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To: Robert Dewey (Chairman)

Councillors: Patrick Heesom, Paul Johnson and Arnold Woolley

Co-opted Members:

Jonathan Duggan-Keen, Phillipa Earlam, Edward Michael Hughes, Julia Hughes and Kenneth Molyneux

21 December 2018

Dear Sir/Madam

You are invited to attend a meeting of the Standards Committee which will be held at 6.30 pm on Monday, 7th January, 2019 in the Clwyd Committee Room, County Hall, Mold CH7 6NA to consider the following items

*** Please note that a training session for the Standards Committee members will be held from 6.00pm until 6.30pm**

A G E N D A

1 APOLOGIES

Purpose: To receive any apologies.

2 DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Purpose: To receive any Declarations and advise Members accordingly.

3 MINUTES (Pages 3 - 6)

Purpose: To confirm as a correct record the minutes of the meeting on 3 December 2018.

4 DISPENSATIONS

Purpose: To receive any requests for dispensations.

5 THE COUNCIL'S PLANNING CODE OF PRACTICE (Pages 7 - 26)

Purpose: To review the Council's Planning Code of Practice in accordance with the rolling review of the Council's Constitution.

6 OFFICERS' CODE OF CONDUCT (Pages 27 - 54)

Purpose: As part of the rolling review of the Constitution, we need to consider whether the Officers Code of Conduct needs any amendments to keep it up to date.

7 REPORTS FROM INDEPENDENT MEMBER VISITS TO TOWN/ COMMUNITY COUNCILS

Purpose: To receive verbal reports from independent members of the Committee on their visits to the following councils:

- Nannerch Community Council (Julia Hughes - 4 October 2018)
- Higher Kinnerton Community Council (Robert Dewey - 10 October 2018)
- Treuddyn Community Council (Julia Hughes - 10 October 2018)
- Mostyn Community Council (Ken Molyneux - 15 October 2018)

8 FORWARD WORK PROGRAMME (Pages 55 - 58)

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

Yours faithfully



Robert Robins
Democratic Services Manager

STANDARDS COMMITTEE **3 DECEMBER 2018**

Minutes of the meeting of the Standards Committee of Flintshire County Council held at County Hall, Mold on Monday, 3 December 2018

PRESENT: Rob Dewey (Chairman)

Councillors:

Patrick Heesom, Paul Johnson and Arnold Woolley

Co-opted members:

Jonathan Duggan-Keen, Phillipa Earlam, Edward Hughes, Julia Hughes and Ken Molyneux

IN ATTENDANCE:

Monitoring Officer, Deputy Monitoring Officer and Democratic Services Officer

38. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None.

39. MINUTES

The minutes of the meeting held on 12 November 2018 were submitted.

Matters Arising

Minute number 32: Updated guidance on the use of social media from the Welsh Local Government Association - the Deputy Monitoring Officer confirmed that the guidance had been circulated to County Councillors and Clerks of Town and Community Councils.

Councillor Heesom said that the representatives from Mostyn Community Council had given positive feedback on the meeting.

RESOLVED:

That the minutes be approved and signed by the Chairman as a correct record.

40. DISPENSATIONS

Buckley Town Councillors Dennis and Jeannie Hutchinson

The Monitoring Officer provided background information to a dispensation request from Buckley Town Councillor Dennis Hutchinson (and his wife) whose bus company was currently contracted to provide services in the County. As part of a review of local bus routes, the County Council had agreed to a request from Buckley Town Council for additional time to agree a formal response to the consultation, specifically on the 'Shopper Hopper' service which was operated by

Councillor Hutchinson's company. Both Councillors were seeking dispensation to be present, without participating or voting, when the matter was considered at a forthcoming meeting of Buckley Town Council.

There was discussion on allowing Councillors with a prejudicial interest the same rights as members of the public in being allowed to remain in the room to observe meetings, without affecting the openness of the debate. It was also noted that Buckley Town Council had already benefitted by being granted an extension to the consultation deadline and that other bus contractors may not be aware of the meeting which had been specially convened to discuss this one topic.

Julia Hughes proposed that dispensation be refused, which was seconded by Jonathan Duggan-Keen. On being put to the vote, this was carried.

Councillor Woolley asked that his abstention from the vote be recorded.

Councillor Veronica Gay

Members of the Committee were asked to consider a dispensation request from County Councillor and Saltney Town Councillor Veronica Gay, received after publication of the agenda. As a member of a Dementia support group and volunteer for a monthly Memory Café, Councillor Gay was seeking dispensation to make verbal and written representations on specific issues affecting the group and Café, without taking part in voting.

It was explained that although this was determined to be a personal interest, Councillor Gay was seeking dispensation as a safety precaution to enable her to speak and put her name to written representations.

Views were expressed on the value of Councillor Gay's knowledge contributing to related representations without voting rights. Some Members felt that the perception of whether this was a public service was a grey area and should be flagged up with Town and Community Councils in respect of individuals with multi-interests seeking dispensation in similar circumstances.

Officers clarified the terms of the dispensation request including the usual time period and safeguards. This was proposed and seconded by the Chairman and Edward Hughes. On being put to the vote, it was carried. The decision applied to Councillor Gay in her capacity as both County Councillor and Town Councillor.

RESOLVED:

- (a) That the dispensation request from Buckley Town Councillors Dennis and Jeannie Hutchinson in respect of discussion on local bus services at Buckley Town Council be refused; and
- (b) That Flintshire County Councillor and Saltney Town Councillor Veronica Gay be granted dispensation under paragraphs (d) (e) (f) and (h) of the

Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to make verbal and written representations to Saltney Town Council and Flintshire County Council on matters relating to the Saltney Dementia support group and the monthly Memory Café. For public meetings, Councillor Gay is to leave the meeting after speaking, before the application is debated and voted on. For private meetings with County Council officers, there is a requirement for at least one witness to be present, to ensure that there are at least three people involved in the conversation, and that the discussion be minuted. The dispensation to be granted for 12 months, ceasing on 3 December 2019.

41. VISITS BY MEMBERS TO TOWN AND COMMUNITY COUNCILS

The Deputy Monitoring Officer presented a report to agree a mechanism for reporting feedback to Town and Community Councils from visits being undertaken by independent members of the Committee, as discussed at the previous meeting.

The Committee was asked to consider a set of recommendations which had been drafted by officers to set out the best approach. Written notes from each visit provided to the Monitoring Officer would enable him to plan agendas based on workload. The recommendation for written notes to be attached to the public agenda pack would enable them to be considered by the Committee before meetings as well as using them as feedback to Town and Community Councils.

With regard to the future programme, it was suggested that councils could be revisited in two years' time to allow time for feedback to be considered and changes/training undertaken if it was felt necessary. Future visits could also be scheduled at councils where there had been significant membership changes or a new Clerk. Alternatively, Clerks may wish to request a visit, with or without prior notification.

The Monitoring Officer said that if Members did not wish for their written notes to be included on the agenda, these would be designated as background papers and the Committee would need to agree on the feedback to be given to Town/Community Councils on each occasion. On trend analysis, a report could be provided once or twice yearly to summarise the main issues identified during that time which could inform training requirements.

Whilst some Members spoke in favour of sharing written reports, others felt that the feedback should be agreed by the Committee as a whole and that verbal reports would provide an opportunity to clarify any areas of uncertainty before finalising feedback. It was suggested that a section on website information be included on the template form used for writing notes from the visits.

Julia Hughes proposed an amendment to Recommendation 2 in the report for written notes to be forwarded to the Monitoring Officer and reported verbally by Members at meetings of the Standards Committee to allow opportunity for amendment and clarification if required. The summary of feedback would be

recorded in the minutes and made available to the respective Town and Community Councils. This was seconded by Ken Molyneux.

It was also agreed that reports would be considered in date order of the visits as Town and Community Councils were keen to receive early feedback. This would also give them an opportunity to clarify any issues which may have been misinterpreted.

RESOLVED:

- (a) That the number of feedback reports from visits to Town and Community Councils considered at each meeting is adjusted so that agendas are not overloaded, unless urgent issues need to be fed back when these will be placed on the agenda for the next meeting. The reports are to be considered in chronological order;
- (b) That the written notes (using the agreed template) form background papers to agendas. Verbal reports to be made at each meeting to enable the Committee to resolve what feedback is to be given to Town and Community Councils that have been visited; and
- (c) That Members inform the Monitoring Officer of a visit to a Town or Community Council and send their written notes of the visit to him, as soon as possible after a visit has taken place, for the purposes of agenda planning for the Committee.

42. FORWARD WORK PROGRAMME

The current Forward Work Programme was presented for consideration.

RESOLVED:

That the Forward Work Programme be noted.

43. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There were no members of the press or public in attendance.

(The meeting started at 6.30pm and ended at 7.50pm)

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Chairman



STANDARDS COMMITTEE

Date of Meeting	Monday 7 th January 2019
Report Subject	The Council's Planning Code of Practice
Report Author	Deputy Monitoring Officer

EXECUTIVE SUMMARY

The Council's Planning Code of Practice (PCP) forms part of the Council's Constitution and covers a wide range of matters relating to the Council's planning functions. As part of the Committee's role to review the operation of the Members' Code of Conduct and to promote and maintain high standards of conduct by Councillors, it is appropriate to review the PCP to ensure that it provides appropriate and clear advice to Members in respect of their conduct as it relates to planning matters, and to recommend revision to the PCP where it can be improved in this regard.

