

REPORT TO THE:	
FIRE AND RESCUE AUTHORITY	
DATE: 21st April 2008	REFERENCE:

SUBJECT: The Local Authorities (Model Code of Conduct) Wales) Order 2008

SUMMARY :

Members will be aware that the Welsh Assembly Government has been carrying out a review of the existing Member's Code of Conduct for some time. During the process, our Standards Committee has made detailed representations on behalf of this Authority.

The Welsh Assembly Government has now made the Local Authorities (Model Code of Conduct) (Wales) Order 2008, a copy of which is attached as an **Appendix** to this report. This Order revokes the current Conduct of Members (Model Code of Conduct) Order 2001 and previous amending statutory instruments and imposes a revised Model Code. The new model code will come into force on 18th April 2008 and will apply to all County and County Borough Councils in Wales, Community Councils, Fire and Rescue Authorities and National Park Authorities.

It is important to note that the provisions of the code are mandatory for all Authorities to adopt. It is possible for additions to be inserted locally which go beyond the statutory requirements but none of the mandatory provisions can be excluded. At its meeting on the 3rd April 2008, the Standards Committee resolved to recommend to the Authority that the model code be adopted.

OBJECTIVES		IMPLICATIONS	
Trusted & Respect	√	Operational Risk Management	
More than Emergencies		Community Risk Reduction	
Saving Lives, Protecting Communities		Learning & Development	√
Managing within Budget		Civil Contingencies & Resilience	
Improving Efficiency		Finance & Procurement	√
Resources to Priorities		H.R.	
Alternative Resources		ICT	
Managing People		CCMS	
Integrated Management Planning		Transport	
Partnership Working		Health & Safety	
Effective & Empowered People	√	Premises	
		Sustainability & Environment	
		Welsh Language	
		Legal	√
		Governance	√
		Equality & Diversity	√

COMMENTS/OBSERVATIONS ON THE ABOVE OBJECTIVES/IMPLICATIONS:

The introduction of the new Code will change the ethical framework within which Members of the Authority operate and will require training to be given to Members and relevant officers.

RECOMMENDATIONS:

- That the Authority adopts the new Model Code of Conduct as set out in the Appendix to this Report and that the provisions of the Code are brought into force on 5th May 2008.
- That for the purposes of paragraph 17 of the Code, the value to be specified in relation to any gift, hospitality material benefit or advantage shall be £25.
- That the threshold set out in 3.2 above be reviewed when details of the level set by constituent authorities is known.

BACKGROUND PAPERS USED IN PREPARATION OF THIS REPORT:

Local Authorities (Model Code of Conduct) Wales) Order 2008

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REPORT TO THE FIRE & RESCUE AUTHORITY – 21st APRIL 2008

ON

THE LOCAL AUTHORITIES (MODEL CODE OF CONDUCT) (WALES) ORDER 2008

1. PURPOSE OF REPORT

- 1.1 To advise members of the revised statutory Members Code of Conduct and to recommend its adoption by the Authority on 21st April 2008.

2. INFORMATION

2.1 Members may recall the Welsh Assembly Government's consultation on the significant changes to the existing Model Code of Conduct during the past two and a half years. This committee considered the issue and made its responses to the Assembly on its then draft in July 2005. The issue was again considered when a later draft was issued in September last year. The revised Model Code attached was made on 20 March 2008 and comes into force on or after the 18th April 2008. The revised draft Code is attached [Appendix 1](#) to this report. The requirements of the new Code which must be adopted by all County, County Borough, Fire and Rescue Authorities, National Park Authorities and Town and Community Councils in Wales are now presented to the Committee for consideration.

2.2 Some key changes to the present Code are as follows:

2.2.1 **Disclosure of Personal Interests** – there is a simpler approach to disclosure of interests, with greater flexibility for members to participate in authority business. The revised code adopts the approach used in England of a two stage test of a 'personal and prejudicial interest'. The requirement to disclose personal interests will apply to a slightly wider range of circumstances where members may influence decisions including telephone conversations, correspondence and whilst attending meetings of other organisations. However there is now only one test in respect of action to be taken as a result of such personal interest. If it is objectively viewed as being "prejudicial" then the member affected must take no part in relation to any decision on that matter and must withdraw from any meetings they are present at where it is discussed. There remains the option of seeking a dispensation from the Standards Committee but the wider range of dispensations effectively provided for under the new Code should make specific exceptions relatively rare. The old "halfway house" measure where members could speak in certain circumstances but not vote has now been removed. The only exception to this is that there is a new provision whereby even if a member has a prejudicial interest he or she may speak at a meeting where the public has similar rights to speak. This will not permit any involvement in the decision making of course.

