

Public Document Pack  
**Bridgend County Borough Council**  
Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr



Civic Offices, Angel Street, Bridgend, CF31 4WB / Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB

Legal and Regulatory Services /  
**Gwasanaethau Cyfreithiol a Rheoleiddiol**  
Direct line / Deialu uniongyrchol: 01656 643385  
Ask for / Gofynnwch am: Andrew Rees

Our ref / Ein cyf:  
Your ref / Eich cyf:

**Date / Dyddiad: Wednesday, 16 March 2016**

Dear Councillor,

**STANDARDS COMMITTEE**

A meeting of the Standards Committee will be held in the Committee Rooms 2/3, Civic Offices Angel Street Bridgend CF31 4WB on **Thursday, 24 March 2016 at 1.00 pm.**

**AGENDA**

1. Apologies for Absence  
To receive apologies for absence from Members.
2. Declarations of Interest  
To receive declarations of personal and prejudicial interest (if any) from Members/Officers in accordance with the provisions of the Members' Code of Conduct adopted by Council on 1 September 2008.
3. Approval of Minutes 3 - 6  
To receive for approval the Minutes of a meeting of the Standards Committee of 11 February 2016.
4. Appointment of Chairperson 7 - 8
5. Amendments to Legislation 9 - 24
6. Urgent Items  
To consider any item(s) of business in respect of which notice has been given in accordance with Rule 4 of the Council's Procedure Rules, and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.
7. Exclusion of the Public  
The Minutes and Report relating to the following items are not for publication as they contain exempt information as defined in Paragraph 12 of Part 4, and Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

Tel/Ffôn: 01656 643643

SMS Messaging/Negeseuon SMS: 07581 157014

Fax/Facs: 01656 668126

Twitter@bridgendCBC

Email/Ebost: [talktous@bridgend.gov.uk](mailto:talktous@bridgend.gov.uk)

Website/Gwefan: [www.bridgend.gov.uk](http://www.bridgend.gov.uk)

Text relay: Put 18001 before any of our phone numbers for the text relay service

Cyfnwidi testun: Rhwyh 18001 o flaen unrhyw un o'n rhifau ffon ar gyfer y gwasanaeth trosglwyddo testun

If following the application of the public interest test the Committee resolves pursuant to the Act to consider these items in private, the public will be excluded from the meeting during such consideration.

8. Approval of Exempt Minutes 25 - 26  
To receive for approval the exempt minutes of the Standards Committee of 11 February 2016.
9. Shortlisting of Candidates for the Position of Independent Member on the Standards Committee 27 - 36

Yours faithfully

**P A Jolley**

Assistant Chief Executive Legal and Regulatory Services

**Distribution:**

Independent Members

County Borough Councillors

Town/Community Councillors

Mr J Baker

Councillor R D Jenkins

Councillor A Davies

Mr C Jones

Councillor D R W Lewis

Councillor R J Hancock

Mrs J Kiely

*Rydym yn croesawu gohebiaeth yn y Gymraeg. Rhowch wybod i ni os yw eich dewis iaith yw'r Gymraeg.*

*We welcome correspondence in Welsh. Please let us know if your language choice is Welsh.*

MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD IN COMMITTEE ROOMS 2/3, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 11 FEBRUARY 2016 AT 2.00 PM

Present

Ms M Powell – Chairperson

Independent Members

Mr C Jones  
Mrs J Kiely  
Mrs B Heller

Town/ Community Councillors

Mrs A Davies

County Borough Council Members

Councillor DRW Lewis

Officers:

Andrew Jolley	Assistant Chief Executive Legal & Regulatory Services and Monitoring Officer
Laura Griffiths	Senior Lawyer
Sarah Daniel	Democratic Services Officer - Committees

122. APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members

Councillor R Jenkins  
Councillor R J Hancock

123. DECLARATIONS OF INTEREST

None

124. APPROVAL OF MINUTES

RESOLVED: That the minutes of a meeting of the Standards Committee of 26 January 2016 were approved as a true and accurate record of the meeting

125. LOCAL GOVERNMENT (WALES) BILL

The Monitoring Officer submitted a report to the Standards Committee and asked that they considered Part 4 of the Local Government (Wales) Bill, published by Welsh Government which related to the Standards Committee.

