

Pecyn Dogfen Gyhoeddus

Gareth Owens LL.B Barrister/Bargyfreithiwr

Chief Officer (Governance)

Prif Swyddog (Llywodraethu)



Swyddog Cyswllt:

Nicola Gittins / 01352 702345

nicola.gittins@flintshire.gov.uk

At: Julia Hughes (Cadeirydd)

Y Cyngorwyr: Teresa Carberry, Andrew Parkhurst and Antony Wren

Aelodau Cyfetholedig:

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

Dydd Mawrth, 28 Chwefror 2023

Annwyl Gynghorydd

RHYBUDD O GYFARFOD HYBRID
PWYLLGOR SAFONAU
DYDD LLUN, 6ED MAWRTH, 2023 AM 6.30 PM

***Cynhelir sesiwn ragarweiniol breifat am 6.00 pm ar gyfer yr aelod
Cyfetholedig newydd***

Yn gywir

Steven Goodrum
Rheolwr Gwasanaethau Democratiadd

Sylwch: Gellir mynychu'r cyfarfod hwn naill ai wyneb yn wyneb yn Siambr y Cyngor, Cyngor Sir y Fflint, Yr Wyddgrug, Sir y Fflint neu ar-lein.

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 - 14)

Pwrpas: I gadarnhau, fel cofnod cywir gofnodion y cyfarfod ar 9 Ionawr 2022.

4 GODDEFEBAU (Tudalennau 15 - 16)

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 AROLWG CYNHYRCHU NEWYDDLENNI CYNGHORWYR (Tudalennau 17 - 24)

Pwrpas: Cynhelir arolwg bob tymor y Cyngor, i weld a yw Aelodau angen/ eisiau defnyddio adnoddau'r Cyngor i gyhoeddi Newyddlenni ar gyfer eu Ward. Diben yr adroddiad hwn yw ceisio cymeradwyaeth i wneud hynny'r tymor hwn.

6 ADOLYGIAD TREIGL O GOD YMDDYGIAD Y SWYDDOGION (Tudalennau 25 - 54)

Pwrpas: Fel rhan o'r adolygiad treigl o'r Cyfansoddiad, mae angen i ni ystyried a oes angen unrhyw ddiwygiadau i'r Cod Ymddygiad 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 Penyffordd (Mark Morgan – 14.12.22)
- Cyngor Cymuned Llanfynydd (Julia Hughes – 16.01.23)
- Cyngor Cymuned Ysceifiog (David Davies – 16.01.23)
- Cyngor Cymuned Nannerch (David Davies – 01.02.23)
- Cyngor Cymuned Gwernymynydd (David Davies – 16.02.23)

EITEMAU ER GWYBODAETH

8 ADBORTH GAN Y FFORWM CENEDLAETHOL AR GYFER PWYLLGORAU SAFONAU (Tudalennau 55 - 64)

Pwrpas: Darparu adborth gan Fforwm Cenedlaethol y Pwyllgorau Safonau a gynhaliwyd ar 8 Rhagfyr.

9 RHAGLEN GWAITH I'R DYFODOL (Tudalennau 65 - 66)

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

9 JANUARY 2023

Minutes of the meeting of the Standards Committee of Flintshire County Council held as a remote attendance meeting on Monday, 9 January 2023

PRESENT: Julia Hughes (Chair)

Councillors: Andrew Parkhurst and Antony Wren

CO-OPTED MEMBERS:

David Wynn Davies, Gill Murgatroyd, and Ian Papworth

APOLOGIES: Jacqueline Guest and Mark Morgan

ALSO PRESENT: Councillor Teresa Carberry and Councillor Bill Crease (as observers). Councillor David Healey (for minute no.44)

IN ATTENDANCE:

Chief Officer (Governance), Deputy Monitoring Officer, and Democratic Services Officer

Prior to the start of the meeting the Monitoring Officer provided advice on the quorum of meetings of the Standards Committee. Following guidance from the Monitoring Officer, Councillor Teresa Carberry who was present, volunteered to remain in the meeting as an observer.

42 **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

Councillor Teresa Carberry declared a personal interest on agenda item 7 as she was a member of Mold Town Council. Councillor Antony Wren also declared a personal interest on agenda item 7 as he was a member of Connah's Quay Town Council.

Councillor Andrew Parkhurst declared a personal and prejudicial interest on agenda item 8: Overview of Ethical Complaints.

Councillor David Healey declared a personal interest in agenda item 4: Dispensations.

43. **MINUTES**

The minutes of the meeting held on 5 December 2022 were presented for approval.

