

Mae'r ddogfen hon ar gael yn Gymraeg hefyd



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SECTION 19 – MEMBERS’ CODE OF CONDUCT

19.1 Introduction

The Council has adopted a Code of Conduct for Members embracing the following 10 principles.

1. **Selflessness**
Members must act solely in the public interest. They must never use their position as member 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, sex, sexual orientation, marital status, 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.

SECTION 19.2 - THE MODEL CODE OF CONDUCT

19.2 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.

19.3 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.

(c) If you are a leader of a political group, you must :

(i) take reasonable steps to promote and maintain high standards of conduct by the members of the group; and

(ii) co-operate with the council's standards committee (and any sub-committee of the committee) in the exercise of the standards committee's functions.

(iii) In complying the i) and ii) above, you must have regard to any guidance issued by the Welsh Ministers.

19.4 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 place, or online portal 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.

19.5 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 of £25.00, 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.

SECTION 19 - APPENDIX 1: MEMBERS' SELF REGULATORY PROTOCOL

1. General Principles

- 1.1 To promote high standards of conduct and behaviour as a means of strengthening respect and trust among Members. It is NOT intended to replace the Code of Conduct but is intended to sit alongside that Code.
- 1.2 The aim is for the Protocol to provide a framework for dealing with a complaint by a Member against another Member of the Authority relating to behaviour which may not reach the threshold to become a breach of the Code of Conduct or behaviour which may not justify a formal complaint to the Public Services Ombudsman for Wales in the first instance.
- 1.3 The Protocol does not replace the Member-Officer Relations Protocol adopted by the Authority.
- 1.4 Members will make all reasonable attempts to resolve disputes through agreed internal processes subject to their obligations under the Members' Code of Conduct.
- 1.5 Referral to external regulators will become a last resort subject to Members' obligations under the Code of Conduct.
- 1.6 Members will avoid personal confrontation in any public forum, especially in Council, its Committees and through the media.
- 1.7 These commitments will not stifle legitimate political debate or scrutiny.
- 1.8 Group discipline will become the cornerstone of self-regulation with Group Leaders taking responsibility for reinforcing the principles of the Protocol with their own members.
- 1.9 Group Leaders individually and collectively will work to ensure compliance with this Protocol.
- 1.10 Members will commit to training and development in support of this Protocol.
- 1.11 This Protocol will NOT apply to a complaint that a Member has failed to declare an interest.
- 1.12 Complaints by members of the public or employees will not be dealt with under this Protocol and will be referred to the Ombudsman for consideration or dealt with under the Member/Officer Protocol as appropriate

2. Working to avoid problems

To minimise the number of instances of alleged breaches all Group Leaders will commit to:-

2.1 A Member Development Strategy – to which they will seek to secure the commitment of their group members. All reasonable endeavours will be made to ensure that the Member Development Strategy identifies and responds to the needs of members.

2.2 Attending relevant Member training events - in particular those relating to the Code of Conduct or probity courses within the scope of their role.

3. Role of Group Leaders

3.1 Complaints should be made in the first instance to the Monitoring Officer (or Deputy Monitoring Officer).

3.2 A complaint by a Member relating to a Member of the same group will be referred by the Monitoring Officer to the Group Leader. A complaint by a Member concerning the activities of a Member of a different political group will be referred to the complainant's own Group Leader, who will then refer the issue to the Group Leader with responsibility for the Member against whom the complaint is made.

3.3 Upon receiving a complaint, it is the role of Group Leaders to take responsibility for discipline within their groups. Group discipline should seek to be informal and resolved through face to face meetings whenever possible. Group Leaders will need to retain some records but the process will not be "document heavy". The emphasis should be on training, mediation and conciliation.

3.4 The relevant Group Leader must consult with an Independent Member of the Standards Committee in conjunction with the Monitoring Officer or Deputy Monitoring Officer. The involvement of a Standards Committee Member will seek to ensure fairness and consistency in the discipline imposed within each Group.

3.5 When appropriate, a sanction such as removal from a committee or an outside body may be imposed by the relevant Group Leader or the matter may still be referred to the Public Services Ombudsman for Wales by the complainant Member.

3.6 Whenever any issue of discipline is referred to a Group Leader, a meeting shall be convened (as soon as practicable) between all the Group Leaders and the Chair of the Authority to debate the issue and ensure that fair and consistent sanctions are applied. The Monitoring Officer or Deputy Monitoring Officer may give advice at that meeting if required.

