Cyngor Tref Treffynnon Holywell Town Council

Swyddfeydd Bank Place,
Treffynnon,
Sir y Fflint, CH8 7TJ

Tel/Ffacs: (01352) 711757

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1 February 2019

To: Members of the Audit Sub-Committee
Mayor (ex-officio) and Councillors L.A. Carter, J.M. Johnson, P.A. Johnson, E.B. Palmer and B. Scragg.

Dear Councillors,

Notice is given that a meeting of the **AUDIT SUB-COMMITTEE** will be held in the **GROUND FLOOR MEETING ROOM, COUNCIL OFFICES, BANK PLACE, HOLYWELL** on **Wednesday 6th February 2019 at 10.00am** to transact the business specified in the agenda set out below.

Yours faithfully

J.Baker
Town Clerk & Financial Officer

AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

   Members are reminded that they must declare the existence and nature of their declared personal interests.

3. BANK RECONCILIATION 2018/19 – QUARTER 3

   To receive and note the attached bank reconciliation statement for the period to 31st December 2018.

4. MANAGEMENT ACCOUNTS 2018/19 – QUARTER 3

To receive and endorse the attached income and expenditure account for the period to 31st December 2018.

5. REVIEW OF INTERNAL CONTROLS

To review the effectiveness of the Council's internal controls as required under the Accounts and Audit (Wales) Regulations. See attached note and Risk Management Matrix.

6. REVIEW OF THE COUNCIL'S INVESTMENT STRATEGY

To review the Council's current strategy. See copy HSBC letter and strategy attached.

7. INTERIM INTERNAL AUDIT OF THE COUNCIL'S ACCOUNTS 2018/19

Clerk to report on the findings from the interim internal audit held on Thursday 22nd November 2018. See attached report.

8. COUNCIL POLICY REVIEWS

Members to agree new and/or revisions to the attached Council policies:

- Complaints Procedure
- Members Code of Conduct

Clerk to report on future review arrangements at meeting.

9. EVENT PREPAYMENT OPTIONS

Members to consider approving a process to manage prepayment options to facilitate events bookings. Clerk to report further at meeting.

10. UTILITY CONTRACTS

Members to endorse new utility contracts relating to the Council Offices. Clerk to report.

Holywell Town Council 2018/2019

Bank - Cash and Investment Reconciliation as at 31 December 2018

Confirmed Bank & Investment Balances

Bank Statement Balances

30/11/2017	Moneymaster A/c 81096516	0.00	
31/12/2018	Current Bank A/c 11008722	128,175.39	
30/04/2016	Moneymaster A/c	0.00	
30/12/2018	Moneymarket Bond	21,068.32	
			149,243.71

Unpresented Payments

	180.00
	149,063.71

Receipts not on Bank Statement

	0.00
Closing Balance	**149,063.71**

All Cash & Bank Accounts

Current Bank A/C 11008722	127,995.39
Moneymarket Bond A/C 00710997	21,068.32
Moneymaster A/C 81096516	0.00
Other Cash & Bank Balances	0.00
Total Cash & Bank Balances	**149,063.71**

Bank Reconciliation Statement as at 31/12/2018
for Cashbook 1 - Current Bank A/c 11008722

Bank Statement Account Name (s)	Statement Date	Page No	Balances
Current Bank A/c 11008722	31/12/2018		128,175.39
Moneymaster A/c 81096516	30/11/2017		0.00
			128,175.39

Unpresented Cheques (Minus)

			Amount	
20/11/2018	105752	RBL Poppy Appeal	60.00	
28/11/2018	105755	St John's Ambulance	120.00	
				180.00
				127,995.39

Receipts not Banked/Cleared (Plus)

	0.00	
		0.00
		127,995.39
	Balance per Cash Book is :-	**127,995.39**
	Difference Excluding Adjustments is :-	**0.00**

Adjustments to Reconciliation

06/04/2018	VIS	Label bar balance	-35.00	
06/04/2018	VIS	Label Bar	35.00	
				0.00
			Unreconciled Difference is :-	**0.00**

Bank Reconciliation Statement as at 31/12/2018
for Cashbook 3 - Moneymarket Bond 00710997

Bank Statement Account Name (s)	Statement Date	Page No	Balances
Moneymarket Bond	30/12/2018	198	21,068.32
			21,068.32

Unpresented Cheques (Minus)	Amount	
	0.00	
		0.00
		21,068.32

Receipts not Banked/Cleared (Plus)		
	0.00	
		0.00
		21,068.32

Balance per Cash Book is :-	**21,068.32**
Difference is :-	**0.00**

Holywell Town Council 2018/19

Income & Expenditure Account to 31st December 2018

	A	B	C	D (B-C)	E	F (D+E)	G
	Account / Cost Centre Detail	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed	Projected Variance	+/- £400 Variance
1	**INCOME**						
2	Income - Grants	-4,911	0	-4,911	0	-4,911	●
3	Income - Bank Interest	-91	0	-91	-30	-121	●
4	Income - Miscellaneous	-8,490	0	-8,490	-1,500	-9,990	●
5	Income - Events	-840	0	-840	0	-840	●
6	Income - Council Offices	-132	0	-132	-18	-150	●
7	Income - Wales In Bloom	-302	0	-302	0	-302	●
8	Income - Local Tax Precept	-233,500	-233,500	0	0	0	●
9							
10	**Income**	**-248,266**	**-233,500**	**-14,766**	**-1,548**	**-16,314**	
11	**EXPENDITURE**						
12	**Establishment**						
13	Staff Salaries - Basic Pay	34,791	60,000	-25,209	13,208	-12,001	●
14	Staff Salaries - Paye/NI	9,568	0	9,568	4,077	13,645	●
15	Staff Salaries - Pension	832	0	832	343	1,175	●
16	Training - Staff	250	500	-250	0	-250	●
17	Subscriptions	300	200	100	0	100	●
18	Printing & Stationery	1,181	3,500	-2,319	1,000	-1,319	●
19	Audit Fees	-275	780	-1,055	710	-345	●
20	Postage	155	570	-415	50	-365	●
21	Travelling Expenses - Staff	402	670	-268	100	-168	●
22	Office Equipment	2,152	3,450	-1,298	800	-498	●
23	Website	1,278	1,250	28	0	28	●
24	Legal & Professional Fees	678	1,030	-352	0	-352	●
25	Refreshments	258	0	258	80	338	●
26	Photocopying Charges	425	800	-375	150	-225	●
27	Staff - Subsistence Costs	57	0	57	30	87	●
28	Election Costs	0	5,000	-5,000	0	-5,000	●
29	Conference & Seminars	160	500	-340	100	-240	●
30	Advertising	703	0	703	0	703	●
31	Translation Fees	199	500	-301	100	-201	●
32	PWLB Loan Repayments	2,608	5,220	-2,612	2,608	-4	●
33	ICT Support Costs	1,219	1,500	-281	250	-31	●
34	Bank Charges	10	0	10	0	10	●
35							
36	**Establishment**	**56,951**	**85,470**	**-28,519**	**23,606**	**-4,913**	
37	**Council Offices**						
38	Insurance	1,496	3,090	-1,594	0	-1,594	●
39	Photocopier/Drinks Machine Lease	1,059	520	539	90	629	●
40	Room Hire	525	1,000	-475	0	-475	●
41	Licence Fees	79	0	79	0	79	●
42	Office Consumables	52	0	52	25	77	●
43	Grounds & Building Maintenance	3,676	3,500	176	750	926	●
44	Offices - Alarm & Security	1,503	750	753	-300	453	●
45	Offices - Fire Safety Costs	8	250	-242	0	-242	●
46	Offices - Business Rates	9,895	10,400	-505	0	-505	●
47	Offices - Water	117	250	-133	100	-33	●
48	Offices - Electricity	463	600	-137	200	63	●
49	Offices - Gas	570	1,200	-630	600	-30	●
50	Offices - Trade Waste	148	250	-102	75	-27	●
51	Offices - Telephones/ICT	1,062	1,500	-438	400	-38	●
52	Offices - Garage Rent	395	350	45	0	45	●
53	Offices - Cleaning Costs	45	800	-755	800	45	●
54							
55	**Council Offices**	**21,093**	**24,460**	**-3,367**	**2,740**	**-627**	
56	**Community**						
57	Community Engagement	0	500	-500	0	-500	●
58	Newsletter	322	850	-528	322	-206	●
59	Community Endeavour Awards	293	200	93	0	93	●
60							
61	**Community**	**615**	**1,550**	**-935**	**322**	**-613**	
62	**Civic**						
63	Annual Meeting	436	470	-34	0	-34	●

