

## SCHEDULE

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

## PART III

### DISCLOSURE AND REGISTRATION OF INTERESTS

**10.** Members must in all matters consider whether they have a personal interest, and whether this code of conduct requires them to disclose that interest.

**11.** A member has a personal interest in a matter if that member anticipates that a decision upon it might reasonably be regarded as likely to benefit or disadvantage:

- (a) the member, one of the member's family or a friend, or any person with whom the member has a close personal association, or
- (b) a body which employs those persons, or for which those persons have any degree of ownership, control or management,

to a greater extent than other council tax payers, ratepayers or inhabitants of the authority's area.

**12.** Members must regard themselves as having a personal interest in a matter to the extent that it relates to:

- (a) another relevant authority of which they are a member;
- (b) a body in which they hold a position of general control or management;
- (c) a body to which they have been appointed or nominated by the authority as a representative.

**13.** Members must regard themselves as having a personal interest in a matter to the extent that it relates to:

- (a) any full-time, part-time or intermittent employment, office, trade or profession carried on by them for profit or gain;
- (b) any person who employs or has appointed them, any firm in which they are a partner, or any company of which they are a remunerated director;
- (c) any person, other than a relevant authority, who has made a payment to them in respect of their election or any expenses incurred in carrying out their duties;
- (d) any corporate body which has a place of business or land in the authority's area, where the member has a beneficial interest in a class of securities of that body which exceeds £25,000 in value or one hundredth of the total issued share capital of that body (whichever is the lower);
- (e) any contract for goods, services or works made between the authority and the member, a firm in which the member is a partner, a company of which the member is a director, or a body falling within sub-paragraph (d);
- (f) any land in which the member or a member of the member's family has a beneficial interest and which is in the area of the authority;
- (g) any land of which the landlord is the authority and the tenant is a firm in which the member is a partner, a company of which the member is a director, or a body falling within sub-paragraph (d);

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- (h) any land in the authority's area in which the member has a licence (alone or jointly with others) to occupy for a month or longer; and
- (i) any visit outside the United Kingdom for which the authority has paid or will pay.

**14.** Members must regard themselves as having a personal interest in a matter to the extent that it relates to any membership, or position of general control or management which they have in any organisation. Such organisations include any:

- (a) private club or society, such as the Freemasons, a recreational club, working men's club, or private investment club;
- (b) organisation whose principal purpose includes influencing public opinion or policy such as a lobby group;
- (c) trade union<sup>(1)</sup> or professional association;
- (d) company, industrial and provident society<sup>(2)</sup> or other organisation which has charitable objects.

**15.** Members can regard themselves as not having a personal interest in a matter to the extent that it relates to:

- (a) the housing functions of the authority where the member may hold a tenancy or lease with the authority, provided —
  - (i) that they do not have arrears of rent of more than two months, and
  - (ii) there are in respect of the matter a significant number of tenants who are not members who would be affected in the same or a similar manner to the member in question;
- (b) the functions of the authority in respect of school meals, transport and travelling expenses, where the member is a parent with a child in full-time education, unless —
  - (i) the matter relates specifically to the school which the child attends, or
  - (ii) the matter relates solely to the member's own particular circumstances;
- (c) the functions of the authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992<sup>(3)</sup>, where —
  - (i) the member is in receipt of, or is entitled to, such pay from a relevant authority, and
  - (ii) the matter does not relate solely to the member's own particular circumstances; and
- (d) the functions of the authority in respect of an allowance or payment made under Sections 173 to 176 of the Local Government Act 1972<sup>(4)</sup> or Section 18 of the Local Government and Housing Act 1989.

**16.—(1)** A member who has a personal interest in a matter specified in paragraph 12 and who attends a meeting of the authority at which the matter is discussed must disclose the existence and nature of the interest at the commencement of that discussion or when the interest becomes apparent. In such a case that member may speak but must not vote on the matter.

(2) A member who has a personal interest in a matter specified in paragraphs 13 or 14 above and who attends a meeting of the authority at which the matter is discussed must disclose the existence and nature of the interest at the commencement of that discussion or when the interest becomes apparent. In such a case, that member must withdraw from consideration of the matter unless granted a dispensation by the relevant standards committee.

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(1) "Trade union" is defined in section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52).

(2) Registered under the Industrial and Provident Society Acts 1965 to 1978.

(3) 1992 c. 4.

(4) 1972 c. 70.

(3) A member who has a personal interest in a matter which is not specified in paragraphs 12, 13 or 14 above and who attends a meeting of the authority at which the matter is discussed must disclose the existence and nature of the interest at the commencement of that discussion or when the interest becomes apparent. If that personal interest is such that a member of the public might reasonably conclude that it would significantly affect the member's ability to act purely on the merits of the case and in the public interest if that member were to take part in the discussion of that matter, the member must also withdraw from consideration of the matter at that meeting unless granted a dispensation by the authority's standards committee.

**17.—(1)** In relation to a matter which a member has delegated authority to decide, the member will have a personal interest if a member of the public might reasonably perceive a conflict between the member's role in taking that decision on behalf of the authority as a whole and the member's role in representing the interests of constituents in the member's ward.

(2) A member with a personal interest in a matter which that member has delegated authority to decide must disclose the existence and nature of the interest, and withdraw from involvement in the decision, and refer it to a member or committee having power to take the decision. In the case of a county or county borough council operating executive arrangements, the fact that such a declaration has been made must be included in the record of the decision<sup>(5)</sup>.

**18.** For the purposes of paragraph 16(2) and (3), the standards committee shall not consider granting a dispensation unless the member has previously notified the monitoring officer of that interest, together with relevant details.

**19.** Any disclosed interests must be registered in the register maintained by the monitoring officer under Section 81(1) of the Local Government Act 2000.

**20.** Members must exercise personal responsibility in deciding whether they have a personal interest such that they should disclose it. They may seek advice from the authority's monitoring officer and must have regard to any advice from the relevant standards committee in doing so.

**21.** Members must notify the monitoring officer of any change to the interests registered under paragraph 19 within one month of their occurrence.

### **The registration of gifts and hospitality**

**22.—(1)** Subject to sub-paragraph (2) below, a member must notify the authority's monitoring officer of the existence and nature of any gifts, hospitality, material benefits or advantage received by the member, or to the member's knowledge any person with whom the member is living, from any company, organisation or person and relating to or arising out of their position as a member, where the value of the item or benefit exceeds such amount as the authority shall from time to time determine.

(2) Any gift accepted by a member on behalf of that member's relevant authority need not be notified to that authority's monitoring officer.

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(5) The Local Authorities Executive Arrangements (Decisions, Documents and Meetings) (Wales) Regulations 2001.