

Pecyn Dogfen Gyhoeddus

Gareth Owens LL.B Barrister/Bargyfreithiwr

Chief Officer (Governance)

Prif Swyddog (Llywodraethu)



Swyddog Cyswllt:

Janet Kelly / 01352 702301

janet.kelly@flintshire.gov.uk

At: Cyng Rob Davies (Cadeirydd)

Y Cynghorwyr: Gillian Brockley, Steve Copple, Jean Davies, Ian Hodge, Alasdair Ibbotson, Paul Johnson, Gina Maddison, Roz Mansell, Ted Palmer, Andrew Parkhurst, Michelle Perfect, Vicky Perfect, Linda Thew, Arnold Woolley a Antony Wren

Dydd Iau, 18 Ionawr 2024

Annwyl Gynghorydd,

RHYBUDD O GYFARFOD HYBRID
PWYLLGOR Y CYFANSODDIAD A GWASANAETHAU DEMOCRATAIDD
DYDD MERCHER, 24AIN IONAWR, 2024 2.00 PM

Yn gywir

Steven Goodrum

Rheolwr Gwasanaethau Democraidd

Sylwch: Gellir mynychu'r cyfarfod hwn naill ai wyneb yn wyneb yn Ystafell Bwyllgor Delyn, 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 Democraidd 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 3 - 12)

Pwrpas: I gadarnhau, fel cofnod cywir gofnodion y cyfarfod ar 8 Tachwedd 2023.

4 RHAGLEN GWAITH I'R DYFODOL (Tudalennau 13 - 18)

Pwrpas: Cytuno ar eitemau o fusnesau i gael eu trafod mewn cyfarfodydd yn y dyfodol.

5 ADOLYGIAD TREIGL O GOD YMDDYGIAD YR AELODAU (Tudalennau 19 - 22)

Pwrpas: Cymeradwyo'r newidiadau a argymhellwyd gan y Pwyllgor Safonau i'r Cod Ymddygiad i Gynghorwyr fel rhan o adolygiad parhaus o'r Cyfansoddiad.

6 ADOLYGIAD TREIGL O GOD YMDDYGIAD Y GWEITHWYR (Tudalennau 23 - 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 y Gweithwyr i'w ddiweddarau.

7 MAINT PWYLLGORAU A CHYDBWYSEDD GWLEIDYDDOL (Tudalennau 55 - 64)

Pwrpas: Ystyried gosod odrif o faint Pwyllgorau ac ail-gyfrifo Cydbwysedd Gwleidyddol i adlewyrchu'r meintiau newydd.

8 DIWEDDARIAD AR SEMINARAU, SESIYNAU BRIFFIO A GWEITHDAI AELODAU (Tudalennau 65 - 84)

Pwrpas: Diweddariad ar Seminarau, Sesiynau Briffio a Gweithdai Aelodau.

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

Eitem ar gyfer y Rhaglen 3

CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE **8 NOVEMBER 2023**

Minutes of the Constitution and Democratic Services Committee of Flintshire County Council held as a remote attendance meeting on Wednesday, 8 November 2023

PRESENT: Councillor Rob Davies (Chair)

Councillors: Gillian Brockley, Steve Copple, Ian Hodge, Alasdair Ibbotson, Paul Johnson, Gina Maddison, Ted Palmer, Andrew Parkhurst, Michelle Perfect, Vicky Perfect, Arnold Woolley and Antony Wren

APOLOGIES: Councillors Jean Davies, Roz Mansell and Linda Thew

IN ATTENDANCE: Chief Officer (Governance), Democratic Services Manager and Democratic Services Officer

For minute number 18

Community and Business Protection Manager (Sian Jones) and Environmental Control Officer (Samantha Myller)

14. DECLARATIONS OF INTEREST

A personal interest was recorded for all Committee Members present on agenda item 5 - IRPW Draft Annual Report 2024/25.

15. MINUTES

The minutes of the meeting held on 28 September 2023 were approved, as moved and seconded by Councillors Ted Palmer and Steve Copple.

In response to a question on the draft Development Plan from Councillor Andrew Parkhurst, the Democratic Services Manager confirmed the Plan would be ready within the next two weeks and would be circulated to members of the committee.

The minutes were moved as a correct record by Councillor Ted Palmer and seconded by Councillor Steve Copple.

RESOLVED:

That the minutes be approved as a correct record.

16. FORWARD WORK PROGRAMME

The Democratic Services Manager presented the forward work programme for consideration. He then provided an overview of the regular items which were included together with those scheduled for the forthcoming meetings in January, March and June.

The recommendations within the report were approved as moved by Councillor Arnold Woolley and seconded by Councillor Ted Palmer.

RESOLVED:

- (a) That the Committee considered the draft Forward Work Programme and approve/amend, as necessary.
- (b) That the Democratic Services Manager, in consultation with the Chair of the Committee be authorised to vary the Forward Work Programme between meetings, as the need arose.

17. INDEPENDENT REMUNERATION PANEL FOR WALES (IRPW) DRAFT ANNUAL REPORT 2024/25

The Democratic Services Manager presented the Independent Remuneration Panel for Wales (IRPW) draft Annual Report and explained that it had been circulated to all Local Authorities and Town & Community Councils in Wales. The report provided a summary of the main points within the Annual Report, as the IRPW had responsibility for setting the proposed rates of payment for elected and co-opted members of Welsh Local Authorities for 2024/25. Information was provided on the basic increase to £18,666 for Members from the 1 April 2024, and the table at point 1.03 in the report highlighting the other changes proposed. All salaries had been reviewed under the Annual Survey of Hours and Earnings Scheme (ASHE) with affordability and co-optee payments their focus for this year. The suggested changes were highlighted at point 1.06 in the report with all other determinations such as travel and care costs remaining the same. An overview of the changes to the reporting mechanisms for Town & Community Councils was also given.

The Democratic Services Manager then referred to the resource implications and commented that any Member who did not wish to accept the increase was being asked to write to him directly. Point 1.10 of the report included information on the questions being asked by the IRPW with background information highlighted for members. In conclusion the Democratic Services Manager explained that views were sought from the Committee prior to the Council submitting a response to the IRPW by 8 December 2023. The IRPW were required to consider any representations made on the draft report before issuing the final report in February 2024.

Councillor Ted Palmer had concerns around the peer pressure for Members in accepting this increase and reported on his attendance at a North Wales Association of Local Councils meeting where IRPW representatives were in attendance. When asking them the same question it was confirmed that they were not legislated to impose this increase but local authorities could lobby Welsh Government to change the situation. He asked how the authority lobbied the government to change the process.

In response the Democratic Services Manager confirmed it was possible to contact the relevant Minister within Welsh Government but it was also suggested that this was included as part of the feedback to this report. If this view was expressed across all Councils in Wales, then it would be included in the feedback report. He also agreed to contact the WLGA to ascertain if they had received similar feedback.

Councillor Palmer referred to peer pressure and asked if it was known if there was any political point scoring pressure applied as some people may rely on and need the increased allowance. The Democratic Services Manager confirmed that there was a theme and wording within the report which reflected that. The IRPW were trying to encourage and increase diversity within Councils and the Councillor remuneration could be the only income for some Councillors. This was a personal individual decision and should not be a pressured decision.

Councillor Antony Wren commented that the remuneration was based on a 3-day working week with no consideration given to the size or type of ward, no accountability for different workloads or the number of committees that members attended. As a basis allowance for a general Councillor he felt that the level of income was not enough without having a second income from another job or a pension. Councillor Wren then referred to the resource implication at point 2.01 in the report and sought clarification on the figure of £88,921.

In response to the three-day week point the Democratic Services Manager confirmed that this referred to an ordinary back bench Councillor and agreed that Councillor Wren's comments could be included in the feedback. With regard to the resource implication point he confirmed the figure referred to all allowances which included Committee Chairs etc.

Councillor Andrew Parkhurst commented at this time when budgets were stretched and households were struggling with the cost-of-living crisis that he would wish to see the increase pass a reality check. He then sought clarification on the level of remuneration that committee chairs received and if the increase reflected the additional work that a committee chair would undertake. He also asked what was the minimum number of meetings that a member of a committee had to attend in order to remain a Councillor other than through parental leave or similar absence. He felt there ought to be a minimum standard of attendance expected of Councillors so that each Councillor pulls their weight and earns the amount that they were receiving.

The Democratic Services Manager agreed to look at the breakdown of payments made and said that these were based on the Annual Survey of Hours and Earnings (ASHE) average salary model. The reason that this was being considered now was because previously a different method had been used to calculate this which had resulted in a significant increase which caused some concern. Referring to the attendance question he confirmed Members were required to attend one meeting within a six-month period unless a dispensation was given by Council and that attendance was recorded as a public record.

The Chief Officer (Governance) confirmed that there was a large increase just before the last election and that this committee was required to ensure that increases kept pace during the course of the next Council term rather than leaving it for a catch-up exercise at the end. Referring to minimum requirement for attendance at meetings he confirmed that it was once every six months which was set by the Local Government Act 1972. Previously when Councillors were paid attendance allowance for the number of meetings which they attended and that this did not consider whether they held positions of responsibility within the organisations. The Chief Officer said there was disconnect between the ethos of the 1972 Act, one meeting every six months, and the expectations which apply now that Councillors received an allowance irrespective of the number of meetings that they attended. The rationale was that Councillors did not necessarily carry out all of their work in meetings. Councillors may attend meetings but do very little for their wards or Councillors could be very busy in their wards and attend very few meetings or a mixture of both which could be the rationale why they had not updated the minimum attendance requirement.

Councillor Ted Palmer referred to the comments made by Councillor Parkhurst saying that these comments, although not meant in that way, applied peer pressure.

Councillor Parkhurst reassured Councillor Palmer that he was not implying peer pressure for individual Councillors but what we were discussing was a national pay scale and it should be looked at it critically. Referring to the comments made by the Chief Officer around the disconnect between the minimum attendance and the current remuneration scale. If there was the disconnect then perhaps this should be commented upon within the Council's response to this consultation to enable further consideration.