3.7 Where the complaint relates to a Group Leader, the Chair will be requested to consider the complaint.

3.8 The timetable for dealing with complaints is shown on the flowchart attached.

4. Unaffiliated Members

- 4.1 The Chair of the Council will fulfil the role of Group Leader in respect of any unaffiliated Members. Concerns regarding the conduct of an unaffiliated Member should be referred by the Monitoring Officer to the Chair who will apply the same principles and standards as those of the Group Leaders in terms of training/mediation/conciliation.

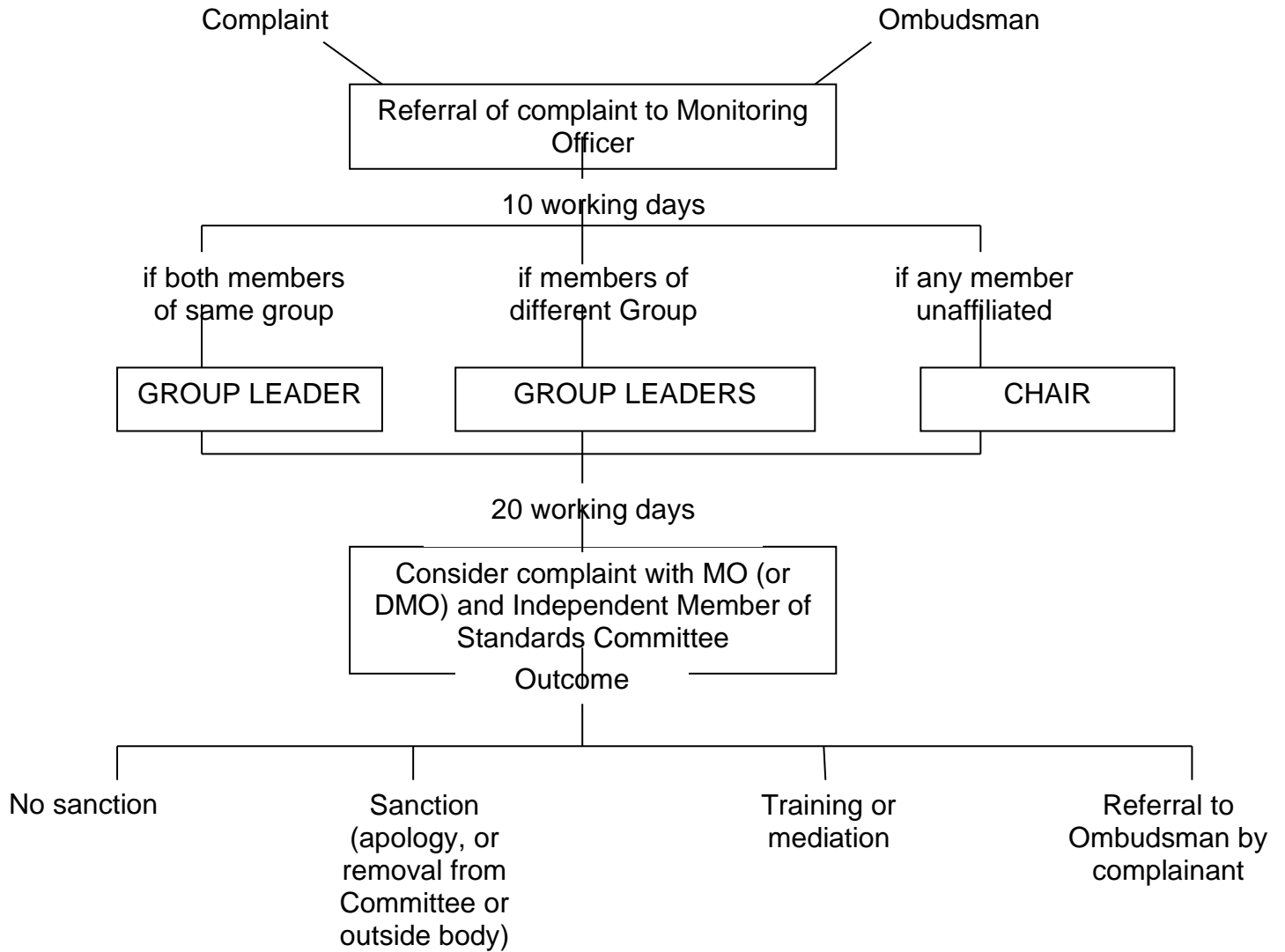
5. Persistent Breaches

- 5.1 In the case of persistent breaches, or areas where the Group Leaders have concerns that the conduct of an individual Member or Members is damaging to relations between political groups or to the reputation of the Council, then the Group Leaders will meet with the Monitoring Officer (or Deputy Monitoring Officer) to agree a way forward. Consideration will be given to joint references to the Ombudsman by the Group Leaders, for persistent low level breaches.

