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To: Cllr Ted Palmer (Chairman)

Councillors: Chris Bithell, Helen Brown, Clive Carver, Bob Connah, Jean Davies, Rob Davies, David Healey, Gladys Healey, Ray Hughes, Joe Johnson, Paul Johnson, Rita Johnson, Mike Peers, Michelle Perfect, Vicky Perfect, Neville Phillips, Ian Smith, David Wisinger and Arnold Woolley

10 October 2019

Dear Councillor

You are invited to attend a meeting of the Constitution and Democratic Services Committee which will be held at 2.00 pm on Wednesday, 16th October, 2019 in the Delyn Committee Room, County Hall, Mold CH7 6NA to consider the following items

A G E N D A

1 APOLOGIES

Purpose: To receive any apologies.

2 DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Purpose: To receive any Declarations and advise Members accordingly.

3 MINUTES (Pages 3 - 6)

Purpose: To confirm as a correct record the minutes of the meeting on 5 June 2019

4 CODE OF CONDUCT (Pages 7 - 30)

Purpose: To amend the Code of Conduct in line with the recommendations from the Committee on Standards in Public Life

5 REVIEW OF THE FLINTSHIRE STANDARD (Pages 31 - 40)

Purpose: To review the expected standards of behaviour contained within the Flintshire Standard/Local Resolution Procedure

6 **MEMBER DEVELOPMENT & ENGAGEMENT** (Pages 41 - 44)

Purpose: To provide the committee with an update

Yours sincerely

A handwritten signature in black ink, appearing to read "Robert Robins", with a horizontal line extending to the right.

Robert Robins
Democratic Services Manager

CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE
5th JUNE 2019

Minutes of the meeting of the Constitution and Democratic Services Committee of Flintshire County Council held in the Delyn Room, County Hall, Mold on Wednesday, 5th June 2019.

PRESENT: Councillor Ted Palmer (Chair)

Chris Bithell, Clive Carver, Bob Connah, Jean Davies, Rob Davies, David Healey, Gladys Healey, Patrick Heesom, Joe Johnson, Paul Johnson, Mike Peers, Michelle Perfect, Vicky Perfect, Neville Phillips, Ian Smith, David Williams, David Wisinger and Arnold Woolley

APOLOGIES: Councillor Rita Johnson and the Chief Officer (Governance)

ALSO PRESENT: Councillors Christine Jones (as an observer)

IN ATTENDANCE: Democratic Services Manager, Internal Audit Manager and Democratic Services Support Officer

1. **CONGRATULATIONS**

Councillor Ted Palmer was congratulated on becoming Chair of the Committee.

It was unanimously agreed that a letter of thanks be sent to Councillor Rita Johnson for her hard work and commitment during her time as Chair of the Committee.

2. **APPOINTMENT OF VICE-CHAIR**

Councillor Dave Healey nominated Councillor Rita Johnson for the position of Vice Chair and this was duly seconded

RESOLVED:

That Councillor Rita Johnson be confirmed as Vice-Chair of the Committee.

3. **DECLARATIONS OF INTEREST**

None were received.

Councillor Chris Bithell referred to the last meeting and asked if a reminder had been sent to all Members to update their Declarations of Interests. The Democratic Services Manager thanked Councillor Bithell and confirmed he would ensure this was carried out if not already done.

4. MINUTES

The minutes of the meeting held on 11th April 2019 were submitted.

RESOLVED:

With the exception of one typographical amendment the minutes be approved as a correct record and signed by the Chair.

5. CORPORATE ANTI-FRAUD AND CORRUPTION STRATEGY AND FRAUD AND IRREGULARITY RESPONSE PLAN

The report was presented by the Internal Audit Manager who explained the differences between the old and the new policy. The Chair then invited questions.

Councillor Chris Bithell raised a recent Council Tax issue to which the Internal Audit Manager responded that this was a Trading Standards issue.

Members then raised a number of questions to which the Internal Audit Manager responded, giving an undertaking to make the necessary changes to the document. It was confirmed that Member training to support the revised policy would be made available in due course.

RESOLVED:

- a) that the Committee approve the changes agreed by the Audit Committee for the Corporate Anti-Fraud & Corruption Strategy.
- b) that the Committee approve the changes agreed by the Audit Committee for the Fraud & Irregularity Response Plan.

6. WHISTLEBLOWING POLICY

The report was presented by the Internal Audit Manager who explained the differences between the old and the new policy. The Chair then invited questions.

Members asked a number of questions and made a number of suggestions for clarification purposes. The Internal Audit Manager agreed to make those changes.

