



# Conduct and Governance for Town and Community Councils

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# Programme

- » **Constitutional issues**
- » **Code of conduct for councillors**
- » **Working with the County Council**



# Constitutional Issues

## » **Section 33 Local Government Act 1972**

(1) A community council shall be a body corporate consisting of the chairman and community councillors and shall have the functions given to them by this Act or otherwise.

## » **Delegating authority**

- » Committees/sub-committees
- » Joint committees
- » Officers

## » **List of Powers**



# Meetings

- » **Part IV, Schedule 12 LGA 1972**
- » **Agendas 3 days before**
- » **Public Bodies (Admission to Meetings) Act 1960**
- » **Role of the chair**
- » **Role of the clerk**
- » **Behaviour at meetings**



# Code of Conduct for Councillors

- » **Nolan Principles**
- » **Local Government Act 2000**
- » **Local Authorities (Model Code of Conduct) (Wales) Order 2008 (as amended 2016)**
- » **Mandatory code**
- » **When does it apply?**



# Principles of Public Life

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

# Selflessness

**1. Members must act solely in the public interest. They must never use their position as members to improperly confer advantage on themselves or to improperly confer advantage or disadvantage on others.**

» Paragraphs 7 and 10 - 14

» Behaviours

✓✓✓

x x x

» Evidence based  
decision making

» Lobbying officers or  
members

» Declaring interests

» Seeking favours “as a  
councillor”



# Honesty

**2. Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.**

» **Paragraphs 10 - 14**

» **Behaviours**

✓✓✓

x x x

» **Declaring interests**

» **Lobbying officers and members**

» **Seeking**

**dispensation**

» **Participating with  
prejudicial interest**





# *Integrity and Propriety*

- 3. Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.**
- » Paragraphs 9 and 17 + 18
  - » Behaviours  
✓✓✓ x x x
  - » Declaring + refusing gifts  
» Taking bribes or gifts  
» Being too close to lobbyists, contractors etc
  - » Declaring lobbying

# *Uphold the Law*

**4. Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.**

» **Paragraph 6**

» **Behaviours**

✓✓✓

x x x

» **Role model for the code**      » **Ignoring advice on code, governance or process**

» **Not break the law in private life**      » **Committing criminal offences**

» **Respect law in office**



# Stewardship

**5. In discharging their duties and responsibilities members must ensure that their authority's resources are used both lawfully and prudently.**

» Paragraphs 7b

» Behaviours

✓✓✓

x x x

» Open and transparent contracting

» Photocopying election materials

» Declaring interests

» Favouring friends with contracts



## *Objectivity in Decision-making*

**6. In carrying out their responsibilities ... members must make decisions on merit. Whilst members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.**

» Paragraph 8

» Behaviours

✓✓✓

x x x

» Keeping an open mind      » Predetermining issues



## *Equality and Respect*

- 7. Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others.**
- » Paragraphs 4 and 6 (2)
  - » Behaviours  
✓✓✓
  - » Listening to and valuing officers
  - » Promoting fairness
  - » Insulting or bullying behaviour
  - » Discrimination
- x x x



# *Openness*

- 8. Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.**
- » **Paragraphs 5 and principle of registration**
  - » **Behaviours**
- ✓✓✓**
- » **Constructive challenge**
  - + **questioning**
  - » **Learn from experience**
  - » **Registration**
- xxx**
- » **Suppressing information**
  - » **Conducting witch hunts**
  - » **Seeking personal data**

# ***Accountability***

**9. Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.**

» **Paragraphs 15 – 17**

» **Behaviours**

✓✓✓

x x x

» **Registration of interests and gifts**

» **Failure to register interests or gifts**



# Leadership

**10. Members must promote and support these principles by leadership and example so as to promote public confidence**

» **Paragraph 6**

» **Behaviours**

✓✓✓

x x x

» **Respecting the code**

» **Flouting the code**

» **Seeking + considering advice**

» **Trying to “get away with it”**

» **Role model to others**

» **Criticising the ethical regime**





# Working With the County Council

- » **Governance and Ethical Issues**
- » **Service delivery**
- » **County Charter and County Forum**



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