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Chief Officer (Governance)
Prif Swyddog (Llywodraethu)



To: ALL MEMBERS OF THE COUNCIL

CS/NG

25 February 2015

Sharon Thomas on 01352 702324
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Dear Sir / Madam

A meeting of the **FLINTSHIRE COUNTY COUNCIL** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **TUESDAY, 3RD MARCH, 2015** at **2.00 PM** to consider the following items.

*** Members are requested to note that an informal session will be held at 1.30pm in the Council Chamber for the showing of a corporate parenting DVD.**

Yours faithfully

Democracy & Governance Manager

AGENDA

1 PRESENTATION

Flintshire County Council Leisure Services - overall winner of the 'Local Authority Contribution of the Year Award' category of the National Tennis Wales Awards.

2 APOLOGIES FOR ABSENCE

3 DECLARATIONS OF INTEREST

To receive any declarations of interests from Members.

4 CHAIR'S COMMUNICATIONS

5 PETITIONS

- 6 **PUBLIC QUESTION TIME**
- 7 **QUESTIONS**
To note the answers to any questions submitted in accordance with County Council Standing Order No. 9.4(A).
- 8 **NOTICE OF MOTION**
- 9 **COUNCIL TAX SETTING FOR 2015-16** (Pages 3 - 16)
Report of Chief Officer (Community and Enterprise) enclosed.
- 10 **REVIEW OF POLITICAL BALANCE** (Pages 17 - 22)
Report of Chief Officer (Governance) enclosed.
- 11 **CLWYD PENSION FUND GOVERNANCE** (Pages 23 - 42)
Report of Chief Officer (Governance) and Chief Officer (People & Resources) enclosed.
- 12 **PAY POLICY STATEMENT FOR 2015/16** (Pages 43 - 62)
Report of Chief Executive and Chief Officer (People and Resources) enclosed.
- 13 **OFFICERS' CODE OF CONDUCT** (Pages 63 - 82)
Report of Chief Officer (Governance) enclosed.
- 14 **PLANNED ARRANGEMENTS FOR THE HOLDING OF THE CAERGWRLE BY-ELECTION**
To receive a verbal update from the Chief Executive as Returning Officer.

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **FLINTSHIRE COUNTY COUNCIL**
DATE: **TUESDAY, 3 MARCH 2015**
REPORT BY: **CHIEF OFFICER (COMMUNITY AND ENTERPRISE)**
SUBJECT: **COUNCIL TAX SETTING FOR 2015-16**

1.00 PURPOSE OF REPORT

1.01 For Council to set Council Tax for 2015-16 and agree the statutory resolutions for the purpose of administering Council Tax and Non-Domestic Rates.

2.00 BACKGROUND

2.01 At a meeting of the Council on the 17th February, members agreed the Council Fund Revenue Budget for 2015-16, which incorporated Council Tax charges/levels as detailed in this report.

3.00 CONSIDERATIONS

3.01 The Council Tax resolution includes elements relating to the County Council, Police & Crime Commissioner – North Wales and all Town/Community Councils.

3.02 The proposed resolutions as detailed in Appendix A to this report are divided into the following sections :-

Section 1 details the Council Tax Base set for 2015-16, which shows the number of properties (shown in total and for each specific Town/Community Council) expressed as Band 'D' equivalents, taking into account appropriate adjustments for statutory discounts and exemptions.

Section 2 (a) to 2 (i) details the expenditure and income of Flintshire County Council and Town/Community Councils. It also sets out details of the amount of Council Tax to be charged across the various Valuation Bands in respect of the County Council precept and each Town/Community Council precept.

Section 3 details the amount of Council Tax to be charged in each Valuation Band in respect of the Police & Crime Commissioner – North Wales.

Section 4 details the overall amount of Council Tax that taxpayers will be required to pay from April 2015, subject to entitlements to any discounts or exemptions. This is made up of three chargeable precepts, Flintshire County Council, Police & Crime Commissioner – North Wales, and the Town/Community Councils.

Section 5 re-affirms the Councils policy for 2015-16 not to grant discounts on second and long term empty properties which are defined by Regulations as three Prescribed Classes of Dwellings - Class A dwellings are second home which are unoccupied and furnished with a restriction on occupancy for a period of at least 28 consecutive days in any 12 month period. Class B dwellings are second homes which are unoccupied and furnished, with no restriction on occupancy. Class C dwellings are long empty and unfurnished dwellings and have been such for a period of over 6 months in most cases.

Section 6 gives the Section 151 officer the authority to make payments to the Police and Crime Commissioner – North Wales in twelve equal payments payable on the 15th day of each month from April 2015.

Sections 7 & 8 provides authority to specified officers to issue legal proceedings for non payment of Council Tax and Business Rates and to appear on behalf of the Council to prosecute in cases of non payment.

Section 9 provides for the advertisement of the Council Tax for 2015-16 in the local press, as defined by Regulations.

3.03 The result of these resolutions would be that Council Tax is levied across all areas of the County as set out in Appendix A and further analysed in Appendix B by amounts and percentage increases.

4.00 RECOMMENDATIONS

4.01 For members to agree all resolutions as detailed in Appendix A.

5.00 FINANCIAL IMPLICATIONS

5.01 As set out in the report.

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 None

11.00 CONSULTATION UNDERTAKEN

11.01 None

12.00 APPENDICES

12.01 Appendix A to this report details all resolutions necessary to set the 2015-16 Council Tax charges.

12.02 Appendix B to this report provides members with some statistical information of Council Tax charges by Town & Community Council area.

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

- Local Government Finance Act 1992
- Local Government Act 1972 and 2003
- Council Tax (Prescribed Classes of Dwellings) (Wales) (Regulations)

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**STATUTORY & OTHER NECESSARY COUNCIL TAX
RESOLUTIONS FOR 2015-16**

1. That it be noted that at its meeting on 18th November 2014 the Council calculated interim amounts, subsequently modified as follows, for the year 2015-16 in accordance with the regulations made under Section 33(5) of the Local Government Finance Act 1992.

61,993 being the amount calculated in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Wales Regulations 1995, as its Council Tax base for the year, broken down into the following Town/Community areas :-

Argoed	2,451.77
Bagillt	1,463.21
Broughton & Bretton	2,424.19
Brynford	473.82
Buckley	6,427.41
Caerwys	602.57
Cilcain	741.73
Connahs Quay	6,029.78
Flint	4,409.21
Gwernaffield	1,021.98
Gwernymynydd	555.83
Halkyn	1,358.09
Hawarden	6,186.20
Higher Kinnerton	816.12
Holywell	3,254.79
Hope	1,818.15
Leeswood	823.71
Llanasa	1,903.29
Llanfynydd	837.77
Mold	4,235.42
Mostyn	713.60
Nannerch	268.54
Nercwys	302.23
Northop	1,517.62
Northop Hall	739.04
Penyffordd	1,838.14
Queensferry	680.98
Saltney	1,814.63
Sealand	1,141.28
Shotton	2,176.89
Trelawnyd & Gwaenysgor	414.18
Treuddyn	753.33
Whitford	1,132.51
Ysceifiog	664.99
TOTAL TAX BASE	61,993.00

being the amounts calculated in accordance with regulation 6 of the Regulations as the amounts of its Council Tax base for the year for dwelling in those parts of its area to which special items relate.

2. That the following amounts be now calculated by the Council for the year 2015-16 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992 and Alteration of Requisite Calculations (Wales) Regulations 2013 :-
- | | |
|--|--------------|
| (a) Aggregate of the amounts which the Council estimates for the items set out in Section 32 (2) (a)-(d) (including Community Council precepts totalling £2,486,595). | £370,370,897 |
| (b) Aggregate of the amounts which the Council estimates for items set out in Section 32 (3) (a) and 32 (3) (c). | £117,906,147 |
| (c) Amount by which the aggregate at 2(a) above exceeds the aggregate at 2(b) above calculated in accordance with Section 32 (4) as the budget requirement for the year. | £252,464,750 |
| (d) Aggregate of the sums which the Council estimates will be payable for the year into its Council Fund in respect of redistributed Non-Domestic Rates, Revenue Support Grant or Additional Grant. | £186,418,537 |
| (e) The amount at 2(c) above less the amount at 2(d) above, all divided by the amount at section 1 above, calculated in accordance with Section 33 (1) as the basic amount of Council Tax for the year. | £1,065.38 |
| (f) Aggregate amount of all special items referred to in Section 34 (1). | £2,486,595 |
| (g) Amount at 2(e) above less the result given by dividing the amount at 2(f) above by the amount at section 1 above calculated by the Council, in accordance with Section 34 (2) of the Act, as the basic amount of Council Tax for the year for dwellings in those parts of the area to which no special items relate. | £1,025.27 |
| (h) The amounts given by adding to the amount at 2(g) above the amounts of special items relating to dwellings in those part of the Council's area mentioned below, divided in each case by the amount at 1(b) above, calculated in accordance with Section 34(3) as the basic amounts of its Council Tax for the year for dwellings in those parts of the area to which special items relate. | £0.00 |

FLINTSHIRE COUNTY COUNCIL CHARGES (BAND D) 2015-16
(Including Community/Town Councils)

	£
Argoed	1,051.40
Bagillt	1,052.16
Broughton & Bretton	1,066.11
Brynford	1,060.27
Buckley	1,070.75
Caerwys	1,066.76
Cilcain	1,055.47
Connahs Quay	1,073.99
Flint	1,064.36
Gwernaffield	1,046.80
Gwernymynydd	1,050.46
Halkyn	1,058.40
Hawarden	1,061.96
Higher Kinnerton	1,058.35
Holywell	1,074.89
Hope	1,053.60
Leeswood	1,077.78
Llanasa	1,057.32
Llanfynydd	1,059.89
Mold	1,079.69
Mostyn	1,063.67
Nannerch	1,062.27
Nercwys	1,076.56
Northop	1,045.27
Northop Hall	1,057.16
Penyffordd	1,059.53
Queensferry	1,079.60
Saltney	1,068.24
Sealand	1,075.21
Shotton	1,069.50
Trelawnyd & Gwaenysgor	1,058.23
Treuddyn	1,069.74
Whitford	1,063.77
Ysceifiog	1,057.21

- (i) The amounts given by multiplying the amounts at 2(h) above by the number which in the proportion set out in Section 5(1) of the Act is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D calculated in accordance with Section 36(1) of the Act as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

APPENDIX A

Area	VALUATION BANDS								
	A £	B £	C £	D £	E £	F £	G £	H £	I £
Argoed	700.93	817.75	934.58	1051.40	1285.05	1518.69	1752.33	2102.80	2453.27
Bagillt	701.44	818.34	935.25	1052.16	1285.98	1519.79	1753.60	2104.32	2455.04
Broughton & Bretton	710.74	829.19	947.65	1066.11	1303.03	1539.94	1776.85	2132.22	2487.59
Brynford	706.84	824.65	942.46	1060.27	1295.89	1531.51	1767.11	2120.54	2473.97
Buckley	713.83	832.80	951.78	1070.75	1308.70	1546.64	1784.58	2141.50	2498.42
Caerwys	711.17	829.70	948.23	1066.76	1303.82	1540.88	1777.93	2133.52	2489.11
Cilcain	703.64	820.92	938.19	1055.47	1290.02	1524.57	1759.11	2110.94	2462.77
Connahs Quay	715.99	835.32	954.66	1073.99	1312.66	1551.32	1789.98	2147.98	2505.98
Flint	709.57	827.83	946.10	1064.36	1300.89	1537.41	1773.93	2128.72	2483.51
Gwernaffield	697.86	814.18	930.49	1046.80	1279.42	1512.05	1744.66	2093.60	2442.54
Gwernymynydd	700.30	817.02	933.74	1050.46	1283.90	1517.34	1750.76	2100.92	2451.08
Halkyn	705.60	823.20	940.80	1058.40	1293.60	1528.80	1764.00	2116.80	2469.60
Hawarden	707.97	825.97	943.96	1061.96	1297.95	1533.95	1769.93	2123.92	2477.91
Higher Kinnerton	705.56	823.16	940.75	1058.35	1293.54	1528.73	1763.91	2116.70	2469.49
Holywell	716.59	836.02	955.46	1074.89	1313.76	1552.62	1791.48	2149.78	2508.08
Hope	702.40	819.46	936.53	1053.60	1287.74	1521.87	1756.00	2107.20	2458.40
Leeswood	718.52	838.27	958.03	1077.78	1317.29	1556.80	1796.30	2155.56	2514.82
Llanasa	704.88	822.36	939.84	1057.32	1292.28	1527.24	1762.20	2114.64	2467.08
Llanfynydd	706.59	824.36	942.12	1059.89	1295.42	1530.96	1766.48	2119.78	2473.08
Mold	719.79	839.76	959.72	1079.69	1319.62	1559.56	1799.48	2159.38	2519.28
Mostyn	709.11	827.30	945.48	1063.67	1300.04	1536.42	1772.78	2127.34	2481.90
Nannerch	708.18	826.21	944.24	1062.27	1298.33	1534.39	1770.45	2124.54	2478.63
Nercwys	717.70	837.32	956.94	1076.56	1315.80	1555.04	1794.26	2153.12	2511.98
Northop	696.84	812.99	929.13	1045.27	1277.55	1509.84	1742.11	2090.54	2438.97
Northop Hall	704.77	822.23	939.70	1057.16	1292.09	1527.01	1761.93	2114.32	2466.71
Penyffordd	706.35	824.08	941.80	1059.53	1294.98	1530.44	1765.88	2119.06	2472.24
Queensferry	719.73	839.69	959.64	1079.60	1319.51	1559.43	1799.33	2159.20	2519.07
Saltney	712.16	830.85	949.55	1068.24	1305.63	1543.02	1780.40	2136.48	2492.56
Sealand	716.80	836.27	955.74	1075.21	1314.15	1553.09	1792.01	2150.42	2508.83
Shotton	713.00	831.83	950.67	1069.50	1307.17	1544.84	1782.50	2139.00	2495.50
Trelawnyd & Gwaenysgor	705.48	823.07	940.65	1058.23	1293.39	1528.56	1763.71	2116.46	2469.21
Treuddyn	713.16	832.02	950.88	1069.74	1307.46	1545.18	1782.90	2139.48	2496.06
Whitford	709.18	827.37	945.57	1063.77	1300.17	1536.56	1772.95	2127.54	2482.13
Ysceifog	704.80	822.27	939.74	1057.21	1292.15	1527.09	1762.01	2114.42	2466.83