Accuracy

Councillor Andrew Parkhurst referred to matters arising on page 5, minute 33, and sought clarification on the statement: 'that the rolling review of the Members'

Code of Conduct which was being deferred from July 2023'. The Monitoring Officer explained that it had been suggested that the review of the Members' Code of Conduct should take place in July 2023 but the committee thought that would be too soon to undertake a further review following consideration of the item at today's meeting.

As a point of accuracy the Monitoring Officer said that the reference to Minute 34 under matters arising: 'confirmation that the agreed action had been completed by the Monitoring Officer to be given at the next meeting' should actually refer to Minute 33. He also confirmed that the action had taken place.

In response to a further question from Councillor Parkhurst concerning when a review of the Flintshire Standard would take place, the Monitoring Officer agreed to recirculate the report to the Committee which sets out the agreed timetable for review of policies.

Subject to the amendments, as stated above, the minutes were approved as an accurate record as moved by David Davies and seconded by Ian Papworth.

RESOLVED:

That subject to the amendments as stated above, the minutes were approved as an accurate record

44. DISPENSATIONS

The Chair reported that one application for dispensation had been received from Councillor David Healey.

The Monitoring Officer provided background information and context. He gave an overview of the request and advised that Councillor Healey wished to represent the views of residents in his Ward who were concerned about a proposed local residential development. Councillor Healey sought dispensation to speak to and write to officers and to speak as the Local Member at the Planning Committee in relation to application FUL/000769/22 (application for erection of 70 dwellings, construction of a new vehicular access, landscaping and associated works at land at Wrexham Road, Abermorddu, Hope, Flintshire, LL12 9DG) ("the Issue")

Councillor David Healey was invited to speak on his request for dispensation. He provided further explanation of the level of dispensation sought and details about the personal and prejudicial interest which had arisen. During discussion Councillor Healey responded to the question raised by the Chair regarding his request to remain in the room during any debate.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC

At this point, the Chair proposed that the meeting move into closed session - as provided for under the Local Government (Access to Information) Act 1985. This was moved by Gill Murgatroyd and seconded by Councillor Andrew Parkhurst.

RESOLVED:

That the press and public be excluded from the meeting as the item was considered to be exempt by virtue of paragraph 18C of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

Councillors David Healey, Bill Crease and Teresa Carberry were put into the virtual waiting room and the live streaming of the meeting was paused.

The Monitoring Officer provided advice to the Committee on the granting of dispensations.

Following the debate, Councillors David Healey, Bill Crease and Teresa Carberry were re-admitted to the meeting and the live streaming recommenced.

The Monitoring Officer informed Councillor Healey that the Standards Committee had resolved to grant him a dispensation under paragraphs (d), (f) and (i) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 allowing him to:

- speak to and write to officers; and
- to speak for five minutes at meetings of the Planning Committee both in relation to the above application and also any application which, in the opinion of the Monitoring Officer, was similar.

Councillor Healey was advised that when he speaks to officers about the Issue, there needs to be an independent witness present and there must be minutes taken of any such meetings.

Councillor Healey could speak at the above meetings about the Issue but should leave the meeting once he has spoken and before the matter was debated and voted on.

Before speaking at any such meetings about the Issue Councillor Healey should still declare his interest in the matter and confirm that he has a dispensation to speak about it. The same applies to any written communications with officers.

The dispensation to be granted for 12 months, ceasing on 8 January 2024

RESOLVED:

That Flintshire County Councillor David Healey be granted dispensation under paragraphs (d), (f) and (i) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to speak to and write to officers; and to speak for five minutes at meetings of the Planning Committee both in relation to the above application and also any application which, in the opinion of the Monitoring Officer, was similar. Councillor Healey was advised that when he speaks to officers about the Issue there needs to be an independent witness present and there must be minutes taken of any such meetings.

Councillor Healey could speak at the above meetings about the Issue but should leave the meeting once he has spoken and before the matter was debated and voted on.

Before speaking at any such meetings about the Issue Councillor Healey should still declare his interest in the matter and confirm that he has a dispensation to speak about it. The same applies to any written communications with officers.

The dispensation to be granted for 12 months, ceasing on 8 January 2024.

