

PENCOED TOWN COUNCIL



STANDING ORDERS

DATE MADE: ANNUAL GENERAL MEETING, 9th May 2018

These Standing Orders are made by **PENCOED TOWN COUNCIL** (hereinafter referred to as "**The Council**") for the regulation of the Council's business, pursuant to Paragraph 42 of Schedule 12 of the Local Government Act 1972 and with respect to the making of contracts, in accordance with the terms of Section 135 of that Act. It is not to be construed that their effect derogates any statutory requirements or the effects of relevant case law.

The Standing Orders printed in ***bold italic*** type face below reflect a selection of the many relevant mandatory statutory requirements and associated case law, applicable to Welsh Community and Town Councils and, as such, they are generally incapable of suspension by resolution. However, it should be understood that they do not comprehensively encompass all statutory provisions relating thereto.

Standing Order 1

MEETINGS OF THE COUNCIL, COMMITTEES AND SUB COMMITTEES.

- A. *In a year which is a year of ordinary elections of Town Councillors, the Annual Meeting of the Council shall be held on, or within fourteen days after, the day on which its Councillors elected at that election take office (viz. on the fourth day thereafter). This means that the Annual Meeting is required to be held within four and eighteen days after the date of the election, or otherwise as described by law. In any other year the Annual Meeting shall be held on such day in May as the Council may determine. It shall be held at 7.00 p.m. or such hour as the Council may otherwise fix or, if no hour is so fixed, six o'clock in the evening.*
- B. The Council shall, in every year hold, in addition to the annual meeting, ten other ordinary meetings for the transaction of its business, such meetings being held at calendar monthly intervals on the second Wednesday at 7.00 p.m. as required, excluding the month of August. It will also be incumbent upon the Clerk to draw the Councils attention to any members who have not attended any meetings for four consecutive months.

The Council will set aside a period at the beginning of every Council Meeting (except for the Annual Meeting), for written questions from the public (within the Pencoed Town Council area). On receipt of the questions, every member of the Town Council will receive a copy from the Town Clerk. Councillors should advise

the Clerk of their views on each question no later than four days prior to the Council meeting. The Mayor will consider those responses and decide who will reply and advise the member accordingly, no later than three days prior to the Council meeting. The questioner will be allowed up to three minutes to put the question and up to two minutes to respond, having been given the Council view. In the event that time does not allow for all questions to be put a written response will be provided.

C. An extraordinary meeting of the Council may be called at any time by the Town Mayor and, should he/she refuse to call such a meeting after a requisition for that purpose signed by two Members of the Council has been presented to him/her or if, without so refusing he/she does not call an extraordinary meeting within seven days after such a requisition has been presented to him/her, any two Members of the Council, on that refusal or on that expiration of those seven days, as the case may be, may forthwith convene an extraordinary meeting of the Council.

D. A meeting of the Council, or a Committee or Sub-Committee thereof, shall be held in Salem Chapel Vestry, Coychurch Road, Pencoed, as the Council, Committee or Sub-Committee may respectively direct, but shall not be held in premises licensed for the sale of intoxicating liquor unless no other suitable room is available either free of charge or at a reasonable cost. Generally, however, meetings of the Council and its Committees or Sub-Committees shall be held at Salem Chapel Vestry.

E. At least three clear days (not including the days of issue and meeting) before a meeting of the Council or a Committee of the Council-

(a) notice of the time and place of the intended meeting shall be fixed in some conspicuous place in the town and, where the meeting is called by members of the Council, the notice shall be signed by those members and shall specify the business proposed to be transacted at the meeting; and

(b) a summons to attend the meeting, specifying the business proposed to be transacted at the meeting and signed by the Proper Officer of the Council, shall be left at or sent by post to the usual place of residence of every member of the Council.

The use of electronic means to issue summonses is also available. Otherwise than as referred to elsewhere in these Standing Orders, no decision shall be taken on any matter other than in respect of items of business specified on the summons.

F. Meetings of the Council and its Committees and Sub-Committees shall be held and conducted strictly in accordance with the requirements of law and these Standing Orders.

Standing Order 2

APPOINTMENT OF COMMITTEES AND SUB-COMMITTEES.

A. The Council, for the purpose of discharging any of its functions or advising on any matter relating thereto, may appoint one or more Committees comprising members of the Council and, if it so wishes, including persons who are not members thereof, but the latter shall not be permitted voting rights thereon and shall not be elected to preside thereat.

The Council have established the following Committees the membership of which should not exceed 50% of total number of Town Councillors :

- Finance and General Purpose,(6)
- Planning, (6)
- Project Management.(6)

Along with the following sub-committees:

- Business Admin. And Policy,
 - Communications
 - Mayoral Events,
- B. Each committee will have a quorum of at least three members but in the absence of a quorum, the Chairperson, in consultation with the Mayor or appointed Deputy shall report back respectively to the Council advising them on the lack of quorum and will be required to make any recommendations he/she believes are appropriate, on the business that was to be transacted. Each sub-committee shall report back to the parent committee and/or full Council as necessary