3. That it be noted that for the year 2015-16 the Police and Crime Panel have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992 for each of the categories of dwellings shown below :-

	Valuation Bands								
	A £	B £	C £	D £	E £	F £	G £	H £	I £
Precept	156.96	183.12	209.28	235.44	287.76	340.08	392.40	470.88	549.36

4. Having calculated the aggregate in each case of the amounts at 2(i) and 3 above, the Council in accordance with Section 30(2) of the Local Government Finance Act 1992 hereby sets the following amounts as the amounts of Council Tax for the year 2015-16 for each of the categories of dwellings shown below:

Area	VALUATION BANDS								
	A £	B £	C £	D £	E £	F £	G £	H £	I £
Argoed	857.89	1000.87	1143.86	1286.84	1572.81	1858.77	2144.73	2573.68	3002.63
Bagillt	858.40	1001.46	1144.53	1287.60	1573.74	1859.87	2146.00	2575.20	3004.40
Broughton & Bretton	867.70	1012.31	1156.93	1301.55	1590.79	1880.02	2169.25	2603.10	3036.95
Brynford	863.80	1007.77	1151.74	1295.71	1583.65	1871.59	2159.51	2591.42	3023.33
Buckley	870.79	1015.92	1161.06	1306.19	1596.46	1886.72	2176.98	2612.38	3047.78
Caerwys	868.13	1012.82	1157.51	1302.20	1591.58	1880.96	2170.33	2604.40	3038.47
Cilcain	860.60	1004.04	1147.47	1290.91	1577.78	1864.65	2151.51	2581.82	3012.13
Connahs Quay	872.95	1018.44	1163.94	1309.43	1600.42	1891.40	2182.38	2618.86	3055.34
Flint	866.53	1010.95	1155.38	1299.80	1588.65	1877.49	2166.33	2599.60	3032.87
Gwernaffield	854.82	997.30	1139.77	1282.24	1567.18	1852.13	2137.06	2564.48	2991.90
Gwernymynydd	857.26	1000.14	1143.02	1285.90	1571.66	1857.42	2143.16	2571.80	3000.44
Halkyn	862.56	1006.32	1150.08	1293.84	1581.36	1868.88	2156.40	2587.68	3018.96
Hawarden	864.93	1009.09	1153.24	1297.40	1585.71	1874.03	2162.33	2594.80	3027.27
Higher Kinnerton	862.52	1006.28	1150.03	1293.79	1581.30	1868.81	2156.31	2587.58	3018.85
Holywell	873.55	1019.14	1164.74	1310.33	1601.52	1892.70	2183.88	2620.66	3057.44
Hope	859.36	1002.58	1145.81	1289.04	1575.50	1861.95	2148.40	2578.08	3007.76
Leeswood	875.48	1021.39	1167.31	1313.22	1605.05	1896.88	2188.70	2626.44	3064.18
Llanasa	861.84	1005.48	1149.12	1292.76	1580.04	1867.32	2154.60	2585.52	3016.44
Llanfynydd	863.55	1007.48	1151.40	1295.33	1583.18	1871.04	2158.88	2590.66	3022.44
Mold	876.75	1022.88	1169.00	1315.13	1607.38	1899.64	2191.88	2630.26	3068.64
Mostyn	866.07	1010.42	1154.76	1299.11	1587.80	1876.50	2165.18	2598.22	3031.26
Nannerch	865.14	1009.33	1153.52	1297.71	1586.09	1874.47	2162.85	2595.42	3027.99
Nercwys	874.66	1020.44	1166.22	1312.00	1603.56	1895.12	2186.66	2624.00	3061.34
Northop	853.80	996.11	1138.41	1280.71	1565.31	1849.92	2134.51	2561.42	2988.33
Northop Hall	861.73	1005.35	1148.98	1292.60	1579.85	1867.09	2154.33	2585.20	3016.07
Penyffordd	863.31	1007.20	1151.08	1294.97	1582.74	1870.52	2158.28	2589.94	3021.60
Queensferry	876.69	1022.81	1168.92	1315.04	1607.27	1899.51	2191.73	2630.08	3068.43
Saltney	869.12	1013.97	1158.83	1303.68	1593.39	1883.10	2172.80	2607.36	3041.92
Sealand	873.76	1019.39	1165.02	1310.65	1601.91	1893.17	2184.41	2621.30	3058.19
Shotton	869.96	1014.95	1159.95	1304.94	1594.93	1884.92	2174.90	2609.88	3044.86
Trelawnyd & Gwaenysgor	862.44	1006.19	1149.93	1293.67	1581.15	1868.64	2156.11	2587.34	3018.57
Treuddyn	870.12	1015.14	1160.16	1305.18	1595.22	1885.26	2175.30	2610.36	3045.42
Whitford	866.14	1010.49	1154.85	1299.21	1587.93	1876.64	2165.35	2598.42	3031.49
Ysceifiog	861.76	1005.39	1149.02	1292.65	1579.91	1867.17	2154.41	2585.30	3016.19

5. In line with the existing policy of the Council, that for 2015-16, in accordance with Section 12 of the Local Government Finance Act 1992 (as amended by Section 75 of the Local Government Act 2003 and the Council Tax (Prescribed Classes of Dwellings) (Wales) (Amendment) Regulations 2004, no discounts shall be granted to second homes subject to Council Tax which are unoccupied and furnished, (defined as Prescribed Classes A and B) and long term empty and unfurnished properties (defined as Prescribed Class C)

6. Authorisations - Council Tax
 - a) That the holders of the posts of Revenues & Benefits Manager, Revenues Manager, Revenues Team Leaders, Court/Prosecutions Officer, Senior Revenues Officer be authorised under Section 223 of the Local Government Act 1972 to issue legal proceedings and to appear on behalf of the County Council at the hearing of any legal proceedings in the Magistrates Court by way of an application for the issue of a Liability Order in respect of unpaid Council Taxes and penalties under Part VI of the Council Tax (Administration and Enforcement) Regulations 1992; by way of an application for the issue of a warrant of commitment to prison under Part VI of the Council Tax (Administration and Enforcement) Regulations 1992; to require financial information to make an Attachment of Earnings Order; to levy the appropriate amount by taking control of goods and sale of goods; and to exercise all other enforcement powers of the County Council under the Council Tax (Administration and Enforcements) Regulations 1992 and any subsequent amendments of such Regulations.

7. Authorisations - National Non-Domestic Rates
 - a) That the holders of the posts of Revenues & Benefits Manager, Revenues Manager, Revenues Team Leaders, Court/Prosecutions Officer, Senior Revenues Officer be authorised under Section 223 of the Local Government Act 1972, to institute legal proceedings and to appear on behalf of the Council at the hearing of any legal proceedings in the Magistrates Courts by way of application for the issue of a liability order in respect of unpaid rates; by way of an application for the issue of a warrant of commitment; and to exercise all other powers of enforcement of the County Council under the Non-Domestic (Collection and Enforcement) (Local Lists) Regulations 1989 and any amendment thereto.

8. That notices of the making of the said Council Taxes for 2015-16, signed by the Council's Corporate Finance Manager/Section 151 officer, be given by advertisement in the local press under Section 38(2) of the Local Government Finance Act 1992.

Appendix B

2015-16 Council Tax Charges

Lowest to Highest Amounts by Town/Community Council

Community Councils	BAND D			
	Community	Flintshire	Police	Total
	£	£	£	£
Northop	20.00	1,025.27	235.44	1,280.71
Gwernaffield	21.53	1,025.27	235.44	1,282.24
Gwernymynydd	25.19	1,025.27	235.44	1,285.90
Argoed	26.13	1,025.27	235.44	1,286.84
Bagillt	26.89	1,025.27	235.44	1,287.60
Hope	28.33	1,025.27	235.44	1,289.04
Cilcain	30.20	1,025.27	235.44	1,290.91
Northop Hall	31.89	1,025.27	235.44	1,292.60
Ysceifiog	31.94	1,025.27	235.44	1,292.65
Llanasa	32.05	1,025.27	235.44	1,292.76
Trelawnyd & Gwaenysgor	32.96	1,025.27	235.44	1,293.67
Higher Kinnerton	33.08	1,025.27	235.44	1,293.79
Halkyn	33.13	1,025.27	235.44	1,293.84
Penyffordd	34.26	1,025.27	235.44	1,294.97
Llanfynydd	34.62	1,025.27	235.44	1,295.33
Brynford	35.00	1,025.27	235.44	1,295.71
Hawarden	36.69	1,025.27	235.44	1,297.40
Nannerch	37.00	1,025.27	235.44	1,297.71
Mostyn	38.40	1,025.27	235.44	1,299.11
Whitford	38.50	1,025.27	235.44	1,299.21
Flint	39.09	1,025.27	235.44	1,299.80
Broughton & Bretton	40.84	1,025.27	235.44	1,301.55
Caerwys	41.49	1,025.27	235.44	1,302.20
Saltney	42.97	1,025.27	235.44	1,303.68
Shotton	44.23	1,025.27	235.44	1,304.94
Treuddyn	44.47	1,025.27	235.44	1,305.18
Buckley	45.48	1,025.27	235.44	1,306.19
Connahs Quay	48.72	1,025.27	235.44	1,309.43
Holywell	49.62	1,025.27	235.44	1,310.33
Sealand	49.94	1,025.27	235.44	1,310.65
Nercwys	51.29	1,025.27	235.44	1,312.00
Leeswood	52.51	1,025.27	235.44	1,313.22
Queensferry	54.33	1,025.27	235.44	1,315.04
Mold	54.42	1,025.27	235.44	1,315.13

Appendix B

2015-16 Council Tax Charges

Amounts in Town / Community Council order

Community Councils	BAND D			
	Community	Flintshire	Police	Total
	£	£	£	£
Argoed	26.13	1,025.27	235.44	1,286.84
Bagillt	26.89	1,025.27	235.44	1,287.60
Broughton & Bretton	40.84	1,025.27	235.44	1,301.55
Brynford	35.00	1,025.27	235.44	1,295.71
Buckley	45.48	1,025.27	235.44	1,306.19
Caerwys	41.49	1,025.27	235.44	1,302.20
Cilcain	30.20	1,025.27	235.44	1,290.91
Connahs Quay	48.72	1,025.27	235.44	1,309.43
Flint	39.09	1,025.27	235.44	1,299.80
Gwernaffield	21.53	1,025.27	235.44	1,282.24
Gwernymynydd	25.19	1,025.27	235.44	1,285.90
Halkyn	33.13	1,025.27	235.44	1,293.84
Hawarden	36.69	1,025.27	235.44	1,297.40
Higher Kinnerton	33.08	1,025.27	235.44	1,293.79
Holywell	49.62	1,025.27	235.44	1,310.33
Hope	28.33	1,025.27	235.44	1,289.04
Leeswood	52.51	1,025.27	235.44	1,313.22
Llanasa	32.05	1,025.27	235.44	1,292.76
Llanfynydd	34.62	1,025.27	235.44	1,295.33
Mold	54.42	1,025.27	235.44	1,315.13
Mostyn	38.40	1,025.27	235.44	1,299.11
Nannerch	37.00	1,025.27	235.44	1,297.71
Nercwys	51.29	1,025.27	235.44	1,312.00
Northop	20.00	1,025.27	235.44	1,280.71
Northop Hall	31.89	1,025.27	235.44	1,292.60
Penyffordd	34.26	1,025.27	235.44	1,294.97
Queensferry	54.33	1,025.27	235.44	1,315.04
Saltney	42.97	1,025.27	235.44	1,303.68
Sealand	49.94	1,025.27	235.44	1,310.65
Shotton	44.23	1,025.27	235.44	1,304.94
Trelawnyd & Gwaenysgor	32.96	1,025.27	235.44	1,293.67
Treuddyn	44.47	1,025.27	235.44	1,305.18
Whitford	38.50	1,025.27	235.44	1,299.21
Ysceifiog	31.94	1,025.27	235.44	1,292.65

