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To: Robert Dewey (Chairman)

Councillors: Patrick Heesom, Paul Johnson and Arnold Woolley

Co-opted Members:

Jonathan Duggan-Keen, Phillipa Earlam, Julia Hughes, Kenneth Molyneux and Mark Morgan

25 February 2020

Dear Sir/Madam

You are invited to attend a meeting of the Standards Committee which will be held at 6.30 pm on Monday, 2nd March, 2020 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 6pm until 6.30pm

A G E N D A

1 APOLOGIES

Purpose: To receive any apologies.

2 MINUTES (Pages 3 - 10)

Purpose: To approve as a correct record the minutes of the meeting held on 3 February 2020.

3 DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Purpose: To receive any Declarations and advise Members accordingly.

4 DISPENSATIONS

Purpose: To receive any requests for dispensations.

Members of the press/public will be able to remain in the room whilst an application for dispensation is presented to the Committee and will be able to return to hear the Committee's decision. However, under Paragraph 18C Schedule 12A Local Government Act 1972 the Committee will exclude the press and public from the meeting whilst it deliberates on any application for a dispensation.

5 **REVIEW OF MEMBER/OFFICER PROTOCOL** (Pages 11 - 32)

Purpose: To consider revising the Member/Officer Protocol as part of the Committee's rolling review of the Constitution.

6 **SUB-COMMITTEE OF THE STANDARDS COMMITTEE** (Pages 33 - 36)

Purpose: To consider setting up a sub-committee of the Standards Committee to deal with urgent requests for dispensations that arise between the scheduled meetings of the Committee.

7 **FORWARD WORK PROGRAMME** (Pages 37 - 40)

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'Robert Robins', with a horizontal line extending to the right.

Robert Robins
Democratic Services Manager

STANDARDS COMMITTEE **3 FEBRUARY 2020**

Minutes of the meeting of the Standards Committee of Flintshire County Council held at County Hall, Mold on Monday, 3 February 2020

PRESENT: Julia Hughes (Vice-Chair in the Chair)

Councillors:

Patrick Heesom, Paul Johnson and Arnold Woolley

Co-opted members:

Phillipa Earlam, Jonathan Duggan-Keen, Ken Molyneux, and Mark Morgan

APOLOGIES: Rob Dewey

ALSO PRESENT: Councillors: Bernie Attridge, Helen Brown, Carol Ellis, Veronica Gay, Mike Peers, and Ian Roberts

IN ATTENDANCE:

Monitoring Officer, Deputy Monitoring Officer, and Democratic Services Officer

55. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None.

56. MINUTES

(i) The minutes of the meeting held on 2 December 2019 were submitted.

(ii) The minutes of the meeting held on 6 January 2020 were submitted.

Matters arising

Page 8, minute 53, Julia Hughes referred to the agreement that an item would be included on the Forward Work Programme to enable the Committee to consider creating a sub-committee to consider any urgent requests for dispensations. The Monitoring Officer explained that as the regulations around establishing a sub-committee were complex more time was needed to submit a comprehensive report for consideration.

Ken Molyneux asked if information could be provided to establish how often the Committee had been required to consider urgent requests for dispensation.

RESOLVED:

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

57 DISPENSATIONS

Councillor Dennis Hutchinson

As Councillor Hutchinson was not in attendance the Deputy Monitoring Officer introduced the two dispensation requests.

The Deputy Monitoring Officer advised that Councillor Hutchinson sought dispensation to speak for 5 minutes as a local Member at Planning Committee on application reference number 060587 – the demolition of 81 Drury Lane and the erection of 56 dwellings and associated development. The Deputy Monitoring Officer referred to the prejudicial interest, as detailed in the application, and explained that Councillor Hutchinson had informed him that he had recently sold the land which he owned which was within a mile of the application site and that the decision on the application could not affect this transaction as far as he was aware. He was however, also a member of the Governing Body of Drury CP School and if the proposed development of land at 81 Drury Lane was granted planning permission a financial contribution would be required to be made to Drury CP School in accordance with the relevant supplementary planning guidance.

The Deputy Monitoring Officer also referred to a previous dispensation request made by Councillor Hutchinson regarding the site but explained that this had been in relation to an application for outline planning permission where the details of what contributions may be required were not known.

The Deputy Monitoring Officer advised that Councillor Hutchinson was applying for dispensation to speak only for 5 minutes as a local member, and cited the relevant criteria of (f) under the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001.

Councillor Phillipa Earlam proposed that the dispensation be granted so that Councillor Dennis Hutchinson could speak only for 5 minutes as the local Member at Planning Committee on application reference 060587. The dispensation to be granted for 12 months.

The recommendation was moved by Phillipa Earlam and seconded by Councillor Arnold Woolley.

The Deputy Monitoring Officer referred to a further application for dispensation received from Councillor Dennis Hutchinson to speak for 5 minutes as the local Member at Planning Committee on application reference number 060374 – conversion of redundant restaurant/bar into 13 No. flats/apartments at 14 Mill Lane, Buckley. The Deputy Monitoring Officer referred to the interest declared by Councillor Hutchinson, as detailed in the application, and advised that as it was a personal and not a prejudicial interest there was no need for the application for dispensation to be considered by the Committee.

RESOLVED:

That Flintshire County Councillor Dennis Hutchinson be granted dispensation under paragraph (f) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to speak only for 5 minutes as local Member at Planning Committee on application reference 060587. The dispensation to be granted for 12 months ceasing on 2 February 2021 and to extend to any planning application which, in the opinion of the Monitoring Officer, was substantially similar.

58. LIAISON ON ETHICAL ISSUES ARISING FROM THE ELECTION

The Monitoring Officer introduced a report to provide feedback from the meeting between the Chair and Leader of the Council with the Chair and Vice Chair of the Standards Committee in November 2019. He reported that all parties felt that the meeting had been productive and had agreed that the Independent Members should visit full Council and Committee meetings to observe in the same way as they had attended Town and Community Council meetings; and that such meetings should, in future, include Group Leaders.

It had been agreed at the meeting that Independent Members would visit County Council meetings in the same way as they had visited town and community councils. The Monitoring Officer explained that the Council had six Overview & Scrutiny Committees, Audit Committee, Planning Committee and Licensing Committee. It also met periodically as full Council where all members attended and had a number of employment committees which meet when required. The Monitoring Officer advised that as with visits by Independent Members to Town and Community Councils it was important that the exercise was undertaken in the correct way and the Chair of each meeting should be informed that an Independent Member would be visiting their meeting. Independent Members would not participate in meetings but would observe and provide feedback to the Standards Committee.

Councillor Paul Johnson expressed a concern around conflict of interest if Members were asked to consider feedback from observation of meetings of the Council in which they had participated. The Chair commented that Independent Members attending meetings of the Council and Committees would be able to provide feedback on their experience which would reflect that of a member of the public in attendance. The Monitoring Officer explained that the purpose of the visits by Independent Members was to observe for example whether Councillors were following the Code of Conduct, the Flintshire Standards, Member/Officer Protocol, and at Planning Committee the Planning Protocol. He commented that individuals attending the meetings would not be identified in the feedback.

Ken Molyneux suggested that, as with visits to Town and Community Councils, a list of the requirements be provided to assist Independent Members to undertake this task.