45. CHANGES TO THE COUNCILLORS' CODE OF CONDUCT FOLLOWING THE ROLLING REVIEW

The Monitoring Officer introduced a report to agree the precise drafting of changes that were agreed in principle as part of the rolling review of the Constitution at the November 2022 meeting. He referred to the main points and explained that at the meeting in November the Standards Committee had 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 the Welsh Government legislated for them. The Committee resolved to adopt the changes as detailed in paragraph 1.01 of the report in principle and to consider the revised drafting during this meeting. The wording necessary to implement the changes had been added to the code of conduct in draft changes for ease of reference and were shown in Appendix 1. The Committee could see the "finished version" in Appendix 2

The Chair referred to Appendix 1, page 28, paragraph 17 (2), and sought clarification on the reference to gifts and hospitality. The Monitoring Officer explained that this was a previous amendment to the Code and had been approved. The Chair also referred to page 14, Interpretation, and suggested that the wording under "relevant authority" be amended to include reference to a city town or community council.

The recommendation in the report was moved by Ian Papworth and seconded by David Davies with the addition of the above amendments,

RESOLVED:

That the proposed amendments to the Councillors' Code of Conduct be approved.

46. ROLLING REVIEW OF THE EMPLOYEES' CODE OF CONDUCT

The Monitoring Officer presented the report and provided background information. He advised that as part of the rolling review of the Constitution the Committee had to consider whether the Employees' Code of Conduct needed any amendments to keep it up to date. He explained that the Code itself was mandatory and prescribed in legislation. The Council had added explanatory text to expand and clarify the requirements under the Code.

The Monitoring Officer explained that Officers were employees of the Council and therefore in a contractual employment relationship with the Council. Unlike the Councillors' Code, compliance with the Employees' Code was maintained through

the employment relationship by managers. Senior Officers and managers had been consulted on the efficacy of the Code and had suggested updating it to deal more cogently with issues such as expected behaviours towards colleagues and public statements relating to the Council, including on social media and use of IT. The proposed changes to the Employees' Code of Conduct were shown in Appendix 1 to the report. The Committee was asked to consider recommending the proposed changes to Council for approval.

Councillor Andrew Parkhurst asked whether the Employees' Code of Conduct included all officers up to and including the Chief Executive. The Monitoring Officer explained that the Employees' Code of Conduct included all relevant employees with the exclusion of fire-fighters and teachers within the Council. In response to a further query from Councillor Parkhurst the Monitoring Officer explained that the Constitution was currently being updated and a revised edition would be available on the Council's website soon.

Gill Murgatroyd referred to page 58 of the report, paragraph 2.3, and suggested that the reference to 'disciplinary action' be changed to read 'disciplinary proceedings'. She also referred to page 63, paragraph 8.6, and sought clarification of the reference to 'DOI system'. She suggested that the wording 'The Council created an online system' be amended to read 'The Council has an online system'. The Monitoring Officer responded to the comments and agreed to the suggested changes.

Ian Papworth referred to page 68 of the report and asked whether the final sentence on paragraph 15.2: 'This is not intended to preclude Trade Unions from pursuing their legitimate industrial relations activities' should also be included in paragraph 15.4. The Monitoring Officer agreed to the amendment.

Councillor Andrew Parkhurst expressed concerns around the wording in the second part of paragraph 15.2. He suggested that the wording required amendment to ensure that it protected the Council against inappropriate comments but also allowed employees to voice legitimate concerns. He also suggested that a comparison be made with the Code of Conduct used in other councils and organisations. The Monitoring Officer responded to the comments and said a comparison could be undertaken with other councils and organisations and feedback provided to the next meeting of the Standards Committee on the matter of freedom of expression and criticism from employees.

Councillor Parkhurst referred to paragraph 2.8, page 58, and queried the use of the word 'recent'. The Monitoring Officer agreed to remove the word which was an anomaly. Councillor Parkhurst also sought clarification on Section 10 – Employees' Outside Work (page 65 of the report). The Monitoring Officer explained that Section 10 concerned employees who operated a business in their private life or had a second employment. Councillor Parkhurst raised further questions around remuneration of employees who were directors of companies or organisations which had a contractual arrangement with Flintshire County Council. The Monitoring

Officer responded to the questions raised and provided examples of circumstances covered by the Code of Conduct.

Councillor Andrew Parkhurst moved that the item be deferred to the next meeting of the Committee pending further consideration of the wording relating to employees expression of comments which may be critical of the Council. This was seconded by David Davies and when put to the vote was carried.

RESOLVED:

That the item be deferred to the next meeting of the Committee.

47. REPORTS FROM INDEPENDENT MEMBER VISITS TO TOWN AND COMMUNITY COUNCILS

The Chair provided background information and invited the Independent Members to provide verbal reports on the following visits which had been undertaken recently:

David Davies provided verbal feedback on his attendance at the meeting of Gwernaffield and Pantymwyn Community Council held on 9 November 2022. He also provided verbal feedback on his attendance at the meeting of Mostyn Community Council held on 21 November 2022.