Standing Order 3 **ELECTION OF TOWN MAYOR AND APPOINTMENT OF DEPUTY TOWN MAYOR**

- A. *A Town Mayor shall, at the Council's Annual Meeting, be elected from amongst its members and, unless he/she resigns or becomes disqualified shall continue the office until his/her successor becomes entitled to act as such (i.e. following his/her successors election to that office at the next Annual Meeting of Council or being elected to fill any casual vacancy for Town Mayor that may occur sooner).*
- B. *The Town Mayor shall, at the Annual Meeting at which he/she is elected or re-elected (or at the meeting at which he/she is elected if filling a casual vacancy in that office), or if the Council at that meeting so permits, before or at a later meeting fixed by the Council, make in the presence of a member of the Council or of its Proper Officer, and deliver to the Council, a declaration of Acceptance of Office in a form prescribed by an order made by the National Assembly of Wales and, if he/she fails to do so, his/her office of Town Mayor shall thereupon become vacant. If present at any meeting of Council the Town Mayor shall preside.*
- C. *The person presiding at the time of election of Town Mayor shall be disqualified from being a candidate for re-election to that office if he/she continues so to preside. Therefore, a person presiding who is a candidate for election thereto, (e.g. an outgoing Town Mayor wishing to be re-elected) shall be required to vacate the chair and leave the meeting prior to his/her name being formally proposed as a candidate.*
- D. *In the case of an equality of votes in the election of Town Mayor, the person presiding at the meeting shall give a casting vote in addition to any other vote he/she may have.*
- E. *A Deputy Mayor shall/may be appointed annually by the Council from among its members and, should such an appointment be made, shall hold office until immediately after the election of Town Mayor at the next Annual Meeting of the Council, unless he/she should resign or become disqualified beforehand. In the absence of the Town Mayor at a meeting of the Council, the Deputy Town Mayor shall preside thereat but in the absence of both Town Mayor and Deputy Town Mayor, such Councillor as the members of the Council shall choose, shall preside.*

- F. The Town Mayor, Deputy Town Mayor or Councillor presiding at a meeting of the Council, or a Committee or Sub-Committee thereof, shall be empowered to exercise all the powers and duties of the office of Chairman in relation to the conduct of the meeting, ***including the right to exercise a second or casting vote, but shall not purport to exercise any of the functional executive powers or responsibilities of or on behalf of, the Council.***

**Standing
Order 4**

DECLARATION OF ACCEPTANCE OF TOWN COUNCILLOR.

A person elected or re-elected to the office of Town Councillor shall, before or at the very first meeting of the Council after his/her election (or in the case of co-option to that office, at the meeting at which he/she is co-opted), or if the Council at that meeting so permits, before or at a later meeting fixed by the Council, make in the presence of a member of the Council or the Proper Officer of the Council and deliver to the Council a declaration of acceptance of office in a form prescribed by an Order made by the National Assembly for Wales (incorporating and undertaking by the Councillor that, in performing his/her functions he/she will observe the Council's Code of Conduct for the time being adopted), and if he/she fails to do so his/her office as Town Councillor shall thereupon become vacant.

**Standing
Order 5**

AGENDA FOR MEETINGS OF THE COUNCIL AND COMMITTEES AND ORDER OF BUSINESS.

- A. Except as otherwise provided by these Standing Orders or by statute, no item of business or motion shall be included in the agenda for a meeting of the Council, or any of its Committees, or discussed thereat, unless it has been placed upon the agenda by the Town Clerk, or by a Member of the Council, subject in the latter case to notice thereof being given to the Town Clerk in writing not later than eight clear days prior to the date of the meeting. The Town Clerk shall place upon the agenda for any such meeting all items of business or motions where notice is given as aforesaid.
- B. A copy of the agenda shall be sent, for information, to the relevant County Borough Councillor for the area of the Council and any other elected representative who requests such information who has an interest in the area i.e. Assembly Members, Members of Parliament and Members of the European Parliament.
- C. Subject to any relevant statutory requirement, and to provisions contained elsewhere in these Standing Orders, including for varying the order of business, the business of any meeting of the Council (other than its Annual Meeting) shall be transacted in the following order:-
- (i) To elect a member to preside in the absence of the Town Mayor and Deputy Town Mayor.
 - (ii) To receive any apology for absence from the meeting of any Councillor and consider acceptance, or otherwise, of the reason, if any, given for such absence.
 - (iii) The Member presiding to sign the minutes of the previous meeting.
 - (iv) To receive disclosures of personal interest and the nature thereof, in accordance with the requirements of the Council's adopted members' Code of Conduct.
 - (v) To examine and, where possible, determine any outstanding minutes.
 - (vi) To receive reports of Committees and Sub-Committees appointed by the

- Council.
 - (vii) To receive listed communications and, where appropriate, make decisions thereon.
 - (viii) To consider items of business placed upon the agenda by the Town Clerk and (subject to requisite notice being given in accordance with the requirement of this Standing Order), items of business placed thereon by members of the Council, in such order as the Town Clerk may deem most appropriate.
 - (xi) To consider and approve accounts for payment.
 - (x) To determine or confirm the date of the next ordinary meeting of the Council.
- D.** At the Annual Meeting of the Council, in addition, the following business shall also be transacted in the following order:-
- (i) Election of Town Mayor.
 - (ii) Election of Deputy Town Mayor.
 - (iii) Appointment or re-appointment of any Standing Committees, Sub-Committees and Working Groups.
 - (iv) Appointment or re-appointment of Members to serve on outside bodies, subject to a maximum of four Town Councillors excluding the Town Mayor. (i.e one third of the resultant figure of 13 less the Mayor = 12 = 4)
- E.** Without prejudice to the prescribed order of business, as set out in Standing Order 5B and 5C above, the business to be transacted at any meeting of the Council may be preceded by supplementary generic items in respect of which no decisions thereat shall be taken but, in appropriate circumstances, may be placed upon the agenda of a later meeting of the Council or a Committee or Sub-Committee thereof for consideration or referred for submission of a report or reports, such items being restricted to:-
- (i) consideration of matters raised at or before the meeting by members of the public present (where it is the policy of the Council to invite such public participation);
 - (ii) making announcements; and
 - (iii) receiving verbal and written reports from members on their attendance at meetings of outside bodies in respect of which they have been appointed to serve thereon as the Council's representatives.

