

# Public Document Pack

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



To: Edward Michael Hughes (Chairman)

CS/NG

Councillors: David Cox, Hilary McGuill and  
Arnold Woolley

28 October 2014

## **Co-opted Members**

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

Tracy Waters 01352 702331  
tracy.waters@flintshire.gov.uk

Dear Sir / Madam

A meeting of the **STANDARDS COMMITTEE** will be held in the **CLWYD COMMITTEE ROOM, COUNTY HALL, MOLD CH7 6NA** on **MONDAY, 3RD NOVEMBER, 2014** at **6.30 PM** 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.

Yours faithfully

Democracy & Governance Manager

## **AGENDA**

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**
- 3 **MINUTES** (Pages 1 - 4)  
To confirm as a correct record the minutes of the meeting held on 6 October 2014.

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Neuadd y Sir, Yr Wyddgrug. CH7 6NR  
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The Council welcomes correspondence in Welsh or English  
Mae'r Cyngor yn croesawau gohebiaeth yn y Cymraeg neu'r Saesneg

4 **DISPENSATIONS**

5 **PUBLIC SERVICES OMBUDSMAN'S ANNUAL LETTER 2013/14** (Pages 5 - 20)

To receive and note the Annual Letter of the Public Service Ombudsman for Wales.

6 **DECLARATIONS OF INTEREST** (Pages 21 - 26)

To update the Committee on the results of an audit into declaration of interests.

7 **REVIEW OF PROTOCOL ON MEMBER/OFFICER RELATIONS** (Pages 27 - 40)

For the Committee to contribute to the review of the Protocol on Member/Officer Relations

8 **FORWARD WORK PROGRAMME** (Pages 41 - 42)

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

## **STANDARDS COMMITTEE** **6 OCTOBER 2014**

Minutes of the meeting of the Standards Committee of the Flintshire County Council held at County Hall, Mold, on Monday, 6 October 2014.

### **PRESENT: Edward Michael Hughes (Chair)**

#### **Councillors:**

David Cox, Hilary McGuill and Arnold Woolley

#### **Co-opted Members:**

Robert Dewey, Jonathan Duggan-Keen, Phillipa Earlam and Ken Molyneux

### **TOWN AND COMMUNITY COUNCIL REPRESENTATIVES:**

Rhodri Hampson-Jones (Clerk) of Argoed Community Council

Gareth Robert (Clerk) of Bagillt Community Council

Ian Jones (Clerk) of Connah's Quay Town Council

Councillor C. Heycocks (Mayor) and Sam Roberts (Clerk) of Mold Town Council

Christine Johnson of Mostyn Community Council

Councillor Alan Evans (Mayor) of Saltney Town Council

### **IN ATTENDANCE:**

Chief Officer (Governance), Democracy and Governance Manager, and Team Manager – Committee Services

## **21. DECLARATIONS OF INTEREST (including whipping declarations)**

There were no declarations of interest.

## **22. MINUTES**

The minutes of the meeting held on 1 September were submitted.

### **Accuracy**

Councillor McGuill said she had submitted her apologies for the meeting which had not been recorded.

### **RESOLVED:**

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

## **23. DISPENSATIONS**

None had been received.

## **24. REVIEW OF THE MEMBERS' CODE OF CONDUCT**

The Democracy and Governance Manager explained that the Members' Code of Conduct formed part of the Council's Constitution and the Council's Constitution Committee was in the last year of a three year programme to review all parts of the Constitution. The guiding principles were to ensure that the Constitution was up-to-date and that the wording was clear and unambiguous. A revised copy of the Members' Code of Conduct highlighting the proposed tracked changes, to update and clarify the existing wording had been circulated.

Councillor Hilary McGuill suggested clarifying the part of the code on declaring interests at meetings, in particular when an interest would be prejudicial. The Democracy and Governance Manager explained that the wording in the Code of Conduct was clear however it was complicated. He provided an example relating to being a school governor of when a Member would have a personal interest and when a Member would have a personal and prejudicial interest. However, he recommend that Members seek advice from the Chief Officer (Governance) or himself as soon as they became aware they could possibly have an interest.

The Chief Officer (Governance) added that if a Member had a personal and prejudicial interest they could apply for dispensation to the Standards Committee and cited Councillor Alison Halford's request for dispensation as the most recent example relating to being a school governor, which had been granted.

Following a suggestion from Robert Dewey, the Democracy and Governance Manager said the written guidance from the Public Services Ombudsman for Wales could be placed on the internet and infonet alongside the Members' Code of Conduct.

### **RESOLVED:**

- (a) That the tracked changes shown in the circulated Appendix be approved;
- (b) That the guiding principles be attached to the Members' Code of Conduct; and
- (c) That the Public Services Ombudsman's for Wales written guidance be placed on the internet and infonet alongside the Members' Code of Conduct.

## **25. FORWARD WORK PROGRAMME**

In the absence of any suggested topics for future training it was agreed these would be determined by the Chief Officer (Governance) and the Democracy and Governance Manager.

**RESOLVED:**

- (a) That the forward work programme be noted; and
- (b) That the topics for training be determined by the Chief Officer (Governance) and the Democracy and Governance Manager

**6.30pm – Members and Officers of the Town and Community Councils were invited into the meeting**

The Chairman welcomed the Town and Community Council representatives to the meeting and invited everybody present to introduce themselves.

**26. STANDARDS COMMITTEE ANNUAL REPORT**

The Chief Officer (Governance) invited comments on the Annual Report of the Standard Committee and the circulation list for the report.

It was suggested that in addition to being sent to County Councillors, a copy of the Annual Report could be emailed to Town and Community Councils and also that a copy be made available in the public libraries, which was agreed by the Chief Officer (Governance).

**RESOLVED:**

That the Annual Report be approved.

**27. INTERESTS**

The Chief Officer (Governance) provided information on the obligation of Councillors to declare interests verbally at meetings at which that business was to be considered. He added the additional requirement on County Councillors to complete the form required for the statutory public register for the declaration of personal interests, which had to be completed within 28 days of election or appointment to office. In addition to completion of that form, County Councillors were still required to declare any relevant interests where they related to matters under consideration at a meeting.

On Part 4, the Register of Members' Interests, the Chief Officer (Governance) explained that as a result of a recent Welsh Government (WG) consultation paper, the appropriate civil servant had been contacted and had clarified the intention was for clerks of Town and Community Councils to be responsible for maintaining the online notifications of interests made at meetings by Councillors. This meant that each Town and Community Council would require a website to hold such information. There was a meeting of the County Forum the following week and the Chief Officer (Governance) said he would provide an update on this to Town and Community Councils.