Appendix B**2015-16 Council Tax Charges**
Lowest to Highest % amounts

Community Councils	BAND D		
	Community	Flintshire	Police
	%	%	%
Higher Kinnerton	-1.78	3.75	3.44
Broughton & Bretton	-0.20	3.75	3.44
Brynford	0.00	3.75	3.44
Llanasa	0.00	3.75	3.44
Nannerch	0.00	3.75	3.44
Northop	0.00	3.75	3.44
Saltney	0.00	3.75	3.44
Hawarden	0.03	3.75	3.44
Gwernymynydd	0.08	3.75	3.44
Buckley	0.53	3.75	3.44
Trelawnyd & Gwaenysgor	0.76	3.75	3.44
Bagillt	0.79	3.75	3.44
Mostyn	0.79	3.75	3.44
Shotton	1.03	3.75	3.44
Connahs Quay	1.04	3.75	3.44
Treuddyn	1.62	3.75	3.44
Flint	1.90	3.75	3.44
Llanfynydd	2.55	3.75	3.44
Hope	3.66	3.75	3.44
Whitford	4.05	3.75	3.44
Argoed	4.19	3.75	3.44
Mold	5.00	3.75	3.44
Northop Hall	5.00	3.75	3.44
Ysceifiog	5.00	3.75	3.44
Holywell	6.23	3.75	3.44
Queensferry	6.59	3.75	3.44
Cilcain	6.90	3.75	3.44
Sealand	7.26	3.75	3.44
Nercwys	7.50	3.75	3.44
Caerwys	7.57	3.75	3.44
Halkyn	8.77	3.75	3.44
Penyffordd	23.37	3.75	3.44
Leeswood	28.70	3.75	3.44
Gwernaffield	37.40	3.75	3.44

Appendix B**2015-16 Council Tax Charges****% Amounts in Town / Community Council order**

Community Councils	BAND D		
	Community	Flintshire	Police
	%	%	%
Argoed	4.19	3.75	3.44
Bagillt	0.79	3.75	3.44
Broughton & Bretton	-0.20	3.75	3.44
Brynford	0.00	3.75	3.44
Buckley	0.53	3.75	3.44
Caerwys	7.57	3.75	3.44
Cilcain	6.90	3.75	3.44
Connahs Quay	1.04	3.75	3.44
Flint	1.90	3.75	3.44
Gwernaffield	37.40	3.75	3.44
Gwernymynydd	0.08	3.75	3.44
Halkyn	8.77	3.75	3.44
Hawarden	0.03	3.75	3.44
Higher Kinnerton	-1.78	3.75	3.44
Holywell	6.23	3.75	3.44
Hope	3.66	3.75	3.44
Leeswood	28.70	3.75	3.44
Llanasa	0.00	3.75	3.44
Llanfynydd	2.55	3.75	3.44
Mold	5.00	3.75	3.44
Mostyn	0.79	3.75	3.44
Nannerch	0.00	3.75	3.44
Nercwys	7.50	3.75	3.44
Northop	0.00	3.75	3.44
Northop Hall	5.00	3.75	3.44
Penyffordd	23.37	3.75	3.44
Queensferry	6.59	3.75	3.44
Saltney	0.00	3.75	3.44
Sealand	7.26	3.75	3.44
Shotton	1.03	3.75	3.44
Trelawnyd & Gwaenysgor	0.76	3.75	3.44
Treuddyn	1.62	3.75	3.44
Whitford	4.05	3.75	3.44
Ysceifiog	5.00	3.75	3.44

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **FLINTSHIRE COUNTY COUNCIL**

DATE: **TUESDAY, 3 MARCH 2015**

REPORT BY: **CHIEF OFFICER (GOVERNANCE)**

SUBJECT: **REVIEW OF POLITICAL BALANCE**

1.00 PURPOSE OF REPORT

1.01 To review the Council's political balance calculations following a Member joining the Labour Group from the New Independent Group.

2.00 BACKGROUND

2.01 The Local Government & Housing Act 1989 and the Local Government (Committees & Political Groups) Regulations 1990 contain rules to allocate committee places to the political groups in accordance with their strengths on the Council.

2.02 The statutory rules provide that:-

1. There must be no one group committees.
2. Where there is a majority group it is entitled to a majority upon every committee (this does not apply if the largest group does not have an overall majority).
3. The total number of seats allocated to each political group should be (in so far as is practicable) in the same proportion as those groups strengths upon the full Council.
4. Each committee should (so far as it is practicable) have the same proportional division between political groups as is represented upon the full Council.

2.03 On the 20 February 2015 a Member joined the Labour Group from the New Independent Group and the Leader of the Labour Group has asked for the political balance calculations to be reviewed.

3.00 CONSIDERATIONS

3.01 Attached as Appendix 1 is a table showing the revised calculations leading to the Labour and Independent Alliance Groups each having one extra committee place with the New Independent Group losing two committee places.

3.02 As there have been no changes to the overall number of seats allocated to the Conservative, Liberal Democrats and Independent Groups there is no need to alter the individual committee places

allocated to those groups. Attached as Appendix 2 is a table showing how the new political balance calculations can be reflected on the Council's committees in accordance with the rules in paragraph 2.02 above.

4.00 RECOMMENDATIONS

4.01 The Council is recommended to agree the changes to political balance shown 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 With the political Group Leaders and their deputies.

11.00 CONSULTATION UNDERTAKEN

11.01 With the political Group Leaders and their deputies.

12.00 APPENDICES

12.01 Appendix 1 – Calculation Table
Appendix 2 – Political Balance Option

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

None

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POLITICAL BALANCE CALCULATION – FEBRUARY 2015

Group	Calculation	Number of Committee Places Group Entitled To
Labour	$31 \div 69 \times 177 = 79.521$	80
Independent Alliance	$10 \div 69 \times 177 = 25.652$	26
Conservatives	$8 \div 69 \times 177 = 20.521$	20
New Independents	$7 \div 69 \times 177 = 17.956$	18
Liberal Democrats	$7 \div 69 \times 177 = 17.956$	18
Independents	$6 \div 69 \times 177 = 15.391$	15
		177

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POLITICAL BALANCE - FEBRUARY 2015

APPENDIX 2

OPTION 1

	Labour 31 Members	Independent Alliance 10 Members	Conservatives 8 Members	New Independents 7 Members	Liberal Democrats 7 Members	Independents 6 Members	Total On Committee
Lifelong Learning OSC	7	2	2	2	1	1	15
Housing OSC	7	2	2	2	1	1	15
Corporate Resources OSC	7	2	1	2	2	1	15
Social & Health OSC	7	2	2	1	2	1	15
Environment OSC	7	2	1	2	2	1	15
Community Profile & Partnership OSC	7	2 3	1	2 1	2	1	15
Planning	9 10	3	2	3 2	2	2	21
Licensing	5	2	1	1	2	1	12
Audit	3	1	1	1	0	1	7
Constitution	9	3	3	2	2	2	21
Democratic	9	3	3	2	2	2	21
Pensions	2	1	1	0	0	1	5
Total to Group	79 80	25 26	20	20 18	18	15	177

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **FLINTSHIRE COUNTY COUNCIL**

DATE: **TUESDAY, 3 MARCH 2015**

REPORT BY: **CHIEF OFFICER (GOVERNANCE)**
CHIEF OFFICER (PEOPLE & RESOURCES)

SUBJECT: **CLWYD PENSION FUND GOVERNANCE**

1.00 PURPOSE OF REPORT

- 1.01 To provide Members with a proposal to create a local Pension Board for the Clwyd Pension Fund pursuant to a recommendation to Constitution Committee and to comply with recent legislation.

2.00 BACKGROUND

- 2.01 The Clwyd Pension Fund is administered by Flintshire County Council as the administering authority on a "lead authority" basis which is set out in statute following Local Government Reorganisation in 1996. The County Council have previously delegated responsibility for the management of pension issues to the Clwyd Pension Fund Committee with day to day operational matters delegated in the main to the Chief Officer, People and Resources.
- 2.02 The Public Service Pensions Act (PSPA) 2013 introduces a number of changes to public service pension schemes, including a number of key changes impacting on the governance of public service pension schemes. One of the key changes is the requirement for each Administering Authority in the LGPS to create a local Pension Board to provide independent oversight and improved governance.
- 2.03 The key elements of the recent LGPS amending regulations relating to local Pension Boards are outlined below:

Establishment

- Each LGPS Administering Authority is required to establish a local Pension Board no later than 1 April 2015.
- Where a pension committee already exists as a committee of a local authority (which is the case with most administering authorities), there is an option to create one combined pension committee and Pension Board. However, this will be subject to the Secretary of State's approval because the practical and legal hurdles for doing so are considered extremely challenging. Accordingly, it is expected all local authority Administering

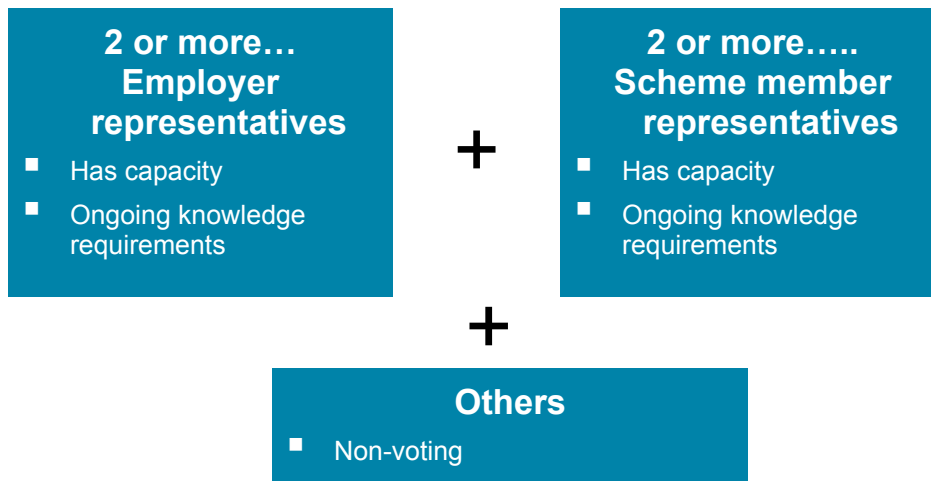
Authorities will be required to create a separate Pension Board (i.e. in addition to any existing Pension Committee).

- The role of the Pension Board is to assist the Administering Authority with securing compliance with regulations and requirements imposed by the Pensions Regulator and assisting in ensuring effective and efficient governance and administration of the Scheme. This has generally been interpreted as the Pension Board having an oversight role but not a decision making role.

Membership

- There must be equal numbers of scheme member representatives and employer representatives.
- These cannot be elected members on a Pension Committee nor officers involved with the management of the Pension Fund
- There must be at least two of each of these representatives (so a Pension Board must comprise of at least four individuals)
- These representatives must have the capacity to represent the scheme members or employers (as appropriate) as well as meeting an ongoing legal requirement in relation to knowledge of pension matters
- Other members can be appointed to the Pension Board in addition to the representatives in a non-voting capacity

These points are illustrated below:



Conflicts of Interest

- Each Administering Authority must be satisfied that appointees to a Pension Board do not have a conflict of interest (initially and on an ongoing basis).
- This is defined in the PSPA as "“a financial or other interest which is likely to prejudice the person’s exercise of functions as a member of the board (but does not include a financial or other interest arising merely by virtue of membership of the scheme or any connected scheme)”".

Procedures

- Each Administering Authority will be required to determine its own procedures relating to the establishment and operation of the Pension Board.

2.04 The proposal to create a Local Pension Board for the Clwyd Pension Fund was considered by the Constitution Committee at its October meeting when it agreed additions to the Constitution to reflect the need for a Clwyd Pension Fund Board and agreed a Pension Board protocol. The Pension Board protocol in Appendix 2 has been updated following the Constitution Committee meeting to reflect changes to the regulations made since the committee considered the draft regulations. Those changes are tracked in Appendix 2.

3.00 CONSIDERATIONS

3.01 Accordingly Flintshire County Council must establish a new Pension Board. It is worth noting that local authority legislation, and accordingly the Council's Constitution, does not automatically apply to the new local Pension Boards as they are being established under the Public Service Pensions Act. Accordingly a Protocol detailing how the Pension Board is established and operated must be developed.

3.02 The establishment of this Pension Board was considered when the Council established the Pension Fund Committee on 30 April 2014. The structure diagram from that report is attached as Appendix 1 (updated in line with recent management changes).

3.03 The proposed Protocol for the Pension Board is attached as Appendix 2. The key elements of the proposals are:

- An Independent Member will Chair the Pension Board to be appointed by the Chief Officer (People and Resources), subject to a majority vote by the Board
- There will be two each of scheme member and employer representatives with the appointments being made by the Chief Officer (People and Resources)
- The Pension Board will meet a minimum of twice a year and a maximum of four times a year, although additional meetings can be agreed by the Chief Officer (People and Resources)
- Minutes of all meetings will be submitted to the Pension Fund Committee and, therefore, will be public documents
- An annual report will be submitted to the Pension Fund Committee and Audit Committee and, as such will be a public document, which will also be reproduced in the Fund's Annual Report and Accounts
- Pension Board meetings will not be open to the general public although individuals may be permitted to attend and address the Board at the discretion of the Chair.

3.04 It is considered that this approach will not be out of line with many other Administering Authorities and it is appropriate given:

- the improved level of governance recently introduced through the creation of the Pension Fund Committee and review of the Independent Adviser position,
- the creation of a Pension Fund Advisory Panel, which consists of senior officers of the Fund, the Fund Actuary, Investment Consultant and Independent Adviser, providing advice to the Pension Fund Committee, and
- employer and scheme member representatives are already full voting members of the Pension Fund Committee.