In response to a question from Councillor Chris Bithell regarding disclosure in exceptional cases the Internal Audit Manager assured Members they would be dealt with on a case by case basis and commented she had not had such a case during her time with Flintshire.

Councillor Paul Johnson asked for appropriate reference to be made to both Welsh Government and National Assembly for Wales

RESOLVED:

- a) that the Committee approved the changes agreed by the Audit Committee for the Council's Whistleblowing Policy.
- b) that the amendments made during the meeting be incorporated into the Policy, and
- c) that the Internal Audit Manager be given delegated authority to make the necessary changes before submitting the report to County Council.

7. MEMBER DEVELOPMENT & ENGAGEMENT

The report was presented by the Democratic Services Manager and provided the committee with an update of Member Training and Workshops held since the last meeting of the committee.

Councillor Bithell referred to the Planning Enforcement Training which had taken place in May which had been very well received and it was agreed to add these sessions to the timetable.

The Member training to support the Corporate Anti-Fraud and Corruption Strategy and Fraud and Irregularity Response Plan would be considered in due course.

RESOLVED:

- a) That the Committee notes the progress with Member Development and Engagement events since the last report.

- b) That if Members have any suggestions for future Member Development and Engagement they are invited to contact the Democratic Services Manager to discuss them.

8. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were no members of the public or press present.

(The meeting started at 2pm and ended at 2.43 pm)

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Chair



CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE

Date of Meeting	Wednesday, 16 October 2019
Report Subject	Code of Conduct for Councillors
Report Author	Chief Officer (Governance)

EXECUTIVE SUMMARY

The Committee on Standards In Public Life (“CSPL), which is also known as the Nolan Committee” after its first chair, recently reviewed the ethical regime in England, which has differed markedly from the Welsh regime since 2011. In considering the effectiveness of the English regime the CSPL contrasted the arrangements in England to those in other nations within the United Kingdom.

The legislation is very different in England and the CSPL recommended a number of changes to the law (in order to create a system that is more similar to the Welsh model). It also made a number of best practice recommendations. Allowing for the differences in legislation, a number of the CSPL’s suggestions could help to improve our own practices.

The Standards Committee considered both the recommendations and best practice findings. It considered that the Council should voluntarily change its Code of Conduct to require members to declare not only gifts above a certain individual value but also gifts above an aggregate value. The proposal is that any gift worth more than £10 should be registered (as at present) but also that if gifts of £100 or more are received from the same donor in the space of 12 months then this should also be recorded.

RECOMMENDATIONS

1	That the suggested amendment requiring gifts with a total value of £100 or more in any 12 month period to be declared be recommended to Full Council for inclusion in the Code of Conduct for Councillors.
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REPORT DETAILS

1.00	Background
1.01	The Council is required to adopt a Code of Conduct for Councillors based on the provisions of the national model code, as laid down in statutory instrument by Welsh Government. The Council can add to the Code provided that in doing so it does make the effect of the Code less onerous.
	The Report of the Committee on Standards In Public Life
1.02	The Committee on Standards in Public Life (also known as “the Nolan Committee”) published a report on Local Government Ethical Standards in January 2019. The report studied the impact of changes made to the ethical regime in England by the Localism Act 2011 and compared the efficacy of the English system to that of the other countries within the United Kingdom.
1.03	The Localism Act 2011 made sweeping changes to the ethical regime in England as follows: <ul style="list-style-type: none">• The national model Code of Conduct was repealed;• The Standards Board for England (the body created to enforce the Code of Conduct) was abolished;• The Adjudication Panel for England was abolished;• The penalties of suspension and disqualification for breaching the Code of Conduct were repealed;• Each Council was obliged to adopt its own Code of Conduct and to appoint an Independent Person to assist the Standards Committee and Monitoring Officer in its enforcement;• New offences of voting with a pecuniary interest were created.
1.04	The report of the CSPL can be found here . In short, the Committee found that the regime in England needed fundamental changes some of which required new legislation and some of which could be achieved by Councils using their existing powers.
1.05	The Committee made recommendations that relate only to the legislative changes needed and so, because of our differing legislation, most do not have any relevance in Wales. However, the Committee also made good practice recommendations which are not specific to any legislative regime and so are potentially relevant to how we operate. The Standards Committee considered these recommendations and good practice findings at its meeting on 2 September 2019. It agreed to adopt the suggested best practice findings (where we do not already do the same or something similar) and these are largely operational issues that have already been actioned by officers.
1.06	It considered that the Council should voluntarily adopt Recommendation 6 in relation to gifts and hospitality. The CSPL recommended that Councillors in England should be required to register any gifts / hospitality over £50 or over £100 pa from a single source. In Flintshire, Councillors are already required to register any gift or hospitality over £10 in value (and to reject any gift/hospitality of any value that appears to place the Councillor under an

	improper obligation). The Standards Committee considered that they should also register gifts of £100 or more, within a 12 month period, from a single source.
1.07	The suggested revision to the Code of Conduct are shown in tracked changes at Appendix 1.

