



# **Standards Committee Annual Report 2016-17**

## **Foreword by the Chair**

I am pleased to present the fourth Annual Report of the Standards Committee for 2016/17. The Annual Report provides information to the Council about the work carried out by the Committee during the past 12 months and identifies particular issues that have arisen.

This fourth Annual Report covers the period from September 2016 to October 2017 and follows on from the last report presented to Council in September 2016.

The Standards Committee is committed to promoting high standards of ethical conduct among elected Members and officers in order to maintain public confidence in local government.

We are pleased to report that, once again, no serious complaints of misconduct were referred to the Standards Committee by the Ombudsman during the past 12 months and no complaints were referred for determination by the Committee under Stage 3 of the Local Resolution Protocol. The Council's proud record of never having any complaints upheld and sanctions imposed against individual Members has again been upheld, and long may this continue.

However, as my predecessor has mentioned previously, there is no room for complacency and it is essential that these standards are maintained. The Standards Committee will continue to proactively review all ethical standards policies and procedures as part of the forward work programme. The Committee was pleased to note that 40 City Councillors and many community councillors attended the induction programme modules on the Code of Conduct delivered in May 2017, following the local elections. However, we would urge those 10 City Councillors who have not yet attended this mandatory training to do so as a matter of urgency, in view of the significant changes that have taken place in the ethical standards framework in the past few years.

There have been significant changes to the membership of the Standards Committee during last year. In September 2016, two long-serving members retired after the end of their second term of office. I would like to take this opportunity to pay tribute to the work of the previous Chair, Hazel Taylor, and her Deputy John Pickering and we will endeavour to maintain the high standards that they set. I was appointed to replace Hazel as new Independent Chair of the Committee and my colleague Andrew Mitchell has been appointed as the new Vice-Chair. Andrew and Kerry Watkins have been appointed as two new independent members of the Committee and we also welcomed Councillor Phil Hourahine as a new elected member representative. Gerard Hancock also stepped down as the community council representative on the Standards Committee when his term of office as a Langstone Community Councillor ended in May 2017 and, following a rigorous interview process, we are recommending to Council that he is replaced by John Davies of Bishton Community Council.

Finally, I would like to thank all Members of the Committee and Council officers for their advice and support throughout the last 12 months.

Phillip Westwood

Chair of Standards Committee

## 1. **Introduction**

### 1.1 **Terms of Reference**

The Local Government Act 2000 Part III requires the Council to establish a Standards Committee to carry out the following statutory functions:-

- (a) Promoting and maintaining high standards of conduct by councillors, co-opted members and church and parent governor representatives;
- (b) Assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) Monitoring the operation of the Members' Code of Conduct;
- (e) Advising, training or arranging to train councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
- (f) Granting dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
- (g) Dealing with any reports from the Monitoring Officer and hearing any complaints of misconduct or breaches of the Members' Code of Conduct referred by the Public Services Ombudsman for Wales and determining appropriate action, including the imposition of any sanctions;
- (h) The exercise of (a) to (g) above in relation to the community councils and the members of those community councils.

Standards Committee also carries out the following additional functions, making recommendations to the Council, as appropriate:-

- (i) The hearing and determination of "low level" complaints of misconduct at Stage 3 of the Local Resolution Protocol;
- (ii) Providing advice to the Council on the Council's Codes of Practice, including the Officers' Code of Conduct and the Whistle Blowing policy;
- (iii) Monitoring and updating the Codes of Practice as required; and
- (iv) Overseeing the Council's confidential complaints procedure;

### 1.2 **Structure and Membership**

The composition and membership of the Standards Committee is prescribed by the Standards Committees (Wales) Regulations 2001 (as amended).

The Standards Committee comprises:-

5 Independent Members (persons who have no connection with the local authority)

- Phillip Westwood (Chair)
- Andrew Mitchell (Vice Chair)
- Tracey Britton
- Bernard John
- Kerry Watkins

3 councillor representatives:-

- Councillor Herbie Thomas
- Councillor Phil Hourahine
- Councillor David Fouweather

1 community council representative (subject to ratification By Council on 28<sup>th</sup> November 2017):-

- John Davies (Bishton Community Council)

The independent members serve a term of office of 4 years, although they are eligible to serve two consecutive terms of office. The Councillors are appointed annually by the Council at the AGM and replacement members can be appointed, as necessary, at any time. The community council representative continues as a member of the Committee until his term of office ends or he ceases to be a community councillor, or until he is replaced by another nominee.