Standing Order 6

NOTICES OF MOTION

- A.** Except as provided under Standing Order 7 below each notice of motion shall be in writing, signed by the member or members of the Council giving the notice, and delivered to the Town Clerk in accordance with the requirements of Standing Order 5 above. The Town Clerk shall thereupon date, number in order in which it is received, and enter it in a book, which shall be open to the inspection of every member of the Council.
- B.** The Town Clerk shall insert in the summons (agenda) for a meeting of the Council for which the Council notices of motion duly given in the order in which they have been received, unless the member giving such notice has, when giving it, intimated in writing that he/she proposes to move it at some later meeting or subsequently has withdrawn it in writing.

- C. If a motion, notice of which is thus specified in the summons (Agenda), be not moved, it shall, unless proposed by consent of the Council, be treated as abandoned and shall not be moved without fresh notice.
- D. Motions for which notice has been duly given, the subject matter of which comes within the delegations or terms of reference of any Committee or Sub-Committee of the Council shall, upon being moved, stand referred without discussion to such Committee or Sub-Committee or to such other Committee or Sub-Committee as the Council may determine, for consideration and report to the next available meeting of the Council, except that the Council, if it considers it convenient and conducive to the despatch of business, may allow such motion to be dealt with at the meeting at which it is moved.
- E. Every notice of motion shall be relevant to some question over which the Council has power or which affects the Town Council.

Standing Order 7

MOTIONS THAT MAY BE MOVED WITHOUT NOTICE.

The following motions may be moved without notice:-

- (i) To appoint a Chairman to preside at the meeting in the absence of the Town Mayor and the Deputy Town Mayor.
- (ii) In relation to the accuracy of the minutes of the previous meeting.
- (iii) To change the order of business.
- (iv) To proceed to the next business.
- (v) To close or adjourn the debate on any particular item of business.
- (vi) To refer a matter to a Committee, Sub-Committee or Working Group.
- (vii) To appoint a Committee or Working Group and/or Members to serve thereon.
- (viii) To receive and/or adopt a report.
- (ix) To withdraw a motion.
- (x) To amend a motion.
- (xi) To exclude the public and press in appropriate circumstances.
- (xii) To adjourn the meeting in the event of disorderly conduct.
- (xiii) To suspend the requirements of any Standing Order, except where, by so doing, statutory requirements (i.e. those printed in bold print herein) would be purported not to apply.
- (xiv) To adjourn the meeting.
- (xv) That the question be now put.
- (xvi) In relation to any item of business appearing on the agenda of a meeting.

Standing Order 8

QUESTIONS.

A member may ask the Town Mayor or the Town Clerk any question relating to the functions or the business of the Council, subject to three clear days written notice thereof being given to the Town Clerk. Each such question shall be put and answered without discussion and the person to whom the question is put shall only decline to answer that question where it is in the public interest to do so.

**Standing
Order 9**

RULES OF DEBATE.

- A.** No discussion shall take place upon the minutes, except upon their accuracy. Corrections to the minutes shall be made upon the signing thereof.
- B.** Members shall direct their speeches only to the subject currently under discussion and address the Chairman.
- C.** In the event of two or more members requiring to speak, the Chairman shall determine the order of speaking.
- D.** A motion or amendment to a motion, other than in relation to an item of business included on the agenda, shall not be discussed unless it has been formally moved and seconded and, in the case of a motion, unless the required notice thereof has been given in accordance with Standing Order 6 above..
- E.** An amendment to a motion shall be only:-
- (i) to leave out words;
 - (ii) to leave out words and insert or add others;
 - (iii) to insert or add words,
- but such omission or insertion of words shall not have the effect of introducing a new proposal into or negate the motion before the Council.
- F.** If an amendment be rejected, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- G.** The mover of a resolution shall have a right to reply immediately before the motion is put to the vote. Should an amendment be moved, the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A Member exercising a right of reply shall not introduce new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.
- H.** A member may raise a point of order or make a personal explanation but a personal explanation shall be confined to clarifying some material part of a former speech by him/her at the same meeting which may have been misunderstood and he/she shall be entitled to be heard forthwith except that the ruling of the Town Mayor on a point of order or the admissibility of a personal explanation shall not be open to discussion. Whenever the Town Mayor intervenes during a debate, all other members of the Council shall be silent.
- I.** A motion or amendment may be withdrawn by the mover (with the concurrence of the seconder) and the consent of the Council, which shall be signified without discussion, and it shall not be competent for any

member to speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.

J. When a motion is under debate no other motion shall be moved except the following:-

- (i) To amend the motion.
- (ii) To postpone consideration of a motion.
- (iii) To adjourn the meeting.
- (iv) To adjourn the debate.
- (v) To proceed to the next business.
- (vi) That the question be now put.
- (vii) That a member be not further heard.
- (viii) That a member do leave the meeting.
- (ix) That the Subject of debate be referred back to a Committee or Sub-committee.
- (x) To exclude the press and public.

K. Without prejudice to the terms of these Standing Orders, or the statutory right of any member to require the taking of a formal ballot on any matter to be determined by the Council, it shall be in order for decisions to be taken by the Council, or a Committee or Sub-Committee thereof, on the basis of consensus or tacit agreement.

Standing Order 10

RESCINDING OF RESOLUTIONS

No motion to rescind any resolution which has been passed within the preceding six months, nor any motion or amendment to the same effect as one which has been negated within the preceding six months, shall be in order unless the notice thereof shall have been given and specified in the summons to the meeting and the notice shall bear, in addition to the name of the member who proposed the motion, the names of six other members; and when any such motion has been disposed of by the Council it shall not be competent for any member to propose a similar motion within a further period of six months. This Standing Order shall not apply to motions which are moved by the Chairman or other members of a Committee or Sub-Committee of the Council in pursuance of a recommendation of such Committee or Sub-Committee.