Councillor Paul Johnson referred to the document which covered the whole of Wales with the same basic rate of allowance in comparison to the different rates of allowance in England. He felt it was dangerous road to go do when referring to Councillor workload saying if the Councillors were not carrying out their duties the electors would soon let them know. He said ward meetings with the Council, Police, attending litter picks, or walking around their wards on a regular basis were not included and every Councillor understood what was required to be undertaken in their own ward.

Councillor Antony Wren referred again to the resource implication and asked if it included the extra employees contribution towards pension and national insurance figures. In response the Democratic Services Manager clarified that it did not but he agreed to factor this in as a separate entry in next year's report.

The Chief Officer commented that it was right that Councillors scrutinised the rates which were being set and this was partly the reason for IRPW circulating the report as it was a publicly and tax funded organisation. It was also key that people were attracted to becoming local Councillors. An analysis of the demographics of our organisation was undertaken in the last Council, which concluded the organisation was disproportionately male and disproportionately older compared to the population and that this was common across Wales. If the authority was to attract people from all walks of life, then the remuneration had to be at a reasonable level. He appreciated the pressure felt by Councillors but did not think that Councillors should apologise for the allowances that they earn as this was not an easy job being on call 24/7 with callers often not in a good mood when they call with their problems.

Councillor Paul Johnson asked if the Schedule of Remuneration which included information for each Councillor and co-opted members which was published each year. It was confirmed that the report was presented to the September meetings of the Council and highlighted what was being allocated to Councillors that year and also reported on the allocation for the previous year. Following this it was published on the website.

Councillor Johnson said that this was open and transparent for the public to view. The Chief Officer referred to the work the IRPW were undertaken to restrict the level of scrutiny of individuals in order to stop that pressure on individuals. There were a number of allowances such as the care allowance which had to be claimed rather than paid automatically. Having this allowance enabled a diverse co-hort of Councillors and should not be used against them. This was why the IRPW was moving away in some limited instances from specifying what people had claimed towards a global sum as a whole for those purposes. The principal allowance would be reported with the travel, carers allowance etc would be reported as a global sum to strike a balance about open transparency.

The Democratic Services Manager referred to question 6 which suggested that this principle applied to Town and Community Councillors in the first instance whereas the county did not report individual claims for care allowance but did report on travel and other allowances individually. They are moving towards Town & Community Councils to report a total amount rather than individually and question 6 asked if this should be applied to other bodies which would encourage members to claim what they were entitled to claim.

Councillor Wren asked if the Council supported the Cycle to Work Scheme and said he would be interested in purchasing an electric cycle. The Chief Officer

confirmed the Council did support that scheme and it was agreed that the Democratic Services Manager take this as an action from the meeting and circulate the information to Members.

The Democratic Services Manager asked Members if they had any views on the questions or general comments which could be reported back to the IRPW.

Referring to the questions :-

Q1 – Do you think that the Panel has struck the right balance between affordability and adequate remuneration for representatives? If not, do you have other suggestions?

Response: Councillor Wren agreed

Q2 – Do you agree with the Panels proposal in relation to co-opted members of committees? If not, do you have any suggested alternatives?

Response: Yes

Q3 – Do you have any examples of good practice or other ideas of ways in which we might use our powers to encourage more sustainable travel among members?

Response: The Cycle to work scheme as it encouraged sustainable travel.

Car Sharing - Councillor Wren referred to the mileage allowance and asked if there was any way to modify this to encourage more car sharing. The Democratic Services Manager believed that there was a passenger allowance granted 5p per mile but agreed to check if this still was the case.

Councillor Pau Johnson asked if there was best practice which was share across Wales.

Q4 – This question is seeking individual Member responses. See paragraph 1.11.

Members were asked rather than requesting the committee to answer the question on behalf of all Councillors, would it agree to the Democratic Services Manager carrying out a survey with regard to allowances and reporting back to committee. Councillor Palmer supported this.

Councillor Wren sought clarity on the family absence payment. The Democratic Services Manager agreed to check and feed this back to the committee.

Councillor Steve Copple asked how difficult it was to claim these entitlements and was this a common theme.

Q5 – This question relates specifically to Community and Town Councils so does not apply.

Councillor Ted Palmer said that we welcomed their endeavours to eliminate that the pressures that the Councillors may or may not come under. Councillor Wren said it avoided the naming and shaming of peer pressure.

Q6 – Do you agree that figures for travel and subsistence expenses of members of principal councils should be published as a global total rather than individually?

Response: Yes

Councillor Parkhurst referred to travel and subsistence payments which he felt differed to childcare and other payments which were personal to that individual. The public had a right to know if members were incurring expensive hotels costs and other expenses in the same way that Members of Parliament had to account to their constituents. Councillors on balance should have to justify those expenses to their electorate as well.

Councillor Cople asked why the Police and Crime Commissioner Panel was not included. The Chief Officer responded to say that these payments may not be set by the IRPW. The function of Police and Crime Panels was not a devolved function and was managed remotely by Westminster rather than through Cardiff. Page 25 of the pack clarified which organisations were covered by this.

The recommendations with the reported were moved and seconded by Councillor Antony Wren and Gillian Brockley.

RESOLVED:

- (a) That the Committee considered and commented on the Determinations made by the Independent Remuneration Panel for Wales in their draft Annual Report for 2024/25.
- (b) That the Head of Democratic Services be authorised to make a response on behalf of the Council, reflecting the decision and comments made at the meeting, to the Independent Remuneration Panel for Wales.
- (c) That the Head of Democratic Services issued Question 4 of the consultation document to all elected Members and co-opted members for them to respond to individually.

18. RESIDENTIAL MOBILE HOMES

The Community and Business Protection Manager presented the report which followed the Notice of Motion passed at Full Council on the 20 June 2023 in relation to residential mobile home licensing, with the resolutions highlighted in point 1.01 of the report. An overview of the purpose and scrutiny of licensing applications was given which allowed residents on the sites to make representations. Currently delegation sat with the licensing committee but in practice these had been delegated to officers. This was discussed at the last meeting of the Licensing Committee on the 4th October and it was decided that any decisions with regard to future applications should be made by the full licensing committee. This was a recommendation that the Licensing Committee wished to make rather than it be delegated to a sub-committee or officer delegation and it was agreed that all applications be considered under this process. As this was a significant change a specialist mandatory training had been arranged for Licensing Committee Members which had now been opened up to all

Members should they wish to attend and this provided the Licensing Committee with substitutions if they were required.

The Community and Business Protection Manager then explained that a Policy on minimum standards of consultation would need to be prepared for ward members and residents and would require the approval of Full Council in due course. Information was provided on the key decisions for applications which included the nature of determination and proposed 21-day consultation period given to residents on the sites and ward members. The period of consultation was not referenced in the 2013 legislation but what was referenced was the period of determination which the authority was required to make a determination unless both parties agreed within a two-month timescale. By putting forward the 21-day period of consultation it was felt that this was an achievable timeframe which would enable the necessary reports and supporting documentation to assist members to be prepared. To conclude the Community and Business Protection Manager welcomed the Committee's steer on this and encouraged any members who would like to attend the training to do so.

Councillors Antony Wren, Ted Palmer and Ian Hodge confirmed that they would be interested in attending the training.

The Community and Business Protection Manager confirmed that the training was online on the morning of the 4 December 2023.

Councillor Alasdair Ibbotson reported that he was the seconder of the original Notice of Motion and he wished to move recommendations 1 and 3 within the report. He then wished to make a slight amendment to recommendation 2.

“For Members to support a consultation period of 21 days for Ward Members and the residents of these sites and all that notifications would be sent by letter to all properties listed for Council Tax on the sites and that these were subject to the licencing decisions”.

Councillor Ibbotson explained that a disproportion of residents on these sites were digitally excluded compared with other residents in the county. Alternative methods were used in planning applications such as the posting of bills etc but these may not be appropriate in this instance. He referred to the Licensing Conditions which were required to be displayed and felt that rather than relying on site owners that it would be better to post these to all residents.

Responding to questions on the resource implications and appointment of Counsel from Councillor Alasdair Ibbotson, the Community and Business Protection Manager referred to the second recommendation proposal saying that this had already been considered. With regard to the legal advice point she confirmed there was a lot of legal experience at the Council but that there would be a greater burden on legal services to attend alongside an officer which was custom and practice. This would be the same arrangement with Licensing Committee making that determination with a legal advisor present but with the number of Committee meetings increasing and requiring that legal support. When more complex cases were heard it had been advised that the Council should obtain external legal advice

but this would not be required for all applications. Councillor Ibbotson referred to Specialist Counsel and asked if this was already commissioned. It was confirmed that this was the case for current applications, however future legal support arrangements had not been confirmed yet. Councillor Ibbotson then sought clarity that this was not a new resource implication.

The Chief Officer explained that the time currently sitting in Committee placed that extra demand on Legal Services and following conversations with the Legal Services Manager he felt that they did not have the capacity to support this at present.

The recommendations, as amended, were proposed by Councillor Alasdair Ibbotson and seconded by Councillor Andrew Parkhurst

RESOLVED:

- (a) To recommend to Council that all applications made with respect to the Mobile Homes (Wales) Act 2013 will be determined by Licensing Committee
- (b) For Members to support a consultation period of 21 days for Ward Members and the residents of those sites that are subject to the licencing decisions.
- (c) To note that Residential Mobile Home training will be available for all Members to access.

19. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

None.

(The meeting started at 2pm and ended at 3.14pm)

.....

Chair

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 4



CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE

Date of Meeting	Wednesday 24 January 2024
Report Subject	Forward Work Programme
Report Author	Democratic Services Manager

EXECUTIVE SUMMARY

The Constitution & Democratic Services Committee fulfils a dual role within the Council. It undertakes the detailed consideration of changes to the constitution ahead of recommendation to Council for adoption and it fulfils the role of the statutory role of democratic services Committee with responsibility for examining the support provided to Councillors.

Having a Forward Work Programme presents an opportunity for Members of the Committee to formulate and influence the future work of the Committee. An effective Forward Work Programme will ensure it is Member-led and includes the right issues.

A copy of the draft Forward Work Programme is attached at Appendix 1 for Members' consideration which has been recently updated.

