

# Pecyn Dogfen Gyhoeddus

Gareth Owens LL.B Barrister/Bargyfreithiwr

Chief Officer (Governance)

Prif Swyddog (Llywodraethu)



Swyddog Cyswllt:

Maureen Potter 01352 702322

At: Julia Hughes (Cadeirydd)

Y Cyngorwyr: Teresa Carberry, Andrew Parkhurst and Antony Wren

**Aelodau Cyfetholedig:**

David Wynn Davies, Jacqueline Guest, Mark Morgan, Gill Murgatroyd a  
Ian Papworth

Dydd Mawrth, 3 Ionawr 2023

Annwyl Gynghorydd

**RHYBUDD O GYFARFOD RHITHIOL**  
**PWYLLGOR SAFONAU**  
**DYDD LLUN, 9FED IONAWR, 2023 AM 6.30 PM**

**Bydd y sesiwn hyfforddiant yn cael ei chynnal o 6.00pm tan 6.30pm**

Yn gywir

Steven Goodrum

Rheolwr Gwasanaethau Democratiadd

Bydd y cyfarfod yn cael ei ffrydio'n fyw ar wefan y Cyngor. Bydd y ffrydio byw yn dod i ben pan fydd unrhyw eitemau cyfrinachol yn cael eu hystyried. Bydd recordiad o'r cyfarfod ar gael yn fuan ar ôl y cyfarfod ar <https://flintshire.publici.tv/core/portal/home>

Os oes gennych unrhyw ymholiadau, cysylltwch ag aelod o'r Tîm Gwasanaethau Democrataidd ar 01352 702345.

## 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 5 - 8)

**Pwrpas:** I gadarnhau, fel cofnod cywir gofnodion y cyfarfod ar 5 Rhagfyr 2022.

### 4 GODDEFEBAU

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

Bydd aelodau'r wasg / y cyhoedd yn gallu aros yn y cyfarfod tra bydd cais am ryddhad yn cael ei gyflwyno i'r Pwyllgor a bydd yn gallu dychwelyd i glywed penderfyniad y Pwyllgor. Fodd bynnag, o dan Baragraff 18C Atodlen 12A Deddf Llywodraeth Leol 1972 bydd y Pwyllgor yn gwahardd y wasg a'r cyhoedd o'r cyfarfod tra bydd yn ystyried unrhyw gais am ryddhad.

## EITEMAU ER PENDERFYNIAD

### 5 NEWIDIADAU I'R COD YMDDYGIAD CYNGHORWYR YN DILYN YR ADOYGIAD PARHAUS (Tudalennau 9 - 52)

**Pwrpas:** Cytuno ar y drafft manwl gywir o'r newidiadau y cytunwyd arnynt mewn egwyddor fel rhan o'r adolygiad parhaus o'r Cyfansoddiad yng nghyfarfod mis Tachwedd 2022.

### 6 ADOLYGIAD TREIGL O GOD YMDDYGIAD Y GWEITHWYR (Tudalennau 53 - 80)

**Pwrpas:** Fel rhan o'r adolygiad treigl o'r Cyfansoddiad, mae angen i ni ystyried a oes angen unrhyw ddiwygiadau i'r Cod Ymddygiad y Gweithwyr i'w ddiweddarau.

**7 ADRODDIADAU O YMWELIADAU AELODAU ANNIBYNNOL Â CHYNGHORAU TREF/CYMUNED**

**Pwrpas:** Derbyn adroddiadau ar lafar gan Aelodau Annibynnol y Pwyllgor am eu hymweliadau i'r cynghorau canlynol:

- Cyngor Cymuned Gwernaffield (David Davies - 09.11.2022)
- Cyngor Cymuned Whitford (Gill Murgatroyd - 10.11.2022)
- Cyngor Tref Holywell (Gill Murgatroyd - 15.11.2022)
- Cyngor Cymuned Mostyn (David Davies – 21.11.2022)
- Cyngor Tref Connah's Quay (Ian Papworth - 28.11.2022)
- Cyngor Tref Mold (Julia Hughes – 30.11.22)

**EITEMAU ER GWYBODAETH**

**8 TROSOLWG O GWYNIION MOESEGOL (Tudalennau 81 - 88)**

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

**9 RHAGLEN GWAITH I'R DYFODOL (Tudalennau 89 - 90)**

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

***Sylwch, efallai y bydd egwyl o 10 munud os yw'r cyfarfod yn para'n hirach na dwy awr.***

Mae'r dudalen hon yn wag yn bwrpasol

# Eitem ar gyfer y Rhaglen 3

## **STANDARDS COMMITTEE** **5 DECEMBER 2022**

Minutes of the Standards Committee of Flintshire County Council held as a remote attendance meeting on Monday, 5 December 2022

**PRESENT: Julia Hughes (Chair)**

Councillors: Teresa Carberry, Andrew Parkhurst and Antony Wren

Co-opted members: David Wynn Davies, Jacqueline Guest, Mark Morgan, Gill Murgatroyd and Councillor Ian Papworth

**APOLOGY:** Monitoring Officer

**IN ATTENDANCE:** Deputy Monitoring Officer and Democratic Services Officer

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

On minute 40, Councillor Andrew Parkhurst advised that whilst he attended meetings of Cilcain Community Council in his capacity as the local elected Member, he was not a member of the Community Council and had no close connections with the membership.

### **38. MINUTES**

The minutes of the meeting held on 7 November 2022 were approved, as moved and seconded by Jacqueline Guest and Councillor Ian Papworth.

Matters Arising

Minute 30 - it was confirmed that written feedback from the visits had been shared with the Town and Community Councils.

Minute 31 - the Chair advised that the first meeting of the National Forum had been moved to 27 January 2023 at 2pm. She provided an overview of the agenda items for that meeting to which the Chairs of Standards Committees across Wales would be invited, along with the Chairs of National Park Authorities and Fire & Rescue Authorities.

Minute 33 - Councillor Andrew Parkhurst asked about the timing of the next review of the Flintshire Standard to which the Deputy Monitoring Officer would seek clarification. It was noted that this formed part of the rolling review of the Members' Code of Conduct which was being deferred from July 2023.

Minute 34 - confirmation that the agreed action had been completed by the Monitoring Officer to be given at the next meeting.

**RESOLVED:**

That the minutes be approved as a correct record.

**39. DISPENSATIONS**

The Deputy Monitoring Officer confirmed that no dispensation requests had been received.

**40. REPORTS FROM INDEPENDENT MEMBER VISITS TO TOWN AND COMMUNITY COUNCILS**

The Chair clarified the purpose of the item and invited verbal feedback on the following visits:

Argoed Community Council on 1 November 2022 and Saltney Town Council on 9 November 2022 (Mark Morgan).

Caerwys Town Council on 18 October 2022 and Brynford Community Council on 8 November 2022 (Gill Murgatroyd).

Cilcain Community Council on 17 October 2022 (Chair).

The following points were raised which were to be fed back to support Town and Community Councils in their procedures:

- Areas of good practice - independent members were pleased to observe that 'declarations of interest' was a standing item on all agendas and that all meetings were well chaired with good support from Clerks and ample opportunities for everyone to participate.
- That the following would be seen as good practice:
  - Chairs/Clerks to verbally invite declarations of interest under that specific item noting that participants could declare interests as required throughout the meeting.
  - To clarify amounts of money to be given to community groups (as mentioned at a particular meeting) to show transparency and to assist members, should an issue arise on potential interests.
  - To ensure that unspecified items raised by members are listed on agendas where possible and are discussed with the Chair and Clerk in advance to help prepare accordingly, to assist members with potential interests and to avoid any delay in the business being discussed.

