

## Pembroke Dock Town Council

### APPENDIX A - CODE OF CONDUCT FOR MEMBERS

#### PART I - GENERAL PROVISIONS

##### INTRODUCTION

Pembroke Dock Town Council endorses the principles of the Committee on Standards in Public Life (the Nolan Report) and the guidance contained in Part 1 of the Local Authorities (Model Code of Conduct) (Wales) Order 2008.

- (1) **Selflessness**  
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.
- (2) **Honesty**  
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.
- (3) **Integrity and Propriety**  
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.
- (4) **Duty to Uphold the Law**  
Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.
- (5) **Stewardship**  
In discharging their duties and responsibilities members must ensure that their authority's resources are used both lawfully and prudently.
- (6) **Objectivity in Decision-making**  
In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, 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.
- (7) **Equality and Respect**  
Members must carry out their duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others.

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- (8) **Openness**  
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.
- (9) **Accountability**  
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.
- (10) **Leadership**  
Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority's statutory officers and its other workers.

### **Scope**

1. (1) A member must observe the Town Council's code of conduct whenever he:
- (a) conducts the business of the Town Council;
  - (b) conducts the business of the office to which he has been elected or appointed; or
  - (c) acts, claims to act, or gives the impression he is acting as a representative of the Town Council;
  - (d) acts in any capacity in respect of conduct identified in paragraph 5
- and references to a member's official capacity shall be construed accordingly.
- (2) The Town Council's code of conduct shall not, apart from paragraphs 3 and 4(a) below, have effect in relation to the activities of a member undertaken other than in an official capacity.
- (3) Where a member acts as a representative of the Town Council
- (a) on another relevant authority, he must, when acting for that other authority, comply with that other authority's code of conduct, or
  - (b) on any other body, he must, when acting for that other body, comply with the authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

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- (4) In this code:
- (a) "member" includes a co-opted member of a Town Council;
  - and
  - (b) "responsible authority" means a County Council which has functions in relation to the parish councils for which it is responsible under section 55(12) of the Local Government Act 2000.

### Other Definitions

1. "*Body exercising functions of a public nature*" would include a board of school governors, housing association, recycling contractor, public health body, etc. and generally cover such bodies that undertake functions according to a statutory power and / or whose decisions may be judicially reviewed.
2. "*Close personal association*" should be given a very wide meaning. It will include family members with whom you do not share accommodation, e.g. parents, in-laws, children and step children (whether formally adopted or not), grandparents and grandchildren, uncles, aunts, cousins, nephews and nieces and the partners of such persons. It will also include persons with whom you have a relationship which is more than a nodding acquaintance, including "enemies". Your contact may be regular or irregular but it is a person who a reasonable member of the public might think that you would be prepared to favour or disadvantage, when discussing a matter that affects them. It may also be a friend, whether or not the contact is regular, a colleague, business associate, or a relationship that arises from the membership of the same social gathering or club.
3. "*Gift, hospitality, material benefit or advantage*" means either a one-off gift etc. to the stated value or an accumulated value of smaller gifts to you or a person you are living with or a close personal association within a reasonable period of time. It does not mean Christmas or birthday presents from family or friends.
4. "*Membership or hold a position of general control or management*" could include membership of management committee of an association.
5. "*Well-being*" means that the matter could be deemed to affect your quality of life, either positively or negatively.

### General Obligations

2. A member must:
  - (a) promote equality by not discriminating unlawfully against any person;
  - (b) show respect and consideration for others; and
  - (c) not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the Town Council; and
  - (d) not use bullying behaviour or harass any person.

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- 3.** A member must not:
- (a) disclose information given to him in confidence by anyone, or information acquired which he believes is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so; nor
  - (b) prevent another person from gaining access to information to which that person is entitled by law.
- 4(i)** You must:
- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
  - (b) report, to the Town Clerk or direct to the County Council Monitoring Officer, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
  - (c) report to the Public Services Ombudsman for Wales and to the County Council Monitoring Officer any conduct by another member which you reasonably believe breaches this code of conduct;
  - (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, the Town Council.
- 4(ii)** You must comply with any request of the County Council Monitoring Officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.
- 5.** You must not:
- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
  - (b) use, or authorise others to use, the resources of the Town Council –
    - (i) imprudently;
    - (ii) in breach of your authority's requirements;
    - (iii) unlawfully;
    - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
    - (v) improperly for political purposes; or
    - (vi) improperly for private purposes.

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- 6.** You must:
- (a) when participating in meetings or reaching decisions regarding the business of the Town Council, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by the Town Council officers or officers of the County Council, in particular by –
    - (i) the Town Clerk;
    - (ii) the Finance Officer;
    - (iii) the County Council’s Monitoring Officer
    - (iv) the Town Council’s Solicitor
    - (v) the County Council chief legal officer (who should be consulted when there is any doubt as to the authority’s power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);
  - (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Town Council or County Council.