Gill Murgatroyd gave verbal feedback on her attendance at the meeting of Whitford Community Council held on 10 November 2022. She also provided verbal feedback on her attendance at the meeting of Holywell Town Council held on 15 November 2022.

Ian Papworth provided verbal feedback on his attendance at the meeting of Connah's Quay Town Council held on 28 November 2022.

Julia Hughes provided verbal feedback on her attendance at the meeting of Mold Town Council held on 30 November 2022.

The Independent Members agreed that the visits had been positive experiences and praised the level of commitment and contributions by those in attendance. They were impressed that all meetings were well chaired and ably supported by clerks.

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

- The Independent Members noted that as a matter of good practice Declarations of Interest were standing items on all agendas. When declaring interests, Members need to be specific in whether it is a personal or personal and prejudicial interest so that everyone knows whether they intend to stay in the room. There have been examples of people leaving the room when they only had a personal interest. This is not necessary. Potentially, it deprives the Council of what might be useful information or insight and might make others reluctant to declare a personal interest because it is "the norm" when declaring any interest that one is not able to take part.

There are some exemptions in the Code which automatically downgrade personal and prejudicial interests to personal interests only:

- a Councillor has been appointed by the Council to an outside body, he or she only has a personal interest in matters affecting that body (provided the matter is not a planning, licensing or other regulatory application)
 - Town and Community Councillors (not County Councillors) can award grants of up to £500 even though they might be associated with the body being funded.
- Independent Members have no statutory right to “carry out inspections” and attend Town/Community Council meetings as though they were a member of the public. If a Town/Community Council meeting goes into closed session they should therefore be excluded from the meeting along with anybody else that isn’t a Councillor. However, this makes it difficult for the Independent Member to carry out their role. If needed to go into closed session could consideration be given to allow the Independent Member to remain in the meeting. They will be bound by the same Code of Conduct as Councillors and must respect confidential information.

The Committee intended that the feedback would be useful and acknowledged the dedication and good work undertaken by Town/Community Councillors in their voluntary roles.

RESOLVED:

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

48 **OVERVIEW OF ETHICAL COMPLAINTS**

The Monitoring Officer presented the report which provided a summary of the ethical complaints alleging a breach of the Code that had been submitted to the Public Services Ombudsman for Wales (PSOW). The report provided information on the number and types of complaints being made and the outcome of consideration by the PSOW. The Monitoring Officer reported that since the last report 5 complaints had been received none of which were investigated. There were 4 complaints outstanding.

In response to question from the Chair the Monitoring Officer reported that a further 3 complaints had been notified following submission of his report to the Committee and these would be reported to the next meeting.

A summary of the complaints received during 2022/2023 was appended to the report.

The recommendation in the report was moved by Councillor Antony Wren and seconded by Gill Murgatroyd.

RESOLVED

That the number and type of complaints be noted.

49 **FORWARD WORK PROGRAMME**

The Monitoring Officer presented the Forward Work Programme for consideration.

In response to questions from Councillor Andrew Parkhurst regarding the Constitution, the Monitoring Officer explained that the Constitution and Democratic Services Committee was responsible for considering the Constitution and the Standards Committee was responsible for considering the parts relating to ethics and standards. The Monitoring Officer reiterated that the Constitution was currently being updated and a revised version would be available on the Council's website shortly. He suggested that in the meantime a message could be put on the website to inform which section was being updated and that the current text remained in place pending revision.

In response to a further question from Councillor Parkhurst, the Monitoring Officer advised that Section 11 of the Constitution covered the following areas:

- Management Structure
- duty to Provide Sufficient Resources to the Head of Paid Service, Monitoring Officer, Chief Finance Officer and Head of Democratic Services
- conduct
- employment
- Officer Employment Procedure Rules
- Officer Scheme of Delegation

The Chair commented that the item on the Rolling Review of the Employees Code of Conduct would need to be rescheduled onto the Forward Work Programme following the agreement to defer during the meeting. It was agreed that the item be moved to the meeting of the Committee to be held on 6 March 2023 and also that the item on Introductions be moved to the meeting in March. It was further agreed that the meeting of the Committee scheduled to be held on 8 May 2023 be rescheduled to 15 May due to the Bank Holiday to mark the coronation of King Charles 111.

The recommendation was moved by Gill Murgatroyd and seconded by Councillor Andrew Parkhurst

RESOLVED:

That the Forward Work Programme, as amended, be approved.

