CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2001 Rhif 2289 (Cy.177)

LLYWODRAETH LEOL, CYMRU

Gorchymyn Ymddygiad Aelodau (Cod Ymddygiad Enghreifftiol) (Cymru) 2001

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn.)

Mae Rhan III o Ddeddf Llywodraeth Leol 2000 ("y Ddeddf") yn sefydlu fframwaith moesegol newydd ar gyfer llywodraeth leol yng Nghymru.

Mae adran 50(2) o'r Ddeddf yn darparu y caiff Cynulliad Cenedlaethol Cymru, drwy orchymyn, gyhoeddi cod enghreifftiol o ran yr ymddygiad a ddisgwylir oddi wrth aelodau ac aelodau cyfetholedig awdurdodau perthnasol yng Nghymru.

Yr awdurdodau perthnasol cynghorau sir, cynghorau bwrdeistref sirol a chynghorau cymuned, awdurdodau tân ac awdurdodau Parc Cenedlaethol ond nid awdurdodau heddlu.

Mae'n rhaid i god ymdddygiad a gyhoeddir gan Gynulliad Cenedlaethol Cymru o dan adran 50(2) o'r Ddeddf fod yn gyson â'r egwyddorion a bennir gan Gynulliad Cenedlaethol Cymru o dan adran 49(2) o'r Ddeddf.

Mae'r Gorchymyn hwn yn cyhoeddi cod ymddygiad enghreifftiol i aelodau ac aelodau cyfetholedig awdurdodau perthnasol yng Nghymru.

Mae'r cod ymddygiad enghreifftiol mewn tair ran.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2001 No. 2289 (W.177)

LOCAL GOVERNMENT, WALES

The Conduct of Members (Model Code of Conduct) (Wales) Order 2001

EXPLANATORY NOTE

(This note does not form part of the Order.)

Part III of the Local Government Act 2000 ("the Act") establishes a new ethical framework for local government in Wales.

Section 50(2) of the Act provides that the National Assembly for Wales may by order issue a model code as regards the conduct which is expected of members and co-opted members of relevant authorities in Wales.

The relevant authorities are county, community and county borough councils, fire authorities and National Park authorities but not police authorities.

A code of conduct issued by the National Assembly for Wales under section 50(2) of the Act must be consistent with the principles specified by the National Assembly for Wales under section 49(2) of the Act.

This Order issues a model code of conduct for members and co-opted members of relevant authorities in Wales.

The model code of conduct is in three parts.

Mae Rhan I o'r cod yn ymdrin â dehongli.

Part I of the code deals with interpretation.

Mae Rhan II o'r cod yn ymdrin â'r amgylchiadau pan fydd yn rhaid i aelodau ac aelodau cyfetholedig gadw'r cod, ynghyd â materion ymddygiad sy'n ymwneud â hybu cydraddoldeb a pharch at eraill, atebolrwydd a bod yn agored, dyletswydd aelodau ac aelodau cyfetholedig i gynnal y gyfraith, anhunanoldeb a stiwardiaeth, gwrthrychedd a gwedduster ac uniondeb.

Part II of the code deals with the circumstances in which members and co-opted members must observe the code, together with issues of conduct concerning promotion of equality and respect for others, accountability and openness, the duty on members and co-opted members to uphold the law, selflessness and stewardship, objectivity and propriety and integrity.

Mae Rhan III o'r cod yn ymdrin â'r amgylchiadau pan gaiff aelodau ac aelodau cyfetholedig awdurdod perthnasol ystyried nad oes ganddynt fuddiant personol mewn mater a phan fydd rhaid iddynt ystyried bod ganddynt fuddiant o'r fath. Mae'r cod yn darparu ar gyfer yr amgylchiadau pan ddylid datgelu buddiant personol, yn ei gwneud yn ofynnol i aelodau ac aelodau cyfetholedig gofrestru buddiannau o'r fath yn y gofrestr sy'n cael ei chadw o dan adran 81(1) o'r Ddeddf ac, os yw'n gymwys, i dynnu'n ôl rhag ystyried y mater.

Part III of the code deals with the circumstances in which a member or co-opted member of a relevant authority can regard themselves as not having a personal interest in a matter and where they must regard themselves as having such an interest. The code provides for the circumstances in which a personal interest should be disclosed, requires members and co-opted members to register such interests in the register maintained under section 81(1) of the Act and where applicable withdraw from consideration of the matter.

Mae Rhan III o'r cod yn ymdrin hefyd â chofrestru rhoddion a lletygarwch.

Part III of the code also deals with the registration of gifts and hospitality.

2001 Rhif 2289 (Cy.177)

LLYWODRAETH LEOL, CYMRU

Gorchymyn Ymddygiad Aelodau (Cod Ymddygiad Enghreifftiol) (Cymru) 2001

Wedi'i wneud	*21 Mehefin 2001*
Yn dod i rym	*28 Gorffennaf 2001*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 50(2), 50(4), 81(2) ac 81(3) o Ddeddf Llywodraeth Leol 2000(**a**), a phob pŵer arall sy'n ei alluogi yn y cyswllt hwnnw, ar ôl cynnal y cyfryw ymgynghori ag sy'n ofynnol yn rhinwedd adran 50(5) o'r Ddeddf honno a chan ei fod wedi'i fodloni fod y Gorchymyn hwn yn gyson â'r egwyddorion sydd am y tro wedi'u pennu mewn gorchymyn o dan adran 49(2) o'r Ddeddf honno(**b**) yn gwneud y Gorchymyn canlynol:

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Ymddygiad Aelodau (Cod Ymddygiad Enghreifftiol) (Cymru) 2001 a daw i rym ar 28 Gorffennaf 2001.

