

MAESTEG TOWN COUNCIL

CODE OF CONDUCT

PART 1

Interpretation

In this code:

‘Co-opted member’ means a person who is not a member of the authority but who is:

- a) is a member of any committee or sub-committee of the authority, or
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority, and who is entitled to vote on any question which falls to be decided at any meeting of that committee or subcommittee;

‘Meeting’ means any meeting:

- of the relevant authority,
- of any executive or board of the relevant authority,
- of any committee, sub-committee, joint committee or joint sub-committee of the authority or of any such committee, sub-committee, joint committee or joint sub-committee
- where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990,

and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

‘Member’ includes, unless the context requires otherwise, a co-opted member;

‘Relevant authority’ means:

- a county council,
- a county borough council,
- a community council,
- a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,
- a National Park authority established under section 63 of the Environment Act 1995;

‘You’ means you as a member or co-opted member of a relevant authority; and

‘Your authority’ means the relevant authority of which you are a member or co-opted member.

In relation to a community council

- ‘proper officer’ means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972; and
- ‘standards committee’ means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

PART 2

General Provisions

1. The Code of Conduct applies to all elected members and co-opted members with voting rights of the ‘relevant authority’ i.e. Maesteg Town Council

2. Members must observe the code of conduct whenever they:
 - Conduct the business, or are present at a meeting, of your authority;
 - Act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;
 - Act, claim to act or give the impression you are acting as a representative of your authority;
 - At all times and in any capacity, in respect of conduct identified in paragraphs 6 and 7.

You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

3. The following conduct is also covered by the code when a member is acting in other than an official capacity (i.e. Conduct in private life):
 - Conduct that might be regarded as bringing the office of member or their authority into disrepute
 - Using or attempting to use member's position improperly to secure for any person an advantage or to create or avoid a disadvantage
 - Improper use of the authority's resources
4. Members who are elected, appointed or nominated by their authority to serve on another relevant authority or other bodies are subject to the code of conduct for that other body. Where such a body does not have a code of conduct, members must comply with their authority's code of conduct except where it conflicts with any other lawful obligations to which that body may be subject.
5. Members must:
 - Carry out your 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;
 - Show respect and consideration for others;
 - Report conduct by another member or anyone who works for, or on behalf of their authority which they reasonably believe involves criminal behaviour (this does not include offences capable of punishment by way of fixed penalty).
 - Report conduct by another member that they reasonably believe breaches the code of conduct
 - Comply with any request of the Public Services Ombudsman or the authorities monitoring officer in connection with an investigation conducted under their statutory powers
 - Reach decisions on the basis of the merits of the circumstances involved and in the public interest, having regard to the advice of their authorities officers.
 - Give reasons for decisions in accordance with statutory requirements and any reasonable requirement imposed by their authority.
 - Observe the law and their authorities rules when claiming expenses or allowances.
 - Avoid gifts and hospitality etc that might place, or appear to place a member under an improper obligation.
6. Members must not:
 - Conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
 - Bully or harass any person

- Compromise or do anything likely to compromise the impartiality of those who work for their authority
- Disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- Prevent any person from gaining access to information to which that person is entitled by law.
- make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.
- Use or authorise other to use the authorities resources improperly

PART 3

Personal Interests

7. The code sets out a number of categories of personal interest including:
 - Employment or business
 - Election and other expenses
 - Securities
 - Contracts
 - Land
 - Tenancies
 - Members of other bodies where elected, appointed or nominated by the members authority
 - Membership or positions of general control or management of other bodies, companies, charitable bodies, lobby organisations, public opinion, trade and professional associations
 - Membership or positions of general control or management of private clubs, societies and associations operating within the authority's area
8. **Members of Maesteg Town Council are required to register personal interests in writing to the Clerk in advance, giving details of personal interest, details of the business to which it relates and a signature. Members must disclose the existence and nature of personal interests when they become apparent, as described below.**
9. Subject to the agreement of their authorities monitoring officer, members do not need to include 'sensitive information' when registering a personal interest. 'Sensitive information' is information whose availability for inspection by the public creates, or is likely to create, a serious risk that the member or a person with whom the members lives may be subjected to violence or intimidation.

