

# Pecyn Dogfen Gyhoeddus



Swyddog Cyswllt:  
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At: Edward Michael Hughes (Cadeirydd)

Cynghorwyr: Patrick Heesom, Paul Johnson ac Arnold Woolley

## **Aelodau Cyfetholedig:**

Robert Dewey, Jonathan Duggan-Keen, Phillipa Earlam, Julia Hughes a  
Kenneth Molyneux

29 Mai 2018

Annwyl Gynghorydd

Fe'ch gwahoddir i fynychu cyfarfod Pwyllgor Safonau a gynhelir yn 6.30 pm Dydd Llundun, 4ydd Mehefin, 2018 yn Ystafell Bwyllgor Clwyd, Neuadd y Sir, Yr Wyddgrug CH7 6NA i ystyried yr eitemau canlynol

**Bydd y sesiwn hyfforddiant ar gyfer aelodau'r Pwyllgor Safonau yn cael ei chynnal o 6.00pm tan 6.30pm**

## **R H A G L E N**

### **1 YMDDIHEURIADAU**

**Pwrpas:** I dderbyn unrhyw ymddiheuriadau.

### **2 DATGAN CYSYLLTIAD (GAN GYNNWYS DATGANIADAU CHWIPIO)**

**Pwrpas:** I dderbyn unrhyw ddatganiad o gysylltiad a chynghori'r Aelodau yn unol a hynny.

### **3 COFNODION (Tudalennau 3 - 6)**

**Pwrpas:** I gadarnhau, fel cofnod cywir gofnodion y cyfarfod ar 9 Ebrill 2018.

### **4 GODDEFEBAU (Tudalennau 7 - 8)**

**Pwrpas:** Derbyn unrhyw geisiadau am oddefebau.

### **5 TROSOLWG O GWYNIION MOESEGOL (Tudalennau 9 - 14)**

**Pwrpas:** Bod y Pwyllgor yn nodi'r nifer a'r math o gwynion.

6 **ADOLYGIAD O GOD YMDDYGIAD AELODAU** (Tudalennau 15 - 34)

**Pwrpas:** Bod y Pwyllgor yn nodi bod y dystiolaeth yn dynodi bod y systemau presennol i'w gweld yn gweithio ac nad oes angen adolygu cod ymddygiad aelodau.

7 **HYFFORDDIANT AR GYFER CYNGHORWYR TREF A CHYMUNED**  
(Tudalennau 35 - 38)

**Pwrpas:** Bod adroddiad yn cael ei gyflwyno i gyfarfod y pwyllgor yn y dyfodol yn ymwneud â lefel presenoldeb mewn digwyddiad hyfforddi ym maes cod ymddygiad Aelodau a gyflwynwyd i Gynghorwyr Tref a Chymuned gan y Swyddog Monitro ar 1 Mai 2018.

Mae'r Dirprwy Swyddog Monitro yn cyflwyno sesiwn hyfforddi pellach ar God ymddygiad Aelodau ym mis Medi 2018 a bydd adroddiad mewn cyfarfod Pwyllgor yn y dyfodol yn ymwneud â lefelau presenoldeb yn y digwyddiad hyfforddi hwnnw.

8 **RHAGLEN GWAITH I'R DYFODOL** (Tudalennau 39 - 40)

**Pwrpas:** Er mwyn i'r Pwyllgor ystyried testunau i'w cynnwys ar y Rhaglen Gwaith i'r Dyfodol.

Yn gywir



Robert Robins  
Rheolwr Gwasanaethau Democraidd

# Eitem ar gyfer y Rhaglen 3

## **STANDARDS COMMITTEE** **9 APRIL 2018**

Minutes of the meeting of the Standards Committee of Flintshire County Council held at County Hall, Mold on Monday, 9 April 2018

### **PRESENT: Edward Hughes (Chairman)**

Councillors:

Patrick Heesom, Paul Johnson and Arnold Woolley

Co-opted members:

Rob Dewey, Julia Hughes and Ken Molyneux

### **APOLOGIES:**

Jonathan Duggan-Keen and Phillipa Earlam

### **IN ATTENDANCE:**

Monitoring Officer, Deputy Monitoring Officer and Democratic Services Officer

## **68. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

None.

## **69. MINUTES**

The minutes of the meeting held on 5 March 2018 were submitted.

### **RESOLVED:**

That the minutes be approved and signed by the Chairman as a correct record.

