

ATODIAD / ENCLOSURE  
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<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>MEETING:</b>	<b>STANDARDS COMMITTEE</b>
<b>DATE:</b>	<b>12.03.2015</b>
<b>TITLE OF REPORT:</b>	<b>BRIEFING NOTES FOR OFFICERS AND COUNTY COUNCIL MEMBERS</b>
<b>REPORT BY:</b>	<b>AWENA WALKDEN</b>
<b>PURPOSE OF REPORT:</b>	<b>TO UPDATE THE STANDARDS COMMITTEE ON RECENT BRIEFING NOTES DRAFTED BY THE LEGAL DEPARTMENT</b>

Following our meeting on the 11<sup>th</sup> September 2014, further work has been undertaken by the Legal Section in developing additional briefing notes on issues we believe would benefit from further explanation.

The Legal Section has recently drafted the following briefing notes:-

1. Local Guidance on the Officers' Code of Conduct (Appendix 1)
2. Briefing Note on Dispensations (Appendix 2)

### **Local Guidance on the Officers' Code of Conduct**

The Officers' Code of Conduct provides an overview of the standards of conduct expected from an officer of the Council and can be found in section 5.2 of the Constitution <http://www.anglesey.gov.uk/council-and-democracy/councillors-democracy-and-elections/constitution/constitution-part-5-codes-and-protocols/constitution-52-officers-code-of-conduct/>

Following on from the Frequently Asked Questions on Gifts and Hospitality for Members, published last year, it was felt that some further clarification was needed on gifts and hospitality for officers (as well as other interests).

The draft Guidance has already gone out for consultation to the Heads of Service and the

draft in Appendix 1 incorporates their comments.

We have also updated the forms on which officers should declare their interests. These forms have not yet been out for consultation but the drafts are attached at Appendix 1 for your views.

Our intention is to publish these documents on the Council's intranet following on from completion of this task and to send it out via Y Ddolen for officers' attention.

### **Dispensations**

At the last meeting of the Standards Committee it was agreed that a Guide should be put together for members on dispensations.

We attach the Guide in draft form for your comments.

### **Recommendation**

For the Standards Committee to:-

1. Approve / amend the draft documents at Appendices 1 and 2
2. Authorise publication to officers and members respectively.

# ATODIAD / APPENDIX

1

## **Draft Local Guidance on the Officers' Code of Conduct**

Section 5.2 of our Constitution includes the Officers' Code of Conduct <http://www.anglesey.gov.uk/council-and-democracy/councillors-democracy-and-elections/constitution/constitution-part-5-codes-and-protocols/constitution-52-officers-code-of-conduct/>.

This Guidance seeks to provide advice on key elements of the Code, focusing on behaviour, declarations of interest and gifts and hospitality.

### **1. GENERAL PRINCIPLES**

The County Council subscribes to the statutory principles of conduct in public life, and commends them as the underlying principles that should guide the conduct of all Members and Officers.

The statutory principles require that we all carry out our duties with due regard to:-

1. Selflessness
2. Honesty
3. Integrity and propriety
4. Legality
5. Stewardship
6. Objectivity
7. Equality and Respect
8. Openness
9. Accountability
10. Leadership

### **2. THE EXPECTED STANDARDS**

- We have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in us, and in such a way as to preserve public confidence in the Council.
- We have a general duty to act in the interests of the Council as a whole and the local community.
- As well as avoiding actual impropriety, we should avoid the appearance of improper behaviour.

Where we have private interests which conflict with our public duty, we must resolve this conflict in favour of the public interest.

- We should make relevant declarations of interest any financial or non-financial interests which could bring about conflict with the Council's interests whenever our personal interests may be in conflict with the public interest: Such declarations should be made to our manager / supervisor on the "declaration of interest" form attached at Annex 1,

We must not make, or become involved with any official or professional decisions about matters in which we have a personal interest, and should declare all personal interests we have in relation to items discussed in Council meetings on the "Declaration of Interest in meetings" form attached at Annex 2,

- We should respect the role of our elected Members and treat them with courtesy. The Council has adopted a Protocol to govern the relationship between Members and Officers and we should abide by its provisions; which are to be found at: (<http://www.anglesey.gov.uk/council-and-democracy/councillors-democracy-and-elections/constitution/constitution-part-5-codes-and-protocols/constituion-531-relationship-protocol-for-members-and-officers/>)
- When making appointments, awarding contracts, or transacting other business, we should ensure that our decisions are made solely on merit.