RECOMMENDATIONS

1	That the PCP is fit for purpose regarding the advice relating to the Members' Code of Conduct and the Protocol on Officer/Member relations subject to the proposed amendment referred to in paragraph 1.05 of this report.
2	That the PCP be reported to the Council's Constitution Committee with advice from this Committee that it be amended in accordance with recommendation 1 above.

REPORT DETAILS

1.00	BACKGROUND
1.01	The PCP covers a wide range of matters relating to planning applications and other planning issues, including providing advice to Councillors on how to best ensure that their involvement in such matters is in accordance with

<p>1.02</p> <p>1.03</p> <p>1.04</p> <p>1.05</p> <p>1.06</p>	<p>the Members' Code of Conduct and the Protocol on Officer/Member relations.</p> <p>As set out at paragraph 1.2 of the PCP, the PCP is supplementary to the Members' and Officers' respective codes of conduct and the Protocol on Officer/Member relations, and it is these aspects of the PCP that should be reviewed by the Committee to make sure it is fit for purpose in this regard. The PCP should provide clear advice to Members on how to deal with planning issues in accordance with the Members' Code of conduct and the Protocol on Officer/Member relations.</p> <p>The main areas of the PCP that relate to these matters are Part 2 (Role of Members and Officers), Part 4 (Registration and declaration of Interests), Part 5 (Lobbying) and Part 6 (Applications Submitted by Members and officers). However, the advice relating to the Members' Code of conduct also pervade the PCP. For example, Part 9 of the PCP relates to Site Visits and at paragraph 9.3.2 the PCP states "Any Member with a personal and Prejudicial interest must not take part in the site visit".</p> <p>The PCP is a clear document which gives detailed advice on Personal and Prejudicial interests and other rules contained in the members' Code of Conduct, such as avoiding the perception of predetermination in respect of planning applications, including how to deal with both representations received directly from applicants or objectors to a development proposal. In terms of the Protocol on Officer/Member relations the PCP provides clear advice in this regard, including advice on the respective roles of Officers and Members. For example, at paragraph 2.4.4 it is made clear that members should never put officers under pressure to make a particular recommendation and this advice accords with paragraph 4(d) of the Members' Code of Conduct.</p> <p>The Chief Officer of Planning, Environment and Economy, the Executive Member for Planning, Environment and Economy and the Chair of the Council's Planning Committee were asked to provide comments on how, if at all, the PCP may be improved in their view. The main concern that has been raised is that it is not sufficiently clear in the PCP whether or not applications that have some connection with Members' portfolio as Cabinet Members may give rise to personal or personal and prejudicial interests in respect of planning decisions. As interests of County councillors only arise where their interests as a County Councillor coincide with their interests outside of the Council, there would not be a personal interest arising by virtue of a Members' Cabinet position. However, this situation may, in certain circumstances, give rise to a perception of predetermination. In the circumstances, it may be appropriate to add a new paragraph to the PCP to make the position clear in this regard. A proposed additional paragraph for the PCP is shown in tracked changes as a new paragraph 4.7 to the PCP in the appendix to this report.</p> <p>Subject to the above addition the PCP appears fit for purpose in respect of the advice to Members regarding the Members' Code of Conduct and the Protocol on Officer/Member relations.</p>
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2.00	RESOURCE IMPLICATIONS
2.01	N/A

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	The Chief Officer (Planning, Environment and Economy), Executive Member for Planning Environment and Economy, and Chair of the Planning Committee have been consulted on the PCP.

4.00	RISK MANAGEMENT
4.01	N/A

5.00	APPENDICES
5.01	The PCP with proposed amendment shown in tracked changes.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Members' Code of Conduct and the Protocol on Officer/Member relations.
6.02	Contact Officer: Matthew Georgiou, Deputy Monitoring Officer Telephone: 01352 702330 E-mail: matthew.georgiou@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	N/A

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SECTION 23

23. PLANNING CODE OF PRACTICE

HOW WE DEAL WITH PLANNING APPLICATIONS AND OTHER PLANNING ISSUES

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1. **INTRODUCTION**

1.1 The Planning system involves taking decisions about the use and development of land in the wider public interest having regard to the Development Plan, national Planning Guidance and other material considerations. Planning can be contentious because its decisions affect the daily lives of individuals, landowners and developers.

It is important therefore that the process is open and transparent. In other words the system should not only be fair but it should be seen to be fair. The Nolan Committee's report on Standards in Public Life gave close consideration to these issues and its recommendations feature significantly in the Local Government Association's revised 2002 guidance for Members and Officers in dealing with planning matters. Members are advised to read the LGA guidance as it provides useful background to the Code of Practice.

1.2 This Code of Practice provides guidance to elected Members, officers and developers on the planning process. It is supplementary to the Flintshire Member and Officer Codes of Conduct and the Protocol on Member/officer relations all of which are contained in the Council Constitution.

1.3 Whilst the principles set out in this document apply primarily to the manner in which individual planning applications should be dealt with, they also apply to the decision-making process relating to any aspect of the planning function.

2. **ROLE OF MEMBERS AND OFFICERS**

2.1 **General**

2.1.1 Members and officers have different but complementary roles. Both serve the public but Members are responsible to the electorate, whilst officers are responsible to the Council as a whole. Officers advise Members and the Council and carry out the Council's work. They are employed by the Council, not individual Members, and Members instructions may only be given to officers through a decision of the Council, its Cabinet or a Committee.

2.1.2 It is important that a good relationship exists between Members and officers and that this is based on mutual trust and understanding of each others positions. This relationship and trust must never be abused or compromised.

2.2 **Role of Officers**

2.2.1 The officer's function is to advise and assist Members in the formulation of planning policies, in the determination of planning applications and, deciding whether or not to take enforcement action for breaches of planning control. officers should:-

- Provide impartial and professional advice.
- Make sure that all accurate information necessary for the decision to be made is given.
- Provide a clear and accurate analysis of the issues.
- Set applications and enforcement issues against the broader Development Plan policies and all other material considerations.
- Give a clear recommendation based on the above requirements.
- Carry out the decisions made by Members in committee or through the delegated authority of the Chief Officer, Planning and Environment
- Update Members on new legislation and guidance.
- Provide appropriate training and briefings for Members.

2.3 **Role of Members**

2.3.1 The full Council is responsible for setting the Council's formal planning policy framework through the Development Plan(s). As a general principle there is an expectation that Members will uphold the Council's planning policies.

2.3.2 When Members come to make a decision they must:-

- Be clear as to whether or not they have an interest which needs to be declared if not already done so.
- Act fairly and openly.
- Approach each application with an open mind.
- Carefully weigh up all relevant issues.
- Determine each application on its own merits.
- Avoid giving the impression that the Member has made her / his mind up prior to the application being determined.
- Ensure that there are clear and substantial reasons for their decisions, and that those reasons are clearly stated.

2.3.3 Where a planning application relates to a Member's ward the views of the local Member are important to the Chief Officer, Planning & Environment and to the Chair and Members of the Planning and Development Control Committee. Ward Members should not become too closely identified with special interest groups if they wish to vote in the Planning and Development Control Committee. Whilst Members have a responsibility to their constituents their overriding duty is to the whole County and therefore need to consider proposed developments in the interests of the wider community.

2.3.4 Members should not decide how to vote on any application at any formal political group meeting. Political group meetings should never dictate how Members should vote on a planning issue.

2.4 **Member / Officer Contact**

- 2.4.1 The officer / Member relationship is extremely important for good decision making and an effective planning service. The mutual understanding of their respective roles and respect for each other's position is vital for good relations.
- 2.4.2 In making enquiries regarding individual applications Members should make contact with the Case Officer or Line Manager and make an appointment if necessary. Whilst Members may wish to seek advice or information from the Chief Officer, Planning & Environment or the Development Manager, Members should in the first instance seek information from the Case Officer. Information can be sought and provided by e-mail.
- 2.4.3 Officers will provide every reasonable help to Members in the carrying out of their duties. Meetings between officers and Members may sometimes be helpful, but are only likely to be of value if prior arrangements have been made. This allows the officer to have all relevant documents available at the meeting. Prior arrangements may be made by telephoning the relevant Officer or the Planning Services Reception staff. Members rooms can be utilised and suitable rooms can be made available by mutual agreement if privacy is required.
- 2.4.4 It is acknowledged that Members and officers may well have differing views on a proposal but Members should on no account interfere with or put pressure on officers to make a particular recommendation.

3. **TRAINING**

- 3.1 All members of the Council are required to have received core planning training covering planning policies, procedures, law and this Code.
- 3.2 Other training will be arranged by officers in consultation with members in the form of additional sessions, seminars and workshops on topical issues and to keep members up to date on new procedures, advice and guidance.
- 3.3 Members of the Planning & Development Control Committee (including substitute members) are required at all times between ordinary County Council elections to attend at least 75% of the planning training topics covered during their membership of the Committee.
- 3.4 Attendance at planning training will be monitored and reported to the Planning Strategy Group who may grant an exception to the requirements of paragraph 3.3 where there is good reason for a member temporarily failing to meet this requirement.

4. **REGISTRATION AND DECLARATION OF INTERESTS**

4.1 **Code of Conduct**

- 4.1.1 Members should follow scrupulously the County Council's **Members' Code of Conduct** in relation to registration and declaration of interests and, if an interest is declared, in deciding whether the Member should participate in the consideration of an application. Not only should impropriety be avoided but also any appearance or grounds for suspicion of improper conduct. If a Member considers he/she may have a personal interest they should consult the Monitoring Officer or a Senior Officer of Legal & Democratic Services for advice on their position ideally in advance of the meeting.

