

COUNCILLORS CODE OF CONDUCT



PROGRAMME

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INTRODUCTION

Based upon the Nolan Principles for conduct in public life

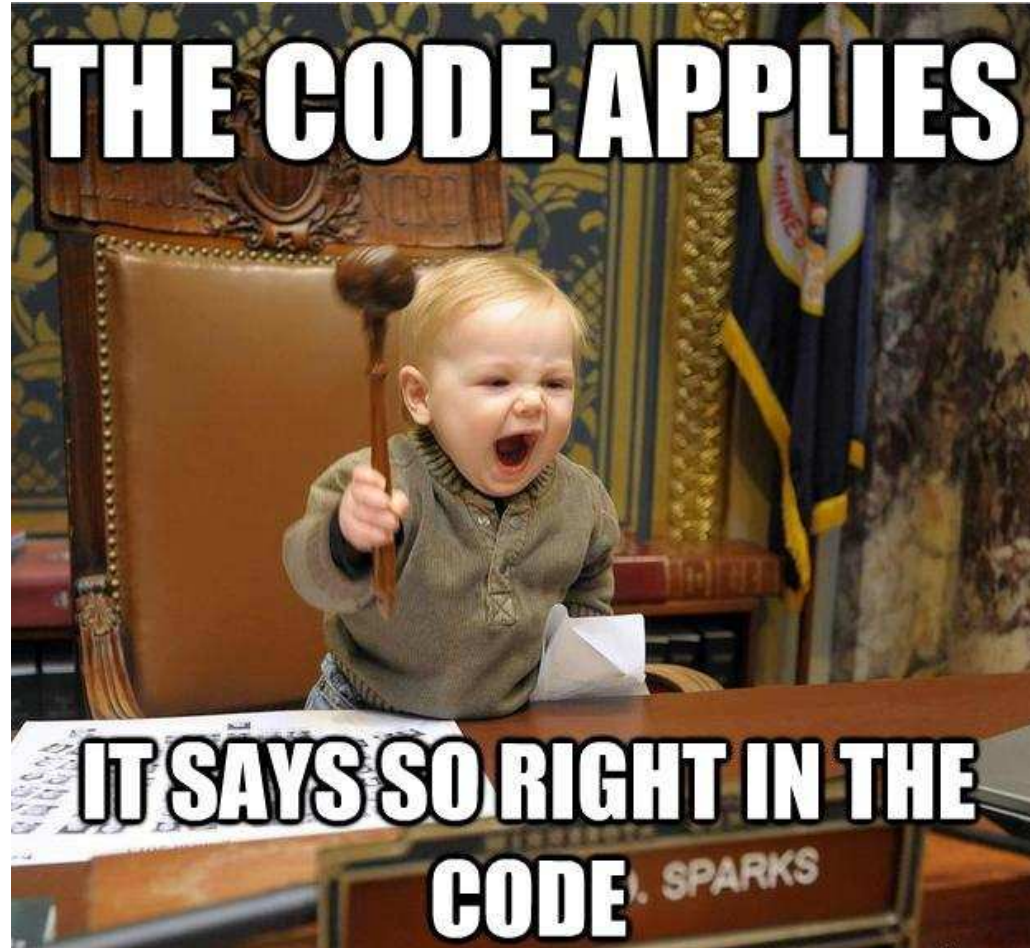
Establishes an ethical framework for

Councillors to work to

The Code shows how to apply the framework in practice

Each Council must adopt its own code based on the WAG model.

WHEN THE CODE APPLIES



WHEN THE CODE APPLIES

In any official council meeting

In any meeting with members or officers

When acting as a Council rep or appearing to do so

If conducting Council business

If acting in any other official role

If a Council rep on another body

AND

WHEN THE CODE APPLIES

AT ANY TIME IF:

Your conduct is likely to bring your office or the Council into disrepute

You use your position to gain an advantage for yourself or another

You misuse Council resources

WHEN THE CODE APPLIES – TEST YOURSELF

DOES THE CODE APPLY:

- **At Council meeting**
- **In the local pub**
- **When giving interviews**
- **When dealing with ward business**
- **When representing the Council at a school governors meeting**
- **When using social media**
- **When on holiday abroad**
- **In the privacy of your own home.**

GENERAL DUTIES



GENERAL DUTIES – YOU MUST

- **Promote Equality**
- **Show respect & consideration to others**
- **Not harass or bully others**
- **Not compromise your officers impartiality**
- **Not disclose confidential information**
- **Not prevent access to information**
- **Not bring your office or council into disrepute**

GENERAL DUTIES – YOU MUST

- **Report code breaches**
- **Not make vexatious complaints**
- **Cooperate with investigations**
- **Not use your position improperly**
- **Not misuse Council resources**
- **Reach decisions objectively**
- **Consider advice and give reasons for not following it**

GENERAL DUTIES – YOU MUST

- **Comply with rules on expenses**
- **Not accept gifts or hospitality that obligates you or appear to do so**

GENERAL DUTIES – TEST YOURSELF

Which of these is not a duty under the code;

- 1. Promote equality**
- 2. Attend meetings**
- 3. Report code breaches**
- 4. Not to bully or harass**
- 5. Not misuse use position**
- 6. Consult constituents**
- 7. Follow officer advice**
- 8. Not misuse resources**
- 9. Show respect to others**
- 10. Apologise for mistakes**

PERSONAL & PREJUDICIAL INTERESTS

“The public must have confidence that Councillors are acting in the public’s best interests, not their own, or those of their family and friends.”

