

## **APPENDIX 2**

### **CODE OF CONDUCT FOR NWEAB ADVISERS**

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 the North Wales Growth Board if:
  - a it is likely to affect the well-being or financial position of such persons below to a greater extent than other tax payers in North Wales:
    - i you;
    - ii anyone with whom you live; or
    - iii anyone with whom you have close personal association;
  - b it relates to or is likely to affect any of the following:
    - i any employment or business of such a person;
    - ii any person who employs or has appointed such a person, any firm in which such a person is a partner or any company for which such a person is a remunerated director;
    - iii any corporate body which has a place of business or land in North Wales, and in which any such persons has 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;
    - iv any contract for goods, services or works made between the NWEAB and:
      - aa any such person;
      - bb a firm in which such a person is a partner;
      - cc a company of which such a person is a remunerated director; or
      - dd a body of the description specified in sub-paragraph (iii) above;
    - v any land in North Wales:
      - aa in which such a person has a beneficial interest; or
      - bb which such a person has a licence (alone or jointly with others) to occupy for 28 days or more;
    - vi any land where the landlord is the NWEAB and the tenant is:
      - aa a firm in which such a person is a partner;
      - bb a company of which such a person is a remunerated director; or
      - cc a body of the description specified in sub-paragraph (iii) above;
    - vii any of the following bodies in which such a person is a member or holds a position of general control or management:
      - aa a public authority or body exercising functions of a public nature;
      - bb a company, industrial and provident society, charity, or body directed to charitable purposes;
      - cc a body whose principal purposes include the influence of public opinion or policy;
      - dd a trade union or professional association; or
      - ee a private club, society or association operating within North Wales.

#### **Declaration of Personal Interests**

- 3 Where you have a personal interest in any business of the NWEAB and you attend a meeting at which that business is considered, you must declare the existence and nature of that interest before or at the commencement of that item, or when the interest becomes apparent.
- 4 Where you have a personal interest in any business of your authority and you write or speak to an officer or member of the NWEAB then you must:
  - a include details of that interest in the written communication; or

- b declare the interest at the commencement, or when it becomes apparent to you that you have such an interest.
- 5 You must, in respect of a personal interest not previously declared, before or immediately after the close of a meeting where the declaration is made, give written notification to the NWEAB's monitoring officer on the prescribed form, containing:
  - a details of the personal interest;
  - b details of the business to which the personal interest relates; and
  - c your signature.
- 6 A personal interest is also a prejudicial interest if it 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 except as set out in paragraph 7 below.
- 7 You will not be regarded as having a prejudicial interest in any business where that business is not the determination of any approval, consent, licence, permission or registration and:
  - a It relates to:
    - i another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
    - ii a body to which you have been elected, appointed or nominated by the NWEAB;
    - iii your role as a school governor (where you are not appointed or nominated by an authority which is a member of NWEAB) unless it relates particularly to the school of which you are a governor; or
    - iv your role as a member of a Local Health Board where you have not been appointed or nominated by an authority which is a member of the NWEAB;
    - v save that an interest shall not be considered as being personal and prejudicial where it relates to or is likely to affect the Party which has appointed the Adviser to the Joint Committee.
  - b It relates to:
    - i the housing functions of an authority which is a member of the NWEAB where you hold a tenancy or lease with that authority, provided that you do not have arrears of rent of more than two months, and provided that those functions do not relate particularly to your tenancy or lease; or
    - ii the functions of an authority which is a member of the NWEAB 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.
  - c It relates to or is likely to affect an Adviser which has appointed you as its representative to the Joint Committee.

### **Overview and Scrutiny Committees**

- 8 You also have a prejudicial interest in any business before an overview and scrutiny committee of any 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 the NWEAB or another of its committees, sub-committees, joint committees or joint sub-committees; and
  - b at the time the decision was made or action was taken, you were an adviser to the NWEAB, committee, sub-committee, joint-committee or joint sub-committee AND you were present when that decision was made or action was taken.

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

- 9 Where you have a prejudicial interest in any business of the NWEAB, unless you have obtained a dispensation from the Accountable Body's Standards Committee, you must:
  - a withdraw from the room, chamber or place where a meeting considering the business is being held:

- i where sub-paragraph (ii) below 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 NWEAB 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 unless the public has a right to do so; 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 unless the public has a right to do so.
- 10 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.
- 11 Paragraph 10 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;
  - b you are attending 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; or
  - c 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.
- 12 Where you have a prejudicial interest and are making written or oral representations to the NWEAB 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 the NWEAB within 14 days of making the representation.