4.2 **Personal Interests**

- 4.2.1 The principles about the disclosure of interests should be applied, not only to formal meetings, but also to any of a Member's dealings with Council officers, or with other Members. Where a Member has a personal interest, as defined by the Code, it must always be declared. It does not necessarily follow that the Member is debarred from participation in the discussion. The responsibility for declaring an interest lies with the Member, but the Monitoring Officer is there to advise. If there is any doubt in a Member's mind, he / she should seek early advice from the Monitoring Officer or other Senior Officer of Legal & Democratic Services on their position. Members should err on the side of declaring an interest when they are not sure.

- 4.2.2 Members who have substantial property, professional or other interests relating to the planning function which would prevent them from voting on a regular basis, should avoid serving on the Planning and Development Control Committee.

- 4.2.3 Where a Local Member has decided he / she has a personal interest making it inappropriate for that Member to be involved in the processing and determination of a planning application in his / her ward such a Member may arrange for another Member to act as local Member instead to represent constituents views. In such a situation the local Member should inform the Monitoring Officer and the Chief Officer, Planning & Environment of the arrangement made and take no further part in the processing and determination of the planning application other than referring any representations or communications received to the Member who is acting as local Member.

4.3 **Declaration**

- 4.3.1 When declaring an interest at committee, this should be done at the beginning of the meeting. Members should be clear and specific in identifying the item on the agenda in which they have an interest, and the nature of that interest.

4.4 **Predetermination**

- 4.4.1 A Member has predetermined a planning application where the Member shows (e.g. in local press) he/she has made their mind up on the merits of the

application prior to it being considered at committee. A predisposition is where a Member has an inclination or preliminary view on the merits of the application.

4.4.2. A Member who has predetermined the merits of a planning application in advance of it being considered at committee should not be a Member of the committee that considers that application. A Member of the committee may have a predisposition or a preliminary view. If in doubt a Committee Member should seek advice prior to the Committee meeting from either the Monitoring Officer or the Solicitor who attends committee meetings.

4.4.3 Those Members who do not sit on the Planning & Development Control Committee may predetermine their stance on an application but should respect the fact that Planning Committee Members cannot do the same.

4.5 **Register**

4.5.1 A register of Members' interests is maintained by the Council's Monitoring Officer. It is available for public inspection. Each Member has a responsibility to provide the Monitoring Officer with up to date written details of relevant interests.

4.6 **Dual Community / Town and County Council Membership**

4.6.1 Membership of a Town / Community Council which has expressed a view on a planning matter does not in itself mean that the Member cannot take part in the determination of the matter when it comes before the Planning and Development Control Committee provided that the Member has kept an open mind and not committed himself / herself to a final view on the matter until all the arguments for and against have been aired at committee. The Member can enter into discussion and ask questions, but should make clear that a view in favour or against the proposal is on the basis of knowledge and information known at that time.

4.6.2 Where an application submitted by a Community or Town Council is being considered then a Member of that Council may not vote on the proposal to determine the application unless the Member has obtained dispensation from the Standards Committee.

4.7 **Cabinet Members who also sit as members of the Planning Committee**

Where a Member of the Planning Committee is also a Cabinet Member, there are likely to be occasions where an application for planning permission is being considered by the Planning Committee that also relates to a Cabinet Members' Portfolio. For example, there may be a planning application for a new school and the Cabinet Member responsible for Education may also sit as a Member of the Planning Committee. This does not give rise to a personal and prejudicial interest, as the Councillor is acting as a County Councillor both as a Cabinet Member and as a Planning Committee Member. However, it may be the case

that if the planning application is very closely related to a specific decision made by a Cabinet Member they may be perceived to have predetermined their stance. If a Member is unsure of their position in this regard they should contact the Monitoring Officer or a Senior Officer of Legal Services for advice on their position, ideally in advance of the meeting.

5. **LOBBYING**

5.1 Lobbying is a part of the political process and it is quite common for applicants or other interested parties to wish to discuss a proposed development with Members before a planning application is determined. This can help Members' understanding of the issues and concerns associated with an application. Officers should be made of any lobbying correspondence Members receive.

5.2 However, Members of the Planning & Development Control Committee are under an obligation to determine matters on their merits. That means that they should not take a firm view on a planning matter before receiving and reading the officer's report or receiving any new information reported to the committee. Whilst Members of the committee may form an initial view or opinion, and indicate their view that an application is contrary to policy, they should not openly declare which way they intend to vote in advance of the Planning and Development Control Committee meeting. To avoid compromising their position before they have received all the relevant information, committee Members are advised that they should:-

- > **Refer** applicants / developers who approach them for planning or procedural advice to the appropriate Planning Officer.
- > **Avoid** making it known in advance whether they support or oppose the proposal.
- > **Avoid** campaigning actively in support of a particular outcome.
- > **Direct** lobbyists or objectors to the appropriate Planning Officer, who will include reference to their opinions where relevant in their report.

5.3 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 four or more occasions by the applicant or the same objector (either orally or in writing).

5.4 Members must advise the Ward Member as a courtesy in cases where they are seeking to be involved in a development proposal or enforcement issue outside of their own Ward. It is accepted that where a planning application has a significant effect on another ward the Member(s) for that ward is entitled to become involved in the development proposal.

5.5 Members of the Planning & Development Control Committee must avoid organising support for or against a planning application. Where such a Member does organise support for or against a planning application then that

Member must stand down from the Planning and Development Control Committee on such a planning application. Where a Member is in doubt about such issues the Member should seek advice from the Monitoring Officer or other Senior Officer in Legal & Democratic Services ideally in advance of the meeting.

5.6 If a Planning & Development Control Committee Member expresses support for, or opposition to, a proposal before the matter is formally considered at the relevant meeting, whether or not there has been lobbying, he / she could have some difficulty in being able to claim to retain an open mind on the issue and to be prepared to determine the application on its merits. If such a Member does express an opinion, then it should make it clear that it is a preliminary opinion and that he / she will only be in a position to take a final decision when all the evidence and arguments have been considered.

5.7 Where a member of the committee has not complied with 5.2, 5.5 or 5.6 above and has predetermined the merits of the application, they must not participate in the decision making on that application.

6. **APPLICATIONS SUBMITTED BY MEMBERS AND OFFICERS**

6.1 Planning applications submitted by or on behalf of Members, or officers involved in the planning application process, or the close relatives* of Members or such officers where the officer or Member knows of the application shall be decided by the Planning and Development Control Committee and not by the Chief Officer, Planning & Environment under delegated powers.

[* Close relative is defined as spouse, partner, parent, child or sibling].

6.2 A Member affected by clause 6.1 shall declare the personal and prejudicial interest at any meeting of the Planning and Development Control Committee to determine the application, take no part in the decision and leave the meeting place unless granted a dispensation by the Standards Committee.

6.3 The affected officer shall take no part in the processing of the application and its determination.

7. **APPLICATIONS SUBMITTED BY THE COUNCIL**

7.1 It is important that the Council is seen to be treating applications for its own development (or a development involving the Council and another party) on an equal footing with all other applications as well as actually doing so.

7.2 Subject to any legislative restrictions all such proposals will be subject to the same administration processes, including consultation, as private applications with

consideration being made in accordance with policy and any other material planning considerations.

8. **PRE-APPLICATION AND ENFORCEMENT DISCUSSIONS**

8.1 Pre-application meetings between officers and potential applicants and negotiations regarding breaches of planning control are encouraged. The aim of such meetings is to ensure beneficial development and to resolve matters that might otherwise lead to the refusal of planning permission. Such discussions will normally take place at officer level and Members should refer requests for such advice to the officers. If Members become involved in such discussions they should make it clear that their views are personal and provisional. To avoid such meetings being misunderstood:-

- > **It will be made clear** prior to and at such meetings that only personal and provisional views based upon the Development Plan and other material considerations can be given and no commitments can be made which would bind or otherwise compromise the Planning & Development Control Committee or any member of the committee.
- > **A note** of the discussion will be taken and placed on file and made available for public inspection once an application has been made.
- > **Where** exceptionally meetings are to involve Members the meetings will be arranged by and attended by officers.

9. **PLANNING COMMITTEE SITE VISITS**

9.1 **Purpose**

9.1.1 Planning and Development Control Committee site visits are not meetings where decisions are made and neither are they public meetings. They are essentially fact finding exercises held for the benefit of Members where a proposed development may be difficult to visualise from the plans and supporting material. They may be necessary for careful consideration of relationships to adjoining property or the general character of the area due to the scale or design of the development.

9.2 **Request for a Site Visit**

9.2.1 A request for a site visit is normally made by the local Ward Member in response to being consulted on the proposed development. The request must be in writing (e.g. e-mail) and should clearly indicate the planning reasons for the visit which will appear on the agenda for site visits. Site visits can be costly and cause delay so it is important that they are only held where necessary and prior to committee. Site visits are held pursuant to a decision of the Chair of the Planning and Development Control Committee or pursuant to a request from a local Member including another Ward Member consulted because the application significantly affects the other ward. All local Members will be advised when a site visit has been arranged.

9.2.2 Examples where a site visit would not normally be appropriate include where;

- purely policy matters or issues of principle are at issue
- the Member wishes to consider boundary or neighbour disputes
- issues of competition
- loss of property values
- any other issues which are not material planning considerations
- where Members have already visited the site within the last 12 months, except in exceptional circumstances

Where no planning reason is given for the site visit or the reason for the site visit is any of the above the Chair should not convene the site visit.

