

SCHEDULE

MODEL CODE OF CONDUCT FOR MEMBERS OF COUNTY, COUNTY BOROUGH AND COMMUNITY COUNCILS, FIRE AUTHORITIES AND NATIONAL PARK AUTHORITIES IN WALES

PART II

Scope

General Provisions

1. Members must observe this code of conduct whenever they:
 - (a) conduct the business of the authority;
 - (b) undertake the role of member to which they were elected or appointed; or
 - (c) act as representatives of the authority.
2. This code of conduct shall, unless otherwise indicated, only apply to those activities which a member undertakes in an official capacity.
3. Where a member acts as a representative of the authority on another body, that member must, when acting in that capacity, comply with this code of conduct, unless it conflicts with any legal obligations arising as a consequence of service on that body. Where a member's appointment to another body does not arise from the member's position as a member of the authority, this code shall not apply to the member, who shall instead be subject to the code of the other body. Such a member will, however, be expected to have regard to the general principles of conduct⁽¹⁾ and the requirement not to bring the office of member or the authority into disrepute.

Promotion of Equality and Respect for Others

4. Members of the authority:
 - (a) must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others,
 - (b) must not do anything which compromises, or which is likely to compromise, the impartiality of the authority's employees.

Accountability and Openness

5. Members:
 - (a) must not disclose information given in confidence, without the express consent of a person authorised to give such consent, or unless required by law to do so;
 - (b) must not prevent any person from gaining access to information to which that person is entitled by law.

(1) The Conduct of Members (Principles) (Wales) Order 2001.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Duty to uphold the law

6.—(1) Members:

- (a) must not in their official capacity or otherwise commit a criminal offence or cause one to be committed;
- (b) must not in their official capacity or otherwise behave in a manner which could be reasonably regarded as bringing the office of member or the authority into disrepute;
- (c) must report to the Local Commissioner for Local Administration in Wales and to the authority's monitoring officer any conduct by another member which they believe involves or is likely to involve a failure to comply with this code of conduct;
- (d) must report, whether through the authority's confidential reporting procedure or direct to the proper authority, any conduct by another person which they believe involves or is likely to involve criminal behaviour;
- (e) must not in relation to (c) above make vexatious or malicious complaints against other persons.

(2) A member of the authority (other than a member who is the subject of an investigation by a monitoring officer in accordance with regulations made under section 73(1) of the Local Government Act 2000(2)) must comply with any requirement made by the monitoring officer of that authority in connection with such an investigation.

Selflessness and stewardship

7. Members:

- (a) must not, in their official capacity or otherwise, use their position improperly to confer on or secure for any person and in particular their family, friends or those with whom they have a close personal association an advantage or disadvantage or to secure an advantage for themselves;
- (b) must, when using or authorising the use by another member of the resources of the authority, do so prudently and in accordance with the law and the authority's requirements; and
- (c) must ensure that the resources of the authority are not used improperly for their own private purposes, their family, friends and persons with whom they have a close personal association.

Objectivity and Propriety

8. A member when reaching decisions:

- (a) must reach decisions on the basis of the merits of the circumstances involved and in the public interest;
- (b) must reach decisions having regard to any relevant advice provided by the authority's officers – in particular by:
 - (i) the authority's Chief Finance Officer acting in pursuance of that officer's duties under section 114 of the Local Government Finance Act 1988(3);

(2) [The Local Government Investigations \(Functions of Monitoring Officers and Standards Committees \(Wales\) Regulations 2001 \(S.I.2001/ 2281 \(W171\)\)](#).
(3) 1988 c. 41.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (ii) the authority's Monitoring Officer acting in pursuance of that officer's duties under section 5 of the Local Government and Housing Act 1989⁽⁴⁾;
 - (iii) the authority's Chief Legal Officer who should be consulted when there is any doubt as to the authority's power to act, or as to whether the action proposed lies within the policy framework agreed by the authority; where the legal consequences of action or failure to act by the authority might have important repercussions.
- (c) must give reasons for decisions in accordance with the authority's requirements and, in the case of county and county borough councils operating executive arrangements, regulations made by the National Assembly for Wales⁽⁵⁾.

Integrity

9. Members:

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

⁽⁴⁾ 1989 c. 42.

⁽⁵⁾ The Local Authority Executive Arrangements (Decisions, Documents and Meetings) (Wales) Regulations 2001 (S.I.2001/2290 (W.178)).