Standing Order 11

QUORUM

A. ***No business of Full Council shall be transacted at a meeting of the Council unless at least one third of the whole number of the members of the Council are present at the meeting but in no case shall the quorum be less than five. A quorum in relation to meetings of this Council shall therefore be at least five Councillors. Where, however, more than one third of the members of the Council become disqualified at the same time, then, until the number of members in office is increased to not less than two thirds of the whole number of members thereof, the quorum of the Council shall be determined by reference to the number of members of the Council remaining qualified instead of by reference to the whole number of members of the Council. So long as there shall be a quorum present at a meeting, it shall be in order for a decision to be taken on, say, a single voter, if nobody votes against. The fact that other Councillors present maybe unable to vote, on the account of having a personal interest in any particular matter for consideration, shall not affect the situation, the law making no reference to a quorum being calculated by reference only to the number of members entitled to***

vote.

- B. Should a quorum not be present at a meeting of the Council or should the number of members present fall below that of a quorum, the business not transacted at the meeting shall be transacted at the next ordinary meeting of the Council or at an extraordinary meeting thereof summoned for the purpose of considering it.
- C. The quorum of any Committee or Sub-Committee of the Council shall comprise at **least three**.

**Standing
Order 12**

VOTING

- A. ***All questions coming or arising before the Council and its Committees and Sub-Committees shall be decided by a majority of the members present and voting thereon at a properly convened meeting of the Council. The method of voting shall be by show of hands (or, alternatively, by secret ballot where the Council, Committee or Sub-Committee, as the case may be, so decide). However, on the requisition of any member of the Council, the voting on any question shall be recorded so as to show whether each member present and voting did give his/her vote for or against that question.*** A member shall be entitled to have his/her name recorded in the minutes as voting against a specific matter or as abstaining from voting thereon.
- B. In the event of there being an equality of votes and the member presiding at a meeting of the Council or a Committee or Sub-Committee declining to give a second or casting vote, the relevant motion or amendment thereto shall fall to the ground and the Council, Committee or Sub-Committee, as the case may be, shall proceed to the next item of business; ***other than in respect of the election of a Town Mayor, where the person presiding is required by law to exercise a casting vote.***
- C. ***In respect of voting where more than two persons have been nominated for a single vacancy (e.g. in respect of an appointment to fill a casual member vacancy, appointment to serve on an outside body or appointment of staff etc.) the successful candidate shall receive an absolute majority vote of those members present and voting, the name of the person having the least number of votes being struck off the list and one or more fresh votes taken until a majority of votes is given in favour of one person.***

**Standing
Order 13**

CONDUCT OF COUNCILLORS SHALL BE GOVERNED BY THE CODE OF CONDUCT, 2008.

- A. No member shall, at a meeting of the Council or a Committee or Sub-Committee thereof persistently disagree with the ruling of the person presiding thereat, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.
- B. If, in the opinion of the person presiding thereat, a member has breached the requirements of these Standing Orders above, any member may move that the member in question be no longer heard.

That motion shall thereupon be put forthwith and without discussion.

- C. In the event of such a motion being carried and the Member in question persists

in breaching the requirements of these Standing Orders, the person presiding may suspend the meeting or take such further steps as may reasonably be deemed to be necessary or expedient. All matters are referred to the Ombudsman on the advice of One Voice Wales

- D. Members are reminded that the Code of Conduct (as amended) attached as Appendix A, applies to all Members at all times

**Standing
Order 14**

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

- A. Canvassing of members, directly or indirectly, for any appointment to be made by the Council shall disqualify the candidate for such appointment and the Town Clerk shall make known to every candidate for such an appointment the terms of this Standing Order.
- B. A member shall not solicit for any person any Council appointment or recommend any person for such appointment or for promotion. The requirements of this Standing Order shall not, however, prevent a member providing a written reference as to the candidate's ability, experience or character for submission to the Council with an application for appointment. Additionally, the terms of this Standing Order shall apply to tenders and quotations as if those persons submitting tenders or quotations were candidates for an appointment.

**Standing
Order 15**

**PUBLIC ACCESS TO MEETINGS, INFORMATION, CONFIDENTIAL
BUSINESS AND INSPECTION OF DOCUMENTS**

- A. *Any meeting of the Council or of its Committee(s) shall be open to the public. However, the Council or Committee, as the case may be, may by resolution exclude the public and press (whether during the whole or part of the proceedings) whenever publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reason stated in the resolution and arising from the nature of that business or of the proceedings, and where such a resolution is passed, the meeting shall not be required to be open to the public during the proceedings to which the resolution applies. The Council or Committee may treat the need to receive or consider recommendations or advice from sources other than members, its Committees or Sub-Committees, as the case may be, as a special reason why publicity would be prejudicial to the public interest, without regard to the subject or the purpose of the recommendations or advice. While any such meeting is open to the public, the Council or Committee, as the case may be, shall not have power to exclude members of the public there from and duly accredited representatives of newspapers attending for the purpose of reporting the proceedings for those newspapers shall, so as far as practicable be afforded reasonable facilities for taking their report and, unless the meeting is being held in premises not belonging to the Council or not on the telephone, for telephoning the report at their own expense. The provision of this Standing Order shall be without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.*
- B. The public and the press shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude the public, the press or both by means of the following resolution.
"That in view of the (special) (confidential) nature of the business about to be transacted, it is advisable in the public interest that the press and public be

temporarily excluded and they are instructed to withdraw.”

The Council shall also strictly comply with and adhere to any present or future requirements affecting it contained in the Freedom of Information Act 2000 and Statutory Instruments made thereunder.