9.3 **Format and Conduct at the Site Visit**

9.3.1 Members of the Planning and Development Control Committee and the Local Ward Member(s) will be notified in advance of any visit. Such visits are not formal meetings of the Committee and there is no right of public attendance at the visit itself. If the public in lobbying Members on their way to or from a site visit seek to present documentation they should be advised to send it to the Planning Department instead

9.3.2 Advance notice of the site visit will also be sent to the applicant or agent requesting that access to the site for Members/officers be provided at the specified time/date and pointing out that the applicant/agent will not be allowed to participate in the site visit. Any Member with a personal and prejudicial interest must not take part in the site visit.

9.3.3 The Chair will invite the Planning Officer to briefly outline the proposal and point out the key issues raised by the application and of any vantage points from which the site should be viewed then the local ward Member will be invited to speak, followed by other Members of the Committee who may ask questions and seek clarification from officers who will respond. Any statement or discussion concerning the principles and policies applicable to the development should not be allowed by the Chairman.

9.3.4 Although site visits are not part of the formal committee consideration of the application, the Code of Conduct still applies to site visits and Members should have regard to the guidance on declarations of personal interest.

9.3.5 A file record will be kept of those attending the site visit, together with a brief note of any points raised.

9.3.6 For the avoidance of doubt references in this section to Local Member(s) includes adjacent ward Members where the application significantly affects their ward.

9.3.7 Occasionally the applicant/agent/owner of the site to be visited may not permit Members and officers onto the site. There may be good reason for this, for example, if someone was injured they could have a claim against the landowner. Where access is refused to one or more of the elected Members, the Chairman will be advised that none of the Members and officers should enter onto the land. In such circumstances the site should be viewed from the nearest public land such as the public highway.

9.3.8. In summary site visits are:- >

Fact finding exercise.

- > **Not part** of the formal committee meeting and therefore public rights of attendance do not apply.
- > **To enable** officers to point out relevant features.
- > **To enable** questions to be asked on site for clarification. However, discussions on the application will only take place at the subsequent committee.

10. **PROCEDURE AT PLANNING & DEVELOPMENT CONTROL COMMITTEE**

10.1 The majority of planning applications are determined by the Chief Officer, Planning & Environment under the Council's delegation scheme. This is necessary to ensure that most decisions are made in a timely manner. Whilst Members have a right to request that applications, affecting their ward be determined by the Planning and Development Control Committee such requests should be justified by clearly identifying in writing why a committee decision is required. This is generally done on the return notification form sent out to Members.

10.2 Officers will produce written reports on all planning applications reported to committee. In respect of each proposal the report will include, amongst other matters;

- description of the proposal
- description of the site
- responses to consultations and officer observations thereon.
- summary of objections and / or support received
- relevant site history
- relevant Development Plan policies
- relevant planning guidance where appropriate
- any other material planning consideration
- an appraisal by the Case Officer which will include the relevant views of other consulted officers within the Planning Division
- a clear recommendation
- brief details of the substance of any conditions to be imposed or;
- full details of reasons for refusal.

- 10.3 Late observations received by 5.00 p.m. the day before a committee meeting will be summarised and reported separately and circulated to Members immediately prior to the start of the meeting.
- 10.4 The Planning Officer will briefly introduce each item highlighting the key issues for Members consideration.
- 10.5 Where an application is being reported to committee, the Chair will allow oral representations to be made in accordance with the protocol on public speaking prior to the committee debating the application.
- 10.6 Where a Member seeks and obtains a majority for a deferment for a specific purpose then there will be no further debate on that matter until such time as the proposal is re-presented.
- 10.7 Members who read out at committee, or refer to, communications they have received should provide an advance copy to officers

11. **DECISIONS CONTRARY TO OFFICER RECOMMENDATION**

- 11.1 From time to time members of the Planning & Development Control Committee will disagree with the professional advice given by the Chief Officer, Planning & Environment. The committee's decisions must be in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. If Members propose to make a decision contrary to the officer recommendation (whether for approval or refusal), the proposer should set out clearly the reasons for doing so. The Chairperson will ensure that the officer is given the opportunity to explain the implications of the contrary decision, before a vote is taken.
- 11.2 In cases where the Planning and Development Control Committee decides for good and valid reasons to depart from the Chief Officer, Planning & Environment recommendation, the committee must always define the reasons for rejecting the officer's recommendation and those reasons must be recorded in the minutes of the meeting.
- 11.3 In the case of conditions which the committee has resolved to add or amend the precise wording is delegated to the Chief Officer, Planning & Environment and, if appropriate, in consultation with the Chair of committee.
- 11.4 In cases of refusal the reasons shall be clearly stated and agreed by Members. There may be occasions when officers need to clarify the reasons for refusal either at the meeting itself or by a report to a subsequent meeting.
- 11.5 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 planning policy and the legal officer subsequently agreed.

12. PLANNING APPEALS

- 12.1 There are a wide variety of different factual situations relating to appeals. There can be appeals against non determination or against a refusal made under officers' delegated powers or by the Planning & Development Control Committee, either in accordance with the officer recommendation or contrary to the officer recommendation. Appeals can be heard by way of written representations, informal hearing or at an inquiry. The appeal may relate to a major or a minor planning proposal, a development that has attracted a lot of interest from Members and the public or a proposal that is of limited interest. Because of the range of circumstances, the way the Council responds to an appeal will be individual to the circumstances of that appeal. The following principles will guide the Council's response to each specific appeal.
- 12.2 The Council recognises the importance of complying with the timescales within the appeal process as a failure to meet these timescales can lead to an award of costs against the Council.
- 12.3 The Council will adopt a team approach to appeals whereby Members and officers work together in the best interest of the Council, irrespective of how the decision appealed against was arrived at.
- 12.4 The decision whether an appeal is determined by way of written representations, informal hearing or public inquiry is a matter for the Planning Inspectorate but the Council is given the opportunity of making representations as to the appropriate format. The Chief Officer, Planning & Environment will make representations on behalf of the Council as to its preferred format where possible following consultation with the local Member(s).
- 12.5 In the case of Informal Hearings and inquiries, the Chief Officer, Planning & Environment will determine who shall present the case on behalf of the Council following consultation with the Chair and Vice Chair of the Planning and Development Control Committee.
- 12.6 Where the decision appealed against was made by officers under delegated powers or was pursuant to an officer recommendation, the case will normally be presented by the Council's officers.

12.7 Where the decision was made by Members contrary to officer recommendation, attendance by one or more Members would assist the Council's case and relevant Members will be approached by the Chief Officer, Planning & Environment to ascertain their availability. Officers will assist any such Member in preparing for the appeal.

12.8 External legal representation and/or consultants will be engaged where the Chief Officer, Planning & Environment, following consultation with the Local

Member(s) and the Chair and Vice Chair of the Planning and Development Control Committee, believes this to be appropriate in all the circumstances. One relevant circumstance is the need for Planning Officers who are members of The Royal Town Planning Institute to comply with its Code of Professional Conduct and not make statements purporting to be their own which are contrary to their bona fide professional opinion.

13. **PLANNING OBLIGATIONS**

13.1 The Planning and Development Control Committee may, when considering the merits of an individual planning application, consider any planning obligation which has been raised with the applicant or agent but should form a view solely on the basis of the contents of the application and should take into account offered planning obligations only to the extent that they are necessary to make a proposal acceptable in land use planning terms.

13.2 Members should avoid becoming involved in discussions with applicants, prospective applicants, their agents, landowners or other interested parties regarding benefits, which may be offered to the Council, or benefits which the Council itself wishes to obtain.

14. **REGULAR REVIEW OF DECISIONS**

14.1 As part of the aim to continually improve the quality of planning decisions Members will have the opportunity to revisit a sample of implemented planning decisions. Such reviews will be a positive step to improve the quality and consistency of decision-making, not only strengthening public confidence in the planning system but also assist with the review of planning policy.

14.2 Such a review will take place annually and briefing notes will be prepared for each case. The Planning Strategy Group will formally consider the review and decide whether it gives rise to the need to reconsider any policies or practices.

15. **COMPLAINTS**

15.1 Any issues or concern arising from this Code of Practice can be raised with the Chairperson of the Planning and Development Control Committee, the Monitoring Officer, the Chief Officer, Planning & Environment or the Legal Officer present at committee. (The Council also has a formal complaints system in operation, which can be used if necessary).



STANDARDS COMMITTEE

Date of Meeting	Monday, 7 January 2019
Report Subject	Officers' Code of Conduct
Report Author	Chief Officer, Governance

EXECUTIVE SUMMARY

The Committee is responsible for reviewing all the Codes and Protocols in the Constitution once every Council term. The purpose is to ensure that each remains pertinent and up to date.

The Officers' Code of Conduct is based on the prescribed national model issued by Welsh Government under the Local Government Act 2000. The parts of the Code that are in bold text are drawn from the national model and are mandatory. The remaining text is supplementary guidance added by way of further explanation. The supplementary guidance can be changed.

A number of changes are suggested to the document in order to -

1. Expand the guidance on when it is necessary to declare an interest;
2. Refer to newly created standardised forms for recording interests and gifts;
3. Expand the guidance on outside employment; and
4. Update posts and service references where these have changed.

