

# COUNCILLORS CODE OF CONDUCT



# **PROGRAMME**

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# **INTRODUCTION**

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

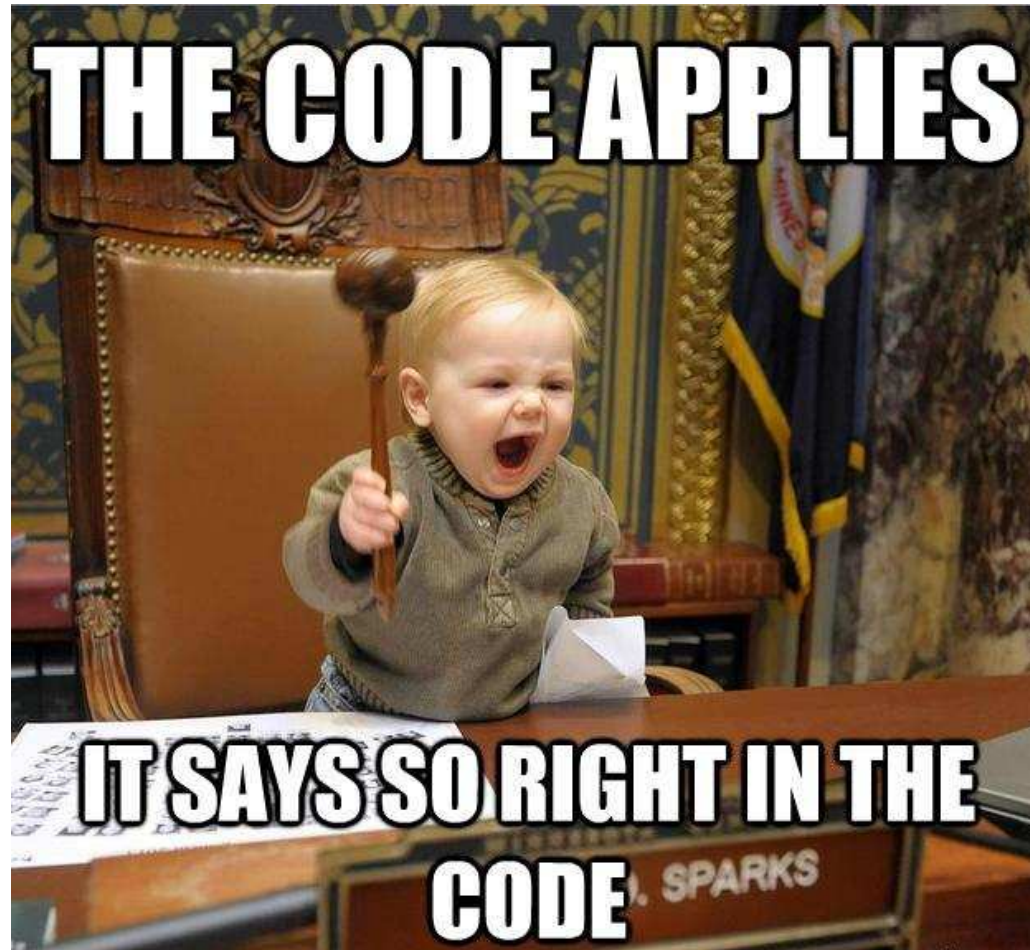
**Establishes an ethical framework for**

**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

