

# COUNCILLORS CODE OF CONDUCT



# **PROGRAMME**

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# **INTRODUCTION**

**Based upon the Nolan Principles for conduct in public life**

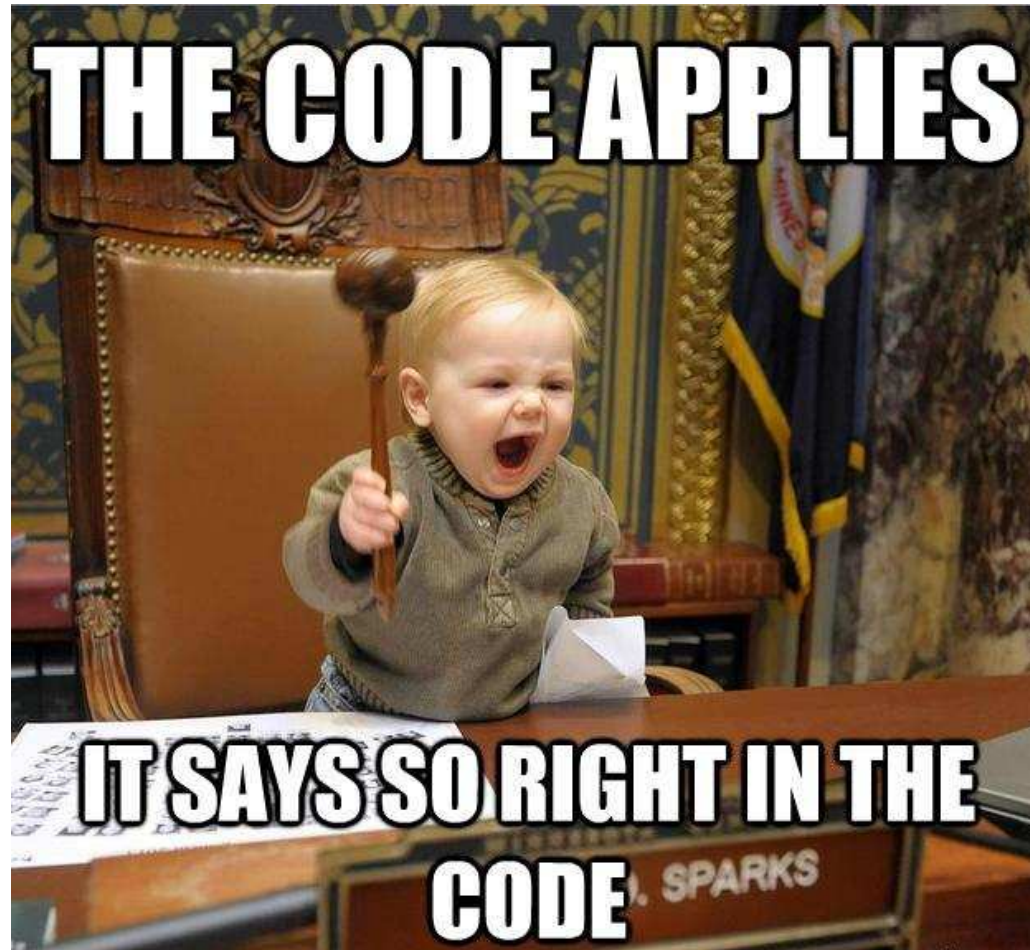
**Establishes an ethical framework for**

**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**



**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*)**
- **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

