

FLINTSHIRE COUNTY COUNCIL

Date of Meeting	Tuesday 16 th April
Report Subject	Rolling Review of the Members Code of Conduct
Report Author	Chief Officer (Governance)

EXECUTIVE SUMMARY

The Council must adopt a Code of Conduct that is based on the prescribed national model. It can amend the code provided the provisions are no less onerous than the model.

The Standards Committee keeps all the codes and protocols in the Constitution under rolling review to ensure they are up to date and pertinent. As the code is mandatory, clearly the key question is whether it adequately covers behaviours that would be inconsistent with the Nolan principles/unacceptable.

Since the last time the Committee reviewed the code in November 2022 agreement has been reached across all authorities in Wales to adopt a common value, £25, for the registration of gifts and hospitality. The Standards Committee recommends that the Council adopts this value as well. The Constitution and Democratic Services Committee, unusually, disagreed with the recommendation and thought the value should remain at £10.

RECOMMENDATIONS

1	That Council decides whether the value above which gifts and hospitality etc must be registered should be increased from £10 to £25.
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REPORT DETAILS

1.00	EXPLAINING THE REVIEW OF THE CODE
1.01	<p>Under section 51 Local Government Act 2000 the Council must adopt a Code of Conduct for Councillors (“the Code”) based on a national model. All Members must sign to say that they will follow the Code. The Council’s current code is based on the national model contained within The Local Authorities (Model Code of Conduct) (Wales) Order 2008 (as amended).</p>
1.02	<p>The Standards Committee keeps all the codes and protocols within the Constitution under review to ensure that they remain pertinent and up to date. Council may recall that the Penn review recommended changes to the code, some of which have already been adopted on a voluntary basis.</p>
1.03	<p>One such recommendation was</p> <p><i>“4.2.4 Paragraph 17 of the Model Code requires members, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of their authority, provide written notification to the authority’s monitoring officer... of the existence and nature of that gift, hospitality, material benefit or advantage. The Code does not specify any threshold for such declarations but a number of authorities have specified a threshold beyond which there must be a declaration. This ranges from £21 to £100 and there is agreement that the threshold should be specified in the Code to ensure consistency across Wales.”</i></p> <p>At Flintshire the value was set in paragraph 18 of the code at £10 when the code was adopted. It has remained at that value since.</p>
1.04	<p>The Standards Committee agreed that it would ask monitoring officers to seek consensus across Wales on the level above which gifts and hospitality must be registered. As at March 2023 most authorities (16 out of 29) in Wales already required registration for gifts/hospitality of £25 or more. The National Forum therefore reached a consensus that this value should be used across Wales, in order to achieve the recommended consistency. Each council however needs to individually resolve to make this change because the Forum has no decision-making authority on behalf of its members.</p>
1.05	<p>At its meeting on 6 November, the Standards Committee agreed to recommend the £25 value to Council. When the Constitution and Democratic Services Committee considered the issue, it did not agree. It felt that the value of £10 was more open and that (some) public opinion did not support a change to £25.</p>
1.06	<p>Members may also recall that Welsh Government consulted on whether to implement the recommendations in the Penn Review. It concluded that it would leave this matter to individual councils, but recommends regular review by monitoring officers and the National Forum.</p>

1.07	It is unusual, though, of course, perfectly legitimate, for the two committees to take a totally different view on issues pertaining to the code. Ordinarily, any differences are minor matters of emphasis that can be reflected in amendments to drafting, but on this occasion the views are mutually exclusive. Council will therefore need to choose which to prefer.
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2.00	RESOURCE IMPLICATIONS
2.01	The proposed change would have no impact on resources.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	All chairs of the Standards Committees across Wales.

4.00	RISK MANAGEMENT
4.01	The value for declaring gifts/hospitality has been £10 since the code was adopted in 2001. Had that sum kept pace with inflation (measured by the Consumer Prices Index) over that time it would now be £17.94. If it were to adopt £25 as the value, Council would be slightly easing the duty on councillors but by a small amount that might be deemed insignificant compared the benefit to be derived by the application of consistent requirements/expectations across the whole of Wales.

5.00	APPENDICES
5.01	None.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>The Review of the Ethical Framework by Richard Penn</p> <p>Contact Officer: Gareth Owens, Chief Officer (Governance) Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	National Forum – a biannual meeting of all the chairs of Standards Committees across Wales. Its purpose is to share good practice and provide an opportunity to consider issues relevant to the ethical framework. Its creation was a recommendation of the Penn Review based on existing practice in North Wales.

<p>Penn Review - 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.</p>
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