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## **1 Councillors & Officers Attending and Participating in Scrutiny Protocol**

- 1 The purpose of Overview & Scrutiny is to review Council policy and service delivery while taking into account the performance of the authority. In doing so, it is expected that overview & scrutiny members will make constructive recommendations to Council that are based on factual findings.
- 2 Scrutiny is not about fostering a blame culture or assigning unfair criticism. To be effective, it must have the ability to work in an environment that supports the principles of service improvement. To assist this approach, it is considered necessary that Overview & Scrutiny members should:
  - a) undertake their roles with due diligence and satisfy themselves that all pertinent issues are covered;
  - b) be able to consider themselves unfettered by party political discipline;
  - c) use the powers of scrutiny properly and behave in a manner that reflects the trust placed in them by electors;
  - d) not permit personal agendas or differences in political complexion to obscure an effective overview & scrutiny process;
  - e) refrain from public and personal criticism of other members or officers.
- 3 Cabinet Members and Officers should:
  - a) Ensure their availability to attend Overview & Scrutiny Boards as requested;
  - b) Co-operate with Overview & Scrutiny Boards in arriving at conclusions to their investigations;
  - c) Provide all necessary information that will assist in the effectiveness of the overview & scrutiny process.



## **2 City and County of Swansea Members Code of Conduct (Principles)**

### **Interpretation**

- 1 In this Code:

“co-opted member” (“aelod cyfetholedig”), in relation to the authority, means a

person who is not a member of the authority but who

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

2 “member” (“aelod”) includes a co-opted member; and

3 “relevant authority” (“awdurdod perthnasol”) means

- a) a county council,
- b) a county borough council,
- c) a community council,
- d) a fire authority constituted by a combination scheme under the Fire Services Act 1947, and
- e) a National Park authority established under section 63 of the Environment Act 1995.

## **The Principles**

### **4 Selflessness**

Members must act solely in the public interest. They must never use their position as members to improperly confer advantage on themselves or to improperly confer advantage or disadvantage on others.

### **5 Honesty**

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

### **6 Integrity and Propriety**

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

### **7 Duty to Uphold the Law**

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

### **8 Stewardship**

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

### **9 Objectivity in Decision-making**

In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, members must

make decisions on merit. Whilst members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.

## 10 **Equality and Respect**

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

## 11 **Openness**

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

## 12 **Accountability**

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

## 13 **Leadership**

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

### [The Model Code of Conduct](#)



## **3 Officers' Code of Conduct**

### **1 Officers Code of Conduct**

- a) The National Assembly for Wales made Order 2001/2280 The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 in exercise of the powers conferred upon it by sections 82(2) and 105(1) of the Local Government Act 2000[1]. This order came into force on 28th July 2001. This Order applies to the City and County of Swansea.
- b) This Order contains a code as regards the conduct which is expected of a qualifying employee of the City and County of Swansea.
- c) A "qualifying employee" means an employee of the authority other than an employee falling within any description of employee specified in regulations 2001/2278.

### **2 General Principles**

The public is entitled to expect the highest standards of conduct from all qualifying employees [6] of relevant authorities[7]. The role of such employees is to serve their employing authority in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.

### **3 Accountability**

Qualifying employees of relevant authorities work for their employing authority and serve the whole of that authority. They are accountable to, and owe a duty to that authority. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

### **4 Political Neutrality**

Qualifying employees of relevant authorities, whether or not politically restricted [8], must follow every lawfully expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work. Where qualifying employees are politically restricted (by reason of the post they hold, the nature of the work they do, or the salary they are paid), they must comply with any statutory restrictions on their political activities.

### **5 Relations with Members, the public and other employees**

- a) Mutual respect between qualifying employees and members is essential to good local government, and working relationships should be kept on a professional basis.
- b) Qualifying employees of relevant authorities should deal with the public, members and other employees sympathetically, efficiently, and without bias.

### **6 Equality**

Qualifying employees of relevant authorities must comply with policies relating to equality issues, as agreed by the authority, in addition to the requirements of the law.

### **7 Stewardship**

Qualifying employees of relevant authorities must ensure that they use public funds entrusted to them in a responsible and lawful manner, and must not utilise property, vehicles or other facilities of the authority for personal use unless authorised to do so.

### **8 Personal Interests**

Whilst qualifying employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must 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 must comply with:

- a) Any rules of their relevant authority on the registration and declaration by employees of financial and non-financial interests;

- b) Any rules of their relevant authority 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 authority. Qualifying employees must not accept benefits from a third party unless authorised to do so by their relevant authority.

## 9 Whistleblowing

In the event that a qualifying employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and with the relevant authority's confidential reporting Procedure, or any other Procedure designed for this purpose.

## 10 Treatment of Information

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 member, relevant authority 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 this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

## 11 Appointment of Staff

Qualifying employees of relevant authorities involved in the recruitment and appointment of staff must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, such employees must 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.

## 12 Investigations by Monitoring Officers

Where a Monitoring Officer is undertaking an investigation in accordance with regulations made under section 73(1) of the Local Government Act 2000(9) a qualifying employee must comply with any requirement made by that Monitoring Officer in connection with such an investigation.

## 13 Non-Qualifying Local Government Employees

- a) The National Assembly for Wales made Regulations 2001/2278 The Code of Conduct (Non-Qualifying Local Government Employees) (Wales) Regulations 2001 in exercise of the powers conferred upon it by Sections 82(8) and (9) and 105(1) of the Local Government Act 2000[1]. These Regulations came into force on 28th July 2001.
- b) This Regulation may be cited as the Code of Conduct (Non-Qualifying Local Government Employees) (Wales) Regulations 2001 and came into force on 28th July 2001.

- c) Under this Regulation the Code of Conduct Does not apply to Teachers and Firefighters within the meaning of Section 82(8) of the Local Government Act 2000 and further defined in Regulation 2001/2278.



## 4 Officer/Councillor Relations Protocol

### General Principles

- 1 The general principles of good Member/Officer relations is based on mutual trust and respect and consideration for others. Good working relationships between Members and Officers leads to good decision making, enhanced performance, confidence and community leadership.
- 2 This Protocol provides guidance for Members, co-opted Members and Officers in their working relationship with each other.
- 3 Members are bound by the Code of Conduct and Nolan Principles and are expected to maintain the highest standard of ethical behaviour when acting in their capacity as a Member and, in certain circumstances, at all times.
- 4 Officers are bound by the Code of Conduct (Qualifying Local Government Employees)(Wales) Order 2001 which provides that the public is entitled to expect the highest standards of conduct from Officers. When performing their duties Officers must act with integrity, honesty, impartiality and objectivity.
- 5 Mutual respect between Officers and Members is essential to good local government and working relationships should be kept on a professional basis and conducted in a positive and constructive way. It is important that any dealings between Members and Officers should observe standards of courtesy.
- 6 To support high performance within the Authority it is essential that both Members and Officers know and respect their different roles and perspectives.

### Roles of Members

Members undertake many different roles. Broadly these are:

- 7 Members are responsible to the electorate. Members undertake important community work within their ward and act as community advocates. They also deal with individual casework within their wards.
- 8 Members also have responsibility as members of full council to make important decisions on behalf of residents of Swansea which will include approving the budget and policy framework.
- 9 Some Members are also involved in quasi-judicial decisions when sitting on regulatory committees such as planning and licensing. Other Members will have responsibility for holding the Cabinet to account and scrutinising the performance of the council. Those Members who form part of the Cabinet will undertake the majority of the Council's functions and will decide policy and make policy decisions.

10 Some Members will also sit on partnerships and outside bodies ie charities, Fire Authority and will need to be familiar with their own rules of conduct and procedure.

