

Public Document Pack

Gareth Owens LL.B Barrister/Bargyfreithiwr
Head of Legal and Democratic Services
Pennaeth Gwasanaethau Cyfreithiol a Democraidd



To: Cllr Robin Guest (Chairman)

CS/NG

Councillors: Chris Bithell, Derek Butler,
Clive Carver, David Cox, Glenys Diskin,
Ian Dunbar, David Evans, Veronica Gay,
George Hardcastle, Patrick Heesom, Joe Johnson,
Rita Johnson, Tim Newhouse, Neville Phillips,
Ian Roberts, Tony Sharps, Paul Shotton,
Nigel Steele-Mortimer, Owen Thomas and
Arnold Woolley

18 April 2013

Maureen Potter 01352 702322
maureen.potter@flintshire.gov.uk

Dear Sir / Madam

A meeting of the **CONSTITUTION COMMITTEE** will be held in the **DELYN COMMITTEE ROOM, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 24TH APRIL, 2013** at **2.00 PM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

AGENDA

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**
- 3 **MINUTES** (Pages 1 - 6)
To confirm as a correct record the minutes of the last meeting.

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The Council welcomes correspondence in Welsh or English
Mae'r Cyngor yn croesawau gohebiaeth yn y Cymraeg neu'r Saesneg

- 4 **CONSULTATION ON DRAFT SUPPLEMENTAL REPORT BY THE INDEPENDENT REMUNERATION PANEL FOR WALES** (Pages 7 - 10)
To determine how the Council should respond to the draft supplemental report dated 19 March 2013 issued by the Independent Remuneration Panel for Wales.
- 5 **CONSULTATION ON LOCAL AUTHORITIES (STANDING ORDERS) (WALES) REGULATIONS 2006 (AMENDMENT) REGULATIONS 2013** (Pages 11 - 16)
To determine the response that should be made to consultation on the above draft regulations.
- 6 **CONSULTATION ON FAMILY ABSENCE FOR MEMBERS** (Pages 17 - 20)
To determine the Council's response to consultation issued by the Welsh Government on draft regulations and draft statutory guidance on family absence for Members
- 7 **STANDARDS FOR RESPONSES TO COMMUNICATIONS** (Pages 21 - 32)
To report to the Committee on corporate service standards for responses to communications.
- 8 **UPDATING ACCESS TO INFORMATION PROCEDURE RULES** (Pages 33 - 40)
To update the forward work programme part of the access to information procedure rules.
- 9 **PLANNING STRATEGY GROUP – TERMS OF REFERENCE** (Pages 41 - 46)
To consider proposed terms of reference for the Planning Strategy Group

CONSTITUTION COMMITTEE **30 JANUARY 2013**

Minutes of the meeting of the Constitution Committee of Flintshire County Council held in County Hall, Mold on Thursday, 30 January 2013

PRESENT: Councillor R.J.T. Guest (Chairman)

Councillors: R.C. Bithell, C.S. Carver, D.L. Cox, A.I. Dunbar, D. Evans, V. Gay, G. Hardcastle, J.M. Johnson, T. Newhouse, N. Phillips, W.P. Shotton, W.O. Thomas and A. Woolley

IN ATTENDANCE:

Head of Legal and Democratic Services, Democracy and Governance Manager, Member Engagement Manager and Committee Officer

20. DECLARATIONS OF INTEREST

There were no declarations of interest

21. MINUTES

The minutes of the meeting of the Committee held on 24 October 2012, were submitted.

Matters arising

Page 3 – the Democracy and Governance Manager advised he would bring a report on Corporate Service Standards for responses to communications to the next meeting of the Committee.

Page 5 – the Member Engagement Manager advised that Councillor D.I. Mackie had replaced Councillor C.A. Thomas on the Peer Learning Exchange Team.

RESOLVED:

That the minutes be received, approved and signed by the Chairman as a correct record.

22. REVIEW OF INTERNAL MEMBER FORA

The Democracy and Governance Manager introduced the report to progress the review of internal member informal fora such as panels and working groups. He provided background information and advised that appended to the report was a list of the member fora remaining within the review together with an indication as to whether or not each forum was discharging an executive or a council function.

The Chairman asked that consideration be given to each of the fora as detailed in the report. During discussion Officers responded to the observations and queries raised by Members concerning individual bodies. Members agreed that the following be recommended to continue:

- Joint Consultative Committee
- School Performance Monitoring Group
- Member/Officer Tenant Working Group
- Voluntary Sector Grants Panel
- Inclusion Service Steering Group
- Welsh in Education Strategic Forum
- Foster Care Panel
- Children's Forum
- Adoption Panel
- Health and Safety Board

In addition Members agreed that the Teachers Consultative Committee and the Flintshire County Council Teachers Consultative Committee be combined and for the combined body to cover all education staff, not just teachers. It was further recommended that the ICT Panel be reconstituted and that more detail be provided on the terms of reference and membership for the next meeting of the County Council.

Members recommended that the following bodies be discontinued:

- The Planning Delegations Body
- Waste Strategy Review Board
- Procurement Board

Members agreed that as a consequence of the decision that the Planning Delegations Body be discontinued that the Planning and Development Control agenda should be distributed to Members a week in advance of the meeting.

