



Llais Cynghorau Cymuned a Thref yng Nghymru
The Voice of Community and Town Councils in Wales

Practice Development Note 8

Code of Conduct: Members and officers

Date Issued August 2024

Review Date August 2025

This information is owned by One Voice Wales under copyright. It is intended for members of One Voice Wales only. Please contact One Voice Wales if you propose circulating this information outside of your Council.

Lyn Cadwallader BA(Hons), PGDipHsg, DBA, PGDipLOPS, Chartered MCIH
Prif Weithredwr/Chief Executive www.onevoicewales.org.uk

OVW Practice Development Note 8

Code of Conduct: Members and officers

A simple guide for Community and Town Councils

Action	Purpose	Timescale	At-a-glance timescale
1. Introduction			
<p>1.1 It is important that those in public life demonstrate high ethical standards. This can be traced to principles of public life first set out by Lord Nolan in 1995.</p> <p>The principles are Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty, and Leadership.</p> <p>The Local Government Act 2000 established a new ethical framework for local government in Wales.</p> <p>This Practice Development Note describes processes which have been put in place to reinforce ethical standards</p>	<p>These principles have informed the development of standards in public and subsequent legislation.</p> <p>Councils should respect the values of openness and transparency and adhere to, and model, the behaviours and standards set for all Members, as</p>		

amongst Members and Officers of Community and Town Councils.	<p>contained in the code of conduct.</p> <p>Members also have a duty to uphold the law, exercise proper stewardship of the Council's resources and show equality and respect for others.</p>		
--	--	--	--

Action	Purpose	Timescale	At-a-glance timescale
2. Code of Conduct: Members			
2.1 The Public Services Ombudsman for Wales published clear statutory guidance for Members of Community and Town Councils in October 2022.	To inform the development and maintenance of high ethical standards.	All Members are encouraged to study the guidance if they have not already done so.	Study the guidance as soon as possible.
	To inform the development and		

Action	Purpose	Timescale	At-a-glance timescale
<p>2.2 Councils are required to adopt a Code of Conduct based upon a Model Code of Conduct.</p> <p>The current Model was published in 2016 and was updated in 2022 to include a consequential amendment relating to its application to the new Corporate Joint Committees.</p>	<p>maintenance of high ethical standards.</p>	<p>Make sure that the Council has adopted the Code of Conduct.</p>	<p>Make sure that the Council has adopted the Code of Conduct. It is suggested that Councils should upload a copy of the Code on their websites.</p>
<p>2.3 The Chair and Members must sign a declaration of office, which includes an undertaking to abide by the Code of Conduct. There is a prescribed form for this, included with Statutory Instrument SI 2004/1508.</p> <p>Community and Town Councillors hold office for a period of five years (or if elected part way through the cycle, for the remainder of that period only) and retire on the fourth day after the ordinary day of election. The newly elected Councillors take office (provided they have made declarations of acceptance of office) on the day on which their</p>	<p>To confirm adherence to the Code.</p> <p>A model declaration is included in this practice development note. The model reflects statutory requirements. (Appendix 1)</p>	<p>The Chair must sign their declaration at the meeting at which they are elected to the role.</p> <p>Other Members must make their declaration at or before the first meeting after they are elected (or co-opted) unless the Council decide that it can be done at or before a later meeting.</p>	<p>Chair to sign declaration when appointed.</p> <p>Other Members to sign declaration at or before first meeting after they are elected.</p>

Action	Purpose	Timescale	At-a-glance timescale
predecessors retire (Local Government Act, 1972, Section 16(3)).		All members must sign the declaration, including any re-elected Members following a Council-wide election.	
2.4 All Members should undertake training in relation to the Code of Conduct. This training can be delivered by One Voice Wales.	To ensure understanding of the Code.	Model Standing Orders suggest that training is undertaken within six months of taking office.	Within six months of taking office.

Action	Purpose	Timescale	At-a-glance timescale
3. Standards Committees			
3.1 Principal Councils (i.e. County or County Borough Councils) must appoint Standards Committees. At least one member of the Committee must be a	To promote high standards of conduct, assist Members to observe the Code,	The Standards Committee is likely to meet on a regular basis.	