(2) Mae'r Gorchymyn hwn yn gymwys i bob awdurdod perthnasol yng Nghymru.

Dehongli

2. Yn y Gorchymyn hwn -

ystyr "awdurdod perthnasol" ("*relevant authority*") yw -

(a) cyngor sir,

(b) cyngor bwrdeistref sirol,

(c) cyngor cymuned,

(ch) awdurdod tân a gyfansoddwyd gan gynllun cyfuno o dan Ddeddf y Gwasanaethau Tân 1947(**c**), a

(d) awdurdod Parc Cenedlaethol a sefydlwyd o dan adran 63 o Ddeddf yr Amgylchedd 1995 (**ch**); ac

(a) 2000 p.22.

(b) Gorchymyn Ymddygiad Aelodau (Egwyddorion) (Cymru) 2001 (O.S. 2001/2276 (Cy.166)).

(c) 1947 p.41.

(ch) 1995 p.25.

2001 No. 2289 (W.177)

LOCAL GOVERNMENT, WALES

The Conduct of Members (Model Code of Conduct) (Wales) Order 2001

Made	*21st June 2001*
Coming into force	*28th July 2001*

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 50(2), 50(4), 81(2) and 81(3) of the Local Government Act 2000(**a**), and of all other powers enabling it in that behalf, having carried out such consultation as is required by virtue of section 50(5) of that Act and being satisfied that this Order is consistent with the principles for the time being specified in an order under section 49(2) of that Act(**b**) makes the following Order:

Citation, commencement and application

1.-(1) This Order may be cited as the Conduct of Members (Model Code of Conduct) (Wales) Order 2001 and shall come into force on 28 July 2001.

(2) This Order applies to each relevant authority in Wales.

Interpretation

2. In this Order -

"the Act" ("*y Ddeddf*") means the Local Government Act 2000; and

"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(**c**), and

(e) a National Park authority established under

(a) 2000 c.22.

(b) The Conduct of Members (Principles) (Wales) Order 2001 (S.I.2001/2276(W.166)).

(c) 1947 c.41.

ystyr "y Ddeddf" ("*the Act*") yw Deddf Llywodraeth Leol 2000.

Cod ymddygiad enghreifftiol

3.-(1) Mae cod enghreifftiol o ran yr ymddygiad a ddisgwylir oddi wrth aelod o awdurdod perthnasol wedi'i nodi yn yr Atodlen i'r Gorchymyn hwn.

(2) At ddibenion adran 50(4) o'r Ddeddf, mae darpariaethau'r cod enghreifftiol i'w hystyried yn rhai gorfodol.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**a**).

21 Mehefin 2001

Llywydd y Cynulliad Cenedlaethol

section 63 of the Environment Act 1995(**a**).

Model code of conduct

3.-(1) A model code as regards the conduct which is expected of a member or co-opted member of a relevant authority is set out in the Schedule to this Order.

(2) For the purposes of section 50(4) of the Act, the provisions of the model code are to be regarded as mandatory.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**b**).

21st June 2001

D. Elis-Thomas

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1995 c.25.

(b) 1998 c.38.

ATODLEN

Erthygl 3

COD YMDDYGIAD ENGHREIFFTIOL I AELODAU CYNGHORAU SIR, CYNGHORAU BWRDEISTREF SIROL A CHYNGHORAU CYMUNED, AWDURDODAU TÂN AC AWDURDODAU PARCIAU CENEDLAETHOL YNG NGHYMRU

RHAN I

Dehongli

Yn y cod hwn -

mae "aelod" ("*member*") yn cynnwys aelod cyfetholedig;

ystyr "aelod cyfetholedig" ("*co-opted member*"), mewn perthynas ag awdurdod perthnasol, yw person nad yw'n aelod o'r awdurdod ond sydd -

(a) yn aelod o unrhyw un o bwyllgorau neu is-bwyllgorau'r awdurdod, neu

(b) yn aelod o unrhyw un o gyd-bwyllgorau neu o gyd-is-bwyllgorau'r awdurdod ac yn cynrychioli'r awdurdod arno,

ac y mae ganddo hawl i bleidleisio ar unrhyw gwestiwn sydd i'w benderfynu yn unrhyw un o gyfarfodydd y pwyllgor neu'r is-bwyllgor hwnnw;

ystyr "cyfarfod" ("*meeting*") yw unrhyw gyfarfod -

(a) o'r awdurdod perthnasol;

(b) o unrhyw weithrediaeth neu fwrdd i'r awdurdod;

(c) o unrhyw bwyllgor, is-bwyllgor, gyd-bwyllgor, gyd-is-bwyllgor neu bwyllgor ardal o'r awdurdod perthnasol neu o unrhyw bwyllgor neu is-bwyllgor o unrhyw weithrediaeth neu fwrdd i'r awdurdod ; neu

(ch) pan fydd aelodau neu swyddogion o'r awdurdod yn bresennol.