We should ensure that confidential material, including material about individuals, is handled in accordance with the expected standards set out by the Council's Data Protection Policy

(<http://monitor.anglesey.gov.uk/corporate-resource/information-governance-data-protection/data-protection/data-protection-policy-information-on-security-policies-and-related-documents/>)

### **3. PERSONAL INTERESTS – FINANCIAL (STANDING REGISTER)**

All Officers holding politically restricted or sensitive posts\*<sup>1</sup> should register their personal interests in relation to:

- outside employment;
- contracts with the Council;
- any rights over land in the Council's area;
- tenancies of Council property;
- ownership of a business (or shares in a business) which has a place of business, or owns land, in the Council's area (but excluding shareholdings with a nominal value of less than £25,000 or constituting less than 1% of the issued share capital).

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<sup>1</sup> \* Officers should check their job descriptions to confirm whether their post has been assigned this designation.

The Register will be kept by the Head of Democratic Services. Entries in the Register should be kept up to date and any updates to this will need to be completed via the Head of Democratic Services.

The register is available for public inspection during office hours.

Employees holding politically restricted or sensitive posts\*<sup>1</sup> are also advised to declare the direct financial interests of close family members<sup>2</sup> and members of their household (eg: spouse/partner, children, parents, brothers and sisters), where those interests are known and they conflict with the interests of the Authority.

#### **4. PERSONAL INTERESTS - OTHER**

Employees holding politically restricted or sensitive posts\*<sup>1</sup> are also urged to register, and declare whenever appropriate (i.e. in meetings/other communications when the interest is relevant) their membership or association with clubs, societies, any organisations not open to the public, and voluntary bodies.

A Register for this purpose will be kept by the Head of Democratic Services and will be open to public inspection.

#### **5. DECLARING AN INTEREST – ALL OFFICERS**

**PLEASE NOTE:** You only need to disclose personal interests which conflict, or may conflict, with your duties to the Council. If you are at all unsure, you should disclose your interest using the relevant form or discuss this with your manager.

Additionally, in the conduct of our responsibilities as Council officers we should all immediately declare any relevant financial or personal interests (as defined in 3 and 4 above) to our line managers whenever a failure to do so would undermine public confidence in our activities (eg in meetings / other communications when the interest is relevant). Line managers should make alternative arrangements in these circumstances i.e. we should not participate in or influence matters in which we (or our families/friends)) might benefit or lose out. This applies to all officers, including those who are not in politically restricted or sensitive posts. It may also be necessary to complete the “declaration of interest” form at Annex 1 or 2, and your line manager can advise you of which one may be appropriate.

Interests or involvement which could conflict with the interests of the Council could be either financial and / or non-financial, for example:

- Partnership in a business
- Work done for any person or organisation other than as an employee of the Council.

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<sup>2</sup> Close family members would include spouse / partner, sibling, grandparents, first cousins, aunts, uncles, nephews and nieces.

- Serving as a member of a group, committee or board which may work in conflict with the Council.
- Applications submitted by relatives or friends for consideration by the Council, i.e. tendering for work.
- School Governor within the Authority.

If you have a personal interest in any matter which arises at any meeting where you are reporting or advising (or might be called upon to advise, or otherwise be able to influence) any Councillor(s) of the Council, or any third party, you must declare the interest, and take no part in the consideration or determination of the matter. Any such declaration made at an official meeting will be recorded in the minutes. If appropriate, arrangements should be made for another employee to attend and report and / or advise on the matter. An example would be involvement in a meeting regarding a school, where your son or daughter attends.

If you have a personal interest which could conflict with the interest of the Council, then you may only remain in the meeting and participate in the proceedings, if the person presiding at the meeting (having taken advice from the Monitoring Officer) is satisfied that to do so would be in the interest of the Council or local people.

