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Gareth Owens LL.B Barrister/Bargyfreithiwr
Chief Officer (Governance)
Prif Swyddog (Llywodraethu)



To: Edward Michael Hughes (Chairman)
Councillors: David Cox, Hilary McGuill and
Arnold Woolley

CS/NG

30 September 2014

Co-opted Members

Robert Dewey, Jonathan Duggan-Keen, Phillipa
Ann Earlam and Kenneth Harry Molyneux

Nicola Gittins 01352 702345

Dear Sir / Madam

A meeting of the **STANDARDS COMMITTEE** will be held in the **CLWYD COMMITTEE ROOM, COUNTY HALL, MOLD CH7 6NA** on **MONDAY, 6TH OCTOBER, 2014** at **6.00 PM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

AGENDA

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**
- 3 **MINUTES** (Pages 1 - 10)
To confirm as a correct record the minutes of the meeting held on 1 September 2014.
- 4 **DISPENSATIONS**

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www.flintshire.gov.uk
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The Council welcomes correspondence in Welsh or English
Mae'r Cyngor yn croesawau gohebiaeth yn y Cymraeg neu'r Saesneg

5 **REVIEW OF THE MEMBERS' CODE OF CONDUCT** (Pages 11 - 28)

To review the Members' Code of Conduct

6 **FORWARD WORK PROGRAMME** (Pages 29 - 30)

For the Committee to consider topics to be included on the attached Forward Work Programme.

NOTE: AT 6.30PM REPRESENTATIVES FROM TOWN AND COMMUNITY COUNCILS WILL BE IN ATTENDANCE TO CONSIDER THE FOLLOWING ITEMS:

7 **STANDARDS COMMITTEE ANNUAL REPORT** (Pages 31 - 36)

To approve the Annual Report for publication – copy attached. Once approved the Report will be sent to all County Councillors, Town and Community Councils and other public bodies for information. The Committee will be asked to comments on: (i) the content of the Report and (ii) the intended circulation list.

8 **INTERESTS**

To receive a verbal presentation by the Monitoring Officer on the following:

- Declarations
- Registration
- Notification

9 **ETHICAL ISSUES CURRENTLY OF INTEREST OR RAISED BY TOWN AND COMMUNITY COUNCILS**

STANDARDS COMMITTEE **1 SEPTEMBER 2014**

Minutes of the meeting of the Standards Committee of the Flintshire County Council held at County Hall, Mold, on Monday, 1 September 2014.

PRESENT: Mr. Edward Hughes (Vice-Chair in the Chair)

Councillor: Arnold Woolley

Co-opted members: Robert Dewey, Jonathan Duggan-Keen, Phillipa Earlam, and Kenneth Molyneux

ALSO PRESENT: Councillor Clive Carver

IN ATTENDANCE:

Chief Officer (Governance), Democracy and Governance Manager, and Committee Officer

11. DECLARATIONS OF INTEREST (Including Whipping Declarations)

Councillor Clive Carver declared personal and prejudicial interests in his two applications for dispensation.

12. APPOINTMENT OF CHAIRMAN

Nominations were sought for a Chairman for the Committee. Mrs Phillipa Earlam nominated Mr. Edward Hughes as Chairman. The nomination was seconded by Mr. Jonathan Duggan-Keen.

RESOLVED:

That Mr. Edward Hughes be appointed Chairman of the Committee.

13. APPOINTMENT OF VICE CHAIRMAN

The Chairman sought nominations for the appointment of a Vice-Chairman. Mr. Kenneth Molyneux nominated Mr. Robert Dewey and this was seconded by Mrs. Phillipa Earlam.

RESOLVED:

That Mr. Robert Dewey be appointed Vice-Chair of the Committee.

14. **MINUTES**

The minutes of the meeting of the Committee held on 7 July 2014 were submitted.

Accuracy

Councillor Arnold Woolley pointed out that the references to Hawkesbury Community Council on page 1 and page 2 of the minutes should read Hawkesbury Community Centre.

RESOLVED:

That subject to the above amendments the minutes be received, approved and signed by the Chairman as a correct record.

15. **DISPENSATIONS**

Application for dispensation from Councillor Christine Jones to speak at Planning and Development Control Committee on an application for Crematorium and memoria at Northop.