The recommendation was moved and seconded by Gill Murgatroyd and Mark Morgan.

**RESOLVED:**

That the verbal reports be received and feedback given to the Town and Community Councils.

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

There were no members of the press or public in attendance.

(The meeting started at 6.00pm and ended at 6.50pm)

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**Chair**

Mae'r dudalen hon yn wag yn bwrpasol



# Eitem ar gyfer y Rhaglen 5



## STANDARDS COMMITTEE

<b>Date of Meeting</b>	Monday, 9 January 2023
<b>Report Subject</b>	Changes to the Code of Conduct following the Rolling Review
<b>Report Author</b>	Chief Officer (Governance)

### EXECUTIVE SUMMARY

At its last meeting the Committee agreed in principle to make the following changes to the Councillors' Code of Conduct in response to recommendations in the Penn Report:

iv) Paragraph 4a of the Code (to have due regard to equality of opportunity for all people) should be extended to include all nine protected characteristics under the Equality Act 2010.

vi) 6(1)(b) of the Code of Conduct should be amended to make it an obligation on a Member to report their own criminal behaviour as well as that of others (as at present)

vii) Make training on the Code of Conduct mandatory for all members of relevant authorities by including a commitment to undertake the necessary training in the Declaration of Acceptance of Office that all elected members are required to sign under The Local Elections (Declaration of Acceptance of Office) (Wales) Order 2004

The necessary wording to implement those changes has been added to the code for consideration and, if approved, recommendation to Full Council for inclusion in the Constitution.

### RECOMMENDATIONS

1	That the proposed amendments to the Councillors' Code of Conduct are approved.
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## REPORT DETAILS

1.00	<b>EXPLAINING THE CHANGES TO THE CODE OF CONDUCT FOLLOWING THE ROLLING REVIEW</b>	
1.01	At its last meeting the Committee considered as part of its rolling review of the Constitution whether to amend the Councillors' Code of Conduct, and specifically whether to adopt the recommended changes in the Penn Review before Welsh Government legislates for them. The Committee resolved to adopt the items below in principle (retaining the numbering from the original report for ease of correlation).	
	<b><u>Recommended Change</u></b>	<b><u>Commentary</u></b>
	iv. Paragraph 4a of the Code (to have due regard to equality of opportunity for all people) should be extended to include all nine protected characteristics under the Equality Act 2010.	This could be undertaken voluntarily. Such an amendment would ultimately need to be tested in a tribunal to see whether the change was enforceable but might be a worthwhile change now to show that the Council supports people with all protected characteristics.
	vi. 6(1)(b) of the Code of Conduct should be amended to make it an obligation on a member to report their own criminal behaviour as well as that of others (as at present)	This would require legislation. It could be adopted as a voluntary, but unenforceable, amendment.
	vii. Make training on the Code of Conduct mandatory for all members of relevant authorities by including a commitment to undertake the necessary training in the Declaration of Acceptance of Office that all elected members are required to sign under The Local Elections (Declaration of Acceptance of Office) (Wales) Order 2004	Although it could not be enforced this has, in effect, been achieved voluntarily by all County Councillors accepting that they need to attend training on the code.
1.02	The resolved to consider the actual revised drafting at this meeting. The wording necessary to implement those changes has been added to the code of conduct in draft changes for ease of reference (Appendix 1). Appendix 2 shows a clean copy so that Committee members can see the "finished version".	
1.03	The Committee also resolved to seek harmonisation of the financial threshold above which Councillors must declare any gifts/hospitality. That has been offered, whether or not it was accepted. The Monitoring Officer	

	has written to the other Monitoring Officers inviting them to consider the suggestion with their own Standards Committees
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<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
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2.01	None arising from the proposed changes.
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<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
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3.01	The proposed changes will need to be considered by the Constitution and Democratic Services Committee before being reported to Full Council.
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<b>4.00</b>	<b>RISK MANAGEMENT</b>
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4.01	The proposed changes remove perceived errors or loopholes within the code, and as such improves its effect. The extension of the grounds on which it is prohibited to discriminate, in particular, serve to make the code compliant with subsequent legislation and to enhance its compliance with the Wellbeing of Future Generations Act.
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4.02	There is a risk that Welsh Government legislates to change the national model code of conduct after the Council has voluntarily adopted these changes. The Council's code might therefore be worded slightly differently requiring a further amendment at some point in the future, which could cause confusion. That risk is perhaps mitigated by the fact that, whilst the wording might differ, the intention would be the same and so any confusion should be limited.
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<b>5.00</b>	<b>APPENDICES</b>
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5.01	Appendix 1 – Code showing amendments in tracked changes Appendix 2 – Clean copy of the proposed amended Code
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<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
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6.01	<p><u>The Review of the Ethical Framework by Richard Penn</u></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

**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. Actual title "The Review of the Ethical Framework"

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  
Amended XXX

**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 a 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 fuddlannau'r aelodau) means the register established and maintained under section 81 of the Local Government Act 2000;

“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, [sex, gender reassignment, marriage or civil partnership](#) 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 [yourself](#), 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
- [\(d\) undertake any training which is specified by the Council to be mandatory.](#)

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;
  - (ii) 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;
  - (iii) 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. (1) 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
- (2) 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 aggregate value of those gifts, hospitality, and/or material benefits is above £100
- (3) Where you have received gifts, hospitality, material benefits and/or advantages, under 17(2) you must provide written notification to your authority's monitoring officer within 28 days
18. The Authority has determined that for the purposes of paragraph 17(1) 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**





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

Amended XXX

**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 a 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 fuddlannau'r aelodau) means the register established and maintained under section 81 of the Local Government Act 2000;

“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, sex, gender reassignment, marriage or civil partnership 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 yourself, 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
- (d) undertake any training which is specified by the Council to be mandatory.

**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;
  - (ii) 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;
  - (iii) 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. (1)** 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
- (2) 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
- (3) Where you have received gifts, hospitality, material benefits and/or advantages, under 17(2) you must provide written notification to your authority's monitoring officer within 28 days
- 18.** The Authority has determined that for the purposes of paragraph 17(1) 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 6



## STANDARDS COMMITTEE

<b>Date of Meeting</b>	Monday, 9 January 2023
<b>Report Subject</b>	Rolling Review of the Employees' Code of Conduct
<b>Report Author</b>	Chief Officer (Governance)

### EXECUTIVE SUMMARY

The Committee reviews all codes and protocols within the constitution once during each Council term to ensure that they remain pertinent and up to date. The Employees' Code of Conduct was last reviewed in 2019.

The code itself is mandatory and is prescribed in legislation. The Council has added explanatory text to expand and clarify the requirements under the code.

As the code's title states officers are employees of the Council. They are therefore in a contractual employment relationship with the Council. Unlike the Councillors' Code, compliance with the Employees' Code is maintained through the employment relationship by managers. Senior Officers and managers have been consulted on the efficacy of the code. They have suggested updating the code to deal more cogently with issues such as expected behaviours towards colleagues, public statements relating to the Council (including on social media) and use of IT.

