

COUNCILLORS CODE OF CONDUCT



PROGRAMME

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INTRODUCTION

Based upon the Nolan Principles for conduct in public life

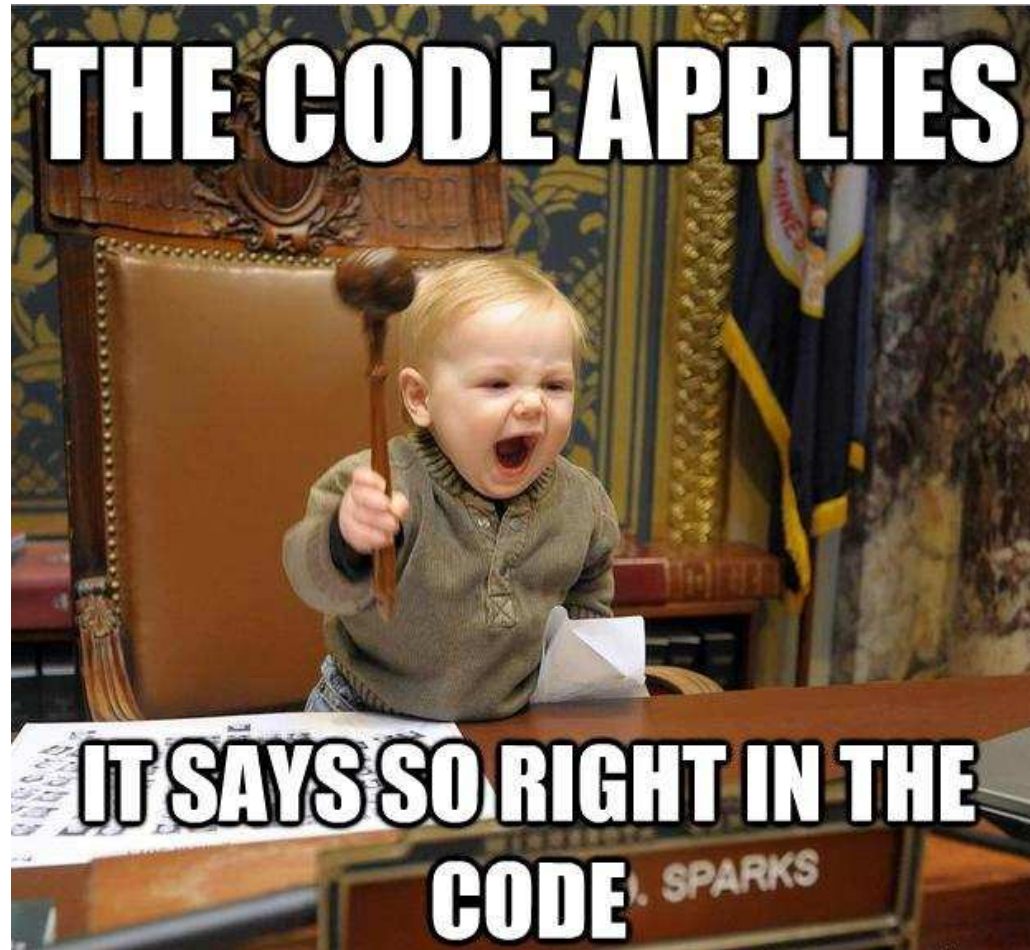
Establishes an ethical framework for

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 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)

PERSONAL INTERESTS

- The Code lists a number of situations where a personal interest arises.
- If you have a personal interest in any council business you must declare that interest
- If that interest is also prejudicial you cannot participate or vote.

WHAT IS A PERSONAL INTEREST?

Where a matter **relates to or is likely to affect;**

1. Your employment of business
2. Your employer or a business in which you are a partner or director
3. Anyone (other than your council) who contributes to your election or members expenses

Or....

WHAT IS A PERSONAL INTEREST?

Contd..

4. A company with a place of business/land in your area in which you hold 1% of shares (or shares worth more than £25k)

5. A contract for goods/services/works between your council and a business in which you are a director or a shareholder

Or.....

WHAT IS A PERSONAL INTEREST?

Contd...

6. Land that you own (include part own) in the area

7. Land where your Council is the landlord and you or your business is a tenant (includes where you are a director or shareholder)

8. Any land in the area where you hold an occupational licence.

Or....

WHAT IS A PERSONAL INTEREST?

Contd...

9. Where you are a member of or have a management role in the following types of organisation;

- (a) Public authority/body exercising public functions**
- (b) Company, society or charity**
- (c) Body which exists to influence public opinion**

Or....

WHAT IS A PERSONAL INTEREST ?

9. Contd...

(d)Trade union of professional association

(e)Private club, society or association operating in the area

Or.....

WHAT IS A PERSONAL INTEREST?

Where the matter **might reasonably be regarded as affecting**;

1. Your well-being or financial position
2. The well-being or financial position of a person you live with
3. The well-being or financial position of a **close personal associate**

Or...

WHAT IS A PERSONAL INTEREST?

Contd...

4. Any employment or business carried on by you, a person living with you, or a close personal associate of yours.

5. Any person who employs a person living with you or a close personal associate or any business in which they are a partner or director.

Or....

WHAT IS A PERSONAL INTEREST?

Contd...

6. Any public authority, company, society, charity, trade union, professional association, private club, or association in which a person living with you/close personal associate is a member or has a position of control or management.

Or....

WHAT IS A PERSONAL INTEREST?

Contd...

7. Any company in which a person living with you/close personal associate owns shares worth more than £5,000.

IF YOU HAVE A PERSONAL INTEREST THEN YOU MUST DECLARE IT.

PREJUDICIAL INTERESTS

If you have a Personal interest you **MUST check whether that interest is also prejudicial.**

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.

PREJUDICIAL INTERESTS

If you have a Prejudicial interest you MUST;

1. Disclose that interest
2. Not try to influence any decision
3. Withdraw from the meeting whilst that business is dealt with

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?**

EXEMPTED INTERESTS

The Code lists certain personal interests which are NOT prejudicial, namely;

- 1. Where the business relates to another authority of which you are a member**
- 2. Where the business relates to another public authority in which you have a position of control or management**

Or....

EXEMPTED INTERESTS

Contd..

3. Where the business relates to a body to which you have been appointed by your Council

4. Your role as a school governor where NOT appointed by your Council) UNLESS the business specifically relates to that school

Or.....

EXEMPTED INTERESTS

Contd...

5. Your role on the LHB when NOT appointed by your Council

6. In relation to a grant/loan etc by your Council to a community or voluntary organisation **up to a maximum of £500.**

DISPENSATIONS



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 clirs.**
- **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*)**
- **Otherwise appropriate in all the circumstances**
- **(*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.**

WHERE TO SEEK ADVICE

Clerks

**May seek advice from the
Monitoring Officer in relation
to the Code**

Councillors

**Ombudsman's guidance
makes it clear that Councillors
should seek advice from their
Clerks on Code issues and
only approach the Monitoring
Officer if the clerk is
unavailable**

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