(Public Services Ombudsman for Wales)

EASY USE GUIDE

- Developed by the Standards Committee to help you apply the code in relation to personal & prejudicial interests
- Three steps to determine what interest (if any) you have and what you should do.

CASE STUDY ONE

- **Cllr X has a grandchild who attends the village school which is threatened with closure. The matter is on the agenda at the next Governors meeting which the Cllr attends as a Council representative**
- **Does Cllr X have a personal interest?**
- **If he does, is it also prejudicial?**
- **What should Cllr X do?**

CASE STUDY TWO

- **Your Council has been consulted on a planning application by a community group on which Cllr X sits as a council representative**
- **Does Cllr X have a personal interest?**
- **If yes, is it also prejudicial?**
- **What should Cllr X do?**

CASE STUDY THREE

- **Your council receives an application from a community group for a £550 grant. Cllr X is a member of that group.**
- **Is there a personal interest?**
- **If yes, is it also prejudicial?**
- **What should Cllr X do?**

PERSONAL & PREJUDICIAL INTERESTS

- **REMEMBER**
- **The test is not whether you think the interest influences you, but whether you think a hypothetical member of the public would think it does.**

DISPENSATIONS



**KEEP
CALM
AND FOLLOW
THE CODE
OF CONDUCT**

DISPENSATIONS

- **A Cllr with a prejudicial interest may apply to the Standards Committee for permission to be involved in a matter**
- **Applications must be submitted in sufficient time for a meeting to be called in accordance with rules on publishing agendas etc.**

DISPENSATIONS

- **Applications must be submitted on a standard form**
- **They may be submitted by a clerk on behalf of 1 or more cllrs.**
- **They must be based on one or more of the following grounds;**

DISPENSATIONS

- **At least $\frac{1}{2}$ of fellow cllrs share the same interest**
- **The nature of the interest is such that it would not damage public confidence**
- **The Cllr has a particular expertise which justifies their contd. involvement**
- **The interest is common to a significant proportion of the public**

DISPENSATIONS

- **The matter relates to a vol. organisation & the Cllr is involved in its management & has no other interest in the matter (*can only speak , not vote under this option*)**
- **(*There are other grounds available but they do not apply to Community Cllrs*)**

DISPENSATIONS

The grounds for seeking a dispensation, plus additional guidance are attached to the application form.

Try to give as much information as possible as to the nature of your interest and why the ground(s) for dispensation apply

DISPENSATIONS

- **In 2013-2014 the Standards Committee granted 97.3% of dispensations sought.**
- **Dispensations are usually granted for a set period of time (often up to 6 months)**
- **The majority of dispensations are to speak only and relate to a cllrs involvement in a voluntary organisation.**

ENFORCEMENT



ENFORCEMENT

- **All complaints regarding breaches of the code should be referred to the PSOW who will decide whether or not to investigate.**
- **If the PSOW decides the case merits investigation, he may do so himself or refer the case to the local Monitoring Officer to do so**

ENFORCEMENT

- **If an investigation finds evidence of a breach it may be referred to the local Standards Committee or the Adjudication Panel for Wales for determination.**
- **The Standards Committee can suspend a Cllr from office**
- **The Adjudication Panel can disqualify a Cllr from office**
- **Both can impose lesser sanctions**

PREDETERMINATION



"I ALWAYS STOOD BY MY STRONG CONVICTIONS BUT SERIOUS ARGUMENTS MADE IT NECESSARY TO CHANGE MY MIND:"

PREDETERMINATION

- **Technically not part of the Code, but ties in with the requirement to act objectively.**
- **Arises where someone makes their decision in advance.**
- **c/f 'Predisposition' – where someone forms a view in advance, but does not come to a decision until the end of the debate.**

PREDETERMINATION

- **Avoid giving the impression that you have predetermined an issue. Instead :**
- ***‘I have a view on the issue, but want to listen to all the arguments before I make up my mind.’***
- **Predetermination can result in a decision being unlawful, as well as risking a Cllr being in breach of the Code**

PREDETERMINATION – TEST YOURSELF

- **Cllr X was elected on a platform of opposing further housing development in his village. Does this mean he has predetermined any such planning application?**
- **What if he is on record as saying ‘If elected I will always vote against any such planning application’**
- **What if he said he would ‘argue against’ applications.**

CONCLUSION

- **Take time to familiarise yourself with the code**
- **Always have it with you when conducting council business**
- **Make use of dispensations to fulfil your democratic role**
- **If unsure – SEEK ADVICE**

QUESTIONS