The Democracy and Governance Manager added that Welsh Government had made grant funding available for the development of Town and Community Council websites which Flintshire had administered in the previous financial year.

**RESOLVED:**

That an update on interests be provided at the next meeting of the County Forum.

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

Councillor Christine Jones, Mostyn Community Council, asked if there was a procedure in place if a Councillor had a complaint about a fellow Councillor or an officer. The Chief Officer (Governance) advised that if there was a complaint about a fellow Councillor, the complaint should be directed to the Public Services Ombudsman for Wales. If the complaint was about an officer, it should be made via the online complaints form on the Council's website.

Following a number of questions, it was suggested that the Members' Code of Conduct and complaints procedure should be relocated and better signposted on the new website and this was agreed.

**RESOLVED:**

That the Members' Code of Conduct and complaints procedure be relocated and better signposted on the Council's new website.

**29. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE**

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

The meeting commenced at 6.00 p.m. and ended at 7.30 p.m.

.....  
**Chairman**

## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **STANDARDS COMMITTEE**

**DATE:** **MONDAY, 3 NOVEMBER 2014**

**REPORT BY:** **MONITORING OFFICER**

**SUBJECT:** **PUBLIC SERVICES OMBUDSMAN'S ANNUAL LETTER 2013/14**

### **1.00 PURPOSE OF REPORT**

1.01 To receive and note the Annual Letter of the Public Service Ombudsman for Wales, copy attached as Appendix 1.

### **2.00 BACKGROUND**

2.01 The Annual Letter provides a clear and precise breakdown of all complaints received and investigated by the Ombudsman's office during 2013/14 in relation to the Council. These cover both complaints about services provided by the Council and complaints about councillors under the Code of Conduct.

2.02 The number of complaints reduced slightly from 40 to 39 putting Flintshire below the Welsh average adjusted for population distribution.

- The number of complaints taken to investigation fell from 4 to 3.
- The time for responding to complaints has reduced to a maximum of 4-5 weeks whereas in the previous year a quarter of all complaints took over 6 weeks for the Council to respond to.

2.03 I have set out below a table showing the trends for complaints by outcome under the Code of Conduct for the year 2013/14. It is pleasing to note the very small number of complaints.

Stage	Year 2011/12	2012/13	2013/14
Not investigated	9	4	3*
No evidence of breach	0	0	0
No further action	2	0	0
Refer	0	0	0
Withdrawn	0	0	0

\*1 still being considered

2.04 During the year three complaints were made under the Local Resolution Procedure and were resolved by the Monitoring Officer or Deputy Monitoring Officer.

**3.00 CONSIDERATIONS**

3.01 The Committee is asked to note the findings in the Annual Letter.

**4.00 RECOMMENDATIONS**

4.01 That the Standards Committee makes any recommendations it believes appropriate with regard to the letter.

**5.00 FINANCIAL IMPLICATIONS**

5.01 None

**6.00 ANTI POVERTY IMPACT**

6.01 None

**7.00 ENVIRONMENTAL IMPACT**

7.01 None

**8.00 EQUALITIES IMPACT**

8.01 None

**9.00 PERSONNEL IMPLICATIONS**

9.01 None

**10.00 CONSULTATION REQUIRED**

10.01 None

**11.00 CONSULTATION UNDERTAKEN**

11.01 None

**12.00 APPENDICES**

12.01 Appendix 1 - Annual Letter of the Public Service Ombudsman for Wales

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

Contact Officer: Gareth Owens  
Telephone: 01352 702344  
Email: gareth.legal@flintshire.gov.uk



Our ref: MG/jm

Ask for: James Merrifield

Your ref:



01656 644 200

Date: 15 July 2014



[James.Merrifield@ombudsman-wales.org.uk](mailto:James.Merrifield@ombudsman-wales.org.uk)

Mr Colin Everett  
Chief Executive  
Flintshire County Council  
County Hall  
Mold  
Flintshire  
CH7 6NR

Dear Mr Everett

### **Annual Letter 2013/14**

Following the recent publication of my Annual Report, I am pleased to provide you with the Annual Letter (2013/14) for Flintshire County Council.

Whilst health complaints have continued to rise, and remain the most numerous type of complaint, there has also been a noticeable increase in social services complaints. This suggests that service user discontent with social service provision is now beginning to manifest itself in a similar way to service users of health provision. My office will continue to monitor this area of growth, particularly in view of the changes to the Ombudsman's jurisdiction as a result of the Social Services and Well-being (Wales) Bill and the changes to the statutory social services complaints procedure. This growth is clearly a matter of concern, and I would urge local authorities to monitor trends in the complaints made to them in this area of service delivery.

In reference to the overall performance of county and county borough councils in Wales, my office has issued fewer reports, compared with 2012/13. There has also been a slight drop in the number of cases closed by way of 'quick fix' or 'voluntary settlement'- In view of the benefits to all parties in resolving certain types of complaints quickly and without the need for full investigation, I would encourage all Councils to be receptive to redress proposals from my office which would enable cases to be resolved in this way. Finally, the figures show that the largest number of complaints relate to 'Planning and Building Control' and 'Housing', followed by complaints about 'Children's Social Services' and 'Roads and Transport'.

I have issued nine Public Interest Reports during 2013/14, the majority of which related to health complaints. Some of these reports have identified serious failings in respect of clinical care provided to patients, and the lessons to be learnt from such reports are most relevant to health bodies. However, other public interest reports have identified failings in respect of making reasonable adjustments to accommodate a patient's deafness; acting in accordance with, or implementing guidelines; and, incomplete record-keeping. These are serious failings which could potentially occur within any public body or service provider, and I would therefore encourage you to review all public interest reports to identify any lessons which may apply to your Council.

In reference to the amount of time taken by public bodies in Wales in responding to requests for information from my office during 2013/14, whilst there has been an increase in the percentage of responses received within four weeks, 36% of responses from public bodies have taken more than 6 weeks. I have outlined my concerns in the Annual Report over the way in which complaints are handled, and have also previously referred to 'delay', and the consequences of it, in The Ombudsman's Casebook. Clearly, there remains work to do to ensure that public bodies are providing information promptly and I would encourage all bodies to consider whether their performance in this area warrants further examination.