11 Members help develop and review policy and strategy and review policy implementation.

### **Roles of Officers**

Officers have the following main roles:

12 Officers are responsible to the Council. Their role is to give impartial advice to all Members and to implement decisions, agreed policy and corporate priorities. Officers have operational responsibilities as set out in the scheme of delegation and Constitution and are responsible for day to day management and being accountable for the efficiency and effectiveness of their services.

13 The Member Code of Conduct provides that Members must reach decisions having regard to any relevant advice from Officers. In providing advice Officers are free to give their professional advice wherever appropriate. Such advice should be clear, impartial and timely.

14 Responsibility for drafting reports to committees, providing advice and, where appropriate, setting out options for decision making.

15 Ensuring that the Council always acts in a lawful manner.

### **Dealing with Disputes**

16 Members should not raise matters relating to the conduct or capability of an Officer in a public forum. This will include all meetings at which the public are present whether in person or via remote means. An Officer has no means of responding to such criticism in public.

17 If a Member feels that he/she has not been treated with respect, courtesy or has a concern about the conduct or capability of an Officer then the Member should raise it with the relevant Head of Service. There will be an expectation that the Member will also raise with their Group Leader any concerns about Officer conduct. The Head of Service will look into the matter and report back to the Member. If the Member remains dissatisfied with the response he/she should raise the issue with the relevant Director who will look into the matter afresh. Where it is felt that there is a breakdown in the relationship between both the Officer and the Member then with the consent of all parties the Chief Executive and Group Leader may resolve to consider mediation as a way forward. Any action taken against an Officer will be in accordance with the Council's relevant HR policies and upon advice of HR Officers.

18 An Officer should not raise with a Member matters relating to the conduct or capability of another Officer or the internal management of their section in a manner which is incompatible with the overall objectives of this Protocol.

19 If an Officer feels that he/she has not been properly treated with respect and courtesy by a Member he/she should raise the matter with his/her Head of Service who will notify the relevant Director. Depending on the nature of the

complaint, the relevant Head of Service or Director will speak to the Member with a view to facilitating resolution of any issues that have arisen between the Member and Officer. If the Member has a Group Leader the Head of Service/Director will also notify the Group Leader that a complaint has been made.

20 There will be an expectation that both parties will, in the spirit of this Protocol, engage in meaningful discussions to resolve any issues amicably. If the matter cannot be resolved at the initial stage by the Head of Service or Director then the relevant Political Group Leaders and the Chief Executive will seek to resolve by mediation and conciliation any unresolved problem or breakdown in working relationships between Members and Officers. Both parties will be expected to agree to and engage with mediation with a view to resolving the matter. Mediation will be arranged and facilitated by HR officers.

21 If the alleged misconduct is of a serious nature the matter should be reported to the Monitoring Officer who will discuss initially with the Chief Executive and then, if appropriate, with the Corporate Management Team as to whether it is appropriate for referral to the Public Service Ombudsman for Wales.

### **Respect and Courtesy**

22 For the effective conduct of Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Members and Officers. This plays a very important part in the Council's reputation and how it is seen in public. It is very important that both Members and Officers remember their respective obligations to enhance the Council's reputation and do what they can to avoid criticism of other Members, or other Officers in public places.

### 23 Undue Pressure

- (a) It is important in any dealings between Members and Officers that neither should seek to take unfair advantage of their position.
- (b) A Member should not apply undue pressure on an Officer either to do anything which he is not empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Council property and services.
- (c) Similarly, an Officer must neither seek to use undue influence on an individual Member to make a decision in his favour nor raise personal matters to do with their job nor make claims or allegations about other Officers. (The Council has formal procedures for consultation, grievance and discipline, and Officers have the right to report possible wrongdoing under the Council's confidential reporting procedures).

### 24 Familiarity

- (a) Close personal familiarity between individual Members and Officers can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, such as personal details. Members and Officers will not therefore allow their working relationship to become so close or appear to be so close as to bring into question the Officers ability to deal impartially with Members, Political Groups and other Officers.
- (b) Such familiarity could also cause embarrassment to other Members and / or other Officers and even give rise to suspicions of favouritism.



(c) For these reasons close personal familiarity must be avoided.

**Officer Support: Members and Party Groups**

- 25 In discharging their duties and responsibilities, Officers serve the Council as a whole and not any political group, combination of groups or any individual Member of the Council. Members should respect the political neutrality and integrity of Officers.
- 26 There is now statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups but must at all times maintain political neutrality. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and evenhanded manner.
- 27 The support provided by Officers can take many forms. Whilst in practice such Officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support is available to all party groups.
- 28 Certain points must, however, be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:
- a) Officer support must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if Officers are not present at meetings or parts of meetings, when matters of party business are to be discussed;
  - b) party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and
  - c) similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Committee or Sub-Committee when the matter in question is considered.
- 29 Officers shall exercise special care when attending and/or giving advice to Party Group Meetings. Party Group Meetings may include persons who are not Members of the Council. Such persons are unlikely to be bound by the Code of Conduct (in particular the rules around declarations of interests and confidentiality).
- 30 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group.
- 31 Whilst any Member may ask a relevant Head of Service, Corporate Director or the Chief Executive for written factual information about a Directorate or service, such requests must be reasonable and not seek information relating, for instance,

to case work of a similar nature, e.g. Social Services, employment etc. Requests will be met subject to any overriding legal considerations (which will be determined by the Chief Legal Officer), or if the recipient of any request considers the cost of providing the information requested or the nature of the request to be unreasonable. If a Member requesting such information is dissatisfied by such a response s/he should raise the matter in the first place with the relevant Corporate Director, and if still dissatisfied should raise the matter with the Chief Executive who will discuss the issue with the relevant Group Leader(s).

32 In relation to budget proposals:

- a) the Administration shall be entitled to confidential discussions with Officers regarding options and proposals. These will remain confidential until determined by the Administration or until published in advance of Committee/Council meetings, whichever is the earlier; and
- b) the opposition groups shall also be entitled to confidential discussions with Officers to enable them to formulate alternative budget proposals. These will remain confidential until determined by the respective opposition groups or until published in advance of Committee/Council meetings, whichever is the earlier.

33 It must not be assumed by any party group or Member that any Officer is supportive of any policy or strategy developed because of that Officer's assistance in the formulation of that policy or strategy.

34 Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

**Officer Support - the Cabinet**

35 It is clearly important that there should be a close working relationship between Cabinet members and the Officers who support and/or interact with them. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members and other party groups.

36 Whilst Cabinet Members will routinely be consulted as part of the process of drawing up proposals for consideration or the agenda for a forthcoming meeting, it must be recognised that in some situations an Officer will be under a professional duty to submit a report. Similarly, a Head of Service or other senior Officer will always be fully responsible for the contents of any report submitted in his/her name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. This is to be distinguished from a situation where there is a value judgement to be made. Any issues arising between a Cabinet Member and a Head of Service in this area should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.

37 The Cabinet and its members have wide ranging leadership roles. They will:

- a) lead on the preparation of the Policies and Strategies including the budget;
- b) take in-year decisions on resources and priorities, together with other

- stakeholders and partners in the local community, to deliver and implement the budget and policies decided by the Full Council; and
- c) be the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

38 Where functions which are the responsibility of the Cabinet are delegated to Officers or other structures outside the Cabinet, the Cabinet will nevertheless remain accountable to the Council, through the Scrutiny Programme Committee and Scrutiny Panels, for the discharge of those functions. That is to say, the Cabinet will be held to account for both its decision to delegate a function and the way that the function is being carried out.

39 Under the Constitution individual Cabinet Members take decisions. The Cabinet and Cabinet members must satisfy themselves that they are clear as to what exactly they can and cannot do under the Constitution.