The Committee is asked to consider, and amend where necessary, the Forward Work Programme for the Constitution & Democratic Services Committee.

RECOMMENDATIONS

1	That the Committee considers the draft Forward Work Programme and approve/amend as necessary.
2	That the Democratic Services Manager, in consultation with the Chair of the Committee be authorised to vary the Forward Work Programme between meetings, as the need arises.

REPORT DETAILS

1.00	EXPLAINING THE FORWARD WORK PROGRAMME
1.01	The work of the Committee can be defined as having two main areas of responsibility.
1.02	The first is the detailed consideration of proposed changes to the constitution prior to them being reported to Council for adoption.
1.03	The second is a statutory role oversee the role of the Head of Democratic Services to support (non-executive) members and promote scrutiny.
1.04	Items feed into a Committee's Forward Work Programme from a number of sources, but will broadly cover: <ol style="list-style-type: none">1) Reviewing the programme of training and development of Members.2) Considering recommendations from the Independent Remuneration Panel for Wales.3) Issues pertaining to the support of Members in carrying out their duties, for example: adoption of parental leave rules, supply of equipment etc.4) Co-ordination of the work programmes of the five Overview and Scrutiny Committees (this is a nominal role only and has not been needed in recent years).
1.05	Members can also suggest topics for consideration by the Committee. Items can also be referred to the Committee by the Cabinet for consultation purposes, or by County Council or Chief Officers.
1.06	In identifying topics for future consideration, it is useful for a 'test of significance' to be applied. This can be achieved by asking a range of questions as follows: <ol style="list-style-type: none">1. Will the review contribute to the Council's priorities and/or objectives?2. Is it an area of major change or risk?3. Are there issues of concern in performance?4. Is there new Government guidance of legislation?5. Is it prompted by the work carried out by Regulators/Internal Audit?6. Is the issue of public or Member concern?

2.00	RESOURCE IMPLICATIONS
2.01	None as a result of this report.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Publication of this report constitutes consultation.

4.00	RISK MANAGEMENT
4.01	None as a result of this report.

5.00	APPENDICES
5.01	Appendix 1 – Draft Forward Work Programme

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>The Flintshire County Council Constitution</p> <p>The Independent Remuneration for Wales: annual report for 2023 to 2024</p> <p>Contact Officer: Steven Goodrum, Democratic Service Manager Telephone: 01352 702320 E-mail: steven.goodrum@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	Independent Remuneration Panel for Wales - the independent body that is responsible for determining the level of payments to elected members of Councils, National Park Authorities and Fire and Rescue Authorities in Wales.

Mae'r dudalen hon yn wag yn bwrpasol

CONSTITUTION & DEMOCRATIC SERVICES COMMITTEE FORWARD WORK PROGRAMME
PROPOSED FWP

Date of meeting	Subject	Purpose of Report	Report Author
Tudalen 17	Independent Remuneration Panel for Wales (IRPW) Annual Report	To provide Members with details of the final published Annual report from the IRPW and the implications of such for consideration.	Democratic Services Manager
	Member Workshops, Briefings and Seminars Update	For the committee to receive a progress report on the Member Development and Engagement events which have taken place or are scheduled. The report will provide details of events which have been held since the last meeting and also outline any that are planned.	Democratic Services Manager
	Update on Statutory and Non-Statutory Guidance for Principal Councils in Wales – supporting provisions within the Local Government Act 2000, the Local Government (Wales) Measure 2011 and the Local Government and Elections (Wales) Act 2021.	To provide Members with an update on the implementation of the measures outlined in the <i>Statutory and Non-Statutory Guidance for Principal Councils in Wales</i> document.	Democratic Services Manager
	Multi-location Meetings	To provide Members with an update from the working group that was set up to review and update the 'interim Multi-Location	Democratic Services Manager

CONSTITUTION & DEMOCRATIC SERVICES COMMITTEE FORWARD WORK PROGRAMME

		Meeting Policy' and explore the implications of any changes.	
	Annual Review of the Code of Corporate Governance	The Code of Corporate Governance forms part of the Constitution. It is reviewed and updated annually to ensure it is up to date and complies with all relevant legislation and other requirements.	TBC
Tuesday 11th June 2024 at 2pm Tudalen 18	Member Workshops, Briefings and Seminars Update	<p>For the committee to receive a progress report on the Member Development and Engagement events which have taken place or are scheduled.</p> <p>The report will provide details of events which have been held since the last meeting and also outline any that are planned.</p>	Democratic Services Manager
	Diversity in Democracy Action Plan	For the committee to consider, review and update the Council's 'Diversity in Democracy Action Plan'.	Democratic Services Manager
	Overview & Scrutiny Annual Report	The Overview & Scrutiny Annual Report is drafted in consultation with the relevant Committee Chairs. The draft is then submitted to this committee for Member comment before being submitted to Council for formal approval. The Annual Report provides the Council with assurance that the Overview & Scrutiny function is fulfilling its constitutional role.	Democratic Services Manager

Eitem ar gyfer y Rhaglen 5



CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE

Date of Meeting	Wednesday 24 th January 2024
Report Subject	Rolling Review of the Members Code of Conduct
Report Author	Chief Officer (Governance)

EXECUTIVE SUMMARY

The Council must adopt a Code of Conduct that is based on the prescribed national model. It can amend the code provided the provisions are no less onerous than the model.

The Standards Committee keeps all the codes and protocols in the Constitution under rolling review to ensure they are up to date and pertinent. As the code is mandatory, clearly the key question is whether it adequately covers behaviours that would be inconsistent with the Nolan principles/unacceptable.

Since the last time the Committee reviewed the code in November 2022 agreement has been reached across all authorities in Wales to adopt a common value, £25, for the registration of gifts and hospitality.

RECOMMENDATIONS

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

REPORT DETAILS

1.00	EXPLAINING THE REVIEW OF THE CODE
1.01	Under section 51 Local Government Act 2000 the Council must adopt a Code of Conduct for Councillors (“the Code”) based on a national model. All Members must sign to say that they will follow the Code. The Council’s

	current code is based on the national model contained within The Local Authorities (Model Code of Conduct) (Wales) Order 2008 (as amended).
1.02	The Standards Committee keeps all the codes and protocols within the Constitution under review to ensure that they remain pertinent and up to date. Clearly, as the code is mandatory it is still “pertinent”. The review therefore should be to consider whether it remains up to date and whether it adequately addresses behaviours that might be considered to breach the Principles of Public Life or to be in some other way unacceptable.
1.03	The Committee will be aware that the Penn review recommended changes to the code, some of which have already been adopted on a voluntary basis. The Committee agreed that it would ask the Monitoring Officer to seek consensus across Wales on the level above which gifts and hospitality must be registered. That has been reached but remains to be implemented by councils/authorities whose code currently specifies a different value.
1.04	Paragraph 17(1) of the code states “You must, within 28 days of receiving any gift, hospitality material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer, of the existence and nature of that gift, hospitality material benefit or advantage, or in relation to a community council, your authority’s proper officer.” Paragraph 18 contains the value which is currently £10.
1.05	As at March 2023 most authorities (16 out of 29) in Wales already required registration for gifts/hospitality of £25 or more. The National Forum therefore reached a consensus that this value should be used across Wales. Each council however needs to resolve to make this change because the Forum has no decision-making authority on behalf of its members.
1.06	Flintshire has also adopted a recommendation by the Committee on Standards in Public Life to include an aggregate value within its code above which multiple gifts/hospitality from the same source must be registered. The obligation is in paragraph 17(2) which states: “You must, provide written notification to your authority's monitoring officer, of the existence and nature of any gifts, hospitality, material benefits and/or advantages, received from the same source during any rolling 12-month period, where the total value of those gifts, hospitality, and/or material benefits is above £100.”
1.07	If the committee agrees to raise the value above which individual gifts/hospitality must be registered it may also wish to reconsider the aggregate value for multiple gifts/hospitality. Whilst there are few other councils which have adopted this provision, the Fire and Rescue Authority’s Standards Committee has recently decided to adopt this provision at the same value as Flintshire. There is therefore not a wider consensus to be followed or achieved yet (save perhaps the need to adopt this provision).

1.08	The Committee decided in November 2022 to await legislation from Welsh Government to enact the other recommendations in the Penn Review. No such legislation has yet been passed though of course the Committee has responded to WG's consultation on proposed legislative changes.
------	---

2.00	RESOURCE IMPLICATIONS
2.01	The proposed change would have no impact on resources.

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

4.00	RISK MANAGEMENT
4.01	The value for declaring gifts/hospitality has been £10 since the code was adopted in 2001. Had that sum kept pace with inflation (measured by the Consumer Prices Index) over that time it would now be £17.94. By adopting £25 as the value the Committee will be slightly easing the duty on councillors but by a small amount that might be deemed insignificant compared the benefit to be derived by the application of consistent requirements/expectations across the whole of Wales.

5.00	APPENDICES
5.01	None.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>The Review of the Ethical Framework by Richard Penn</p> <p>Contact Officer: Gareth Owens, Chief Officer (Governance) Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	Penn Review - a review commissioned by Welsh Government and conducted by Richard Penn looking into the Code of Conduct, how it is enforced, how training is undertaken and all other mechanisms to ensure high standards of ethical behaviour.

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

Eitem ar gyfer y Rhaglen 6



CONSTITUTION & DEMOCRATIC SERVICES COMMITTEE

Date of Meeting	Wednesday, 24 th January 2024
Report Subject	Rolling Review of the Employees Code of Conduct
Cabinet Member	Cabinet Member for Governance and Corporate Services including Health and Safety and Human Resources
Report Author	Chief Officer (Governance)

EXECUTIVE SUMMARY

The Standards Committee reviews all codes and protocols on a rolling basis to ensure that they are up to date and remain pertinent. The Committee has reviewed the employees code of conduct and suggests changes.

The employees code of conduct consists of statutorily mandated text, which cannot be changed, plus additional provisions and explanation. The Committee has recommended changes including:

- 1) Updating the code now that some employees are permitted to stand for political office;
- 2) Provisions regulating employees making public criticism of the Council;
- 3) Behaviour towards colleagues; and
- 4) Dress code.

