

Llanddarog Community Council

Reference guide to the Code of Conduct

Step 1: Does the Code apply?

Are you:

- Conducting the business of your authority?
- Acting, claiming to or giving the impression that you are acting, in your official capacity as a member representative of your authority?
- Acting as your authority's appointee or nominee on any other body without its own code of conduct?

If 'Yes' – consider step 2.

Step 2: Do you have a personal interest?

A. Does the business relate to or is it likely to affect:

1. your job or business?
2. your employer or company?
3. any person who has paid towards your election or expense as a councillor?
4. any company in which you hold shares with the nominal value of more than £25000 or where your holding is more than 1% of the total share capital, which has premises or land in your authority's area?
5. any contract that your authority makes with your company or a company in which you hold shares? (as described in 4)
6. any land in which you have an interest?
7. any land let by your authority to your company? (as described in 4)
8. any body to which you have been elected or appointed by your authority?
9. any
 - public authority or body exercising functions of a public nature?
 - company, industrial and provident society, charity or body directed to charitable purposes?
 - body whose main role is influencing public opinion or policy?
 - Trade union or professional association?
 - Private club, society or association operating in your authority's area in which you have membership or are in a position of general control or management?
10. any land in your authority's area which you have a license to occupy for at least 28 days?

B. Might a decision be reasonably regarded as affecting (to a greater extent than other people in your ward/authority's area):

- your well being or financial position?
- The well being or financial position of any person who lives with you or with whom you have a close personal association?
- The employment/business, employer, or company of any person who lives with you or with whom you have a close personal association?
- Any company in which any person who lives with you or with whom you have a close personal association owns shares?

If YES to A or B you have a Personal Interest. You must:

- declare your interest and the nature of that interest at:
 - meetings
 - when making written representations
 - when making oral representations (and confirm it in writing within 14 days)
- consider if you have a prejudicial interest (see STEP 3)

Step 3: Prejudicial interests

Questions to ask yourself.

Would a member of the public, who knows the relevant facts, reasonably think your personal interest is so significant that it is likely to prejudice your judgement of the public interest?

If 'Yes' – then you have a prejudicial interest unless one of the following exemptions applies.

Does the business relate to:

- another relevant authority of which you are also a member?
- another public authority or a body exercising functions of a public nature in which you hold a position of general control or management?
- a body to which you have been elected, appointed or nominated by your authority?
- your role as school governor where you have not been appointed or nominated by your authority (e.g. a parent governor) unless the business specifically relates to your school?
- your role as a member of a health board where you have not been appointed by your authority?
- housing, if you hold a tenancy or lease with the authority, as long as the matter does not relate to your particular tenancy or lease and you do not have arrears of rent of more than 2 months?
- school meals or school transport and travelling expenses, if you are a parent, guardian, grandparent of, or have parental responsibility for, a child in full-time education unless it relates particularly to the school your child attends?
- decisions about statutory sick pay if you receive or are entitled to receive it from your authority?
- an allowance or payment for members (subject to certain conditions).
- Is an Overview and Scrutiny Committee considering a decision made or action taken by your authority's executive board or another committee and you were a member of that decision-making body and present body.
- Your role as a Town or Community Councillor in relation to financial assistance to a community or voluntary group up to a value of £500.

If one of the exemptions applies, you are not regarded as having a prejudicial interest. You must disclose your personal interest but you are allowed to participate in the item under discussion.

If none of the exemptions apply see STEP 4.

Step 4: If none of the exemptions apply

If you have a prejudicial interest. You must:

- declare your personal interest
- leave the room or any other venue in which the meeting is being held
- not take part in or influence the decision-making process

UNLESS

- you have been granted a dispensation by your standards committee to take part and/or vote
- members of the public can make representations, answer questions or give evidence
- you have been called to attend at an overview and Scrutiny Committee meeting.

However, if you have been granted a dispensation to speak only, you must leave the room once you have spoken and must not take part in any further debate or vote.

Applications for dispensation

If you wish to make an application for dispensation, please download and complete the form from the Community Council's website. The Clerk can also provide you with a hard copy. It should be returned to the Monitoring Officer, Chief Executive's Department, Carmarthenshire County Council, County Hall, Carmarthen, SA31 1JP or e mail democraticservices@carmarthenshire.gov.uk

If you have any queries, or wish to access training, please contact the Clerk who will be happy to assist you.