

COUNCILLOR ON LINE TRAINING

THE CODE OF CONDUCT
FOR COMMUNITY AND TOWN COUNCILLORS

WHAT IS AVAILABLE?

The on-line training materials have been prepared to assist you in developing your information and knowledge base as a Councillor.

The materials cover 7 distinct subject areas of which Code of Conduct is one. The other materials cover Induction, the Council as an Employer, Understanding the Law, Local Government Finance, Health and Safety and Diversity and Inclusion.

LET'S GET STARTED

This module is about the Code of Conduct and it covers the following key elements:-

- ▶ The underpinning principles
- ▶ Complying with the Code
- ▶ What Councillors must and must not do
- ▶ Personal and Prejudicial Interests
- ▶ Predetermination and Predisposition
- ▶ Oversight of breaches of the Code

It also provides a link to a 5 minute video recording of a summary of the key elements of the Code from the perspective of the Public Services Ombudsman for Wales.

PURPOSE OF THE MODULE

To support you in:-

- ▶ Being familiar with the principles of the Code of Conduct
- ▶ Having a better understanding of how to meet your responsibilities as a Councillor

ETHICAL STANDARDS FRAMEWORK

The Local Government Act 2000 sets out a framework for high standards of conduct by local government members in Wales. This comprises:-

- ▶ A set of 10 general principles of conduct
- ▶ A statutory model Code of Conduct
- ▶ Local Standards Committees to promote high standards of conduct within the principal council and community/town councils in their area
- ▶ Investigation of alleged breaches of the Code by the PSOW or monitoring officers
- ▶ The adjudication of alleged breaches by local standards committees and the Adjudication Panel for Wales

STARTING OUT

You will recall signing a declaration of acceptance of office when you became a Councillor. This is an important legal document and includes an undertaking to abide by the Code of Conduct. Your Council has to adopt the Code and your Clerk should give you a copy.

Abiding by the Code is one of the most important commitments you make as a Councillor – it helps protect you and other Councillors by ensuring that you all maintain proper standards.

PRINCIPLES UNDERPINNING THE CODE

- ▶ Selflessness
- ▶ Honesty
- ▶ Integrity and Propriety
- ▶ Duty to Uphold the Law
- ▶ Stewardship
- ▶ Objectivity in Decision Making
- ▶ Equality and Respect
- ▶ Openness
- ▶ Accountability
- ▶ Leadership

SELFLESSNESS

YOU SHOULD:

- ▶ Act purely in the public interest
- ▶ Never secure personal advantage or avoid disadvantage for you, friends, family or associates
- ▶ Never bring yourself or the Council into disrepute

HONESTY

You should declare any interests relevant to your public duties and resolve any issues that may bring you into conflict with the public interest. There is a distinction between personal and prejudicial interests which is covered later in this module.

INTEGRITY AND PROPRIETY

You must always avoid putting yourself in a position that your integrity can be called into question. This might be caused by financial or other obligations to organisations, or individuals, that may try to influence you.

DUTY TO UPHOLD THE LAW

You must act to uphold the law on all occasions. Dishonest and deceitful behaviour will bring your Council into disrepute, as may conduct which results in a criminal conviction, especially if it involves dishonest, threatening or violent behaviour, even if the behaviour happens in your private life.

STEWARDSHIP

You must ensure that you use your Council's resources lawfully and prudently. As a Councillor you have a key duty of stewardship over them helping to ensure that best value is achieved and that an effective financial control environment is in place and kept under close review.

OBJECTIVITY IN DECISION MAKING

You must always make decisions on merit having regard to the advice given by the Clerk/Responsible Financial Officer and of course your colleague Councillor's views. You are expected to give due regard to the advice and information available to you when determining your position in relation to any business to be transacted by the Council.

EQUALITY AND RESPECT

You must always promote equality for all regardless of race, gender, disability, religion, age or sexual orientation. You must respect others and show them the consideration you would personally wish to be shown.

OPENNESS

You must be open about all of your actions, and those of the Council, unless the disclosure is restricted by law or is a matter deemed by the Council to be confidential.

ACCOUNTABILITY

You are accountable to the electorate and the general public for the way you perform your duties as a Councillor. You must be prepared to be subject to scrutiny and subject yourself to it if appropriate.

LEADERSHIP

You are a community leader and you must promote public confidence in your role and that of the Council. Your Council is an employer and as a member you must respect the impartiality and integrity of the staff and refrain from any unacceptable practices such as bullying or harassment of employees.