RECOMMENDATIONS

1	Approve the proposed changes to the explanatory guidance in the Officers' Code of Conduct
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REPORT DETAILS

1.00	EXPLAINING THE CODE OF CONDUCT AND PROPOSED CHANGES
1.01	This report is part of the ongoing rolling review of the Constitution. The Committee will review all Codes and Protocols (relating to behaviour) in the Constitution once per Council term to ensure that they remain pertinent and up to date.
1.02	The Local Government Act 2000 contains powers for ministers to prepare a mandatory model Code of Conduct for officers. The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 lays down a national model code that must be adopted. The Code can be supplemented but may not be made less onerous.
1.03	The Council has adopted the prescribed national model code. It has supplemented the Code's requirements with further explanatory requests or more detailed instructions e.g. on how to record interests. The mandatory text is in bold and cannot be changed. The supplementary text is in normal font and can be changed.
1.04	The Council has recently improved its processes for officer declarations of interest. It has produced new forms and guidance for the task and has rolled them out across a number of portfolios. The roll out to remaining portfolios is planned. As a result the supplementary guidance within the Code could be changed to match the guidance in the forms and to more clearly explain what is required.
1.05	<p>In addition, it has become apparent that clearer guidance is required on when an employee should declare an interest because of a role they hold outside the Council. All employees need the consent of their manager to undertake any extra paid work because:</p> <ul style="list-style-type: none">• the additional role may be incompatible with their Council duties;• it is possible that running a family business or working in a voluntary capacity might lead to a perception of a conflict of interest e.g. a food safety officer running a café which she/he might need to inspect or might be inspected by his/her colleagues; or• the employee may end up working extremely long hours or being distracted by the outside job to the detriment of their Council duties; or• the employee might breach statutory limits e.g. maximum driving hours, or working time limits. <p>I have therefore proposed amendments to the Code to clarify this possibility.</p>
1.06	Finally, there have been a number of organisational restructures since the Code was last reviewed. There are references to posts and services within the Code that need to be updated to reflect new titles.

2.00	RESOURCE IMPLICATIONS
2.01	Assuming the amendments are approved, then the Code will need to be brought to the attention of all officers. This can be accommodated within existing resources.
3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	The Chief Executive as Head of Paid Service and the Human Resources and Organisational Development Manager have been consulted on whether the Code needs to be amended in light of any management issues they have encountered.
4.00	RISK MANAGEMENT
4.01	Report authors to list key risks and mitigation measures. Risk paragraph to include anti-poverty, environment and equalities issues.
5.00	APPENDICES
5.01	Appendix 1 - Proposed amendments to the Code in tracked changes. Appendix 2 – Forms and guidance for declaring interests and gifts
6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None. Contact Officer: Gareth Owens, Chief Officer Governance Telephone: 01352 70344 E-mail: Gareth.Legal@flintshire.gov.uk
7.00	GLOSSARY OF TERMS
7.01	None.

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The words in italics comprise the statutory Officers' Code of Conduct which is automatically incorporated into Officers' Contracts of Employment and will prevail in circumstances where there is any contradictory provision elsewhere in the Code.

General Principles

1. ***The public is entitled to expect the highest standards of conduct from all qualifying employees of relevant authorities. The role of such employees is to serve their employing Authority in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.***
- 1.1 Local government employees are expected to give the highest possible standard of service to the public and, where it is part of their duties, to provide appropriate advice to Councillors and fellow employees with impartiality. Flintshire employees are expected to show respect and courtesy in their dealings with the public, Councillors and fellow employees providing them with impartial and appropriate advice.

Accountability

2. ***Qualifying employees of relevant authorities work for their employing Authority and serve the whole of that Authority. Qualifying employees are defined as all employees of a relevant Authority unless exempted by statutory regulation, e.g. Teachers and Officers of Fire Authorities. They are accountable to, and owe a duty to that Authority. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.***
- 2.1 Employees must report any impropriety or breach of procedure to their immediate manager, except where that relates to the conduct of the manager when it must be reported to the manager's manager. Managers should, in turn, report breaches to their manager. The Chief Officer shall notify the Head of Legal & Democratic Services of the occurrence.
- 2.2 All employees are required to familiarise themselves with and comply with the Council's Financial Procedure Rules. Any employee who fails to observe Financial Procedure Rules may be subject to disciplinary action.
- 2.3 Orders and contracts must be awarded on merit and no special favour

should be shown in the procurement process to businesses run by, for example, friends, partners or relatives. No part of the local community should be discriminated against.

- 2.4 Employees involved in the procurement process and dealing with Contractors should be clear on the separation of client and Contractor roles within the Authority. Senior employees who have both a client and Contractor responsibility must be aware of the need for accountability.
- 2.5 Employees in Contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other Contractors and sub-Contractors.
- 2.6 Employees who are privy to confidential information on Tenders or costs for either internal or external Contractors must not disclose that information to any unauthorised party or organisation.
- 2.7 Employees contemplating a management buyout must, as soon as they have formed a definite intent, inform their manager and withdraw from the contract awarding processes.
- 2.8 Employees must ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.
- 2.9 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.
- 2.10 Local Government Act 1972 117 - Pecuniary Interests - provides that if officers know that a contract in which they have a pecuniary interest is before the local Authority, they must give notice of their interest to the Authority. This does not, of course, apply to a contract with them in their own name because the Authority will then know of their interest. Section 117(2) forbids any officer "under colour of' their office or employment to accept "any fee or reward" whatsoever other than proper remuneration.
- 2.11 *The Bribery Act 2010*

The Bribery Act 2010 creates criminal offences for any individual who either offers or receives a financial or other advantage intending the advantage to be rewarded by the improper performance of a function or activity. The Act also creates an offence of directly or indirectly offering, promising or giving a bribe to a foreign public official so as to

influence the actions of the foreign public official. Any individual found guilty of any of these offences is liable to imprisonment for up to a maximum period of 10 years.

- 2.12 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, Tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Any offer of sponsorship should only be accepted if the appropriate Chief Officer has so decided. Particular care must be taken when dealing with Contractors or potential Contractors.
- 2.13 Any offers of sponsorship received by employees should be referred to their Chief Officer for decision
- 2.14 Where the Authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the Authority through sponsorship, grant aid, financial or other means, gives support in the community, employees must ensure that impartial advice is given and that there is no conflict of interest involved.

Political Neutrality

3. ***Qualifying employees of relevant authorities, whether or not politically restricted, must follow every lawfully expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work. Where qualifying employees are politically restricted (by reason of the post they hold or the nature of the work they do), they must comply with any statutory restrictions on their political activities.***
- 3.1 Employees serve the Authority as a whole. It follows they must serve all Councillors and not just those of the controlling group, and must ensure that the individual rights of all Councillors are respected.
- 3.2 Subject to the Authority's conventions, employees may be required to advise political groups. They must do so in ways which do not compromise their political neutrality.
- 3.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work.
- 3.4 Political assistants appointed on fixed term contracts in accordance with the local Government and Housing Act 1989 are exempt from the standards set in paragraphs 3.1 to 3.3.
- 3.5 The Local Government and Housing Act 1989, Pt 1 contains provisions

to stop 'twin-tracking' (where a senior local Authority employee is also an elected Member of another local Authority) and to restrict the political activity of senior employees. Local Authority employees holding politically restricted posts are disqualified from membership of any local Authority, other than a parish or community Council (sl(1)), from being an MP, AM or MEP and are subject to prescribed restrictions on their political activity (sl(5),(6)).

3.6 The Local Government & Housing Act 1989 requires each Council to maintain a list of its politically restricted posts. These are posts which are:-

- (a) specified in the legislation, such as the Head of Paid Service, Chief Officers and their Deputies.
- (b) those posts which have delegated powers to make decisions on behalf of the Council.
- (c) those posts that regularly provide advice at Council, Cabinet or formal Committee or sub Committee meetings.
- (d) those posts that speak on behalf of the authority on a regular basis to journalists and broadcasters.

3.7 The political restrictions are deemed to be incorporated in the contract of employment of every local Authority employee who holds a politically restricted post. If you are uncertain as to whether your post is politically restricted you should seek clarification from your immediate manager and, if uncertainty remains, contact the Democracy and Governance Manager.

Relations with members, the public and other employees

- 4. ***Mutual respect between qualifying employees and members is essential to good local government, and working relationships should be kept on a professional basis.***
- 5. ***Qualifying employees of relevant authorities should deal with the public, members and other employees sympathetically, efficiently, and without bias.***

5.1 Councillors

Employees are responsible to the Authority through its senior managers. For some their role is to give advice to Councillors and senior managers, and all are there to carry out the Authority's work. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing to other employees and Councillors and should therefore be avoided.

5.2 The Local Community and Service Users

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Authority.

5.3 Contractors

Orders and contracts must be awarded on merit, by fair competition and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the procurement process. No part of the local community should be discriminated against.

If during the course of your work you are dealing with an external Contractor with whom you have, or have had within the last 12 months, a business or private relationship you must immediately make your manager aware of that relationship.

Equality

6. *Qualifying employees of relevant authorities must comply with policies relating to equality issues, as agreed by the Authority, in addition to the requirements of the law.*

6.1 All local government employees must ensure that policies relating to equality issues as agreed by the Authority are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

Stewardship

7. *Qualifying employees of relevant authorities must ensure that they use public funds entrusted to them in a responsible and lawful manner, and must not utilise property, vehicles or other facilities of the Authority for personal use unless authorised to do so.*

7.1 All employees are required to familiarise themselves with the Council's Financial Procedure Rules and Contract Procedure Rules and know where they can inspect a copy of them. Any doubt concerning Financial Procedure Rules and Contract Procedure Rules should be raised with your immediate manager and, if the doubt continues, with the Finance Department

7.2 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value

for money to the local community and to avoid legal challenge to the Authority.