40 The Council has in place mechanisms/protocols which ensure that (as with the Council, its Committees and Sub Committees, and the Cabinet and its Committees) an individual Cabinet Member seeks advice from relevant Officers before taking a decision within her or his delegated authority. This includes taking legal advice, financial advice and professional officer advice (particularly about contractual matters) as well as consulting the Monitoring Officer where there is doubt about vires.

41 Decisions taken by individual Cabinet Members give rise to legal and financial obligations in the same way as decisions taken collectively. Therefore, Cabinet Members should always be aware of legal and financial liabilities (consulting the Monitoring Officer and Chief Finance Officer as appropriate) which will arise from their decisions.

#### **Officer Support - Scrutiny**

42 The Council Constitution Part 4 contains Rules of Procedure for Scrutiny. The Scrutiny Handbook contains guidelines as to the Procedure at Evidence Meetings, and guidance for Members and Officers.

#### **Protocol for Councillors and Officers Attending and Participating in Scrutiny**

43 The purpose of scrutiny is to review Council policy and service delivery while taking into account the performance of the authority. In doing so, it is expected that scrutiny members will make constructive recommendations to Council that are based on factual findings and to act as a critical friend.

44 Scrutiny is not about fostering a blame culture or assigning unfair criticism. To be effective, it must have the ability to work in an environment that supports the principles of service improvement. To assist this approach, it is considered necessary that scrutiny members should:

- a) undertake their roles with due diligence and satisfy themselves that all pertinent issues are covered;
- b) be able to consider themselves unfettered by party political discipline;
- c) use the powers of scrutiny properly and behave in a manner that reflects the trust placed in them by electors;
- d) not permit personal agendas or differences in political complexion to

- e) obscure an effective scrutiny process;
- e) refrain from public and personal criticism of other members or officers.

Cabinet Members and Officers should:

- a) ensure their availability to attend scrutiny meetings as requested;
- b) co-operate with scrutiny in arriving at conclusions to their investigations;
- c) provide all necessary information that will assist in the effectiveness of the scrutiny process.

### **Support Services to Members and Party Groups**

- 45 The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photo-copying, transport etc) to Members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

### **Correspondence**

- 46 Official letters on behalf of the Council should be sent in the name of the appropriate Officer rather than in the name of a Member. There are circumstances where a letter sent in the name of a Member is perfectly appropriate, for example, in response to a letter of enquiry or complaint sent direct to the Member. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.
- 47 Correspondence between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member. Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. A system of 'silent copies' should not be employed.

### **Media**

- 48 Communications with the media can be an important part of a Member's workload. In general, Members provide comment and views while Officers provide the factual information. If a Member is unsure about the circumstances of a particular issue he/she should contact the appropriate Director or Head of Service concerned or ask the Press Office to do so.

### **Members' Access to Information and to Council Documents**

- 49 Members are free to approach any Directorate of the Council to ask for information in accordance with paragraph 24 above. This right extends to such information, explanation or advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent. Such approaches should normally be made to the Director or another Senior Officer of the Directorate concerned.
- 50 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by the common law.
- 51 Further and more detailed information regarding Members rights to inspect

Council documents is contained in the Access to Information Rules in Part 4 of this Constitution and Members may obtain advice on their rights from the Council's Monitoring Officer.

52 Any Council information provided to a Member must only be used by the Member for the purpose for which it was provided i.e. in connection with the proper performance of the Member's duties as a Member of the Council.

**Confidentiality**

53 In accordance with the Code of Conduct for Members, a Member must not disclose information given to him/her in confidence by anyone, or information acquired which he/she believes, or ought reasonably to be aware, is of a confidential nature, except where:

- (a) He/she has the consent of a person authorised to give it;
- (b) He/she is required by law to do so;
- (c) The disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- (d) The disclosure is;
  - (i) Reasonable and in the public interest; and
  - (ii) Made in good faith and in compliance with the reasonable requirements of the authority;

54 Confidential Committee papers (yellow papers) are to be treated as confidential information unless the relevant Committee resolves not to exclude press and public. Members are reminded that the author of the report makes the initial decision as to whether or not the papers are to be treated as confidential. The decision as to whether the report remains confidential is for the Committee. The confidentiality of the information may decline over time and it will be a matter for the Monitoring Officer and report authors as to whether information can be disclosed if no longer considered confidential. Any decision to release information previously determined as confidential should be recorded formally under delegated provisions. Other information may be confidential because to disclose it would be against the Council's or public interest.

55 Information and correspondence about an individual's private or business affairs will normally be confidential.

56 Officers should make it clear to Members if they are giving them confidential information. If a Member is not sure whether information is confidential, he or she should ask the relevant Officer, but treat the information as confidential in the meantime.

57 Any Council information provided to a Member must only be used by the Member in connection with the proper performance of the Member's duties as a Member of the Council.

58 If a Member receives confidential information and considers it should be disclosed to another person because it is reasonable and in the public interest to do so then he or she must first consult with the Monitoring Officer and shall not disclose the information without having regard to any advice given by that Officer.

## **Publicity and Press Releases**

- 59 Local authorities are accountable to their electorate. Accountability requires local understanding. This will be promoted by the Authority, explaining its objectives and policies to the electors and rate-payers. In recent years, all local authorities have increasingly used publicity to keep the public informed and to encourage public participation. Every Council needs to tell the public about the services it provides. Increasingly, local authorities see this task as an essential part of providing services. Good, effective publicity aimed to improve public awareness of a Council's activities is, in the words of the Government, to be welcomed.
- 60 Publicity is, however, a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential, therefore, to ensure that local authority decisions on publicity are properly made in accordance with clear principles of good practice.
- 61 The Local Authority is prohibited by s 2 Local Government Act 1986 from publishing or assisting to publish material which appears to be designed to affect public support for a political party. Welsh Government have published a Code of Recommended Practice for Local Authority Publicity which Officers and Members should have regard to in making decisions around publicity. If in any doubt the Head of Communications should be consulted. Particular care should be taken during the pre-election period around publicity.

## **Involvement of Ward Councillors**

- 62 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Ward or Wards affected should as a matter of course, be invited to attend the meeting. Any publicity afforded to Cabinet members on visits to wards may include Ward members as well as Cabinet members as long as the provisions of the Code of Recommended Practice for Local Authority Publicity is taken into account.
- 63 Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members should be notified at the outset of the exercise. More generally, Officers should consider whether other policy of briefing papers, or other topics being discussed with a Cabinet Member should be discussed with relevant Ward Members. Officers should seek the views of the appropriate Cabinet Member(s) as to with whom and when this might be done.

## **Conclusion**

- 64 It is hoped that, by following good practice and securing sensible and practical working relationships between Members and Officers, that we can provide one of the cornerstones of a successful local authority and thereby enhance the delivery of high value quality services to the people of the area. Mutual understanding, openness and respect are the greatest safeguard to the integrity of the Council, its Members and Officers.

## **Officer/Member Protocol**

- 65 This Protocol was adopted by the Council as part of the Constitution on \*\*\*
- 66 Copies of the Protocol will be issued to all Members as part of the Constitution upon election.