- 7.** You must:
- (a) observe the law and the Town Council’s rules governing the claiming of expenses and allowances in connection with your duties as a member;
  - (b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by the Town Council), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

## **PART 2 - INTERESTS**

### **Personal Interests**

- 8. (1)** You must consider whether you have a personal interest in any matter and whether this code requires you to disclose that interest.
- (2)** You must regard yourself as having a personal interest in any business of the Town Council if:-
- (a) It relates to, or is likely to affect
    - (i) any employment or business carried on by you;
    - (ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;
    - (iii) any person, other than the Town Council, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

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- (iv) any corporate body which has a place of business or land in the Town Council area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
  - (v) any contract for goods, services or works made between the Town Council and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub paragraph (d) above;
  - (vi) any land in which you have a beneficial interest and which is in the area of the Town Council;
  - (vii) any land where the landlord is the Town Council and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in paragraph (d) above;
  - (viii) any body to which you have been elected, appointed or nominated by the Town Council;
  - (ix) any:-
    - (aa) public authority or body exercising functions of a public nature;
    - (bb) company, industrial and provident society, charity, or body directed to charitable purposes;
    - (cc) body whose principal purposes include the influence of public opinion or policy;
    - (dd) trade union or professional association; or
    - (ee) private club, society or association operating within the Town Council area, in which you have membership or hold a position of general control or management;
  - (x) any land in the Town Council's area in which you have a licence (alone or with others) to occupy for 28 days or longer;
- (b) a member of the public might reasonably perceive a conflict between your role in taking a decision, upon that business, on behalf of the Town Council as a whole and your role in representing the interests of constituents in your ward or electoral division; or
- (c) a decision upon it might reasonably be regarded as affecting :-
- (i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
  - (ii) any employment or business carried on by persons described in 8(2)(c)(i)
  - (iii) any person who employs or has appointed such persons as described in 8(2)(k)(i), any firm in which they are a partner, or any company of which they are directors;
  - (iv) any corporate body in which persons as described in 8(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

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(iv) any body listed in paragraphs 8(2)(a)(ix) to (aa) in which persons described in para 8(2)(c)(i) hold a position of general control or management,  
to a greater extent than the majority of:-

- (aa) tax payers, rate payers or inhabitants of the electoral ward affected by the decision; or
- (bb) in all other cases, other council tax payers, ratepayers or inhabitants of the Town Council area.

### **Disclosure of Personal Interests.**

9. (1) Where you have a personal interest in any business of the Town Council and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of the Town Council and you make:-

- (a) written representation (whether by letter, facsimile or some other form of electronic communication) to a member or officer of the Town Council regarding that business, you should include details of that interest in the written communication; or
- (b) oral representation (whether in person or some form of electronic communication) to a member or officer of the Town Council you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 Days of the representation.

(3) Subject to paragraph 11(1)(b) below, where you have a personal interest in any business of the Town Council and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of that interest.

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub para 9 (1), give written notification to the Town Council in accordance with any requirements identified by the County Council Monitoring Officer from time to time but, as a minimum containing :-

- (a) details of the personal interest;
- (b) details of the business to which the personal interest relates; and
- (c) your signature

(5) Where you have agreement from the County Council Monitoring Officer that the information relating to your personal interest is sensitive information, your obligations under this paragraph 8 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that the County Council Monitoring officer has agreed that the nature of such personal interest is sensitive information.

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(6) For the purposes of sub paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of the Town Council.

(7) For the purposes of sub-paragraph (3) where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

### **Prejudicial interests.**

10. (1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of the Town Council you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business:-

(a) relates to:

- (i) another relevant authority of which you are also a member;
- (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
- (iii) a body to which you have been elected, appointed or nominated by the Town Council;
- (iv) your role as a school governor (where not appointed or nominated by the Town Council) unless it relates particularly to the school of which you are a governor;
- (v) your role as a member of a Local Health Board where you have not been appointed or nominated by the Town Council;

(b) relates to:-

- (i) the functions of the Town Council in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from the Town Council
- (ii) the functions of the Town Council in respect of an allowance or payment made under sections 22(5), 24(4) and 173 to 176 of the Local Government Act 1972, an allowance or pension under section 18 of the Local Government and Housing Act 1989 or an allowance or payment under section 100 of the Local Government Act 2000.

(c) your role as a Town Councillor in relation to a grant or other form of assistance made by the Town Council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in sub-paragraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.



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### Participation in Relation to Disclosed Interests

11. (1) Subject to sub-paragraphs (2), (3) and (4), where you have a prejudicial interest in any business of the Town Council you must, unless you have obtained a dispensation from the County Council's Standards Committee

- (a) withdraw from the room, chamber or place where a meeting considering the business is being held –
  - (i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or
  - (ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting
- (b) not exercise executive or board functions in relation to that business;
- (c) not seek to influence a decision about that business
- (d) not to make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and
- (e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

(2) Where you have a prejudicial interest in any business of the Town Council you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if

- (a) you have the benefit of a dispensation provided that you –
    - (i) state at the meeting that you are relying on the dispensation;
- and
- (ii) before or immediately after the close of the meeting given written notification to the Town Clerk containing –
    - (aa) details of the prejudicial interest;
    - (bb) details of the business to which the prejudicial interest relates
    - (cc) details of, and the date on which, the dispensation was granted; and
    - (dd) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to the Town Council in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

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### **PART 3 - Registration of Gifts and Hospitality**

- 16.** A member must within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the Town Clerk of the existence and nature of that gift or hospitality.