WHAT COUNCILLORS MUST DO

- ▶ Promote equality
- ▶ Treat others with respect
- ▶ Provide access to information unless restrictions apply
- ▶ Make decisions on the merits of a case and take into account the advice of officers
- ▶ Abide by the rules on expenses

WHAT YOU MUST NOT DO

- ▶ Act in a way that would bring your office as councillor or your council into disrepute
- ▶ Accept unofficial gifts
- ▶ Disclose information given in confidence
- ▶ Use Council resources improperly
- ▶ Make vexatious or malicious complaints

WHAT ARE PERSONAL INTERESTS?

‘When a professional or personal interest outside your role may conflict with your duty as a Councillor’

In such cases, you must declare a personal interest as soon as you become aware that you, or people close to you, may benefit more than other people in the community from the outcome of the matter under discussion e.g. your employer, family and business interests or positions of control that you have in other organisations.

PREJUDICIAL INTERESTS

A personal interest becomes prejudicial 'if a member of the public with knowledge of the facts, reasonably regards your personal interest as so significant that it is likely to prejudice your judgement of the public interest.'

If you have a prejudicial interest, you must, having declared your personal interest in the matter, leave the room (or any other venue in which the meeting is being held including, for example, the location of a site meeting).

Some exemptions do apply – these are described in the Code of Conduct guidance published by the PSOW which you can access via the web-link : <https://www.ombudsman.wales/wp-content/uploads/2018/03/Code-of-Conduct-Community-Councils-August-2016-ENGLISH.pdf>

DECLARING INTERESTS

- ▶ Ask your Clerk for guidance – you will be asked to complete an interests form
- ▶ In nearly all cases you will have to withdraw from the discussion unless you have been granted a special dispensation by the County Council's Standards Committee or an exemption applies (Read the guidance on the Code of Conduct from the PSOW referenced on previous slide)
- ▶ Your interest will be included in the minutes of the meeting and in the register of member interests maintained by the Clerk and published on the Council website

PREDETERMINATION/PREDISPOSITION

An open mind is a very useful asset for any aspect of council work. You should avoid:-

- ▶ **Predetermination** - is where a Councillor has a closed mind and is unable to apply his/her judgement fully and properly to an issue requiring a decision. If you find yourself in this position you must not take part in the business to be transacted
- ▶ **Predisposition** - This is where a Councillor has indicated a particular view beforehand (e.g. election campaign) but has not made up his/her mind as to how he/she will vote on an issue nor risk being perceived to have done so. In such cases you must not take part in the business to be transacted

COMPLYING WITH THE CODE

Advice and support available to you can be obtained from:-

- ▶ The Clerk to the Council
- ▶ Monitoring Officer
- ▶ The Standards Committee
- ▶ Guidance published by the Public Services Ombudsman for Wales

OVERSIGHT OF BREACHES OF THE CODE

- ▶ Advice about reporting breaches of the Code can be obtained from the County Council's Monitoring Officer
- ▶ Complaints can be submitted to the PSOW
- ▶ The Standards Committee receives reports from the PSOW when investigations have revealed that a breach has occurred and can issue sanctions involving up to a 6 month's suspension
- ▶ In the most serious of cases, the PSOW can report the matter to the Adjudication Panel for Wales which can issue a sanction of up to a 5 year disqualification

ADDRESS FROM THE PSOW

An address from the PSOW is available on YOUTUBE accessed from the following web-link:

<https://www.youtube.com/watch?v=Cm4escGiBgk>

This is a 5 minute DVD which you are recommended to play.

WHAT THE CODE PROTECTS

- ▶ Your electors
- ▶ Your Council
- ▶ And YOU

It is your personal responsibility to read, understand and comply with the Code. If anything is unclear, seek advice.

NOW TEST YOURSELF

Try to answer the following :-

- 1) Name five of the principles that underpin the Code of Conduct.
- 2) Explain what constitutes a personal interest.
- 3) Explain when a personal interest becomes prejudicial.
- 4) What should you do when you have an interest?

WHAT NEXT?

Now that you have a basic understanding of the Code of Conduct you are strongly recommended to ask your Council to provide you with the opportunity to attend a training course on this subject.

The training offered by One Voice Wales is interactive and explores all elements of the Code in the depth that you would expect from your representative body. It will also give you the opportunity to engage with other Councillors enabling you to share experiences and learn from your peer group.