Action	Purpose	Timescale	At-a-glance timescale
Community or Town Councillor for the area.	advise on revisions to the Code, monitor its operation and arrange training.		

Action	Purpose	Timescale	At-a-glance timescale
4. Declarations of Interest			
4.1 The obligation for Members to make a declaration when they have an interest in an agenda item is an established feature of local government. It is important to maintain public confidence.	“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.” (Public Services Ombudsman for Wales 2022)	Interests should usually be declared at the start of each meeting or, if it becomes apparent, later in the meeting. Members should declare an interest each time it arises, regardless of whether they have previously declared it.	Declare the interest at the start of the meeting.

<p>4.2 Detailed arrangements relating to Declarations of Interest are set out in Appendix 2 to this note.</p>			
---	--	--	--

5. Code of Conduct: Officers

<p>5.1 The Local Government Act 2000 establishes a new ethical framework for local government in Wales.</p> <p>Under section 82(2) of the Act, a Code of Conduct has been issued about the conduct expected of certain employees of authorities such as Community and Town Councils. The Code is emphasised in the Finance & Governance Toolkit for Community and Town Councils developed jointly by One Voice Wales, the Society of Local Council Clerks (SLCC) and Welsh Government.</p> <p>(The terms of appointment or conditions of employment of employees of relevant authorities to whom the code of conduct applies are be deemed to incorporate the Code of Conduct.)</p>	<p>To inform the development and maintenance of high ethical standards.</p> <p>Employees are the principal asset of any Council, and it is important that they are given the trust and respect to perform their roles to their maximum ability within a safe working environment. Training and development of employees is vitally important as well as having appropriate systems in place to provide adequate reward, recognition,</p>	<p>Members are encouraged to undertake training in the Toolkit.</p> <p>Contact One Voice Wales for further details.</p>	<p>Undertake training in the Toolkit as soon as possible.</p>
---	--	---	---

<p>The code as regards the conduct which is expected of a qualifying employee of a relevant authority is set out in the Schedule attached to this Order.</p>	<p>and accountability within a framework of effective employment policies. **</p>		
<p>5.2 All staff should be given a copy of the employee code of conduct.</p>	<p>This will help ensure that the Council carries out its duties as an employer.</p>	<p>All staff should receive a copy of the Code. New starters should receive a copy as part of induction.</p>	<p>As soon as possible on starting (for new staff.)</p>

<p>6. Member and Officer Relationships</p>			
<p>6.1 Relationships between Members and Officers are critical to the success of a local council. Mutual respect is essential to this relationship.</p> <p>Some Councils, that are members of One Voice Wales, have put in place a formal protocol to reinforce the importance of this. (attached)</p>	<p>Effective local governance and community leadership depends on good working relationships between Members and Officers.</p>	<p>Adopt the protocol if not already done so.</p>	<p>As soon as possible.</p>

** (Taken from the Finance & Governance Toolkit for Community and Town Councils developed jointly by One Voice Wales, the Society of Local Council Clerks (SLCC) and Welsh Government)

Some key tips:

- Make sure that Members sign their Acceptance of Office in the proper manner. Make sure it confirms that they will abide by the Code of Conduct.
- Make sure that Members undertake training in the Code of Conduct.
- Use the Finance & Governance Toolkit.
- Make sure that Members undertake training in the toolkit.
- Understand the role of the Standards Committee. Who represents Community and Town Councils on your Standards Committee?
- Understand and apply the rules on Declarations of Interest.
- Understand the obligations on officers.
- Adopt the Member and Officer protocol.
- Finally, here are some video clips which also help explain the above matters.