### RECOMMENDATIONS

1	That the proposed changes to the Employees' Code of Conduct are recommended to Council for approval.
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### REPORT DETAILS

<b>1.00</b>	<b>EXPLAINING THE ROLLING REVIEW OF THE OFFICERS CODE OF CONDUCT</b>
1.01	Section 82 Local Government Act 200 allows ministers to prescribe a Code of Conduct for employees. The Code of Conduct (Qualifying Local

	Government Employees) (Wales) Order 2001 creates a mandatory Code of Conduct for all qualifying employees in local government.
1.02	That the Employees Code of Conduct is incorporated into every employee's contract of employment. Compliance with the code is maintained through operating procedures, training, and management oversight. Unlike the Councillors' code, enforcement is also managed through the employment relationship and breach can lead to disciplinary action and ultimately even dismissal.
1.03	Senior managers have been consulted to understand whether the code clearly sets out all appropriate expectations for behaviour in relation to employment with the council. There are areas which need further expansion are: <ol style="list-style-type: none"> <li>1) The code describes expected behaviours to certain groups of people e.g. Councillors and public, but not fellow employees;</li> <li>2) Employees who wish to stand for election;</li> <li>3) Statement made publicly by employees that relate to the Council whether in broadcasts, publications or on social media;</li> <li>4) Use of IT;</li> <li>5) Dress code.</li> </ol>
1.04	The code sets out understandable expectations of behaviour towards Councillors and people outside the organisation. It says nothing about expectation between colleagues. It is possible to be over prescriptive on such issues and so a short statement has been included to cover minimum expectations of behaviours in work.
1.05	The Local Government and Elections Act 2021 allowed employees to stand for election in the Council where they are employed. If successful the employee must resign but is not required to give their contractual period of notice. The previous provisions within the code on political activity have been updated to reflect this change.
1.06	Public statements by employees can have a powerful effect on the reputation of the Council for both good and ill, whether made in their professional roles or in their private lives. Excessive or unfounded criticism of the Council can also undermine the employer/employee relationship. A short section on public statements relating to the Council has been included. This can include social media, and as the Council already has an approved/adopted social media policy, this has been specifically referenced.
1.07	Neither the use of IT nor dress code has previously been addressed under the code. Short paragraphs have therefore been included.
1.08	A number of references to outdated job titles have also been updated.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	The resources for ensuring compliance with the Employees' Code are the management structure of the Council. No changes to the resources required arise a result of the changes proposed to the Code of Conduct.
<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	Senior managers have been consulted. If approved the proposed changes will be shared with the unions and the Constitution and Democratic Services Committee prior to being reported to Full Council.
<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	Ultimately, failure to follow the code could result in an employee being dismissed and potentially the Council's actions being challenged in an Employment Tribunal. The proposed changes to the Code of Conduct need to strike a careful balance between the legitimate interests of the Council and the rights of the employee.
<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix 1 – Employees' Code of Conduct in tracked changes Appendix 2 – Employees' Code of Conduct clean copy
<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<a href="#">Social media policy</a>  <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	<b>Qualifying Local Government employees</b> – all employees in local government are “qualifying employees” apart from firefighters and teachers.

Mae'r dudalen hon yn wag yn bwrpasol



## **Proposed Amendments to Employees' Code of Conduct**

The words in italics comprise the statutory Employees' Code of Conduct which is automatically incorporated into Employees' Contracts of Employment and will prevail in circumstances where there is any contradictory provision elsewhere in the Code.

### ***General Principles***

1. ***The public is entitled to expect the highest standards of conduct from all qualifying employees of relevant authorities. The role of such employees is to serve their employing Authority in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.***
- 1.1 Local government employees are expected to give the highest possible standard of service to the public and, where it is part of their duties, to provide appropriate advice to Councillors and fellow employees with impartiality. Flintshire employees are expected to show respect and courtesy in their dealings with the public, Councillors and fellow employees providing them with impartial and appropriate advice.

### ***Accountability***

2. ***Qualifying employees of relevant authorities work for their employing Authority and serve the whole of that Authority. Qualifying employees are defined as all employees of a relevant Authority unless exempted by statutory regulation, e.g. Teachers and Officers of Fire Authorities. They are accountable to, and owe a duty to that Authority. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.***
- 2.1 Employees must report any impropriety or breach of procedure to their immediate manager, except where that relates to the conduct of the manager when it must be reported to the manager's manager. Managers should, in turn, report breaches to their manager. The Chief Officer shall notify the [Head of Legal & Democratic Services Monitoring Officer](#) of the occurrence.
- 2.2 All employees are required to familiarise themselves with and comply with the Council's Financial Procedure Rules. Any employee who fails to observe Financial Procedure Rules may be subject to disciplinary action.
- 2.3 [All employees are required to familiarise themselves with and comply](#)

with the Council's Contract Procedure Rules. Any employee who fails to observe Contract Procedure Rules may be subject to disciplinary action. In addition, Orders and contracts must be awarded on merit and no special favour should be shown in the procurement process to businesses run by, for example, friends, partners or relatives. No part of the local community should be discriminated against.

- 2.4 Employees involved in the procurement process and dealing with Contractors should be clear on the separation of client and Contractor roles within the Authority. Senior employees who have both a client and Contractor responsibility must be aware of the need for accountability.
- 2.5 Employees in Contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other Contractors and sub-Contractors.
- 2.6 Employees who are privy to confidential information on Tenders or costs for either internal or external Contractors must not disclose that information to any unauthorised party or organisation.
- 2.7 Employees contemplating a management buyout must, as soon as they have formed a definite intent, inform their manager and withdraw from the contract awarding processes.
- 2.8 Employees must ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.
- 2.9 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.
- 2.10 Local Government Act 1972 117 - Pecuniary Interests - provides that if officers know that a contract in which they have a pecuniary interest is before the local Authority, they must give notice of their interest to the Authority. This does not, of course, apply to a contract with them in their own name because the Authority will then know of their interest. Section 117(2) forbids any officer "under colour of" their office or employment to accept "any fee or reward" whatsoever other than proper remuneration.

#### 2.11 *The Bribery Act 2010*

The Bribery Act 2010 creates criminal offences for any individual who either offers or receives a financial or other advantage intending the

advantage to be rewarded by the improper performance of a function or activity. The Act also creates an offence of directly or indirectly offering, promising or giving a bribe to a foreign public official so as to influence the actions of the foreign public official. Any individual found guilty of any of these offences is liable to imprisonment for up to a maximum period of 10 years.

- 2.12 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, Tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Any offer of sponsorship should only be accepted if the appropriate Chief Officer has so decided. Particular care must be taken when dealing with Contractors or potential Contractors.
- 2.13 Any offers of sponsorship received by employees should be referred to their Chief Officer for decision
- 2.14 Where the Authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the Authority through sponsorship, grant aid, financial or other means, gives support in the community, employees must ensure that impartial advice is given and that there is no conflict of interest involved.

### ***Political Neutrality***

- 3. ***Qualifying employees of relevant authorities, whether or not politically restricted, must follow every lawfully expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work. Where qualifying employees are politically restricted (by reason of the post they hold or the nature of the work they do), they must comply with any statutory restrictions on their political activities.***
- 3.1 Employees serve the Authority as a whole. It follows they must serve all Councillors and not just those of the controlling group, and must ensure that the individual rights of all Councillors are respected.
- 3.2 Subject to the Authority's conventions, employees may be required to advise political groups. They must do so in ways which do not compromise their political neutrality.
- 3.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work.
- 3.4 Political assistants appointed on fixed term contracts in accordance with the local Government and Housing Act 1989 are exempt from the

standards set in paragraphs 3.1 to 3.3.

