

To: Chair and Members of Standards
Committee

Date: 31 March 2016

Direct Dial: 01824 706204

e-mail: dcc_admin@denbighshire.gov.uk

Dear Member of the Committee,

You are invited to attend a special meeting of the **STANDARDS COMMITTEE** to be held at **10.00 am. on FRIDAY, 8 APRIL 2016** in **CONFERENCE ROOM 1B, COUNTY HALL, RUTHIN.**

Yours sincerely

G. Williams
Head of Legal and Democratic Services

AGENDA

1 APOLOGIES

2 DECLARATION OF INTERESTS

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

3 APPLICATION TO EXTEND THE DISPENSATION TO MEMBERS OF RHYL TOWN COUNCIL (Pages 3 - 10)

To consider a report by the Deputy Monitoring Officer (copy enclosed) to extend a dispensation granted on the 6th March, 2015 by a further 12 months.

4 CHANGES TO THE MODEL CODE OF CONDUCT (Pages 11 - 34)

To consider a report by the Monitoring Officer (copy enclosed) on the proposed changes made to the Model Code of Conduct for Wales.

MEMBERSHIP

Independent Members:

Mr Ian Trigger (Chair), Mrs Paula White, Julia Hughes and Anne Mellor

Town/Community Council Member

Councillor David E Jones

County Councillor

Councillor Barry Mellor

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Report To: Standards Committee

Date of Meeting: 8th April 2016

Lead Member / Officer: Gary Williams – Monitoring Officer

Report Author: Lisa Jones – Deputy Monitoring Officer

Title: Application to extend the dispensation to members of Rhyl Town Council

1. What is the report about?

The report is about an application made to the Monitoring Officer on the 23rd March 2016, to refer to the Standards Committee a request to extend the dispensation that was granted on the 6th March 2015 by a further 12 months.

2. What is the reason for making this report?

Rhyl Town Council, via their clerk, have requested the Committee reconsider the dispensation and are seeking an extension.

3. What are the Recommendations?

That the Committee grant a dispensation, pursuant to Regulation 2(a) and (d) of the Standards Committees (Grant of Dispensations)(Wales) Regulations 200, to the full council, including those new members of the town council, based on the terms as originally granted.

4. Report details

The dispensation granted on the 6th March 2015 was granted in accordance with the conditions set out below: -

- (i) *the Dispensation applies only to matters considered by Rhyl Town Council relating to the Rhyl in Bloom Committee (or such other name it is replaced by);*
- (ii) *the Members must still declare a personal interest at the meeting(s) at which such items are discussed. They may then speak and vote in so far as they are permitted to do so by this Dispensation;*
- (iii) *the Dispensation will apply for 12 months from the date of this Standards Committee meeting (6 March 2015). Thereafter, the Clerk of Rhyl Town Council is to apply in writing to the Monitoring Officer for an extension to the Dispensation and setting the Rhyl in Bloom Committee (or such other name it is replaced by) activities;*
- (iv) *on election of a new Member, the Clerk of Rhyl Town Council to notify the Monitoring Officer in writing for the Dispensation to be applied to the new Member.*

In addition, since the original dispensation was granted Councillors Stanley Frederick Walker, Jacque McAlpine and Anthony Thomas have been elected to the council and will need to be included in the dispensation.

A copy of the original report to members on the 6th March 2015 is attached as appendix 1 in order to remind members of the circumstances of the original application. If possible, a representative from Rhyl Town Council will be in attendance to respond to any queries the Committee may have.

5. How does the decision contribute to the Corporate Priorities?

The decision has no impact on corporate priorities.

6. What will it cost and how will it affect other services?

There are no implications for other services as a result of this report. .

7. What consultations have been carried out?

No consultations have been considered necessary.

8. Chief Finance Officer Statement

Not required.

9. What risks are there and is there anything we can do to reduce them?

There are no identified risks.

10. Power to make the Decision

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

Agenda Item 7

Report To: Standards Committee

Date of Meeting: 6th March 2015

Lead Member / Officer: Monitoring Officer

Report Author: Gary Williams, Monitoring Officer

Title: Application for dispensation by members of Rhyl Town Council

1. What is the report about?

1.1 The report is about an application from Rhyl Town Council for the grant of a dispensation for members of the Town Council.

