



# Complete Agenda

**Democratic Service**  
Swyddfa'r Cyngor  
CAERNARFON  
Gwynedd  
LL55 1SH

Meeting

**STANDARDS COMMITTEE**

Date and Time

**11.00 am, MONDAY, 18TH APRIL, 2016**

Location

**Ystafell Gwyrfai, Council Offices, Caernarfon, Gwynedd. LL55 1SH**

Contact Point

**Eirian Roberts**

**01286 679018**

**maireirianroberts@gwynedd.gov.uk**

(DISTRIBUTED 08/04/16)

# **STANDARDS COMMITTEE**

## **Membership**

### **Elected Members (3)**

Councillors

Lesley Day  
Eryl Jones-Williams  
Michael Sol Owen

### **Independent Members (with a vote) (5)**

Margaret E. Jones  
Jacqueline Hughes  
David Wareing  
Einir Young  
Aled Jones

### **Community Committee Member (with a vote) (1)**

David Clay

# **A G E N D A**

## **1. APOLOGIES**

To receive any apologies for absence.

## **2. DECLARATION OF PERSONAL INTEREST**

To receive any declaration of personal interest.

## **3. URGENT ITEMS**

To note any items that are a matter of urgency in the view of the Chairman for consideration.

## **4. MINUTES**

1 - 3

The Chairman shall propose that the minutes of the previous meeting of this committee held on 25th January, 2016 be signed as a true record (attached).

## **5. APPLICATIONS FOR DISPENSATION**

4 - 12

To consider the report of the Monitoring Officer (attached).

## **6. SELF-ASSESSMENT AND WORK PROGRAMME**

13 - 19

To consider the report of the Monitoring Officer (attached).

## **7. AMENDMENTS TO MODEL CODE OF CONDUCT**

20 - 35

To consider the report of the Monitoring Officer (attached).

## **8. REGISTER OF MEMBERS' INTERESTS**

36

To consider the report of the Monitoring Officer (attached).

## **9. ALLEGATIONS AGAINST MEMBERS**

37 - 39

To consider the report of the Monitoring Officer (attached).

## STANDARDS COMMITTEE 25/01/16

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**Present:-**

**Elected Members:-** Councillors Lesley Day, Michael Sol Owen and Eryl Jones-Williams.

**Independent Members:-** Ms Jacqueline Hughes, Miss Margaret Jones (Vice-chair chairing in the Chair's absence) and Mr David Wareing.

**Also in Attendance:** Iwan Evans (Monitoring Officer), Siôn Huws (Senior Solicitor) and Eirian Roberts (Member Support and Scrutiny Officer).

**Apologies:-** Dr Einir Young and Mr David Clay.

### 1. DECLARATION OF PERSONAL INTEREST

No declarations of interest were received from any members present.

### 2. MINUTES

The Chair signed the minutes of the previous meeting of this committee held on 5 October, 2015 as a true record, subject to rectifying the reference under item 5 to the Integrated Well-being, Health and Social Care Act to read "*Future Generations Well-being Act and Integrated Health and Social Care Act*".

### 3. LOCAL GOVERNMENT BILL (WALES) 2015 PART 4

Submitted:-

- The report of the Monitoring Officer inviting the committee's observations on Part 4 of the Local Government Bill (Wales) 2015, in so far as it related to the functions of the Standards Committee, to be considered as part of the preparation of the corporate response to the Bill.
- Part 4 of the draft Bill.

The Monitoring Officer explained that:-

- Part 4 of the Bill imposed new duties on standards committees to deal with complaints that members of new prospective county councils had breached the statutory duties imposed upon them in terms of the performance of their functions, such as attending meetings, holding regular ward surgeries, answering correspondence, completing compulsory training courses and publishing an annual report.
- Standards committees were also expected to monitor the compliance of leaders of political groups with their duties to take reasonable steps to promote and maintain high standards of conduct by members of their group and also to advise, and arrange relevant training.
- Standards committees would also have a duty to provide an annual report to the Council describing how they have implemented those functions during the year.
- The procedure for handling complaints about an alleged failure by a councillor to abide by the duties imposed, required the Monitoring Officer to refer the matter to the chair of the Standards Committee. Should the Monitoring Officer and the chair both consider that a matter should not be investigated, no investigation could take place, but should either the Monitoring Officer or the chair consider that a matter

should be investigated, the Monitoring Officer would have to investigate it and provide a report of the investigation to the Standards Committee.

**RESOLVED to submit the following observations on Part 4 of the Local Government Bill (Wales) 2015 to be considered as part of the preparation of the corporate response to the Bill:-**

- **The idea of introducing statutory duties is supported as it sets a framework that should be worked within, but more clarity is required regarding the element of flexibility, e.g. is it acceptable for a member to explain that he/she is not holding surgeries as he/she is undertaking the work in another manner, and are members expected to acknowledge receipt of correspondence or provide a full response within 14 days?**
- **Members of the new prospective county councils will sign up to this procedure and will therefore be aware of what is expected of them.**
- **The investigation and enforcement procedure leads the Monitoring Officer and the Standards Committee into the field of managing the performance of individual members and it must be questioned whether or not the Standards Committee is the best resource to deal with under-performance within the Council and alternative methods of ensuring performance should be considered, such as the allowances procedure.**
- **There is a concern regarding the implications of the proposed procedure, especially in terms of the Monitoring Officer and the Chair of the Standards Committee as the requirements are very broad and could nearly change the Chair's function into a full-time job and make it difficult to get people applying to become members of the Standards Committee.**

#### **4. ALLEGATIONS AGAINST MEMBERS**

Submitted, for information – the report of the Monitoring Officer on formal complaints made against members.

