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**TO ALL TOWN AND COMMUNITY
COUNCIL CHAIRMEN**

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08 July 2009

Dear Chairman,

**Re: Confidentiality
Dispensations**

I have been asked to write to you as Chairman of a Town or Community Council following a recent meeting of the Standards Community Sub-Committee.

The Standards Committee has recently had cause to consider issues regarding breaches of confidentiality by Members. Whilst this has primarily been with regard to matters at the County Council the principle applies equally to the work of Town and Community Council.


I would remind you that upon taking office every Member signed a solemn declaration to duly and faithfully fulfil the duties of Councillor and undertook to observe the Members' Code of Conduct. To fail to keep information and documentation confidential is a flagrant disregard of that solemn declaration and an abuse of the office of Councillor.

In the event of the Public Services Ombudsman concluding, following an investigation of a complaint, that a Member is in breach of the Code of Conduct, the matter can be referred to either the Adjudication Panel for Wales or the Council's own Standards Committee. The Standards Committee has indicated that it would view breaches of confidentiality as a serious matter. I would remind councillors that if a Standards Committee finds that a Councillor has breached the Members' Code of Conduct, it can suspend a Member partly or wholly from office for a period of up to 6 months. More serious cases would be dealt with by the Adjudication Panel for Wales who can not only suspend Members but also disqualify them from office for up to 5 years. Additionally, of course, where Members are suspended or disqualified the reputational damage to a Member and to the Council cannot be underestimated.

Since the implementation of the new Members' Code of Conduct it has come to the attention of the Standards Community Sub-Committee that applications for dispensation are only infrequently received. Whilst it is up to each individual Town and Community Councillor to decide whether or not to seek a dispensation I would like to remind all Councillors that this opportunity exists. In addition I remind Councillors that the new Members' Code of Conduct does not automatically disqualify Members from taking part in meetings due to the two part provisions of the Code i.e. a separate test for a 'personal' and then 'prejudicial' interest.

I would urge Members who are uncertain of their position to seek the advice of the Monitoring Officer through the Clerk to the Council.

I would be grateful if you would relate the contents of this letter to the other Members of your Council.

Yours sincerely,
A handwritten signature in blue ink that reads "Peter Swanson". The signature is written in a cursive style with a horizontal line underneath the name.

Peter Swanson
Chairman Powys Standards Committee