The Democracy and Governance Manager explained that Councillor Jones had applied to extend the duration of her dispensation relating to the erection of a crematorium at Northop, which had been granted for a year on 2 September 2013. He referred to the terms of the original application for dispensation which had been made by Councillor Jones and outlined the reasons for the request for an extension. Councillor Jones was seeking dispensation to speak and vote on the item at Planning Committee under paragraph (d) and had stated that she had a personal and prejudicial interest as her son in law was an undertaker.

Mr. Robert Dewey proposed that a 12 month extension be granted to the dispensation that was due to end on 1 September 2014. This was duly seconded and agreed by the Committee.

Application for dispensation from Councillor Clive Carver to take part in the debate at County Council and/or other Committees relating to the Officers' Code of Conduct

The Chief Officer (Governance) explained that Councillor Carver was seeking dispensation to speak on the item under paragraph (f). He provided background information and referred to a review of the Officers Code of Conduct which had been undertaken by the Standards Committee and the recommendation which had subsequently been made to the Constitution Committee.

The Chairman invited Councillor Clive Carver to outline the reasons for his request for dispensation. Councillor Carver referred to the draft of the new

Officers' Code of Conduct which had considered removing the requirement for officers to notify the Chief Officer (Governance) of their membership of certain organisations including Freemasonry. He explained that he was a Freemason and was seeking dispensation to speak and take part in debate but not to vote at County Council and/or other Committees relating to the Officers' Code of Conduct.

At this point Councillor Carver withdrew from the room.

The Chief Officer (Governance) responded to a query from Mr. Robert Dewey around disclosure and the Officers Code of Conduct and explained that there would be no personal impact on Councillor Carver arising from the outcome of the debate.

During discussion Councillor Arnold Woolley proposed that the request from Councillor Carver to allow him to speak on the item at County Council and other Committees be granted but that he must leave the room when the vote was taken. This was seconded by Mr. Dewey and agreed by the Committee.

Councillor Carver was invited to re-join the meeting and the Chairman informed him of the Committee's decision to grant his request for dispensation subject to the above condition.

Application for dispensation from Councillor Clive Carver to discuss with Officers the failed Community Chest Grant application by the Hawarden Institute.

The Democracy and Governance Manager explained that Councillor Carver was seeking dispensation under paragraphs (d) (f) and (h) to discuss the item with Officers verbally and/or in writing, and to remain in the room but not to vote on any future hearing.

The Chairman invited Councillor Carver to sit at the table and explain the reasons for his application. Councillor Carver provided background information and context and referred to the application which had been made by the Hawarden Institute and a subsequent misunderstanding which had arisen concerning the award of a grant from the Community Chest.

The Chairman invited Members to raise questions. The Chief Officer and Councillor Carver responded to the queries and observations put forward.

Councillor Carver left the room at this point.

The Chief Officer (Governance) commented on the varying considerations to be taken into account and provided further advice to assist the Committee in reaching a decision. He stated that Councillor Carver would gain no personal benefit by participating in future debate on the item.

During discussion Mrs. Phillipa Earlam proposed that in relation to the application which had been submitted that Councillor Carver be allowed to speak to Officers, in person or by telephone, provided there was at least one witness which would ensure there were at least three people involved in the conversation, and that the conversation be minuted. That Councillor Carver also be allowed to contact Officers in writing if he wished. If the discussions failed to resolve Councillor Carver's concerns about the application and the grant application was either resubmitted to the Community Chest Panel or a fresh application was made, then Councillor Carver would need to submit a further request for dispensation to the Standards Committee. Mr. Kenneth Molyneux seconded the proposal and this was agreed by the Committee.

The Chairman invited Councillor Carver back into the room and informed him of the Committee's decision. He informed Councillor Carver that the Committee had decided to allow him to speak to Officers verbally or in writing concerning the failed application subject to the conditions as detailed above.

Application for dispensation from Councillor Veronica Gay to discuss with Officers future use by the community of the Sandy Lane Community Centre and Youth Club, Saltney.

The Democracy and Governance Manager explained that Councillor Gay was seeking dispensation to speak and vote on the item under paragraphs (d) (f) and (h).