Personal Interests

8. Whilst qualifying employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others. In particular, they must comply with:

(1) any rules of their relevant Authority on the registration and declaration by employees of financial and non - financial interests,

(2) any rules of their relevant Authority on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the Authority. Qualifying employees must not accept benefits from a third party unless authorised to do so by their relevant Authority.

8.1 In addition to the criminal offence under Section 117 of the Local Government Act 1972 concerning pecuniary interests (see paragraph 2.10 above) there are the following rules concerning personal interests.

8.2 Employees have a personal interest whenever a reasonable person would perceive a conflict between the employee's private [interests affairs](#) and the work the employee does for the authority. [A personal interest can arise in a range of different circumstances as set out in the following paragraphs, including \(but not limited to\) the matters listed below:](#)

- [Dealing with friends, family or an organisation with which the employee is associated](#)
- [Gifts or hospitality](#)
- [Outside work including paid and non-paid roles](#)

8.3 -There would be a personal interest under 8.2 if in the course of the employee's Council work he/she would normally deal with a matter that would affect him/her, their family, a close personal associate, their property, or an organisation they are associated with. For instance, if in the course of the employee's work they would normally deal with a planning application affecting a relative's property or where the employee is involved in processing a payment to an organisation with which the employee is associated.

8.4 Wherever the employee has such a personal interest they should immediately draw it to the attention of their Line Manager who would normally decide that the employee should not be involved in dealing with that matter. This does not mean that the employee can not be trusted but is to protect both the Council's reputation and the employee's reputation against allegations of favouritism. In exceptional circumstances where the employee's skills can not be replicated the Manager may allow the employee to undertake the work but put in place other controls such as being copied into all communications.

8.5 The arrangements must be recorded in writing and communicated to all other employees who need to know what the arrangements are. Each Chief Officer should have a register to record all such declarations of interest and any consequential working arrangements promptly in it. It is the employee's responsibility to ensure their declaration of interest is recorded.

[8.6 The Council has approved forms which may be used for the reporting and recording of interests, and which give guidance on when to declare an interest and how managers should handle such interests once declared.](#)

8.67 Intellectual property

Intellectual property is a generic term that includes inventions, creative writings and drawings. If these are created by the employee during the course of employment then, as a general rule, they belong to the employer. However, various Acts of Parliament cover different types of intellectual property.

8.78 Inventions and Patents

Inventions made before 1st June 1978 are the property of the employer if made in the course of that employer's employment. However, the Patents Act 1977 states that after the 1st June 1978 inventions are only the property of the employer if:-

- * they have been made in the course of the employee's normal duties; or
- * they have been made in the course of duties specifically assigned to the employee and where invention might be reasonably expected; or
- * it was made in the course of the employee's duties and at the time the employee had (because of the nature of his or her duties and particular responsibilities arising from them) a special obligation to further the interests of the employer.

8.89 Chief Officers, those Managers reporting directly to them and employees with delegated powers will be asked to voluntarily register their membership of all clubs, societies and organisations.

Section 9 – Gifts & Hospitality

- 9.1 In addition to the criminal offences covered by the Bribery Act 2010 referred to in paragraph 2.11 above there are the following rules concerning gifts and hospitality.
- 9.2 Employees must not retain personal gifts obtained, whether directly or indirectly, as a result of their work for the authority. The only gifts that employees are entitled to retain are insignificant items of token value such as pens and diaries. With any other gifts the employee should draw this to the attention of their Line Manager who may decide that rather than the gift being returned it should be forwarded to the [civic office](#) [Member Support Office](#) as a donation to the Chair's charity. All offers of gifts should be recorded in the register maintained by the Chief Officers.
- 9.3 Offers of hospitality can only be accepted when authorised by Chief Officers or where covered by paragraph 9.4 below.
- 9.4 Unless specifically authorised by the Chief Officer hospitality can only be accepted when an employee is attending conferences or courses, launch events, award ceremonies and other events/functions organised by Council, partners or other public bodies at which the Council needs to be represented where it is clear the hospitality is being offered indiscriminately and the value of any such hospitality does not exceed £10.
- 9.5 When gifts or hospitality are declined those making the offer should be courteous but firmly informed of the procedures and standards operating within the authority that require it to be declined.
- 9.6 It is the employee's responsibility to ensure that offers of gifts and hospitality are recorded in the appropriate departmental register.

Section 10 – Employees' Outside Work

- 10.1 All employees have conditions of service which require them to obtain written consent before they take on any outside employment. [This includes:](#)
- [running a business that is related to an employee's work for the council e.g. a lawyer running a private law firm-; or](#)
 - [having any other work or employment outside of the Council that is related to the work carried out for the Council e.g. a food safety officer running a food production business](#)
- 10.2 Employees must not undertake outside work if their official work for the authority overlaps in any way with such outside work. It is irrelevant whether or not the outside work is paid for or not.
- 10.3 No outside work of any sort can be undertaken on Council premises or

use Council facilities such as telephones or IT. Incoming ~~ec~~correspondence or telephone calls relating to outside work are also not allowed.

- 10.4 Whilst an employee's right to a private life is respected that does not justify conduct which could reasonably be regarded as bringing the authority into disrepute or significantly and fundamentally affect the employee's ability to work for the Council.
- 10.5 There would be a breach of paragraph 10.4, for example:
- ~~if an employee were to act~~ in such a way that when other employees or service users became aware of it they reasonably refuse to work or communicate with the employee ~~concerned~~;
 - the employee works extremely long hours across both jobs to the detriment of their work for the Council; or
 - the employee is distracted in the performance of Council duties by the outside job.

Section 11 – Disclosure of Information

- 11.1 Flintshire supports the principles of open government and encourages employees to assist the public in obtaining public documentation in accordance with the rights contained in the Local Government Act 1972, the Freedom of Information Act 2000 and Environmental Information Regulations 2004.
- 11.2 The Council's Constitution, available on the Infonet, contains Access to Information Procedure Rules explaining the legislation relating to these information rights. If an employee is uncertain as to whether information being sought should be disclosed the employee must seek advice from his/her Manager and, if uncertainty remains, the Manager can seek guidance from the [Democracy & Governance Information Governance](#) Manager.
- 11.3 Only employees with specific delegated authority may disclose to members of the public any information arising, documentation considered or events occurring at a time when a Council, Cabinet, Committee or sub-Committee meeting has decided to exclude the press and public from that part of its meeting.
- 11.4 Employees must not disclose personal ~~information data~~ where this is not permitted under the [Data Protection Act 1998](#) [General Data Protection Regulation](#). If in doubt seek advice from your Manager and explain to the person requesting the information the importance of complying with the [Data Protection Act](#) [data protection legislation](#). If the Manager is uncertain, advice is available from the appropriate member of the Council's [Data Protection Information Governance](#) Team.

- 11.5 These rules apply not only to the press and public but also to requests ~~from Councillors and~~ from partner agencies or external bodies. [Requests for information from councillors must be handled in accordance with the Council's Information Sharing Rules that are in the Constitution.](#)
- 11.6 Where enforcing authorities such as the Police, Wales Audit Office or Health & Safety Executive are seeking information they may be doing so pursuant to statutory powers which they would quote. It is important to ensure that the request is being made by the regulatory body not an impostor. Legitimate bodies accept the need to produce written authority. If in doubt advice is available from the Council's Legal Department. Where such bodies are not using their statutory powers to obtain information then personal information should not be disclosed without ensuring it would not breach the ~~Data Protection Act~~[General Data Protection Regulation](#).
- 11.7 Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor pass it on to others who might use it in such a way. Any particular information received by an employee from a Councillor which is personal to that Councillor and does not belong to the Authority must not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by the law.

Whistleblowing

12. ***In the event that a qualifying employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and with the relevant Authority's confidential reporting procedure, or any other procedure designed for this purpose.***

Appointment of Employees

13. ***Qualifying employees of relevant authorities involved in the recruitment and appointment of employees must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, such employees must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.***
- 13.1 Employees involved in appointments must ensure that these are made

on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees must not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.

- 13.2 Similarly, employees must not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner or close personal friend.
- 13.3 All candidates for any appointment under Flintshire County Council shall, when making an application, disclose in writing to the Authority whether to their knowledge they are related to any Member of the Authority or to a holder of any senior office under the Authority. Deliberate omission to make such a disclosure will disqualify the candidate and, if the omission is discovered after appointment, he/she shall be liable to dismissal. Every senior officer of the Authority shall similarly disclose to the Authority any relationship known to him/her to exist between himself/herself and a candidate for an appointment of which he/she is aware. The Chief Executive's office will keep a record of any such disclosure made.

Investigations by Monitoring Officers

14. Where a Monitoring Officer is undertaking an investigation in accordance with regulations made under section 73(1) of the Local Government Act 2000 a qualifying employee must comply with any requirement made by that Monitoring Officer in connection with such an investigation.

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GUIDANCE FOR OFFICERS ON THE OFFICERS' REGISTER OF INTERESTS, DECLARATIONS OF INTERESTS, AND GIFTS AND HOSPITALITY

Introduction

1. This guidance should be read in conjunction with the Officers' Code of Conduct, the Council's Working Time Policy, the Financial Procedure Rules and the Contract Procedure Rules, which form part of the Council's Constitution (the Constitution) and Code of Corporate Governance.