The Monitoring Officer explained to Members that Part 4 of the draft Bill proposed statutory duties upon the Members relating to the performance of their functions. Members would be placed under a statutory obligation to attend all relevant meetings, hold ward surgeries at least 4 times in every relevant 12 month period, answer all correspondence sent to his/her official address within 14 days of receipt, complete all compulsory training courses and make an annual report. He advised that a training session to support Members understanding of the new proposals and assist them in determining the Authority's response to the consultation had been scheduled and all

Members were invited. He further extended the invite to all Members of the Standards Committee to attend should they wish.

A Member referred to Section 84 and asked if a holding response to correspondence they had received within the 14 days would suffice. The Monitoring Officer advised that for queries that required further investigation a holding response would be acceptable.

A Member asked how the Authority would monitor if a Member had complied and responded to correspondence within the timescales suggested. The Monitoring Officer advised that it was anticipated that individual Members would manage their own communications and there would not be a need for them to be monitored, however if Members were found to not comply, the Monitoring Officer could investigate to identify if that particular Member was in breach of their duty. The Chairperson stated that she felt this issue was more about educating new Members of the Authority to ensure they were aware of the correct procedures when dealing with correspondence from their constituents.

A Member queried section 82 and asked if the attendance at relevant meetings included that of Community Council meetings, PACT meetings and School Governor meetings as those would regularly clash with other Council meetings. The Monitoring Officer advised that Members would not be in breach of their duty if the Member had good reason for not attending a meeting and as such, attending another Council meeting was good enough reason.

Members agreed that the draft bill was formalising procedures that were already in place and that very few Members, if any would be affected by the changes.

RESOLVED: The Committee noted the report

126. OMBUDSMAN'S CASEBOOK

The Monitoring Officer provided Members with a summary of cases that had been undertaken by the Ombudsman's Office for the period October 2015 – December 2015

The Chairperson was pleased to see that Bridgend Council did not appear in the casebook but expressed concern at the long length of time it took from the date of an initial complaint to a resolution which could be very costly if the staff concerned were suspended on full pay. The Monitoring Officer stated that a number of internal investigations have to take place internally before a matter is referred to the Standards Committee and Ombudsman.

RESOLVED: The Committee noted the report

127. URGENT ITEMS

None

128. EXCLUSION OF THE PUBLIC

RESOLVED: That under Section 100A(4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, the public be excluded from the meeting during consideration of the following items of business, as the minutes/report contains exempt information as defined in Paragraph 12 of Part 4 of Schedule 12A and Paragraph 21 of Part 5 of Schedule 12A of the Act:-

Following the application of the public interest test it was resolved that pursuant to the provisions of the Act referred to above, to consider the under-mentioned items in private with the public being excluded from the meeting, as it would involve the disclosure to them of exempt information as stated above.

129. APPROVAL OF EXEMPT MINUTES

The meeting closed at 2.31 pm

This page is intentionally left blank

## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO STANDARDS COMMITTEE

24 MARCH 2016

### REPORT OF THE MONITORING OFFICER

#### APPOINTMENT OF CHAIRPERSON

##### 1. Purpose of Report

1.1 To appoint a Chairperson for the Standards Committee.

##### 2. Connection to Corporate Improvement Plan / Other Corporate Priority

2.1 The Standards Committee is responsible for promoting and maintaining high standards of conduct by members and co-opted members. The conduct of members and co-opted members directly impact upon the Authority's ability to implement the Corporate Improvement objectives and other Corporate Priorities.

##### 3. Background

3.1 Under the Standards Committees (Wales) Regulations 2001 the members of a Standards Committee shall elect a Chairperson from amongst the Independent Members of the Committee.

3.2 A Chairperson shall be elected for whichever is the shorter of the following periods: (a) a period of not less than four nor more than six years, (b) until the term of office of that person as an independent member of that standards committee comes to an end.

##### 4. Current Situation / Proposal

4.1 The Council's Standards Committee consists of three Independent Members, two County Borough Council Members and two Town and Community Council Members.