RHAN II

Darpariaethau Cyffredinol

Cwmpas

1. Rhaid i aelodau gadw'r cod ymddygiad hwn pryd bynnag y byddant:

(a) yn cynnal busnes yr awdurdod;

SCHEDULE

Article 3

MODEL CODE OF CONDUCT FOR MEMBERS OF COUNTY, COUNTY BOROUGH AND COMMUNITY COUNCILS, FIRE AUTHORITIES AND NATIONAL PARK AUTHORITIES IN WALES

PART I

Interpretation

In this code -

“co-opted member”, in relation to a relevant authority, means a person who is not a member of the authority but who -

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

(b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,

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

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

(a) of the relevant authority;

(b) of any executive or board of the authority;

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

(d) where members or officers of the authority are present.

“member” (“*aelod*”) includes a co-opted member.

PART II

General Provisions

Scope

1. Members must observe this code of conduct whenever they:

(a) conduct the business of the authority;

(b) yn ymgymryd â rôl aelod yr etholwyd hwy neu y penodwyd hwy iddi; neu

(c) yn gweithredu fel cynrychiolwyr yr awdurdod.

2. Rhaid i'r cod ymddygiad hwn, oni nodir fel arall, fod yn gymwys i'r gweithgareddau hynny y mae aelod yn ymgymryd â hwy yn rhinwedd ei swydd fel aelod yn unig .

3. Pan fydd aelod yn gweithredu fel cynrychiolydd yr awdurdod ar gorff arall, rhaid i'r aelod hwnnw, wrth weithredu yn rhinwedd y swydd honno, gydymffurfio â'r cod ymddygiad hwn, oni fydd yn gwrthdaro ag unrhyw rwymedigaethau cyfreithiol sy'n codi yn sgîl gwasanaethu ar y corff hwnnw. Pan na fydd penodiad aelod i gorff arall yn deillio o safle'r aelod fel aelod o'r awdurdod, ni fydd y cod hwn yn gymwys i'r aelod, a fydd yn hytrach yn ddarostyngedig i god ymddygiad y corff arall. Er hynny, disgwylir i aelod felly roi sylw i egwyddorion cyffredinol ymddygiad(**a**) a pheidio â dwyn anfri ar swydd aelod nac ar yr awdurdod.

Hybu Cydraddoldeb a Pharch at Eraill

4. Rhaid i aelodau o'r awdurdod:

(a) cyflawni eu dyletswyddau a'u cyfrifoldebau â sylw dyladwy i'r angen i hybu cydraddoldeb cyfle i bawb, waeth beth yw eu gender, eu hil, eu hanabledd, eu cyfeiriadedd rywiol, eu hoed neu eu crefydd, a dangos parch ac ystyriaeth at eraill,

(b) peidio â gwneud dim sy'n cyfaddawdu, neu sy'n debygol o gyfaddawdu, diduedd wch gweithwyr cyflogedig yr awdurdod.

Atebolrwydd a Bod yn Agored

5. Rhaid i aelodau:

(a) peidio â datgelu gwybodaeth a roddir yn gyfrinachol, heb gydsyniad pendant person a awdurdodir i roi'r cydsyniad hwnnw, neu onid yw'r gyfraith yn mynnu hynny;

(b) peidio â rhwystro unrhyw berson rhag cael gweld gwybodaeth y mae gan y person hwnnw hawl i'w gweld yn ôl y gyfraith.

Dyletswydd i gynnal y gyfraith

6.-(1) Rhaid i aelodau:

(a) yn rhinwedd eu swyddi neu fel arall, beidio â chyflawni tramgwydd troseddol na pheri bod un yn cael ei gyflawni;

(b) yn rhinwedd eu swyddi neu fel arall, beidio ag ymddwyn mewn dull y gellid yn rhesymol ei ystyried fel un sy'n dwyn anfri ar swydd aelod neu ar yr awdurdod;

(c) adrodd i'r Comisiynydd Lleol dros Weinyddu Lleol yng Nghymru ac i swyddog monitro'r awdurdod ar unrhyw ymddygiad gan aelod arall y maent yn credu ei fod yn golygu neu ei

(b) undertake the role of member to which they were elected or appointed; or

(c) act as representatives of the authority.

2. This code of conduct shall, unless otherwise indicated, only apply to those activities which a member undertakes in an official capacity.

3. Where a member acts as a representative of the authority on another body, that member must, when acting in that capacity, comply with this code of conduct, unless it conflicts with any legal obligations arising as a consequence of service on that body. Where a member's appointment to another body does not arise from the member's position as a member of the authority, this code shall not apply to the member, who shall instead be subject to the code of the other body. Such a member will, however, be expected to have regard to the general principles of conduct(**a**) and the requirement not to bring the office of member or the authority into disrepute.

Promotion of Equality and Respect for Others

4. Members of the authority:

(a) 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,

(b) must not do anything which compromises, or which is likely to compromise, the impartiality of the authority's employees.

Accountability and Openness

5. Members:

(a) must not disclose information given in confidence, without the express consent of a person authorised to give such consent, or unless required by law to do so;

(b) must not prevent any person from gaining access to information to which that person is entitled by law.