67 Questions of interpretation of this Protocol will be determined by the Chief Legal Officer.



## 5 Petitions Scheme

### 1. INTRODUCTION

- 1.1 The Local Government & Elections (Wales) Act 2021 places a duty on a Principal Council to make and publish a Petitions Scheme setting out how the Council intends to handle and respond to Petitions (including Electronic Petitions). Electronic Petitions are referred to in this Scheme as ePetitions. This Petitions Scheme is one element of the wider Public Participation Strategy.
- 1.2 Petitions are documents (whether electronic or physical) that contain details of issues that are important to communities and the City & County of Swansea as a whole, signed by local electors who are in support of the proposed action.
- 1.3 This Petition Scheme was approved by Council on **24 May 2022** and will be reviewed by Council every two years.
- 1.5 A copy of the Privacy Statement relating to this Petition Scheme is available at [www.swansea.gov.uk/petitions](http://www.swansea.gov.uk/petitions)
- 1.6 Address any queries on this Petition Scheme to:  
Democratic Services Team, Swansea Council, Guildhall, SA1 4PE  
[democracy@swansea.gov.uk](mailto:democracy@swansea.gov.uk) 01792 63 6923

### 2. BEFORE SUBMITTING A PETITION TO COUNCIL

- 2.1 Before submitting a Petition, residents are encouraged to:
  - a) Contact the Council to see whether an ordinary service request would resolve the issue. [www.swansea.gov.uk](http://www.swansea.gov.uk)
  - b) Contact a relevant ward Councillor(s) to see whether they can help. [www.swansea.gov.uk/councillors](http://www.swansea.gov.uk/councillors)

### 3. LEAD PETITIONER

- 3.1 The name and contact details of the person that started the Petition (Lead Petitioner) is required, to allow contact between the Council and the Lead Petitioner. Only the Lead Petitioner will be contacted in relation to the Petition. The contact details of the Lead Petitioner will not be placed on the website.
- 3.2 If a Lead Petitioner is not identified, contact will be made with signatories to the Petition to agree who should act as the Lead Petitioner.

### 4. Who Can Raise a Petition?

4.1 Signatories to the Petition must live, work or study in the Swansea Council area.

4.2 Petitions may be signed by people of all ages.

## 5. CONTENT OF A PETITION (REQUIREMENT FOR NAMES, ADDRESSES & SIGNATURES)

5.1 For the purposes of this Petitions Scheme, a Petition must include:

- a) A clear and concise statement of the concern and what the Petitioners would like the Council to do in response. Petitions must relate to something for which the Council is responsible for or over which the Council has some direct influence.
- b) If the Council receives a Petition that does not relate to something under the Council's control or direct influence, it will be returned to the Lead Petitioner with an explanation of the decision as to why the Council cannot progress the matter further.
- c) **Paper Petitions:** They must include the Petitioners' Name, Address, Postcode & their Actual Signature.
- d) **ePetitions:** They must include the Petitioners' Name, Address, Postcode & valid email address. Signatures are not required. The Council's online ePetitions platform must be used.  
[www.swansea.gov.uk/petitions](http://www.swansea.gov.uk/petitions)

## 6. SUBMITTING A PAPER PETITION

6.1 The Petition wording must be set out in full on each sheet (or side of a sheet) where signatures are asked for. The Petition will be returned if the wording is unclear.

6.2 **Appendix 1** sets out the "Petition Template Form". The Form provides the main information required when submitting a Petition.

## 7. SUBMITTING AN EPETITION

7.1 The Council welcomes ePetitions being created and submitted via [www.swansea.gov.uk/petitions](http://www.swansea.gov.uk/petitions) & [www.abertawe.gov.uk/deisebau](http://www.abertawe.gov.uk/deisebau)

7.2 ePetitions created through websites other than the Councils' can be submitted provided they meet the criteria as set out.

7.3 ePetitions must follow the same guidelines as for Paper Petitions and in addition:

- i) ePetitions must include the Petitioners' Name, Address, Postcode & valid email address. Signatures are not required.
- ii) The period for which the Petition shall be open for signatories (subscription) must be determined at the outset. No Petition will be allowed to be open for



6 months or more.

- 7.4 When an ePetition has been submitted on the Council's website, the Petition will be acknowledged within 5 working days and this will include a link to the petition. Upon the ePetition reaching its end date, it will be closed to further subscription and will then be dealt with under the Petitions Scheme.
- 7.5 When you create an ePetition, it may take 5 working days before it is published online. This is because we have to check that the content is suitable before it is made available for signature. If it is suitable, the Council will ensure that the ePetition is displayed in Welsh & English on the website.
- 7.6 If it is considered that your ePetition cannot be published for any reason, the Council will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 5 working days, a summary of the ePetition and the reason why it has not been accepted will be published under the 'Rejected Petitions' section of the website.
- 7.7 When an ePetition has closed for signature, it will automatically be submitted to Democratic Services. In the same way as a paper petition, you will receive an acknowledgement within 5 working days.

## **8. What Petitions will not be accepted by the Council?**

- 8.1 Petitions must be in relation to something which falls under the remit of the Council. The Monitoring Officer will have discretion as to whether a Petition meets the criteria set out in the Petitions Scheme. No further action will be taken in response to a Petition that fails to meet the criteria.
- 8.2 A Petition will not be accepted by the Council if:
- a) It duplicates another, concurrent Petition. In this case, signatures will be added to the first such Petition to be received by the Council.
  - b) It repeats a Petition received within the previous six months, whether or not the Lead Petitioner is the same in each instance.
  - c) In the opinion of the Council's Chief Executive Officer or Monitoring Officer, it is personal, rude, defamatory or vexatious in nature.
  - d) It becomes apparent that any local elector's name, address or signature has been added to the Petition without their explicit consent.
  - e) It is not in relation to a matter for which the Council has a responsibility or which does not affect the administrative area or citizens of the Council.
  - f) It would require the disclosure of confidential or exempt information in response.
  - g) It relates to the personal circumstances or conduct of any officer and Member or conditions of service of employees.
  - h) It relates to an individual, particular group or business or the petitioner's own particular circumstances.
  - i) It would be ultra vires or unlawful for the Council to consider.
  - j) It relates to a matter which is the subject of legal or enforcement proceedings or an appeal to a court or tribunal or to a Government Minister or the National

Assembly or an investigation by the Public Service Ombudsman for Wales.

- k) It relates to the activities and aims of a political party or organisation.
- l) It would require the expenditure of a disproportionate amount of time, money or effort to prepare the answer.
- m) A Petition seeks to overturn a lawfully made decision.
- n) It can be more appropriately dealt with as part of a consultation response in which case it will be referred to the appropriate Council body and included as part of the consultation documentation.

8.3 If the Council rejects your Petition or you feel that the Council has not dealt with your Petition properly, please contact the Council's Corporate Complaints Team who will review your complaint and will advise you of the action intended. Please provide a short explanation of your reasons in your communication with us:

Corporate Complaints, Swansea Council, Guildhall, Swansea, SA1 4PN  
[complaints@swansea.gov.uk](mailto:complaints@swansea.gov.uk)

## **9. What will the Council do when it receives my Petition?**

- 9.1 An acknowledgement will be sent to the Lead Petitioner within **10** clear working days of receiving the Petition. It will let you know what the Council plans to do with the Petition and when you can expect to hear from the Council again. A copy of your Petition will also be forwarded to the relevant Head of Service & relevant Cabinet Member [www.swansea.gov.uk/cabinet](http://www.swansea.gov.uk/cabinet)
- 9.2 Where a Petition is in respect of a particular local issue affecting a specific ward(s) then the Democratic Services Team will notify the appropriate Councillor(s).
- 9.3 The Petition will be published on the Council's Petitions Register on the Council's website. [www.swansea.gov.uk/petitions](http://www.swansea.gov.uk/petitions)
- 9.4 If the Council considers it can meet what the Petition asks for, the acknowledgement may confirm what action has been taken on the request and the Petition will be closed.
- 9.5 If some other action is proposed or intended, the acknowledgement will explain this. If the Petition has enough signatories to trigger a debate at a meeting of Council, Cabinet or Committee, then the acknowledgment will confirm this and advise when and where the meeting will take place. If the Petition needs more investigation, you will be advised of the Council's next steps.
- 9.6 The Council reserves the right to verify signatories as required. Petitioners should ensure that a valid address and postcode is included for all Petitioners that relates to a home address (if living in Swansea Council area) or work address (if working or run a business in Swansea Council area). These details will be taken into account when identifying if there are enough signatories from people who live or work in Swansea Council area to trigger a debate.
- 9.7 Any Petition that is a duplicate or near duplicate of another petition that the Council has already received will not normally be considered within a 6-month period

although Officers will exercise their discretion in individual cases. It is advised that details of previous Petitions are checked on the website at the start of your Petition. [www.swansea.gov.uk/petitions](http://www.swansea.gov.uk/petitions)