In reference to your Council, the figures indicate that neither of the numbers of complaints received or investigated exceeds the local authority averages, and both have decreased in comparison to 2012/13. The largest single area of complaint is again 'Housing' followed by 'Planning and Building Control'. In reference to complaint outcomes, my office has issued three 'upheld' reports against your Council in 2013/14. There have also been an above-average number of quick fixes and voluntary settlements. Finally, I am pleased to note that two-thirds of responses from your Council were received within four weeks of the date they were requested.

The new Ombudsman will be taking up his post in August and I am sure he will be in touch at an appropriate time to introduce himself and possibly to discuss some of the above matters. Finally, following the practice of previous years, a copy of the annual letters issued to county and county borough councils will be published on the PSOW's website.

Yours sincerely

Professor Margaret Griffiths  
Acting Ombudsman

## **Appendix**

### **Explanatory Notes**

Section A compares the number of complaints against the Council which were received by my office during 2013/14, with the local authority average (adjusted for population distribution) during the same period.

Section B provides a breakdown of the number of complaints about the Council which were received by my office during 2013/14. Section C compares the number of complaints against the Council which were received by my office during 2013/14, with the local authority average for the same period. The figures are broken down into subject categories.

Section D provides the number of complaints against the Council which were taken into investigation by my office during 2013/14. Section E compares the number of complaints taken into investigation with the local authority average (adjusted for population distribution) during the same period.

Section F compares the complaint outcomes for the Council during 2013/14, with the average outcome (adjusted for population distribution) during the same period. Public Interest reports issued under section 16 of the Public Services Ombudsman (Wales) Act 2005 are recorded as 'Section 16'.

Section G compares the Council's response times during 2013/14 with the average response times for all local authorities, and all public bodies in Wales during the same period. This graph measures the time between the date my office issued an 'investigation commencement' letter, and the date my office receives a full response to that letter from the public body.

Section H provides a breakdown of all Code of Conduct complaints received against Councillors during 2013/14. Finally, Section 'I' contains the summaries of all reports issued in relation to the Council during 2013/14.

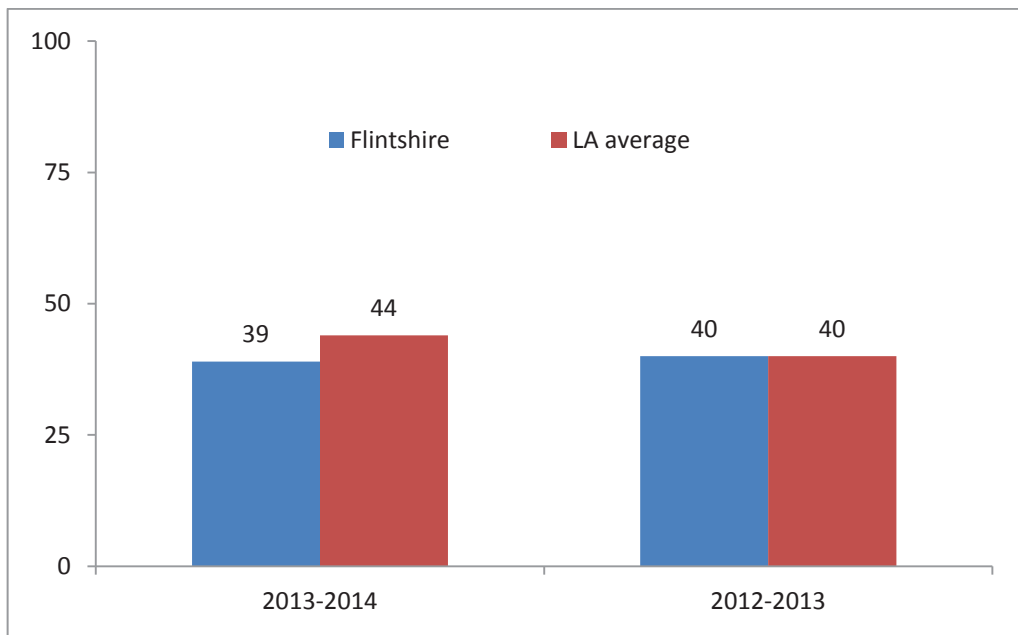
### **Housing Stock**

As with previous exercises, the figures for 2013/14 have not been adjusted to take account of the transfer of housing stock. However, it is noted that there is likely to be a higher proportion of Housing complaints where local authorities have retained their housing stock.

### **Feedback**

We welcome your feedback on the enclosed information, including suggestions for any information to be enclosed in future annual summaries. Any feedback or queries should be sent to [james.merrifield@ombudsman-wales.org.uk](mailto:james.merrifield@ombudsman-wales.org.uk).

**A: Comparison of complaints received by my office with average, adjusted for population distribution**

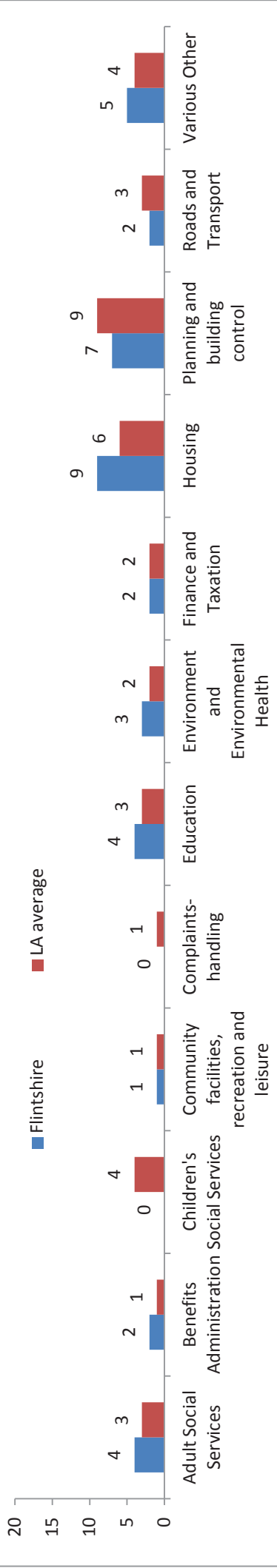


**B: Complaints received by my office**

Subject	2013/14	2012/13
Adult Social Services	4	3
Benefits Administration	2	0
Children's Social Services	0	3
Community facilities, recreation and leisure	1	0
Education	4	1
Environment and Environmental Health	3	6
Finance and Taxation	2	2
Housing	9	11
Planning and building control	7	6
Roads and Transport	2	2
Various Other	5	6
<b>Total</b>	<b>39</b>	<b>40</b>

