

STANDARDS COMMITTEE

Date of Meeting	Monday, 4 June 2018
Report Subject	Review of the Members' Code of Conduct
Report Author	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

1.00	Legislative Background	
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 2nd May 2008. It revised that code on 25 November by imposing obligations to</p> <ul style="list-style-type: none"> • Adhere to the Flintshire Standard (a document setting out the standards of behaviour expected of each other); and • Comply with the Local Resolution Process (which was also adopted on that date) <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 th 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.	
	Year	Number of Complaints
	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.

2.00	RESOURCE IMPLICATIONS
2.01	None associated with this report.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	None.

4.00	RISK MANAGEMENT
4.01	None

5.00	APPENDICES
5.01	The Code of Conduct for Members

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	None