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To: Cllr Robin Guest (Chair)

Councillors: Alex Aldridge, Bernie Attridge, Glyn Banks, Haydn Bateman, Chris Bithell, Clive Carver, David Cox, Paul Cunningham, Glenys Diskin, Veronica Gay, George Hardcastle, Christine Jones, Dave Mackie, Tim Newhouse, Neville Phillips, Aaron Shotton, Nigel Steele-Mortimer, David Williams, David Wisinger and Arnold Woolley

21 April 2016

Dear Councillor

You are invited to attend a meeting of the Constitution Committee which will be held at 2.00 pm on Wednesday, 27th April, 2016 in the Council Chamber, County Hall, Mold CH7 6NA to consider the following items.

Members are asked to note the venue for the meeting.

A G E N D A

1 **APOLOGIES**

Purpose: To receive any apologies.

2 **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

Purpose: To receive any Declarations and advise Members accordingly.

3 **MINUTES** (Pages 3 - 8)

Purpose: To confirm as a correct record the minutes of the last meeting.

4 **CHANGES TO THE NATIONAL MODEL CODE OF CONDUCT FOR COUNCILLORS** (Pages 9 - 28)

To adopt the changes to the national model code of conduct for councillors.

Yours faithfully

Peter Evans
Democracy & Governance Manager

CONSTITUTION COMMITTEE **27 JANUARY 2016**

Minutes of the meeting of the Constitution Committee of Flintshire County Council held in County Hall, Mold, on Wednesday, 27 January 2016.

PRESENT: Councillor Robin Guest (Chairman)

Councillors: Alex Aldridge, Bernie Attridge, Haydn Bateman, Clive Carver, David Cox, Paul Cunningham, Glenys Diskin, Veronica Gay, George Hardcastle, Christine Jones, Dave Mackie, Neville Phillips, Aaron Shotton, Nigel Steele-Mortimer, David Wisinger and Arnold Woolley

SUBSTITUTIONS: Councillors Andy Dunbobbin (for Glyn Banks), Alison Halford (for David Williams), David Healey (for Chris Bithell), Tim Newhouse (for David Roney)

ALSO PRESENT: Councillors Ian Dunbar and Ian Smith

IN ATTENDANCE:

Chief Officer (Governance), (for minute no.19) Internal Audit Manager, Member Engagement Manager, and Committee Officer

17. DECLARATIONS OF INTEREST

Councillor Bernie Attridge declared a personal interest in the following item:

Item 7: Proposed Alterations to Local Resolution Procedure

18. MINUTES

The minutes of the meeting of the Committee held on 7 October 2015, were submitted.

Matters arising

Councillor Clive Carver sought clarification of the terminology 'true and correct record' which was used when the minutes of meetings were approved. The Chief Officer (Governance) commented on the legal implications around approval of the minutes of meetings.

RESOLVED:

That the minutes be received, approved and signed by the Chairman as a correct record.

19. ANNUAL REVIEW OF THE CODE OF CORPORATE GOVERNANCE

The Internal Audit Manager introduced a report on the Annual Review of the Code of Corporate Governance. He explained that the Code was reviewed annually to ensure it was up to date and complied with all relevant legislation and other requirements. The review for 2015 had been completed by the Corporate Governance Working Group and the updating changes proposed to the Code were detailed in Appendix 1 to the report. The Internal Audit Manager commented on the main changes this year and advised that they had been considered and agreed by the Audit Committee earlier that day. As the Code of Corporate Governance formed part of the Constitution, when the Code was amended there was a need to update the Constitution with the amendments.

RESOLVED:

That the updating changes to the Code of Corporate Governance as shown in Appendix 1 to the report be approved.

20. THE '6 MONTH RULE'

The Chief Officer (Governance) introduced a report on the '6 Month Rule'. He provided background information and advised that all councillors are required to attend, as a member, at least one meeting of full Council, Cabinet, a Committee or working group, every 6 months. Failure to do so without prior approval from full Council results in disqualification.