2.2.2 **Exemptions/dispensations** – A wider range of dispensations from normal impact of a prejudicial interest is provided in order to maximise the opportunity for members to participate in Authority business, where this is appropriate. Members who come within these expanded exemptions / dispensations will be able to take a full part in the meeting including speaking and voting where this is available. Some additional and

amended exemptions where the member will be regarded as having a personal but **not** a prejudicial interest are :

- Any business that relates to another relevant authority of which the member is also a member.
- Where that business relates to another public authority or body exercising functions of a public nature in which the member holds a position of general control or management.
- A body to which the member has been elected, appointed or nominated by their Authority.
- Where the member has a role as a school governor (where not appointed or nominated by their Authority) unless it relates to the school of which they are a governor.
- The members' role as a member of a Local Health Board, where they have not been appointed or nominated by their Authority.

In relation to the above group, there are still restrictions when issues such as approvals, consents, licences, permissions and registrations are under consideration.

- The members' role as a community councillor in relation to grants, loans or other financial assistance to community and voluntary organisations up to a maximum of £500.

2.2.3 Duty to uphold the law – A recent change in primary legislation following the Livingstone v Adjudication Panel for England (2006) case reinforces the requirement not to bring the authority or office of member into disrepute in both the members' personal and official capacities. In addition the current requirement not to commit a criminal offence whilst acting in their official capacity or otherwise is removed from the code as it will be caught under the requirement not to bring the office or authority into disrepute. The duty to report actual or likely criminal behaviour remains, but will not apply to behaviour which is punishable by a fixed penalty.

2.2.4 Respect for others – the requirement not to use bullying behaviour or harass any person is now specifically included, in addition to the existing principles of behaviour

2.3 Members will note that a new requirement to pre-register members' interest has been enshrined in the new Code.

There are a number of other changes which members will no doubt find as they read the new Code. However, it is important to note that the provisions of the attached code are mandatory for all Authorities to adopt. It is possible for additions to be inserted locally which go beyond the statutory requirements but none of the mandatory provisions can be excluded. As things stand the Monitoring Officer would recommend adoption of the Code as it is statutorily drafted, at least initially.

2.4 The timescales for The Local Authorities (Model Code of Conduct) (Wales) Order 2008 ('the 2008 Order') is as follows:

2.4.1 the Order was made by the Minister on the 20th March 2008 and comes into force on the 18th April 2008.

2.5 The 2008 Order revokes the current Conduct of Members (Model Code of Conduct) Order 2001 and previous amending statutory instruments and imposes a revised Model Code.

- 2.6** By virtue of s.51 (2) of the Local Government Act 2000 the Authority will have 6 months from the date 'the 2008 Order' is made in which to adopt a new Code based upon the revised model code. It is recommended that the Authority adopt the new Code with effect from 5th May 2008 to coincide with the retirement of the existing members and the assumption of office of the newly elected members following the local government elections on 1st May 2008. In practice however, some members will not be appointed by all constituent authorities until the end of May 2008.
- 2.7** In accordance with the Local Government Act 2000 s. 52 (1), current members must, before the end of the period of 2 months beginning with the date on which the code is adopted, sign up to the new code, in the form of an undertaking. Therefore if the Authority does adopt the Code with effect from the 5th May 2008, the current members will have until the 4th July 2008 in which to sign up to the new code. Any new members who are elected will need to sign up to the new code before they are able to act in that office.
- 2.8** Finally, paragraph 17 of the Code (see page 14 of the Appendix) states that a member must provide written notification to the Monitoring Officer of the existence and nature of any gift, hospitality, material benefit or advantage received by the member above a value specified in a resolution of the Authority. The Authority's existing Code specifies the value as £10 and the recommendation of the Standards Committee is to adopt a figure of £25 for the purposes of paragraph 17 of the new Code, with a caveat that such figure should be reviewed when details of the threshold set by the constituent authorities is known.

3. RECOMMENDATIONS

- 3.1** That the Authority adopts the new Model Code of Conduct as set out in the Appendix to this Report and that the provisions of the Code are brought into force on 5th May 2008.
- 3.2** That for the purposes of paragraph 17 of the Code, the value to be specified in relation to any gift, hospitality material benefit or advantage shall be £25.
- 3.3** That the threshold set out in 3.2 above be reviewed when details of the level set by constituent authorities is known.