- 3.5 The Local Government and Housing Act 1989, Pt 1 contains provisions to stop 'twin-tracking' (where a senior local Authority employee is also an elected Member of another local Authority) and to restrict the political activity of senior employees. Local Authority employees holding politically restricted posts are disqualified from membership of any local Authority, other than a parish or community Council (s(1)), from being an MP, AM or MEP and are subject to prescribed restrictions on their political activity (s(5),(6)).
- 3.6 The Local Government & Housing Act 1989 requires each Council to maintain a list of its politically restricted posts. These are posts which are:-
- (a) specified in the legislation, such as the Head of Paid Service, Chief Officers and their Deputies.
  - (b) those posts which have delegated powers to make decisions on behalf of the Council.
  - (c) those posts that regularly provide advice at Council, Cabinet or formal Committee or sub Committee meetings.
  - (d) those posts that speak on behalf of the authority on a regular basis to journalists and broadcasters.
- 3.7 The political restrictions are deemed to be incorporated in the contract of employment of every local Authority employee who holds a politically restricted post. If you are uncertain as to whether your post is politically restricted you should seek clarification from your immediate manager and, if uncertainty remains, contact the [Democracy and Governance Democratic Services](#) Manager.

[3.8 The Local Government and Elections \(wales\) Act 2021 allows employees who do not hold politically restricted posts to stand for election. If successfully elected such employees must resign before taking up their position as councillor, though they are not required to give their full contractual notice \(their resignation takes effect immediately\). Guidance and advice will be offered to all employees standing for election on to avoid contravening this code of conduct during their campaign.](#)

### ***Relations with members, the public and other employees***

4. ***Mutual respect between qualifying employees and members is essential to good local government, and working relationships should be kept on a professional basis.***
5. ***Qualifying employees of relevant authorities should deal with the***

***public, members and other employees sympathetically, efficiently, and without bias.***

## 5.1 Councillors

Employees are responsible to the Authority through its senior managers. For some their role is to give advice to Councillors and senior managers, and all are there to carry out the Authority's work. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing to other employees and Councillors and should therefore be avoided.

## 5.2 The Local Community and Service Users

Employees should always remember their responsibilities to the community they serve and must ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Authority.

## 5.3 Other Employees

It is essential to the effective running of the Council that employees maintain appropriate professional relationships with other employees. Employees must be supportive, co-operative and respectful towards colleagues in all parts of the Council.

## 5.4 Contractors

Orders and contracts must be awarded on merit, by fair competition and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the procurement process. No part of the local community should be discriminated against.

If during the course of your work you are dealing with an external Contractor with whom you have, or have had within the last 12 months, a business or private relationship you must immediately make your manager aware of that relationship.

## ***Equality***

***6. Qualifying employees of relevant authorities must comply with policies relating to equality issues, as agreed by the Authority, in addition to the requirements of the law.***

6. 1 All local government employees must ensure that policies relating to equality issues as agreed by the Authority are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness

and equity.

### **Stewardship**

- 7. Qualifying employees of relevant authorities must ensure that they use public funds entrusted to them in a responsible and lawful manner, and must not utilise property, vehicles or other facilities of the Authority for personal use unless authorised to do so.**
- 7.1 All employees are required to familiarise themselves with the Council's Financial Procedure Rules and Contract Procedure Rules and know where they can inspect a copy of them. Any doubt concerning Financial Procedure Rules and Contract Procedure Rules should be raised with your immediate manager and, if the doubt continues, with the Finance Department
- 7.2 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Authority.

### **Personal Interests**

- 8. Whilst qualifying employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others. In particular, they must comply with:**
- (1) **any rules of their relevant Authority on the registration and declaration by employees of financial and non - financial interests,**
- (2) **any rules of their relevant Authority on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the Authority. Qualifying employees must not accept benefits from a third party unless authorised to do so by their relevant Authority.**
- 8.1 In addition to the criminal offence under Section 117 of the Local Government Act 1972 concerning pecuniary interests (see paragraph 2.10 above) there are the following rules concerning personal interests.
- 8.2 Employees have a personal interest whenever a reasonable person would perceive a conflict between the employee's private affairs and

the work the employee does for the authority. A personal interest can arise in a range of different circumstances as set out in the following paragraphs, including (but not limited to) the matters listed below:

- Dealing with friends, family or an organisation with which the employee is associated
- Gifts or hospitality
- Outside work including paid and non-paid roles

8.3 There would be a personal interest under 8.2 if in the course of the employee's Council work he/she would normally deal with a matter that would affect him/her, their family, a close personal associate, their property, or an organisation they are associated with. For instance, if in the course of the employee's work they would normally deal with a planning application affecting a relative's property or where the employee is involved in processing a payment to an organisation with which the employee is associated.

8.4 Wherever the employee has such a personal interest they should immediately draw it to the attention of their Line Manager who would normally decide that the employee should not be involved in dealing with that matter. This does not mean that the employee can not be trusted but is to protect both the Council's reputation and the employee's reputation against allegations of favouritism. In exceptional circumstances where the employee's skills can not be replicated the Manager may allow the employee to undertake the work but put in place other controls such as being copied into all communications.

8.5 The arrangements must be recorded in writing and communicated to all other employees who need to know what the arrangements are. Each Chief Officer should have a register to record all such declarations of interest and any consequential working arrangements promptly in it. It is the employee's responsibility to ensure their declaration of interest is recorded.

8.6 The Council has [approved forms created an online system](#) which may be used for the reporting and recording of interests, and which gives guidance on when to declare an interest and how managers should handle such interests once declared. [DOI System](#)

8.7 Intellectual property

Intellectual property is a generic term that includes inventions, creative writings and drawings. If these are created by the employee during the course of employment then, as a general rule, they belong to the employer. However, various Acts of Parliament cover different types of intellectual property.

8.8 Inventions and Patents

Inventions made before 1st June 1978 are the property of the employer if

made in the course of that employer's employment. However, the Patents Act 1977 states that after the 1st June 1978 inventions are only the property of the employer if:-

- \* they have been made in the course of the employee's normal duties; or
- \* they have been made in the course of duties specifically assigned to the employee and where invention might be reasonably expected; or
- \* it was made in the course of the employee's duties and at the time the employee had (because of the nature of his or her duties and particular responsibilities arising from them) a special obligation to further the interests of the employer.

8.9 Chief Officers, those Managers reporting directly to them and employees with delegated powers will be asked to voluntarily register their membership of all clubs, societies and organisations.