6. Standards Committee

- 6.1 Owing to any potential issues of conflict, any involvement in this Protocol will include no more than one independent Member of the Standards Committee. This will be subject to a rotational basis and in accordance with availability.
- 6.2 The Standards Committee Member will play a supporting/advisory role to the Group Leaders/Chair. This process will be initiated at the request of the Group Leader in any particular case through consultation with the Monitoring Officers (or Deputy Monitoring Officer).
- 6.3 Such meetings will be private and informal.
- 6.4 Any documentation, attendance notes, file notes or advisory notes passing between a Group Leader (or as appropriate the Chair of the Council) and the Member of the Standards Committee shall remain private and confidential.

Local Protocol on Complaints FLOWCHART



SECTION 19 - APPENDIX 2 - PROTOCOL FOR MEMBERS ON GIFTS AND HOSPITALITY

1. Introduction

- 1.1 You should treat with extreme caution any offer of a gift or hospitality made to you personally in your role as a Councillor. You are responsible for any decision to accept an offer of a gift or hospitality, and your personal reputation and that of the Council could be seriously jeopardised by the inappropriate acceptance of such an offer.
- 1.2 No hard and fast rules can be laid down to cover every circumstance but this protocol offers guidelines to assist you in making a decision.

2. The Law

- 2.1 Accepting a bribe is an offence. If it is proved that you have received any gift, loan, fee, reward or advantage by somebody seeking to obtain a contract from the Council then the onus will be on you (and the person making the offer) to prove that you have not acted dishonestly.
- 2.2 The Members Code of Conduct states that
 - "you must 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."
 - "you must not 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." and
 - "you must within 28 days of being offered any gift, hospitality, material benefit or advantage above the value of £25 provide written notification to your Authority's Monitoring Officer of the existence and nature of that gift, hospitality, material benefit or advantage. You must register any such offer whether you accept it or not."

3. Principles

- 3.1 Improper obligation – A gift or hospitality should never be accepted as a reward or inducement to act or vote in a particular way as a councillor or as a means of obtaining influence.
- 3.2 Benefit to the Council – Gifts or hospitality should only be accepted if there is a benefit to the Council (rather than to you personally) of so doing. The benefit should be proportionate with the value of the gift or hospitality

- 3.3 Misinterpretation – Gifts or hospitality should not be accepted if to do so would leave the council or member open to accusations of misconduct. Members must not only conduct themselves properly, they also be seen to be conducting themselves properly.
- 3.4 Soliciting a gift or hospitality – Gifts or hospitality should never be sought or invited in connection with a role as a councillor.

4. Gifts

- 4.1 A “gift” includes free goods and services, the opportunity to buy goods/services subject to a discount or terms which are not available to the public, or the opportunity to buy goods/services that are not available to the public. Care should be taken in situations where work or goods are ordered but no invoice is presented.
- 4.2 You may accept civic gifts on behalf of the Council. This protocol is not applicable to such gifts and neither do they need to be registered.
- 4.3 You should not accept personal gifts that are relevant to your position as a member or arising from that position, from anyone. However, it would be appropriate for you to keep small and insignificant gifts such as pens, diaries etc. You may also accept raffle prizes.
- 4.4 You should refuse any gift offered to you, or to a member of your immediate family, from any person or organisation doing business or seeking to do business with the Council or applying to the Council for some sort of decision.
- 4.5 When a gift has to be declined the offerer should be courteously but firmly informed of the procedures and standards operating within the Council. If such a gift is delivered:

it must be returned immediately to the sender giving reason.

the acceptance and return of gifts over £25.00 should be registered

where an offerer insists that you accept the gift, you should contact the Monitoring Officer for advice on further appropriate action.