Background and relationship to the Constitution

2. It is important that decisions of the Council are transparent and are made, and seen to be made, in the public interest. Accordingly, officers of the Council (Officers) that carry out duties delegated to them under the Constitution, or otherwise contribute to the decision-making process, must not be inappropriately involved in decisions that are likely to benefit them, or be seen to benefit them, personally. It is important that whenever Officers are carrying out work on behalf of the Council they are not influenced, or seen to be influenced, by their private interests.
3. These are well-established principles that apply to all Councils in England and Wales and are enshrined in legislation. For example, pursuant to Section 117 of the Local Government Act 1972 (the Act), Officers are required to declare in writing, if they have a direct or indirect pecuniary interest in any contract entered into by the Council of which they become aware. It is a criminal offence if Officers fail to make such declarations. These principles also pervade the Constitution, particularly in the documents referred to in paragraph 1 above.
4. There are three key processes established by the Council to ensure Officers act appropriately, where their personal interests coincide with the work they undertake for the Council. There is a central [Officers' Register of Interests](#) and related [form](#); an [Officers' Declaration of interests form](#); and a [Gifts and Hospitality Form](#), together with processes for managing these issues. This guidance and the related forms explain the processes that are in place.

Officers' Register of Interests

5. The [Officers' Register of Interests](#) is a central register which contains the personal interests of all Chief Officers', Deputy Chief Officers', and any other Officer to whom delegated authority is expressly given under the constitution. This register is required to be maintained under the Constitution. The register can be accessed by clicking the above link, or on the infonet via the link to Policies and Procedures.
6. When appointed, or within 28 days of appointment, as a Chief Officer, or Deputy Chief Officer, or to a role where you are expressly delegated authority to make decisions by the Constitution, the relevant Officer must complete a form to declare any interests, and submit this form to their Chief Officer or the Chief Executive.

The form is entitled [Officers' Register of Interests Form](#) and can be accessed by clicking on this link or on the infonet via the link to Policies and Procedures. Officers must also ensure that interests that subsequently arise, are registered within 28 days of that interest arising, by completing and then submitting a further form, and must review their register of interests annually.

7. A registered interest may give rise to the need to make a declaration of interest and, if so, Officers must submit an Officers' [Declaration of Interests Form](#) (see guidance below) to their Chief Officer or the Chief Executive.

Officers' Declarations of Interest

8. You have a personal interest whenever a reasonable person would perceive a conflict between your private interests and the work you do for the Council. In undertaking work for the Council, you should always consider if you have a personal interest in the matter and, if you consider that you do, you must declare it by completing and submitting the [Officers' Declaration of Interests Form](#) to your line manager.
9. Whilst the Officers' Register of Interests only applies to specific officers, the need to declare a personal interest in Council business, which an Officer becomes aware of, applies to all Officers of the Council. Pecuniary interests in contracts entered into by the Council are not the only circumstances that require a declaration of interest to be made. It may be inappropriate for you to be involved in work on behalf of the Council where it would appear to a reasonable person that you have an interest in the matter outside of your role as an officer of the Council. This may arise where the interest directly affects you financially, or where it affects your wellbeing, but may also arise where the interest affects the finances or wellbeing of a family member (such as a spouse, child, sibling or parent), or a close personal associate.
10. A close personal associate may be a close friend or even someone with whom you are, or were, involved in a private dispute, as it may be perceived that it is in your personal interests that the decision impacts upon that person in a negative way. If a decision which is to be made by the Council affects you or a close personal associate, you must declare this as soon as it becomes apparent. If you are in doubt as to whether you have a personal interest speak to your line manager. Paragraphs 11 to 17 give some examples of when this issue may arise.

Examples of when a personal interest may arise and must be declared

11. If you are employed, otherwise carry out work, or are involved in business outside of your employment with the Council (External Work), your work for the Council may be perceived to impact upon your External Work or vice versa, particularly

where the External Work is of a similar nature to the work you undertake for the Council. For example, if you operate or work for a taxi firm and also work for the department of the Council responsible for licensing that business you will have a personal interest in the application for a license, or in any work carried out by the Council in regulating that license. You should also refer to the Recruitment and Selection Policy and Working Hours Policy to make sure your hours of working are in accordance with these policies.

12. If you carry out work for a business providing planning advice to developers and you are also a planning officer for the Council, you may have given advice to a developer in the course of your External Work and the same developer may apply to the Council for planning permission. You may then have a personal interest in the application submitted to the Council by that developer and you must declare a personal interest in the matter as soon as you become aware of it.
13. If you are a planning officer who deals with planning applications on behalf of the Council and you either submit a planning application yourself, or an application is submitted by a close personal associate, you must declare a personal interest in the matter as soon as you become aware of the issue. The same would apply if an application is submitted by someone who is not a close personal associate, but where the application relates to a proposed development near to your own home and would reasonably be perceived as impacting upon your home, or the home of a close personal associate.
14. If you are a housing officer who deals with the allocation of tenancies to Council houses, and a close personal associate is on the housing register for such allocations, you must declare a personal interest in the matter as soon as you become aware of it. The same would apply if a close personal associate has applied to the Council for improvements to be made to their Council house, such as an updated kitchen or bathroom.
15. If you are an Officer who has managerial responsibilities, which include the appointment of other officers, and an application for an appointment is made by a close personal associate, you must declare a personal interest as soon as you become aware of it.
16. If you have delegated authority to enter into contracts on the Council's behalf, or are involved in the procurement process, and a potential contractor is a close personal associate of yours, or the potential contractor is a company where a close personal associate has a position of control or management, you must declare a personal interest as soon as you become aware of it.
17. Further, if you use contractors who have been awarded a contract by the Council to carry out work connected with your personal life, this could lead to a perception that there has been impropriety in the procurement process and you should avoid this. You should avoid, in particular, using information that is confidential as

part of a contract with the Council (such as using confidential lists of approved subcontractors to carry out work for you privately, or using personal data or information to create a client list for an external business in which you have an interest) to assist you in your private life.

Declaring a Personal Interest and the process for managing such interests

18. The relevant form to complete is entitled [Officers' Declaration of Interests Form](#) and can be accessed by clicking this link or on the infonet via the link to Policies and Procedures. You must complete this form and then submit it to your line manager. Managers must put in place all necessary arrangements to ensure that council functions are carried out without any suggestion they are being influenced by the private interests of Officers. Managers should seek advice from their Chief Officer or the Monitoring Officer about what arrangements are appropriate and there is further guidance in the [Officers' Declaration of Interests Form](#). Your line manager will make appropriate arrangements for dealing with your personal interest and will inform you, as appropriate, of those arrangements.

Gifts and Hospitality

19. All Officers must be aware that it is a serious criminal offence for them to corruptly receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the Officer to demonstrate that any such rewards have not been corruptly obtained.
20. Section 117(2) of the LGA 1972 forbids any Officer "under colour of" their office or employment to accept "any fee or reward" whatsoever other than proper remuneration.
21. The Bribery Act 2010 creates criminal offences for any individual who either offers or receives a financial or other advantage intending the advantage to be rewarded by the improper performance of a function or activity.
22. It is therefore essential that if you receive, or are offered, any gift or reward that you report this by completing the [Gifts and Hospitality Form](#) and submitting it to your manager either by using this link or on the infonet via the link to Policies and Procedures
23. If you have accepted a gift or hospitality from any person and subsequently you become aware of Council business that relates to that person (for example to an application submitted to the Council by that person), then this is likely to give rise to the need for you to make an Officers' Declaration of Interest in respect of that matter using the procedure and form set out above.

END OF GUIDANCE NOTE

OFFICERS' DECLARATION OF INTERESTS FORM

When to use this form

Use this form when something in your private life might create the appearance (whether true or not) that you might be making a decision in your professional life based on your own best interests rather than the public interest, or might be getting a benefit in your private life because of your job with the council. Examples include

- You or a relative is applying for planning permission from the council
- You, a relative or a family business is seeking a contract with the council
- You have a stake in a business that is related to your work for the council or have any other work or employment outside of your employment with the Council that is related to the work you carry out for the Council

How to use this form

The Officer declaring an interest must complete sections 1 and 2 of this form and submit the form to their line manager.

The Officer's line manager must then complete Sections 3, 4 and 5 as appropriate. The line manager must seek advice from their Chief Officer, or from the Monitoring Officer, about what arrangements are appropriate in order to manage the declared interest.

Section 1 – About the officer declaring an interest

Name of Officer:	
Officer's Job Title:	

Section 2 – About the Interest

What does the interest relate to? E.g. File reference, application number, contract name or situation
What is your private interest in this matter? E.g. my brother is applying for a job, my wife's business is seeking a contract with the council, I have set up a business, am employed by a business, or otherwise carry out work for a business, that will be regulated by the department for which I work
Officer submitting the declaration of interest:-

Signed Date

Section 3 – Assessing the impact of the interest

Please answer the questions below. In doing so it is important to judge the appearance that will be created and whether someone might object to a decision made by the council, or have less confidence in the impartiality of the council as a result of the officer’s interest.

A. Would a member of the public reasonably think it is possible that because of the interest the officer might:		
	Yes	No
• Make a decision for personal reasons rather than in the public interest?		
• Treat someone more or less favorably because of the interest?		
• Not make an impartial decision?		
B. Would a member of the public reasonably think it is possible that because of the officer’s employment with the council that officer, one of the officer’s family or friends or a business owned by the officer, the officer’s family or friends might:		
	Yes	No
• Receive favorable or more lenient treatment than someone else?		
• be given a benefit, contract etc that someone else would not receive?		

If the answer to all of the above questions is no then no further action is needed and the interest can simply be recorded on file.

