

- (ii) Ni chaniateir unrhyw groesholi ond wedi i'r Aelod roi ei dystiolaeth/tystiolaeth ac wedi i bob tyst roddi eu dystiolaeth nhw, gall y Cadeirydd ofyn i'r Swyddog Ymchwilio a oes unrhyw faterion y dylai'r Pwyllgor Safonau ofyn am sylwadau'r Aelod neu'r tyst yn eu cylch ac yna gall Aelodau'r Pwyllgor Safonau ofyn cwestiynau i'r Aelod neu'r tyst.
- (ch) Tystion

Bydd gan y Pwyllgor Safonau'r hawl i wrthod clywed tystiolaeth gan y Swyddog Ymchwilio, yr Aelod neu dyst oni bai ei fod yn fodlon bod y tyst yn debygol o roi tystiolaeth y mae angen ei chlywed er mwyn gallu penderfynu a fu methiant i gydymffurfio gyda'r Côd Ymddygiad.
- (d) Tystiolaeth Ychwanegol
 - (i) Wedi gorffen clywed y dystiolaeth, bydd y Cadeirydd yn sicio gydag Aelodau'r Pwyllgor Safonau a ydynt yn fodlon bod ganddynt ddigon o dystiolaeth i ddod i gasgliad ystyriol ar y mater.
 - (ii) Os bydd y Pwyllgor Safonau, ar unrhyw adeg, cyn penderfynu a fu methiant i gydymffurfio gyda'r Côd Ymddygiad, o'r farn bod arno angen ychwaneg o dystiolaeth ar unrhyw bwynt er mwyn ei alluogi i ddod i gasgliad ystyriol ar y mater, gall y Pwyllgor Safonau (ond dim rhagor nag unwaith) ohirio'r gwrandawriad a gwneud cais i'r Swyddog Ymchwilio chwilio am a darparu'r fath dystiolaeth ychwanegol a gwneud gwaith ymchwil pellach ar unrhyw bwynt a bennwyd gan y Pwyllgor Safonau.
- (dd) Bydd yr Aelod a'r Swyddog Ymchwiliad yn cael cyfle i wneud sylwadau i gloi.
- (e) Penderfynu a oedd methiant i gydymffurfio gyda'r Côd Ymddygiad.
 - (i) Oni bai bod y penderfyniad yn cadarnhau yn syml gyfaddefiad yr Aelod o fethiant i gydymffurfio gyda'r Côd Ymddygiad (fel y caiff ei nodi ym mharagraff 10(a)(i) uchod), bydd y Pwyllgor Safonau yn ymneilltuo i ystafell arall i ystyried yn breifat a fethodd yr Aelod â chydymffurfio gyda'r Côd Ymddygiad fel y nodir hynny yn adroddiad y Swyddog Ymchwilio.
 - (ii) Bydd y Pwyllgor Safonau yn gwneud ei benderfyniad wedi pwysu a mesur y tebygolrwydd yn y dystiolaeth a gafodd yn y gwrandawriad.
 - (iii) Swyddogaeth y Pwyllgor Safonau yw gwneud penderfyniad ar y mater. Gall, ar unrhyw adeg, ddychwelyd i'r brif ystafell lle mae'r gwrandawriad er mwyn mofyn tystiolaeth ychwanegol gan y Swyddog Ymchwilio, yr Aelod neu'r tyst. Os oes angen ychwaneg o wybodaeth arno, gall ohirio a rhoi cyfarwyddyd i Swyddog neu ofyn i'r Aelod ddangos tystiolaeth bellach o'r fath i'r Pwyllgor Safonau.
 - (iv) Os oes angen Cyngor Cyfreithiol ar y Pwyllgor Safonau ar unrhyw bwynt, gall naill ai –

000194

Member's evidence and/or of the evidence of each witness, the Chairman shall ask the Investigating Officer if there are any matters upon which the Standards Committee should seek the representations of the Member or the witness, and then the Members of the Standards Committee may address questions to the Member or the witness.

(ch) Witnesses

The Standards Committee shall be entitled to refuse to hear evidence from the Investigating Officer, the Member or a witness unless they are satisfied that the witness is likely to give evidence which they need to hear in order to be able to determine whether there has been a failure to comply with the code of conduct.

(d) Additional Evidence

(i) At the conclusion of the evidence, the Chairman shall check with the Members of the Standards Committee that they are satisfied that they have sufficient evidence to come to a considered conclusion on the matter.

(ii) If the Standards Committee, at any stage prior to determining whether there was a failure to comply with the Code of Conduct, are of the opinion that they require additional evidence on any point in order to be able to come to a considered conclusion on the matter, the Standards Committee may (on not more than one occasion) adjourn the hearing and make a request to the Investigating Officer to seek and provide such additional evidence and to undertake further investigation on any point specified by the Standards Committee.

(dd) The Member and the Investigating Officer will be given an opportunity to make closing representations.

(e) Determination as to whether there was a failure to comply with the Code of Conduct.

(i) Unless the determination merely confirms the Member's admission of a failure to comply with the Code of Conduct (as set out in Paragraph 10(a)(i) above), the Standards Committee shall retire to another room to consider in private whether the Member did fail to comply with the Code of Conduct as set out in the Investigating Officer's report.

(ii) The Standards Committee shall take its decision on the balance of probability based on the evidence which it has received at the hearing.

(iii) The Standards Committee's function is to make a determination on the matter. It may, at any time, return to the main hearing room in order to seek additional evidence from the Investigating Officer, the Member or a witness. If it requires any further information, it may adjourn and instruct an officer or request the Member to produce such further evidence to the Standards Committee.

(iv) If the Standards Committee requires legal advice on any point, it may either –

000195

- (A) Ofyn i'r Ymgynghorydd Cyfreithiol ymuno gyda'r Pwyllgor a darparu'r fath wybodaeth. Yn yr achos hwn, bydd yr Ymgynghorydd Cyfreithiol yn ailadrodd cyngor o'r fath yn agored pan fydd y Pwyllgor Safonau yn dychwelyd a gall cynrychiolydd cyfreithiol yr Aelod ymateb i gyngor o'r fath; neu
- (B) Dychwelyd i'r fforwm agored a gofyn i'r Ymgynghorydd Cyfreithiol roi cyngor gan wahodd cynrychiolydd cyfreithiol yr Aelod i ymateb i unrhyw gyngor o'r fath.
- (v) Wedi i'r Pwyllgor Safonau orffen ystyried y mater, gall y Pwyllgor Safonau ystyried a yw'n teimlo fel gwneud unrhyw argymhellion i'r awdurdod gyda golwg ar hyrwyddo safonau uchel o ran ymddygiad ymysg aelodau.
- (vi) Yna, bydd y Pwyllgor Safonau yn dychwelyd i brif ystafell y gwrandawriad a bydd y Cadeirydd yn datgan prif ganfyddiadau ffeithiol y Pwyllgor Safonau ynghyd â'i benderfyniad ynghylch a yw'r Aelod wedi methu â chydymffurfio gyda'r Côd Ymddygiad fel y nodir hynny yn adroddiad y Swyddog Ymchwilio.

11 Os nad yw'r Aelod wedi methu dilyn y Côd Ymddygiad

Os bydd y Pwyllgor Safonau'n penderfynu na fethodd yr Aelod â dilyn y Côd Ymddygiad yn y modd a nodir yn adroddiad y Swyddog Ymchwilio:

- (a) Dylai'r Cadeirydd grynhai canlyniadau'r Pwyllgor Safonau;
- (b) Os yw'r Pwyllgor Safonau yn dod i'r casgliad, o'r dystiolaeth a gafodd yn ystod y gwrandawriad, bod Aelod wedi methu â chydymffurfio gyda'r Côd Ymddygiad (ar wahân i'r mater y mae'r Pwyllgor Safonau newydd wneud penderfyniad arno), bydd y Pwyllgor yn amlinellu pryderon y Pwyllgor Safonau ac yn dweud bod y Pwyllgor Safonau wedi cyfeirio'r methiant ychwanegol neu fethiant arall hwn i'r Swyddog Monitro gyda golwg ar gyflwyno haerid pellach i Swyddfa'r Ombwdsmon Cyhoeddus yng Nghymru.
- (c) Yna dylai'r Cadeirydd nodi unrhyw argymhellion y mae'r Pwyllgor Safonau yn bwriadu eu gwneud i'r awdurdod gyda golwg ar hyrwyddo safonau uchel o ymddygiad ymhlith aelodau a mofyn sylwadau'r Aelod, y Swyddog Ymchwilio a'r Ymgynghorydd Cyfreithiol cyn i'r Pwyllgor Safonau rhoddi trefn derfynol ar unrhyw argymhellion.
- (ch) I gloi, dylai'r Cadeirydd ofyn i'r Aelod a ydyw ef/hi yn dymuno i'r Awdurdod beidio â chyhoeddi datganiad o'i ganfyddiad mewn papur newydd lleol.

12 Camau gweithredu yn dilyn methiant i gydymffurfio gyda'r Côd Ymddygiad

Os yw'r Pwyllgor Safonau yn penderfynu bod yr Aelod wedi methu dilyn y Côd Ymddygiad yn y modd a nodir yn adroddiad y Swyddog Ymchwilio:

- (a) Bydd y Cadeirydd yn crynhai canfyddiadau'r Pwyllgor Safonau;
- (b) Fe all y Cadeirydd wedyn nodi'r math o gosb y mae'n ei ystyried all fod yn briodol gan ofyn i'r Aelod neu ei gynrychiolydd cyfreithiol wneud sylwadau ar y

000196

- (A) Request the Legal Adviser to join the Committee and provide such advice, in which case the Legal Advisor shall repeat such advice in open forum when the Standards Committee returns, and the Member's legal representative may respond to such advice; or
 - (B) Return to open forum and request the Legal Advisor to give advice, inviting the Member's legal representative to respond to any such advice.
- (v) At the conclusion of the Standards Committee's consideration, the Standards Committee shall consider whether it is minded to make any recommendations to the Council with a view to promoting high standards of conduct among Members.
 - (vi) The Standards Committee shall then return to the main hearing room and the Chairman will state the Standards Committee's principal findings of fact and their determination as to whether the Member failed to comply with the Code of Conduct as set out in the Investigating Officer's report.