3.05 Legal and Democratic Services have provided advice and support and will continue to assist with the establishment of the Pension Board in line with the Protocol.

4.00 RECOMMENDATIONS

4.01 That Members agree an addition to its Constitution as outlined in Appendix 2 to introduce a local Pension Board for the Clwyd Pension Fund as required by the Public Service Pensions Act and LGPS Regulations to assist with ensuring compliance with regulations and to achieve efficient and effective governance.

5.00 FINANCIAL IMPLICATIONS

5.01 The four representative members of the Pension Board will be entitled to an allowance of £99 per half day meeting (unless they are carrying out these duties as part of their normal working hours), plus any additional expenses. These costs, together with any additional administration costs associated with the Pension Board, can be met from the Clwyd Pension Fund.

6.00 ANTI POVERTY IMPACT

6.01 None directly as a result of this report.

7.00 ENVIRONMENTAL IMPACT

7.01 None directly as a result of this report.

8.00 EQUALITIES IMPACT

8.01 None directly as a result of this report.

9.00 PERSONNEL IMPLICATIONS

9.01 None directly as a result of this report.

10.00 CONSULTATION REQUIRED

10.01 None directly as a result of this report.

11.00 CONSULTATION UNDERTAKEN

11.01 This matter was consulted on with employers and unions as part of the review of the Fund's governance arrangements in the Spring of 2014 to which no negative responses were received.

12.00 APPENDICES

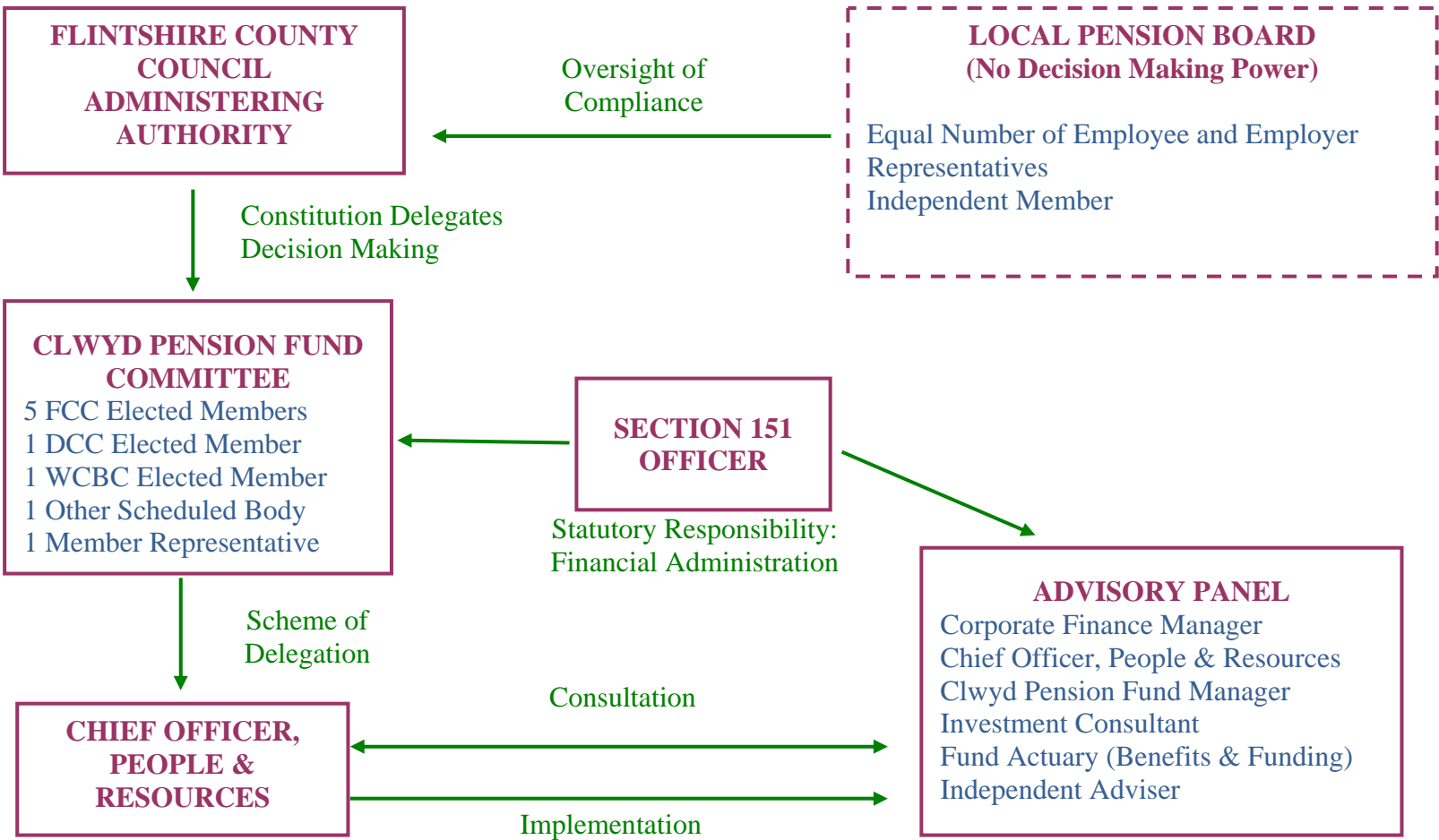
12.01 Appendix 1 – Pension Fund Structure Chart
Appendix 2 – Pension Board Protocol

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

Report and Minutes of Constitution Committee 15 October 2014
Council Report 30th April 2014
Constitution Committee Report 26th March 2014

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Recommended change to the Constitution relating to the Clwyd Pension Fund

Addition to PART 2 – ARTICLES OF THE CONSTITUTION

The following shall be added at the end of Article 21 (The Pension Fund Committee):

1.5 Clwyd Pension Fund Board

In accordance with Section 5 of the Public Service Pensions Act 2013, a local Pension Board assists Flintshire County Council in the governance and administration of the Clwyd Pension Fund. The Board's role, members, terms of reference and working arrangements are contained in the attached Protocol.

FLINTSHIRE COUNTY COUNCIL AS LEAD AUTHORITY FOR THE CLWYD PENSION FUND

PENSION BOARD PROTOCOL

1) Introduction

The purpose of this document is to set out the Protocol for the local Pension Board of the Clwyd Pension Fund. Flintshire County Council is a scheme manager as defined under Section 4 of the Public Services Pensions Act 2013. The Pension Board is established by Flintshire County Council under the powers of Section 5 of the Public Service Pensions Act and regulation 106 of the Local Government Pension Scheme Regulations 2013. As such, the Constitution of Flintshire County Council does not apply to this Pension Board unless expressly referred to within and permitted by this Protocol.

2) Powers of the Pension Board

The Pension Board will exercise all its powers and duties in accordance with the law and this Protocol.

3) Role of the Pension Board

The role of the Pension Board is defined by regulation 106 (1) of the LGPS Regulations as to assist Flintshire County Council as Scheme Manager of the Clwyd Pension Fund:

- to secure compliance with the LGPS Regulations and any other legislation relating to the governance and administration of the Scheme, and requirements imposed in relation to the LGPS by the Pensions Regulator
- to ensure the effective and efficient governance and administration of the LGPS by the Clwyd Pension Fund

The Council considers this to mean that the Pension Board is providing oversight of these matters and, accordingly, the Pension Board is not a decision making body in relation to the management of the Pension Fund but merely makes recommendations to assist in such management. The Pension Fund's management powers and responsibilities which have been, and may be, delegated by the Council to committees, sub-committees and officers of the Council, remain solely the powers and responsibilities of those committees, sub-committees and officers including but not limited to the setting and delivery of the Fund's strategies, the allocation of the Fund's assets and the appointment of contractors, advisors and fund managers.

The Pension Board operates independently of the Clwyd Pension Fund Committee.

The Pension Board will ensure that in performing their role it is:

- done effectively and efficiently and
- complies with relevant legislation and
- done by having due regard and in the spirit of the Code of Practice on the governance and administration of public service pension schemes issued by the Pensions Regulator and any other relevant statutory or non-statutory guidance.

4) Composition of the Pension Board

a) Membership.

The Pension Board shall consist of 5 members and be constituted as follows:

- i) 2 Employer Representatives;
- ii) 2 Scheme Member Representatives;
- iii) 1 Independent Member.

Substitutes for the Employer or Scheme Member Representatives are not permitted. The Independent Member will have an Alternate who will carry out Pension Board business if the Independent Member is not available to do so.

b) Eligibility and selection criteria.

The Chief Officer (People and Resources) will define and keep under review any eligibility and/or selection criteria that will apply to Pension Board members having due regard to the LGPS Regulations and any other relevant Code of Practice and guidance (statutory or otherwise). As a minimum and in accordance with the LGPS Regulations:

Regulations:

- all scheme member and employer representatives must have the capacity to represent their scheme members and employers as appropriate, and
- no officer or elected member of Flintshire County Council who is responsible for the discharge of any function of the Administering Authority under the LGPS Regulations may be a member of the Clwyd Pension Fund Board.

c) Appointment of Members.

The process for selecting members of the Pension Board is set out below.

i) Employer Representative

Step 1 - Each employer within the Clwyd Pension Fund will be invited to nominate one representative to represent employers on the Pension Board. The Chief Officer (People and Resources) can appoint or reject any nomination made where she/he considers the individual does not appropriately meet the eligibility and/or selection criteria.

Step 2 - Where Step 1 fails the Chief Officer (People and Resources) will take any other action she/he considers appropriate to appoint suitable Employer Representatives.

ii) Scheme Member Representatives

The joint trade unions will be approached to make one nomination of a person to represent scheme members. The Chief Officer (People and Resources) can appoint or reject any nomination made where he/she considers the individual does not appropriately meet the eligibility and/or selection criteria.

The other Scheme Member Representative must be an active, deferred or pensioner member of the Clwyd Pension Fund and will be selected by the Chief Officer (People and Resources) following procedures determined by him/her in the spirit of any national guidance or Code of Practice in relation to appointments to the Pension Board.

NB: Step 2 for the Employer Representative also applies to the Scheme Member Representative.

iii) *Independent Member and Alternate*

~~The Independent Adviser (or Alternate) for the Clwyd Pension Fund will be the Independent Member on the Pension Board and the appointment of the Independent Member and his Alternate will be made as part of their contract with Flintshire County Council. The Chief Officer (People and Resources) will appoint the Independent Member and Alternate. This will be subject to a majority vote by the employer and scheme member representatives on the Board.~~

d) Term of Office

- i) The Employer Representatives are appointed for a period of three years from the date of establishment of the Pension Board or the date of their appointment if later. This period may be extended to up to five years if agreed by the Chief Officer (People and Resources). It will automatically cease if the individual is no longer in the employment of that employer.
- ii) The Scheme Member Representatives are appointed for a period of three years from the date or establishment of the Pension Board or the date of their individual appointment if later. This period may be extended to up to five years if agreed by the Chief Officer (People and Resources). It will automatically cease if the individual is no longer a trade union representative or representative of scheme members (in accordance with the criteria set by the Chief Officer (People and Resources), as appropriate).
- iii) The Independent Member's and Alternate's term of office will be determined by ~~the contract terms for the Clwyd Pension Fund's Independent Adviser~~ the Chief Officer (People and Resources) subject to a maximum of five years.

Any Pension Board member may be re-appointed for further terms following an appointment process.

Term dates may not be exact due to the period of the appointment process. The term of office may therefore be extended for this purpose or other exceptional circumstances by up to three months with the agreement of the Chief Officer (People and Resources).

Other than ceasing to be eligible (as set out above) a Pension Board member may only be removed from office during the term of appointment by the unanimous agreement of the Chief Officer (People and Resources), the Monitoring Officer and the Independent Member. Such reasons may include non-compliance with this Protocol including inappropriate conduct, conflicts of interest, avoidance of training or low meeting attendance, not having the capacity to represent their members or for any other reason not meeting the criteria required to be a Pension Board member.

The removal of the Independent Member requires unanimous agreement from the Chief Officer (People and Resources) and the Monitoring Officer.

e) Quorum

All Members of the Pension Board are expected to regularly attend meetings. Records of attendance of all Members will be maintained and reported to the Chief Officer (People and Resources) on at least an annual basis.

A meeting of the Pension Board will only be quorate when:

- one Employer Representative and
- one Scheme Member Representative and
- the Independent Member or Alternate

are present. Subject to agreement by the Independent Member this could include remote attendance. A meeting that is (or becomes at any point) not quorate will cease immediately.

f) Chairing

The Chair of the Pension Board will be the Independent Member (or Alternate) subject to a motion to confirm this being agreed by the majority of the employer and scheme member representatives of the Board. The role of the Chair is to:

- Ensure that all members of the Board show due respect for process, that all views are fully heard and considered and that decisions are democratically made where consensus cannot be reached.
- To uphold and promote the purpose of the Board and to interpret its Protocol when necessary
- Ensure that the Pension Board members have the knowledge and skills as determined in the Fund's Training Policy and other guidance or legislation and maintain a training record.
- Act as professional adviser for the Board or arrange such advice as required subject to agreement by the Chief Officer (People and Resources) on such conditions as that officer determines.
- Agree the agenda for each Pension Board meeting.
- Approve minutes for Pension Board meetings.
- Ensure an attendance record is maintained along with advising Flintshire County Council on remuneration and expenses to be paid.
- Advise Flintshire County Council on an appropriate budget for the Board, which should be formally approved by the Pension Fund Committee along with the Pension Fund Annual Budget.
- Write reports required by Flintshire County Council on the work of the Board.
- Liaise with the Clwyd Pension Fund Manager on the requirements of the Board, including advanced notice for Flintshire County Council officers to attend and arranging dates and times of Board meetings.