2. What is the reason for making this report?

2.1 To allow the Committee to consider the application, determine whether or not to grant a dispensation, and, if the Committee is minded to grant the dispensation, the conditions to be attached to the dispensation.

3. What are the Recommendations?

3.1 That the Standards Committee consider the grant of dispensation to the Members of Rhyl Town Council as applied for in Appendix 1, pursuant to Regulation 2 (a), and (d) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001. If the Committee are minded to grant a dispensation, then the terms of such dispensation shall be as follows:

3.1.1 The dispensation applies only to matters considered by Rhyl Town Council relating to the Rhyl In Bloom Committee.

3.1.2 The Members must still declare a personal interest at the meeting(s) at which such items are discussed. They may then speak and vote in so far as they are permitted to do so by this dispensation

4. Report details.

4.1 An application has been received from Rhyl Town Council for a dispensation for the elected members of the Town Council in respect of matters relating to the Rhyl In Bloom Committee. A copy of the letter making the application from the Town Clerk is attached as Appendix 1 to this report.

4.2 The Town Council appoints one of its elected members to serve on the Committee, however a majority of the members of the Town Council are also

involved in the work of the organisation either by being on the Committee in their personal capacity or as members of the organisation.

- 4.3 Paragraph 10(1) of the Members' Code of Conduct states that members of relevant authorities must in all matters consider whether they have a personal interest and whether the code of conduct requires them to disclose that interest. Paragraph 10(2) sets out a number of circumstances in which Members must regard themselves as having a personal interest in any business of the authority.
- 4.4 Paragraph 10(2)(viii) of the Code provides that a member has a personal interest in any business that relates to or is likely to affect any body to which they have been elected, appointed or nominated by their authority.
- 4.5 Paragraph 10(2)(ix) provides that a member has a personal interest in any business that relates to or is likely to affect 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;
 - (chch) trade union or professional association; or
 - (dd) private club, society or association operating within your authority's area, in which they have membership or hold a position of general control or management;
- 4.6 Paragraph 12(1) of the Code provides that a member who has a personal interest in any business of their authority will 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 their judgement of the public interest.
- 4.7 Paragraph 14(1) of the Code provides that where a Member has a prejudicial interest in any business of the authority then they must, unless they have obtained a dispensation from the Standards Committee, withdraw from the room where a meeting considering the business is being held.
- 4.8 The Town Council has considerable involvement with the Committee, provides financial assistance to it and is likely to have greater involvement in the work of the Committee in the future for the reasons set out in the letter attached as Appendix 1.
- 4.9 Section 81(4) of the Local Government Act 2000 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 with a dispensation from the prohibition granted by the Authority's Standards Committee in accordance with the Regulations made under Sub-Section (5)".

4.10 Section 56 of the Local Government Act 2000 provides that the Standards Committee of the County Borough Council in Wales is to have the same functions in relation to the Community Councils within the County as it does in relation to the County Council and its Members. Accordingly, the Standards Committee has the power to grant dispensation to Members of Town, City and Community Councils within its area.

4.11 The relevant Regulations are the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001. These Regulations set out the circumstances in which the Standards Committee may grant dispensation. The most relevant circumstances to this request are set out in the following paragraphs of the Regulations:

Paragraph 2(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

Paragraph 2(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;

4.12 The application is for the dispensation to apply to all members of Rhyl Town Council and to remain in place until the next ordinary election of councillors to the Town Council in 2017.

4.13 It is for the Standards Committee to decide whether or not to grant the dispensation applied for. If the Standards Committee is minded to grant the dispensation, it must also determine the period for which the dispensation is to apply. This may be for the period applied for or such other period as the Standards Committee may determine.

5. How does the decision contribute to the Corporate Priorities?

5.1 The decision has no impact on the Corporate Priorities

6. What will it cost and how will it affect other services?

6.1 The decision will have no direct cost impact and will not affect other services.

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.