The Chief Officer (Governance) distributed copies of a written statement which had been provided by Councillor Gay in support of her request for dispensation. The Chief Officer provided background information and context to the application and explained that Councillor Gay was a volunteer and committee member for the Sandy Lane Community Centre but had no personal or financial interest in the Centre. Councillor Gay sought dispensation to discuss with officers, attend meetings and to speak and vote on potential proposals concerning future use of the Community Centre and Youth Club, the creation of a community hub/onestop shop in Saltney for the provision of council and other public services, and the negotiation of a new management agreement for the Centre.

The Chief Officer explained that although Councillor Gay had requested to speak and to vote in her application he had advised her it would be inappropriate in her position as voluntary Chairperson of the Community Centre to vote on matters concerning funding in relation to the future of the Community Centre building.

During discussion Officers responded to the queries and views expressed by members and, for consistency, reference was made to the previous decisions made by the Committee regarding such requests.

Councillor Arnold Woolley proposed that dispensation be granted for Councillor Gay under paragraphs (f) and (h) only to correspond and speak to Officers on the item, provided there is a witness which would ensure that at least three people would be present, and the conversation was minuted. Also that Councillor Gay be allowed to speak on the matter at any Council or committee meeting but not to vote and to withdraw from the room at the point the vote was taken. The proposal was seconded by Mr. Robert Dewey and agreed by the Committee. The dispensation would apply to Councillor Gay in her capacity both as a Town Councillor and as a County Councillor.

RESOLVED:

- (a) That Councillor Christine Jones be granted an extension to her dispensation relating to erection of crematorium at Northop which would now end on 2 September 2015;
- (b) That Councillor Clive Carver be granted dispensation under paragraph (f) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 to speak at County Council and/or other Committees relating to the Officers' Code of Conduct but to leave the room when the vote was taken;
- (c) That Councillor Clive Carver be granted dispensation under paragraphs (d) (f) and (h) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 to speak to Officers, in person or by telephone, provided there was at least one witness, which would ensure there were at least three people involved in the conversation, and that the conversation be minuted. Also, that Councillor Carver be allowed to contact Officers in writing if he wished. If the discussions failed to resolve Councillor Carver's concerns about the application and the grant application was either resubmitted to the Community Chest Panel or a fresh application was made, then Councillor Carver would need to submit a further request for dispensation to the Standards Committee; and
- (d) That Councillor Veronica Gay be granted dispensation under paragraphs (f) and (h) only of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 to correspond with Officers on the item. Also to speak to officers provided there is a witness which would ensure that at least three people would be present, and that the conversation was minuted. Also that Councillor Gay be allowed to speak on the matter at any Council or committee meeting but not to vote and to withdraw from the room at the point the vote was taken

16. REVIEW OF PLANNING CODE OF PRACTICE – UPDATE

The Democracy and Governance Manager introduced a report on the review of the Flintshire Planning Code of Practice. He provided background information and referred to the main proposed alterations to the planning code

which were detailed in the report. He explained that the Planning Code with proposed alterations shown as tracked changes and comments showing the reason for the alterations, was appended to the report for comment by the Committee prior to consideration by the Planning Strategy Group.

The Democracy and Governance Manager referred to the Model Planning Code which had recently been received from Peter Keith Lucas.

Members reviewed the Flintshire Planning Code of Practice and made the following additions and changes to the proposed alterations:

Section 2 - Role of Members

Following consideration of the Model Planning Code received from Peter Lucas it was agreed that the following new paragraph (2.3.4) be added to Section 2:

Members should not decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political group meetings should never dictate how Members should vote on a planning issue.

Section 3 - Training:

Councillor Arnold Woolley expressed concerns around the proposal in paragraph 3.4 to grant an exception, where good reason, to the requirement in paragraph 3.3 that members of the Planning and Development Control Committee (including substitute members) attend 75% of the planning training topics. It was also suggested that when a Member fell below the 75% limit they should be given a timeframe of 6 months to return to the 75% level. The Democracy and Governance Manager responded to the concern raised around relaxing the 75% requirement and explained the rationale for the proposed change. He commented that the 75% limit was an internal threshold and was one of the few instances where a minimum requirement was set.

During discussion members raised concerns around the issue of public perception and it was suggested that any exceptions to the training requirement would be viewed better if granted by the Standards Committee, which comprised co-opted members as well as elected Members, rather than the Planning Strategy Group.

