
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.