Duty to uphold the law

6.-(1) Members:

(a) must not in their official capacity or otherwise commit a criminal offence or cause one to be committed;

(b) must not in their official capacity or otherwise behave in a manner which could be reasonably regarded as bringing the office of member or the authority into disrepute;

(c) must report to the Local Commissioner for Local Administration in Wales and to the authority's monitoring officer any conduct by another member which they believe involves

(a) Gorchymyn Ymddygiad Aelodau (Egwyddorion) (Cymru) 2001.

(a) The Conduct of Members (Principles) (Wales) Order 2001.

fod yn debygol o olygu methiant i gydymffurfio â'r cod ymddygiad hwn;

(ch) adrodd, p'un ai drwy weithdrefn adrodd gyfrinachol yr awdurdod neu'n uniongyrchol i'r awdurdod priodol, ar unrhyw ymddygiad gan berson arall y maent yn credu ei fod yn golygu neu ei fod yn debygol o olygu ymddygiad troseddol;

(d) mewn perthynas ag (c) uchod peidio â gwneud unrhyw gwynion blinderus neu faleisus yn erbyn personau eraill.

(2) Rhaid i aelod o'r awdurdod (heblaw aelod sy'n destun ymchwiliad gan swyddog monitro yn unol â rheoliadau a wnaed o dan adran 73(1) o Ddeddf Llywodraeth Leol 2000(**a**)) gydymffurfio ag unrhyw ofyniad a wneir gan swyddog monitro'r awdurdod hwnnw mewn cysylltiad ag ymchwiliad o'r fath.

Anhunanoldeb a stiwardiaeth

7. Rhaid i aelodau:

(a) yn rhinwedd eu swyddi neu fel arall, beidio â defnyddio'u safle yn amhriodol i roi neu i sicrhau mantais neu anfantais i unrhyw berson ac yn benodol felly eu teulu, eu cyfeillion neu'r rhai y mae ganddynt gysylltiad personol agos â hwy nac i sicrhau mantais iddynt eu hunain;

(b) pan fyddant yn defnyddio neu'n awdurdodi defnyddio adnoddau yr awdurdod gan aelod arall, wneud hynny'n ddarbodus ac yn unol â'r gyfraith a gofynion yr awdurdod; ac

(c) sicrhau nad yw adnoddau'r awdurdod yn cael eu defnyddio'n amhriodol at eu dibenion preifat eu hunain, eu teulu, eu cyfeillion a'r personau y mae ganddynt gysylltiad personol agos â hwy.

Gwrthrychedd a Gwedduster

8. Wrth wneud penderfyniadau rhaid i aelod:

(a) gwneud penderfyniadau ar sail rhagoriaethau'r amgylchiadau ac er lles y cyhoedd;

(b) gwneud penderfyniadau gan roi sylw i unrhyw gyngor perthnasol a ddarperir gan swyddogion yr awdurdod - yn benodol gan y canlynol:

(i) Prif Swyddog Cyllid yr awdurdod yn gweithredu yn yn unol â dyletswyddau'r swyddog hwnnw o dan adran 114 o Ddeddf Cyllid Llywodraeth Leol 1988(**b**);

(ii) Swyddog Monitro'r awdurdod yn gweithredu yn unol â dyletswyddau'r

(a) Rheoliadau Ymchwiliadau Llywodraeth Leol (Swyddogaethau Swyddogion Monitro a Phwyllgorau Safonau) (Cymru) 2001 (O.S. 2001/2281(Cy.171)).

(b) 1988 p.41.

or is likely to involve a failure to comply with this code of conduct;

(d) must report, whether through the authority's confidential reporting procedure or direct to the proper authority, any conduct by another person which they believe involves or is likely to involve criminal behaviour;

(e) must not in relation to (c) above make vexatious or malicious complaints against other persons.

(2) A member of the authority (other than a member who is the subject of an investigation by a monitoring officer in accordance with regulations made under section 73(1) of the Local Government Act 2000(**a**)) must comply with any requirement made by the monitoring officer of that authority in connection with such an investigation.

Selflessness and stewardship

7. Members:

(a) must not, in their official capacity or otherwise, use their position improperly to confer on or secure for any person and in particular their family, friends or those with whom they have a close personal association an advantage or disadvantage or to secure an advantage for themselves;

(b) must, when using or authorising the use by another member of the resources of the authority, do so prudently and in accordance with the law and the authority's requirements; and

(c) must ensure that the resources of the authority are not used improperly for their own private purposes, their family, friends and persons with whom they have a close personal association.

Objectivity and Propriety

8. A member when reaching decisions:

(a) must reach decisions on the basis of the merits of the circumstances involved and in the public interest;

(b) must reach decisions having regard to any relevant advice provided by the authority's officers - in particular by:

(i) the authority's Chief Finance Officer acting in pursuance of that officer's duties under section 114 of the Local Government Finance Act 1988(**b**);

(ii) the authority's Monitoring Officer acting in pursuance of that officer's duties under

(a) The Local Government Investigations (Functions of Monitoring Officers and Standards Committees (Wales) Regulations 2001 (S.I.2001/ 2281 (W171)).

