YSTALYFERA COMMUNITY COUNCIL

Members' Code of Conduct

Adopted by Ystalyfera Community Council

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CONTENTS

Section	Page
Introduction	3
Principles Members Must Follow	3
Part 1 – Interpretation	4
Part 2 – General Provisions	6
Part 3 – Interests	11
Part 4 – Register of Members' Interests	15
Part 5 – Guidance, Responsibilities & Good Governance	18
Appendix A – Declaration of Interests Quick Decision Guide	21

Introduction

Ystalyfera Community Council is committed to maintaining the highest standards of conduct by its elected and co-opted members.

This Code of Conduct is based upon the statutory Model Code of Conduct prescribed by the Welsh Government under Section 50 of the Local Government Act 2000.

The purpose of the Code is to promote high standards of behaviour, maintain public confidence in local democracy and ensure that members act with honesty, integrity and respect in carrying out their duties.

All elected and co-opted members are required to comply with this Code at all times when acting in their official capacity.

This Code incorporates the Welsh Government Model Code of Conduct together with additional guidance and good practice to assist members in understanding and complying with their responsibilities.

The Principles Members Must Follow

Members of Ystalyfera Community Council are expected to uphold the following principles:

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

PART 1 – INTERPRETATION

1.1 Definitions

For the purposes of this Code of Conduct:

"Co-opted Member" means a person who is not an elected member of the Council but who:

- is a member of any committee or sub-committee of the Council; or
- represents the Council on any joint committee or joint sub-committee,

and who is entitled to vote on any matter before that committee.

"Meeting" means any meeting:

- of the Community Council;
- of any committee or sub-committee of the Council;
- of any joint committee or joint sub-committee;
- or any occasion where members or officers are present conducting the business of the Council,

and includes circumstances where an individual member or officer exercises delegated powers on behalf of the Council.

"Member" includes both elected and co-opted members unless the context requires otherwise.

"Registered Society" means a society (other than a credit union) registered under the Co-operative and Community Benefit Societies Act 2014 or relevant Northern Ireland legislation.

"Register of Members' Interests" means the register maintained under Section 81 of the Local Government Act 2000.

"Relevant Authority" means:

- County Council;
- County Borough Council;
- Community Council;
- Fire and Rescue Authority;
- National Park Authority.

"You" means you as an elected or co-opted member of Ystalyfera Community Council.

"Your Authority" means Ystalyfera Community Council.

1.2 Community Council Specific Definitions

For the purposes of this Code:

Proper Officer

The Proper Officer is the Clerk to Ystalyfera Community Council appointed under Section 270(3) of the Local Government Act 1972.

Standards Committee

The Standards Committee means the Standards Committee of Neath Port Talbot County Borough Council, which has responsibility for standards matters relating to Ystalyfera Community Council under Section 56 of the Local Government Act 2000.

1.3 Purpose of this Code

This Code applies to every elected and co-opted member of Ystalyfera Community Council.

Its purpose is to:

- promote high standards of conduct;
- support openness, honesty and accountability;
- maintain public confidence in local democracy;
- provide a clear framework for ethical decision-making; and
- ensure that all members conduct themselves with integrity, respect and professionalism when carrying out Council business.

Members are expected to familiarise themselves with this Code and comply with it at all times when acting, claiming to act, or giving the impression they are acting as representatives of the Council.

PART 2 – GENERAL PROVISIONS

2.1 When this Code Applies

You must observe this Code of Conduct:

a) whenever you conduct the business of Ystalyfera Community Council or attend a meeting of the Council;

b) whenever you act, claim to act, or give the impression that you are acting in your capacity as an elected or co-opted member;

c) whenever you represent, or appear to represent, the Council on another body or organisation; and

d) at all times in respect of conduct which could reasonably be regarded as bringing the office of Community Councillor or the Council into disrepute.

Members should familiarise themselves with this Code and seek advice from the Proper Officer or Monitoring Officer where they are unsure of their responsibilities.

2.2 General Principles

Members should read this Code alongside the General Principles of Conduct prescribed under Section 49(2) of the Local Government Act 2000 and the statutory guidance issued by the Public Services Ombudsman for Wales.

2.3 Appointment to Other Bodies

Where you have been elected, appointed or nominated by the Council to serve on another authority, committee or organisation:

a) if that organisation has its own Code of Conduct, you must comply with that Code whilst acting on its behalf;

b) if that organisation does not have its own Code of Conduct, you must continue to comply with this Code, except where doing so would conflict with any lawful obligations placed upon that organisation.

2.4 Equality, Respect and Professional Behaviour

Members must:

a) carry out their duties with due regard to equality of opportunity for all people, regardless of their protected characteristics or socio-economic circumstances, in accordance with the Equality Act 2010;

b) treat fellow councillors, officers, volunteers, contractors and members of the public with courtesy, dignity and respect;

c) not bully, intimidate, harass or victimise any person;

d) recognise and respect the different roles of members and officers;

e) not do anything which compromises, or is likely to compromise, the impartiality of those who work for or on behalf of the Council.

2.5 Respectful Communication

Members are expected to maintain the same high standards of behaviour in all forms of communication.

This includes:

- Council meetings;
- Committee meetings;
- Emails;
- Letters;
- Telephone conversations;
- Video meetings;
- Social media;
- Messaging applications;
- Any other electronic or written communication.

Members should communicate professionally, respectfully and constructively, recognising that comments made in public or online may affect public confidence in the Council.

2.6 Confidential Information

Members must not:

a) disclose confidential information, or information which should reasonably be regarded as confidential, without proper authority or unless required by law;

b) prevent any person from accessing information to which they are legally entitled.

Members should exercise particular care when handling personal information and information subject to data protection legislation.

2.7 Maintaining Public Confidence

Members must:

a) not conduct themselves in a manner that could reasonably be regarded as bringing the office of Community Councillor or Ystalyfera Community Council into disrepute;

b) report, through the appropriate procedures, any conduct by another member or any person working for or on behalf of the Council that they reasonably believe involves criminal behaviour (excluding fixed penalty offences);

c) report to the Monitoring Officer any conduct by another member that they reasonably believe breaches this Code;

d) not make vexatious, malicious or frivolous complaints against members, officers or anyone acting on behalf of the Council;

e) co-operate fully with any investigation undertaken by the Monitoring Officer or the Public Services Ombudsman for Wales.

2.8 Proper Use of Position and Council Resources

Members must not:

a) use, or attempt to use, their position improperly to secure an advantage or disadvantage for themselves or any other person;

b) use, or authorise others to use, Council resources:

- imprudently;
- unlawfully;
- contrary to Council policies;
- for private purposes;

- for party political purposes;
- or in any manner unrelated to the lawful business of the Council.

Council resources include Council equipment, information, finances, facilities, digital systems, official email accounts and social media platforms.

2.9 Decision-Making

When participating in meetings or making decisions, members must:

a) consider each matter fairly and objectively;

b) act solely in the public interest;

c) have regard to relevant advice provided by:

- the Proper Officer (Clerk);
- the Responsible Financial Officer;
- the Monitoring Officer of Neath Port Talbot County Borough Council where appropriate;
- any professional adviser appointed by the Council.

Members should make decisions based on evidence, legislation, Council policy and the merits of each case.

Members must also provide reasons for decisions where required by legislation or Council procedure.

2.10 Expenses, Gifts and Hospitality

Members must:

a) comply with all legislation and Council procedures relating to expenses and allowances;

b) avoid accepting gifts, hospitality, services or benefits which could reasonably be perceived as influencing their judgement or creating an improper obligation.

Where gifts or hospitality exceed the value determined by the Council, they must be declared and recorded in accordance with the Council's procedures.

2.11 Working Relationships

The Council recognises that good governance depends upon positive working relationships.

Members should:

- work collaboratively with fellow councillors;
- respect the professional role of officers;
- challenge ideas rather than individuals;
- listen respectfully to differing opinions;
- contribute constructively during meetings;
- support a culture of openness, inclusion and mutual respect.

Personal disagreements should never interfere with the effective conduct of Council business.

PART 3 – INTERESTS

3.1 General Duty

Members must always consider whether they have a personal or prejudicial interest in any matter being considered by the Council.

Where an interest exists, it must be declared in accordance with this Code.

If you are uncertain whether an interest should be declared, you should seek advice from the Proper Officer (Clerk) or the Monitoring Officer before the meeting wherever possible.

Personal Interests

3.2 Personal Interests

You must regard yourself as having a personal interest in any business of the Council where it relates to, or is likely to affect:

- your employment, business or profession;
- any employer or organisation by whom you are employed or appointed;
- any company of which you are a remunerated director;
- any person or organisation that has contributed towards your election expenses;
- any contract between yourself (or your business) and the Council;
- any land or property in which you have a beneficial interest within the Council's area;
- any organisation to which you have been elected, appointed or nominated by the Council;
- any public authority, charity, company, registered society, trade union, professional association, club or society in which you hold membership or a position of management or control;
- any licence to occupy land within the Council's area for 28 days or more.

You must also regard yourself as having a personal interest where a decision could reasonably be regarded as affecting, to a greater extent than other residents of the community:

- your wellbeing or financial position;
- the wellbeing or financial position of a person with whom you live;

- the wellbeing or financial position of a person with whom you have a close personal association;
- the employment, business or organisations connected with those persons.

3.3 Disclosure of Personal Interests

Where you have a personal interest in any matter before the Council, you must declare:

- the existence of the interest; and
- the nature of the interest,

before the item is considered or immediately when the interest becomes apparent.

The declaration should be recorded in the minutes of the meeting.

3.4 Personal Interests Outside Meetings

Where you make written or oral representations to councillors or officers regarding Council business in which you have a personal interest, you must declare that interest.

Where the declaration is made orally, it should be confirmed in writing within 14 days.

3.5 Written Notification

Where a personal interest has not previously been registered, written notification must be provided to the Proper Officer (or where appropriate, the Monitoring Officer) as soon as reasonably practicable following the meeting.

The notification must include:

- details of the personal interest;
- details of the business to which it relates;
- the member's signature.

3.6 Sensitive Information

Where the Monitoring Officer agrees that information relating to a personal interest constitutes Sensitive Information, members are only required to declare the existence of the interest.

The nature of the sensitive information does not need to be disclosed publicly.

Sensitive information is information whose public disclosure could place the member, or a person living with them, at risk of violence or intimidation.

Prejudicial Interests

3.7 Prejudicial Interests

A prejudicial interest arises where:

- you have a personal interest; and
- a reasonable member of the public, knowing all the relevant facts, would consider that interest so significant that it is likely to prejudice your judgement of the public interest.

3.8 Exceptions

A prejudicial interest does not normally arise solely because the matter relates to:

- another relevant authority of which you are also a member;
- another public authority or body on which you serve;
- a body to which you have been appointed by the Council;
- your role as a school governor;
- your role as a member of a Local Health Board;
- certain housing functions affecting your tenancy;
- school transport, meals or travel expenses affecting a child for whom you have parental responsibility;
- councillors' allowances or pensions;
- grants, loans or financial assistance (up to £500) awarded by the Community Council to community or voluntary organisations.

These exceptions do not apply where the matter concerns the granting of an approval, consent, licence, permission or registration.

3.9 Participation Where a Prejudicial Interest Exists

Unless you have been granted a dispensation by the Standards Committee, where you have a prejudicial interest you must:

- declare the interest;
- withdraw from the meeting once any permitted public speaking has concluded;
- not participate in the discussion;
- not vote;
- not seek to influence the decision;
- not make written or oral representations unless entitled to do so under this Code.

3.10 Speaking as a Member of the Public

Where members of the public have a statutory or other right to make representations, answer questions or give evidence on an item, a member with a prejudicial interest may exercise that same right.

The member must leave the meeting immediately afterwards and take no further part in the proceedings.

3.11 Dispensations

Where a Standards Committee grants a dispensation allowing a member to participate despite a prejudicial interest, the member must:

- declare that they are relying upon the dispensation;
- ensure the dispensation is recorded in the minutes;
- comply with any conditions attached to the dispensation.

PART 4 – REGISTER OF MEMBERS' INTERESTS

4.1 Registering Personal Interests

Members are required to maintain an accurate and up-to-date Register of Interests.

You must register your personal interests within **28 days** of:

a) the adoption of this Code of Conduct; or

b) your election or appointment to office,

whichever is the later.

The Register of Members' Interests will be maintained in accordance with the Local Government Act 2000.

4.2 New Interests

If you become aware of a new personal interest that falls within the categories set out in this Code, you must notify the Proper Officer in writing within **28 days** of becoming aware of that interest.

4.3 Changes to Registered Interests

If any registered interest changes, you must notify the Proper Officer in writing within **28 days** so that the Register can be updated.

Examples include:

- change of employment;
- appointment to a new organisation;
- acquisition or disposal of relevant land or property;
- new business interests;
- resignation from organisations already recorded.

4.4 Sensitive Information

Where the Monitoring Officer agrees that information relating to a personal interest is **Sensitive Information**, that information does not need to appear on the public Register.

Sensitive information means information which, if made public, could reasonably place you or someone living with you at risk of violence or intimidation.