The Monitoring Officer advised that the Democratic Services Team Leader (Committees) would be asked to arrange a rota of visits with Independent Members.

Councillor Paul Johnson proposed that two Independent Members be required to undertake visits to meetings of the full County Council. This was seconded by Ken Molyneux and agreed by the Committee. The Committee also agreed that future ethical liaison meetings should include Group Leaders.

The recommendations were moved by Councillor Patrick Heesom and seconded by Councillor Arnold Woolley

RESOLVED:

- (a) That Independent Members observe Full Council and Committee meetings;
- (b) That the Democratic Services Team Leader (Committees) arranges a rota of visits with Independent Members; and
- (c) That future ethical liaison meetings should include Group Leaders.

59. STANDARDS COMMITTEE FORUM FOR NORTH AND MID WALES

The Monitoring Officer referred to an email he had received from the Chair of the Standards Committee, Powys County Council, and explained that the purpose of the communication was to ask the following :

- (i) that the Standards Committee consults on potential items for the next meeting of the Standards Committee Forum for North and Mid Wales and provides feedback on any suggestions to the Democratic Services Officer, Powys County Council; and
- (ii) that the Standards Committee states its preference for the month and time of the next meeting (March or April 2020)

Councillor Patrick Heesom proposed that the Chair and Vice-Chair, in consultation with the Monitoring Officer, put forward potential items for the next meeting of the Standards Committee Forum. This was duly seconded and agreed by the Committee.

During discussion it was suggested that the next meeting be held in April and started at 10.00 a.m. or later.

60. CONDUCT ISSUES ARISING FROM THE ELECTION

The Monitoring Officer introduced a report to consider any ethical complaints arising from the recent parliamentary election. He provided background information and explained that the Council (as a corporate body) and County Councillors were not directly involved in the election. In the run-up to the

election the Council operated its pre-election protocol (PEP) to minimise the risk of problems or difficulties. The PEP reminded officers of the need to ensure that the Council remained impartial during an election and throughout the campaign period and the Council had carefully considered what matters it would debate in Committee or at full Council meetings.

The Monitoring Officer advised that the election campaign was well run by all candidates and parties with no incidents of poor behaviour by County Councillors or anyone else.

Councillor Patrick Heesom congratulated the Monitoring Officer and his team for their work during the parliamentary election which he said had been well-managed.

Councillor Paul Johnson commented on the need to maintain high standards throughout forthcoming elections, citing the Police & Crime Commissioner elections as an example.

The recommendation in the report was moved by Councillor Paul Johnson and seconded by Councillor Patrick Heesom.

RESOLVED:

That the report be noted.

61. FORWARD WORK PROGRAMME

The Forward Work Programme was considered. The Monitoring Officer drew attention to the items scheduled for the next meeting to be held on 2 March, and explained that prior to the start of the next meeting he would demonstrate a new digital system which had been created to record Declarations of Interests which Officers may need to make.

Councillor Paul Johnson suggested that there should be an item on any parts of the Local Government and Elections (Wales) Bill with relevance to the work of the Standards Committee. The Monitoring Officer advised that the only proposal, for Group Leaders to be responsible for supporting ethical standards, was in place within Flintshire already.

The recommendation in the report was moved by Councillor Arnold Woolley and seconded by Ken Molyneux.

RESOLVED:

That the Forward Work Programme be noted.

62. HEARING BEFORE THE ADJUDICATION PANEL FOR WALES

The Monitoring Officer introduced a report to provide an update on the outcome from the recent Adjudication Panel for Wales (APW) hearing in respect of Councillor A Shotton.

The Monitoring Officer provided background information and gave an overview of the hearing on 27, 28 and 29 January 2020, held at Llandudno Magistrates Court. He explained that parts of the hearing had taken place in private and could not be disclosed to the Committee to preserve confidentiality.

The Monitoring Officer reported that the Case Tribunal found by unanimous decision that Councillor A Shotton had failed to comply with the Authority's Code of Conduct and had breached Paragraphs 6(1)(a) and 7(a) of the Code by, in his official capacity using or attempting to use his position improperly to confer on or secure for himself or his PA an advantage or create or avoid for himself or his PA a disadvantage by providing an opportunity to view questions before her interview for the permanent role of PA; and that Councillor Shotton had breached 6(1)(a) of the Code of Conduct by sending and/or encouraging his PA to send inappropriate messages, to include messages of a sexual nature, during office hours. The Case Tribunal decided by unanimous decision that Councillor A Shotton should be suspended from acting as a member of Flintshire County Council for a period of three months. The Monitoring Officer advised that Councillor Shotton had the right to seek the leave of the High Court to appeal the above decision. The full decision report would be published on the APW website in due course.

The Monitoring Officer reported that the Case Tribunal had found that Councillor Shotton had not breached the Code of Conduct in respect of a third allegation referred from the Public Services Ombudsman for Wales. However, the Monitoring Officer explained that as a result of the allegation the Council had improved its procedures and the booking of a hire car must in future be approved by a manager.

The Monitoring Officer reported that the Council's workforce had been notified that Councillor A Shotton had been suspended as a member of the Council for a period of three months as a result of the decision of the Adjudication Panel for Wales. During this period Councillor Shotton was to be treated, temporarily, as a member of the public and was only entitled to access public parts of the Council's premises. Likewise his rights to information were restricted during this period and he was not entitled to any papers or information relating to confidential Council business. Notice that Councillor A Shotton had been suspended until 29 April 2020 had also been published on the Council's website. The Monitoring Officer advised that Councillor Shotton would be able to resume his role and responsibilities as a County Councillor when the period of suspension came to an end.

The Monitoring Officer responded to the comments raised around the findings of the Case Tribunal. During discussion he explained that the Council had a wide range of employment policies which would be reviewed in light of the

hearing to consider if any amendment was required. The Monitoring Officer advised that the Committee would have the opportunity to reflect further on the findings of the APW and review the Member/Officer Protocol at the next meeting of the Committee.

RESOLVED

That the report be noted

63. 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 8.15pm)

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Chairman

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STANDARDS COMMITTEE

Date of Meeting	Monday, 2 March 2020
Report Subject	Review of Member/Officer Protocol
Report Author	Chief Officer, Governance

EXECUTIVE SUMMARY

The Protocol on Member/Officer Relations (informally called the Member/Officer Protocol) explains how the nature of the relationship between elected Councillors and employed officials should work and describes their different but complementary roles within the Council. It also sets out the behaviours and treatment that each can expect from the other and thereby expands upon the Councillors Code of Conduct.

The Protocol is due for review as part of the Committee's rolling programme of looking at each of the codes and protocols in the Constitution. Also, in recent months the Council has undertaken work around specific aspects of the working relationship such as case handling for Councillors and the Flintshire Standard. It is appropriate that the protocol should be amended to incorporate the results of that work. Lastly, it is appropriate to update the protocol to strengthen the guidance on relationships between employees and Councillors in light of the recent Case Tribunal.