## **6. GIFTS & HOSPITALITY**

- We must consider the position carefully before accepting any personal gift or offers of hospitality. The principle is that we must avoid placing ourselves in a position where acceptance of such gift or hospitality might be perceived to influence our decisions or judgment in respect of awarding contracts, making appointments, deciding on planning applications etc.
- The Council has a Register for recording the receipt of gifts and hospitality and we are required to register gifts, and invitations which are accepted, in that Register; which is kept by the Head of Democratic Services.
- We should refuse all personal gifts and offers of hospitality if we think that may damage public confidence in us or in the Council.
- We may receive tokens of goodwill when attending conferences or when on civic visits. We may from time to time receive diaries, pens, calendars and so on. These do not require registration. Anything received over the value, or reasonably estimated value, of £10 should be registered. We also advise that as a matter of good practice, all gifts / hospitality received worth less than £10 should be recorded with your line manager.
- Hospitality may be defined as anything beyond the offer of non-alcoholic drinks and light refreshment. We should only accept hospitality if there is a genuine need for the Council to be represented at a function or event. The more “lavish” the hospitality the more important that we exercise caution.



- When receiving hospitality, Members and Officers should be particularly sensitive as to its timing in relation to decisions which the Council may be taking and which may have a beneficial or adverse impact on those providing hospitality.
- Where visits to inspect equipment, or related to the award of any contract are required, Members and Officers should ensure that the Council meets the cost of any such visits so as to avoid prejudicing the integrity of subsequent purchasing decisions.
- Members and Officers should not avail themselves of the services of contractors employed by the Council for acquiring materials, labour or plant at cost, trade or discounted prices.
- Hospitality received through attendance at relevant conferences and courses is acceptable where it is clear that hospitality is corporate rather than personal, and where such hospitality does not compromise purchasing decisions.
- Acceptance of hospitality should be authorised in advance by line managers and recorded in the Register kept by the Head of Democratic Services.

## **7. CHECKLIST (GIFTS AND HOSPITALITY)**

The following checklist of queries should help you to decide whether a gift or an offer of hospitality should be accepted or tactfully declined:-

- Is the donor, or event, significant in the community or area? If so, is the refusal likely to cause offence?
- Are you expected to attend because of your position in the community or area?
- Will the event be attended by others of a similar standing in the community or in other communities?
- What do you think is the motivation behind the invitation?
- Would acceptance of the invitation be, in the way, inappropriate or place you under pressure in relation to any current or future issue involving the Council?
- Could you justify the decision to the Council press and public?
- Is the extent of the hospitality, or the nature of the gift reasonable and appropriate?
- Are you likely to be expected to respond to the hospitality, and if so, how?
- Are you comfortable about the decision?

## **8. CORRUPTION**

8.1 You must be aware that it is a serious criminal offence under the Bribery Act 2010 to receive or give any gift, loan or reward or advantage in your official

capacity “for doing, or not doing, anything”, or “showing favour, or disfavour to any person. If an allegation is made against you, it will be for you to demonstrate that any such rewards had not been corruptly obtained.

- 8.2 For your own protection, if anyone approaches you in a way which seems to you, or might seem to a third party, to be aimed at obtaining some form of preferential treatment, or in any suspicious circumstances in connection with a contract, you must report the matter to your line manager.

## **9. RELATIONSHIPS WITH CONTRACTORS**

- All relationships of a business nature must be made known to the relevant line manager.
- Orders and contracts must be awarded on merit, by fair competition, in accordance with the Council's Contract Procedure Rules  
<http://www.anglesey.gov.uk/council-and-democracy/councillors-democracy-and-elections/constitution/constitution-part-4-rules-of-procedure/constitution-49-contract-procedure-rules/>  
<http://www.anglesey.gov.uk/council-and-democracy/councillors-democracy-and-elections/constitution/constitution-part-4-rules-of-procedure/constitution-48-financial-procedure-rules/> .
- No special favour should be shown to businesses run by, for example, friends, partners or relatives. No part of the local community should be discriminated against.
- Officers involved in the tendering process and/or in dealing with contractors should be clear on the separation of client and contractor roles within the Council. Officers who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- Officers in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, contractors and sub-contractors.
- Officers who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- Officers contemplating a management buy-out should, as soon as they have formed a definite intent, inform the relevant line manager and withdraw from the contract awarding process.
- Officers should ensure that no special favour is shown to current or recent former Officers or their partners, close relatives or associates, in awarding contracts to businesses run by them or employing them in a senior or managerial capacity.

- Section 117 of the Local Government Act 1972 requires you to make a formal declaration about contracts or personal contracts with the Council in which you have a pecuniary interest. Such declarations should be registered on the Declaration of Interest Form (Annex 1).

## **10. BREACH OF THE CODE**

Breaches of the Officers' Code may be dealt with under the Council's Disciplinary Procedure <http://monitor.anglesey.gov.uk/at-work/conduct-at-work/disciplinary-procedure/>.

