

STANDARDS COMMITTEE

Date of Meeting	Monday 4 th July 2022
Report Subject	Rolling Review of the Constitution
Report Author	Chief Officer Governance

EXECUTIVE SUMMARY

The constitution contains a number of codes and protocols that

- give more detailed guidance on how to apply the Code of Conduct in specific situations;
- create processes for handling issues in an ethical manner.

It is good practice to periodically review the codes and protocols to ensure that they are up to date and remain pertinent. All the codes and protocols were reviewed during the last Council term and so it is appropriate that they are reviewed again for this Council term.

	RECOMMENDATIONS
1.	That the timetable for reviewing codes and protocols are adopted.

REPORT DETAILS

1.00	EXPLAINING THE REVIEW PROCESS
1.01	<p>The Constitution contains the following codes and protocols :-</p> <ul style="list-style-type: none"> • Members' Code of Conduct • Protocol on the production of Councillor newsletters • Officers' Code of Conduct • Planning Code of Practice* • Confidential reporting procedure (2 parts) • Protocol on Member/officer relations

	<ul style="list-style-type: none"> Protocol for Members in their dealings with contractors/developers <p>* Note Planning Code of Practice falls within the remit of the Planning Strategy Group and results of review would be reported to it.</p>																				
1.02	These codes and protocols have all been introduced at different times and have been subject to periodic review albeit not at regular intervals. It is appropriate that all such codes and protocols shall be reviewed from time to time to ensure that they are both up to date and indeed still required.																				
1.03	The Committee has previously agreed to a rolling review and has completed such a review once. It is timely to review the codes and protocols again. Paragraph 1.06 shows the suggested programme of review so that the Standards Committee can be satisfied that all codes and protocols are reviewed as part of a regular cycle.																				
1.04	The interval each code and protocol is reviewed should depend on the importance of that document and the frequency with which it is likely to or might need to be changed. So for example, the Code of Conduct for Members is a very important document and should be checked annually even though the national model code on which it is based is not likely to have changed that frequently. Other than that I would recommend that the committee aim to have all codes and protocols reviewed once within a 3 year cycle which would match the same cycle that has been adopted for other provisions within the Constitution.																				
1.05	Clearly, should there be a need to change any code or protocol outside of the cycle then that can be done and then the cycle can be amended accordingly. For example, Welsh Government may wish to review the Code of Conduct in response to the Penn Review of the Ethical Regime.																				
1.06	<p>I have recommended a timetable for reviewing the codes and protocols below :-</p> <table border="1"> <thead> <tr> <th>Year</th> <th>January</th> <th>July</th> <th>December</th> </tr> </thead> <tbody> <tr> <td>2022</td> <td></td> <td></td> <td>Members' Code of Conduct</td> </tr> <tr> <td>2023</td> <td>Officers' Code of Conduct</td> <td>Members' Code of Conduct</td> <td>Protocol on Member/Officer relations</td> </tr> <tr> <td>2024</td> <td>Confidential Reporting Procedure</td> <td>Protocol for Members in their dealings with contractors/developers. Members' Code of Conduct.</td> <td>Protocol on the production of Councillor newsletters</td> </tr> <tr> <td>2025</td> <td>Planning Code of Practice</td> <td></td> <td></td> </tr> </tbody> </table>	Year	January	July	December	2022			Members' Code of Conduct	2023	Officers' Code of Conduct	Members' Code of Conduct	Protocol on Member/Officer relations	2024	Confidential Reporting Procedure	Protocol for Members in their dealings with contractors/developers. Members' Code of Conduct.	Protocol on the production of Councillor newsletters	2025	Planning Code of Practice		
Year	January	July	December																		
2022			Members' Code of Conduct																		
2023	Officers' Code of Conduct	Members' Code of Conduct	Protocol on Member/Officer relations																		
2024	Confidential Reporting Procedure	Protocol for Members in their dealings with contractors/developers. Members' Code of Conduct.	Protocol on the production of Councillor newsletters																		
2025	Planning Code of Practice																				

2.00	RESOURCE IMPLICATIONS
2.01	The rolling review of the codes and protocols can be supported within existing resources.

3.00	CONSULTATION REQUIRED AND UNDERTAKEN
3.01	None as a result of this report.

4.00	RISK IMPLICATIONS
4.01	The rolling review will ensure that the ethical rules of the Council remain up to date and pertinent.

5.00	APPENDICES
5.01	None

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None Contact Officer: Gareth Owens, Chief Officer Governance Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	Penn Review of the Ethical Regime - a review commissioned by Welsh Government and conducted by Richard Penn looking into the Code of Conduct, how it is enforced, how training is undertaken and all other mechanisms to ensure high standards of ethical behaviour.