2.00	RESOURCE IMPLICATIONS
2.01	As councillors already record gifts over £10 in value this amendment would not create an additional administrative burden.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	The Standards Committee.

4.00	RISK MANAGEMENT
4.01	This suggested amendment reduces the risk that gifts/hospitality might escape registration by being given in small value amounts over time.

5.00	APPENDICES
5.01	Appendix 1 – Code of Conduct for Councillors

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Report to the Standard Committee on 2 September 2019 and the report of the Committee on Standards in Public Life. Contact Officer: Gareth Owens, Chief Officer Governance Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	Committee on Standards in Public Life – a Committee established by Prime Minister John Major in 1994 in the wake of the “cash for questions” scandal in Parliament. The Committee was first chaired by Lord Nolan and established the Principles of Standards in Public Life – the “Nolan Principles”.

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Extract from Constitution

Section 19

12. **MEMBERS' CODE OF CONDUCT**

ADOPTED BY RESOLUTION OF

THE COUNTY COUNCIL

8th April 2008

to take effect from 2nd May 2008

and updated 25 November 2014

and updated 10th May 2016

THE LOCAL AUTHORITIES

(MODEL CODE OF CONDUCT) (WALES) ORDER 2008

With the determination of the amount of £10.00
for the purposes of paragraph 17 recorded in paragraph 18

PART 1

INTERPRETATION

1.(1) In this code —

“co-opted member”, in relation to a relevant authority, means a person who is not a member of the authority but who —

- (i) is a member of any committee or sub-committee of the authority, or
- (ii) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,

and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee;

“meeting” means any meeting —

- (iii) (a) of the relevant authority,
- (iv) (b) of any Cabinet or board of the relevant authority,
- (v) (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint/sub-committee of any Cabinet or board of the authority, or
- (vi) (d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committee and Political Groups) Regulations 1990⁽¹⁾,

and includes circumstances in which a member of a Cabinet or board or an officer acting alone exercises a function of an authority;

“member” includes, unless the context requires otherwise, a co-opted member;

“register of members interests” (cofrestr o fuddlannau'r aelodau) means the register established and maintained under section 81 of the Local Government Act 2000;

“relevant authority” means—

- (b) a county council,
- (c) a county borough council,
- (d) a town or community council,
- (e) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004⁽²⁾ or a scheme to which section 4 of that Act applies,
- (f) a National Park authority established under section 63 of the Environment Act 1995⁽³⁾;

“you” means you as a member or co-opted member of a relevant authority; and

(1) S.I. 1990/1553 as amended by S.I. 1991/1389; S.I. 1993/1339; S.I. 1998/1918; and S.I. 1999/500.

(2) 2004 c.21.

(3) 1995 c.25.

“your authority” means the relevant authority of which you are a member or co-opted member.

(2) “(2) In relation to a community council—

(3) (a) “proper officer” (“swyddog priodol”) means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972(1); and

(b) “standards committee” (“pwyllgor safonau”) means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.”

PART 2
GENERAL PROVISIONS

- 2.(1) Save where paragraph 3(a) applies, you must observe this code of conduct
- (a) whenever you conduct the business, or are present at a meeting, of your authority;
 - (b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;
 - (c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or
 - (d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.
- (2) You should read this code together with the attached general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.
3. Where you are elected, appointed or nominated by your authority to serve —
- (i) (a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or
 - (b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
4. You must —
- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
 - (b) show respect and consideration for others;
 - (c) not use bullying behaviour or harass any person; and
 - (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

5. You must not —

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

6.(1) You must —

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
- (b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
- (c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
- (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) You must –

- (a) adhere to the Flintshire standard of conduct
- (b) cooperate with the Local Resolution Procedure
- (c) comply with any request of the Monitoring Officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7. You must not —

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of your authority —

- (i) imprudently;
- (ii) in breach of your authority's requirements;
- (iii) unlawfully;
- (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
- (v) improperly for political purposes; or
- (vi) improperly for private purposes.