RESOLVED:

- (a) That the Committee recommends to Council that the Planning Delegations Forum be discontinued and that the Planning and Development Control agenda be distributed to Members a week in advance of the meeting;
- (b) That the Committee report to Council the above recommendations to Executive in relation to:-

Joint Consultative Committee
 School Performance Monitoring Group
 Member/Officer Tenant Working Group
 Voluntary Sector Grants Panel
 Inclusion Service Steering Group
 Welsh in Education Strategic Forum
 Foster Care Panel
 Children's Forum
 Adoption Panel
 Health and Safety Board
 Teachers Consultative Committee

Flintshire County Council Teachers Consultative Committee
ICT Panel
Waste Strategy Review Board
Procurement Board

- (c) That more detail be provided on the terms of reference and membership of the proposed and reconstituted ICT Panel at the next meeting of the County Council.

23. LOCAL GOVERNMENT (DEMOCRACY) (WALES) BILL

The Democracy and Governance Manager introduced a report to inform of the contents of the Local Government (Democracy) (Wales) Bill which was published at the end of November 2012 and to agree any response to consultation on it. He provided background information and advised that attached at Appendix 2 to the report was a copy of a draft consultation response for Members' consideration.

Councillor C.S. Carver referred to the provisions in Part 5 of the Bill relating to the Independent Remuneration Panel for Wales and sought clarification around the proposed requirement that local authorities publish information relating to all payments made to Members by other public bodies. The Democracy and Governance Manager agreed to investigate the proposed wording in the Bill and if appropriate include Councillor Carver's point in the consultation response.

During discussion the Committee agreed the draft response to the consultation subject to the following amendments:

Question 4: The response to be strengthened to reflect the views expressed by the Committee that these provisions should only apply to community reviews commencing after the Bill receives Royal Assent.

Question 6: The response to be No.

Question 7 The response to be No and first sentence deleted. The response may require amending to incorporate Councillor Carver's above point.

Question 9: The response to be No and reworded.

Questions 10 and 11: The responses to be No to both questions.

Question 12: The response to be Yes.

RESOLVED:

- (a) That the proposals be noted;

- (b) That the draft responses to the consultation be agreed subject to the above amendments; and
- (c) That the Democracy and Governance Manager investigates the wording of the Bill and if appropriate include Councillor Carver's point in the response to question 7.

24. FOUR PROTOCOLS FOR PUBLIC ENGAGEMENT WITH OVERVIEW AND SCRUTINY

The Member Engagement Manager introduced a report on the four draft public engagement protocols for Overview and Scrutiny which had been produced pursuant to Section 62 of the Local Government (Wales) Measure 2011 and Paragraph 5.26 of the Statutory Guidance from the Local Government Measure 2011.

Members referred to the "Four Protocols document" which was attached as Appendix 1 to the report. During discussion a number of concerns were expressed by Members around the protocol for public speaking arrangements at Overview & Scrutiny Committees. Officers responded to the comments made and emphasised that the role of the Chair would be paramount in addressing some of the matters raised.

It was agreed that the Democracy and Governance Manager would seek from the Welsh Assembly their protocol for public engagement.

RESOLVED:

- (a) That the Committee agreed the Protocols for use in engaging with the public; and
- (b) That the Democracy and Governance Manager would seek from the Welsh Assembly their protocol for public engagement.

25. UPDATING THE CONSTITUTION

The Democracy and Governance Manager introduced a report to consider further updating changes to the Council's Constitution pursuant to the three year programme agreed at the meeting of the Committee on 24 July 2012.

The Democracy and Governance Manager provided background information and advised that a review of the Council Procedure Rules, Cabinet Procedure Rules and Overview & Scrutiny Procedure Rules had been undertaken in consultation with the relevant Members and Officers. The updated rules of procedure were attached as appendices 1, 2 and 3 to the report for Members consideration.

During discussion the Committee agreed the recommended changes to the Council, Cabinet and Overview and Scrutiny procedure rules subject to the following amendments:

Council Procedure Rules

Rule 7 Quorum: An additional sentence to be added that there is no quorum at anytime when the number of members in remote attendance is equal to, or greater than, the number of members in actual attendance.

Rule 17 Record of Attendance: Wording to be amended to include provision for recording the remote attendance of Members at meetings on their behalf.

Overview and Scrutiny Procedure Rules

Protocol

The Democracy and Governance Manager advised that the existing protocol at Appendix A would later in the meeting be superseded by an updated protocol to comply with the Local Government (Wales) Measure 2011.

RESOLVED:

That the Committee recommends the changes to the Council, Cabinet, and Overview and Scrutiny procedure rules, as detailed in the appendices to the Report, to County Council subject to the above amendments.

26. LOCAL GOVERNMENT (WALES) MEASURE 2011

The Democracy and Governance Manager introduced a report on the implementation of part of the Local Government (Wales) Measure 2011. He provided background information and referred to the main considerations of the report and advised that the two aspects of the Measure which directly affected Members were contained in sections 56 and 63.

Members were informed that the Authority currently had an agreed protocol relating to individual Members putting items on the agenda of an Overview & Scrutiny Committee. However, at a recent Group Leaders meeting it was considered that this should be updated to reflect the "Councillor calls for action" (CCfA) process. A draft of the updated protocol was attached as Appendix 1 for the Committee's consideration.

RESOLVED:

- (a) That the Committee agreed not to pursue the power given by section 56 of the Measure; and
- (b) That the updated protocol shown in Appendix 1 to replace the existing protocol relating to Members putting items on the agenda of Overview and Scrutiny Committees be agreed.

27. PRESS IN ATTENDANCE

There were no members of the press in attendance.

28. DURATION OF MEETING

The meeting commenced at 2.00 pm and finished at 3.50 pm.