APPENDIX 1

W E L S H
S T A T U T O R Y I N S T R U M E N T S

2008 No. 788 (W. 82)

**LOCAL GOVERNMENT,
WALES**

**The Local Authorities (Model Code
of Conduct) (Wales) Order 2008**

EXPLANATORY NOTE

(This note is not part of the Order)

Part III of the Local Government Act 2000 (“the Act”) established a new ethical framework for local government in Wales.

Section 50(2) of the Act provides that the National Assembly for Wales (“the Assembly”) may by order issue a model code as regards the conduct which is expected of members and co-opted members of relevant authorities in Wales. This function of the Assembly is transferred to the Welsh Ministers by paragraph 30 of schedule 11 to the Government of Wales Act 2006.

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. Police authorities are not relevant authorities for the purposes of this Order.

A code of conduct issued by the Welsh Ministers under section 50(2) of the Act must be consistent with the principles specified pursuant to section 49(2) of the Act currently set out in the Conduct of Members (Principles) (Wales) Order 2001. Section 50(3) of the Act entitles the Welsh Ministers to revise a model code which has been issued.

This Order revokes the Conduct of Members (Model Code of Conduct) (Wales) Order 2001 and previous amending statutory instruments and issues a revised model code in pursuance of section 50(2) and (3) of

the Act. This Order also continues the disapplication of statutory provisions relating to (among others) the National Code of Local Government Conduct in Wales.

The revised model code is in the Schedule to this Order.

Part 1 of the model code deals with interpretation.

Part 2 of the model code provides for the general provisions of the model code.

Part 3 of the model code concerns personal interests and prejudicial interests and disclosure of and participation by members and co-opted members in respect of such interests.

Part 4 of the model code concerns the register of interests, registration of gifts and hospitality.

2008 No. 788 (W. 82)

**LOCAL GOVERNMENT,
WALES**

**The Local Authorities (Model Code
of Conduct) (Wales) Order 2008**

Made 20 March 2008

Laid before the National Assembly for Wales
25 March 2008

Coming into force 18 April 2008

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(1) and now vested(2) in them, having carried out such consultation as is required by virtue of section 50(5) of that Act and being satisfied that the model code of conduct being issued under section 50(2) is consistent with the principles specified in the Conduct of Members (Principles) (Wales) Order 2001(3) made pursuant to section 49(2), make the following Order:

Title, commencement and application

1.—(1) The title of this Order is the Local Authorities (Model Code of Conduct) (Wales) Order 2008 and it comes into force on 18 April 2008.

(2) This Order applies to each relevant authority in Wales.

Interpretation

2. In this Order —

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- (1) 2000 c.22. Section 50 is amended by section 183 of the Local Government and Public Involvement in Health Act 2007 (c.28).
(2) The functions of the National Assembly for Wales under sections 50, 81 and 105 were transferred to the Welsh Ministers under 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).

“the Act” (“*y Ddeddf*”) means the Local Government Act 2000;

“co-opted member” (“*aelod cyfetholedig*”) has the meaning set out in Part 1 of the model code in the Schedule to this Order;

“member” (“*aelod*”) has the meaning set out in Part 1 of the model code in the Schedule to this Order; and

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

Model Code of Conduct

3.—(1) A model code as regards the conduct which is expected of members of a relevant authority is set out in the Schedule to this Order.

(2) For the purposes of section 50(4) of the Act, the provisions of the model code are to be regarded as mandatory.

Provisions to be disapplied

4.—(1) Where a relevant authority which is a county, county borough or community council or fire and rescue authority has adopted a code of conduct or such a code applies to it, the following will, where applicable to the relevant authority, be disapplied as respects that authority —

- (a) sections 94 to 98 and 105 of the Local Government Act 1972⁽¹⁾; and
- (b) any regulations made or code issued under sections 19 and 31 of the Local Government and Housing Act 1989⁽²⁾.

(2) Where a relevant authority which is a National Park authority has adopted a code of conduct or such a code applies to it, the following will, where applicable to the relevant authority, be disapplied as respects that authority —

- (a) paragraphs 9 and 10 of Schedule 7 to the Environment Act 1995⁽³⁾; and
- (b) any regulations made or code issued under sections 19 and 31 of the Local Government and Housing Act 1989.