8. You must —

- (a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —
 - (i) the authority's head of paid service;
 - (ii) the authority's Section 151 officer;
 - (iii) the authority's monitoring officer;
 - (iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9. You must —

- (a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;
- (b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

PART 3

INTERESTS

Personal Interests

- 10.**(1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.
- (2) You must regard yourself as having a personal interest in any business of your authority if —
- (a) it relates to, or is likely to affect —
 - (i) any employment or business carried on by you;
 - (ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;
 - (iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;
 - (iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
 - (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
 - (vi) any land in which you have a beneficial interest and which is in the area of your authority;
 - (vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
 - (viii) any body to which you have been elected, appointed or nominated by your authority;
 - (ix) any —

- (aa) public authority or body exercising functions of a public nature;
- (bb) company, industrial and provident society, charity, or body directed to charitable purposes;
- (cc) body whose principal purposes include the influence of public opinion or policy;
- (dd) trade union or professional association; or
- (ee) private club, society or association operating within your authority's area, in which you have membership or hold a position of general control or management;
- (x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

(b) or

(c) a decision upon it might reasonably be regarded as affecting —

- (i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
- (ii) any employment or business carried on by persons as described in 10(2)(c)(i);
- (iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;
- (iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
- (v) anybody listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,

to a greater extent than the majority of—

- (aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
- (bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure of Personal Interests

- 11.(1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority and you make —
- (a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or
 - (b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.
- (i)
- (3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of a Cabinet or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.
- (4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer, or in relation to a community council, your authority's proper officer, from time to time but, as a minimum containing —
- (a) details of the personal interest;
 - (b) details of the business to which the personal interest relates; and
 - (c) your signature.
- (5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph

16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

(7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

Prejudicial Interests

12.(1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—

(a) relates to —

(i) another relevant authority of which you are also a member;

(ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;

(iii) a body to which you have been elected, appointed or nominated by your authority;

(iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;

(v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to —

(i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent

- with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
- (ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;
 - (ii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;
 - (iii) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011(2), or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;
- (c) your role as a town or community councillor in relation to a grant, loan or other form of financial assistance made by your town or community council to community or voluntary organisations up to a maximum of £500.
- (3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

Overview and Scrutiny Committees

- 13.** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority’s Cabinet, board or another of your authority’s committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the Cabinet, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

Participation in Relation to Disclosed Interests

14.(1) Subject to sub-paragraphs (2), (2A) (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee —

(a) withdraw from the room, chamber or place where a meeting considering the business is being held—

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise Cabinet or board functions in relation to that business;

(c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

(iii)

(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(2A) Where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making

representations, answering questions or giving evidence relating to the business, whether under a statutory right or otherwise.

(2B) When submitting written representations under sub-paragraph (2A) you must comply with any procedure that your authority may adopt for the submission of such representations.”

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if

—

- (a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or
- (b) you have the benefit of a dispensation provided that you —
 - (i) state at the meeting that you are relying on the dispensation; and
 - (ii) before or immediately after the close of the meeting give written notification to your authority containing —
 - (aa) details of the prejudicial interest;
 - (bb) details of the business to which the prejudicial interest relates;
 - (cc) details of, and the date on which, the dispensation was granted; and
 - (dd) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

PART 4
THE REGISTER OF MEMBERS' INTERESTS

***Registration of Financial and Other Interests and Memberships and
Management Positions***

- 15.(1) Subject to sub-paragraph (4), you must, within 28 days of—
- (a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or
 - (b) your election or appointment to office (if that is later),
- register your financial interests and other interests, where they fall within a category mentioned in paragraph 10(2)(a) in your authority's register of members' interests by providing written notification to your authority's monitoring officer.
- (2) Subject to sub-paragraph (4) You must, within 28 days of becoming aware of any new personal interest falling within paragraph 10(2)a, register that new personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.
- (3) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 10(2)(a), register that change in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.
- (4) Sub-paragraphs (1), (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).
- (5) Sub-paragraphs (1) and (2) do not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.
- (6) You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

Sensitive information

- 16.**(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer, or in relation to a community council, your authority's proper officer, asking that the information be included in your authority's register of members' interests.
- (3) In this code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Registration of Gifts and Hospitality

- 17. (1)** You must, within 28 days of receiving any gift, hospitality material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer, of the existence and nature of that gift, hospitality material benefit or advantage, or in relation to a community council, your authority's proper officer
- (2) You must, provide written notification to your authority's monitoring officer, of the existence and nature of any gifts, hospitality, material benefits and/or advantages, received from the same source during any rolling 12 month period, where the total value of those gifts, hospitality, and/or material benefits is above £100
- (3) Where you have received gifts, hospitality, material benefits and/or advantages, under 17(2) you must provide written notification to your authority's monitoring officer within 28 days
- 18.** The Authority has determined that for the purposes of paragraph 17(1) the amount shall be £10.00 until further determination.