## **70. DISPENSATIONS**

None were received.

## **71. VISITS TO TOWN AND COMMUNITY COUNCILS**

The Monitoring Officer presented a report on the practical and financial arrangements for visiting Town and Community Councils, following discussion at the previous meeting.

Whilst the proposed visits did not meet criteria for the rules of the Independent Remuneration Panel for Wales (IRPW) in respect of payments for independent members, the Council was able to pay travelling expenses. An expenses claim form was appended to the report, together with a suggested toolkit to ensure consistency in undertaking the visits and providing feedback to the Committee.

An attendance allowance claim form was also provided which independent members were advised to use for attendance at meetings of the Committee and relevant events. The report also detailed a change to the agreed preparation times for attending Committee meetings.

**RESOLVED:**

- (a) That Members undertaking observational visits to Town and Community Councils be able to claim travel expenses for doing so; and
- (b) That Members note the suggested 'toolkit' for undertaking such visits.

**72. COUNCILLORS' ANNUAL REPORTS**

The Deputy Monitoring Officer presented a report on arrangements for the publication of annual reports by Council Members, in accordance with guidance issued under the Local Government (Wales) Measure 2011. This provided an update on the matter which was previously reported in February 2016.

As a point of accuracy, it was noted that paragraph 1.07 should refer to annual reports and not returns.

Whilst Council Members were not obliged to produce annual reports, the legislation placed a duty on councils to have arrangements available to publish annual reports for those who opted to do so. Due to the number of new Council Members, it was suggested that a reminder be given that such arrangements were in place and to ask those Members who chose to produce their own newsletter to confirm the frequency over the past 12 months. It was recommended that this communication be made to Members on an annual basis.

Mr. Rob Dewey commented on the low number of Members who chose to produce an annual report. The Monitoring Officer explained that the results of a previous survey indicated that the majority preferred to produce their own newsletter.

Mrs. Julia Hughes suggested that the wording in the recommendation be revised to clarify that it was for each Member to decide whether or not they chose to produce an annual report or newsletter, and that neither was mandatory.

Councillor Johnson referred to more effective means of communication, such as social media, used by some Members to engage with constituents.

The Committee agreed to a change in the wording for Recommendation 2 to reflect these comments.

**RESOLVED:**

- (a) To remind Members of the Council of the arrangements for publication of annual reports by circulating, by email, the template (attached as appendix A) to this report to Members, and referring them to the Guidance;

- (b) To request those Members who choose not to produce an annual report to confirm whether they choose to communicate through other channels, for example newsletter, social media etc, and to inform the Monitoring Officer of the frequency of such communications within the past twelve months; and
- (c) To carry out the reminder and request set out at paragraphs (a) and (b) of this recommendation on an annual basis.

**73. FORWARD WORK PROGRAMME**

The Monitoring Officer referred to the next meeting on 14 May where the main item was to discuss training for Town and Community Councils. He advised that he had been asked to deliver such a training session at Northop Community Council. The Committee agreed that if there was no other business for 14 May (including dispensation requests), then the meeting would be cancelled and the training item moved to the June meeting.

The Monitoring Officer had not yet been notified of the meeting date for the North Wales Standards Forum in May but would advise independent members once it had been confirmed. The topic previously suggested by Mrs. Phillipa Earlam would be submitted for the agenda.

**RESOLVED:**

That the Forward Work Programme be noted.

**74. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE**

There were two members of the public in attendance.

(The meeting started at 6.30pm and ended at 6.50pm)

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**Chairman**

Mae'r dudalen hon yn wag yn bwrpasol

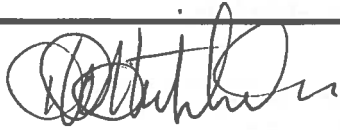
**Eitem ar gyfer y Rhaglen 4**  
**FLINTSHIRE COUNTY COUNCIL**