The Chief Officer referred to the situation in relation to a councillor who had attended an overview and scrutiny committee meeting, intending to participate as a member, only to find that she had not been nominated by her Group as a member of that committee. However, the councillor remained at the meeting as an observer. The Chief Officer referred to the legislation under S.85(1) and 85(2) of the Local Government Act 1972 and advised that it was not clear whether attendance as an observer was sufficient to satisfy the 6 month rule. As the answer was unclear from the legislation and there was no relevant case law on the issue, the Committee was asked to establish the convention that would be used to judge this and future cases.

Councillor Tim Newhouse queried the attendance of the Councillor as an observer at the meeting of the overview and scrutiny Committee held in June 2015 and suggested that the Councillor should be disqualified as from 13 November 2015 as she was in breach of the 6 month rule. He proposed that the item be deferred to the next meeting of the Constitution Committee.

Councillor Alex Aldridge commented on the need for 'inclusiveness' and to encourage greater participation from young people in how the Council conducted its business. He expressed concern that the 6 month rule did not take into account attendance at the Planning Committee to speak on Ward issues, site visits, meetings, attendance as an observer in any committee, and the work undertaken by a Councillor on behalf of their Ward.

Councillor Aaron Shotton proposed that the meeting be adjourned to give Members the opportunity to reflect on the issues raised during discussion and this was agreed by the Committee.

The meeting was adjourned at 2.40 p.m. and reconvened at 2.50 pm.

Councillor Alex Aldridge said that on reflection the recommendation contained in the Chief Officer's report offered a better solution and therefore he would withdraw his earlier proposition and move the recommendation. He did so and this was duly seconded.

The Chief Officer reiterated the lack of case law and the need for a commonsense approach to resolve the problem now facing the Council. Concerning the accuracy of minutes, the Chief Officer referred to the standard textbook on local government meeting procedure.

Councillor Aaron Shotton commented on the need for clarity on attendance at meetings. He said that there was no doubt that the Councillor referred to had attended the meeting of the overview and scrutiny committee in question in good faith. His particular concern was that work carried out in the Ward by Members was not reflected in the Local Government Act 1972; and he suggested that there was a need for a modern interpretation.

Councillor Alison Halford spoke against moving away from the 6 month rule and said it was important in maintaining integrity, credibility and transparency. She expressed the view that Group Leaders had a duty of care to monitor attendance of their Group members.

Councillor David Healey spoke in favour of the recommendations in the report which he said gave clarity and provided a more robust constitution

Councillor Tim Newhouse raised a number of further concerns and proposed the following amendment: that all Councillors are required to attend at least one meeting every 6 months as a voting member on full Council, Cabinet, committee or sub-committee, or to speak at Planning Committee for an application in their Ward. The amendment was seconded.

Further discussion took place during the course of which Councillors Clive Carver, Neville Phillips, Dave Mackie, Veronica Gay and Nigel Steele-Mortimer, expressed their views on various aspects of the matters raised.

Members were asked to vote on the amendment proposed by Councillor Newhouse. Councillor Arnold Woolley requested a recorded vote and was supported by the requisite six other Members. On being put to the vote, the amendment was lost.

For the amendment:

Councillors: Clive Carver, Veronica Gay, Robin Guest, George Hardcastle, Alison Halford, Dave Mackie, Neville Phillips, Nigel Steele-Mortimer, Tim Newhouse, Arnold Woolley

Against the amendment:

Councillors: Alex Aldridge, Bernie Attridge, Haydn Bateman, David Cox, Paul Cunningham, Glenys Diskin, Andy Dunbobbin, David Healey, Christine Jones, Aaron Shotton, David Wisinger

A further recorded vote was requested on both elements of the substantive proposition, which was as the recommendation. When put to the vote the first recommendation was carried, with the voting as shown below:

For the proposal:

Councillors: Alex Aldridge, Bernie Attridge, Haydn Bateman, David Cox, Paul Cunningham, Glenys Diskin, Andy Dunbobbin, David Healey, Christine Jones, Aaron Shotton, David Wisinger

Against the proposal:

Councillors: Clive Carver, Veronica Gay, Robin Guest, George Hardcastle, Alison Halford, Dave Mackie, Neville Phillips, Nigel Steele-Mortimer, Tim Newhouse, and Arnold Woolley

