

Member Induction: Wales 2022

Ethics and Standards

Dyddiad/Date

Learning Objectives



At the end of this session, members should:-

Understand the importance of the ethical framework and the requirement upon them to work within it according to the Code of Conduct

Understand how to act within the code particularly in relation to declaring interests.

Understand what will happen if the code is breached

Know where to go for advice and information

Ethical Governance



Effective local government requires high standards of conduct to ensure that there is public confidence in everything we do.

As elected representatives you are expected to behave and conduct yourself in certain ways, regardless of individual background or politics.

Why is it important? We want to avoid...



West Lancashire Labour councillor suspended over Sir Keir Starmer tweet



Labour Leicester councillor suspended in anti-Semitism

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A Labour spokesman said the party "takes all complaints of anti-Semitism extremely seriously and they are fully investigated"

A Labour councillor has been suspended from the party pending an investigation into anti-Semitism allegations.

Jacky Hangreave, who represents Westcotes ward at Leicester City Council, was suspended over accusations about posts on her social media pages.

Tory councillor in Worthing suspended over alleged support of far right

Party is investigating Tim Wills over claims he supports Patriotic Alternative, which promotes 'white genocide' theories



The antiracist campaign group Hope Conservative party. Photograph: Facebook. The Conservative party has suspended allegations that he has been a s

Tim Wills, a borough councillor, has been a supporter of Patriotic Alternative. He seeks the removal of ethnic minorities. In discussions on a PA channel

Councillor suspended following posts supporting Putin's invasion

Angus Williams

Published: 6:00 AM February 26, 2022 Updated: 11:07 AM February 26, 2022



Shayne Pooley, Ipswich borough councillor for the Gainsborough Ward, the Conservative party following posts supporting Putin's invasion of Ukraine. IMAGES/IPSWICH BOROUGH COUNCIL

An Ipswich councillor has been suspended while an investigation is carried out into social media posts apparently backing Vladimir Putin's invasion of Ukraine posted on his account.

Shayne Pooley, a councillor for Gainsborough ward, has been suspended from the Conservative party while an investigation is carried out, a Tory spokesman confirmed. He will continue to sit as a councillor.



Solihull councillor suspended by Tory party over autism comments

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SOLIHULL COUNCIL

Angela Sandison apologised to parents and resigned

A councillor has been suspended by the Conservative party following comments suggesting parenting skills were linked to autism diagnosis numbers.

Angela Sandison told Solihull Council's children's meeting some mothers should be encouraged to have more children.

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Tory councillor suspended over fake photo of Corbyn at Liverpool hospital bombing

Paul Nickerson shared mocked-up image of former Labour leader laying wreath at bomb site

Tim Wyatt • Wednesday 17 November 2021 10:13 • Comments



LLAIS CYNGHORAU CYMRU
THE UNITED KINGDOM COUNCILS

Why is it important? We want to avoid...



Newport councillor suspended after threatening GP's staff

October 2021



Watkins said staff at Isca medical

councillor has been suspended fr
tending" with staff at a GP's su

ort councillor Joan Watkins w
dealing with Isca Medical cent

Services Ombudsman Wales
red as a representative for An

News Politics Monmouthshire Council

Councillor who said homosexuality is 'unnatural, perverted, immoral and wrong' has been suspended

Graham Down said that "both homosexual and paedophile acts" were "comparable in substance"

By Ruth Mosalski Political Editor
09:20, 15 AUG 2018 | UPDATED: 10:22, 15 AUG 2018

A councillor who said homosexuality was "unnatural, perverted, immoral and wrong" has been suspended. Graham Down was found to have breached the code of conduct for Monmouthshire County Council when he emailed the chief executive, Paul Mathews, with

The Met Office exactly where in Wales

Councillor suspended following Facebook posts supporting Putin's invasion

Angus Williams

Published: 6:00 AM February 26, 2022 Updated: 11:07 AM February 26, 2022

Shayne Pooley, Ipswich borough councillor for the Gainsborough Ward, has been suspended by the Conservative party following posts supporting Putin's invasion of Ukraine - Credit: TASS/PA IMAGES/IPSWICH BOROUGH COUNCIL

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Solihull councillor suspended by Tory party over autism comments

to parents and resigned from the children's se

ended by the Conservatives after she n
renting skills were linked to a rise in auti

hull. Council's children's services scrutiny
ould be encouraged not to spend much t

Labour council chief is suspended after secret recording of him calling female Plaid Cymru politician a 'cow' appeared online

- Rob Jones made comments during meeting he didn't know was being recorded
- Council leader has been suspended from while an investigation is carried out
- Mr Jones says clip was made without knowledge and consent and was edited

By MATT DRAKE FOR MAILONLINE
PUBLISHED: 18:51, 7 March 2021 | UPDATED: 18:58, 7 March 2021

Share 145 shares 69 View comm

A Welsh council leader has been suspended after he was secretly recorded calling female politician a 'cow'.

Council leader Rob Jones made the 'despicable' comments during a meeting but not know it was being recorded.

It has now come to light after the clip of the insult aimed at Plaid Cymru politician Bethan Sayed MS was shared online.



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Labour Leicester councillor suspended in anti-Semitism probe

© 23 November 2021



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Jacky Nangreave, who represents Westcotes ward at Leicester City Council, was suspended over accusations about posts on her social media pages.



The Ethical Framework

The Nolan Committee in 1997 - origins of the ethical framework for Standards in Public Life

As a Member you must have regard to these principles :

Selflessness

Honesty

Integrity and Propriety

Duty to uphold the law

Stewardship

Objectivity in Decision making

Equality and respect

Openness

Accountability

Leadership

Your Responsibilities



You have a legal duty to act ethically. This is set out in the Local Government Act 2000.

The Local Authorities (Model Code of Conduct) (Wales) Order 2008 requires a mandatory code of conduct in each authority based on a national model.

Code of Conduct



Shows you how to apply the ethical framework

Unless you sign your Declaration of Acceptance and give a written undertaking to observe the Code of Conduct you cannot be a member. If this is not completed within two months you will cease to be a member

If you fail to undertake or observe you can be suspended from office

Applies to all members in Wales apart from members of Police Authorities who should comply with the English Code of Conduct

The Code Applies to You Whenever You Are ...



In any “official” meeting of the authority

In any meeting where members or officers of the authority are present

Acting, claiming to act or giving the impression you are acting as a representative of the authority

Conducting business of the authority as a member and acting as a representative of the authority

Acting in an official capacity

Acting as a representative on another body unless that body has conflicting legal rules or its own

code.

And Also...



At any time if :

You conduct yourself in a manner likely to bring your office or authority into disrepute or

You use or attempt to use your position to gain advantage or avoid disadvantage for yourself or others or

You misuse your authority's resources

General Rules you Need to Follow Under the Code



Promote equality

Treat others with respect and consideration

Do not bully or harass people

Do not compromise the impartiality of officers

Do not disclose confidential information

Do not prevent access to information

Do not bring your office or authority into disrepute

You must report breaches of the code to your Monitoring Officer

General Rules you Need to Follow Under the Code (continued)



Do not make vexatious complaints

You must cooperate with investigations

You must not use your position improperly

Do not misuse your authority's resources

Reach decisions objectively

Consider advice that officers give you and give reasons if you don't take it

Comply with the law and your authority's rules regarding expenses

Do not accept any gifts or hospitality that would place you under an obligation or seem to do so.

Interests



The public must have confidence that you are making decisions in their best interests not yours!

Therefore, if you have an interest **you must declare it.**



Personal Interests

You have a personal interest when a decision relates to or is likely to affect you or a “close personal associate” in relation to:

Your job or business

Your employer or company in which you are a partner or director

Someone who has contributed to your election costs or member expenses

Any company where you have shares over £25K or more than 1% of the total share value which has premises or land in your area

Any contract that your authority makes with a company in which you are a partner, paid director or hold shares



Personal Interests (continued)

You have a personal interest when a decision relates to or is likely to affect you or a “close personal associate” in relation to:

Any land in which you have an interest in your authority’s area

Any land let by your authority to a firm in which you are a partner, paid director or hold shares

Any land in your authority's area which you have a license to occupy for at least 28 days

Any body to which you have been elected appointed or nominated by your authority

Any public authority or body exercising functions of a public nature, charity, public opinion or policy, trade union or professional association, private club or society in your authority’s area of which you are a member or in a management position



Who is 'a Close Personal Associate'

Not just your best friend but your worst enemy....

Close friends

Colleagues with whom you have strong connections

Business associates

Close relatives

Or someone with whom you have been in dispute

But not casual acquaintances, distant relatives or people who you come into contact with through your work.



What Do You Do If You Have a Personal Interest ?

You **must** declare it verbally at meetings

You **must** declare it when making written or verbal representations outside of a meeting

You **must** complete a declaration of interests form

BUT you are entitled to take part in discussions and vote unless it is a **prejudicial interest**

Prejudicial Interests



Prejudicial Interests are personal interests which a member of the public would regard as likely to influence your opinion or your ability to be objective for example:

If your daughter lives next to a proposed site for a new housing development

If your son attends a local school which is due for closure



What Do You Do if You Have a Prejudicial Interest?