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Chairman

FLINTSHIRE COUNTY COUNCIL

REPORT TO: CONSTITUTION COMMITTEE

DATE: WEDNESDAY, 24 APRIL 2013

REPORT BY: DEMOCRACY & GOVERNANCE MANAGER

SUBJECT: CONSULTATION ON DRAFT SUPPLEMENTAL
REPORT BY THE INDEPENDENT REMUNERATION
PANEL FOR WALES

1.00 PURPOSE OF REPORT

- 1.01 To determine how the Council should respond to the draft supplemental report dated 19 March 2013 issued by the Independent Remuneration Panel for Wales (“the Panel”).

2.00 BACKGROUND

- 2.01 The Panel is empowered to issue supplementary reports under section 147 of the Local Government (Wales) Measure 2011. The draft supplementary report issued on the 19 March 2013 relates to payments for joint Overview & Scrutiny Committees. A copy of the draft supplementary report has been placed in Member Services and in the group rooms.

3.00 CONSIDERATIONS

- 3.01 The Panel has considered firstly, the appropriate level of payment for the Chair of a joint Overview & Scrutiny Committee. It has decided that it should be the same as to the Chair of Scrutiny of an individual Council, which is £8,735 p.a.
- 3.02 The Panel has also considered which local authority should be responsible for the payment and has decided that it falls to the Council of which the Chair is a member but the manner in which the cost may be apportioned is a matter for the authorities involved in the joint arrangements.
- 3.03 The third issue considered by the Panel is whether the remuneration of the Chair of the joint Overview & Scrutiny Committee should count against the maximum proportion of Members a Council is allowed to pay a senior salary/special responsibility allowance. The Panel has decided that with the exception of Merthyr Tydfil and Isle of Anglesey Councils payments to the Chair of a joint Overview & Scrutiny Committee will be additional to the maximum the authority is otherwise allowed. This is a proposed change to paragraph 2.5 of the

Panel's annual report published in December 2012. This proposal can not currently apply to Merthyr Tydfil and Isle of Anglesey because the proportion of Members eligible to receive such a senior salary/special responsibility allowance is already 50% of the total membership of the Council.

3.04 The fourth issue considered by the Panel is whether a Member who is already in receipt of a senior salary/special responsibility allowance can receive payment as Chair of a joint Overview & Scrutiny Committee. The general principle of the Panel is that Members can only receive one senior salary from their authority even if they carry out more than one role for which they are eligible for payment. The Panel has decided that in respect of a Chair of a joint Overview & Scrutiny Committee it would be reasonable for them to receive 50% of the allowance (£4,368 p.a.) where they are already receiving a senior salary/special responsibility allowance.

3.05 The Panel has also considered whether Chairs of sub-committees of joint committees should be remunerated and has decided that payment should be at 50% of that for the Chair of the joint committee (£4,368 p.a.). It has decided that the Deputy Chairs of joint committees and Deputy Chairs of sub committees will not receive any payment.

4.00 RECOMMENDATIONS

4.01 It is recommended that the Council respond to the Panel to indicate that it agrees with the proposals in the supplementary report.

5.00 FINANCIAL IMPLICATIONS

5.01 None as a result of this report.

6.00 ANTI POVERTY IMPACT

6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

10.01 None as a result of this report.

11.00 CONSULTATION UNDERTAKEN

11.01 None as a result of this report.

12.00 APPENDICES

12.01 None

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

Draft supplementary report issued by the Panel dated 19 March 2013.

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: CONSTITUTION COMMITTEE

DATE: WEDNESDAY, 24 APRIL 2013

REPORT BY: HEAD OF LEGAL & DEMOCRATIC SERVICES

SUBJECT: CONSULTATION ON LOCAL AUTHORITIES
(STANDING ORDERS) (WALES) REGULATIONS 2006
(AMENDMENT) REGULATIONS 2013

1.00 PURPOSE OF REPORT

1.01 To determine the response that should be made to consultation on the above draft regulations.

2.00 BACKGROUND

2.01 The Welsh Government issued a consultation document on the 8 March 2013 seeking responses by the 31 May 2013 on proposed amendments to the Local Authorities (Standing Orders) (Wales) Regulations 2006 (“the 2006 Regulations”). A copy of the consultation paper has been placed in Member Services and the group rooms.

2.02 The 2006 regulations require authorities such as Flintshire to incorporate into their standing orders certain provisions relating to their staff, meetings and proceedings. These are contained in Flintshire’s Council Procedure Rules.

3.00 CONSIDERATIONS

3.01 The Welsh Government proposes to make amendments to the 2006 regulations as a result of changes introduced by the Local Government (Wales) Measure 2011 (“the 2011 Measure”).

3.02 Section 8 of the 2011 Measure imposes a duty on authorities such as Flintshire to designate one of its officers as “Head of Democratic Services”. It is proposed to amend the 2006 regulations to afford the Head of Democratic Services the same protection as other statutory officers in relation to disciplinary proceedings. It is also proposed to add Heads of Democratic Services and Monitoring Officers to the list of officers whose appointment and dismissal are dealt with by committee rather than by the authority’s Head of Paid Service.

3.03 The 2011 Measure also removed the “elected Mayor or Council Manager” option for executive structures. The 2006 regulations require amending to take account of this change.

3.04 The 2006 regulations also provide for the process of advertising and appointing a Chief Officer. This includes a provision enabling local authorities, should they choose, to avoid the need to advertise a vacancy publicly if they are intent on appointing internally. Whilst this does not arise from the 2011 Measure it is proposed to remove this provision so that all Chief Officer posts must be publically advertised. The Welsh Government take the view that it is no longer appropriate for such senior posts to be appointed without them being publicly advertised.