RECOMMENDATIONS

1	That the amended protocol be recommended to Council for adoption.
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REPORT DETAILS

1.00	ROLE AND STATUS OF THE MEMBER/OFFICER PROTOCOL
1.01	<p>The Member/Officer protocol is an adjunct to the Councillors' Code of Conduct and is an important contributor to the working culture within the Council. It sets out:</p> <ul style="list-style-type: none"> • the differing roles of members and officers and what they can expect from each other; • further explanation and guidance on appropriate behaviours; • mechanisms for handling concerns or problems within the relationship. <p>An alleged breach of the Protocol cannot be directly enforced in the same way as an alleged breach of the Code of Conduct. However, the document will inform any investigation by the Public Services Ombudsman for Wales.</p>
1.02	<p>The Protocol was due to be considered as part of the Committee's rolling programme of reviewing the codes and protocols in the Constitution. As such the Committee needs to consider whether:</p> <ol style="list-style-type: none"> i. the document is still pertinent; ii. changes in other parts of the Constitution impact upon the Protocol; iii. it is up to date generally (i.e. does it reflect current working practices and arrangements within the Council); iv. any other circumstances that might indicate a change is required. <p>The rolling view is therefore timely and takes into account:</p> <ol style="list-style-type: none"> a) recent work undertaken by the Council to amend the Flintshire Standard; b) the recent review of handling member queries and correspondence c) changes in working practices within the Council; d) the outcome of the Case Tribunal reported to the Committee last time.
	<u>Explaining the Proposed Amendments</u>
1.03	<p>The Protocol is attached as Appendix A to the report showing proposed amendments in tracked changes. Some of the changes are extensive due to the need to modernise language and approach so a clean version is attached at Appendix B. The amendments fall broadly into the four categories outlined above, but I have also tried to simplify the document and update its terminology where appropriate (e.g. the paragraphs on Members' access to buildings).</p>
1.04	<p>The amendments to the Flintshire Standard expanded upon the meaning of the provision within the code on respect. It sets out behaviours and practical examples of what is meant by treating officers and other Councillors with respect. Without repeating the provisions of the Flintshire Standard in full amendments to the Protocol amendments are suggested on matters such as attendance at public meetings.</p>

1.05	<p>The Protocol describes members' rights of access to officers, officer support, Council premises etc. These sections need updating to reflect changes with how the Council works and they need simplifying. For example:</p> <ol style="list-style-type: none"> 1) as the Council moves to open plan offices the arrangements for where and how members and officers meet also need to change. Conversations that once might have taken place between 2 people in a private office will now be audible to other people which could potentially breach confidences and/or distract co-workers whilst they are trying to concentrate; and 2) the Council's opening hours have changed.
1.06	<p>The Protocol deals with personal relationships between Councillors and employees. Councillors must have a geographical tie (residence, land, employment etc.) to the area of the Council in order to be eligible to stand for election. It is common that the majority of employees will also live within the county that they serve. It is inevitable, therefore, that employees and Councillors will have familial, social or even emotional relationships. Provided the relationship is declared by both officer and Councillor through the relevant system for recording interests, it is possible for the Council to put in place arrangements to ensure that Council functions, procedures and safeguards are not affected. The recent Case Tribunal decision showed the potential impact and consequences of covert relationships between Councillors and employees. Amendments have therefore been suggested to reinforce the requirements on declaring interests for this reason.</p>

2.00	RESOURCE IMPLICATIONS
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2.01	There are no extra resource requirements as a result of the proposed amendments to the protocol.
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3.00	CONSULTATIONS REQUIRED / CARRIED OUT
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3.01	Chief Officers and HR have been consulted on proposed amendments to the Protocol. Should the proposed amendments be agreed by the Committee then they will be considered by the Constitution and Democratic Services Committee before being reported to Full Council for adoption.
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4.00	RISK MANAGEMENT
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4.01	There are minimal risks associated with the issues in this report.
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5.00	APPENDICES
5.01	Appendix A – the Protocol on Member/Officer Relations showing tracked changes Appendix B – “clean copy” of the Protocol on Member/Officer Relations

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	The Flintshire Standard Case Tribunal Decision APW/001/2019-020/CT: Councillor Aaron Shotton Contact Officer: Gareth Owens, Chief Officer, Governance Telephone: 01352 702344 E-mail: Gareth.Legal@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	Public Services Ombudsman for Wales - Public Services Ombudsman for Wales is a statutory role to consider complaints about public services in Wales and complaints that members of local authorities have broken the Code of Conduct.

SECTION 25

25. PROTOCOL ON MEMBER/OFFICER RELATIONS

1.0 Introduction

1.1 Effective local governance and community leadership depends on good working relationships between Members and Officers.

1.2 This Protocol provides guidance for Members (which includes co-opted members) and ~~officer~~Officers in their working relations with each other. The Protocol covers the more common working situations, but is not comprehensive. The principles underlying it may be applicable to other situations.

1.3 This Protocol applies only to working relations between Members in their role as Members and Officers in their capacity as Officers.

2.0 Working Relations

2.1 Members and Officers shall establish sound and effective working relations that engender mutual respect and put aside any personal differences.

2.2 Members will comply with the Members' Code of Conduct and ~~officer~~Officers with the Officers' Code of Conduct.

2.3 The National Conditions of Service for Staff in Local Government provide:
"The public is entitled to demand, of a local government Officer, conduct of the highest standard".

2.4 Members and Officers must recognise their different roles, needs and objectives. They must be ready to discuss positively how working relations between each other can most effectively be developed (which is normally undertaken by discussion following elections and periodically thereafter). Members and Officers must set aside any personal differences in the interests of maintaining effective working relations.

2.5 It is important that Officers develop political awareness of issues that are sensitive to the individual political groups represented on the Council.

3.0 Roles of Members and Officers

3.1 The respective roles of Members and ~~officer~~Officers can be summarised as follows:- Members and ~~officer~~Officers are servants to the public and they are indispensable to one another. Their responsibilities are distinct. Members are responsible to the electorate and set policy and direction. They can help to guide implementation of policy (especially Cabinet Members) but typically do not get involved in decisions on specific cases. Officers are responsible to the Council. An ~~officer~~Officer's job is to give advice to the Council and to carry-out the Council's work under the direction and control of the Council, the Cabinet and relevant committees. Senior Officers will help Members to develop policy.

3.2 Members have four main areas of responsibility:-

- ☐ Contributing to determining the policy of the Council and giving it leadership;

- ~~Monitoring and reviewing the performance of the Council in implementing that policy and delivering services;~~
- ~~Representing the Council in their local areas and externally;~~
- ~~Acting as advocates on behalf of their constituents.~~

3.3 An ~~officer~~Officer's role is:-

- ~~To give advice and information to all Members on an impartial basis;~~
- ~~To help Members formulate policies;~~ and
- ~~To implement policies determined by the authority, provided the policies are within the law.~~
- ~~In all advice, including reports, it is the responsibility of the officer to express his/her own objective professional advice in an objective professional manner and make recommendations based on this.~~

3.4 Through performance appraisal, target setting and day to day management, ~~officer~~Officers receive ~~guidance and direction their instructions~~ from their Line Managers. Members are not authorised to ~~ask instruct officer~~Officers ~~to undertake specific tasks~~ other than:-

- ~~Through the formal decision-making process (Council, Cabinet, Committees etc);~~
- ~~To request the provision of consumable resources provided by the Council for the use of Members;~~
- ~~Where staff have been specifically allocated to give support to a Member, a group of Members, or all Members.~~