It was proposed that the wording in paragraph 3.4 be amended as follows: "Attendance at planning training will be monitored and reported to the Planning Strategy Group. The Standards Committee may grant an exception to the requirements of paragraph 3.3 for 6 months where there is good reason for a Member temporarily failing to meet this requirement". When put to the vote the proposal was carried.

Section 5 – Lobbying

The Committee agreed that the following sentence be added to the end of paragraph 5.1: Members must pass on any lobbying correspondence they receive to the Development Manager at the earliest opportunity.

Mr. Robert Dewey sought clarification of the statement in paragraph 5.3 that “Members should declare significant contact with applicants and objectors” and queried the definition of significance as being on “more than three occasions by the applicant or the same objector”. Mr. Dewey read out a statement with suggested alternative wording for consideration.

The Democracy and Governance Manager explained the rationale for paragraph 5.3 and emphasised the need for transparency in a situation where an applicant or objector was particularly vigorous in lobbying the Member. The Chief Officer confirmed that more than three occasions provided clarity.

Councillor Arnold Woolley proposed that the reference to more than three occasions remained in paragraph 5.3 for clarity and that the declaration was made at the committee meeting. The Chief Officer suggested that this be re-badged on the committee agenda as declarations of interest and lobbying.

It was agreed that paragraph 5.3 be amended as follows: Members should declare at the appropriate part of the committee meeting significant contact with applicants and objectors. Significant contact is where a Member has been contacted on more than 3 occasions by the applicant or the same objector (either orally or in writing).

Section 10 - Procedure at Planning and Development Control Committee

In relation to paragraph 10.5 Mrs. Phillipa Earlam referred to the comment asking whether the protocol should be attached as an appendix and it was agreed that the protocol on public speaking to the code should be attached.

Section 11 – Decisions Contrary to Officer Recommendation

During discussion it was agreed that paragraph 11.5 be amended as follows to ensure that members of the public attending the committee meeting are informed that the decision certificate may not be issued if it amounts to a significant departure from planning policy. “A legal advisor present at the committee meeting may subsequently prevent a decision notice being issued until a report by the Chief Officer (Governance), has been considered at the subsequent committee meeting. The reason for this report may be concerns of a legal nature or that at the committee meeting the Chief Officer (Planning and Environment) indicated the proposed decision represents a significant departure from the planning policy and the legal officer subsequently agreed”.

RESOLVED:

That subject to the above additions and amendments the proposed alterations to the Flintshire Planning Code of Practice be submitted to the Planning Strategy Group for consideration.

17. MEMBER TRAINING

The Democracy and Governance Manager introduced a report to provide an update on arrangements for member training. He referred to the meetings of the Group Leaders held on 3 July 2014 and Democratic Services Committee held on 9 July 2014, where consideration was given to the need to explore ways in which low attendance at some Member development events could be addressed. As a result of the observations and suggestions arising from both meetings the Democracy and Governance Manager had prepared a short guidance note to relevant officers to encourage attendance at Member training events. A copy of the guidance note had been appended to the report for members' information.

The Democracy and Governance Manager advised that all new Members of the Council received extensive induction training and in addition a Member Development programme was agreed by the Democratic Services Committee each year with each topic being offered on at least two different dates. Members who served on the Planning, Licensing, Audit or Pensions Committees were required to attend training relating to the work of such Committees.

RESOLVED:

That the various arrangements in place to provide training to Members and co-opted members of the Council be noted.

18. FORWARD WORK PROGRAMME

The Chief Officer (Governance) introduced the Forward Work Programme and invited members to put forward items for future consideration. He suggested that the following items be considered at the meeting of the Committee scheduled to be held on 3 November 2014.

- Annual audit of Declarations of Interest
- Annual Ombudsman's report

RESOLVED:

- (a) That the Forward Work Programme be agreed; and
- (b) That the items on the Annual audit of Declarations of Interest and the Annual Ombudsman's report be included on the Forward Work

Programme for consideration at the meeting of the Committee scheduled for 3 November 2014.

19. DURATION OF MEETING

The meeting commenced at 6.30 p.m. and ended at 8.55 p.m.

20. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were two members of the public and no members of the press in attendance.