THE PRINCIPLES

The Local Government Act empowered the National Assembly to issue principles to which you must have regard in undertaking your role as a member. The Code is based on these principles which are designed to promote the highest possible standards. These principles draw on the 7 Principles of Public Life which were set out in the Nolan Report “Standards of Conduct in Local Government in England, Scotland and Wales”. Three more were added to these: a duty to uphold the law, proper stewardship of the Council’s resources and equality and respect for others.

Members elected to local authorities give generously of their time and commitment for the benefit of their communities. The principles provide a framework for channelling your commitment in a way which will reflect well on you and your authority, and which will give your communities confidence in the way that your authority is governed.

The individual sections of the Code are designed to support the implementation of the Principles. For example, the Selflessness principle is covered by Section 7 of the Code – Selflessness and Stewardship.

The current principles were set out in a statutory instrument¹ and are detailed below.

1. Selflessness

Members must act solely in the public interest. They must never use their position as members to improperly confer advantage on themselves or to improperly confer advantage or disadvantage on others.

2. Honesty

Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.

3. Integrity and Propriety

Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

4. Duty to Uphold the Law

Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.

5. Stewardship

In discharging their duties and responsibilities members must ensure that their authority's resources are used both lawfully and prudently.

6. Objectivity in Decision-making

In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, members must make decisions on merit. Whilst members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.

7. Equality and Respect

Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others.

8. Openness

Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.

9. Accountability

Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.

10. Leadership

Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority's statutory officers and its other employees.

The principles are not part of the Model Code, and failure to comply with the Principles is not of itself, therefore, indicative of a breach of the Code. However, it is likely that a failure, for example, to adhere to the principle concerning equality and respect would constitute a breach of the requirements of paragraphs 4 (a) and (b) in the Code in respect of equality of opportunity and respect.

In any event, the Principles offer a sound basis for your conduct in office and I encourage members to have regard to them at all times.

Public Services Ombudsman for Wales

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CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE

Date of Meeting	Wednesday 16 th October 2019
Report Subject	Review of the Flintshire Standard
Cabinet Member	Leader of the Council
Report Author	Chief Officer (Governance)

EXECUTIVE SUMMARY

The Council has adopted a local resolution process that also includes a statement of the standards of behaviour to which the Council aspires. This is called the Flintshire Standard. There has been a desire amongst both Members and Officers to review and restate those expectations.

Officers have reviewed the standard with Group Leaders and some amendments are suggested to expand and clarify expectations around behaviour. The Standards Committee has endorsed the changes and also suggested that complaints under the Standard be made within 3 rather than 12 months.

RECOMMENDATIONS

1	That the amended Flintshire Standard be recommended to Council for adoption.
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REPORT DETAILS

1.00	BACKGROUND TO THE FLINTSHIRE STANDARD
1.01	In June 2013 the Council adopted a local resolution process, called the Flintshire Standard, as an alternative to referring complaints about behaviour, from Members and/or Officers, to the Public Services Ombudsman for Wales. The Flintshire Standard set out how Members should behave towards each other and Officers.

1.02	The provisions of the Code of Conduct, which, whilst possessing the virtue of brevity, do not give practical examples of what is required. The Flintshire Standard therefore expands upon the obligations that relate to behaviour towards others with a list of “do’s and don’ts” across a range of situations. The Standard also sets out an escalating process of mediation to be followed in the event that a Member or Officer feels its provisions have been breached.
Reviewing the Standard	
1.03	There has recently been a desire amongst both Members and Officers to review the contents of the Flintshire Standard in order to: <ul style="list-style-type: none"> • expand and clarify the guidance within it; and • restate and reinforce the behaviours expected.
1.04	Officers and Group Leaders have therefore suggested some amendments to the Flintshire Standard. These are shown in tracked changes at Appendix 1.
1.05	The Standards Committee reviewed the suggested changes at its meeting on 2 September 2019. It asked for a number of minor changes and clarifications. Of more significance it suggested that anyone wishing to bring a complaint under the local resolution process should do so within 90 days rather than the 12 months currently permitted. As local resolution is intended to be a quick remedy that suggested change seemed consistent with the aims of the process.

2.00	RESOURCE IMPLICATIONS
2.01	The Flintshire Standard is intentionally quick and simple to operate in its early stages, so that any disputes are quickly resolved. The process is therefore not greatly demanding of time or other resources.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Chief Officers and Group Leaders (plus their deputies) have contributed to the preparation of the suggested amendments. The revised document will need to be submitted to Full Council for approval.