**APPLICATION FOR DISPENSATION TO THE**  
**STANDARDS COMMITTEE**  
**BY MEMBER OF THE COUNCIL**

<b>Name of Councillor</b>	Dennis Hutchinson
<b>Address</b>	Newlyn Padeswood Road Buckley Flintshire CH7 2JW
<b>Electoral Division</b>	Buckley Pentrobin
<b>Nature of Dispensation sought</b>	To speak but not vote
<b>Level of Dispensation sought (i.e. to speak only or to speak and vote)</b>	To speak only at Planning Committee regarding application number: 058212 Land adj Woodside Cottages Bank Lane Drury Buckley CH7 3EQ
<b>Relevant Paragraph under which Dispensation is requested (See overleaf)</b>	d and f – I am the local member and wish to represent local views regarding the proposal
<b>Details of the Prejudicial Interest</b>	I own land in close proximity to the application site and the development will therefore have an impact upon my land.
<b>Details of any Position of responsibility/control held on Council (e.g. Chairman/Vice-Chairman)</b>	

Tudalen 7

Signed:



Date: 21.5.18

### **Circumstances When A Standards Committee May Grant Dispensation**

The Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 specifies that the Council's Standards Committee may grant dispensations under Section 81(4) of the Local Government Act 2000 where:

- (a) no fewer than half of the Members of the Council or of a Committee of the Council (as the case may be) by which the business is to be considered has an interest which related to that business;
- (b) no fewer than half of the Members of the Executive of the Council (i.e. Leader and Cabinet) by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) Members' inability to participate would upset the political balance of the Council, or any of its committees by which the business is to be considered, to such an extent that the outcome would be likely to be affected;
- (d) the nature of the Member's interest is such that the Member's participation in the business to which the interest relates would not damage public confidence in the conduct of the Council's business;
- (e) the interest is common to the Member and a significant proportion of the general public;
- (f) the participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;
- (g) the registerable interest relates to business, which is to be considered by an Overview and Scrutiny Committee of the Council, and the Member's interest is not a pecuniary/financial interest;
- (h) the business relates to the finances of property of a voluntary organisation of whose management committee or board the Member is a member otherwise than as a representative of the Council and the Member has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business; or
- (i) it appears to the Standard Committee to be in the interest of the inhabitants of the area of the Council that the disability should be removed, provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within 7 days. Such a notification should specify the Member to whom the dispensation would apply and the Standards Committee's reasons why the disability should be removed.

**Tudalen 8**



# Eitem ar gyfer y Rhaglen 5



## STANDARDS COMMITTEE

<b>Date of Meeting</b>	Monday, 4 June 2018
<b>Report Subject</b>	Overview of Ethical Complaints
<b>Report Author</b>	Chief Officer Governance

### EXECUTIVE SUMMARY

This is the second such report giving a running total of the ethical complaints alleging a breach of the code that have been submitted to the Public Services Ombudsman for Wales. As per the committee's resolution at its meeting in March, the complaints distinguish between different councils and councillors whilst still remaining anonymous.

There have been a significant number of complaints submitted in respect of a single Town Council since the last report. One complaint came from a member of the public, which the ombudsman has decided to investigate.

### RECOMMENDATIONS

1	That the Committee notes the number and type of complaints.
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### REPORT DETAILS

<b>1.00</b>	<b>Number of complaints</b>
1.01	<p>The attached spreadsheet at Appendix A lists in summary form the complaints received during 2016/17 and 2017/18. Each entry lists:</p> <ul style="list-style-type: none"><li>• the ombudsman's reference number (year/4 digit reference)</li><li>• the type of Council (Community, County or Town)</li><li>• the complainant (Councillor, Officer, public)</li><li>• the provisions which are alleged to have been breached</li><li>• the decision at each of the 3 stages of investigation</li></ul>

