

## APPENDIX 4

### South West Wales Corporate Joint Committee Members' Code of Conduct

#### THE MODEL CODE OF CONDUCT PART 1

#### 1. Interpretation

##### 1.1 In this code –

“co-opted members” (aelod cyfetholedig”), in relation to the CJC, means a person who is not an elected member of the CJC but who –

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

“meeting” (“cyfarfod”) means any meeting -

- (a) of the CJC;
- (b) of any committee, sub-committee, joint committee or joint sub-committee of the CJC or of any such committee, sub-committee, joint committee or joint sub-committee of the CJC, or
- (d) where members or officers of the CJC 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” (“cymdeithas cofrestredig”) means a society, other than a society registered as a credit unit, 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” (“confrestr o fuddiannau’r aelodau”) means the register established and maintained under Section 81 of the Local Government Act 2000;

“CJC” (“awdurdod perthnasol”) means the South West Wales Corporate Joint Committee

“you” (“chi”) means you as a member or co-opted member of the CJC; and

## 1.2 In relation to a Community Council –

- (a) “proper officer” (“swyddog priodol”) means an officer of that Council within the meaning of Section 270(3) of the Local Government Act 1972; and
- (b) “standards committee” (“pwyllgor safonau”) means the standards committee of the County or County Borough Council which has functions in relation to the Community Council for which it is responsible under Section 56(1) and (2) of the Local Government Act 2000.

## **PART 2**

### **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 the CJC;
- (b) whenever your 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 the CJC; or
- (d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

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

2.3 Where you are elected, appointed or nominated by the CJC to serve:-

- (a) on another CJC, 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 conduct, except and insofar as it conflicts with any other lawful obligations for which that other body may be subject.

2.4 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, the CJC

2.5 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 is entitled by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

2.6. 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 the CJC's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, the CJC 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 the CJC'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, the CJC.

2.7 You must comply with any request of the CJC's Monitoring Officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

## 2.8 You must not:-

- (a) in your official capacity, or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of the CJC:-
  - (i) imprudently;
  - (ii) in breach of the CJC'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.

## 2.9 You must:-

- (a) when participating in meetings or reaching decisions regarding the business of the CJC, 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 CJC's officers, in particular by:-
  - (i) the CJC's Chief Executive;
  - (ii) the CJC's Chief Finance Officer;
  - (iii) the CJC's Monitoring Officer (who should be consulted when there is any doubt as to the CJC'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 CJC might have important repercussions)
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the CJC.

## 2.10 You must:-

- (a) observe the law and the CJC'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 the CJC), 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**

### **3. Interests**

#### **Personal Interests**

- 3.1 You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.
- 3.2 You must regard yourself as having a personal interest in any business of the CJC 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 the CJC, 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 the CJC'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 the CJC 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 the CJC;
- (vii) any land where the landlord is the CJC 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 the CJC;
- (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 the CJC's area,in which you have membership or hold a position of general control or management

- (x) any land in the CJC'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.]

- (b) a decision upon it might reasonably be regarded as affecting:-
  - (i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
  - (ii) 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 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**

- 3.3 Where you have a personal interest in any business of the CJC 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.

- 3.4 Where you have a personal interest in any business of the CJC and you make:-
- (a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of the CJC 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 the CJC 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.
- 3.5 Subject to paragraph 14.1(b), where you have a personal interest in any business of the CJC, 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.
- 3.6 You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11.1, give written notification to the CJC in accordance with any requirements identified by the CJC's monitoring officer, or in relation to a community council, the CJC'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

- 3.7 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.
- 3.8 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 day on which you were elected, appointed or nominated as a member of the CJC.
- 3.9 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**

- 3.10 Subject to sub-paragraph (2) below, where you have a personal interest in any business of the CJC 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.
- 3.11 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 CJC or 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 the CJC;

- (iv) your role as a school governor (where not appointed or nominated by the CJC) 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 the CJC;

(b) relates to:-

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

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

### **Scrutiny Committees**

3.13 You also have a prejudicial interest in any business before a scrutiny committee of the CJC (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 the CJC's or another of the CJC's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the 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**

3.14 Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interests in any business of the CJC you must, unless you have obtained a dispensation from the CJC'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.

3.15 Where you have a prejudicial interest in any business of the CJC 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.

- (a) where you have a prejudicial interest in any business of the CJC 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.
- (b) When submitting written representations under sub-paragraph (a) you must comply with any procedure that the CJC may adopt for the submission of such representations.

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

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

- (b) you have the benefit of a dispensation provided that you:-
  - (i) state at the meeting that you are relying on the dispensation; and
  - (ii) before or immediately after the close of the meeting give written notification to the CJC 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.

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

## **PART 4**

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

#### **Registration of Personal Interests**

- 4.1 Subject to paragraph (4), you must, within 28 days of:-
- (a) the CJC's code of conduct being adopted or the mandatory provisions of this model code being applied to the CJC; or
  - (b) your election or appointment to office (if that is later), register your personal interests, where they fall within a category mentioned in paragraph 10(2)(a), in the CJC's register of members' interests by providing written notification to the CJC's monitoring officer.
- 4.2 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 the CJC's register of members' interests by providing written notification to the CJC's monitoring officer.

- 4.3 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 the CJC's register of members' interests by providing written notification to the CJC's monitoring officer, or in the case of a community council to the CJC's proper officer.
- 4.4 Sub-paragraphs (1), (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).
- 4.5 Sub-paragraphs (1) and (2) do not apply if you are a member of a CJC which is a community council when you act in your capacity as a member of such an authority.
- 4.6 You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in the CJC's register of members' interests by providing written notification to the CJC's monitoring officer, or in the case of a community council to the CJC's proper officer.

### **Sensitive Information**

- 4.7 Where you consider that the information relating to any of your personal interests is sensitive information, and the CJC'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.
- 4.8 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 the CJC's monitoring officer, or in relation to a community council, the CJC's proper officer asking that the information be included in the CJC's register of members' interests.

4.9 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**

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