RECOMMENDATIONS

1	That the Committee endorses the changes being recommended by the Standards Committee to Full Council for adoption.
---	--

REPORT DETAILS

1.00	EXPLAINING THE PROPOSED CHANGES TO THE CODE OF CONDUCT
------	--

1.01	The Standards Committee carries out a rolling review of codes and protocols within the Constitution to ensure that they remain up to date and pertinent. It has recently reviewed the employees code of conduct and recommends changes. These changes are shown in Appendix 1 as tracked changes and in Appendix 2 as a “clean version”.
1.02	The employees code of conduct includes text in bold italic that is mandated by statute and statutory instrument. The Council cannot change those parts of the code. The remaining text, in normal font, is additional and may be revised or supplemented.
1.03	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 a breach can lead to disciplinary action and ultimately even dismissal.
1.04	<p>Senior managers were consulted to understand whether the code clearly sets out all appropriate expectations for behaviour in relation to employment with the council. They identified the following areas which needed further expansion:</p> <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; 5) Dress code.
1.05	The code sets out understandable expectations of behaviour towards councillors and people outside the organisation. It says nothing about expectations between colleagues. It is possible to be over prescriptive on such issues and so a short statement was included to cover minimum expectations of behaviours in work.
1.06	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 were updated to reflect this change.
1.07	<p>Public statements by employees can have a powerful effect on the reputation of the Council for both good and ill, whether made in their professional roles or in their private lives. Excessive or unfounded criticism of the Council can also undermine the employer/employee relationship. A short section on public statements relating to the Council has been included. This can include social media, and as the Council already has an approved/adopted social media policy, this has been specifically referenced.</p> <p>This was an area which the Standards Committee scrutinised in great detail, being concerned to protect freedom of speech. It considered</p>

	different options from other councils before synthesising the proposed changes.
1.08	Neither the use of IT nor dress code has previously been addressed under the code. Short paragraphs were therefore included.
1.09	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. The Standards Committee has been consulted and incorporated its changes into the proposed draft.
3.02	The unions have been consulted via the Flintshire Joint Trades Union Committee (FJTUC). The unions accepted the changes and asked for there to be equality of provision within the councillors' code so that employees and officers adhere to the same standards. There are, of course, different considerations between the role of councillor and employee. These are reflected in, for example, the different enforcement mechanisms. The different role of councillors also gives them greater leeway to raise concerns about the council, though it is to be hoped that internal methods of escalation would be preferred over, for example, public criticism, whether on social media or elsewhere.

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	<p>Social media policy</p> <p>Contact Officer: Gareth Owens, Chief Officer (Governance) Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk</p>
------	---

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

Proposed Amendments to Employees' Code of Conduct

The words in bold 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 proceedings](#).

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. [Employees should also refer to Paragraph 8 of this code of conduct.](#)
- 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~~[Councillor](#) 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 ~~Town~~[parish](#) or ~~C~~[Community Council](#) (s(1)), from being an MP, ~~MSAM~~ 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 or 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. Employees should also refer to paragraph 8 of this code of conduct.

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 [£4025](#).
- 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 councillor](#) or to a holder of any senior office under the Authority. Deliberate omission to make such a disclosure will disqualify the candidate and, if the omission is discovered after appointment, he/she shall be liable to dismissal. Every senior officer of the Authority shall similarly disclose to the Authority any relationship known to him/her to exist between himself/herself and a candidate for an appointment of which he/she is aware. The Chief Executive's office will keep a record of any such disclosure made.

Investigations by Monitoring Officers

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

[Publications, Broadcasts and Social Media](#)

Publications and Broadcasts

15.1 Employees must not publish or authorise without the permission of their Chief Officer:

- i. the publication of any book or article by them, either alone or with others.
- ii. the transmission of any broadcast which indicates that the writer is an employee of or connected with Flintshire County Council.

15.2 Similarly, employees must not, without permission from their Chief Officer, make any communication to a newspaper, journal or broadcaster in which there is any indication that they are an employee or otherwise connected with Flintshire County Council.

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 The prohibitions in paragraphs 15.1 – 15.3 are not intended to restrict the right of employees to:

- i. conduct authorised activities on behalf of recognised trade unions;
or
- ii. make protected disclosures in accordance with the Council's whistleblowing policy/Public Interest Disclosure Act 1998
- iii. conduct any campaign for election to public office

Social Media

15.4 The personal image you project in social media may adversely reflect on the image of the Council. We recommend you:

- i. use mature discretion in all personal communications when using social media.
- ii. do not imply you are speaking for the Council when using social media for personal reasons. Never use the Council e-mail address, logos or other Council identification. Make it clear that what you say is representative of your personal views only. You should not say anything about councillors, colleagues, your managers or your workplace which is defamatory, untrue or offensive. You must not use foul language. You must not say

anything that could potentially bring the Council into disrepute or subject it to legal challenge.

15.5 Consider the use of privacy settings. Remember that everything you post:

- i. can go global within seconds
- ii. will stay public for a long time
- iii. can be republished on other websites or other social media sites
- iv. can be copied, used and amended by others
- v. could be changed to misrepresent what you said
- vi. can attract comments and interest from other people/the media

15.6 Please remember that everything you say in a personal capacity on social media sites is your responsibility. The consequences of not adhering to this guidance and of bringing the Council into disrepute through your use of social media could result in disciplinary proceedings and could lead to dismissal.

15.7 Any legal actions which might be brought against you as a result of what you post will be your responsibility and any financial consequences will be yours and yours alone.”

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

Mae'r dudalen hon yn wag yn bwrpasol

Proposed Amendments to Employees' Code of Conduct

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

General Principles

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

Accountability

2. ***Qualifying employees of relevant authorities work for their employing Authority and serve the whole of that Authority. Qualifying employees are defined as all employees of a relevant Authority unless exempted by statutory regulation, e.g. Teachers and Officers of Fire Authorities. They are accountable to, and owe a duty to that Authority. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.***
- 2.1 Employees must report any impropriety or breach of procedure to their immediate manager, except where that relates to the conduct of the manager when it must be reported to the manager's manager. Managers should, in turn, report breaches to their manager. The Chief Officer shall notify the Monitoring Officer of the occurrence.
- 2.2 All employees are required to familiarise themselves with and comply with the Council's Financial Procedure Rules. Any employee who fails to observe Financial Procedure Rules may be subject to disciplinary proceedings.
- 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 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. Employees should also refer to Paragraph 8 of this code of conduct.
- 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 Councillor 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 Town or Community Council (s(1)), from being an MP, MS 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 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. Employees should also refer to paragraph 8 of this code of conduct.

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 £25.

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 councillor 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

Publications and Broadcasts

- 15.1 Employees must not publish or authorise without the permission of their

Chief Officer:

- i. the publication of any book or article by them, either alone or with others,
- ii. the transmission of any broadcast which indicates that the writer is an employee of or connected with Flintshire County Council.

15.2 Similarly, employees must not, without permission from their Chief Officer, make any communication to a newspaper, journal or broadcaster in which there is any indication that they are an employee or otherwise connected with Flintshire County Council.

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 The prohibitions in paragraphs 15.1 – 15.3 are not intended to restrict the right of employees to:

- i. conduct authorised activities on behalf of recognised trade unions; or
- ii. make protected disclosures in accordance with the Council's whistleblowing policy/Public Interest Disclosure Act 1998
- iii. conduct any campaign for election to public office

Social Media

15.4 The personal image you project in social media may adversely reflect on the image of the Council. We recommend you:

- i. use mature discretion in all personal communications when using social media.
- ii. do not imply you are speaking for the Council when using social media for personal reasons. Never use the Council e-mail address, logos or other Council identification. Make it clear that what you say is representative of your personal views only. You should not say anything about councillors, colleagues, your managers or your workplace which is defamatory, untrue or offensive. You must not use foul language. You must not say anything that could potentially bring the Council into disrepute or subject it to legal challenge.

15.5 Consider the use of privacy settings. Remember that everything you post:

- i. can go global within seconds
- ii. will stay public for a long time
- iii. can be republished on other websites or other social media sites
- iv. can be copied, used and amended by others
- v. could be changed to misrepresent what you said
- vi. can attract comments and interest from other people/the media

15.6 Please remember that everything you say in a personal capacity on social media sites is your responsibility. The consequences of not adhering to this guidance and of bringing the Council into disrepute through your use of social media could result in disciplinary proceedings and could lead to dismissal.

15.7 Any legal actions which might be brought against you as a result of what you post will be your responsibility and any financial consequences will be yours and yours alone.”

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

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 7



CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE

Date of Meeting	Wednesday 24 January 2024
Report Subject	Review of Committee Sizes
Report Author	Chief Officer Governance

EXECUTIVE SUMMARY

At its Annual Meeting Council resolved to review the size of committees with a view to them having an odd (rather than even) number of seats. That review has taken place and three options for the size of committees (smaller, status quo, larger) are presented.