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Chairman

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **STANDARDS COMMITTEE**
DATE: **MONDAY, 6 OCTOBER 2014**
REPORT BY: **MONITORING OFFICER**
SUBJECT: **REVIEW OF THE MEMBERS' CODE OF CONDUCT**

1.00 **PURPOSE OF REPORT**

1.01 To review the Members' Code of Conduct.

2.00 **BACKGROUND**

2.01 At its meeting on the 8 April 2008 the County Council adopted the Members' Code of Conduct giving effect to the Local Authorities (Model Code of Conduct) (Wales) Order 2008. That Order prescribes information that must be contained in any Council's Members' Code of Conduct. Flintshire's Code did not add any additional provisions to those prescribed by the Order.

2.02 When Flintshire adopted its Local Resolution Procedure and Flintshire Standards of Conduct at the Council meeting on the 25 June 2013 paragraph 6 (2) of the Code was amended to incorporate reference to compliance with these.

2.03 The Members' Code of Conduct forms part of the Council's Constitution and the Constitution Committee is in the last year of a 3 year programme to review all parts of the Constitution. The guiding principles are to ensure that the Constitution is up-to-date and that the wording is clear and unambiguous.

3.00 **CONSIDERATIONS**

3.01 Whilst there is no power to remove from the Code the prescribed provisions there is in theory the power to add additional provisions. In view of the potential sanctions for breach of the Code there should be a proven need for any additional requirements being imposed. There are other ways of improving standards such as protocols or other guidance documents that should be considered prior to making additions to the Members' Code.

3.02 Attached as Appendix 1 is the Members' Code with a few proposed tracked changes to update or clarify the existing wording.

3.03 Following consideration by the committee it is the intention for the review to be considered by the Constitution Committee at its meeting on the 15 October 2014.

4.00 RECOMMENDATIONS

4.01 For the committee to review the Members' Code of Conduct.

5.00 FINANCIAL IMPLICATIONS

5.01 None as a result of this report.

6.00 ANTI POVERTY IMPACT

6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

10.01 None as a result of this report.

11.00 CONSULTATION UNDERTAKEN

11.01 None as a result of this report.

12.00 APPENDICES

12.01 Appendix 1 – Members' Code of Conduct

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

None

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Email: peter.j.evans@flintshire.gov.uk

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PART 5 – CODES AND PROTOCOLS
Members' Code of Conduct

ADOPTED BY RESOLUTION OF
THE COUNTY COUNCIL

8th April 2008
to take effect from 2nd May 2008

THE LOCAL AUTHORITIES
(MODEL CODE OF CONDUCT) (WALES) ORDER 2008

With the determination of the amount of £10.00
for the purposes of paragraph 17 recorded in paragraph 18

PART 1
INTERPRETATION

1.(1) In this code —

“co-opted member”, in relation to a relevant authority, means a person who is not a member of the authority but who —

- (a) is a member of any committee or sub-committee of the authority, or
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,

and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee;

“meeting” means any meeting —

- (a) of the relevant authority,
- (b) of any Cabinet or board of the relevant authority,
- (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint/sub-committee of any Cabinet or board of the authority, or
- (d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committee and Political Groups) Regulations 1990⁽¹⁾,

and includes circumstances in which a member of an Cabinet or board or an officer acting alone exercises a function of an authority;

“member” includes, unless the context requires otherwise, a co-opted member;

“relevant authority” means—

- (a) a county council,
- (b) a county borough council,
- (c) a town or community council,
- (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004⁽²⁾ or a scheme to which section 4 of that Act applies,
- (e) a National Park authority established under section 63 of the Environment Act 1995⁽³⁾;

“you” means you as a member or co-opted member of a relevant authority; and

⁽¹⁾ S.I. 1990/1553 as amended by S.I. 1991/1389; S.I. 1993/1339; S.I. 1998/1918; and S.I. 1999/500.

⁽²⁾ 2004 c.21.

⁽³⁾ 1995 c.25.

“your authority” means the relevant authority of which you are a member or co-opted member.

(2) In relation to a town or community council, references to an authority’s monitoring officer and an authority’s standards committee are to be read, respectively, as references to the monitoring officer and the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(2) of the Local Government Act 2000.