When put to the vote the second recommendation was carried with the voting as shown below:

For the proposal:

Councillors: Alex Aldridge, Bernie Attridge, Haydn Bateman, Clive Carver, David Cox, Paul Cunningham, Glenys Diskin, Andy Dunbobbin, Robin Guest, David Healey, Christine Jones, Neville Phillips, Aaron Shotton, David Wisinger and Arnold Woolley

Against the proposal:

Councillors: George Hardcastle, Dave Mackie, Nigel Steele-Mortimer and Tim Newhouse

Abstentions:

Councillors: Veronica Gay and Alison Halford

RESOLVED:

- (a) That, until such time as the position is clarified by further legislation or case law, the following convention will be used, in addition to the legislation, to interpret whether a councillor has satisfied the 6 month rule:

‘Attendance by a councillor to observe, listen to or speak at any meetings of the Cabinet (or any of its sub-committees), a committee, a sub-committee, a working group or task and finish group or member workshop (whether the public is entitled to attend some or all of the meeting) will be deemed sufficient to satisfy the requirement to attend meetings contained within s.85 of the Local government Act 1972 (“the 6 month rule”); and

- (b) That Council be recommended to expressly confirm the authority of the Monitoring Officer to decide whether a councillor has complied with the 6 month rule.

21. CONTRACTS REQUIRING SEALING

The Chief Officer (Governance) introduced a report on contracts requiring sealing and explained that certain contracts are required by contract procedure rules to be “under seal” (to have the Council’s official seal attached rather than being signed by a manager). One such category is contracts worth more than £250,000. Section 12 of the Constitution requires all contracts over £50,000 to be in writing and either signed by two officers or sealed. For the sake of clarity there should be only one set of rules.

RESOLVED:

That section 12.10 of the Constitution be amended to reflect that in the Contract Procedure rules, as the recommendation, to read -
‘When any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Chief Officer, Governance or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person’.

22. PROPOSED ALTERATIONS TO LOCAL RESOLUTION PROCEDURE

The Chief Officer (Governance) introduced a report on the proposed alterations to the Local Resolution Procedure (LRP). He provided background information and referred to the main considerations around the LRP which were detailed in the report. Members were asked to consider the proposed amendments to the LRP as outlined in the tracked changes to the current LRP which was appended to the report.

RESOLVED:

That the amended wording of the Local Resolution Procedure (as appended to the report) be approved and recommended to the County Council for adoption.

23. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There was one member of the public and one member of the press in attendance.

(The meeting commenced at 2.00 pm and finished at 4.19 pm.)

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Chairman

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CONSTITUTION COMMITTEE

Date of Meeting	Wednesday, 27 April 2016
Report Subject	Changes to the National Model Code of Conduct for Councillors
Report Author	Chief Officer (Governance)

EXECUTIVE SUMMARY

Flintshire's Code of Conduct for Members is based on the prescribed national model, which is laid down in a statutory instrument. Over the years Flintshire has added to the code (which it is permitted to do) to reflect local concerns.

Welsh Government has amended the national model by:

- Deleting the obligation to report perceived breaches to the Public Services Ombudsman for Wales (PSOW).
- Deleting the need to declare an interest where there is a possible/perceived conflict of interest between ward duties and the legal responsibilities of the Council.
- Permitting a councillor with prejudicial interest to make written representations to a committee on a matter provided the public have a right to speak at that committee.
- Requiring town and community councillors to notify their clerk (not the County Council's Monitoring Officer) of interests declared at meetings.

Rather than adopting the new national model itself, which does not include Flintshire's local amendments, it will be necessary to adopt the changes to the national model.