### **1.3 Enforcement of the Members Code of Conduct**

The Council's Monitoring Officer is Gareth Price, the Head of Law & Standards, and the Deputy Monitoring Officer is Juliet Owen, the Chief Legal Officer.

The Monitoring Officer and Deputy Monitoring Officer are responsible for:-

- advising Standards Committee on law and procedure,
- ensuring compliance with statutory requirements (Registers of Members interest etc.)
- resolution of "low-level" complaints under Stage 2 of the Local Resolution Protocol
- investigation of complaints referred by the Ombudsman

The Public Services Ombudsman for Wales ("Ombudsman") is responsible for:-

- considering all formal complaints of breaches of the Members Code of Conduct and applying a two stage test of (1) prima facie evidence of misconduct and (2) whether the breach is so serious as to warrant any sanction
- investigating and reporting (where appropriate) any serious breaches of the Code to the Standards Committee or a Case Tribunal of the Adjudication Panel for Wales

The Adjudication Panel for Wales:-

- Case Tribunals hear serious misconduct cases referred by the Ombudsman
- Interim Case Tribunals can suspend Councillors for up to 6 months pending investigation of serious complaints
- Determine appeals against Standards Committee decisions or sanctions
- Can suspend Councillors for up to 1 year or disqualify for up to 5 years

The Standards Committee

- Conduct hearings and determine complaints referred to them by the Ombudsman and the Monitoring Officer
- Can censure or suspend Councillors for up to 6 months

## **2. The Committee's work in 2015/16**

The Standards Committee is required to meet at least once annually in accordance with the Local Government Act 2000. In practice, the Committee meets on a scheduled quarterly basis and additional special meetings are arranged, as necessary, to deal with specific matters such as misconduct hearings and requests for dispensation.

Three members are required to attend for a quorum at meetings (including the independent Chair or Vice Chair) and at least half of those present must be independent. The community council representative is not "independent" for this purpose.

The Standards Committee met on 4 occasions during the past 12 months:-

- 15<sup>th</sup> September 2016
- 16<sup>th</sup> February 2017
- 29<sup>th</sup> June 2017
- 26<sup>th</sup> October 2017

### **2.1 Dispensation Applications**

There have been no applications for dispensations during the past year in accordance with the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001 and Section 81(4) of the Local Government Act 2000.

Previously, most of the work of the Committee had been taken up with determining applications regarding the use of Neighbourhood Allowances. These Neighbourhood Allowances were discontinued in April 2016 as part of Council budget savings. Therefore, we are unlikely to have to rule on these issues in the future.

### **2.2 Training**

The Standards Committee has always stressed the importance of regular Member training, to ensure that Councillors keep up to date with the requirements of the Code of Conduct and any changes in the law or procedures.

It is the responsibility of each individual Councillor to ensure that they fully understand the requirements of the Code and that they comply fully with their obligations. As always, “ignorance of the law is no excuse” and a lack of understanding or training would be no mitigation if there is any breach of the Code.

The Monitoring Officer and Deputy Monitoring Officer provided introductory training for the two new independent members at the Committee meeting in February 2016 and this was also a useful refresher for the existing members, given the changes that had taken place and the new model Code that had been introduced in May 2016. The training covered the new Code of Conduct, the registration of members’ interests and how the Code was enforced. The new members were provided with declaration and registration forms for completion and signature. The new elected member representative, Councillor Hourahine, was also provided with an outline of the roles and responsibilities of members of the Standards Committee at his first meeting in June 2017.

The Committee has previously recommended to the Council that it should be compulsory for all City Councillors to attend training on the Code of Conduct. A training programme for Councillors was delivered as part of the induction arrangements following the May 2017 elections, in the light of the changes to the ethical standards framework introduced last year and the new Members Code of Conduct adopted by the Council in May 2016. The training was delivered in three separate sessions, in the morning, afternoon and early evening. The Committee was pleased that 40 City Councillors and many community councillors attended these training sessions, and the training appeared to be well-received.

However, Standards Committee are concerned that there are 10 City Councillors who have still not attended this mandatory training. A letter was sent to each of these individual Councillors from the Chair of the Committee in July 2017, with a copy to the group Business Managers, reminding them that this training is compulsory and urging them to contact the Democratic Services Officer with details of their availability, in order that a further training session can be arranged as soon as possible.

