



## **CODE OF CONDUCT FOR COUNCILLORS**

(Based on "The Model Code of Conduct" issued by the Welsh Government on 27<sup>th</sup> January 2016 and adopted by Freystrop Community Council at the AGM on 13th June 2016.

Note this is a précis of the Model Code in respect of those regulations which apply to Community Councils)

### ***A. GENERAL PROVISIONS***

This Code of Conduct must be observed whenever a Councillor

- is present at a meeting of the Council.
- acts in the role of a Councillor whether elected/appointed/co-opted.
- acts as representative of the Council except when representing the Community Council on another body which has its own Code of Conduct.

### ***B. REQUIREMENTS OF COUNCILLORS***

(a) Councillors must

- carry out their duties and responsibilities on the principle that there should be equality of opportunity regardless of gender, race, disability, sexual orientation, age or religion.
- show respect and consideration for others.
- report any conduct by another Councillor which involves or is likely to involve criminal behaviour. (NB does not include offences for which fixed penalties apply, e.g. parking fines).
- report a breach of this Code of Conduct to the appointed officer of the council.
- comply with any request by the appointed officer of the Council or the Public Services Ombudsman for Wales to provide information in connection with an investigation conducted in accordance with statutory powers.
- decide issues on the merit of the circumstances involved and in the public interest taking due regard to the relevant advice provided by the appointed officer of the Council.
- observe the law and any Council rules governing the claiming of expenses and allowances in connection with duties as a Councillor.

(b) Councillors must not

- use bullying behaviour or harassment.
- do anything which could compromise the impartiality of those who work for the Council.
- disclose confidential information without authorisation of the Council or its appointed officer if authorised to give such consent.
- prevent any person gaining access to information to which that person is entitled by law.
- conduct themselves in a manner which brings the Council into disrepute.
- make vexatious, malicious or frivolous complaints against other Councillors or the appointed officer of the Council.
- use or attempt to use the position of Councillor improperly to secure a personal advantage or to create a disadvantage to another person.
- use the resources of the Council imprudently/in breach of council requirements/unlawfully/improperly for political or private purposes.
- accept gifts, hospitality, material benefits or services which might place a Councillor under an improper obligation.

### ***C. PERSONAL INTERESTS***

(a) Councillors must in all matters consider whether they have a personal interest and whether this Code of Conduct requires disclosure of that interest.

A personal interest in the business of the Council arises if it relates to or is likely to affect

- any employment or business carried out by a Councillor.
- any person or firm who employs a Councillor.
- any person who has made any payment to a Councillor in relation to their election.
- any firm with a place of business in the Councillor's area or in which a Councillor has a beneficial interest.
- any contract for goods, services or works between the Council and the Councillor or a firm in which a Councillor has an interest.
- any land owned by the Councillor within the Council's area.



- any of the following in which a Councillor holds a position of control or management:
  - ◆ charity or registered society of a charitable nature.
  - ◆ trade union or professional association.
  - ◆ private club, society or association operating with the Council's area.
- a decision on a matter which will affect a Councillor's (or his/her relatives')
  - ◆ financial position
  - ◆ employment or business
  - ◆ employer or firmto a greater extent than other constituents of the Council area.

(b) Councillors must disclose personal interests in any business of the Council in respect of a meeting at which that business is being discussed either orally at the meeting or in writing prior to the meeting to the Council's appointed officer.

#### ***D. PREJUDICIAL INTERESTS***

Where Councillors have a personal interest in any business of the Council they also have a prejudicial interest if that interest is one which a member of the public (with the knowledge of the relevant facts) would reasonably regard as so significant that it is likely to prejudice the Councillor's judgement of the public interest.

A Councillor will not have a prejudicial interest when the business relates to

- another body of which the Councillor is a member.
- another public body in which the Councillor holds a position of control.
- a body to which the Councillor has been appointed or nominated by this Council.
- a role as a School Governor where not appointed or nominated by the Council.
- a role as a member of Local Health Board where not appointed by the Council.
- a role as a Councillor in relation to a grant, loan or other form of financial assistance made by the Council to a community or voluntary organization up to £500.00.

#### ***E. PARTICIPATION IN MEETINGS, ETC. IN RELATION TO DISCLOSED INTERESTS***

Where Councillors have a personal or prejudicial interest in any business of the Council they must

- withdraw from the meeting.
- not exercise any function in relation to that business.
- not seek to influence a decision about that business.
- not make any oral or written representation in relation to that business unless a dispensation has been provided.

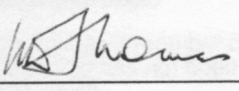
#### ***F. REGISTER OF MEMBERS INTERESTS***

Community Councillors (unlike County Councillors) DO NOT have to enter their interests in a Register within 28 days of being elected, appointed or co-opted.

However, if a matter comes before the Community Council which creates a personal or prejudicial interest for a Councillor and they disclose same as required, then that personal or prejudicial interest requires to be disclosed to the meeting in which the matter is to be discussed (or to the Community Council's appointed officer in writing prior to the meeting).

Similarly, any gift, hospitality or material benefit to, or for, a Councillor above a value of £25.00 should be entered in the Register of Members' Interests together with notification of the nature of the gift, etc.

***The contents of this document were accepted by Freystrop Community Council at the meeting held on 11<sup>th</sup> July 2016.***

Signed   
Chairman

# Code of Conduct

DECLARING AN INTEREST — QUESTIONS TO ASK YOURSELF

[These charts are for illustration only and are not definitive]

[If in doubt, consult the Monitoring Officer]

STEP 1:  
Does the Code  
apply in this  
case?

## Are you:

- conducting Council business or attending a Council meeting?
- acting in the role of Member?
- acting as a representative of the Council
- acting as the Council's appointee or nominee on any other body which does not have its own Code of Conduct?

Yes

No

The Code **does** apply.

The Code **does not** apply.

STEP 2:  
Do you have a  
**personal**  
interest?

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## Does the business relate to or is it likely to affect:

- your employment or business?
- your employer, firm or company?
- a person who has made a payment to you in respect of your election or expenses?
- a company in Pembrokeshire in which you own shares?
- a contract for goods, services or works made between the Council and you, your firm, your company or a company in Pembrokeshire in which you own shares?
- any land in Pembrokeshire in which you have a beneficial interest?
- a body to which you have been elected or appointed by the Council?
- any public authority, company, charity, lobby group, trade union or professional association or a private club, society or association operating in Pembrokeshire in which you have a membership or hold a position of general control or management?
- any land in Pembrokeshire which you have a licence to occupy for 28 days or longer?

Yes

## YOU HAVE A PERSONAL INTEREST

You must:

- (1) **disclose** your personal interest:
  - at meetings
  - when making written representations
  - when making oral representations (and you must confirm your interest in writing within 14 days)
- (2) **give written notification** of your personal interest — complete the form obtainable from the Committee Clerk or Monitoring Officer

## Might a decision be reasonably regarded as affecting (to a greater extent than the majority of other inhabitants of the ward):

- your wellbeing or financial position?
- the wellbeing or financial position of any person with whom you live or with whom you have a close personal association?
- the employment/business, employer, firm or company of any person with whom you live or with whom you have a close personal association?
- any company in which any person with whom you live or with whom you have a close personal association owns shares?
- any public authority, company, charity, lobby group, trade union or professional association, or a private club, society or association operating in Pembrokeshire in which any person with whom you have a person with whom you live or with whom you have a close personal association holds a position of general control or management?

No

**IF NO, YOU DON'T HAVE A PERSONAL INTEREST**  
If the business is before a Scrutiny Committee, go to step 3 (overleaf).

Otherwise, no further action is required.

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