

FLINTSHIRE COUNTY COUNCIL

REPORT TO: STANDARDS COMMITTEE

DATE: MONDAY, 1 OCTOBER 2012

REPORT BY: MONITORING OFFICER

SUBJECT: CODE OF CONDUCT AND TREATING OTHERS WITH RESPECT

1.00 PURPOSE OF REPORT

1.01 To inform Members of revised guidance by the Ombudsman.

2.00 BACKGROUND

2.01 Last year Councillor Calver was found to be in breach of the Code of Conduct by the Adjudication Panel for Wales for making statements on his blog that were highly disparaging of other Members of his Council. Councillor Calver took the Adjudication Panel for Wales to the High Court by way of Judicial Review and was successful.

2.02 In light of the decision in the High Court the Ombudsman has sent out the attached letter (Appendix 1) and issued revised guidance (attached as Appendix 2).

3.00 CONSIDERATIONS

3.01 In one sense, the letter is disappointing. Whilst the revised guidance is slightly better, it nevertheless appears to give Members scope to be rude to one another and to Officers or otherwise behave poorly. This may serve to erode public confidence in politicians and politics generally.

3.02 The decision does, however, make clear that Councillors are free to express their views and should not be constrained from raising important, controversial or unwelcome messages by the fear of complaints to the Ombudsman.

4.00 RECOMMENDATIONS

4.01 The Committee has two options open to it:-

- 1) Simply note the advice.
- 2) Make representations to the Ombudsman.

5.00 FINANCIAL IMPLICATIONS

5.01 None directly arising from this report.

6.00 ANTI POVERTY IMPACT

7.00 ENVIRONMENTAL IMPACT

7.01 None directly arising from this report.

8.00 EQUALITIES IMPACT

8.01 None directly arising from this report.

9.00 PERSONNEL IMPLICATIONS

9.01 None directly arising from this report.

10.00 CONSULTATION REQUIRED

10.01 None directly arising from this report.

11.00 CONSULTATION UNDERTAKEN

11.01 None directly arising from this report.

12.00 APPENDICES

12.01 Appendix 1 – Ombudsman’s letter dated 17 September
Appendix 2 – Ombudsman’s revised guidance

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

None.

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