7.1 There is no requirement for an equality impact assessment.

8. What consultations have been carried out with Scrutiny and others?

8.1 There have been no consultations with Scrutiny or others.

9. Chief Finance Officer Statement

9.1 There are no financial implications arising from the decision.

10. What risks are there and is there anything we can do to reduce them?

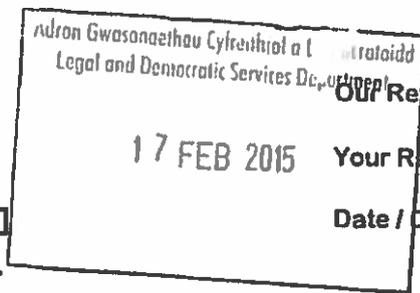
10.1 There are no risks to the County Council associated with this report.

11. Power to make the Decision

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



CYNGOR TREF Y
RHYL
TOWN COUNCIL



APPENDIX 1

Our Ref / Ein Cyf: C24/02/wil160215
Your Ref / Eich Cyf:
Date / Dyddiad: 16th February 2015

Town Mayor / Maer y Dref: Councillor / Cyngorydd D. Simmons

Town Clerk / Clerc y Dref: Mr Gareth Nickels

Mr Gary Williams
Monitoring Officer
Denbighshire County Council
County Hall
RUTHIN
Denbighshire
LL15 1YN

Dear Mr Williams

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

In accordance with paragraph 14.1 of the Town Council's adopted Code of Conduct I have been instructed by the Rhyll Town Council to request that the Standards Committee grant dispensation to all Members of the Council to participate (debate and voting) on matters relating to the Rhyll in Bloom Committee (RIB).

From your files you will note that in 2004 I was able to obtain similar collective dispensation for the then Town Councillors in respect of a number of organisations.

As background the RIB Committee constitution is a community organisation established with the primary objectives of:

- Co-ordinate activities for Rhyll's entry in the Wales in Bloom Competition
- Manage submission of entry in Wales in Bloom competition
- Lobby support from statutory authorities, other groups and individuals in the town and create opportunities for community involvement

I understand that the RIB Committee are seeking to expand its role to operate throughout the year to ensure the attractiveness of the town.

As a consequence of the recent budget decisions by our authorities the Town Council is significantly increasing its budget in respect of grounds maintenance and particularly floral displays.

It is unknown at this stage exactly how this budget will be utilised however it is likely that RIB will be asked to participate in service delivery in some format.

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WELLINGTON COMMUNITY CENTRE,
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SWYDDFEYDD DINESIG,
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Correspondence is welcome in either Welsh or English
Mae croeso i chi gysylltu â'r Cyngor yn Gymraeg neu yn Saesneg

The Town Council has appointed Councillor S.H. Ratcliffe as its formal representative to the organisation, but a majority of other members are also involved in both a formal and ad hoc basis (i.e. holding offices of the organisation or general membership or assisting during competition times with planting litter picking etc).

As such Members are requesting that the Standards Committee grant dispensation to all Members of the Town Council to participate in debate and voting on matters relating to grounds maintenance issues.

The number of Town Council Members involved and the level of actual involvement at any specific time varies and to avoid having to make numerous on going requests for dispensation, I am requesting that all Members of the Town Council be granted the dispensation until the next normal elections (to include any Members subsequently elected/co-opted to the Council in the interim period).

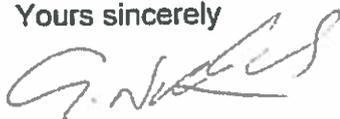
The application is being made in accordance with Section 2(a) and (d) of "The Standards Committee (Grant of Dispensations)(Wales) Regulations 2001" i.e.

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;

(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;

Yours sincerely



Town Clerk

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Correspondence is welcome in either Welsh or English

Ma croeso i chi gysylltu â'r Cyngor yn Gymraeg neu yn Saesneg

Report To: Standards Committee

Date of Meeting: 8th April 2016

Lead Member / Officer: Gary Williams, Monitoring Officer

Report Author: Gary Williams, Monitoring Officer

Title: Changes to the Model Code of Conduct

1. What is the report about?

The report is about proposed changes made to the Model Code of Conduct for Wales as a result of a recent statutory instrument signed by the Minister for Public Services entitled Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016.

