

BOUNDARY COMMISSION FOR WALES

CODE OF PRACTICE FOR COMMISSIONERS

November 2013

PUBLIC SERVICE VALUES

The appointed members of the Boundary Commission for Wales (*see footnote in italics*), an advisory Non-Departmental Public Body, must at all times:

- observe the highest standards of impartiality, integrity and objectivity in relation to the advice they provide and the management of this public body;
- be accountable to Parliament and the public more generally for its activities and for the standard of advice it provides; and
- in accordance with Government policy on openness, comply fully with *Freedom of Information Act 2000*.

STANDARDS IN PUBLIC LIFE

Commission members must:-

- follow the *Seven Principles of Public Life* (Appendix A) set out by the Committee on Standards in Public Life;
- comply with this Code, and ensure they understand their duties, rights and responsibilities, and that they are familiar with the function and role of this public body and any relevant statements of Government policy. Commission members should be conscious of their public role and exercise proper discretion. New Commission members should consider attending relevant training or induction courses;
- not misuse information gained in the course of their public service for personal gain or for political purpose, nor seek to use the opportunity of public service to promote their private interests or those of connected persons, firms, businesses or other organisations; and
- not hold any paid or unpaid posts in a political party, and not engage in political activities.

For the purposes of this Code of Practice, the appointed members are the Deputy Chairman appointed by the Lord Chancellor, and the two other members appointed by the Secretary of State.

ROLE OF COMMISSION MEMBERS

Members of the Commission have collective responsibility for the operation of this public body. They must:

- engage fully in collective consideration of the issues, taking account of the full range of relevant factors;
- ensure that the *Freedom of Information Act 2000* (including prompt responses to public requests for information) is adhered to; agree an Annual Report;
- respond appropriately to complaints, if necessary with reference to the sponsor department (Cabinet Office); and
- ensure that the Commission does not exceed its powers or functions.

Communications between the Commission and the Secretary of State will generally be through the Deputy Chairman except where the Commission has agreed that an individual Commission member should act on its behalf. Nevertheless, any Commission member has the right of access to the Secretary of State, or the Minister who appointed him or her, on any matter which he or she believes raises important issues relating to his or her duties as a Commission member. In such cases, the agreement of the Deputy Chairman and the other Commission member should normally be sought.

Individual Commission members can normally be removed from office, by the Minister who appointed them, if they fail to perform the duties required of them in line with the standards expected in public office.

THE ROLE OF THE DEPUTY CHAIRMAN

The Deputy Chairman has particular responsibility for providing effective leadership on the issues above. In addition, the Deputy Chairman is responsible for:

- ensuring that the Commission meets at appropriate intervals, and that the minutes of the meetings and any reports to the Secretary of State accurately record the decisions taken and, where appropriate, the views of individual Commission members;
- representing the views of the Commission to the general public; and
- ensuring that new Commission members are briefed on appointment (and their training needs considered), providing an assessment of their performance, on request, when members are considered for re-appointment to the Commission or for appointment to the board of some other public body.

HANDLING CONFLICTS OF INTEREST

The purpose of these provisions is to avoid any danger of Commission members being influenced, or appearing to be influenced, by their private interest in the exercise of their public duties. All Commission members should therefore declare any personal or business interest which may, or may be perceived (by a reasonable

member of the public) to, influence their judgement. This should include, as a minimum, personal direct and indirect pecuniary interests, and should normally also include, such interests of close family members and of people living in the same household (*see footnote in italics*). The register of interests should be kept up-to-date and be open to the public. A declaration of any interest should also be made at any Commission meeting if it relates specifically to a particular issue under consideration, for recording in the minutes (whether or not a Commission member also withdraws from the meeting).

Commission members should not participate in the discussion of matters in which they have an interest, and should normally withdraw from the meeting (even if held in public) if:

- their interest is direct and pecuniary; or
- their interest is covered in specific guidance issued by this public body or the Cabinet Office which requires them not to participate and/or to withdraw from the meeting.

PERSONAL LIABILITY OF COMMISSION MEMBERS

Legal proceedings by a third party against individual Commission members of advisory public bodies are very exceptional. A Commission member may be personally liable if he or she makes a fraudulent or negligent statement which results in a loss to a third party; or may commit a breach of confidence under common law or a criminal offence under insider dealing legislation, if he or she misuses information gained through their position. However, the Government has indicated that individual Commission members who have acted honestly, reasonably, in good faith and without negligence will not have to meet out of their own personal resources any personal civil liability which is incurred in execution or purported execution of their Commission functions. Commission members who need further advice should consult the Cabinet Office.

Indirect pecuniary interests arise from connections with bodies which have a direct pecuniary interest or from being a business partner of, or being employed by, a person with such an interest. Non-pecuniary interests include those arising from membership of clubs and other organisations. Close family members include personal partners, parents, children (adult and minor), brothers, sisters and the personal partners of any of these.

BOUNDARY COMMISSION FOR WALES

The Seven Principles of Public Life

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office 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.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office 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.

Leadership

Holders of public office should promote and support these principles by leadership and example.

The Government endorsed the Seven Principles of Public Life in
"Spending Public Money: Governance and Audit Issues"
CM 3179, March 1996