(3) Section 16(1) of the Interpretation Act 1978⁽⁴⁾ will apply to a disapplication under paragraph (1) or (2) above as if it were a repeal, by an Act, of an enactment.

(1) 1972 c.70.
(2) 1989 c.42.
(3) 1995 c.25.
(4) 1978 c.30.

Revocation

5. The following orders are revoked:

- (a) the Conduct of Members (Model Code of Conduct) (Wales) Order 2001(1);
- (b) the Conduct of Members (Model Code of Conduct) (Amendment) (Wales) Order 2004(2); and
- (c) the Conduct of Members (Model Code of Conduct) (Wales) (Amendment) (No. 2) Order 2004(3).

Transitional Provisions and Savings

6. The orders referred to in article 5 continue to have effect for the purposes of and for purposes connected with —

- (a) the investigation of any written allegation under Part 3 of the Act, where that allegation relates to conduct that occurred before the date when, pursuant to section 51 of the Act(4)—
 - (i) the relevant authority adopts a code of conduct incorporating the mandatory provisions of the model code of conduct in the Schedule to this Order in place of its existing code of conduct;
 - (ii) the relevant authority revises its existing code of conduct to incorporate the mandatory provisions of the model code of conduct in the Schedule to this Order; or
 - (iii) the mandatory provisions of the model code of conduct in the Schedule to this Order apply to members or co-opted members of the relevant authority under section 51(5)(b) of that Act;
- (b) the adjudication (or determination) of a matter raised in such an allegation; and
- (c) an appeal against the decision of a standards committee, an interim case tribunal or case tribunal in relation to such an allegation.

(1) S.I. 2001/2289 (W.177) as amended by S.I. 2004/163 (W.18); S.I. 2004/1510 (W.159); S.I. 2005/2929 (W.214); and S.I. 2006/362 (W.48).

(2) S.I. 2004/163 (W.18).

(3) S.I. 2004/1510 (W.159).

(4) Section 51 of the Local Government Act 2000 is amended by section 35 and paragraphs 1 and 3 of Schedule 4 to the Public Services Ombudsman (Wales) Act 2005 and by section 183 of the Local Government and Public Involvement in Health Act 2007.

Brian Gibbons

Minister for Social Justice and Local Government, one
of the Welsh Ministers

20 March 2008

SCHEDULE

THE MODEL CODE OF CONDUCT

PART 1

INTERPRETATION

1.—(1) In this code —

“co-opted member” (“*aelod cyfetholedig*”), in relation to a relevant authority, means a person who is not a member of the authority but who —

- (a) is a member of any committee or sub-committee of the authority, or
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,

and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee;

“meeting” (“*cyfarfod*”) means any meeting —

- (a) of the relevant authority,
- (b) of any executive or board of the relevant authority,
- (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or
- (d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990(1),

and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

“member” (“*aelod*”) includes, unless the context requires otherwise, a co-opted member;

“relevant authority” (“*awdurdod perthnasol*”) means—

- (a) a county council,
- (b) a county borough council,
- (c) a community council,
- (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004(2) or a scheme to which section 4 of that Act applies,
- (e) a National Park authority established under section 63 of the Environment Act 1995(3);

“you” (“*chi*”) means you as a member or co-opted member of a relevant authority; and

“your authority” (“*eich awdurdod*”) means the relevant authority of which you are a member or co-opted member.

(2) In relation to a community council, references to an authority’s monitoring officer and an authority’s standards committee are to be read, respectively, as references to the monitoring officer and the standards committee of the county or county borough council which has functions in relation to the community

(1) S.I. 1990/1553 as amended by S.I. 1991/1389; S.I. 1993/1339; S.I. 1998/1918; and S.I. 1999/500.

(2) 2004 c.21.

(3) 1995 c.25.

council for which it is responsible under section 56(2) of the Local Government Act 2000.

PART 2

GENERAL PROVISIONS

2.—(1) Save where paragraph 3(a) applies, you must observe this code of conduct —

- (a) whenever you conduct the business, or are present at a meeting, of your authority;
- (b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;
- (c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or
- (d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

(2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

3. Where you are elected, appointed or nominated by your authority to serve —

- (a) on another relevant authority, or any other body, which includes a police authority or Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or
- (b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. You must —

- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
- (b) show respect and consideration for others;
- (c) not use bullying behaviour or harass any person; and
- (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

5. You must not —

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

6.—(1) You must —

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
- (b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which

for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);

- (c) report to the Public Services Ombudsman for Wales and to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
- (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7. You must not —

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of your authority —
 - (i) imprudently;
 - (ii) in breach of your authority's requirements;
 - (iii) unlawfully;
 - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
 - (v) improperly for political purposes; or
 - (vi) improperly for private purposes.