1.02	<p>A significant number of complaints have been submitted in respect of one Town Council. One of these is from a member of the public and is being investigated. It is inappropriate to comment in detail whilst the investigation is underway. Indeed, the details of the complaint are the subject to an obligation of confidentiality under the Local Government Act 2000.</p> <p>However, once the complaint is resolved (and whatever the outcome) there may need to be a wider piece of work to restore relationships within the Council concerned.</p>
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<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
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2.01	None associated with this report.
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<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
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3.01	None.
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<b>4.00</b>	<b>RISK MANAGEMENT</b>
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4.01	None
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<b>5.00</b>	<b>APPENDICES</b>
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5.01	A - Number of complaints.
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<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
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6.01	<p>None</p> <p><b>Contact Officer:</b> Gareth Owens, Chief Officer Governance  <b>Telephone:</b> 01352 702344  <b>E-mail:</b> <a href="mailto:gareth.legal@flintshire.gov.uk">gareth.legal@flintshire.gov.uk</a></p>
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<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
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7.01	<p><b>Public Services Ombudsman for Wales</b> – the Ombudsman investigates service complaints and alleged breaches of the code. The ombudsman will not investigate and alleged breach of the code unless there is clear evidence of a breach and it is in the public interest to expend public funds investigating.</p>
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PSOW Reference	Council	Councillor	Complainant	Alleged breach	Gatekeeper	Investigation	Hearing
16/0483	Town 1	A	Councillor	Disrepute and improper advantage	Not acting in official capacity		
16/1611	County	B	Officer	Bullying, disrespect	Investigate	Evidence of breach	APW disqualified for 14 months
16/6253	Town 1	A	Councillor	Failure to declare an interest, voting with an interest	Investigate	Apology given by councillor. Not in public interest to proceed	
16/7019	Community 1	C	Officer	Bullying, disrespect, disrepute	Insufficient evidence		
16/7020	Community 1	D	Officer	Bullying, disrespect, disrepute	Insufficient evidence		
16/7053	Community 1	C	Officer	Failure to co-operate with local resolution	Not in public interest		
16/7054	Community 1	D	Officer	Failure to co-operate with local resolution	Not in public interest		
16/7173	Community 1	C	Councillor	Bullying, disrespect, disrepute, making malicious complaints	Insufficient evidence		
16/7174	Community 1	D	Councillor	Bullying, disrespect, disrepute, making malicious complaints	Insufficient evidence		

PSOW Reference	Type of Council	Councillor	Complainant	Alleged breach	Outcome by stage		
					Gatekeeper	Investigation	Hearing
17/0516	County	A	Public	Disrepute, respect	Alleged actions not a breach of the code		
17/2548	County	B	Public	Disrepute	Alleged actions not a breach of the code		
17/7733	Community 1	C	Public	Disrepute	Alleged actions not a breach of the code		
17/7836	Town 1	D	Councillor	Bullying	Duplicate of a complaint that will be investigated		
17/7924	Town 1	E	Councillor	Voting with a prejudicial interest	Duplicate of a complaint already being investigated.		
17/7925	Town 1	E	Councillor	Voting with a prejudicial interest	Investigate		
17/7956	Town 1	F	Councillor	Respect	Alleged actions not a breach of the code		
17/7957	Town 1	G	Councillor	Bullying	Alleged actions not a breach of the code		
17/7965	Town 1	E	Councillor	Voting with a prejudicial interest	Duplicate of a complaint already being investigated.		
17/8009	Town 1	E	Councillor	Voting with a prejudicial interest	Duplicate of a complaint already being investigated.		
18/0177	Town 1	E	Public	Bullying	Investigate		
18/0178	Town 1	H	Public	Bullying	Investigate		
18/0179	Town 1	I	Public	Bullying	Investigate		
18/0180	Town 1	G	Public	Bullying	Investigate		

PSOW Reference	Type of Council	Complainant	Alleged breach	Outcome by stage		
				Gatekeeper	Investigation	Hearing

Mae'r dudalen hon yn wag yn bwrpasol

# Eitem ar gyfer y Rhaglen 6



## STANDARDS COMMITTEE

<b>Date of Meeting</b>	Monday, 4 June 2018
<b>Report Subject</b>	Review of the Members' Code of Conduct
<b>Report Author</b>	Chief Officer Governance

### EXECUTIVE SUMMARY

The Local Government Act 2000 requires the Council to adopt a Code of Conduct based on a national prescribed model. The Council can include other provisions within the code provided they are consistent with the national model.

The national model in Wales was issued by statutory in 2008 and amended in 2016. The Council adopted the national model in 2008 and, in November 2014, added an obligation that members must adhere to the Flintshire Standards and comply with the local resolution process.

The Council last reviewed its code in 2016 when it adopted the revisions to the national model.

The code is also supplemented by a range of protocols that expand upon the requirements of the code and give further guidance appertaining to specific situations e.g. planning.

The Council have been careful to seek to establish a working culture of respect and professional behaviour, which is fundamental to reducing the sorts of behaviour that give rise to complaints. As a consequence the number of complaints about County Councillors is usually low (below the Wales average). The Council is also often able to resolve low level complaints (about relationship breakdown) through discussion and/or the local resolution process without the need for a formal complaint.