- C. Notwithstanding the principles of openness in the Council’s dealings, as referred to in these Standing Orders, no member shall disclose to any person who is not a member of the Council any business declared to be confidential by the Council.
- D. A member shall, but only for the purpose of undertaking his/her functions, duties and responsibilities as a Councillor, be entitled to inspect any document in the possession of the Council and, where practicable, shall on request be supplied with a copy thereof for that purpose.

**Standing
Order 16**

APPOINTMENT OF STAFF

- A. The Council may appoint such officers and other employees as it thinks necessary, including a Town Clerk, for the proper discharge of its functions. ***The terms of appointment or conditions of employment of every such officer or other employee shall be deemed to incorporate the Code of Conduct set out in the Schedule to the Code of Conduct (Qualifying Local Government Employees)(Wales) Order 2001.***

Council staff shall comprise a full-time Town Clerk/Responsible Financial Officer and a full-time Community Services Supervisor and Two Part Time Toilet Attendants in accordance with the agreed contracts of employment.

All staff will be employed under the terms and conditions laid down by The Society of Local Council Clerks and Local Government Services. Contractual terms and conditions to be clearly set out in offer letters, accompanied by appropriate documents, specifically a job description, a written statement of particulars and where possible a staff handbook, containing general terms and conditions applicable to the employee.

A Contract of Employment will be provided within two months as laid down in the Employment Rights Act 1996. Contracts of Employment and conditions must be kept up to date by the Council and be regularly reviewed.

- B. ***The Council shall appoint a Responsible Financial Officer (who may also be its Town Clerk), with prescribed duties and responsibilities, to undertake its functions under Section 151 of the Local Government Act 1972 and Regulation 4 of the Accounts and Audit Regulations 1996.***
- C. ***The Council shall appoint a completely independent Internal Auditor to undertake the functions prescribed under Regulation 5 of the Accounts and Audit Regulations 1996 and Codes of Audit Practice drawn up in relation thereto by the Audit Commission and shall give its consideration to any recommendation or observations made by him/her from time to time.***
- D. ***Every appointment of a person to a paid office or employment under the Council shall be made on merit, subject to any relevant statutory exceptions to that requirement and, in order to avoid any possible accusation of bias, employees of the Council shall not be involved in any appointment, or any other decisions relating to promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close***

personal relationship outside work.

Standing

Order 17

CONTRACTS

- A. *If the work, subject to tender is limited to specialist contractors and or materials and exceeding £15,000 the council will seek three tenders for the project. In the event that interest is not shown by three specialist contractors the Council will proceed to appoint a specialist contractor out with the tendering process but in accordance with Standing Order 15.*
- B. *The notice, or invitation to submit a tender, for a contract exceeding £15,000 in value or amount shall state the general nature of the intended contract and state the name and address of the person to whom tenders are to be addressed and the last day by which those tenders should reach that person in the ordinary course of post.*
- C. *Tenders/quotations received shall be opened by the Responsible Financial Officer, or other person to whom the tenders are required to be addressed, in the presence of the Council or Committee/Sub-Committee/Officer to which/whom the power to award the contract may have been delegated.*
- D. *The Council is not bound to accept the lowest tender.*
- E. *Should no tenders be received or should all the tenders be identical the Council etc. may make such arrangements for procuring the goods or materials or executing the works as it thinks fit.*
- F. *A notice to tender issued in accordance to this Standing Order shall refer to the statement in Standing Order 15 which will apply.*
- G. *No member or employee of the Council shall, in the name of the Council, issue orders, or transmit instructions or directions, unless such orders etc. are specifically authorised by the Council or in accordance with power properly delegated to a Committee, Sub-Committee or Officer and the requirements of the Standing Orders and the Council's Financial Regulations shall be strictly adhered to in respect thereof.*

Standing

Order 18

EXECUTION OF DOCUMENTS

All relevant documents (e.g. those relating to land transactions etc.) shall be executed under the common seal of the Council (or should the Council not have a seal), signified by an instrument signed and sealed by The Mayor and Deputy Mayor, who shall be appointed thereby for that purpose, upon formal authority being given thereto by resolution of the Council.

Standing

Order 19

PROPER OFFICER

Where a statute regulation or order confers functions or duties on the Proper Officer of the Council, in the following cases that officer shall be its Town Clerk:-

- (i) To receive and witness declarations of acceptance of office.
- (ii) To receive and retain plans and documents.
- (iii) To sign notices or other documents on behalf of the Council.
- (iv) To receive copies of byelaws made by the relevant County Borough

Council.

- (v) To certify copies of byelaws made by the Town Council.
- (vi) *To sign summonses to attend meetings of the Council and its Committees/Sub-Committees.*

**Standing
Order 20**

EXPENDITURE AND FINANCIAL MANAGEMENT

The terms and requirements of the Council's approved Financial Regulations shall be adhered to in relation to any decisions relating to expenditure and the Council shall receive and give due consideration to any recommendations or observations made by its Internal Auditor in relation to the financial management of its affairs.