(b) 1988 c.41.

swyddog hwnnw o dan adran 5 o Ddeddf Llywodraeth Leol a Thai 1989(**a**);

(iii) Prif Swyddog Cyfreithiol yr awdurdod y dylid ymgynghori ag ef os oes unrhyw amheuaeth ynghylch pŵer yr awdurdod i weithredu, neu ynghylch a yw'r cam a gynigir yn dod o fewn y fframwaith polisi y cytunwyd arno gan yr awdurdod; os gallai canlyniadau cyfreithiol gweithredu neu fethu â gweithredu gan yr awdurdod gael ôl-effeithiau pwysig;

(c) rhoi rhesymau dros benderfyniadau yn unol â gofynion yr awdurdod ac, yn achos cynghorau sir a chynghorau bwrdeistref sirol sy'n gweithredu trefniadau gweithrediaeth, yn unol â rheoliadau a wneir gan Gynulliad Cenedlaethol Cymru(**b**).

Uniondeb

9. Rhaid i aelodau:

(a) cadw'r gyfraith a rheolau'r awdurdod sy'n llywodraethu hawlio costau a lwfansau mewn cysylltiad â'u dyletswyddau fel aelodau;

(b) osgoi derbyn rhoddion oddi wrth neb, na lletygarwch (heblaw'r lletygarwch swyddogol, megis derbyniad dinesig neu ginio gweithio, a awdurdodir gan yr awdurdod) na buddiannau neu wasanaethau materol iddynt eu hunain neu i unrhyw berson y mae'r aelod yn byw gyda hwy a fyddai'n eu rhoi o dan rwymedigaeth amhriodol, neu y byddai'n rhesymol iddo ymddangos fel pe bai'n gwneud hynny.

RHAN III

DATGELU A CHOFRESTRU BUDDIANNAU

10. Ym mhob mater rhaid i aelodau ystyried a oes ganddynt fuddiant personol, ac a yw cod ymddygiad yr awdurdod yn ei gwneud yn ofynnol iddynt ddatgelu'r buddiant hwnnw.

11. Mae gan aelod fuddiant personol mewn mater os yw'r aelod hwnnw'n rhag-weld y gellid yn rhesymol ystyried y byddai penderfyniad arno yn debygol o roi mantais neu anfantais:

(a) i'r aelod, un o deulu'r aelod neu i gyfaill, neu i unrhyw berson y mae gan yr aelod gysylltiad personol agos â hwy, neu

(b) i gorff sy'n cyflogi'r personau hynny, neu y mae gan y personau hynny unrhyw radd o berchenogaeth, rheolaeth neu ofalaeth drosto,

i fwy o raddau nag sydd gan drethdalwyr eraill y cyngor, ardrethdalwyr neu drigolion ardal yr

(a) 1989 p.42.

(b) Rheoliadau Trefniadau Gweithrediaeth Awdurodau Lleol (Penderfyniadau, Dogfennau a Chyfarfodydd) (Cymru) 2001 (O.S. 2001/2290 (Cy.178)).

section 5 of the Local Government and Housing Act 1989(**a**);

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

(c) must give reasons for decisions in accordance with the authority's requirements and, in the case of county and county borough councils operating executive arrangements, regulations made by the National Assembly for Wales(**b**).

Integrity

9. Members:

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

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

PART III

DISCLOSURE AND REGISTRATION OF INTERESTS

10. Members must in all matters consider whether they have a personal interest, and whether this code of conduct requires them to disclose that interest.

11. A member has a personal interest in a matter if that member anticipates that a decision upon it might reasonably be regarded as likely to benefit or disadvantage:

(a) the member, one of the member's family or a friend, or any person with whom the member has a close personal association, or

(b) a body which employs those persons, or for which those persons have any degree of ownership, control or management,

to a greater extent than other council tax payers, ratepayers or inhabitants of the

(a) 1989 c.42.

(b) The Local Authority Executive Arrangements (Decisions, Documents and Meetings) (Wales) Regulations 2001 (S.I. 2001/2290 (W.178)).

awdurdod.

12. Rhaid i aelodau ystyried bod ganddynt fuddiant personol mewn mater i'r graddau y mae'n ymwneud:

(a) ag awdurdod perthnasol arall y maent yn aelod ohono;

(b) â chorff y maent yn dal swydd o reolaeth neu ofalaeth gyffredinol arno;

(c) â chorff y maent wedi'u penodi neu wedi'u henwebu iddo gan yr awdurdod fel cynrychiolydd.

13. Rhaid i aelodau ystyried bod ganddynt fuddiant personol mewn mater i'r graddau y mae'n ymwneud:

(a) ag unrhyw gyflogaeth, swydd, masnach neu broffesiwn llawn-amser, rhan-amser neu ysbeidiol a redir ganddynt er mwyn elw neu enillion;

(b) ag unrhyw berson sy'n eu cyflogi neu sydd wedi'u penodi, unrhyw ffyrm y maent yn bartner ynddi, ac unrhyw gwmni y maent yn gyfarwyddwr arno sy'n derbyn tâl;

(c) ag unrhyw berson, heblaw awdurdod perthnasol, sydd wedi gwneud taliad iddynt mewn perthynas â'u hetholiad neu unrhyw gostau a dynnwyd wrth gyflawni eu dyletswyddau;