RECOMMENDATIONS

1	The Annual General Meeting of County Council is recommended to adopt the changes to the national model code of conduct for councillors as part of the Flintshire County Council Code of Conduct with effect from the meeting.
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2	That Committee notes that the County Council will place a joint advert announcing changes to the code on behalf of town and community councils (subject to certain conditions).
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REPORT DETAILS

1.00	EXPLAINING THE NATIONAL CODE OF CONDUCT FOR COUNCILLORS
1.01	Section 51, Local Government Act required the Council to adopt any national code of conduct made pursuant to section 50 of that Act within 6 months of the act coming into force. When a revised model code is published the Council must either adopt it, or make revisions to its existing code.
1.02	<p>This section also permits the Council to include other provisions in its code provided they are consistent with the national model. Flintshire's Code of Conduct has amended the national model as follows:</p> <ul style="list-style-type: none"> • By adding an obligation at paragraph 6(2) to adhere to the Flintshire standards of conduct and co-operate with the local resolution procedure. • It specifies that gifts or hospitality which must be registered with the Monitoring Officer under paragraph 17 is £10.
1.03	<p>Welsh Government has made a number of changes to the national model, of which the following are the most significant:</p> <ol style="list-style-type: none"> a. Paragraph 6(1)c - the obligation to report suspected breaches of the code of conduct to the Public Services Ombudsman for Wales is removed. (Note – the obligation to report suspected breaches to the Monitoring Officer remains) b. Paragraph 10(2)b - the obligation to declare an interest in the case of possible/perceived conflicts of interest between representing the needs of a councillor's ward and the duties of the Council as a whole is removed c. Paragraph 14 – by making it clear that a councillor with a prejudicial interest in a matter can send written representations to a meeting about that item of business provided the public is able to speak at that meeting as of right d. Paragraph 15 by imposing an obligation on town and community councillors to register any interest disclosed for the first time under paragraph 10(2)a (thereby creating the register of interests for each town and community council) e. Paragraph 15 by requiring town and community councillors to register their interests with their clerk (rather than the Monitoring Officer at the County Council).
1.04	All changes to the code are shown in tracked changes at Appendix 1.
1.05	Councillors only need to give an undertaking to follow the code of conduct when they join a council, because they agree to abide by the code that is

	in force from time to time. So in effect any changes to the code automatically apply to all councillors, and it is not necessary to sign anything agreeing to the amendments.
2.00	RESOURCE IMPLICATIONS
2.01	Under s.51 Local Government Act 2000 any changes to the code of conduct must be advertised as soon as reasonably practical. The advert must be in a local newspaper and must say where a copy of the code can be inspected.
2.02	To save town and community councils the cost of advertising they can be invited to share the County Council's advert. So that the advert is not delayed town and community councils will need to notify officers no later than 31 May 2016 that they have adopted the national code/ revised their code and provide a copy of the code for inspection.
2.03	Whilst doing this will increase the cost to the County Council it avoids the far greater cost to the public purse as a whole that would be incurred if each council placed an individual advert.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	The Standards Committee at its meeting on 7 March 2016 recommended that the amendments to the code be adopted.

4.00	RISK MANAGEMENT
4.01	None

5.00	APPENDICES
5.01	Appendix 1 – revised Code of Conduct

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None Contact Officer: Gareth Owens, Chief Officer (Governance) Telephone: 01352 702411 E-mail: gareth.legal@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	PSOW – Public Services Ombudsman for Wales

PART 5 – CODES AND PROTOCOLS
Members' Code of Conduct

ADOPTED BY RESOLUTION OF
THE COUNTY COUNCIL

8th April 2008
to take effect from 2nd May 2008
and updated 25 November 2014
and updated 10th May 2016

THE LOCAL AUTHORITIES
(MODEL CODE OF CONDUCT) (WALES) ORDER 2008

With the determination of the amount of £10.00
for the purposes of paragraph 17 recorded in paragraph 18

PART 1
INTERPRETATION

1.(1) In this code —

“co-opted member”, in relation to a relevant authority, means a person who is not a member of the authority but who —

is a member of any committee or sub-committee of the authority, or

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 Cabinet 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 Cabinet 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(1),

and includes circumstances in which a member of an Cabinet 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” (“cofrestr o fuddiannau’r aelodau”) means the register established and maintained under section 81 of the Local Government Act 2000⁽²⁾;

“relevant authority” means—

- (a) a county council,
- (b) a county borough council,
- (c) a town or community council,
- (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004(2) 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(3);

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

(1) S.I. 1990/1553 as amended by S.I. 1991/1389; S.I. 1993/1339; S.I. 1998/1918; and S.I. 1999/500.

