

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in the Council Chamber, Russell House, Rhyl on Tuesday, 3rd March, 2009 at 2.00 p.m.

PRESENT

Mr C.B. Halliday (Chair), Ms M.E. Medley, Mr G.F. Roberts and Mrs P. White.

ALSO PRESENT

The Monitoring Officer, Solicitor (L. Jones) and Administrative Officer (C.I. Williams).

APOLOGIES

Councillors G. Green, H.L. Jones and D.A. Thomas.

1. URGENT MATTERS

No items were raised which in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

2. MINUTES

The Minutes of the Standards Committee held on Friday, 28th March, 2008 were submitted.

Matters arising:-

2. Minutes. (3) Membership – In response to concerns raised by Mr G.F. Roberts that details of training courses for Members of the Council had not been circulated to Members of the Standards Committee, the Monitoring Officer referred to the Members Charter and agreed that invitations to attend training courses would be extended to Members of the Standards Committee.

3. Attendance at Meetings – The Monitoring Officer explained that Members of the Standards Committee wishing to attend meetings of the County Council could obtain copies of agendas by contacting the County Clerks Department. He explained that some items would be considered under Part II of the agenda and that confidentiality would need to be respected. The Monitoring Officer agreed that a copy of the matrix of County Council meetings and copies of agendas could be circulated to Members of the Standards Committee.

The Chair suggested that Members of the Standards Committee wishing to attend Town and Community Council meetings may wish to contact the Clerk to the respective Councils to make arrangements and confirm their attendance.

RESOLVED – *that, subject to the above, the Minutes be received and approved as a correct record.*

3. ATTENDANCE AT MEETINGS

The Committee were informed that there were no reports to submit of attendance by Members of the Standards Committee at County, Town or Community Council meetings.

Mr G.F. Roberts confirmed that he had attended a number of meetings but had nothing to report.

RESOLVED – *that the report be received and the position noted.*

4. UPDATE ON THE CODE OF CONDUCT

The Monitoring Officer referred to the roles and functions of the Standards Committee as set out in Article 9 of the Council's Constitution, which included the monitoring of the operation of the Members' Code of Conduct and advising the Council on the adoption or revision of the Code arising from the Local Government Act 2000.

He confirmed that the revised Code of Conduct had been finalised prior to the County Council elections and had subsequently been adopted and signed up by the new Councils following the elections.

Members were informed that an overview of the Code of conduct had been issued to Town and Community Councils and information produced by the Welsh Assembly Government (WAG) would be utilised by Councils for training purposes. It was confirmed by the Monitoring Officer that it was intended to provide refresher courses later in the year to which Members would be invited.

The Monitoring Officer referred to the recent All Wales Session for Standards Committees, which had been attended by the Chair and Vice Chair of the Standards Committee, and provided a brief summary of the proceedings and details of the persons in attendance.

Following further discussion, it was

RESOLVED –*that the Standards Committee receive the report.*

5 TIMETABLE OF MEETINGS

A copy of a list of proposed dates for future meetings of the Standards Committee had been circulated to each Member of the Committee with the papers for the meeting.

Members considered the dates and agreed that, business permitting, future meetings of the Standards Committee be scheduled to be held at 10.00 a.m. on Fridays, on a six week cycle, and that they be included in the County Council diary.

The Committee agreed the following dates with venues to be confirmed:-

Friday, 17th April, 2009.
Friday, 29th May, 2009.
Friday, 10th July, 2009.
Friday, 25th September, 2009
Friday, 13th November, 2009.

It was also agreed that suggested dates for meetings of the Standards Committee, to be held in 2010, be provided by the Monitoring Officer for consideration by Members.

RESOLVED –that

- (a) future meetings of the Standards Committee be scheduled to be held on Fridays at 10.00 a.m. on a six week cycle.*
- (b) it be requested that dates, times and venues of meetings of the Standards Committee be included in the County Council diary.*
- (c) suggested dates for meetings of the Standards Committee, to be held in 2010, be submitted for consideration by Members of the Committee.*

Meeting ended at 3.05 p.m.

Agenda Item no: 4

REPORT TO: Standards Committee

REPORT BY: Monitoring Officer

DATE: 29th May 2009

SUBJECT: Dispensations

1 DECISION SOUGHT

To consider whether or not to grant dispensations as outlined in the letters from Rhyl Town Clerk.

