

## Report of the of the Deputy Monitoring Officer

Annual Meeting of Council – 19 May 2016

### THE LOCAL AUTHORITIES (MODEL CODE OF CONDUCT) (WALES) (AMENDMENT) ORDER 2016 - ADOPTION OF NEW MEMBERS CODE OF CONDUCT

<b>Purpose:</b>	To seek members approval for the adoption of a new Members' Code of Conduct as a result of legislative changes
<b>Policy Framework:</b>	Council Constitution
<b>Consultation:</b>	Access to Services, Finance, Legal
<b>Recommendation(s)</b>	It is recommended that:  1) the new Model Code of Conduct set out in Appendix A be adopted;  2) the Council's Constitution is amended to include the new Model Code of Conduct.
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<b>Legal Officer:</b>	Stephanie Williams
<b>Access to Services Officer:</b>	Ann Williams

#### 1. Introduction

1.1 Swansea's Code of Conduct for Members is based on the prescribed national model. The Welsh Government have made the Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016 which amends the previous Code of Conduct. This amended Code of Conduct is attached at Appendix A.

#### 2. New Model Code of Conduct

2.1 Welsh Government has made a number of changes to the national model of which the following are the most significant:

a. Paragraph 6(1) c- the obligation to report suspected breaches of the Code of Conduct to the Public Services Ombudsman for Wales is

removed (Note- the obligation to report suspected breaches to the Monitoring Officer remains).

- b. Paragraph 10 (2) b- the obligation to declare an interest in the case of possible/perceived conflicts of interest between representing the need of a Councillor's ward and the duties of the Council as a whole is removed. This is to overcome unintended difficulties in relation to Members participation in business relating to their ward. Members are however, reminded that when participating in decisions relating to their ward, they must be mindful of the general obligation to act objectively and in the wider public interest (pursuant to paragraph 8 of the Code)
- c. Paragraph 14- by making it clear that a Councillor with a prejudicial interest in a matter can send written representations to a meeting about that item of business provided the public is able to speak at that meeting as of right.
- d. Paragraph 15- by imposing an obligation on town and community councillors to register any interest disclosed for the first time under paragraph 10 (2) a (thereby creating the register of interest for each town and community Council).
- e. Paragraph 15- by requiring town and community councillors to register their interests with their clerk (rather than the Monitoring Officer at the County Council).

### **3. Equality and Engagement Implications**

- 3.1 There are no direct implications arising from this report. The adoption of the Code is a Statutory requirement.

### **4. Financial Implications**

- 4.1 Under s51 (6) Local Government Act 2000 any changes to the Code of Conduct must be advertised as soon as reasonably practical. The advert must be in a local newspaper and must say where a copy of the Code can be inspected.

### **5. Legal Implications**

- 5.1 All relevant Authorities must within six months of the Amendment Order adopt a revised Code of Conduct. The Order was made on 27<sup>th</sup> January 2016 and, therefore, the Council has until 26<sup>th</sup> July, 2016 in which to adopt a revised Code. However, it has been suggested by Welsh Government that it would be sensible for Local Authorities to do so no later than at their 2016 Annual Meeting.
- 5.2 There is no legal requirement for existing Members to sign a further declaration mid-term undertaking to observe the Members' Code of

Conduct as amended, given that the current declaration extends to revisions of the Members' Code of Conduct.

5.3 Section 51 (6) of the Local Government Act 2000 requires the Authority as soon as reasonable practicable after revising its Members Code of Conduct:

- To ensure that copies are available at an office of the authority for inspection by the public at all reasonable hours;
- To publish in one or more newspaper circulating in the area a notice which states that the Authority has revised the Code and made it available for inspection; and
- To send a revised copy of the Code to the Public Services Ombudsman for Wales

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

**Appendices:** Appendix A: Revised Code of Conduct