4.0 Expectations

4.1 Members can expect from ~~officer~~Officers:-

- A commitment to the Council as a whole and not to any political group.
- A working partnership.
- An understanding of and support for respective roles, workloads and the differing pressures.
- Timely response to enquiries and complaints ~~in accordance with the agreed procedure for handling member queries.~~
- ~~Clear, o~~Objective advice, not influenced by political views or preference, which does not compromise the political neutrality of ~~officer~~Officers.
- Regular, up-to-date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold.
- Awareness of and sensitivity to the political environment.
- Respect, courtesy and dignified behaviour appropriate to the occasion.
- Training and development in order to carry out their role effectively.
- A high level of integrity and confidentiality, appropriate to the situation.
- Not to have ~~officer~~Officers' personal issues raised with them outside the agreed procedures.
- That they will not attempt to influence improperly any Member to advance ~~officer~~Officers' personal interests or influence improperly a decision
- At all times compliance with the Code of Conduct for Officers
- Support for the role of Members as the local representatives of the Council, within any scheme of support for Members, which may be approved by the authority.

4.2 Officers can expect from Members:

- a) A working partnership.
- b) An understanding of and support for respective roles, workload~~ss~~ and differing pressures.
- c) Leadership and direction.
- d) Respect for their advice and as a person, courtesy and dignified behaviour appropriate to the occasion as set out within the Flintshire Standard.
- e) A high level of integrity and confidentiality appropriate to the situation.
- f) Not to be subject to bullying or to be put under undue pressure to accord with a Member's wishes.
- g) Not to use their position or relationship with ~~officer~~Officers improperly to advance their personal interests, or those of others, or to improperly influence decisions.
- h) That Members will at all times comply with the Council's Code of Conduct.
- i) Appropriate scrutiny of decisions that focuses on objective measures of performance and outcomes
- j) Respect for differing working hours and working patterns with appropriate time being allowed for responding to queries and concerns as set out in the agreed procedure

5.0 Courtesy

5.1 Mutual respect between Members and Officers is essential, it is important that any dealings between the parties should observe the highest standards of behaviour and courtesy towards each other and will not take or attempt to take unfair advantage of their position.

5.2 Members and Officers should have regard to the formality of the occasion as to the mode of address they choose to adopt. In particular, in formally convened meetings and/or meetings open to the public a formal mode of address should be adopted. In all other cases Members and Officers will respect preferred modes of address.

5.3 The behaviours expected are set out in more detail within the Flintshire Standard which also includes a mechanism for informally resolving disputes between members and Officers.

6 Officers Giving Advice and Information to Political Groups

6.1 There is ~~now~~ statutory recognition for political groups. ~~and it~~ It is common practice for such groups to give preliminary consideration to matters of Council business in advance of ~~such matters~~them being considered ~~by the relevant Council decision making body at~~ Council, Cabinet or Committee, though for some committees (such as Planning Committee and Overview and Scrutiny Committees) it is not appropriate to apply a "political whip". Officers may properly be called upon to support and contribute to such deliberations by political groups.

6.2 The support provided by Officers can take many forms, ranging from a briefing meeting with a Chairperson or Spokesperson prior to a Committee meeting, to a presentation to a full political group meeting. Whilst in practice such Officer support is likely to be in most demand from whichever political group is for the time being in control of the Council, such support is available to all political groups.

6.3 Certain points must, however, be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:

- (a) Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of political group business. The observance of this distinction will be assisted if Officers are not expected to be present at meetings, or parts of meetings, when matters of political group business are to be discussed;
- (b) Political group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not, therefore, rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and
- (c) Similarly, where Officers provide information and advice to a political group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the County Council or the relevant Committee or Sub-Committee when the matter in question is considered.

6.4 Special care needs to be exercised whenever Officers are involved in providing information and advice to a political group meeting which includes persons who are not members of the Council. Such persons will not be bound by the National Code of Local Government Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons Officers may not be able to provide the same level of information and advice as they would to a Members only meeting.

6.5 Officers must respect the confidentiality of any political group discussions at which they are present in the sense that they should not relay the content of any such discussions to another political group.

6.6 Any particular cases of difficulty or uncertainty in this area of Officer advice to political groups should be raised with the Chief Executive who will discuss them with the relevant Group Leader(s).

7.0 Support Services to Members

7.1 Members will use support services and resources provided by the Council only for Council business. Support services shall not be used for political or campaigning activity, or for private purposes.

7.2 The Council provides support services to members ~~only in designated areas~~ (including stationery, IT facilities, printing, photo-copying, travel, transport and parking arrangement, etc.) to assist members in discharging their role as Members of the Council.

7.3 Support services are provided to ~~the Political Group Leaders~~ by the Members' Services Section of the ~~Democracy and Governance Manager Department~~ Portfolio. Individual ~~Departments Services~~ may, in addition, provide support services to ~~a~~ Cabinet Member with Portfolio, Lead Members, Chairs of Scrutiny Committees and Panel Chairs.

8.0 Communications and Meetings

8.1 Members and Officers will not, without the agreement of the author, copy a communication, whether physical or electronic, from a member of the public (including MPs, AMs or MEPs) or Member to another Member or to any other third party. This is not

intended to restrict the normal sharing of correspondence by Officers with each other and their managers in order to respond to and handle that communication.

8.2 Most correspondence between ~~officer~~Officers or from ~~officer~~Officers to Members will be open and may be copied as a part of the normal arrangements for dealing with the matter within it. Members and Officers may from time to time raise matters confidentially with each other and such confidences shall be respected.

8.3 It may be necessary or appropriate for an Officer to discuss the content of a confidential communication with ~~another~~ Member, particularly where political consultation is required before action is taken under Officer delegated powers. In these circumstances, the communication should not be copied or shown to another Member or the identity of the author revealed without the express permission of that author.

8.4 Official communications on behalf of the Council should ~~normally~~ be sent ~~out over~~in the name of the appropriate Officer, rather than ~~ever in~~ the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister or Assembly Secretary) for a communication to appear ~~ever in~~ the name of a Member, but this should be the exception rather than the norm. Communications which, for example, create obligations or give instructions on behalf of the Council should never be sent out ~~ever in~~ the name of a Member.

8.5 Members and Officers need to meet or speak to discuss Council business. Officers will often keep a written note of such meetings as an aide memoire. Sometimes a more formal note of the discussion will be prepared such as a confirmatory email or minutes. Such record keeping is to be expected, and is normally taken to be agreed. Covert recording of meetings or conversations should not take place.

9.0 Specific Member/Officer Working Relations

9.1 Members and Officers will not allow a working relationship to become so close or appear to be so close as to bring into question the Officer's ability to deal impartially with other members, political groups and other Officers. Where a member and an Officer have a close relationship (whether familial, social, business, emotional etc) its existence must be declared, through the relevant process for declaring interests, so that appropriate steps can be taken to ensure that the relationship does not

- impinge upon the functioning of the Council or the exercise of council functions
- undermine or circumvent procedural safeguards
- impact upon the Council's reputation

9.2 Cabinet members with Portfolios, Lead Members and other appropriate members will routinely be consulted by Officers, prior to making decisions under delegated powers.