2 BACKGROUND

This report surrounds an application received from Mr. Gareth Nickels, the Rhyl Town Clerk on behalf of Rhyl Town Councillors.

I enclose the letters as received from the Town Clerk for your consideration. (Appendix 1) The letters and this accompanying Report are comprehensive and I trust that its contents are self explanatory.

The Town Council have now adopted the new model Code of Conduct which new Members to the Standards Committee need to be aware is quite different from the old Code. The new code now has a two stage test of 'personal interest' and 'prejudicial interest'. A member whose interest is personal can now stay in the meeting, formally declare the interest, speak and vote. If the member considers it is also a prejudicial interest they must declare the interest and leave the room, unless they have obtained a dispensation from the Standards Committee.

Members will note that dispensations are being requested for :

- a) All Members of the Town Council when considering grant applications made by the Clwyd Coast Credit Union under the Council's Annual Grants Scheme on the basis that the interest is common to the member and a significant proportion of the general public (Para 2(e) of the Standards Committee Grant of Dispensation Regulations as set out in Appendix 2);

- b) In respect of the 10 Town Councillors who are also Members of the County Council namely John B Bellis, Brian Blakeley, Joan Butterfield, Jeanette Chamberlain-Jones, Carl Davies, Ian A Gunning, Diana Hannam, David W Lee, David A J Thomas and Glyn Williams.
- c) All Town Councillors who are either appointed representatives, or members of the Rhyl Community Association in their private capacities.

In respect of b) above, under the new Code of Conduct there are a number of exemptions listed at Paragraph 12 (2) (a) of the Code of Conduct, one of which is where a Member 'will not be regarded as having a prejudicial interest in any business where that business relates to another 'relevant authority of which you are also a member'. This exemption would not apply where the business relates to the determination of any approval, consent, licence, permission or registration. Standards Committee Members may wish to provide a declaration to this effect in order to reassure Town Councillors that the new Code now provides for this situation and therefore such a general dispensation is not necessary under the new Code.

In respect of c) above, the personal interests are effectively divided between those who are appointed by the Town Council and those who are not, but are members of the Association privately. Under the new Code of Conduct, the exemption listed at Paragraph 12 (2) (a) (iii) where a Member will not be regarded as having a prejudicial interest in any business where that business relates to a body to which they have been elected, appointed or nominated by their Authority. Any of these appointed representatives that have then been appointed by the Association to the Management Committee will have a personal interest pursuant to paragraph 10 of the Code of Conduct, but it will not be regarded as a prejudicial interest by virtue of the operation of the exemption in Paragraph 12 (2) (a) (iii) above. Since the date of the application for a dispensation there are now 6 nominated representatives namely Brian Blakeley, Jeanette Chamberlain-Jones, Mike Espley, Pat Jones, Win Mullen-James and Naomi Roose-Lloyd. Therefore the requirement for a dispensation for appointed members is not strictly required. However, as the Clerk has pointed out in this letter, the membership arrangements change from private to nominated and vice versa, as do the number of members, during the year.

There is now only one Town Councillor who is a private member of the Association, who is also the Association's Secretary namely Mr John Bellis. This is a personal interest under the Code and could also become a prejudicial interest if the interest is one which the public 'with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice their judgement of the public interest'.

The Councillors have indicated to the Clerk that they consider their personal interest may be also a prejudicial one and therefore seek a dispensation from this Committee. The Town Council also award grants over £500 to the Association. Additionally, the Town Council leases its office premises from the Association. The Town Council have been invited to send representatives to the Committee in order to fully explain the nature of the interests.

The relevant circumstances in which the Committee may need to grant a dispensation could be Paragraph 2 (d), in that 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' and/or Paragraph (f) 'the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise'

For the assistance of new Members in particular, I enclose at Appendix 2 the circumstances in which dispensations may be granted together with a copy of the Code of Conduct at Appendix 3.

3 RECOMMENDATION

That Members note the contents of the Rhyl Town Clerk's letter and this Report, then consider whether or not to grant a dispensation to:-

- 1) All members of the Rhyl Town Council when applications for grant funding is being made by the Clwyd Coast Credit Union under Paragraph 2 (e) of the Regulations.

- 2) All members of the Rhyl Town Council in respect of work carried out for the Rhyl Community Association on the basis of Paragraph 2 (d) and (f).

