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Gareth Owens LL.B Barrister/Bargyfreithiwr
Chief Officer (Governance)
Prif Swyddog (Llywodraethu)



To: ALL MEMBERS OF THE COUNCIL

CS/NG

8 April 2015

Maureen Potter on 01352 702322
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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, 14TH APRIL, 2015** at **2.00 PM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

AGENDA

1 PRESENTATION

Charlie Greenall, Argoed High School pupil – recognition for reaching the national final of the British Council and HSBC Mandarin Chinese speaking competition.

2 APOLOGIES FOR ABSENCE

3 COUNCIL MINUTES (Pages 5 - 24)

To confirm as a correct record the minutes of the previous meetings held on 17 February 2015 and 3 March 2015.

4 DECLARATIONS OF INTEREST

To receive any declarations of interests from Members.

5 **CHAIR'S COMMUNICATIONS**

6 **PETITIONS**

7 **PUBLIC QUESTION TIME**

8 **QUESTIONS**

To note the answers to any questions submitted in accordance with County Council Standing Order No. 9.4(A).

9 **QUESTIONS FROM MEMBERS ON COMMITTEE MINUTES**

The Minute Book, Edition 5, has been circulated to Members. Members are now entitled to ask questions on these minutes, subject to certain limitations, and answers will be provided at the meeting. Members are requested to bring to the meeting their copy of the Minute Book. Any questions must have been received by the Democracy and Governance Manager prior to the close of business on 8 April 2015.

10 **NOTICE OF MOTION**

Councillor Chris Dolphin

"That this Council supports and promotes the Flintshire Flag. Our County flag has now been approved by the Flag Institute. A formal approval of County Council support will enhance the flag's reputation".

Response

The design features four choughs in each quarter of a black engrailed flory cross on a white background. This derives from the ancient arms of Edwin ap Gronwy, the 11th Century Lord or King of Tegeingl, whose kingdom later formed the core of the county of Flintshire.

The arms became used over time as the emblem of the county, including being adopted as a seal by the original Flintshire County Council and subsequently utilised as an emblem by many Flintshire-representative societies.

Support for the registration of the flag came from a wide range of Flintshire based Societies together with support from the local Members of Parliament and other leading local politicians. There would be no cost implications to the Council if the motion is carried.

11 **ANNUAL IMPROVEMENT REPORT AND THE CORPORATE ASSESSMENT REPORT OF THE AUDITOR GENERAL FOR WALES FOR FLINTSHIRE** (Pages 25 - 36)

Report of Chief Executive

- 12 **WELSH GOVERNMENT WHITE PAPER: DEVOLUTION, DEMOCRACY AND DELIVERY – REFORMING LOCAL GOVERNMENT: POWER TO THE PEOPLE** (Pages 37 - 98)
Report of Chief Executive
- 13 **COMMUNITY REVIEW - FLINT MOUNTAIN** (Pages 99 - 116)
Report of Chief Officer (Governance)
- 14 **OFFICERS' CODE OF CONDUCT** (Pages 117 - 138)
Report of Chief Officer (Governance)
- 15 **REVIEW OF POLITICAL BALANCE** (Pages 139 - 146)
Report of Chief Officer (Governance)
- 16 **APPOINTMENTS TO AREAS OF OUTSTANDING NATURAL BEAUTY PARTNERSHIP** (Pages 147 - 152)
Report of Chief Officer (Governance)

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FLINTSHIRE COUNTY COUNCIL
17 FEBRUARY 2015

Minutes of the Meeting of Flintshire County Council held in the Council Chamber, County Hall, Mold on Tuesday, 17 February 2015

PRESENT: Councillor Glenys Diskin (Chair)

Councillors: Alex Aldridge, Bernie Attridge, Glyn Banks, Haydn Bateman, Marion Bateman, Chris Bithell, Amanda Bragg, Derek Butler, Clive Carver, David Cox, Paul Cunningham, Peter Curtis, Ron Davies, Adele Davies-Cooke, Alan Diskin, Rosetta Dolphin, Ian Dunbar, David Evans, Jim Falshaw, Veronica Gay, Alison Halford, Ron Hampson, George Hardcastle, Cindy Hinds, Ray Hughes, Dennis Hutchinson, Hilary Isherwood, Rita Johnson, Christine Jones, Kevin Jones, Phil Lightfoot, Richard Lloyd, Mike Lowe, Dave Mackie, Nancy Matthews, Hilary McGuill, Tim Newhouse, Mike Peers, Vicky Perfect, Neville Phillips, Mike Reece, Gareth Roberts, Ian Roberts, David Roney, Tony Sharps, Aaron Shotton, Paul Shotton, Ian Smith, Nigel Steele-Mortimer, Carolyn Thomas, Owen Thomas, Sharon Williams, David Wisinger, Arnold Woolley and Matt Wright

APOLOGIES:

Councillors: Helen Brown, Chris Dolphin, Andy Dunbobbin, Brian Dunn, Carol Ellis, Robin Guest, Joe Johnson, Richard Jones, Colin Legg, Brian Lloyd, Ann Minshull, Billy Mullin and David Williams

IN ATTENDANCE:

Chief Executive, Chief Officer (Governance), Chief Officer (Organisational Change), Chief Officer (Community and Environment), Chief Officer (Social Services), Chief Officer (Streetscene and Transportation), Corporate Finance Manager, Finance Managers, Member Engagement Manager, Housing Asset Manager, Interim Public Protection Manager, Revenues Manager and Committee Officers

87. MINUTES

The minutes of the meeting held on 27 January 2015 had been circulated with the agenda.

RESOLVED:

That the minutes be approved as a correct record and signed by the Chair.

88. DECLARATIONS OF INTEREST

The Chair and Councillor Rosetta Dolphin declared personal interests in agenda item 10 (Council Fund Revenue Budget 2015/16) as they were owners of Post Offices. Councillor Alan Diskin also declared an interest in agenda item 10 as he was a Sub-postmaster.

Councillor Carolyn Thomas declared a personal and prejudicial interest in agenda item 10 as her child participated in the County Youth Music Service. She had received a dispensation from the Standards Committee and was able to speak and vote on the general budget issues. She also declared a personal interest as she was a previous Chair of the Area of Outstanding Natural Beauty (AONB) Board.

Councillor Arnold Woolley sought clarification from the Chief Officer (Governance) on whether he should declare an interest as he was a member of a number of voluntary organisations. He was advised that he should declare a personal interest in agenda item 10 and that he should confirm with the Committee Officer which organisations he was referring to.

89. COMMEMORATION AND TRIBUTES TO THE LATE COUNCILLOR STELLA JONES

The Chair paid tribute to the late Councillor Stella Jones and said that she had been highly respected in Hope and Caergwrle. She had been a hard working Councillor and had been a good friend to many.

The Leader of the Council echoed the comments and referred to the number of people that had attended Councillor Jones' funeral the previous day. He said that she epitomised a true community campaigner and commented on all she had done for the residents in her ward and of her pride to be associated with Castell Alun High School. He recalled the time when Councillor Jones first became a Councillor and how this had resulted in a case being heard in the High Court. Councillor Shotton said that when Councillor Jones walked in to a room, it lit up and he added that he would miss her smile. He concluded by referring to the last conversation he had had with Councillor Jones about her determination to be in attendance at this meeting, despite her ill health, which he felt encapsulated everything about Councillor Jones. He said that she would be greatly missed.

Councillor Carolyn Thomas commented that Councillor Jones had been a good friend to her. She echoed the earlier comments about the work she undertook in relation to issues in her ward including land which was to have been allocated in the Unitary Development Plan which Councillor Jones had disagreed with. She concurred that she would be greatly missed but added that she would have some treasured memories of Councillor Jones.

In referring to the election in 2004, Councillor Nancy Matthews explained that she and Councillor Jones had been newly appointed Councillors at the election and that as a result of this, they had become good working colleagues and friends. She added that Councillor Jones had always been the voice of reason on Overview & Scrutiny Task and Finish Groups and would provide support for employee rights. She added that she would miss Councillor Jones.

Councillor Mike Peers referred to the words spoken by Lord Barry Jones at Councillor Jones' funeral. Councillor Peers felt that she was kind,

polite and knowledgeable and added that he had been surprised to learn that she knew so much about Wrexham Football Club. He spoke of her work for her residents and the concern that she showed on issues that would affect those in her ward. He felt that she had been an asset to the community and commented that she was a people person who would be sadly missed.

Councillor Tony Sharps stated that he knew Councillor Jones when she worked in the Education Department of the Council and he commented on the help that she had provided about a bus service in his ward. She had been a kind, considerate and lovely person who would be missed by many including the community of Northop Hall.

In referring to the work that Councillor Jones undertook for her residents, Councillor Clive Carver spoke of his first meeting with Councillor Jones in 2008 and added that she was a Councillor's Councillor.

Councillor Hilary Isherwood said that she had been honoured to be able to speak about Councillor Jones and she thanked Councillor Shotton for phoning her to break the sad news of her death. Councillors Isherwood and Jones, despite being in different political parties, had worked together on some issues including those relating to allocations in the UDP. She added that Councillor Jones had been a lovely person who could also be mischievous and concurred that she had been adored by the residents in her ward.

Councillor Gareth Roberts echoed the comments made and said that Councillor Jones' company would be missed by all and that she would be missed across the Chamber. He felt privileged to have met and known her.

The Chair thanked Members for all of their comments.

90. CHAIR'S COMMUNICATIONS

A copy of the Chair's communication had been circulated to all Members before the meeting.

91. PETITIONS

No petitions were submitted.

92. PUBLIC QUESTION TIME

The Chief Officer (Governance) confirmed that none had been received.

93. QUESTIONS

The Chief Officer (Governance) confirmed that none had been received.

94. NOTICE OF MOTION

The Chief Officer (Governance) confirmed that none had been received.

95. COUNCIL FUND REVENUE BUDGET 2015/16

In moving the recommendation Councillor Aaron Shotton, the Leader of the Council and Cabinet Member for Finance, commented on the significant reduction in the Revenue Support Grant for 2015/16 and the three year challenge faced by the Council in the Medium Term Financial Plan to make savings of £50m. Efficiencies of £20m had been made in the past two years and the requirement to find a further £18.2m of efficiencies in one year had been unprecedented. A senior management restructure had been undertaken and there was an urgent need to review the delivery of services and a pragmatic approach had been taken to be innovative and efficient. Councillor Shotton spoke of the difficult decisions that had been taken and added that the worst impacts had been mitigated by the use of £1m of reserves. The recommendation to approve the budget was seconded by Councillor Bernie Attridge.

The Chief Executive introduced the report to provide Members with the recommendations of the Cabinet for the Council Fund Revenue Budget 2015/16. He also welcomed the Corporate Finance Manager to his first budget meeting as Section 151 Officer and spoke of the exhaustive process that had been undertaken. The Executive Summary in the report detailed the work that had been carried out in the past four weeks to bring the budget from a gap of £0.777m in January 2015 to the balanced budget presented to Cabinet earlier in the day.

The Chief Executive and Corporate Finance Manager gave a joint presentation and commented upon the following areas:-

- Final Budget Position
- Roles and Duties of Council
- Closing the Budget Gap Stage 1
- Outcomes of Overview and Scrutiny
- Closing the Budget Gap Stage 2
- Professional Opinions
- Implementing the Budget
- Medium Term Financial Plan

The Chief Executive spoke of the six key service reviews that were to be completed and would be referred to Cabinet for a final decision. Evaluation of the implementation of these reviews would be undertaken by the relevant Overview & Scrutiny Committee within its Forward Work Programme. The budget gap in January 2015 had increased to £0.852m as a result of four amended proposals suggested by Overview & Scrutiny Committees which the Chief Executive detailed. The Corporate Finance Manager highlighted the three key areas which had enabled the Council to achieve a balanced budget

as at 11 February 2015. This included the use of £0.270m of reserves which had not generally been advised in the past but the Corporate Finance Manager was content to support this level of funding on this occasion due to the scale of the financial challenges faced.

On the Medium Term Financial Plan the Chief Executive explained that a large number of efficiencies had already been identified but that it was expected that at least two more years of 'cuts' and efficiencies would be necessary. There was currently no indication from Welsh Government of the funding for 2016/17 and it was therefore difficult for the Council to predict the level of cuts required. He thanked the Corporate Finance Manager and his team for their work on the budget and the significant amount of efficiency savings that had been achieved.

Councillor Clive Carver sought clarification on the entries for procurement supplier charging, change to the switchboard arrangements and the difficulty that had been experienced in identifying who was who in the new senior management structure particularly as a newspaper article had referred to the previous Head of Finance. The Chief Executive responded that changes to personnel may have resulted in difficulties in identifying those currently in post but confirmed that the previous Head of Finance was not a consultant to the Council. On the switchboard arrangements, he explained that a menu would be put in place to allow callers to choose from a number of options which would direct them to the appropriate call-centre or person but that they would still be able to speak to an operator if necessary. The Chief Officer (Governance) explained that it was proposed that only larger suppliers would be targeted to establish if they could reduce the costs of how they transacted with the Council for payment of their invoices.

In referring to the six service reviews which were yet to be completed, Councillor Mike Peers raised concern as to whether efficiencies from these reviews would be achieved. He added that the balancing of the budget depended on something that had not yet been completed which included reviewing the car parking strategy which he was concerned about. Councillor Peers welcomed the process that had been undertaken this year to commence earlier discussions with Members on the budget and was pleased that the concerns raised at Overview & Scrutiny Committees had been considered, resulting in some amended proposals. He highlighted the issue that he had raised in Environment Overview & Scrutiny Committee about self-service of waste receptacles and his concern that recycling figures could reduce as a result of imposing this. He felt that there were a number of issues that needed addressing which could impact on the balancing of the budget.

The Chief Executive responded that the reviews had been highlighted as they had not yet been completed but initial work on options had been undertaken. It had to be accepted that there was a degree of risk with these reviews. The implementation of the reviews would be tracked by the relevant Overview & Scrutiny Committee. He thanked Members for their feedback during the consultation process and concurred that early consultation had been successful.

Councillor Nancy Matthews agreed that the reviews not being finalised was a concern but added that she could support the budget if assurance could be provided that the reviews would be tracked by Overview & Scrutiny. In response, the Chief Executive indicated that the reviews would be determined by Cabinet but added that any significant review was always discussed with the relevant Overview & Scrutiny Committee.

Councillor Hilary McGuill sought assurance that users of the day care service, particularly those at the Melrose Centre, would be transferred to another centre as a group. She also raised concern as to whether ideas of how to replace the reserves used in this budget were sustainable. In response, the Chief Officer (Social Services) said that the day care review would be handled sensitively and that alternative services would seek to maintain the friendship links that residents had built at the day care centre that they currently attended. He also gave assurance that requests from residents would be taken into account when determining which centre they would attend. On the issue of reserves, the Corporate Finance Manager explained that the overall level of £1m of reserves included in the budget comprised of £0.730m of one off and time limited costs so would not be required in the 2016/17 budget. The remaining use of reserves to support recurring costs of £0.270m in the context of the overall budget was a modest amount which he was confident could be replenished either within 2015/16 or as part of the 2016/17 budget process through the identification of efficiencies. The Chief Executive added that it was a small amount in relation to the total Council Fund budget and that it was necessary to use the reserves to avoid service cuts in this budget. Councillor Aaron Shotton reiterated his assurance that the policy reviews were required and that discussions on the proposals would be undertaken at the relevant Overview & Scrutiny Committee first.

RESOLVED:

That the County Council approve the recommendation of the Cabinet from its meeting held on 17 February 2015 as set out in section 9 of the Cabinet report attached to the Council report.