9.3 The Cabinet Member and/or the Chair and/or the Vice-Chair of the Committee or Panel will be consulted as a part of the agenda preparation for meetings.

9.4 Officers having delegated decision-making Authority are entitled, where considered expedient, to refer a matter to the Cabinet Committee or appropriate Sub-Committee for

decision. Officers of Cabinet Management are responsible for the contents of all reports submitted in their name.

9.5 Members must acknowledge that Officers within a department are accountable to their Chief Officer. Officers should always be prepared to assist Members, but they cannot go beyond the bounds of the Authority given to them by their Chief Officer and they must not be asked to do so. Members must also recognise that Officers are bound by professional standards, codes of conduct or professional ethics and they should not be asked to go outside of the bounds set in such codes.

10.0 Involvement of Ward Councillors

10.1 Ward Members will be invited to attend any public meeting organised by the Council which relates to issues affecting their ward.

10.2 Ward Members must be appraised of local issues ~~a~~ affecting their ward and involved in any public meeting or consultation exercise. They must be notified, at the outset, of any consultation on a local issue affecting their ward.

10.3 It is the responsibility of a member who invites an Officer to a public meeting, or who is present at a public meeting to which an Officer has been invited by others, to ensure that the Officer is treated with appropriate levels of courtesy and respect by those at the meeting.

11.0 Members' Access to Information and to Council Documents

11.1 Members have legal rights to access ~~to~~ information and ~~to~~ Council documents that go beyond the rights enjoyed by members of the public. The law relating to Member's rights to information is complex and includes common law and statutory rights. The law also changes from time to time with new legislation or new case law~~The Council has agreed procedures for what information will be shared with Members.~~ If at any time a Member believes access to information or Council documents is being denied contrary to the Member's legal rights the issue should be raised with the Monitoring Officer or a member of the Legal Service~~a Senior Officer in the Legal & Democratic Services Department.~~

~~12~~.0 Confidentiality of Reports and Correspondence

~~12~~.1 All Chief Officers have a duty to satisfy themselves that Committee reports to which they are signatories are only classified as 'exempt information' when the statutory criteria for confidentiality are met. The Chief Executive and the Chief Officer, Governance have an overriding responsibility to determine this compliance.

~~12~~.2 Once a report has been issued within Part II of the agenda for a meeting and until a Committee decides that it should ~~not~~ be discussed in ~~the absence of the press and~~ public, Members and Officers must respect the confidentiality of the report and not disclose it to a third party.

~~12~~.3 It does not, however, follow that all the contents of the report must be regarded as secret. It may only be certain items of information or terms of negotiations that justify the inclusion of that report within Part II; other aspects may already be within the public domain or otherwise outside the definition of 'exempt'. A Member may accordingly refer to these aspects in discussions with third parties but must exercise proper care and judgement not to reveal those elements of the paper which are protected but it will always be prudent for that Member to consult the Chief Officer, Governance before doing so.

123.0 Access to Council Premises

123.1 All Members of the Council shall be entitled to use, and have access to, any Council building or premises, when that building or the premises are open, as follows:

a) anywhere which is open to the public;

b) the Council Chamber and Committee Rooms for the purposes of attending and/or observing scheduled meetings of the Council, its Committees and Sub-Committees, Fora and the Cabinet (subject to any restrictions set out in the Access to Information Procedure Rules) or any public meeting held in those rooms by any other agency or body.

c) areas set aside for the use of Members as a whole (such as the Members' Services Suite), as a group (such as group rooms), or as an individual (such as the Leader's office, Chair's parlour etc)

d) any room to which the Member has been invited for a meeting by an Officer.

e) the canteen

~~12.2 Subject to the provisions set out below, Members shall also be entitled to have access to any other part of any Council building or premises open to members of the public between 8.00 am and 6.00 pm.~~

~~12.3 In addition, subject to the provisions set out below, Members shall have access to the Chimney Entrance, the Canteen, the Bridge Link and the areas outside the Council Chamber and Committees Rooms between 8.00 am and 6.00 pm.~~

~~123.042 Such access is to be used for Council purposes and fulfilling the Member's role and responsibilities within the Council only.~~ Members, when they are not acting in pursuit of their roles and duties as a Member, ~~shall~~ have no greater rights of access to Council buildings and premises than members of the public.

~~12.5 All Members shall also be entitled to access and use the facilities provided for in the Members' Services Suite between the hours of 8.00 am and 6.00 pm during weekdays (excluding bank holidays).~~

~~13.32-6~~ There is a general presumption that Members will not require access to Council buildings ~~before 8.00 am or after 6.00 pm~~ outside of the hours 7.30 am to 7.00 pm except for scheduled or public meetings referred to in 143.1 above. In exceptional circumstances where a Member remains in the building beyond ~~67.00~~ pm, he/she must inform security of his/her presence and location and give an indication as to how long he/she intends to stay.

~~13.42.7~~ Where individual Groups have been allotted rooms for their sole use ("group rooms"), Members of that group shall be entitled to have access to the group room ~~set aside for the use of the Group to which he or she belongs~~ subject to any reasonable restrictions which that Group may wish to place upon access from time to time.

~~12.8 Any Committee Chair or Cabinet Member who has been allocated a room shall also be entitled to access to the room so allocated for the purposes of the consultation responsibilities arising under the Delegation Scheme or for any other business arising from their roles and responsibilities~~

~~12.9 All Members who have been invited to attend meetings elsewhere in County Hall shall be entitled to have access to all corridors, stairwells and other reception areas through which it is necessary to pass to enable them to attend. The same limitation shall apply to Committee Chairs and Cabinet Members under 121.8 above.~~

~~12.10~~13.05 Members shall not be entitled to enter certain restricted sensitive areas including the central computer suite, ~~unified~~ benefits service (including the corridor on that part of the ground floor on Phase 2), payroll, and child protection unless by invitation of the Chief Officer or a duly authorised Officer in exceptional circumstances.

~~12.11~~13.06 Subject to 13.01 and 13.05 above, ~~there is a presumption that~~ Members will not be entitled to enter other ~~staff only~~ areas in Council buildings so as to preserve the physical security of personal data under GDPR and so as to respect the fact that they are workplaces where Officers are expected to be concentrating on their duties. Members may enter such areas following express invitation to attend a meeting with an Officer, or to arrange a meeting with an Officer. authorisation by the relevant Chief Officer or someone duly authorised to give such authorisation. When seeking meetings. Members will endeavour to make appointments with Officers in advance giving them sufficient time to research the matter to be discussed. A suitable venue for the proposed meeting will be arranged at that time.

~~Staff only areas include individual rooms, open plan areas, management suites, internal reception areas not open to the public.~~

~~12.12~~13.07 In situations where Members and Officers inadvertently meet in the course of their business there should be no expectation on the part of the Member that the Officer will deal with any issue that the Member wishes to raise, unless both agree that it is an urgent issue which cannot wait for a formal appointment to be arranged.

~~12.13 Any contravention of the above provisions shall be reported to the Council's Monitoring Officer who will in the first instance attempt to resolve the issue appropriately. If he is unable to resolve the issue he will report the matter to the Standards Committee. He will also make an annual report to the Standards Committee on the operation of this part of the Protocol.~~

134.0 Criticism of Members and Officers

~~1314.1~~ As employer, the Council has a duty to provide and maintain a working environment which is reasonably tolerable to all employees and to protect them from unacceptable treatment and behaviour and unauthorised interference in work duties. All Members must ensure they discharge their duties as employer fairly and impartially and not do anything to undermine the relationship of mutual trust and confidence which must exist between the Council and its employees.