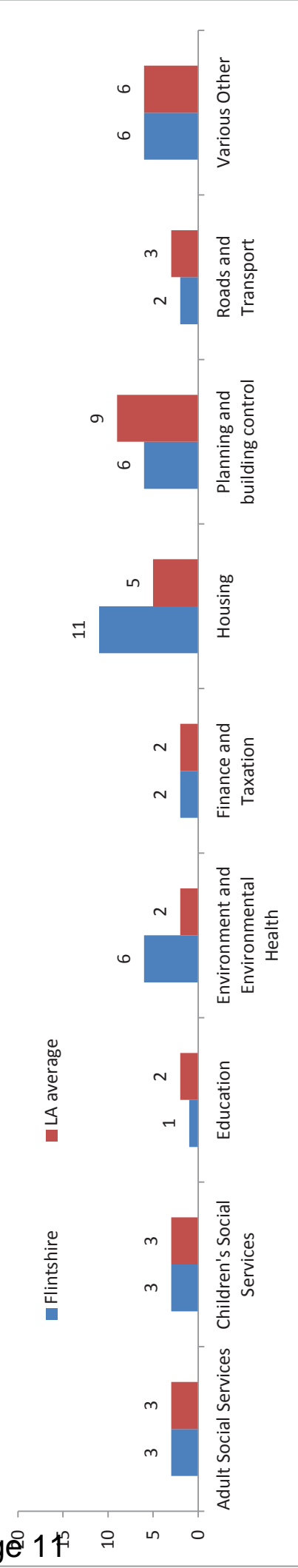
**C: Comparison of complaints by subject category with LA average**

**2013/14**



**2012/13**

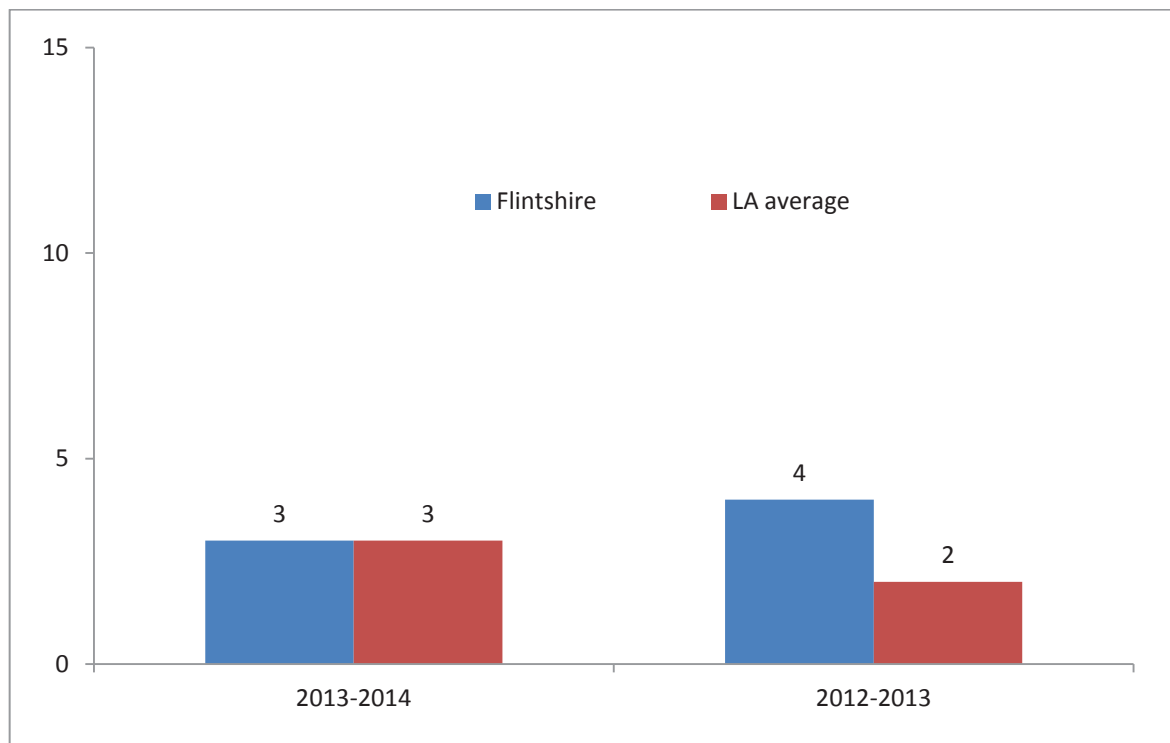
Page 11



**D: Complaints taken into investigation by my office**

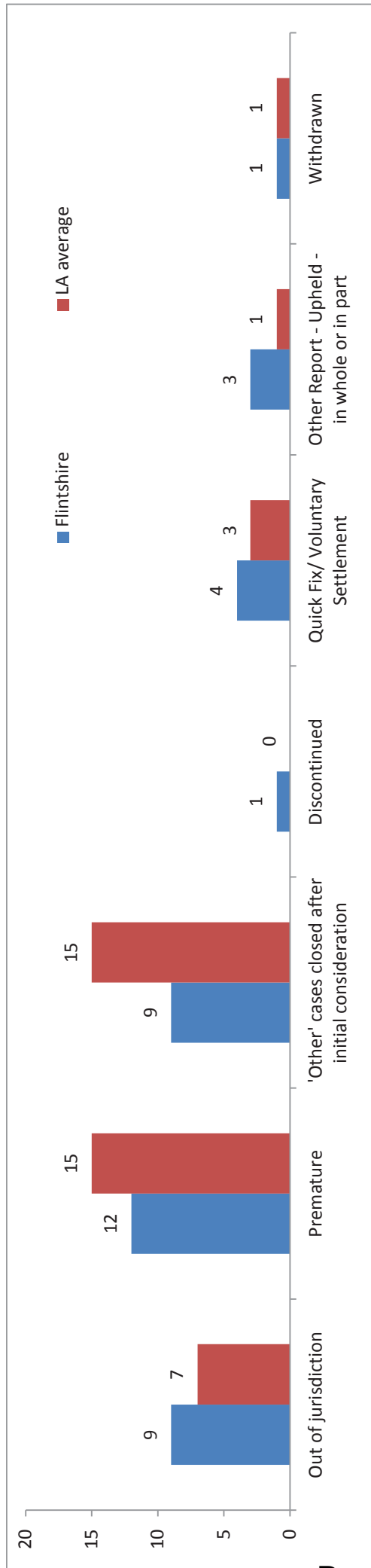
	2013/14	2012/13
Number of complaints taken into investigation	3	4

**E: Comparison of complaints taken into investigation by my office with average, adjusted for population distribution**

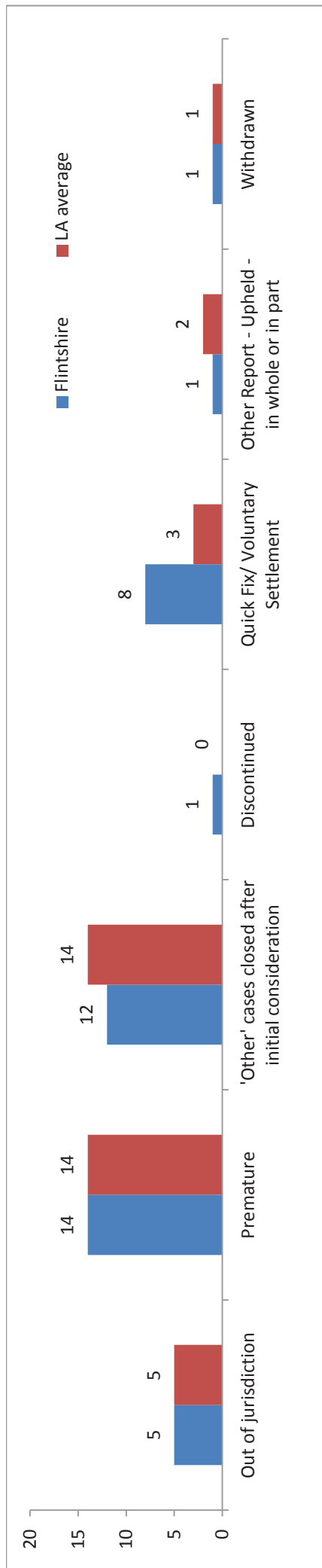


**F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution**

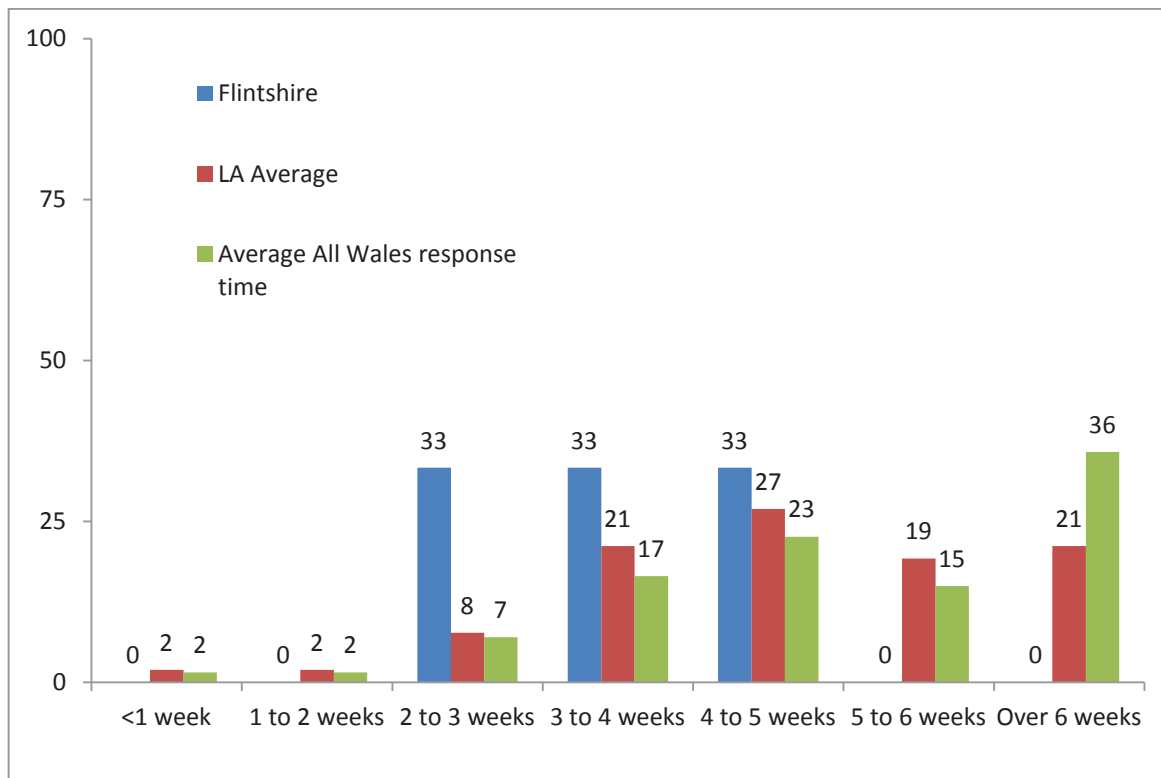
**2013/14**



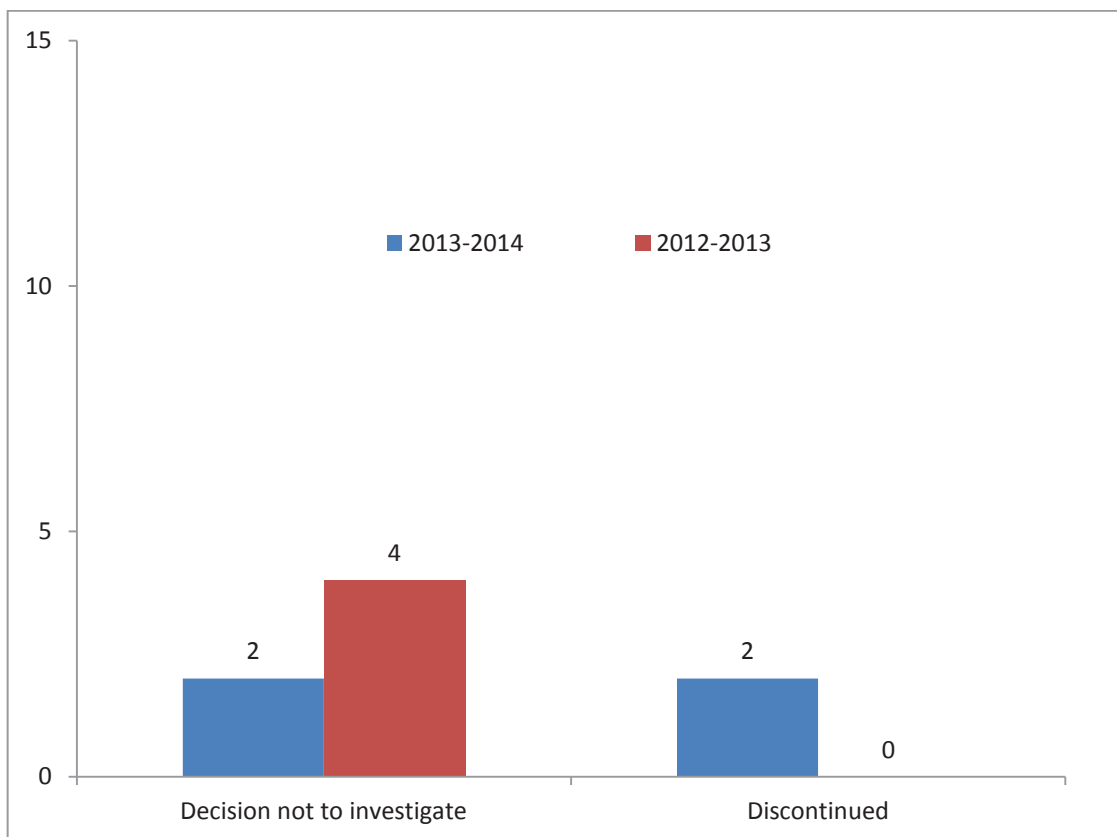
**2012/13**



**G: Comparison of Council times for responding to requests for information with average LA and average All Wales response times, 2013/14 (%)**



**H: Code of Conduct complaints**





## **I: Summaries**

### **Community Facilities, Recreation and Leisure**

#### **Quick fixes and Voluntary settlements**

##### **April 2013 – Hall letting/leisure centres/museums and libraries/other indoor facilities**

Mr B complained that the length of the ice skating lessons he attended had been reduced and the prices increased, without prior warning. He complained that he was told all skaters were informed in writing of these changes, yet he and nobody he spoke with had received notification. Another skater who had complained received an offer of a discount, but he had not been offered this.

The decision to change the lessons and prices was a discretionary one. However the information Mr B had been provided about being informed in writing was incorrect, and the Council explained this error and apologised for it. The Council also confirmed its intention had been to offer Mr B a discount, but the email it had sent him offering this had been unclear and did not appear to offer this. The Council agreed to apologise for the confusing message it had given regarding this, and to re-offer the discount.

**Case reference 201300046**

## **Environment and Environmental Health**

### **Upheld**

#### **May 2013 – Noise and other nuisance issues – Flintshire County Council**

Mr S (together with other local residents) complained about Flintshire County Council's response to complaints of noise nuisance from a nearby motocross course.

The Ombudsman found that while the matter had been going on longer than Mr S and the residents would have wished, in general, the Council's actions did not amount to maladministration, save for one period in 2010 when it had failed to take legal action within the necessary timescales when it had evidence to suggest that a noise abatement notice had been breached. The Ombudsman upheld the complaint to that extent only.

The Ombudsman also generally found that the Council's responses to Mr S's complaints about how it had dealt with the matter were broadly acceptable. He did identify some failings. These principally related to delays in providing responses or information and to one instance where there was a failure to explain why a Council officer disagreed with Mr S's account of a site visit. The Ombudsman also upheld this part of the complaint to the extent of the minor failings identified.

The Ombudsman recommended that the Council should:

- a) formally apologise to Mr S for the failings identified;
- b) ensure Mr S is kept up to date with progress in addressing the noise arising from the motocross activities.

The Council agreed to implement these recommendations.