11 If the Member has not failed to follow the Code of Conduct

If the Standards Committee determines that the Member has not failed to follow the Code of Conduct in the manner set out in the Investigating Officer's report:

- (a) The Chairman should summarise the Standards Committee's findings;
- (b) If the Standards Committee apprehends, from the evidence which they have received during the hearing, that a Member has failed to comply with the Code of Conduct (other than the matter which the Standards Committee has just determined), the Chairman shall outline the Standards Committee's concerns and state that the Standards Committee has referred this additional or alternative failure to the Monitoring Officer with a view to a further allegation being made to the PSOW.
- (c) The Chairman should then set out any recommendations which the Standards Committee is minded to make to the Council with a view to promoting high standards of conduct among Members and seek the views of the Member, the Investigating Officer and the legal advisor before the Standards Committee finalises any such recommendations.
- (ch) Finally, the Chairman should ask the Member whether he/she wishes the Council not to publish a statement of its finding in a local newspaper.

12 Action consequent upon a failure to comply with the Code of Conduct

If the Standards Committee determines that the Member has failed to follow the Code of Conduct in the manner set out in the Investigating Officer's report:

- (a) The Chairman shall summarise the Standards Committee's findings;
- (b) The Chairman may then indicate the order of sanction which he considers may be appropriate and ask the Member or his legal representative to make

000197

gosb.⁴

- (c) Fe all y Cadeirydd ofyn i'r Swyddog Ymchwilio wneud sylwadau ynglŷn â chosb.
- (ch) Bydd y Cadeirydd wedyn yn sicrhau bod pob Aelod o'r Pwyllgor Safonau yn fodlon bod ganddo ef/hi ddigon o wybodaeth i'w alluogi ef/hi i wneud penderfyniad ystyrlon ynghylch a ddylid pennu cosb ac (os yn briodol) beth fydd ffurf y gosb.
- (d) Fe all unrhyw aelod o'r Pwyllgor Safonau ofyn cwestiynau i'r Swyddog Ymchwilio neu i'r aelod fel bo'r angen i'w alluogi ef/hi i wneud penderfyniad ystyrlon.
- (dd) Bydd y Pwyllgor Safonau wedyn yn ymneilltuo i ystafell arall i ystyried yn breifat a ddylid pennu cosb (lle bwriedir pennu cosb) a pha gosb i'w rhoi a pha bryd y dylai'r gosb honno ddod i rym, ac unrhyw sylwadau y bydd y Pwyllgor Safonau'n eu rhoi i'r awdurdod.
- (e) Ar ddiwedd ei ystyriaethau, bydd y Pwyllgor Safonau yn dychwelyd i brif ystafell y gwrandawriad a bydd y Cadeirydd yn datgan penderfyniadau'r Pwyllgor Safonau gan ddweud a ddylid pennu cosb a (lle bwriedir cosb) beth yw natur y gosb, a pha bryd y dylai ddod i rym, ynghyd â'r prif resymau dros wneud y penderfyniadau hynny, ac unrhyw argymhellion y bydd y Pwyllgor Safonau am eu gwneud i'r awdurdod.

13 Cau'r gwrandawriad

- (a) Bydd y Pwyllgor Safonau yn cyhoeddi ei benderfyniad ar ddiwrnod y gwrandawriad ac yn rhoi i Swyddog Cefnogi'r Pwyllgor ddatganiad ysgrifenedig byr o'u penderfyniad, a bydd y Swyddog Cefnogi'r Pwyllgor yn ei anfon i'r Aelod mor fuan ag sy'n ymarferol ar ôl cau'r gwrandawriad;
- (b) Bydd y Cadeirydd yn diolch i bawb sydd yn bresennol sydd wedi cyfrannu tuag at drefn y gwrandawriad ac yn cau'r gwrandawriad yn ffurfiol;

⁴ Gall y Pwyllgor Safonau benderfynu ar unrhyw un o'r isod o ran y cosbau y gall fynnu arnynt :

- “(i) dim angen gweithredu o gwbl
- (ii) ceryddu'r Aelod;
- (iii) atal yr Aelod yn rhannol am gyfnod a fydd ddim hwy na chwe mis;
- (iv) Sgwahardd yr Aelod am gyfnod a fydd ddim hwy na chwe mis.

Nid yw Atal neu atal yn rhannol ond yn berthnasol i'r Aelod yn ei gapasiti fel aelod o'r awdurdod yr oedd y gwyn yn ymwneud ag o.

Bydd unrhyw gosb a roddwyd yn cychwyn ar unwaith oni fydd y Pwyllgor Safonau yn rhoi cyfarwyddyd (yn achos unrhyw gosb ac eithrio cerydd) y bydd yn cychwyn ar ddyddiad penodol a bennwyd gan y Pwyllgor Safonau o fewn chwe mis o ddyddiad y gwrandawriad.

000198

representations on sanction.⁴

- (c) The Chairman may then ask the Investigating Officer to make representations as to sanction.
- (ch) The Chairman will then ensure that each member of the Standards Committee is satisfied that he/she has sufficient information to enable him/her to take an informed decision as to whether to impose a sanction and (if appropriate) as to the form of the sanction.
- (d) Any member of the Standards Committee may address questions to the Investigating Officer or to the Member as necessary to enable him/her to take such an informed decision.
- (dd) The Standards Committee shall then retire to another room to consider in private whether to impose a sanction, (where a sanction is to be imposed) what sanction to impose and when that sanction should take effect, and any recommendations which the Standards Committee will make to the Council.
- (e) At the completion of their consideration, the Standards Committee shall return to the main hearing room and the Chairman shall state the Standards Committee's decisions as to whether to impose a sanction and (where a sanction is to be imposed) the nature of that sanction, and when it should take effect, together with the principal reasons for those decisions, and any recommendations which the Standards Committee will make to the Council.

13 The close of the hearing

- (a) The Standards Committee will announce its decision on the day of the hearing and provide the Committee Support Officer with a short written statement of their decision, which the Committee Support Officer will deliver to the Member as soon as practicable after the close of the hearing;
- (b) The Chairman will thank all those present who have contributed to the conduct of the hearing and formally close the hearing;
- (c) Following the close of the hearing, the Committee Support Officer will agree a formal written notice of the Standards Committee's determination and the Monitoring Officer shall arrange for the distribution and publication of that notice (or a summary of that notice, where required).

⁴ The decisions as to sanctions which are available to the Standards Committee are any of the following :

- “(i) that no action is required
- (ii) to censure the Member;
- (iii) partial suspension of the Member for a period up to a maximum of six months;
- (iv) suspension of the Member for a period up to a maximum of six months.

Suspension and partial suspension only relate to the Member in his capacity as a member of the authority to which the complaint related.

Any sanction imposed shall as soon as the period for appeal has passed, or any appeal has been decided, whichever is later, immediately unless the Standards Committee direct (for any sanction other than censure) that it shall commence on any date specified by the Standards Committee within six months of the date of the hearing.

- (c) Yn dilyn cau'r gwrandawriad, bydd y Swyddog Cymorth Pwyllgorau yn cytuno ar rybudd ysgrifenedig ffurfiol o benderfyniad y Pwyllgor Safonau a bydd y Swyddog Monitro'n trefnu i'r rhybudd hwnnw gael ei ddosbarthu a'i gyhoeddi (neu grynodedeb o'r rhybudd hwnnw, lle bo'r angen).

14. Apeliadau

Gall yr Aelod apelio yn erbyn penderfyniad y Pwyllgor Safonau trwy ysgrifennu at lywydd Panel Dyfarnu Cymru, gan sicrhau bod ei lythyr yn rhestru'r seiliau dros wneud yr apêl, ac yn cynnwys datganiad yn dweud a yw'n fodlon ai peidio i'r apêl gael ei gwrandao ar ffurf sylwadau ysgrifenedig, ac yn cael ei derbyn gan y llywydd o fewn 21 diwrnod i ddyddiad y rhybudd ysgrifenedig o'r penderfyniad.

14 **Appeals.**

The Member may appeal against the decision of the Standards Committee by writing to the President of the Adjudication Panel for Wales, ensuring that his letter sets out the grounds for such an appeal, includes a statement as to whether or not he consents to the appeal being heard by way of written representations, and is received by the President within 21 days of the date of the written notice of decision.

000201

Manylion yr achos a rhif cyfeirnod

FFURFLEN A

Ymateb yr Aelod perthnasol i'r dystiolaeth sydd yn yr adroddiad ymchwilio

Rhowch rif unrhyw baragraff yn yr adroddiad ymchwilio lle yr ydych yn anghytuno gyda'r canfyddiad ffaith, a rhowch eich rhesymau a'r dewis arall yr ydych yn ei awgrymu, os gwelwch yn dda.

Rhif y paragraff o'r adroddiad ymchwilio	Rhesymau dros anghytuno gyda'r canfyddiad ffaith a roddir yn y paragraff hwnnw	Awgrym o sut y dylai'r paragraff ddarllen

Details of case and reference number

FORM A

Subject Member's response to the evidence set out in the investigation report

Please enter the number of any paragraph in the investigation report where you disagree with the findings of fact, and give your reasons and your suggested alternative.

Paragraph number from the investigation report	Reasons for disagreeing with the findings of fact provided in that paragraph	Suggestion as to how the paragraph should read

000203

Manylion yr achos a rhif cyfeirnod

FFURFLEN B

Tystiolaeth arall sy'n berthnasol i'r gwyn

Nodwch isod, os gwelwch yn dda, gan ddefnyddio'r paragraffau sydd wedi'u rhifo, unrhyw dystiolaeth yr ydych yn teimlo sy'n berthnasol i'r gwyn a wnaed amdanoch chi.

Rhif paragraff	Manylion am y dystiolaeth
1	
2	
3	

Details of case and reference number

FORM B

Other evidence relevant to the complaint

Please set out below, using the numbered paragraphs, any evidence you feel is relevant to the complaint made about you.

Paragraph number	Details of the evidence
1	
2	
3	

000205

Manylion yr achos a rhif cyfeirnod

FFURFLEN C

Sylwadau i'w cymryd i ystyriaeth os gwelir bod Aelod wedi methu â dilyn y Côd Ymddygiad

Cwblhewch y ffurflen hon ond os ydych yn cytuno gyda'r canfyddiadau yn adroddiad yr ymchwiliad eich bod wedi methu â chydymffurfio â'r Côd Ymddygiad.