Holywell Town Council 2018/19

Income & Expenditure Account to 31st December 2018

	A Account / Cost Centre Detail	B Actual Year To Date	C Current Annual Bud	D (B-C) Variance Annual Total	E Committed	F (D+E) Projected Variance	G +/- £400 Variance
64	Civic Service	438	470	-32	0	-32	
65	Mayors & Deputy Mayors Allowance	2,194	1,940	254	0	254	
66	Remembrance Sunday	360	0	360	0	360	
67	Civic Regalia	1,114	520	594	0	594	
68							
69	**Civic**	**4,542**	**3,400**	**1,142**	**0**	**1,142**	
70	**Grants/Donations**						
71	General Grants	1,500	5,000	-3,500	900	-2,600	
72	Grants - Fron Park Bowling Club	250	250	0	0	0	
73	Grants - Greenfield Football FC	500	500	0	0	0	
74	Grants - Holywell Town FC	500	500	0	0	0	
75	Grants - Flintshire CAB	1,000	1,000	0	0	0	
76	Grants - Estuary Car Scheme	600	600	0	0	0	
77	Holywell Walkers Are Welcome	0	1,000	-1,000	0	-1,000	
78							
79	**Grants/Donations**	**4,350**	**8,850**	**-4,500**	**900**	**-3,600**	
80	**Members**						
81	Travelling Expenses - Members	133	0	133	50	183	
82	Members - Subsistence Costs	98	1,290	-1,192	50	-1,142	
83	Members - Financial Loss	0	1,000	-1,000	200	-800	
84							
85	**Members**	**231**	**2,290**	**-2,059**	**300**	**-1,759**	
86	**Environment**						
87	Litter Bins	0	2,000	-2,000	0	-2,000	
88							
89	**Environment**	**0**	**2,000**	**-2,000**	**0**	**-2,000**	
90	**Events**						
91	Event Prizes	36	0	36	0	36	
92	Town Centre Projects	7,832	4,000	3,832	8,090	11,922	
93	Line Dance Festival	1,595	1,550	45	0	45	
94	Well Inn Music Festival	9,308	10,000	-692	0	-692	
95	Other Events	2,169	3,000	-831	0	-831	
96	Twinning Costs	0	500	-500	0	-500	
97							
98	**Events**	**20,940**	**19,050**	**1,890**	**8,090**	**9,980**	
99	**Play Areas**						
100	Playscheme Programme	8,987	8,080	907	0	907	
101	Play Area Upgrade	10,000	10,000	0	10,000	10,000	
102							
103	**Play Areas**	**18,987**	**18,080**	**907**	**10,000**	**10,907**	
104	**Wales in Bloom**						
105	Wales in Bloom	6,645	6,000	645	0	645	
106							
107	**Wales in Bloom**	**6,645**	**6,000**	**645**	**0**	**645**	
108	**Christmas Lights**						
109	Christmas Lights Set Up	16,009	20,000	-3,991	1,500	-2,491	
110	Christmas Lights Support	2,572	0	2,572	0	2,572	
111	Lighting	0	780	-780	0	-780	
112							
113	**Christmas Lights**	**18,581**	**20,780**	**-2,199**	**1,500**	**-699**	
114	**Woodland**						
115	Grounds & Building Maintenance	235	1,270	-1,035	1,000	-35	
116							
117	**Woodland**	**235**	**1,270**	**-1,035**	**1,000**	**-35**	
118	**CCTV**						
119	CCTV Maintenance	0	19,800	-19,800	19,800	0	
120							
121	**CCTV**	**0**	**19,800**	**-19,800**	**19,800**	**0**	
122	**Community Asset Transfer (CAT)**						
123	Legal & Professional Fees	0	500	-500	250	-250	
124	Contribution Holywell Leisure Centre	13,333	20,000	-6,667	6,667	0	
125							

Holywell Town Council 2018/19

Income & Expenditure Account to 31st December 2018

	A	B	C	D (B-C)	E	F (D+E)	G
	Account / Cost Centre Detail	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed	Projected Variance	+/- £400 Variance
126	Community Asset Transfer (CAT)	13,333	20,500	-7,167	6,917	-250	
127							
128	Total Income	-248,266	-233,500	-14,766	-1,548	-16,314	
129	Total Expenditure	166,503	233,500	-66,997	75,175	8,178	
130	Net Income over Expenditure	-81,763	0	-81,763	73,627	-8,136	
131							
132	Projected Movement to/(from) General Reserve	-8,136					
133	Bank Balance 1/04/2018	-71,638					
134	Projected Bank Balance 31/3/2019	-79,774					
135	20% Of Precept (As Per Reserves Policy)	-46,700					

Holywell Town Council

Review of Internal Controls

What has to be done?

- Identify the controls
- Record them
- Review them annually
- Minute the review

What do controls include?

- Multiple payment signatories
- Regular bank reconciliations
- Regular review of accounting records
- Recording in minutes of powers for payments
- Minutes accurately recorded, numbered and approved
- Adequate insurance
- Testing of measures preventing fraud
- Risk Management

HOLYWELL TOWN COUNCIL / CYNGOR TREF TREFFYNNON - RISK MANAGEMENT

Item	Risk	Level	Control
Assets	Protection of Physical Assets	M	Land and buildings insured. Value increased annually by R.P.I.
	Security of building, equipment etc.	H	Alarm System. Annual Maintenance contract in place. Equipment insured.
	Maintenance of land, buildings etc.	H	Buildings currently maintained on an ad hoc basis. Checked visually throughout the year and particularly following extreme weather such as high winds. Lluesty woodland maintained on an adhoc basis. Ongoing building checks carried out. Minor office improvement works completed 2017/18.
Finance	Banking	M	Appropriate Bank Accounts held with HSBC. Reviewed by Audit Sub-Committee.
	Risk of consequential loss of income	M	Adequate Insurance cover in place. Reviews of the Council's investment strategy undertaken by Audit Sub-Committee.
	Loss of cash through theft or dishonesty	H	Town Clerk/R.F.O. controls all cash. Receipts issued. Internal Audit carried out.
	Financial controls and records	M	Monthly bank reconciliation prepared by the Town Clerk/R.F.O. and reported to the Council / Finance Committee/ Audit Sub-Committee as appropriate. Two Councillors and Town Clerk/R.F.O. sign all cheques after independent scrutiny. Internal and External Audits carried out. Budget analysis reporting quarterly under RBS system.
	Comply with Customs and Excise Regulations.	H	Claim for VAT refund made and paid into the Council's Bank Account.
	Sound budgeting to underlie annual precept	M	Expenditure against budget reported to Council. Audit Sub-Committee established to monitor financial arrangements. Precept determined by Finance Committee to meet Flintshire County Council requirements.
	Complying with borrowing restrictions	L	No new borrowing to date.
General Liability	Risk to third party, property or individuals	M	Insurance in place. Open spaces checked regularly. Checks carried out for Christmas Lights and floral displays (Wales in Bloom).
	Legal liability as consequence of asset ownership	H	Insurance in place for Council Offices, Pen-y-Maes Gardens Play Area and public events. Flintshire County Council maintenance staff checks play area and Insurer's engineer carry out the regular safety check of play equipment. Asset Register updating/review.
Employee Liability	Comply with Employment Law	M	Act on information received from various bodies.
	Comply with HMRC requirements	M	Regular advice from HMRC. Internal and External auditors carry out annual checks.
	Ensuring activities are within legal powers	H	Town Clerk clarifies legal position on any new proposal. Independent legal advice sought where necessary. Powers for payment of invoices indicated at each Council meeting.
	Proper and timely reporting via the Minutes	M	Council normally meets monthly and receives and approves minutes of meetings which are made available to press and public.
	Proper document control	M	Leases and legal documents held in Town Clerk's office.
Councillor Propriety	Registration of Interests and gifts and hospitality in place	H	Declarations of Interest item on all agendas. Register of Interests held by Town Clerk from May 2015 - Members' declared interests/gifts and hospitality, etc published accordingly.
General	Business Continuity/Disaster Recovery	H	Council information on website and off-site secure server; data on office PCs backed up daily to off-site secure server; signed hard copy of minutes routinely bound and archived at Flintshire County Archives; fireproof storage of key information arranged on site in secure metal cabinet*. Loss of damage to office accommodation, loss of staff - initially, home working/rented premises/locum staff.