2. What is the reason for making this report?

To advise members of the proposed changes to the code of conduct brought about by the Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016, (the Order)

3. What are the Recommendations?

The Standards Committee endorses the proposed changes to the Code of Conduct for approval by Council at the Annual Meeting in May 2016 as set out in Appendix 1

4. Report details.

- 4.1 The Minister for Public Services has signed the Order which comes into effect from 1st April 2016.
- 4.2 The effect of the Order is to make changes to the Model Code of Conduct applicable to members of local authorities in Wales. Members are aware that every local authority is obliged to adopt a Code of Conduct for its members, which includes all of the provisions of the Model Code of Conduct. Local authorities may adopt a Code of Conduct which contains additional provisions to those of the Model provided that those additions do not detract from the effect of the Model provisions.
- 4.3 Denbighshire County Council's Code of Conduct differs from the existing Model in two respects. Firstly, it contains a requirement that all members attend training on the Code of Conduct at least once in every term. Secondly it places a value of £25 over which any gifts or hospitality must be declared. This provision was adopted to avoid inadvertent breach of the Code by

members. It is suggested that these variations from the new Model Code be retained.

4.4 The Order changes the Model Code of Conduct in the following ways.

4.4.1 Paragraph 10(2)(b) is omitted from the Model Code. This paragraph has caused difficulties in the past given the difference between the policy intention of its inclusion and a strict interpretation of the language used in the paragraph. A strict interpretation of the paragraph, as worded, could preclude members from participating in any decision affecting their ward whereas the underlying policy intention was to limit the scope of this provision to decisions made by individual councillors in the exercise of executive functions. The removal of the paragraph avoids this ambiguity.

4.4.2 The obligation on a member to report a potential breach of the Code to the Ombudsman is removed. The requirement to report such a breach to the Monitoring Officer is retained.

4.4.3 Paragraph 15 of the model code deals with the register of member's interests and is amended to clarify that any interest disclosed for the first time by a member must be entered in the register. The exemption for town and community councillors from the requirement to register, in advance, certain financial and other interests, listed in paragraph 10(2)(a) of the code, is maintained.

4.4.4 The Local Government (Democracy) (Wales) Act 2013 transferred responsibility for maintaining the register of interests of members of town and community councils from the Monitoring Officer of county council for the area to the "proper officer" of each town and community council with effect from 1st May 2015. These changes are reflected in the new Model Code in paragraphs 15(3) and 15(6).

4.5 In addition, the Minister for Public Services also brought into effect the Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016. These Regulations make a number of technical amendments to other regulations relating to the ethical agenda. Local authorities will be able to establish joint standards committees should they wish to do so. Standards committees will be able to delay the publication of agendas connected to their consideration of a misconduct investigation. This is something which was already the practice of many committees.

4.6 The new Regulations also grant power to refer a report of misconduct to another council's standards committee for determination which may be useful to avoid potential conflicts of interest in some circumstances. In addition, a general category of dispensation is introduced which will enable a standards committee to grant a dispensation if it considers it appropriate in all the circumstances to do so, where it is 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.

4.7 The new Model Code subject to the variations referred to above is contained in Appendix 1 to this report.

5. How does the decision contribute to the Corporate Priorities?

The report has no direct impact on the corporate priorities.

6. What will it cost and how will it affect other services?

There are no costs directly associated with the report.

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.

This report does not require an equality impact assessment.

8. What consultations have been carried out with Scrutiny and others?

This matter has not been reported or consulted upon elsewhere.

9. Chief Finance Officer Statement

There are no costs directly associated with this report

10. What risks are there and is there anything we can do to reduce them?

There are no risks directly associated with this report

11. Power to make the Decision

Article 9.2 Council Constitution

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Appendix 1

THE 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 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,

(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.
- (e) attend at least one training session during each full term of office on the Members Code of Conduct as provided by your Authority's Monitoring Officer or person nominated on their behalf.

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 the value of £25, 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.