RECOMMENDATIONS

1	That committee sizes remain as they are.
---	--

REPORT DETAILS

1.00	EXPLAINING THE CURRENT REVIEW
1.01	The Council last reviewed the size of its committees in 2019. It agreed to reduce the size of committees so that they contained only councillors with particular interest or experience in the subject matter of that committee, and so that groups did not have to make appointments simply to “fill the numbers”.
1.02	Continuing that approach, and so far as is possible within the requirements of the political balance legislation, the Council also tries to allocate seats to groups based on the expressed interests of their members, which again helps to ensure that those with specific interests or experience can serve on a committee. Using this approach, the council has been able to allocate 131 out of 135 seats in accordance with the expressed preferences of councillors/political groups.
1.03	It has been suggested that, by having committees with 12 seats, certain

	<p>political groups are advantaged, that other groups are disadvantaged. Appendix 1 is a spreadsheet showing the current committee sizes and allocation of seats. It will be noted that no group has an overall majority on any committee, which reflects the fact that no group has an overall majority within the council.</p>
1.04	<p>The largest group has exactly half the seats on 5 out of the 11 standing committees. Whilst the largest group (at a little over 46%) contains almost half of the total number of councillors, it is therefore slightly “over-represented” on those 5 committees.</p>
1.05	<p>Appendix 2 shows committee sizes removing 1 seat from those committees with an even number of seats where a change is possible. Appendix 3 shows a possible political balance allocation if committees (where a change is possible) were to be increased by 1 seat. It is not possible to change the number of seats on:</p> <ul style="list-style-type: none"> a) the Governance & Audit Committee where lay members must make up precisely 1/3 of the membership of the committee so we will always have an even number of elected councillors on the committee; and b) North Wales Fire & Rescue Authority where the number of seats allocated to each constituent council is set by legislation.
1.06	<p>Appendix 2 shows in the column which is shaded pale peach the percentage of seats held by each group on each committee. That can be compared to the notional entitlement of each group both on each committee and overall. Clearly, the more closely those numbers match, the better. The closeness of the match varies from group to group, and from committee to committee. Some allocations on a committee greatly exceed the notional entitlement for the smaller groups because one cannot allocate a percentage of a councillor.</p> <p>The table below shows the overall percentage of seats for the different groups under each option and how well that matches the notional overall entitlement of each group. It is a complex table and shows that under each option some groups “gain” and other groups “lose”. Those gains/losses are marginally bigger in the option which reduces the number of seats on committees by 1. Unless the total number of seats is an exact multiple of the number of councillors (67, 134 or 201) the allocation of seats will always involve the rounding up/down of allocations.</p>

	Labour		Independent		Conservative		Liberal Democrat		Non Aligned		Eagle	
% of total number of Councillors	46.27		38.81		2.99		5.97		1.49		4.48	
	% of total seats	% +/-	% of total seats	% +/-	% of total seats	% +/-	% of total seats	% +/-	% of total seats	% +/-	% of total seats	% +/-
-1 seat	46.46	+0.19	38.58	-0.23	3.15	+0.16	5.51	-0.46	1.57	+0.08	4.72	+0.24
Current	46.67	+0.4	38.52	-0.29	2.96	-0.03	5.93	-0.04	1.48	-0.01	4.44	-0.04
+1 seat	46.15	-0.12	39.16	+0.35	2.8	-0.19	6.29	+0.32	1.4	-0.09	4.2	-0.28

1.07	In the option where the number of seats is reduced by 1, it is also necessary to give one group an overall majority on one committee in order for it to receive its full allocation of seats overall. This breaks one of the rules of political balance. This option should therefore be rejected. The other 2 options are compliant with the rules of political balance.
1.08	Overall, changing the number of seats would not improve the accuracy of the political balance calculations. The current allocation is lawful and meets the rules.

2.00	RESOURCE IMPLICATIONS
2.01	None

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Group leaders have been consulted and, whilst not perceiving the need for change themselves, wanted to hear the view of the Committee.

4.00	RISK MANAGEMENT
4.01	None

5.00	APPENDICES
5.01	Appendix 1 – current allocation of seats Appendix 2 – reducing committee sizes by 1 Appendix 3 – increasing committee sizes by 1

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>Minutes of the Annual Meeting of Council 4th May 2023.</p> <p>Contact Officer: Gareth Owens, Chief Officer Governance Telephone: 01352 702344 E-mail: Gareth.legal@ftinshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	<p>Political balance - provisions in the Local Government and housing Act 1989 (and subordinate legislation) which require seats to be shared with groups based on the size of the group. For example a group with 50% of councillors should be allocated 50% of the seats overall and on each committee. The rules below form a hierarchy with the most important being listed first:</p> <p>(a) that not all the seats on a committee can be allocated to the same political group;</p> <p>(b) that the majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;</p> <p>(c) subject to paragraphs (a) and (b) above, that the total number of seats across all committees allocated to each political group bears the same proportion as is borne by the number of members of that group to the membership of the authority; and</p> <p>(d) subject to paragraphs (a) to (c) above, that the number of the seats on allocated to each political group on each committee bears the same proportion as is borne by the number of members of that group to the membership of the authority.</p>

Political Balance May 2023

	Labour			Independents			Conservatives			Liberal			Non Aligned			Non Aligned			Eagle Group			Non Aligned			Total Councillors	
No. of councillors	31			26			2			4			0			1			3			0			67	
% of councillors	46.27%			38.81%			2.99%			5.97%			0.00%			1.49%			4.48%			0.00%			Total	
Notional entitlement	62.46			52.39			4.03			8.06			0.00			2.01			6.04			0.00			Seats	
Allocation of seats	63			52			4			8			0			2			6			0			135.00	
Community, Housing & Assets OSC	6	5.55	0.45	5	4.66	0.34	0	0.36	-0.36	0	0.72	-0.72	0	0.00	0.00	0	0.18	-0.18	1	0.54	0.46	0	0.00	0.00	12	12.00
Corporate Resources OSC	6	5.55	0.45	5	4.66	0.34	0	0.36	-0.36	0	0.72	-0.72	0	0.00	0.00	0	0.18	-0.18	1	0.54	0.46	0	0.00	0.00	12	12.00
Education, Youth & Culture OSC	6	5.55	0.45	4	4.66	-0.66	0	0.36	-0.36	1	0.72	0.28	0	0.00	0.00	0	0.18	-0.18	1	0.54	0.46	0	0.00	0.00	12	12.00
Environment & Economic	6	5.55	0.45	4	4.66	-0.66	0	0.36	-0.36	1	0.72	0.28	0	0.00	0.00	0	0.18	-0.18	1	0.54	0.46	0	0.00	0.00	12	12.00
Social & Healthcare OSC	5	5.55	-0.55	4	4.66	-0.66	1	0.36	0.64	1	0.72	0.28	0	0.00	0.00	1	0.18	0.82	0	0.54	-0.54	0	0.00	0.00	12	12.00
Planning	8	7.87	0.13	6	6.60	-0.60	1	0.51	0.49	1	1.01	-0.01	0	0.00	0.00	1	0.25	0.75	0	0.76	-0.76	0	0.00	0.00	17	17.00
Licensing	6	5.55	0.45	4	4.66	-0.66	0	0.36	-0.36	1	0.72	0.28	0	0.00	0.00	0	0.18	-0.18	1	0.54	0.46	0	0.00	0.00	12	12.00
Audit	2	2.78	-0.78	3	2.33	0.67	0	0.18	-0.18	1	0.36	0.64	0	0.00	0.00	0	0.09	-0.09	0	0.27	-0.27	0	0.00	0.00	6	6.00
Climate Change	5	5.55	-0.55	6	4.66	1.34	0	0.36	-0.36	1	0.72	0.28	0	0.00	0.00	0	0.18	-0.18	0	0.54	-0.54	0	0.00	0.00	12	12.00
Constitution and Democratic	7	7.40	-0.40	6	6.21	-0.21	1	0.48	0.52	1	0.96	0.04	0	0.00	0.00	0	0.24	-0.24	1	0.72	0.28	0	0.00	0.00	16	16.00
Pensions	3	2.31	0.69	2	1.94	0.06	0	0.15	-0.15	0	0.30	-0.30	0	0.00	0.00	0	0.07	-0.07	0	0.22	-0.22	0	0.00	0.00	5	5.00
Joint Pensions	1	0.46	0.54	0	0.39	-0.39	0	0.03	-0.03	0	0.06	-0.06	0	0.00	0.00	0	0.01	-0.01	0	0.04	-0.04	0	0.00	0.00	1	1.00
Fire Authority	2	2.78	-0.78	3	2.33	0.67	1	0.18	0.82	0	0.36	-0.36	0	0.00	0.00	0	0.09	-0.09	0	0.27	-0.27	0	0.00	0.00	6	6.00
Total to Group	63	62.46		52	52.39		4	4.03		8	8.06		0	0.00		2	2.01		6	6.04		0	0.00		135	135
Grievance	6	6.01	-0.01	4	5.04	-1.04	1	0.39	-0.61	1	0.78	-0.22	1	0.00	1.00	0	0.19	-0.19	0	0.58	-0.58	0	0.00	0.00	13	13.00
Grievance Appeals	6	6.01	-0.01	4	5.04	-1.04	1	0.39	-0.61	1	0.78	-0.22	1	0.00	1.00	0	0.19	-0.19	0	0.58	-0.58	0	0.00	0.00	13	13.00
Invest + Disc	6	6.01	-0.01	4	5.04	-1.04	1	0.39	-0.61	1	0.78	-0.22	1	0.00	1.00	0	0.19	-0.19	0	0.58	-0.58	0	0.00	0.00	13	13.00

Judalen 59

=

If the allocations come to a total that is too high/low then the numbers along the bottom/on the right change colour

TABLE 2

	Labour	Independent	Conservatives	Liberal Democrats	FCC Independent	Non-Aligned	Eagle Group	Non-Aligned
Scrutiny chairs								
Notional	2.31	1.94	0.15	0.30	0.00	0.07	0.22	0.00
Actual	2 or 3	1 or 2	0-1	0-1	0	0	0-1	0

Groups with a seat on cabinet round down, and groups without round up, their entitlement to OSC chairs. In this scenario if Labour are in the cabinet then they have 2 chairs and the Independent group 2. If the Independents are in the Cabinet, then Labour would get 3 chairs in this scenario because their entitlement is higher than any other group, and the Independent Group would get 1.

