

MEEETING	STANDARDS COMMITTEE
DATE	18 April 2016
TITLE	AMENDMENTS TO MODEL CODE OF CONDUCT
AUTHOR	IWAN G D EVANS, MONITORING OFFICER.

SUMMARY

2.1 The Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016 came into force on 1st April 2016

2.2 This Order amends some key elements of the existing Code of Conduct

2.3 Members need to be aware of these changes and the Council's Constitution needs to be amended to take these changes into account.

2.4 Members will also need to consider the dissemination of advice on these changes to Community Council Clerks,

4. BACKGROUND INFORMATION

4.1 All Local Authorities in Wales are required to adopt a Code relating to the conduct expected of its Members. The core contents of the Code known as the Model Code of Conduct have been prescribed by Welsh Ministers since the first Code was introduced in 2000. The Model Code was substantially revised in 2008 into its current form

4.2 The 2016 Order amends the Model Code of Conduct in some key respects, namely:-

4.2.1 The onus on Members to report any conduct which they reasonably believe to be a breach of the Code of Conduct is changed so that Members now only need report the matter to the Monitoring Officer and not to the Ombudsman as well

4.2.2. Rule 10 (2) (b) of the previous Code is deleted. This created a Personal Interest where a member of the public might reasonably perceive a conflict between your role in taking or being involved in a particular decision and your role representing the interests of the constituents of your ward.

4.2.3 Additional provisions are introduced around making written representations where Members have a prejudicial interest. In that situation, Members can 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 that business. When submitting any representations, Members must comply with any procedure which the Authority has adopted for the submission of representations.

In effect, this puts Members in the same position as a member of the public in those specific circumstances. Provision already existed for members to exercise public speaking rights at such meetings where the authority's procedures allowed for this and in accordance with the authority's procedures. However, the Member concerned will not be able to debate and vote on the matter.

There are also a number of technical changes relating to up dating references to legislation and providing clarity for matters pertaining to Community Councils in particular.

3.RECOMMENDATION(S)/OPTIONS

3.1 That Members note the changes to the Members' Code of Conduct

3.2 That members consider the implications of the changes for Town and Community Councils.

Appendix

Relevant amendments to Constitution

BACKGROUND PAPERS

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