(ch) ag unrhyw gorff corfforaethol sydd â lle busnes neu dir yn ardal yr awdurdod, y mae gan yr aelod fuddiant llesiannol mewn dosbarth o warannoedd y corff hwnnw sy'n werth mwy na £25,000 neu un ganfed ran o gyfanswm cyfalaf cyfrannau dyroddedig y corff hwnnw (pa un bynnag yw'r isaf);

(d) ag unrhyw gontract am nwyddau, gwasanaethau neu weithfeydd a wnaed rhwng yr awdurdod a'r aelod, ffyrm y mae'r aelod yn bartner ynddi, cwmni y mae'r aelod yn gyfarwyddwr arno, neu gorff sy'n dod o fewn is-baragraff (ch);

(dd) ag unrhyw dir y mae gan yr aelod neu un o deulu'r aelod fuddiant llesiannol ynddo ac sydd yn ardal yr awdurdod;

(e) ag unrhyw dir y mae'r awdurdod yn landlord arno a ffyrm y mae'r aelod yn bartner ynddi, cwmni y mae'r aelod yn gyfarwyddwr arno, neu gorff sy'n dod o fewn is-baragraff (ch) yn denant arno;

(f) ag unrhyw dir yn ardal yr awdurdod y mae gan yr aelod drwydded arno (yn unigol neu ar y cyd ag eraill) i'w feddiannu am fis neu fwy; ac

(ff) ag unrhyw ymweliad y tu allan i'r Deyrnas Unedig y mae'r awdurdod wedi talu amdano neu'n mynd i dalu amdano.

14. Rhaid i aelodau ystyried bod ganddynt fuddiant

authority's area.

12. Members must regard themselves as having a personal interest in a matter to the extent that it relates to:

(a) another relevant authority of which they are a member;

(b) a body in which they hold a position of general control or management;

(c) a body to which they have been appointed or nominated by the authority as a representative.

13. Members must regard themselves as having a personal interest in a matter to the extent that it relates to:

(a) any full-time, part-time or intermittent employment, office, trade or profession carried on by them for profit or gain;

(b) any person who employs or has appointed them, any firm in which they are a partner, or any company of which they are a remunerated director;

(c) any person, other than a relevant authority, who has made a payment to them in respect of their election or any expenses incurred in carrying out their duties;

(d) any corporate body which has a place of business or land in the authority's area, where the member has a beneficial interest in a class of securities of that body which exceeds £25,000 in value or one hundredth of the total issued share capital of that body (whichever is the lower);

(e) any contract for goods, services or works made between the authority and the member, a firm in which the member is a partner, a company of which the member is a director, or a body falling within sub-paragraph (d);

(f) any land in which the member or a member of the member's family has a beneficial interest and which is in the area of the authority;

(g) any land of which the landlord is the authority and the tenant is a firm in which the member is a partner, a company of which the member is a director, or a body falling within sub-paragraph (d);

(h) any land in the authority's area in which the member has a licence (alone or jointly with others) to occupy for a month or longer; and

(i) any visit outside the United Kingdom for which the authority has paid or will pay.

14. Members must regard themselves as having a

personol mewn mater i'r graddau y mae'n ymwneud ag unrhyw aelodaeth, neu safle o reolaeth neu ofalaeth gyffredinol sydd ganddynt mewn unrhyw gorff. Mae cyrff o'r fath yn cynnwys:

(a) unrhyw glwb neu gymdeithas breifat, megis y Seiri Rhyddion, clwb adloniant, clwb gweithwyr, neu glwb buddsoddi preifat;

(b) unrhyw gorff y mae un o'i brif ddibenion yn cynnwys dylanwadu ar farn neu bolisi cyhoeddus megis grwp lobïo ;

(c) unrhyw undeb llafur(**a**) neu gymdeithas broffesiynol;

(ch) unrhyw gwmni, cymdeithas ddiwydiannol a darbodus(**b**) neu gorff arall y mae ganddo ddibenion elusennol.

15. Gall aelodau ystyried nad oes ganddynt fuddiant personol mewn mater i'r graddau y mae'n ymwneud:

(a) â swyddogaethau tai'r awdurdod, pan gaiff yr aelod ddal tenantiaeth neu brydles gan yr awdurdod, ar yr amod -

(i) nad oes ganddynt ôl-ddyledion rhent o fwy na dau fis, a

(ii) bod yna nifer arwyddocaol o denantiaid nad ydynt yn aelodau a fyddai'n cael eu heffeithio mewn perthynas â'r mater yn yr un modd neu mewn modd tebyg â'r aelod o dan sylw;

(b) â swyddogaethau'r awdurdod mewn perthynas â phrydau bwyd ysgolion, cludiant ysgolion a chostau teithio ysgolion, os yw'r aelod yn rhiant â phlentyn mewn addysg llawn amser, oni bai -

(i) bod y mater yn ymwneud yn benodol â'r ysgol y mae'r plentyn yn ei mynychu; neu

(ii) bod y mater yn ymwneud ag amgylchiadau penodol yr aelod ei hun yn unig;

(c) â swyddogaethau'r awdurdod mewn perthynas â thâl salwch statudol o dan Ran XI o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992(**c**), -

(i) os yw'r aelod yn cael, neu fod ganddo'r hawl i gael, y tâl hwnnw oddi wrth awdurdod perthnasol; a

(ii) nad yw'r mater yn ymwneud ag amgylchiadau penodol yr aelod ei hun yn unig; ac

(ch) â swyddogaethau'r awdurdod mewn perthynas â lwfans neu daliad a wneir o dan Adrannau 173 i 176 o Ddeddf Llywodraeth Leol 1972(**d**) neu Adran 18 o Ddeddf Llywodraeth Leol a

(a) Diffinnir "trade union" yn adran 1 o Ddeddf Undebau Llafur a Chysylltiadau Llafur (Cyd-grynhoi) 1992 (p.52).