3.05 The officers have considered the proposed amendments and whilst agreeing to most of the proposals do not agree that all vacancies at Chief Officer level should automatically be subject to public advertisement. Officers believe it should be left to the local choice of the individual authority in the light of their local circumstances. Attached as appendix 1 to this report is the proposed response to the consultation questions for consideration by the committee.

4.00 RECOMMENDATIONS

4.01 For the committee to determine how it wishes the Head of Legal & Democratic Services to respond to consultation on the proposed regulations.

5.00 FINANCIAL IMPLICATIONS

5.01 None as a result of this report.

6.00 ANTI POVERTY IMPACT

6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

9.01 The Welsh Government proposes to give the Head of Democratic Services greater protection against disciplinary proceedings. It also proposes that the appointment or dismissal of the Monitoring Officer and Head of Democratic Services are dealt with by committee.

10.00 CONSULTATION REQUIRED

10.01 None as a result of this report.

11.00 CONSULTATION UNDERTAKEN

11.01 With political Group Leaders and their deputies and with the Chief Executive.

12.00 APPENDICES

12.01 Appendix 1 – Proposed response to the consultation questions.

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

Welsh Government consultation document issued 8 March 2013 on Local Authorities (Standing Orders) (Wales) Regulations 2006 (Amendment) Regulations 2013.

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**Draft Response to Consultation on Local Authority's (Standing Order)
(Wales) Regulations 2006 (Amendment) Regulations 2013**

Consultation Questions

1. Do you agree that the Head of Democratic Services should be subject to the same disciplinary procedures as the Head of Paid Service, Monitoring Officer and Chief Finance Officer

Yes.

2. Do you agree that the role of the independent person should be retained in the disciplinary process applying to these officer posts?

Yes.

3. Do you agree that all vacancies at Chief Officer level should be subject to public advertisement?

No. It should be left to the local choice of the individual authority concerned. The existing legislation expressly allows for such local choice and there should be good evidence that justifies such a proposed change in the legal framework. Advertising a vacancy publically can lead to wasted expense and delay in making an appointment where the best candidate has been developed internally.

4. Are there any other issues you would like to raise in relation to these proposals, or more generally in this area?

The only part of the proposed regulations that the Council does not agree with is that relating to all vacancies at Chief Officer level being subject to public advertisement.

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: CONSTITUTION COMMITTEE

DATE: WEDNESDAY, 24 APRIL 2013

REPORT BY: DEMOCRACY & GOVERNANCE MANAGER

SUBJECT: CONSULTATION ON FAMILY ABSENCE FOR MEMBERS

1.00 PURPOSE OF REPORT

- 1.01 To determine the Council's response to consultation issued by the Welsh Government on draft regulations and draft statutory guidance on family absence for Members.

2.00 BACKGROUND

- 2.01 The Local Government (Wales) Measure 2011 makes available to Members of local authorities entitlement to five types of family absence:

Maternity absence; new born absence; adopters' absence; new adoption absence and parental absence.

- 2.02 The entitlement in the Measure is subject to Members satisfying conditions prescribed by Welsh Ministers in the regulations. The draft regulations describe the conditions Members must satisfy and also include provisions about the extent of the various periods of absence, cancellations and bringing to an end such periods of absence. The draft guidance is to be read together with the Measure and the draft regulations. Copies of the consultation documents including the draft regulations and draft guidance have been placed in Member Services and in the group rooms.
- 2.03 The Measure provides that the section in the Local Government Act 1972 whereby a Member automatically vacates their office if they fail to attend a meeting for a period of six consecutive months does not apply where a Member is exercising a right of family absence. The Independent Remuneration Panel for Wales Regulations provide that payments of so called basic and senior salaries will continue during a period of family absence.

3.00 CONSIDERATIONS

- 3.01 The provisions in the Measure give similar entitlements to elected Members as those that other legislation gives to those in employment.

The provisions are also an important equalities initiative for those Members having family responsibilities, which is to be welcomed.

- 3.02 The conditions that have to be satisfied to be entitled to a period of family absence are a necessary requirement of the Measure and provide a workable system for managing such absence. These conditions are dealt with in parts 1 to 5 of the draft regulations.
- 3.03 Part 6 of the draft regulations makes general provisions applicable in relation to all types of family absence. Each of these regulations is considered in turn in the following paragraphs.
- 3.04 Regulation 32 requires certain records to be maintained by the Head of Democratic Services relating to family absence for at least 10 years. Officers have no proposed observations on this.
- 3.05 Regulation 33 requires that once the Head of Democratic Services has been informed by a Member that they are taking a period of family absence, the Head of Democratic Services must inform the Council Chair, the Chair of its Democratic Services Committee and the Leader of each political group. Officers think that this is perhaps a little excessive. The Group Leaders should be made aware plus the Chair of whichever committee will be responsible for managing some of the other provisions (see 3.06 below). Exactly which committee should be a matter of local choice for Councils.
- 3.06 Regulation 34 is placing a requirement on the Head of Democratic Services to inform the local authority and provide all relevant information where he has reasonable grounds to suspect a Member is not entitled to the family absence they have given notification of. The local authority may then cancel that Member's period of family absence. Clearly, it is necessary to have some form of safeguard to prevent abuse of the system. Rather than place any one person in the invidious position of having to cancel such leave it should be open for anyone to complain to a committee or panel. It could then decide whether the leave should be cancelled. Whilst Flintshire might give such a function to the Democratic Services Committee, again it should be a matter of local choice.
- 3.07 Regulations 35 & 36 contains provisions where if a family absence is cancelled the Member affected may complain and a panel of Members then consider the matter. It is suggested that where a Member complains that another Member is not entitled to a period of family absence that issue is then referred to the Standards Committee for it to resolve. If however, the existing regime is to continue then greater clarity needs to be given as to how the local authority cancels a period of family absence without then prejudging the issue for those Members who subsequently sit on the panel required by Regulation 36.

