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# POSITIVE CONDUCT equals POSITIVE DEMOCRACY toolkit

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For Councillors and Clerks

Join our mission to help Wiltshire  
be the leading county on positive  
conduct and democracy

**Wiltshire Council**

A white, stylized, wavy line graphic that tapers at both ends, positioned below the text 'Wiltshire Council'.

## Introduction from Cllr Richard Clewer, Leader of Wiltshire Council

Welcome to our Positive Democracy equals Positive Conduct toolkit.

As local councillors, clerks and officers we are in a privileged position to represent our local communities throughout the county – something that on occasion can be forgotten in the hustle and bustle of local government and politics.

Given that position, the public rightly have high expectations of us and entrust us to represent them in a fair, transparent and professional way. I personally don't think we should ever stop learning and developing, and the aim of this campaign and toolkit is to support you to build on the good work already happening in the county so that you can be as effective in your role as possible, which ultimately will benefit our communities.

We are all passionate about Wiltshire and doing our best for our constituents and local residents – that's why we do what we do – but it is important that this passion is harnessed in a positive way. As I said, there are lots of great examples of positive conduct and really effective local government throughout the county, and we wanted to share with you some of that best practice so we can exchange ideas and learn from each other. We certainly won't be dictating to you, but we hope you learn things that will help you in your role.

Within this toolkit you will find some simple hints and tips, and a round-up of key information and links that we think will prove to be useful if you're not already aware of them. You will also find information about our Positive Conduct equals Positive Democracy Charter, which we encourage you to sign to help us demonstrate our collective commitment to positive conduct.

We want this campaign to encourage a regular and open two-way dialogue, so if you have any thoughts or ideas, please do get in touch at [governance@wiltshire.gov.uk](mailto:governance@wiltshire.gov.uk); we'd love to hear from you.

Thanks for all your support.

**Cllr Richard Clewer**

Leader, Wiltshire Council



## Positive Conduct equals Positive Democracy Charter

To help galvanise and inspire councillors, clerks and everyone else who plays a key role in ensuring local democracy is a force for good, we are launching our Positive Conduct equals Positive Democracy Charter.

This isn't intended to be a mere box-ticking document or an empty gesture, but a call to action for people to sign, with one key pledge at the heart of it – "I pledge to be a positive conduct ambassador in my role, and embody and promote high standards in public life."

Everyone who puts their name to our charter will be making a commitment to conduct themselves in the best way possible way, all to the benefit of our local communities.

We know that positive conduct is happening throughout the county already, and we want to build on that and help make it even better if we can.

You can find a link to our pledge at [www.wiltshire.gov.uk/positive-conduct-democracy](http://www.wiltshire.gov.uk/positive-conduct-democracy). You can digitally sign it and save it or print it off. When you have signed it, please email [governance@wiltshire.gov.uk](mailto:governance@wiltshire.gov.uk) to let us know, providing your name, role and the council you represent.

We'd also encourage you to take a picture of yourself with the charter to put on your website, newsletters and social media. Once you've confirmed to us you have signed the pledge, we will send you an email signature banner that you can proudly display should you wish to.

Thanks for your support.

# POSITIVE CONDUCT equals POSITIVE DEMOCRACY charter

THIS CHARTER HAS BEEN AGREED BY

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I pledge to be a positive conduct ambassador in my role  
and embody and promote high standards in public life

SIGNATURE



DATE



# Positive conduct hints and tips

The guidance in this section addresses the main areas that tend to feature in the complaints against councillors that Wiltshire Council receives. Further information is provided in the extensive list of links included in the Resources section.

## When the code applies

Under the Standards Regime, councillors can be considered to be acting in one of three roles:

1. Acting in a private capacity – here the code of conduct does **not** apply
2. Acting as a councillor and therefore in a **public** role, but not representing the council – the code of conduct **does** apply
3. Acting in an official capacity on behalf of the council – the code of conduct **does** apply.

Determining which of these applies is not always straightforward and care should be taken to be clear about which role one is acting in. Councillors can be considered to be acting in their councillor capacity even if, for example, they are not at a council meeting, not representing their council on official business or if they do not use their “Cllr” title when signing off an email.

To help you avoid issues in your written correspondence, please encourage your council to adopt dedicated council email addresses for its members. These should be used only in that capacity, with members’ personal email addresses reserved for personal correspondence. This provides clarity and transparency for everyone.

## Respect

As a councillor, part of the role is to sometimes challenge and disagree with ideas, opinions and policies in a robust manner. However, if we are seen to be making a personal attack on an individual or group, we may fall foul of another section of our Code, even if “respect” isn’t a specific requirement within it.

Remaining respectful can be difficult when we are being challenged in a way that we find obnoxious or rude. However, the public may expect their elected representatives to hold themselves to a higher standard. Rude and offensive behaviour from just one councillor lowers the public’s expectations and confidence in all councillors.

