

CYNGOR CYMUNED LLANDYSILIO COMMUNITY COUNCIL

CODE OF CONDUCT

INTRODUCTION

This Code of Conduct conforms to the Conduct of Members (Model Code of Conduct) (Wales) Order 2008, as amended by the following statutory instruments:

- Co-operative and Community Benefit Societies and Credit Unions Act 2010 (Consequential Amendments) Regulations 2014 – (No. 2014/1815) (“the 2014 Regulations”) – effective from 1 August 2014.
- Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2008 (No. 2016/84) – effective from 1 April 2016.

and was adopted by the Council at its Meeting held on **26th January 2016**.

PART I - 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 sub committee;

“meeting” (*cyfarfod*) means any meeting

- (a) of the relevant authority;
- (b) of any executive or board of the 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 (Committee and Political groups) Regulations 1990(1),

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

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“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 county council, a county borough council, a community council, a fire and rescue authority or a National Park Authority.

1.2 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 II – 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 the Community Council;
- (b) whenever you act, claim to act or give the impression you are acting in the role of member, to which they were elected or appointed;
- (c) whenever you act, claim to act or give the impression you are acting as a representative of the Community Council; or
- (d) at all times and in any capacity, in respect of conduct identified in paragraphs 6.1(a) and 7

2.2 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:

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- (a) on another relevant authority, or any other body, which includes –or local health board you must, when acting for that other authority or body, comply with the Code of Conduct of that other authority or body; or
- (b) on any other body, which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this Code of Conduct, unless it conflicts with any lawful obligations to which that other body may be subject.

Promotion of Equality and Respect for Others

4 You must:

- (a) carry out your 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;
- (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 the Council's employees.

Accountability and Openness

5 You must not:

- (a) disclose confidential information or information which should be reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless require by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

Duty to uphold the law

6.1 You must:

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Community Council into disrepute;
- (b) report, whether through the Council's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, the Council, which you reasonably believe involves or is likely to involve criminal behaviour;

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- (c) report, to the Public Services Ombudsman for Wales and to the Council's monitoring officer any conduct by another member which you reasonably believe breaches this Code of Conduct;
- (d) not make vexatious or malicious complaints against other members or anyone who works for, or on behalf of, the Community Council.

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

Selflessness and stewardship

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 the Council:
 - (i) imprudently;
 - (ii) in breach of the 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 Council or of the office to which you have been elected or appointed.
 - (v) improperly for political purposes; or
 - (vi) improperly for private purposes.

Objectivity and Propriety

8 You must:

- (a) when participating in meetings or when reaching decisions regarding the business of the Council, 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 the Council's officers;
- (b) give reasons for decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

Integrity

9 You must:

- (a) observe the law and the Council's rules governing the claiming of expenses and allowances in connection with their duties as members;

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

PART III - 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.
- 10.2 You must regard yourself as having a personal interest in any business of the Council if:
 - (a) it relates to or is likely to affect:
 - (i) any employment or business carried on by you
 - (ii) a person who employs or has appointed you to, any firm in which you are a partner or any company to which you are a remunerated director;
 - (iii) any person, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred in carrying out your duties;
 - (iv) any corporate body which has a place of business or land in the authority's area, where you have a beneficial interest in a class of securities of that body which exceeds £25,000 in value or one hundredth of the total issued share capital of that body;
 - (v) any contract for goods, services or works made between the Community Council and you, or a firm in which you are a partner, a company of which you are a remunerated director, or a body falling within sub-paragraph (iv);
 - (vi) any land in which you have a beneficial interest and which is in the area of the Community Council;
 - (vii) any land where the landlord is the Community Council and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body falling within sub-paragraph (iv);
 - (viii) a body to which you have been appointed or nominated by the Community Council as a representative.
 - (ix) any:
 - (aa) public authority or body exercising functions of a public nature
 - (bb) company, industrial and provident society or other organisation which has charitable purposes.
 - (cc) body whose principal purpose includes influencing public opinion or policy;
 - (dd) trade union or professional association;

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- (ee) private club or society or association operating within the Community Council's area;
- (b) 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) employment, or business carried on by persons as described by 10.2(c)(i)
 - (iii) any person who employs, or has appointed 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 other council tax payers, ratepayers or inhabitants of the Community Council's area.