Mae'r dudalen hon yn wag yn bwrpasol

Political Balance Different Committee Sizes -1 Seats 2023

	Labour			Independents			Conservatives			Liberal			Non Aligned			Non Aligned			Eagle Group			Non Aligned			Total Councilors	Cross check
No. of councillors	31			26			2			4			0			1			3			0			67	67
% of councillors	46.27%			38.81%			2.99%			5.97%			0.00%			1.49%			4.48%			0.00%			Total	
Notional entitlement	58.76			49.28			3.79			7.58			0.00			1.90			5.69			0.00			Seats	
Allocation of seats	59			49			4			7			0			2			6			0			127.00	127.00
Community, Housing & Assets OSC	6	5.09	0.91	4	4.27	-0.27	0	0.33	-0.33	0	0.66	-0.66	0	0.00	0.00	0	0.16	-0.16	1	0.49	0.51	0	0.00	0.00	11	11.00
Corporate Resources OSC	5	5.09	-0.09	5	4.27	0.73	0	0.33	-0.33	0	0.66	-0.66	0	0.00	0.00	0	0.16	-0.16	1	0.49	0.51	0	0.00	0.00	11	11.00
Education, Youth & Culture OSC	5	5.09	-0.09	4	4.27	-0.27	0	0.33	-0.33	1	0.66	0.34	0	0.00	0.00	0	0.16	-0.16	1	0.49	0.51	0	0.00	0.00	11	11.00
Environment & Economy	5	5.09	-0.09	4	4.27	-0.27	0	0.33	-0.33	1	0.66	0.34	0	0.00	0.00	0	0.16	-0.16	1	0.49	0.51	0	0.00	0.00	11	11.00
Social & Healthcare OSC	5	5.09	-0.09	4	4.27	-0.27	1	0.33	0.67	0	0.66	-0.66	0	0.00	0.00	1	0.16	0.84	0	0.49	-0.49	0	0.00	0.00	11	11.00
Planning	8	7.87	0.13	6	6.60	-0.60	1	0.51	0.49	1	1.01	-0.01	0	0.00	0.00	1	0.25	0.75	0	0.76	-0.76	0	0.00	0.00	17	17.00
Licensing	5	5.09	-0.09	4	4.27	-0.27	0	0.33	-0.33	1	0.66	0.34	0	0.00	0.00	0	0.16	-0.16	1	0.49	0.51	0	0.00	0.00	11	11.00
Audit	2	2.78	-0.78	3	2.33	0.67	0	0.18	-0.18	1	0.36	0.64	0	0.00	0.00	0	0.09	-0.09	0	0.27	-0.27	0	0.00	0.00	6	6.00
Climate Change	5	5.09	-0.09	5	4.27	0.73	0	0.33	-0.33	1	0.66	0.34	0	0.00	0.00	0	0.16	-0.16	0	0.49	-0.49	0	0.00	0.00	11	11.00
Constitution and Democratic	7	6.94	0.06	5	5.82	-0.82	1	0.45	0.55	1	0.90	0.10	0	0.00	0.00	0	0.22	-0.22	1	0.67	0.33	0	0.00	0.00	15	15.00
Pensions	3	2.31	0.69	2	1.94	0.06	0	0.15	-0.15	0	0.30	-0.30	0	0.00	0.00	0	0.07	-0.07	0	0.22	-0.22	0	0.00	0.00	5	5.00
Joint Pensions	1	0.46	0.54	0	0.39	-0.39	0	0.03	-0.03	0	0.06	-0.06	0	0.00	0.00	0	0.01	-0.01	0	0.04	-0.04	0	0.00	0.00	1	1.00
Fire Authority	2	2.78	-0.78	3	2.33	0.67	1	0.18	0.82	0	0.36	-0.36	0	0.00	0.00	0	0.09	-0.09	0	0.27	-0.27	0	0.00	0.00	6	6.00
Total to Group	59	58.76		49	49.28		4	3.79		7	7.58		0	0.00		2	1.90		6	5.69		0	0.00		127	127
	Minus 4			Minus 3			No change			Minus 1			No change			No change						Minus 8				
Grievance	6	6.01	-0.01	4	5.04	-1.04	1	0.39	-0.61	1	0.78	-0.22	1	0.00	1.00	0	0.19	-0.19	0	0.58	-0.58	0	0.00	0.00	13	13.00
Grievance Appeals	6	6.01	-0.01	4	5.04	-1.04	1	0.39	-0.61	1	0.78	-0.22	1	0.00	1.00	0	0.19	-0.19	0	0.58	-0.58	0	0.00	0.00	13	13.00
Invest + Disc	6	6.01	-0.01	4	5.04	-1.04	1	0.39	-0.61	1	0.78	-0.22	1	0.00	1.00	0	0.19	-0.19	0	0.58	-0.58	0	0.00	0.00	13	13.00

Judalen 61

If the allocations come to a total that is too high/low then the numbers along the bottom/on the right change colour

TABLE 2

	Labour			Independent			Conservatives			Liberal Democrats			FCC Independent			Non-Aligned			Eagle Group			Non-Aligned		
Scrutiny chairs																								
Notional	2.31			1.94			0.15			0.30			0.00			0.07			0.22			0.00		
Actual	2 or 3			1 or 2			0-1			0-1			0			0			0-1			0		

Groups with a seat on cabinet round down, and groups without round up, their entitlement to OSC chairs. In this scenario if Labour are in the cabinet then they have 2 chairs and the Independent group 2. If the Independents are in the Cabinet, then Labour would get 3 chairs in this scenario because their entitlement is higher than any other group, and the Independent Group would get 1.

Mae'r dudalen hon yn wag yn bwrpasol

Political Balance Different Committee Sizes +1 Seats 2023

	Labour			Independents			Conservatives			Liberal			Non Aligned			Non Aligned			Eagle Group			Non Aligned			Total Councillors	Cross check
No.of councillors	31			26			2			4			0			1			3			0			67	67
% of councillors	46.27%			38.81%			2.99%			5.97%			0.00%			1.49%			4.48%			0.00%			Total	
Notional entitlement	66.16			55.49			4.27			8.54			0.00			2.13			6.40			0.00			Seats	
Allocation of seats	66			56			4			9			0			2			6			0			143.00	143.00
Community, Housing & Assets OSC	6	6.01	-0.01	5	5.04	-0.04	0	0.39	-0.39	1	0.78	0.22	0	0.00	0.00	0	0.19	-0.19	1	0.58	0.42	0	0.00	0.00	13	13.00
Corporate Resources OSC	6	6.01	-0.01	6	5.04	0.96	0	0.39	-0.39	0	0.78	-0.78	0	0.00	0.00	0	0.19	-0.19	1	0.58	0.42	0	0.00	0.00	13	13.00
Education, Youth & Culture OSC	6	6.01	-0.01	5	5.04	-0.04	0	0.39	-0.39	1	0.78	0.22	0	0.00	0.00	0	0.19	-0.19	1	0.58	0.42	0	0.00	0.00	13	13.00
Environment & Economi	6	6.01	-0.01	5	5.04	-0.04	0	0.39	-0.39	1	0.78	0.22	0	0.00	0.00	0	0.19	-0.19	1	0.58	0.42	0	0.00	0.00	13	13.00
Social & Healthcare OSC	6	6.01	-0.01	4	5.04	-1.04	1	0.39	0.61	1	0.78	0.22	0	0.00	0.00	1	0.19	0.81	0	0.58	-0.58	0	0.00	0.00	13	13.00
Planning	8	7.87	0.13	6	6.60	-0.60	1	0.51	0.49	1	1.01	-0.01	0	0.00	0.00	1	0.25	0.75	0	0.76	-0.76	0	0.00	0.00	17	17.00
Licensing	6	6.01	-0.01	5	5.04	-0.04	0	0.39	-0.39	1	0.78	0.22	0	0.00	0.00	0	0.19	-0.19	1	0.58	0.42	0	0.00	0.00	13	13.00
Audit	2	2.78	-0.78	3	2.33	0.67	0	0.18	-0.18	1	0.36	0.64	0	0.00	0.00	0	0.09	-0.09	0	0.27	-0.27	0	0.00	0.00	6	6.00
Climate Change	6	6.01	-0.01	6	5.04	0.96	0	0.39	-0.39	1	0.78	0.22	0	0.00	0.00	0	0.19	-0.19	0	0.58	-0.58	0	0.00	0.00	13	13.00
Constitution and Democratic	8	7.87	0.13	6	6.60	-0.60	1	0.51	0.49	1	1.01	-0.01	0	0.00	0.00	0	0.25	-0.25	1	0.76	0.24	0	0.00	0.00	17	17.00
Pensions	3	2.31	0.69	2	1.94	0.06	0	0.15	-0.15	0	0.30	-0.30	0	0.00	0.00	0	0.07	-0.07	0	0.22	-0.22	0	0.00	0.00	5	5.00
Joint Pensions	1	0.46	0.54	0	0.39	-0.39	0	0.03	-0.03	0	0.06	-0.06	0	0.00	0.00	0	0.01	-0.01	0	0.04	-0.04	0	0.00	0.00	1	1.00
Fire Authority	2	2.78	-0.78	3	2.33	0.67	1	0.18	0.82	0	0.36	-0.36	0	0.00	0.00	0	0.09	-0.09	0	0.27	-0.27	0	0.00	0.00	6	6.00
Total to Group	66	66.16		56	55.49		4	4.27		9	8.54		0	0.00		2	2.13		6	6.40		0	0.00		143	143
	Plus 3			Plus 4			No change			Plus 1			No change			No change						Plus 8				
Grievance	6	6.01	-0.01	4	5.04	-1.04	1	0.39	-0.61	1	0.78	-0.22	1	0.00	1.00	0	0.19	-0.19	0	0.58	-0.58	0	0.00	0.00	13	13.00
Grievance Appeals	6	6.01	-0.01	4	5.04	-1.04	1	0.39	-0.61	1	0.78	-0.22	1	0.00	1.00	0	0.19	-0.19	0	0.58	-0.58	0	0.00	0.00	13	13.00
Invest + Disc	6	6.01	-0.01	4	5.04	-1.04	1	0.39	-0.61	1	0.78	-0.22	1	0.00	1.00	0	0.19	-0.19	0	0.58	-0.58	0	0.00	0.00	13	13.00

Judalen 63

If the allocations come to a total that is too high/low then the numbers along the bottom/on the right change colour

TABLE 2

	Labour			Independent			Conservatives			Liberal Democrats			FCC Independent			Non-Aligned			Eagle Group			Non-Aligned		
Scrutiny chairs																								
Notional	2.31			1.94			0.15			0.30			0.00			0.07			0.22			0.00		
Actual	2 or 3			1 or 2			0-1			0-1			0			0			0-1			0		

Groups with a seat on cabinet round down, and groups without round up, their entitlement to OSC chairs. In this scenario if Labour are in the cabinet then they have 2 chairs and the Independent group 2. If the Independents are in the Cabinet, then Labour would get 3 chairs in this scenario because their entitlement is higher than any other group, and the Independent Group would get 1.

