

## CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE

<b>Date of Meeting</b>	Wednesday 24 <sup>th</sup> January 2024
<b>Report Subject</b>	Rolling Review of the Members Code of Conduct
<b>Report Author</b>	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.

### RECOMMENDATIONS

1	That the Committee amends the value above which gifts or hospitality must be registered from £10 to £25.
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### REPORT DETAILS

<b>1.00</b>	<b>EXPLAINING THE REVIEW OF THE CODE</b>
1.01	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).
1.02	The Standards Committee keeps all the codes and protocols within the Constitution under review to ensure that they remain pertinent and up to date. Clearly, as the code is mandatory it is still “pertinent”. The review therefore should be to consider whether it remains up to date and whether it adequately addresses behaviours that might be considered to breach the Principles of Public Life or to be in some other way unacceptable.
1.03	The Committee will be aware that the Penn review recommended changes to the code, some of which have already been adopted on a voluntary basis. The Committee agreed that it would ask the Monitoring Officer to seek consensus across Wales on the level above which gifts and hospitality must be registered. That has been reached but remains to be implemented by councils/authorities whose code currently specifies a different value.
1.04	Paragraph 17(1) of the code states “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.”  Paragraph 18 contains the value which is currently £10.
1.05	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. Each council however needs to resolve to make this change because the Forum has no decision-making authority on behalf of its members.
1.06	Flintshire has also adopted a recommendation by the Committee on Standards in Public Life to include an aggregate value within its code above which multiple gifts/hospitality from the same source must be registered. The obligation is in paragraph 17(2) which states:  “You must, provide written notification to your authority's monitoring officer, of the existence and nature of any gifts, hospitality, material benefits and/or advantages, received from the same source during any rolling 12-month period, where the total value of those gifts, hospitality, and/or material benefits is above £100.”
1.07	If the committee agrees to raise the value above which individual gifts/hospitality must be registered it may also wish to reconsider the aggregate value for multiple gifts/hospitality. Whilst there are few other councils which have adopted this provision, the Fire and Rescue Authority's Standards Committee has recently decided to adopt this provision at the same value as Flintshire. There is therefore not a wider consensus to be followed or achieved yet (save perhaps the need to adopt this provision).

1.08	The Committee decided in November 2022 to await legislation from Welsh Government to enact the other recommendations in the Penn Review. No such legislation has yet been passed though of course the Committee has responded to WG's consultation on proposed legislative changes.
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<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	The proposed change would have no impact on resources.

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

<b>4.00</b>	<b>RISK MANAGEMENT</b>
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. By adopting £25 as the value the Committee will 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.

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

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p><a href="#">The Review of the Ethical Framework by Richard Penn</a></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>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<b>Penn Review</b> - 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><b>Committee on Standards in Public Life</b> – originally known as the Nolan Committee after its first chair this committee was established to advise on ethics in public life. Its original recommendations gave rise to the Nolan Principles on which the councillors’ and officers’ codes are based.</p>
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