### **Section 9 – Gifts & Hospitality**

- 9.1 In addition to the criminal offences covered by the Bribery Act 2010 referred to in paragraph 2.11 above there are the following rules concerning gifts and hospitality.
- 9.2 Employees must not retain personal gifts obtained, whether directly or indirectly, as a result of their work for the authority. The only gifts that employees are entitled to retain are insignificant items of token value such as pens and diaries. With any other gifts the employee should draw this to the attention of their Line Manager who may decide that rather than the gift being returned it should be forwarded to the Member Support Office as a donation to the Chair's charity. All offers of gifts should be recorded in the register maintained by the Chief Officers.
- 9.3 Offers of hospitality can only be accepted when authorised by Chief Officers or where covered by paragraph 9.4 below.
- 9.4 Unless specifically authorised by the Chief Officer hospitality can only be accepted when an employee is attending conferences or courses, launch events, award ceremonies and other events/functions organised by Council, partners or other public bodies at which the Council needs to be represented where it is clear the hospitality is being offered indiscriminately and the value of any such hospitality does not exceed £10.
- 9.5 When gifts or hospitality are declined those making the offer should be courteous but firmly informed of the procedures and standards operating within the authority that require it to be declined.
- 9.6 It is the employee's responsibility to ensure that offers of gifts and hospitality are recorded in the appropriate departmental register.



## **Section 10 – Employees’ Outside Work**

- 10.1 All employees have conditions of service which require them to obtain written consent before they take on any outside employment. This includes:
- running a business that is related to an employee’s work for the council e.g. a lawyer running a private law firm ; or
  - having any other work or employment outside of the Council that is related to the work carried out for the Council e.g. a licensing officer running licensed premises
- 10.2 Employees must not undertake outside work if their official work for the authority overlaps in any way with such outside work. It is irrelevant whether or not the outside work is paid for or not.
- 10.3 No outside work of any sort can be undertaken on Council premises or use Council facilities such as telephones or IT. Incoming correspondence or telephone calls relating to outside work are also not allowed.
- 10.4 Whilst an employee's right to a private life is respected that does not justify conduct which could reasonably be regarded as bringing the authority into disrepute or significantly and fundamentally affect the employee's ability to work for the Council.
- 10.5 There would be a breach of paragraph 10.4, for example:
- if an employee acts in such a way that when other employees or service users became aware of it they reasonably refuse to work or communicate with the employee; or
  - the employee works extremely long hours across both jobs to the detriment of their work for the Council; or
  - the employee is distracted in the performance of Council duties by the outside job.

## **Section 11 – Disclosure of Information**

- 11.1 Flintshire supports the principles of open government and encourages employees to assist the public in obtaining public documentation in accordance with the rights contained in the Local Government Act 1972, the Freedom of Information Act 2000 and Environmental Information Regulations 2004.
- 11.2 The Council’s Constitution, available on the Infonet, contains Access to Information Procedure Rules explaining the legislation relating to these information rights. If an employee is uncertain as to whether information being sought should be disclosed the employee must seek advice from his/her Manager and, if uncertainty remains, the Manager

can seek guidance from the Information Governance Manager.

- 11.3 Only employees with specific delegated authority may disclose to members of the public any information arising, documentation considered or events occurring at a time when a Council, Cabinet, Committee or sub-Committee meeting has decided to exclude the press and public from that part of its meeting.
- 11.4 Employees must not disclose personal data where this is not permitted under the General Data Protection Regulation. If in doubt seek advice from your Manager and explain to the person requesting the information the importance of complying with the data protection legislation. If the Manager is uncertain, advice is available from the appropriate member of the Council's Information Governance Team.
- 11.5 These rules apply not only to the press and public but also to requests from partner agencies or external bodies. Requests for information from councillors must be handled in accordance with the Council's Information Sharing Rules that are in the Constitution.
- 11.6 Where enforcing authorities such as the Police, Wales Audit Office or Health & Safety Executive are seeking information they may be doing so pursuant to statutory powers which they would quote. It is important to ensure that the request is being made by the regulatory body not an impostor. Legitimate bodies accept the need to produce written authority. If in doubt advice is available from the Council's Legal Department. Where such bodies are not using their statutory powers to obtain information then personal information should not be disclosed without ensuring it would not breach the General Data Protection Regulation.
- 11.7 Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor pass it on to others who might use it in such a way. Any particular information received by an employee from a Councillor which is personal to that Councillor and does not belong to the Authority must not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by the law.

### **Whistleblowing**

12. ***In the event that a qualifying employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and with the relevant Authority's confidential reporting procedure, or any other procedure designed for this purpose.***

## **Appointment of Employees**

- 13. Qualifying employees of relevant authorities involved in the recruitment and appointment of employees must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, such employees must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.**
- 13.1 Employees involved in appointments must ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees must not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.
- 13.2 Similarly, employees must not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner or close personal friend.
- 13.3 All candidates for any appointment under Flintshire County Council shall, when making an application, disclose in writing to the Authority whether to their knowledge they are related to any Member of the Authority or to a holder of any senior office under the Authority. Deliberate omission to make such a disclosure will disqualify the candidate and, if the omission is discovered after appointment, he/she shall be liable to dismissal. Every senior officer of the Authority shall similarly disclose to the Authority any relationship known to him/her to exist between himself/herself and a candidate for an appointment of which he/she is aware. The Chief Executive's office will keep a record of any such disclosure made.

## **Investigations by Monitoring Officers**

14. -Where a Monitoring Officer is undertaking an investigation in accordance with regulations made under section 73(1) of the Local Government Act 2000 a non-qualifying employee must comply with any requirement made by that Monitoring Officer in connection with such an investigation.

## **Publications, Broadcasts and Social Media**

- 15.1 Employees should not publish, or authorise without the permission of their Chief Officer the publication of any book or article by them, either alone or with others, which indicates that the writer is an employee of or connected with Flintshire County Council.

15.2 Similarly, employees should not, without permission from the Council, make any communication to a newspaper or other journal in which there is any indication that they are an employee or otherwise connected with Flintshire County Council. Employees acting in either a personal capacity or as a spokesperson for outside groups should not bring the Council into disrepute by publicising material adverse to the Council or other employees. This is not intended to preclude Trade Unions from pursuing their legitimate industrial relations activities.

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## **17 Standard of Dress and Appearance**

17.1 There is a general expectation that dress will be appropriate to the nature of the duties, responsibilities and task being undertaken by the individual. The Council values and welcomes the ethnic diversity of its workforce and will take account of ethnic and religious dress requirements with sensitivity

## **Proposed Amendments to Employees' Code of Conduct**

The words in italics comprise the statutory Employees' Code of Conduct which is automatically incorporated into Employees' Contracts of Employment and will prevail in circumstances where there is any contradictory provision elsewhere in the Code.

### ***General Principles***

1. ***The public is entitled to expect the highest standards of conduct from all qualifying employees of relevant authorities. The role of such employees is to serve their employing Authority in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.***
- 1.1 Local government employees are expected to give the highest possible standard of service to the public and, where it is part of their duties, to provide appropriate advice to Councillors and fellow employees with impartiality. Flintshire employees are expected to show respect and courtesy in their dealings with the public, Councillors and fellow employees providing them with impartial and appropriate advice.

### ***Accountability***

2. ***Qualifying employees of relevant authorities work for their employing Authority and serve the whole of that Authority. Qualifying employees are defined as all employees of a relevant Authority unless exempted by statutory regulation, e.g. Teachers and Officers of Fire Authorities. They are accountable to, and owe a duty to that Authority. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.***
- 2.1 Employees must report any impropriety or breach of procedure to their immediate manager, except where that relates to the conduct of the manager when it must be reported to the manager's manager. Managers should, in turn, report breaches to their manager. The Chief Officer shall notify the Monitoring Officer of the occurrence.
- 2.2 All employees are required to familiarise themselves with and comply with the Council's Financial Procedure Rules. Any employee who fails to observe Financial Procedure Rules may be subject to disciplinary action.
- 2.3 All employees are required to familiarise themselves with and comply with the Council's Contract Procedure Rules. Any employee who fails

to observe Contract Procedure Rules may be subject to disciplinary action. In addition, orders and contracts must be awarded on merit and no special favour should be shown in the procurement process to businesses run by, for example, friends, partners or relatives. No part of the local community should be discriminated against.