~~134.2~~ No public comment will be made on ongoing disciplinary proceedings as it could prejudice their outcome or breach the confidentiality that employees are entitled to expect in relations to such matters.

145.0 Political Group Leaders and the Chief Executive

~~145.1~~ The Political Group Leaders and the Chief Executive will develop and conduct appropriate working relations.

~~154.2~~ Regular Briefing arrangements between the Political Group Leaders and the Chief Executive are an essential part of the democratic machinery of the Council. It is important that the Chief Executive, as Head of the Paid Service, is accessible by all political groups represented on the Council through their respective Leaders.

156.0 Issues regarding Working Relations between Members and Officers

156.1 Members and Officers will seek to resolve any issues arising within their working relations. In the first instance this will be done by the relevant Member and Officer.

165.2 ~~Chief Officers will, in the first instance, endeavour~~Where a Member and an Officer are unable to resolve any such issue then the:

- Member's Group Leader; and/or
- Officer's line manager and/or Chief Officer

may be involved.

165.3 The relevant Political Group Leader and the Chief Executive will seek to resolve by mediation and conciliation any unresolved problem or breakdown in working relationships between Members and Officers.

176.0 Review

167.1 This Protocol will be reviewed from time to time ~~and/or in the light of subsequent~~ legislation.

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SECTION 25

25. PROTOCOL ON MEMBER/OFFICER RELATIONS

1.0 Introduction

1.1 Effective local governance and community leadership depends on good working relationships between Members and Officers.

1.2 This Protocol provides guidance for Members (which includes co-opted members) and Officers in their working relations with each other. The Protocol covers the more common working situations, but is not comprehensive. The principles underlying it may be applicable to other situations.

1.3 This Protocol applies only to working relations between Members in their role as Members and Officers in their capacity as Officers.

2.0 Working Relations

2.1 Members and Officers shall establish sound and effective working relations that engender mutual respect and put aside any personal differences.

2.2 Members will comply with the Members' Code of Conduct and Officers with the Officers' Code of Conduct.

2.3 The National Conditions of Service for Staff in Local Government provide:
"The public is entitled to demand, of a local government Officer, conduct of the highest standard".

2.4 Members and Officers must recognise their different roles, needs and objectives. They must be ready to discuss positively how working relations between each other can most effectively be developed (which is normally undertaken by discussion following elections and periodically thereafter). Members and Officers must set aside any personal differences in the interests of maintaining effective working relations.

2.5 It is important that Officers develop political awareness of issues that are sensitive to the individual political groups represented on the Council.

3.0 Roles of Members and Officers

3.1 The respective roles of Members and Officers can be summarised as follows:-
Members and Officers are servants to the public and they are indispensable to one another. Their responsibilities are distinct. Members are responsible to the electorate and set policy and direction. They can help to guide implementation of policy (especially Cabinet Members) but typically do not get involved in decisions on specific cases. Officers are responsible to the Council. An Officer's job is to give advice to the Council and to carry out the Council's work under the direction and control of the Council, the Cabinet and relevant committees. Senior Officers will help Members to develop policy.

3.2 Members have four main areas of responsibility:-

- Contributing to determining the policy of the Council and giving it leadership;

- Monitoring and reviewing the performance of the Council in implementing that policy and delivering services;
- Representing the Council in their local areas and externally;
- Acting as advocates on behalf of their constituents.

3.3 An Officer's role is:-

- To give advice and information to all Members on an impartial basis;
- To help Members formulate policies; and
- To implement policies determined by the authority, provided the policies are within the law.
- In all advice, including reports, it is the responsibility of the Officer to express his/her own professional advice in an objective manner and make recommendations based on this.

3.4 Through performance appraisal, target setting and day to day management, Officers receive guidance and direction from their Line Managers. Members are not authorised to ask Officers to undertake specific tasks other than:-

- Through the formal decision-making process (Council, Cabinet, Committees etc);
- To request the provision of consumable resources provided by the Council for the use of Members;
- Where staff have been specifically allocated to give support to a Member, a group of Members, or all Members.

4.0 Expectations

4.1 Members can expect from Officers:-

- a) A commitment to the Council as a whole and not to any political group.
- b) A working partnership.
- c) An understanding of and support for respective roles, workloads and the differing pressures.
- d) Timely response to enquiries and complaints in accordance with the agreed procedure for handling member queries.
- e) Clear, objective advice, not influenced by political views or preference, which does not compromise the political neutrality of Officers.
- f) Regular, up-to-date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold.
- g) Awareness of and sensitivity to the political environment.
- h) Respect, courtesy and dignified behaviour appropriate to the occasion.
- i) Training and development in order to carry out their role effectively.
- j) A high level of integrity and confidentiality, appropriate to the situation.
- k) Not to have Officers' personal issues raised with them outside the agreed procedures.
- l) That they will not attempt to influence improperly any Member to advance Officers' personal interests or influence improperly a decision
- m) At all times compliance with the Code of Conduct for Officers
- n) Support for the role of Members as the local representatives of the Council, within any scheme of support for Members` , which may be approved by the authority.

4.2 Officers can expect from Members:

- a) A working partnership.
- b) An understanding of and support for respective roles, workloads and differing pressures.
- c) Leadership and direction.
- d) Respect for their advice and as a person, courtesy and dignified behaviour appropriate to the occasion as set out within the Flintshire Standard.
- e) A high level of integrity and confidentiality appropriate to the situation.
- f) Not to be subject to bullying or to be put under undue pressure to accord with a Member's wishes.
- g) Not to use their position or relationship with Officers improperly to advance their personal interests, or those of others, or to improperly influence decisions.
- h) That Members will at all times comply with the Council's Code of Conduct.
- i) Appropriate scrutiny of decisions that focuses on objective measures of performance and outcomes
- j) Respect for differing working hours and working patterns with appropriate time being allowed for responding to queries and concerns as set out in the agreed procedure

5.0 Courtesy

5.1 Mutual respect between Members and Officers is essential, it is important that any dealings between the parties should observe the highest standards of behaviour and courtesy towards each other and will not take or attempt to take unfair advantage of their position.

5.2 Members and Officers should have regard to the formality of the occasion as to the mode of address they choose to adopt. In particular, in formally convened meetings and/or meetings open to the public a formal mode of address should be adopted. In all other cases Members and Officers will respect preferred modes of address.

5.3 The behaviours expected are set out in more detail within the Flintshire Standard which also includes a mechanism for informally resolving disputes between members and Officers.

6 Officers Giving Advice and Information to Political Groups

6.1 There is statutory recognition for political groups. It is common practice for such groups to give preliminary consideration to matters of Council business in advance of them being considered at Council, Cabinet or Committee, though for some committees (such as Planning Committee and Overview and Scrutiny Committees) it is not appropriate to apply a "political whip". Officers may properly be called upon to support and contribute to such deliberations by political groups.