(2) 2004 c.21.

(3) 1995 c.25.

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

(2) “(2) In relation to a community council—

(3) (a) “proper officer” (“swyddog priodol”) means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972(1); 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 attached 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 –

- (a) adhere to the Flintshire standard of conduct
- (b) cooperate with the Local Resolution Procedure
- (c) comply with any request of the 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 Section 151 officer;
 - (iii) the authority's monitoring officer;
 - (iv) the authority's chief legal officer (who should be consulted when there is any

doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

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

9. You must —

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

PART 3
INTERESTS

Personal Interests

- 10.(1)** You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.
- (2) You must regard yourself as having a personal interest in any business of your authority if —
- (a) it relates to, or is likely to affect —
 - (i) any employment or business carried on by you;
 - (ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;
 - (iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;
 - (iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
 - (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
 - (vi) any land in which you have a beneficial interest and which is in the area of your authority;
 - (vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
 - (viii) any body to which you have been elected, appointed or nominated by your authority;
 - (ix) any —
 - (aa) public authority or body exercising functions of a public nature;
 - (bb) company, industrial and provident society, charity, or body directed to charitable purposes;
 - (cc) body whose principal purposes include the influence of public opinion or policy;
 - (dd) trade union or professional association; or
 - (ee) private club, society or association operating within your authority's area,
in which you have membership or hold a position of general control or management;

- (x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;
- (b) or
- (c) a decision upon it might reasonably be regarded as affecting —
 - (i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
 - (ii) any employment or business carried on by persons as described in 10(2)(c)(i);
 - (iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;
 - (iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
 - (v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management, to a greater extent than the majority of—
 - (aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
 - (bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure of Personal Interests

- 11.(1)** Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority and you make —
- (a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or
 - (b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.
- (3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an Cabinet 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(2), or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;
- (c) your role as a town or community councillor in relation to a grant, loan or other form of financial assistance made by your town or 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 Cabinet, 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 Cabinet, 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 Cabinet 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 a 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 Financial and Other Interests and Memberships and
Management Positions***

- 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 financial interests and other 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 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, or in the case of a community council to your authority's proper 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" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Registration of Gifts and Hospitality

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

18. The Authority has determined that for the purposes of paragraph 17 the amount shall be £10.00 until further determination.

THE PRINCIPLES

The Local Government Act empowered the National Assembly to issue principles to which you must have regard in undertaking your role as a member. The Code is based on these principles which are designed to promote the highest possible standards. These principles draw on the 7 Principles of Public Life which were set out in the Nolan Report “Standards of Conduct in Local Government in England, Scotland and Wales”. Three more were added to these: a duty to uphold the law, proper stewardship of the Council’s resources and equality and respect for others.

Members elected to local authorities give generously of their time and commitment for the benefit of their communities. The principles provide a framework for channelling your commitment in a way which will reflect well on you and your authority, and which will give your communities confidence in the way that your authority is governed.

The individual sections of the Code are designed to support the implementation of the Principles. For example, the Selflessness principle is covered by Section 7 of the Code – Selflessness and Stewardship.

The current principles were set out in a statutory instrument, and are detailed below.

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.

2. Honesty

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

3. Integrity and Propriety

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

4. Duty to Uphold the Law

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

5. Stewardship

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

6. Objectivity in Decision-making

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

7. Equality and Respect

Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others.

8. Openness

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

9. Accountability

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

10. Leadership

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

The principles are not part of the Model Code, and failure to comply with the Principles is not of itself, therefore, indicative of a breach of the Code. However, it is likely that a failure, for example, to adhere to the principle concerning equality and respect would constitute a breach of the requirements of paragraphs 4 (a) and (b) in the Code in respect of equality of opportunity and respect.

In any event, the Principles offer a sound basis for your conduct in office and I encourage members to have regard to them at all times.

Public Services Ombudsman for Wales