- 2.4 Employees involved in the procurement process and dealing with Contractors should be clear on the separation of client and Contractor roles within the Authority. Senior employees who have both a client and Contractor responsibility must be aware of the need for accountability.
- 2.5 Employees in Contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other Contractors and sub-Contractors.
- 2.6 Employees who are privy to confidential information on Tenders or costs for either internal or external Contractors must not disclose that information to any unauthorised party or organisation.
- 2.7 Employees contemplating a management buyout must, as soon as they have formed a definite intent, inform their manager and withdraw from the contract awarding processes.
- 2.8 Employees must ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.
- 2.9 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.
- 2.10 Local Government Act 1972 117 - Pecuniary Interests - provides that if officers know that a contract in which they have a pecuniary interest is before the local Authority, they must give notice of their interest to the Authority. This does not, of course, apply to a contract with them in their own name because the Authority will then know of their interest. Section 117(2) forbids any officer "under colour of their office or employment to accept "any fee or reward" whatsoever other than proper remuneration.
- 2.11 *The Bribery Act 2010*

The Bribery Act 2010 creates criminal offences for any individual who either offers or receives a financial or other advantage intending the advantage to be rewarded by the improper performance of a function

or activity. The Act also creates an offence of directly or indirectly offering, promising or giving a bribe to a foreign public official so as to influence the actions of the foreign public official. Any individual found guilty of any of these offences is liable to imprisonment for up to a maximum period of 10 years.

- 2.12 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, Tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Any offer of sponsorship should only be accepted if the appropriate Chief Officer has so decided. Particular care must be taken when dealing with Contractors or potential Contractors.
- 2.13 Any offers of sponsorship received by employees should be referred to their Chief Officer for decision
- 2.14 Where the Authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the Authority through sponsorship, grant aid, financial or other means, gives support in the community, employees must ensure that impartial advice is given and that there is no conflict of interest involved.

### ***Political Neutrality***

3. ***Qualifying employees of relevant authorities, whether or not politically restricted, must follow every lawfully expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work. Where qualifying employees are politically restricted (by reason of the post they hold or the nature of the work they do), they must comply with any statutory restrictions on their political activities.***
- 3.1 Employees serve the Authority as a whole. It follows they must serve all Councillors and not just those of the controlling group, and must ensure that the individual rights of all Councillors are respected.
- 3.2 Subject to the Authority's conventions, employees may be required to advise political groups. They must do so in ways which do not compromise their political neutrality.
- 3.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work.
- 3.4 Political assistants appointed on fixed term contracts in accordance with the local Government and Housing Act 1989 are exempt from the standards set in paragraphs 3.1 to 3.3.

- 3.5 The Local Government and Housing Act 1989, Pt 1 contains provisions to stop 'twin-tracking' (where a senior local Authority employee is also an elected Member of another local Authority) and to restrict the political activity of senior employees. Local Authority employees holding politically restricted posts are disqualified from membership of any local Authority, other than a parish or community Council (s(1)), from being an MP, AM or MEP and are subject to prescribed restrictions on their political activity (s(5),(6)).
- 3.6 The Local Government & Housing Act 1989 requires each Council to maintain a list of its politically restricted posts. These are posts which are:-
- (a) specified in the legislation, such as the Head of Paid Service, Chief Officers and their Deputies.
  - (b) those posts which have delegated powers to make decisions on behalf of the Council.
  - (c) those posts that regularly provide advice at Council, Cabinet or formal Committee or sub Committee meetings.
  - (d) those posts that speak on behalf of the authority on a regular basis to journalists and broadcasters.
- 3.7 The political restrictions are deemed to be incorporated in the contract of employment of every local Authority employee who holds a politically restricted post. If you are uncertain as to whether your post is politically restricted you should seek clarification from your immediate manager and, if uncertainty remains, contact the Democratic Services Manager.
- 3.8 The Local Government and Elections (wales) Act 2021 allows employees who do not hold politically restricted posts to stand for election. If successfully elected such employees must resign before taking up their position as councillor, though they are not required to give their full contractual notice (their resignation takes effect immediately). Guidance and advice will be offered to all employees standing for election on to avoid contravening this code of conduct during their campaign.

#### ***Relations with members, the public and other employees***

4. ***Mutual respect between qualifying employees and members is essential to good local government, and working relationships should be kept on a professional basis.***
5. ***Qualifying employees of relevant authorities should deal with the public, members and other employees sympathetically, efficiently, and without bias.***



## 5.1 Councillors

Employees are responsible to the Authority through its senior managers. For some their role is to give advice to Councillors and senior managers, and all are there to carry out the Authority's work. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing to other employees and Councillors and should therefore be avoided.

## 5.2 The Local Community and Service Users

Employees should always remember their responsibilities to the community they serve and must ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Authority.

## 5.3 Other Employees

It is essential to the effective running of the Council that employees maintain appropriate professional relationships with other employees. Employees must be supportive, co-operative and respectful towards colleagues in all parts of the Council.

## 5.4 Contractors

Orders and contracts must be awarded on merit, by fair competition and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the procurement process. No part of the local community should be discriminated against.

If during the course of your work you are dealing with an external Contractor with whom you have, or have had within the last 12 months, a business or private relationship you must immediately make your manager aware of that relationship.

## ***Equality***

**6. *Qualifying employees of relevant authorities must comply with policies relating to equality issues, as agreed by the Authority, in addition to the requirements of the law.***

6. 1 All local government employees must ensure that policies relating to equality issues as agreed by the Authority are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

## **Stewardship**

- 7. Qualifying employees of relevant authorities must ensure that they use public funds entrusted to them in a responsible and lawful manner, and must not utilise property, vehicles or other facilities of the Authority for personal use unless authorised to do so.**
- 7.1 All employees are required to familiarise themselves with the Council's Financial Procedure Rules and Contract Procedure Rules and know where they can inspect a copy of them. Any doubt concerning Financial Procedure Rules and Contract Procedure Rules should be raised with your immediate manager and, if the doubt continues, with the Finance Department
- 7.2 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Authority.

## **Personal Interests**

- 8. Whilst qualifying employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others. In particular, they must comply with:**
- (1) any rules of their relevant Authority on the registration and declaration by employees of financial and non - financial interests,**
- (2) any rules of their relevant Authority on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the Authority. Qualifying employees must not accept benefits from a third party unless authorised to do so by their relevant Authority.**
- 8.1 In addition to the criminal offence under Section 117 of the Local Government Act 1972 concerning pecuniary interests (see paragraph 2.10 above) there are the following rules concerning personal interests.
- 8.2 Employees have a personal interest whenever a reasonable person would perceive a conflict between the employee's private affairs and the work the employee does for the authority. A personal interest can arise in a range of different circumstances as set out in the following

paragraphs, including (but not limited to) the matters listed below:

- Dealing with friends, family or an organisation with which the employee is associated
- Gifts or hospitality
- Outside work including paid and non-paid roles

8.3 There would be a personal interest under 8.2 if in the course of the employee's Council work he/she would normally deal with a matter that would affect him/her, their family, a close personal associate, their property, or an organisation they are associated with. For instance, if in the course of the employee's work they would normally deal with a planning application affecting a relative's property or where the employee is involved in processing a payment to an organisation with which the employee is associated.