3.08 Regulations 37 to 39 require certain provisions to be included in Council standing orders. Firstly, Regulation 38 is specifying that where a Member is on maternity or parental absence standing orders should prescribe what meetings or duties they can perform. Again there is provision for a panel to consider any complaint made by the Member affected. Regulation 39 is specifying that where a Member is on family absence the standing orders must make provision as to the extent of the duties, if any, which remain applicable during the period of family absence. This seems unnecessarily bureaucratic and officers believe it should be left to the individual choice of the Member concerned as to what duties they perform or meetings they attend during a period of family absence. In which case there would then be no need for the provisions in Regulations 37 to 39.

4.00 RECOMMENDATIONS

4.01 It is recommended that the committee confine their response to consultation to part 6 of the draft regulations and include in their representations the points in paragraphs 3.06 to 3.08 above.

5.00 FINANCIAL IMPLICATIONS

5.01 None as a result of this report.

6.00 ANTI POVERTY IMPACT

6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

8.01 The provisions in the Measure for family absence for Members are an important equal opportunities initiatives of the Welsh Government.

9.00 PERSONNEL IMPLICATIONS

9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

10.01 None as a result of this report.

11.00 CONSULTATION UNDERTAKEN

11.01 None as a result of this report.

12.00 APPENDICES

12.01 None

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985 **BACKGROUND DOCUMENTS**

Consultation paper, draft guidance and draft regulations on family absence for Members.

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: CONSTITUTION COMMITTEE

DATE: WEDNESDAY, 24 APRIL 2013

REPORT BY: DEMOCRACY AND GOVERNANCE MANAGER

SUBJECT: STANDARDS FOR RESPONSES TO COMMUNICATIONS

1.00 PURPOSE OF REPORT

- 1.01 To report to the Committee on corporate service standards for responses to communications.

2.00 BACKGROUND

- 2.01 At its meeting on 24 October 2012 the Committee considered a report from the Democracy and Governance Manager on updating parts of the Constitution. During consideration of Article 3 of the Constitution concerning citizens' rights, Councillor Bithell asked whether response times to customer queries should be included. In response the Democracy and Governance Manager said that the section dealt with legal rights but if the Committee wished the Constitution could be expanded to include procedures for corporate communication. Councillor Bithell asked for this to be investigated further and it was resolved that a report be brought to a future meeting on this.

3.00 CONSIDERATIONS

- 3.01 The Council currently has the Customer Care Policy Statement and Standards shown in Appendix 1. These are currently the subject of an ongoing review with a target date for completion of 30 June. This review is being carried out by the Customer Services Team Leader and will include consultation with Members.
- 3.02 As can be seen, the policy statement and standards go beyond merely requiring written communications to be responded to within 10 working days.
- 3.03 It is not normal for a constitution which is a legal document dealing with legal rights to include policy statements or standards. Whilst the Council will use its best endeavours to comply with its policy statements and standards, such documents do not create legal rights or place legal duties on the Council. If the Constitution Committee was minded to include this particular policy statement it would set a precedent for other policy statements being included in the

Constitution which is currently a very lengthy document.

4.00 RECOMMENDATIONS

4.01 To not include the Customer Care Policy Statement and Standards in the Council's Constitution.

5.00 FINANCIAL IMPLICATIONS

5.01 None

6.00 ANTI POVERTY IMPACT

6.01 None

7.00 ENVIRONMENTAL IMPACT

7.01 None

8.00 EQUALITIES IMPACT

8.01 None

9.00 PERSONNEL IMPLICATIONS

9.01 None

10.00 CONSULTATION REQUIRED

10.01 The current review of the Customer Care Policy Statement and Standards will include consultation with Members.

11.00 CONSULTATION UNDERTAKEN

11.01 None

12.00 APPENDICES

12.01 Appendix 1 - Customer Care Policy Statement and Standards

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

As referred to in the report.

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FLINTSHIRE COUNTY COUNCIL

Customer Focus – Putting People First

One Council, One Service

Customer Care Policy Statement & Standards

Whenever customers have contact with Flintshire County Council they will receive consistently excellent standards of customer service. These standards will ensure that all sections of our diverse community are able to access our services. The Council is committed to ensuring that customer service excellence is an integral part of the planning, resourcing, and delivery of all Council services.

1.0 Section One: Policy Statement

1.1 Our guiding principles

As an organisation we will:

- ✓ Identify ourselves, be helpful and courteous
- ✓ Be professional and positive
- ✓ Be well informed, so that we are able to help you
- ✓ Be effective in listening and responding to you
- ✓ Be fair and support your individual needs

1.2 Who are our customers?

Our customers are all the people we come into contact with in connection with our work. This includes people who live in, work in or visit the area, and people acting on behalf of people who live in the area.

The customers of some services will be employees, local businesses and partner organisations.

Although produced primarily with external customers in mind, these customer care standards will also apply to internal customers who are colleagues in the Council.

Finally, many customers of the Council receive their service from other providers on behalf of the Council. Where services are procured and funded by us, those commissioning the service must ensure that the

provider can deliver a customer care service which is broadly in line with this Customer Care Policy.

1.3 What do our customers want?

Our customers want accessible, efficient and responsive services and we must strive to meet these demands.