[Standards of behaviour for councillors in Wales - YouTube](#)

[Safonau ymddygiad ar gyfer cynghorwyr yng Nghymru - YouTube](#)

[Advice on how to complain about a councillor in Wales - YouTube](#)

[Cyngor ar sut i gwyno am gynghorydd yng Nghymru - YouTube](#)

[How councillors should behave and interact with people - YouTube](#)

[Sut dylai cynghorwyr ymddwyn ac ymwneud â phobl - YouTube](#)

Section 83, Local Government Act 1972

Declaration of Acceptance of Office

I ...(1)...having been elected to the office of(2)... of... (3)... , declare that I take that office upon myself, and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability.

I undertake to observe the code for the time being as to the conduct, which is expected of members of ... (4) ... , and which may be revised from time to time.

Signed : Date:

This declaration was made and signed before me,

Signed:

Clerk and Proper Officer of the council. (5)

- (1) Insert the name of the person making the declaration.
- (2) Insert either "member" or "Chairman/Mayor" as appropriate.
- (3) (4) Insert the name of the authority of which the person making the declaration is a member or Chairman/Mayor.
- (5) Where the declaration is made before another person authorised by section 83(3) or (4) of the local Government Act 1972, state instead the capacity in which that person takes the declaration.

Declarations of Interest

Part III of the [Local Government Act 2000](#) sets the framework for declarations of interest by Members.

If matters are discussed at a Council meeting, committee, or sub-committee meeting relating to an area where a Member has an interest, they must declare it. This can be done orally but should be confirmed in writing.

The [Model Code of Conduct](#) describes in detail those areas where Members must declare a Personal or Prejudicial Interest. The Code gives examples of each.

Examples of a **Personal** Interest include any employment or business carried on by the Member, any private club, society, or association operating within the Council's area, of which the Councillor is a member or holds a position of general control or management; and membership of a public authority, such as another Council. Members may have a personal interest in a subject being discussed if it is likely to affect a person who gave them a gift or hospitality.

If such matters are the subject of discussion, then the Member concerned should declare a personal interest.

There is no need for the Member to leave the meeting for that item and they may take part in the discussion and in any vote.

Where a Member has a personal interest, they may 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 their judgement. As a general rule, membership of another Council in itself is not a prejudicial interest ("Twin Hatted Members.") The Code includes detailed advice and outlines some exceptions which are explained in the Code of Code training delivered by One Voice Wales.

If a Member declares a prejudicial interest, they should withdraw from the meeting for discussion of that item unless they have obtained a dispensation from the Standards Committee to remain and take part in the debate and possibly speak or speak and vote. The letter from the Standards Committee will explain the nature of the dispensation and the Clerk should be provided with a copy.

Sometimes you will see references to pecuniary or non-pecuniary interests.

Pecuniary (financial) interests include potential, perceived or actual financial gain or loss. However, this does not necessarily mean that money needs to change hands. Non-pecuniary interests may arise from personal or family relationships that do not amount to a pecuniary interest. A pecuniary interest is therefore prejudicial. A non-pecuniary interest is likely to be personal, but this may not always be the case.

NB, the decision as to whether or not to declare an interest is a matter for the individual Member. The Clerk may offer advice on procedure, but the decision to declare or not is one for the Member. If in doubt, it is safer to declare. In most cases,

the position should be clear, but, where this is uncertainty, Members could consider what the average man or woman in the street would think? “Was the Member acting in the public interest or do they stand to gain from the decision in any way?”

All declarations must be referenced in the minutes of the meeting. They should also be entered into a register, maintained by the Clerk and published on-line, like [this](#). There is no requirement at Community or Town Council level for Members to submit details of all interests held “up front” as at County Council level, though this is not discouraged and has been introduced by some Councils

[Guidance](#) submitted by the Public Services Ombudsman for Wales in October 2022 offers clear guidance on the question of declaration of interests and the issues set out in this Note. “Twin Hatted” Members are encouraged to study section 3.17 to 3.19. The question of grants to other organisations of which Councillors may be a member is set out at paragraph 3.35.

Officers should follow the requirements of the officer code of conduct and also declare any interests held, based on the criteria described above. These interests would not need to be included in the online register of member interests but the minutes of a meeting should indicate when an officer left the meeting due to a declared interest.

