

Report To: Standards Committee

Date of Meeting: 8th April 2016

Lead Member / Officer: Gary Williams, Monitoring Officer

Report Author: Gary Williams, Monitoring Officer

Title: Changes to the Model Code of Conduct

1. What is the report about?

The report is about proposed changes made to the Model Code of Conduct for Wales as a result of a recent statutory instrument signed by the Minister for Public Services entitled Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016.

2. What is the reason for making this report?

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, (the Order)

3. What are the Recommendations?

The Standards Committee endorses the proposed changes to the Code of Conduct for approval by Council at the Annual Meeting in May 2016 as set out in Appendix 1

4. Report details.

4.1 The Minister for Public Services has signed the Order which comes into effect from 1st April 2016.

4.2 The effect of the Order is to make changes to the Model Code of Conduct applicable to members of local authorities in Wales. Members are aware that every local authority is obliged to adopt a Code of Conduct for its members, which includes all of the provisions of the Model Code of Conduct. Local authorities may adopt a Code of Conduct which contains additional provisions to those of the Model provided that those additions do not detract from the effect of the Model provisions.

4.3 Denbighshire County Council's Code of Conduct differs from the existing Model in two respects. Firstly, it contains a requirement that all members attend training on the Code of Conduct at least once in every term. Secondly it places a value of £25 over which any gifts or hospitality must be declared. This provision was adopted to avoid inadvertent breach of the Code by

members. It is suggested that these variations from the new Model Code be retained.

4.4 The Order changes the Model Code of Conduct in the following ways.

4.4.1 Paragraph 10(2)(b) is omitted from the Model Code. This paragraph has caused difficulties in the past given the difference between the policy intention of its inclusion and a strict interpretation of the language used in the paragraph. A strict interpretation of the paragraph, as worded, could preclude members from participating in any decision affecting their ward whereas the underlying policy intention was to limit the scope of this provision to decisions made by individual councillors in the exercise of executive functions. The removal of the paragraph avoids this ambiguity.

4.4.2 The obligation on a member to report a potential breach of the Code to the Ombudsman is removed. The requirement to report such a breach to the Monitoring Officer is retained.

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

4.4.4 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 new Model Code in paragraphs 15(3) and 15(6).

4.5 In addition, the Minister for Public Services also brought into effect the Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016. These Regulations make a number of technical amendments to other regulations relating to the ethical agenda. Local authorities will be able to establish joint standards committees should they wish to do so. Standards committees will be able to delay the publication of agendas connected to their consideration of a misconduct investigation. This is something which was already the practice of many committees.

4.6 The new Regulations also grant power to refer a report of misconduct to another council's standards committee for determination which may be useful to avoid potential conflicts of interest in some circumstances. In addition, a general category of dispensation is introduced which will enable a standards committee to grant a dispensation if it considers it appropriate in all the circumstances to do so, where it is 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.

4.7 The new Model Code subject to the variations referred to above is contained in Appendix 1 to this report.

5. How does the decision contribute to the Corporate Priorities?

The report has no direct impact on the corporate priorities.

6. What will it cost and how will it affect other services?

There are no costs directly associated with the report.

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.

This report does not require an equality impact assessment.

8. What consultations have been carried out with Scrutiny and others?

This matter has not been reported or consulted upon elsewhere.

9. Chief Finance Officer Statement

There are no costs directly associated with this report

10. What risks are there and is there anything we can do to reduce them?

There are no risks directly associated with this report

11. Power to make the Decision

Article 9.2 Council Constitution