Consultation has been carried out in relation to how our customers prefer to access Council services. This has highlighted a clear preference for using the telephone when dealing with the Council on many issues. Fewer people would choose to deal with the Council by letter, although there is an increase in the use of e-mail and electronic access to services. Access to services via the council's website is increasing on an annual basis with more customers wishing to communicate with the council electronically, as well as accessing information and applying for services on line.

A high percentage of citizens would prefer to carry out all their business with the Council at a single point of contact, and many wished to have contact available outside of the normal office hours and via the internet.

However, where there are sensitive and personal issues to be discussed, there is a considerable demand for face-to-face contact with specialist staff, either in Council offices or in the customer's own home.

We must respond to the needs of our customers in terms of access and recognise that one method will not suit everyone. We will therefore continue to offer choices to our customers whilst maintaining consistent service standards.

1.4 What is customer care and why is it important?

Customer care means:

- ✓ Providing a good quality service in a friendly, efficient and helpful way. We should continually strive to improve services by ensuring good communication and a positive attitude towards customers;
- ✓ Treating other people how they would like to be treated;
- ✓ Treating each person as an individual. In order to do this we must understand and recognise that we are all different and that we all have diverse needs. These differences and needs can be based on our culture, language, ethnicity, age, gender, disability, literacy, sexual orientation or religion. Good customer care is about having a positive attitude towards and respect for diversity and, in turn, having the flexibility to adapt our behaviour and actions in a way that is appropriate for the individual;

- ✓ Treating people with dignity, respect and courtesy. Generally customers will request a service from the Council. In some instances we may need to be involved with people when they do not particularly want our involvement. In all cases, customers have a right to be treated with dignity, respect and courtesy;
- ✓ Offering choices where possible;
- ✓ Giving information about what is available, and providing an explanation if a service is not available.

1.5 Why do we need customer care standards?

This statement outlines the Council's policy on customer care and related issues. The standards set out in this document are the minimum the Council would expect as a starting point. Individual Directorates or service areas will want to produce additional service specific standards or targets that are more relevant to the services they provide or the customers they serve.

Customer care standards set out the expectations on us as employees in our work, and ensure that we become and remain a customer-focussed organisation. In particular, these standards define a corporate customer care framework for the achievement of excellent customer service which will:

- ✓ Ensure that all customers, whether they are residents or visitors equally receive the same consistent, high standards of customer service.
- ✓ Ensure that customer care and customer service is an integral part of the planning, resourcing, and delivery of all Council services.
- ✓ Prevent valuable Council resources from being wasted upon the expensive costs of delivering poor customer service.
- ✓ Enable the Council to achieve its corporate and service goals, as set out in the Council's Improvement Plan.

1.6 How will we measure our success?

Our Customer Care Policy will be backed up by Customer Care Standards. Over time, our customers will be involved in setting and monitoring these standards.

We will monitor our performance through self-assessment, through comparison with other organisations, and sometimes through receiving feedback through external inspections.

As a Council, we will develop ways of getting customer feedback and finding out whether or not our customers are satisfied with the standard of service they have received. Comments, compliments and complaints from our customers are an important part of the continued improvement

of key processes that will be needed in order for us to be a customer-focused organisation.

2.0 Section Two: Setting Standards for Staff to Follow

2.1 In developing these standards we have sought to:

- ✓ Set standards which are user friendly, customer focused and measurable.
- ✓ Clearly state how staff should behave in dealing with customers.
- ✓ Set performance targets which can be reviewed regularly.
- ✓ Give consideration to legislation, good practice and national standards.
- ✓ Ensure staff are equipped to deliver services taking into account equality and diversity so that :
 - A service can be delivered in Welsh or English according to the customer's preference.
 - Translation / interpretation can be arranged when languages other than English or Welsh are used.
 - Customers with sensory impairments can be assisted through their chosen medium, such as Braille or British Sign Language.
 - Customers with a learning disability will be offered clear and simple advice and instructions, sensitively provided.

2.2 General principles when dealing with an enquiry:

When dealing with an enquiry from a customer, whether face to face or by telephone:

- Listen carefully to the enquiry.
- Identify and address any special needs with sensitivity, tact and diplomacy.
- Record customer contact details accurately.
- Ensure that the nature of the customer's enquiry is understood clearly.
- Aim to resolve enquiries at first contact where possible.
- Keep the lines of communication open with our customers and keep them informed.

2.3 Telephone callers

- Aim to answer the telephone within 15 seconds or at the most within 30 seconds.
- Greet the customer in a polite and courteous manner, giving your name.
- Give a bi-lingual greeting to external callers.
- Offer to transfer the call to a Welsh speaking colleague when required.
- Where a customer has a hearing impairment offer access to an alternative system.

- Give your full attention to the customer.
- Take ownership of the call, resolving the customer's enquiry wherever possible.
- When taking a call for a colleague, use an effective message taking system and make sure the customer is called back.
- End the call with a thank you and confirm with the customer the outcome.

2.4 Use of Voicemail

- Only use voicemail to ensure that telephone calls do not go unanswered.
- Use voicemail only for short periods or specific purposes.
- Ensure recorded messages are audible, accurate, and appropriate and where possible, provide alternative contact details.
- Give the caller an option to leave a message.
- Respond to all messages within 24 hours or the next working day if the message is left over a weekend or Bank Holiday.
- Regularly update your voicemail message.

2.5 Face to Face contact – this covers personal callers with or without appointments, contact with customers at events, meetings out and about and site visits.

