

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL

MEETING:	Standards Committee
DATE:	14 September 2016
TITLE OF REPORT:	Briefing Note to Members- Statutory Changes to the Members' Code of Conduct
PURPOSE OF THE REPORT:	To report to the Standards Committee on a proposed briefing note to Members on the statutory changes to the Code of Conduct
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1. INTRODUCTION & BACKGROUND

- A) Local Authorities and community/town councils in Wales are required to adopt a statutory code of conduct which sets out the behaviour expected of members and co-opted members.
- B) Statutory changes have been made to the Model Code of Conduct introduced in 2008.
- C) The Isle of Anglesey County Council adopted the amended Code of Conduct on 12th May 2016.
- D) Attached at **Enclosure 1** is a draft Briefing Note to Members advising them of the statutory changes to the Members' Code of Conduct.

2. RECOMMENDATION

- A) To note the content of the Briefing Note.
- B) To confirm the Briefing Note can be distributed to the Elected Members in the name of the Standards Committee.

Enclosure 1

BRIEFING NOTE Statutory Changes to the Members' Code of Conduct

1. INTRODUCTION & BACKGROUND

Local authorities and community councils in Wales are required to adopt a statutory code of conduct which sets out the behaviour expected of members and co-opted members. As an elected member, you have provided a written undertaking to observe the requirements of this local authority's [code of conduct](#) during your period of office.

The "Local Authorities (Model Code Of Conduct (Wales) (Amendment) Order 2016" and "The Local Government (Standards Committees, Investigations, Dispensations and Referral)(Wales)(Amendment) Regulations 2016" have made changes to the Model Code of Conduct introduced in 2008. These changes to the Code were adopted by this Council on the 12th May 2016. Other changes, which automatically apply and do not require adoption by the Council, are summarised below.

2. SUMMARY OF CHANGES

In order to assist you with your duty as a Member, the following is a summary of the changes arising from the new legislation:-

2.1 SANCTIONS

The period of suspension imposed by a standards committee is limited to a period not exceeding six months or to the remainder of a Members' term in office if it is less than 6 months. So, if a Member is suspended for 6 months but has only 2 months remaining in that term of office, the Member will only serve a suspension of 2 months.

2.2 PERMISSION TO APPEAL

You must seek the permission of the President of the Adjudication Panel for Wales in order to appeal against the decision of a standards committee.

2.3 REPORTING A BREACH

Where you reasonably consider that there has been a breach of the Code, you must report the breach to the Monitoring Officer. The obligation on you to report a potential breach of the Code to the Ombudsman is removed, although the Monitoring Officers may still advise you to do so.

2.4 PERSONAL INTEREST- WARD AND AUTHORITY MATTERS

The personal interest provision regarding perceived conflict between a Member's ward role and decisions taken on behalf of the Authority has been removed. However, you are reminded that, in terms of reaching decisions objectively, there is still a requirement on you to arrive at decisions with an open mind and to make decisions on the basis of the facts in front of you. The requirement not to have pre-determined a matter is extended to include matters in relation to wards too.

2.5 PERSONAL AND PREJUDICIAL INTEREST- WRITTEN REPRESENTATIONS

Where you have a prejudicial interest, you can submit written representations to the meeting relating to that business provided that the general public are allowed to make representations, give evidence or answer questions about the matter at that meeting. The current rules still apply in terms of your attendance at the meeting; having made submissions you must leave the room or chamber before any discussion on the item begins. You must note that if the public are not allowed to speak on the matter, you cannot do so either or submit written representations.

2.6 DISPENSATIONS

A new general dispensation category is introduced. The new provision enables a standards committee to grant a dispensation to allow a member to participate in a meeting where he/she has a prejudicial interest if the standards committee considers it appropriate in all the circumstances.

2.7 REGISTER OF INTEREST

The requirements for registering interests are clarified, to require that any interest disclosed for the first time must be entered in the members' register of interests within 28 days. This requirement is in addition to any changes to interests which have already been registered; these must also be updated within 28 days of any change.

If you have any questions in relation to this Briefing Note please contact Mared Wyn Yaxley on mwyys@ynysmon.gov.uk or 01248 752566