The Standards Committee will continue to proactively review all ethical standards policies and procedures as part of the forward work programme.

The training requirements of the community councils and their compliance arrangements will continue to be monitored and reviewed as part of the Committee’s forward work programme.

### **2.3 Local Resolution Protocol**

In accordance with the recommendations of the Minister for Local Government and the Ombudsman, the Council has adopted an internal procedure for dealing with “low-level” member/member and officer/member complaints that are not sufficiently serious as to warrant formal investigation and sanction.

It was agreed that the Monitoring Officer would periodically update the Committee on the numbers and types of complaints determined at officer level under Stages 1 and 2 of the, but maintaining the anonymity of both the complainant and the Councillor concerned.

One complaint was received under the Local Resolution Protocol in 2016/17 regarding allegations disrespectful behaviour on the part of a Councillor but this was resolved by the Monitoring Officer.

One Voice Wales has recently developed a similar Local Resolution Protocol for community councils, which is currently being promoted by the Ombudsman and further guidance is expected in the near future. For the most part, the responsibility for resolving these minor complaints would rest with the community council clerk, the Chair and Vice-Chair.

## **2.4 Revised Member Code of Conduct**

The Local Authorities (Model Code of Conduct) (Wales) Amendment Order 2016 was made on 27<sup>th</sup> January 2016 and came into force on 1<sup>st</sup> April 2016. The Order amended the Model Code of Conduct for elected members of the Council and co-opted members with voting rights.

In accordance with Section 51 of the Local Government Act 2000 (“the 2000 Act”), all local authorities were required to formally adopt this new Model Code of Conduct before 26<sup>th</sup> June 2016. Newport City Council formally adopted the new Code at its Annual General Meeting held on 17<sup>th</sup> May 2016. All of the local Community Councils were advised of the requirement to adopt the new Code before 26<sup>th</sup> June 2016.

A copy of the revised Code of Conduct is set out in [Appendix 1](#),

The 2013 Act transferred responsibility for maintaining the register of members’ interests for community councils from the Council’s Monitoring Officer to the “Proper Officer” of the community council (usually the Clerk) as from 1<sup>st</sup> May 2016. However Standards Committee has the responsibility for ensuring that community councils continue to comply with these requirements.

As part of the on-going review of community councils and their compliance with the ethical standards framework, Standards Committee will continue to monitor how community councils maintain and publish registers of members’ interests.

## **2.5 Succession Planning**

There have been significant changes to the membership of the Standards Committee during last year. In September 2016, the independent Chair, Hazel Taylor, came to the end of her second term of office and her vice-Chair John Pickering also retired. Therefore, it was necessary to recruit and appoint two new independent members of the Committee.

Standards Committee approved the advertisement and the person specification for the role and the vacancies were advertised on the Council’s web-site and in the South Wales Argus with a closing date for applications of 30<sup>th</sup> September 2016. A panel of Committee members was established to interview the short-listed candidates and Andrew Mitchell and Kerry Watkins were selected, with their appointments subsequently being ratified by the Council in January 2017.

Phillip Westwood was appointed as new independent Chair in February 2017 and Andrew Mitchell was appointed as independent Vice-Chair in June 2017.

Community Councillor Gerard Hancock also stepped down as the community council representative on the Standards Committee when his term of office as a Langstone Community Councillor ended in May 2017. Three nominations were received from the local community councils and, therefore, it was necessary to establish an appointments panel to interview the applicants. Following a rigorous interview process, Standards Committee are recommending to the Council that John Davies of Bishton Community Council be appointed as the new community council representative and his appointment is due to be ratified and adopted by the Council at its meeting on 28<sup>th</sup> November 2017.

Councillor Phil Hourahine was appointed as a new elected member representative of the Standards Committee in May 2017, to replace Councillor John Guy.

Induction training has been provided for the new Committee members.

## **2.6 General work**

The Committee has continued to carry out review of Council policies and procedures relating to ethical standards.

The Employee Code of Conduct has been revised and updated, to reflect changes in legislation and the Council's human resources policies. This has been subject to consultation with the staff, the recognised trade unions and cabinet members. The final approved version will then be subject to adoption and ratification by full Council and it will form part of the Council's written Constitution. The provisions in relation to relationships with Councillors and conflicts of interest were considered to replicate the relevant provisions in the Councillor Code.