6.2 The support provided by Officers can take many forms, ranging from a briefing meeting with a Chairperson or Spokesperson prior to a Committee meeting, to a presentation to a full political group meeting. Whilst in practice such Officer support is likely to be in most demand from whichever political group is for the time being in control of the Council, such support is available to all political groups.

6.3 Certain points must, however, be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:

- (a) Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of political group business. The observance of this distinction will be assisted if Officers are not expected to be present at meetings, or parts of meetings, when matters of political group business are to be discussed;
- (b) Political group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not, therefore, rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and
- (c) Similarly, where Officers provide information and advice to a political group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the County Council or the relevant Committee or Sub-Committee when the matter in question is considered.

6.4 Special care needs to be exercised whenever Officers are involved in providing information and advice to a political group meeting which includes persons who are not members of the Council. Such persons will not be bound by the National Code of Local Government Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons Officers may not be able to provide the same level of information and advice as they would to a Members only meeting.

6.5 Officers must respect the confidentiality of any political group discussions at which they are present in the sense that they should not relay the content of any such discussions to another political group.

6.6 Any particular cases of difficulty or uncertainty in this area of Officer advice to political groups should be raised with the Chief Executive who will discuss them with the relevant Group Leader(s).

7.0 Support Services to Members

7.1 Members will use support services and resources provided by the Council only for Council business. Support services shall not be used for political or campaigning activity, or for private purposes.

7.2 The Council provides support services to members (including stationery, IT facilities, printing, photo-copying, travel, transport and parking arrangement, etc.) to assist members in discharging their role as Members of the Council.

7.3 Support services are provided to by the Members' Services Section of the Governance Portfolio. Individual Services may, in addition, provide support services to a Cabinet Member with Portfolio, Lead Members, Chairs of Scrutiny Committees and Panel Chairs.

8.0 Communications and Meetings

8.1 Members and Officers will not, without the agreement of the author, copy a communication, whether physical or electronic, from a member of the public (including MPs, AMs or MEPs) or Member to another Member or to any other third party. This is not intended to restrict the normal sharing of correspondence by Officers with each other and their managers in order to respond to and handle that communication.

8.2 Most correspondence between Officers or from Officers to Members will be open and may be copied as a part of the normal arrangements for dealing with the matter within it. Members and Officers may from time to time raise matters confidentially with each other and such confidences shall be respected.

8.3 It may be necessary or appropriate for an Officer to discuss the content of a confidential communication with a Member, particularly where political consultation is required before action is taken under Officer delegated powers. In these circumstances, the communication should not be copied or shown to another Member or the identity of the author revealed without the express permission of that author.

8.4 Official communications on behalf of the Council should be sent in the name of the appropriate Officer, rather than in the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister or Assembly Secretary) for a communication to appear in the name of a Member, but this should be the exception rather than the norm. Communications which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

8.5 Members and Officers need to meet or speak to discuss Council business. Officers will often keep a written note of such meetings as an aide memoire. Sometimes a more formal note of the discussion will be prepared such as a confirmatory email or minutes. Such record keeping is to be expected, and is normally taken to be agreed. Covert recording of meetings or conversations should not take place.

9.0 Specific Member/Officer Working Relations

9.1 Members and Officers will not allow a working relationship to become so close or appear to be so close as to bring into question the Officer's ability to deal impartially with other members, political groups and other Officers. Where a member and an Officer have a close relationship (whether familial, social, business, emotional etc) its existence must be declared, through the relevant process for declaring interests, so that appropriate steps can be taken to ensure that the relationship does not

- impinge upon the functioning of the Council or the exercise of council functions
- undermine or circumvent procedural safeguards
- impact upon the Council's reputation

9.2 Cabinet members with Portfolios, Lead Members and other appropriate members will routinely be consulted by Officers, prior to making decisions under delegated powers.

9.3 The Cabinet Member and/or the Chair and/or the Vice-Chair of the Committee or Panel will be consulted as a part of the agenda preparation for meetings.

9.4 Officers having delegated decision-making Authority are entitled, where considered expedient, to refer a matter to the Cabinet Committee or appropriate Sub-Committee for decision. Officers of Cabinet Management are responsible for the contents of all reports submitted in their name.

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12.3 It does not, however, follow that all the contents of the report must be regarded as secret. It may only be certain items of information or terms of negotiations that justify the inclusion of that report within Part II; other aspects may already be within the public domain or otherwise outside the definition of 'exempt'. A Member may accordingly refer to these aspects in discussions with third parties but must exercise proper care and judgement not to reveal those elements of the paper which are protected but it will always be prudent for that Member to consult the Chief Officer, Governance before doing so.

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Fora and the Cabinet (subject to any restrictions set out in the Access to Information Procedure Rules) or any public meeting held in those rooms by any other agency or body.

- c) areas set aside for the use of Members as a whole (such as the Members' Services Suite), as a group (such as group rooms), or as an individual (such as the Leader's office, Chair's parlour etc)
- d) any room to which the Member has been invited for a meeting by an Officer.
- e) the canteen

13.02 Such access is to be used for Council purposes and fulfilling the Member's role and responsibilities within the Council only. Members, when they are not acting in pursuit of their roles and duties as a Member, have no greater rights of access to Council buildings and premises than members of the public.

13.3 There is a general presumption that Members will not require access to Council buildings outside of the hours 7.30 am to 7.00 pm except for scheduled or public meetings referred to in 13.1 above. In exceptional circumstances where a Member remains in the building beyond 7.00 pm, he/she must inform security of his/her presence and location and give an indication as to how long he/she intends to stay.

13.4 Where individual Groups have been allotted rooms for their sole use ("group rooms"), Members of that group shall be entitled to have access to the group room subject to any reasonable restrictions which that Group may wish to place upon access from time to time.

13.05 Members shall not be entitled to enter certain restricted sensitive areas including the central computer suite, benefits service (including the corridor on that part of the ground floor on Phase 2), payroll, and child protection unless by invitation of the Chief Officer or a duly authorised Officer in exceptional circumstances.

13.06 Subject to 13.01 and 13.05 above, Members will not be entitled to enter other areas in Council buildings so as to preserve the physical security of personal data under GDPR and so as to respect the fact that they are workplaces where Officers are expected to be concentrating on their duties. Members may enter such areas following express invitation to attend a meeting with an Officer, or to arrange a meeting with an Officer. When seeking meetings, Members will endeavour to make appointments with Officers in advance giving them sufficient time to research the matter to be discussed. A suitable venue for the proposed meeting will be arranged at that time.

13.07 In situations where Members and Officers inadvertently meet in the course of their business there should be no expectation on the part of the Member that the Officer will deal with any issue that the Member wishes to raise, unless both agree that it is an urgent issue which cannot wait for a formal appointment to be arranged.

14.0 Criticism of Members and Officers

14.1 As employer, the Council has a duty to provide and maintain a working environment which is reasonably tolerable to all employees and to protect them from unacceptable treatment and behaviour and unauthorised interference in work duties. All Members must ensure they discharge their duties as employer fairly and impartially and not do anything to

undermine the relationship of mutual trust and confidence which must exist between the Council and its employees.

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15.1 The Political Group Leaders and the Chief Executive will develop and conduct appropriate working relations.