8.4 Wherever the employee has such a personal interest they should immediately draw it to the attention of their Line Manager who would normally decide that the employee should not be involved in dealing with that matter. This does not mean that the employee can not be trusted but is to protect both the Council's reputation and the employee's reputation against allegations of favouritism. In exceptional circumstances where the employee's skills can not be replicated the Manager may allow the employee to undertake the work but put in place other controls such as being copied into all communications.

8.5 The arrangements must be recorded in writing and communicated to all other employees who need to know what the arrangements are. Each Chief Officer should have a register to record all such declarations of interest and any consequential working arrangements promptly in it. It is the employee's responsibility to ensure their declaration of interest is recorded.

8.6 The Council has created an online system which may be used for the reporting and recording of interests, and which gives guidance on when to declare an interest and how managers should handle such interests once declared. [DOI System](#)

8.7 Intellectual property

Intellectual property is a generic term that includes inventions, creative writings and drawings. If these are created by the employee during the course of employment then, as a general rule, they belong to the employer. However, various Acts of Parliament cover different types of intellectual property.

8.8 Inventions and Patents

Inventions made before 1st June 1978 are the property of the employer if made in the course of that employer's employment. However, the Patents Act 1977 states that after the 1st June 1978 inventions are only the property of

the employer if:-

- \* they have been made in the course of the employee's normal duties; or
- \* they have been made in the course of duties specifically assigned to the employee and where invention might be reasonably expected; or
- \* it was made in the course of the employee's duties and at the time the employee had (because of the nature of his or her duties and particular responsibilities arising from them) a special obligation to further the interests of the employer.

8.9 Chief Officers, those Managers reporting directly to them and employees with delegated powers will be asked to voluntarily register their membership of all clubs, societies and organisations.

### **Section 9 – Gifts & Hospitality**

- 9.1 In addition to the criminal offences covered by the Bribery Act 2010 referred to in paragraph 2.11 above there are the following rules concerning gifts and hospitality.
- 9.2 Employees must not retain personal gifts obtained, whether directly or indirectly, as a result of their work for the authority. The only gifts that employees are entitled to retain are insignificant items of token value such as pens and diaries. With any other gifts the employee should draw this to the attention of their Line Manager who may decide that rather than the gift being returned it should be forwarded to the Member Support Office as a donation to the Chair's charity. All offers of gifts should be recorded in the register maintained by the Chief Officers.
- 9.3 Offers of hospitality can only be accepted when authorised by Chief Officers or where covered by paragraph 9.4 below.
- 9.4 Unless specifically authorised by the Chief Officer hospitality can only be accepted when an employee is attending conferences or courses, launch events, award ceremonies and other events/functions organised by Council, partners or other public bodies at which the Council needs to be represented where it is clear the hospitality is being offered indiscriminately and the value of any such hospitality does not exceed £10.
- 9.5 When gifts or hospitality are declined those making the offer should be courteous but firmly informed of the procedures and standards operating within the authority that require it to be declined.
- 9.6 It is the employee's responsibility to ensure that offers of gifts and hospitality are recorded in the appropriate departmental register.

### **Section 10 – Employees' Outside Work**

- 10.1 All employees have conditions of service which require them to obtain written consent before they take on any outside employment. This includes:
- running a business that is related to an employee's work for the council e.g. a lawyer running a private law firm ; or
  - having any other work or employment outside of the Council that is related to the work carried out for the Council e.g. a licensing officer running licensed premises
- 10.2 Employees must not undertake outside work if their official work for the authority overlaps in any way with such outside work. It is irrelevant whether or not the outside work is paid for or not.
- 10.3 No outside work of any sort can be undertaken on Council premises or use Council facilities such as telephones or IT. Incoming correspondence or telephone calls relating to outside work are also not allowed.
- 10.4 Whilst an employee's right to a private life is respected that does not justify conduct which could reasonably be regarded as bringing the authority into disrepute or significantly and fundamentally affect the employee's ability to work for the Council.
- 10.5 There would be a breach of paragraph 10.4, for example:
- if an employee acts in such a way that when other employees or service users became aware of it they reasonably refuse to work or communicate with the employee; or
  - the employee works extremely long hours across both jobs to the detriment of their work for the Council; or
  - the employee is distracted in the performance of Council duties by the outside job.

## **Section 11 – Disclosure of Information**

- 11.1 Flintshire supports the principles of open government and encourages employees to assist the public in obtaining public documentation in accordance with the rights contained in the Local Government Act 1972, the Freedom of Information Act 2000 and Environmental Information Regulations 2004.
- 11.2 The Council's Constitution, available on the Infonet, contains Access to Information Procedure Rules explaining the legislation relating to these information rights. If an employee is uncertain as to whether information being sought should be disclosed the employee must seek advice from his/her Manager and, if uncertainty remains, the Manager can seek guidance from the Information Governance Manager.

- 11.3 Only employees with specific delegated authority may disclose to members of the public any information arising, documentation considered or events occurring at a time when a Council, Cabinet, Committee or sub-Committee meeting has decided to exclude the press and public from that part of its meeting.
- 11.4 Employees must not disclose personal data where this is not permitted under the General Data Protection Regulation. If in doubt seek advice from your Manager and explain to the person requesting the information the importance of complying with the data protection legislation. If the Manager is uncertain, advice is available from the appropriate member of the Council's Information Governance Team.
- 11.5 These rules apply not only to the press and public but also to requests from partner agencies or external bodies. Requests for information from councillors must be handled in accordance with the Council's Information Sharing Rules that are in the Constitution.
- 11.6 Where enforcing authorities such as the Police, Wales Audit Office or Health & Safety Executive are seeking information they may be doing so pursuant to statutory powers which they would quote. It is important to ensure that the request is being made by the regulatory body not an impostor. Legitimate bodies accept the need to produce written authority. If in doubt advice is available from the Council's Legal Department. Where such bodies are not using their statutory powers to obtain information then personal information should not be disclosed without ensuring it would not breach the General Data Protection Regulation.
- 11.7 Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor pass it on to others who might use it in such a way. Any particular information received by an employee from a Councillor which is personal to that Councillor and does not belong to the Authority must not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by the law.

### ***Whistleblowing***

12. ***In the event that a qualifying employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and with the relevant Authority's confidential reporting procedure, or any other procedure designed for this purpose.***

### ***Appointment of Employees***

- 13. Qualifying employees of relevant authorities involved in the recruitment and appointment of employees must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, such employees must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.**
- 13.1 Employees involved in appointments must ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees must not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.
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# Eitem ar gyfer y Rhaglen 8



## STANDARDS COMMITTEE

<b>Date of Meeting</b>	Monday 9 <sup>th</sup> January 2023
<b>Report Subject</b>	Overview of Ethical Complaints
<b>Report Author</b>	Chief Officer Governance

### EXECUTIVE SUMMARY

This report shows a summary of the ethical complaints alleging a breach of the Code that have been submitted to the Public Services Ombudsman for Wales (PSOW). As per the Committee's resolution, the complaints distinguish between different Councils and Councillors whilst still remaining anonymous.