However, councillors, clerks and officers should not tolerate people being abusive, intimidatory or threatening towards them. Where this is the case, they are entitled to stop any conversation or interaction in person or online and if appropriate report the person to the local authority, the relevant social media provider or the police.



## Using social media

It can be tempting to be curter and challenging on social media than one might be in the real world. A simple good rule of thumb is, if you wouldn't say it in person or on the telephone, then don't say it on social media. The internet has given us access to digital citizenship in a society of different ages, genders and cultural beliefs. We need to take responsibility in the part we play when we interact and behave with others online.

The law of defamation is potentially a dangerous one and the digital world has only increased this. People can be sued for defamation by saying or writing anything that will "lower a person in the estimation of right-thinking people". Councillors have some limited protection and to allow them freedom of speech they are given qualified privilege in council meetings. But these protections only apply if they honestly believed what they said was not motivated by malice.

## Registering and declaring interests

Breaches of the Code relating to interests often arise from a failure to fully understand the regulations (and to follow them within prescribed time limits), rather than a deliberate conspiracy to hide something. However, even accidental errors can still lead to breaches of the Code of Conduct, reputational damage to the councillor and to their council. They also harm democracy as a whole, as undisclosed conflicts of interests can have a major impact on the public's trust in its elected officials.

It is recommended that all councillors carefully read their Code of Conduct's requirements on interests, as well as the relevant guidance from central Government. The latter is contained in a useful document titled, "Openness and transparency on personal interests: guidance for councillors", and a link to it is included in the Useful Resources section.

If you are in doubt about your level of pecuniary or non-pecuniary interest, **do declare**. Better to be safe than sorry.

Regarding predetermination, councillors are not predetermined simply because they have expressed an opinion on a matter before, but they do need to be seen to keep an open mind. To prevent issues occurring, avoid making emphatic statements about proposals, such as "I could never support this project" or "I will fight this all the way".



## Planning

Although Wiltshire Council is responsible for determining planning applications, the views of the local council are an important part of the consultation process and establishing its view should be done openly and transparently wherever possible. Be clear in what the formal view of your council is, and who will be responsible for providing it.

Planning can often be controversial and emotive for residents and councillors, and being open in discussing the issues can prevent entrenchment of views and escalation, which can lead to dysfunctional infighting.

If you have your own application or live adjacent or very near to an application, please consider whether it is appropriate to be involved in any formal meetings or discussions about the application. Be clear about the capacity in which you are acting - you can still respond as a member of the public. Councillors whose employment is in the planning arena should take particular care to be clear at all times what role they are acting in.

Always stick to discussing the planning merits of applications, not the individuals concerned.

## Chairing meetings



The Chairman's role makes them the face of their council and accordingly they tend to have more contact with members of the public about local issues. Chairmen should therefore take particular care to understand the requirements of their council's code.

Many Code of Conduct complaints relate to Chairmen's actions during meetings, with complainants alleging that they have been dismissed, disrespected, verbally abused or bullied on occasions.

Here are a few quick tips to help councillors avoid such situations and allegations:

1. Get to know your council's standing orders, so you know them without having to look them up. This will make you a more confident Chairman and one who operates consistently within your own council's procedures. Although flexibility can be a good thing, applying meeting procedures consistently helps everyone to know what to expect and helps avoid some feeling unfairly treated or disenfranchised.
2. If someone in the meeting is expressing their view in an overbearing or aggressive way, acknowledge this in a neutral, non-judgemental manner without taking sides. For example, you could say something like, "You appear to be passionate about the idea of...') or you could say to others, "Mr/Mrs Smith has presented their view very clearly... what do others think?"
3. Maintain your assertiveness while avoiding displays of unnecessary emotion or unhelpful behaviours, such as irritators like, "I think what I've said is very reasonable".
4. Most importantly, be empathetic, expressing that you understand people's situation, needs and feelings even if you disagree with how they want something to be addressed.

### Acting early

If you identify a potential conduct issue it is generally better to try to address it early. Small issues can quickly spiral and factions can become entrenched. This can make it very difficult for a council to transact even it's normal, everyday business. Such situations are unpleasant and stressful for the members involved, give a bad impression of local politics and inevitably lead to poorer representation for residents.

If you identify a potential conduct issue and don't know what to do, councillors can contact the Wiltshire Association of Local Councils (WALC) and clerks the Society for Local Council Clerks (SLCC) (see the Resources section below for details).

The Wiltshire Council's Complaints Team are happy to advise on the complaints process.



# Useful resources

Click on the blue links to view the webpages

## **General Code of Conduct matters**

### [Section 28 of the Localism Act 2011](#)

This sets out upper tier council's legal duties regarding the promotion and maintenance of high standards of conduct and the handling of code of conduct complaints.

### [Openness and transparency on personal interests: guidance for councillors - GOV.UK](#)

This guide from the Ministry of Communities, Local Government and Housing gives practical information for councillors on how to be open and transparent about their personal interests.