- 2) Whether for the avoidance of doubt, to make a declaration that a dispensation will not be required in respect of those Town Councillors who are also County Councillors, but that this exemption will not apply in respect of business relating to the determination of any approval, consent, licence, permission or registration.

Rheoliadau Pwyllgorau Safonau (Caniataau Gollyngiadau) (Cymru) 2001

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.

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

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.

PART 5

CODES AND PROTOCOLS

5.1 Members' Code of Conduct

The County Council has adopted a Code of Conduct for members, based on the National Assembly for Wales' Model Code, embracing the following 10 principles.

1. **Selflessness**

Members must act solely in the public interest. They must never use their position as member to improperly confer advantage on themselves or to improperly confer advantage or disadvantage on others.

2. **Honesty**

Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.

3. **Integrity and Propriety**

Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

4. **Duty to Uphold the Law**

Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.

5. **Stewardship**

In discharging their duties and responsibilities members must ensure that their authority's resources are used both lawfully and prudently.

6. **Objectivity in Decision-Making**

In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, members must make decisions on merit. Whilst members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their

responsibility to decide what view to take and, if appropriate, how to vote on any issue.

7. Equality and Respect

Members must 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

8. Openness

Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law

9. Accountability

Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.

10. Leadership

Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority's statutory officers and its other employees.

DENBIGHSHIRE COUNTY COUNCIL MEMBERS' 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 sub-committee;

“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;

“relevant authority” (*“awdurdod perthnasol”*) means—

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

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

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

- (2) In relation to a community council, references to an authority’s monitoring officer and an authority’s standards committee are to be read, respectively, as references to the monitoring officer and 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(2) of the Local Government Act 2000.

PART 2

GENERAL PROVISIONS

2. - (1) Save where paragraph 3(a) applies, you must observe this code of conduct —
 - (a) whenever you conduct the business, or are present at a meeting, of your authority;
 - (b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;
 - (c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or
 - (d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.
- (2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.
3. Where you are elected, appointed or nominated by your authority to serve —
 - (a) on another relevant authority, or any other body, which includes a police authority or Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or
 - (b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
4. You must —
 - (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
 - (b) show respect and consideration for others;
 - (c) not use bullying behaviour or harass any person; and
 - (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.
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 the Public Services Ombudsman for Wales and to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
 - (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.
- (2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7. You must not —

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

8. You must —

- (a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —
 - (i) the authority's head of paid service;
 - (ii) the authority's chief finance officer;
 - (iii) the authority's monitoring officer;
 - (iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9. You must —

- (a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;
- (b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

PART 3

INTERESTS

Personal Interests

- 10. - (1)** You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.
- (2)** You must regard yourself as having a personal interest in any business of your authority if —
- (a) it relates to, or is likely to affect —
 - (i) any employment or business carried on by you;
 - (ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

- (iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;
 - (iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
 - (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
 - (vi) any land in which you have a beneficial interest and which is in the area of your authority;
 - (vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
 - (viii) any body to which you have been elected, appointed or nominated by your authority;
 - (ix) any —
 - (aa) public authority or body exercising functions of a public nature;
 - (bb) company, industrial and provident 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;
- (b) a member of the public might reasonably perceive a conflict between your role in taking a decision, upon that business, on behalf of your authority as a whole and your role in representing the interests of constituents in your ward or electoral division; or

- (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 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 under sections 22(5), 24(4) and 173 to 176 of the Local Government Act 1972, an allowance or pension under section 18 of the Local Government and Housing Act 1989 or an allowance or payment under section 100 of the Local Government Act 2000;
- (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.

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 sub-committees; 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 subparagraph (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), (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.
- (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 Financial and Other Interests and Memberships and Management Positions

- 15. -** (1) Subject to sub-paragraph (3), 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 financial interests and other interests, where they fall within a category mentioned in paragraph 10(2)(a) in your authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to your authority's monitoring officer.
- (2) You must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under sub-paragraph (1), register that new personal interest or change by providing written notification to your authority's monitoring officer.
 - (3) Sub-paragraphs (1) and (2) do not apply to sensitive information determined in accordance with paragraph 16(1).
 - (4) Sub-paragraph (1) will not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

Sensitive information

- 16.** - (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
- (3) In this code, "sensitive information" ("*gwybodaeth sensitif*") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Registration of Gifts and Hospitality

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