96. COUNCIL FUND CAPITAL PROGRAMME 2015/16 AND INDICATIVE FUNDING TO 2018/19

In moving the recommendation, Councillor Aaron Shotton, Leader of the Council and Cabinet Member for Finance, stated that the Capital Programme had been discussed at length in the Corporate Resources Overview & Scrutiny budget meeting. He hoped that Members supported the principles including that the Capital Programme 2015/16 no longer required capital receipts for planning purposes. He also commented on the many projects included in the programme which incorporated provision for funding for the Holywell hub which he hoped West Flintshire colleagues would welcome. The recommendation was seconded by Councillor George Hardcastle.

The Chief Officer (Organisational Change) introduced the report to present the annual Council Fund Capital Programme for 2015/16 and indicative funding levels to 2018/19.

The Chief Officer and Corporate Finance Manager gave a joint presentation and commented upon the following areas:-

- Capital Programme context
- Funding the Capital Programme
- Capital Programme – Funding
- Core Capital Programme
- Capital Receipts & Core Programme
- Allocating the Core Programme
- Estimated Available Funding – Core Programme
- Core Allocation by Portfolio

Councillor Mike Peers sought clarification on the figure of £0.333m which was reported as unallocated core funding which would provide a degree of protection to the Council's Core programme and whether this figure was to be used to fund organisational change and deliver the necessary revenue efficiencies over the medium term. The Chief Officer (Organisational Change) explained that paragraph 6.12 referred to unallocated funding over and above the £0.333m detailed in the report and flowing from any receipts received in the remainder of the current financial year. The intention being that this would be considered for use in areas such as Community Asset Transfers, school modernisation and repair programmes and the installation of income generating energy installations.

RESOLVED:

That the County Council approve the recommendations of the Cabinet from its meeting held on 17 February 2015 as set out in the report to Cabinet attached to the Council report.

97. HOUSING REVENUE ACCOUNT 2015/16 & CAPITAL PROGRAMME

The Chief Officer (Community and Enterprise) introduced the report to present the Housing Revenue Account (HRA) Revenue and Capital Budget for 2015/16.

Councillor Shotton, the Leader of the Council and Cabinet Member for Finance, explained that the Housing Revenue Account had been considered in detail by the Housing Overview & Scrutiny Committee. He felt that in times of doom and gloom of austerity in the public sector, this was a good news story for the people of Flintshire, which he welcomed. In referring to the much improved Housing Service, he spoke of the low points and the record £12m increase spend on Council Housing in the last year. He commented on the almost £21m in proposed capital funding for 2015/16 and welcomed the negotiations that had taken place at a national level to allow self-financing to be considered. The outcome would be of great benefit to communities and

future tenants and in commenting on existing properties, said that this was the first step to building new Council housing. The recommendation was seconded by Councillor Bernie Attridge.

The Chief Officer (Community and Enterprise) gave a presentation and commented on the following areas:-

- Housing Revenue Account
- Self-financing
- 30 year business plan
- Housing Revenue Account
- Other income
- Value for Money tenant services
- Principles Underpinning Efficiencies
- HRA Efficiency Proposals
- Funding for HRA Capital Programme 2015/16
- Council house building programme

She commented on the well-attended Member and Tenant workshops that had been held to allow discussions on the benefits of self-financing to take place. She added that it had been hoped that the Council would have been able to enter into a voluntary agreement by the end of January but that this had been delayed for good reasons, which the Chief Officer detailed. Concerns were raised with Welsh Government (WG) about the rate of the buy-out figure and WG agreed to raise the issue with the UK treasury; discussions were ongoing. The completion of the Welsh Housing Quality Standard (WHQS) could be achieved by 2020, which had reduced from 2038 initially referred to in the Choices document. Key assumptions for 2015/16 were detailed which included a new rent policy that had been agreed by Cabinet and included target rents for similar properties in similar areas. Income from phased service charges was reported and the Chief Officer referred to the HRA efficiency proposals. Each line of the HRA had been challenged to not only look at services to customers but also the internal costs of supporting the service too. The Chief Officer detailed the WHQS and non WHQS proposed HRA Capital Programme and added that detailed discussions had taken place with elected Members and tenants. Officers were in the process of finalising the details of the programme.

Councillor Alex Aldridge welcomed the achievements made by Flintshire on the HRA in spite of the unparalleled challenges faced by Local Government and suggested that Flintshire was an exemplar for Councils in Wales. He suggested that the good practices shown should be referred to the Association of Public Sharing Excellence (APSE). He commented on the vote not to transfer the Housing stock and congratulated all those who had been involved in the work on the HRA. He spoke of the tremendous outcome for Flintshire's tenants and added his delight that the regeneration of Flint would be completed earlier than expected. Councillor Paul Shotton welcomed the aspiration to build 200 new council houses which would give hope to Flintshire residents.

In referring to the Housing Overview & Scrutiny Committee, Councillor Rosetta Dolphin welcomed the positive report on the HRA that had been submitted to Members. She sought clarification on whether the proposed charges for services such as communal cleaning and maintenance of garden areas could legally be imposed. The Chief Officer responded that, in the first year, the fee would be introduced for new tenants who were eligible to pay for the service and that legally the Council could charge the fee. For existing tenants, there would be a consultation process to discuss quality and cost of services prior to finalisation. New tenants would be offered a property at the target rent in addition to charges for services.

On being put to the vote, Members voted unanimously in favour of the recommendations.

RESOLVED:

That the County Council approve the recommendations of the Cabinet from its meeting held on 17 February 2015 as set out in the report to Cabinet attached to the Council report.

98. PRUDENTIAL INDICATORS 2015/16 – 2017/18 AND REVISION OF 2014/15 PRUDENTIAL INDICATORS

The Corporate Finance Manager introduced the report to present to Council the recommendations of the Cabinet in relation to the setting of a range of Prudential Indicators.

Councillor Aaron Shotton, Leader of the Council and Cabinet Member for Finance proposed the acceptance of the recommendations as outlined within the report. This was seconded by Councillor Bernie Attridge.

On being put to the vote, Members voted unanimously in favour of the recommendations.

RESOLVED:

That the County Council approve the recommendations of the Cabinet from its meeting held on 17 February 2015 as set out in the report to Cabinet attached to the Council report.

99. MINIMUM REVENUE PROVISION – 2015/16 POLICY

The Corporate Finance Manager introduced the report to present to Council the recommendations of the Cabinet in relation to the setting of a prudent Minimum Revenue Provision for the repayment of debt.

Councillor Aaron Shotton, Leader of the Council and Cabinet Member for Finance proposed the acceptance of the recommendations as outlined within the report. This was duly seconded by Councillor Peter Curtis.

Councillor Derek Butler said a few words in Mandarin which translated as 'Prosperity and good fortune for the New Year'.

RESOLVED:

(a) That the County Council accept the recommendations of the Cabinet, being that:-

- Option 1 (Regulatory Method) be used for the calculation of the Minimum Revenue Provision in 2015/16 for all capital expenditure funded from supported borrowing
- Option 3 (Asset Life Method) be used for the calculation of the Minimum Revenue Provision in 2015/16 for all capital expenditure funded from unsupported (prudential) borrowing

(b) That the County Council accept the recommendations of the Cabinet for the HRA, being that:

- Option 2 (Capital Financing Requirement Method) be used for the calculation of the HRA's Minimum Revenue Provision in 2015/16 for all HRA capital expenditure funded by debt.

100. TREASURY MANAGEMENT STRATEGY 2015/16

The Corporate Finance Manager introduced the report to present to Council the recommendation of Cabinet in relation to Treasury Management Strategy for 2015/16.

Councillor Aaron Shotton, Leader of the Council and Cabinet Member for Finance proposed the acceptance of the recommendations as outlined within the report. This was duly seconded by Councillor Bernie Attridge.

In response to a query from Councillor Mike Peers on the borrowing strategy of the Council, the Finance Manager referred Members to the Treasury Management Strategy 2015/16 where the budget implications for 2015/16 borrowing were estimated. She explained that the estimated total for loan interest paid in 2015/16 was £12.6m based on an average debt portfolio of £276.5m at a weighted average interest rate of 4.53%. The figures were subject to change as they were based on estimates of the Council's capital expenditure plans in 2015/16 and would depend on what loans the Council took out.

RESOLVED:

That the Council's Treasury Management Strategy 2015/16 be approved.

101. ATTENDANCE BY MEMBERS OF THE PRESS AND PUBLIC

There were 2 members of the press and no members of the public present.

(The meeting started at 2.00 pm and ended at 4.01pm)

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Chair

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FLINTSHIRE COUNTY COUNCIL

3 MARCH 2015

Minutes of the meeting of Flintshire County Council held in the Council Chamber, County Hall, Mold on Tuesday, 3 March 2015

PRESENT: Councillor Glenys Diskin (Chair)

Councillors: Alex Aldridge, Bernie Attridge, Glyn Banks, Haydn Bateman, Marion Bateman, Chris Bithell, Helen Brown, Derek Butler, Clive Carver, David Cox, Paul Cunningham, Peter Curtis, Ron Davies, Chris Dolphin, Ian Dunbar, Andy Dunbobbin, Carol Ellis, David Evans, Jim Falshaw, Veronica Gay, Robin Guest, Alison Halford, Ron Hampson, Cindy Hinds, Ray Hughes, Hilary Isherwood, Joe Johnson, Christine Jones, Kevin Jones, Richard Jones, Colin Legg, Phil Lightfoot, Brian Lloyd, Richard Lloyd, Mike Lowe, Dave Mackie, Nancy Matthews, Hilary McGuill, Tim Newhouse, Mike Peers, Neville Phillips, Mike Reece, Gareth Roberts, Ian Roberts, David Roney, Tony Sharps, Aaron Shotton, Paul Shotton, Ian Smith, Nigel Steele-Mortimer, Carolyn Thomas, Owen Thomas, David Williams, David Wisinger and Arnold Woolley

APOLOGIES:

Councillors: Amanda Bragg, Adele Davies-Cooke, Alan Diskin, Rosetta Dolphin, Brian Dunn, George Hardcastle, Dennis Hutchinson, Ann Minshull, Billy Mullin, Vicky Perfect and Sharon Williams

IN ATTENDANCE:

Chief Executive, Chief Officer (Governance), Chief Officer (Community & Enterprise), Chief Officer (People & Resources), Corporate Finance Manager, Head of Pensions & Funds, Revenues & Benefits Manager, Revenues Manager, Democracy & Governance Manager, Lead Business Partner and Committee Officer

102. PRESENTATION

The Chair welcomed Sian Williams and Matt Hayes from the Council's Sports Development Team in Leisure Services, and praised the team for their achievement as overall winners of the 'Local Authority Contribution of the Year Award' category of the National Tennis Wales Awards.

As Cabinet Member for Waste Strategy, Public Protection and Leisure, Councillor Kevin Jones congratulated the entire team on their success and in particular to Michelle for her contribution in taking the initiative forward. He welcomed the Council's commitment in establishing new junior clubs in the county and delivering tennis training to schools and communities.

103. DECLARATIONS OF INTEREST

On Agenda Item 11 - Clwyd Pension Fund Governance - the Chief Officer (Governance) advised Members that any declarations of interest would be personal. The following Members declared a personal interest:

Councillors: Alex Aldridge, Bernie Attridge, Chris Bithell, Helen Brown, David Cox, Peter Curtis, Ian Dunbar, Carol Ellis, Ron Hampson, Cindy Hinds, Joe Johnson, Christine Jones, Kevin Jones, Nancy Matthews, Hilary McGuill, Ian Roberts, Aaron Shotton and Ian Smith.

Prior to discussion on Agenda Item 13 - Officers' Code of Conduct, Councillor Clive Carver declared a personal and prejudicial interest for which he had been granted dispensation to speak.

104. CHAIR'S COMMUNICATIONS

A copy of the Chair's communications had been circulated to all Members before the meeting. In presenting the paper, the Chair particularly highlighted her meeting with Michael Green who was the first youth councillor to be elected to any Town Council in Flintshire. Councillor Richard Lloyd read out an email from Michael in which he expressed his appreciation and interest in visiting County Hall.

105. PETITIONS

The Chief Officer (Governance) confirmed that none had been received.

106. PUBLIC QUESTION TIME

The Chief Officer (Governance) confirmed that none had been received.

107. QUESTIONS

The Chief Officer (Governance) confirmed that none had been received.

108. NOTICE OF MOTION

The Chief Officer (Governance) confirmed that none had been received.

109. COUNCIL TAX SETTING FOR 2015-16

The recommendation in the report was formally moved and seconded by Councillors Aaron Shotton and Bernie Attridge.

The Corporate Finance Manager presented the report to formally set the Council Tax for 2015-16 and agree the statutory resolutions for the purpose of administering Council Tax and Non-Domestic Rates. The Council Tax resolution included elements relating to the County Council, Police & Crime Commissioner for North Wales and all Town/Community Councils. The Council Tax charges/levels detailed in the report had been approved as part of the Council Fund Revenue Budget 2015-16 at the previous County Council meeting.

On behalf of the Conservative group, Councillor Nigel Steele-Mortimer advised that it intended to oppose the recommendation, as sufficient funds had been made available to the Welsh Government (WG) to support a 'freeze' on Council Tax.

Councillor Ian Dunbar referred to the expectation on Councils to help reduce all elements of the precept for residents, for example where representations made to the Fire Authority had resulted in a reduction to its precept. However, despite a similar approach made to the Police & Crime Commissioner for North Wales, whose precept was amongst the highest, a similar outcome had not been achieved, with no explanation given on the level of resources needed and diversion of reserves. Councillor Dunbar stressed the importance of the Council making representations to the Police & Crime Commissioner on the impact of its precept, particularly in view of there being no apparent benefit to residents such as additional Police officers in the locality.

Councillor Mike Peers agreed that these issues needed to be followed up. Whilst he said it was too late at this stage, he suggested that this should be explored further by inviting the Police & Crime Commissioner to a meeting of the Council as part of budget planning for 2016-17.

In agreement with both Members, Councillor Paul Shotton referred to concerns raised by a leading North Wales Police Association Member on the reduction in Police numbers and called into question the adequate use of resources available to the Police & Crime Commissioner.

Councillor Chris Bithell spoke about the practice in previous years for determination of the Police precept to take account of recommendations made by the Council's representative on the Police Authority. However, this was no longer the case.

A request was made by Councillor Alison Halford for details of the amount paid to the Police & Crime Commissioner for North Wales out of the precept, which she had seen in a report to the Audit Committee. The Chief Executive explained that this was derived from a direct UK Government grant.

Councillor Alex Aldridge proposed that Mr. Winston Roddick, the Police & Crime Commissioner for North Wales be invited to a future meeting to discuss the precept. This was seconded by Councillor Attridge.

Clarification was sought by the Chief Executive on whether Members wished to invite Mr. Roddick to a future meeting of full Council as he was already scheduled to attend a future Overview & Scrutiny Committee meeting. Councillor Aldridge confirmed this to be his proposal.

Councillor Richard Jones referred to additional funding allocated by WG to the Health Service and expressed his disappointment that this was not the case for Councils as this could have been used better to financially benefit people across Wales.

Councillor Gareth Roberts felt that some constituents would support an increase in Council Tax at this stage to help to protect important services, noting that a rise of 5% would still be below the Standard Spending Assessment (SSA).

In summing up, Councillor Aaron Shotton conveyed his disappointment in the comments made by Councillor Steele-Mortimer as there had been ample opportunity for all Members' input on Council Tax as part of the budget

consultation process for 2015/16 and at the previous full Council meeting. Whilst respecting submissions made by any political group, he said that this could not be acceptable at this stage in the process. In support of the proposal by Councillor Aldridge, he agreed that accountability and scrutiny of the Police & Crime Commissioner precept was pertinent and referred to the increase in precepts set by some Town/Community Councils.

