WELSH STATUTORY INSTRUMENTS

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 —

"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.

(**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).

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(**4**); and

(b) any regulations made or code issued under sections 19 and 31 of the Local Government and Housing Act 1989(**5**).

(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(**6**); 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(**7**) will apply to a disapplication under paragraph (1) or (2) above as if it were a repeal, by an Act, of an enactment.

Revocation

5. The following orders are revoked:

(a) the Conduct of Members (Model Code of Conduct) (Wales) Order 2001(**8**);

(b) the Conduct of Members (Model Code of Conduct) (Amendment) (Wales) Order 2004(**9**); and

(c) the Conduct of Members (Model Code of Conduct) (Wales) (Amendment) (No. 2) Order 2004(**10**).

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(**11**)—

(**4**) 1972 c. 70.
(**5**) 1989 c. 42.
(**6**) 1995 c. 25.
(**7**) 1978 c. 30.
(**8**) 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).
(**9**) S.I. 2004/163 (W.18).
(**10**) S.I. 2004/1510 (W.159).
(**11**) 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.

(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.

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(**12**),

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(**13**) 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(**14**);

"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

(**12**) S.I. 1990/1553 as amended by S.I. 1991/1389; S.I. 1993/1339; S.I. 1998/1918; and S.I. 1999/500.
(**13**) 2004 c. 21.
(**14**) 1995 c. 25.

to the community 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