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**CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL**

Hysbysiad o Fuddiant Personol / Notification of Personal Interest

**Noder os gwelwch yn dda: Nid oes ond angen i chi ddatgelu diddordeb personol os yw'n gwrthdaro gyda'ch dyletswyddau yn y Cyngor neu os gall wrthdaro â nhw. Os nad ydych yn sicr, dylech ddatgelu eich diddordeb trwy ddefnyddio'r ffurflen hon neu drafod y mater gyda'ch rheolydd llinell.**

**Please note- you need only disclose a personal interest which conflicts, or may conflict, with your duties in the Council. If you are at all unsure, you should disclose your interest using this form or discuss this with your line manager.**

Enw y Gweithiwr Employee Name	
Swydd Job Title	
<b>Math o Ddatganiad / Type of Declaration</b>	<b>Manylion / Details</b>
Perthynas/ Relationship:  Cyngorydd/ <input type="radio"/> Councillor  Contractwr/ <input type="radio"/> Contractor  Gweithiwr/ <input type="radio"/> Employee  Arall/ <input type="radio"/> Other	Enw / Name:  Swyddogaeth / Post Title:  Natur fy mherthynas gyda'r unigolyn/ Nature of my relationship to the named person:  Manyldeb o unrhyw gysylltiad neu gwrthdaro rhwng buddiannau /Details of any potential contact/conflict of interest:
Gwasanaeth Service	

Buddiant personol neu aelodaeth o gyfluniant, busnes, partneriaeth, corf proffesiynol neu gymdeithas gyfrinachol megis; Corff Llywodraethol Ysgol, rôl mewn cyfluniant gwirfoddol, cysylltiad â busnes teuluol. /

Personal interest or membership of an organisation, business, partnership, professional body or secret society e.g. School Governing Body, voluntary organisation role, involvement in a family business.

Disgrifiad o fy muddiant / Description of my interest:

Enw a lleoliad yr cyfluniant o dan sylw (os yn cymwysiadol) / Name and location of organisation concerned (if applicable):

Dyddiad Cychwyn / Starting date:

Budd ariannol/ ymhlygiad / Financial benefit/ implication:

Manylion y camau a ellir eu cymryd i warchod buddiant y Cyngor /Details of steps that could be taken to protect the Council's interest:

**Buddiant mewn tir o fewn y Sir**

Cyfeiriad neu disgrifiad o dir neu eiddo yr ydych gyda fuddiant ynddo, natur y fuddiant a defnydd y tir.

Nodwch:

- (a) Dylid datgan buddiant fel rhydd-ddeiliad neu lesddaliwr am brydles o 12 mis neu fwy;
- (b) Dylid datgan buddiant fel deiliad opsiwn neu ddarpar brynwr;
- (c) Dylid datgan os ydych chi eich hun yn ceisio cadarnhau caniatâd cynllunio neu unrhyw ganiatâd neu benderfyniad gan y Cyngor ;
- (ch) Nid oes angen datgan buddion tir nag eiddo tu allan y Sir.

**Interest in Land within the County**

Address or description of land or property in which you have an interest, the nature of the interest and the use to which the land is put.

Please note:

- (a) Interests as a freeholder or leaseholder for a lease of 12 months or more should be declared;
- (b) Interest as an option holder or prospective purchaser should be declared;
- (c) Interests by which you are directly concerned in seeking planning permission or some other consent or decision of the Council should be declared;
- (d) You need not declare interest in land or property outside the County.





**CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL**

Hysbysiad o Fuddiant Personol mewn cyfarfod /  
Notification of Personal Interest in a meeting

**Noder os gwelwch yn dda: Nid oes ond angen i chi ddatgelu diddordeb personol os yw'n gwrthdaro gyda'ch dyletswyddau yn y Cyngor neu os gall wrthdaro â nhw. Os nad ydych yn sicr, dylech ddatgelu eich diddordeb trwy ddefnyddio'r ffurflen hon neu drafod y mater gyda'ch rheolydd llinell.**

**Please note- You need only disclose a personal interest which conflicts or may conflict, with your duties in the Council. If you are at all unsure, you should disclose your interest using this form or discuss this with your line manager.**

Enw y Gweithiwr Employee Name	
Swydd Job Title	
Gwasanaeth Department	

Rwyf i, yr uchod, yn eich hysbysu yn ysgrifenedig o fuddiant personol a ddatgelais yn y cyfarfod canlynol:

I give you written notification of a personal interest disclosed by me at the following meeting:

.....(enw'r pwyllgor/name of meeting)

a gynhaliwyd ar / held on.....(dyddiad y cyfarfod / date of meeting)

Manylion y buddiant personol / Detail of Personal Interest:

Llofnod / Signature		Dyddiad/ Date	
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**Cyngor Sir Ynys Môn – Isle of Anglesey County Council**

**Cofrestr Derbyn Rhoddion neu Letygarwch - Swyddogion  
Register of Gifts or Hospitality - Officers**

Dyddiad/Date	Enw/Name	Manylion y Rhoddion/Lletygarwch Details of Gifts or Hospitality	Derbyniwyd gan: Received from:

Arwyddwyd/Signed \_\_\_\_\_

Dyddiad/Date \_\_\_\_\_

# ATODIAD / APPENDIX 2

## **A Members' Guide to Dispensations**

This Guide explains:

- (a) what is a dispensation
- (b) when might it be appropriate to apply for a dispensation
- (c) the purpose and effect of a dispensation
- (d) the procedure for requesting a dispensation
- (e) the criteria to be used in deciding applications for dispensations
- (f) the possible terms of a dispensation

### **What is a dispensation**

A dispensation is a special permission granted by the Standards Committee which allows a Member to participate in discussion or decision even when the Member has a prejudicial interest i.e. the kind of interest that would usually require them to cease the communication/leave the meeting.

### **When might it be appropriate to request a dispensation?**

The Code of Conduct requires that if an elected (or co-opted) Member has a prejudicial interest in a matter to be discussed at a meeting then they may not speak or vote on the matter and must leave the meeting room whilst the matter is under consideration.

The Members' Code of Conduct provides for certain circumstances in which a Member with a prejudicial interest may, nevertheless, participate in discussion and voting. These include membership of some outside bodies, voting on Members' allowances, Executive Members attending Scrutiny Committee when their decisions are the subject of scrutiny, and exercising rights to public speaking in the same way as other members of the public. Full details are contained in paragraphs 12, 13 and 14 of the Members' Code.

However, if a Member has a prejudicial interest which is not overreached by the Code of Conduct, then may still request a dispensation from the Standards Committee, which may be permitted if one or more of the statutory grounds can be established.

### **Purpose and effect of a Dispensation**

In specified circumstances a Member may be granted a dispensation by the Standards Committee which enables the Member to take part in Council business where this would otherwise be prohibited because they have a Prejudicial Interest in the subject matter under discussion. If a dispensation is granted, provided a Member acts within the terms of their dispensation, and during the lifetime of their dispensation, then their participation will not constitute a breach of the Code.

## **The Procedure for Requesting a Dispensation**

Any Member who wishes to apply for a dispensation should complete the Application Form (attached/link??) and submit it to the Monitoring Officer. The Monitoring Officer will assist and advise any Member wishing to make such an application and, while requests for dispensations are usually made on an individual basis, with the agreement of all those Members affected, the Monitoring Officer has from time to time obtained "block" dispensations.

Any application will be considered by a Sub-Committee of the Standards Committee which will usually be convened at the minimum notice legally permitted.

It is helpful if the applicant can provide more time but it is accepted that such applications will often have to be dealt with quickly.

Members are advised to have due regard to the Forward Work Programmes of their Committees in order to try and foresee any dispensations they may wish to apply for.

## **The Criteria to be Used in Deciding Dispensation Applications**

There are nine statutory grounds on which the Standards Committee may grant a dispensation and these are annexed at Enclosure 2. In summary the grounds are:-

- At least half the Members of the Council/relevant Committee shares the same interest
- The lack of participation by some Members would affect political balance and skew the decision
- The interest is commonplace or the involvement of the Member would not damage public confidence or is in the interests of the inhabitants of the area
- The Member has a particular role or expertise

In reaching a decision on an application for dispensation the Standards Committee will take into account certain factors, which will include the following:-

- the nature of the Member's interest;
- the extent to which the request may have been avoided, or other arrangements made;
- the need to maintain public confidence in the conduct of Council business;
- the extent to which there is some personal benefit to the Member and the extent to which there is a public benefit arising from granting the dispensation;
- the possible outcome of any vote;
- the need for efficient and effective conduct of business;

- any other relevant circumstances.