On being put to the vote, the recommendation in the report, as moved and seconded earlier, was carried.

RESOLVED:

- (a) That the resolutions detailed in Appendix A to the report be approved; and
- (b) That the Police Crime & Commissioner for North Wales be invited to attend a future meeting of the County Council to enable discussion on the precept.

110. REVIEW OF POLITICAL BALANCE

The Chief Officer (Governance) introduced a review of the Council's political balance calculations arising from a Member joining the Labour Group from the New Independent Group, based on the statutory rules listed in the report. Following completion of the report, a further Member had joined the Labour Group from the Independent Alliance Group, prompting a re-calculation of options set out in Appendix 4 which had been made available for Members' consideration prior to the meeting.

Councillor Aaron Shotton's proposal that Appendix 4 be adopted was seconded.

On behalf of the Independent Alliance Group, Councillor Mike Peers proposed an alternative option, Appendix 5, which was made available at the meeting, as this better represented the wishes of his group to retain two seats on the Environment Overview & Scrutiny Committee whilst losing a seat on the Licensing Committee. He advised that the Democracy & Governance Manager had confirmed that this option met the necessary legal requirements.

As a point of accuracy raised by Councillor David Roney, it was clarified that the total number of New Independent seats on Appendix 4 totalled 18 rather than 17.

Councillors Aaron Shotton and Bernie Attridge proposed an amendment that Appendix 5 be adopted. This became the substantive motion.

In response to queries raised by Councillors Dave Mackie and Robin Guest, the meeting was adjourned for five minutes to enable the figures to be checked on Appendix 5. Following the recess, the Chief Officer (Governance) explained that there were some inaccuracies on the original figures on Appendix 5, however the updated figures and totals at the bottom of the sheet were correct. Councillor Guest requested that an amended version of Appendix 5 be made available following the meeting.

On that basis, the substantive motion to approve Appendix 5 was put to the vote and carried.

RESOLVED:

That the changes to political balance shown in Appendix 5 be agreed.

111. CLWYD PENSION FUND GOVERNANCE

The Chief Officer (People & Resources) introduced the report to propose the creation of a local Pension Board for the Clwyd Pension Fund, pursuant to a recommendation to Constitution Committee and to comply with recent changes in legislation.

The background information to the report detailed the key elements from the regulations for the establishment of a local Pension Board by no later than 1 April 2015. Where a pension committee already existed within a Council, there was an option to have a combined pension committee and Pension Board, however this could only be achieved through approval by the Secretary of State due to the legal implications. It was therefore expected that Councils would be required to create a separate local Pension Board, as recommended in the report. Appended to the report were the proposed structure showing how the Board would fit, along with a proposed protocol previously agreed by the Constitution Committee, setting out how the Pension Board would be established and operated. The Democracy & Governance Manager and Head of Pensions & Funds had both been involved in the drafting of the proposal from the Constitution Committee.

Councillor Robin Guest moved the recommendations in the report and this was seconded by Councillor Chris Bithell. On being put to the vote, this was carried.

RESOLVED:

That an addition to the Constitution, as outlined in Appendix 2 to the report, 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, be agreed.

112. VARIATION IN ORDER OF BUSINESS

The Chief Executive indicated that there would be a slight change in the order of business to bring forward agenda item 13 to enable Chief Officers to be present prior to consideration of Agenda Item 12.

113. OFFICER'S CODE OF CONDUCT

Members received a report to consider a recommendation from the Constitution Committee to adopt a revised Officers' Code of Conduct.

Councillor Aaron Shotton proposed that the report be deferred to the next available County Council meeting as it did not fully reflect the recommendations agreed by the Constitution Committee in consideration of this item. He explained that his request to defer the item would enable discussion with Group Leaders. This was seconded by Councillor Bernie Attridge.

As Chairman of the Constitution Committee, Councillor Robin Guest expressed his disappointment at not being given prior notice of the proposed deferment.

The Chief Executive clarified to Members his expectation of voluntary full disclosure from the Council's senior officers on all interests to show transparency, as indicated at the Constitution Committee.

On being put to the vote, the proposal to defer the item was carried.

RESOLVED:

That the report be deferred to the next available meeting of County Council.

Prior to the next item, all Chief Officers were requested to leave the room due to the conflict of interest. All officers except the Chief Executive, Lead Business Partner and Committee Officers left the room.

114. PAY POLICY STATEMENT FOR 2015/16

The Chief Executive presented the report to seek approval of the Council's Pay Policy Statement in line with the legal requirement to publish this annually before the start of the financial year. He said that this was a statement of Council adopted policy on national pay awards and was not a pay review. Whilst there was a conflict of interest for Chief Officers due to a national pay award, there was none for the Chief Executive.

As a change to the policy for 2015-16, the Lead Business Partner referred to plans to implement a performance related pay arrangement across the organisation, which would enable a greater level of control on incremental pay increases.

Whilst raising a number of queries on the content of the Pay Policy Statement, Councillor Mike Peers said that he had been unable to locate the policy on Additional Payments on the Council's website. He suggested that the document could have been appended to the report or a clearer definition given of its location. On section 6, he said that reference to progression based on performance should have included how performance would be measured and that the regulations indicated in relation to severance payments for Chief Officers and all employees could have been summarised to help the reader.

The Chief Executive said that the performance related pay increments were currently a proposal in waiting, with consultation on its introduction planned at a later stage. He agreed that the Pay Policy Statement would be re-issued with hyperlinks to the additional information mentioned.

The Chief Executive referred to the findings of the recent national report by Wales Audit Office which had compared policy and practice of redundancy and found that this was undertaken in the most cost-effective way within Local Government across the public sector. He reported that the Council met and exceeded the recommendations of the national report.

On being put to the vote, the recommendation was approved.

RESOLVED:

That the Pay Policy Statement for 2015/16 be approved.

115. PLANNED ARRANGEMENTS FOR THE HOLDING OF THE CAERGWRLE BY-ELECTION

The Chief Executive advised Members that the Council's by-election for the Caergwrle ward would be held on the same day as the General Election, 7 May 2015, and a notice publicised at the appropriate time.

RESOLVED:

That the arrangements for the Caergwrle By-election be noted.

116. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There were two members of the press in attendance.

(The meeting started at 2.00 pm and ended at 3.05 pm)

.....
Chair

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **FLINTSHIRE COUNTY COUNCIL**

DATE: **14 APRIL 2015**

REPORT BY: **CHIEF EXECUTIVE**

SUBJECT: **ANNUAL IMPROVEMENT REPORT AND THE CORPORATE ASSESSMENT REPORT OF THE AUDITOR GENERAL FOR WALES FOR FLINTSHIRE**

1.00 PURPOSE OF REPORT

1.01 To receive the Annual Improvement Report of the Auditor General which for 2015 incorporates the first Corporate Assessment and to endorse the executive action plan response.

2.00 BACKGROUND

2.01 The Auditor General under the Local Government (Wales) Measure 2009 (Measure) undertakes and publishes an annual improvement report for all Welsh Councils, fire and rescue services and national parks.

2.02 This is the fifth such Annual Improvement Report for Flintshire. It includes the Appointed Auditor's Annual Audit Letter as previously reported to Audit Committee in December 2014.

2.03 In 2013/14 the Wales Audit Office (WAO) began a new four year cycle of Corporate Assessments of improvement authorities in Wales. An in-depth Corporate Assessment reports on the Council's track record of performance and outcomes as well as the key arrangements necessary to underpin improvements in services and functions. Flintshire's first Corporate Assessment was conducted in late 2014 and the report on its outcomes is included in the Annual Improvement Report.

3.00 CONSIDERATIONS

3.01 The Annual Improvement Report is published by the Wales Audit Office (WAO) on behalf of the Auditor General for Wales. It brings together, with the input of other inspectorates such as Estyn and the Care and Social Services Inspectorate for Wales (CSSIW), a summary of the regulatory work of the past year. This year the outcomes of the Corporate Assessment are included in the Annual Improvement Report.

- 3.02 The full report is attached as Appendix 1.
- 3.03 The cyclical Corporate Assessments apply to all local authorities (and other bodies identified in the Measure) on a four yearly cycle. The first phase of assessments were conducted last year; Conwy CBC was the first Council in North Wales to undertake the assessment.
- 3.04 This second phase of assessments includes the following authorities:
- Flintshire County Council;
 - Isle of Anglesey Council;
 - Merthyr Tydfil County Borough Council;
 - Monmouthshire County Council;
 - Neath Port Talbot County Borough Council;
 - City and County of Swansea.
- 3.05 The content and format of the Corporate Assessment followed a familiar pattern of inspections/audits from WAO:
- Desktop analysis
 - Fieldwork (including interviews of key Members and officers)
 - 'Outline Conclusions' (draft findings) meeting
 - Receipt of draft report for comment
 - Receipt of final report prior to publication
- 3.06 The first week of fieldwork was undertaken between 15th and 19th September; with certain follow-up later in September/October. Draft feedback was provided to officers and the Council leadership in November and a draft report received before Christmas. Discussions have been ongoing with WAO throughout the process to ensure that as much value can be gained by both organisations from the Assessment.
- 3.07 The content of the Corporate Assessment is based on:-
- Information governance
 - Governance accountability
 - Asset management
 - Performance management
 - Risk management
 - Vision and strategic direction
 - Collaboration and partnerships
 - Improvement planning
 - Efficiency
 - Procurement
 - Public performance reporting
 - HR
 - Performance and outcomes

3.08 The report builds on the work of the past work of the Wales Audit Office and other regulatory bodies.

3.09 The summary of the full report is attached as Appendix 1. Overall the Auditor General has concluded that:

“The Council’s track record suggests that it is likely to respond positively to the internal and external challenges it faces and make arrangements to secure continuous improvement for 2015-16.”

The judgement reflects the conclusions of the corporate assessment, that:

“The Council has made significant progress in a number of difficult areas during the last year; although it needs to strengthen aspects of its arrangements, the Council is reasonably well placed to continue to deliver its priorities in the face of further financial challenges”

“Despite some strengths and areas of progress, aspects of the Council’s arrangements are not fully supporting decision-making and the delivery of the Council’s agreed priorities”

“The Council has taken significant strides forward in its use of resources and now needs to co-ordinate the elements more systematically in the face of future financial challenges”

“The Council made good progress against the improvement priorities we looked at but its performance against the national indicators declined slightly.”

3.10 The Auditor General has not made any statutory recommendations with which the Council must comply. Instead seven advisory proposals for improvement have been made. These are set out below:

P1 The Council should develop and implement a consistent approach to business planning that promotes the ownership by staff of key objectives and targets.

P2 The Council should improve the quality of its reports to committees and Cabinet to ensure that:

- where necessary, reports enable councillors to refer easily to relevant policies and previous decisions and discussions;
- key messages and recommendations are clear and succinct; and
- reports to scrutiny committees include recommendations or options that committees might endorse.

P3 The Council should ensure that, in implementing its revised strategies for People, ICT and Asset Management:

- their financial implications feed into the medium-term financial plan;

and

- the links between the strategies are fully considered so that specialist staff are available when required.

P4 Group Leaders should strongly encourage members to take advantage of the Member Development Scheme.

P5 The Council should take the opportunity of its review of scrutiny structures to ensure that Overview and Scrutiny Committees can add real value to Council decision-making by aligning agendas more explicitly to Council priorities and risks.

P6 The Council should:

- adopt a consistent approach to managing risk, ensuring that all staff involved use a similar approach to record impact, likelihood and mitigating actions; and
- apply this approach to its future savings plans.

P7 The Council should ensure a consistent approach to workforce planning and use the results to inform future reductions in staff.

- 3.11 The Council, as is practice, makes a formal public response to any findings within the report. The Council's response to the Annual Improvement Report (AIR) is included at Appendix 2.

4.00 RECOMMENDATIONS

- 4.01 To accept the Annual Improvement Plan and endorse the response action plan attached.

5.00 FINANCIAL IMPLICATIONS

- 5.01 This report refers to the financial resourcing and planning arrangements of the Council.

6.00 ANTI POVERTY IMPACT

- 6.01 This report comments upon how the Council has supported people impacted upon by Welfare Reform.

7.00 ENVIRONMENTAL IMPACT

- 7.01 There are no specific references to the environment within this report.

8.00 EQUALITIES IMPACT

- 8.01 This report comments upon how the Council has supported people impacted upon by Welfare Reform.

9.00 PERSONNEL IMPLICATIONS

- 9.01 The People Strategy and workforce planning and arrangements are referred to in the report.

10.00 CONSULTATION REQUIRED

- 10.01 This report has been considered by Corporate Resources Overview and Scrutiny Committee and the Audit Committee. The Audit Committee has endorsed the Council's action plan as a comprehensive response of assurance.

11.00 CONSULTATION UNDERTAKEN

- 11.01 Senior officers have had input into this report. The Annual Audit Letter was presented to the council's Audit Committee in December 2014.

12.00 APPENDICES

- 12.01 Appendix 1: Summary Report: WAO Annual Improvement Report incorporating the Corporate Assessment Report 2015.
Appendix 2: WAO Annual Improvement Report - Executive response

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985 BACKGROUND DOCUMENTS

None

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Annual improvement Report incorporating the Corporate Assessment Report 2015

Summary report

1. Each year, the Auditor General must report on how well Welsh councils, fire and rescue authorities, and national parks are planning for improvement in delivering their services. This report sets out the findings of the work undertaken on behalf of the Auditor General by the staff of the Wales Audit Office in Flintshire County Council (the Council) and also draws on the work of the relevant Welsh inspectorates. The report summarises the assessments undertaken since the Auditor General published his last annual improvement report in June 2014 and includes the findings of the Auditor General's Corporate Assessment, undertaken in September 2014. Taking all these findings into account, the report records the Auditor General's conclusion on whether he believes that the Council will make arrangements to secure continuous improvement for 2015-16.

2. This conclusion should not be seen as a definitive statement of organisational health or as a prediction of future success. Rather, it should be viewed as providing an opinion on the extent to which the arrangements currently in place are reasonably sound insofar as can be ascertained from the work carried out.

3. We want to find out if this report gives you the information you need and whether it is easy to understand. You can let us know your views by e-mailing us at info@wao.gov.uk or writing to us at 24 Cathedral Road, Cardiff, CF11 9LJ.

4. The Auditor General has concluded that **the Council's track record suggests that it is likely to respond positively to the internal and significant external challenges it faces and make arrangements to secure continuous improvement for 2015-16.** This judgement reflects the conclusions of his corporate assessment, that **the Council has made significant progress in a number of difficult areas during the last year; although it needs to strengthen aspects of its arrangements, the Council is reasonably well placed to continue to deliver its priorities in the face of further financial challenges.**

5. The audit team found that, **despite some strengths and areas of progress, aspects of the Council's arrangements are not fully supporting decision making and the delivery of the Council's agreed priorities.** We reached this conclusion because:

- a the Council has established a wide-ranging set of clearly-stated priorities that have a broad base of support within the Council and among partners;
- b the Council's corporate planning and reporting of performance have improved year-on-year but plans at service level are of inconsistent quality; and
- c sound governance structures are mostly in place but some aspects are not working as effectively as they might.

6. We also found that **the Council has taken significant strides forward in its use of resources and now needs to co-ordinate the elements more systematically in the face of future financial challenges.** We found that:

- a improvements in financial planning have the potential to support the Council in maintaining its recent track record of financial savings in the face of increasing austerity, but difficult decisions lie ahead;
- b the successful completion of the Council's Single Status agreement and Equal Pay Review has been highly demanding and other Human Resources priorities have therefore made slower progress than intended;
- c the Council has a clear vision for its land and buildings, but the links between asset management and the planning of revenue expenditure are not explicit enough; and
- d despite delivering significant improvements in a number of areas, the ICT function has struggled to prioritise its work in the face of increasing demand.