50 **MEMBERS OF THE PRESS IN ATTENDANCE**

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

(The meeting started at 6.30pm and ended at 9.38 pm)

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Chair

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 4
FLINTSHIRE COUNTY COUNCIL
APPLICATION FOR DISPENSATION TO THE
STANDARDS COMMITTEE

	Enter the details as described in italics in the first column in this column
Name of Councillor <i>Your name. Each application should be made separately.</i>	Ian Papworth
Address <i>Your home address.</i>	Ty'r felin Cwm Road Trelawnyd Rhyl LL186EF 01745421006
Name of Council <i>Of which Council are you a member?</i>	Trelawnyd and Gwaenysgor Community Council
Ward <i>The ward you represent.</i>	Trelawnyd
Item for which dispensation is being sought <i>With what matter do you wish to be involved?</i>	Items relating to the village hall and Trelawnyd Community Association (TCA)
Level of Dispensation sought (e.g. to speak only or to speak and vote) <i>You may wish to seek dispensation for the options detailed in the opposite column. Please tick all that apply.</i>	<input checked="" type="checkbox"/> <i>To write to or speak with officers;</i> <input checked="" type="checkbox"/> <i>To write to, speak and/or answer questions at Council/Committee meetings;</i> <input checked="" type="checkbox"/> <i>To remain in the room during any debate;</i> <input checked="" type="checkbox"/> <i>To vote (please specify which meetings e.g. Council meetings, Planning Committee etc.)</i>
Relevant Paragraph under which Dispensation is requested (See overleaf)	C,,D,E,FJ
Details of the Prejudicial Interest <i>This should be a short explanation of all the relevant facts about how your interest arises and how significant it might be. The questions are a prompt not an exhaustive list:</i> <ul style="list-style-type: none"> • <i>How does your interest arise? Will the business under discussion affect your well-being, your financial position, your family, etc?</i> • <i>What other roles or memberships do you hold that give rise to an interest?</i> • <i>Will you benefit personally from the business under discussion or is your interest purely from public service?</i> 	I am the husband of the Secretary of a local charity that lease the village hall from the Community Council. I have no role in decision making of the TCA and derive no personal benefit. The make up of the council includes 4 members who are also members of the TCA including myself. Excluding TCA members from Council decisions relating to the TCA or Village Hall currently makes the council inquorate and unable to vot on issues. Councillors who are TCA members do not benefit personally and our interest is purely public service.
Details of any Position of responsibility/control held on Council (e.g. Chairman/Vice-Chairman)	NA

Signed: Ian Papworth	Date: Tudalen 15 21.02.2023
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Circumstances When A Standards Committee May Grant Dispensation

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

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

Eitem ar gyfer y Rhaglen 5



STANDARDS COMMITTEE

Date of Meeting	Monday, 6 March 2023
Report Subject	Survey on the Production of Councillor Newsletters
Report Author	Chief Officer (Governance)

EXECUTIVE SUMMARY

As part of its rolling review of the Constitution, the Committee needs to review the protocol on production of Councillors' newsletters. Currently the protocol says that Councillors are not permitted to use Council resources for this task. This reflects longstanding practice of Councillors producing their own, sometimes quite extensive, newsletters often defraying the costs through advertising from local businesses.

Prior to reviewing the protocol the Committee has previously surveyed Councillors to see who does produce their own newsletter already and to gauge their opinion on the use of Council resources. It is proposed that the same approach is taken this time and a suggested survey form is attached.

RECOMMENDATIONS

1	That the attached survey is sent to Councillors.
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REPORT DETAILS

1.00	EXPLAINING THE SURVEY ON THE PRODUCTION OF COUNCILLOR NEWSLETTERS
1.01	The Councillors' Code of Conduct governs the use of Council resources at paragraph 7: "7. You must not — (b) use, or authorise others to use, the resources of your authority — (i) imprudently;

	<p>(ii) in breach of your authority's requirements;</p> <p>(iii) unlawfully;</p> <p>(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;</p> <p>(v) improperly for political purposes; or</p> <p>(vi) improperly for private purposes.</p>
1.02	<p>Providing purely factual information to the public can legitimately be undertaken by Councillors using Council resources provided the Council does not prohibit this. The current protocol does impose such a prohibition which reflects the preferences of Councillors during the last Council term. Many Councillors produce their own newsletters. Some of these are quite extensive, featuring other community services (e.g. local churches, WI groups etc) and the costs are defrayed by advertising from local businesses. Newsletters often also include the political position of the Councillor which could not be permitted if they were to be produced using Council resources. Councillors have therefore previously preferred to produce their newsletters at their own expense.</p>
1.03	<p>The Committee has previously surveyed the views of Councillors when reviewing this protocol. It is recommended that the Committee should similarly survey Councillors this time as well. The questions from the last such survey are attached at Appendix 1.</p>

