



**Independent Commission
Against Corruption**



Ministry of Local Government

CODE OF CONDUCT FOR COUNCILLORS

December 2016

Disclaimer

This code of conduct is for general guidance only. It does not include all possible situations and it cannot substitute the law or take the place of legal advice. Councillors/readers are advised to consult the Prevention of Corruption Act 2002, the Local Government Act 2011 or any other relevant legislation and to seek legal advice in case of doubt.

The Independent Commission Against Corruption (ICAC) will not bear any responsibility for any legal damages arising from action, or absence of action, of any person on account of, or based on reliance on, the contents of this code of conduct.

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1. Introduction

Councillors have a number of different functions that impact upon and influence the interests of the whole city, town or district councils and those of their constituents. They play a vital leadership role in creating and implementing their community's vision and strategic direction. Consequently, they are expected to maintain the highest standard of conduct in their interactions with staff, the business community, other public officials and members of the public. They should be, and be seen to be, honest, impartial and act in a professional manner at all times.

This code of conduct is an important tool to guide the conduct of Councillors towards good practices. The Local Government Act 2011 empowers the Minister of Local Government after consultation with Local Authorities, and such other persons as he thinks fit, to issue a Code of Conduct for Councillors, which he shall cause to be published in the Gazette.

This code of conduct is the output of the fruitful collaboration of the Ministry of Local Government, Association of Urban Authorities, Association of District Councils and Chief Executives of different Local Authorities. It comprises practical guidelines that Councillors are called upon to embrace in their daily duties. The adoption of a code is a necessary step in ensuring that business is conducted with integrity, dedication and professionalism. It is also an effective way to remind decision makers of their public duties as well as their legal and ethical responsibilities.

The purpose of this code is to provide Councillors with the basic principles that need to be adhered to in their day-to-day duties. It is hoped that this code will guide Councillors in their endeavour to uphold high standards of ethical behaviour in the management of the Council.

Implementation and monitoring compliance to the code will rest with the Ethics Committees.

The ICAC and the Ministry of Local Government look forward to the willingness and commitment of Councillors for the effective implementation of this code and their contribution in reinforcing standards and service delivery within an integrity framework.

2. What is a code of conduct?

A code of conduct is a comprehensive statement of the guiding principles an institution expects its management and staff to adhere to. It sets out the ethical tone in the organisation. Given the important role of Councillors in the decision making process and high public expectations, a code of conduct for Councillors is an extremely valuable document to guide Councillors to set the standards of conduct in the Council.

3. Why is a code of conduct important?

Today's work environment has become more complex and demanding. In this context, it is important to set proper guidelines and standards in an organisation. The code of conduct presents an opportunity for Local Councillors to articulate what they mean by good conduct and good governance. It also sets the standards which all Councillors must adhere to. Councillors are unlikely to go wrong if they strictly adhere to the provisions of this code. Breaches of the code of conduct can result in malpractices/corruption and subsequent sanctions.

4. What are the benefits of the code of conduct for Councillors?

The adoption of the code of conduct for Councillors can be beneficial in a number of ways. It helps to:

- set out the core values of the organisation and defines acceptable and unacceptable behaviour expected of Councillors;
- solve ethical dilemmas;
- provide Councillors with a guide to maintain high level of public confidence and trust in Local Councils; and
- act as a deterrence to corruption and malpractices.

5. Statement of values

Councillors are expected to observe the highest standards of ethical conduct in all their dealings.

Councillors are called upon to:

- serve the public with fairness and impartiality;
- manage the Council's resources properly and in a transparent manner;
- uphold trust and confidence of the public and those whom they serve; and
- strive to bring about a sound cultural climate where integrity prevails.

To this end, the following core values and principles are meant to guide Councillors in their actions and daily operations:

(i) Duty to uphold the law

Councillors have a duty to uphold the law and always act in accordance with the law and bearing in mind the public trust placed in them. They must act in the interests of the Council as a whole and all the communities the latter serves.

(ii) Leadership

Councillors must promote and support the core principles of Local Councils by leadership and setting the right examples. They must contribute in improving the capacity of all persons working with them.

(iii) Respect

Councillors must respect other Councillors, Council employees and members of the public and treat them with courtesy at all times.

(iv) Honesty

Councillors need to be true in all their dealings. They must declare any private interest relating to their public duties and take positive steps to resolve any conflict arising in a way that protects public interest. They must act in good faith in all their decisions and actions.

(v) Non - discrimination

Councillors must not discriminate against any person on ground of sex, marital status, colour, race, ethnic or national origin, age, pregnancy, caste, physical or intellectual impairment, political opinion, occupational and social status, creed, language, sexual orientation, religious, any ethncal belief or any other ground.

(vi) Transparency

Councillors must act visibly, predictably and understandably and take decisions and actions in an open and transparent manner. They must ensure transparency in all their actions by making available the relevant information to all concerned, unless there are clear and lawful reasons to withhold same.

(vii) Accountability

Councillors are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny appropriate to their Council.

(viii) Selflessness

Councillors must not seek financial or other material benefits for themselves, their families or friends through their official positions. Decisions must be taken solely in the public interest.

(ix) Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. Councillors must ensure that the merit principles always prevail, and are seen to prevail, in the day-to-day operations.