7. Finally, we found that, during 2013-14, **the Council made good progress against the improvement priorities we looked at but its performance against the national indicators declined slightly.**

8. We concluded that:

- a Flintshire schools continue to provide good value for money and the Council is seeking further efficiency within the education system;
- b there has been good progress in adult social services but the performance of children's services has been less consistent in the face of increasing demand;
- c overall performance against the national indicators declined slightly, but with some strong performance across several service areas;
- d the Council is making good progress in implementing initiatives to help mitigate the impact of cuts to welfare benefits and to reduce fuel poverty;

e the Council's performance in preventing homelessness has improved but there has been little progress in the length of time people spend in temporary accommodation; and

f the Council continues to make progress in improving the Welsh language capability of its staff but it recognises that progress is not consistent across the whole Council.

Recommendations and proposals for improvement

9. Given the wide range of services provided and the challenges facing the Council, it would be unusual if we did not find things that can be improved. The Auditor General is able to:

a make proposals for improvement – if proposals are made to the Council, we would expect it to do something about them and we will follow up what happens;

b make formal recommendations for improvement – if a formal recommendation is made the Council must prepare a response to that recommendation within 30 working days;

c conduct a special inspection and publish a report and make recommendations; and

d recommend to Ministers of the Welsh Government that they intervene in some way.

10. We have made no statutory recommendations during previous work this year and we make none in this report. The following proposals for improvement stem from our corporate assessment work in September 2014.

Proposals for Improvement

P1 The Council should develop and implement a consistent approach to business planning that promotes the ownership by staff of key objectives and targets.

P2 The Council should improve the quality of its reports to committees and Cabinet to ensure that:

- where necessary, reports enable councillors to refer easily to relevant policies and previous decisions and discussions;
- key messages and recommendations are clear and succinct; and
- reports to scrutiny committees include recommendations or options that committees might endorse.

P3 The Council should ensure that, in implementing its revised strategies for People, ICT and Asset Management:

- their financial implications feed into the medium-term financial plan; and
- the links between the strategies are fully considered so that specialist staff are available when required.

P4 Group Leaders should strongly encourage members to take advantage of the Member Development Scheme.

P5 The Council should take the opportunity of its review of scrutiny structures to ensure that Overview and Scrutiny Committees can add real value to Council decision-making by aligning agendas more explicitly to Council priorities and risks.

P6 The Council should:

- adopt a consistent approach to managing risk, ensuring that all staff involved use a similar approach to record impact, likelihood and mitigating actions; and
- apply this approach to its future savings plans.

P7 The Council should ensure a consistent approach to workforce planning and use the results to inform future reductions in staff.

Wales Audit Office Annual Improvement Report

March 2015

Executive Response

The Wales Audit Office's Annual Improvement Report and Corporate Assessment is, overall, a fair and positive summary of the position of the Council. The report is a welcome endorsement of a full year of improved improvement reporting following the introduction of this year's Improvement Plan.

There are no new statutory recommendations. The proposals for improvement are already well advanced in our commitment and activity for response. Listed below are the seven proposals for improvement along with our response.

Proposal for Improvement (P1-7)	Response
<p>P1 The Council should develop and implement a (more) consistent approach to business planning that promotes the ownership by staff of key objectives and targets.</p>	<p>A review of strategic and operational business planning is underway. The review covers review and republication of the suite of key corporate documents – Improvement Plan, Governance Plan, Medium Term Financial Plan and a new Corporate Resourcing plan; a review of the comprehensive of the set of portfolio strategic plans which drive policy and priorities (e.g. the Housing Business Plan; a review of the format, consistency and quality of operational business plan reports. This review will have staged outcomes with the first working deadline being June for the suite of revised key corporate documents.</p>
<p>P2 The Council should improve the quality of its reports to committees and Cabinet to ensure that:</p> <ul style="list-style-type: none"> • where necessary, reports enable councillors to refer easily to relevant policies and previous decisions and discussions • key messages and recommendations are clear and succinct; and • reports to scrutiny committees include recommendations or options that committees might endorse. 	<p>A review of report format, style and quality of presentation is under way. A pilot of an improved format will be recommended. The improved format will include use of executive summaries and fuller exploration of risk in assessing options for decisions. Fuller use of hyperlinks will be made to avoid publishing extensive appendices where this can be avoided</p> <p>Updated report writing guidelines are being produced. Refresher report writing training will be offered. Quality assurance systems for report approval are being improved.</p>
<p>P3 The Council should ensure that, in implementing its revised strategies for People, ICT and Asset Management:</p> <ul style="list-style-type: none"> • their financial implications feed into the medium-term financial plan; and 	<p>As P1 above noting:-</p> <ul style="list-style-type: none"> • a single corporate resourcing plan is being developed for June as part of the suite of key corporate documents. This plan will prioritise the allocation of corporate resources for change projects • a comprehensive approach to programme

<ul style="list-style-type: none"> the links between the strategies are fully considered so that specialist staff are available when required. 	<p>management for officer portfolios where significant change needs to be led, co-ordinated and managed with a set of 8 programme management boards</p> <ul style="list-style-type: none"> a comprehensive and more usable Medium, Term Financial Plan in a new graphic format for June
<p>P4 Group Leaders should strongly encourage members to take advantage of the Member Development Scheme.</p>	<p>A review of the member development programme is underway with the aim of having a broader offer for members in partnership with the Welsh Local Government Association. Group Leaders are being requested to promote take-up of training opportunities amongst their respective groups.</p>
<p>P5 The Council should take the opportunity of its review of scrutiny structures to ensure that Overview and Scrutiny committees can add real value to Council decision-making by aligning agendas more explicitly to Council priorities and risks.</p>	<p>A Task and Finish Group has been set up by the Constitution Committee to review the number and terms of reference of Overview and Scrutiny Committees. The Group will report to the Annual General Meeting of the Council.</p> <p>Forward work programmes are to include major and higher risk annual budget proposals which require monitoring and assessment of impact, major service reviews included in the budget, and periodic review of the achievement of improvement priorities. Report formats are being reviewed as P2 above to make reports more purposeful.</p>
<p>P6 The Council should:</p> <ul style="list-style-type: none"> adopt a consistent approach to managing risk, ensuring that all staff involved use a similar approach to record impact, likelihood and mitigating actions; and apply this approach to its future savings plans 	<p>Following an earlier internal review of risk management led by Internal Audit a number of actions are in train for the organisation to be more consistent and effective in the identification and reporting of risk at strategic, operational, project and partnership levels. P1 and P3 above will contribute.</p>
<p>P7 The Council should ensure a consistent approach to workforce planning and use the results to inform future reductions in staff</p>	<p>The new appraisal model as presented to the Corporate Resources Overview and Scrutiny Committee is being implemented to support talent recognition, retention and progression. Intelligence from this renewed appraisal programme will inform the training and development programme.</p> <p>Workforce planning risks are being assessed in each Chief Officer portfolio area as part of the revised People Strategy.</p>

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **COUNCIL**

DATE: **14 APRIL 2015**

REPORT BY: **CHIEF EXECUTIVE**

SUBJECT: **WELSH GOVERNMENT WHITE PAPER:
DEVOLUTION, DEMOCRACY AND DELIVERY –
REFORMING LOCAL GOVERNMENT: POWER TO
THE PEOPLE**

1.00 PURPOSE OF REPORT

1.01 To invite a Council response to the Welsh Government White Paper.

2.00 BACKGROUND

2.01 In July 2014 the Welsh Government (WG) published a trio of policy papers on the future of governance and the public services in Wales under the banner of Devolution, Democracy and Delivery.

2.02 The main policy paper was a white paper entitled *Reforming Local Government*. This set out the options for an intended reorganisation of local government.

2.03 This white paper led to an invitation to councils to propose voluntary mergers for consideration by WG. Following submissions by three couplets of councils WG aborted the voluntary merger programme and instead issued a Ministerial statement committing to the publication of a proposed structure for local government in June 2015. The proposed structure and proposed smaller number of larger councils for the future is colloquially known as ‘the map’ for local government.

2.04 In January WG published a further white paper *Devolution, Democracy and Delivery – Reforming Local Government: Power to the People*. Whilst avoiding presenting a proposed ‘map’ for local government the White Paper does address some fundamental issues such as democracy and governance, powers, finance and the role and value of Town and Community Councils as the lowest tier of government. The closing date for responses to the White Paper is 28 April. The White Paper can be accessed on the consultations page on the Welsh Government website

<http://gov.wales/docs/dsjlg/consultation/150203-power-to-local-people-summaryv2-en.pdf>

3.00 CONSIDERATIONS

- 3.01 Given the significance of the White Paper which could be a defining moment in the modern history of local government in a devolved Wales, local authorities have united in making a shared response to Welsh Government. The collective response prepared by our representative body, the Welsh Local Government Association (WLGA) is attached at Appendix B. Council is invited both to add its support to the WLGA response and to submit the tailored corporate response at Appendix A, which explores a number of the big questions in more detail and advances a positive vision for the future role of local government.

4.00 RECOMMENDATIONS

- 4.01 Council is recommended to (1) adopt the corporate response set out at Appendix A for submission to Welsh Government and (2) support the collective response of the Welsh Local Government Association attached at Appendix B.

5.00 FINANCIAL IMPLICATIONS

- 5.01 None directly.

6.00 ANTI POVERTY IMPACT

- 6.01 None directly.

7.00 ENVIRONMENTAL IMPACT

- 7.01 None directly.

8.00 EQUALITIES IMPACT

- 8.01 None directly.

9.00 PERSONNEL IMPLICATIONS

- 9.01 None directly.

10.00 CONSULTATION REQUIRED

- 10.01 None directly.

11.00 CONSULTATION UNDERTAKEN

- 11.01 The Council Leader, Cabinet members, Group Leaders, Chief Officers and senior managers have been consulted informally in the preparation of this report.

12.00 APPENDICES

Appendix A: Flintshire corporate response

Appendix B: WLGA collective response

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

None other than the White Paper of Welsh Government.

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White Paper: *Reforming Local Government: Power to the People*

Formal Response of Flintshire County Council

Responding to the White Paper

Given the significance of the White Paper it is important that consultee councils make full strategic responses to both extend the thinking behind and within the Paper, and to suggest solutions where the Paper is perhaps deficient. The questionnaire which accompanies the Paper is too intricate and limiting for the expression of strategic views. What follows is the strategic response of Flintshire County Council.

The Council also supports the collective response of the local government 'family' submitted by the Welsh Local Government Association and submits its own response alongside it. Our corporate response explores and takes forward some of the positions taken by the Association. Where our response is less detailed, or silent, the response of the Association should be taken to speak for Flintshire.

Introductory Comments

The White Paper should act as a marker for the redefinition of the role and value of local government in a devolved Wales. This redefinition should be a positive experience with a renewed vision set for local government and the governance of local communities. Any redefinition must inevitably include the relationship and power-sharing balance between Welsh Government and local government; an appropriate balance between centralism and localism in policy-making and deciding priorities; legal and financial flexibilities to enable innovation and support local solutions for local challenges; the empowerment of local democracy; a sufficient and sustainable funding basis for local government.

Whatever the shape of local government, and the number of new councils which succeed the current, local governance must continue as a respected, valued and resilient model for local public services to communities, businesses and the most vulnerable. The White Paper should be a defining moment in the long and proud history of local government and, in years to come, be viewed in retrospect with recognition and not regret.

Theme: Power to Local People

The White Paper was positioned as one which would provide a vision for local government. Whilst developing some of the themes which could underpin a vision the White Paper, in itself, does not provide one. The Paper speculates over what might be in the future once local government is re-organised into a smaller number of larger councils. A re-organisation is not an answer in itself. The time for redefining the role and value of local government, and its place in a devolved Wales, is now.

The vision for local government could usefully be set out as:-

- what it must do (service/functional duties and responsibilities), what it should do (service aims and standards) and what it could do (generic powers, discretion and innovation);
- how it is governed (governance model, local accountability, self and external regulation);
- how it is resourced (national funding model and local flexibility); and
- the democratic principles which underpin the above being 'written into' the relationship between central and local government: subsidiarity and localism as principles with the powers and freedoms to act (within the national policy setting and legislative framework).

A well governed and high performing council under this model would be one which:-

- both meets its statutory duties and national service standards (e.g. social care, education, environmental health) whilst providing innovative solutions to local challenges (e.g. business growth, poverty, community safety, environmental management);
- is well governed with statutory compliance, effective use of resources, effective partnership working, respected community leadership, and a positive local reputation as indicators of its 'health';
- is properly funded to achieve the above with demonstrable financial stewardship; and
- is effective in co-managing both national social policy objectives and local community demands.

Competent councils within this model would meet the four primary aims of local government which are its essence:-

- enabling local communities and people to fulfil their own potential;
- acting as an extension of the 'welfare state' in supporting the most vulnerable;
- providing first class statutory local public services and meeting national standards and targets; and
- adapting to meet the specific local needs and demands of local communities in their area.

On the prospect of local government re-organisation the fundamental questions which follow the above and require some answers from those promoting structural change, for a fully informed debate to take place, remain unanswered. These are (1) what will be the benefits of a reorganisation (2) how will the transition costs of a reorganisation be funded (3) what are the aspirations for localism and thereby the future roles, functional basis and freedoms to operate for local government and (4) how will local government be funded sustainably, and to what level, in the longer-term as a basis for planning? The White Paper falls short in answering these questions.

Theme: Balancing the Responsibilities of National and Local Government

The title of this chapter would suggest that role of National Government (in our case Welsh Government) was itself to be examined in rebalancing central-local relations in a devolved nation which prides itself on community identity and respect for regional diversity. The White Paper does not address the role of Welsh Government to any real extent. The vision for local government which Flintshire advocates (above) addresses the axis of power under the themes of democratic principles, roles and functions, governance and resourcing. Through the vehicle of the Partnership Council, Welsh Government is invited to return to these fundamental questions.

The principles of subsidiarity and localism should be re-adopted with true belief, and be given real meaning in practice. Both the UK and Scottish Governments have been re-examining these principles for their respective relationships with local government in England and Scotland. There is real-time learning and transferable practice in both examples. Local government should have parity of esteem in the Welsh governance system.

The development of regionalism could have powerful and beneficial impacts. For local government to play its role then the commensurate freedoms, powers and resources to act should be invested in the model, for example in the fields of planning, transportation and economic development. The recent UK Government-enabled model of Greater Manchester is a prime example which redefines central-regional-local roles and releases capacity for innovative solutions to economic planning and growth. Regions in Wales would need to be empowered and resources to fulfil the potential of 'city regions'.

The proposal for a power of general competence is to be welcomed. However, if policy directives from National Government are to remain so specific and restrictive, and continue to be underpinned by a funding system with tight controls, then such a power is likely to be under-deployed. This would be self-defeating.

Theme: Renewing Democracy

The collective response of the WLGA, on this theme, which is comprehensive, is fully supported.

Theme: Connecting with Communities

The collective response of the WLGA, on this theme, which is comprehensive, is fully supported. In the absence of a clearly defined future role for town and community councils advocating new devolved arrangements, such as neighbourhood management, could unintentionally confuse local governance and cause role conflict and dysfunction.

The approach Flintshire and other counties are taking to encourage town and community Councils to develop their functions, take on assets, act as the central point of community activity, and 'cluster' together to share resources and procure services, can help demonstrate the worth and value of the community level of local government. This approach is in line with previous Welsh Government policy which recognises the role and value of the most immediate form of local government.

Theme: Power to Local Communities

New service models which promote community action and ownership are to be encouraged. Communities need to be supported to take on more responsibility to ensure that local services and assets can be protected in the face of unprecedented public funding cuts. The innovation Flintshire and other like-minded counties are taking to promote alternative models of service delivery should be supported with risk-taking to experiment given licence. Flintshire welcome the recently appointed commission on mutualisation. National policy and legislation in this field should enable, and not constrain, experimentation.