2.00	RESOURCE IMPLICATIONS
2.01	<p>The Council provides Councillors with iPads and laptops that could be used to design or create content for an electronic newsletter. It does not currently have a budget for the production of printed newsletters and does not supply Councillors with papers/printers. Printers are available at Council premises that, in addition to the hire charge (which is paid anyway), cost 1 pence per side of monochrome and 10 pence per side of colour printing. The additional cost of printing a single page, double sided newsletter in monochrome for every household in the county (approximately 60,000 properties) would be in the region of £1,200.</p>

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	<p>It is proposed to consult Councillors on whether to permit newsletters to be produced using Council resources.</p>

4.00	RISK MANAGEMENT
4.01	<p>None arising directly from this report.</p>

5.00	APPENDICES
5.01	Appendix 1 - Current Protocol Appendix 2 - Proposed Survey Questions

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None Contact Officer: Gareth Owens, Chief Officer (Governance) Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	None

Mae'r dudalen hon yn wag yn bwrpasol

22 PROTOCOL ON THE PRODUCTION OF COUNCILLOR NEWSLETTERS

Paragraph 7(b) of the Members' Code of Conduct makes clear that Members must not use Council resources improperly for political purposes. Guidance issued by the Public Services Ombudsman for Wales indicates that an authority may authorise the use of its resources and facilities for some political purposes.

At its meeting on 3 September 2012 the Council's Standards Committee considered a report on the Use of Council Resources for the Production and Distribution of Councillor Newsletters. The recommendation of the Standards Committee was that Members should be free to use the computers available in Members' Services and in the group rooms for the purposes of designing and setting up newsletters to their constituents. This was considered at the County Council meeting on the 25 October 2012. At that meeting it was decided that Members cannot use any Flintshire I.T. software to produce Councillor newsletters. Any use of Council resources for the production of newsletters would therefore be a breach of paragraph 7(b) of the Members' Code of Conduct.

Mae'r dudalen hon yn wag yn bwrpasol

Appendix 2

Proposed Questions for Survey on Newsletters and Annual Reports

- 1) Do you produce a Newsletter on behalf of yourself or with another Councillor or Councillors?
If no, skip to question 4.
- 2) If yes, how often do you produce one?
- 3) If yes, when did you last produce one?
- 4) Do you produce an Annual Report?
If no skip to question 7.
- 5) If yes, when did you last produce one?
- 6) If yes, do you provide a copy of the Annual Report for the Council to show on their website in line with the required provision?
- 7) Do you contribute to any other regular communications e.g. blogs, newspaper columns, local free press?
- 8) If yes, please provide details.
- 9) Do you include community notices (e.g. church services, youth groups, MS surgery dates) in your Newsletter?
- 10) Do you include advertising from (local) businesses in your Newsletter?
- 11) Currently you are not permitted to use council resources to prepare your Newsletter, blog etc. Would you want to use your council laptop/ipad for this purpose bearing in mind that, if you did use council IT equipment, you would not be able to include any comments of a political nature within your newsletter, blog etc.?

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Eitem ar gyfer y Rhaglen 6



STANDARDS COMMITTEE

Date of Meeting	Monday, 6 March 2023
Report Subject	Rolling Review of the Employees' Code of Conduct
Report Author	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

1.00	EXPLAINING THE ROLLING REVIEW OF THE OFFICERS CODE OF CONDUCT
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"> 1) The code describes expected behaviours to certain groups of people e.g. Councillors and public, but not fellow employees; 2) Employees who wish to stand for election; 3) Statement made publicly by employees that relate to the Council whether in broadcasts, publications or on social media; 4) Use of IT and Data Security; 5) Dress code.
1.04	The current code sets out understandable expectations of behaviour towards Councillors and people outside the organisation but is silent about the 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. This will be enhanced and reinforced through the development of vision and values for the Council.
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 both positive and negative, 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.

2.00	RESOURCE IMPLICATIONS
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 as a result of the changes proposed to the Code of Conduct.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Senior managers have been consulted. If approved the proposed changes will be shared with the Trade Unions and the Constitution and Democratic Services Committee prior to being reported to Full Council.