Further to the report, the Senior Solicitor noted that another two complaints had come to hand since the report had been written and that he would report on them at the next meeting.

**RESOLVED to note the report.**

#### **5. WALES STANDARDS CONFERENCE 2015**

Submitted, for information:-

- The report of the Monitoring Officer on the Standards Conference Wales 2015, held in Cardiff in October.
- A report on the conference prepared by Cardiff City Council who hosted the event.

She thanked the members who attended the Conference, the Monitoring Officer and the staff for making the arrangements and noted that it had been very beneficial to have the opportunity to share opinion with members of other standards committees.

The Monitoring Officer thanked the members for attending the Conference and provided a summary of the main messages that derived from the presentations and workshops.

**RESOLVED to accept the report with thanks.**

#### **6. OBSERVING MEETINGS**

Independent members were invited to provide verbal feedback following their experience of observing the meetings of Gwynedd Council or town / community councils.

Mr David Wareing referred to difficulties he had when he attempted to observe a community council meeting as the Council in question operated in Welsh only. If he had turned up unannounced, he explained that he could not have followed the discussion and that non-Welsh speakers would be excluded. In response, the Monitoring Officer explained that community councils were expected to operate in accordance with their language plans which set out their procedures with regards to matters such as simultaneous translation. However, he suggested that members should ascertain what those procedures were beforehand as he was aware that the situation varied from one council to another in terms of when and how translation services are provided. He added that any complaint regarding lack of provision should be referred to the community council in question.

Independent members were reminded that they were able to observe a number of Gwynedd Council committees and the full council meeting in the webcast section on the Council website.

The meeting commenced at 11.00 am and concluded at 12.15 pm

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**CHAIRMAN**

# Agenda Item 5

<b>Committee:</b>	<b>Standards Committee</b>
<b>Date:</b>	<b>18 April 2016</b>
<b>Title:</b>	<b>Applications for dispensation</b>
<b>Author:</b>	<b>Monitoring Officer</b>
<b>Action:</b>	<b>To decide upon the applications</b>

## **Background**

1. Applications for dispensations by Councillors Anne Lloyd-Jones and Richard Vaughan, members of Tywyn Town Council are attached (Appendices 1 & 2). The applications relates to the caravan park owned by the Town Council, the Ynysymaengwyn Camping and Caravan Park.
2. Tywyn Town Council's predecessor authority was given a piece of land (Ynysymaengwyn) to hold for the benefit of the public, creating the Ynysymaengwyn Trust. The council, as a body, is the sole corporate trustee, and will make decisions regarding the trust through one of its committees. Each member of the council is a member of the committee member, and Cllr. Lloyd-Jones is the current Chair.
3. The council also owns the Ynysymaengwyn Camping and Caravan Park, which is a commercial caravan site. The site comprises around 115 static caravans and spaces for around 50 touring caravans and tents. This site was, at one time, part of Trust land, but now it is run as a separate business, although the profit is given to the trust.
4. The council employs a manager and staff to run the site. The council has a committee specifically for running the site, the Ynysymaengwyn Caravan Site Management Committee. The committee will decide on issues such as the fees to be charged, staff salaries, the purchase of new equipment and resources for the business. Each member of the council member is a member of the committee. The Chairman of the Council is the chair the committee.
5. Both councillors have therefore requested a dispensation to participate in the deliberations of the Committee Caravan Site Ynysymaengwyn even though they have a prejudicial interest under the Code of Conduct by virtue of their association with nearby caravan sites.

## **Considerations**

6. The Standards Committee may grant a dispensation if the situation comes within one (or more) of those listed in the relevant regulations. These situations are listed in the appended guidance notes. The Committee must first of all therefore decide whether the any of the situations listed arise in these cases.
7. If it decides that any of paragraphs are applicable, the Committee must then decide whether the members should be allowed to take part even though the Code of Conduct provides that they should not. In doing so it must take into account the public interest. The Code of Conduct provides that members

with a prejudicial interest in a matter should not take any part in a decision on that. The Code's provisions are intended to give members of the public confidence that decisions are being taken in their best interests, and not in the best interests of members of authorities or their close personal associates.

