

Cod Ymddygiad i Aelodau

CYNGOR BWRDEISTREF SIROL WRECSAM
EBRILL 2016

Wedi mabwysiadu gan Cyngor Cymuned
Llangollen Wledig – Mehefin 2016



Re-adopted April 2018

Code of Conduct for Members



WREXHAM COUNTY BOROUGH COUNCIL
APRIL 2016

Adopted by Llangollen Rural Community Council – June 2016



PART I

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 sub-committee;

“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(1),

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

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

“registered society” (“cymdeithas gofrestredig”) 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

(1) S.I. 1990/1553 as amended by S.I. 1991/1389; S.I. 1993/1339; S.I. 1998/1918; and S.I. 1999/500.

1.-(1) Yn y cod hwn -
mae “aelod” (“member”) yn cynnwys aelod cyfetholedig oni ddyddir cyd-destun yn mynnu fel arall;

ysyr “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 bleidlaisio ar unrhyw gwestiwn sydd i’w benderynnu mewn unrhyw gyfarfod o’r pwyllgor neu o’r is-bwyllgor hwnnw;

ysyr “awdurdod perthnasol” (“relevant authority”) yw -

(a) cyngor sir,

(b) cyngor bwrdeistref sir,

(c) cyngor cymuned,

(ch) awdurdod tân ac achub a gyfansoddwyd drwy gynllun o dan adran 2 o Ddeddf Gwasanaethau Tân ac Achub 2004(1) 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(2);

ysyr “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;

ysyr “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 gyd-is-bwyllgor o’r fath i unrhyw weithrediaeth neu fwrdd i’r awdurdod, neu

(1) S.I. 1990/1553 as amended by S.I. 1991/1389; S.I. 1993/1339; S.I. 1998/1918; and S.I. 1999/500.

(2) 2004 c.21.
(3) 1995 c.25.

(b) pa bryd brynag 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 iiddi;
(a) pa bryd brynag y byddwch yn cynnal busnes eich awdurdod, neu'n bresennol mewn un o gyfarfoddydd eich awdurdod;
- cod ymddygiad hwn
2.-(1) Ac eithrio pan fo paragraff 3(a) yn gymwys, rhaid i chi gydymffurfio â'r

Darpariaethau Cyffredinol

RHAN 2

Leol 2000.

(b) ystyr "pwyllgor safonau" ("standards committee") yw pwyllgor safonau'r cyngor sir neu'r cyngor bwreistref 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
(a) ystyr "swyddog priodol" ("proper officer") yw swyddog o'r cyngor hwnnw o fewn ystyr adran 270(3) o Ddeddf Llywodraeth Leol 1972; a
(2) Mewn perthynas â chynghor cymuned—
ystyr "eich awdurdod" ("your authority") yw'r awdurdod perthnasol yr ydych chi'n aelod neu'n aelod cyfetholedig ohono;
ystyr "chi" ("you") yw chi fel aelod neu aelod cyfetholedig o awdurdod perthnasol.
(b) gymdeithas gofrestredig neu y bernir i gael ei gofrestru o dan Ddeddf Gymdeithasau Diwydiannol a Darbodus (Gogledd Iwerddon) 1969;
(a) gymdeithas gofrestredig o fewn yr ystyr a roddir gan adran 1 (1) o Ddeddf Cwmnïau Cydweithredol a Chymdeithasau Budd Cymunedol 2014; neu
cymdeithas a gofrestrwyd fel undeb credyd, sef -
mae "cymdeithas gofrestredig" ("registered society") yn golygu cymdeithas, heb law awdurdod; ac
ac mae'n cynnwys amgylchiadau pan fo aelod o weithrediaeth neu fyrd neu swyddog sy'n gweithredu ar ei ben ei hun yn arfer un o swyddogaethau rheoliad 8 o Reoliadau Llywodraeth Leol (Pwyllgorau a Grwpiau Gwleidyddol) 1990(3).

(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(2) 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(3);

"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 -

(2) 2004 c.21.
(3) 1995 c.25.

- (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;

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

5. Rhaid i chi -

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

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

(b) dangos parch at eraill ac ystyriaeth ohonynt;

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

4. Rhaid i chi -

(b) ar unrhyw gorff arall nad oes ganddo odio sy'n ymwneud ag ymddygriad ei aelodau, rhaid i chi, pan fyddwch yn gweithredu ar ran y corff arall hwnnw, gydymffurfio â'r cod ymddygriad hwn, ac eithrio pan yw'n gwrthdaro ag unrhyw rwyngedig neu i'r graddau y mae'n gwrthdaro â'r hwnnw fod yn ddarostyngedig i ddwynt neu i'r graddau y mae'n gwrthdaro â'r cyfrwy rwyngedigau.

(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 ymddygriad yr awdurdod arall neu'r corff arall hwnnw; neu

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

(2) Dylech ddalïen 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.

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

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

(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) peidioid agwmdwun mewn ffurfio gyllid i'w rhestrïo i'r hysgrifed yn un sy'n ymwneud â'r eiddau neu ar eiddau;

(b) address, place of birth, date of birth, sex, marital status, occupation, education, and other information which would identify the individual.

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[illegible]

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

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

Z. Rhaid i chi -

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

(b) peidio a defnyddio adnoddau eich awdurdod, neu awdurdodi eraill i'w defnyddio -

(i) yn annweth;
(ii) yn groes i ofnyion eich awdurdod;

(iii) yn anghytreithlon;

(iv) ac eithrio mewn dull a twriedir i hwylysoo neu i ffario cyflawni swyddogaethau'r neu'r swydd yr ydych chi wedi ei rhoi neu ei rhoi i ddod; a

(v) yn amhriodol at ddibenion gwleidyddol; neu
(vi) yn amhriodol at ddibenion preifat.

(vi) yn amhriodol at ddibenion preifat.

(b) prevent any person from gaining access to information to which that person is entitled by law.

6.-(I) 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

- (a) pan fyddwch yn cyfrannu neu'n gwneud penderfyniadau ynghylch busnes y mae a wneio eich awdurdod ag ef, wneud hynny ar sail rhin-weddau'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 monitorio'r awdurdod;
 - (iv) prif swyddog cyfreithiol yr awdurdod (y dylid ymgynghori ag ef pan fo unrhyw amheuaeth ynghylch pŵer yr awdurdod i weithredu, ynghylch a yw'r cam a arfaethir yn dod o fewn y fframwmwaith polisi y cytunwyd arno gan yr awdurdod neu os gallai canlyniadau cyfreithiol gweithredu neu fetu a gweithredu gan yr awdurdod gael ôl-ffefithiau pwysig);
 - (b) rhoi rhesymau dros bob penderfyniad yn unol ag unrhyw ofnydd statudol ac unrhyw ofnydd rhesymol ychwanegol a osodir gan eich awdurdod
9. Rhaid i chi -
- (a) parhau'r gyfraith a rheolau eich awdurdod sy'n llywodraethu hawlio treuliau a lwtansau mewn cysylltiad â'ch dyletswyddau fel aelod;
 - (b) osgoi derbyn rhoddion oddi wrth neb, na lletygarrwch (ac eithrio lletygarrwch swyddogol, megis derbyn iad 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 rwyngedigaeth amhriddol, 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 wneio eich awdurdod ag ef -

(a) so yw'n h'n gysylltiedig â'r canlynol, neu'n debygol o effeithio arnynt - (i) unrhyw gyflogaeth yr ydych yn ymgymryd â hi i 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 gyfarwyddwddw'r arno ac yn derbyn tali; (iii) unrhyw berson, ac eithrio eich awdurdod, sydd wedi rhoi taliad i chi mewn cysylltiad â'ch ethol neu mewn cysylltiad ag unrhyw ydrefulau a dynnwyd gennych wrth i chi gyflawni eich dyletswyddau fel aelod; (iv) unrhyw gyffwrdd corfforaethol y mae ganddod o ddibens neu dir yn ardal eich awdurdod, ac y mae gennych chi fuddiant llesiantol 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 cyfaliad cyfrannau ddyrddedig y corff hwnnw; (v) unrhyw gyntact am wnyddau, gwasanaethau neu wait'n neu weithfeydd a wnaed rhyngoch chi, rhwng ffyrm yr ydych yn bartner ynddi, neu rhwng cwmni yr ydych yn gyfarwyddw'r arno ac yn derbyn tali, neu rhwng corff o'r math a ddisgrifir yn is-baragraff (vi) uchod a'ch awdurdod; (vi) dir y mae gennych fuddiant llesiantol ynddod ac sydd yn ardal eich awdurdod; (vii) unrhyw eich awdurdod yn landlo'r arno ac y mae ffyrm yr ydych yn bartner ynddi, cwmni yr ydych yn gyfarwyddw'r arno ac yn derbyn tali, neu corff o'r math a ddisgrifir yn is-baragraff (vi) uchod yn enant arno; (viii) unrhyw gyffwrdd eich ethol, eich penodi neu eich awdurdod gan eich awdurdod arno; (ix) unrhyw - (aa) awdurdod cyhoeddus neu gyffwrdd sy'n arfer swyddogaethau o natur gyhoeddus; (bb) cwmni, cymdeithas gofrestredig, elusen, neu gyffwrdd o ddibenion elusennol; (cc) corff y mae dylanwadu ar far'n neu bolisi cyhoeddus ymhlith ei bwrddidbenion; (ch) undeb llafur neu gymdeithas broffesiynol; neu (dd) clwb preifat neu gymdeithas breifat sy'n gweithredu o fewn ardal eich awdurdod;

- 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 sub-paragraph (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.

11.-(1) Pan fydd gennyhych fuddiant personol mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef ac y byddwch yn gweunod -

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

11.-(1) Pan fydd gennyhych fuddiant personol mewn unrhyw fusnes y mae a

Datgelu Buddiannau Personol

y'r awdurdod.

(b) ym mhob achos arall, na'r rhelyw o bobl eraill sy'n talu'r dreth gynnwys o bobl eraill sy'n talu'r dreth neu breswylwyr eraill yn ardal

(bb) ym mhob achos arall, na'r rhelyw o bobl eraill sy'n talu'r dreth yn ôl y digwydd, y bydd y penderfyniad yn effeithio arnynt; neu ardrethi neu breswylwyr eraill yn y dosbarth etholiadol neu'r ward, na'r rhelyw o bobl eraill sy'n talu'r dreth gynnwys o bobl eraill sy'n talu (aa) yn achos awdurdod a dosbarthiadau etholiadol neu wardiau, a hynny i radddau mwy- cyffwrddol ynddo,

mae personau a ddisgrifir yn 10(2)(c)(i) mewn safle rheolaeth neu reoli (v) ar unrhyw gorff a restrir ym mhargraffau 10(2)(a)(ix)(aa) i (dd) y mwy na'r gwerth enwol o £5,000; neu

10(2)(c)(i) fuddiant lleisiantol mewn dosbarth o warannau sy'n werth (iv) ar unrhyw gorff corfforaethol y mae gan bersonau fel a ddisgrifir yn gyfarwyddwyr arno;

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

(ii) ar unrhyw gyflogaeth yr ymgymerir â hi neu fusnes a redir gan gennyhych gysylltiad personol agos ag ef;

ariannol person yr ydych yn gydag ef, neu unrhyw berson y mae (i) ar eich lleisiant neu eich sefyllfa ariannol, neu leisiant neu sefyllfa fyddai'n effeithio -

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

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

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

- details of the personal interest;
- details of the business to which the personal interest relates; and
- your signature.

(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.

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.

12.-(1) Yn ddarostyngedig i is-baragraff (2) isod, os bydd gennyh fuddiant personol mewn unrhyw fusnes y mae a wneio eich awdurdod ag ef bydd gennyh hefyd fuddiant sy'n rhagfarnu yn y fusnes 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 ystyri'r bod gennyh fuddiant sy'n rhagfarnu mewn unrhyw fusnes os bydd y fusnes 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 cyffwrddol;
 - (iii) a chorff yr ydych wedi cael eich ethol, eich penodi neu eich enwebu gan eich awdurdod i fod arno;
 - (iv) a'ch rôl fel llywodraethwr ysgol (os na chawsoch eich penodi neu eich enwebu gan eich awdurdod) oni bai bod y fusnes yn benodol gysylltiedig â'r ysgol yr ydych yn un o'r llywodraethwyr;
 - (v) a'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) a swyddogaethau tai eich awdurdod os oes gennyh denantiaeth neu les gyda'ch awdurdod, ar yr amod nad oes arnoch i'ch awdurdod ol-ddyledion rhent o fwy na deuths, ac ar yr amod nad yw'r swyddogaethau hynny'n ymwneud yn arbennig â'ch tenantiaeth neu â'ch les;
 - (ii) a swyddogaethau eich awdurdod mewn cysylltiad â phrwydau 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 gennyh 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) a 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 gennyh hawl i gael, taliad o'r fath gan eich awdurdod;
 - (iv) a 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;

(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.

(c) yn gysylltiedig â'ch rôl fel cynghorwydd cymunedol mewn perthynas â grant, benthyciad neu fath arall ar gymorth arianol a wnaed gan eich cyngor cymuned i gyrrff 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 gofrestrïad.

Pwyllgorau Trosolegu a Chraffu

13. Bydd gennych hefyd fuddiant sy'n rhagfarnu mewn unrhyw fusnes sydd gerbron un o o bwyllgorau neu trosolegu 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 gryddwyllir 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 Buddianau

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 eithriad i chi, oni roroddwyd i chi olynigad 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 gweithredu cynrychioliadau, ateb cwestiynau neu roi tystiolaeth sy'n ymwneud â'r busnes dodd 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 cyffwrdd ystyriaeth ai peidio; neu

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

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

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

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

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

Participation in Relation to Disclosed Interests

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.

(A) 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.

(B) 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.

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

(2) Os oes gennyfch fuddiant sy'n rhagfarnu mewn unrhyw fusnes y mae a wneio 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 i'r cyhoedd fod yn bresennol yn y cyfarfod ac 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 garffu, gan y cyfryw bwyllgor ac yntau'n arfer ei bwerau statudol; neu (b) os oes gennyfch y fantais o fod golllyngiad wedi ei roi i chi ar yr amod -
 - (i) eich bod yn datgan yn y cyfarfod eich bod yn dibynnu ar y golllyngiad; a (ii) eich bod, cyn y cyfarfod neu'n syth ar ôl i'r cyfarfod orffen, yn rhoi hysbysiad ysgrifenedig i'r 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 golllyngiad a'r dyddiad pryd y'i rhoddwyd; a (chch) eich llofnod

(4) Os bydd gennyfch fuddiant sy'n rhagfarnu a'ch bod yn gwneud cynrychioliadau ysgrifenedig neu llafar i'r awdurdod gan ddibynnu ar olllyngiad, rhaid i chi ddatgan manylion am y golllyngiad o fewn unrhyw gynrychioliad ysgrifenedig neu llafar o'r fath ac, yn yr achos o'la hwn, rhaid i chi ddatgan hysbysiad ysgrifenedig ar gyfer eich awdurdod o fewn 14 o ddiwrnodau ar ôl gwneud y cynrychioliad.

COFRESTR BUDDIANNAU AELODAU

RHAN 4

Cofrestru Buddiannau Arïannol a Buddiannau Eraill ac Aelodaeth o Gyrrff a Safleoedd Rheoli

- 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 enghrifffiol hwn gael eu cymhwysu i'ch awdurdod; neu
(b) i chi gael eich ethol neu eich penodi i swydd (os digwydd hynny'n ddiddeddarach), gofrestru eich buddiannau arïannol a'ch buddiannau eraill, os ydych chi'n dod o fewn categorï a grybwyllir ym mhbaragraff 10(2)(a) yngho frestr eich awdurdod a gedwir o dan adran 81(1) o Deddf Llywodraeth Leol 2000, 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 categorï a grybwyllir ym mhbaragraff 10(2)(a), gofrestru'r buddiant personol newydd hwnnw yngho frestr eich awdurdod o 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 categorï a grybwyllir ym mhbaragraff 10(2)(a), gofrestru'r newid hwnnw yngho frestr eich awdurdod o o fuddiannau'r aelodau drwy ddarparu hysbysiad ysgrifenedig ar gyfer swyddog monitro 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 chi'n 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 yngho frestr 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.

PART 4

THE REGISTER OF MEMBERS' INTERESTS

Registration of Financial and Other Interests and Memberships and Management Positions

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 the value of £25, provide written notification to the authority’s monitoring officer, or in relation to a community council, to your authority’s proper officer of the existence and nature of that gift, hospitality, material benefit or advantage.

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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 monitorio 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 monitorio eich awdurdod gan ofyn am i'r wybodaeth gael ei chynnwys yng nghofrestr buddiannau aelodau eich awdurdod.
	(3) Yn y cod hwn, ystyrir "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 galllech chi neu berson sy'n byw gyda chi fod yn gwybodaeth a natur y rhodd honno, y lletygarwch hwnnw, y buddiant nodi bodlaeth a natur y rhodd honno, y lletygarwch hwnnw, y buddiant materol hwnnw neu'r fanteis faterol honno.
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