- 9.8 To ensure that people know what the Council are doing in response to the Petitions received, the details of all the Petitions submitted, including those pending action will be published on the Council's website.
- 9.9 In the period preceding an Election or a Referendum, the Council may need to treat any Petitions received differently subject to the Pre-Election Publicity (PEP) guidance. Under such circumstances, the reasons for this will be explained to the Lead Petitioner.
- 9.10 The Council's response may also depend on the number of people who have signed the Petition. The table sets out the thresholds:

<b>Number of Signatures</b>	<b>Response</b>
1-49	Response from the relevant Director / Head of Service
50-499	Response from the relevant Cabinet Member
500+	Referred for debate at a meeting of the Full Council

## **10. FULL MEETING OF THE COUNCIL DEBATES**

10.1 If a Petition contains 500+ signatures, it will be debated by a full Meeting of the Council. The Council will endeavour to consider the Petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. Petitions will not be considered at the Annual Meeting of Council, Extraordinary Council, Ceremonial Council or at the Budget Setting Council meeting.

10.2 The Lead Petitioner will be given **3** minutes to address the Council on the subject matter of the Petition. The relevant Cabinet Portfolio Holder will then be given **3** minutes for a right of reply and the Petition will then be discussed by the Council for a maximum of 30 minutes. The relevant Cabinet Portfolio Holder has a further right of reply, for no more than **3** minutes, at the end of the debate on the matter.

10.3 The Council will decide how to respond to the Petition at this meeting. They may decide to take the action the Petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant Committee.

10.4 Where the issue is one on which the Council's Executive, namely the Cabinet, are required to make the final decision, the Council will decide whether to make recommendations to inform that decision.

10.5 The Lead Petitioner will receive written confirmation of the decision as soon as practicable following the decision having been made. This confirmation will also be published on the Council's website.

## **11. POTENTIAL OUTCOMES FROM A PETITION**

- 11.1 The response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:
- Raising publicity for, and an awareness of an issue.
  - Submission of Petition to a Cabinet meeting having regard to Executive functions.
  - Taking the action requested in the Petition (either under Officer delegated powers or otherwise as appropriate in all the circumstance).
  - Taking the matter to full Council so the Petition can be considered. ➤ Commissioning research.
  - Writing to the Lead Petitioner setting out the Council's views on the request in the Petition.
  - Referring the Petition to the Scrutiny Programme Committee.
  - Holding a meeting with the Lead Petitioner.
  - Forwarding your Petition / Lobbying another Body if it is something that the Council has no direct control.
  - In matters that are dealt with by delegated authority, the responsible Officer will respond to the Petition.
  - ➤ Some other appropriate response.

## **12. DATA PROTECTION AND GDPR**

- 12.1 Within 3 months of the Council's formal response to a Petition, the Paper Petition will be destroyed safely and securely and all eSignatures on an online Petition will be erased.

## **13. FREEDOM OF INFORMATION (FOI) REQUESTS, COMMENTS, COMPLIMENTS AND COMPLAINTS**

- 13.1 Petitions that are essentially FOI requests, Comments, Compliments or Complaints will not be allowed. Please use the following links:

**Freedom of Information Requests** <https://www.swansea.gov.uk/foireviewrequest>

**Submitting Comments, Compliments and Complaints**

<https://www.swansea.gov.uk/complaints>

## SWANSEA COUNCIL - PETITION TEMPLATE FORM

### Guidance Notes:

1. Please use this suggested template.
2. Additional pages must also include the Petition subject at the top of each page.
3. The Lead Petitioner must live, work or own a business in the Swansea Council area.
4. If you wish to sign this Petition, please put down your Swansea Council address if you live, work or own a business in the Swansea Council area as this will count towards any threshold for debate at full Council meetings (where all Councillors attend).
5. Signatories from outside the Swansea Council area will be taken into consideration in respect of the issue being raised, but will not count towards the numbers required for formal debates under the Petition Scheme.
6. Please refer to the Petitions Scheme at [www.swansea.gov.uk/petitions](http://www.swansea.gov.uk/petitions) for further information.

### CONTACT DETAILS OF THE LEAD PETITIONER

<b>Full Name</b>	
<b>Address</b>	
<b>Home Telephone</b>	
<b>Mobile Telephone</b>	
<b>email Address</b>	

<b>Do you Live / Work / Own a Business within the Swansea Council area? Indicate all that apply</b>	
<b>Signature</b>	

**PETITION (COMPLETE ALL AREAS)**

<b>Petition Title:</b>	
<b>Purpose of Petition:</b> i) Clearly outline the purpose of the Petition. ii) What you are hoping to achieve. <b>Note:</b> The Purpose of the Petition must be shown on each page of the Petition.	
<b>Summary of action already taken (if applicable):</b>	

No.	Name	Address	Postcode	Signature

**Return to:** Democratic Services, Swansea Council, Guildhall, Swansea, SA1 4PE

**6 Hospitality Protocol**

**Principles**

- 1 The Council accepts that Councillors and Officers have an important role as ambassadors for the Council, ensuring that it promotes its aims and objectives, and, by this protocol, the Council seeks to ensure that Councillors and Officers hosting or attending cultural, sporting and other such events are using those

events to the Council's maximum benefit and for the benefit of the community as a whole.

- 2 This protocol therefore sets out guidance for Councillors and Officers on issues which commonly arise as a result of offers of hospitality. It covers both hospitality offered by the Council and hospitality offered to the Council.
- 3 The protocol supplements the respective Codes of Conduct which apply to Councillors and Officers and is subject to the Council's Procedure Rules.

### **General Roles and Responsibilities**

- 4 Councillors and Officers will throughout the course of a year receive many invitations to attend Council hosted functions and it is expected that Councillors and Officers attending these events will carry out an ambassadorial role on behalf of the Council, engaging as wide a section of the community as possible.
- 5 Attendance at Council hosted events does not require an entry in the Hospitality register if the attendance is as a result of a formal invitation. These invitations are to Councillors and Officers in their formal official role and should be treated as part of the Council's formal activities in the Community. Invitations will be issued on the basis of areas of expertise, expectations of the event and on a fair and equitable basis thereafter.
- 6 Any benefit received from the Council, in the form of tickets (i.e. Grand Theatre, Fireworks, Liberty Stadium etc.), invitations to events etc., which is not received by way of a formal invitation MUST be registered.
- 7 Councillors and Officers should be aware of the possibility that acceptance of hospitality from third parties may require that they do not participate in decisions of the Council that affect that third party, such as lettings of contracts / participation in decision making, etc.
- 8 Invitations to or from organisations with whom the Council may be contracting should be treated with extreme caution. Legal advice should be sought before such an invitation is extended or accepted.
- 9 A Hospitality Form must be completed. The form is available at [www.swansea.gov.uk/hospitality](http://www.swansea.gov.uk/hospitality)

### **Hospitality Registers**

- 10 The Monitoring Officer maintains a register of any declaration of hospitality or gift accepted by Members of more than £25 in value in accordance with:
  - a) The Members Code of Conduct;
  - b) "Interests, Gifts and Hospitality of Members" within the Council Procedure Rules.
- 11 The Chief Executive maintains a register of any declaration of hospitality or gift accepted by Chief Officers of more than £25 in value in accordance with:
  - a) The Officers Code of Conduct
  - b) "Interests, Gifts and Hospitality of Officers" within the Council Procedure

## Rules.

- 12 All gifts and hospitality over £25 in value received from any source other than formal Council invitations MUST be registered.