4.00	RISK MANAGEMENT
4.01	The local resolution process contained within the Flintshire Standard is intended for use on low level complaints concerning the relationship between Councillors or Councillors and Officers. It can be invoked quickly and easily in order to catch issues before significant harm occurs to that relationship and whilst people are more willing to compromise. It is, however, extra statutory and so does not have recourse to the legislative

	sanctions available following a complaint to the Ombudsman. Its use must always therefore be considered carefully to ensure its suitability in light of the nature of the complaint and the surrounding circumstances.
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5.00	APPENDICES
5.01	Appendix 1 – Flintshire Standard

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Report to Standards Committee – 02.09.19 Contact Officer: Gareth Owens, Chief Officer Governance Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	None

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THE FLINTSHIRE STANDARD

This document explains the standard of conduct expected from Flintshire County Councillors and co-opted members in dealing with each other and with officers. It should be read in conjunction with the Members' Code of Conduct and the Protocol on Member-Officer Relations. It adds to those documents and does not detract from them.

In each case behaviour under the Flintshire Standard will be judged objectively. That is to say, it will be judged based on what a reasonable person knowing all the facts would conclude from observing the behaviour.

Freedom of speech, particularly political expression is important within a democratic society. In exercising the right to free speech and when acting on Council business, the following standards are expected of Flintshire County Council members:-

Public behaviour:

- Show respect to each other and officers
- Do not make personal or abusive comments about each other or officers
- Do not accuse each other or officers of lying or falsifying facts or documents
- Do not make malicious allegations against each other or officers
- Do not publish or spread any false information about each other or officers
- Show respect to diversity and equality
- Do not accuse or imply that officers are acting from political motives

Behaviour in Council and Committee meetings:

- Behave with dignity in meetings
- Show respect to and obey decisions of the Chair
- Make points based on the issue under discussion not personal remarks about others
- Allow others to speak without interruption or heckling
- Not to use indecent language nor make discriminatory remarks or remarks which prejudice any section of society
- Exclude officers from the scope of political remarks

Confidentiality:

- Keep the confidentiality of exempt papers and any other documents which are not public.
- Not to release confidential information to the press or the public.
- Return or securely destroy confidential papers.
- Not to use confidential information for purposes other than intended.

Local members

- Work with any joint ward member and/or members of adjoining wards for the benefit of the locality.
- If dealing with any matter relating to another ward
 - Explain to anyone seeking assistance that he/she is not the local member
 - Inform the local member, unless it would lead to a breach of confidentiality
- Ensure that officers are treated with respect at public meetings within their ward. Where several councillors are at the same public meeting all share this obligation equally.

LOCAL RESOLUTION PROCEDURE FOR COMPLAINTS ABOUT BEHAVIOUR

INTRODUCTION

1. 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. It is therefore important that any allegations against a member that he/she has breached the standard and/or protocol can be dealt with quickly and effectively. The purpose of this procedure is to introduce a simple and easy way to understand the method of dealing with such allegations.
2. It is important that poor behaviour is quickly addressed and matters are handled whilst recollections are fresh. This procedure will therefore only apply to incidents or behaviour occurring in the 90 days prior to a complaint being made in writing to the Monitoring Officer.

STAGE 1 OF THE PROCEDURE

3. Any member or officer who wishes to submit an allegation under this procedure should send the complaint to the Monitoring Officer. Officers wishing to make a complaint should first consult with their Head of Service. Following receipt of the complaint the Monitoring Officer will act as follows:-
4. The Monitoring Officer will not deal with the allegation at this stage in order to preserve their ability to advise the Standards Committee later in the process. In the first place the allegation will be referred either the Deputy Monitoring Officer (or another officer nominated by the Monitoring Officer) who will advise whether the allegation falls within this procedure or whether it should be referred to the Ombudsman as an allegation of breach of the Members Code of Conduct.

N.B. The complainant has the statutory right to complain to the Public Service Ombudsman for Wales ("PSOW"). Should the complainant exercise that right then this procedure will not be used, and any efforts to resolve a complaint using this procedure will be stopped. The process will only resume if the matter is referred back for local resolution.
5. This procedure is only suitable for allegations made by officers or members of Flintshire County Council that a member has breached the Flintshire Standard or the Protocol on Member/Officer relations. It is not suitable for complaints:
 - made by members of the public;
 - which in the opinion of the Monitoring Officer allege a serious breach of the code of conduct; or
 - alleging repeated breaches of the code of conduct, or breaches where are similar to complaints that have been handled at Stage 3 of this procedure.