Dated: Completed 21st January 2019, reviewed by the Council's Audit Sub-Committee 6th February 2019.

HSBC UK

043593_347 1/ 2 00004 191 91 00000

Holywell Town Council
Holywell Town Council
Bank Place Offices
Holywell
Flintshire
CH8 7TJ

CYNGOR TREF TREFFYNNON
19 12 2018
HOLYWELL TOWN COUNCIL

13 December 2018

Dear Secretary

ACCOUNT NUMBER : 400290 00710997

Thank you for investing in Money Market. We give below details of your deposit in accordance with your instructions. Our published terms and conditions apply to your deposit. Please keep this acknowledgement in a safe place.

Account title	: Holywell Town Council		
Type of account	: 3 months fixed		
Deal number	: 000017	Amount	: £21,068.32
		Gross interest rate p.a.	: 0.8000%
Commencement date	: 13 December 2018		
Repayment date	: 13 March 2019	* Total amount of interest at maturity	: £41.56

We have transferred funds from account 402427 11008722 to your Money Market Account.

40029000710997_MMACKD01

HOLYWELL TOWN COUNCIL / CYNGOR TREF TREFFYNNON
Annual Investment Strategy

The Annual Investment Strategy is prepared in accordance with the statutory guidance on Local Government Investments issued by the National Assembly for Wales.

All cash, bank balances, financial assets, borrowings and credit arrangements are defined as a part of the Council's treasury management activities. This Annual Investment Strategy will concentrate on the Council's temporary surplus resources (or other financial assets it holds) and the investments it undertakes of these resources.

The Council undertakes to ensure that for all its investments, priority will be given to security and liquidity rather than to yield. In this Annual Investment Strategy the Council has made appropriate arrangements for:

- Identification, management and control of risks in the investments/treasury management activities it undertakes
- Budgeting, accounting and audit arrangements
- Its cash and cash flow management requirements
- Segregation of responsibilities, organisational arrangements, adequate documentation and the identification of a responsible officer for investment/treasury management activities.
- Corporate governance
- Procedures to ensure it is alert to the possibility it may become subject to an attempt to involve it in a transaction involving the laundering of money.
- All investments undertaken by this Council will be made and repaid in sterling.

Listing of Investments to be Undertaken

All funds to be deposited in the *HSBC Current Account, save for a maximum of £40,000 which shall be invested in a **HSBC Money Market fixed term deposit account or similar, such arrangement to be kept under review by the Audit Sub-Committee (approved by Council on *19 January 2010 / **16 December 2014).

Clerk authorised to transfer funds between the HSBC Money Market fixed term deposit (investment) account and the HSBC Current Account, subject to the investment holding not exceeding £40,000 (excluding interest) - approved by Council on 15 December 2015.

New Investments – Reporting Requirements

If any new investment interests are proposed during a financial year, before such an investment is undertaken it will need the prior approval of the Council.

Glossary

Credit arrangements – this covers all forms of borrowing or credit transactions that the Council may undertake.

Dated 1 February 2019, subject to review by the Audit Sub-Committee.

Holywell Town Council

John Henry FCA
JDH BUSINESS SERVICES LTD

Registered to carry on audit work by the Institute of Chartered Accountants in England and Wales

The internal audit of Holywell Town Council is carried out by undertaking the following tests as specified on the Annual Return for Local Councils:

- Checking that books of account have been properly kept throughout the year
- Checking a sample of payments to ensure that the Council's financial regulations have been met, payments are supported by invoices, expenditure is approved, and VAT is correctly accounted for
- Reviewing the Council's risk assessment and ensuring that adequate arrangements are in place to manage all identified risks
- Verifying that the annual precept request is the result of a proper budgetary process; that budget progress has been regularly monitored and that the council's reserves are appropriate
- Checking income records to ensure that the correct price has been charged, income has been received, recorded and promptly banked and VAT is correctly accounted for
- Reviewing petty cash records to ensure payments are supported by receipts, expenditure is approved and VAT is correctly accounted for
- Checking that salaries to employees have been paid in accordance with Council approvals and that PAYE and NI requirements have been properly applied
- Checking the accuracy of the asset and investments registers
- Testing the accuracy and timeliness of periodic and year-end bank account reconciliation(s)
- Year-end testing on the accuracy and completeness of the financial statements

The interim internal audit provides evidence to support the annual internal audit conclusion on the Annual Return for local councils.

Conclusion

On the basis of the internal audit work carried out, which was limited to the tests indicated above, in our view the council's system of internal controls is in place, adequate for the purpose intended and effective, subject to the recommendations overleaf. As part of the internal audit work for the next financial year we will follow up all recommendations included in the action plan.

JDH Business Services Ltd

ACTION PLAN

	ISSUE	RECOMMENDATION	FOLLOW UP
1	The minutes indicate that an employee can also quote for events where at least one other quote will be obtained.	*This requirement should be amended to be exactly consistent with the requirements of Financial Regulations that apply to suppliers for contracts between £100 and £3000 that stipulate clerk will strive to obtain* ***three*** *estimates. The threshold of £100 to £3000 is used as the clerk has confirmed that all potential events contracts would fall between these values.*	
2	The Data Protection Act 2018 that incorporates the requirements of the GDPR resulted in a significant number of compliance actions to be implemented by town and community councils. To date, very limited progress has been made by the council in addressing the requirements of the GDPR.	*The council needs to implement a programme of actions to ensure it meets the requirements for the GDPR. This is currently a key risk for the council.*	
3	Not all sub committees and working groups have an up to date formal Terms of Reference including confirmation of delegated powers.	*The Council should review the terms of reference for all sub-committees and working groups and ensure they are relevant and consistent with current activities. The Terms of Reference for each working group should stipulate that they cannot make decisions.*	

	ISSUE	RECOMMENDATION	FOLLOW UP
4	No confirmations of receipt was secured for the Citizens Advice Bureau donation.	*Signed confirmations of receipt should be secured for all significant donations*	
2017/18 year end audit			
1	Training costs (and a minor amount of subsistence costs) had been included within staff costs in the annual return as the RBS system had allocated these costs to level 4 (Staff costs) instead of level 6 (Other payments).	*The RBS ledger hierarchy should be set up to allocate training and other costs to 'Other Payments' instead of 'Staff costs' in the system generated annual return.*	*Implemented*
2	The clerk identified a minor difference between the VAT control account and the year end VAT returns. Therefore, the RBS software had not carried this item through automatically to the system generated VAT return.	*RBS should be informed about the accounting system defect. The council should continue to annually reconcile the VAT control account to the annual VAT return so any further instances of this issue will be identified.*	*Implemented*
2017/18 interim audit			
1	Financial Regulations do not currently cover internet banking or the use of a debit card. The council has approved the	*The council should urgently review the current Financial Regulations and update them to cover internet banking and the use of a debit card. Model Financial Regulations*	*Implemented*

HOLYWELL TOWN COUNCIL

COMPLAINTS PROCEDURE

HOLYWELL TOWN COUNCIL

COMPLAINTS PROCEDURE

PURPOSE/SCOPE

The Public Services Ombudsman has advised that it is necessary for Town and Community Councils to establish a complaints procedure. Since 1st April 2006 the Ombudsman has had responsibility for investigating complaints of maladministration against Town and Community Councils in Wales. This is separate to role of investigating allegations of misconduct against individual Councillors and focuses on the standards of service provided by the Council. The collation, analysis and resolution of complaints should be an essential element of the efficient administration of all Councils.

The definition used by the Ombudsman for a complaint is as follows:

"A complaint is an expression of dissatisfaction by one or more members of the public about the Council's lack of action or about the standard of a service, whether the action was taken, or the service provided by the Council itself or by a person or body acting on behalf of the Council"

In the advice issued by One Voice Wales the following are not to be regarded as a complaint:

- An initial request for a service
- Complaints about third parties e.g. a community group for which the Council is not responsible
- A request for an explanation of a decision
- A representation about a major policy decision e.g. setting the precept

It is recommended each Council should develop complaints handling procedure which suits their particular circumstances. It should be well-publicised in material about the Council's services, such as a newsletter. Any procedure should include the basic elements of record keeping, staff receiving it should be empowered to resolve if possible or know when to pass it on if more serious, cover all services provided, easily understood, set manageable time constraints and keep the complainant informed of progress.