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 8



CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE

Date of Meeting	Wednesday, 24 January 2024
Report Subject	Member Workshops Briefings and Seminars Update
Report Author	Democratic Services Manager

EXECUTIVE SUMMARY

It has previously been the practice for this committee to receive a progress report on any Member Development and Engagement events which have taken place.

Following the induction programme last year and the subsequent 'settling in' period, focus will move to developing a training and development schedule for Members.

Delivery of this programme will be reported back to the Committee at regular intervals through the year.

RECOMMENDATIONS

1	That the Committee agrees to categorise the 12 sessions listed in Para. 1.05 as 'mandatory' and the remaining sessions as 'discretionary'.
2	That if Members have any suggestions for future development 'topics', they are invited to contact the Democratic Services Manager to discuss them.
3	That the Committee receives a quarterly report of attendance at each of the sessions delivered.

REPORT DETAILS

1.00	MEMBER WORKSHOPS, BRIEFINGS AND SEMINARS
1.01	<p>Local authorities are required to provide reasonable training and development opportunities for its members. Following the May 2022 elections, a comprehensive induction programme was provided to new and returning members.</p>
1.02	<p>It has previously been the practice for this committee to receive a progress report on any Member Development and Engagement events which have taken place.</p> <p>An update report of sessions delivered will be brought to the committee on a quarterly basis and will be included within the Committee's Forward Work Programme.</p> <p>This will also reflect details of scheduled sessions ahead of the next update report.</p>
1.03	<p>The induction programme provided new and returning Members with an overview of how the Council operates, including the rules and regulations, the role of elected Members and the role of Officers.</p> <p>The programme was designed to be 'high-level' in order that Members could undertake their role as a Councillor as quickly as possible.</p> <p>The programme will now focus on specific 'themes' and/or topics for Members to receive training on. It is intended that some of the topics covered during the induction programme last year will be revisited, and refresher sessions provided. These are identified in Appendix 1.</p>
1.04	<p>Officers have access to a number of training courses, where some are specific to their individual roles and others that are classed as 'mandatory'.</p> <p>The 'mandatory' courses include Cyber Security; Equality Act 2010; Equality in The Workplace; Hate Crime; Safeguarding Tackling Modern Slavery; Think Before You Click; VAWDASV; and, Welsh Language Awareness.</p> <p>It is therefore proposed to move to a similar 'model' for elected Members and identify courses specific to the role of a Councillor that can be tailored according to their role across the Council (e.g. according to Committee membership or whether they are a Chair / Vice-Chair).</p> <p>Some of these would be marked as 'Discretionary' – though it is recommended that Members should attend in case there is any change to the information being provided.</p>
1.05	<p>There are certain Committees that require elected Members to have received appropriate training before they are able to sit on them: Planning; Licensing; and Governance & Audit Committee. These are already 'mandatory', as is attending the Code of Conduct session.</p>

	<p>It is suggested that the following training sessions should also become 'mandatory' for all elected Members to attend, similar to those of Officers.</p> <ul style="list-style-type: none"> • Constitution, Code of Conduct, the Flintshire Standard and Group leader roles. • Charing Effective Meetings • Planning Committee • Licensing Committee • Governance & Audit Committee • Cyber Ninja • Information management, security & Data protection • Equalities • Safeguarding • Corporate Parenting • Health & Safety • Lone Working
1.06	<p>Appendix 1 shows the proposed list of training sessions / workshops that will be made available to Members during 2024.</p> <p>It is split into two sections. Section 1 reflects the sessions / workshops suggested as being 'mandatory' and Section 2 those that are 'discretionary'.</p> <p>The list will be used to provide a reporting tool that will be brought to this committee on a quarterly basis for review and consideration. This will provide high level information about attendance at the sessions for monitoring purposes.</p>
1.07	<p>Sessions need to be appropriate and relevant to ensure Members are receiving appropriate training. A '<i>training needs analysis</i>' will be undertaken of all Members which will help identify topics and themes, to ensure any training is relevant to what individual Members want and need, whilst also addressing any skills shortages that may exist across the Council.</p> <p>Any topics that are not currently on the list that are identified from the responses will be included and reported back to the committee.</p> <p>This will be completed by the end of February in order that the findings can be presented to the Committee's March meeting.</p>

2.00	RESOURCE IMPLICATIONS
2.01	<p>Where possible, workshops, seminars and briefings will be offered on more than one occasion, including evening sessions where appropriate.</p> <p>They will be delivered in the most appropriate manner, whether that be in-person, remote or hybrid. The method of delivery will be determined by the topic and who is delivering the session(s).</p>

	<p>Training sessions will, where possible be provided by the Council’s own officers to minimise costs. Where relevant, this will be supplemented by external bodies as required, such as the WLGA.</p> <p>There are some courses that can only be delivered by an external provider and these will attract a cost that will be met from existing budgets.</p> <p>Some sessions may be hosted ‘remotely’ to help mitigate costs.</p>
--	---

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	<p>This report has been prepared to consult the Members of this Committee on any training items that it feels may be needed in the coming year.</p> <p>The Chief Officer Team have been consulted on topics for inclusion relevant to specific portfolios / services.</p> <p>A ‘Training Needs Analysis’ will then be undertaken during February 2024 with elected Members to determine topics for training / awareness / information sessions. These will be reported to this committee in March.</p>

4.00	RISK MANAGEMENT
4.01	<p>The Member Development Programme will be designed to mitigate risk by providing councillors with the knowledge and skills to carry out their roles effectively.</p> <p>Any potential risks will be included in the scoping for the training sessions.</p>

5.00	APPENDICES
5.01	Appendix 1 – Draft Councillor Development Plan 2023

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None.

7.00	CONTACT OFFICER DETAILS
7.01	<p>Contact Officer: Steven Goodrum, Democratic Service Manager Telephone: 01352 702320 E-mail: steven.goodrum@flintshire.gov.uk</p>

8.00	GLOSSARY OF TERMS
8.01	• WLGA – Welsh Local Government Association.

Mae'r dudalen hon yn wag yn bwrpasol

Appendix 1: Proposed content for inclusion on a Schedule of Member Development Sessions

Section 1: Topics deemed 'Mandatory'

Topic	Theme(s)	Delivery method	Outline/Purpose	Target audience	Dates
Constitution, Code of Conduct, the Flintshire Standard and Group leader roles.	<ul style="list-style-type: none"> Organisational Knowledge Ethics 	Internal	<p>Refresher from 2022 Induction</p> <ul style="list-style-type: none"> Explaining 'the rules' so that all Members are reminded of them. 	All Members	Autumn 2024
Chairing Effective Meetings	<ul style="list-style-type: none"> Skills 	External	<ul style="list-style-type: none"> Effective chairing and recognition of the chair's role. 	<p>Chairs and Vice-Chairs of all Committees.</p> <p>Also relevant for any Member interested in becoming a Chair and/or Vice-Chair.</p>	<p>Delivered September 2023.</p> <p>To be offered again later in 2024 (after AGM).</p>
Planning Committee	<ul style="list-style-type: none"> Regulatory / Technical Organisational Knowledge 	Internal	<p>Refresher from 2022 Induction</p> <ul style="list-style-type: none"> Role of the Members of the Planning Committee in determining planning applications. 	<p>Members of the Planning Committee.</p> <p>Only those who have been trained are eligible to be</p>	TBC

Topic	Theme(s)	Delivery method	Outline/Purpose	Target audience	Dates
				members of this committee.	
Licensing Committee	<ul style="list-style-type: none"> Regulatory / Technical 	External	<ul style="list-style-type: none"> Training for Members of the Licensing committee and how the sub-committees work to deal with individual applications. 	<p>Members of the Licensing Committee.</p> <p>Only those who have been trained are eligible to be members of this committee.</p>	Delivered June 2022.
Governance & Audit Committee	<ul style="list-style-type: none"> Regulatory / Technical 	Combination	<p>Refresher from 2022 Induction</p> <ul style="list-style-type: none"> Role of the Committee: to support and promote efficient and economic use of resources. effective control of expenditure and review audit performance. Signing off Annual Accounts 	<p>G&A committee members, whether Councillors or lay members.</p> <p>Only those who have been trained are eligible to be members of this committee.</p>	TBC
Cyber Ninja	<ul style="list-style-type: none"> Regulatory / Technical 	Online	<ul style="list-style-type: none"> To raise awareness of Cyber Security and GDPR best practice. 	All Members	Live – Ongoing

Topic	Theme(s)	Delivery method	Outline/Purpose	Target audience	Dates
Information management, security & Data protection	<ul style="list-style-type: none"> Regulatory / Technical 	External	<ul style="list-style-type: none"> Importance of data security, role of Members as data controllers, dangers of re-using previous emails and their trails. 	All Members	TBC
Equalities	<ul style="list-style-type: none"> Skills Ethics Regulatory / Technical 	Combination	<ul style="list-style-type: none"> How we fulfil requirements within Flintshire 	All Members	Spring/Summer 2024
Safeguarding	<ul style="list-style-type: none"> Regulatory / Technical 	Internal	<ul style="list-style-type: none"> Provide Members with details of safeguarding roles, responsibilities and duties. 	All Members	Spring/Summer 2024
Corporate Parenting	<ul style="list-style-type: none"> Skills Service / Topic Based 	Internal	<ul style="list-style-type: none"> To provide Members with an overview of what Corporate Parenting is and their role. 	All Members	Spring/Summer 2024
Health & Safety	<ul style="list-style-type: none"> Regulatory / Technical 	Internal	<ul style="list-style-type: none"> To provide Members with an overview of the Health & Safety team and enable them to understand their role in respect of H&S. 	All Members	February 2024

Topic	Theme(s)	Delivery method	Outline/Purpose	Target audience	Dates
Lone Working	<ul style="list-style-type: none">• Skills	Internal	<ul style="list-style-type: none">• Provide Members with guidance and steps if working alone (e.g. home visits etc.)	All Members	Spring/Summer 2024

Section 2: Topics deemed 'Discretionary'