8. The Ombudsman's Guidelines on the Code of Conduct notes the following in relation to granting dispensations

*"The standards committee will need to balance the public interest in preventing members with prejudicial interests from taking part in decisions, against the public interest in decisions being taken by a reasonably representative group of members of the authority."*

### **Recommendation**

9. The Committee is requested to consider and decide upon the applications.



# Application to the Standards Committee for a Dispensation

**YOUR APPLICATION WILL NOT BE CONSIDERED UNLESS EVERY PART OF THIS FORM IS COMPLETED**

## 1. PERSONAL DETAILS

1.1 Your name

Anne Lloyd-Jones

1.2 Your council GWYNEDD

Tywyn Town Council

1.3 Your address and contact telephone no.

Hendy Farm  
Tywyn  
Gwynedd LL369RU  
01654 710 457

## 2. DETAILS OF YOUR INTEREST

2.1 What is the item in question?

Ynysmaengwyn.Bryncrug Tywyn

As a town council all members are trustees of the Ynysmaengwyn Trust and members of the Caravan Park management committee.

2.2 How does your interest in the item arise?

Ynysmaengwyn has a static caravan site, a touring site for caravans and tents.

I run a member's only certificated 5 van caravan club site

The profit from the Ynysmaengwyn Caravan site goes to the Ynysmaengwyn Trust of which I am Chairman.

*Please return to the Monitoring Officer, Gwynedd Council, Caernarfon, LL55 1SH.*

*If you have any questions regarding this form, contact the Senior Solicitor (Corporate):  
Tel. 01286 679168 e-mail - sionH@gwynedd.gov.uk*

### 3. DETAILS OF YOUR APPLICATION

3.1 Are you applying for a dispensation to (a) speak and vote or, (b) to speak only?

To speak and vote

3.2 Are you requesting:

(a) a dispensation for a particular meeting? If so please provide details below:

or

(b) a general dispensation so that you can take part whenever the matters arises?

A general dispensation to take part and vote at all meetings of the Ynysmaengwyn Caravan Park committee meetings.

4. Regulations prescribe the circumstances in which the Standards Committee may grant a dispensation. These grounds for granting a dispensation are summarised below and are set out in full in the attached guidance notes. On which of the following grounds do you believe that a dispensation should be granted in this case? Please tick the appropriate box(es).

• at least half of the members considering the business has an interest	<input type="checkbox"/>
• my inability to participate would upset the political balance of the meeting to such an extent that the outcome would be likely to be affected	<input type="checkbox"/>
• my participation would not damage public confidence	<input checked="" type="checkbox"/>
• the interest is common to me and a significant proportion of the general public;	<input type="checkbox"/>
• my participation in the business is justified by my particular role or expertise;	<input checked="" type="checkbox"/>
• the business is to be considered by a scrutiny committee and my interest is not pecuniary	<input type="checkbox"/>
• the business relates to the finances or property of a voluntary organisation of whose management committee or board I am a member and I have no other interest	<input type="checkbox"/>

5. Please explain below why you believe the Standards Committee should grant your application (i.e. why do you think that you should be allowed to be present as a member when the matter is discussed, even though you have a prejudicial interest?).

The certificated Caravan Club site that I run is for members only and not open to the general public, which is exempt from planning and licensing.  
Under the rules of the Caravan Club all we are expected to offer members is a cold water standpipe and disposal facilities.

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The people who stay with me would not want to stay on a large commercial site like Ynysmaengwyn. Likewise the people who stay at Ynysmaengwyn would not want to stay on my site with very basic facilities. My competition is not Ynysmaengwyn but the other five caravan club sites in the area. We are in a different market.

We have had recent advice from the Monitoring officer about how the Town council should be running the committee which is different to how it has been run for the past thirty years since I became a member of the Trust and committee.

After local government re-organisation Ynysmaengwyn was originally placed in the jurisdiction of Bryn-crug Community council. Following representations and meetings with the Charity Commission they agreed that the site should be run by Tywyn Town Council. They also agreed to the way the site should be administered and run. Tywyn Town Council has over this period run Ynysmaengwyn Trust and Caravan Park as separate bodies believing that as members that we were trustees and when dealing with matters appertaining to the Trust that this should be our main and sole consideration. All members of the Town Council over this period have been members of both committees.

I have no particular expertise on the running of Ynysmaengwyn caravan park, only thirty years of sitting on the management committee which meets twice a year under the Chairmanship of whoever is the Chairman of the town council at the time.

I have not personally benefited in any way from having been a member, and my interest has been to ensure that the site is profitable so that the excess profits can go to the Trust to spend on the Green Flag Awarded woodlands which is open to the general public and of which I am the Chairman.

*(please continue on a separate sheet if necessary)*

Signed

*Rhys Iley Jones*

Dated

*3/3/2016*

Please return to the Monitoring Officer, Gwynedd Council, Caernarfon, LL55 1SH.

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[www.gwynedd.gov.uk](http://www.gwynedd.gov.uk)

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## Guidance Notes

1. This is the form for submitting an application for a dispensation, i.e. permission to take part in a discussion even though you have a 'prejudicial interest' under the Code of Conduct. Further information regarding interests can be found in the Code of Conduct itself, the Ombudsman's Guidance and the Gwynedd Council 'Interests' leaflet.

