

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

2 December 2014

Co-opted Members

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

Sharon Thomas 01352 702324
sharon.b.thomas@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, 8TH DECEMBER, 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 - 6)

To confirm as a correct record the minutes of the meeting held on 3 November 2014.

County Hall, Mold. CH7 6NA
Tel. 01352 702400 DX 708591 Mold 4
www.flintshire.gov.uk
Neuadd y Sir, Yr Wyddgrug. CH7 6NR
Ffôn 01352 702400 DX 708591 Mold 4
www.siryfflint.gov.uk

The Council welcomes correspondence in Welsh or English
Mae'r Cyngor yn croesawau gohebiaeth yn y Cymraeg neu'r Saesneg

4 **DISPENSATIONS**

5 **SUPPLEMENTARY PROTOCOLS** (Pages 7 - 36)

For the committee to consider the supplementary protocols referred to by Mr Peter Keith-Lucas at the Anglesey training day.

6 **FORWARD WORK PROGRAMME** (Pages 37 - 38)

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

STANDARDS COMMITTEE **3 NOVEMBER 2014**

Minutes of the meeting of the Standards Committee of the Flintshire County Council held in the Clwyd Committee Room, County Hall, Mold on Monday, 3 November 2014

PRESENT: Mr. Edward Hughes (Chairman)

Councillors: Hilary McGuill and Arnold Woolley

Co-opted members: Robert Dewey, Jonathan Duggan-Keen, Phillipa A. Earlam and Kenneth H. Molyneux

APOLOGY:

Councillor David Cox

IN ATTENDANCE:

Chief Officer (Governance), Democracy & Governance Manager and Committee Officer

30. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

No declarations of interest were made.

31. MINUTES

The minutes of the meeting of the Committee held on 6 October, 2014 were submitted.

MINUTE 24 – REVIEW OF THE MEMBERS' CODE OF CONDUCT

Matters Arising

The Democracy and Governance Manager indicated that the amendments to the Members' Code of Conduct had been considered and agreed at the recent meeting of the Constitution Committee.

Accuracy

Robert Dewey requested that the word 'could' be replaced by the word 'should' in the paragraph before the resolution.

RESOLVED:

That subject to the suggested amendment, the minutes be approved as a correct record and signed by the Chair.

32. DISPENSATIONS

The Chief Officer (Governance) detailed a request for dispensation from Councillor Carolyn Thomas in relation to the music service. He explained that in February 2011, she had been granted permission to speak

and vote at the County Council meeting in March 2011 when the budget had been considered.

The changes to the music service proposed as part of the budget for 2015/16 were significant to the service but far less significant when seen in the context of the whole Council's annual budget of £255m (approximately). The Committee might therefore consider that it would be appropriate to permit Councillor Thomas to speak on the budget as a whole (as had happened previously).

As her son was a recipient of the music service, the Committee might think that she could bring valuable experience to bear during any debate but that it would be inappropriate to allow her to vote on a matter that so closely affected her own family. This could be resolved by allowing her to speak but not vote when that specific proposal was considered in isolation.

Councillor Arnold Woolley concurred as he felt it would be inappropriate to bar Councillor Thomas from voting on other aspects of the budget proposals.

In response to a query, the Chief Officer (Governance) advised that an audit trail would be in place for any written representations that were submitted.

Following a discussion, it was agreed that Councillor Thomas could contact officers in writing and speak on the specific issues of the Music Service when it was considered at Lifelong Learning Overview & Scrutiny Committee meetings but not vote and to leave the room when the voting took place. It was also agreed that Councillor Thomas could speak and vote when the general budget was discussed.

RESOLVED:

That Councillor Carolyn Thomas be granted dispensation under paragraphs (d), (e) and (f) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001:-

- (a) to contact officers in writing and to speak on the specific issue of the Music Service when it is considered in the Lifelong Learning Overview & Scrutiny Committee meeting but not vote and to leave the room when the voting takes place.
- (b) to speak and vote when the general budget is discussed

33. PUBLIC SERVICES OMBUDSMAN'S ANNUAL LETTER 2013/14

The Chief Officer (Governance) introduced the report on the Annual Letter of the Public Service Ombudsman for Wales.

He explained that the number of complaints had reduced slightly and the figure for Flintshire County Council was now below the Welsh average. A summary of cases for a range of subject areas considered by the Ombudsman were reported and the Chief Officer (Governance) said that it was important to listen to, and learn from, the comments of the Ombudsman. He advised that three complaints had been made under the Local Resolution Procedure and had been resolved by the Monitoring Officer or Deputy Monitoring Officer.

Councillor Hilary McGuill highlighted the complaint about unauthorised development and sought clarification of the process put in place to update the complainant about the progress being made with the enforcement action. Robert Dewey also referred to the complaint about noise & other nuisance issues which included a recommendation from the Ombudsman that the complainant be kept up to date with progress in addressing the noise issue.