### RECOMMENDATIONS

1	That the Committee notes that the evidence indicates that existing systems seem to be working and that the members' code of conduct does not need revision.
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## REPORT DETAILS

<b>1.00</b>	<b>Legislative Background</b>	
1.01	Section 51 Local Government Act 2000 requires the Council to adopt the provisions of a national model code of conduct for members. That national model is currently contained within the Local Authorities (Model Code of Conduct) Order 2008.	
1.02	<p>The Council adopted the national model code on 2<sup>nd</sup> May 2008. It revised that code on 25 November by imposing obligations to</p> <ul style="list-style-type: none"> <li>• Adhere to the Flintshire Standard (a document setting out the standards of behaviour expected of each other); and</li> <li>• Comply with the Local Resolution Process (which was also adopted on that date)</li> </ul> <p>These changes were considered good practice at the time (and still are) and were recommended by the Ombudsman. Had all County and County Borough Councils not adopted their own local resolution process then Welsh Government would have legislated to make it mandatory.</p>	
1.03	The model code was amended by further statutory instrument in 2016. The Council adopted those changes in full on 10 <sup>th</sup> May 2016. The Code of Conduct therefore fully reflects the national model except and in so far as it includes for the Flintshire Standard and Local Resolution Process.	
1.04	It is appropriate to periodically review the Code of Conduct. The Code of Conduct can impinge on important civil and human rights so in deciding whether to adopt changes, it is necessary to consider whether there is any evidence to indicate that changes may be required.	
1.05	The number of ethical complaints to the ombudsman is clearly one such source of evidence. The number of complaints since 2014 is in the table below. The numbers are below the national average for Wales.	
	<b>Year</b>	<b>Number of Complaints</b>
	2014	1
	2015	2
	2016	3
	2017/2018 (recording moved from calendar to municipal years)	2
1.06	Records do not exist in the same level of detail for complaints handled under the local resolution process or which are resolved by discussion. However, since 2016 there have been a similar number of complaints handled under the Local Resolution Process. Where parties have been willing to co-operate that process has been successful.	



1.07	The Code is supplemented by a range of protocols and guidance that expand upon and explain the requirements of the code. They cover issues such as member/officer relations and handling planning applications. They serve to make clearer what is required by the Code in such situations.
1.08	The Council has been careful to seek to create an environment of respect and positive behaviours that forestall the sort of behaviours that would generate a complaint. This is created in a range of ways such as good chairing of meetings and respectful challenge where behaviour occasionally falls below the desired standard.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None associated with this report.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	None.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	None

<b>5.00</b>	<b>APPENDICES</b>
5.01	The Code of Conduct for Members

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	None  <b>Contact Officer:</b> Gareth Owens, Chief Officer Governance <b>Telephone:</b> 01352 702344 <b>E-mail:</b> <a href="mailto:gareth.legal@flintshire.gov.uk">gareth.legal@flintshire.gov.uk</a>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	None

Mae'r dudalen hon yn wag yn bwrpasol

Section 19

12. **MEMBERS' CODE OF CONDUCT**

**ADOPTED BY RESOLUTION OF**

**THE COUNTY COUNCIL**

8<sup>th</sup> April 2008

to take effect from 2<sup>nd</sup> May 2008

and updated 25 November 2014

and updated 10<sup>th</sup> 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<sup>(1)</sup>

and includes circumstances in which a member of an 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 fuddiannau’r aelodau”) means the register established and maintained under section 81 of the Local Government Act 2000<sup>(2)</sup>;

“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<sup>(2)</sup> 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<sup>(3)</sup>;

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

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(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;
  - (iii) 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;
  - (iv) 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.** 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

**18.** The Authority has determined that for the purposes of paragraph 17 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 instrument<sup>1</sup> 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**

# Eitem ar gyfer y Rhaglen 7



## STANDARDS COMMITTEE

<b>Date of Meeting</b>	Monday, 4 June 2018
<b>Report Subject</b>	Training for Town and Community Councillors
<b>Report Author</b>	Deputy Monitoring Officer

### EXECUTIVE SUMMARY

This report is to advise the Committee of the level of attendance by Town and Community Councillors at training events regarding the Members' Code of Conduct prior to and following the elections in 2017.

### RECOMMENDATIONS

1	That a report is brought to a future meeting of the Committee regarding the level of attendance at a training event on the Members' Code of Conduct delivered to Town and Community Councillors by the Monitoring Officer on 1 <sup>st</sup> May 2018.
2	That the Deputy Monitoring Officer delivers a further training session on the Members' Code of Conduct in September 2018 and a report is brought to a future meeting of the Committee regarding the level of attendance at that training event.