**Standing
Order 21**

MEMBERS' AND OFFICERS' CODES OF CONDUCT

- A. *Councillors shall conduct themselves in accordance with the prescribed principles governing their conduct as referred to in Section 49 (2) of the Local Government Act 2000 and the Conduct of Members (Principles) (Wales) Order 2008, namely, selflessness, honesty, integrity and propriety, duty to uphold the law, stewardship, objectivity in decision making, equality and respect, openness, accountability and leadership.*
- B. *Councillors shall in conducting the business of the Council, undertaking the role of member thereof to which they were elected or appointed, and acting as a representative of the Council, observe and adhere to its Code of Conduct adopted in accordance with the requirements of Section 51 of the 2000 Act, incorporating any model Code issued by the National Assembly for Wales under Section 50 (2) thereof (The Local Authorities (Model Code of Conduct) (Wales) Order, 2008, attached)(as amended).*
- C. *Where a Councillor acts as a representative of the Council on another body, that member shall, when acting in that capacity, comply with the Code unless it conflicts with any legal obligations arising as a consequence of service on that body.*
- D. *Councillors shall 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. They must not do anything which compromises, or which is likely to compromise, the impartiality of the authority's employees.*
- E. *Councillors shall not disclose information given in confidence, without the express consent of a person authorised to give such consent, or unless required by law to do so, and shall not prevent any person from gaining access to information to which that person is entitled by law.*
- F. *Councillors shall not in their official capacity, or otherwise, commit a criminal offence or cause one to be committed or behave in a manner which could be reasonably regarded as bringing the office of Councillor or the Council into disrepute and shall report to the Local Commissioner for Local Administration in Wales and to the appropriate Monitoring Officer (viz. the officer appointed as such by the County Borough Council within whose area the Council is situated) any conduct by another member of the Council which they believe involves, or is likely to involve, a failure to comply with the Code but, in relation to this requirement, must not make vexatious or malicious complaints against other persons. They shall also report any conduct by another person which they believe involves, or is likely to involve criminal behaviour.*

- G. A Councillor (other than a member who is subject of an investigation by the Monitoring Officer) shall comply with any requirement made by the Monitoring Officer in connection with an investigation.**
- H. Councillors shall not, in their official capacity, or otherwise, use their position improperly to confer on or secure for any person, and in particular their family, friends and those with whom they have a close personal association, an advantage or disadvantage or to secure an advantage for themselves. They shall, when (corporately) using or authorising use by another Councillor of the resources of the Council, do so prudently and in accordance with the law and the Council's requirements and they shall ensure that the resources of the Council are not used improperly for their own private purpose, their family, friends and persons with whom they have a close personal association.**
- I. Councillors, when reaching decisions, shall 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, in particular its Responsible Financial Officer, the Monitoring Officer and its Legal Officer who should be consulted when there is any doubt as to the Council's power to act, or as to whether the action proposed lies within the policy framework agreed by the Council where the legal consequences of action or failure to act may have important repercussions; and shall give reasons for decisions in accordance with the Council's requirements.**
- J. Councillors shall observe the law and the Council's rules governing the claiming of expenses and allowances in connection with their duties as Councillors and shall avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a Civic reception or a working lunch duly authorised by the Council), material benefits or services for themselves or any person with whom the Councillor is living that would, or might reasonably appear to, place him/her under an improper obligation.**
- K. Councillors shall, in all matters, consider whether they have a personal interest, and whether the Code requires them to disclose that interest.**
- L. A Councillor has a personal interest in a matter if he/she anticipates that a decision upon it might reasonably be regarded as likely to benefit or disadvantage:-**
- (i) the Councillor, one of his/her family or a friend, or any person with whom he/she has a close personal association, or**
 - (ii) a body which employs those persons, or for which those persons have any degree of ownership, control or management to a greater extent than other council tax payers, rate payers or inhabitants of the Council's area.**
- M. Councillors shall regard themselves as having a personal interest in a matter to the extent that it relates to:-**
- (i) another relevant authority of which they are a member;**
 - (ii) a body in which they hold a position of general control or management; or**
 - (iii) a body to which they have been appointed or nominated by the Council as a representative.**
- N. Councillors shall also regard themselves as having a personal interest in a matter to the extent that it relates to:-**
- (i) any full-time, part-time or intermittent employment, office, trade or profession carried on by them for profit or gain;**
 - (ii) any person who employs or has appointed them, any firm in which they are partner, or any company of which they are a remunerated director,**
 - (iii) any person, other than a relevant authority (i.e. a County Council, County**

- Borough Council, Fire Authority or a National Park Authority), who has made a payment to them in respect of their election or any expenses incurred in carrying out their duties;*
- (iv) any corporate body which has a place of business or land in the Council's area where the Councillor has a beneficial interest in a class of securities of that body which exceeds £25,000 in value (based upon original costs) or one hundredth of the total issued share capital of that body (whichever is the lower);*
 - (v) any contract for goods, services or works made between the Council and the councillor, a firm in which the Councillor is a partner, a company of which the Councillor is a director, or a body falling within those referred to in (d) above;*
 - (vi) any land in which the Councillor or a member of the Councillor's family has a beneficial interest and which is in the area of the Council;*
 - (vii) any land of which the landlord is the Council and the tenant is a firm in which the Councillor is a partner, a company of which the Councillor is a director, or a body falling within (iv) above;*
 - (viii) any land in the Council's area in which the Councillor has a licence (alone or jointly with others) to occupy for a month or longer; and*
 - (ix) any visit outside the United Kingdom for which the Council has paid or will pay.*

O. *Councillors shall additionally regard themselves as having a personal interest in a matter to the extent that it relates to any membership, or position of general control or management which they have in any organisation. Such organisations include any:-*

- (i) private club or society, such as the Freemasons, a recreational club, workmen's club, or private investment club;*
- (ii) organisation whose principal purpose includes influencing public opinion or policy such as a lobby group;*
- (iii) trade union(s) or professional associations;*
- (iv) company, industrial and provident society or other organisation which has charitable objects.*

Councillors may, however, regard themselves as not having a personal interest in a matter to the extent that it relates to the functions of the Council in respect of an allowance or payment made under Sections 173 - 176 of the Local Government Act 1972 (Attendance, financial loss, travelling and subsistence allowances and allowances for attending conferences and meetings).