4.00	RISK MANAGEMENT
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.

5.00	APPENDICES
5.01	Appendix 1 – Employees' Code of Conduct in tracked changes Appendix 2 – Employees' Code of Conduct clean copy

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Social media policy Contact Officer: Gareth Owens, Chief Officer (Governance) Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	Qualifying Local Government employees – all employees in local government are “qualifying employees” apart from firefighters and teachers.

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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 proceedings. 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 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 an un-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.

15.3 The Council has established a Communications team, which is responsible for all-official press releases and statements. Individuals who are asked by the media to make comments should refer such requests direct to that team.

15.4 Employees must not make public statements about the Council (whether as a spokesperson for an organisation or as an individual) which could reflect in some unacceptable way upon the employer/employee relationship. This is not intended to preclude Trade Unions from pursuing their legitimate industrial relations activities.

15.5 The Council has an adopted social media policy, which covers unacceptable personal use by employees. Employees must comply with the version of that policy in force from time to time.

16 Information Technology and Data Security

16.1 Employees must ensure that they follow the Council's security procedures in relation to the use and storage of computers, and electronic data. Particular care should be taken to observe required procedures when using passwords and when logging on and off, especially when working with confidential records or sensitive material.

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

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- 2.8 Employees must ensure that no special favour is shown to current or 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 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 an 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.
- 15.3 The Council has established a Communications team, which is responsible for all-official press releases and statements. Individuals who are asked by the media to make comments should refer such requests direct to that team.
- 15.4 Employees must not make public statements about the Council (whether as a spokesperson for an organisation or as an individual) which could reflect in some unacceptable way upon the employer/employee relationship. This is not intended to preclude Trade Unions from pursuing their legitimate industrial relations activities.
- 15.5 The Council has an adopted social media policy, which covers unacceptable personal use by employees. Employees must comply with the version of that policy in force from time to time.

16 Information Technology and Data Security

- 16.1 Employees must ensure that they follow the Council's security procedures in relation to the use and storage of computers, and electronic data. Particular care should be taken to observe required procedures when using passwords and when logging on and off, especially when working with confidential records or sensitive material.

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

Eitem ar gyfer y Rhaglen 8



STANDARDS COMMITTEE

Date of Meeting	Monday, 6 March 2023
Report Subject	Feedback from the National Forum for Standards Committees
Report Author	Chief Officer (Governance)

EXECUTIVE SUMMARY

All the local authorities in Wales (principal Councils, Fire & Rescue Authorities and National Park Authorities) agreed to establish a National Forum for Standards Committees. The first meeting of the forum took place on 27th January 2023.

The meeting elected a Chair/Vice Chair and accepted an offer from Cardiff City Council to provide Monitoring Officer support.

It considered and shared practice around the new duty on group leaders to promote ethical behaviour by their group members.

The Forum also received a presentation from Michelle Morris, Public Services Ombudsman for Wales.

RECOMMENDATIONS

1	That the Committee note the feedback from the first meeting of the Forum.
2	That the Committee suggests items for future meetings of the Forum.

REPORT DETAILS

1.00	EXPLAINING THE FEEDBACK FROM THE NATIONAL FORUM FOR STANDARDS COMMITTEES
1.01	As the Committee will be aware a National Forum has recently been established for Standards Committee. The National Forum is closely

	modelled on the long running forum that previously served North Wales and latterly Mid and North Wales.
1.02	The first meeting of the Forum took place on 27 th January 2023. The agenda is attached at Appendix 1. As befits a first meeting the Forum appointed a Chair (the Chair of the Standards Committee for Conwy County Borough Council) and a Vice Chair (The Chair of the Standards Committee for Cardiff City Council). Each will serve 2 years. In addition, the forum accepted an offer of monitoring officer support from Cardiff City Council. That person will advise the Chair and help to prepare reports that require legal input.
1.03	The Forum considered the duty on group leaders to promote ethical behaviour amongst the members of their group and listened to existing practice from amongst the members. Although practice varies slightly across authorities there was no significant deviation from the practice adopted at Flintshire.
1.04	The Public Services Ombudsman for Wales, Michelle Morris, gave a presentation. Reception was particularly poor during the presentation and it was difficult to be clear what she was saying. The notes/slides of her presentation are attached.
1.05	The next meeting of the forum will be at the end of June. The agenda for that meeting will be set at the June meeting of the Monitoring Officers' Group. Does the Committee have any suggestions for items it would wish to see considered by the Forum?

2.00	RESOURCE IMPLICATIONS
2.01	The support for the Forum will be provided by the WLGA and voluntarily by monitoring officers within the constituent local authorities.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Not required.

4.00	RISK MANAGEMENT
4.01	By sharing best practice the Forum will help to raise standards across all authorities in Wales.