Disclosure of Personal Interests

- 11.1 Where you have a personal interest in any business of the Community Council and you attend a meeting at which the business is considered, you must disclose orally to the meeting, the existence and nature of the interest before or at the commencement of that consideration, or when the interest becomes apparent.
- 11.2 Where you have a personal interest in any business of the Community Council and you make:
 - (a) written representation (whether by letter, facsimile or some other form of electronic communication) to a member or officer of the Council regarding the business, details of the interest you should include within the written communication.
 - (b) oral representation (whether in person or some form of electronic communication) to a member or officer of the Council, should be disclosed at the commencement of such representations, or when it becomes apparent to you that such an interest exists, and confirm the representation and interest within 14 days of the representation.
- 11.3 Subject to paragraph 14.1(b) below where a you have a personal interest in any business of the Community Council and you have made the 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.

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- 11.4 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 the Community Council giving details of the personal interest, details of the business to which the personal interest relates and your signature.
- 11.5 Where you have an agreement from the Community Council's monitoring officer, that the information relating to your personal interest is sensitive information, pursuant to paragraph 16.1, your obligations under 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 the monitoring officer has agreed that the nature of such personal interest is sensitive information.
- 11.6 For the purposes of sub-paragraph 11.4, 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 the Council.
- 11.7 For the purposes of sub-paragraph 11.3, 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 12.2 below, where you have a personal interest in any business of the Community Council you also has 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.
- 12.2 Subject to sub-paragraph 12.3, 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 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 the Community Council;
 - (iv) your role as a school governor (where not appointed or nominated by the Community Council) unless it relates particularly to the school of which you are a governor;
 - (v) your role as a member of the Local Health Board where you has not been appointed or nominated by the Community Council

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- (b) those authorities which have responsibility for housing, school meals, transport, statutory sick pay for members, and allowances or payments under the Local Government Housing Act.
- (c) your role as a Community Councillor in relation to a grant, loan or other form of financial assistance made by the Council to Community or Voluntary organisations up to a maximum of £500.

12.3 The exemptions in sub-paragraph 12.2(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 the Council (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 another of the Council's committees or sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the Council's committee or 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 14.2, 14.3 and 14.4, where you have a prejudicial interest in any business of the Community Council you must, (unless you have obtained a dispensation from the Council):
- (a) withdraw from the room, chamber or place where the 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;

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- (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.
- 14.2.1 Where you have a prejudicial interest in any business of the Community Council 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.
- 14.2.2 Where you have a prejudicial interest in any business of the Community Council 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.
- 14.2.3 When submitting written representations under sub-paragraph 14.2.2 you must comply with any procedure that the Community Council may adopt for the submission of such representations.
- 14.3 Sub-paragraph 14.1 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 the Council 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
- 14.4 Where you have a prejudicial interest and are making written or oral representations to the Community Council in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to the Council within 14 days of making the representation.

Part IV – THE REGISTER OF MEMBERS INTERESTS

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Registration of Personal Interests

- 15.1 Subject to sub-paragraph 15.4, you must, within 28 days of:
- (a) the Community Council's Code of Conduct being adopted or the mandatory provisions of the model code being applied to the Council; 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 the Council's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to the Community Council's monitoring officer.
- 15.2 Subject to sub-paragraph 15.4, you must, within 28 days of becoming aware of any personal interest or change to any personal interest registered under sub-paragraph 15.1, register that new personal interest or change by providing written notification to the Community Council's monitoring officer.
- 15.3 Subject to sub-paragraph 15.4, 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 the Community Council's monitoring officer.
- 15.4 Sub-paragraphs 15.1, 15.2 and 15.3 do not apply to sensitive information determined in accordance with paragraph 16.1.
- 15.5 Sub-paragraphs 15.1 and 15.2 do not apply to members of a Community Council when you act in your capacity as a member of such an authority.
- 15.6 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 the Community Council's monitoring officer.

Sensitive Information

- 16.1 Where you consider that the information relating to any of your personal interests is sensitive information, and the Community Council's monitoring officer agrees, you need not include that information when registering an interest, or, as the case may be, a change to the interest under paragraph 15.
- 16.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph 16.1 is no longer sensitive information, notify the Community Council's monitoring officer asking that the information be included in the Council's register of member's interests.

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- 16.3 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.

The registration of gifts and hospitality

- 17 You must, within 28 days of receiving any gift, hospitality, material benefit or advantage provide written notification to the Community Council's monitoring officer of the existence and nature of that gift, hospitality, material benefit or advantage.

Signed;

Date: