
WELSH STATUTORY INSTRUMENTS

2016 No. 84 (W. 38)

LOCAL GOVERNMENT, WALES

**The Local Authorities (Model Code of
Conduct) (Wales) (Amendment) Order 2016**

<i>Made</i>	- - - -	<i>27 January 2016</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>1 February 2016</i>
<i>Coming into force</i>	- -	<i>1 April 2016</i>

This Order is made by the Welsh Ministers in exercise of the powers conferred on the National Assembly for Wales by sections 50(2), 50(3), 50(4), 50(4E), 81(2), 81(3) and 105 of the Local Government Act 2000⁽¹⁾ and now vested in them⁽²⁾;

The Welsh Ministers have carried out such consultation as is required by virtue of section 50(5) of that Act;

The Welsh Ministers are satisfied that, as required by section 50(4)(a) of that Act, the amendments to the model code of conduct being issued under section 50(2) are consistent with the principles specified in the Conduct of Members (Principles) (Wales) Order 2001⁽³⁾ made pursuant to section 49(2).

Accordingly, the Welsh Ministers make the following Order:

Title, commencement, application and interpretation

1.—(1) The title of this Order is the Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016 and it comes into force on 1 April 2016.

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

(3) In this Order—

“the 2008 Order” (“*Gorchymyn 2008*”) means the Local Authorities (Model Code of Conduct) (Wales) Order 2008⁽⁴⁾;

“relevant authority” (“*awdurdod perthnasol*”) has the meaning set out in Part 1 of the model code in the Schedule to the 2008 Order.

(1) 2000 c. 22.

(2) The functions of the National Assembly for Wales under sections 50, 81 and 105 were transferred to the Welsh Ministers under section 162 and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(3) S.I. 2001/2276 (W. 166) as amended by S.I. 2005/2929 (W. 214).

(4) S.I. 2008/788 (W. 82).

Amendment of the Schedule to the 2008 Order

2.—(1) The model code in the Schedule to the 2008 Order is amended as follows.

(2) In Part 1—

(a) in paragraph 1(1), at the appropriate place insert—

““register of members’ interests” (“*cofrestr o fuddiannau’r aelodau*”) means the register established and maintained under section 81 of the Local Government Act 2000;”;

(b) for paragraph 1(2) substitute—

“(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(5); and

(b) “standards committee” (“*pwylgor 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.”

(3) In Part 2—

(a) in paragraph 3(a) omit “police authority or”;

(b) in paragraph 6(1)(c) omit “to the Public Services Ombudsman for Wales and”.

(4) In Part 3—

(a) omit paragraph 10(2)(b);

(b) in paragraph 11(4), after “monitoring officer” insert “, or in relation to a community council, your authority’s proper officer”;

(c) for paragraph 12(2)(b)(iv) substitute—

“(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(6), or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989(7);”;

(d) in paragraph 14—

(i) in sub-paragraph (1), after “sub-paragraphs (2),” insert “(2A),”;

(ii) after sub-paragraph (2) insert—

“(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 a 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.”

(5) In Part 4—

(a) for paragraph 15 substitute—

(5) 1972 c. 70.

(6) 2011 nawm 4.

(7) 1989 c. 42.

“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 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.”;

- (b) in paragraph 16(2), after “monitoring officer” insert “, or in relation to a community council, your authority’s proper officer”;
- (c) in paragraph 17, after “monitoring officer” insert “, or in relation to a community council, to your authority’s proper officer”.

27 January 2016

Leighton Andrews
Minister for Public Services, one of the Welsh
Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Schedule 1 to the Local Authorities (Model Code of Conduct) (Wales) Order 2008 (“the 2008 Order”) in which is set out a model code as regards the conduct which is expected of members and co-opted members of relevant authorities in Wales under section 50(2) of the Local Government Act 2000. Section 50(3) of that Act enables the Welsh Ministers to revise a model code which has been issued.

Relevant authorities in Wales for the purposes of this Order are: county councils, county borough councils, community councils, fire and rescue authorities and National Park authorities.

Article 2 of the Order amends the following paragraphs of the model code set out in the Schedule to the 2008 Order:

- paragraph 1(1), by inserting a definition of “register of members’ interests”;
- paragraph 1(2), by inserting a definition of “proper officer” and providing clarification with regard to references to standards committees in relation to a community council;
- paragraph 3(a), by omitting the reference to police authorities;
- paragraph 6(1)(c), by removing the requirement for members to report potential breaches of their code of conduct to the Public Services Ombudsman for Wales;
- paragraphs 11(4), 15(2), 16(2) and 17, by transferring some functions from monitoring officers to the proper officers of community councils;
- paragraph 12(2)(b)(iv), to reflect the new provisions contained in Part 8 of the Local Government (Wales) Measure 2011 in relation to allowances and payments;
- paragraph 14, by inserting new sub-paragraphs (2A) and (2B) which permit members to submit written submissions to a meeting which is dealing with a matter in respect of which a member has a prejudicial interest. Written submissions are only permitted in those circumstances in which a member would otherwise be permitted to make oral representations to a meeting in relation to a matter, and if the member’s authority adopts a procedure for the submission of written submissions, members must comply with that procedure;
- paragraph 15 is restated. The restatement clarifies that any interest disclosed, whether that interest is disclosed in accordance with paragraphs 11 or 15 of the model code, should be registered in the authority’s register of members’ interests, by giving notification to the monitoring officer, or, in relation to a community council, to the proper officer of that authority.

Article 2 of the Order omits paragraph 10(2)(b) of the model code set out in the Schedule to the 2008 Order. This clarifies that a member of a relevant authority is not to be regarded as having a personal interest in a matter when making, or participating in, decisions on behalf of the authority simply for the reason that the business being considered at the meeting affects that member’s ward.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this Order.