### **2. Circumstances in which dispensations may be granted**

The Standards Committee may grant a dispensation if the application comes within one or more of the circumstances listed in *The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001*:

"(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

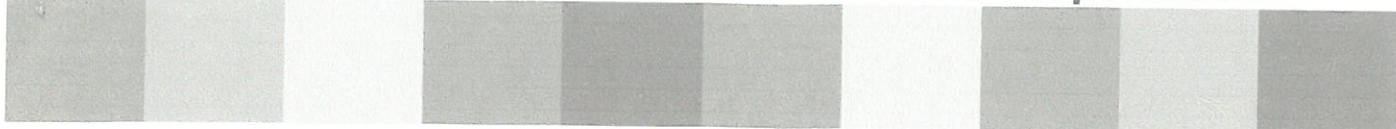
(i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it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

*Please return to the Monitoring Officer, Gwynedd Council, Caernarfon, LL55 1SH.*

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**[www.gwynedd.gov.uk](http://www.gwynedd.gov.uk)**

# Application to the Standards Committee for a Dispensation



YOUR APPLICATION WILL NOT BE CONSIDERED UNLESS EVERY PART OF THIS FORM IS

## 1. PERSONAL DETAILS

1.1 Your name **RICHARD MAURICE VAUGHAN**

1.2 Your council GWYNEDD

1.3 Your address and contact telephone no.  
**PALL MALL FARM** **01654 710384**  
**TYWYN** **07880 542750**  
**GWYNEDD, LL36 9RU**

## 2. DETAILS OF YOUR INTEREST

2.1 What is the item in question?  
**I AM A TRUSTEE OF PALL MALL CARAVAN PARK TYWYN AS WELL AS BEING A MEMBER OF TNY SMAENGWYN CARAVAN COMMITTEE THROUGH BEING A TOWN COUNCILLOR ON TYWYN TOWN COUNCIL**

2.2 How does your interest in the item arise?  
**I AM TRUSTEE OF PALL MALL CARAVAN PARK WHICH IS IN COMPETITION WITH ALL OTHER CARAVAN PARKS IN THE AREA**

## 3. DETAILS OF YOUR APPLICATION

3.1 Are you applying for a dispensation to (a) speak and vote or, (b) to speak only?  
**TO SPEAK ONLY.**

3.2 Are you requesting:

(a) a dispensation for a particular meeting? If so please provide details below:  
**ALL TNY SMAENGWYN CARAVAN PARK MANAGEMENT COMMITTEE MEETS (2/yr).**

or

(b) a general dispensation so that you can take part whenever the matters arises?

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Ffurflen Goll Newydd 2014 Drafft 2(s)

**CYNGOR GWYNEDD**  
 - 7 EBR 2016  
 GWASANAETH CYFREITHIOL



4. Regulations prescribe the circumstances in which the Standards Committee may grant a dispensation. These grounds for granting a dispensation are summarised below and are set out in full in the attached guidance notes. On which of the following grounds do you believe that a dispensation should be granted in this case? Please tick the appropriate box(es).

• at least half of the members considering the business has an interest	<input type="checkbox"/>
• my inability to participate would upset the political balance of the meeting to such an extent that the outcome would be likely to be affected	<input type="checkbox"/>
• my participation would not damage public confidence	<input type="checkbox"/>
• the interest is common to me and a significant proportion of the general public;	<input type="checkbox"/>
• my participation in the business is justified by my particular role or expertise;	<input checked="" type="checkbox"/>
• the business is to be considered by a scrutiny committee and my interest is not pecuniary	<input type="checkbox"/>
• the business relates to the finances or property of a voluntary organisation of whose management committee or board I am a member and I have no other interest	<input type="checkbox"/>

5. Please explain below why you believe the Standards Committee should grant your application (i.e. why do you think that you should be allowed to be present as a member when the matter is discussed, even though you have a prejudicial interest?).

I believe the Standard Committee should grant my application for the following reasons:-

- 1) I have been involved in running the family caravan park for over 25yrs which is kept to a very high standard so I have invaluable experience in managing a park, & complying to the vast array of regulations which come with that role.
- 2) I am often asked for advice & guidance by the current managers as well as other trustees/committee members & I always provide this openly and honestly, and to the benefit of Y.C.P. of Y.C.P. \*
- 3) I have never taken advantage of my position for any financial or any other gain & have given my utmost to improve Y.C.P through increasing its revenue & satisfying customer needs.

Gobeithio bydd hys in ddiogel, yn gywir.

(please continue on a separate sheet if necessary)

Signed Richard J. J. Dated 5/4/16

Please return to the Monitoring Officer, Gwynedd Council, Caernarfon, LL55 1SH.

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Tel. 01286 679168 e-mail - sionH@gwynedd.gov.uk



www.gwynedd.gov.uk

\* Yngymaithwr  
Caravan  
Park.

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(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.”

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<b>MEEETING</b>	<b>STANDARDS COMMITTEE</b>
<b>DATE</b>	<b>18 April 2016</b>
<b>TITLE</b>	<b>SELF ASSESSMENT AND WORK PROGRAMME</b>
<b>AUTHOR</b>	<b>IWAN G D EVANS, MONITORING OFFICER.</b>

1. There are two aims in this preoprnt namely undertake a assessment of the the work and oucomes of the Committee for 2015-16 and consider a draft work programme for 2016 - 2017

2. The Committee members are asked to consider the functions listed in the first column and then note which assessment they believe is relevant, using the following categories :

Category 1 – Evidence that the Committee is fully meeting the requirements.