**Case reference 201201918**

### **Quick fixes and Voluntary settlements**

#### **Flintshire County Council – Refuse collection, recycling and waste disposal**

##### **Case reference 201303605 – October 2013**

Mr H complained his recycling and refuse collections kept being ignored, leading to his rubbish smelling and attracting pests, despite him complaining to the Council several times.

The Ombudsman office contacted the Council, which arranged for a supervisor to visit Mr H to discuss where he was placing his refuse. With Mr H's agreement, the supervisor agreed to visit the property weekly to check the refuse was being collected until Mr H was satisfied the problem has been resolved.

#### **August 2013 – Refuse collection, recycling and waste disposal – Flintshire County Council**

Mr P complained that he has a long-standing complaint with the Council over his rubbish collection. He says that he has experienced repeated problems with rubbish and recycling collections. He said that even though he contacted the Council repeatedly the service does not improve.

Following contact from the Ombudsman's office, the Council stated that it was aware of previous issues but understood these had been resolved. The Council advised that Mr P would now be placed on the weekly monitoring list and receive a weekly phone call to check that the rubbish and recycling had been collected.

**Case reference 201302913**

## **Planning and Building Control**

### **Upheld**

#### **Flintshire County Council – Unauthorised development Case reference 201300866 – October 2013**

Mr J complained that Flintshire County Council had failed to take action in a timely manner in relation to unauthorised development on neighbouring land following court action being taken in 2010. He also complained that the Council had failed to keep him up to date with what was happening.

The Ombudsman found that while the planning enforcement action in this case had been going on for a long time, this did not amount to maladministration due to the complexity of the case. He did not uphold this element of the complaint. The Ombudsman did find that there were some occasions when there was delay in the Council responding to Mr J's enquiries. He upheld the second part of the complaint to that extent. The Ombudsman recommended that the Council should:

- a) apologise to Mr J for the fact there were sometimes delays in responding to him.
- b) notify Mr J at appropriate intervals of progress being made with the enforcement action.

The Council agreed to the above recommendations.

## **Social Services - Adult**

### **Upheld**

#### **August 2013 – Services for vulnerable adults – Flintshire County Council**

Mr R made this complaint on behalf of his son, Mr I, who is an adult with learning disabilities. Mr R complained that Flintshire County Council's ("the Council's") decision to stop funding Mr I's transport to and from his day service placement ("Placement B"), for one day each week, following the introduction of its Transport Policy ("the Policy"), was unreasonable because the cost of this transport exceeded Mr I's mobility allowance. He suggested that the Council had not taken this decision properly. He also indicated that he was dissatisfied because the Council would not allow its existing contractor to continue transporting Mr I on the day for which it had withdrawn funding, even if he (Mr I) paid the Council or this contractor for such transport on that day.