3.2 The term of appointment for Ms Mary Powell, current Chair of the Standards Committee has now expired and there is a vacancy of the post of Chairperson.

##### 5. Effect upon Policy Framework & Procedure Rules

5.1 There is no effect upon the Policy Framework and Procedure Rules.

##### 6. Equality Impact Assessment

6.1 The report does not give rise to concerns on equality grounds and does not impact sections of society differentially.

## **7. Financial Implications**

7.1 Any appointments referred to in this report will be met from existing budgets.

## **8. Recommendation**

8.1 It is recommended that the Committee appoint a Chairperson from amongst the Independent Members to take office from the date of this Committee meeting for a term to be determined.

**Contact Officer:** P.A. JOLLEY  
MONITORING OFFICER

**Telephone:** (01656) 643136

**E-mail:** [andrew.jolley@bridgend.gov.uk](mailto:andrew.jolley@bridgend.gov.uk)

**Postal Address** Level 2 Civic Offices  
Angel Street  
Bridgend  
CF31 4WB

### **Background documents**

None



**BRIDGEND COUNTY BOROUGH COUNCIL**  
**REPORT TO THE STANDARDS COMMITTEE**  
**24 MARCH 2016**  
**REPORT OF THE MONITORING OFFICER**

## **AMENDMENTS TO LEGISLATION**

### **1. Purpose of Report**

1.1 To advise Members of the following statutory instruments which come into force on 1<sup>st</sup> April 2016:

- The Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016
- The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016.

### **2. Connection to Corporate Improvement Plan / Other Corporate Priority**

2.1 Standards are an implicit requirement in the successful implementation of the Corporate Priorities.

### **3. Background**

3.1 The Minister for Public Services signed the Statutory Instruments on 27 January 2016.

### **4. Current situation / proposal**

4.1 The Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016

The Order amends the Model Code of Conduct for local government members, set out in the schedule to the Local Authorities (Model Code of Conduct) (Wales) Order 2008 as follows:

- The 2013 Act transferred responsibility for maintaining the register of interests of members of community councils from the Monitoring Officer of the principal local authority for the area to the 'proper officer' of each community council, with effect from 1<sup>st</sup> May 2015. A number of consequential amendments are made to the Model Code to reflect this change, so that, in relation to a community council, a reference to a monitoring officer is replaced with a reference to the proper officer of the community council;
- Paragraph 15 of the Model Code, dealing with the register of members' interests, is amended to clarify that any interest disclosed for the first time must be entered in the register. This is not a change of policy, but clarifies the original intention. The exemption for community councillors from the requirement to register certain financial and other interests upfront is maintained;

- The obligation on a member to report a potential breach of the Code to the Public Services Ombudsman for Wales is omitted from the Code;
- Paragraph 10(2)(b) of the Code is omitted. This is to overcome unintended difficulties in the practical application of this paragraph in relation to participation in business relating to constituency interests. A member participating in the consideration of a ward matter is nonetheless under an obligation to act objectively and in the wider public interest in accordance with paragraph 8 of the Code.

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

The Regulations amend three statutory instruments as follows:

#### 4.3 The Standards Committees (Wales) Regulations 2001

- A number of consequential amendments are made to the 2001 Regulations following commencement of Section 68 of the 2013 Act, which enables two or more relevant authorities to establish a joint standards committee;
- As a consequence of the postponement of the 2016 local government elections, provision is made to enable a relevant authority to determine that local authority and community council members of its standards committee who are in place on 1 April 2016 may continue to serve until the next ordinary election in 2017. In addition, the current four year restriction on the term of office of such a member is removed;
- Provision is made to enable a standards committee to delay publications of agendas, records or information connected to its consideration of the report of a misconduct investigation until such time as the misconduct proceedings are concluded. However presumption remains that misconduct hearings will be held in public, unless there are particular reasons for some or all of the proceedings being held in private.