Theme: Corporate Governance and Improvement

The proposals made for assuring good governance and improved performance management and accountability are not new. The White Paper proposes a combined set of current models such as self-assessments and peer reviews, all of which have a proven track record where done well. These sorts of arrangements could be made, in return for less external regulation and government performance controls and 'strings', and be introduced voluntarily. They do not require legislation. There is a risk that the extent and frequency of the proposed self and peer assessment models could be too demanding and could create a new industry in themselves. Early and proportionate adoption and experimentation is to be encouraged.

The White Paper appears to be legislating for the few - those who are not well-governed or performing to the expected standards, and not the majority - in this chapter and the two which follow. This is a questionable basis on which to legislate. The current governance model is 'not broken' and legislation and interventionist policy should be proportion to the scale of the challenge and reserved for those who fail. To repeat the well-rehearsed phrase freedoms should be there to be lost in a trusting central-local relationship, and should not have to be earned by the majority.

Theme: Performance in Local Government

The collective response of the WLGA, on this theme, which is comprehensive, is fully supported. This chapter is light on addressing the unresolved question of how to set broad policy objectives and service standards for the critical statutory services, whilst allowing freedom to innovate to meet them, and avoiding micro-management by Government departments which is the hallmark of so many central-local performance management arrangements. This is not an impossible 'nut to crack' but one which can only be prised open in a relationship where local government is trusted and empowered to act to meet national social policy objectives.

Theme: Strengthening the Role of Review

External regulation, both financial and performance audit and inspection, has an essential place in ensuring independence, objectivity and fairness in passing judgement on organisational performance and prospects for self-improvement. Whilst the scale and quality of the current regulatory system has been a vexed question for several decades, this central role in Welsh governance is recognised and valued. There is a risk that a diminution of external regulation could leave a vacuum for self-improvement in weaker councils, and leave open the opportunity for Government-led interventions which could be perceived as politically motivated. This is a significant issue which asks for careful and sensitive handling.

The track record of interventionist-led corrective improvement is mixed and we should avoid jumping to solutions which are unproven.

Effective local governance, with accountability to local communities through the democratic process, supported by external regulation and validation, should remain the cornerstone of the model for local government of the future.

Theme: Reforming Local Government Finance

This chapter of the White Paper is the least developed and has few specific proposals for the future. The current funding model for local government is no longer 'fit for purpose' on two counts. Firstly, the balance of central-local funding sources is too heavily weighted to the former with limited capacity for local fund raising and taxation. Secondly, local councils have limited flexibility in how they can choose to allocate centrally provided funding to local priorities given the extent of hypothecation and spending controls and bureaucracy within both the core annual financial settlements and the specific grants regime. Welsh Government should commit to a programme of supporting local funding capacity and income retention, to include the local retention of 'business rates' within the income generating council areas, and an immediate review of specific grants with grants only being retained in exceptional circumstances as two partial solutions.

Even if the funding model were 'fit for purpose' it still needs to be funded properly for local government to meet its duties and obligations, and to have the capacity to innovate. The current local government funding formula is in need of review; local government needs to have sufficient annual funding - the current reductive funding strategy during a period of fiscal austerity is not sustainable; the absence of any longer term funding projections compromises strategic financial planning at the local level; Welsh Government should openly share its funding plans for the whole public sector e.g. for the NHS and social care given the interdependence of the public services, in the spirit of the co-production of social policy solutions; the legislative and policy making aspirations of the Welsh Government need to be fully funded with a recognition that the current Regulatory Impact Assessments system underpinning the legislative process is under-developed. The White Paper speculates over a funding model for the new merged councils. The funding crisis is a 'here and now' issue which should not be put off for a future generation of council leaders to face.

Following the parallel review in England, local government in Wales is to form an Independent Commission on Local Government Finance. Welsh Government is invited to support the Commission and to contribute to the setting of its terms of reference to include the above.

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Your Ref/Eich Cyf:
Date/Dyddiad:
Please ask for/Gofynnwch am:
Direct line/Llinell uniongyrchol:
Email/Ebost:

ST/SP
31st March 2015
Steve Thomas
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WLGA • CLILC

To all Local Authority Leaders and Chief Executives, Chairs and Chief Officers of the Fire & Rescue Authorities, Chairs and Chief Executives of National Park Authorities in Wales

Dear Colleague

WLGA Draft Response to the Welsh Government's White Paper "Reforming Local Government: Power to Local People"

Following unanimous agreement at the WLGA Coordinating Committee meeting on March 27th 2015, it was agreed to seek the views of all WLGA members across Wales on WLGA's draft response to the White Paper "Power to Local People".

It was the view of members that the draft response represents an excellent and detailed summation of potential local government positions to the many and varied proposals in the White Paper. The vision set out by Welsh Government and the debate this has generated has been fully embraced in local government. Indeed, it is the view of members that this approach based on the possible form and functions of local government should have commenced before the discussion on structures.

Members were keen to stress the elements in the White Paper which were positive and are to be welcomed. These include a power of general competence, the push for greater diversity in Councillor membership, and the commitment to have a full examination of local government finance.

There are other elements of the White Paper, however, which are hugely controversial and have generated an adverse response amongst councils. These fall into key categories:

Communities – WLGA leaders agreed that the debate on more powers to councils that is currently happening across the UK is not occurring to a sufficient degree in Wales. The principles of devolution of power to our communities through local government, a localist philosophy and the principle of subsidiarity need to be at the heart of Welsh public policy.

Steve Thomas CBE
Chief Executive
Prif Weithredwr

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Choice – WLGA leaders agreed that key principles of local democratic choice are at stake. Leaders believe for example that it is for communities through the ballot box to determine the length of time politicians are in post. They also believe that it is a fundamental principle that councillors select and appoint their own senior managers. These and many other examples are at the core of a localist approach.

Consistency - Many of the proposals in the White Paper apply exclusively to the local government sector. It is the view of WLGA leaders that for any debates on these matters to have credibility, and for councils to properly engage in a meaningful way, the potential reforms must apply to all levels of government in Wales.

Complexity – The White Paper adds more complexity into an already crowded public services landscape. The White Paper highlights reforms to community councils, a new system of area boards, new requirements around LSBs, the development of City Regions and a raft of other legislative proposals. These proposals appear to contradict the recommendations of the Williams Report, which sought greater clarity and significant reform. The proposals on a new improvement review framework also fall into this category.

Clarity – To properly answer some of the key issues in the White Paper this must be predicated on the need for a resolution to the debate on local government reorganization, for example, determining what is the appropriate number of councillors in Wales. The LGR debate has stalled and a further map is awaited. WLGA leaders repeat their call to be fully involved in the determination of the future shape of Welsh councils.

Commissioning – The White Paper proposes an accelerated model of local authorities commissioning services through mutuals, the third sector, social enterprises etc. The WLGA recognises that this is but one of many mechanisms to transform services and has severe limitations. It is the view of WLGA that the default model of direct public services, democratically accountable to local politicians and infused with a public sector ethos is the preferred operating model.

Councillors and Democracy - WLGA leaders want the debate on the future of local government to be based on the principles of respect, full engagement and partnership. WLGA is eager for Welsh councils to fully reflect the diversity of our communities. But we also want to ensure the contribution of all who stand for election in these difficult times is fully recognised and valued. They should be applauded for their dedication and commitment to serve communities across Wales often to the detriment of their family life and careers.

The WLGA draft response comes in the form of both an Executive Summary and a more detailed document setting out views on the many proposals in the White Paper. This is a long response but the debate generated by the White Paper is fundamental and it is important that WLGA, as the representative body of councils in Wales, seeks to address the issues contained therein. We are consulting councils on the contents of this and asking key questions:

1. Do you broadly support the approach taken and the contents of the response?
2. Do you think that the response sets the right tone and its recommendations can be fully supported?
3. Do you think there are issues or ideas that should be included in the response, which are currently missing?

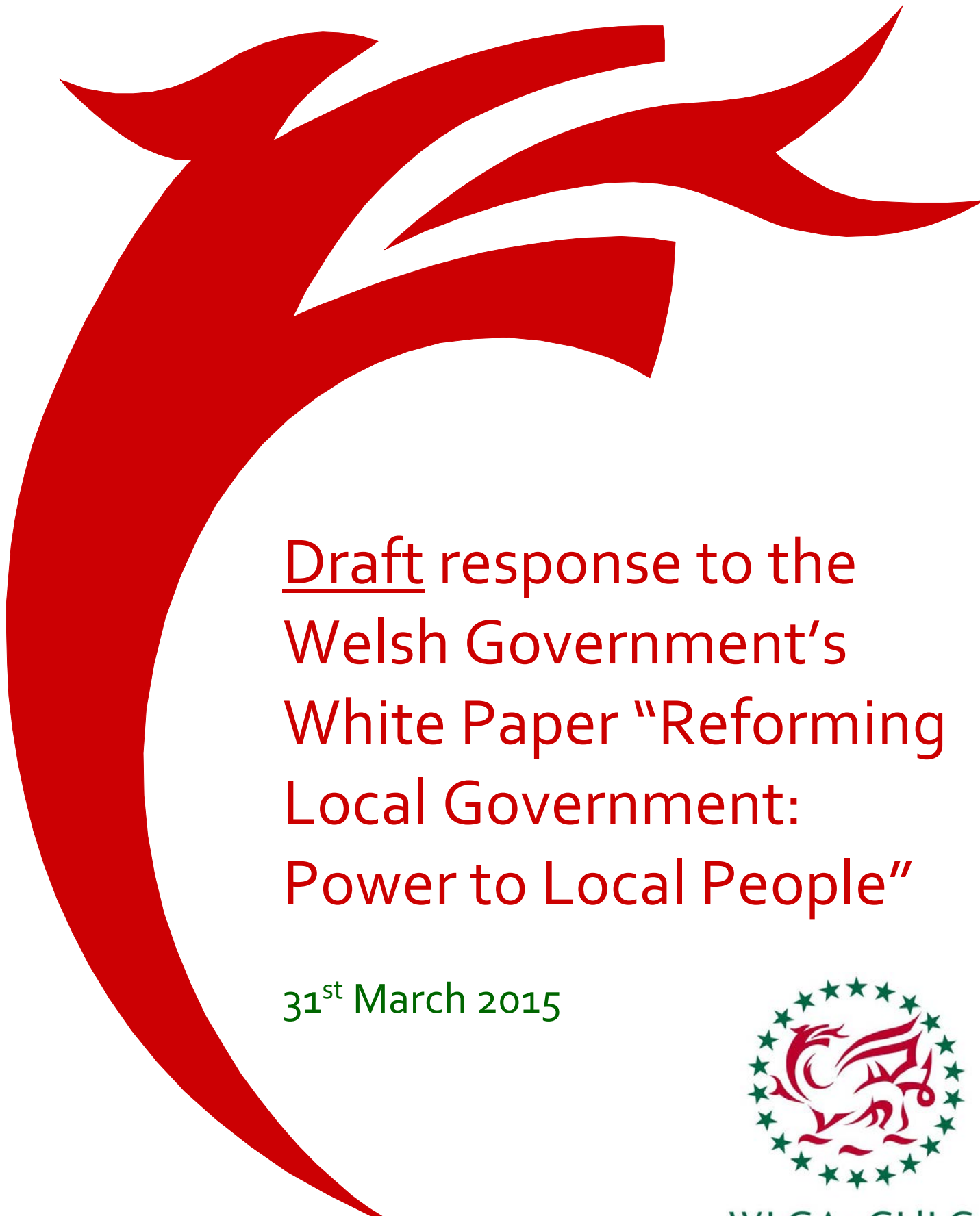
Following our discussion at the last weeks Coordinating Committee we are using this period between now and the end of the Welsh Government consultation to seek authorities views on this draft. We would like to get a firm view on the direction of travel from each authority across Wales and all parts of the WLGA membership. It is hoped that this draft will in addition, assist councils in their formulation of views to the White Paper. Therefore we need your comments by **Tuesday 14th April 2015** to report back to our Management & Audit Sub Committee.

We would also urge those councils who are supportive of this response and thus not intending to submit an individual council submission to write to Welsh Government indicating their endorsement.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Bob Wellington', written in a cursive style.

Councillor Bob Wellington CBE
Leader of the Welsh Local Government Association



Draft response to the
Welsh Government's
White Paper "Reforming
Local Government:
Power to Local People"

31st March 2015



WLGA • CLILC

INTRODUCTION

1. The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales. The three fire and rescue authorities and the three national park authorities are associate members.
2. It seeks to provide representation to local authorities within an emerging policy framework that satisfies the key priorities of our members and delivers a broad range of services that add value to Welsh Local Government and the communities they serve.
3. A draft Executive Summary is set out in pages (i) to (vii).
4. A full draft response to the White Paper is set out in pages 1 to 37.
5. WLGA would be grateful to receive any comments from the membership on the draft response to the White Paper and a response by 14th April 2015 would be appreciated.

For further information please contact:

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Executive Summary - WLGA Draft Response

Chapter 1 - Welsh Government Vision for Local Government in Wales

The Welsh Government vision for local government sets out the concept of an “activist” council which has derived from “the best international experience, and drawn on the experiences of the co-operative councils movement in the UK”. There is a welcome proposal of a power of general competence for all Welsh Councils. However many of the proposals to underpin this vision are qualified and conditional on creating larger reorganised councils.

Response

- WLGA welcomes the debate that has started on developing a vision for the future of local democracy in Wales and is committed to taking this forward in an open and constructive manner.
- WLGA members believe that the “activist” council model has real attractions but that it would require greater autonomy for local authorities than is afforded currently by central government and recognition that a public service ethos is fundamental.
- WLGA members are firmly of the view that the principles of localism and subsidiarity need to be embraced by all levels of government in Wales.
- WLGA and our colleagues across the UK support the concept of a Constitutional Convention following the general election with every nation and region in the country engaged in a dialogue with our communities about how power needs to be dispersed and how sub-national devolution can be strengthened.
- WLGA members believe that the Welsh Government should rapidly move forward to de-hypothecate all specific grants following the approaches in England and Scotland.

Chapter 2 - Balancing the responsibilities of National and Local Government

This chapter recognises that a new approach is needed to underpin central local relations in Wales and will be achieved by a review of the body of local government legislation. It also highlights that Welsh Government remains firmly of the view that both structural and organisational reform of Local Government is necessary.

Central local relations

Response

- WLGA repeats its call for clarity from Welsh Government on how local government reorganisation is to be funded and for an end to the current ambiguity on structures.
- WLGA calls for an independent review of central local relations in Wales aimed at producing clearer accountabilities and ensuring that the interface between devolved and local government drives priorities.
- WLGA calls for an annual meeting between all Welsh Government Cabinet Members and the 22 leaders to exchange ideas, plan implementation of legislation and test strategic direction of key policies. This can also be used as an opportunity to discuss new approaches.
- WLGA supports the review of the body of local government legislation and the recasting of local authority constitutions

Chapter 3 – Renewing Democracy

The proposals in this section deal with suggested reforms aimed at renewed democracy. These include reducing the number of councillors across Wales, term limits, right of recall, possible election by thirds etc. This chapter has proved the most controversial to date in the discussion around the White Paper. The tenor of discussions thus far has failed to recognise the time, commitment and service of existing councillors in relation to working in their communities and improving councils.

Councillor Numbers

Response

- WLGA proposes that a definitive view on council structures needs to be reached before the question of councillor numbers can be answered.
- WLGA advocates that any proposals must examine the optimum level of representation for a locality rather than focusing on averages across the UK.
- WLGA calls for the immediate formation of a Commission between Welsh Government, the Boundary Commission and WLGA to make progress on the way forward on levels of representation.