The Ombudsman upheld Mr R's complaint because he considered that the Council did not take the decisions it made about the withdrawal of Mr I's transport properly. He recommended that the Council should amend the Policy. He asked the Council to ensure that its appeal process addresses the failings that he had identified. In view of such findings, the Ombudsman recommended that the Council should satisfy itself that, following the introduction of its Policy, it took its decisions to withdraw transport from 213 other service users properly. He asked the Council to complete another transport assessment, a unified assessment and a full financial assessment in respect of Mr I. He recommended that the Council should resume transporting Mr I to and from Placement B on the relevant day, pending the outcome of his new transport assessment.

The Ombudsman asked the Council to write to Mr I, Mr R and Mrs R to apologise for the failings found. He recommended that it should calculate how much it has cost Mr and Mrs R to transport Mr I to and from Placement B since it withdrew Mr I's transport, and send Mr I a cheque for that amount. He asked it to ensure that it shares his investigation report with its Social and Health Care Overview and Scrutiny Committee. The Council agreed to comply with these recommendations. It also resumed transporting Mr I to and from Placement B on the day for which it had withdrawn funding, and had done so prior to the Ombudsman issuing the final investigation report in respect of Mr R's complaint.

**Case reference 201201212**

## **Various Other**

### **Quick fixes and Voluntary settlements**

#### **Flintshire County Council – Poor/No communication or failure to provide information**

##### **Case reference 201303191 – October 2013**

Mr A complained to the Ombudsman about delays by the Council in its administration of an application for a loan from the Welsh Government's Houses into Homes scheme. Upon receipt of the complaint, the Ombudsman contacted the Council, which agreed to do the following to settle the complaint:

- a) urgently consider Mr A's complaint under stage 2 of its corporate complaints procedure;
- b) re-consider its position in relation to some of the evidence requirements for the loan in view of the delay.

## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:**           **STANDARDS COMMITTEE**  
**DATE:**               **MONDAY, 3 NOVEMBER 2014**  
**REPORT BY:**       **MONITORING OFFICER**  
**SUBJECT:**           **DECLARATIONS OF INTEREST**

### **1.00**   **PURPOSE OF REPORT**

1.01    To update the Committee on the results of an audit into declaration of interests.

### **2.00**   **BACKGROUND**

2.01    Section 81 (1) of the Local Government Act 2000 and paragraph 15 of Flintshire's Members' Code of Conduct require Members to register certain categories of personal interest and to notify the Monitoring Officer of any changes to these registerable interests. The registerable interests are those listed in paragraph 10 (2) (a) of the Members' Code of Conduct. The register of such interests is maintained by the Monitoring Officer and available for public inspection.

2.02    Paragraph 11 of the Members' Code of Conduct requires a Member to disclose any personal interests arising from paragraph 10 (2) (a), (b) and (c) where it relates to business being considered at a meeting. Paragraph 11 (4) requires the Member to complete a written notification of any such disclosures unless that interest has been previously disclosed since the last date on which the Member was elected. Where no such written notice is provided the Member is deemed as not having declared a personal interest. It is therefore the Member's responsibility to ensure that where they wish to disclose a personal interest the required notification has been completed.

2.03    The first audit was reported to the Standards Committee in November 2013 where it was agreed that an audit be undertaken annually during August to ensure that standards are maintained or improved.

### **3.00**   **CONSIDERATIONS**

3.01    The responsibility for ensuring that notification is given whenever required rests with the individual Member concerned. Nevertheless, in order to assist Members there has been put in place a more rigorous chasing up of the paperwork by the officers over the past year.

3.02 Committee Services have prepared a spreadsheet recording for each Member interests registered and those notified following a meeting. Where at a meeting a Member declares an interest that is not included on this they will be given a notification form and asked to complete it. Where the Member does not complete it at the time the Committee Officer will chase and failing a response the Democracy & Governance Manager will chase. If there is still no response the Monitoring Officer will contact the Member concerned. These arrangements do not alter the provision in the Members' Code that a failure to provide written notice, where it is required, means that the interest is deemed not to have been declared.

3.03 The results of this year's audit shows that 99% of interests were properly notified to the Monitoring Officer. The one failure was in respect of a person who is no longer a member of the Council and so it cannot be corrected.

#### **4.00 RECOMMENDATIONS**

4.01 That the Committee note the results of the audit.

#### **5.00 FINANCIAL IMPLICATIONS**

5.01 None as a result of this report.

#### **6.00 ANTI POVERTY IMPACT**

6.01 None as a result of this report.

#### **7.00 ENVIRONMENTAL IMPACT**

7.00 None as a result of this report.

#### **8.00 EQUALITIES IMPACT**

8.01 None as a result of this report.

#### **9.00 PERSONNEL IMPLICATIONS**

9.01 The workload involved in the audit has been accommodated within existing resources.

#### **10.00 CONSULTATION REQUIRED**

10.01 None as a result of this report.

#### **11.00 CONSULTATION UNDERTAKEN**

11.01 None as a result of this report.



**12.00 APPENDICES**

12.01 Appendix 1 – results of the exercise undertaken

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

As referred to in the report.

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APPENDIX 1

<b>Meeting</b>	<b>Number of Interests Declared at Meetings</b>	<b>Number of Members who notified us of interest on either form</b>
Cabinet 21 January 2014	3	3
Cabinet 18 March 2014	21	21
Cabinet 17 June 2014	2	2
County Council 28 January 2014	16	16
County Council 25 March 2014	0	0
County Council 24 June 2014	0	0
Planning 15 January 2014	2	2
Planning 12 March 2014	1	1
Planning 18 June 2014	0	0
Corporate Resources OSC 16 January 2014	3	3
Corporate Resources OSC 13 March 2014	0	0
Corporate Resources OSC 2 July 2014	0	0
Lifelong Learning OSC 30 January 2014	12	11
Lifelong Learning OSC 31 March 2014	10	10
Lifelong Learning OSC 19 June 2014	13	13
	Total: 83	Total: 82 <b>Total: 99%</b>

Lifelong Learning OSC – 30 January 2014. One of the co-optees did not complete a form and did not declare being a school governor on her mandatory form. She is no longer a co-opted member.