The current Protocol for Member Officer Relations may also need to be revised and updated to reflect these new policies. We had previously recommended that this is a matter that the Council's Democratic Services Committee may wish to consider, as there had been resistance to some of the proposed amendments previously recommended by Standards Committee.

The Planning Protocols may also need to be reviewed in the light of legislative changes to the composition and terms of reference of Planning Committees. The Welsh Government were seeking to introduce a common protocol for all local planning authorities in Wales, and a draft has previously been circulated for consultation, but there have been no further developments

The Committee also considered whether additional advice and guidance was appropriate in relation to the use of social media by Councillors. However, we were satisfied that these matters were adequately covered in the Code of Conduct training and we would draw members attention to the very helpful written guidance issued by the WLGA on the use of social media by Councillors.



The Committee also agreed that it would be helpful to resurrect the networking forum that had previously existed with the other Standards Committees in Gwent, in order to discuss matters of common interest and share good practice.

The Committee again wrote to all of the community council clerks to ensure that proper arrangements are in place to maintain and publish the registers of members' interests. Sections 55-57 of the Local Government (Democracy) (Wales) Act 2013 Act require Community Councils to publish certain information electronically (i.e. on a website). This includes the public register of members' interests, information about the council's clerk and Members, Minutes of council meetings and any audited statement of the council's accounts. Community Councils are also required to publish public notices electronically, and to make certain information about their meetings and proceedings available electronically

As part of the forward work programme, we will continue to monitor compliance by the community councils.

We also reminded community councils of their obligations to formally adopt the new Members Code of Conduct before 26<sup>th</sup> June 2016 and publish its adoption. We will follow this up as part of the work programme for the next 12 months.

## **2.7 Ombudsman complaints**

The Ombudsman advises the Monitoring Officer of complaints made against elected members of Newport City Council and community councillors and the outcome. The Monitoring Officer updates the Committee at each meeting about the numbers of on-going complaints being referred to and considered by the Ombudsman's office. This information is provided on a general basis, without disclosing precise details of individual complaints, to avoid any issues about pre-determination in case the complaints are reported to the Standards Committee for determination.

The Committee was advised that 3 complaints were referred to the Ombudsman about City Councillors in 2015/16. However, none of these complaints was accepted for investigation on the basis that there was no evidence of any serious breaches of the Code.

Two complaints were also referred to the Ombudsman regarding alleged breaches of the Code by local community councillors but, again, neither of these complaints was accepted for formal investigation.

No complaints were referred to Standards Committee in 2016/17 for hearing and determination.

### 3. Forward Work Programme for 2017/18

| Date  | Topic                                | Information  |
|---|--------------------------------------|--|
| October/November  | Annual Report to Council             | <p>Review of work undertaken in the past 12 months, identifying any specific ethical standards issues facing the Council and priorities for the forthcoming year.</p> <p>Summary of numbers of complaints received and outcomes.</p>           |
| <p>As and when applications received</p> <p>Review annually</p> | Dispensations                        | <p>Granting individual and blanket dispensations to Councillors.</p> <p>Reviewing decisions annually to identify common issues and consistency of approach.</p> <p>Produce guidance to Members on any issues arising.</p>                      |
| As and when required  | Local Resolution Protocol complaints | Conducting hearings into any Stage 3 complaints by Members or Officers   |
| Quarterly   | Complaints of Misconduct             | <p>Update of numbers of complaints received and outcomes.</p> <p>Update on complaints resolved through Local Resolution Protocol.</p>  |
| By January 2018   | Member training and development      | <p>Arrange and deliver Code of Conduct training for the remaining 10 City Councillors who have yet to undertake the mandatory training</p> <p>Carry out review of community council training, re-assessing the need for refresher training</p> |
| Annually  | Ethical standards audit              | <p>Check that statutory registers are being properly maintained<br/>procedures for declarations are being followed</p> <p>Review Gifts and Hospitality Protocol and Protocols for hearings and recommend amendments, as necessary.</p>         |

|                   |  |  |
|-------------------|--|--|
| Annually          | Review of community councils   | <p>Check that statutory registers are being properly maintained<br/>procedures for declarations are being followed</p> <p>Engage with community councils to ensure compliance and to identify any training and development needs.</p> <p>Check that new Code of Conduct has been properly adopted.</p> <p>Review adoption of Local Resolution Protocols by community councils.</p> |
| By September 2018 | Review of Council Policies, Protocols and procedures relating to ethical standards | <p>(a) Member /Officer relations</p> <p>(b) Planning Protocol</p> <p>How they are implemented, communicated to staff, training and compliance monitoring.</p>  |
| By January 2018   | Networking meetings with other Gwent Standards Committees                          | Establish contacts and arrange regular joint meetings to share matters of common interest and good practice.   |