- Aim to greet customers as soon as practicable, and preferably within 5 minutes of their arrival at a council building / event.
- Greet the customer in a polite and courteous manner.
- Give your full attention to the customer.
- In designated reception areas, provide a bilingual receptionist or clearly indicate access to a Welsh speaking colleague.
- Keep the customer informed of the length of time they are likely to wait to see the person they need.
- Offer an appointment where this may be more appropriate, responsive or efficient.
- When a customer has special needs, find out what they need and aim to provide it.
- When a customer needs to communicate in a language other than English or Welsh, make arrangements to provide an interpretation service.
- When discussing personal information, always arrange to do so in a confidential environment.

2.6 Personal calls to customers – this covers visits to customers' homes / properties.

- Wherever possible or appropriate makes visits by arrangements with the customer, clearly stating the purpose of the visit.
- Keep customers informed of any changes to the visit arrangements.

- Establish the customer's language, communication and other special needs prior to the visit and make arrangements to meet these.
- Carry your identify card at all times and show it to each customer before entering the property.
- Encourage customers to check your identity with the Council, for example by telephoning.
- Follow policies and guidelines on Lone Working for your safety.
- Use tact and courtesy as a visitor in another person's home, treating their property with respect.
- Close the visit by explaining the next steps, and leave written information where possible.
- Follow up your commitment to the customer with action.

2.7 Written communication

- Aim to respond to all written communication within 10 working days of receipt.
- Respond to the correspondence in the language of the original communication.
- There may be occasions when a full response cannot be given within the timescale. This is unavoidable but there is still a requirement to keep the customer informed by making contact or sending a holding response. This can give an expected date for a full response or give the reason why a full response cannot be given.
- Ensure the presentation of all written correspondence is easy to understand, professional and accurate.
- Include a contact name and telephone number, together with any other information needed (e.g. reference number) to assist the customer.
- Meet the needs of people with visual impairment, through the use of Braille, large print or other specialist services.

2.8 Compliments, comments and complaints

- Be open to receiving feedback from customers.
- Pass comments and suggestions on to your manager, if they may improve the service.
- Ensure compliments are recorded and shared with colleagues.
- Be aware of the Council's procedure for dealing with compliments, comments and complaints.
- Aim to resolve all concerns (except serious complaints) raised by customers immediately and informally wherever possible.
- If informal resolution is not successful, tell the customer they can make a formal complaint, and help them to do so.
- In the case of a serious complaint, tell your manager.

3. Section Three: Our Published Standards



Customer Care

Our Commitment to you

We will:

Identify ourselves, be helpful and courteous
Be professional and positive
Be well informed, so that we are able to help you
Be effective in listening and responding to you
Be fair and support your individual needs

And...

Aim to answer your telephone call within 15 seconds
Arrange for someone to call you back promptly if we cannot answer your query immediately
Aim to respond to your enquiry within 10 working days of receipt

We also...

Expect you to continue to treat our workforce with respect and consideration.

4. Section Four: Contacts

- Customer Services Manager, Flintshire County Council, County Hall, Mold, CH7 6NG
Tel: 01352 702421, e-mail: customerservices@flintshire.gov.uk
- Customer Services Team, Flintshire County Council, County Hall, Mold, CH7 6NG.
Tel: 01352 703020, e-mail: customerservices@flintshire.gov.uk

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: CONSTITUTION COMMITTEE

DATE: WEDNESDAY, 24 APRIL 2013

REPORT BY: DEMOCRACY & GOVERNANCE MANAGER

SUBJECT: UPDATING ACCESS TO INFORMATION
PROCEDURE RULES

1.00 PURPOSE OF REPORT

1.01 To update the forward work programme part of the access to information procedure rules.

2.00 BACKGROUND

2.01 Under the 3 year rolling programme for reviewing the Constitution previously agreed by the committee the access to information procedure rules are for review in the second year of the programme. Section 12 of those rules deals with the forward work programme. As it does not reflect current practice the committee is being asked to update it in advance of the programmed review of the rest of the access to information procedure rules.

2.02 Attached as appendix 1 is a copy of Section 12 of the access to information procedure rules. This envisages the programme being updated 6 monthly. In practice the forward work programme is far more changeable and when published 6 monthly was out of date shortly after it was published.

2.03 Since the Council acquired Modern.gov software it has been the practice for the forward work programme to be updated on an almost daily basis and for it always to cover the next 6 months. In effect it is now a live document and kept up-to-date. The forward work programme now covers not only County Council, Cabinet, Overview & Scrutiny but also Audit Committee.

3.00 CONSIDERATIONS

3.01 Attached as appendix 2 is a proposed revised wording for Section 12 to reflect current practice. As the forward work programme is published on the Council's website and is updated monthly the reference to publishing notice in at least one newspaper has been deleted.

4.00 RECOMMENDATIONS

4.01 For the committee to consider updating the reference to the forward work programme contained in the access to information procedure rules with the wording in appendix 2.

5.00 FINANCIAL IMPLICATIONS

5.01 None as a result of this report.

6.00 ANTI POVERTY IMPACT

6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

10.01 None as a result of this report.

11.00 CONSULTATION UNDERTAKEN

11.01 None as a result of this report.

12.00 APPENDICES

12.01 Appendix 1 - Section 12 of the access to information procedure rules
Appendix 2 - Proposed revised wording for Section 12

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

None

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12. THE FORWARD WORK PROGRAMME

12.1 Period of forward work programme

The forward work programme will be prepared by the Democracy and Governance Manager to cover a period of six months. It will be updated six monthly on a rolling basis to maximise the opportunity for consultation and dialogue.

Each Chief Officer in partnership with the relevant Cabinet Member is responsible for identifying future decision-making needs and for informing the Democracy and Governance Manager.