Category 2 –Evidence that the Committee meets the basic requirements but can do more to fully comply.

Category 3 – No evidence that the Committee meets the requirements.

3. It is necessary to note the evidence which supports the category which the Committee awards. The column "Evidence" shows some examples of evidence, but it is possible that the Committee members are able to add to it.

4. By assigning a category to each function and noting the evidence, it is possible for the Committee to come to a conclusion regarding which further steps they need to take (if any). The last column contains some suggestions for further steps. These are the matters which will be fed through to the Committee work programme in the future.

5. Appendices

In Appendix 1 there is a draft self assessment for the committees consideration  
In Appendix 2 the 2015- 16 Work Programme and an assessment of achievement.

In Appendix 3 a draft work programme for 2016 – 17

## **RECOMMENDATION**

The Committee is asked to undertake a self assessment of its performance in 2015-16 and approve the work programme for 2016 - 17



**SELF ASSESSMENT OF THE STANDARDS COMMITTEE 2015/16**

FUNCTION	ASSESSMENT (1/2/3)	Evidence	Further Action
Promote and maintain a high standard of conduct amongst members		<p>The Chair and Vice Chair have attended the North Wales Standards Forum to share experiences with other standards committees.</p> <p>Some members have attended committees, Full Council, Cabinet and Town and Community Council meetings as observers.</p>	<p>Continue to attend and support</p> <p>Continue to support including use of web casting.</p>
Assist the members to keep to the Code of Conduct		<p>Arranged training for Town and Community Councillors</p> <p>Arranged training for Council members</p>	Consider feedback and new training programme
Advise the Council regarding adopting or amending the Code of Conduct		<p>It was arranged for revised guidance on the Code of Conduct by the Ombudsman to be circulated to all Council members</p> <p>The Committee provided its views on relevant aspects of the Local Government( Wales) Bill 2015</p>	
Monitor the operation of the Code of Conduct		<p>Receive regular reports on allegations against members</p> <p>Receive the annual reports of the Adjudication Panel for Wales and the Ombudsman</p>	Incorporate the Committees observations on these reports in the Committee's annual report.

		<p>Receive annual reports in relation to the interests register and the declarations made.</p> <p>Receive annual reports on the register of interests and hospitality.</p>	
Advise, train or arrange training for members on matters relating to the Code of Conduct		<p>Members have attended the Wales Standards Conference in Cardiff and reported back.</p> <p>Arranged training for members of Town and Community Councils</p> <p>Arranged training for members of the Council</p>	Consider new training programme
Grant dispensations to members		<p>2 applications for dispensations by Town and community councillors were dealt with.</p> <p>An overview of the arrangements was taken to ensure propriety and consistency.</p>	
Deal with reports of tribunals and any reports from the Monitoring Officer on matters referred by the Ombudsman		1 hearing was held in 2015/16	
Authorise the Monitoring Officer to pay allowances to persons assisting with an investigation		No occasion to pay such an allowance has arisen.	
Exercise the above functions in relation to community councils		<p>The Committees annual report is sent to all community councils</p> <p>The opinion of community councils has been sought on training based on the Code and good governance. Training was arranged at 4 locations in response to the canvas.</p>	Arrange new training programme

<b>Rhaglen Waith Pwyllgor Safonau</b>	<b>Standards Committee Work Programme</b>	
<b>29 Mehefin 2015</b>	<b>29 June 2015</b>	
Adroddiad Blynyddol	Annual Report	
Canllawiau Newydd ar y Cod Ymddygiad	New Guidance on the Code of Conduct	
Cadarnhau Rhaglen Waith	Confirm Work Programme	
Honiadau yn erbyn aelodau	Allegations Against Members	
Trefnu i aelodau fynychu cyfarfodydd Pwyllgorau a Chynghorau Cymuned	Arrange Members Attendance at Committee and Community Council Meetings	
<b>5 Hydref 2015</b>	<b>5 October 2015</b>	
Adroddiad Blynyddol yr Ombudsman	Ombudsman's Annual Report	
Trefn Llywodraethu Corfforaethol	Corporate Governance Arrangements	
Honiadau yn erbyn Aelodau	Allegations against members	
Trefn Datrys Lleol Model Cynghorau Cymuned	Model Local Resolution Procedure for Community Councils	
<b>25 Ionawr 2016</b>	<b>25 January 2016</b>	
Cofrestr Rhoddion a Lletygarwch	Gifts and Hospitality Register	

Cofrestr Datgan Buddiant	Declaration of Interest registers	
Adroddiad Blynyddol y Panel Dyfarnu Honiadau yn erbyn aelodau	Annual Report of Adjudication Panel Allegations against members	
<b>20 Ebrill 2016</b>	<b>20 April 2016</b>	
<b>Hunan Arfarniad a Rhaglen Waith</b>	<b>Self Assessment and Work Programme</b>	
Hyfforddiant	Training	