### Enquiries

- 13 If any Councillor or Officer is uncertain about any aspect of hospitality, they should seek advice from the Monitoring Officer immediately.



## 7 Multi-Location Meetings Policy

### Multi-Location Meetings Policy City and County of Swansea - 2022

#### Background

1. At the start of the coronavirus pandemic in 2020 the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 provided a framework for Councils to convene remote meetings for all attendees whilst face to face meetings were unable to take place.
2. The Local Government and Elections (Wales) Act 2021 has enabled Councils to continue to meet remotely with the introduction of multi-location meetings enabling greater public participation and Councillor involvement in decision making.
3. During Covid lockdowns and throughout 2020/21 Swansea Council has been convening its meetings by remote means resulting in a number of benefits:
  - Allowing decisions to be made in a transparent way.
  - Making it easy for the public to view and participate in decision making and the democratic process.
  - Enabling external participants to engage in meetings.
  - Compliance with the Wellbeing of Future Generations (Wales) Act 2015 in terms of making the authority more sustainable and resilient. Multi-location meetings reduce the carbon footprint of physical meetings. They also reduce both the reliance on paper and reduce the need for travel.
  - Significant time and cost savings for councillors and officers particularly in relation to regional arrangements.
  - It is easier for participants to take part if they have family and/or caring commitments.

#### Legal Provisions

4. The Local Government and Elections (Wales) Act 2021 provides that Councils are required to:
  - a) Electronically broadcast meetings (with effect from May 2022).
  - b) Make and publish arrangements to ensure that all Council, Cabinet, Committee, Sub-Committee and Joint Committee meetings may be attended remotely (i.e. enabling persons who are not in the same place to attend the



meeting) – also referred to as ‘multi-location meetings’.

- Meetings must be capable of being held virtually, but each authority must decide whether their meetings will be held fully virtually, partially virtually (where some participants are in the same physical location, whilst others join the meeting virtually, also referred to as ‘hybrid meetings’) or as physical meetings (authorities may not mandate physical attendance at meetings).
  - Participants in the meetings must be able to speak to and hear each other; and for meetings which are required to be broadcast (full Council meetings), participants must also be able to see and be seen by each other.
- c) Publish all meeting documents on the Council’s website, including notices, summonses, agendas, reports and background papers.
- A note of the meeting, including Members in attendance and decisions made, must be published within 7 working days of the meeting.
  - Notice of meetings is no longer required to be posted at the Council’s offices. However, copies of agendas and reports must be made available for the public if meetings are held physically.
  - The Council is also required to make public access provision for members of the public who cannot access electronic documents, for example, by providing access to computers, copies of documents, or making documents available for inspection.
4. When considering arrangements for remote attendance or ‘multi-location meetings’, authorities must have regard to the statutory guidance issued by the Welsh Ministers: Interim statutory guidance on multi-location meetings <https://gov.wales/local-authority-multi-location-meetings-interim-guidance>
5. The statutory guidance sets out a number of general principles to guide authorities when developing their meeting arrangements, namely, transparency, accessibility, good conduct, Welsh language, local needs and future generations. The guidance confirms the meeting arrangements should be reflected in the procedure rules set out in the constitution.
6. The statutory guidance also stipulates that authorities should develop a policy setting out in how the multi-location meetings will operate and reflect the meeting arrangements in the constitution.

### **What is a Multi-Location Meeting?**

7. A Multi-Location Meeting is a meeting whose participants are not all in the same physical place. Some of the participants may be physically located in the meeting venue whilst others join from their home or other remote location.

### **Multi-Location Meetings Determination**

8. The Welsh Government Statutory Guidance stipulates that local democracy and the needs of the public in engaging with multi-location meetings are an important consideration in deciding where and when meetings will be convened.
9. It is also acknowledged that some participants may have a preference for physical meetings due to protected characteristics or circumstances which limits their ability

to participate online. Some participants however may wish to join council meetings remotely and from another location as a matter of default because they have working or caring responsibilities, protected characteristics, which make attending meetings in person difficult.

10. In addition to Council and Cabinet meetings the Council has a variety of committees and sub-committees which support its statutory, regulatory and governance arrangements. There is also a joint committee which involve a number of other Local Authorities and which are administered by the Swansea Democratic Services Team.
11. Both the Council Chamber and the newly refurbished Gloucester Room have multi-location meeting capability which will enable participants to be able to attend both remotely and in person. Both the Chamber and the Gloucester Room have designated public galleries to allow the public to attend in person.
12. The Council has determined that all meetings must be able to operate as multi-location meetings to ensure that participants are able to attend remotely or physically should they wish to do so. All Committees may be viewed at: [www.swansea.gov.uk/committees](http://www.swansea.gov.uk/committees)

### **Use of Cameras**

13. Participants of meetings that are broadcast must be able to “speak to and be heard by each other” and “to see and be seen by each other”.
14. The ability to see and be seen predominantly applies when a participant is speaking, although for some meetings, participants attending remotely may also be required to ensure that their cameras remain on for the duration of the meeting, for example, quasi-judicial meetings such as Planning and Licensing Committee. For other meetings the Chair may use their discretion whether participants are to keep their cameras on when not speaking.
15. It is inevitable that there will be occasions when a remote participant may need to disable their camera due to poor connection/internet issues. If this occurs the participant should use the chat function to inform the meeting Chair and democratic services staff of the issue.

### **Health & Safety of Participants**

16. Attendance at multi-location meetings may require participants and observers to use display screen equipment or to be seated for extended periods of time. To negate any adverse impacts from attending multi-location meetings remotely, participants will be requested to undertake a Display Screen Equipment (DSE) self-assessment to ensure that the configuration of their equipment meets health and safety requirements.
17. The Chair should consider the need for appropriate breaks as part of the agenda management arrangements of the meeting.

### **Calendar of Meetings**

18. A programme of meetings will be developed annually which identifies when, where and how each of the Council’s meetings will be held. This may be subject to change during the year for operational reasons.

19. The programme of meetings will avoid wherever possible scheduling meetings to be held simultaneously or immediately following another meeting. If this cannot be avoided the relevant Chairs will be consulted and one of the meetings will be undertaken as a fully remote meeting.

### **Attendance at Meetings**

20. Invitations to meetings will be provided electronically and will provide details of the meeting, its location and timings. It will include links to enable the participants to join remotely should they wish to do so. On receipt of the invitation, participants will be requested to indicate their intentions to attend the meeting physically or remotely to enable any necessary administrative and support arrangements to be put in place by Democratic Services.
23. Those participants considering attending the meeting remotely should also ensure that they have appropriate internet connectivity to join and maintain their attendance throughout the meeting.
24. All committee members are encouraged to physically attend at least one meeting of each committee or decision-making body to which they are appointed during each municipal year. Although physical attendance of participants cannot be mandated, there is no restriction on participants should they wish to physically attend any or all meetings.
25. On occasions the number of physical attendees who may be present at each meeting may be limited. In this event the Chair of the meeting together with essential officers will be given priority for attendance. Priority will also be given to external participants who may also need to attend the physical meeting in order to participate. Any remaining spaces are allocated to the political groups in accordance with political balance rules. The political groups are expected to give priority to any members who have difficulties joining a meeting remotely.
26. Meetings are also attended by a range of participants other than committee members. Officers and committee members should notify Democratic Services of additional participants who will be attending with details and contact information of the participant. The external participants will be contacted by Democratic Services to confirm their attendance, explain how they can join the meeting either as a physical or remote participant and the meeting procedures. If the external participant is joining the meeting remotely an electronic meeting invitation similar to that of other participants will be sent. They will also be offered the opportunity of a test meeting to familiarise themselves with the technology and the arrangements that are in place.
27. Members of the public will also be able to attend physical meetings from the public gallery in both the Gloucester Room and the Council Chamber. In the event that the number of members of the public needs to be limited i.e. social distancing then seats will be allocated on a first come first served basis. Members of the public who wish to view a meeting which is to be fully remote should make a request to the Head of Democratic Services, submitted by noon the previous working day prior to the remote meeting, to enable arrangements to be made.