#### 4.4 The Local Government Investigations (Functions of Monitoring Officers and Standards Committee (Wales) Regulations 2001

- Provision is made to enable a standards committee or a monitoring officer, with the prior written agreement of the Chairperson of the standards committee, to refer the report of a misconduct investigation to another authority's standards committee for determination. This is to overcome any potential conflict of interest a standards committee may have in dealing with a report;
- The wording of Regulation 9 is amended to clarify that a period of suspension imposed by a standards committee is limited to a maximum of 6 months or, if shorter, the remainder of a member's term of office. This addresses an ambiguity in the current wording and brings the provision into line with the comparable power of an Adjudication Panel for Wales case tribunal;
- A member seeking to appeal the determination of a standards committee will in future first need to obtain the permission of the President, or a nominated panel member, of the Adjudication Panel for Wales.

#### 4.5 Local Authorities (Grant of Dispensations) (Wales) Regulations 2001

- Provision is made to enable a standards committee or a monitoring officer, with the prior written agreement of the Chairperson of the standards committee, to refer a dispensation application to another authority's standards committee for determination. The Vice-Chairperson of the standards committee may give permission in the absence of the Chairperson. Again, this is primarily to overcome any potential conflict of interest a standards committee may have in dealing with an application. It may also enable an urgent application to be expedited;
- A general category of dispensation is introduced. This will enable a standards committee to grant a dispensation, if it considered it appropriate in all the circumstances to do so, where it was not otherwise possible to make reasonable adjustments to accommodate a person's disability. A dispensation granted under this category which has ongoing effect is subject to annual review.

4.6 In accordance with Section 51 of the 2000 Act, all relevant authorities must within six months of the date the Local Authorities (Model of Code of Conduct) (Wales) (Amendment) Order 2016 was made, adopt a revised Code of Conduct. The Council therefore has until 26 July 2016 in which to adopt the revised Code.

4.7 The text of the amended Model Code of Conduct is attached as **Appendix 1**.

## **5. Effect upon Policy Framework & Procedure Rules**

5.1 None.

## **6. Equality Impact Assessment**

6.1 None.

## **7. Financial Implications**

7.1 None.

## **8. Recommendations**

8.1 The Committee is recommended to note the report.

**Contact Officer:** P A Jolley  
Assistant Chief Executive Legal and Regulatory Services and  
Monitoring Officer

**Telephone:** (01656) 643106  
**E-mail:** Andrew.Jolley@bridgend.gov.uk

**Postal Address** Level 2,  
Civic Offices,  
Angel Street,  
Bridgend  
CF31 4WB

**Background Documents**

None

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

## THE MODEL CODE OF CONDUCT

### PART 1 INTERPRETATION

1.—(1) In this code —

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

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

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

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

(a) of the relevant authority,

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

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

(d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990,

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

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

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

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

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

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

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

(a) a county council,

(b) a county borough council,

(c) a community council,

2.

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

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

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

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

(2) In relation to a community council—

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

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

## **PART 2 GENERAL PROVISIONS**

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

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

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

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

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

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

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

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

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

4. You must —

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

- (b) show respect and consideration for others;
- (c) not use bullying behaviour or harass any person; and
- (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

5. You must not —

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

6.—(1) You must —

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

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

7. You must not —

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



(vi) improperly for private purposes.

**8. You must —**

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

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

(ii) the authority's chief finance officer;

(iii) the authority's monitoring officer;

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

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

**9. You must —**

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

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

## **PART 3 INTERESTS**

### **Personal Interests**

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

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

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

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

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

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

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that

exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

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

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

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

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

(ix) any —

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

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

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

(dd) trade union or professional association; or

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

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

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

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

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

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

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

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

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

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

to a greater extent than the majority of—

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

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

### **Disclosure of Personal Interests**

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

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

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

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

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

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

(a) details of the personal interest;

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

(c) your signature.

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

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

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

### **Prejudicial Interests**

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

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

(a) relates to —

- (i) another relevant authority of which you are also a member;
- (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
- (iii) a body to which you have been elected, appointed or nominated by your authority;
- (iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;
- (v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to —

- (i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
- (ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;
- (iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;
- (iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;

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

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

### **Overview and Scrutiny Committees**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(aa) details of the prejudicial interest;

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

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

(dd) your signature.

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

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

### **Registration of Personal Interests**

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

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

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

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

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

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

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

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

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

### **Sensitive information**

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

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

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

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

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

-----





By virtue of paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 12 of Part 4 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank