

ASCENSION ISLAND



CODE OF CONDUCT FOR ELECTED MEMBERS OF THE ISLAND COUNCIL

Approved by the Island Council

on the 21st day of April 2010

Sandra Benjamin
Clerk of Council

1. Preliminary

This Code is approved by the Island Council to provide guidance to Elected Members as to standards of conduct expected of them in the discharge of their duties as Elected Members of the Island Council. All Elected Members of the Council are required to comply with the provisions of the Code.

In the Code-

“Code” means this Code;

“Council” means the Island Council;

“Meeting” means a meeting of the Council, and includes (where the context so admits) a meeting of a Council Committees;

“Member” means a Member of the Council

“Elected Member” means an Elected Member of the Council.

2. Public duty

2.1 The principal duty of an Elected Member is to act in the interests of the people living and working in Ascension. In doing so Elected Members have a duty to uphold the *Partnership Values* set out in section 121 of the Constitution and to act on all occasions in accordance with the public trust placed in them. Elected Members must be alert to the fact that the best interests of Ascension as a whole may be different from those of vocal minorities or individuals, and may also be different from the Elected Member’s personal preferences.

Elected Members should be accessible to the people they have been elected to serve, and represent their interests conscientiously.

2.2 Elected Members should, as far as possible, give priority to attendance at Meetings in accordance with the terms of their oaths for due execution of office, and should be present in the Council Chamber or other designated meeting places when Meetings are held unless they have compelling reasons not to do so. Informal meetings may be regarded as less important than formal ones, but absence still needs to be justified.

Elected Members should be adequately prepared for the Meetings they attend, which includes prior reading of relevant documents. To arrive ill-prepared, or late (without good reason), is discourteous to colleagues, wasteful of resources, and should be avoided. Repeated instances could lead to a finding of misconduct.

3. Personal conduct

Elected Members must observe the “Nolan Principles”, which are the accepted guiding principles of good conduct in public office in the United Kingdom; they require–

3.1 Selflessness

Elected Members should take decisions solely in terms of the public interests. They should not do in order to gain financial or other material benefits for themselves, their family or friends, or their business colleagues; or to secure special treatment for any voluntary or charitable organisation with which they are involved.

3.2 Integrity

Elected Members should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

3.3 Objectivity

In carrying out public business, awarding contracts, or recommending individuals for rewards and benefits, Elected Members should make choices on merit.

3.4 Accountability

Elected Members are accountable for their decisions and actions and must submit themselves to whatever scrutiny is appropriate to their office.

3.5 Openness

Elected Members should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest, or issues of confidentiality, clearly demand it.

3.6 Honesty

Elected Members have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

3.7 Leadership

Elected Members should promote and support these principles by leadership and example in order to maintain and strengthen the public's trust and confidence in the integrity of the Island Council and its Members.

4. The Principles in Practice

4.1 Conflict between public and private interest

Elected Members must declare interests in the Register of Interests kept by the Clerk of the Council.

Elected Members must keep their entries in the Register up to date; but the register is not a substitute for declaring interest before participating in any formal or informal proceedings in which they have (or might appear to have) a conflict of interest. Transparency in this regard is fundamental to the preservation of public confidence in the democratic process.

If Elected Members experience any conflict between personal interest and the public interest they should resolve this at once and in favour of the public interest.

4.2 Elected Members' conduct

Elected Members should at all times conduct themselves in a manner which will maintain and strengthen the public's trust and confidence in the integrity of the Council. They should endeavour, in the course of both their public and private conduct, not to act in a manner which would bring the Council, or its Members, into disrepute.

Elected Members should at all times treat other Members, officers of the Public Service and members of the public with respect and courtesy and without malice, notwithstanding the disagreements on issues and policy, which are a normal part of the political process.

The boundary between conduct in private and public life is a very difficult one to define. Elected Members have a right to a private life, but the public have legitimate expectations of how a member will behave. At one end of the spectrum, unlawful or illegal action is clearly unacceptable.

At the other end, the people will often expect certain standards of behaviour in public. Such expectations will vary from person to person: where is the line to be drawn between-

- merriness turning into drunkenness;
- defending a point turning into anger or aggression;
- high spirits moving to inconsiderate behaviour; or
- directness shading into rudeness.

Elected Members are not expected to be saints; but Elected Members should have a self awareness in public of how their behaviour and actions could be interpreted. Experience throughout the world is that those in public life have to be aware that the people they serve have well developed antennae for double standards and hypocrisy in their representatives.

When representing Ascension on official business overseas, Elected Members must be mindful of their representational role and statesmanship. They should clear lines/statements they are proposing to make with their colleagues and officials concerned before leaving Ascension.

4.3 Gifts and hospitality

The acceptance by an Elected Member of a bribe to influence his or her conduct as an Elected Member is likely to be a criminal offence (both by the Elected Member and by the giver of the bribe); but conduct which does not cross the criminal boundary may nevertheless offend the 'Nolan Principles' and/or tend to bring the Council into disrepute. Such actions, while not criminal, may amount to misconduct.

Official hospitality by the Administrator, visiting officials, and the like, raises no issues. However, Elected Members should not accept gifts, hospitality or services that might appear to place the recipient under any form of obligation to the giver. In receiving any gift or hospitality Elected Members should consider whether they would be prepared to justify acceptance to the public; Elected Members should consider not only how he or she sees the situation, but also how others might see it.

4.4 Register and Declaration of Elected Members' interests

Any lack of complete honesty in relation to actual or apparent conflicts of interest amounts to misconduct.

4.5 Confidential information

Elected Members must bear in mind that confidential information which they receive in the course of their duties should only be used in connection with those duties, and that such information must never be used for the purpose of financial gain nor should it be used in their own personal interest or that of their families or friends.

In addition, Elected Members should not disclose publicly, or to any third party, personal information about named individuals, which they receive in the course of their duties unless it is clearly in the wider public interest to do so. Elected Members must at all times have regard to all relevant human rights legislation when dealing with confidential information and be aware of the consequences of breaching confidentiality.

Specifically Elected Members must be mindful of their Oaths or Affirmations of Office; irrespective of any sanction provided by law for breach of the Oath or Affirmation of Confidentiality, such a breach may be dealt with as misconduct under this Code.

4.6 Procedure for Complaints

Complaints, whether from Members or from members of the public, alleging that the conduct of an Elected Member is in breach of the Code, should be addressed in writing to the Administrator.

It is not sufficient to make a complaint which does not contain specific allegations and refer to relevant supporting evidence. Such complaints will be rejected summarily by the Administrator, as will any anonymous complaint. Complaints founded only upon media or other speculation may also be summarily dismissed, but the Administrator may invite the Elected Member concerned to comment before deciding whether to dismiss the complaint or refer it for investigation.

If the Administrator does not summarily dismiss the complaint, he will appoint one or more Elected Members of the Council to investigate it and to make a report thereon.

If two or more Elected Members are appointed, the Administrator will designate one of them to be Chairman of the investigation. An Elected Member or Elected Members so appointed will have the same powers as the Council itself to call persons before it and to take evidence from them.

As soon as is practicable after the conclusion of an investigation, the Administrator or the Chairman of the investigation (as the case may be) shall make a written report thereon to the Administrator and every such report shall be presented as a Paper at the next convenient meeting of the Council. The report shall state the nature of the complaint, summarise the evidence received in relation thereto, record the conclusion of the investigation as to the validity of the complaint, and contain a recommendation as to what (if any) further action should be taken.

Failure to co-operate with an investigation constitutes misconduct.

4.7 Absence from Ascension

Elected Members should notify the Clerk of Council of any period of absence from Ascension.

When representing Ascension on official business overseas, Elected Members must be mindful of their representational role and statesmanship. They should clear lines/statements they are proposing to make with their colleagues and officials concerned before leaving Ascension. Behaviour at functions is also crucial. Representation does not stop with the end of the working day.

4.8 Dealing with the Media

Elected Members, like everyone else, enjoy freedom of expression and may (subject to issues of confidentiality and respect for the rights of others in terms of their privacy) speak freely to and in the media.

However, Elected Members must take care to make clear whether they are expressing their personal opinions, or the collective position of the Council or a Committee. The public have a right to a clear understanding of which is which. In addition, care must be taken not to report informal discussions in such a way as to suggest that a decision has been made.

An Elected Member may, subject to the relevant media legislation and codes of practice, present radio or television programmes or publish articles in the printed media. However, it is especially important in such circumstances for the Elected Member to ensure absolute clarity whether he is expressing-

- his own views or his understanding of the views of others;
- fact or opinion;
- proposals/suggestions, or agreed policy;

and so on.

The expression “I understand that ...” is not an acceptable substitute for verifying facts before reporting them.

Elected Members must recognise that their uttering and writings may, because of their positions as Elected Members, have greater public impact than those of others; this special position carries with it a special responsibility to ensure clarity and accuracy.

4.9 Relationship with the Public Service

Elected Members will wish to develop a mutually respectful relationship with the public servants with whom they work.

However, no Elected Member should use his influence to support the candidature of any person for recruitment to or advancement within the public service. While this does not completely rule out providing a character reference, Elected Members should think carefully about whether the candidate has alternatives and how providing a reference might be interpreted.

REGISTRATION OF FINANCIAL AND OTHER INTERESTS BY ELECTED MEMBERS OF THE ISLAND COUNCIL

I.....being an Elected Member of the Island Council give notice that I have set out below under the appropriate headings the interests which I am required to declare under the Island Council Code of Conduct as adopted by the Island Council on 2010. I have put “none” where I have no such interests under any heading.

Signature.....

Date.....

A. **BUSINESS AND PROPERTY INTERESTS**

(a) **Employment**

Company or Organisation	Description (of business)*

(b) **Involvement as an Employer / Company interest**

Company or Organisation	Description (i.e. employer, partner, director, self-employed)*

(c) **Interest in Securities (e.g. shares)**

Name of body

(d) **Contracts (including a consultancy agreement)**

Contracting Parties	Nature of contract (including duration)

* insert remuneration where applicable – see paragraph 7 in the Guide

(e) **Land**

Address / Description

B SPONSORSHIP/ASSISTANCE

Sponsoring Organisation	Nature of sponsorship/assistance and value where such declaration is applicable (see note 7)

C VISITS

Place visited	By whom sponsored

D HOSPITALITY or GIFTS

Donor/Host	Value

E OTHER INTERESTS

Interests in other bodies

Name of body	Interest (Member, Trustee)

VOLUNTARY REGISTER OF PERSONAL INTERESTS

To: The Clerk of Council

I.....wish to register the following personal interests which I feel may be relevant to ensure openness and transparency.

Signature.....

Date.....

GUIDE TO ASSIST ELECTED MEMBERS IN FILLING IN THE REGISTRATION FORM

Register of Interests

1. The Register of Interests referred to in the Code of Conduct will be maintained by the Clerk of Council.

An Elected Member of the Island Council must register relevant interests within 28 days, after the Code of Conduct has been ratified at a formal session of the Island Council.

The Register shall be available for public inspection in accordance with arrangements made by the Clerk of Council. The Register will be updated as interests change.

Registration and Declaration of relevant Interests

2. Elected Members of the Island Council **must**:

- a) **register** all *relevant* interests, in order to make clear what are the interests that might reasonably be thought to influence their actions;
- b) **declare** when speaking in the Island Council or communicating with their peers, government departments or executive agencies, any interest which is a relevant interest in the context of the debate or the matter under discussion. This is necessary in order that their audience may form a balanced judgment of their arguments. In cases where Elected Members of the Island Council vote in a division where they have a relevant interest that they have not been able to declare, they should register that interest within 24 hours of the division.

What is a relevant interest?

3. The test of relevant interest is whether the interest might reasonably be thought by the public to affect the way in which an Elected Member of the Island Council discharges his or her public duties.

The test of relevant interest is therefore not whether an Elected Member's action in the Island Council *will be* influenced by the interest, but whether the public might reasonably think that this might be the case.

4. Relevant interests include both financial and non-financial interests.

Relevant financial interests

5. The following financial interests are always relevant and therefore **must be registered**:

- a) any consultancy agreement under which an Elected Member of the Island Council provides advice or services arising out of his office e.g. advice to a prospective investor on procedures to be followed. A copy of any such agreement and the remuneration received by an Elected Member for advice in relation to such matters must be deposited with the Clerk of Council so that details are available for public inspection.

- b) employment or any other financial interest in businesses involved in lobbying of Elected Members on behalf of clients. Elected Members involved with organisations that offer commercial lobbying services are not obliged to refrain from participating in the Island Council in connection with *all* clients of the organisation but only their personal clients;
- c) any remunerated service which Elected Members provide by virtue of their position as Elected Members of the Island Council and the clients of any such service;
- d) employment as a non-Council affairs consultant;
- e) remunerated directorships;
- f) regular remunerated employment (excluding occasional income from speeches, lecturing, broadcasting and journalism);
- g) shareholdings amounting to a controlling interest;
- h) provision by an outside body of secretarial and research assistance;
- i) visits with costs paid, made as an Elected Member of the Island Council, except any visits paid for from public funds.

6. The list in paragraph 5 above is not exhaustive. For example, **relevant financial interests may also include** (depending on their significance):

- a) shareholdings not amounting to a controlling interest;
- b) landholdings (excluding Elected Members' homes);
- c) the financial interests of a spouse or close relative;
- d) hospitality or gifts given to an Elected Member which could reasonably be regarded as an incentive to support a particular cause or interest.

7. Except for remuneration received by Elected Members for advice in relation to Council matters, Elected Members of the Island Council are not required to disclose how much they earn from the financial interests set out in paragraphs 5 and 6, but they may do so if they wish.

Relevant non-financial interests

8. The following non-financial interests are always relevant and therefore **must be registered**:

- a) membership of public bodies such as statutory boards and charitable organisations;
- b) trusteeships of museums or similar bodies;
- c) acting as an office-holder or trustee in pressure groups or trade unions;

d) acting as an office-holder or trustee in voluntary or not-for-profit organisations.

9. The list in paragraph 8 above is not exhaustive. For example, **relevant non-financial interest may also include** (depending on their significance):

a) other trusteeships;

b) unpaid membership of voluntary organisations.

10. Elected Members are not obliged to *register* membership of religious bodies.

Advice

11. The operation of the Register shall be overseen by the Administrator and he is available to give advice on what is a relevant interest.

NOTES

Financial interests which are always relevant and should be registered: paragraph 5

Remunerated Services: paragraph 5(c)

Only those services arising directly from membership of the Island Council should be registered. An interest arising from an Elected Member's profession, training or particular expertise should not be registered.

Non-Council affairs consultant: paragraph 5(d)

This section covers all consultancy arrangements not registered under paragraph 5(a) e.g. an Elected member of the Island Council could be retained as a consultant on say tourism. Copies of these agreements do not need to be deposited with the Clerk of Council.

Remunerated directorships: paragraph 5(e)

Where it is not clear from the entry, the nature of the company's business should be indicated.

Regular remunerated employment: paragraph 5(f)

Where it is not clear from the entry, Elected Members should indicate the nature of the remunerated employment.

Shareholdings: paragraph 5(g)

This section applies to shareholdings in any public or private company. Elected Members entering shareholdings in this section should indicate the nature of the company's business where it is not clear.

Secretarial research and assistance: paragraph 5(h)

An entry in this section should refer only to such provision of assistance which is of direct financial benefit to the Elected Member. If assistance is provided for the purpose of, for example, charity work and there is no direct financial benefit to the Elected Member, the assistance should not be registered.

Visits: paragraph 5(i)

Elected Members may wish to indicate whether a spouse or partner accompanied them on the visit if their costs were also paid. Any visit should be registered within one month of being undertaken. An entry made in this section will remain on the Register for a period of three years from the date on which the visit was made. Visits undertaken as a public duty should not be registered.

Financial interests which may be relevant for registration: paragraph 6

NB Registrations relating to this paragraph should be restricted to those interests which might reasonably be thought by the public to affect in general the way in which Elected Members of the Island Council discharge their Council duties. An Elected Member may have additional interests, relevant in particular circumstances, which will then require declaration in the context of those circumstances (for example, a debate).

Shareholdings not amounting to a controlling interest: paragraph 6(a)

This section only applies to shareholdings not registered under paragraph 5(g) and which constitute 5% or more of the issued share capital of the company or body. Elected Members entering shareholdings in this section should indicate the nature of a company's business where it is not clear.

Landholdings: paragraph 6(b)

Entries in this section should include foreign as well as domestic landholdings. The decision as to what to register in this section must be one for the Elected Member of the Island Council and will depend on the significance of the landholding. The nature of the holding and its general location should be entered and include the acreage.

Interests of spouse or relative: paragraph 6(c)

This section is not intended invariably to include the interest of a spouse etc. However, an entry in the Register should be made in a case where an interest is so significant, and held by a person whose relationship to the Elected Member is so close, that its existence might reasonably be thought to have a bearing on his or her action. The advice of the Administrator should be sought in cases of doubt.

Hospitality or gifts: paragraph 6(d)

This section applies only to gifts or acts of hospitality which might reasonably be thought to have been given in order to influence an Elected Member's action. Normally gifts or hospitality of a value less than £25 are unlikely to be considered significant for the purposes of the Register. Gifts and the acceptance of hospitality should be registered within one month of receipt and entries will remain on the Register for a period of 3 years thereafter.

Non-financial interests which are always relevant and must be registered: paragraph 8

Office-holder in voluntary organisations: paragraph 8(d)

The post of Patron is not to be considered an office-holding for the purposes of this section.

Non-financial interests which may be relevant for registration: paragraph 9

NB Registrations relating to this paragraph should be restricted to those interests which might reasonably be thought by the public to affect in general the way in which Elected Members discharge their Council duties. An Elected Member may have additional interests, relevant in particular circumstances, which will then require declaration in the context of those circumstances (for example, a debate).

Other trusteeships: paragraph 9(a)

The post of Patron is not considered to be a relevant interest for the purposes of this section.

Voluntary organisations: paragraphs 9(b)

It is not necessary to declare membership of those organisations where membership is open to all for the payment of a fee, e.g. the National Trust.