If your circumstances change and the information is no longer considered sensitive, you must notify the Proper Officer within **28 days** so that the Register can be updated.

4.5 Community Councillors

Where required under the statutory provisions of the Model Code of Conduct, Community Councillors must notify the Proper Officer rather than the Monitoring Officer.

The Proper Officer is responsible for maintaining the Council's Register of Members' Interests and forwarding information where appropriate.

4.6 Registering Interests Declared at Meetings

Where you declare a personal interest for the first time during a Council meeting, and that interest has not previously been registered, you must complete the appropriate notification form and submit it to the Proper Officer within **28 days**.

4.7 Gifts and Hospitality

Members must register any gift, hospitality, material benefit or other advantage received in connection with their role as a councillor where its value exceeds the threshold determined by the Council.

Notification must be made in writing to the Proper Officer within **28 days** of receiving the gift or hospitality.

Examples may include:

- hospitality at sporting or cultural events;
- meals or entertainment;
- gifts from contractors, suppliers or developers;
- complimentary tickets;
- discounts or services not generally available to the public.

Where there is any doubt as to whether a gift or hospitality should be registered, members are encouraged to declare it in the interests of openness and transparency.

4.8 Public Register

The Register of Members' Interests forms part of the Council's commitment to openness, transparency and accountability.

Members are responsible for ensuring that the information they provide is accurate, complete and kept up to date.

Failure to register or declare interests where required may constitute a breach of the Members' Code of Conduct.

PART 5 – GUIDANCE, RESPONSIBILITIES AND GOOD GOVERNANCE

5.1 Commitment to High Standards

Members of Ystalyfera Community Council are expected to uphold the highest standards of honesty, integrity, openness and accountability at all times.

Members should conduct themselves in a manner that promotes public confidence in the Council and demonstrates respect for colleagues, officers and the community they serve.

5.2 Member Development and Training

All councillors are encouraged to participate in training and development to ensure they have the knowledge and skills required to fulfil their role effectively.

Members should, where appropriate, attend training on topics including:

- Code of Conduct
- Declaration of Interests
- Financial Management
- Equality and Diversity
- Data Protection
- Health and Safety
- Planning
- Chairing Meetings
- Community Engagement
- Cyber Security

Attendance at mandatory training, where identified by the Council or required by legislation, is expected.

5.3 Seeking Advice

Members should seek advice whenever they are uncertain about their responsibilities under this Code.

Advice may be obtained from:

- The Proper Officer (Clerk)

- The Responsible Financial Officer
- The Monitoring Officer, Neath Port Talbot County Borough Council
- One Voice Wales
- The Public Services Ombudsman for Wales (where appropriate)

Seeking advice before acting is regarded as good governance and helps protect both the member and the Council.

5.4 Working with Officers

Members and officers have different but complementary roles.

Members should:

- respect the professional advice provided by officers;
- recognise that officers are employed by the Council rather than individual members;
- avoid directing officers outside Council decisions or delegated authority;
- treat officers with courtesy and respect at all times.

Likewise, officers are expected to support all members fairly, impartially and professionally.

5.5 Social Media and Electronic Communications

Members should remember that the standards expected under this Code apply equally to online activity.

When using social media or electronic communications, members should:

- communicate respectfully;
- avoid abusive, discriminatory or offensive language;
- distinguish between personal opinions and official Council business;
- avoid commenting on confidential or exempt information;
- avoid behaviour that could bring themselves or the Council into disrepute.

Members should also recognise that content shared online may remain publicly accessible and may be subject to public scrutiny.

5.6 Collective Responsibility

Once the Council has made a lawful decision, all members should respect the democratic process.

Members remain free to express differing views but should avoid behaviour that undermines the lawful decisions of the Council or damages public confidence in its governance.

5.7 Review of the Code

This Code of Conduct will be reviewed:

- every three years;
- following any significant legislative change;
- following updated guidance issued by the Public Services Ombudsman for Wales;
- whenever the Council considers it necessary to do so.

Any amendments must be approved by the Council.

5.8 Related Policies

This Code should be read alongside the Council's other governance documents, including:

- Standing Orders
- Financial Regulations
- Equality and Diversity Policy
- Dignity at Work / Anti-Bullying and Harassment Policy
- Social Media Policy
- Data Protection Policy
- Complaints Policy
- Publication Scheme
- Health and Safety Policy
- Members' Allowances Policy (where applicable)

APPENDIX A

Declaration of Interests – Quick Decision Guide