Remuneration

Response

- WLGA calls on Welsh Government to undertake a national review of comparative levels of remuneration beyond local government across the public sector, including non-elected bodies in Wales.
- WLGA does not feel that the case has been made for reducing allowances at a time when the size of authorities and the scale of responsibilities are increasing.
- WLGA believes that the work of the Independent Review Panel needs to be examined to understand why a system of allowances subject to objective evaluation and accumulated benchmarking since 2007 is now deemed not fit for purpose.

Term Limits

Response

- WLGA does not support the concept of term limits. While WLGA members are fully prepared to engage in a national debate on term limits this must be on the condition that it covers all levels of political representation in Wales.

Right of Recall

Response

- WLGA does not support the concept of right of recall. While WLGA members are fully prepared to engage in a national debate on the right to recall this must be on the condition that it covers all levels of political representation in Wales.

Diversity

Response

- WLGA fully supports the promotion of more diversity in Welsh Local Government and the provisions of the report "On Balance"
- WLGA believes that the promotion of diversity in local government must start with the selection processes of the political parties.

Electoral Cycles

Response

- WLGA fully supports a five year fixed term electoral cycle

- WLGA rejects the proposals for 3 year electoral cycles for the reasons highlighted in our response.

Senior Officers

Response

- WLGA believes that consideration should be given to initial fixed term contracts for Chief Executives so as to avoid the need to legislate in this area.
- WLGA is not persuaded by the case for a public services appointments commission and believes that it denies the key principle of local democratic choice in senior appointments.
- WLGA supports the idea of the Staff Commission having a role in commenting upon and reconciling salary levels for senior managers within a more consistent national framework across all public services.
- WLGA does not support lifting the electoral qualification for officers to stand as councillors in their own authorities.

Chapters 4 & 5 - Connecting with Communities and Empowerment

This section examines the potential role of area boards and reforms to town and community councils. It stresses the importance of member led community governance, however some of the proposals also add to the complexity of local governance frameworks which actually confuse and diminish the accountability of members at the local level.

Response

- WLGA supports fully the concept of member led community governance.
- WLGA believes that in some cases Area Boards can add value but only when there is local demand and not when imposed through national frameworks.
- WLGA calls on Welsh Government to implement the Williams Report recommendations on reducing complexity before any new localized structures are put in place.
- WLGA supports the proposal to give the new principal councils the power to lead reform of town and community councils.

- WLGA does not believe that a full review of governance and structures of Community councils can be completed by 2022
- WLGA is committed to public service provision through local government and, while accepting that alternative models of service delivery must be explored and considered, believes that the future sustainability of public services will rely on direct provision by councils.

Chapter 6 - Corporate Governance and Improvement

The White Paper outlines continued commitment to the concept of self-improvement, where councils themselves remain responsible for identifying their own improvement priorities, identifying and mitigating improvement challenges and risks and managing service performance. The White Paper therefore proposes a repeal of the more general improvement provisions in Part 1 of the Local Government (Wales) Measure 2009 and reaffirms an intention to retain Ministerial intervention powers, including a new power to commission an independent governance review of an authority in certain circumstances.

Response

- WLGA welcomes the Welsh Government's continued commitment to and strengthening of an improvement regime based on self-assessment and self-improvement.
- WLGA supports the general proposals to strengthen the role of Audit Committees, but the Welsh Government should also seek to clarify the distinct remit and roles of audit and scrutiny
- WLGA does not support the proposed reforms to ensure that the chair of Audit is an independent member or that Audit Committees should include a greater proportion of independent members.
- WLGA welcomes the White Paper's recognition of the value of peer review, but believes it should remain a sector-led, sector-owned and sector-commissioned model and should not be statutory or prescribed.

Chapter 7 - Performance in local Government

The White Paper further explores the key components of effective governance and self-improvement and outlines proposals for a requirement for councils to publish a corporate plan that covers the short, medium and long term, annual reporting arrangements covering performance for the previous year. The White Paper also clarifies Welsh Government intention to streamline the performance measurement regime in line with the Williams Commission recommendations and proposes the

establishment of an online information portal including councils' performance information and performance documentation and reports.

Response

- WLGA supports many of the aims of the White Paper around seeking to streamline and more effectively and transparently measure, manage and report council performance.
- WLGA and Data Unit welcome the Welsh Government commitment to working with partners in developing the proposed new, streamlined approach.
- WLGA does not support proposals for 'financial penalties' and thinks it will unfairly undermine performance and attainment of standards. The White Paper does not explore the potential of minimum standards in detail.
- WLGA supports the proposal that councils should produce a comprehensive corporate plan, but is not convinced it will lead to clearer demarcation of the respective roles of councillors and senior managers and, given its comprehensiveness and complexity, it will not support or promote public engagement or accountability.
- WLGA supports the White Paper proposals around openness and transparency of council business and recognises the potential for increased service provision and customer contact through digital channels.

Chapter 8 - Strengthening the Role of Review

The White Paper outlines the Welsh Government's plans continued commitment to the concept of local democratic oversight and scrutiny of local government and, potentially, partner organisations. The White Paper outlines proposals to further clarify, support and strengthen local scrutiny, the relationship of scrutiny with external inspectorates and regulators and improved coordination of information and activities of such external bodies.

Response

- WLGA supports many of the principles and objectives that underpin the chapter on strengthening the role of review, many of the individual proposals are also endorsed.
- WLGA supports the introduction of 'Key Decisions' to clarify the key issues which scrutiny should consider and may be subject to call-in when appropriate. Similarly scrutiny forward work planning could be strengthened, but prescription should be proportionate.

- WLGA recognises the contribution and value of co-optees but it should be a matter for local determination regarding the role and voting rights of co-optees.
- WLGA does not support the proposal to legislate to ensure that collaborative or jointly commissioned services have a joint scrutiny committee. Local accountability arrangements should be left to the discretion of constituent authorities.
- WLGA supports the proposals around strengthening the links between external inspection and regulatory bodies.
- WLGA supports in principle the proposed joint 'whole system assessment' of authorities, but a biennial assessment does not appear to be proportionate and could place a significant burden on authorities.

Chapter 9 - Reforming Local Government Finance

This chapter highlights longer term proposals for reform of the finance system in Wales supported by changes to the way local services are funded and the mechanisms for distributing, raising, managing and accounting for the funding.

Response

- WLGA would argue that as the arena of local government finance is the key issue facing local government, reform should be given greater prominence within the White Paper.
- WLGA fully supports the White Paper proposals on council tax revaluation, reform of the local government funding formula and new approaches to local taxation.
- WLGA has commissioned an Independent Commission on Local Government funding to examine the crisis in local government funding and the Welsh Government is invited to participate in this work.

DRAFT

Reforming Local Government White Paper – Power to Local People

DRAFT WLGA response

Chapter 1 - Welsh Government Vision for Local Government in Wales

Introduction

- 1.1 The Welsh Government's Devolution, Democracy and Delivery White Paper: Reforming Local Government - Power to Local People, published on 3rd February 2015 and was acknowledged by WLGA as an important contribution to the debate on the future of local democracy in Wales. The WLGA has consistently argued that the debate on future structures of local government in Wales should be firmly based on the need for form to follow function and that a clear vision is needed to underpin any proposed changes.
- 1.2 The White Paper usefully sets Welsh local government within an historical perspective and also seeks to link the "Reforming Local Government Programme" with other Welsh Government strategies. It proposes a range of measures that are progressive such as the view that there must be more diversity within council chambers and that local authorities should more clearly reflect the communities they serve, as well as less developed ideas that will require further discussion and elaboration. This response will consider the White Paper in its entirety and will highlight those ideas which are welcome as well as those proposals that are less persuasive as currently set out.
- 1.3 Consideration will be given to the main themes of the White Paper: local democracy, the roles and remuneration of elected members and senior officers, community governance and community councils, community rights, corporate improvement, service performance, scrutiny, audit, inspection and regulation, and local government finance. The paper reflects the discussions that have taken place to date within the WLGA's various political fora including the WLGA Council on 27th February. The intention at all times is to both constructive and challenging to seek shared solutions for public services in Wales.

The Vision – "Activist" Councils

- 2.1 The Welsh Government vision for "activist" councils is one of the key themes of the White Paper. The Minister for Public Services, Leighton Andrews, states in the introduction that, "We want all our Councils to be activist Councils, engaged in delivering modern, accessible, high quality public services with their communities." The Paper sets local government at the heart of its communities, which is welcome and recognises a functional reality as it exists today. While much focus is placed on the larger services such as education and social care, for the public it is those delivery areas that deal with the "clean, green and safe" services that are often the most valued.
- 2.2 Services such as environmental health, trading standards, leisure, housing, libraries and many more have a key preventative role in terms of community health and wellbeing. It these same services whose sustainability is under threat with

continuing austerity and cuts. As the First Minister recently commented *"Another five years of this, and there won't be any choices at all, no matter how difficult the decisions. It won't be libraries and leisure centres versus social services and playgroups. It will be everything"*.

- 2.3 This is a clear recognition that structural change cannot provide all the answers to the financial predicament of local councils. Thus the White Paper is right to stress that finding new and innovative ways of delivering services now is the key task for local democracy across Wales.

Localism

- 3.1 The White Paper suggests that following reorganisation, the "activist" council model will create the foundation "for local government to determine with local people the bulk of local priorities". It is suggested that this approach is rooted in the cooperative councils' tradition in the UK, and yet the White Paper makes very few references to the localist principles that underpin the cooperative council philosophy. This principle is best expressed by a recent statements from the present and past Chairs of the Cooperatives Council Innovation Network (CCIN) who argue that -

"The outcomes from this innovative new approach to local service delivery will be severely muted if local government is not re-empowered with meaningful economic policy and funding levers". Cllr Andrew Burns Leader of City of Edinburgh Council and Chair of the CCIN

"Top-down governance has failed. Cooperative localism could help us define public services for a new era". Cllr Jim McMahon Leader of Oldham Council and a former Chair of the CCIN

- 3.3 The White Paper suggests that a power of general competence partly addresses this argument. WLGA leaders have argued for such a power since the WLGA's formation 1996 and welcome the fact that the Welsh Government has embraced the principles set out in 2011 Localism Act. In England it has been designed to allow councils to undertake innovative activity to drive efficiency and encourage more calculated risk taking that could benefit council tax payers. It does not however allow any new power to raise tax or precepts, or to borrow. Neither will the proposals enable councils to set charges for mandatory services, impose fines or create offences or byelaws affecting the rights of others, over and above existing powers to do so.

- 3.4 Indeed, in terms of new service powers for local government, the White Paper's proposals are conditional and limited. As stated –

"The Welsh Government is in favour of giving more powers to Local Government but Local Authorities must first demonstrate effective exercise of their existing powers. Reformed Authorities, with greater capacity and capability, will have an opportunity to assert greater responsibility and show tangible improvements. When this has been adequately demonstrated, the Welsh Government will be prepared to consider the appropriateness of further devolution of powers".

- 3.5 This is a source of significant disappointment for the WLGA Council Members as they believe this to be a matter of principle and not a matter for bargaining or negotiation. This is in line with the Silk Commission which took the view that the

concept of devolution should be underpinned by a new assumption that everything is devolved unless stated otherwise. Current performance or the use of existing powers was not a consideration for Silk when deciding on matters of political principle.

- 3.6 Alternatively, for local government the promise of further powers is related to structural reform and undefined criteria of “performance”. This suggests that there will be no further devolution of powers to local government until the new shadow councils are established in 2019 or 2020. This timescale does not align with the current financial pressures on public services, the proposed budget cuts in the next Parliament or the increasing drive within Wales to centralise services. A qualified assurance to do something in the future about the powers of local government does not suggest a deep commitment to the principle of subsidiarity or even a functional vision for public service provision in the future

Activist or Agency?

- 4.1 This limited interpretation of the “activist council” is combined with a strategic commissioning approach where services could be delivered through a range of community enterprises, the third sector and trusts as alternative providers of public services.
- 4.2 The WLGA has always recognised the attractions to social enterprises, trusts and cooperative models as vehicles for delivering public services. Local authorities have already been very active in this arena with community trusts running leisure services and libraries and the presence of mutuals in housing and the exploration and further development of these options is set to continue.
- 4.3 WLGA members however maintain that such models can only provide a partial solution to the scale of current financial challenges. There are doubts about the capacity of these alternative providers to deliver on the scale envisaged in the White Paper. It is the Association’s view that there can be no substitute for publically run services in key areas both statutory and discretionary. The White Paper is right to exhort “local government to assert accountability, challenge complacency and drive out mediocrity”. But it is the view of our members that this is best achieved within a democratic framework with local accountability
- 4.4 The WLGA has always argued that decisions about how services are run and managed should be taken as close to the point of delivery as possible and that those people who use public services should have a say in the way that they are organized and delivered. For that reason the WLGA agrees fully with the sentiment in the White Paper “that the future of public services lies in the quality of the relationship between service providers and local people”. Only local government can safeguard that relationship and provide those opportunities because councillors are the tier of government that is closest to the people they serve. In order to be sensitive to local needs however they must have the freedom and flexibility to respond to local circumstances. While it is accepted that central government must set the strategy for public services it is argued that local government must have the freedom to deliver that strategy by taking account of local circumstances.
- 4.5 While the White Paper speaks of using local government reorganisation to set a smaller number of clear national priorities the current reality does not support this ambition. Finland has one education act and no inspectorate yet is recognized as one of the best education systems in the world. In contrast, the sheer weight of

accumulated and planned legislation applying to local government since the Government of Wales Act 2006 has been prodigious.

- 4.6 In addition the scale of multiple accountabilities (not least the burden of audit and inspection) and complex partnership landscape within which local authorities have to operate has led to both the Beecham and Williams reports to recommend the need to massively delayer and unpick this complexity. Williams in particular highlighted the practice of legislating to “have regard” to a specific concept or objective in their decision making processes simply complicates those processes without necessarily achieving anything in terms of the objectives concerned”
- 4.7 In Chapter 2, the White Paper attempts to link up some of the key frameworks in place currently to underpin sustainability in public services. These include -
- National Model of Regional working in the Education consortia
 - Social Services and Wellbeing (Wales) Act 2014
 - The Development of City Regions
 - The Planning (Wales) Bill
 - The Wales Infrastructure Investment Plan
 - The Local Government (Wales) Measure 2009
 - The Well-being of future generations bill
 - The extension of the role of Public Services Boards, and
 - Proposals for a nationally prescribed system of Area boards
 - Local Government Reorganisation
- 4.8 From the above factors it can be seen that the volume, penetration and diversity of devolved government interventions often occur in silos and lack coherence. For authorities its impact has been to generate largely reactive and coping strategies, reduce local discretion and create initiative overload. To add to into this a national system of area boards would create even more tiers of complexity. In their book the “Politics of Decentralisation – Revitalising Local Democracy” Robin Hambleton, Danny Burns and Paul Hoggart argue that such approaches can only work organically from the bottom up. As they state, a core principle of decentralisation is that “this model recognises that it is unsound to stipulate from the centre quite how service delivery is to be specified”.
- 4.10 It is the view of WLGA that other mechanisms could be introduced immediately that would secure better outcomes across Wales and assist effective localised decision-making.
- 4.11 One simple way of increasing local decision-making would be to embrace the Williams Commission’s recommendations on specific grants. WLGA members remain frustrated at the continued slow progress on the de-hypothecation of specific grants. Although there has been some progress within education where 14 specific grants have been merged to form one Education Improvement Grant (subject to significant cuts) progress in other service areas is slow. This contrasts radically with the situation in Scotland and England. The Williams Report highlighted that problem with such grants is that:
- “They control, rather than focus attention, on inputs rather than outputs or outcomes: requiring money to be spent on particular purposes does not and cannot guarantee better services or better outcomes for citizens”*
- 4.12 There is now a significant political consensus across the UK of the need to drive

greater devolution of powers to local communities through local councils. Such thinking is at the forefront all party general election manifestos. The local government associations across the UK, including the LGA, WLGA, COSLA and NILGA, met the Rt. Hon William Hague MP recently who leads for the Cabinet on this and contributed to the Smith Commission on Devolution.