12.2 Contents of forward work programme

The forward work programme will contain matters which the Cabinet, Overview and Scrutiny Committees and full Council are likely to consider. It will contain information on:

- (a) the timetable for considering the budget and any plans forming part of the policy framework and requiring Council approval, and which body is to consider them;
- (b) the timetable for considering any plans which are the responsibility of the Cabinet;
- (c) any individual matters on which the Cabinet intends to consult in advance of taking a decision, and the timetable for consultation and decision;
- (d) the work programme of the Overview and Scrutiny Committees, to the extent that it is known.

The forward work programme will be published at least 14 days before the start of the period covered. The Democracy and Governance Manager will publish a notice in at least one newspaper circulating in the area, stating that the forward work programme has been published and giving details of where it may be consulted or obtained.

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12. THE FORWARD WORK PROGRAMME

12.1 Period of forward work programme

The forward work programme will be prepared by the Democracy and Governance Manager to cover a rolling period of six months. It will be regularly updated to record changes to maximise the opportunity for consultation and dialogue.

Each Chief Officer in partnership with the relevant Cabinet Member is responsible for identifying future decision-making needs and for informing the Democracy and Governance Manager.

12.2 Contents of forward work programme

The forward work programme will contain matters which the Cabinet, Overview and Scrutiny Committees, Audit Committee and full Council are likely to consider. It will contain information on:

- (a) the timetable for considering the budget and any plans forming part of the policy framework and requiring Council approval, and which body is to consider them;
- (b) the timetable for considering any plans which are the responsibility of the Cabinet;
- (c) any individual matters on which the Cabinet intends to consult in advance of taking a decision, and the timetable for consultation and decision;
- (d) the work programme of the Overview and Scrutiny Committees, to the extent that it is known.

The forward work programme will be published on the Council's website and paper copies made available from Committee Services at County Hall.

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: CONSTITUTION COMMITTEE

DATE: WEDNESDAY, 24 APRIL 2013

REPORT BY: DEMOCRACY & GOVERNANCE MANAGER

SUBJECT: PLANNING STRATEGY GROUP – TERMS OF REFERENCE

1.00 PURPOSE OF REPORT

1.01 To consider proposed terms of reference for the Planning Strategy Group.

2.00 BACKGROUND

2.01 Arising from the review of Member fora it was decided by Council and Cabinet that the Planning Protocol Working Group and the Development Plans Panel should be merged into a Planning Strategy Group.

2.02 At the first meeting of the Planning Strategy Group on the 20 December 2012 it agreed that the group should address the following and that a report on the draft terms of reference be submitted to the subsequent meeting of the group:-

- Improvements to the planning process within Flintshire;
- Review the performance of the Planning Service and its functions;
- Establish and review Member and officer training programmes;
- Lead the progression of the Local Development Plan;
- Respond to consultations from Welsh Government on planning matters;
- Provide a forum for improved links with other critical services within and outside the Council e.g. Housing, Welsh Water / Dwr Cymru or the soon to be established Single Environment Body.

2.03 At the second meeting of the group on the 31 January 2013 it considered the draft terms of reference and following discussion agreed to recommend to the Constitution Committee the terms of reference attached as appendix 1.

3.00 CONSIDERATIONS

3.01 The proposed terms of reference are considered as accurately reflecting the previously agreed scope and purpose of the Planning Strategy Group. The proposed terms of reference are also based on

the previous terms of reference for the Planning Protocol Working Group but adding leading the progression of the Local Development Plan.

- 3.02 The proposed terms of reference make clear, firstly, that items for the agenda of the group can be identified from a number of different sources such as the Chair of the Planning and Development Control Committee, or County Council, or Overview & Scrutiny Committee, or Cabinet. The terms of reference also make clear that the Planning Strategy Group makes recommendations to a variety of committees or individuals such as to Council, Cabinet or Planning and Development Control Committee.

4.00 RECOMMENDATIONS

- 4.01 That the committee agree the draft terms of reference for the Planning Strategy Group as set out in appendix 1.

5.00 FINANCIAL IMPLICATIONS

- 5.01 None as a result of this report.

6.00 ANTI POVERTY IMPACT

- 6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

- 7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

- 8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

- 9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

- 10.01 None as a result of this report.

11.00 CONSULTATION UNDERTAKEN

- 11.01 With Planning Strategy Group

12.00 APPENDICES

- 12.01 Appendix 1 – Proposed terms of reference for Planning Strategy Group

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS

None

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Proposed Terms of Reference for Planning Strategy Group

To make recommendations to Council, Cabinet, the Cabinet Member for Environment, Environment Overview & Scrutiny Committee, Constitution Committee, Planning and Development Control Committee or to the Head of Planning, as appropriate, in relation to:-

1. Improvements to the planning process within Flintshire including alterations to the Flintshire Planning Code of Practice, the workings of the Planning and Development Control Committee and the procedures for dealing with the various types of application processed by the Planning Service.
2. Review the performance of the Planning Service.
3. Monitor and consider the findings and implications from planning appeal decisions.
4. Establish and review Member and officer planning training programmes.
5. Lead the progression of the Local Development Plan and the production or amendment of planning policies or planning guidance.
6. Respond to consultations from Welsh Government on matters relating to Planning where timescales permit.
7. Provide a forum for improved links with other services critical to the Planning Service such as Housing, Welsh Water/Dwr Cymru or to the soon to be established Single Environment Body.
8. Any topics referred to it by the Planning and Development Control Committee or the Chair of that Committee, County Council, or Overview and Scrutiny Committee, or by the Constitution Committee, or Cabinet Member, or by the Head of Planning, or by the Head of Legal and Democratic Services.

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