Nodwch isod, os gwelwch yn dda, gan ddefnyddio'r paragraffau sydd wedi'u rhifo, unrhyw ffactorau y dylai'r Pwyllgor Safonau eu cymryd i ystyriaeth os bydd yn dod i gasgliad eich bod wedi methu â dilyn y Côd Ymddygiad. Nodwch, os gwelwch yn dda, nad oes unrhyw ganfyddiad o'r fath wedi'i wneud hyd yn hyn.

Rhif paragraff	Ffactorau i'r Pwyllgor Safonau eu cymryd i ystyriaeth pan yn penderfynu a ddylid cymeradwyo unrhyw rybudd, cyfyngu adnoddau neu lwfansau, atal neu atal rhannol.
1	
2	
3	

000206

Details of case and reference number

FORM C

Representations to be taken into account if a Member is found to have failed to follow the Code of Conduct

Only complete this form if you agree with the findings in the investigation report that you failed to comply with the Code of Conduct

Please set out below, using the numbered paragraphs, any factors that the Standards Committee should take into account if it finds that you failed to follow the Code of Conduct. Please note that no such finding has been made yet.

Paragraph number	Factors for the Standards Committee to take into account when deciding whether to censure, suspend, or partially suspend
1	
2	
3	

000207

Manylion yr achos a rhif cyfeirnod

FFURFLEN D

Trefniadau ar gyfer gwrandawriad y Pwyllgor Safonau

Ticiwch y blychau perthnasol.

1	<p>Ydych chi'n bwriadu mynychu gwrandawriad y Pwyllgor Safonau ar y dyddiad a nodir yn y llythyr sydd ynghlwm?</p> <p>Os 'Na', eglurwch pam os gwelwch yn dda.</p>	<p>Ydw <input type="checkbox"/></p> <p>Nac ydw <input type="checkbox"/></p>	<p>Rheswm:</p>
2	<p>A ydych chi'n mynd i gyflwyno eich achos eich hun?</p>	<p>Ydw <input type="checkbox"/></p> <p>Nac ydw <input type="checkbox"/></p>	
3	<p>Os nad ydych yn cyflwyno eich achos eich hun, a fydd cynrychiolydd yn ei gyflwyno ar eich rhan?</p> <p>Os 'Bydd' rhowch enw eich cynrychiolydd o.g.y.dd</p>	<p>Bydd <input type="checkbox"/></p> <p>Na fydd <input type="checkbox"/></p>	<p>Enw:</p>
4	<p>A yw eich cynrychiolydd yn gyfreithiwr neu'n fargyfreithiwr gweithredol?</p> <p>Os 'Ydi' rhowch eu cymwystrau cyfreithiol o.g.y.dd. Yna ewch i Gwestiwn 6.</p> <p>Os 'Na' ewch i Gwestiwn 5 o.g.y.dd</p>	<p>Ydi <input type="checkbox"/></p> <p>Nac Ydi <input type="checkbox"/></p>	<p>Cymwystrau:</p>

000208

Details of case and reference number

FORM D

Arrangements for the Standards Committee hearing

Please tick the relevant boxes.

1	Are you planning to attend the Standards Committee hearing on the proposed date in the accompanying letter? If 'No', please explain why.	Yes <input type="checkbox"/> No <input type="checkbox"/>	Reason:
2	Are you going to present your own case?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
3	If you are not presenting your own case, will a representative present it for you? If 'Yes', please state the name of your representative.	Yes <input type="checkbox"/> No <input type="checkbox"/>	Name:
4	Is your representative a practising Solicitor or Barrister? If 'Yes', please give their legal qualifications. Then go to Question 6. If 'No' please go to Question 5.	Yes <input type="checkbox"/> No <input type="checkbox"/>	Qualifications:

000209

<p>5</p>	<p>A oes gan eich cynrychiolydd unrhyw gysylltiad gyda'ch achos?</p> <p>Os 'Oes' rhowch fanylion o.g.y.dd</p>	<p>Oes <input type="checkbox"/></p> <p>Nac Oes <input type="checkbox"/></p>	<p>Manylion:</p>
<p>6</p>	<p>A ydych chi'n mynd i alw unrhyw dystion?</p> <p>Os 'Ydw', cwblhewch Ffurflen E o.g.y.dd</p>	<p>Ydw <input type="checkbox"/></p> <p>Nac Ydw <input type="checkbox"/></p>	
<p>7</p>	<p>A oes gennych chi, eich cynrychiolydd neu eich tystion unrhyw anawsterau mynediad neu anghenion eraill? (e.e. mynediad i gadair olwyn?)</p> <p>Os 'Oes' rhowch fanylion o.g.y.dd</p>	<p>Oes <input type="checkbox"/></p> <p>Nac Oes <input type="checkbox"/></p>	<p>Manylion:</p>
<p>8</p>	<p>A oes angen cyfeithydd arnoch chi, eich cynrychiolydd neu dystion?</p> <p>Os 'Oes' rhowch fanylion o.g.y.dd</p>	<p>Oes <input type="checkbox"/></p> <p>Nac Oes <input type="checkbox"/></p>	<p>Manylion:</p>
<p>9</p>	<p>Ydych chi eisiau i unrhyw ran o'r gwrandawriad gael ei gynnal yn breifat?</p> <p>Os 'Oes' rhowch eich rhesymau o.g.y.dd</p>	<p>Oes <input type="checkbox"/></p> <p>Nac Oes <input type="checkbox"/></p>	<p>Rhesymau:</p>
<p>10</p>	<p>Ydych chi eisiau i unrhyw ran o'r dogfennau perthnasol gael eu cadw oddi wrth y cyhoedd?</p> <p>Os 'Ydw' rhowch eich rhesymau o.g.y.dd</p>	<p>Ydw <input type="checkbox"/></p> <p>Nac Ydw <input type="checkbox"/></p>	<p>Rhesymau:</p>

000210

<p>5</p>	<p>Does your representative have any connection with your case?</p> <p>If 'Yes', please give details.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Details:</p>
<p>6</p>	<p>Are you going to call any witnesses?</p> <p>If 'Yes', please fill in Form E.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	
<p>7</p>	<p>Do you, your representative or your witnesses have any access difficulties or any other needs? (e.g. is wheelchair access needed?)</p> <p>If 'Yes', please give details.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Details:</p>
<p>8</p>	<p>Do you, your representative or witnesses need an interpreter?</p> <p>If 'Yes' please give details</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Details:</p>
<p>9</p>	<p>Do you want any part of the hearing to be held in private?</p> <p>If 'Yes', please give reasons.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Reasons:</p>
<p>10</p>	<p>Do you want any part of the relevant documents to be withheld from public inspection?</p> <p>If 'Yes', please give reasons.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Reasons:</p>

000211

Manylion yr achos a rhif cyfeirnod

FFURFLEN E

Manylion am y tystion yr ydych yn bwriadu eu galw:

Enw'r tyst neu'r tystion	1	
	2	
	3	
Tyst 1		
a	<p>Fydd y tyst yn rhoi tystiolaeth am yr honiad?</p> <p>Os 'Bydd' rhowch amlinelliad o'r dystiolaeth y bydd y tyst yn ei rhoi os gwelwch yn dda</p>	<p>Bydd <input type="checkbox"/></p> <p>Na fydd <input type="checkbox"/></p> <p>Amlinelliad o'r dystiolaeth:</p>
b	<p>Fydd y tyst yn rhoi tystiolaeth ynglŷn â pha gamau y dylai'r Pwyllgor Safonau eu cymryd os bydd yn dod i'r casgliad nad yw'r Côt Ymddygiad wedi'i ddilyn?</p> <p>Os 'Bydd', rhowch amlinelliad o'r dystiolaeth y bydd y tyst yn ei rhoi os gwelwch yn dda</p>	<p>Bydd <input type="checkbox"/></p> <p>Na fydd <input type="checkbox"/></p> <p>Amlinelliad o'r dystiolaeth:</p>

Details of case and reference number

FORM E

Details of witnesses you propose to call:

Name of witness or witnesses	1		
	2		
	3		
Witness 1			
a	Will the witness give evidence about the allegation? If 'Yes', please provide an outline of the evidence the witness will give.	Yes <input type="checkbox"/> No <input type="checkbox"/>	Outline of evidence:
b	Will the witness give evidence about what action the standards committee should take if it finds that the Code of Conduct has not been followed? If 'Yes', please provide an outline of the evidence the witness will give.	Yes <input type="checkbox"/> No <input type="checkbox"/>	Outline of evidence:

000213

Tyst 2

a	<p>Fydd y tyst yn rhoi tystiolaeth am yr honiad?</p> <p>Os 'Bydd' rhowch amlinelliad o'r dystiolaeth y bydd y tyst yn ei rhoi os gwelwch yn dda.</p>	<p>Bydd <input type="checkbox"/></p> <p>Na fydd <input type="checkbox"/></p>	<p>Amlinelliad o'r dystiolaeth:</p>
b	<p>Fydd y tyst yn rhoi tystiolaeth ynglŷn â pha gamau y dylai'r Pwyllgor Safonau eu cymryd os bydd yn dod i'r casgliad nad yw'r Côd Ymddygiad wedi'i ddilyn?</p> <p>Os 'Bydd', rhowch amlinelliad o'r dystiolaeth y bydd y tyst yn ei rhoi os gwelwch yn dda</p>	<p>Bydd <input type="checkbox"/></p> <p>Na fydd <input type="checkbox"/></p>	<p>Amlinelliad o'r dystiolaeth:</p>

000214

Witness 2

a	<p>Will the witness give evidence about the allegation?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Outline of evidence:
b	<p>Will the witness give evidence about what action the standards committee should take if it finds that the Code of Conduct has not been followed?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Outline of evidence:

000215

Tyst 3

a	<p>Fydd y tyst yn rhoi tystiolaeth am yr honiad?</p> <p>Os 'Bydd' rhowch amlinelliad o'r dystiolaeth y bydd y tyst yn ei rhoi os gwelwch yn dda.</p>	<p>Bydd <input type="checkbox"/></p> <p>Na fydd <input type="checkbox"/></p>	<p>Amlinelliad o'r dystiolaeth:</p>
b	<p>Fydd y tyst yn rhoi tystiolaeth ynglŷn â pha gamau y dylai'r Pwyllgor Safonau eu cymryd os bydd yn dod i gasgliad nad yw'r Côt Ymddygiad wedi'i ddilyn?</p> <p>Os 'Bydd', rhowch amlinelliad o'r dystiolaeth y bydd y tyst yn ei rhoi os gwelwch yn dda</p>	<p>Bydd <input type="checkbox"/></p> <p>Na fydd <input type="checkbox"/></p>	<p>Amlinelliad o'r dystiolaeth:</p>

000216

Witness 3

a	<p>Will the witness give evidence about the allegation?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Outline of evidence:</p>
b	<p>Will the witness give evidence about what action the standards committee should take if it finds that the Code of Conduct has not been followed?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Outline of evidence:</p>

000217

000218

000220

From: Sam Ward [<mailto:Sam.Ward@ombudsman-wales.org.uk>]

Sent: 10 December 2012 13:29

To: Cyngor Cymuned Penmynydd a Star Community Council

Subject: Re: code of conduct complaint against Cllr J Foulkes

Dear Mr Owen,

I previously contacted you in relation to a code of conduct complaint against John Foulkes and you helpfully provided the above information. As you know, the matter has been referred to the Monitoring officer of Isle of Anglesey County Council. I would be grateful if you could provide the additional information below as soon as possible.