PART 2

GENERAL PROVISIONS

- 2.(1)** Save where paragraph 3(a) applies, you must observe this code of conduct
- (a) whenever you conduct the business, or are present at a meeting, of your authority;
 - (b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;
 - (c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or
 - (d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.
- (2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

3.Where you are elected, appointed or nominated by your authority to serve —

- (a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or
- (b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4.You must —

- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
- (b) show respect and consideration for others;
- (c) not use bullying behaviour or harass any person; and
- (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

5. You must not —

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

6.(1) You must —

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
- (b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
- (c) report to the Public Services Ombudsman for Wales and to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
- (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) You must –

- (a) adhere to the Flintshire standard of conduct
- (b) cooperate with the Local Resolution Procedure
- (c) comply with any request of the Monitoring Officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7. You must not —

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of your authority —
 - (i) imprudently;
 - (ii) in breach of your authority's requirements;
 - (iii) unlawfully;
 - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
 - (v) improperly for political purposes; or
 - (vi) improperly for private purposes.

8. You must —

- (a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —
 - (i) the authority's head of paid service;
 - (ii) the authority's Section 151 officer;

- (iii) the authority's monitoring officer;
 - (iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9. You must —

- (a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;
- (b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

PART 3
INTERESTS

Personal Interests

- 10.(1)** You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.
- (2) You must regard yourself as having a personal interest in any business of your authority if —
- (a) it relates to, or is likely to affect —
 - (i) any employment or business carried on by you;
 - (ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;
 - (iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;
 - (iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
 - (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
 - (vi) any land in which you have a beneficial interest and which is in the area of your authority;
 - (vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
 - (viii) any body to which you have been elected, appointed or nominated by your authority;
 - (ix) any —
 - (aa) public authority or body exercising functions of a public nature;
 - (bb) company, industrial and provident society, charity, or body directed to charitable purposes;
 - (cc) body whose principal purposes include the influence of public opinion or policy;
 - (dd) trade union or professional association; or
 - (ee) private club, society or association operating within your authority's

- area,
- in which you have membership or hold a position of general control or management;
- (x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;
 - (b) a member of the public might reasonably perceive a conflict between your role in taking a decision, upon that business, on behalf of your authority as a whole and your role in representing the interests of constituents in your ward or electoral division; or
 - (c) a decision upon it might reasonably be regarded as affecting —
 - (i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
 - (ii) any employment or business carried on by persons as described in 10(2)(c)(i);
 - (iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;
 - (iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
 - (v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management, to a greater extent than the majority of—
 - (aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
 - (bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure of Personal Interests

- 11.(1)** Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority and you make —
- (a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or
 - (b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the

representation and interest in writing within 14 days of the representation.

- (3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an Cabinet or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.
- (4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer from time to time but, as a minimum containing —
 - (a) details of the personal interest;
 - (b) details of the business to which the personal interest relates; and
 - (c) your signature.
- (5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.
- (6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.
- (7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

Prejudicial Interests

- 12.(1)** Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—
 - (a) relates to —
 - (i) another relevant authority of which you are also a member;
 - (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
 - (iii) a body to which you have been elected, appointed or nominated by your authority;
 - (iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;

- (v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;
- (b) relates to —
 - (i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;
 - (iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;
 - (iv) the functions of your authority in respect of an allowance or payment made under sections 22(5), 24(4) and 173 to 176 of the Local Government Act 1972, an allowance or pension under section 18 of the Local Government and Housing Act 1989 or an allowance or payment under section 100 of the Local Government Act 2000;
- (c) your role as a town or community councillor in relation to a grant, loan or other form of financial assistance made by your town or community council to community or voluntary organisations up to a maximum of £500.
- (3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

Overview and Scrutiny Committees

- 13.** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's Cabinet, board or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the Cabinet, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

Participation in Relation to Disclosed Interests

- 14.(1)** Subject to sub-paragraphs (2), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee —
- (a) withdraw from the room, chamber or place where a meeting considering the

- business is being held—
- (i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or
 - (ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;
- (b) not exercise Cabinet or board functions in relation to that business;
 - (c) not seek to influence a decision about that business;
 - (d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and
 - (e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.
- (2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.
- (3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if —
- (a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or
 - (b) you have the benefit of a dispensation provided that you —
 - (i) state at the meeting that you are relying on the dispensation; and
 - (ii) before or immediately after the close of the meeting give written notification to your authority containing —
 - (aa) details of the prejudicial interest;
 - (bb) details of the business to which the prejudicial interest relates;
 - (cc) details of, and the date on which, the dispensation was granted; and
 - (dd) your signature.
- (4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