5. Hospitality

- 5.1 It is accepted that events which include hospitality can often be an appropriate and successful forum for promoting the Authority and its aims and objectives, economic, social or otherwise. A balance therefore needs to be achieved between the aims of promoting the Authority and the need for Members to be mindful of the perception of others when accepting hospitality.

The following principles should be observed by Members:

- 5.2 You should not ask for or solicit hospitality at any time
- 5.3 You should only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the event where hospitality is provided. Particular care should be taken that the level of hospitality provided is proportionate to the nature and importance of any issues to be discussed at such an event
- 5.4 You should avoid hospitality in a situation where you would be the sole guest.
- 5.5 Offers to attend social or sporting functions should only be accepted when there is a legitimate reason to promote the economic or social wellbeing of the County Borough, and the Monitoring Officer's approval should be obtained in respect of any such functions which are outside Conwy County Borough.
- 5.6 Where visits are required as part of the process of making decisions you should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent decisions.
- 5.7 You may accept hospitality through attendance at relevant conferences and courses where it is clear that the hospitality is corporate rather than personal, where the Council has given permission beforehand and where the Council is satisfied that its decisions will not be compromised.
- 5.8 You may accept normal refreshment in connection with your work as a member (tea, coffee, biscuits etc.)
- 5.9 Where Members had been invited to an event as a representative of the Council or by Officers or the Chair of the Council, then such hospitality should be declared if it had been provided and paid for by a third party.
- 5.10 In circumstances where a Member is expected to represent the Council for networking purposes at events outside of normal working hours, i.e. in the evening or at the weekend, it would be reasonable for that Member to be accompanied by a 'plus 1' at no cost to that Member. Tickets for 'plus 1s' are non-transferrable. This applies to events arranged by an external organisation, business or individual, including events sponsored by the Council.
- 5.11 If a Member receives hospitality as a representative of an outside body e.g. National Park Authority then the Member concerned should comply with that organisation's Protocol on Gifts and Hospitality.
- 5.12 For the avoidance of doubt, hospitality sponsored by Conwy County Borough Council need not be declared.

6. Role of Members at Corporately Sponsored Events

- 6.1 Members attend various events organised or sponsored by the Council, in some instances by being allocated tickets or places where Conwy County Borough Council is host to selected guests by funding corporate hospitality.
- 6.2 Members act as ambassadors of the Council to assist in projecting and enhancing the Council's public image, promoting the work of the Council and networking with key partners or stakeholders.
- 6.3 Members are expected to attend any pre-event briefing sessions arranged by officers so they are fully supported in successfully undertaking the role of ambassadors of the Council.
- 6.4 Tickets or places for corporately sponsored events are automatically allocated to the Leader, the Chair of the Council, and the relevant Cabinet Member (if the event is linked to a particular portfolio). If they do not wish or cannot attend they may identify a Member of the Cabinet or other Member to represent them.
- 6.5 Where no Members are directly involved with an event a specific number of tickets or places will be reserved; the exact number will be determined in line with the capacity of the event or cost to the Authority as applicable.
- 6.6 Group Leaders are advised of the number of tickets or places available and asked to nominate Members to attend. Once nominated, tickets are not transferable to other non-nominated Members.
- 6.7 If there is a lack of take-up of available tickets or places then Members nominated to attend may request additional tickets for 'plus 1s'. Tickets allocated in this way are non-transferable.
- 6.8 If the nominated Member is not able to attend on the day of the event then organisers need to be informed as soon as possible so that tickets or places may be re-allocated or catering arrangements reviewed to avoid excess cost to the Authority.

7. Registration

- 7.1 Under the Council's Code of Conduct you must register any gift or hospitality that you receive that is worth more than £25.00. You should also register any such offer that you have refused; what circumstances you were offered the G&H and whether you accepted, or declined the offer and why.
- 7.2 The gift and hospitality register is kept by the Monitoring Officer who should be informed in writing of any gift or hospitality that you receive or refuse that is worth more than £25.00. The register will be available for public inspection.
- 7.3 The figure of £25.00 is of course relevant in considering what should be registered, it does not mean that you can accept all gifts or hospitality that are worth less than that. You must consider carefully every offer whatever its value.

8. Further Advice

- 8.1 If you have any doubt concerning an offer of a gift or of hospitality, you should seek the advice of the Monitoring Officer.
- 8.2 The Ombudsman has issued statutory guidance on the Code of Conduct and its interpretation. It can be seen on his website – www.ombudsmanwales.org.uk