

**2016 No. (W. )**

**LOCAL GOVERNMENT,  
WALES**

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

**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 15(2), so that it is clear that any interest disclosed 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 participating in, or making decisions on behalf of the authority simply for the reason that the business being considered at the meeting affects their ward.

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

*Made* \*\*\*

*Laid before the National Assembly for Wales* \*\*\*

*Coming into force* \*\*\*

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<sup>(1)</sup> and now vested in them<sup>(2)</sup>;

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<sup>(3)</sup> made pursuant to section 49(2).

Accordingly, the Welsh Ministers make the following Order:

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- (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).

## **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 xx.

(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<sup>(1)</sup>;

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

## **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<sup>(2)</sup>; 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.”

(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);

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

(2) 1972 c. 70.

- (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(1), or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989(2);”.

(5) In Part 4—

- (a) in paragraph 15(1), for “maintained under section 81(1) of the Local Government Act 2000” substitute “of members’ interests”;
- (b) for paragraph 15(2) substitute—
  - “(2) You must, within 28 days of becoming aware of—
    - (a) any personal interest not previously registered, including an interest disclosed under paragraph 11; or
    - (b) any change to any personal interest, register that personal interest or change in your authority’s register of members’ interests by providing written notification to your authority’s monitoring officer, or, in relation to a community council, your authority’s proper officer.”;
- (c) in paragraph 16(2), after “monitoring officer” insert “, or in relation to a community council, your authority’s proper officer”;
- (d) in paragraph 17, after “monitoring officer” insert “, or in relation to a community council, to your authority’s proper officer”.

*Leighton Andrews*

Minister for Public Services, one of the Welsh Ministers

Date

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(1) 2011 nawm 4.  
 (2) 1989 c. 42.