The advice envisages a three-stage system: -

- Stage 1: attempted resolution by frontline staff
- Stage 2: attempted resolution by the Clerk
- Stage 3: the complaint is considered by a panel of Councillors (or possibly full Council). In Council's where the Clerk is the sole employee then Stage 1 is redundant.

HOLYWELL TOWN COUNCIL - COMPLAINTS PROCEDURE

1) All complaints about the Council's action or lack of action or about the standard of a service whether provided itself or on its behalf, where it is not possible to satisfy the complainant in full immediately, should be made writing to the Town Clerk, Holywell Town Council, Bank Place Offices, Holywell CH8 7TJ, or sent by email to town.clerk@holywell.wales for the attention of the Town Clerk.

2) The Clerk will acknowledge a complaint within **3 working days** of its receipt, forward a copy of the Council's Complaints Procedure to the complainant and enter the complaint in a register kept for the purpose, numbering in the order received.

3) The Clerk will advise the Chair of the Audit Sub-Committee (or in his or her absence the Vice-Chair of the Audit Sub-Committee) as soon as possible of the receipt of a complaint and will forward to them a copy of the complaint and the draft response to it for approval. If the Chair of the Audit Sub-Committee (or the Vice-Chair of the Audit Sub-Committee as appropriate) in consultation with the Clerk is of the view that the complaint is of such a serious nature that it requires further consideration, it shall be fast-tracked to a Panel of Councillors as referred to in paragraph 5.

4) The response referred to in paragraph 3) above (unless the complaint is to be dealt with by a Panel of Councillors) shall be sent in writing by the Clerk within **10 working days** of its receipt, by the manner in which was received.

5) If the complainant is not satisfied with the response from the Clerk, the complaint will be referred to a Panel of Councillors known as the Complaints Panel consisting of the Mayor, the Deputy Mayor and Chair of the Audit Sub-Committee. *

6) A meeting of the Complaints Panel will be convened by the Clerk. The meeting shall be held as soon as practicable and unless there are special circumstances, within **20 working days** of receipt of the original complaint or expressed dissatisfaction with the Clerk's response.

7) The Clerk will ensure that the complainant is kept informed of progress and will advise that he or she has the right to make a complaint to the Public Services Ombudsman for Wales. Decisions of the Complaints Panel will be reported to the Council.

8) The Council will normally only consider complaints under the above procedure if they are received within six months of the complainant becoming aware of the problem but is prepared to be flexible if there are special circumstances.

9) A copy of the Council's Complaints Procedure will be forwarded to any member of the public on request.

* Note: If a member of the panel referred to in 5) above is not available within the specified time period the Clerk should approach the designated reserve members in order of contact as follows:

1) Vice-Chair of the Audit Sub-Committee

2) Immediate Past Mayor

All Holywell Town Council Policies are approved by full council and subject to an annual review.

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Town Mayor & Chairman of the Council

HOLYWELL TOWN COUNCIL

MEMBERS CODE OF CONDUCT

HOLYWELL TOWN COUNCIL

MEMBERS CODE OF CONDUCT

1. PURPOSE

Holywell Town Council is required by law to implement a code of conduct for members and co-opted members with voting rights.

The Council determined to adopt the existing code used by the principal authority, Flintshire County Council.

The code is set out in the attached annex.

All Holywell Town Council Policies are approved by full council and subject to an annual review.

....

Town Mayor & Chairman of the Council

Local Government Act 2000	Deddf Llywodraeth Leol 2000
Model Code of Conduct for Members and Co-opted Members with voting rights	**Cod Ymddygiad Enghreifftiol ar gyfer Aelodau ac Aelodau Cyfetholedig â hawliau pleidleisio**
The attached Annex sets out the text (in English and Welsh) of the Model Code of Conduct prescribed by the Local Authorities (Model Code of Conduct) (Wales) Order 2008, as amended by the following statutory instruments: • Co-operative and Community Benefit Societies and Credit Unions Act 2010 (Consequential Amendments) Regulations 2014 – (No. 2014/1815) ("the 2014 Regulations") – effective from 1 August 2014. • Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2008 (No. 2016/84) – effective from 1 April 2016. This document has been produced for the benefit of relevant authorities to whom the Model Code applies, but it does not itself have any legal standing. It is believed to be a true and accurate representation of the law as at **1 April 2016**, but no assurance is given in this regard and authorities should take their own legal advice on matters relating to the Code. Please note the 2014 Regulations were made by the UK Government. They amend the Model Code to insert a definition of a 'registered society'. It appears that the Welsh language version of the Model Code was not amended at the same time. The Welsh Government is in discussion with the UK Government about this with a view to the Welsh language version being amended as soon as practicable. In the interim, the Welsh Government does not believe this anomaly has a material bearing on the operation of the Model Code.	Mae'r Atodiad amgaeedig yn nodi testun (yn Gymraeg a Saesneg) y Cod Ymddygiad Enghreifftiol a bennir gan Orchymyn Awdurdodau Lleol (Cod Ymddygiad Enghreifftiol) (Cymru) 2008, fel y'i diwygiwyd gan yr offerynnau statudol canlynol: • Rheoliadau Deddf Cwmnïau Cydweithredol a Chymdeithasau Budd Cymunedol ac Undebau Credyd 2010 (Diwygiadau Canlyniadol) 2014 - (Rhif 2014/1815) ("Rheoliadau 2014") - yn dod i rym ar 1 Awst 2014. • Gorchymyn Awdurdodau Lleol (Cod Ymddygiad Enghreifftiol) (Cymru) (Diwygio) 2008 (Rhif 2016/84) – yn dod i rym ar 1 Ebrill 2016. Cynhyrchwyd y ddogfen hon er budd awdurdodau perthnasol y mae'r Cod Enghreifftiol yn gymwys iddynt, ond nid oes ganddi unrhyw statws cyfreithiol. Credir ei bod yn cynrychioli'r gyfraith ar **1 Ebrill 2016** yn wir ac yn gywir, ond ni roddir unrhyw sicrwydd yn hyn o beth, a dylai'r awdurdodau geisio eu cyngor cyfreithiol eu hunain ar faterion sy'n ymwneud â'r Cod. Sylwer: Gwnaed Rheoliadau 2014 gan Lywodraeth y DU. Maent yn diwygio'r Cod Enghreifftiol drwy fewnosodi diffiniad o 'cymdeithas gofrestredig'. Mae'n ymddangos na ddiwygiwyd fersiwn Gymraeg y Cod Enghreifftiol ar yr un pryd. Mae Llywodraeth Cymru wrthi'n trafod hyn â Llywodraeth y DU gyda'r bwriad o ddiwygio'r fersiwn Gymraeg cyn gynted ag y bo'n ymarferol. Yn y cyfamser, nid yw Llywodraeth Cymru yn credu bod yr anghysondeb hwn yn effeithio'n ymarferol ar weithredu'r Cod Enghreifftiol.

Annex

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.

Y COD YMDDYGIAD ENGHREIFFTIOL

RHAN 1
DEHONGLI

1.—(1) Yn y cod hwn —

mae "aelod" ("*member*") yn cynnwys aelod cyfetholedig onid yw'r cyd-destun yn mynnu fel arall;

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

(a) sy'n aelod o unrhyw bwyllgor neu is-bwyllgor i'r awdurdod, neu

(b) sy'n aelod o unrhyw gyd-bwyllgor neu gyd-is-bwyllgor i'r awdurdod, ac sy'n cynrychioli'r awdurdod arno,

ac sydd â'r hawl i bleidleisio ar unrhyw gwestiwn sydd i'w benderfynu mewn unrhyw gyfarfod o'r pwyllgor neu o'r is-bwyllgor hwnnw;

ystyr "eich awdurdod" ("*your authority*") yw'r awdurdod perthnasol yr ydych chi'n aelod neu'n aelod cyfetholedig ohono;

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

(a) cyngor sir,

(b) cyngor bwrdeistref sirol,

(c) cyngor cymuned,

(ch) awdurdod tân ac achub a gyfansoddwyd drwy gynllun o dan adran 2 o Ddeddf Gwasanaethau Tân ac
Achub 2004 neu gynllun y mae adran 4 o'r Ddeddf honno yn gymwys iddo,

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

ystyr "cofrestr o fuddiannau'r aelodau" ("register of members' interests") yw'r gofrestr a sefydlir ac a gedwir o dan adran 81 o Ddeddf Llywodraeth Leol 2000;

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

(a) o'r awdurdod perthnasol,

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

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

(ch) y mae aelodau neu swyddogion yr awdurdod perthnasol yn bresennol ynddo ac eithrio cyfarfod grwˆ p gwleidyddol a gyfansoddwyd yn unol â rheoliad 8 o Reoliadau Llywodraeth Leol (Pwyllgorau a Grwpiau Gwleidyddol) 1990, ac mae'n cynnwys amgylchiadau pan fo aelod o weithrediaeth neu fwrdd neu swyddog sy'n gweithredu ar ei ben ei hun yn arfer un o swyddogaethau awdurdod; ac

ystyr "chi" ("*you*") yw chi fel aelod neu aelod cyfetholedig o awdurdod perthnasol.