Councillor Arnold Woolley raised concern that updates may not be provided to complainants once an initial response to the complaint had been issued. Robert Dewey queried whether a quicker response time was in place for complaints by email rather than by letter and suggested that updates should be provided to complainants every 28 days until a case was completed and closed. The Chief Officer (Governance) advised that the Customer Services Policy contained details of response times to complaints by email but did not include information on when updates should be provided to complainants of progress made.

In response to a query from the Chairman, the Democracy and Governance Manager suggested that the relevant Chief Officer be asked about the procedures put in place following the two complaints on unauthorised development and noise & other nuisance issues. He added that the response could be reported back to the next meeting of the Committee.

RESOLVED:

- (a) That the report and the reduction in the number of complaints be noted;
- (b) That congratulations be passed on about the progress made in dealing with complaints; and
- (c) Report back the findings on the procedures put in place following the two complaints on unauthorised development and noise & other nuisance issues to the next meeting of the Standards Committee.

34. DECLARATIONS OF INTEREST

The Chief Officer (Governance) introduced a report to update the Committee on the results of an audit into declaration of interests.

He explained that the first audit was reported to the Committee in November 2013 and the results had significantly improved. Training on

declaring interests and completion of the relevant form had been undertaken with Members. One form had not been returned but the person was no longer a member of the Council and could therefore not complete the required paperwork.

The Chairman noted the improvement from 66% to 99% and felt that congratulations should be passed on for the improved results.

RESOLVED:

- (a) That the results of the audit be noted; and
- (b) That congratulations on the results be passed on to the relevant officers.

35. REVIEW OF PROTOCOL ON MEMBER/OFFICER RELATIONS

The Democracy and Governance Manager introduced a report on the review of the Protocol for Member/Officer relations.

He explained that the Constitution Committee was in the last year of a three year programme of reviewing all parts of the Constitution. The suggested amendments comprised Sections 3 and 4 which had been taken from the Member/Officer Relations protocol devised by Mr. Peter Keith-Lucas and a number of other small changes had been made for clarity or updating.

Phillipa Earlam referred to sentence 4.2(g) and suggested that the word 'improperly' be moved to before the word 'influence'. Robert Dewey also suggested that the word 'differing' be included before the word 'pressures' in sentences 4.1(c) and 4.2(b).

Councillor Hilary McGuill sought clarification on the role of Overview & Scrutiny Facilitators on issues such as requesting information from Betsi Cadwaladr University Health Board. The Chief Officer (Governance) and Democracy and Governance Manager provided a response to confirm that this was appropriate.

RESOLVED:

- (a) That the following additional amendments be made to the protocol:-

Sentence 4.2 (g)

Move the word 'improperly' to before the word 'influence'

Sentence 4.1 (c) and 4.2 (b)

Add in the word 'differing' before the word 'pressures'

- (b) That the proposed amendments be submitted to the Constitution Committee for consideration.

36. FORWARD WORK PROGRAMME

The Democracy and Governance Manager introduced a report on the forward work programme of the Committee.

The Chairman suggested that the Chief Officer (Governance) and the Democracy and Governance Manager determine topics for future meetings of the Committee.

During an earlier discussion about timescales for responding to complaints by emails or letters, the Chief Officer (Governance) had referred to the Customer Services Policy; he confirmed that the policy could be considered in a future training session. Phillipa Earlam asked whether updates on restructures of services could be provided once the budget discussions had taken place.

Councillor Hilary McGuill asked whether a training session on the mandatory responsibilities of the Council could be provided. The Chief Officer (Governance) felt that it would be difficult to provide this information to a satisfactory level due to the large number of mandatory responsibilities in place. Following a discussion, the Democracy and Governance Manager suggested that the role of the Ombudsman regarding maladministration could be included as a training session.

RESOLVED:

- (a) That the Forward Work Programme be noted;
- (b) That the Chief Officer (Governance) and Democracy and Governance Manager determine topics for future meetings; and
- (c) That the Forward Work Programme be updated to include training on the following items:-
 - Customer Service Policy
 - Updates on restructure once the budget discussions had taken place
 - Ombudsman's role regarding maladministration

37. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

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

(The meeting started at 6.30 pm and ended at 7.21 pm)

.....
Chairman

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **STANDARDS COMMITTEE**
DATE: **MONDAY, 8 DECEMBER 2014**
REPORT BY: **MONITORING OFFICER**
SUBJECT: **SUPPLEMENTARY PROTOCOLS**

1.00 PURPOSE OF REPORT

1.01 For the committee to consider the supplementary protocols referred to by Mr Peter Keith-Lucas at the Anglesey training day.

2.00 BACKGROUND

2.01 On the 1 July 2014 members of the Standards Committee attended the regional training day held at Anglesey facilitated by Mr Peter Keith-Lucas. During his presentation he made passing reference to four protocols he had devised to supplement the Members' Code of Conduct. These protocols related to:-

- Planning
- Member/Officer Relations
- Gifts and Hospitality
- Member IT

2.02 Following the training day copies of these protocols have been obtained from Mr Keith-Lucas to consider whether there are any parts of them that could improve existing arrangements in Flintshire.

3.00 CONSIDERATIONS

3.01 The Planning protocol was received in time for it to be taken into account at the September committee meeting when considering revisions to the Flintshire Planning Code. There were two provisions in the protocol that the committee agreed to add to Flintshire's existing Planning Code as part of the review of it.

3.02 Attached as Appendix 1 is a copy of the protocol on Member/Officer Relations. Flintshire's Constitution already includes such a protocol and that is attached as Appendix 2. Whilst Flintshire's existing document is considered to be at least as good as the protocol in most areas, it does not summarise the different roles that Members and officers have or list what Members can expect from officers and what officers can expect from Members. As Flintshire's existing protocol is

due for review these provisions will be considered as part of that review.

3.03 The protocol on Gifts and Hospitality is attached as Appendix 3. The Council does not currently have a protocol in this area and leaves it to the provisions in the Members' code and the written guidance from the Public Services Ombudsman for Wales. Appendix 3 does seem to be a complex document and if the committee believe there to be a need for further documentation in this area then a shorter simpler document could be prepared for consideration at a future meeting.

3.04 The protocol on the use of IT by Members is attached as Appendix 4 and relates to where Members are provided with computers by their Council. Flintshire is in the process of rolling out iPads to its Members and initially decided not to have a formal usage policy which could inhibit take up by Members. Instead Members are issued with a user guide explaining the functionality of the devices and support arrangements, including reference to the need to comply with the Data Protection Act. It is considered that there are parts of Appendix 4 that could usefully be adopted by Flintshire which should not act as inhibiting Member take-up of the iPads. This is being addressed by the project group responsible for the roll-out of the iPads.

4.00 RECOMMENDATIONS

4.01 To take no further action in relation to the Planning Protocol.

4.02 As part of the proposed review of Flintshire's Member/Officer Protocol to consider the points in paragraph 3.02 above.

4.03 For the protocol on the use of IT by Members to be pursued as indicated in paragraph 3.04.

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

12.01 Appendix 1 – Member/Officer Relations Protocol
Appendix 2 – Flintshire’s Constitution Member/Officer Relations
Appendix 3 – Gifts and Hospitality Protocol
Appendix 4 – Use of IT by Members Protocol

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

None

Contact Officer: Peter Evans
Telephone: 01352 702304
Email: peter.j.evans@flintshire.gov.uk

This page is intentionally left blank

5.5 PROTOCOL ON MEMBER/OFFICER RELATIONS

1 INTRODUCTION

- 1.1 A good relationship between Councillors and officers is characterised by mutual respect and trust, and is essential to the successful working of the organisation. Councillors and officers speak to each other openly and honestly. Nothing in this Protocol is intended to change this relationship.
- 1.2 The purpose of this Protocol is to help Councillors and officers perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other. The Protocol also gives guidance on what to do on the rare occasions when things go wrong. Responsibility for the operation of this Protocol lies with the Chief Executive Officer and the Monitoring Officer.
- 1.3 The Protocol must be read and operated in the context of all relevant legislation, national and local Codes of Conduct, the Council's Complaints and Whistle blowing procedures and any other procedure for confidential reporting.

2 ROLES OF COUNCILLORS AND OFFICERS

- 2.1 The respective roles of Councillors and officers can be summarised as follows:

Councillors and officers are servants of the public and they are indispensable to one another. Their responsibilities are distinct.

Councillors 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 Executive, and relevant committees, etc.

Mutual respect and co-operation between Councillors and officers is essential to good local government

- 2.2 Councillors

Councillors 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.

All Councillors should respect the impartiality of officers' information and advice, must not ask them to undertake work of a party political nature, or to do anything that would put them in difficulty in the event of a change in the political composition of the Council.

Councillors should recognise that no officer should be expected to give political advice, and those that are in 'politically restricted' posts are specifically debarred from engaging in active political work.

When dealing with Council business, Members should be mindful of the provisions relating to interests in the Code of Conduct, and avoid involvement in matters that could be deemed to be breaches of these provisions. Members should also be aware of legislative constraints on their behaviour. For example, they should not visit certain Council establishments without the appropriate checks having been completed.

2.3 Members of the Executive and Chairmen.

Members of the Executive and Chairmen and Vice Chairmen of Committees, Boards, Panels etc. have additional responsibilities and their relationships with Council employees may be different from, and more complex than those of Councillors without those responsibilities. A list of these Members current responsibilities, which were accepted in principle by the County Council at its meeting on 18 July 2002, is attached for information at Appendix A of this protocol.

2.4 Officers

An officer's role is:

- ___ to give advice and information to all Councillors on an impartial basis and
- ___ to implement the 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 these. An officer may report the views of individual Councillors on an issue. If the Councillor wishes to express a view contrary to the recommendation, he/she should not seek to pressure the officer to make a recommendation contrary to the officer's professional view.

Certain officers e.g. Chief Executive Officer, Monitoring Officer and Head of Finance (Section 151 Officer) have responsibilities in law over and above their obligations to the Council and to individual Councillors. These obligations should be respected. These officers must not be obstructed in the discharge of these responsibilities, and/or be victimised for discharging these responsibilities.

3 EXPECTATIONS

3.1 Councillors 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 Councillor 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 Councillors as the local representatives of the Council, within any scheme of support for Councillors, which may be approved by the authority.

3.2 Officers can expect from Councillors:

- (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 appropriate confidentiality, appropriate to the situation
- (f) Not to be subject to bullying or to be put under undue pressure to accord with a Councillor'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 Councillors will at all times comply with the Council's Code of Conduct.

3.3 Limitations upon Behaviour

The distinct roles of Councillors and officers necessarily impose limitations upon behaviour. By way of illustration, and not as an exclusive list:

- (a) Close personal relationships between Councillors and officers can confuse these separate roles and get in the way of the proper discharge of the Council's functions, not least in creating the perception in others that a particular Councillor or officer may secure advantageous treatment. Where close personal relationships do exist it is necessary to ensure that confidential knowledge is respected and not discussed inappropriately.
- (b) The need to maintain the separate roles means that there are limits to the matters on which officers should be expected to give advice. Officers are unlikely to be able to give advice on personal matters and party political matters.
- (c) Relationships with particular individuals or party groups should not be such as to create public suspicion that an employee favours that Councillor or group above others. The issue of officer attendance and advice to political groups is specifically covered below.

4 POLITICAL GROUPS

4.1 The operation of political groups is now an integral feature of local government, and such political groups have an important part to play in the development of policy and the political management of the Council. It is in the interests of the Council to support an effective operation of political groups, but the operation of political groups can pose particular difficulties in terms of the impartiality of officers.

4.2 Officer Attendance

- (a) Any political group may request the Statutory Officers, Strategic Directors or Heads of Service to attend a meeting of the group to advise on any particular matter relating to the Council.
- (b) An Officer may decline a request to attend if he/she is of the opinion that the particular issue is of such a political nature that it would be inappropriate to attend.
- (c) Officers' advice to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the Council. Advice will not deal with any political implications of the matter or any option, and officers will not make any political recommendation to a political group.
- (d) Where an officer attends a political group, the Chief Executive Officer will advise all other groups that the officer has attended and the subject upon which he/she has advised, and ensure that other groups are afforded the same opportunity.
- (e) Officers will respect the confidentiality of any lawful matter, which they hear in the course of attending a political group meeting.

5 WHEN THINGS GO WRONG

5.1 Procedure for officers

From time to time the relationship between Councillors and officers may break down or become strained. If this is the case, matters may be resolved informally, or through conciliation by an appropriate senior manager or Councillor. Officers also have recourse to the Grievance Procedure, Whistleblowing Procedure, or to the Council's Monitoring Officer, as appropriate to the circumstances. Should a grievance or complaint be upheld, the matter will be referred to the Chief Executive Officer, who, having advised the Leader of the Council and the appropriate group leader, will decide on the course of action to be taken, following consultation with the Chairman and Vice Chairman of the Standards Committee.

5.2 Procedure for Councillor

In the event that a Councillor is dissatisfied with the conduct, behaviour or performance of an officer, the matter should be raised with the appropriate Head of Service. Where the officer concerned is a Head of Service, the matter should be raised with the appropriate Strategic Director. Where the officer concerned is a Strategic Director, the matter should be raised with the Chief Executive Officer. Where the employee concerned is the Chief Executive Officer, the matter should be raised with the Head of Human Resources. If the matter cannot be resolved informally, it may be necessary to invoke the Council's Disciplinary Procedure.

This page is intentionally left blank

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, 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, applicable to Elected Members set out on pages 118-125.
- 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 Courtesy

- 3.1 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.
- 3.2 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.

4.0 Officers Giving Advice and Information to Political Groups

- 4.1 There is now statutory recognition for party 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 party groups.
- 4.2 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 party group meeting. Whilst in practice such Officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support is available to all party groups.
- 4.3 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 party 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 party business are to be discussed;
 - (b) Party 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 party 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.
- 4.4 Special care needs to be exercised whenever Officers are involved in providing information and advice to a party 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.

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

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

5.0 **Support Services to Members**

5.1 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.

5.2 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.

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

6.0 **Communications**

6.1 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.

6.2 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.

6.3 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.

6.4 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.

7.0 **Specific Member/Officer Working Relations**

7.1 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.

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

7.3 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.

7.4 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.

7.5 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.

8.0 **Involvement of Ward Councillors**

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

8.2 Ward Members must be appraised of local issues 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.

9.0 **Members' Access to Information and to Council Documents**

9.1 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 of the Chief Officer, Governance's Department.

10.0 **Confidentiality of Reports and Correspondence**

10.1 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.

10.2 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.

10.3 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.

11.0 **Access to Council Premises**

11.1 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.

11.2 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.

11.3 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.

- 11.4 Members when they are not acting in pursuit of their roles and duties as a Councillor shall have no greater rights of access to Council buildings and premises than members of the public.
- 11.5 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).
- 11.6 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.
- 11.7 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.
- 11.8 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
- 11.9 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.
- 11.10 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.
- 11.11 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.
- 11.12 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.
- 11.13 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.

12.0 Criticism of Members and Officers

- 12.1 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.
- 12.2 No public comment will be made on ongoing disciplinary proceedings as it could prejudice their outcome.

13.0 Political Group Leaders and the Chief Executive

- 13.1 The Political Group Leaders and the Chief Executive will develop and conduct appropriate working relations.
- 13.2 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.

14.0 Issues regarding Working Relations between Members and Officers

- 14.1 Members and Officers will seek to resolve any issues arising within their working relations.
- 14.2 Chief Officers will, in the first instance, endeavour to resolve any such issue.
- 14.3 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.

15.0 Review

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

This page is intentionally left blank

Gifts and Hospitality

A Code of Conduct for Councillors

The acceptance of gifts and hospitality by Councillors is not merely an administrative issue. It reflects directly upon the perception of Councillors and of the authority as acting in the public interest or as acting for the personal advantage of friends and for what personal benefit Councillors can get out of their position.

The law on the acceptance of gifts and hospitality is set out in the authority's Code of Conduct for Members and in the Prevention of Corruption Acts. These requirements are then supplemented by the procedures which have been adopted by this authority, to provide a clear set of rules for the protection of both Councillors and the authority. Acceptance of a gift or hospitality in breach of the Code, or failure to declare receipt of such a gift or hospitality, can lead to disqualification from holding any public office for a period of up to five years. Corrupt acceptance of a gift or hospitality can lead to a heavy fine or up to 7 years' imprisonment.

This Code of Conduct sets out:

- (a) the principles which you should apply whenever you have to decide whether it would be proper to accept any gift or hospitality
- (b) a procedure for obtaining consent to accept a gift or hospitality, when you consider that it would be proper to accept it
- (c) a procedure for declaring any gift or hospitality which you receive and for accounting for any gift to the authority

This Code does not apply to the acceptance of any facilities or hospitality which may be provided to you by this authority.

1 General Principles

In deciding whether it is proper to accept any gift or hospitality, you should apply the following principles. Even if the gift or hospitality comes within one of the general consents set out below, you should not accept it if to do so would be in breach of one or more of these principles:

- (a) **Never accept a gift or hospitality as an inducement or reward for anything you do as a Councillor**

As a Councillor, you must act in the public interest and must not be swayed in the discharge of your duties by the offer, prospect of an offer, or the non-offer of any inducement or reward for discharging those duties in a particular manner.

The Public Bodies (Corrupt Offences) Act 1889 provides that if you accept any gift, loan, fee, reward or advantage whatsoever as an inducement to or reward for doing or forbearing to do anything in respect of any matter or transaction in which the authority is concerned, you commit a criminal offence carrying a maximum term of imprisonment of 7 years

Further, the authority's Code of Conduct for Members provides that you must act in the public interest, serving the authority and the whole community, rather than acting in the interests of any particular individual or section of the community, and that it is a breach of the Code improperly to confer any advantage or disadvantage on any person, including yourself.

(b) You should only accept a gift or hospitality if there is a commensurate benefit to the authority.

The only proper reason for accepting any gift or hospitality is that there is a commensurate benefit for the authority which would not have been available but for the acceptance of that gift or hospitality.

Acceptance of hospitality can confer an advantage on the authority, such as an opportunity to progress the business of the authority expeditiously through a working lunch, or to canvass the interests of the authority and its area at a meeting. Acceptance of a gift is much less likely to confer such an advantage. But unless the benefit to the authority is clear, and is commensurate with the value of the gift or hospitality, the presumption must be that the gift or hospitality is purely for your personal benefit.

As set out above, the authority's code provides that you must not improperly confer any advantage on anyone, including yourself. Acceptance as a Councillor of a gift or hospitality for your own benefit or advantage, rather than for the benefit to the authority, would be a breach of the Code.

(c) Never accept a gift or hospitality if acceptance might be open to misinterpretation

The appearance of impropriety can be just as damaging to the authority and to you as a Councillor as actual impropriety. The authority's ability to govern rests upon its reputation for acting fairly and in the public interest. You must therefore consider whether the acceptance of the gift or hospitality is capable of being interpreted as a sign that you or the authority favours any particular person, company or section of the community or as placing you under any improper obligation to any person or organisation. If there is any possibility that it might be so interpreted, you must either refuse the gift or hospitality or take appropriate steps to ensure that such a misunderstanding cannot arise.

Certain occasions are particularly sensitive, and require the avoidance of any opportunity for such misunderstanding. These include:

- (i) occasions when the authority is going through a competitive procurement process, in respect of any indication of favour for a particular tenderer.

- (ii) determinations of planning applications or planning policy, in respect of any person or organisation which stands to gain or lose from the determination,
 - (iii) funding decisions, when the authority is determining a grant application by any person or organisation.
- (d) Never accept a gift or hospitality which puts you under an improper obligation**

Recognise that some commercial organisations and private individuals see the provision of gifts and hospitality as a means of buying influence. If you accept a gift or hospitality improperly, it is possible that they may seek to use this fact to persuade you to determine an issue in their favour. Equally, if others note that you have been prepared to accept a gift or hospitality improperly, they may feel that they will no longer be able to secure impartial consideration from the authority.

- (e) Never solicit a gift or hospitality**

You must never solicit or invite an offer of a gift or hospitality in connection with your position as a Councillor unless the acceptance of that gift or hospitality would be permitted under this Code. You should also take care to avoid giving any indication that you might be open to such any improper offer.

2 Consent Regimes

- (a) General consent provisions**

For clarity, the authority has agreed that you may accept gifts and hospitality in the following circumstances:

- (i) civic hospitality provided by another public authority
- (ii) modest refreshment in connection with any meeting in the ordinary course of your work, such as tea, coffee, soft drinks and biscuits
- (iii) tickets for sporting, cultural and entertainment events which are sponsored by the authority
- (iv) small gifts of low intrinsic value below £25, branded with the name of the company or organisation making the gift, such as pens, pencils, mouse pads, calendars and diaries. However, you should take care not to display any such branded items when this might be taken as an indication of favour to a particular supplier or contractor, for example in the course of a procurement exercise
- (v) a modest alcoholic or soft drink on the occasion of an accidental social meeting, such as a pint of beer from an employee of a contractor or party with whom you have done business on behalf of the authority if you meet accidentally in a public house, cafe or bar. In such cases, you

should make reasonable efforts to return the offer where this is practicable

- (vi) a modest working lunch not exceeding £10 a head in the course of a meeting in the offices of a party with whom the authority has an existing business connection where this is required in order to facilitate the conduct of that business. Councillors should not make such arrangements themselves, but request officers to settle the detailed arrangements, and officers are under instruction, when arranging any such meeting, to make it clear to the other party that such a lunch must not exceed a value of £10 a head
- (vii) modest souvenir gifts with a value below £25 from another public authority given on the occasion of a visit by or to the authority
- (viii) Hospitality received in the course of an external visit or meeting which has been duly authorised by the authority. Councillors should not make such arrangements themselves, but request officers to settle the detailed arrangements, and officers are under instruction to make it clear that any such hospitality for Councillors and officers is to be no more than commensurate with the nature of the visit
- (ix) other unsolicited gifts, where it is impracticable to return them to the person or organisation making the gift, provided that the Councillor deals with the gift strictly in accordance with the following procedure: The Councillor must, as soon as practicable after the receipt of the gift, pass it to the Secretary to the Mayor/Chairman of the Council together with a written statement identifying the information set out in Paragraphs 2(b) below. The Secretary will then write to the person or organisation making the gift thanking them on your behalf for the gift and informing them that you have donated the gift to the Mayor's/Chairman's Charity Fund, on whose behalf it will be raffled or otherwise disposed of in due course, the proceeds being devoted to a charitable cause chosen by the Mayor/Chairman.

(b) Special consent provisions

If you wish to accept any gift or hospitality which is in accordance with the General Principles set out in Paragraph 1, but is not within any of the general consents set out in Paragraph 2(a), you may only do so if you have previously obtained specific consent in accordance with the following procedure:

You must make an application in writing to the Monitoring Officer, setting out:

- (i) the nature and your estimate of the market value of the gift or hospitality
- (ii) who the invitation or offer has been made by or on behalf of

- (iii) the connection which you have with the person or organisation making the offer or invitation, such as any work which you have undertaken for the authority in which they have been involved
- (iv) any work, permission, concession or facility which you are aware that the person or organisation making the offer or invitation may seek from the authority
- (v) any special circumstances which lead you to believe that acceptance of the gift or hospitality will not be improper

You must not accept the gift or hospitality until you have received the appropriate consent.

The Monitoring Officer will enter details of any approval in a register which will be available for public inspection on the occasion of the public inspection of the authority's accounts for the relevant year. But note that this does not relieve you of the obligation to register the receipt of gifts and hospitality in accordance with Paragraph 3, below.

3 Reporting

Where you accept any gift or hospitality which you estimate to have a market value or cost of provision of £25¹ or greater, you must, as soon as possible after receipt of the gift or hospitality, make a declaration in writing to the Monitoring Officer officer, setting out the information set out in Paragraphs 2(b) above. A form for this purpose is attached to this Code, but you can send the same information by any convenient means. The Monitoring Officer will retain a copy of any such declaration in a register which will be available for public inspection until the approval of the authority's accounts for the year in question.

Even if the value of the gift or hospitality is less than £25, if you are concerned that its acceptance might be misinterpreted, and particularly where it comes from a contractor or tenderer, you may make a voluntary declaration in the same manner to ensure that there is nothing secret or underhand about the gift or hospitality.

4 Gifts to the authority

Gifts to the authority may take the form of the provision of land, goods or services, either to keep or to test with a view to future acquisition, an offer to carry out works or sponsorship of a function which is organised or supported by the authority. You should not solicit any such gift on behalf of the authority except where the authority has formally identified the opportunity for participation by an external party and how that participation is to be secured, for example in relation to sponsorship of public musical and theatrical performances and developers' contributions under Section 106 Agreements. If you receive such an offer on behalf of the authority, you must first consider whether it is appropriate for the authority to accept the offer (in terms of whether the acceptance of the gift might be seen as putting the authority under any improper obligation, whether there is a real benefit to the authority which would

¹ In Wales this threshold value can be determined by each authority.

outweigh any dis-benefits). If you do not have delegated authority to accept the gift, you should report the offer directly to the Monitoring Officer who has such delegated authority, together with your recommendation. The Monitoring Officer will then write back to the person or organisation making the offer, to record the acceptance or non-acceptance of the gift, record the gift for audit purposes and ensure that the gift is properly applied for the benefit of the authority. If you have any concerns about the motives of the person or organisation making the offer, or whether it would be proper for the authority to accept the gift, you should consult the Monitoring Officer directly.

5 Definitions

- (a) “Gift or hospitality” includes any:
 - (i) the free gift of any goods or services
 - (ii) the opportunity to acquire any goods or services at a discount or on terms which are more advantageous than those which are available to the general public
 - (iii) the opportunity to obtain any goods or services which are not available to the general public
 - (iv) the offer of food, drink, accommodation or entertainment, or the opportunity to attend any cultural, sporting or entertainment event.
- (b) References to the “value” or “cost” of any gift or hospitality are references to the higher of:
 - (i) your estimate of the cost to the person or organisation of providing the gift or consideration
 - (ii) the open market price which a member of the public would have to pay for the gift or hospitality, if it were made available commercially to the public, less the cash sum of any contribution which you would be required to make toward that price to the person or organisation providing or offering the gift or hospitality.

Drafted by Peter Keith-Lucas

Local Government Partner

Wragge & Co, Solicitors

30.8.2002

To:

Declaration of Receipt of Gifts or Hospitality

Name	
Post	
Department	
What was the gift or hospitality?	
What is your best estimate of its market value or cost?	
Who provided it?	
When and where did you receive it?	
Does it come within one of the general consents set out in the Code of Conduct? If so, which?	
Did you get the consent of any officer before accepting it? If so, who?	
Were there any special circumstances justifying acceptance of this gift or hospitality?	
Do you have any contact in your job with the person or organisation providing the gift or hospitality?	
Signed	Date

This page is intentionally left blank

Protocol on the Use of IT by Members

1 Introduction

The Council provides Councillors with computers to use at home to facilitate the performance of their duties as Councillors. The Council is committed to the development of E-Commerce and will be working over the coming years to increase the range of information which is available to Councillors electronically and to enable Councillors to conduct more of their business remotely. The use of these computers can make Councillors much more effective, but there are risks associated with such use. This protocol sets out the conditions on which such computers are provided, in order to minimise those risks both to the Council and to individual Councillors.

Each Councillor is required to sign a copy of this protocol as a condition of being provided with the computer and must comply with the terms of this protocol. For this purpose, "Computer" means the computer provided to the Councillor by the Council for use at the Councillor's home, together with any equipment, software or materials provided for use with the computer.

2 Security for the Computer

- (a) The Councillor accepts responsibility for the safe-keeping of the computer and shall not remove the computer or allow it to be removed from the Councillor's home.
- (b) The Councillor shall make reasonable arrangements for the safe-keeping of the computer.
- (c) Access to the Council's information systems via the computer is subject to password security. The Councillor shall ensure that no-one other than the Councillor is given access to those Council information systems and shall not reveal any such password to any other person.

3 Use for Council Business

- (a) The computer is provided to the Councillor specifically to facilitate the discharge of the Councillor's functions as a Councillor. The Councillor must therefore not use the computer in any manner which will prevent or interfere with its use for that purpose.
- (b) Accordingly, the Councillor must not:
 - (i) misuse the computer in such a manner as to cause it to cease to function

- (ii) install or use any equipment or software which may cause the computer to malfunction.
- (c) The Councillor must:
 - (i) Ensure that the computer is maintained in a working condition;
 - (ii) Report any faults promptly to the appropriate officer of the Council;
 - (iii) Provide regular access to Council officers to service, maintain and repair the computer.
- (d) The Council provides the computer together with ancillary equipment and materials required for the Councillor's functions as a Councillor. Accordingly, the Council may decline to provide further equipment or material beyond a certain allowance where the use of such equipment or material appears to the Council to be required for private (non-Council) use.

4 Use for Private Purposes

- (a) The Councillor may use the computer for private and family purposes and may permit members of his/her immediate family to use the computer for private purposes, but is then responsible for their use of the computer;
- (b) The Council is prohibited from publishing any material of a party-political nature. If the Councillor uses the computer for the preparation of any material of such nature, he/she must make it clear that such material is published in a private capacity and not by or on behalf of the Council, and that no costs have been incurred by the Council as a consequence of its publication;
- (c) The Council has obtained the necessary software licenses for the use of the computer by the Councillor in a private capacity, but not for any non-Council business use of the computer. If the Councillor wishes to use the computer for any non-Council business use, it is the Councillor's responsibility to obtain any necessary software licences.
- (d) The Council accepts no responsibility for such private use of the computer or any loss, costs or liability which the Councillor or any other person may suffer as a result of the use of the computer.

5 Bringing the Council into Disrepute

- (a) The Councillor shall not use the computer, or permit its use, in any manner which may bring the Council or the Councillor into disrepute.
- (b) Specifically, where the Council provides web-sites for Councillors, the Council reserves editorial control of such websites and the right to remove or require the removal of any material which is unlawful,

defamatory or likely to cause offence or bring the Council into disrepute.

6 Inspection and Audit

The Council reserves the right to inspect the computer at any time. The Councillor is required to give Council officers access at any reasonable time for such inspection and audit, which may be undertaken remotely and without notice to the Councillor. Councillors are advised that the computer includes a history file which records its use, and particularly any websites which it has accessed.

7 Costs

- (a) The Council will meet the cost of providing the computer, together with a limited supply of paper and printer cartridges (contact ext. XXXX or email at YYYY if you need some more), and provides a freephone link for the Councillor to dial in to the Council offices to access the central systems for information, E-Mmail or internet access.
- (b) Each Councillor is responsible for his/her own electricity bill. When turned on, the computer consumes about the same amount of electricity as a 100 Watt light bulb.
- (c) If the Councillor wishes to make use of the computer for extensive private E-Mail or internet access, he/she should take out a personal subscription to an Internet Service Provider. Any such telephone time will then be on the Councillor's own telephone bill and will not be reimbursed by the Council.

8 Return and Recovery of the Computer

- (a) The computer remains the property of the Council.
- (b) The Council reserves the right to require the Councillor to return the computer at any time and the right to recover the computer from the Councillor.
- (c) The Councillor is required to return the computer to the Council upon ceasing to be a Councillor.

9 Confidentiality

- (a) The Councillor will be able to access confidential Council information using the computer. The Councillor is responsible for ensuring the continued security of any such confidential information which he receives, including the security of any storage of such information on the computer. The Councillor is reminded of his/her obligations under the Council's Code of Conduct for Councillors not to disclose such confidential information to any third party.

- (b) Some of this information will be personal information relating to individuals. The unauthorised processing or disclosure of such information is prohibited under the Data Protection Act and the Councillor is responsible for ensuring that there is no such unauthorised disclosure from the computer.

10 Restriction of Use

The Council reserves the right to restrict the use of the computer if it has reason to believe that the use of the computer is likely to offend any provision of the Protocol. In particular, the Council reserves the right to:

- (a) remove or disable any software or equipment;
- (b) remove any information stored on the computer.

Signed by the Councillor on receipt of the computer:

Date:

FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME

Date of Meeting	Topic	Notes/Decision/Action
January 2015	<ul style="list-style-type: none">• Training	Action Nov meeting – training for future meetings: Customer Services Policy Updates on restructures once the budget discussion has taken place Role of the Ombudsman regarding maladministration
December 2014	<ul style="list-style-type: none">• 4 Protocols• Training• Dispensations• Public Services Ombudsman’s Annual Letter	<ul style="list-style-type: none">• To submit the four supplementary codes to a future meeting of the Committee when they are available. Action Nov meeting - Report back the findings on the procedures put in place following the two complaints on unauthorised development and noise & other nuisance issues to the next meeting of the Standards Committee.

This page is intentionally left blank