<p><b>Rhaglen Waith Drafft Pwyllgor Safonau 2016/17</b></p>	<p><b>Draft Standards Committee Work Programme 2016/17</b></p>
<p><b>27 Mehefin 2016</b>                  Adroddiad Blynyddol                  Honiadau yn erbyn aelodau                  Adolygu trefn i aelodau fynychu cyfarfodydd Pwyllgorau a Chynghorau Cymuned – gwersi a ddysgwyd</p>	<p><b>27 June 2016</b>                  Annual Report                  Allegations Against Members                  Review of arrangements for Members                  Attendance at Committee and Community Council Meetings – lessons learnt</p>
<p><b>3 Hydref 2016</b>                  Adroddiad Blynyddol yr Ombudsman                  Honiadau yn erbyn Aelodau                  Trefn Datrys Lleol Model Cynghorau Cymuned                  Adolygiad Protocolau</p>	<p><b>3 October 2016</b>                  Ombudsman’s Annual Report                  Allegations against members                  Model Local Resolution Procedure for Community Councils                  Review of Protocols</p>
<p><b>23 Ionawr 2017</b>                  Cofrestr Rhoddion a Lletygarwch                  Cofrestr Datgan Buddiant                  Adroddiad Blynyddol y Panel Dyfarnu                  Honiadau yn erbyn aelodau</p>	<p><b>23 January 2017</b>                  Gifts and Hospitality Register                  Declaration of Interest registers                  Annual Report of Adjudication Panel                  Allegations against members</p>
<p><b>27 Mawrth 2017</b>                  Hunan Arfarniad a Rhaglen Waith Hyfforddiant</p>	<p><b>27 March 2017</b>                  Self Assessment and Work Programme Training</p>

# Agenda Item 7

<b>MEEETING</b>	<b>STANDARDS COMMITTEE</b>
<b>DATE</b>	<b>18 April 2016</b>
<b>TITLE</b>	<b>AMENDMENTS TO MODEL CODE OF CONDUCT</b>
<b>AUTHOR</b>	<b>IWAN G D EVANS, MONITORING OFFICER.</b>

## **SUMMARY**

2.1 The Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016 came into force on 1<sup>st</sup> April 2016

2.2 This Order amends some key elements of the existing Code of Conduct

2.3 Members need to be aware of these changes and the Council's Constitution needs to be amended to take these changes into account.

2.4 Members will also need to consider the dissemination of advice on these changes to Community Council Clerks,

## **4. BACKGROUND INFORMATION**

4.1 All Local Authorities in Wales are required to adopt a Code relating to the conduct expected of its Members. The core contents of the Code known as the Model Code of Conduct have been prescribed by Welsh Ministers since the first Code was introduced in 2000. The Model Code was substantially revised in 2008 into its current form

4.2 The 2016 Order amends the Model Code of Conduct in some key respects, namely:-

4.2.1 The onus on Members to report any conduct which they reasonably believe to be a breach of the Code of Conduct is changed so that Members now only need report the matter to the Monitoring Officer and not to the Ombudsman as well

4.2.2. Rule 10 (2) (b) of the previous Code is deleted. This created a Personal Interest where a member of the public might reasonably perceive a conflict between your role in taking or being involved in a particular decision and your role representing the interests of the constituents of your ward.

4.2.3 Additional provisions are introduced around making written representations where Members have a prejudicial interest. In that situation, Members can 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 that business. When submitting any representations, Members must comply with any procedure which the Authority has adopted for the submission of representations.

In effect, this puts Members in the same position as a member of the public in those specific circumstances. Provision already existed for members to exercise public speaking rights at such meetings where the authority's procedures allowed for this and in accordance with the authority's procedures. However, the Member concerned will not be able to debate and vote on the matter.

There are also a number of technical changes relating to up dating references to legislation and providing clarity for matters pertaining to Community Councils in particular.

### **3.RECOMMENDATION(S)/OPTIONS**

**3.1 That Members note the changes to the Members' Code of Conduct**

**3.2 That members consider the implications of the changes for Town and Community Councils.**

### **Appendix**

Relevant amendments to Constitution

### **BACKGROUND PAPERS**

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

## **SECTION 18**

### **18. MEMBERS' CODE OF CONDUCT**

#### **18.1 THE PRINCIPLES**

The Conduct of Members (Principles)(Wales) Order 2001 sets out the principles which are to govern the conduct of members of a relevant authority in Wales. They are :

##### **18.1.1 SELFLESSNESS**

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

##### **18.1.2 HONESTY**

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

##### **18.1.3 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 appearances of such behaviour

##### **18.1.4 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

##### **18.1.5 STEWARDSHIP**

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

##### **18.1.6 OBJECTIVITY IN DECISION MAKING**

In a 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.



### 18.1.7 **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.

### 18.1.8 **OPENESS**

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.

### 18.1.9 **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 it appropriate to their responsibilities.

### 18.1.10 **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.

## 18.2 **INTERPRETATION**

### 18.2.1 In this code

**"co-opted members"** 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"** means any meeting :

- (a) of the relevant authority;
- (b) of any executive or board of that relevant authority;
- (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such 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 (Committee 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"** includes, unless the context requires otherwise a co-opted member;

**"Register of Members' interests"** means the register established and maintained under section 81 of the Local Government Act 2000;

**"Relevant authority"** 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 Service Act 2004 or a scheme to which 4 of that Act applies;
- (e) a National Park Authority established under Section 63 of the Environment Act 1995;

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

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

18.2.2 In relation to a community council—

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

(b) **"standards committee"** 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.