(2) Mewn perthynas â chyngor cymuned—

(a) ystyr "swyddog priodol" ("proper officer") yw swyddog o'r cyngor hwnnw o fewn ystyr adran 270(3) o Ddeddf Llywodraeth Leol 1972; a

(b) ystyr "pwyllgor safonau" ("standards committee") yw pwyllgor safonau'r cyngor sir neu'r cyngor bwrdeistref sirol sydd â swyddogaethau mewn perthynas â'r cyngor cymuned y mae'n gyfrifol amdano o dan adran 56(1) a (2) o Ddeddf Llywodraeth Leol 2000.

RHAN 2
DARPARIAETHAU CYFFREDINOL

2.—(1)Ac eithrio pan fo paragraff 3(a) yn gymwys, rhaid i chi gydymffurfio â'r cod ymddygiad hwn —

(a) pa bryd bynnag y byddwch yn cynnal busnes eich awdurdod, neu'n bresennol mewn un o gyfarfodydd eich awdurdod;

(b) pa bryd bynnag y byddwch yn gweithredu, yn honni gweithredu neu'n rhoi'r argraff eich bod yn gweithredu yn rôl aelod y cawsoch eich ethol neu eich penodi iddi;

(c) pa bryd bynnag y byddwch yn gweithredu, yn honni gweithredu neu'n rhoi'r argraff eich bod yn gweithredu fel un o gynrychiolwyr eich awdurdod; neu

(ch) ar bob adeg ac mewn unrhyw gapasiti, mewn cysylltiad ag ymddygiad a nodir ym mharagraffau 6(1)(a) a 7.

(2) Dylech ddarllen y cod hwn ar y cyd â'r egwyddorion cyffredinol a ragnodir o dan adran 49(2) o Ddeddf Llywodraeth Leol 2000 o ran Cymru.

3. Os byddwch wedi eich ethol, eich penodi neu eich enwebu gan eich awdurdod i wasanaethu —

(a) ar awdurdod perthnasol arall, neu ar unrhyw gorff arall, sy'n cynnwys Bwrdd Iechyd Lleol rhaid i chi, pan fyddwch yn gweithredu ar ran yr awdurdod arall neu'r corff arall hwnnw, gydymffurfio â chod ymddygiad yr awdurdod arall neu'r corff arall hwnnw; neu

(b) ar unrhyw gorff arall nad oes ganddo god sy'n ymwneud ag ymddygiad ei aelodau, rhaid i chi, pan fyddwch yn gweithredu ar ran y corff arall hwnnw, gydymffurfio â'r cod ymddygiad hwn, ac eithrio pan yw'n gwrthdaro ag unrhyw rwymedigaethau cyfreithlon eraill y gall y corff hwnnw fod yn ddarostyngedig iddynt neu i'r graddau y mae'n gwrthdaro â'r cyfryw rwymedigaethau.

4. Rhaid i chi —

(a) cyflawni eich dyletswyddau a'ch cyfrifoldebau gan roi sylw dyladwy i'r egwyddor y dylai fod cyfle cyfartal i bawb, waeth beth fo'u rhyw, eu hil, eu hanabledd, eu cyfeiriadedd rhywiol, eu hoed neu eu crefydd;

(b) dangos parch at eraill ac ystyriaeth ohonynt;

(c) peidio ag ymddwyn fel bwli neu harasio unrhyw berson; a

(ch) peidio â gwneud dim sy'n cyfaddawdu, neu sy'n debygol o gyfaddawdu, didueddrwydd y sawl sy'n gweithio i'ch cyngor neu ar ei ran.

5. Rhaid i chi —

(a) peidio â datgelu gwybodaeth gyfrinachol neu wybodaeth y byddai'n rhesymol ystyried ei bod o natur gyfrinachol, heb gydsyniad datganedig person a awdurdodwyd i roi cydsyniad o'r fath, neu onid yw'r gyfraith yn mynnu eich bod yn gwneud hynny;

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

6.—(1)Rhaid i chi —

(a) peidio ag ymddwyn mewn ffordd y gellid yn rhesymol ei hystyried yn un sy'n dwyn anfri ar eich swydd neu ar eich awdurdod;

(b) adrodd, p'un ai drwy weithdrefn adrodd gyfrinachol eich awdurdod neu'n uniongyrchol i'r awdurdod priodol, ar unrhyw ymddygiad gan aelod arall neu gan unrhyw un sy'n gweithio i'ch awdurdod neu ar ei ran ac y mae'n rhesymol i chi fod o'r farn ei fod yn golygu neu'n debygol o olygu ymddygiad troseddol (nad yw at ddibenion y paragraff hwn yn cynnwys tramgwyddau neu ymddygiad y gellir ei gosbi drwy gosb benodedig);

(c) adrodd i swyddog monitro eich awdurdod ar unrhyw ymddygiad gan aelod arall y mae'n rhesymol i chi fod o'r farn ei fod yn groes i'r cod ymddygiad hwn;

(ch) peidio â gwneud cwynion blinderus, maleisus neu wacsaw yn erbyn aelodau eraill neu unrhyw un sy'n gweithio i'ch awdurdod neu ar ei ran.

(2) Rhaid i chi gydymffurfio ag unrhyw gais gan swyddog monitro eich awdurdod, neu gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru, mewn cysylltiad ag ymchwiliad a wneir yn unol â'u gwahanol bwerau statudol.

7. Rhaid i chi —

(a) yn eich capasiti swyddogol neu fel arall, beidio â defnyddio neu geisio defnyddio eich safle yn amhriodol i roi neu i sicrhau mantais i chi eich hun neu i unrhyw berson arall, neu i greu neu i osgoi anfantais i chi eich hun neu i unrhyw berson arall;

(b) peidio â defnyddio adnoddau eich awdurdod, neu awdurdodi eraill i'w defnyddio—

(i) yn annoeth;

(ii) yn groes i ofynion eich awdurdod;

(iii) yn anghyfreithlon;

(iv) ac eithrio mewn dull a fwriedir i hwyluso neu i ffafrio cyflawni swyddogaethau'r awdurdod neu'r swydd yr ydych wedi eich ethol neu eich penodi iddo neu iddi;

(v) yn amhriodol at ddibenion gwleidyddol; neu

(vi) yn amhriodol at ddibenion preifat.

8. Rhaid i chi —

(a) pan fyddwch yn cyfrannu mewn cyfarfodydd neu'n gwneud penderfyniadau ynghylch busnes y mae a wnelo eich awdurdod ag ef, wneud hynny ar sail rhinweddau'r amgylchiadau o dan sylw ac er budd y cyhoedd gan roi sylw i unrhyw gyngor perthnasol a ddarperir gan swyddogion eich awdurdod, ac yn benodol gan —

(i) pennaeth gwasanaeth taledig yr awdurdod;

(ii) prif swyddog cyllid yr awdurdod;

(iii) swyddog monitro'r awdurdod;

(iv) prif swyddog cyfreithiol yr awdurdod (y dylid ymgynghori ag ef pan fo unrhyw amheuaeth ynghylch pwˆ er yr awdurdod i weithredu, ynghylch a yw'r cam a arfaethir yn dod o fewn y fframwaith polisi y cytunwyd arno gan yr awdurdod neu os gallai canlyniadau cyfreithiol gweithredu neu fethu â gweithredu gan yr awdurdod gael ôl-effeithiau pwysig);

(b) rhoi rhesymau dros bob penderfyniad yn unol ag unrhyw ofynion statudol ac unrhyw ofynion rhesymol ychwanegol a osodir gan eich awdurdod.