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **STANDARDS COMMITTEE**  
**DATE:** **MONDAY, 3 NOVEMBER 2014**  
**REPORT BY:** **MONITORING OFFICER**  
**SUBJECT:** **REVIEW OF PROTOCOL ON MEMBER/OFFICER RELATIONS**

### **1.00 PURPOSE OF REPORT**

**1.01** For the Committee to contribute to the review of the Protocol on Member/Officer Relations

### **2.00 BACKGROUND**

**2.01** The Protocol on Member/Officer Relations forms part of the Council's Constitution. The Constitution Committee is in the last year of a 3 year programme of reviewing all parts of the Constitution. The guiding principles behind that review are to ensure that the wording is unambiguous and the information up to date.

**2.02** At the training for Standards Committee members hosted by Anglesey County Council on the 1<sup>st</sup> of July the facilitator Mr. Keith-Lucas referred to four Protocols that he had been involved in devising and one of these related to Member/Officer Relations. A copy of that Protocol was subsequently obtained and has been considered as part of the review of the Council's existing Protocol.

### **3.00 CONSIDERATIONS**

**3.01** The Protocol provides guidance for Members, Co-opted members and Officers in their working relations with each other it is one of the documents referred to in the Flintshire Standard explaining the standard of conduct expected from County Councillors and Co-opted members in dealing with each other and with Officers. The Flintshire Standard and the Protocol for Member/Officer Relations are important in promoting good co-operation between Members and between Members and Officers within the Council thereby allowing the Council to fulfil its duties effectively and professionally.

**3.02** Attached as Appendix 1 is a copy of the Protocol showing proposed changes. The main changes are to introduce as Section 3 a description of the roles of Members and Officers and to introduce as Section 4 what Members can expect from Officers and what Officers can expect from Members. These provisions are based on provisions

in the Protocol provided by Mr. Keith-Lucas. It is considered that these provisions give a useful summary of the respective roles of Members and Officers and what each can expect from the other.

**3.03** The other proposed changes to the Protocol are minor changes to clarify or update provisions in the Protocol and the track changes comment on the reason for these minor changes.

**3.04** Following consideration by the Standards Committee the review of the Protocol will be considered by the Constitution Committee at its next meeting.

#### **4.00 RECOMMENDATIONS**

**4.01** For the Committee to review the Protocol on Member / Officer Relations including the proposed changes shown in Appendix 1.

#### **5.00 FINANCIAL IMPLICATIONS**

**5.01** None as a result of this report.

#### **6.00 ANTI POVERTY IMPACT**

**6.01** None as a result of this report.

#### **7.00 ENVIRONMENTAL IMPACT**

**7.01** None as a result of this report.

#### **8.00 EQUALITIES IMPACT**

**8.01** None as a result of this report.

#### **9.00 PERSONNEL IMPLICATIONS**

**9.01** None as a result of this report.

#### **10.00 CONSULTATION REQUIRED**

**10.01** None as a result of this report.

#### **11.00 CONSULTATION UNDERTAKEN**

**11.01** None as a result of this report.

#### **12.00 APPENDICES**

Appendix 1 – Protocol of Member / Officer Relations

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

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# 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. 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. 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.

- 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; 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 advice in a professional manner and make recommendations based on this.

### 3.4 Through performance appraisal, target setting and day to day management officers receive their instructions from their Line Managers. Members are not authorised to instruct officers other than:-

- Through the formal decision-making process;
- 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 pressures.
- d) Timely response to enquiries and complaints.
- e) 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 pressures.
- c) Leadership and direction.
- d) Respect, courtesy and dignified behaviour appropriate to the occasion.
- 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 influence improperly decisions.
- h) That Members will at all times comply with the Council's Code of Conduct.

### **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.

### **6.0 Officers Giving Advice and Information to Political Groups**

6.1 There is now statutory recognition for political groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. 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. Individual Departments may, in addition, provide support services to an Cabinet Member with Portfolio, Lead Members, Chairs of Scrutiny Committees and Panel Chairs.

## 8.0 **Communications**

- 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.
- 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 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 the name of the appropriate Officer, rather than over 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 over 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 over the name of a Member.

## 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.
- 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 effecting 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.

#### 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. 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 a Senior Officer in the Legal & Democratic Services Department.

#### 11.0 **Confidentiality of Reports and Correspondence**

11.1 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.

11.2 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.

11.3 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.

## **12.0 Access to Council Premises**

- 12.1 All Members of the Council shall be entitled to access to 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.
- 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.
- 12.4 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).
- 12.6 There is a general presumption that Members will not require access to Council buildings before 8.00 am or after 6.00 pm except for scheduled or public meetings referred to in 11.1 above. In exceptional circumstances where a Member remains in the building beyond 6.00 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.
- 12.7 Where individual Groups have been allotted rooms for their sole use Members shall be entitled to have access to the 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 11.8 above.
- 12.10 Members shall not be entitled to enter certain restricted sensitive areas including the central computer suite, unified benefits (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 Subject to 11.10 above, there is a presumption that Members will not be entitled to enter other staff only areas except following express authorisation by the relevant Chief Officer or someone duly authorised to give such authorisation. 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 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.

### **13.0 Criticism of Members and Officers**

- 13.1 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.
- 13.2 No public comment will be made on ongoing disciplinary proceedings as it could prejudice their outcome.

### **14.0 Political Group Leaders and the Chief Executive**

- 14.1 The Political Group Leaders and the Chief Executive will develop and conduct appropriate working relations.
- 14.2 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.

### **15.0 Issues regarding Working Relations between Members and Officers**

- 15.1 Members and Officers will seek to resolve any issues arising within their working relations.
- 15.2 Chief Officers will, in the first instance, endeavour to resolve any such issue.



15.3 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.

**16.0 Review**

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

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**FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME**

<b>Date of Meeting</b>	<b>Topic</b>	<b>Notes/Decision/Action</b>
<b>December 2014</b>	<ul style="list-style-type: none"> <li>• 4 Protocols</li> <li>• Training</li> <li>• Dispensations</li> </ul>	<ul style="list-style-type: none"> <li>• To submit the four supplementary codes to a future meeting of the Committee when they are available.</li> </ul>
<b>November 2014</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Review of ethical complaints for the year 2013/14 including Local Resolution Procedure</li> <li>• Public Services Ombudsman's Annual Letter</li> <li>• Annual Audit of Declaration of Interests</li> <li>• Member/Officer Relations Protocol</li> </ul>	<ul style="list-style-type: none"> <li>• Topics to be determined by the Chief Officer (Governance) and Democracy &amp; Governance Manager</li> <li>• Submit the Annual Ombudsman's report and Local Resolution Procedure to future meetings of the Committee</li> </ul>

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