

CONSTITUTION COMMITTEE

Date of Meeting	Wednesday, 27 April 2016
Report Subject	Changes to the National Model Code of Conduct for Councillors
Report Author	Chief Officer (Governance)

EXECUTIVE SUMMARY

Flintshire's Code of Conduct for Members is based on the prescribed national model, which is laid down in a statutory instrument. Over the years Flintshire has added to the code (which it is permitted to do) to reflect local concerns.

Welsh Government has amended the national model by:

- Deleting the obligation to report perceived breaches to the Public Services Ombudsman for Wales (PSOW).
- Deleting the need to declare an interest where there is a possible/perceived conflict of interest between ward duties and the legal responsibilities of the Council.
- Permitting a councillor with prejudicial interest to make written representations to a committee on a matter provided the public have a right to speak at that committee.
- Requiring town and community councillors to notify their clerk (not the County Council's Monitoring Officer) of interests declared at meetings.

Rather than adopting the new national model itself, which does not include Flintshire's local amendments, it will be necessary to adopt the changes to the national model.

RECOMMENDATIONS

1	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.
---	---

2	That 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).
---	---

REPORT DETAILS

1.00	EXPLAINING THE NATIONAL CODE OF CONDUCT FOR COUNCILLORS
1.01	Section 51, Local Government Act required the Council to adopt any national code of conduct made pursuant to section 50 of that Act within 6 months of the act coming into force. When a revised model code is published the Council must either adopt it, or make revisions to its existing code.
1.02	<p>This section also permits the Council to include other provisions in its code provided they are consistent with the national model. Flintshire's Code of Conduct has amended the national model as follows:</p> <ul style="list-style-type: none"> • By adding an obligation at paragraph 6(2) to adhere to the Flintshire standards of conduct and co-operate with the local resolution procedure. • It specifies that gifts or hospitality which must be registered with the Monitoring Officer under paragraph 17 is £10.
1.03	<p>Welsh Government has made a number of changes to the national model, of which the following are the most significant:</p> <ol style="list-style-type: none"> a. Paragraph 6(1)c - the obligation to report suspected breaches of the code of conduct to the Public Services Ombudsman for Wales is removed. (Note – the obligation to report suspected breaches to the Monitoring Officer remains) b. Paragraph 10(2)b - the obligation to declare an interest in the case of possible/perceived conflicts of interest between representing the needs of a councillor's ward and the duties of the Council as a whole is removed c. Paragraph 14 – by making it clear that a councillor with a prejudicial interest in a matter can send written representations to a meeting about that item of business provided the public is able to speak at that meeting as of right d. Paragraph 15 by imposing an obligation on town and community councillors to register any interest disclosed for the first time under paragraph 10(2)a (thereby creating the register of interests for each town and community council) e. Paragraph 15 by requiring town and community councillors to register their interests with their clerk (rather than the Monitoring Officer at the County Council).
1.04	All changes to the code are shown in tracked changes at Appendix 1.
1.05	Councillors only need to give an undertaking to follow the code of conduct when they join a council, because they agree to abide by the code that is

	in force from time to time. So in effect any changes to the code automatically apply to all councillors, and it is not necessary to sign anything agreeing to the amendments.
2.00	RESOURCE IMPLICATIONS
2.01	Under s.51 Local Government Act 2000 any changes to the code of conduct must be advertised as soon as reasonably practical. The advert must be in a local newspaper and must say where a copy of the code can be inspected.
2.02	To save town and community councils the cost of advertising they can be invited to share the County Council's advert. So that the advert is not delayed town and community councils will need to notify officers no later than 31 May 2016 that they have adopted the national code/ revised their code and provide a copy of the code for inspection.
2.03	Whilst doing this will increase the cost to the County Council it avoids the far greater cost to the public purse as a whole that would be incurred if each council placed an individual advert.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	The Standards Committee at its meeting on 7 March 2016 recommended that the amendments to the code be adopted.

4.00	RISK MANAGEMENT
4.01	None

5.00	APPENDICES
5.01	Appendix 1 – revised Code of Conduct

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None Contact Officer: Gareth Owens, Chief Officer (Governance) Telephone: 01352 702411 E-mail: gareth.legal@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	PSOW – Public Services Ombudsman for Wales