(b) Wedi'u cofrestru o dan Ddeddfau Cymdeithasau Diwydiannol a Darbodus 1965 i 1978.

(c) 1992 p.4.

(d) 1972 p.70.

personal interest in a matter to the extent that it relates to any membership, or position of general control or management which they have in any organisation. Such organisations include any:

(a) private club or society, such as the Freemasons, a recreational club, working men's club, or private investment club;

(b) organisation whose principal purpose includes influencing public opinion or policy such as a lobby group;

(c) trade union(**a**) or professional association;

(d) company, industrial and provident society(**b**) or other organisation which has charitable objects.

15. Members can regard themselves as not having a personal interest in a matter to the extent that it relates to:

(a) the housing functions of the authority where the member may hold a tenancy or lease with the authority, provided -

(i) that they do not have arrears of rent of more than two months, and

(ii) there are in respect of the matter a significant number of tenants who are not members who would be affected in the same or a similar manner to the member in question;

(b) the functions of the authority in respect of school meals, transport and travelling expenses, where the member is a parent with a child in full-time education, unless -

(i) the matter relates specifically to the school which the child attends, or

(ii) the matter relates solely to the member's own particular circumstances;

(c) the functions of the authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992(**c**), where -

(i) the member is in receipt of, or is entitled to, such pay from a relevant authority, and

(ii) the matter does not relate solely to the member's own particular circumstances; and

(d) the functions of the authority in respect of an allowance or payment made under Sections 173 to 176 of the Local Government Act 1972(**d**) or Section 18 of the Local

(a) "Trade union" is defined in section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c.52).

(b) Registered under the Industrial and Provident Society Acts 1965 to 1978.

(c) 1992 c.4.

(d) 1972 c.70.

Thai 1989.

16.-(1) Rhaid i aelod sydd â buddiant personol mewn mater a bennir ym mharagraff 12 ac sy'n mynd i gyfarfod o'r awdurdod pan yw'r mater yn cael ei drafod, ddatgelu bodolaeth a natur y buddiant ar ddechrau'r drafodaeth honno, neu pan amlygir y buddiant. Mewn achos o'r fath caiff aelod siarad ond rhaid iddo beidio â phleidleisio ar y mater.

(2) Rhaid i aelod sydd â buddiant personol mewn mater a bennir ym mharagraffau 13 neu 14 uchod ac sy'n mynd i gyfarfod o'r awdurdod pan yw'r mater yn cael ei drafod, ddatgelu bodolaeth a natur y buddiant ar ddechrau'r drafodaeth honno, neu pan amlygir y buddiant. Mewn achos o'r fath rhaid i'r aelod hwnnw dynnu'n ôl rhag ystyried y mater oni roddir gollyngiad iddo gan y pwyllgor safonau perthnasol.

(3) Rhaid i aelod sydd â buddiant personol mewn mater na phennir mohono ym mharagraffau 12, 13 neu 14 ac sy'n mynd i gyfarfod o'r awdurdod pan yw'r mater yn cael ei drafod, ddatgelu bodolaeth a natur y buddiant ar ddechrau'r drafodaeth honno, neu pan amlygir y buddiant. Os yw'r buddiant personol hwnnw o fath y gallai aelod o'r cyhoedd yn rhesymol ddod i'r casgliad y gallai effeithio'n arwyddocaol ar allu'r aelod i weithredu ar ragoriaethau'r achos yn unig ac er lles y cyhoedd yn unig pe bai'r aelod hwnnw i gymryd rhan yn y drafodaeth ar y mater hwnnw, rhaid i'r aelod hefyd dynnu'n ôl rhag ystyried y mater oni roddir gollyngiad iddo gan y pwyllgor safonau perthnasol.

17.-(1) Mewn perthynas â mater y mae gan aelod awdurdod dirprwyedig i wneud penderfyniad arno, bydd gan yr aelod fuddiant personol os byddai'n rhesymol i aelod o'r cyhoedd ganfod gwrthdaro rhwng rôl yr aelod wrth wneud y penderfyniad hwnnw ar ran y cyngor cyfan a rôl yr aelod wrth gynrychioli buddiannau etholwyr yn ward yr aelod.

(2) Rhaid i aelod sydd â buddiant personol mewn mater y mae gan yr aelod hwnnw awdurdod dirprwyedig i wneud penderfyniad arno ddatgelu bodolaeth a natur y buddiant a thynnu'n ôl rhag cymryd rhan yn y penderfyniad hwnnw, gan ei gyfeirio at aelod neu bwyllgor sydd â phŵer i wneud y penderfyniad hwnnw. Yn achos cyngor sir neu gyngor bwrdeistref sirol sy'n gweithredu trefniadau gweithrediaeth, rhaid cynnwys y ffaith fod datganiad felly wedi'i wneud yng nghofnod y penderfyniad(**a**).