5.00	APPENDICES
5.01	Appendix 1 – Agenda for the Forum Appendix 2 – Notes from Public Services Ombudsman for Wales Appendix 3 – The Forum's Terms of Reference

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6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None Contact Officer: Gareth Owens, Chief Officer (Governance) Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	None.

Mae'r dudalen hon yn wag yn bwrpasol

National Forum for Standards Committees

Via Zoom

14:00-16:00

Friday, 27th January 2023

Agenda

1. Election of Chair
2. Election of Vice-Chair
3. Role and Terms of Reference
4. Update on the Penn Report
5. Discussion on implementation of the new duty on group leaders and how this will be reported as part of the Standards Committee annual report
6. Guest Speaker: Michelle Morris, Public Services Ombudsman for Wales
7. AOB:
 - a) Members Annual Reports
 - b) Chairing Skills for Chairs and Vice Chairs of Standards Committees

Mae'r dudalen hon yn wag yn bwrpasol

Presentation Notes – National Standards Forum

Introduction

- Introduce Ombudsman
- Powers of PSOW set out in Local Government Act 2000 - Ethical Standards in Public Life (c.750 bodies in jurisdiction);
- Welcome est. of National Standards Forum – important forum to promoting the highest standards of conduct;

Overview of PSOWs Current Work

- Figures for 2021/22
 - **294 Complaints (Split PC123/TCC 171)** (at this point last year it was 219 PC 85/TCC 129)
 - **No. closed at Assessment 241** (av 20.1pm)
 - **No. Investigations closed last year was 39** (23 at this point in the year)
 - **Referrals to SC/APW last year – 20 Referrals**
- Figures for current year 2022/23
 - **No. Complaints to date 219** (Split PC - 91/TCC - 126)
 - **No. closed at Assessment – 197** (av 22 pm + 6%)
 - **No. Investigations open is 62** (closed 22 compared with 23 at this point last year)
 - **No. Referrals to SC/APW – 5 to date (Likely to be 9 at end of year)**

Our Performance – good early in process but only 7/10 investigations concluded within 12 months.

Key themes

- Breaches due to lack of equality and respect – behaviours towards others (>50%)
- Lack of understanding between public and private role
- Inappropriate use of email and social media
- Lack of CoC training and strong correlation with Breaches
- PSOW work alongside Audit Wales – link between multiple complaints and governance issues = dysfunctional councils

PSOW has a role to be proactive in promoting highest standards of conduct.

Working with NSCF

- **Sounding Board**
- **Sharing data and intelligence** e.g. Annual Letters, SC Annual Reports;
- **Sharing and Promoting Good Practice** e.g. model procedure for agreeing arrangements with the parties (PSOW & the Cllr/their representative);
- **[Joint] Early Intervention** – to prevent escalation e.g. training (low level issues)
- **Promotion of Code of Conduct training** for all Members and reporting on compliance

National Standards Committee Forum **Terms of Reference (2022)**

The purpose of the Forum is to share best practice and provide a forum for problem solving across the

- 1) 22 principal Councils
- 2) 3 Fire and Rescue Authorities
- 3) 3 National Park Authorities

in relation to the work of Standards Committees.

The role of the forum is to share information and so any decisions will have to be made by the individual Standards Committees. There will be times when the Forum would need to make a decision about administrative matters relating to its own practices and administration of meetings.

- Membership – Chair, with the Vice-Chair to attend in the absence of the Chair
- Decision making will typically be by consensus but where a formal decision is required then there will be one vote per authority with the Chair of the Forum having the casting vote
- Election of Chair and Vice Chair – every two years to provide consistency
- Secretariat Support – the WLGA will send out agendas, prepare minutes and can prepare basic reports analysing practice across Wales. Officer support to prepare more extensive reports is dependent upon a monitoring officer from a council volunteering/agreeing to undertake the work
- Frequency of Meetings – 2 meetings per year following a meeting of the Monitoring Officers Group of Lawyers in Local Government
- Agendas items will be suggested by Monitoring Officers based on discussions with their Standards Committees and the Forum will also have a forward work plan to which members could contribute
- Each region will be asked to send 1 monitoring officer to represent the local authorities in that area, with 1 additional monitoring officer each for fire & rescue authorities and national park authorities (making 6 monitoring officers in total)

*Each meeting could have a small agenda followed by a Training Session
Speakers from the Ombudsman's Office, Adjudication Panel for Wales and Welsh Government could address the Forum on their work*

Mae'r dudalen hon yn wag yn bwrpasol

FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME 2022/23

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

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