15.2 Regular Briefing arrangements between the Political Group Leaders and the Chief Executive are an essential part of the democratic machinery of the Council. It is important that the Chief Executive, as Head of the Paid Service, is accessible by all political groups represented on the Council through their respective Leaders.

16.0 Issues regarding Working Relations between Members and Officers

16.1 Members and Officers will seek to resolve any issues arising within their working relations. In the first instance this will be done by the relevant Member and Officer.

16.2 Where a Member and an Officer are unable to resolve any such issue then the:

- Member's Group Leader; and/or
- Officer's line manager and/or Chief Officer

may be involved.

16.3 The relevant Political Group Leader and the Chief Executive will seek to resolve by mediation and conciliation any unresolved problem or breakdown in working relationships between Members and Officers.

17.0 Review

17.1 This Protocol will be reviewed from time to time.



STANDARDS COMMITTEE

Date of Meeting	Monday, 2 March 2020
Report Subject	Sub-committee of the Standards Committee
Report Author	Chief Officer, Governance

EXECUTIVE SUMMARY

The Committee met in January to consider a single request for dispensation. Rather than convene the full membership of the Committee, it met with a bare quorum. The Committee may wish to establish a sub-committee to hear dispensations requests in future when there is no other convenient meeting of the full Committee.

It is possible for a sub-committee to exercise all the functions of the whole Committee or only some of them. So it is also worth considering whether such a sub-committee should exercise other functions on behalf of the whole Committee as well.

If the Committee wishes to set up a sub-committee that will be able to conduct business in relation to Town and Community Councils, then it will need to consult with the Town and Community Councils beforehand, on issues such as membership and the functions to be exercised by it.

RECOMMENDATIONS

1	That the Committee decides whether it wishes to appoint a sub-committee and if so what functions it should be able to exercise.
---	---

REPORT DETAILS

1.00	EXPLAINING THE SUB-COMMITTEE
1.01	<p>Shortly after a decision to cancel the January meeting of the Committee, a request was received for a dispensation. Rather than convene a full Committee for one item of business, the Committee met with a bare quorum of members. This raised the question of what to do should the situation recur or where there was a request for an urgent dispensation. It is possible to set up a sub-committee of the Standards Committee and this report explores the issues in doing so.</p>
1.02	<p>The legislation on sub-committees (s.54A Local Government Act 2000 and subsidiary legislation) permits the creation of sub-committees. It requires:</p> <ul style="list-style-type: none"> i. Committee to determine the number of members on the sub-committee and the length of their terms of office; ii. the sub-committee to include independent members; iii. that meetings of the sub-committee must be chaired by an Independent Member; and iv. that at least half the members at the meeting must be Independent Members. <p>This appears is quite rigid and would appear to prohibit a flexible membership for the sub-committee where members are drawn from the full Committee based on their availability for a meeting.</p>
1.03	<p>In addition, where the sub-committee will exercise functions in relation to Town and Community Councils, then:</p> <ul style="list-style-type: none"> i. the Town and Community member must be a member of the sub-committee; and ii. there must be prior consultation with the Town and Community Councils.
1.04	<p>Requests for dispensation are often received from Town/Community Councillors or dual hatted members. The Town and Community Councillor would therefore need to be a member. If the sub-committee were also to include a County Councillor, then there would need to be at least 2 Independent Members on the sub-committee, and if either failed to attend the meeting would be inquorate. The sub-committee would thus consist of at least 4 members.</p>
1.05	<p>The alternative would be for the Committee to do as it did in January and meet in the expectation that it would have the bare minimum quorum. The statutory quorum is at least 3 members of whom at least half are Independent Members. As with sub-committees if any Town and Community Council business is to be transacted then the Town and Community member must be present.</p>

2.00	RESOURCE IMPLICATIONS
2.01	The financial cost of convening meetings consists of officer time, the attendance of Independent Members, travel allowance (if claimed) for Councillors plus minimal printing costs etc. Given the rules on membership the sub-committee would cost £198 or £297 per meeting rather than £495 per meeting for the whole Committee. Clearly this level of difference is minimal given the anticipated number of meetings.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Consultation would need to take place with Town and Community Councils prior to establishing a sub-committee that is to be capable of exercising functions in respect of them.

4.00	RISK MANAGEMENT
4.01	There are minimal risks associated with the issues in this report.

5.00	APPENDICES
5.01	None.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None Contact Officer: Gareth Owens, Chief Officer, Governance Telephone: 01352 702344 E-mail: Gareth.Legal@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	None

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FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME 2019/20

Date of Meeting	Topic	Notes/Decision/Action
29 June 2020	<ul style="list-style-type: none"> • Training • Dispensations 	
1 June 2020	<ul style="list-style-type: none"> • Training • Dispensations • Protocol for Members in their dealings with contractors/developers. • Members Code of Conduct 	
27 April 2020	<ul style="list-style-type: none"> • Training • Dispensations 	
30 March 2020	<ul style="list-style-type: none"> • Training • Dispensations 	
2 March 2020	<ul style="list-style-type: none"> • Training • Dispensations • Sub-committee of the Standards Committee • Review of Member/Officer Protocol 	Report by Gareth Owens Report by Gareth Owens
3 February 2020	<ul style="list-style-type: none"> • Training • Dispensations • Hearing before the Adjudication Panel for Wales • Liaison on Ethical Issues with the Council 	Report by Gareth Owens and verbal update Report by Gareth Owens

	<ul style="list-style-type: none"> • Conduct Issues Arising from the Election • Standards Committee Forum for North & Mid Wales 	Report by Gareth Owens Verbal
6 January 2020	<ul style="list-style-type: none"> • Training • Dispensations 	
2 December 2019	<ul style="list-style-type: none"> • Training • Dispensations • Overview of All Visits to Town and Community Councils – final report 	Report by Gareth Owens
4 November 2019	<ul style="list-style-type: none"> • Training • Dispensations • Liaison with the Council on Ethical Issues • PSOW Code of Conduct Casebooks Issue 21 April to June 2019 and Issue 22 July to September 2019 	Report by Gareth Owens Report by Matt Georgiou
30 September 2019 Joint Meeting with T&CC	<ul style="list-style-type: none"> • Training • Dispensations • Town and Community Council Visits by Independent Members • Overview of All Visits to Town and Community Councils • The Role of a Councillor • Items raised by Town and Community Councils 	Verbal Update Report by Gareth Owens Report by Robert Robins/Gareth Owens
2 September 2019	<ul style="list-style-type: none"> • Dispensations 	Verbal update

	<ul style="list-style-type: none"> • Town and Community Council Visits by Independent Members • Review of the Flintshire Standard • Feedback from the North and Mid Wales Standards Forum • Update on Community Asset Transfers • PSOW Code of Conduct Casebook Issue 20 (Jan 19 – March 19) 	<p>Report by Gareth Owens Report by Gareth Owens/Matt Georgiou</p> <p>Report by Gareth Owens</p> <p>Report by Matt Georgiou</p>
<p>To be scheduled –</p> <p>Annual Report of the Adjudication Panel for Wales – report not yet published (Oct 19) Information on the dispensations process at Gwynedd Council and Wrexham County Borough Council. Item to consider the frequency of reporting on the Overview of Ethical Complaints. Code of Conduct complaints in Flintshire. Confidential Reporting Procedure</p>		

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