P. *A Councillor who has a personal interest in a matter specified in this Standing Order and who attends a meeting of the Council, or a Committee or Sub-Committee thereof, at which the matter is discussed, shall disclose the existence of the interest at the commencement of that discussion or when the interest becomes apparent. In such a case that Councillor may speak but shall not vote on the matter unless granted a dispensation by the relevant Standards Committee (of the County Borough Council within whose area the Town is situated).*

Q. *A Councillor who has a personal interest in a matter specified in these Standing Orders and who attends a meeting of the Council, or a Committee or Sub-Committee thereof, at which the matter is discussed shall disclose the existence and the nature of the interest at the commencement of that discussion or when the interest become apparent. In such a case that Councillor shall withdraw from consideration of the matter unless granted a dispensation by the relevant Standards Committee (of the County Borough Council within whose are the Town is situated) which shall not consider granting a dispensation unless the Councillor has previously notified the Monitoring Officer of the interest, in accordance with the terms of these Standing Orders.*

- R. A Councillor who has a personal interest in a matter which is not specified in these Standing Orders and who attends a meeting of the Council, or a Committee or Sub-Committee thereof, at which the matter is discussed, shall disclose the existence and nature of the interest at the commencement of that discussion or when the interest becomes apparent. If that personal interest is such that a member of the public might reasonably conclude that it would significantly affect the Councillor's ability to act purely on the merits of the case and in the public interest if that Councillor were to take part in the discussion of that matter, the Councillor shall also withdraw from consideration of the matter at that meeting unless granted a dispensation by the relevant Standards Committee (of the County Borough Council within whose area the Town is situated) which shall not consider granting a dispensation unless the Councillor has previously notified the Monitoring Officer of that interest, in accordance with the terms of these Standing Orders.**
- S. Councillors shall register any disclosed interests in the Register of Interests established and maintained by the appropriate Monitoring Officer. They shall exercise personal responsibility in deciding whether they have a personal interest such that they should disclose it, seeking advice thereon from the Monitoring Officer and having regard to any advice from the Standards Committee. Councillors shall notify the Monitoring Officer of any change to the interests registered within one month of their occurrence.**
- T. Other than any gift excepted by a Councillor on behalf of the Council, a Councillor shall notify the Monitoring Officer of the existence and nature of any gifts, hospitality, material benefits or advantage received by the Councillor or to the Councillor's knowledge any person with whom the Councillor is living, from any company, organisation or person and relating to or arising out of their position as a Councillor, where the value of the item or benefit exceeds the amount of £25.**
- U. Employees of the Council are expected to observe the terms of the relevant Code of Conduct issued by the National Assembly of Wales under Section 82 (2) of the Local Government Act 2000 and the Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001. This includes that the public is entitled to expect the highest standards of conduct from the Council's employees, their role being to serve the Council in providing advice, implementing its policies and delivering services to the local community. In performing their duties, they shall act with integrity, honesty, impartiality and objectivity.**
- V. Such employees serve the whole of the Council and are accountable to, and owe a duty to the Council. They shall act in accordance with the principles set out in the Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.**
- W. The Council's employees shall follow every lawfully expressed policy of the Council and shall not allow their own personal or political opinions to interfere with their work.**
- X. Mutual respect between employees and Councillors is essential to good local government and working relationships should be kept on a professional basis. Employees should deal with the public, Councillors and other employees sympathetically, efficiently and without bias.**
- Y. Employees shall comply with policies relating to equality issues, as agreed by the Council, in addition to the requirements of the law.**
- Z. Employees shall ensure that they use public funds entrusted to them in a responsible and lawful manner, and shall not utilise property, vehicles or other facilities of the Council for personal use unless authorised to do so.**

- A1. *Whilst employees' private lives are their own concern, they shall not allow their private interests to conflict with their public duty. They shall not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others. In particular, they shall comply with:-***
- (i) *any rules of the Council on the registration and declaration by employees of financial and non-financial interests;***
 - (ii) *any rules of the Council on the declaration by employees of hospitality or gifts offered to or received by them from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the Council. Employees shall not accept benefits from a third party unless authorised to do so by the Council.***
- A2. *In the event that an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with the employees' Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and with any confidential reporting procedure of the Council, or any other procedure designed for this purpose.***
- A3. *Openness in the dissemination of information and decision-making should be the norm in relevant authorities. However, certain information may be confidential or sensitive and, therefore, not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a Town Councillor, employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in the Code shall be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.***
- A4. *Employees involved in the recruitment and appointment of staff shall ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, employees shall not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee to whom they are related, or with whom they have a close personal relationship outside work.***
- A5. *Where a Monitoring Officer is undertaking an investigation in accordance with Regulations made under Section 73 (1) of the Local Government Act 2000, an employee shall comply with any equipment made by the Monitoring Officer in connection with such an investigation.***

**Standing
Order 22**

WELSH LANGUAGE SCHEMES AND USE OF WELSH LANGUAGE

- A. *Councillors, Officers and any other employees, shall adhere to the requirements of any Welsh Language Scheme or revised Scheme in accordance with the Welsh Assembly Government Policy on the Welsh Language.***
- B. *The Council shall conduct the business at its meetings in the English language.***

**Standing
Order 23**

HUMAN RIGHTS

So far as it is possible, primary legislation and subordinate legislation must be read and given effect in a way which is compatible with the rights and fundamental freedoms referred to in the European Convention on Human Rights set out in the Human Rights Act 1998 and it is, therefore, generally unlawful for a public authority to act in a way which is incompatible with a Convention Right. This Council shall, therefore, have regard to human rights principles when making decisions affecting people's rights.