..... **COMMUNITY/TOWN COUNCIL**

Model Protocol on Member/Officer Relations

Mutual trust and respect between Councillors and Officers is essential to ensure good governance and the effective running of the Community Council. To help ensure that relationships do not go awry this policy has been introduced to cover:-

- The respective roles and responsibilities of the Councillors and the Community Clerk, and any other staff employees;
- Relationships between Councillors and Officers;

1. Background

- 1.1 This protocol is intended to assist Councillors and the Community/Town Clerk, in approaching some of the sensitive circumstances which arise in a challenging working environment.
- 1.2 The reputation and integrity of the Community/Town Council is significantly influenced by the effectiveness of Councillors, the Clerk and other staff working together to support each other's roles.
- 1.3 The aim is effective and professional working relationships characterised by mutual trust, respect and courtesy. Close personal familiarity should be avoided.

2. Roles of Councillors and Employees

- 2.1 The respective roles of Councillors and employees can be summarised as follows:

Councillors and Officers are servants of the public and they are indispensable to one and other, but their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Community/Town Council. Their job is to give advice to Councillors and to the Community/Town Council, and to carry out the Council's work under the direction and control of the Council and relevant committees.

2.2 Councillors

- 2.2.2 Councillors have four main areas of responsibility:

- To determine council policy and provide community leadership;
- To monitor and review council performance in delivering services;
- To represent the council externally; and
- To act as advocates for their constituents.

- 2.2.3 All Councillors have the same rights and obligations in their relationship with the Community/Town Clerk and other employees, regardless of their status or political party, and should be treated equally.

- 2.2.4 Councillors should not involve themselves in the day to day running of the Council. This is the Community/Town Clerk's responsibility, and the Community/Town Clerk will be acting on instructions from the Council or its Committees, within an agreed job description.

2.3 Chairmen and Vice-Chairmen of Committees

Committee Chairs and Vice-Chairs have additional responsibilities. These responsibilities mean that their relationships with employees may be different and more complex than those of other Councillors. However, they must still respect the impartiality of Officers and must not ask them to undertake work of a party political nature, or to do anything which would prejudice their impartiality.

2.4 Officers

The role of Officers is to give advice and information to Councillors and to implement the policies determined by the Council.

In giving such advice to Councillors, and in preparing and presenting reports, it is the responsibility of the Officer to express his/her own professional views and recommendations. An Officer may report the views of individual Councillors on an issue, but the recommendation should be the Officer's own. If a Councillor wishes to express a contrary view they should not pressurise the officer to make a recommendation contrary to the officer's professional view, nor victimise an officer for discharging his/her responsibilities.

3. Expectations

3.1 All Councillors can expect:

- a commitment from Officers to the Council as a whole, and not to any individual Councillor, group of Councillors or political group;
- a working partnership;
- Officers to understand and support respective roles, workloads and pressures;
- A timely response from Officers to enquiries and complaints;
- Officer's professional advice, not influenced by political views or personal preferences;
- regular, up to date, information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities or positions that they hold;
- Officers to be aware of and sensitive to the public and political environment locally;
- Respect, courtesy, integrity and appropriate confidentiality from Officers;
- training and development opportunities to help them carry out their role effectively;
- not to have personal issues raised with them by Officers outside the council's agreed procedures;
- that Officers will not use their contact with Councillors to advance their personal interests or to influence decisions improperly;
- That Officers will at all times comply with the relevant code of conduct.

3.2 Officers can expect from Councillors:

- a working partnership;

- an understanding of, and support for, respective roles, workloads and pressures;
- leadership and direction;
- respect, courtesy, integrity and appropriate confidentiality;
- not to be bullied or to be put under undue pressure;
- that Councillors will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
- that Councillors will at all times comply with the council's adopted Code of Conduct.

3.3 Some General Principles:

- Close personal relationships between Councillors and Officers can confuse their separate roles and get in the way of the proper conduct of Council business, not least by creating a perception in others that a particular Councillor or Officer is getting preferential treatment.
- Special relationships with particular individuals or party-political groups should be avoided as it can create suspicion that an employee favours that Councillor or political group above others.