1. Could you confirm that the Community Council adopted the model code of conduct in 2008 and any documents in relation to this (copy of the current code). The code of conduct attached to the standing orders that you sent me above relates to the code prior to 2008.
2. The last attachment (above) relates to an undertaking by Cllr Foulkes to abide by the code of conduct signed in May 2008. Is there another page(s) to this document as it appears to be an appendix ?

Many thanks. Please do not hesitate to contact me if you have any queries. I did try and phone you to speak with you directly about this but there was no answer. I will try you again later.

Regards

Sam Ward

Senior Investigator/*Uwch Ymchwilydd*

Public Services Ombudsman for Wales/*Ombwdsmon Gwasanaethau Cyhoeddus Cymru*

1 Ffordd yr Hen Gae

Pencoed

Bridgend/*Pen-y-bont ar Ogwr*

CF35 5LJ

Tel/Ffôn: 01656 641167

Fax/Ffacs: 01656 641199

www.ombudsman-wales.org.uk

www.ombwdsman-cymru.org.uk

000221

From: Cyngor Cymuned Penmynydd a Star Community Council

[mailto:penmynydd@gowen97.freemove.co.uk]

Sent: 19 March 2012 23:32

To: Sam Ward

Subject: E MAIL 1 Response to complaint against Cllr J Foulkes

Your Ref 3343/201102860, 2856, 2868, 2913, 3060 + 3282. Code of Conduct complaint against Cllr John Foulkes

I am contacting you in response to your letter of 5 March 2012

1. Please find attached a copy of our community council's code of conduct attached to the standing orders
2. I am unable to locate a copy of the councillor's current signed declaration of acceptance of office. This should have been signed before i took over as clerk in June 2010. I have found a declaration for the previous term of office dated 28.07.04 which i attach
3. Cllr foulkes has not to my knowledge attended any training on the Code of Conduct
4. I attach a copy of the agreed minutes of 5 October 2011
5. A copy of the declaration of interest dated 5 October 2011. I include this matter as the 2nd item on the agenda of each meeting
6. I attach copies of my notes of 5 October and 7 December 2011 (E mail 2)
7. A copy of Cllr Foulke's undertaking to abide by the Code of Conduct (dated 7 May 2008)

My statement

Prior to the council monthly meeting 7 December 2011, a public meeting was held at the request of the electorate to discuss the planning application for the wind turbine at Ty Fry, Rhoscefnhir, Anglesey. The meeting was attended by approx 250 people. Feelings about the application were high and i estimate 95% of those present were against the application.

Just before the community council meeting started i offered Cllr Foulkes a "declaration of interest form" He declined my offer stating "he had been in touch with Llangefni and there was no need to declare any interest" - meaning he had spoken to the Legal dept, Anglesey County Council.

When we reached item 2 on the agenda - declarations of interest - all members declined. When we reached the planning application in question, the chairman asked again if anyone wished to declare an interest - again - all members declined.

During the discussion one member proposed that the council object to the application on the grounds that the feelings of local residents, who are against the application, should be taken into account. Cllr Foulkes stated that there are people in favour, not everyone is against and Ty Fry is in a rural location. He proposed that

000222

the council vote in favour of the application. following a vote 3/2 the council decided
note to object to the application

E mail 2 to follow with other attachments

**Graham Owen | Clerc i'r Cyngor | Clerk to the Council | Cyngor
Cymuned Penmynydd a Star Community Council
Parc Uchaf | Rhosmeirch | Llangefni | Anglesey | LL77 7NQ
SMS | Llais | Voice | 01248 750974 | 07724 170890 | e-bost | e-mail
penmynydd@gowen97.freemove.co.uk**

000223

From: Cyngor Cymuned Penmynydd Community Council
[mailto:penmynyddcc@btinternet.com]
Sent: 03 January 2013 22:08
To: Sam Ward
Subject: FW: code of conduct complaint against Cllr J Foulkes

Apologies for the delay in responding. As you know from my last e mail, i have been out of the country. I have searched through the council documents and can confirm that the code of conduct was actually adopted 04.05.05. I have a welsh copy (dated 04.05.05) which is the same as the english version attached to the standing orders. The declaration signed by Cllr Foulkes in May 2008 was when the new council was elected (not when the code was adopted). Unfortunately, i was not the clerk at the time (i started June 2010) and it appears that the newly elected council adopted the previous code. I can confirm that following receipt of updated guidance from the Ombudsman in 2010, copies of the code were distributed to members (confirmed in minutes dated 04.08.10 attached) I did not request receipts from members at the time as they had all signed an undertaking to abide by the code of conduct following election May 2008.

Yes, the document signed by Cllr Foulkes does appear to be an appendix - possibly from a model code of conduct. I regret there are no additional pages.

I hope this information is of help. If i can be of further assistance, please do not hesitate to contact me.

Graham Owen

Graham Owen | Clerc i'r Cyngor | Clerk to the Council | Cyngor
Cymuned Penmynydd a Star Community Council
Parc Uchaf | Rhosmeirch | Llangefni | Anglesey | LL77 7NQ
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penmynyddcc@btinternet.com

000224

STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL

STANDING ORDERS

Passed by the Council at a meeting on 04.05.2005

These Standing Orders are made by Penmynydd and Star Community Council (hereinafter referred to as "the Council") for the regulation of the Council's business, pursuant to Paragraph 42 of Schedule 12 of the Local Government Act 1972, and with respect to the making of contracts, in accordance with the terms of Section 135 of that Act. It is not to be construed that their effect derogates any statutory requirements or the effects of relevant case law.

The Standing Orders printed in a **bold** typeface below reflect a selection of the many relevant mandatory statutory requirements, and associated case law, applicable to Welsh Community and Town Councils and, as such, they are generally incapable of suspension by resolution. However, it should be understood that they do not comprehensively encompass all statutory provisions relating thereto.

MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES

1. **In a year which is a year of ordinary elections of Community Councillors, the annual meeting of the Council shall be held on, or within 14 days after, the day on which its Councillors elected at that election take office (viz. on the fourth day thereafter). This means that the annual meeting is required to be held within 4 and 18 days after the date of the election, or as otherwise prescribed by law. In any other year the annual meeting shall be held on such day in May as the Council may determine. It shall be held at 7.30pm or such hour as the Council may otherwise fix or, if no hour is so fixed, six o'clock in the evening.**
2. The Council shall, in every year hold, in addition to the annual meeting, 9 other ordinary meetings for the transaction of its business, such meetings being held at monthly intervals on the *first Wednesday thereof at 7.30 pm*, excluding the month(s) of August and January.
3. **An extraordinary meeting of the Council may be called at any time by the Chairperson and, should he/she refuse to call such a meeting after a requisition for that purpose, signed by two members of the Council, has been presented to him/her, or if, without so refusing, he/she does not call an extraordinary meeting within seven days after such a requisition has been presented to him/her, any two members of the Council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith convene an extraordinary meeting of the Council.**
4. **A meeting of the Council, or a Committee or Sub-Committee thereof, shall be held at such place, either within or without its area, as the Council, Committee or Sub-Committee may respectively direct, but shall not be held in premises licensed for the sale of intoxicating liquor unless no other suitable room is available either free of charge or at a reasonable cost.** Generally, however, meetings of the Council and its Committees or Sub-Committees shall be held at the Penmynydd Community Centre, Penmynydd.
5. **Three clear days at least before a meeting of the Council or a Committee of the Council -**
 - (a) **notice of the time and place of the intended meeting shall be fixed in some conspicuous place in the community and, where the meeting is called by members of the Council, the notice shall be signed by those members and shall specify the business proposed to be transacted at the meeting; and**
 - (b) **a summons to attend the meeting, specifying the business proposed to be transacted at the meeting and signed by the Proper Officer of the Council, shall be left at or sent by post to the usual place of residence of every member of the Council.** Otherwise than as referred to elsewhere in these Standing Orders, no decision shall be taken on any matter other than in respect of items of business specified on the summons.

000225

STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL

6. **Meetings of the Council and its Committees and Sub-Committees shall be held and conducted strictly in accordance with the requirements of law** and these Standing Orders. Smoking shall not be permitted at any such meetings.

APPOINTMENT OF COMMITTEES AND SUB-COMMITTEES

7. The Council, for the purpose of discharging any of its functions or advising it on any matter relating thereto, may appoint one or more Committees comprising members of the Council and, if it so wishes, including persons who are not members thereof, but the latter shall not be permitted voting rights thereon and shall not be elected to preside thereat.
8. A Committee appointed in accordance with Standing Order 7 above for the purpose of discharging any of the Council's function or advising it on any matter relating thereto, unless the Council otherwise directs, may appoint one or more Sub-Committees comprising members of the Committee and persons who are not members thereof, but the latter shall not be permitted voting rights thereon and shall not be elected to preside thereat.
9. Unless the Council otherwise directs, any Committee appointed in accordance with Standing Order 7 above and any Sub-Committees appointed in accordance with Standing Order 8 above shall respectively appoint its own Chairperson.
10. A Committee or Sub-Committee shall report back respectively to the Council or Committee appointing it on its decisions taken in accordance with any functional power delegated to it and/or recommendations/observations on any matter relevant to its terms of reference.