### **The Possible Terms of a Dispensation**

Dispensations may be restricted or unrestricted e.g. may be to allow a Member to speak on an issue but not to vote. It may be granted whenever the issue arises during the remainder of the Member's term of office or it may be restricted to a single meeting or a number of meetings specifically identified by date or subject matter.

### **Note**

The Standards Committee has discretion as to whether or not to grant any application. The Committee may grant a partial dispensation even in circumstances where the request is for a full dispensation. Hearing from the applicant is often important and any Member applying for a dispensation would be well advised (though not technically essential) to attend the Standards Committee when it considers the Member's application.

Any Member who has been granted a dispensation must declare the nature and existence of the dispensation before the commencement of any business to which the dispensation relates. A copy of the dispensation will be kept with the Register of Members' Interests and reference should be included to in within the minutes for any formal meeting in which the Member has relied upon the dispensation.



**APPLICATION FOR DISPENSATION TO THE  
STANDARDS COMMITTEE BY MEMBER OF THE COUNCIL**

*Please give full details of the following in support of your application for a dispensation. You should refer to the accompanying "Guide to Dispensation". If you need any help in completing this form please contact Lynn Ball, Monitoring Officer on 01248 752586 or by email [lynn.ball@anglesey.gov.uk](mailto:lynn.ball@anglesey.gov.uk)*

<b>Name of Councillor:</b>	
<b>Address:</b>	
<b>Relevant Authority:</b>	
<b>Type of Meeting (name committee if relevant):</b>	
<b>Date of meeting (if known) :</b>	
<b>Agenda item for which dispensation is sought:</b>	
<b>Level of Dispensation sought (ie to speak only or to speak and vote):</b>	
<b>Statutory grounds relied upon in support of the application:</b>	
<b>Details of the Prejudicial Interest:</b>	

<p><b>Do you seek a dispensation just for the one meeting or for a longer period? If longer, please state a period. (N.B. all dispensations granted expire at the next council elections:</b></p>	
<p><b>Reasons(s) to support the application and why you consider the Standards Committee should grant a dispensation (use a separate sheet of paper if necessary):</b></p>	
<p><b>Date by which decision required:</b></p>	

<p><b>Signed:</b></p>	<p><b>Date:</b></p>
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CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 2279 (Cy. 169 )

2001 No. 2279 (W. 169 )

LLYWODRAETH LEOL,  
CYMRU

LOCAL GOVERNMENT,  
WALES

Rheoliadau Pwyllgorau Safonau  
(Caniatáu Gollyngiadau) (Cymru)  
2001

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

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

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

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

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

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

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

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

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

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

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

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

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

2001 Rhif 2279 (Cy. 169 )

2001 No. 2279 (W. 169 )

LLYWODRAETH LEOL,  
CYMRULOCAL GOVERNMENT,  
WALESRheoliadau Pwyllgorau Safonau  
(Caniatáu Gollyngiadau) (Cymru)  
2001The Standards Committees (Grant  
of Dispensations) (Wales)  
Regulations 2001

Wedi'u gwneud 21 Mehefin 2001

Made 21st June 2001

Yn dod i rym 28 Gorffennaf 2001

Coming into force 28th July 2001

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

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

## Enw, cychwyn, cymhwyso a dehongli

## Name, commencement, application and interpretation

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

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

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

(2) These Regulations apply to Wales only.

(3) Yn y Rheoliadau hyn -

(3) In these Regulations -

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

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

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

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

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

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

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

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

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

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

## Yr amgylchiadau lle gellir caniatáu gollyngiadau

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

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

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

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

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

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

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

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

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

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

## Circumstances in which dispensations may be granted

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

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

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

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

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

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

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

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

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

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

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

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

21 Mehefin 2001

21st June 2001

Llywydd y Cynulliad Cenedlaethol

*D. Elis-Thomas*

The Presiding Officer of the National Assembly

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(a) 1998 p. 38.

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(a) 1998 c. 38.

**CYNULLIAD CENEDLAETHOL CYMRU**

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**OFFERYNNAU STATUDOL**

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

**LLYWODRAETH LEOL,  
CYMRU**

Rheoliadau Pwyllgorau Safonau  
(Caniatáu Gollyngiadau) (Cymru)  
2001

**NATIONAL ASSEMBLY FOR WALES**

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**STATUTORY INSTRUMENTS**

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

**LOCAL GOVERNMENT,  
WALES**

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

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**£2.00**

W/321/07/01

ON

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ISBN 0-11-090284-X



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