If the answer to any of the above questions is yes then please complete Section 4

Section 4 – Putting arrangements in place to manage the interest

The aim of this section is to decide what arrangements need to be put in place to give the public confidence that the interest will not affect how the council carries out its functions.

What arrangements will you put in place to prevent any suggestion that the officer's interest might

- have an impact on how the officer carries out the duties of his/her post
- affect a decision made by or on behalf of the council?

In deciding on those arrangements consider the following:

- *The more significant an interest is the more likely it is that you will need to put arrangements in place.*
- *An interest is more significant if*
 - *it will affect the officer, the officer's close family or a close friend*
 - *relates to the officer's home or the home of close family or a close friend*
 - *will have a financial impact on the officer, the officer's close family or a close friend*
- *You will need to put arrangements in place if the officer is responsible for making decisions on behalf of the council e.g. deciding whether to issue enforcement action or grant permission, awarding contracts, offering employment etc*
- *Could the interest have an effect on the council's or officer's reputation?*
- *Will it be possible to supervise or oversee any tasks/decision made by the officer or do they have to work largely unsupervised?*
- *Arrangements to manage the interest could include actions such as getting another officer to carry out specific tasks, supervising the officer's work or correspondence, arranging for external contractors to carry out certain tasks, allocating the officer to a team that works in a part of the county where the interest does not have an impact*
- *If the Officer's expertise in the matter means there are no other relevant officers who can undertake the task, or certain parts of the task, you should put in place procedures and safeguards, such as regular consultations between you and the Officer, to check the progress of the matter. You may consider that the matter should be ultimately decided by you or another officer, once the Officer has carried out the work on the matter that their particular expertise requires. The arrangements must ensure the matter is appropriately dealt with so there can be no suggestion that a decision that is made has been affected by the personal interests of the Officer.*
- *If you consider that the interest may be perceived to affect the Officer's ability to conduct the matter impartially and in the Public Interest but are not sure of what arrangements should be made to prevent the interest from impacting on council business, you must seek advice from your Chief Officer or the Monitoring Officer*

For any issues arising from an employee's secondary employment (including whether such employment should be permitted at all) see the Recruitment and Selection Policy and Working Hours Policy

Section 5 – who needs to know about the arrangements to manage an interest for them to be effective?

Arrangements to manage an interest will only be effective if the people who need to know about them are told of their existence.

Who needs to know about the arrangements to manage an interest in order for those arrangements to be effective?

Consider the following

- *Which other officers or councillors might ask the officer questions about the matter or seek advice from the officer in relation to it?*
- *Will anyone be relying on the officer's advice to make a decision on the matter?*
- *Is there an applicant, objector or member of the public who might write to or speak to the officer?*

Officer's line manager

Signed

Date of signature

Print name.....

OFFICERS' DECLARATION OF OFFER OR RECEIPT OF A GIFT OR HOSPITALITY

When to use this form

Use this form when you receive, or are offered, any gift or reward that may be seen to have been offered to you because you work for the Council.

How to use this form

The Officer declaring the offer or receipt of a gift must complete sections 1 and 2 of this form and submit the form to their line manager and, if applicable, take the gift received to their line manager.

Sections 3 to 6 (as applicable) of this form must be completed by the Officer's line manager. The line manager must seek advice from their Chief Officer, or from the Monitoring Officer, if they are unsure about what to do in response to the offer or receipt of the gift. There are also guidance notes on page 4 to assist managers to complete this form.

Section 1
Name of Officer:
Officer's Job Title:
Date of receipt or offer or gift:
Details of the person who made the offer or gift if known:
Section 2
Details of the offer/gift:
<ol style="list-style-type: none"> 1. What was offered or received? 2. What is its estimated value? 3. How was it offered or received (e.g. by post/in person/by telephone)? 4. Were any other persons present when it was offered or received and if so who?

5. How did you respond to the offer or receipt of the gift?

6. Was the offer made, or gift given, or do you suspect it was made, or given, in an attempt to influence any Council business? Please provide full details and/or give reasons you consider it was made or given to influence Council business:

7. If the answer to question 6 is no, was the offer otherwise made in connection with Council business? Please provide full details:

Officer submitting the declaration of an offer or receipt of a gift or hospitality:-

Signed Date of signature

Print name.....

Section 3 This section is for completion by the relevant Officer's line manager.

You are required to tick one box

- (a) I consider the offer made or gift delivered has been given in an attempt to influence Council business (complete section 4 below) **OR**
- (b) I do not consider the offer was made or gift delivered in an attempt to influence Council business but was connected with Council business (complete section 5 below) **OR**
- (c) I do not consider the offer was made or gift delivered in an attempt to influence Council business nor was it connected with Council business (complete section 6 below)

4. Mangers who have chosen option 3(a) please provide reasons below and set out what actions you will, or have, taken to deal with the matter.

I believe the offer made or gift delivered has been given in an attempt to influence Council business because:

Action taken/to be taken:

5. Mangers who have chosen option 3(b) please provide reasons below and set out what actions you will, or have, taken to deal with the matter.

I do not consider the offer was made or gift delivered in an attempt to influence Council business but was connected with Council business because:

Action taken/to be taken:

6. Managers who have chosen option 3(c) please provide reasons below and set out what actions you will, or have, taken to deal with the matter.

I do not consider the offer was made or gift delivered in an attempt to influence Council business nor was it connected with Council business because:

Action taken/to be taken:

Officer's line manager

Signed

Date of signature

Print name.....

GUIDANCE NOTES FOR MANAGERS COMPLETING THIS FORM

1. It is a serious criminal offence for Officers to corruptly receive or give any gift or reward for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. The Bribery Act 2010 also creates criminal offences for any individual who either offers or receives a financial or other advantage intending the advantage to be rewarded by the improper performance of a function or activity. If an allegation is made it is for the Officer to demonstrate that any such rewards have not been corruptly obtained. It is therefore important that if you consider an offer of a gift has been made, or a gift has been delivered to an Officer in an attempt to influence Council business, that you deal with the matter appropriately so as to protect the Officer and the Council from allegations of wrongdoing. If appropriate, make sure the matter is reported to the police to investigate. **If you are unsure of what to do then contact your Chief Officer or the Monitoring Officer so that the matter can be dealt with appropriately and the action can be properly recorded in this form.**
2. It may be that the offer is made, or gift delivered, without any intention of influencing Council business, but simply to thank the Officer for their work. In this way the offer or gift is still connected with Council business and it may not be appropriate to accept the gift. It may be that the gift should be returned or donated to a charity if it is not appropriate to return it. **If you are unsure of what to do in these circumstances then contact your Chief Officer or the Monitoring Officer so that the matter can be dealt with appropriately and the action can be properly recorded in this form.**

END OF FORM
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FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME 2018/19

Date of Meeting	Topic	Notes/Decision/Action
1 July 2019	<ul style="list-style-type: none"> • Training • Dispensations • Town and Community Council Visits by Independent Members 	
3 June 2019	<ul style="list-style-type: none"> • Training • Dispensations • Members' Code of Conduct • Town and Community Council Visits by Independent Members 	
29 April 2019	<ul style="list-style-type: none"> • Training • Dispensations • Town and Community Council Visits by Independent Members • Town and Community Council Referrals to the Ombudsman 	
1 April 2019	<ul style="list-style-type: none"> • Training • Dispensations • Town and Community Council Visits by Independent Members 	
4 March 2019	<ul style="list-style-type: none"> • Training • Dispensations • Town and Community Council Visits by Independent Members 	

4 February 2019	<ul style="list-style-type: none"> • Training • Dispensations • Town and Community Council Visits by Independent Members • Town and Community Council Referrals to the Ombudsman • Councillor Training 2018 	
7 January 2019	<ul style="list-style-type: none"> • Training • Dispensations • Officers Code of Conduct • Planning Code of Practice • Town and Community Council Visits by Independent Members 	<p>Report by Gareth Owens Report by Matt Georgiou</p>
3 December 2018	<ul style="list-style-type: none"> • Training • Dispensations • Town and Community Council Visits by Independent Members 	<p>Report by Matt Georgiou</p>
12 November 2018	<ul style="list-style-type: none"> • Training • Dispensations • Response from WG to a request for increased sanctions • Revised Social media Guidance by WLGA • Town and Community Council Visits by Independent Members • Overview of Ethical Complaints • Annual Report of the APW 2016/2017 	<p>Verbal report</p> <p>Report by Matt Georgiou</p> <p>Verbal update by Ken Molyneux Report</p> <p>Verbal update by Matt Georgiou</p>

1 October 2018	<ul style="list-style-type: none"> • Training • Dispensations • Standards Conference September 2018 • APW Sanctions Guidance • Public Services Ombudsman's Annual Report for 2017/18 • The Public Services Ombudsman for Wales Case Book • 	<p>Verbal update by Julia Hughes Report by Matt Georgiou Report by Matt Georgiou</p> <p>Verbal update by Matt Georgiou</p>
3 September 2018	Meeting Cancelled	
<p>To be scheduled –</p> <p>Report by the Deputy Monitoring Officer on training undertaken. Information on the dispensations process at Gwynedd Council and Wrexham County Borough Council. Annual Report of the Adjudication Panel for Wales. The latest version of the Public Services Ombudsman for Wales Casebook which was shortly due to be published. Item to consider the frequency of reporting on the Overview of Ethical Complaints.</p> <p><u>For future meetings after November:</u></p> <p>Code of Conduct complaints in Flintshire.</p>		

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