#### **4. Helpful Information**

##### **4.1 Can I attend Meetings of the Standards Committee?**

Yes, all of our meetings are open to the public, except for specific items where personal or confidential information is likely to be disclosed and the public interest requires that these meetings are conducted in private, for example hearings into misconduct complaints

Dates of forthcoming meetings, agendas, reports and minutes are available on our own webpage on the Council website which can be accessed by clicking here: [Standards Committee Webpage](#)

##### **4.2 Who do I contact if I want to know more?**

If you wish to find out more about the Standards Committee or make a comment or suggestion, please visit our website: [Standards Committee Webpage](#) where you will find an online contact form or email us at [info@newport.gov.uk](mailto:info@newport.gov.uk)

Phillip Westwood  
Chair of the Standards Committee;

Gareth Price  
Head of Law & Regulation and Monitoring Officer

Juliet Owen  
Chief Legal Officer and Deputy Monitoring Officer

Ellie Mulligan  
Democratic Services and Communications Manager

## APPENDIX 1

### THE MODEL CODE OF CONDUCT

#### PART 1 INTERPRETATION

1.—(1) In this code —

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

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

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

- (a) of the relevant authority,
- (b) of any executive or board of the relevant authority,
- (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or
- (d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990,

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

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

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

- (a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
- (b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

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

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

- (a) a county council,
- (b) a county borough council,

(c) a community council,

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

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

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

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

(2) In relation to a community council—

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

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

## **PART 2 GENERAL PROVISIONS**

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

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

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

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

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

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

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

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

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

**4.** You must —

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

(b) show respect and consideration for others;

(c) not use bullying behaviour or harass any person; and

(d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

**5. You must not —**

(a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;

(b) prevent any person from gaining access to information to which that person is entitled by law.

**6.—(1) You must —**

(a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;

(b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);

(c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;

(d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

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

**7. You must not —**

(a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;

(b) use, or authorise others to use, the resources of your authority —

(i) imprudently;

(ii) in breach of your authority's requirements;

(iii) unlawfully;

(iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;

(v) improperly for political purposes; or

(vi) improperly for private purposes.

**8. You must —**

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

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

(ii) the authority's chief finance officer;

(iii) the authority's monitoring officer;

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

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

**9. You must —**

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

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

## **PART 3 INTERESTS**

### **Personal Interests**

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

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

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

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

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



- (iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;
- (iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
- (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
- (vi) any land in which you have a beneficial interest and which is in the area of your authority;
- (vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in subparagraph (iv) above;
- (viii) any body to which you have been elected, appointed or nominated by your authority;
- (ix) any —
  - (aa) public authority or body exercising functions of a public nature;
  - (bb) company, registered society, charity, or body directed to charitable purposes;
  - (cc) body whose principal purposes include the influence of public opinion or policy;
  - (dd) trade union or professional association; or
  - (ee) private club, society or association operating within your authority's area, in which you have membership or hold a position of general control or management;
- (x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

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

- (c) a decision upon it might reasonably be regarded as affecting —
  - (i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
  - (ii) any employment or business carried on by persons as described in 10(2)(c)(i);
  - (iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;
  - (iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
  - (v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,

to a greater extent than the majority of—

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

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

### **Disclosure of Personal Interests**

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

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

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

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

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

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

(a) details of the personal interest;

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

(c) your signature.

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

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

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

## **Prejudicial Interests**

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

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

(a) relates to —

(i) another relevant authority of which you are also a member;

(ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;

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

(iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;

(v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to —

(i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;

(ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;

(iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;

(iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;

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

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

## **Overview and Scrutiny Committees**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(aa) details of the prejudicial interest;

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

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

(dd) your signature.

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

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

### **Registration of Personal Interests**

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

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

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

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

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

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

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

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

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

### **Sensitive information**

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

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

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

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

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