8. You must —

- (a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —
 - (i) the authority's head of paid service;
 - (ii) the authority's chief finance officer;
 - (iii) the authority's monitoring officer;
 - (iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9. You must —

- (a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;
- (b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

PART 3 INTERESTS

Personal Interests

10.—(1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

- (2) You must regard yourself as having a personal interest in any business of your authority if —
- (a) it relates to, or is likely to affect —
 - (i) any employment or business carried on by you;
 - (ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;
 - (iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;
 - (iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
 - (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
 - (vi) any land in which you have a beneficial interest and which is in the area of your authority;
 - (vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
 - (viii) any body to which you have been elected, appointed or nominated by your authority;
 - (ix) any —
 - (aa) public authority or body exercising functions of a public nature;
 - (bb) company, industrial and provident society, charity, or body directed to charitable purposes;
 - (cc) body whose principal purposes include the influence of public opinion or policy;
 - (dd) trade union or professional association; or
 - (ee) private club, society or association operating within your authority's area, in which you have membership or hold a position of general control or management;
 - (x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;
- (b) a member of the public might reasonably perceive a conflict between your role in taking a decision, upon that business, on behalf of your authority as a whole and your role in representing the interests of constituents in your ward or electoral division; or
- (c) a decision upon it might reasonably be regarded as affecting —
- (i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
 - (ii) any employment or business carried on by persons as described in 10(2)(c)(i);
 - (iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;
 - (iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a

class of securities exceeding the nominal value of £5,000; or

(v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,

to a greater extent than the majority of—

(aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or

(bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority’s area.

Disclosure of Personal Interests

11.—(1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority and you make —

- (a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or
- (b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

(3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority’s monitoring officer from time to time but, as a minimum containing —

- (a) details of the personal interest;
- (b) details of the business to which the personal interest relates; and
- (c) your signature.

(5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

(7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

Prejudicial Interests

12.—(1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business

where that business—

- (a) relates to —
 - (i) another relevant authority of which you are also a member;
 - (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
 - (iii) a body to which you have been elected, appointed or nominated by your authority;
 - (iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;
 - (v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;
- (b) relates to —
 - (i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;
 - (iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;
 - (iv) the functions of your authority in respect of an allowance or payment made under sections 22(5), 24(4) and 173 to 176 of the Local Government Act 1972, an allowance or pension under section 18 of the Local Government and Housing Act 1989 or an allowance or payment under section 100 of the Local Government Act 2000;
- (c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

Overview and Scrutiny Committees

13. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

Participation in Relation to Disclosed Interests

14.—(1) Subject to sub-paragraphs (2), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee —

- (a) withdraw from the room, chamber or place where a meeting considering the business is being held—
 - (i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or
 - (ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;
- (b) not exercise executive or board functions in relation to that business;
- (c) not seek to influence a decision about that business;
- (d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and
- (e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if —

- (a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or
- (b) you have the benefit of a dispensation provided that you —
 - (i) state at the meeting that you are relying on the dispensation; and
 - (ii) before or immediately after the close of the meeting give written notification to your authority containing —
 - (aa) details of the prejudicial interest;
 - (bb) details of the business to which the prejudicial interest relates;
 - (cc) details of, and the date on which, the dispensation was granted; and
 - (dd) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

PART 4

THE REGISTER OF MEMBERS' INTERESTS

Registration of Financial and Other Interests and Memberships and Management Positions

15.—(1) Subject to sub-paragraph (3), you must, within 28 days of—

- (a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or
- (b) your election or appointment to office (if that is later),

register your financial interests and other interests, where they fall within a category mentioned in paragraph 10(2)(a) in your authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to your authority's monitoring officer.

(2) You must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under sub-paragraph (1), register that new personal interest or change by providing written notification to your authority's monitoring officer.

(3) Sub-paragraphs (1) and (2) do not apply to sensitive information determined in accordance with paragraph 16(1).

(4) Sub-paragraph (1) will not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

Sensitive information

16.—(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this code, "sensitive information" ("*gwybodaeth sensitif*") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Registration of Gifts and Hospitality

17. You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer of the existence and nature of that gift, hospitality, material benefit or advantage.