ELECTION OF CHAIRPERSON AND APPOINTMENT OF VICE CHAIRPERSON

11. **A Chairperson shall, at the Council's annual meeting, be elected from among its members and, unless he/she resigns or becomes disqualified, shall continue in office until his/her successor becomes entitled to act as such (i.e. following his/her successor's election to that office at the next annual meeting of the Council or being elected to fill any casual vacancy for Chairperson that may occur sooner).**
12. **The Chairperson shall, at the annual meeting at which he/she is elected or re-elected (or at the meeting at which he/she is elected if filling a casual vacancy in that office), or if the Council at that meeting so permits, before or at a later meeting fixed by the Council, make in the presence of a member of the Council or of its Proper Officer, and deliver to the Council, a declaration of acceptance of office in a form prescribed by an Order made by the National Assembly for Wales and, if he/she fails to do so, his/her office of Chairperson shall thereupon become vacant. If present at any meeting of the Council, the Chairperson shall preside thereat.**
13. **The person presiding at the time of election of Chairperson shall be disqualified from being a candidate for re-election to that office if he/she continues so to preside. Therefore, a person presiding who is a candidate for election thereto, (e.g. an outgoing Chairperson wishing to be re-elected) shall be required to vacate the chair and leave the meeting prior to his/her name being formally proposed as a candidate.**
14. **In the case of an equality of votes in the election of Chairperson, the person presiding at the meeting shall give a casting vote in addition to any other vote he/she may have.**
15. A Vice-Chairperson shall be appointed annually by the Council from among its members and, should such an appointment be made, **shall hold office until immediately after the election of a Chairperson at the next annual meeting of the Council, unless he/she should resign or become disqualified beforehand. In the absence of the Chairperson at a meeting of the**

STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL

Council, the Vice-Chairperson shall preside thereat but in the absence of both Chairperson and Vice-Chairperson, such Councillor as the members of the Council present shall choose, shall preside.

16. The Chairperson, Vice-Chairperson or Councillor presiding at a meeting of the Council, or a Committee or Sub-Committee thereof, shall be empowered to exercise all the powers and duties of the office of Chairperson in relation to the conduct of the meeting, **including the right to exercise a second or casting vote, but shall not purport to exercise any of the functional executive powers or responsibilities of, or on behalf of, the Council.**

DECLARATION OF ACCEPTANCE OF OFFICE OF COMMUNITY COUNCILLOR

17. **A person elected or re-elected to the office of Community Councillor shall, before or at the first meeting of the Council after his/her election (or in the case of co-option to that office, at the meeting at which he/she is so co-opted), or if the Council at that meeting so permits, before or at a later meeting fixed by the Council, make in the presence of a member of the Council or the Proper Officer of the Council and deliver to the Council a declaration of acceptance of office in a form prescribed by an Order made by the National Assembly for Wales (incorporating an undertaking by the declarant that, in performing his/her functions, he/she will observe the Council's Code of Conduct for the time being adopted), and if he/she fails to do so his/her office as Community Councillor shall thereupon become vacant.**

AGENDAS FOR MEETINGS OF THE COUNCIL AND COMMITTEES AND ORDER OF BUSINESS

18. Except as otherwise provided by these Standing Orders or by statute, no item of business or motion shall be included in the agenda for a meeting of the Council, or any of its Committees, or discussed thereat, unless it has been placed upon the agenda by the Clerk, or by a Member of the Council, subject in the latter case to notice thereof being given to the Clerk in writing not later than seven clear days prior to the date of the meeting. The Clerk shall place upon the agenda for any such meeting all items of business or motions where notice is given as aforesaid.
19. A copy of the agenda shall be sent, for information, to the relevant County Councillor for the area of the Council.
20. Subject to any relevant statutory requirement, and to provisions contained elsewhere in these Standing Orders, including for varying the order of business, the business of any meeting of the Council (other than its annual meeting) shall be transacted in the following order: -
- (a) To elect a member to preside in the absence of the Chairperson and Vice-Chairperson
 - (b) To receive any apology for absence from the meeting of any Councillor and consider acceptance, or otherwise, of the reason, if any, given for such absence.
 - (c) The Member presiding to sign the minutes of the previous meeting.
 - (d) To receive disclosures of personal interest and the nature thereof, in accordance with the requirements of the Council's adopted members' Code of Conduct.
 - (e) To examine and, where possible, determine any outstanding minutes.
 - (f) To receive reports of Committees and Sub-Committees appointed by the Council.
 - (g) To receive listed communications and, where appropriate, make decisions thereon.
 - (h) To consider items of business placed upon the agenda by the Clerk and (subject to requisite notice being given in accordance with the requirement of Standing Order 18 above), items of business placed thereon by members of the Council, in such order as the Clerk may deem to be most appropriate.
 - (i) To consider and approve accounts for payment.
 - (j) To determine or confirm the date of the next ordinary meeting of the Council.

STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL

21. At the annual meeting of the Council, in addition, the following business shall also be transacted in the following order: -
- (a) Election of Chairperson.
 - (b) Appointment of Vice-Chairperson.
 - (c) Appointment or re-appointment of any standing Committees, Sub-Committees and Working Groups.
 - (d) Appointment or re-appointment of Members to serve on outside bodies.
 - (e) Consideration of making grants to voluntary organisations.
 - (f) Delegation or renewal thereof of functional power to the Clerk and/or Responsible Financial Officer to act in respect of urgent business arising between meetings of the Council (in consultation with the Chairperson and Vice-Chairperson or otherwise).
 - (g) Fixing the Chairperson's allowance (if any).
 - (h) (At an annual meeting immediately following an ordinary election), co-option of members to fill any vacancies remaining unfilled by there being insufficient candidates.
22. Without prejudice to the prescribed order of business, as set out in Standing Orders 20 and 21 above, the business to be transacted at any meeting of the Council may be preceded by supplementary generic items in respect of which no decisions thereat shall be taken but, in appropriate circumstances, may be placed upon the agenda of a later meeting of the Council or a Committee or Sub-Committee thereof for consideration or referred for submission of a report or reports, such items being restricted to: -
- (a) consideration of matters raised at or before the meeting by members of the public present (where it is the policy of the Council to invite such public participation);
 - (b) making announcements; and
 - (c) receiving reports from members on their attendance at meetings of outside bodies in respect of which they have been appointed to serve thereon as the Council's representatives.

NOTICES OF MOTION

23. Except as provided under Standing Order 28 below, each notice of motion shall be in writing, signed by the member or members of the Council giving the notice, and delivered to the Clerk in accordance with the requirements of Standing Order 18 above. The Clerk shall thereupon date, number in order in which it is received, and enter it in a book, which shall be open to the inspection of every member of the Council.
24. The Clerk shall insert in the summons (agenda) for every meeting of the Council all notices of motion duly given in the order in which they have been received, unless the member giving such notice has, when giving it, intimated in writing that he/she proposes to move it at some later meeting or subsequently has withdrawn it in writing.
25. If a motion, notice of which is thus specified in the summons (agenda), be not moved, it shall, unless postponed by consent of the Council, be treated as abandoned and shall not be moved without fresh notice.
26. Motions for which notice has been duly given, the subject matter of which comes within the delegations or terms of reference of any Committee or Sub-Committee of the Council shall, upon being moved, stand referred without discussion to such Committee or Sub-Committee or to such other Committee or Sub-Committee as the Council may determine, for consideration and report to the next available meeting of the Council, except that the Council, if it considers it convenient and conducive to the despatch of business, may allow such motion to be dealt with at the meeting at which it is moved.
27. Every notice of motion shall be relevant to some question over which the Council has power, or which affects the Community.

STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL

MOTIONS THAT MAY BE MOVED WITHOUT NOTICE

28. The following motions may be moved without notice: -
- (a) To appoint a Chairperson to preside at the meeting in the absence of the Chairperson and Vice-Chairperson
 - (b) In relation to the accuracy of the minutes of the previous meeting.
 - (c) To change the order of business.
 - (d) To proceed to the next business.
 - (e) To close or adjourn the debate on any particular item of business.
 - (f) To refer a matter to a Committee, Sub-Committee or Working Group.
 - (g) To appoint a Committee or Working Group and/or Members to serve thereon.
 - (h) To receive and/or adopt a report.
 - (i) To withdraw a motion.
 - (j) To amend a motion.
 - (k) To exclude the public and press in appropriate circumstances.
 - (l) To adjourn the meeting in the event of disorderly conduct.
 - (m) To suspend the requirements of any Standing Order, except where, by so doing, statutory requirements (i.e. those printed in **bold** print herein) would be purported not to apply.
 - (n) To adjourn the meeting.
 - (o) That the question be now put.
 - (p) In relation to any item of business appearing on the agenda of a meeting.

QUESTIONS

29. A member may ask the Chairperson or the Clerk any question relating to the functions or business of the Council, subject to seven clear days written notice thereof being given to the Clerk. Each such question shall be put and answered without discussion and the person to whom the question is put shall only decline to answer that question where it is in the public interest so to do.

RULES OF DEBATE

30. No discussion shall take place upon the minutes, except upon their accuracy. Corrections to the minutes shall be made upon the signing thereof. Proposed corrections thereto shall be submitted to the Clerk in writing prior to the meeting at which the minutes are to be signed.
31. Members shall direct their speeches only to the subject currently under discussion and address the Chairperson.
32. In the event of two or more members requiring to speak, the Chairperson shall determine the order of speaking.
33. A motion or amendment to a motion, other than in relation to an item of business included on the agenda, shall not be discussed unless it has been formally moved and seconded and, in the case of a motion, unless the required notice thereof has been given in accordance with Standing Order 23 above or is as referred to in Standing Order 28 above.
34. An amendment to a motion shall be only: -
- (a) to leave out words;
 - (b) to leave out words and insert or add others;
 - (c) to insert or add words,

but such omission or insertion of words shall not have the effect of introducing a new proposal into or of negating the motion before the Council.

STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL

35. If an amendment be rejected, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
36. The mover of a resolution shall have a right to reply immediately before the motion is put to the vote. Should an amendment be moved, the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A Member exercising a right of reply shall not introduce new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.
37. A member may raise a point of order or make a personal explanation but a personal explanation shall be confined to some material part of a former speech by him/her at the same meeting which may have been misunderstood and he/she shall be entitled to be heard forthwith but the ruling of the Chairperson on a point of order or on the admissibility of a personal explanation shall not be open to discussion. Whenever the Chairperson rises during a debate, all other members of the Council shall be silent.
38. A motion or amendment may be withdrawn by the mover with the concurrence of the seconder and the consent of the Council, which shall be signified without discussion, and it shall not be competent for any member to speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.
39. When a motion is under debate no other motion shall be moved except the following:-
 - (a) To amend the motion.
 - (b) To postpone consideration of the motion.
 - (c) To adjourn the meeting.
 - (d) To adjourn the debate.
 - (e) To proceed to the next business.
 - (f) That the question be now put.
 - (g) That a member be not further heard.
 - (h) That a member do leave the meeting.
 - (i) That the subject of debate be referred back to a Committee or Sub-Committee.
 - (j) To exclude the public and press.
40. Without prejudice to the terms of these Standing Orders, or the statutory right of any Member to require the taking of a formal ballot on any matter to be determined by the Council, it shall be in order for decisions to be taken by the Council, or a Committee or Sub-Committee thereof, on the basis of consensus or tacit agreement.

RESCISIONS OF RESOLUTIONS

41. No motion to rescind any resolution which has been passed within the preceding six months, nor any motion or amendment to the same effect as one which has been negatived within the preceding six months, shall be in order unless the notice thereof shall have been given and specified in the summons to the meeting and the notice shall bear, in addition to the name of the member who proposed the motion, the names of *three other members*; and when any such motion has been disposed of by the Council it shall not be competent for any member to propose a similar motion within a further period of six months. This Standing Order shall not apply to motions which are moved by the Chairperson or other member of a Committee or Sub-Committee of the Council in pursuance of a recommendation of such Committee or Sub-Committee.

STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL

QUORUM

42. **No business of the Council shall be transacted at a meeting of the Council unless at least one-third of the whole number of members of the Council are present at the meeting but in no case shall the quorum be less than three. A quorum in relation to meetings of this Council shall, therefore, be at least 3 Councillors. Where, however, more than one-third of the members of the Council become disqualified at the same time, then, until the number of members in office is increased to not less than two-thirds of the whole number of members thereof, the quorum of the Council shall be determined by reference to the number of members of the Council remaining qualified instead of by reference to the whole number of members of the Council. So long as there shall be a quorum present at a meeting, it shall be in order for a decision to be taken on, say, a single voter, if nobody votes against. The fact that other Councillors present may be unable to vote, on account of having a personal interest in any particular matter for consideration, shall not affect the situation, the law making no reference to a quorum being calculated by reference only to the number of members entitled to vote.**
43. Should a quorum not be present at a meeting of the Council or should the number of members present fall below that of a quorum, the business not transacted at the meeting shall be transacted at the next ordinary meeting of the Council or at an extraordinary meeting thereof summoned for the purpose of considering it.
44. The quorum of any Committee or Sub-Committee of the Council shall comprise at least 3 members.

VOTING

45. **All questions coming or arising before the Council and its Committees and Sub-Committees shall be decided by a majority of the members present and voting thereon at a properly convened meeting of the Council. The method of voting shall be by show of hands (or, alternatively, by secret ballot where the Council, Committee or Sub-Committee, as the case may be, so decide). However, on the requisition of any member of the Council, the voting on any question shall be recorded so as to show whether each member present and voting did give his/her vote for or against that question. A member shall be entitled to have his/her name recorded in the minutes as voting against a specific matter or as abstaining from voting thereon.**
46. In the event of there being an equality of votes and the member presiding at a meeting of the Council or a Committee or Sub-Committee declining to give a second or casting vote, the relevant motion or amendment thereto shall fall to the ground and the Council, Committee or Sub-Committee, as the case may be, shall proceed to the next item of business; **other than in respect of the election of a Chairperson, where the person presiding is required by law to exercise a casting vote.**
47. **In respect of voting where more than two persons have been nominated for a single vacancy (e.g. in respect of an appointment to fill a casual member vacancy, appointment to serve on an outside body or appointment of staff etc.) the successful candidate shall receive an absolute majority vote of those members present and voting, the name of the person having the least number of votes being struck off the list and one or more fresh votes taken until a majority of votes is given in favour of one person.**

DISORDERLY CONDUCT

48. No member shall, at a meeting of the Council or a Committee or Sub-Committee thereof, persistently disregard the ruling of the person presiding thereat, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.

STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL

49. If, in the opinion of the person presiding thereat, a member has breached the requirements of Standing Order 48 above, any member may move that the member in question be no longer heard. That motion shall thereupon be put forthwith and without discussion.
50. In the event of such a motion being carried and the Member in question persists in breaching the requirements of Standing Order number 48, the person presiding may suspend the meeting or take such further steps as may reasonably be deemed to be necessary or expedient.

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

51. Canvassing of members, directly or indirectly, for any appointment to be made by the Council shall disqualify the candidate for such appointment and the Clerk shall make known to every candidate for such an appointment the terms of this Standing Order.
52. A member shall not solicit for any person any Council appointment or recommend any person for such appointment or for promotion. The requirements of this Standing Order shall not, however, prevent a member providing a written reference as to a candidate's ability, experience or character for submission to the Council with an application for appointment. Additionally, the terms of this Standing Order shall apply to tenders and quotations as if those persons submitting tenders or quotations were candidates for an appointment.

PUBLIC ACCESS TO MEETINGS, INFORMATION, CONFIDENTIAL BUSINESS AND INSPECTION OF DOCUMENTS

53. **Any meeting of the Council or of its Committee(s) shall be open to the public. However, the Council or Committee, as the case may be, may by resolution exclude the public and press (whether during the whole or part of the proceedings) whenever publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reason stated in the resolution and arising from the nature of that business or of the proceedings, and where such a resolution is passed, the meeting shall not be required to be open to the public during the proceedings to which the resolution applies. The Council or Committee may treat the need to receive or consider recommendations or advice from sources other than members, its Committees or Sub-Committees, as the case may be, as a special reason why publicity would be prejudicial to the public interest, without regard to the subject or purpose of the recommendations or advice. While any such meeting is open to the public, the Council or Committee, as the case may be, shall not have power to exclude members of the public therefrom and duly accredited representative of newspapers attending for the purpose of reporting the proceedings for those newspapers shall, so far as practicable, be afforded reasonable facilities for taking their report and, unless the meeting is held in premises not belonging to the Council or not on the telephone, for telephoning the report at their own expense. The provision of this Standing Order shall be without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.**
54. This Council shall also adhere to the principles of openness in relation to public access to its meetings and documents, as referred to in Section 100A to K etc. of the Local Government Act 1972 (as inserted therein by the Local Government (Access to Information) Act 1985), as if it were a principal council (i.e. a Welsh County), insofar as it is possible and practicable so to do in relation to the functions of the Council, particularly in relation to admission of the public to meetings of Sub-Committees and to public access to agendas, reports, minutes and background papers. **The Council shall also strictly comply with and adhere to any present or future requirements affecting it contained in the Freedom of Information Act 2000 and Statutory Instruments made thereunder.**

STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL

55. Notwithstanding the principles of openness in the Council's dealings, as referred to in Standing Order 54 above, no member shall disclose to any person not a member of the Council any business declared to be confidential by the Council.
56. A member shall, but only for the purpose of undertaking his/her functions, duties and responsibilities as a Councillor, be entitled to inspect any document in the possession of the Council and, where practicable, shall on request be supplied with a copy thereof for that purpose.

APPOINTMENT OF STAFF

57. The Council may appoint such officers and other employees as it thinks necessary, including a Clerk, for the proper discharge of its functions. **The terms of appointment or conditions of employment of every such officer or other employee shall be deemed to incorporate the Code of Conduct set out in the Schedule to the Code of Conduct (Qualifying Local Government Employees)(Wales) Order 2001.**
58. **The Council shall appoint a Responsible Financial Officer** (who may also be its Clerk), **with prescribed duties and responsibilities, to undertake its functions under Section 151 of the Local Government Act 1972 and Regulation 4 of the Accounts and Audit Regulations 1996.**
59. **The Council shall appoint a completely independent internal auditor to undertake the functions prescribed under Regulation 5 of the Accounts and Audit Regulations 1996 and Codes of Audit Practice drawn up in relation thereto by the Audit Commission** and shall give its consideration to any recommendations or observations made by him/her from time to time.
60. **Every appointment of a person to a paid office or employment under the Council shall be made on merit, subject to any relevant statutory exceptions to that requirement and, in order to avoid any possible accusation of bias, employees of the Council shall not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.**

CONTRACTS

61. **Where it is intended to enter into a contract exceeding £1,000 but not exceeding £10,000 in value or amount for the supply of goods or materials or for the execution of works, the Council's Responsible Financial Officer shall give at least three weeks public notice of such intention in the same manner as public notice of meetings of the Council is given.**
62. **Subject to the requirements of Standing Order number 63 below, where the value of the intended contract exceeds £10,000 in value or amount, similar notice shall be given in addition in such newspapers circulating in the district as the Council shall direct.**
63. **Where, in the opinion of the Council, the goods, materials or work are of a specialist nature, as an alternative to the requirements of Standing Order 62 above, tenders may be invited from at least three contractors, selected by the Council, specialising in the type of work etc. comprising the contract in question.**
64. **The notice, or invitation to submit a tender, for a contract exceeding £10,000 in value or amount shall state the general nature of the intended contract and state the name and address of the person to whom tenders are to be addressed and the last date by which those tenders should reach that person in the ordinary course of post.**

STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL

65. **Tenders/quotations received shall be opened by the Responsible Financial Officer, or other person to whom tenders are required to be addressed, in the presence of the Council or Committee/Sub-Committee/Officer to which/whom the power to award the contract may have been delegated.**
66. **The Council is not bound to accept the lowest tender.**
67. **Should no tenders be received or should all the tenders be identical, the Council etc. may make such arrangements for procuring the goods or materials or executing the works as it thinks fit.**
68. **A notice/invitation to tender issued in accordance with the requirements of Standing Orders numbers 61, 62, 63 and 64 above shall contain a statement of the effect of Standing Order number 52 in relation to tenders and quotations.**
62. **No member of the Council shall, in the name of the Council, issue orders, or transmit instructions or directions, unless such orders etc. are specifically authorised by the Council or in accordance with powers properly delegated to a Committee, Sub-Committee or Officer and the requirements of these Standing Orders and the Council's Financial Regulations shall be strictly adhered to in respect thereof.**

EXECUTION OF DOCUMENTS

70. **All relevant documents (e.g. those relating to land transactions etc.) shall be executed under the common seal of the Council (or, should the Council not have a seal, signified by an instrument signed and sealed by two members of the Council), who shall be appointed thereby for that purpose, upon formal authority being given thereto by resolution of the Council.**

PROPER OFFICER

71. Where a statute, regulation or order confers functions or duties on the Proper Officer of the Council, in the following cases that officer shall be its Clerk: -
 - (a) To receive and witness declarations of acceptance of office.
 - (b) To receive and retain plans and documents.
 - (c) To sign notices or other documents on behalf of the Council.
 - (d) To receive copies of byelaws made by the relevant County or County Borough Council.
 - (e) To certify copies of byelaws made by the Community Council.
 - (f) To sign summonses to attend meetings of the Council and its Committees/Sub-Committees.