- 4.13 All four associations support the idea for a Constitutional Convention following the General Election with every nation and region in the country engaged in a dialogue with the people about how power needs to be dispersed and how sub-national devolution can be strengthened. In this setting the UK associations believe that the following three principles are essential in moving forward -

"We must establish a principle of subsidiarity; the presumption that power is transferred to the level of government closest to the people. We recognise that there is a case for some powers to rest nationally. However, this should only happen when there is an explicit demonstration the activity being delivered nationally will result in better outcomes. We want to see real momentum behind the devolution of powers beyond Westminster, Holyrood, Cardiff Bay and Stormont to local government and to local communities.

We want the legal position of local government to be secured and enhanced. At the moment, local government is entirely a creature of devolved authority from "higher" bodies. Our communities want to be able to make local decisions for themselves. We need to consider a defined set of powers and responsibilities which sets out what local government can support at the local level so that we can design public services which are most appropriate to local need.

We want greater fiscal autonomy for local government. Our centralised system of public finance is inefficient and stymies economic growth. We are ready for greater responsibility for funding at a local level to improve public services and ensure that local residents and business see how their money is used."

- 4.14 Overall, the WLGA welcomes the debate that has commenced on the future for local democracy in Wales. The vision contained in the White Paper sets out the views of the Welsh Government in the clearest terms. For WLGA members, it does represent a new approach yet it is one predicated on a structural set of reforms that are receding into the distance. In the next three years, local government in Wales will experience budget shortfalls approaching £900m. On top of existing cuts, this threatens the existence of key services and was recognised by the First Minister in a recent speech to the Wales Labour Conference.
- 4.15 In light of this, WLGA members are firmly of the view that devolved Government needs to go further in applying localist principles and freeing up councils to navigate through the financial crisis. In turn it is incumbent on local government to deliver the services the public need and relies upon, as effectively and efficiently as possible.

Response

WLGA welcomes the debate that has started on developing a vision for the future of local democracy in Wales and is committed to taking this forward in an open and constructive manner.

WLGA members believe that the “activist” council model has real attractions but that it would require greater autonomy for local authorities than is afforded currently by central government and recognition that a public service ethos is fundamental.

WLGA members are firmly of the view that the principles of localism and subsidiarity need to be embraced by all levels of government in Wales.

WLGA fully supports a power of general competence for all Welsh Councils

WLGA and our colleagues across the UK support the concept of a Constitutional Convention following the general election with every nation and region in the country engaged in a dialogue with our communities about how power needs to be dispersed and how sub-national devolution can be strengthened.

WLGA members believe that the Welsh Government should rapidly move forward to de-hypothecate all specific grants following the approaches in England and Scotland.

WLGA believes that Councils need to reflect the diversity of the communities they represent, modernise the way they work and use their resources as effectively and efficiently as possible.

Chapter 2. Balancing the responsibilities of National and Local Government

Central Local Relations

- 1.1 WLGA members welcome the recognition in the White Paper that it is time to review and rethink relations between national and local government. The White Paper quotes the existing mechanism of the Partnership Council and the Partnership Scheme. These are important structures, particularly as they set the framework and reporting relationships for a number of other key bodies such as the Reform Delivery Group, Finance Sub Group and Distribution Sub Group.
- 1.2 While the WLGA values these structures and arrangements it agrees with the sentiment of the White Paper “that we are in a very different position from 1999”. All mature democracies are founded on a system of checks and balances so that no one element of government becomes too powerful. In 1999, a strong local government sector was seen as a counter balance to possible centralising impulses of a newly created National Assembly and the Partnership Council was created as the mechanism for managing that relationship.
- 1.3 The institutions of central local relations are now tired however and need refreshing in order to retain their relevance. The Partnership Council now meets only once a year and the Partnership Scheme was last recast in 2012 while its provisions are not meaningfully applied in practice. They are nevertheless important as central local relations provide the necessary checks and balances within every successful modern political system. The arrangements that govern and manage this relationship must therefore be robust, must stand the test of time and must be above the ebb and flow of day-to-day politics.
- 1.4 The challenges ahead require genuine engagement and dialogue. WLGA members are committed to the principles of open, constructive and respectful debate. Leaders recognise that reform is necessary and that it is vital that the structures that define and manage central local relations in Wales are refreshed and modified.

Complexity

- 2.1 This response has already touched on the numerous frameworks that have emerged from various Welsh Government Departments which have built up a formidable infrastructure of policy which is growing increasingly difficult to join up. WLGA leaders believe that it is the key role of Welsh Government to set strategic direction and ensure greater integration across Welsh public policy. A number of authorities have responded to this and factored this into their proposals for new local government structures based on the City Regions. The WLGA welcomed the establishment of the role of Minister for Public Services responsible for driving the Williams agenda and also supported the requirement for a single integrated plan produced for Local Service Boards. The Association also values mechanisms like the Workforce Partnership Council which has allowed cross sector discussion with other social partners in the trade union movement. These arrangements have not always aligned with Welsh Government policy however and there is often a dislocation between competing national strategies plus national strategy and local delivery.

- 2.2 It is recognised of course that policy integration is difficult in the complexity of modern government and there are good examples in social services, education and the environment where heavy investment in a partnership approach has reaped dividends. Taking waste management as an example, whilst there has been significant disagreement on collections policy, all involved have worked together to produce the best recycling outcomes in the UK. Equally the Social Services and Wellbeing Act has not been without controversy, but was clearly underpinned by genuine commitment from Welsh Government and local government at political and officer levels to produce a transformative change.

Moving forward

- 2.3 This approach to transformational change is based on a sense of shared endeavour and mutual respect. Partnership working and co-construction are challenging and can only succeed if there is genuine commitment among all partners and the circumstances are conducive. In this respect the whole debate around local government reorganisation in Wales has proved a huge source of frustration for WLGA members. What could have been a chance to properly debate the future of Welsh public services, their form, function and purpose has ended up as an exercise dominated by structures.
- 2.4 The White Paper is often dismissive and about the role of local government. It is difficult to understand the value of suggesting that "Leadership has not risen to the challenge, collaboration has stuttered and parochial interests have prevailed." Such statements are subjective, inaccurate and less than constructive. There are numerous examples throughout Wales of where local government has embraced and driven collaboration to great effect. The biggest public procurement since devolution has been Prosiect Gwyrdd devised from a consortium of five south Wales authorities working with Welsh Government. The North Wales Regional Partnership Board is a hugely influential cross public sector body and has been instrumental in attracting a new super prison to Wrexham, lobbying for rail improvements to the Holyhead to Crewe line and creating shared services across the region. South West and Central has a regional learning partnership and devised a shared legal service which has rolled out across the majority of authorities.
- 2.5 However this debate is taken forward, it is the view of elected members that the role of the WLGA as the representative body of local government is central. In this setting it is the national dialogue between elected politicians that should be driving the debate, but as the construction of this White Paper demonstrates the current process can be one sided.
- 2.6 WLGA would also advocate that there needs to be much more interchange between Welsh Government civil servants and local government officials so as to improve understanding their respective roles, gaining sector based experience and understanding the context of political environment.
- 2.7 In light of the above and with the severe challenges being faced by authorities with finances and the uncertainty over local government reorganisation, there is a need to take stock on the effectiveness of the current state of central local relations. WLGA welcomes the White Paper proposal to review the body of local government

legislation as a sensible starting point. We also fully support local authorities reviewing council constitutions and seeking to simplify them with an aim to improving transparency and understanding. The WLGA has been working with Lawyers in Local Government in recent years in developing a new model constitution. Many authorities have or are revising their constitutions, although a more fundamental review will be required given the proposed structural and governance reforms outlined throughout the White Paper.

Response

WLGA repeats its call for clarity from Welsh Government on how local government reorganisation is to be funded and for an end to the current ambiguity on structures.

WLGA calls for an independent review of central local relations in Wales to define and set out responsibilities and accountabilities and to improve the interface between devolved and local government.

WLGA proposes an annual meeting between all Welsh Government Ministers and the 22 council leaders to discuss new ideas, the implementation of legislation and the direction of strategic policies. This can be used as an opportunity to discuss new approaches.

WLGA supports a review of all current local government legislation and local authority constitutions.

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Chapter 3 - Renewing Democracy

Introduction – Getting the tone right

- 1.1 The WLGA welcomes the wide-ranging debate generated by Welsh Government on “renewing democracy”. It has led to considerable discussion within our membership on whether and how we move forward on these proposals. WLGA members strongly believe that local democracy in Wales needs to be re-empowered and fully accept that more diversity in local government would be at the heart of this renaissance.
- 1.2 It has come as no surprise that the focus of media and political attention thus far has almost been exclusively confined to the measures around “Renewing Democracy”. It links into a wider set of issues not least the political settlement in Wales, questions about the number of politicians and moves to increase the number of AMs. As a result the WLGA Leader Councillor Bob Wellington has already publically responded that these raise issues for debate that need to go beyond local government into all parts of the political sphere.
- 1.3 Equally the narrative of the White Paper as a ‘renewal’ of a supposed dysfunctional local government sector has been openly contested across councils. There is a full and clear recognition that local democracy needs to be revitalised and diversity must be at the heart of this. But this should not mean devaluing the contribution and civic commitment demonstrated by existing hard-working councillors in Wales. All who stand for election in these difficult times should be applauded for their service not dismissed with labels and stereotypes. WLGA is eager for Welsh councils to fully reflect our communities. But we also want to ensure that we do not demoralise those existing councillors who have given a full measure of time and commitment to serve those same communities often to the detriment of their family life and careers.
- 1.4 In this context councillors must not be singled out. For example we now have fewer women Assembly Members, fewer women in the Cabinet and fewer women Council Leaders than we did ten years ago. Only 7 current MPs out of 40 are women. As a result WLGA firmly believes that whatever the outcome of these debates around Renewing Democracy, any potential reforms that might emerge must apply equally across all tiers of elected government in Wales. Not to do so completely undermines the credibility of the proposals.

Reduction in number of councillors in line with UK average.

- 2.1 The paper is “seeking views on the number of elected members to inform the work of the Boundary Commission”. It highlights ratios of councillors to population as follows -

Wales	2,401
England	3,814
Scotland	4,259

- 2.2 There are currently 1,254 councillors in Wales. In Scotland there are 1,223 and England 20,523. Ratios between Scotland and Wales are very different. For example Glasgow has 79 councillors with a population per councillor of 7,551 based on an overall population of 596,000 people. Cardiff has 75 councillors with a ratio to electors of 1 to 4,689 based on a smaller population of 351,000.
- 2.3 The comparison with England is not as stark when urban areas are compared. Cardiff has similar size populations to a range of councils in Scotland and England and the councillor numbers are broadly similar.

	Population	Councillors
Cardiff	351,470	75
Cheshire West and Cheshire	331,026	75
Ealing	342,494	69
Wirral	320,295	75
Fife (Scotland)	366,910	78
N Lanarkshire (Scotland)	337,370	70

- 2.4 The issue in Wales partly emerges because of the geographical size, sparsity and rural nature in places like Powys (1 councillor to 1,843 population) and Gwynedd (1 councillor to 1,625), and also in a range of larger medium scale authorities who have 70 or above councillors.
- 2.5 The White Paper suggests that the way forward is to reduce the numbers of councillors in Wales nearer to the UK average. Clearly by UK standards (although not European standards) Wales has more councillors than its nation counterparts. The question is however not one of averages but what should be the optimum number within the new authorities to produce vibrant local democracy and a firm basis for political management?
- 2.6 As an example if the suggested "Williams Report Cap" of a maximum of 75 councillors per authority were applied to a new model of 8 authorities for Wales then that would mean 600 councillors and a consequent reduction of 654. That would mean the councillor elector ratio average in Wales would be 5,166 well above both Scotland and England. If applied to 12 authorities it would mean 900 councillors with a reduction of 354 with a councillor to elector ratio of 3,444 still higher than England but smaller than Scotland. The other question which the White Paper does not address is the question whether the model of local democracy will be on single member or multi member wards which again will impact on numbers

Response

WLGA proposes that a definitive view on council structures needs to be reached before the question of councillor numbers can be answered.

WLGA advocates that any proposals must examine the optimum level of representation for a locality rather than focusing on averages across the UK.

WLGA calls for the immediate formation of a Commission between Welsh Government, the Boundary Commission and WLGA to make progress on the way forward on levels of representation.

A review to reduce the level of remuneration of councillors, Leaders and Cabinet members.

- 3.1 The White Paper commits to reducing the cost of politics and suggest that remuneration in Welsh councils should be more in line with “England, Scotland and Northern Ireland”. What does this mean in practice?
- 3.2 In **England** there is not a nationally set scheme of allowances. They vary from council to council. In Manchester for example the Councillors basic allowance is £15,956. The leader of the Council receives £55,804, while the Councillor Chair of the Greater Manchester Transport authority receives £44,206. On the other end of the scale a small district council like Slough sets its basic allowance at £7,100. Comparing this however to the responsibilities of a councillor in a Welsh Unitary is not legitimate. More relevant is the new Cornish unitary authority where the standardised basic allowance is £12,249. The top-paying London borough was Croydon with £11,239, while the lowest was Kingston upon Thames at £7,528. Bradford, Coventry and Kirklees councils all offered annual allowances in excess of £12,000 while Birmingham heads the list at £16,267.
- 3.3 In **Scotland** the situation bares closer comparison to Wales because all councils are unitary. Here the basic allowance for Scottish Councillor is £16,560, which is £3,260 higher than the £13,300 basic allowance set by the IRP in Wales. Where Scottish councillors are less well paid than Wales is at the leadership level. In Edinburgh the Council Leader’s annual pay is £49,683. The Deputy Leader and Lord Provost (civic head) each receive a salary of £37,262. In more medium size authorities like Falkirk (153,000 population) the leader of the council is paid £32,795 and Convenors (Cabinet Members) have £22,020. There are also fewer councillors across the 32 unitaries at 1,223. There is clearly a significant contrast between Wales and Scotland at the leadership level
- 3.4 In **Northern Ireland** local government is not a good comparator since councils have a very small range of functions, which have been constrained because of the “Troubles” over the past decades. They are essentially district councils. In this setting, the budget of Belfast City Council would rank between Monmouthshire and Torfaen in terms of gross revenue expenditure.
- 3.5 Other comparators should also be employed for consistency. A backbench AM in the Assembly currently receives £54,000 (and could receive an anticipated 18% increase) and a MP receives £67,060. Assembly Members who are not re-elected are also entitled to a Resettlement grant to the value of one calendar months salary for each completed year of service subject to a maximum payment equal to six months’ salary.
- 3.6 The question is the scale and breadth of responsibility. It could be argued that a Council Leader, certainly of larger authorities, on a straightforward “job evaluation”

basis carries much more responsibility than either a back-bench AM or MP. Unelected chairs of LHBs also receive a range between £59,760-£69,840 for 15 days a month.

