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| SUBJECT: | Changes to the Members' Code of Conduct |
| MEETING: | Standards Committee |
| DATE: | 14th March 2016 |
| DIVISION/WARDS AFFECTED: | All |

1. PURPOSE:

To advise members of the proposed changes to the code of conduct brought about by the Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016.

2. RECOMMENDATIONS:

To endorse the proposed changes to the code of conduct which will be adopted by the council at its annual meeting in May.

3. KEY ISSUES:

On 27th January 2016 the Minister for Public Services of the Welsh Government signed the Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016 that amends the code of conduct in the following ways:-

- a) Paragraph 10(2)(b) will be removed from the code. Members will recall that this paragraph has caused difficulties in the past and the Public Services Ombudsman for Wales in his recent guidance on the code has commented that, *this paragraph has given rise to great interpretative difficulties. The crux of the problem is that a strict interpretation of the paragraph, as worded, could well preclude members from participating in any decision affecting their ward whereas the underlying policy intention had been to limit the scope of this provision to decisions made by individual councillors in the exercise of executive functions. I do not believe that it would be in the public interest, or in the interests of local democracy, to adopt a literal interpretation as a matter of course. Therefore as a general rule, in exercising my discretion, the decision as to whether to investigate will be based on the assumption that the paragraph is actually directed at individual members making decisions in the exercise of executive functions and decisions such as those made at planning or licensing committees.*
- b) The obligation on a member to report a potential breach of the code of conduct by another member to the Public Services Ombudsman for Wales under paragraph 6(1)(c) will be removed. Interestingly the obligation on a member will remain to report a potential breach of the code of another member to the council's monitoring officer.
- c) The Local Government (Democracy) (Wales) Act 2013 transferred responsibility for maintaining the register of interests of members of town and community councils

from the monitoring officer of county council for the area to the “proper officer” of each town and community council with effect from 1st May 2015. These changes are reflected in the model code of conduct which is attached to this report as appendix 1. Please see paragraphs 15(3) and 15(6) of the model code.

- d) Paragraph 15 of the model code dealing with the register of member’s interests is amended to clarify that any interest disclosed for the first time must be entered in the register. The exemption for town and community councillors from the requirement to register certain financial and other interests, listed in paragraph 10(2)(a) of the code, upfront is maintained.

The Minister for Public Services also made the Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 which makes a number of technical amendments to a number of statutory instruments affecting, amongst other things, the ability of councils to establish joint standards committees, the ability of standards committees to delay the publication of agendas connected to its consideration of a misconduct investigation, the power to refer a report of misconduct to another council’s standards committee for determination and a general category of dispensation is introduced which will enable a standards committee to grant a dispensation if it considered it appropriate in all circumstances to do so, where it was not otherwise possible to make reasonable adjustments to accommodate a person’s disability. A dispensation granted under this category which has ongoing effect is subject to annual review.

4. REASONS:

In accordance with section 51 of the Local Government Act 2000, all relevant authorities (i.e. county, town, community, fire and rescue and national park authority) must within 6 months of the date of Order adopt a revised code of conduct, therefore by 26th July 2016.

5. RESOURCES:

None.

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

None.

7. SAFEGUARDING AND CORPORATE PARENTING IMPLICATIONS:

NONE.

8. CONSULTEES:

None.

9. BACKGROUND PAPERS:

Model code of conduct.

10. AUTHOR:

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