- Other tasks which may be deemed appropriate by Flintshire County Council for the Chair of the Pension Board.
- Other tasks that may be requested by the members of the Pension Board, within the remit of this Protocol and subject to agreement with the Chief Officer (People and Resources)
- To annually review and report on the performance of the Board

The decision of the Chair on all points of procedure and order and the Chair's interpretation of the Protocol shall be final.

g) Voting

Each Employer and Scheme Member Representative on the Pension Board will have an individual voting right but it is expected the Pension Board will as far as possible reach a consensus. The Chair of the Pension Board will not be entitled to only vote in the event of an equality of votes.

The results of any voting outcomes will be reported in the Board minutes including where a consensus was not reached in voting.

Any decision being reported to the Monitoring Officer under 9b) below must receive agreement from a majority of voting members.

5) Location and Frequency of Meetings

The Pension Board will normally meet at the offices of the Clwyd Pension Fund, although the offices of any Employer Representatives could be used with prior agreement of the Chair and at no additional accommodation cost to the Clwyd Pension Fund.

The Board will meet a minimum of twice and a maximum of four times in each calendar year. If the Board does not believe that this is sufficient to discharge its duties and responsibilities effectively the Chair can make a request to the Chief Officer (People and Resources) for approval to hold additional meetings.

Urgent business of the Pension Board between meetings may, in exceptional circumstances, be conducted via communications between members of the Pension Board including telephone conferencing and e-mails.

6) Remuneration and Expenses

- a) Subject to b) below, an allowance will be made to both Employer and Scheme Member Representatives for attending meetings relating to Pension Board business (including attending training) at the rates contained in the Schedule of Member Remuneration in Flintshire County Council's Constitution for co-opted members of a Flintshire County Council Committee.
- b) It is hoped that employers of Representatives on the Pension Board will provide appropriate capacity to allow the Representative to perform this role within their normal working day without any reduction in pay. If that is the case, the Representative will not be entitled to any allowance.
- c) All ~~Pension Board members~~Employer and Scheme Member Representatives will also be entitled to claim travel and subsistence allowances at the rates contained in the Schedule of Member Remuneration in Flintshire County Council's Constitution.
- d) The Independent Member and Alternate shall be paid remuneration and expenses as determined by the Chief Officer (People and Resources).

7) Acting in the interests of the entire pension fund

Though members of the Pension Board include representatives of specific categories of stakeholder (i.e. scheme members and employers) each member is required to have due regard to the Role of the Pension Board as outlined in this Protocol. Accordingly all members are expected to work jointly in the best interest of the entire Pension Fund, rather than representing the interest of any individual stakeholders. This should not prevent Members from sharing their knowledge on how matters might impact specific stakeholders of the Fund.

8) Conflicts of Interest

A conflict of interest is defined in the Public Service Pensions Act as:

"in relation to a person, means a financial or other interest which is likely to prejudice the person's exercise of functions as a member of the board (but does not include a financial or other interest arising merely by virtue of membership of the scheme or any connected scheme)."

Each member of the Pension Board (as well as any other attendees participating in the meeting) will be expected to declare, on appointment and at each meeting, any interests which may lead to conflicts of interest in the subject area or specific agenda of that Pension Board.

The Chair of the Pension Board must be satisfied that the Board is acting within:

- the conflicts of interest requirements of the Public Service Pensions Act and the LGPS Regulations, and

- in the spirit of any national guidance or code of practice in relation to conflicts of interest at the Pension Board, and
- in accordance with any Clwyd Pension Fund Conflicts of Interest Policy or Procedures that apply to the Board.

Each member of the Pension Board, or a person proposed to be appointed to the Board, (as well as attendees participating in the meeting) must provide the Chair of the Pension Board with such information as he or she reasonably requires for the purposes of demonstrating that there is no conflict of interest.

The Chief Officer (People and Resources) and the Monitoring Officer will jointly adopt the role of ensuring that the Chair of the Pension Board does not have a conflict of interest in the same way as the Chair does in relation to all other Pension Board members. Further they must be satisfied that the Chair is carrying out his or her responsibilities under this section appropriately.

9) Reporting and escalation [Moved from clause 3]

a) The Board must provide minutes of each meeting to the following Pension Fund Committee meetings and may make reports and recommendations to the Pension Fund Committee insofar as they relate to the role of the Pension Board. Any such reports or recommendations must be provided 10 working days in advance of the next Pension Fund Committee to the Chief Officer (People and Resources). In addition, an annual report of the Pension Board (as prepared by the Chair of the Pension Board), must be provided to the Chief Officer (People and Resources), the Monitoring Officer, the Pension Fund Committee, and the Audit Committee and be published in the Fund's Annual Report and Accounts.

b) Where the Board considers that a matter brought to the attention of the Pension Fund Committee has not been acted upon or resolved to their satisfaction, the Pension Board will provide a report to the Monitoring Officer.

9)10) Receipt of advice and information

The Board will be supported in its role and responsibilities by the Independent Member and the Pension Fund Manager ("the Board Secretary"). In addition Pension Board members will receive the final reports, minutes and agendas relating to all Pension Fund Committees and may attend Pension Fund Committee meetings (including during exempt items).

Insofar as it relates to the role of the Pension Board, it may also;

- request and receive information and reports from the Pension Fund Committee or any other body or officer responsible for the management of the Fund
- examine decisions made or actions taken by the Pension Fund Committee or any other body or officer responsible for the management of the Fund.

The Board Secretary will provide such information as is requested.

Any further requests for information and advice are subject to the approval of the Chief Officer (People and Resources) who will be required to consider positively all reasonable requests in relation to the role of the Pension Board whilst being mindful of value for money. The Board Secretary will provide such information as is approved.

10)11) **Knowledge and Skills**

Under the requirements of the Public Service Pensions Act, a member of the Pension Board must be conversant with:

- a) the legislation and associated guidance of the Local Government Pension Scheme (LGPS), and
- b) any document recording policy about the administration of the LGPS which is adopted by the Clwyd Pension Fund.

In addition, a member of the Local Pension Board must have knowledge and understanding of –

- The law relating to pensions, and
- Any other matters which are prescribed in regulations.

It is for individual Pension Board members to be satisfied that they have the appropriate degree of knowledge and understanding to enable them to properly exercise their functions as a member of the Pension Board.

In line with this requirement Pension Board members are required to be able to demonstrate their knowledge and understanding and to refresh and keep their knowledge up to date. Pension Board members are therefore required to:

- participate in training events (a written record of relevant training and development will be maintained)
- undertake a personal training needs analysis or other method to identify gaps in skills, competencies and knowledge.
- comply with the Pension Fund's Training Policy insofar as it relates to Pension Board members.

11)12) **Standards of Conduct**

The Flintshire Standard and Part 2 of the Flintshire County Council's Members' Code of Conduct shall apply in relation to the standards of conduct of Pension Board members insofar as they can be reasonably considered to apply to the role of members of the Pension Board, including the non-disclosure of confidential information.

12)13) Administration

The ~~Chair of the Pension Board Pension Fund Manager~~ will agree an agenda with the ~~Board Secretary Chair of the Pension Board~~ prior to each Pension Board meeting. The agenda and any papers for the Pension Board will be issued at least 5 working days (where practicable) in advance of the meeting except in the case of matters of urgency. Draft minutes of each meeting including all actions, decisions and matters where the Board was unable to reach a decision ~~and agreements~~ will be recorded and circulated to all Board members within 10 working days after the meeting. These draft minutes will be subject to formal agreement by the Chair taking consideration of comments by Board members (which may be done electronically between meetings).

The minutes may, at the discretion of the Chair, be edited to exclude items on the grounds that they would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act and/or they represent data covered by the Data Protection Act 1998.

The Pension Board must comply with Flintshire County Council's data protection policy. It must also adhere to Flintshire County Council's requirement, controls and policies for Freedom of Information Act compliance.

13)14) Access to the Public and publication of Pension Board information

The Pension Board will not be a meeting of the Council open to the general public. The following will be entitled to attend Pension Board meetings in an observer capacity:

- Members of the Clwyd Pension Fund Committee
- the Chief Officer (People and Resources), the Section 151 Officer, the Pension Fund Manager and the Monitoring Officer
- other officers or advisers of Flintshire County Council or other employers involved with the management of the Pension Fund subject to approval in advance by the Chair, or on request by the Chair
- any other person requested to attend by the Chair
- any other person subject to approval in advance by the Chair.

Any such attendees will be permitted to speak at the discretion of the Chair.

In accordance with the Public Service Pensions Act, Flintshire County Council is required to publish information about the Pension Board including:

- who the Pension Board members are
- representation on the Board

- the role of the Pension Board.

In accordance with good practice, Flintshire County Council may publish other information relating to the Pension Board as considered appropriate from time to time and which may include:

- the agendas and minutes
- training and attendance logs
- an annual report on the work of the Pension Board.

All or some of this information may be published using the following means or other means as considered appropriate from time to time:

- on the Clwyd Pension Fund website,
- on the Flintshire County Council website,
- within the Clwyd Annual Report and Accounts,
- within the Fund's Governance Policy and Compliance Statement.

Information may be excluded on the grounds that it would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act and/or they represent data covered by the Data Protection Act 1998.

14)15) Accountability

The Pension Board will be collectively and individually accountable to Flintshire County Council.

15)16)- Review, Interpretation and Publication of Protocol

This Protocol has been agreed by Flintshire County Council. The Council will monitor and evaluate the operation of the Pension Board and may review this Protocol from time to time.

This Protocol will be incorporated into the Council's Constitution and will be publicly available as part of the Constitution as defined in the Council's Constitution and may be amended by the same means as permitted for the Constitution. It will also form part of the Clwyd Pension Fund's Governance Policy and Compliance Statement which will be made available in accordance with the requirements of the LGPS Regulations.

16)17) Definitions and Interpretation

Points of interpretation:

- All references to officers are to officers within Flintshire County Council unless otherwise stated.

The undernoted terms shall have the following meaning when used in this document:

<i>“Pension Board” or “Board”</i>	the local Pension Board for Flintshire County Council, administering authority for the Clwyd Pension Fund as required under the Public Service Pensions Act 2013
<u><i>“Pension Fund Committee”</i></u>	<u>The Clwyd Pension Fund Committee or any committee or sub-committee that may be established with delegated powers for the management and administration of the Fund on behalf of Flintshire County Council as Administering Authority.</u>
<i>“Fund” or “Pension Fund”</i>	Clwyd Pension Fund
<i>“the LGPS Regulations”</i>	The Local Government Pension Scheme Regulations 2013 (as amended)
<i>the Public Service Pensions Act</i>	The Public Service Pensions Act 2013 (as amended)
<i>“Scheme Manager”</i>	Flintshire County Council as administering authority of the Clwyd Pension Fund.
<i>“Chair”</i>	The appointed Chairperson of the Pension Board
<i>“LGPS”</i>	The Local Government Pension Scheme
<i>“Scheme”</i>	The Local Government Pension Scheme

FLINTSHIRE COUNTY COUNCIL

REPORT TO: FLINTSHIRE COUNTY COUNCIL

DATE: TUESDAY, 3 MARCH 2015

REPORT BY: CHIEF EXECUTIVE AND CHIEF OFFICER (PEOPLE & RESOURCES)

SUBJECT: PAY POLICY STATEMENT FOR 2015/16

1.00 PURPOSE OF REPORT

1.01 To seek approval on the Council's Pay Policy Statement, to be effective from 1 April 2015.

2.00 BACKGROUND

2.01 Under the Localism Act 2011, Councils in England and Wales are required to prepare and agree a Pay Policy Statement. The statement needs to set out the Council's existing policies on remuneration for its workforce, including Chief Officers, how the statement will be published and accessed, the Council's policies for the remuneration of its lowest paid employees and the relationship between remuneration for Chief Officers and other employees.

2.02 Pay Policy Statements must be produced and published on an annual basis in advance of the beginning of each financial year. The provisions of the Act do not apply to employees of Local Authority Schools and consequently, teaching employees will not be brought into the scope of the statement.

2.03 The provisions of the Act bring together the need for increasing accountability, transparency and fairness in the setting of local pay which will enable the tax payer to understand and access information on remuneration levels across all groups of Council employees.

3.00 CONSIDERATIONS

3.01 The attached Pay Policy Statement has been drafted in accordance with the requirements of 38 (1) of the Localism Act 2011 and incorporates all existing pay arrangements for the workforce groups within the Council including Chief Officers and the lowest paid employees. It is a statement of Council adopted policy on pay and is not a pay review.

- 3.02 The Council achieved a Single Status Agreement for NJC Green Book employees from 1st June 2014 resulting in a new equality proofed pay and grading structure and new terms and conditions of employment. Robust governance arrangements for maintaining the new pay and grading structure are in place, to ensure that there is no pay discrimination and that all pay differentials can be justified.
- 3.03 The Council implemented a new Additional Payments Policy, to include Honoraria payments and Market Supplements from 1st June 2014 to coincide with the implementation of the Single Status Agreement. This ensures that the Council is able to offer competitive rates to attract and retain talented people where there may be limited availability of particular skills or expertise available in the market place.
- 3.04 A pay award has been agreed at national level, by the National Joint Council (NJC) for Local Government employees, and has applied in two stages. The first stage of the pay award arrangement was a one-off non consolidated payment which was paid in December 2014 as follows:
- £325 - Spinal Points 6 & 7
 - £150 - Spinal Points 8, 9 & 10
 - £100 - Spinal Points 11 to 25
 - 0.45% of the 2015 salary – Spinal Points 26 to 49
- 3.05 The Council has locally agreed spinal points from 51 to 60. The non-consolidated payment was not paid to those on spinal points 51 to 60, i.e., those on grades L, M and N.
- 3.06 The second stage of the pay award was an increase on the Flintshire Single Status Pay Scales for NJC Green Book employees with effect from 1 January 2015 to 31 March 2016,. This increase was also agreed at national level for Local Authority Craft employees. The increases to the pay scales were as follows:
- 4.13% on spinal point 8
 - 2.55% on spinal point 9
 - 2.32% on spinal point 10
 - 2.20% on spinal points 11 to 60

The pay award is applied pro-rata and the figures provided are based on full time equivalent salary.

- 3.07 A new operating model and a single tier senior management structure were approved at County Council on 25 March 2014. As part of these arrangements, a new pay policy was agreed for Chief Officers. The Hay Group were commissioned by the Council to independently design and recommend an appropriate pay policy for Chief Officers to

ensure a fair and defensible outcome. The new operating model and senior management structure were implemented in June 2014 and resulted in full year efficiencies of approximately £0.5m.

- 3.08 A pay award has been agreed at national level by the Joint Negotiating Committee (JNC) for Chief Officers. An increase of 2% on pay scales will apply with effect from 1 January 2015 to 31 March 2016. This increase relates to Chief Officers who are paid up to £99.99k per annum.

4.00 RECOMMENDATIONS

- 4.01 That the County Council approves the attached Pay Policy Statement for 2015/2016.

5.00 FINANCIAL IMPLICATIONS

- 5.01 The cost of the pay award increases has been built into the budget for 2015/16.

6.00 ANTI POVERTY IMPACT

- 6.01 None arising directly from this report.

7.00 ENVIRONMENTAL IMPACT

- 7.01 None arising directly from this report or the attached Pay Policy Statement.

8.00 EQUALITIES IMPACT

- 8.01 None arising directly from this report or the attached Pay Policy Statement.

9.00 PERSONNEL IMPLICATIONS

- 9.01 None arising directly from this report or the attached Pay Policy Statement.

10.00 CONSULTATION REQUIRED

- 10.01 None as the attached document captures existing pay and reward arrangements only.

11.00 CONSULTATION UNDERTAKEN

- 11.01 Not applicable.

12.00 APPENDICES

12.01 Pay Policy Statement is attached as Appendix 1.

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS

Contact Officer: Helen Stappleton
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Pay Policy Statement 2015/16

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1. Introduction and Purpose

The Local Government Act 1972, (section 112) sets out the Council's 'power to appoint officers on such reasonable terms and conditions as the Authority thinks fit'. This Pay Policy Statement sets out the Council's pay policy in accordance with the requirements of 38 (1) of the Localism Act 2011, which requires English and Welsh local authorities to produce and publish a Pay Policy Statement for 2015/16 and for each financial year after that, detailing the:

- Council's policies towards the remuneration of Chief Officers;
- publication of and access to information on the remuneration of Chief Officers;
- Council's policies for the remuneration of its lowest paid employees;
- Relationship between the remuneration of its Chief Officers and other employees.

The Council is a large complex organisation with a multi-million pound budget. It has a very wide range of functions and provides and /or commissions a wide range of services. Whilst a consistent approach to remuneration will be adopted across the Council, there may be differences to reflect specific circumstances at a local, Welsh or UK national level.

This Pay Policy Statement has been updated following the implementation of both Single Status and the Leadership Structure.

2. Legislative Framework

The Council will comply with all relevant employment legislation including the Equality Act 2010, Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000, the Agency Workers Regulations 2010, the Working Time Regulations 1998, the National Minimum Wage Rates and, where relevant, the Transfer of Undertakings (Protection of Earnings) Regulations 2006. The Council will ensure through the Single Status Agreement that there is no pay discrimination within its pay structures and that all pay differentials can be objectively justified through the use of equality proofed Job Evaluation.

3. Scope of the Pay Policy Statement

The Localism Act 2011 requires authorities to develop and make public their pay policy on Chief Officer remuneration (including on ceasing to hold office), and their pay policy for the 'lowest paid', explaining the relationship between remuneration of chief officers and other workforce groups.

In the interests of transparency and accountability, the Council has chosen to produce a wider policy statement covering all employee groups (with the

exception of school staff appointed by a school governing body) including employees appointed under the terms and conditions agreed with:

- The National Joint Council for Local Government Services;
- The Joint Negotiating Committee for Local Authority Craft and Associated Employees;
- The Joint Negotiating Committee for Youth and Community Workers;
- JNC for Chief Officers;
- JNC for Chief Executives.

4. Background and Principles

The Council is committed to an open and transparent pay policy which will enable the tax payer to understand and assess information on remuneration levels across all groups of Council employees.

The statement is effective from 1 April 2015 and is subject to review on a minimum of an annual basis in accordance with the relevant legislation prevailing at that time.

In Flintshire County Council, the term 'Chief Officer' covers the Chief Executive, and Chief Officers. Throughout the document, the term Chief Officer refers to both job roles.

The Chief Officer, People and Resources will have the authority to review the policy within the one year period, to make any minor amendments required by legislation.

The following supporting information is available on the Council's website at www.flintshire.gov.uk:

- **Remuneration data**
 - All Employee pay scales
 - Individual remuneration details for senior employees (see footnote on page 8) whose remuneration is over £60,000 per annum and the number of employees whose remuneration exceeds £60,000 as required under the Accounts and Audit (Wales) (Amendment) Regulations 2010
- **Policy documents**
 - Additional Payments
 - Policy Statement on Redundancy and Severance Payments (including additional pension payments)
- **Development of a Pay and Reward Strategy**

The primary aim of a pay and reward strategy is to attract, retain and motivate suitably skilled employees so that the organisation can perform at its best.

The biggest challenge for the Council in the current circumstances is to maximise productivity and efficiency within current resources. Pay policy is a matter of striking a balance between setting remuneration levels to secure a sufficient supply of appropriately skilled individuals to fill the Council's wide range of posts, and ensuring that the burden on the public finances can be fully and objectively justified.

It needs to be recognised that at the more senior grades in particular, remuneration levels need to attract a suitably wide pool of talent and retain suitably skilled and qualified individuals once in post. It should be recognised that the Council will often be seeking to recruit in competition with other public and private sector employers.

The Council is a major employer in the County and the region. The availability of good quality employment on reasonable terms and conditions and fair rates of pay has a beneficial impact on the quality of life in the community as well as on the local economy. The Council should be a role model in setting a benchmark example on pay and conditions to other employers.

In designing, developing and reviewing pay and reward strategy the Council will seek to balance these factors to have a workforce which will help it meet its objectives for public services. This Pay Policy will be reviewed on an annual basis.

- **Pay Structure**

- **Job Evaluation**

Job evaluation is a systematic way of determining the value/worth of a job compared to other jobs within an organisation. It aims to make a systematic comparison between jobs to assess their relative worth in a rational pay structure ensuring pay equity. For all jobs that are not nationally prescribed, and are not Chief Officer posts, the Council uses the Greater London Provincial Committee (GLPC) Scheme.

Based on the application of the job evaluation process, the Council currently uses the nationally negotiated pay spine as the basis for its local grading structure. The Council has agreed Flintshire Single Status pay scales with effect from 1st June 2014. This determines the salaries of the large majority of the non-teaching workforce, together with the use of other nationally defined rates where relevant. The nationally agreed pay awards for NJC are applied to the Single Status pay scales. From December 2014 the nationally agreed pay award was applied in two stages.

A one-off non consolidated payment was paid in December 2014 as follows:

- £325 - Spinal Points 6 & 7
- £150 - Spinal Points 8, 9 & 10
- £100 - Spinal Points 11 to 25
- 0.45% of the 2015 salary – Spinal Points 26 to 49

The Authority has locally agreed spinal points from 51 to 60 the non-consolidated payment was not paid to those on spinal points 51 to 60, i.e., those on grades L, M and N.

With effect from 1 January 2015 to 31 March 2016 there is an increase on the Flintshire Single Status Pay Scales as follows:

- 4.13% on spinal point 8
- 2.55% on spinal point 9
- 2.32% on spinal point 10
- 2.20% on spinal points 11 to 60

The pay award is applied pro-rata and the figures provided are based on full time equivalent salary.

Currently, incremental rises within grades are applied automatically on an annual basis until the top of the grade is reached. The Council is working towards implementing a performance related pay arrangement for all employees. The County Council will be asked to consider and review a proposal during 2015.

○ **Chief Officer Job Evaluation**

For Chief Officers, the Council uses the Hay Scheme for job evaluation purposes. The Council undertook reviews of all Chief Officers roles and associated pay arrangements in 2014.

All other pay related allowances are the subject of either nationally or locally negotiated rates, having been determined from time to time in accordance with collective bargaining machinery and/or as determined by Council Policy.

A national pay award has been agreed for Chief Officers who are paid up to £99.99k per annum, at 2% on each spinal column point, with effect from 1 January 2015 to 31 March 2016. This is the first pay award that has been agreed for Chief Officers for the last five years.

○ **Honoraria**

There may be occasions when an employee is asked to carry out additional duties to those of their substantive post for a period of time. In such circumstances an additional payment may be made in line with the Council's Additional Payments Policy.

5. Responsibility for Decisions on Remuneration

Where there are significant changes to remuneration arrangements which are locally set, such proposed changes will be agreed by full County Council.

6. Remuneration of Chief Officers

For the purposes of this statement, senior management means 'Chief Officers' as defined within S43 of the Localism Act. The posts falling within the statutory definition are set out below, with details of their basic salary with effect from 1st July 2014.

A new single grade and pay range for the new Chief Officer group has been introduced. All roles in the structure are positioned in the same single incremental range, given that all roles are broadly the same size. Placing the new Chief Officer roles on the same grade also removes any hierarchy at senior management level and reflects the single, collective tier.

All roles have access to the same four increments. The pay range (£80,580 - £90,780) has a clear rationale, building on the options developed with the independent advice from Hay Group and being mindful of both affordability and the relativity to management roles in the grades below. The range overlaps with the increments which existed for the former Heads of Service but falls below the former Director pay. It also represents a consistent policy of paying between the lower quartile and the median.

Progression through the range is based on performance. The approach is affordable and fair, and will help the Council meet its financial targets for the senior management restructure.

These pay and grading structures, and the associated arrangements, were approved by full County Council prior to implementation. The salary rates for each Chief Officer post are as follows:

- **Chief Executive**

The salary falls within a range of 1 – 4 incremental points between £120,737 rising to a maximum of £131,233. (This salary range was set by the Council in 2007 with external advice and has not been reviewed since that time).

- **Chief Officers**

The salary falls within a range of 1 – 4 incremental points between £80,580 rising to a maximum of £90,780.

Additions to Remuneration for Chief Officers

In addition to basic salary, the details below define 'additional pay' which is chargeable to UK Income Tax and does not solely constitute reimbursement of expenses incurred in the fulfillment of duties:

- The Returning Officer for the County Council is the Chief Executive. Returning Officer duties are not part of the Chief Executive's substantive role. Fees for these duties are paid separately and are determined by the full Council for Council elections and by legislation for the Police and Crime Commission, the National

Assembly for Wales, the General Parliamentary and European elections.

- Lump Sum for Essential Car User – see Appendix 1 (the eligibility criteria for Essential Car User lump sum has changed, is now more stringent and robustly applied as a result of the implementation of Single Status Agreement).

Severance Payments for Chief Officers and all Employees

The Council's approach to discretionary payments on termination of employment of Chief Officers and all employees, prior to reaching normal retirement age, is set out within its policy statement in accordance with Regulations 5 and 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006 Regulation 12 of the Local Government Pension Scheme (Benefits, Membership and Contribution) Regulations 2007.

The provisions available to employees exiting the organisation on grounds of redundancy have reduced and are now more affordable for the Council.

Any other payments falling outside the provisions or the relevant periods of contractual notice for Chief Officers shall be subject to a formal decision made by a committee or panel of elected members with delegated authority to approve such payments.

7. National Negotiating Bodies and Pay Awards

All Welsh Councils continue to comply with all nationally negotiated pay awards that are agreed at a UK level. This means that any pay awards negotiated at national level through the National Joint Council for Local Government employees and the Joint Negotiating Committees for Craft Workers, Youth and Community Officers and Chief Officers will automatically be applied.