## 18.3 GENERAL PROVISIONS

18.3.1. Save where paragraph 18.3.3 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 18.3.6(a) and 18.3.8

18.3.2 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.

18.3.3 When 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.

18.3.4 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.

18.3.5 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.

18.3.6 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.

18.3.7 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.

18.3.8 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.

18.3.9 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 Head of Finance;
  - (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.

18.3.10 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.

## **18.4 INTERESTS**

### **18.4.1 Personal Interests**

- (a) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.
- (b) You must regard yourself as having a personal interest in any business of your authority if
  - (i) it relates to, or is likely to affect :
    - (A) any employment or business carried on by you;
    - (B) 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;
    - (C) 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;
    - (D) 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;
    - (E) 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 (D) above;
    - (F) any land in which you have a beneficial interest and which is in the area of your authority;
    - (G) 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 (D) above.

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

(I) any:

1. public authority or body exercising functions of a public nature;
2. company, industrial and provident society, charity or body directed to charitable purposes;
3. body whose principal purposes include the influence of public opinion or policy;
4. trade union or professional association; or
5. 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.

(J) 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).

~~(ii) 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~~

(iii) a decision upon it might reasonably be regarded as affecting :

- (A) 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;
- (B) any employment or business carried on by persons as described in (A).
- (C) any person who employs or has appointed such persons described in (A), any firm in which they are a partner, or any company of which they are directors;
- (D) any corporate body in which persons as described in (A) have a beneficial interest in a class of securities exceeding the nominal value of £5,000, or
- (E) any body listed in paragraphs 18.4.1(b)(i)(l)1 to 18.4.1(b)(i)(l)5 in which persons described in (A) hold a position of general control or management to a greater extent than the majority of:

1. 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
2. in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

#### 18.4.2 **Disclosure of Personal Interests**

- (a) 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.
- (b) Where you have a personal interest in any business of your authority and you make :
  - (i) 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
  - (ii) 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 representations and interest in writing within 14 days of the representation.
- (c) Subject to paragraph 18.4.5(a)(ii) 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.
- (d) 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 18.4.2(a) submit a written notice to the 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:
  - (i) details of the personal interest;
  - (ii) details of the business to which the personal interests relates; and
  - (iii) your signature.
- (e) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 18.5.2(a), your obligations under

paragraph 18.4.2 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.

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

### 18.4.3 **Prejudicial Interests**

- (a) Subject to sub-paragraph (b) 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.
- (b) Subject to paragraph (c), you will not be regarded as having a prejudicial interest in any business where that business :-
  - (i) relates to:
    - (A) another relevant authority of which you are also a member;
    - (B) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
    - (C) a body to which you have been elected, appointed or nominated by your authority;
    - (D) 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;
    - (E) your role as a member of the Local Health Board where you have not been appointed or nominated by your authority;
  - (ii) relates to
    - (A) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have a lease of more than two months and provided that those functions do



not relates particularly to your tenancy or lease;

- (B) 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 the child attends;
  - (C) 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 receipt of, or are entitled to the receipt of such pay from your authority;
  - (D) 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;
- (iii) 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.
- (c) The exemptions in sub-paragraph 18.4.3.(b)(i) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

#### 18.4.4 Overview and Scrutiny Committees

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 sub-paragraph (a) and you were present when that decision was made or action was taken.

#### 18.4.5 Participation in relation to Disclosed Interests

- (a) Subject to paragraphs (b), (c) and (d), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standard committee :
  - (i) withdraw from the room, chamber or place where a meeting considering the business is being held -
    - (A) where sub-paragraph (b) 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

- (B) in any other case, whenever it becomes apparent that that business is being considered at that meeting;
  - (ii) not exercise executive or board functions in relation to that business;
  - (iii) not seek to influence a decision about that business;
  - (iv) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and
  - (v) 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.
- (b) 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.
- (c) 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 a statutory right or otherwise.
- (ch) When submitting written representations under sub-paragraph (c) you must comply with any procedure that your authority may adopt for the submission of such representations.
- (c) Sub-paragraph (a) does not prevent you attending and participating in a meeting if -
- (i) you are required to attend a meeting of an overview or scrutiny committee by such committee exercising its statutory powers; or
  - (ii) you have the benefit of a dispensation provided that you -
    - (A) state at the meeting that you are relying on the dispensation; and
    - (B) before or immediately after the close of the meeting give written notification to your authority containing -

1. details of the prejudicial interest;
2. details of the business to which the prejudicial interest relates;
3. details of, and the date on which, the dispensation was granted; and
4. your signature.

(d) 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 24 days of making the representation.