### **Recording of Meetings by Others**

27. Members of the public are permitted to photograph, film or record Councillors and officers and use social media at any Council meetings that are open to the public and press, as long as they have given advance notice to the Head of Democratic Services. This is so that everyone attending the meeting is made aware that they may be recorded and that by attending the meeting they are deemed to consent to this. The Chair has discretion to prohibit recording and/or exclude from the meeting anyone reasonably considered to be in breach of the rules.
28. There is to be no recording or transmission of proceedings dealing with any exempt or confidential information.

### **Record of Attendance**

29. The Democratic Services Officer will record attendance of each committee member and participant at the meeting and record attendance in the minutes of the meeting. Committee Members are to inform the relevant Democratic Services if they are unable to attend a meeting and their apologies will be recorded at the meeting, and published in the minutes of the meeting.

### **Broadcasting Meetings**

30. Formal meetings of the Council will either be webcast by being streamed live or recorded for subsequent upload to the Council's webcasting website within 2 working days of the end of the meeting.
31. Where a meeting is being webcast notification will be given on the agenda pack and at the start of the meeting. Signs will be placed in the Chamber and the Gloucester Room to make clear that recording is taking place. The Chair of the meeting will have discretion to terminate or suspend the webcast in appropriate circumstances and will ensure no exempt or confidential agenda items will be webcast. The Monitoring Officer in consultation with the Chief Executive may request removal of the webcast, or certain parts of the webcast, where considered necessary.

### **Consideration of Exempt or Confidential Information at Meetings**

32. On occasions the Committee will be asked to exclude the public when considering exempt or confidential information. The agenda will schedule exempt items at the end of the meeting, so as to minimise any inconvenience to observers who will be required to leave the meeting when the item is being discussed.
33. When an exempt item is being considered the Democratic Services officer will ensure that members of the public have left the meeting, either remotely or physically and will turn off the recording equipment and webcast.
34. When the committee has considered the exempt item and if there are further public items to be considered, all remote participants will be invited to re-join the public meeting and the recording and webcast will be resumed. The observers or participants attending the physical meeting will be invited to return into the committee room.

### **Voting**

35. It is acknowledged that technical issues may dictate the method of voting but voting will comply with the voting rules set out in the Council Procedure Rules.

Methods of voting include electronic voting, a roll call vote and show of hands (either physical or virtual). Committee members should ensure that they have been present for the discussion and debate on agenda items so as to be able to exercise their vote.

36. The result of any vote will be announced immediately following the vote by either the Chair or the Democratic Services Officer.

### **Chairing Meetings**

37. The Statutory Guidance understands that chairing a multi-location meeting is very different to chairing a face-to-face meeting. The job of the Chair is particularly challenging at a physical meeting with some participants joining remotely. Chairs and vice-chairs are encouraged to attend meetings in person in order to benefit from the direct support of the Democratic Services officer and legal officer.

38. In general Chairs of meetings should:

- Ensure they are prepared for the meeting.
- Ensure all participants are able to access the meeting and can see and hear each other.
- Introduce themselves and others to members of the public who may be present.
- Check occasionally to ensure no one has been lost due to technical difficulties and provide support to those participants experiencing challenges.
- Ensure all participants are given an opportunity to speak and appropriately use the chat facility.

### **Chat Function Use**

39. The chat function provides a simple method of enabling the chair to manage the meeting and to enable the remote participants to communicate with the chair.

40. The chat function should be used to:

- Allow advice to be given.
- Allow the Chair to respond to queries from members and acknowledge requests to contribute to discussion.
- Allow the Chair to check with a participant as to whether they are still present.
- Enable participants to advise as to technical difficulties.

41. The chat function should not be used:

- For personal communications with other participants.
- As substantial conversation and thereby detracting from main discussion.
- For general chit-chat, jokes or political comments.

## **8 Public Participation Strategy**

Swansea Council's Public Participation Strategy may be viewed on the Democracy webpages: [Public Participation Strategy](#)

## **9 Councillor / Councillor Local Dispute Resolution Protocol**

## **1. Purpose**

- 1.1 The purpose of this Protocol is to promote high standards of conduct and encourage a positive working relationship between Councillors across the Council. When signing their declaration of office Councillors are agreeing to sign up to the Code of Conduct. That Code is intended to help and guide Councillors in maintaining appropriate standards of conduct when serving their community and when making decisions.
- 1.2 Local Authorities across Wales have all implemented local resolution procedures to deal with low level complaints which are made by a Councillor against a fellow Councillor. Complaints which are made relating to failure to show respect and consideration for others or the duty not to make vexatious, frivolous or malicious complaints are ideally dealt with under the Dispute Resolution Protocol.
- 1.3 This does not prevent a Councillor making a direct complaint to the Public Service Ombudsman for Wales but the aim of the Protocol is to resolve matters at an early stage and avoid any unnecessary escalation of the situation which may damage personal relationships within the authority and the authority's reputation.
- 1.4 Group Leaders have a duty under legislation to maintain the highest standards of ethical behaviour within their group. The Protocol therefore puts Group Leaders at the heart of ensuring that Councillors utilise the local dispute resolution process. The Protocol is not intended to interfere with or take the place of internal group/party discipline.

## **2. Application**

- 2.1 Issues which will be considered under the Protocol include:
  - Low level complaints between Councillors
  - Complaints as to failure to show respect and consideration either verbally or in writing
  - Behaviour which is vexatious, frivolous and malicious
- 2.2 Issues which will not be considered under the Protocol include:
  - Serious complaints or allegations of misconduct
  - Allegations of failure to declare interests
  - Complaints from members of the public
  - Complaints against officers

## **3. Procedure**

- 3.1 First stage – the Councillor who wishes to use the Protocol should put their complaint in writing and send to their Group Leader, the Group Leader of the Councillor subject of complaint and the Monitoring Officer. An attempt should be made at this stage to address the complaint informally eg by way of an apology. In the event that the complaint is against a Group Leader then the Presiding Member will be consulted and fulfil the role of Group Leader. If the complaint involves an unaligned Councillor then the Presiding Member will be consulted and fulfil the role of Group Leader.
- 3.2 Second Stage – In the event that the matter cannot be resolved informally then the matter should be referred formally to the Monitoring Officer/Head of Democratic