9. Rhaid i chi —

(a) parchu'r gyfraith a rheolau eich awdurdod sy'n llywodraethu hawlio treuliau a lwfansau mewn cysylltiad â'ch dyletswyddau fel aelod;

(b) osgoi derbyn rhoddion oddi wrth neb, na lletygarwch (ac eithrio lletygarwch swyddogol, megis derbyniad dinesig neu weithio dros ginio, a awdurdodir yn briodol gan eich awdurdod) na buddiannau materol neu wasanaethau i chi eich hun neu i unrhyw berson os byddai gwneud hynny'n eich rhoi o dan rwymedigaeth amhriodol, neu os gallai'n rhesymol ymddangos fel pe bai'n gwneud hynny.

RHAN 3
BUDDIANNAU

Buddiannau Personol

10.—(1) Ym mhob mater rhaid i chi ystyried a oes gennych fuddiant personol, ac a yw'r cod ymddygiad hwn yn ei gwneud yn ofynnol i chi ddatgelu'r buddiant hwnnw.

(2) Rhaid i chi ystyried bod gennych fuddiant personol mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef —

(a) os yw'n gysylltiedig â'r canlynol, neu'n debygol o effeithio arnynt —

(i) unrhyw gyflogaeth yr ydych yn ymgymryd â hi neu fusnes yr ydych yn ei redeg;

(ii) unrhyw berson sy'n eich cyflogi neu sydd wedi eich penodi, unrhyw ffyrm yr ydych yn bartner ynddi neu unrhyw gwmni yr ydych yn gyfarwyddwr arno ac yn derbyn tâl;

(iii) unrhyw berson, ac eithrio eich awdurdod, sydd wedi rhoi taliad i chi mewn cysylltiad â'ch ethol neu mewn cysylltiad ag unrhyw dreuliau a dynnwyd gennych wrth i chi gyflawni eich dyletswyddau fel aelod;

(iv) unrhyw gorff corfforaethol y mae ganddo le busnes neu dir yn ardal eich awdurdod, ac y mae gennych chi fuddiant llesiannol mewn dosbarth o warannau sydd gan y corff hwnnw ac sy'n werth mwy na'r gwerth enwol o £25,000 neu un ganfed ran o gyfanswm cyfalaf cyfrannau dyroddedig y corff hwnnw;

(v) unrhyw gontract am nwyddau, gwasanaethau neu waith neu weithfeydd a wnaed rhyngoch chi, rhwng ffyrm yr ydych yn bartner ynddi, neu rhwng cwmni yr ydych yn gyfarwyddwr arno ac yn derbyn tâl, neu rhwng corff o'r math a ddisgrifir yn is-baragraff (iv) uchod a'ch awdurdod;

(vi) unrhyw dir y mae gennych fuddiant llesiannol ynddo ac sydd yn ardal eich awdurdod;

(vii) unrhyw dir y mae eich awdurdod yn landlord arno ac y mae ffyrm yr ydych yn bartner ynddi, cwmni yr ydych yn gyfarwyddwr arno ac yn derbyn tâl, neu gorff o'r math a ddisgrifir yn is-baragraff (iv) uchod yn denant arno;

(viii) unrhyw gorff yr ydych wedi eich ethol, eich penodi neu eich enwebu gan eich awdurdod i fod arno;

(ix) unrhyw —

(aa) awdurdod cyhoeddus neu gorff sy'n arfer swyddogaethau o natur gyhoeddus;

(bb) cwmni, cymdeithas ddiwydiannol a darbodus, elusen, neu gorff arall a chanddo ddibenion elusennol;

(cc) corff y mae dylanwadu ar farn neu bolisi cyhoeddus ymhlith ei brif ddibenion;
(chch)undeb llafur neu gymdeithas broffesiynol; neu

(dd) clwb preifat neu gymdeithas breifat sy'n gweithredu o fewn ardal eich awdurdod,

yr ydych yn aelod ohono neu ohoni neu mewn safle rheolaeth neu reoli cyffredinol ynddo neu ynddi;

(x) unrhyw dir yn ardal eich awdurdod y mae gennych drwydded (ar eich pen eich hun neu ar y cyd ag eraill) i'w feddiannu am 28 o ddiwrnodau neu fwy;

[Nodyn: Mae is-baragraff (b) wedi ei hepgor.]

(c) pe byddai'n rhesymol ystyried penderfyniad arno yn benderfyniad a fyddai'n effeithio —

(i) ar eich llesiant neu eich sefyllfa ariannol, neu lesiant neu sefyllfa ariannol person yr ydych yn byw gydag ef, neu unrhyw berson y mae gennych gysylltiad personol agos ag ef;

(ii) ar unrhyw gyflogaeth yr ymgymerir â hi neu fusnes a redir gan bersonau fel a ddisgrifir yn 10(2)(c)(i);

(iii) ar unrhyw berson sy'n cyflogi neu sydd wedi penodi'r cyfryw bersonau ag a ddisgrifir yn 10(2)(c)(i), unrhyw ffyrm y mae'r cyfryw bersonau'n bartneriaid ynddi, neu unrhyw gwmni y maent yn gyfarwyddwyr arno;

(iv) ar unrhyw gorff corfforaethol y mae gan bersonau fel a ddisgrifir yn 10(2)(c)(i) fuddiant llesiannol mewn dosbarth o warannau sy'n werth mwy na'r gwerth enwol o £5,000; neu

(v) ar unrhyw gorff a restrir ym mharagraffau 10(2)(a)(ix)(aa) i (dd) y mae personau a ddisgrifir yn 10(2)(c)(i) mewn safle rheolaeth neu reoli cyffredinol ynddo,

a hynny i raddau mwy—

(aa) yn achos awdurdod â dosbarthiadau etholiadol neu wardiau, na'r rhelyw o bobl eraill sy'n talu'r dreth gyngor, bobl eraill sy'n talu ardrethi neu breswylwyr eraill yn y dosbarth etholiadol neu'r ward, yn ôl y digwydd, y bydd y penderfyniad yn effeithio arnynt; neu

(bb) ym mhob achos arall, na'r rhelyw o bobl eraill sy'n talu'r dreth gyngor, o bobl eraill sy'n talu ardrethi neu breswylwyr eraill yn ardal yr awdurdod.

Datgelu Buddiannau Personol

11.—(1) Pan fydd gennych fuddiant personol mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef ac y byddwch yn bresennol mewn cyfarfod lle y caiff y busnes hwnnw ei ystyried, rhaid i chi ddatgelu ar lafar gerbron y cyfarfod hwnnw fodolaeth a natur y buddiant hwnnw cyn i'r cyfarfod ystyried y busnes neu ar ddechrau'r ystyriaeth, neu pan ddaw'r buddiant i'r amlwg.

(2) Pan fydd gennych fuddiant personol mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef ac y byddwch yn gwneud —

(a) cynrychioliadau ysgrifenedig (p'un ai drwy lythyr, neges ffacs neu ar ryw ffurf arall ar gyfathrebu electronig) i un o aelodau neu o swyddogion eich awdurdod ynghylch y busnes hwnnw, dylech gynnwys manylion am y buddiant hwnnw yn y gyfathrebiaeth ysgrifenedig; neu

(b) cynrychioliadau llafar (p'un ai'n bersonol neu ar ryw ffurf ar gyfathrebu electronig) i un o aelodau neu o swyddogion eich awdurdod dylech ddatgelu'r buddiant ar ddechrau'r cyfryw gynrychioliadau, neu pan ddaw'n amlwg i chi fod gennych fuddiant o'r fath, a chadarnhau'r cynrychioliad a'r buddiant yn ysgrifenedig o fewn 14 o ddiwrnodau ar ôl gwneud y cynrychioliad.

(3) Yn ddarostyngedig i baragraff 14(1)(b) isod, os bydd gennych fuddiant personol mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef ac y byddwch wedi gwneud penderfyniad wrth arfer un o swyddogaethau gweithrediaeth neu fwrdd, rhaid i chi mewn perthynas â'r busnes hwnnw sicrhau bod unrhyw ddatganiad ysgrifenedig ynghylch y penderfyniad hwnnw'n cofnodi bodolaeth a natur eich buddiant.