(x) Integrity

Councillors must not place themselves under any financial or other obligations to outside individuals or organisations that might influence the performance of their official duties. Councillors must demonstrate a total commitment to the highest personal and professional standards. They are expected to do the right things and be guided by the above values at all times.

6. Declaration of Assets

To reinforce a culture of integrity in Local Councils, Councillors are required to declare their assets and liabilities as per Section 3 of the Declaration of Assets Act 1991.

Declaration of assets ensures transparency, increases accountability and public trust in the exercise of public functions. A Councillor must, not later than 30 days, after being elected as a Councillor, deposit to the Chief Executive of the Municipal City Council, the Municipal Town Council or the District Council, a declaration of assets and liabilities in relation to himself, his spouse, his minor children, his grand-children and his children of age. The Chief Executive shall thereafter, at the earliest, deposit the document to the Independent Commission Against Corruption, Réduit Triangle, Moka.

7. Decision Making

Decision making forms an integral part in the management of Councils. Effective decision making is an essential component of good governance. Hence, Councillors must:

- a) make decisions without undue influence or pressure;
- b) individually commit to carefully consider information and advice provided to support effective decision making;
- c) make available to the public, information regarding the procedures, use of resources, governance structure and activities; and
- d) be transparent in their dealings with all stakeholders.

8. Lobbying

Lobbying is the act of trying to persuade someone in authority, usually an elected member of a Council, to support laws or rules that give someone or a group of persons an advantage. To minimise any lobbying, or attempt at lobbying, Councillors must take into consideration the opinion and suggestions of a wide range of organisations and individuals to perform their duties effectively in public interest.

9. Traffic d'influence

Circumstances may occur when a person seeks to intervene in connection with the performance and non-performance of the functions and duties of another person. Section 10 of the Prevention of Corruption Act 2002 provides relevant information pertaining to Traffic d'influence.

In that respect, Councillors must not:

- a) exercise undue influence on other Councillors, staff of the Council, the public and other stakeholders to gain, or to attempt to gain, an advantage in terms of work, employment, contract or any other benefit for themselves, their relatives or for any other person;
- b) allow themselves to be subject to influence which will adversely affect the Council's interests;
- c) interfere in the day-to-day administration of the Council to gain, or attempt to gain, benefit for themselves, their relatives or for any other person;
- d) create situations that may provide an opportunity to use their influence, real or fictitious to determine or affect issues related to the Council; and
- e) omit to inform the Mayor/Chief Executive of any situation that may give rise to "traffic d'influence" at the Council.

10. Conflict of Interests

Managing conflict of interests situations is no longer just an option since, if left unchecked, such situations can lead to malpractices or give a general perception of corruption in Local Councils. Thus, Local Councils have a responsibility to set proper mechanisms to deal with conflict of interests effectively.

In a situation of conflict of interests, as described in a guide developed by ICAC and which is available on ICAC's website 'www.icac.mu', a Councillor must:

- declare the nature of the interest in writing;
- disclose the conflict immediately to the Council;
- abstain from voting or taking part in any proceedings in relation to that decision; and
- ensure that it is properly recorded in a 'Conflict of Interests Disclosure Register'.

11. Use of Council's Resources

Council resources (including funds and property) are to be used solely for intended purposes. Facilities are provided to assist Councillors in carrying out their duties in furthering the different functions of the Council. Accordingly, Councillors must:

- a) not use public funds or resources in a manner that is improper or unauthorised;
- b) not use Council resources, including services of Council staff, for private purposes; and
- c) maintain adequate security over Council property, facilities and resources provided to them to assist in performing their roles.

12. Zero-tolerance towards gifts and other benefits

Gifts or benefits can include free or less than market value accommodation, entertainment, hospitality and travel. In this respect, as a matter of principle, Councillors must not accept any gift in the fulfilment of their roles, functions and duties.

13. Use of Council's Information

In the execution of their functions, Councillors have access to information not otherwise available to the public. Such information is necessary to carry out Council duties and must not be disclosed in any way for personal or political advantage or in such a way as to discredit the Council. Hence, Councillors must not:

- a) misuse information in the possession of the Council, or provided to them to assist in decision making for unlawful purposes or for personal benefit;
- b) seek access to information for any private purpose and on a matter in respect of which they have a conflict of interests; and
- c) make an abuse of the confidentiality provisions of the law as a means of improperly withholding information from the public.

14. Public Comment

Councillors must not raise matters relating to the conduct or capability of employees in public.

Appendix I : Acknowledgement Form

(NAME OF THE ORGANISATION)

Code of Conduct for Councillors

I,
....., have received and read the Code of Conduct for Councillors. I have taken cognizance of the provisions contained in it and I agree to fully comply with the Code.

Name:

Organisation:

Designation:

Signature:

Date:

Appendix II : Annual Compliance Form

(NAME OF ORGANISATION)

Code of Conduct for Councillors

I,,
....., hereby solemnly
affirm that I have fully complied with the provisions of the Code during
the financial year ending 20

Name:

Organisation:

Designation:

Signature:

Date:

ETHICAL CONDUCT
is the
first step
towards promoting
a culture of
INTEGRITY



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Ministry of Local Government