The report gives the Committee an understanding of the number and types of complaints being made, and the outcome of consideration by the PSOW. Since the last report (5 September 2022) 5 complaints have been received none of which were investigated. There are still 4 outstanding.

### 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 2022/2023. 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>Since the last report 5 complaints have been received. These complaints vary in terms of matters alleged and the circumstances of the incident. The Ombudsman is trialling a different approach to assessing complaints whereby it reaches a decision on whether or not an investigation is needed before notifying the Monitoring Officer or Councillor. The intention is to speed up the processing of complaints, the vast majority of which will not pass the 2 stage test. This means that we became aware of the most</p>

	recent complaints at the point where they were dismissed. This happened with the 5 most recent complaints.
1.03	Three of the most recent complaints (Community Council 2) have not been investigated. 2 were not investigated because they duplicated the third complaint, which was itself not investigated. As implied all related to the same incident.
1.04	There are presently 4 complaints being investigated (3 made in 2022/23 and 1 remaining from 2021/22). The complaint in respect of bullying a Town Council clerk is over 12 months old but is apparently nearing the end of the investigation. The other investigations are still being investigated. The complaints being investigated are on a variety of issues with no common pattern, although 3 relate to the same individual as can be seen from the record.
1.05	This report is correct as at the date of preparation. If we are notified of the outcome of any complaints after this date a verbal update will be provided.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None associated with the complaints recorded in this report. Working with individual Town and Community Councils to address relationship breakdown is time consuming. Where some form of whole Council “mediation” is required the Council has been recommending the use of an experienced governance consultant at the cost of the Council involved.

<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	Appendix A - Number of complaints.

<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>

7.00	<b>GLOSSARY OF TERMS</b>
7.01	<b>Public Services Ombudsman for Wales</b> – the Ombudsman investigates service complaints and alleged breaches of the code. The Ombudsman will only investigate an alleged breach of the Code if there is clear evidence of a breach and it is in the public interest to do so.

Mae'r dudalen hon yn wag yn bwrpasol

PSOW Reference	Type of Council	Councillor	Complainant	Alleged breach	Gatekeeper	Investigation	Hearing
2022/00603	County	A	Public	Failure to declare on register of interest that the Cllr is a Clerk of a T&CC	PSOW did not investigate - no breach of the Code found. Satisfied that the Cllr has made the necessary declaration. This has also been confirmed by the MO.		
2022/01136	County	B	Councillor	Post on Social Media seen as a slur on the Councillor's character. Comments are allegedly contrary to para 6 (bring the Council into disrepute)	Investigation ongoing		
2022/01184	County	B	Town Councillor	Messages sent to complainant that they felt were threatening in nature.	Investigation ongoing		
2022/01509	County	B	Public	Disrepute, bullying, failure to declare interest, disclosure confidential information	Investigation ongoing		
2022/02457	Community 1	C	Public	Alleged breach of the Code of Conduct by allegedly ignoring the policy regarding the election of a Chair/Vice Chair	PSOW did not investigate - the act complained of was the action of the Council not an individual. PSOW willing to consider whether it is a service complaint		

2022/02713	Town 1	D	Public	Alleged in appropriate posts on social media including use of bad language.	PSOW did not investigate. Swearing in the FB post was not directed at any specific person & was an attempt to raise awareness of a community issue. Post was therefore protected political expression		
2022/04701	Community 2	E	Public	Alleged bullying at a meeting towards a member of the public.	PSOW did not investigate - because complaint duplicates another complaint about the same Councillor.		
2022/05038	County	F	Public	Alleged interference with the planning process and putting pressure on the Planning Officer to refuse an application and making false statements	PSOW did not investigate - complaint is unlikely to amount to a breach of the Code. The councillor is entitled to have a view on the application, no evidence they would benefit from this view. No evidence to suggest the comment put any pressure on the Planning Officer.		

2022/04846	County	B	Public	Complainant alleged no formal response was received from any Members to an e mail requesting help. They also alleged the Member reported on social media that Members had been advised by the Legal Team not to respond and Members should not be taking instructions from the Legal Department.	PSOW did not investigate - the evidence is not suggestive of a breach of the Code.		
2022/04748	Community 2	E	Public	Alleged bullying at a meeting towards a member of the public.	PSOW did not investigate - evidence suggested poor behaviour and rudeness towards a member of the public during the meeting. (see complaint reference 2022/04701)		

2022/05046	Community 2	E	Public	It was alleged that when the complainant was invited to speak at the Council meeting, the Member shouted at the complainant and spoke to them in a "disgusting and degrading" manner and made accusations about them in the meeting and acted like a "terrorising bully"	PSOW did not investigate - the alleged remarks can reasonably be said to fall within the realms of freedom of expression, and whilst they may have been unpleasant and may have caused offence to the complainant and others, the evidence does not suggest language or behaviour which is likely to amount to a breach of the Code or to lead to a sanction being imposed (see complaints 2022/04701 and 2022/04701).		
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**FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME 2022/23**

<b>Date of Meeting</b>	<b>Topic</b>	<b>Notes/Decision/Action</b>
<b>3 July 2023</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Any reports back from visits to T&amp;CCs</li> <li>• Forward Work Plan</li> </ul>	Verbal
<b>8 May 2023</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Draft Annual Report</li> <li>• Overview of Ethical Complaints</li> <li>• Any reports back from visits to T&amp;CCs</li> <li>• Forward Work Plan</li> </ul>	Verbal
<b>6 March 2023</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Survey on the Production of Councillor Newsletters</li> <li>• Feedback from the National Forum</li> <li>• Any reports back from visits to T&amp;CCs</li> <li>• Forward Work Plan</li> </ul>	Verbal
<b>9 January 2023</b>	<ul style="list-style-type: none"> <li>• Introductions</li> <li>• Dispensations</li> <li>• Overview of Ethical Complaints</li> <li>• Any reports back from visits to T&amp;CCs</li> <li>• Rolling Review of the Officers Code of Conduct</li> <li>• Changes to the Councillors' Code of Conduct following the Rolling Review</li> </ul>	Verbal

	<ul style="list-style-type: none"> <li>• Forward Work Plan</li> </ul>	
<b>7 November 2022</b> Joint meeting with T&CCs	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Rolling review of Members Code of Conduct</li> <li>• Items raised by Town and Community Councils</li> <li>• Any reports back from visits to T&amp;CCs</li> <li>• Terms of Reference for the National Forum</li> <li>• Public Services Ombudsman for Wales' "My Findings" Publication</li> <li>• Forward Work Plan</li> </ul>	Report by Gareth Owens Verbal Verbal Report by Gareth Owens  Report by Matt Georgiou
<b>5 September 2022</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Feedback from Ethical Liaison Meeting</li> <li>• Independent Member Visits to Town and Community Councils</li> <li>• Update on Recruitment of a Town and Community Council Representative</li> <li>• Overview of Ethical Complaints</li> <li>• Update on the Creation of National Forum for Independent Members</li> <li>• Forward Work Plan</li> </ul>	Report by Gareth Owens Report by Matt Georgiou Report by Gareth Owens  Report by Gareth Owens Verbal Report by Gareth Owens
<b>Reports to be scheduled -</b>		