If the complaint is suitable for this procedure then the Deputy Monitoring Officer will give advice about how to possibly resolve the complaint. If the complaint is not suitable for this procedure then the Deputy Monitoring Officer will give advice about what (if anything) can be done.

6. If, following the first stage, the complainant wishes to proceed with the allegation under this procedure, the matter may be referred either:
 - to a conciliation meeting under Stage 2; or
 - to a hearing by the Standards Committee under Stage 3.

STAGE 2 OF THE PROCEDURE

7. At Stage 2 a meeting will be held between:
 - the complainant;
 - the member against whom the complaint is made;
 - the Chief Executive
 - the leader of any relevant political group(s), that is to say the subject member's group leader and, if the complainant is a member, his/her group leader.

If the complainant is an officer, then it will be possible for the complainant to have a colleague or senior officer with him/her.

It is also possible for the matter to be dealt with in the complainant's absence in exceptional cases.

8. The purpose of this meeting will be to try to resolve the matter by conciliation. If deemed necessary the Chief Executive can call on the Monitoring Officer, or the Deputy Monitoring Officer, for advice and assistance.

STAGE 3 OF THE PROCEDURE

9. The third Stage is a hearing before the Standards Committee. The complainant will be asked to submit the substance of the complaint in writing and the member concerned will be asked for a written response. These papers, together with any additional written evidence that is submitted by either side will be distributed to the members of the Standards Committee.
10. Both the complainant and the member have the right to appear before the Standards Committee and to submit evidence from witnesses. Both will have the right to representation or to have a colleague present. The Council will not meet the costs of representation.
11. If either side wishes not to be present or fails to attend the hearing may be held in their absence.
12. After the evidence has been heard, both sides and their representatives will be asked to leave the chamber and the Standards Committee will come to a conclusion on the allegation. The Monitoring Officer will be available to advise the Committee.
13. The Committee can come to one of three conclusions, namely :-
 - a) That there is no basis to the complaint.
 - b) That there is a basis to the complaint but that no further action is required.

- c) That there is a basis to the complaint and that the member should be censured.

In addition the Committee can make recommendations to the Council regarding changing any procedures or taking any further action.

SUPPLEMENTARY MATTERS

14. The papers for the hearing will be exempt and it will be recommended that the hearing will take place with the press and public excluded. Publicity will not be given to the names of either the member or the complainant unless it is decided TO UPHOLD the complaint and that the member should be censured.
15. Stages 2 and 3 do not have to be following sequentially. Although it is possible for a complainant who remains dissatisfied after the conciliation meeting to ask for the matter to be referred to a hearing before the Standards Committee, it is also possible for a matter to proceed directly to the Standards Committee without going first to a conciliation meeting.
16. The aim of this procedure is to try and resolve complaints regarding members quickly and effectively. Nothing in this procedure prevents a complainant from submitting a complaint to the Public Services Ombudsman for Wales that a member has breached the Members Code of Conduct.

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CONSTITUTION & DEMOCRATIC SERVICES COMMITTEE

Date of Meeting	Wednesday, 16 October 2019
Report Subject	Member Development & Engagement
Report Author	Democratic Services Manager

EXECUTIVE SUMMARY

It is the practice for this committee to receive a progress report on the Member Development and Engagement events which had been organised. This report details events which have been held since the last report on this topic, on 5th June 2019

RECOMMENDATIONS

1	That the Committee notes the progress with Member Development and Engagement events since the last report.
2	That if Members have any suggestions for future Member Development and Engagement they are invited to contact the Democratic Services Manager to discuss them.

REPORT DETAILS

1.00	DETAILS OF EVENTS
1.01	This committee has previously agreed that regular progress reports on the Member Development and Engagement events which had been organised should be submitted to it.

