councillor Owen confirming that he has been granted a full dispensation permitting him to write to officers; speak and vote on all matters relating to the Schools Modernisation Programme;**
- **The Monitoring Officer to notify the Clerk of Llanbadrig Community Council confirming the Panel's decision and terms of the dispensation outlined above.**
- **Councillor Owen to declare his personal and prejudicial interest when attending Committee/Community Council meetings and to confirm that he has the benefit of a dispensation.**

The meeting concluded at 10.15 am

**MR MICHAEL WILSON  
CHAIR**