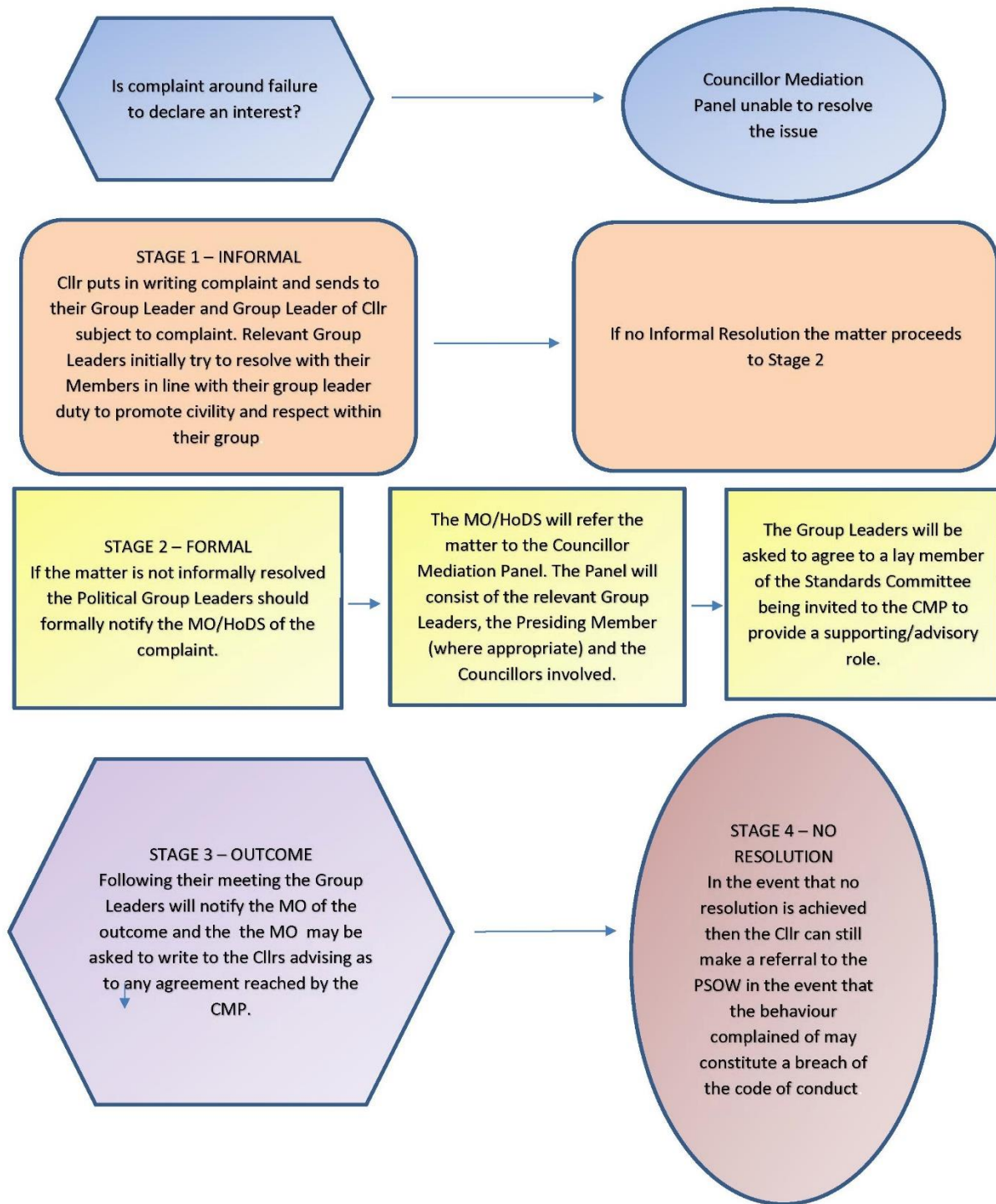
Services and the matter referred to the Councillor Mediation Panel (CMP). The Councillor Mediation Panel will consist of the relevant Group Leaders (or Presiding Member) and Councillors involved (and will be arranged by the Monitoring Officer).

- 3.3 Any discussions of the CMP will be confidential and held in private session. Any paperwork, minutes of decision etc will remain confidential to the parties subject to any duty to disclose to the Public Service Ombudsman for Wales.
- 3.4 Third Stage – Following the CMP the Panel will liaise with the Monitoring Officer as to the agreement reached and any actions to be undertaken. Where appropriate the Monitoring Officer will formally write to the Councillors advising them of the agreement. Examples of actions could include – attendance on training course, removal from committee, formal apology, withdrawal of comments made/posted.

#### **4. Standards Committee**

- 4.1 An Independent Member of the Standards Committee may play a supporting/advisory role to the Group Leaders. The inclusion of a Standards Committee lay member will be initiated at the request of the Group Leaders in a particular case. Participation by lay members should be on a rotational basis to prevent any conflict of interest.
- 4.2 Any discussions with the Standards Committee lay member and involvement with the CMP will be confidential. Save that the number of times the Protocol is invoked in any given year will be reported to the Standards Committee and with an indication as to whether the dispute was resolved within the Protocol process.
- 4.3 The terms of reference of the Standards Committee include oversight of the Protocol.

## Councillors Local Dispute Resolution “Councillor vs Councillor Complaints”





# Agenda Item 2

## 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 sub-committee of the authority, and who is entitled to vote on any question which falls to be decided at any meeting of that committee or subcommittee;

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

- (a) of the relevant authority,
- (b) of any executive or board of the relevant authority,
- (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or
- (d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990,

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

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

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

- (a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
- (b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

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

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

- (a) a county council,
- (b) a county borough council,
- (c) a community council,

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

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

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

"your authority" ("*eich awdurdod*") means the relevant authority of which you are a member or co-opted member.

(2) In relation to a community council—

(a) "proper officer" ("*swyddog priodol*") means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972; and

(b) "standards committee" ("*pwyllgor safonau*") means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

## **PART 2 GENERAL PROVISIONS**

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

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

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

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

(d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

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

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

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

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

4. You must —

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

- (b) show respect and consideration for others;
- (c) not use bullying behaviour or harass any person; and
- (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

5. You must not —

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

6.—(1) You must —

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
- (b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
- (c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
- (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

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

7. You must not —

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of your authority —
  - (i) imprudently;
  - (ii) in breach of your authority's requirements;
  - (iii) unlawfully;
  - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
  - (v) improperly for political purposes; or

(vi) improperly for private purposes.

**8. You must —**

(a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —

(i) the authority's head of paid service;

(ii) the authority's chief finance officer;

(iii) the authority's monitoring officer;

(iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

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

**9. You must —**

(a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;

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

## **PART 3 INTERESTS**

### **Personal Interests**

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

**(2)** You must regard yourself as having a personal interest in any business of your authority if

— (a) it relates to, or is likely to affect —

(i) any employment or business carried on by you;

(ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

(iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that

exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(vi) any land in which you have a beneficial interest and which is in the area of your authority;

(vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in subparagraph (iv) above;

(viii) any body to which you have been elected, appointed or nominated by your authority;

(ix) any —

(aa) public authority or body exercising functions of a public nature;

(bb) company, registered society, charity, or body directed to charitable purposes;

(cc) body whose principal purposes include the influence of public opinion or policy;

(dd) trade union or professional association; or

(ee) private club, society or association operating within your authority's area,

in which you have membership or hold a position of general control or management;

(x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

*[Note: subparagraph (b) is omitted.]*

(c) a decision upon it might reasonably be regarded as affecting —

(i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;

(ii) any employment or business carried on by persons as described in 10(2)(c)(i);

(iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;

(iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,

to a greater extent than the majority of—

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

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

### **Disclosure of Personal Interests**

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

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

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

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

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

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

(a) details of the personal interest;

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

(c) your signature.

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

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

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

## Prejudicial Interests

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

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

(a) relates to —

(i) another relevant authority of which you are also a member;

(ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;

(iii) a body to which you have been elected, appointed or nominated by your authority;

(iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;

(v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to —

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

(ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;

(iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;

(iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;

(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

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

## Overview and Scrutiny Committees

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

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint subcommittees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

### **Participation in Relation to Disclosed Interests**

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

(a) withdraw from the room, chamber 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.

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