### REPORT DETAILS

<b>1.00</b>	<b>Background</b>
1.01	On the 5 February 2018, a report was brought to the Committee regarding the level of attendance by new and returning Town and Community Councillors at training events about the Members' Code of Conduct and principles of good governance, which took place on the 30 <sup>th</sup> May 2017, 1 <sup>st</sup> June 2017 and 14 <sup>th</sup> of September 2017.

1.02 The Committee resolved that a further report should be brought to the Committee regarding any other training on the Members' Code of Conduct received by Town and Community Councillors before or after the training events set out at paragraph 1.01 of this report.

1.03 The Deputy Monitoring Officer circulated a questionnaire aimed at gathering this information in March 2018 and received 12 responses during March and April 2018 as set out in the table below at para 1.04.

1.04	Total Number of Councillors on Town or Community Council	Number of Councillors who attended training referred to at 1.01 of this report	Number of Councillors who attended other training and when attended
	13	1	1 (& clerk) in 2014-15
	13	2	2 in 2016
	12	0	9 (some time ago)
	15	0	0
	14	3	3 in 2008
	13	0	All members apart from those co-opted after 2017 election attended training some time ago
	11	4	7 members attended training several years ago
	10	2 members and clerk	0
	20	0	20 and clerk between 2012 and 2017
	20	All new (elected in 2017) members	Some returning members (those who have not are encouraged to attend upcoming One Voice Wales training)
	14	All new members (elected in 2017)	Some returning members (those who have not are encouraged to attend upcoming One Voice Wales training)
	14	2	1

1.05	Given that several Town and Community Councils also requested further training, the Monitoring Officer delivered this on May 1st 2018 and the Deputy Monitoring Officer will also deliver further training in September this year.
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<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	None

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	None

<b>5.00</b>	<b>APPENDICES</b>
5.01	None

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p><b>N/A</b></p> <p><b>Contact Officer:</b> Matthew Georgiou, Deputy Monitoring Officer  <b>Telephone:</b> 01352 702330  <b>E-mail:</b> <a href="mailto:matthew_georgiou@flintshire.gov.uk">matthew_georgiou@flintshire.gov.uk</a></p>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	None

Mae'r dudalen hon yn wag yn bwrpasol

**FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME**

Date of Meeting	Topic	Notes/Decision/Action
<b>June 2018</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Review of the Members' Code of Conduct</li>   <li>• Town and Community Council Training</li>   <li>• Overview of Ethical Complaints</li> </ul>	<p>To review the Members' Code of Conduct as part of the Committee's programme of review of the Council's Constitution</p> <p>To advise the Committee of the level of attendance by Town and Community Councillors at training events regarding the Members' Code of Conduct prior to and following the elections in 2017.</p> <p>That the Committee notes the number and type of complaints.</p>
<b>May 2018 Cancelled</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> </ul>	
<b>April 2018</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Update on Members' Annual Reports</li> <li>• Visits to Town and Community Councils</li> </ul>	<p>To consider a template annual report to be circulated to members in May</p>
<b>March 2018</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• North Wales Standards Forum</li> </ul>	<p>To discuss items for the agenda for the North Wales Standards Forum to be held in May 2018 and hosted by Gwynedd Council.</p>

<b>February 2018</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Social Media Protocol</li>   <li>• Training Governors on the Code of Conduct</li>   <li>• Details of Training for Town and Community Councillors</li> </ul>	<p>To consider whether the Council needs to adopt a Social Media Protocol or whether the Guidance issued by WLGA is sufficient</p> <p>That Members who are themselves school governors ensure they are aware of their school's own code of conduct.</p> <p>To update the Committee on the training arranged and provided for Town and Community Councillors, including numbers in attendance.</p>
<b>January 2018</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Review of Constitution</li> </ul>	<p>To set a new programme for the rolling review of the document</p>
<b>December 2017</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• NW Standards Forum</li> <li>• Appointment of independent member</li> <li>• Case tribunal decision</li> </ul>	<p>Sentencing guidelines from the Adjudication Panel for Wales and examples from the PSOW's case book to form part of future training session(s)</p> <p>Report back from Vice Chair</p> <p>Results of panel interviews</p> <p>Report of decision on former Councillor Halford</p>