### [Local Government Association Model Councillor Code of Conduct 2020](#)

The Local Government Association (LGA) Model Councillor Code of Conduct is a template for councils to adopt in whole and/or with local amendments.

### [Guidance on Member Model Code of Conduct Complaints Handling](#)

This LGA guide assists monitoring officers to carry out investigations but also assists councillors in understanding the process.

### [Complaints about Standards and Member Conduct - Local Government and Social Care Ombudsman](#)

A guide to the Ombudsman's role in regard to Code of Conduct complaints.

## **Related information and skills**

### [Councillor workbook: handling complaints for service improvement | Local Government Association](#)

This workbook:

- takes councillors through the complaints process and their role in it
- provides an overview of the ombudsman and what type of complaints they deal with
- directs you to sources of information for monitoring complaints
- explains how to use complaints to drive service improvement
- signposts sources of information for complaints that are outside your council's remit.

### [Councillor workbook: councillor/officer relations | Local Government Association](#)

This workbook provides pointers on how councillors and officers can build constructive and collaborative relationships.

### [Councillors' guide to handling harassment, abuse and intimidation | Local Government Association](#)

Practical steps that you and your council can undertake to protect yourself as a person in a public position.

## [Practical advice for handling physical abuse and personal security | Local Government Association](#)

Practical steps that you and your council can undertake to protect your physical wellbeing as a person in a public position.

## [Probity in Planning for Councillors | Local Government Association](#)

This guide clarifies how councillors can get involved in planning on behalf of their communities in a fair, impartial and transparent way.

## [Openness and Accountability – ...ask your council](#)

A guide to people's rights to attend and report on council meetings.

## [What are The Nolan Principles? – Leading Governance](#)

An article about the Nolan Principles; how they came about, what they mean and their status 25 years on.

## [Councillor workbook: facilitation and conflict resolution | Local Government Association](#)

This workbook covers the key skills needed in relation to facilitation and conflict resolution.

## [Basics on communicating with residents, colleagues and officers | Local Government Association](#)

Sets out background information on communications in general for councillors, building on the code of conduct.

## [Chairing skills – Councillor Workbook | Local Government Association](#)

This workbook for councillors covering the key skills needed in relation to chairing meetings.

## **General local council information**

### [Powers and Duties of Local Councils | WALC](#)

A handy summary of the key legal powers and duties of town and parish councils.

### [The Good Councillors Guide – ...ask your council \(2016\)](#)

A handy and informative guide to being a town or parish councillor.

### [Councillor workbook: Being an effective ward councillor | Local Government Association](#)

This workbook covers the key skills needed to help you to be most effective in your role.

### [Digital citizenship: support and resources for councillors | Local Government Association](#)

A wide range of resources to help councillors in their online communications.

### [Online and hybrid meetings | Local Government Association](#)

A resource hub that will help run your online and hybrid meetings.

### [Model Standing Orders – ...ask your council](#)

A model set of standing orders, which confirm a council's internal organisational and administrative procedures.

## **Governance Toolkit - ...ask your council**

A useful resource, particularly for clerks, providing a wide range of information on governance, roles and responsibilities, public engagement, managing information and elections.

## **Organisations and contacts**

### **Wiltshire Association of Local Councils**

Wiltshire Association of Local Councils (WALC) supports and advises parish, town and city councils in Wiltshire and Swindon as they support the communities in which they serve.

### **Society for Local Council Clerks (SLCC)**

A professional body offering support, training and skills to local council clerks and senior council employees.

### **National Association of Local Councils ([nalc.gov.uk](http://nalc.gov.uk))**

A national body that represents the interests of 10,000 local (parish and town) councils in England and works in partnership with county associations to support, promote and improve local councils.

### **Town and Parish Council Details | Wiltshire Council**

A list of contact details for town and parish councils in Wiltshire.

Wiltshire Council Complaints Team – [complaints@wiltshire.gov.uk](mailto:complaints@wiltshire.gov.uk)

## **Wiltshire Code of Conduct matters**

### **Making a complaint to Wiltshire Council**

How to submit a Code of Conduct complaint to Wiltshire Council.

### **Wiltshire Council's Protocol 11 – Arrangements for Dealing with Code of Conduct Complaints**

This sets out Wiltshire Council's process for assessing Code of Conduct complaints.

### **Wiltshire Council's Code of Conduct Complaints Assessment Criteria**

The criteria Wiltshire Council uses for assessing Code of Conduct complaints.

### **Register of interests | Town and Parish Council | Wiltshire Council**

Councillors can register their disclosable pecuniary interests on the Wiltshire Council website [here](#).

### **Wiltshire Council's own Code of Conduct and Guidance**

### **Wiltshire Council's Planning Code of Good Practice**

This gives advice to Wiltshire Councillors to help preserve the integrity of the Planning system as open and fair to all parties.

# Wiltshire Council



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