Disclosure of Personal Interests at meetings

10. Members must in all matters consider whether they have a personal interest that should be disclosed.
11. In addition to the categories of interest described in 7 above, members must regard themselves as having an interest in any business of their authority if:
 - The public might reasonably perceive a conflict between the member's role in taking a decision on behalf of their authority as a whole and he member's constituency role.
 - A decision upon it might reasonable be regarded as affecting the wellbeing or pecuniary interests of the member, a person with whom the members has a close personal association, employment and business interests etc of such

persons, or management **to a greater extent that the majority of other council taxpayers and rate payers or inhabitants of the electoral division or ward, as the case may be affected by the decision (or the authorities area for those authorities without divisions or wards)**

12. Where a member has a personal interest in any business of their authority they must:

- **When attending a meeting** – 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.
- **When making written representations to a member or officer** – include details of the interest in that written communication.
- **When making oral representations to a member or officer** – disclose orally the interest at the commencement of such representations or when the interest becomes apparent. Such representations and interests must be confirmed in writing within 14 days.
- Members must also ensure that any written statement of a decision taken where an interest is declared, must include the existence and nature of the interest.

13. Where a member has the agreement from the monitoring officer that the information relating to your personal interest is 'sensitive information', the member is required to disclose the existence of the interest and that the monitoring officer has agreed that the nature of the interest is sensitive and does need to be disclosed.

Prejudicial Interests

14. A member with a personal interest in any business of the authority also has 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*'.

15. A member also has a prejudicial interest in any business before an overview or scrutiny committee of their authority where:

- The business relates to a decision or action of the authority's committees; and
- That member was a member of a committee and was present when the decision or action was taken.

16. A member is exempt from having prejudicial interest where the business relates to:

- Another relevant authority of which they are a member
- Another public authority or body exercising functions of a public nature in which the member holds a position of general control or management
- A body to which the member is elected, appointed or nominated by their authority
- The member's role as a school governor where the member is not appointed or nominated by their authority, unless the business relates particularly to the school of which the member is a governor.
- The members role as a member of a local health board where the member is not appointed or nominated by their authority.

The above exemptions do not apply where the business of the authority relates to the determination of any approval, consent, licence, permission or registration relating to the above mentioned authorities or bodies.

17. A member is also exempt from having a prejudicial interest where the business relates to:
- Housing functions of the authority where the member holds a tenancy or lease and the member does not have rent arrears of more than 2 months (provided that he functions do not relate particularly to that tenancy or lease).
 - School meals, transport, and travelling expenses where the member is a guardian, parent, grandparent or has parental responsibility under
 - the Children Act 1989 of a child in full time education, unless the business relates particularly to the school which that child attends.
 - Statutory sick pay where the member is in receipt of, or are entitled to, such pay from their authority
 - Various allowances, pensions or payments to members under the Local Government Act 1972, the Local Government and Housing Act 1989 and the Local Government Act 2000.
18. Community Councillors are also exempt from having a prejudicial interest where the business relates to a grant, loan or other financial assistance made by their community council to community or voluntary organizations up to a maximum of £500.

Participation in the Business of the Authority

19. A member with a prejudicial interest in any business of their authority **must not**, unless they have obtained a dispensation from the authority's standards committee participate in that business (but see following paragraphs). Such a member must:
- Withdraw from the room, chamber or place where a meeting considering the business is being held.
 - Not exercise executive or board functions in relation to that business
 - Not seek to influence a decision about that business
 - Not make written or oral representations in relation to that business.
20. A member with a prejudicial interest may attend a meeting for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend for the same purpose. The member must withdraw from the meeting place immediately after the period for making representations etc. has ended and in any event before further consideration of the business begins.
21. A members with a prejudicial interest is not prevented by the code from attending and participating in a meeting if the member:
- Is required to attend an overview or scrutiny committee meeting.
 - Has a dispensation from the standards committee. The member must state that they are relying on the dispensation and confirm the dispensation in writing before or immediately after the close of the meeting.

Registration of Gifts and Hospitality

22. A member must within 28 days, provide written notification to the monitoring officer of the receipt and nature of any gift, hospitality, material benefit or advantage above a value of £10.00, or an amount that the authority shall from time to time determine.

This policy was reviewed by the Policy committee on 28/02/2023

Policy Accepted and adopted by a Hybrid meeting of the Council held on 07/03/2023

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Mayor

Review Date: To be reviewed during the year following an election unless any issues arise.