(4) Rhaid i chi, mewn cysylltiad â buddiant personol nas datgelwyd eisoes, cyn cyfarfod neu'n syth ar ôl diwedd cyfarfod pan ddatgelir y buddiant yn unol ag is-baragraff 11(1), roi hysbysiad ysgrifenedig i'ch awdurdod yn unol ag unrhyw ofynion a nodir gan swyddog monitro eich awdurdod, neu mewn perthynas â chyngor cymuned, swyddog priodol eich awdurdod o bryd i'w gilydd ond, rhaid cynnwys o leiaf —

(a) manylion am y buddiant personol;

(b) manylion am y busnes y mae'r buddiant personol yn gysylltiedig ag ef; ac

(c) eich llofnod.

(5) Pan fydd eich swyddog monitro wedi cytuno bod yr wybodaeth sy'n ymwneud â'ch buddiant personol yn wybodaeth sensitif, yn unol â pharagraff 16(1), mae eich rhwymedigaethau o dan y paragraff 11 hwn i ddatgelu'r cyfryw wybodaeth, p'un ai ar lafar neu'n ysgrifenedig, i'w disodli gan rwymedigaeth i ddatgelu bodolaeth buddiant personol ac i gadarnhau bod eich swyddog monitro wedi cytuno bod y cyfryw fuddiant personol o natur gwybodaeth sensitif.

(6) At ddibenion is-baragraff (4), dim ond os bod hysbysiad ysgrifenedig wedi ei ddarparu yn unol â'r cod hwn ers y dyddiad diwethaf pryd yr etholwyd chi, y penodwyd chi neu yr enwebwyd chi'n aelod o'ch awdurdod y bernir bod buddiant personol wedi ei ddatgelu eisoes.

(7) At ddibenion is-baragraff (3), os na ddarperir hysbysiad ysgrifenedig yn unol â'r paragraff hwnnw bernir na fyddwch wedi datgan buddiant personol yn unol â'r cod hwn.

Buddiannau sy'n Rhagfarnu

12.—(1) Yn ddarostyngedig i is-baragraff (2) isod, os bydd gennych fuddiant personol mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef bydd gennych hefyd fuddiant sy'n rhagfarnu yn y busnes hwnnw os bydd y buddiant yn un y bydd yn rhesymol i aelod o'r cyhoedd sy'n gwybod y ffeithiau perthnasol fod o'r farn ei fod mor arwyddocaol fel y bydd yn debygol o ragfarnu eich barn ynghylch buddiant cyhoeddus.

(2) Yn ddarostyngedig i is-baragraff (3), nid ystyrir bod gennych fuddiant sy'n rhagfarnu mewn unrhyw fusnes os bydd y busnes hwnnw—

(a) yn gysylltiedig—

(i) ag awdurdod perthnasol arall yr ydych hefyd yn aelod ohono;

(ii) ag awdurdod cyhoeddus arall neu gorff sy'n arfer swyddogaethau o natur gyhoeddus lle yr ydych mewn safle rheolaeth neu reoli cyffredinol;

(iii) â chorff yr ydych wedi cael eich ethol, eich penodi neu eich enwebu gan eich awdurdod i fod arno;

(iv) â'ch rôl fel llywodraethwr ysgol (os na chawsoch eich penodi neu eich enwebu gan eich awdurdod) oni bai bod y busnes yn benodol gysylltiedig â'r ysgol yr ydych yn un o'i llywodraethwyr;

(v) â'ch rôl fel aelod o Fwrdd Iechyd Lleol os na chawsoch eich penodi neu eich enwebu gan eich awdurdod i fod arno;

(b) yn gysylltiedig:

(i) â swyddogaethau tai eich awdurdod os oes gennych denantiaeth neu les gyda'ch awdurdod, ar yr amod nad oes arnoch i'ch awdurdod ôl-ddyledion rhent o fwy na deufis, ac ar yr amod nad yw'r swyddogaethau hynny'n ymwneud yn arbennig â'ch tenantiaeth neu â'ch les;

(ii) â swyddogaethau eich awdurdod mewn cysylltiad â phrydau ysgol, cludiant a threuliau teithio, os ydych chi'n warchodwr, yn rhiant, yn fam-gu neu'n nain neu'n dad-cu neu'n daid, neu os oes gennych gyfrifoldeb rhiant (fel y'i diffinnir yn adran 3 o Deddf Plant 1989) dros blentyn sy'n cael addysg lawnamser, onid yw'r busnes yn benodol gysylltiedig â'r ysgol y mae'r plentyn hwnnw'n ei mynychu;

(iii) â swyddogaethau eich awdurdod mewn cysylltiad â thâl salwch statudol o dan Ran XI o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992, os ydych yn cael, neu os oes gennych hawl i gael, taliad o'r fath gan eich awdurdod;

"(iv) â swyddogaethau eich awdurdod mewn cysylltiad â lwfans neu daliad a wneir yn unol â darpariaethau Rhan 8 o Fesur Llywodraeth Leol (Cymru) 2011, neu lwfans neu bensiwn a ddarperir o dan adran 18 o Ddeddf Llywodraeth Leol a Thai 1989;

(c) yn gysylltiedig â'ch rôl fel cynghorydd cymunedol mewn perthynas â grant, benthyciad neu fath arall ar gymorth ariannol a wnaed gan eich cyngor cymuned i gyrff cymunedol neu wirfoddol hyd at uchafswm o £500.

(3) Nid yw'r esemptiadau yn is-baragraff (2)(a) yn gymwys os yw'r busnes yn gysylltiedig â dyfarnu ar unrhyw gymeradwyaeth, cydsyniad, trwydded, caniatâd neu gofrestriad.

Pwyllgorau Trosolygu a Chraffu

13. Bydd gennych hefyd fuddiant sy'n rhagfarnu mewn unrhyw fusnes sydd gerbron un o bwyllgorau trosolygu a chraffu eich awdurdod (neu un o is-bwyllgorau pwyllgor o'r fath)—

(a) os bydd y busnes hwnnw'n gysylltiedig â phenderfyniad a wnaed (p'un a gafodd ei weithredu ai peidio) neu gam a gymerwyd gan weithrediaeth, bwrdd, neu un arall o bwyllgorau, is-bwyllgorau, cyd-bwyllgorau neu o gyd-is-bwyllgorau eich awdurdod; a

(b) os oeddech chi, ar yr adeg pan wnaed y penderfyniad neu pan gymerwyd y cam, yn aelod o'r weithrediaeth, y bwrdd, y pwyllgor, yr is-bwyllgor, y cyd-bwyllgor neu'r cyd-is-bwyllgor a grybwyllir yn is-baragraff (a) a'ch bod chi'n bresennol pan wnaed y penderfyniad hwnnw neu pan gymerwyd y cam hwnnw.

Cyfrannu mewn Perthynas â Datgelu Buddiannau

14.—(1) Yn ddarostyngedig i is-baragraffau (2), (2A), (3) a (4), os bydd gennych fuddiant sy'n rhagfarnu mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef rhaid i chi, oni roddwyd i chi ollyngiad gan bwyllgor safonau eich awdurdod —

(a) ymadael â'r ystafell, y siambr neu'r man lle y mae cyfarfod i ystyried y busnes yn cael ei gynnal—

(i) pan fo is-baragraff (2) yn gymwys, yn syth ar ôl i'r cyfnod ar gyfer gwneud cynrychioliadau, ateb cwestiynau neu roi tystiolaeth sy'n ymwneud â'r busnes ddod i ben a beth bynnag cyn i ystyriaeth bellach o'r busnes ddechrau, p'un a ganiateir i'r cyhoedd aros yn bresennol ar gyfer y cyfryw ystyriaeth ai peidio; neu

(ii) mewn unrhyw achos arall, pa bryd bynnag y daw i'r amlwg bod y busnes hwnnw'n cael ei ystyried yn y cyfarfod hwnnw;

(b) peidio ag arfer swyddogaethau gweithrediaeth neu fwrdd mewn perthynas â'r busnes hwnnw;

(c) peidio â cheisio dylanwadu ar benderfyniad ynghylch y busnes hwnnw;

(ch) peidio â gwneud unrhyw gynrychioliadau ysgrifenedig (p'un ai drwy lythyr, neges ffacs neu ar ryw ffurf arall ar gyfathrebu electronig) mewn perthynas â'r busnes hwnnw; a

(d) peidio â gwneud unrhyw gynrychioliadau llafar (p'un ai'n bersonol neu ar ryw ffurf ar gyfathrebu electronig) mewn cysylltiad â'r busnes hwnnw neu rhaid i chi roi'r gorau ar unwaith i wneud y cyfryw gynrychioliadau llafar pan ddaw'r buddiant sy'n rhagfarnu i'r amlwg.