## **18.5 THE REGISTER OF MEMBERS' INTERESTS**

### **18.5.1 Registration of Financial and Other Interests and Memberships and Management Positions**

- (a) Subject to sub-paragraph(c) you must within 28 days of
- (i) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or
  - (ii) your election or appointment to office (if that is later)
- register your personal interests, where they fall within a category mentioned in paragraph 18.4.1(b)(i), in your authority's register of members' interests by providing written notification to your authority's monitoring officer.
- (b) 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.
- 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.
- (c) Sub-paragraphs (1), (2) and (3) do not apply to sensitive information determined in accordance with paragraph 18.5.2(a).
- (d) (5) Sub-paragraphs (1) and (2) do not apply if you are a member of a relevant authority which is community council when you act in your capacity as a member of such an authority.

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

### 18.5.2 Sensitive Information

- (a) When 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 18.5.1.
- (b) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (a) 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.
- (c) In this code, 'sensitive information' 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.

### 18.5.3 Registration of Gifts and Hospitality

You must within 28 days of being offered any gift, hospitality, material benefit or advantage above the value of £25, provide written notification to your authority's monitoring officer in relation to a community council your authority's proper officer of the existence and nature of that gift, hospitality, material benefit or advantage. You must register any such offer whether you accept it or not.



# Agenda Item 8

<b>Committee :</b>	<b>STANDARDS COMMITTEE</b>
<b>Date:</b>	<b>18 April 2016</b>
<b>Title</b>	<b>Register of Members' Interests</b>
<b>Author:</b>	<b>Monitoring Officer</b>
<b>Action:</b>	<b>For Information</b>

## **Background**

1. The Council is now required to publish the Register of Members' Interests electronically. An update on the process is presented in this report.
2. Elected members and co-opted members with voting rights must inform the Monitoring Officer of their interests under the Code of Conduct. The Monitoring Officer must keep a register of these interests.
3. The register therefore contains the 'upfront' registration made by members when they become members (they must also keep this current). It also contains the declarations of interest made by members at meetings.
4. The register is kept in paper format and has always been available to anyone who wishes to come in to inspect it. The Council is now required to publish the Register of Members' Interests electronically, and so it will also be available on the Council's website. The intention is to do this through the 'Modern Gov' system used by the Council. It will mean that each member's declarations will be available through accessin their personal pages on the website. The declarations made in meetings will be found in the minutes of that meeting and these too can be viewed via a personal page of the member.
5. We have already informed the Council members of this development and asked them to confirm if their 'upfront' registration forms 'advance' are up to date and accurate. In the meantime, work is underway on the Modern Gov system to allow these details to be inputed.

## **Recommendation**

6. The Committee notes the information.

<b>Committee :</b>	<b>STANDARDS COMMITTEE</b>
<b>Date:</b>	<b>18 April 2016</b>
<b>Title</b>	<b>Allegations against members</b>
<b>Author:</b>	<b>Monitoring Officer</b>
<b>Action:</b>	<b>For Information</b>

## 1. Background

The purpose of this report is to present information to the Committee regarding formal complaints made against members. The report is based on information received from the Ombudsman and the case references are his.

## 2. Complaints

### 2.1 Case No. 7294/201505281

Date Received: 07/01/16

#### Complaint

That a councillor had falsely accused the complainant (a fellow town councillor) of making derogatory, discriminatory and ageist remarks about her at a town council meeting, which were subsequently published in a local newspaper.

#### Decision

No investigation

Elected members should be respectful of their opponents any comments or debate should be confined to material issues and avoid personal attacks and offensive behaviour. However this view needs to be balanced against the individual's right to freedom of expression.

In this case the statements appear to be connected to a flyer/information originally issued by the complainant, and may be subject to the enhanced protection afforded by Article 10 of the Human Rights Act.

In view of this the Ombudsman was not persuaded that an investigation was in the public interest although it was a "borderline decision". The Ombudsman wrote to the councillor to remind her to consider her obligations under the Code of Conduct.

**2.2 Case No. 9945/201505396**

Date received: 12/01/16

**Complaint**

That the councillor had distributed misleading information about the complainant (a fellow town councillor) stating that she had voted at a meeting of the planning committee. She was not a member of the committee but attended as an observer only.

**Decision**

No investigation.

The councillor had not been present at the meeting but on the basis of the evidence available it was not unreasonable for an individual to assume that the complainant had been involved in the planning committee in relation to the item in question. She had also taken the opportunity to clarify her position in a newspaper article. It was not in the public interest to investigate the complaint. The information handed out was broadly of a political nature and was not disrespectful or offensive in tone.



### **2.3 Case No. 10076/201505713/14**

Date received: 25/01/16

#### **Complaint**

The councillor had harassed the complainant (a fellow town councillor) by making an unfounded complaint to the Ombudsman the he was guilty for harassing him. He had also uses council stationery when doing so. He also alleged that the councillor had failed to declare an interest

#### **Decision**

No investigation.

The Ombudsman had previously decided not to investigate eth harassment complaint and nothing would be gained in re-opening the matter. The councillor was undertaking council business when his concerns about harassment came to light. Whilst the councillor had left the meeting in question he had not openly informed the council of the reason for doing so, which is required under the code. An investigation would not be in the public interest but the Ombudsman would remind the councillor of his duties under the code.

### **3. Recommendation**

The Committee is asked to note the information.