8. Recruitment of Chief Officers

The Council's policy and procedures with regard to recruitment of Chief Officers is set out within Article 15, 15.01 sub section (b) of the Constitution. When recruiting to all posts the Council will take full and proper account of equality in accordance with our Diversity and Equality Policy and Recruitment procedures. Determination of the remuneration to be offered to any newly appointed Chief Officer will be in accordance with the pay structure and relevant policies in place at the time of recruitment.

New appointments will normally be made at the minimum of the relevant grade, although this can be varied where necessary to secure the best candidate.

Where the Council remains unable to recruit Chief Officers under a contract of service, or there is a need for interim support to provide cover for a vacant substantive Chief Officer post, the Council will, where necessary, consider engaging individuals under 'Contracts for Service'. These will be sourced through a competitive procurement process. The Council does not currently have any Chief Officers engaged under such arrangements.

9. Publication of Pay Policy Statement

Upon approval by the full Council, this statement will be published on the Council's Website at www.flintshire.gov.uk and the Council's Internal Infonet site. In addition, for senior employees¹ where the full time equivalent salary is at least £60,000, the Council's Annual Statement of Accounts sets out the amount of:

- pensionable pay;
- any expense allowance;
- total remuneration excluding pension contributions;
- employer's pension contributions;
- total remuneration including pension contributions.

10. Remuneration of the Lowest Paid Employees

The lowest paid persons employed under a contract of employment with the Council are employed on full time (37 hours) equivalent salaries in accordance with the minimum spinal column point currently in use within the Council's grading structure. As at 1st April 2015, this is £13,871 per annum. The 2nd Increment in Grade B (SCP 13, £15,523 per annum) achieves a Living Wage. The Council employs Apprentices who are not included within the definition of 'lowest paid employees' as they are employed under a separate 'apprenticeship' / learning fixed term contract and paid at the current national minimum wage.

11. Pay Relativities within the Council

This Pay Policy Statement includes the ratio (multiple) of pay between the Council's top earner, who is the Chief Executive, and the median earner. The multiple between the median full time equivalent earnings and the Chief Executive is **1:4.39**

¹ For the purpose of the Council's Annual Statement of Accounts Senior Employees are defined as the Chief Executive and Chief Officers).

For this calculation pay includes all taxable earnings for the given year including base salary, variable pay, bonuses, allowances, and the cash value of any benefits in kind.

This multiple will be monitored each year within the Pay Policy Statement

As part of its overall and ongoing monitoring of alignment with external pay markets, both within and outside the sector, the Council will use available benchmark information as appropriate.

12. Other

Lease Cars

The Council currently operates a lease car scheme although this is now restricted to existing users of the scheme having the option to renew their leases. No new lease car arrangements have been entered into over the last few years as the Council is intentionally scaling down the scheme. A review of the feasibility of continuing with such a scheme will be undertaken in 2015.

Appendix 1

Salary Scales

Chief Executive Pay Scale

Scale	SCP	Salary 01/04/2015 and continuing
CEO Point 01	1	£120,737.00
CEO Point 02	2	£124,234.00
CEO Point 03	3	£127,734.00
CEO Point 04	4	£131,233.00

Grade	SCP	Salary range 01/01/2015 and continuing
Chief Officer	1	£80,580

Chief Officer	2	£83,640
Chief Officer	3	£86,700
Chief Officer	4	£90,780

Young People's/Community Service Managers Spine (Youth and Community Officers)

Scale	SCP	Salary 01/09/2013 and continuing
Y&C Officers Point 01	1	£33,891.00
Y&C Officers Point 02	2	£35,000.00
Y&C Officers Point 03	3	£36,109.00
Y&C Officers Point 04	4	£37,240.00
Y&C Officers Point 05	5	£38,389.00
Y&C Officers Point 06	6	£39,511.00
Y&C Officers Point 07	7	£40,659.00
Y&C Officers Point 08	8	£41,962.00
Y&C Officers Point 09	9	£42,681.00
Y&C Officers Point 10	10	£43,791.00
Y&C Officers Point 11	11	£44,895.00
Y&C Officers Point 12	12	£46,001.00
Y&C Officers Point 13	13	£47,099.00
Y&C Officers Point 14	14	£48,208.00
Y&C Officers Point 15	15	£49,319.00
Y&C Officers Point 16	16	£50,432.00
Y&C Officers Point 17	17	£51,552.00

Youth Workers

Scale	SCP	Salary 01/09/2013 and continuing
Point 01	1	£14,283.00
Point 02	2	£14,880.00
Point 03	3	£15,477.00
Point 04	4	£16,077.00
Point 05	5	£16,674.00
Point 06	6	£17,271.00
Point 07	7	£17,874.00
Point 08	8	£18,474.00
Point 09	9	£19,236.00
Point 10	10	£19,833.00
Point 11	11	£20,796.00
Point 12	12	£21,741.00
Point 13	13	£22,713.00

Point 14	14	£23,721.00
Point 15	15	£24,408.00
Point 16	16	£25,125.00
Point 17	17	£25,830.00
Point 18	18	£26,541.00
Point 19	19	£27,246.00
Point 20	20	£27,951.00
Point 21	21	£28,746.00
Point 22	22	£29,646.00
Point 23	23	£30,522.00
Point 24	24	£31,401.00
Point 25	25	£32,289.00
Point 26	26	£33,174.00
Point 27	27	£34,062.00
Point 28	28	£34,959.00
Point 29	29	£35,850.00
Point 30	30	£36,741.00

JNC for Craft Pay Scales	Annual Salary
Grade	
Building Labourer	£13,841
Heating and Ventilation Mate	£14,802
Building Craft Operative	£14,927
Plumber	£15,981
Engineer & Electrician	£16,496
Band 1 - Electrician	£22,108.21
Band 1 - Joiners & Builders	£19,809.82
Band 1 - Labourer	£18,058.69
Band 1 - Plumber	£21,013.75
Band 2 - Diag/Electrician	£24,078.26
Band 2 - Joiners & Builders	£21,889.32
Band 2 - Joiners & Builders + 7%	£23,421.44
Band 2 - Labourer	£20,247.63

Band 2 - Plumber	£22,983.79
Band 2 - Plumber (Gas Qual)	£24,078.26
Band 3 - Diag/Electrician	£25,719.95
Band 3 - Joiners & Builders	£23,312.14
Band 3 - Plumber	£24,625.49
Band 3 - Plumber (Gas Qual)	£25,719.95
Trades Supervisor	£27,690.00

Single Status Pay Scales

Grade	SC P	Salary 1 January 2015
A	08	£13,871
	09	£14,075
	10	£14,338
	11	£14,751
B	12	£15,207
	13	£15,523
	14	£15,941
C	14	£15,941
	15	£16,572
	16	£16,969
D	16	£16,969
	17	£17,372
	18	£17,930
	19	£18,487
E	19	£18,487
	20	£19,048
	21	£19,742
	22	£20,253
F	23	£20,849
	24	£21,530
	25	£22,212
	26	£22,937
	27	£23,698
G	30	£26,198
	31	£27,123
	32	£27,924
	33	£28,746
H	34	£29,558
	35	£30,178
	36	£30,978
	37	£31,846
I	39	£33,857
	40	£34,746
	41	£35,570

J	42	£36,571
	43	£37,483
	44	£38,405
K	45	£39,267
	46	£40,217
	47	£41,140
	48	£42,053
L	51	£44,998
	52	£46,193
	53	£47,419
M	53	£47,419
	54	£48,680
	55	£49,971
N	56	£51,296
	57	£52,659
	58	£54,056
	59	£55,489
M	53	£47,419
	54	£48,680
	55	£49,971
N	56	£51,296
	57	£52,659
	58	£54,056
	59	£55,489

Occupational Health Nurses Pay Scales

Grade	From 01/04/2015 and continuing
Point 16	£21,388
Point 17	£22,016
Point 18	£22,903
Point 19	£23,825
Point 20	£24,799
Point 21	£25,783
Point 22	£26,822
Point 23	£27,901
Point 24	£28,755
Point 25	£29,759
Point 26	£30,764
Point 27	£31,768
Point 28	£32,898
Point 29	£34,530
Point 30	£35,536

Point 31	£36,666
Point 32	£37,921
Point 33	£39,239
Point 34	£40,558
Point 35	£42,190
Point 36	£43,822
Point 37	£45,707
Point 38	£47,088

NJC Pay Scales		
Grade	SCP	From 01/01/2015 and continuing
Scale 1	05 ²	£13,500
Scale 1	06	£13,614
*Scale 1	07	£13,715
Scale 1	08	£13,871
*Scale 1	09	£14,075
Scale 1	10	£14,338
Scale 1/Scale 2	11	£15,207
Scale 2	12	£15,523
Scale 2 / Scale 2a	13	£15,941
Scale 2a / Scale 3	14	£16,231
Scale 2a / Scale 3	15	£16,572
Scale 3	16	£16,969
Scale 3	17	£17,372
Scale 4	18	£17,714
Scale 4	19	£18,376
Scale 4	20	£19,048
Scale 4	21	£19,742
Scale 5	22	£20,253
Scale 5	23	£20,849
Scale 5	24	£21,530
Scale 5	25	£22,212
Scale 6	26	£22,937
Scale 6	27	£23,698
Scale 6	28	£24,472
SO1	29	£25,440
SO1	30	£26,293
SO1	31	£27,123
SO2	32	£27,924
SO2	33	£28,746
SO2 / M1	34	£29,558
M1	35	£30,178
M1 / M2	36	£30,978

² Point 05 is deleted from 1 October 2015.

M1 / M2	37	£31,846
M2	38	£32,778
M2 / M3	39	£33,857
M3	40	£34,746
M3	41	£35,662
M3 / M4	42	£36,571
M4	43	£37,483
M4	44	£38,405
M4 / M5	45	£39,267
M5	46	£40,217
M5	47	£41,140
M5 / M6	48	£42,053
M6	49	£42,957
M6	50	£43,889
M6	51	£44,813
SM1	52	£46,137
SM1	53	£47,471
SM1	54	£48,798
SM1	55	£50,129
SM2	56	£51,466
SM2	57	£52,799
SM2	58	£54,126
SM2	59	£55,464
SM3	60	£56,784
SM3	61	£58,120
SM3	62	£59,458
SM3	63	£60,781

Essential Car User Allowance from 1 April 2010

			<u>451 - 999cc</u>	<u>1000 - 1199cc</u>	<u>1200 - 1450cc</u>
Essential Users					
Lump	sum	per	£846	£963	£1,239
		annu			
		m			

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **FLINTSHIRE COUNTY COUNCIL**
DATE: **TUESDAY, 3 MARCH 2015**
REPORT BY: **CHIEF OFFICER (GOVERNANCE)**
SUBJECT: **OFFICERS' CODE OF CONDUCT**

1.00 PURPOSE OF REPORT

- 1.01 To consider a recommendation from the Constitution Committee to adopt a revised Officers' Code of Conduct.

2.00 BACKGROUND

- 2.01 At its meeting on the 24th July 2012 the Constitution Committee considered a report recommending a programmed review of the Constitution over a three year period and resolved to endorse that programmed review. The third year of that programme includes reviewing the Officers' Code of Conduct.
- 2.02 In reviewing the existing Officers' Code there has been consultation with the Human Resources team and with Trade Union representatives, including a report to the Flintshire Joint Trade Union Committee meeting of the 29th May 2014. The draft revised Code was also considered at a meeting of the Standards Committee on the 7th July 2014. It was then considered at a meeting of the Constitution Committee on the 7th July 2014 and given further consideration at the Committee's meeting of the 28th January 2015. A copy of the revised Code as approved by the Constitution Committee is attached as Appendix 1 showing tracked changes from the current wording.

3.00 CONSIDERATIONS

- 3.01 In undertaking the review of the Constitution the guiding principles have been to update to reflect current arrangements, avoid unnecessary bureaucracy and avoid ambiguity of wording, which Human Resources team identified the last of these as currently being an issue with the existing Code.
- 3.02 Parts of the Officers' Code, as statutory provisions, are automatically incorporated into individual contracts of employment and these are shown in bold in Appendix 1. With the exception of Paragraph 3 the statutory provisions remain unchanged. Paragraph 3 has been updated to reflect the change in legislation whereby salary is no longer a category of political restricted posts.

3.03 The statutory parts of the Officers' Code include the following provisions:-

- A prohibition on the use of Council property for personal use unless authorised to do so
- Preventing the misuse of a Officers' position to further private interests
- Prohibiting the acceptance of any benefits from third parties unless authorised to do so
- Declaring personal interests

There are also statutory provisions that apply to Council Officers in addition to provisions in the Officers' Code. Section 117 of the Local Government Act 1972 requires the disclosure of Contracts in which an Officer has a pecuniary interest. It also forbids an Officer accepting any fee or reward other than their remuneration. Breach of either provision is a criminal offence.

3.04 The main changes to the Officers' Code relate to personal interests, gifts and hospitality and employees outside work (Section 8 to 10 in Appendix 1). These replace paragraphs in Section 8 of the existing Code that were less clear as to the requirements placed on employees.

3.05 The draft revised Code also includes a new section on the disclosure of information (Section 11). Whilst the Constitution contains access to information procedure rules explaining the legislation relating to information rights these requirements had not previously been expressly covered in the Officers' Code. In view of the importance and volume of information dealt with by Officers in the course of their work this is regarded as a significant omission from the current Code. The proposed changes to the Officers' Code have been welcomed by the Trade Unions.