You must leave the meeting during the discussion

You must not exercise delegated powers

You must not seek to influence the decision

You must not make written or verbal representations

UNLESS

The Standards Committee has granted you a dispensation

The public have a right to speak in which case you have the same right to speak (but you must leave after you have spoken) or you can provide written representations to the meeting

You have been called before a scrutiny committee



Exercise - Interests

In groups consider the scenarios and answer the questions



Case Study: Declaring a personal interest

An elected member represented their Council on the cabinet of a regional economic body.

It was alleged that the Member had purchased shares in a company that had been leased premises by the regional economic body, to manufacture compound semiconductors. It was revealed that the Member had subsequently failed to declare an interest in the company during the regional economic body's Joint Committee Meetings.



Case Study: Declaring a personal interest

The complaint was investigated on the basis that there may have been a failure to comply with the following provisions of the Code of Conduct.

0(1)(a) – members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

(a) – members must not, in their official capacity or otherwise, use or attempt to use their position to confer on or secure for themselves an advantage.

0(2)(viii) – members must regard themselves as having a personal interest in any business of their authority if it relates to, or is likely to affect...any body to which they have been elected, appointed or nominated by their authority.

1(1) – Where a member has a personal interest in any business of his authority and attends a meeting at which that business is considered, he 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.

4(1)(a) – Where a member has a prejudicial interest in any business of his authority, unless he has obtained dispensation from his authority's Standards Committee, he must withdraw from the room, chamber or place where a meeting considering the business is being held.



Case Study: Declaring a personal interest

The investigation found that the Member had access to confidential information by virtue of his position on the economic body's Regional Cabinet, which enabled him to purchase shares in the Company at a low price with a reasonable expectation that he could later sell those shares at a higher value.

The Ombudsman considered that his actions were not in the spirit of the Principles which underpin the Code of Conduct, in particular the principle of integrity, which expects members not to act or take decision to gain financial benefits for themselves.

In respect of the allegation that the Member had failed to declare an interest, the investigation found that the Member had failed to declare an interest in the Company during Regional Cabinet meetings and that, whilst no decisions were made about the Company during this meeting, the Member's failure to declare a personal and prejudicial interest and withdraw from the meeting was suggestive of breaches of the Code of Conduct.

Case Study: - Outcome



Nature of allegation: Breach of paragraphs 6(1)(a), 7(a), 11(1) and 14(1)(a) of the Council's Code of Conduct

Tribunal Decision: Suspended for 5 months



Predisposition and Predetermination

Predisposition – having an opinion on something but you have not yet made up your mind

Predetermination – having decided a position on something where no argument will change your mind

If you are involved in a decision you should avoid giving the impression that you have conclusively decided how you will vote at the meeting.

"I have a view on the subject but want to listen to all the arguments before I make up my mind"

Bias



Bias – Members need to remember that apparent bias can infect the whole decision and make it vulnerable to challenge

As highlighted by a 2015 case in the High court:- Kelton v Wiltshire

Planning permission for a residential development was quashed due to the apparent bias of a member of the planning committee

How the Code is Policed

The Monitoring Officer

The Standards Committee

The Public Services Ombudsman for Wales

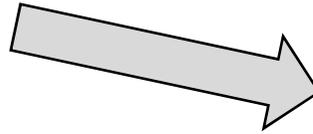
The Adjudication panel for Wales





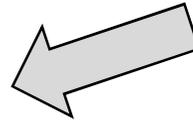
What Happens if you Breach the Code?

Complaints are made to the Ombudsman

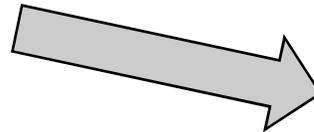


Ombudsman considers complaints against a two stage process
1 – does evidence suggest a breach of the code of conduct has happened?

Once investigated, if they believe the complaint to be justified they refer them to the authority's standard's committee or to a tribunal convened by the Adjudication Panel for Wales



2 – if proven, is it serious enough and in the public interest to investigate
If yes, it will be investigated



If they find the complaint proven they can impose a range of sanctions from no action through suspension to disqualification for 5 years

Even if you are suspended you are still subject to the Code!

Remember also any local resolution procedures



What Happens if you Breach the Code?

Outcomes from Ombudsman review:

No evidence of a breach

No action to be taken

Referral to the MO

Referral to the Adjudication Panel for Wales

Potential Sanctions:

Standards Committee:

- Censure
- Suspend or partially suspend for up to 6 months

Adjudication Panel for Wales:

- Suspend for up to a year
- Disqualify for up to 5 years

Note: Standards Committee local resolution may still be discussed and debated in a public forum

Ombudsman – Complaint Process





Exercise - Questionnaire



Where to Find Further Information

If in doubt ask the Monitoring Officer or Committee Clerk

Guidance from the Public Service Ombudsman for Wales

<https://www.ombudsman.wales>

In the case of Community, Parish and Town Councils, contact OneVoiceWales, SLCC or NALC