Topic	Theme(s)	Delivery method	Outline/Purpose	Target audience	Dates
How Members work	<ul style="list-style-type: none"> • Skills • Organisational Knowledge 	Explore sessions offered by WLGA	<p>Refresher from 2022 Induction</p> <ul style="list-style-type: none"> • Participating in meetings, managing ward work, maintaining a healthy work/life balance, self-care arrangements, protocol on operating outside the ward. • Cabinet and committee roles. • Social media profile. 	All Members	Awaiting dates from WLGA
Committee workings	<ul style="list-style-type: none"> • Organisational knowledge 	Combination	<ul style="list-style-type: none"> • For Members to receive specific training targeted at each of the specific committees, such as the role and workings of Scrutiny etc. 	All Members – although relevant to those on specific committees	To be delivered as part of each Committee's FWP.
Planning for non-committee members	<ul style="list-style-type: none"> • Regulatory / Technical • Organisational Knowledge 	Internal	<p>Refresher from 2022 Induction</p> <ul style="list-style-type: none"> • Explain the Planning system for non- 	Members who are not on the Planning Committee	TBC

Topic	Theme(s)	Delivery method	Outline/Purpose	Target audience	Dates
			committee members, their role in consultation and representation		
Strategic Finance	<ul style="list-style-type: none"> Organisational Knowledge Regulatory / Technical 	Combination	<ul style="list-style-type: none"> Size of budget, how made up, sources of income, members role in setting budget etc, WG/WLGA stance on funding formula. 	All Members	Delivered October 2023
External Bodies	<ul style="list-style-type: none"> Organisational knowledge 	Combination	<ul style="list-style-type: none"> Training on specific roles members may undertake on external bodies, including a short brief on the purpose of the role and the member's responsibilities in keeping the council apprised of developments on the body they are representing the council on, the level of decision making that is delegated to them and how they may 	All Members	Spring 2024

Topic	Theme(s)	Delivery method	Outline/Purpose	Target audience	Dates
			access assistance to support them in the role.		
Information Technology (General)	<ul style="list-style-type: none"> Skills 	Internal	<ul style="list-style-type: none"> To ensure Members are familiar with the use of the council's IT systems, including laptops, iPads, Citrix applications. A basic introduction to Microsoft Office applications. 	All Members	TBC
Carbon Literacy for Members	<ul style="list-style-type: none"> Service / Topic Based 	Internal		All Members	Autumn 2023 January 2024 February 2024
Social Media & Communication	<ul style="list-style-type: none"> Skills Regulatory / Technical 	External	<ul style="list-style-type: none"> Provide Members with guidance on the use of social media – including well-being, bullying and harassment etc. 	All Members	TBC
Social Media Awareness	<ul style="list-style-type: none"> Skills Ethics 	eLearning	<ul style="list-style-type: none"> Provide members with an understanding of the benefits of social 	All Members	Online – Available to access at any time

Topic	Theme(s)	Delivery method	Outline/Purpose	Target audience	Dates
	<ul style="list-style-type: none"> Regulatory / Technical Organisational knowledge 		media and practical skills on how to positively engage with people in the community.		
Corporate Governance	<ul style="list-style-type: none"> Regulatory / Technical Organisational knowledge 	eLearning	<ul style="list-style-type: none"> Understanding Governance is identifying what local people need and meeting those needs ethically, responsibly and efficiently. 	All Members	Online – Available to access at any time
Community Leadership & casework	<ul style="list-style-type: none"> Skills 	eLearning	<ul style="list-style-type: none"> Providing Members with information on why community leadership is important in their role as a Councillor. 	All Members	Online – Available to access at any time
Ethics & Standards	<ul style="list-style-type: none"> Skills Ethics Organisational knowledge 	eLearning	<ul style="list-style-type: none"> Provide information on the importance of ethics and standards in public life. 	All Members	Online – Available to access at any time
Difficult Situations & Conversations	<ul style="list-style-type: none"> Skills Ethics 	Internal	<ul style="list-style-type: none"> Provide members with skills to manage conflict in difficult 	All Members	TBC

Topic	Theme(s)	Delivery method	Outline/Purpose	Target audience	Dates
	<ul style="list-style-type: none"> Organisational knowledge 		situations and conversations.		
Welsh Matters – For Everyone	<ul style="list-style-type: none"> Skills Ethics 	Internal	<ul style="list-style-type: none"> To provide members with an understanding of National Policy and legislation and the Language Standards in Flintshire. 	All Members	TBC
Welsh Language Standards	<ul style="list-style-type: none"> Skills Ethics Regulatory / Technical Organisational knowledge 	eLearning	<ul style="list-style-type: none"> Provide Understanding of the obligations of local councils in relation to the Welsh language. 	All Members	Online – Available to access at any time
Equality & Diversity	<ul style="list-style-type: none"> Ethics Organisational knowledge 	eLearning	<ul style="list-style-type: none"> Understanding the duties relating to the Equality Act that apply in the public sector and in Wales. 	All Members	Online – Available to access at any time
Unconscious Bias	<ul style="list-style-type: none"> Ethics 	eLearning	<ul style="list-style-type: none"> To provide Members with an understanding and awareness of Unconscious Bias. 	All Members	Online – Available to access at any time

Topic	Theme(s)	Delivery method	Outline/Purpose	Target audience	Dates
LGBTQ+	<ul style="list-style-type: none"> • Ethics 	eLearning	<ul style="list-style-type: none"> • Provide practical advice for developing practice and understanding of allyship, and support LGBTQ+ colleagues. 	All Members	Online – Available to access at any time
Hate Crime Awareness	<ul style="list-style-type: none"> • Ethics 	eLearning	<ul style="list-style-type: none"> • To provide Councillors with an awareness of Hate Crime and its impact across the County. 	All Members	Online – Available to access at any time
Wellbeing of Future Generations Act	<ul style="list-style-type: none"> • Skills • Ethics • Organisational knowledge 	eLearning	<ul style="list-style-type: none"> • Provide members with information and tools on how to make decisions that benefit future generations. 	All Members	Online – Available to access at any time
Social Services & Wellbeing Act 2014	<ul style="list-style-type: none"> • Skills • Ethics • Regulatory / Technical • Organisational knowledge 	eLearning	<ul style="list-style-type: none"> • Provides a practical guide to how the legislative framework impacts on the work of the council and people in the community. 	All Members	Online – Available to access at any time

Topic	Theme(s)	Delivery method	Outline/Purpose	Target audience	Dates
Public Speaking & Working with the Media	<ul style="list-style-type: none"> • Skills • Organisational knowledge 	eLearning	<ul style="list-style-type: none"> • Provide members with a skillset to using different communication channels including press releases and working with the media. 	All Members	Online – Available to access at any time
Equality & Diversity (Councillor Development)	<ul style="list-style-type: none"> • Ethics • Organisational knowledge 	eLearning	<ul style="list-style-type: none"> • Providing understanding of the specific roles Equality and Diversity plays in a Councillor's role. 	All Members	Online – Available to access at any time
Ethics & Standard (Councillor Development)	<ul style="list-style-type: none"> • Ethics • Organisational knowledge 	eLearning	<ul style="list-style-type: none"> • This module will aim to help you understand the importance of the ethical framework and Code of Conduct and has been co-developed in partnership with the WLGA. 	All Members	Online – Available to access at any time
<i>Planning for Planning</i>	<ul style="list-style-type: none"> • <i>Skills</i> 	<i>eLearning</i>	<ul style="list-style-type: none"> • <i>To provide members with information on the legal and</i> 	<i>All Members</i>	<i>TBC – Under review</i>

Topic	Theme(s)	Delivery method	Outline/Purpose	Target audience	Dates
<i>Committee Members</i>	<ul style="list-style-type: none"> • <i>Organisational knowledge</i> 		<i>regulatory considerations in planning and a guide to decision making on planning applications.</i>		
<i>Local Government Finance</i>	<ul style="list-style-type: none"> • <i>Regulatory / Technical</i> • <i>Organisational knowledge</i> 	<i>eLearning</i>	<ul style="list-style-type: none"> • <i>To Provide members with an understanding of how councils manage finances and Welsh government's sources of funding.</i> 	<i>All Members</i>	<i>TBC – Under review</i>
<i>Introduction to Planning</i>	<ul style="list-style-type: none"> • <i>Skills</i> • <i>Regulatory / Technical</i> 	<i>eLearning</i>	<ul style="list-style-type: none"> • <i>Provide an understanding of planning policies and the stages of the planning process.</i> 	<i>All Members</i>	<i>TBC – Under review</i>
<i>Introduction to Licensing</i>	<ul style="list-style-type: none"> • <i>Skills</i> • <i>Regulatory / Technical</i> • <i>Organisational knowledge</i> 	<i>eLearning</i>	<ul style="list-style-type: none"> • <i>Provide information on licensing and why it's needed as well as the legal framework and councils management toward licensing.</i> 	<i>All Members</i>	<i>TBC – Under review</i>

Topic	Theme(s)	Delivery method	Outline/Purpose	Target audience	Dates
<i>Government Audit & Risk Management</i>	<ul style="list-style-type: none"> • <i>Regulatory / Technical</i> • <i>Organisational knowledge</i> 	<i>eLearning</i>	<ul style="list-style-type: none"> • <i>Provide a guide of how to act within the Code of Conduct. Particularly in relation to declaring interests.</i> 	<i>All Members</i>	<i>TBC – Under review</i>
<i>Effective Scrutiny</i>	<ul style="list-style-type: none"> • <i>Skills</i> • <i>Organisational knowledge</i> 	<i>eLearning</i>	<ul style="list-style-type: none"> • <i>Providing an understanding of the role of scrutiny committee and how it works.</i> 	<i>All Members</i>	<i>TBC – Under review</i>
<i>Chair Meetings Effectively</i>	<ul style="list-style-type: none"> • <i>Skills</i> 	<i>eLearning</i>	<ul style="list-style-type: none"> • <i>Providing the roles and responsibilities as chair and the legal and reputational considerations of being a chair.</i> 	<i>All Members</i>	<i>TBC – Under review</i>

Mae'r dudalen hon yn wag yn bwrpasol