**Standing
Order 24**

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

- A. Subject to statutory requirements, any one or more of these Standing Orders, excepting those printed in bold typeface, may be suspended by resolution of the Council, in relation to any specific item of business, subject to the vote thereon being carried by at least two-thirds of the members present and voting on the motion. A Committee or Sub-Committee thereof may similarly by resolution suspend any one or more of the Standing Orders in relation to any specific item of business of which it exercises properly delegated functional powers, subject as aforesaid. Suspension shall only be for the duration of the meeting at which the resolution is passed.
- B. *Standing Orders shall be reviewed and confirmed at every Annual General Meeting.*

**Standing
Order 25**

STANDING ORDERS TO BE GIVEN TO MEMBERS AND OFFICERS

A copy of these Standing Orders shall be given to each member of the Council by the Town Clerk upon delivery to him/her of the member's Declaration of Acceptance of Office. A copy thereof shall also be given by the Town Clerk to any officer or other employee upon his/her appointment.

**Standing
Order 26**

MAYORS APPEAL

The Mayor, upon election will nominate his/her charity and this will be administered as a separate account.

**Standing
Order 27**

COUNCIL FACILITIES

Office and Chamber facilities of the Council may be afforded to members of the Council in pursuance of Council duties by application to the Mayor and Clerk.

**Standing
Order 28**

CIVIC FUNCTIONS

- A. That annually, the Town Mayor, in consultation with members of the Mayoral Events Sub-Committee may arrange a Civic Service and Reception and Mayor's events brought forward by the Mayoral Events Sub-Committee.
- B. *The Council will present a suitable gift to residents who are celebrating their 90th and 100th birthdays and diamond wedding anniversaries, subject to them being made aware of the occasion. Members should inform the Town Clerk of such occasions with the details.*

Standing
Order 29 **BEREAVEMENT**

In the case of a bereavement of a member or officer of the Council a letter of condolence will be sent to their immediate family, this will include past members or officers of up to five years standing.

Revision date : June 2015 accepted by Council 10th June 2015
Revision date June 2016 accepted by Council on 1st June 2016
Revision date May 2017 following AGM of Council 10th May 2017
Revision date May 2018 following AGM

THE MODEL CODE OF CONDUCT

PART 1
INTERPRETATION

1.—(1) *In this code —*

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

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

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

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

(a) of the relevant authority,

(b) of any executive or board of the relevant authority,

(c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or

(d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government

(Committees and Political Groups) Regulations 1990,

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

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

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

(a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or

(b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

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

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

(a) a county council,

(b) a county borough council,

(c) a community council,

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

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

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

"your authority" ("eich awdurdod") means the relevant authority of which you are a member or co-opted member. (2) In relation to a community council— (a) "proper officer" ("swyddog priodol") means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972; and (b) "standards committee" ("pwyllgor safonau") means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

PART 2
GENERAL PROVISIONS

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

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

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

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

(d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.
(2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

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

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

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

4. **You must** —

(a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion; 3.

(b) show respect and consideration for others;

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

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

5. **You must not** —

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

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

6.(1) **You must** —

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

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

(c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct; (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

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

7. **You must not** —

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

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

(i) imprudently;

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

(iii) unlawfully;

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

(v) improperly for political purposes; or .

(vi) improperly for private purposes.

8. **You must** —

(a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public

interest having regard to any relevant advice provided by your authority's officers, in particular by —

- (i) the authority's head of paid service;
 - (ii) the authority's chief finance officer;
 - (iii) the authority's monitoring officer;
 - (iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9. You must —

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

PART 3
INTERESTS

Personal Interests

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

(2) **You must** regard yourself as having a personal interest in any business of your authority if — (a) it relates to, or is likely to affect —

- (i) any employment or business carried on by you;
 - (ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;
 - (iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;
 - (iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
 - (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
 - (vi) any land in which you have a beneficial interest and which is in the area of your authority;
 - (vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in subparagraph (iv) above;
 - (viii) any body to which you have been elected, appointed or nominated by your authority;
 - (ix) any —
 - (aa) public authority or body exercising functions of a public nature;
 - (bb) company, registered society, charity, or body directed to charitable purposes;
 - (cc) body whose principal purposes include the influence of public opinion or policy;
 - (dd) trade union or professional association; or
 - (ee) private club, society or association operating within your authority's area, in which you have membership or hold a position of general control or management;
 - (x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer; [Note: subparagraph (b) is omitted.]
- (c) a decision upon it might reasonably be regarded as affecting —
- (i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
 - (ii) any employment or business carried on by persons as described in 10(2)(c)(i);

(iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;
(iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
(v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,
to a greater extent than the majority of—

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

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

Disclosure of Personal Interests

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

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

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

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

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

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

(a) details of the personal interest;

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

(c) your signature.

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

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

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

Prejudicial Interests

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

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

(a) relates to —

- (i) another relevant authority of which you are also a member;
- (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
- (iii) a body to which you have been elected, appointed or nominated by your authority;
- (iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;
- (v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to —

- (i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;
 - (iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;
 - (iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;
- (c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

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

Overview and Scrutiny Committees

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

- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, subcommittees, 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 subparagraph (a) and you were present when that decision was made or action was taken.

Participation in Relation to Disclosed Interests

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

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

- (i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or
 - (ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;
- (b) not exercise executive or board functions in relation to that business;
- (c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and (e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

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

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

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

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

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

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

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

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

(aa) details of the prejudicial interest;

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

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

(dd) your signature.

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

PART 4

THE REGISTER OF MEMBERS' INTERESTS

Registration of Personal Interests

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

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

(b) your election or appointment to office (if that is later), register your personal interests, where they fall within a category mentioned in paragraph 10(2)(a), in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

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

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

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

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

(6) **You must**, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in your authority's register of members' interests by

providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

. **Sensitive information**

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

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

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

Registration of Gifts and Hospitality

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