

STANDARDS COMMITTEE

Date of Meeting	Monday, 4 th March 2024
Report Subject	Rolling Review of the Members Code of Conduct
Report Author	Chief Officer (Governance)

EXECUTIVE SUMMARY

The Council must adopt a Code of Conduct that is based on the prescribed national model. It can amend the code provided the provisions are no less onerous than the model.

The Standards Committee keeps all the codes and protocols in the Constitution under rolling review to ensure they are up to date and pertinent. As the code is mandatory, clearly the key question is whether it adequately covers behaviours that would be inconsistent with the Nolan principles/unacceptable.

The Committee has agreed to review the code every year due to its importance. The last such review was in November 2023 and prior to that in November 2022. Welsh Government has not yet proposed any legislation to implement the remaining recommendations from the Penn Review.

At the last review the Committee recommended that the threshold above which gifts need to be registered should be increased from £10 to £25. That recommendation was considered, but not endorsed, at the Constitution and Democratic Services Committee in January.

RECOMMENDATIONS

1	That the Committee reviews the code of conduct to ensure that it remains up to date and relevant.
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REPORT DETAILS

1.00	EXPLAINING THE REVIEW OF THE CODE
1.01	Under section 51 Local Government Act 2000 the Council must adopt a Code of Conduct for Councillors (“the Code”) based on a national model. All Members must sign to say that they will follow the Code. The Council’s current code is based on the national model contained within The Local Authorities (Model Code of Conduct) (Wales) Order 2008 (as amended).
1.02	The Standards Committee keeps all the codes and protocols within the Constitution under review to ensure that they remain pertinent and up to date. Clearly, as the code is mandatory it is still “pertinent”. The review therefore should be to consider whether it remains up to date and whether it adequately addresses behaviours that might be considered to breach the Principles of Public Life or to be in some other way unacceptable.
1.03	At its meeting in November 2022, the Committee considered and recommended changes to the code of conduct following the Penn Review. Those have been adopted. Welsh Government has not come forward with any legislation to implement the recommendations, and proposals are not expected until the new Senedd term (i.e. after 2026).
1.04	At its meeting in November 2023, the Committee also considered raising the £10 threshold above which gifts need to be declared. That figure is/was different in other councils and so the Penn Review suggested that it should be harmonised. Through the national forum a harmonised figure of £25 was proposed by the committee.
1.05	Proposed changes to the code of conduct need to be considered by the Constitution and Democratic Services Committee prior to consideration at Full Council. At its meeting in January that committee declined to endorse that recommendation due to public comment (see the meeting here). This is unusual (though perfectly legitimate) and a decision needs to be taken on whether to push on to Council (giving it the choice between the views of 2 committees) or whether to let the matter rest.
1.06	In light of the recent amendments there do not appear to be any changes that are required at this stage.

2.00	RESOURCE IMPLICATIONS
2.01	The proposed change would have no impact on resources.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	All chairs of the Standards Committees across Wales and the Constitution & Democratic Services Committee.

4.00	RISK MANAGEMENT
4.01	None directly arising from this report.

5.00	APPENDICES
5.01	None.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>The Review of the Ethical Framework by Richard Penn</p> <p>Contact Officer: Gareth Owens, Chief Officer (Governance) Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	Penn Review - a review commissioned by Welsh Government and conducted by Richard Penn looking into the Code of Conduct, how it is enforced, how training is undertaken and all other mechanisms to ensure high standards of ethical behaviour.