1.02	<p>Since the last report, which was to the June meeting, a number of events which are detailed below have been held.</p> <table border="1" data-bbox="357 304 1350 958"> <thead> <tr> <th data-bbox="357 304 935 365">Event</th> <th data-bbox="935 304 1350 365">Date and times</th> </tr> </thead> <tbody> <tr> <td data-bbox="357 365 935 425">Local Development Plan briefing</td> <td data-bbox="935 365 1350 425">4th July 6pm</td> </tr> <tr> <td data-bbox="357 425 935 486">Local Development Plan briefing</td> <td data-bbox="935 425 1350 486">10th July 2pm</td> </tr> <tr> <td data-bbox="357 486 935 591">Medium Term Financial Strategy and Budget for 2020/21 Workshop</td> <td data-bbox="935 486 1350 591">1st August 10am</td> </tr> <tr> <td data-bbox="357 591 935 696">Medium Term Financial Strategy and Budget for 2020/21 Evening Briefing</td> <td data-bbox="935 591 1350 696">1st August 6pm</td> </tr> <tr> <td data-bbox="357 696 935 801">Local Development Plan briefing on personal and prejudicial interest</td> <td data-bbox="935 696 1350 801">9th September</td> </tr> <tr> <td data-bbox="357 801 935 862">Rota Visits training</td> <td data-bbox="935 801 1350 862">16th September</td> </tr> <tr> <td data-bbox="357 862 935 958">Audit Committee- training for substitutes</td> <td data-bbox="935 862 1350 958">25th September</td> </tr> </tbody> </table>	Event	Date and times	Local Development Plan briefing	4 th July 6pm	Local Development Plan briefing	10 th July 2pm	Medium Term Financial Strategy and Budget for 2020/21 Workshop	1 st August 10am	Medium Term Financial Strategy and Budget for 2020/21 Evening Briefing	1 st August 6pm	Local Development Plan briefing on personal and prejudicial interest	9 th September	Rota Visits training	16 th September	Audit Committee- training for substitutes	25 th September		
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1.03	<p>With the publication of the Local Democracy & Boundary commission Review proposals for Flintshire, we have organised the following 'ward workshops'</p> <table border="1" data-bbox="357 1111 1350 1619"> <thead> <tr> <th data-bbox="357 1111 935 1171">Event</th> <th data-bbox="935 1111 1350 1171">Date and Times</th> </tr> </thead> <tbody> <tr> <td data-bbox="357 1171 935 1209">Mold</td> <td data-bbox="935 1171 1350 1209">23rd September 4pm</td> </tr> <tr> <td data-bbox="357 1209 935 1279">Hope, Higher Kinnerton, Caergwrlle, Llanfynydd and Treuddyn</td> <td data-bbox="935 1209 1350 1279">25th September 4pm</td> </tr> <tr> <td data-bbox="357 1279 935 1317">Flint</td> <td data-bbox="935 1279 1350 1317">25th September 5.30pm</td> </tr> <tr> <td data-bbox="357 1317 935 1395">Saltney</td> <td data-bbox="935 1317 1350 1395">1st October at 4pm, 2nd October at 4pm</td> </tr> <tr> <td data-bbox="357 1395 935 1464">Aston, Ewloe, Hawarden, Mancot, Queensferry and Sealand</td> <td data-bbox="935 1395 1350 1464">1st October at 5.30</td> </tr> <tr> <td data-bbox="357 1464 935 1503">Buckley</td> <td data-bbox="935 1464 1350 1503">3rd October 4pm</td> </tr> <tr> <td data-bbox="357 1503 935 1541">Holywell and Greenfield</td> <td data-bbox="935 1503 1350 1541">3rd October 5.30pm</td> </tr> <tr> <td data-bbox="357 1541 935 1619">Ffynnongroyw, Gronant and Trelawnyd & Gwaenysgor</td> <td data-bbox="935 1541 1350 1619">7th October at 11.30am</td> </tr> </tbody> </table>	Event	Date and Times	Mold	23 rd September 4pm	Hope, Higher Kinnerton, Caergwrlle, Llanfynydd and Treuddyn	25 th September 4pm	Flint	25 th September 5.30pm	Saltney	1 st October at 4pm, 2 nd October at 4pm	Aston, Ewloe, Hawarden, Mancot, Queensferry and Sealand	1 st October at 5.30	Buckley	3 rd October 4pm	Holywell and Greenfield	3 rd October 5.30pm	Ffynnongroyw, Gronant and Trelawnyd & Gwaenysgor	7 th October at 11.30am
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1.04	<p>There will be an open 'drop in session' for any Members who want to discuss how the Local Democracy & Boundary Commission proposals will affect their ward on the afternoon of 24th October. Then, on 28th October at 10am, there will be an all member Electoral Ward review workshop, which will be used to inform the report to Council on 19th November.</p>																		
1.04	<p>With changes to the composition of the Planning Committee, some bespoke Planning training for Members who have not recently been or who have never been on that committee has been provided by Planning and Legal Officers.</p>																		

2.00	RESOURCE IMPLICATIONS
2.01	There is a small training budget which can be accessed if necessary: most development sessions are provided using the Council's own officers.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	None.

4.00	RISK MANAGEMENT
4.01	The provision of information through workshops and briefings contributes to effective risk management.

5.00	APPENDICES
5.01	None.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None. Contact Officer: Robert Robins, Democratic Services Manager Telephone: 01352 702320 E-mail: robert.robins@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	None.

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