

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **FLINTSHIRE COUNTY COUNCIL**

DATE: **TUESDAY, 25 NOVEMBER 2014**

REPORT BY: **CHIEF OFFICER (GOVERNANCE)**

SUBJECT: **REVIEW OF MEMBERS CODE OF CONDUCT**

1.00 PURPOSE OF REPORT

1.01 For County Council to approve minor revisions to the Members' Code of Conduct recommended by the Council's Constitution Committee.

2.00 BACKGROUND

2.01 At its meeting on the 8 April 2008 the County Council adopted the Members' Code of Conduct giving effect to the Local Authorities (Model Code of Conduct) (Wales) Order 2008. That Order prescribes information that must be contained in any Council's Members' Code of Conduct. Flintshire's Code did not add any additional provisions to those prescribed by the Order.

2.02 When Flintshire adopted its Local Resolution Procedure and Flintshire Standards of Conduct at the Council meeting on the 25 June 2013 paragraph 6 (2) of the Code was amended to incorporate reference to compliance with these.

2.03 The Members' Code of Conduct forms part of the Council's Constitution and the Constitution Committee is in the last year of a 3 year programme to review all parts of the Constitution. The guiding principles are to ensure that the Constitution is up-to-date and that the wording is clear and unambiguous.

2.04 At its meeting on the 6 October 2014 the Standards Committee considered a report on the review of the Members' Code of Conduct and agreed the changes indicated as tracked changed in Appendix A. These changes were approved by the Constitution Committee at its meeting on the 15 October 2014.

2.05 Section 51 of the Local Government Act 2000 requires certain formalities when the Members' Code of Conduct is revised. Firstly, there is a requirement for the revisions to be approved by resolution of County Council. Also, following such a resolution there is a need to publish a newspaper notice stating that the code has been revised and that copies are available for inspection by the public. There is

also a requirement to send a copy of the revised code to the Public Services Ombudsman for Wales.

3.00 CONSIDERATIONS

3.01 Whilst there is no power to remove from the Code the prescribed provisions there is in theory the power to add additional provisions. In view of the potential sanctions for breach of the Code there should be a proven need for any additional requirements being imposed. There are other ways of improving standards such as protocols or other guidance documents that should be considered prior to making additions to the Members' Code.

3.02 Appendix A shows the following proposed changes to update or clarify the existing wording:-

- Wherever there is a reference to community council to add the words "town or" so as to clarify that the code applies to members of town councils.
- Where in paragraph 2 (2) it refers to the general principles for these to be attached to the code.
- In clause 3 (a) to delete the reference to Police Authority to update the code.
- In paragraph 8 (a) (ii) to change the reference from Chief Finance Officer to Section 151 officer to avoid ambiguity over the reference to the post being referred to.

4.00 RECOMMENDATIONS

4.01 For the Council to resolve to approve the revised Members' Code of Conduct show in Appendix 1 and comply with the requirements of Section 51 of the Local Government Act 2000.

5.00 FINANCIAL IMPLICATIONS

5.01 The cost of the requisite newspaper advertisement will be met from budget underspends.

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 With the Standards Committee, Constitution Committee and political Group Leaders.

11.00 CONSULTATION UNDERTAKEN

11.01 With the Standards Committee, Constitution Committee and political Group Leaders.

12.00 APPENDICES

12.01 Appendix A – Members’ Code of Conduct

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

None

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