3.06 The reason the view of the Officers' Code was considered twice by the Constitution Committee is as a result of that Committee at its 9th of July meeting deciding that it wished to retain the two paragraphs in the current Code concerning a requirement on employees to disclosure membership of Freemasonry (paragraphs 8.8 and 8.9 in Appendix 1). Following that decision enquiries were made of other welsh authorities to ascertain their practice in relation to Declarations of Membership of such bodies as Freemasonry. The response was mixed with some having similar provisions but others having received advice that such provisions were contrary to the Human Rights legislation and unlawful.

3.07 Following discussion with the Chief Executive consultation was undertaken with politically restricted post holders to obtain their views on the Council introducing a voluntary register to disclose membership

of organisations. The reasons for considering such a voluntary register being threefold. Firstly, that the Chief Executive and Councillors should expect from its senior officers the highest level of conduct in being open and transparent. Secondly, to protect senior officers from suspicion that decisions they make or advice they give Members are influenced by membership of any club, society or organisation. Thirdly, a mandatory register limited to freemasonry would be both narrower than the voluntary register and unenforceable. The consultation revealed no concern about introducing such a voluntary register.

3.08 In order to clarify the legal position, advice was sought from Counsel on both maintaining the current provisions in the officers' code and on introducing a voluntary register. In his advice Counsel drew attention to a decision of the European Court of Human Rights which held that an obligation to declare membership of the Freemasons was an unlawful interference with the right of freedom of association given by Article 11 of the European Convention on Human Rights. His opinion concluded that a compulsory register of membership of such organisations would be unlawful. He was also of the opinion that asking officers to make voluntary registrations would be susceptible to challenge as being in effect a disguised requirement, although the risk of challenge to a voluntary register was much smaller.

3.09 The Monitoring and Deputy Monitoring Officers support the wishes of the Committee but consider that in the light of decided cases and Counsel's advice it would be unlawful to implement the committee's previous decision to retain clauses 8.11 and 8.12 of the Officers' Code, and due to their unlawful nature the requirements themselves would be unenforceable.

It is however important that the Council's Senior Officers (Chief Officers, those Managers reporting directly to them and officers with delegated powers) voluntarily disclose their membership not just of closed societies but of any societies and clubs in the interests of transparency in relation to the advice given to Members or decisions taken under delegated powers. The Chief Executive is very clear that he expects this and actively encourages such transparency in his role as Head of Paid Service.

3.10 The following further suggestions were made to the Constitution Committee at its January meeting to reduce the risk of legal challenge:-

- (i) The requirements would apply to only senior officers where the need for transparency is greatest;
- (ii) The obligation would be voluntary;
- (iii) The obligations would relate to all clubs and societies and would not "single out" any one organisation:

- 3.11 Following debate the Constitution Committee decided that the existing clauses relating to Freemasonry should be retained in the revised Code and these appear as 8.8 and 8.9 in Appendix 1. The Monitoring and Deputy Monitoring Officers remain of the view that to adopt as mandatory a provision that can not lawfully be enforced would undermine the aims which members are seeking to achieve. It is therefore recommended that there is a voluntary register for Senior Officers to register their membership of all clubs, societies and organisations so that the full range of potential interests is disclosed. The need for such a provision is already accepted and the Chief Executive as Head of Paid Service will continue to encourage compliance.

4.00 RECOMMENDATIONS

- 4.01 That Council notes that the Chief Executive Office, as Head of Paid Service, expects and encourages all senior officers to make full disclosure in line with the intention of the Committee as one of his expectations of them in the interests of the highest standards of conduct in office
- 4.02 That Council endorses the revised Officers' Code of Conduct in Appendix 1 with the exception of the mandatory register contained within Clauses 8.11 and 8.12, which would not be enforceable.
- 4.03 That a voluntary register be introduced for Chief Officers, those Managers reporting to them and Officers having delegated powers to register their membership of all Clubs, societies and organisations.

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 Equalities have been considered in reviewing the code.

9.00 PERSONNEL IMPLICATIONS

- 9.01 The proposed revisions to the code will not increase officer workload.

10.00 CONSULTATION REQUIRED

10.01 With the Chief Executive, HR & OD department and recognised Trade Unions.

11.00 CONSULTATION UNDERTAKEN

11.01 With the Chief Executive, HR & OD department and recognised Trade Unions.

12.00 APPENDICES

Appendix 1 – Officers’ Code of Conduct.

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

None

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APPENDIX 1

Officers' Code of Conduct

The words in italics comprise the statutory Officers' Code of Conduct which is ~~already automatically~~ incorporated into Officers' 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. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service.~~

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 ~~Director-Chief Officer~~ shall notify the Head of Legal & Democratic Services of the occurrence.
- 2.2 ~~All employees are required to familiarise themselves with and comply~~

~~with the Council's Financial Procedure Rules. Each Director shall be required to bring the Council's Financial Regulations to the attention of all employees within their directorate.~~ Any employee who fails to observe Financial Procedure Rules Regulations may be subject to disciplinary action.

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

2.11 *The Bribery Act 2010*

The Bribery Act 2010 creates criminal offences for any individual who either offers or receives a financial or other advantage intending the advantage to be rewarded by the improper performance of a function or activity. The Act also creates an offence of directly or indirectly offering, promising or giving a bribe to a foreign public official so as to influence the actions of the foreign public official. Any individual found guilty of any of these offences is liable to imprisonment for up to a maximum period of 10 years.

- 2.12 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, Tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Any offer of sponsorship should only be accepted if the appropriate ~~Chief Officer~~Director 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~~Director 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, or the salary they are paid~~), they must comply with any statutory restrictions on their political activities.***
- 3.1 Employees serve the Authority as a whole. It follows they must serve all Councillors and not just those of the controlling group, and must ensure that the individual rights of all Councillors are respected.
- 3.2 Subject to the Authority's conventions, employees may be required to advise political groups. They must do so in ways which do not compromise their political neutrality.
- 3.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Authority and must not allow their own

personal or political opinions to interfere with their work.

- 3.4 Political assistants appointed on fixed term contracts in accordance with the local Government and Housing Act 1989 are exempt from the standards set in paragraphs 3.1 to 3.3.
- 3.5 The Local Government and Housing Act 1989, Pt 1 contains provisions to stop 'twin-tracking' (where a senior local Authority employee is also an elected Member of another local Authority) and to restrict the political activity of senior employees. Local Authority employees holding politically restricted posts are disqualified from membership of any local Authority, other than a parish or community Council (s1(1)), from being an MP, AM or MEP and are subject to prescribed restrictions on their political activity (s1(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:- Officers (Political Restriction) Regulations 1990 and the Local Government (Politically Restricted Posts) (No2) Regulations 1990 cover the posts which are politically restricted. These are:
- (a) specified in the legislation posts, such as the Head of Paid Service, Chief Officers and their Deputies.
~~and the Monitoring Officer. Chief Officers and their deputies are restricted without exemption or appeal;~~
 - (b) those posts which have delegated powers to make decisions on behalf of the Council, all posts which reach or exceed a prescribed remuneration ceiling (equivalent to Spinal Column Point 44). These posts are automatically included on a list which employing authorities are under a duty to prepare unless exemption for individuals is granted;
 - (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, all posts which meet the duties related criteria for determining a 'sensitive' post, irrespective of remuneration level, unless the post holder appeals successfully against determination. These posts are defined as those which (i) give advice on a regular basis to the employing Authority, to any Committee or Sub-Committee or another joint Committee on which the Authority is represented (but excluding purely factual information) or (ii) 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 Manager's Directorate.

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 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 Contractors

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

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

Equality

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

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

Stewardship

7. ***Qualifying employees of relevant authorities must ensure that they use public funds entrusted to them in a responsible and lawful manner, and must not utilise property, vehicles or other facilities of the Authority for personal use unless authorised to do so.***
- 7.1 All employees ~~are required to familiarise themselves with the should be aware of the existence of the~~ Council's Financial Procedure Rules Regulations and Contract Procedure Rules, ~~Financial Standing Orders and Standing Orders Relating to Contracts~~ and know where they can inspect a copy of them. Any doubt concerning Financial Procedure Rules Regulations and Contract Procedure Rules Standing Orders should be raised with your immediate manager and, if the doubt continues, with the ~~Director of Finance Department Financial, Legal and Democratic Services~~.
- 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 ~~Some employees have conditions of service which require them to obtain written consent to take any outside employment. All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the Authority's interests. 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 ~~It is stressed to employees of all grades that they should not undertake outside work if their official duties overlap in some way with their proposed work, if it causes a conflict of interest, or if it makes use of material to which the employee has access by virtue of his or her position (for example, an architect or planner who draws up plans within the Authority for an applicant for planning consent). It is irrelevant whether or not the work is paid.~~
Employees have a personal interest whenever a reasonable person would perceive a conflict between the employee's private interests and the work the employee does for the authority.
- 8.3 ~~Employees' off duty hours are their personal concern but they should not subordinate their duty to their private interests or put themselves in a position where their duty and their private interests conflict. 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 ~~Any additional employment undertaken by employees must not conflict with or react detrimentally to the Authority's interests, or in any way weaken public confidence in the conduct of the Authority's business. Employees above Scale 6 shall devote their whole-time service to the work of the Council and shall not engage in any other business or take up any other additional appointment without the express consent of the Council.~~
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 No outside work of any sort will be undertaken on Council premises, and use of facilities, e.g. telephones, or access to typists is forbidden. Employees are also instructed that correspondence and incoming telephone calls related to outside work are not allowed.~~

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 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.

8.7 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.

~~8.8 Employees must declare to their manager any non-financial interests that they consider could bring about conflict with the Authority's interests.~~

~~8.9 Employees must declare to their manager any financial interests which could conflict with the Authority's interests.~~

~~7~~

~~8.10 Managers must in turn report any such declared interests to their manager.~~

~~8.118~~ Employees must declare to the Head of Legal & Democratic Services Chief Officer, Governance membership of Freemasonry or of

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any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

8.429 The Authority will maintain a register of written declarations by employees who are members of Freemasonry or any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about the rules or membership or conduct. Such a register will be maintained by the ~~Head of Legal & Democratic Services~~ Chief Officer, Governance, the register being disclosed to the extent ~~the Head of Legal & Democratic Services~~ Chief Officer, Governance believes it to be in the interests of the Council.

~~8.13 All employees must disclose any personal interests that they feel conflicts with the Authority's interests (e.g. acting as a school governor within schools maintained by the Authority, involvement with an organisation receiving grant aid from the Authority, membership of a National Health Service Trust Board, involvement with an organisation or pressure group which may seek to influence their Authority's policies.)~~

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 civic office as a donation to the Chair's charity. All offers of gifts should be recorded in the register maintained by the Chief Officers.

9.3 Offers of hospitality can only be accepted when authorised by Chief Officers or where covered by paragraph 9.4 below.

9.4 Unless specifically authorised by the Chief Officer hospitality can only be accepted when an employee is attending conferences or courses, launch events, award ceremonies and other events/functions organised by Council, partners or other public bodies at which the Council needs to be represented where it is clear the hospitality is being offered indiscriminately and the value of any such hospitality does not exceed £10.

9.5 When gifts or hospitality are declined those making the offer should be courteous but firmly informed of the procedures and standards operating within the authority that require it to be declined.

9.6 It is the employee's responsibility to ensure that offers of gifts and hospitality are recorded in the appropriate departmental register.

Section 10 – Employees' Outside Work

10.1 All employees have conditions of service which require them to obtain written consent before they take on any outside employment.

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 were to act 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 concerned.

~~8.14 Acceptance of hospitality must be authorised and recorded by your Director.~~

~~8.15 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Authority.~~

~~8.16 Employees must not accept significant personal gifts from Contractors and outside suppliers, but are permitted to keep insignificant items of token value such as pens, diaries, etc.~~

~~8.17 When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Authority may be taking affecting those providing the hospitality.~~

~~8.18 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Authority gives consent in advance and where the Authority is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, employees should ensure that the Authority meets the~~

~~cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.~~

~~8.19 Each Director must record all offers of hospitality together with the decision as to whether they can be accepted or refused. Employees must ensure that offers of hospitality are recorded in the Hospitality Register maintained by their Director.~~

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 Democracy & 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 information where this is not permitted under the Data Protection Act 1998. If in doubt seek advice from your Manager and explain to the person requesting the information the importance of complying with the Data Protection Act. If the Manager is uncertain, advice is available from the appropriate member of the Council's Data Protection Team.

11.5 These rules apply not only to the press and public but also to requests from Councillors and from partner agencies or external bodies.

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 Data Protection Act.

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

129. 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

134. 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.

134.1 Employees involved in appointments must ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees must not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.

13.2 Similarly, employees must not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner or close personal friend.

13.3 All candidates for any appointment under Flintshire County Council shall, when making an application, disclose in writing to the Authority whether to their knowledge they are related to any Member of the Authority or to a holder of any senior office under the Authority. Deliberate omission to make such a disclosure will disqualify the candidate and, if the omission is discovered after appointment, he/she shall be liable to dismissal. Every ~~Member and~~ 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. ~~It shall be the duty of~~ the Chief Executive's office will ~~to~~ 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 qualifying employee must comply with any requirement made by that Monitoring Officer in connection with such an investigation.

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