18. At ddibenion paragraff 16(2) a (3), rhaid i'r pwyllgor safonau beidio ag ystyried rhoi gollyngiad onid yw'r aelod cyn hynny wedi hysbysu'r swyddog monitro o'r buddiant hwnnw, ynghyd â manylion perthnasol.

(a) Rheoliadau Trefniadau Gweithrediaeth Awdurdodau Lleol (Penderfyniadau, Dogfennau a Chyfarfodydd) (Cymru) 2001.

Government and Housing Act 1989.

16.-(1) A member who has a personal interest in a matter specified in paragraph 12 and who attends a meeting of the authority at which the matter is discussed must disclose the existence and nature of the interest at the commencement of that discussion or when the interest becomes apparent. In such a case that member may speak but must not vote on the matter.

(2) A member who has a personal interest in a matter specified in paragraphs 13 or 14 above and who attends a meeting of the authority at which the matter is discussed must disclose the existence and nature of the interest at the commencement of that discussion or when the interest becomes apparent. In such a case, that member must withdraw from consideration of the matter unless granted a dispensation by the relevant standards committee.

(3) A member who has a personal interest in a matter which is not specified in paragraphs 12, 13 or 14 above and who attends a meeting of the authority at which the matter is discussed must disclose the existence and nature of the interest at the commencement of that discussion or when the interest becomes apparent. If that personal interest is such that a member of the public might reasonably conclude that it would significantly affect the member's ability to act purely on the merits of the case and in the public interest if that member were to take part in the discussion of that matter, the member must also withdraw from consideration of the matter at that meeting unless granted a dispensation by the authority's standards committee.

17.-(1) In relation to a matter which a member has delegated authority to decide, the member will have a personal interest if a member of the public might reasonably perceive a conflict between the member's role in taking that decision on behalf of the authority as a whole and the member's role in representing the interests of constituents in the member's ward.

(2) A member with a personal interest in a matter which that member has delegated authority to decide must disclose the existence and nature of the interest, and withdraw from involvement in the decision, and refer it to a member or committee having power to take the decision. In the case of a county or county borough council operating executive arrangements, the fact that such a declaration has been made must be included in the record of the decision(**a**).

18. For the purposes of paragraph 16(2) and (3), the standards committee shall not consider granting a dispensation unless the member has previously notified the monitoring officer of that interest, together with relevant details.

(a) The Local Authorities Executive Arrangements (Decisions, Documents and Meetings) (Wales) Regulations 2001.

19. Rhaid i unrhyw fuddiannau a ddatgelir gael eu cofrestru yn y gofrestr a gedwir gan y swyddog monitro o dan Adran 81(1) o Ddeddf Llywodraeth Leol 2000.

20. Rhaid i aelodau arfer cyfrifoldeb personol wrth benderfynu a oes ganddynt fuddiant personol o fath y dylent ei ddatgelu. Gallant geisio cyngor gan swyddog monitro'r awdurdod a rhaid iddynt roi sylw i unrhyw gyngor gan y pwyllgor safonau perthnasol wrth wneud hynny.

21. Rhaid i aelodau hysbysu swyddog monitro'r awdurdod o unrhyw newid yn y buddiannau a bennir o dan baragraff 19 o fewn mis ar ôl iddynt ddigwydd.

Cofrestru rhoddion a lletygarwch

22.-(1) Yn ddarostyngedig is-baragraff (2) isod, rhaid i aelod hysbysu swyddog monitro'r awdurdod am fodolaeth a natur unrhyw roddion, lletygarwch, buddiannau neu fanteision materol a gaiff yr aelod, neu hyd y gwyr yr aelod a gaiff unrhyw berson y mae'r aelod yn byw gyda hwy, oddi wrth unrhyw gwmni, corff neu berson sy'n berthnasol i safle'r aelod neu'n codi ohono, pan fydd gwerth yr eitem neu'r buddiant a geir dros y cyfryw swm y bydd yr awdurdod o dro i dro yn ei bennu.

(2) Nid oes angen hysbysu swyddog monitro'r awdurdod hwnnw o unrhyw rodd a dderbynnir gan aelod ar ran awdurdod perthnasol yr aelod hwnnw.

19. Any disclosed interests must be registered in the register maintained by the monitoring officer under Section 81(1) of the Local Government Act 2000.

20. Members must exercise personal responsibility in deciding whether they have a personal interest such that they should disclose it. They may seek advice from the authority's monitoring officer and must have regard to any advice from the relevant standards committee in doing so.

21. Members must notify the monitoring officer of any change to the interests registered under paragraph 19 within one month of their occurrence.

The registration of gifts and hospitality

22.-(1) Subject to sub-paragraph (2) below, a member must notify the authority's monitoring officer of the existence and nature of any gifts, hospitality, material benefits or advantage received by the member, or to the member's knowledge any person with whom the member is living, from any company, organisation or person and relating to or arising out of their position as a member, where the value of the item or benefit exceeds such amount as the authority shall from time to time determine.

(2) Any gift accepted by a member on behalf of that member's relevant authority need not be notified to that authority's monitoring officer.

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