In any other case, the Proper Officer shall be the person nominated by the Council and, in default of nomination, the Clerk.

EXPENDITURE AND FINANCIAL MANAGEMENT

72. **The terms and requirements of the Council's approved Financial Regulation shall be adhered to in relation to any decisions relating to expenditure and the Council shall receive and give due consideration to any recommendations or observations made by its Internal Auditor in relation to the financial management of its affairs.**

STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL

MEMBERS' AND OFFICERS' CODES OF CONDUCT

73. Councillors shall conduct themselves in accordance with the prescribed principles governing their conduct, as referred to in Section 49(2) of the Local Government Act 2000 and the Conduct of Members (Principles)(Wales) Order 2001, namely, selflessness, honesty, integrity and propriety, duty to uphold the law, stewardship, objectivity in decision-making, equality and respect, openness, accountability and leadership.
74. Councillors shall, in conducting the business of the Council, undertaking the role of member thereof to which they were elected or appointed, and acting as a representative of the Council, observe and adhere to its Code of Conduct adopted in accordance with the requirements of Section 51 of the 2000 Act, incorporating any model Code issued by the National Assembly for Wales under Section 50(2) thereof.
75. Where a Councillor acts as a representative of the Council on another body, that member shall, when acting in that capacity, comply with the Code unless it conflicts with any legal obligations arising as a consequence of service on that body.
76. Councillors shall carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others. They must not do anything which compromises, or which is likely to compromise, the impartiality of the authority's employees.
77. Councillors shall not disclose information given in confidence, without the express consent of a person authorised to give such consent, or unless required by law to do so, and shall not prevent any person from gaining access to information to which that person is entitled by law.
78. Councillors shall not in their official capacity, or otherwise, commit a criminal offence or cause one to be committed or behave in a manner which could be reasonably regarded as bringing the office of Councillor or the Council into disrepute and shall report to the Local Commissioner for Local Administration in Wales and to the appropriate Monitoring Officer (viz. the officer appointed as such by the County within whose area the Council is situated) any conduct by another member of the Council which they believe involves, or is likely to involve, a failure to comply with the Code but, in relation to this requirement, must not make vexatious or malicious complaints against other persons. They shall also report any conduct by another person which they believe involves, or is likely to involve, criminal behaviour.
79. A Councillor (other than a member who is the subject of an investigation by the Monitoring Officer) shall comply with any requirement made by the Monitoring Officer in connection with an investigation.
80. Councillors shall not, in their official capacity, or otherwise, use their position improperly to confer on or secure for any person, and in particular their family, friends or those with whom they have a close personal association, an advantage or disadvantage or to secure an advantage for themselves. They shall, when (corporately) using or authorising the use by another Councillor of the resources of the Council, do so prudently and in accordance with the law and the Council's requirements and they shall ensure that the resources of the Council are not used improperly for their own private purposes, their family, friends and persons with whom they have a close personal association.
81. Councillors, when reaching decisions, shall do so on the basis of the merits of the circumstances involved and in the public interest, having regard to any relevant advice

STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL

provided by the Council's officers, in particular its Responsible Financial Officer, the Monitoring Officer and its legal officer who should be consulted when there is any doubt as to the Council's power to act, or as to whether the action proposed lies within the policy framework agreed by the Council where the legal consequences of action or failure to act by the Council might have important repercussions; and shall give reasons for decisions in accordance with the Council's requirements.

82. Councillors shall observe the law and the Council's rules governing the claiming of expenses and allowances in connection with their duties as Councillors and shall avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by the Council), material benefits or services for themselves or any person with whom the Councillor is living that would, or might reasonably appear to, place him/her under an improper obligation.
83. Councillors shall, in all matters, consider whether they have a personal interest, and whether the Code requires them to disclose that interest.
84. A Councillor has a personal interest in a matter if he/she anticipates that a decision upon it might reasonably be regarded as likely to benefit or disadvantage: -
- (a) the Councillor, one of his/her family or a friend, or any person with whom he/she has a close personal association, or
 - (b) a body which employs those persons, or for which those persons have any degree of ownership, control or management to a greater extent than other council tax payers, ratepayers or inhabitants of the Council's area.
85. Councillors shall regard themselves as having a personal interest in a matter to the extent that it relates to: -
- (a) another relevant authority of which they are a member;
 - (b) a body in which they hold a position of general control or management; or
 - (c) a body to which they have been appointed or nominated by the Council as a representative.
86. Councillors shall also regard themselves as having a personal interest in a matter to the extent that it relates to: -
- (a) any full-time, part-time or intermittent employment, office, trade or profession carried on by them for profit or gain;
 - (b) any person who employs or has appointed them, any firm in which they are a partner, or any company of which they are a remunerated director;
 - (c) any person, other than a relevant authority (i.e. a County Council, County Borough Council, Fire Authority or a National Park Authority), who has made a payment to them in respect of their election or any expenses incurred in carrying out their duties;
 - (d) any corporate body which has a place of business or land in the Council's area, where the Councillor has a beneficial interest in a class of securities of that body which exceeds £25,000 in value (based upon original cost) or one hundredth of the total issued share capital of that body (whichever is the lower);
 - (e) any contract for goods, services or works made between the Council and the Councillor, a firm in which the Councillor is a partner, a company of which the Councillor is a director, or a body falling within those referred to in (d) above;
 - (f) any land in which the Councillor or a member of the Councillor's family has a beneficial interest and which is in the area of the Council;
 - (g) any land of which the landlord is the Council and the tenant is a firm in which the Councillor is a partner, a company of which the Councillor is a director, or a body falling within (d) above;

STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL

- (h) any land in the Council's area in which the Councillor has a licence (alone or jointly with others) to occupy for a month or longer; and
- (i) any visit outside the United Kingdom for which the Council has paid or will pay.

87. Councillors shall additionally regard themselves as having a personal interest in a matter to the extent that it relates to any membership, or position of general control or management which they have in any organisation. Such organisations include any: -

- (a) private club or society, such as the Freemasons, a recreational club, working men's club, or private investment club;
- (b) organisation whose principal purpose includes influencing public opinion or policy such as a lobby group;
- (c) trade union(s) or professional association;
- (d) company, industrial and provident society or other organisation which has charitable objects.

Councillors may, however, regard themselves as not having a personal interest in a matter to the extent that it relates to the functions of the Council in respect of an allowance or payment made under Sections 173 to 176 of the Local Government Act 1972 (Attendance, financial loss, travelling and subsistence allowances and allowances for attending conferences and meetings).

88. A Councillor who has a personal interest in a matter specified in Standing Order 85 above and who attends a meeting of the Council, or a Committee or Sub-Committee thereof, at which the matter is discussed, shall disclose the existence and nature of the interest at the commencement of that discussion or when the interest becomes apparent. In such a case that Councillor may speak but shall not vote on the matter unless granted a dispensation by the relevant Standards Committee (of the County Council within whose area the Community is situated).

89. A Councillor who has a personal interest in a matter specified in Standing Orders 86 and 87 above and who attends a meeting of the Council, or a Committee or Sub-Committee thereof, at which the matter is discussed, shall disclose the existence and nature of the interest at the commencement of that discussion or when the interest becomes apparent. In such a case, that Councillor shall withdraw from consideration of the matter unless granted a dispensation by the relevant Standards Committee (of the County Council within whose area the Community) is situated which shall not consider granting a dispensation unless the Councillor has previously notified the Monitoring Officer of that interest, in accordance with the terms of Standing Order 91 below, together with relevant details.

90. A Councillor who has a personal interest in a matter which is not specified in Standing Orders 85, 86, or 87 above (but including those referred to in Standing Order 84 above) and who attends a meeting of the Council, or a Committee or Sub-Committee thereof, at which the matter is discussed, shall disclose the existence and nature of the interest at the commencement of that discussion or when the interest becomes apparent. If that personal interest is such that a member of the public might reasonably conclude that it would significantly affect the Councillor's ability to act purely on the merits of the case and in the public interest if that Councillor were to take part in the discussion of that matter, the Councillor shall also withdraw from consideration of the matter at that meeting unless granted a dispensation by the relevant Standards Committee (of the County Council within whose area the Community is situated) which shall not consider granting a dispensation unless the Councillor has previously notified the Monitoring Officer of that interest, in accordance with the terms of Standing Order 91 below, together with relevant details.

STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL

91. **Councillors shall register any disclosed interests in the Register of Interests established and maintained by the appropriate Monitoring Officer. They shall exercise personal responsibility in deciding whether they have a personal interest such that they should disclose it, seeking advice thereon from the Monitoring Officer and having regard to any advice from the Standards Committee. Councillors shall notify the Monitoring Officer of any change to the interests registered within one month of their occurrence.**
92. **Other than any gift accepted by a Councillor on behalf of the Council, a Councillor shall notify the Monitoring Officer of the existence and nature of any gifts, hospitality, material benefits or advantage received by the Councillor, or to the Councillor's knowledge any person with whom the Councillor is living, from any company, organisation or person and relating to or arising out of their position as a Councillor, where the value of the item or benefit exceeds the amount of £5.00.**
93. **Employees of the Council are expected to observe the terms of the relevant Code of Conduct issued by the National Assembly for Wales under Section 82(2) of the Local Government Act 2000 and the Code of Conduct (Qualifying Local Government Employees)(Wales) Order 2001. This includes that the public is entitled to expect the highest standards of conduct from the Council's employees, their role being to serve the Council in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they shall act with integrity, honesty, impartiality and objectivity.**
94. **Such employees serve the whole of the Council and are accountable to, and owe a duty to the Council. They shall act in accordance with the principles set out in the Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.**
95. **The Council's employees shall follow every lawfully expressed policy of the Council and shall not allow their own personal or political opinions to interfere with their work.**
96. **Mutual respect between employees and Councillors is essential to good local government, and working relationships should be kept on a professional basis. Employees should deal with the public, Councillors and any other employees sympathetically, efficiently, and without bias.**
97. **Employees shall comply with policies relating to equality issues, as agreed by the Council, in addition to the requirements of the law.**
98. **Employees shall ensure that they use public funds entrusted to them in a responsible and lawful manner, and shall not utilise property, vehicles or other facilities of the Council for personal use unless authorised to do so.**
99. **Whilst employees' private lives are their own concern, they shall not allow their private interests to conflict with their public duty. They shall not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others. In particular, they shall comply with: -**
 - (a) **any rules of the Council on the registration and declaration by employees of financial and non-financial interests,**
 - (b) **any rules of the Council on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from relationship with the Council. Employees shall not accept benefits from a third party unless authorised to do so by the Council.**

000238

STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL

100. In the event that an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with the employees' Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and with any confidential reporting procedure of the Council, or any other procedure designed for this purpose.
101. Openness in the dissemination of information and decision-making should be the norm in relevant authorities. However, certain information may be confidential or sensitive and, therefore, not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a Community Councillor, employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in the Code shall be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.
102. Employees involved in the recruitment and appointment of staff shall ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, employees shall not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.
103. Where a Monitoring Officer is undertaking an investigation in accordance with Regulations made under Section 73(1) of the Local Government Act 2000, an employee shall comply with any requirement made by the Monitoring Officer in connection with such an investigation.

WELSH LANGUAGE SCHEMES AND USE OF WELSH LANGUAGE

104. Councillors, Officers and any other employees, shall adhere to the requirements of any Welsh Language Scheme or revised Scheme made by the Council under the Welsh Language Act 1993 and approved by the Welsh Language Board.
105. The Council shall conduct the business at its meetings in the Welsh language.

HUMAN RIGHTS

106. So far as it is possible, primary legislation and subordinate legislation must be read and given effect in a way which is compatible with the rights and fundamental freedoms referred to in the European Convention on Human Rights set out in the Human Rights Act 1998 and it is, therefore, generally unlawful for a public authority to act in a way which is incompatible with a Convention right. This Council shall, therefore, have regard to human rights principles when making decisions affecting people's rights.

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

107. Subject to statutory requirements, any one or more of these Standing Orders, excepting those printed in **bold** typeface, may be suspended by resolution of the Council, in relation to any specific item of business, subject to the vote thereon being carried by at least two-thirds of the members present and voting on the motion. A Committee or Sub-Committee thereof may similarly by resolution suspend any one or more of these Standing Orders in relation to any specific item of business in respect of which it exercises properly delegated functional powers, subject as aforesaid. Suspension shall only be for the duration of the meeting at which the resolution is passed.

STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL

108. Any motion to add to, vary or revoke these Standing Orders shall, when moved and seconded stand adjourned without discussion to the next ordinary meeting of the Council.

STANDING ORDERS TO BE GIVEN TO MEMBERS AND OFFICERS

109. A copy of these Standing Orders shall be given to each member of the Council by the Clerk upon delivery to him/her of the member's Declaration of Acceptance of Office. A copy thereof shall also be given by the Clerk to any Officer or other employee upon his/her appointment.

MAY 2005

ADDITIONS TO THE STANDING ORDERS

ATTENDANCE OF COUNCILLORS IN COUNCIL MEETINGS

110. If a Councillor misses three (3) consecutive meetings, without an apology for the absence, his/her office as Community Councillor shall thereupon become vacant.

Added to the Standing Orders in the meeting of February 4th 2009 (minutes reference 198)

**THE WALES ASSOCIATION OF COMMUNITY AND TOWN COUNCILS
MODEL STANDING ORDERS FOR WELSH COMMUNITY AND TOWN
COUNCILS**

L.C.L 20.07.02

000240

DATGANIAD DERBYN SWYDD

DECLARATION OF ACCEPTANCE OF OFFICE

Cyngor Cymuned Penrynnydd Community Council
Cyngor Tref Town Council

Yr wyf fi

JOHN M FOALLES

gan i mi gael fy ethol i swydd Cynghorydd/Cadeirydd
having been elected to the office of Councillor/Chairman

YN DATGAN fy mod yn cymryd arnaf fy hun y swydd honno ac y cyflawnaf ei dyletswyddau yn gywir ac yn ffyddlon hyd eithaf fymarn a'm gallu.
DECLARE that I take that office upon myself, and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability.

YN YMRWYMO i ufuddhau i Gôd Ymddygiad y Cyngor hwn sydd am y tro wedi'i fabwysiadu o dan Adran 51 o Ddeddf Llywodraeth Leol 2000 wrth gyflawni fynyletswyddau yn y swydd honno.
UNDERTAKE to observe this Council's Code of Conduct for the time being adopted under Section 51 of the Local Government Act 2000 in the performance of my functions in that office.

Dyddiad
Date 28/7/04

Llofnod
Signature

Gwnaethpwyd a llofnodwyd y datganiad hwn ger fymron i
This declaration was made and signed before me

.....
Clerc / Clerk

- * - * - * - * - * -

Os gwneir y datganiad a'i lofnodi gerbron unrhyw berson arall sydd ag awdurdod dan Adran 83(4) Deddf Llywodraeth Leol 1972, addasir y ffurflen yn unol â hynny.
If the declaration is made and signed before any other person authorised by section 83(4) of the Local Government Act 1972, adapt form accordingly.

Yr wyf i, JOHN FRANKS yn ymrwmo i barchu'r cod ymddygiad a fydd yn bodoli ar y pryd, a ddisgwylir oddi wrth aelodau (YR AELOD CYMUNED) PENMynydd ASTAN ac a allai gael ei adolygu o bryd i'w gilydd.

I(1)..... undertake to observe the code for the time being as to the conduct which is expected of members of(2)..... and which may be revised from time to time.

Llofnodwyd/ Signed: [Signature] Dyddiad/ Date: 7/5/08

Gwnaed a llofnodwyd y datganiad hwn ger fy mron i,
This declaration was made and signed before me,

Llofnodwyd/ Signed: [Signature]

Swyddog Priodol y Cyngor
Proper Officer of the Council

(1) Mewnsoeder enw'r person sy'n gwneud y datganiad. Insert the name of the person making the declaration.

(2) Mewnsoeder enw'r awdurdod/cyngor. Insert the name of the authority/ council.

CYNGOR CYMUNED PENMYNYDD A STAR

COFNODION Y CYFARFOD A GYNHALIWDYD NOS FERCHER
4 AWST 2010, NEUADD PENMYNYDD 7.30yh

| | |
|--|--|
| YN BRESENNOL:
Y Cyngorwyr N J Jones, A G Owen, J M Foulkes. Hefyd Cyng E Jones (Cyngor Sir), Mr Gwyn Roberts (aelod o'r cyhoedd) a'r cler G Owen | |
| YMDDIHEURIADAU:
Cyng J Jones, L Gibson | |
| 1 | Cadeirwyd y cyfarfod gan Cyng J M Foulkes |
| 2 | DATGAN DIDDORDEB – Dim |
| 3 | DERBYN COFNODION
Cyflwynwyd cofnodion cyfarfod 7 Gorffennaf 2010. Fe'u derbyniwyd fel rhai cywir a chyflawn. |
| 4 | MATERION YN CODI O'R COFNODION |
| 4.1 | Hysbysfyrdau – Mae Cyng A Holmes wedi bod yn gwneud ymholiadau ynglyn a hysbysfyrdau newydd i Penmynydd a Star. Penderfynwyd symud y mater yma ymlaen i'r cyfarfod nesaf. |
| 4.2 | Y Kiosk – Darllenwyd llythyr gan BT. Mae Scottish Power eisio £1626.21 i ddatgysylltu y trydan (mae'r cler wedi cadarnhau bod y swm yn gywir). Penderfynwyd peidio symud ymlaen efo'r mater yma. |
| 4.3 | Arwydd Penmynydd – Mae'r Cyngor Sir yn trefnu gosod arwydd newydd. |
| 4.4 | Elusendai Penmynydd – darllenwyd llythyr gan Canon Philip Hughes yn dweud "Yn ol termau Dogfen yr Elusen, mae'r Elysendai ar gyfer pobl dros 60 oed. Ar hyn o bryd, nid oes ymgeiswyr sy'n cyflawni gofynnion yma. Mae'n costio mwy l gynnal yr elusendai na'r elw sy'n dod l mewn. Mae Cofrestrydd yr Esgobaeth yn edrych l mewn l'r sefyllfa l weld os oes modd newid termau'r Elusen a chael defnydd newydd o'r adeiladau. |
| 4.5 | Cwyn motorbeic yn goryrru - Dywedodd y cler bod yr Heddlu yn ymwybodol o'r problem a wedi trefnu i Arrive Alive cadw llygad ar y problem. |
| 4.6 | Mynedfa i'r Neuadd – Mae'r cler wedi cysylltu a'r Adran Eiddo y Cyngor Sir on heb cael ymateb. Penderfynwyd peidio symud ymlaen a'r mater yma. |
| 5 | GOHEBIAETH CYNGOR YNYS MON |
| | Adran Priffyrdd |
| 5.1 | Arwydd Penmynydd – gweler 4.3 |
| | Adran Cynllunio |
| 5.2 | 41C8B Newid defnydd y tir er mwyn lleoli 33 o garafannau symudol, codi bloc toiled ynghyd a creu mynedfa l gerbydau yn Garnedd Ddu, Star. Penderfynwyd gwrthwynebu y cais oherwydd bydd y datblygiad yn anaddas. Mae'r cyngor yn teimlo bod y trac sengl sydd yn gwasanaethu 11 o dai a 7 bythynod gwyliau ddim yn addas i 33 o garafannau. |
| | Llofnod (Cadeirydd) 07.09.10 |

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