

CONSTITUTION COMMITTEE

27 APRIL 2016

Minutes of the meeting of the Constitution Committee of Flintshire County Council held at Council Chamber, County Hall, Mold CH7 6NA on Wednesday, 27 April 2016

PRESENT: Councillor Veronica Gay (Vice-Chair in the Chair)

Councillors Alex Aldridge, Bernie Attridge, Glyn Banks, Haydn Bateman, Chris Bithell, Clive Carver, Paul Cunningham, Glenys Diskin, George Hardcastle, Christine Jones, Dave Mackie, Tim Newhouse, Neville Phillips, Nigel Steele-Mortimer, David Williams and Arnold Woolley

SUBSTITUTES: Councillors Peter Curtis (for Aaron Shotton)

APOLOGIES: Councillors Robin Guest and David Wisinger.

IN ATTENDANCE:

Chief Officer (Governance), Member Engagement Manager, and Committee Officer

24. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

There were no declarations of interest.

25. MINUTES

The minutes of the meeting of the Committee held on 27 January 2016, were submitted.

RESOLVED:

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

26. CHANGES TO THE NATIONAL MODEL CODE OF CONDUCT FOR COUNCILLORS

The Chief Officer (Governance) introduced a report on the changes to the National Model Code of Conduct for Councillors. He explained that rather than adopting the new national model itself, which did not include Flintshire's local amendments, it would be necessary to adopt the changes to the national model.

The Chief Officer provided background information and reported on the most significant changes to the national model which were detailed in the report.

Councillor Alex Aldridge welcomed the removal of the obligation to report suspected breaches of the code of conduct to the Public Services Ombudsman for Wales. Councillor Chris Bithell expressed concerns around this change and commented on the longstanding working relationship which many Members had with the Monitoring Officer and the 'risk' this might incur in the obligation to report

suspected breaches. He suggested that the obligation to report suspected breaches to the Ombudsman provided an additional safeguard. The Chief Officer responded to the concerns raised and advised that removing the obligation did not remove the opportunity for Members to report matters to the ombudsman if they wished, however, if Members reported to the ombudsman directly they also had an obligation to inform the Monitoring Officer.

Councillor Alex Aldridge referred to the upper level of gifts and hospitality which did not require registration which was currently set at £10.00 in Flintshire. He commented on the different limits set in other local authorities and proposed that there should be a unified position across all 22 authorities in Wales. The Monitoring Officer advised that £10.00 was the limit above which Members must register gifts and agreed to contact the Welsh principal councils to ascertain their upper level of gifts and hospitality not requiring registration.

During discussion the Chief Officer responded to the further comments and queries raised by Members and provided clarification around changes to paragraph 14 of the Members' Code of Conduct concerning prejudicial interest and participation by Members in business relating to the Authority. He explained that the change gave Members the same right as a member of the public but did not take away the right to express a personal and prejudicial interest. The Chief Officer commented that the written representation also provided an audit trail of what was said.

Councillor Chris Bithell commented on the need for transparency and asked if the procedures relating to matters requiring declaration of personal and prejudicial interest could be simplified. The Chief Officer commented that there was no such proposal at present but agreed to contact the Ombudsman to seek clarification. He agreed to report back to future meetings of the Standards Committee and the Constitution Committee.

The Chief Officer advised that changes to the Code of Conduct must be advertised as soon as reasonably practical. The advert must be placed in a local newspaper and advise where a copy of the Code can be inspected. He referred to the changes in paragraph 15 of the Code concerning Town and Community Councils and explained that to save Town and Community Councils the cost of advertising they had been invited to share the County Council's advert. Town and Community Councils were required to notify officers by 31 May 2016 that they had adopted the national model and revised their code.

RESOLVED:

- (a) That the annual General Meeting of County Council is recommended to adopt the changes to the national model code of conduct for councillors as part of the Flintshire County Council Code of Conduct with effect from the meeting.
- (b) That the committee notes that the County Council will place a joint advert announcing changes to the code on behalf of town and community councils(subject to certain conditions); and

- (c) That the Monitoring Officer will contact the Welsh principal councils to ascertain the upper level of gifts and hospitality not requiring registration, which is currently £10.00 in Flintshire

27. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

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

(The meeting started at 2.00 p.m. and ended at 2.48 p.m.)

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Chairman