(2) Os oes gennych fuddiant sy'n rhagfarnu mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef cewch fod yn bresennol mewn cyfarfod ond dim ond er mwyn gwneud cynrychioliadau, ateb cwestiynau neu roi tystiolaeth sy'n ymwneud â'r busnes, ar yr amod y caniateir hefyd i'r cyhoedd fod yn bresennol yn y cyfarfod i'r un diben, p'un ai o dan hawl statudol neu fel arall.

(2A) Os oes gennych fuddiant sy'n rhagfarnu mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef cewch gyflwyno cynrychioliadau ysgrifenedig i gyfarfod sy'n ymwneud â'r busnes hwnnw, ar yr amod y caniateir i'r cyhoedd fod yn bresennol yn y cyfarfod at y diben o wneud cynrychioliadau, ateb cwestiynau neu roi tystiolaeth sy'n ymwneud â'r busnes, pa un ai o dan hawl statudol neu fel arall.

(2B) Pan fyddwch yn cyflwyno cynrychioliadau ysgrifenedig o dan is-baragraff (2A), rhaid i chi gydymffurfio ag unrhyw weithdrefn y caiff eich awdurdod ei fabwysiadu ar gyfer cyflwyno cynrychioliadau o'r fath.

(3) Nid yw is-baragraff (1) yn eich rhwystro rhag bod yn bresennol a chyfrannu mewn cyfarfod —

(a) os gofynnir i chi fod yn bresennol mewn cyfarfod pwyllgor trosolwg neu graffu, gan y cyfryw bwyllgor ac yntau'n arfer ei bwerau statudol; neu

(b) os oes gennych y fantais o fod gollyngiad wedi ei roi i chi ar yr amod—

(i) eich bod yn datgan yn y cyfarfod eich bod yn dibynnu ar y gollyngiad; a

(ii) eich bod, cyn y cyfarfod neu'n syth ar ôl i'r cyfarfod orffen, yn rhoi hysbysiad ysgrifenedig i'ch awdurdod a bod hwnnw'n cynnwys —

(aa) manylion y buddiant sy'n rhagfarnu;

(bb) manylion y busnes y mae'r buddiant sy'n rhagfarnu'n gysylltiedig ag ef;

(cc)manylion y gollyngiad a'r dyddiad pryd y'i rhoddwyd; a

(chch) eich llofnod.

(4) Os bydd gennych fuddiant sy'n rhagfarnu a'ch bod yn gwneud cynrychioliadau ysgrifenedig neu lafar i'ch awdurdod gan ddibynnu ar ollyngiad, rhaid i chi ddarparu manylion am y gollyngiad o fewn unrhyw gynrychioliad ysgrifenedig neu lafar o'r fath ac, yn yr achos olaf hwn, rhaid i chi ddarparu hysbysiad ysgrifenedig ar gyfer eich awdurdod o fewn 14 o ddiwrnodau ar ôl gwneud y cynrychioliad.

RHAN 4
COFRESTR BUDDIANNAU AELODAU

Cofrestru Buddiannau Personal

15.—(1) Yn ddarostyngedig i is-baragraff (4), rhaid i chi, o fewn 28 o ddiwrnodau ar ôl—

(a) i god ymddygiad eich awdurdod gael ei fabwysiadu neu i ddarpariaethau gorfodol y cod enghreifftiol hwn gael eu cymhwyso i'ch awdurdod; neu

(b) i chi gael eich ethol neu eich penodi i swydd (os digwydd hynny'n ddiweddarach), gofrestru eich buddiannau personol, os ydynt yn dod o fewn categori a grybwyllir ym mharagraff 10(2)(a), yng nghofrestr eich awdurdod o fuddiannau'r aelodau drwy ddarparu hysbysiad ysgrifenedig ar gyfer swyddog monitro eich awdurdod.

(2) Yn ddarostyngedig i is-baragraff (4), rhaid i chi, o fewn 28 o ddiwrnodau ar ôl dod yn ymwybodol o unrhyw fuddiant personol newydd sy'n dod o fewn categori a grybwyllir ym mharagraff 10(2)(a), gofrestru'r buddiant personol newydd hwnnw yng nghofrestr eich awdurdod o fuddiannau'r aelodau drwy ddarparu hysbysiad ysgrifenedig ar gyfer swyddog monitro eich awdurdod.

(3) Yn ddarostyngedig i is-baragraff (4), rhaid i chi, o fewn 28 o ddiwrnodau ar ôl dod yn ymwybodol o unrhyw newid i fuddiant personol a gofrestrwyd sy'n dod o fewn categori a grybwyllir ym mharagraff 10(2)(a), gofrestru'r newid hwnnw yng nghofrestr eich awdurdod o fuddiannau'r aelodau drwy ddarparu hysbysiad ysgrifenedig ar gyfer swyddog monitro eich awdurdod, neu, yn achos cyngor cymuned, swyddog priodol eich awdurdod.

(4) Nid yw is-baragraffau (1), (2) a (3) yn gymwys i wybodaeth sensitif a benderfynir yn unol â pharagraff 16(1).

(5) Nid yw is-baragraffau (1) a (2) yn gymwys os ydych yn aelod o awdurdod perthnasol sy'n gyngor cymuned pan fyddwch yn gweithredu yn eich capasiti fel aelod o awdurdod o'r fath.

(6) Pan fyddwch yn datgelu buddiant personol yn unol â pharagraff 11 am y tro cyntaf, rhaid i chi gofrestru'r buddiant personol hwnnw yng nghofrestr eich awdurdod o fuddiannau'r aelodau drwy ddarparu hysbysiad ysgrifenedig ar gyfer swyddog monitro eich awdurdod, neu, yn achos cyngor cymuned, swyddog priodol eich awdurdod.

Gwybodaeth sensitif

16.—(1) Os byddwch yn ystyried bod yr wybodaeth sy'n ymwneud ag unrhyw un neu rai o'ch buddiannau personol yn wybodaeth sensitif, a bod swyddog monitro eich awdurdod yn cytuno, nid oes angen i chi gynnwys yr wybodaeth honno pan fyddwch yn cofrestru'r buddiant hwnnw, neu, yn ôl y digwydd, newid i'r buddiant o dan baragraff 15.

(2) Rhaid i chi, o fewn 28 o ddiwrnodau ar ôl i chi ddod yn ymwybodol o unrhyw newid yn eich amgylchiadau sy'n golygu nad yw gwybodaeth sydd wedi ei heithrio o dan is-baragraff (1) mwyach yn wybodaeth sensitif, hysbysu swyddog monitro eich awdurdod, neu mewn perthynas â chyngor cymuned, swyddog priodol eich awdurdod gan ofyn am i'r wybodaeth gael ei chynnwys yng nghofrestr buddiannau aelodau eich awdurdod.

(3) Yn y cod hwn, ystyr "gwybodaeth sensitif" ("*sensitive information*") yw gwybodaeth y mae ei rhoi ar gael i'w harchwilio gan y cyhoedd yn creu, neu'n debygol o greu, risg ddifrifol y gallech chi neu berson sy'n byw gyda chi fod yn destun trais neu fygythion.

Cofrestru Rhoddion a Lletygarwch

17. Rhaid i chi, o fewn 28 o ddiwrnodau ar ôl i chi gael unrhyw rodd, lletygarwch, buddiant materol neu fantais faterol, sy'n fwy na gwerth a bennir mewn penderfyniad gan eich awdurdod, ddarparu hysbysiad ysgrifenedig ar gyfer swyddog monitro eich awdurdod, neu mewn perthynas â chyngor cymuned, swyddog priodol eich awdurdod yn nodi bodolaeth a natur y rhodd honno, y lletygarwch hwnnw, y buddiant materol hwnnw neu'r fantais faterol honno.