PART 4
THE REGISTER OF MEMBERS' INTERESTS

***Registration of Financial and Other Interests and Memberships and
Management Positions***

- 15.**(1) Subject to sub-paragraph (3), you must, within 28 days of—
- (a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or
 - (b) your election or appointment to office (if that is later),
register your financial interests and other interests, where they fall within a category mentioned in paragraph 10(2)(a) in your authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to your authority's monitoring officer.
- (2) You must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under sub-paragraph (1), register that new personal interest or change by providing written notification to your authority's monitoring officer.
- (3) Sub-paragraphs (1) and (2) do not apply to sensitive information determined in accordance with paragraph 16(1).
- (4) Sub-paragraph (1) will not apply if you are a member of a relevant authority which is a town or community council when you act in your capacity as a member of such an authority.

Sensitive information

- 16.**(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
- (3) In this code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Registration of Gifts and Hospitality

17. You must, within 28 days of receiving any gift, hospitality material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer of the existence and nature of that gift, hospitality material benefit or advantage.

18. The Authority has determined that for the purposes of paragraph 17 the amount shall be £10.00 until further determination.

FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME

Date of Meeting	Topic	Notes/Decision/Action
December 2014	<ul style="list-style-type: none"> • 4 Protocols • Training • Dispensations 	<ul style="list-style-type: none"> • To submit the four supplementary codes to a future meeting of the Committee when they are available.
November 2014	<ul style="list-style-type: none"> • Training • Dispensations • Review of ethical complaints for the year 2013/14 including Local Resolution Procedure • Annual Ombudsman’s report • Annual Audit of Interests 	<ul style="list-style-type: none"> • Submit the Annual Ombudsman’s report and Local Resolution Procedure to future meetings of the Committee
October 2014	<ul style="list-style-type: none"> • The Annual Report of the Committee • Review of Members Code of Conduct • Annual Meeting with Town and Community Councils 	<p>Actions from July meeting:</p> <ul style="list-style-type: none"> • To undertake training on Sanctions at a future meeting of the Committee – completed September meeting

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STANDARDS COMMITTEE

ANNUAL REPORT 2013/14



FOREWORD BY THE CHAIRMAN

I became Chair at the end of the year covered by this report having previously been Vice Chair of the committee. I would like firstly to pay tribute to the work undertaken by Patricia Jones as Chair, Vice Chair and committee member during her time on the committee which ended in July. Earlier in the year Mr Chris Bretherton-Watt retired from the committee and again I would like to record thanks for the contribution he made to the work of the committee. His place was taken by Kenneth Molyneux who is making a valuable contribution to the work of the committee.

During the year we have used our differing experiences, skills and knowledge in the discharge of the work of the committee. The work of the committee has concentrated on proactively promoting and maintaining high standards of conduct amongst County Councillors, Town & Community Councillors and co-opted members.

It was not necessary during the year to hold a formal hearing to deal with any alleged breach of the Members' Code. During the year there has been a lot of activity in relation to training. Normally meetings of the committee are preceded by an informal training session on topics of relevance to its work. Training sessions have also been arranged on the Members' Code of Conduct for County, Town & Community Councillors. Meetings of the committee are annually hosted by a Town or Community Council and open to all such Councils. This enables discussion of any issues or concerns they may have and to assist or advise them as to any particular approach which should be taken.

On the 29 April Flintshire hosted the North Wales Standards Committee Forum attended by representatives from the six North Wales County Councils. On the 1 July Anglesey hosted a training day for the six North Wales Councils facilitated by Mr Keith-Lucas. The feedback for both these events was positive and provided the opportunity for matters of common interest to be shared.

Lastly I would like to thank the officers who have advised, arranged and attended the meetings of the committee during the year.

Edward Hughes
Chair of the Standards Committee

MEMBERS OF THE COMMITTEE

Although the Standards Committee is one of Flintshire County Council's Committees, the majority of its members are independent of the running and the day to day operation of the Council or local government. In addition to these independent members the Committee includes a member who represents the interests of all the 34 Town and Community Councils within Flintshire, as well as three elected members of Flintshire County Council.

Mr Kenneth Molyneux became an independent member of the Committee from December 2013 for a term of 5 years.

During the year the Chair of the Committee, Mrs Pat Jones' term of office as an independent member came to an end and she decided to stand down with effect from July 2014. Mr Edward Hughes, (formerly the Vice Chair) was appointed as the new Chair of the Committee at its September meeting with Mr Robert Dewey being appointed as Vice Chair.

The members and the dates when they are due to retire are set out below:-

Independent Committee Members

Appointment Ends

Mr Robert Dewey	May 2017 (Vice Chair)
Mr Kenneth Molyneux	December 2018
Mrs Phillipa Ann Earlam	May 2019
Mr Edward Hughes	May 2019 (Chair)

Community Committee Member

Councillor Jonathan Duggan-Keen	June 2017 (at the next Council elections)
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Flintshire County Council Members

Councillor David Cox (Labour)	May 2017
Councillor Hilary McGuill (Liberal Democrat)	May 2017
Councillor Arnold Woolley (Independent)	May 2017

THE COMMITTEE'S WORK

The committee's main role is to promote and maintain high standards of conduct by councillors and to assist them to observe the Members' Code of Conduct. It is responsible for doing so for Members of Flintshire County Council and the County's 34 Town and Community Councils.

The committee is responsible for considering and deciding upon complaints, referred to it by the Public Service Ombudsman for Wales, that members have breached the Code of Conduct.

It also considers applications made by members for dispensations to allow them to take part in discussions even though they have a prejudicial interest under the Code.

Frequency of Meetings

During the year the Committee has met on the following occasions:

14 October 2013 – combined meeting with Town and Community Councils
4 November 2013
2 December 2013
10 March 2014
7 April 2014
12 May 2014
7 July 2014
1 September 2014

The work of the committee has involved discussions on issues including:-

1. Audit of Declarations of Interest

At the November committee meeting a report was presented on the results of an audit of the extent members completed notifications where required following a declaration of interest at a meeting. This led to either the Monitoring Officer or his Deputy providing a short training session prior to scheduled meetings of all committees reminding members of the need to ensure verbal declarations were formally registered or notified. A recent further audit has shown a much improved practice in meeting this requirement.

2. Dispersations

The Members' Code of Conduct provides that a Councillor cannot take part in a discussion if he/she has a 'prejudicial interest' under the Code of Conduct. However, the member does have the right to make an application to the committee for permission to take part in the discussion despite the existence of the interest, ie. a dispensation.

During the year the committee granted a total of 30 dispensations, 17 of these related to County Council members who had close personal associates employed by the Council that were affected by the single status negotiations that were concluded following a report to County Council. Whenever an application was granted appropriate safeguards were put in place to ensure transparency and to protect public confidence in the impartiality of the decision-making process.

3. Allegations Against Members

There were four complaints against County Councillors during the period. So far three have been resolved and the Ombudsman has decided not to investigate. One remaining complaint is still being considered.

4. Local Resolution of Complaints

At the start of the year the Council agreed its local resolution of complaints procedure. This provides a way of speedily resolving low level complaints made by a County Councillor or officer against a County Councillor to be speedily resolved. During the year three such complaints were resolved by the Monitoring Officer or Deputy Monitoring Officer.

5. External Reports

At its meeting in December the committee considered the Public Services Ombudsman for Wales annual letter 2012/13. At the committee's March meeting it considered the Adjudication Panel for Wales annual report 2012/13. The consideration of such reports provides the opportunity to learn from experiences elsewhere so as to prevent such issues arising in Flintshire.

6. Review of Codes and Protocols

During the year the committee has received reports on the review of the Officers' Code of Conduct and on the review of the Flintshire Planning Code. Both codes form part of the Council's Constitution and play an important part in ensuring high standards of conduct by Members and officers. In each case the committee made detailed comments that will help ensure the codes remain up-to-date, relevant and effective.

Useful Contacts

Gareth Owens, Monitoring Officer - Tel No. 01352 702344
- E-mail: gareth.legal@flintshire.gov.uk

Peter Evans, Deputy Monitoring Officer - Tel No. 01352 702304
E-mail: peter.j.evans@flintshire.gov.uk

Public Services Ombudsman for Wales - www.ombudsman-wales.org.uk

Adjudication Panel for Wales - www.adjudicationpanelwales.org.uk