- 3.7 Finally Members allowances are already subject to annual review in Wales by the IRP. There seems to be little point of another review as suggested by the White Paper until the new authorities are established. If the current IRP is now instructed to put forward a scheme with significant reductions to allowances then it means that much of their evidence-based work to date and their independence and objectivity will have been undermined.
- 3.8 Similarly if it is the intent of Welsh Government to attract more professional people into local government leadership positions, remuneration need not only to be proportionate to responsibilities and expected time commitment, but also comparative and competitive. The average wage of a qualified solicitor in Wales is £32,500. Newly qualified teachers (NQTs) in England and Wales start on the main salary scale, which rises incrementally from £22,023 to £32,187. Civil Service Fast Stream Graduate Salary average is £27,000 to £29,000. Qualified accountants average wage in Wales is £42,035. Thus the current level of cabinet allowances ranging from £26,000 to £32,000, which are deemed to be full time roles may not be sufficient to encourage potential representatives from abandoning a professional vocational career.

Response

WLGA calls on Welsh Government to undertake a national review of comparative levels of remuneration beyond local government across the public sector, including non-elected bodies in Wales.

WLGA does not feel that the case has been made for reducing allowances at a time when the size of authorities and the scale of responsibilities are increasing.

WLGA believes that the work of the Independent Review Panel needs to be examined to understand why a system of allowances subject to objective evaluation and accumulated benchmarking since 2007 is now deemed not fit for purpose.

Term limits of 5 terms for councillors and 2 terms for leaders and cabinet members.

- 4.1 The modern idea of term limits largely stems from the American political system and most famously was applied after President Roosevelt's fourth consecutive victory in office was achieved in 1944. The Amendment to Section 22 of the US constitution passed in 1951 limits a President's tenure in office to **two terms** of four years each. There were specific historical reasons for this although it has been widely applied in other parts of the US. It should be noted over the recent past that six legislatures have had their term limits nullified (Idaho, Massachusetts, Oregon, Utah, Washington State and Wyoming). The reason for this reversal was based on the view that it is a fundamental right of the voters to determine their own representation.

- 4.2 The White Paper, despite critical narrative and recent rhetoric, provides little evidence to underpin the proposal. Indeed, the Welsh Government's own figures from the 2012 survey of councillors shows that around 50% of councillors had served less than 10 years and the average length of service from responders (390) was around 16 years. Moreover, in England (according to LGA research) the average length of service of councillors in their current council in 2013 was 9.5 years and fewer than 15% had served for longer than 21 years.
- 4.3 There is limited evidence in the White Paper as to the potential benefits of term limits and in the Welsh context it leads to the following questions:
- If this measure is to be introduced why does it not apply at all levels of Welsh politics including Assembly Members and MPs?
 - Within Wales do we want to limit the choices of the voters and what is the view of voters on this proposal?
 - Is the view which is emerging about the level of over 60s representation in line with Welsh Government policies on ageing well and its commitments in the Strategy for Older People?
 - Does the proposed five term limit have unintended consequences for younger councillors who could be forced to stand down in their forties?
 - How does it resonate with the principles of Article 3 of Human Rights Act which gives individuals a right to stand for elections?
- 4.4 Another key argument against term limits stems from the complicated and difficult political environment within local government. The Local Government Act 2000 introduced the Cabinet system that was premised on an element of acceptance of seniority, namely that there was a cadre of councillors with experience in key services that could specialise in an Executive role. It may take more than a term or two to fully understand the intricacies of finance, education, planning and social care roles. Similarly those with more knowledge of the system can mentor those coming into politics especially into executive positions.
- 4.5 The same kind of experience-driven expertise is common to all political systems not least Welsh Government. Political stability is often at the heart of this. For example two Welsh Cabinet members have been in place for 16 years. Others like the former education Minister Jane Davidson AM served for eleven years in total. Seven years between 2000 and 2007, was in the single portfolio of education. In that same period in England there were six education Ministers.
- 4.6 Other problems with a 5-term limit are the law of unintended consequences. For example it would be problematic for young people entering local government. By these criteria a 21 year old councillor would have to give up at 46 well below the average age of a current Welsh councillor. Equally the proposal is not clear whether a councillor could have a break in service but then return at a subsequent election? This is a feature of the American system.

Response

WLGA does not support the concept of term limits. While WLGA members are fully prepared to engage in a national debate on term limits, this must be on the condition that it covers all levels of political representation in Wales.

A possible recall mechanism for councillors in line with proposals for MPs.

- 5.1 In terms of a **right to recall** while there is the bill promoted by Rt Hon Nick Clegg MP, this is not yet law in Westminster and has not gained huge support. The primary reason for it derives from the fallout as a result of MP's expenses scandal.
- 5.2 The coalition bill says an MP can be exposed to a recall petition if he or she is convicted of an offence in the UK and receives a custodial sentence of 12 months or less; or if the Commons orders their suspension for at least 21 sitting days (or at least 28 calendar days if the motion is not expressed in terms of sitting days). Under the current rules, MPs who go to prison for more than 12 months automatically lose their seat. If either of these triggers is met an MP's constituents will have the opportunity to sign a recall petition, calling for a by-election. If 10% of parliamentary electors in the constituency sign the petition, the MP's seat will become vacant and a by-election will be held. The recall petition process does not prevent the unseated MP from standing in the by-election.
- 5.3 There is no suggestion however that in Welsh local government that the Code of Conduct for Elected Members of local authorities is broken. Indeed a recent meeting with the Ombudsman suggests that standards of conduct are improving. The code however is underpinned by Penal sanctions and members who have broken the code are regularly suspended. Quite how a "right to recall" adds value is questionable and again consistent application across all political tiers would need to be addressed.

Response

WLGA does not support concept of the right to recall. While WLGA members are prepared to engage in a national debate on the right to recall this must be on the condition that it covers all levels of political representation in Wales.

Council Leaders to have explicit duties in respect of diversity and standards of behaviour, including bullying and harassment of councillors and staff

- 6.1 This is supported. Indeed such duties are already set out in the Code of Conduct for Members. In terms of diversity, the Welsh Government and WLGA have jointly led campaigns to seek to address this issue and we were also heavily involved in the

production of the report from the Expert Group on Local Government Diversity “On Balance”.

- 6.2 It should of course be noted that political parties largely determine the nature and diversity of representation across most councils in Wales. Across the 22 councils 75% of all elected councillors belong to a political party with the other 25% standing as independents. The break down is-

Labour 579, Independents 313, Plaid 171, Conservatives 105 and 73 Lib Dems

- 6.3 Thus while council leaders can promote diversity within their councils and specifically within their own groups, the nature and make up of the council membership is determined elsewhere. Because of this it is vital that political parties also play a significant role in ensuring at ward levels that the people selected to stand for councils represent a balanced cross section of Welsh society. Should all political parties (not including independents) have committed in 2012 to 50-50 representation this would have meant that the number of women councillors on current figures would have increased from 26% to 42%.

Response

WLGA fully supports the promotion of more diversity in Welsh Local Government and the provisions of the report “On Balance”

WLGA believes that the promotion of diversity in local government must start with the selection processes of the political parties.

Councils will be elected on a fixed five year election cycle in line with Parliament and the Assembly.

Views are sought on whether Council elections should be phased in thirds.

- 7.1 The first proposal moves from the current 4 year cycle to five years in order to achieve a clearly defined polling day which would focus on local government and relieve potential pressures and risks around electoral administration. This is welcome and is supported.
- 7.2 The White Paper also floats the proposal of phasing electoral cycles in thirds The WLGA does not support this proposal. Indeed, the White Paper itself outlines a number of challenges with the proposal, notes that the Kerslake Review in England rejected it and that councils in England are moving away from the approach.
- 7.3 The general concern is that it would cause political instability in the council, administrative and governance complications (such as political balance and committee membership changes) and would also be an additional burden on

electoral administration and would further add to an already crowded electoral calendar.

- 7.5 The Electoral Commission in England undertook a major study of electoral cycles in 2004. This followed a major consultation across councils at that time. They highlighted their concerns “that the current mixed pattern of local electoral cycles in England provides an unclear and inconsistent picture to voters which, at the very least, does not help to encourage participation in the democratic process at a local level”. In contrast they found that “elections of the whole council can give the ruling group the opportunity of a clear four-year period within which it can fulfil its manifesto promises before being judged on its policies and performance, including the setting of council tax”.

Response

WLGA fully supports a five year fixed term electoral cycle

WLGA rejects the proposals for 3 year electoral cycles for the reasons highlighted above.

Proposed term limits on chief executive appointments.

Chief Executives to be recruited through a national recruitment process via a Public Sector Appointments Commission.

Tight and more consistent, nationally set standards and controls on the remuneration of chief executives and other chief officers

- 8.1 This debate has followed from well-publicised cases where problems have emerged in individual authorities. There are however some fundamental principles of local democratic choice at stake.
- 8.2 In terms of proposed limits on the terms of Chief Executives, it is rare for the tenure of an average Chief Executive to go beyond two “terms”. Indeed many are on fixed term contracts, which is a principle that could be extended without legislation for an initial term (fixed term contracts for four years or more automatically becoming permanent on renewal under the Fixed Term Workers Regulations 2002). Equally if a Chief Executive is subject to regular performance assessment, is deemed to be running a “tight ship” and delivering the authorities organisational priorities to a high level of public satisfaction, the idea of a cut-off point linked to terms limits could be potentially harmful to an authority’s performance. It may also deter good candidates from applying for Welsh CEO posts, particularly where no such structures operate elsewhere in the UK or indeed in the other parts of the public sector. As such while WLGA welcomes the debate on this issue, care is needed moving forward.

- 8.3 An example is the suggestion of a Public Sector Appointments Commission stemming from the Williams report recommendations. Williams pointed to the process in New Zealand but as the White Paper recognises this is a civil service national model and does not apply to local government. WLGA would need to see far more compelling evidence on this idea. As it stands it a fundamental principle of local democratic choice that councillors select and appoint their own head of paid service and senior management.
- 8.4 The principle of equality is also import here. If a Commission were to be established why confine this debate to local authority chief executives? Whilst well remunerated many local authority senior managers are often lower paid than other counterparts across the Welsh public sector including Welsh Government, NHS, Universities and the housing association sector many of whom have less responsibilities in terms of budgets, functions, organisational span and are not democratically accountable. In this sense the section on the "Cost of senior management in local government" is unfortunate as the figures published are misleading and cross sector comparison entirely absent.
- 8.5 To stress WLGA is fully supportive that there should be a more consistent national framework for evaluating Chief Executive salaries and ensuring more accurate benchmarked outcomes across councils. The WLGA believe this is a role for the Staff Commission. In turn we think the IRP must concentrate on its core brief which is the setting of a national allowances framework for councillors. The White Paper also proposes that councillors should monitor and report annually on the performance of their Chief Executive, which WLGA would support. Indeed it already occurs in many authorities.
- 8.6 The current Local Government Bill contains a provision that will require that all salary changes for chief officers (as defined under the Localism Act) are referred to the IRP under the same terms as is currently required for CEOs, and this is referred to in the White paper. While the WLGA can support the idea of a more consistent approach to overall salary levels we do not see this as a role for the IRP and believe that it should be the Staff Commission that undertakes this task. We also strongly believe that clear guidance will be needed to limit the impact of this provision as it is currently drafted to ensure that it is actually workable and of benefit. As it stands the Localism Act definition of chief officers covers many more officers (566.5 in total) than just local government statutory or non-statutory chief officers. The vast majority of these are at a lower grade than chief officer. It would therefore make sense to set an actual salary level at which the reference would be required for any change.
- 8.7 There are also a range of day to operational pay decisions made within existing authority policy guidelines (e.g. honoraria payments, re-grading applications, market supplements) that there would be little benefit in having submitted given the amount of work that would be generated. Further it will be important that the Staff Commission or IRP has the necessary skills and experience to be able to properly evaluate proposed pay changes taking into account all the pay relativities and organisational structures within an authority. The WLGA has received QCs opinion on this issue which highlights the potential for equal pay problems to be created if this provision becomes law, stating that from the QCs experience 'a single

pay anomaly can result in claims and entitlements affecting literally thousands of people’.

- 8.8 WLGA disagrees with the section on lifting the current restriction to let local authority officers within the same authority stand as a councillor. Whilst it is not intended to apply this to politically restricted posts it could cause huge problems in policy areas where more junior officers are involved in formulation, where non-politically restricted officers offer advice to members and the whole interface around functions like democratic and electoral services. WLGA feels that this would lead to confusion, potential conflicts of interest and a potential worsening of relationships between officers and members.

Response

WLGA believes that consideration should be given to initial fixed term contracts for Chief Executives so as to avoid the need to legislate in this area.

WLGA is not persuaded by the case for a public services appointments commission and believes that it denies the key principle of local democratic choice in senior appointments.

WLGA supports the idea of the Staff Commission having a role in commenting upon and reconciling salary levels for senior managers within a more consistent national framework across all public services.

WLGA does not support lifting the electoral qualification for officers to stand as councillors in their own authorities.

Chapters 4 & 5 - Connecting with Communities and Empowerment

Introduction

- 1.1 Chapters Four and Five on “Connecting with Communities” and “Power to local communities” are some of the most important in the White Paper. Here the focus shifts into new models of service delivery and engagement with the communities we serve.
- 1.2 WLGA fully accepts the premise in the section that local government can no longer be a “monopoly” provider of services and that new capacity needs to be built to take on those functions that are currently facing the heavy brunt of cuts. The last 5 years has seen a significant acceleration of councils seeking to work with Community Councils, the third sector and other bodies to pragmatically ensure that services remain in place.
- 1.2 WLGA fully supports strengthening the role of elected members in the community setting and wider governance frameworks. However as stated previously we have real concerns about adding more structures into an already crowded public services landscape. The White Paper describes this as “rich” yet as the Williams Report recognised there is a downside with “multiple overlapping and layered partnerships with unclear governance which often added little value and blurred lines of accountability”.

Area Boards

- 2.1 WLGA recognises that innovative neighbourhood management, decentralisation and area committees can be found across Welsh councils. This has however grown organically as a response to local circumstances. The inference in the White Paper that this could part of a nationally imposed system contradicts the philosophy behind such approaches. To suggest further that adding Area Boards on top of existing structures is not a “significant risk” is disputed. It contradicts the recommendations set out in the Williams Report which berated the fact that the existing levels of complexity actually undermined Welsh public services.
- 2.2 Clearly area boards could have role in a reformed local government structure particularly in larger authorities. In Wiltshire for example 18 area boards are in place that bring together public and third sector bodies and have their own budget. Each area board covers a community area within the county - in most parts of the county this includes a market town and its surrounding villages. There may be lessons that could be learned from this approach. However there are also dangers.
- 2.3 In the UK’s largest authority Birmingham City Council despite a system known as “triple devolution” the recent Kerslake report considered whether the council should be broken up and highlighted that while finance had poured into big city centre projects, residents in poorer parts of the city were being left behind without jobs or skills. This points to the fact that such approaches can be divisive with communities pitted against one another.

- 2.4 Consequently while we completely agree with the White Paper that Member led community governance is the way forward much more detail and debate needs to go into the concept of area boards. This includes their “fit” into existing frameworks and the opportunity they could present to rationalise a raft of local partnerships. WLGA would welcome that debate.

Community Councils

- 3.1 In terms of community councils there are many sensible proposals in the White Paper. We agree with the tests of competence approach and the relevant provision as applied to community councils in the Wellbeing of Future Generation Bills. WLGA. We will defer to our colleagues in One Voice Wales whether linking competence to a minimum annual budget of £200k is the right level. WLGA has also raised in the past the idea of meaningful delegation of services that is by no means straightforward. Key questions need to be answered include -
1. What are the sorts of services that may be delegated;
 2. what are the different types of delegation scheme;
 3. what are the considerations for setting up a scheme; and,
 4. what is typically involved in taking on a service delegation;
- 3.2 From our ongoing discussions with Community Councils difficult issues on the nature of the delegation, the transfer of sufficient funding and most importantly the capacity to undertake the service further underpin this. Across Wales there have been many functions that could be considered for delegation. These include:
- Maintenance of highway verges,
 - Open spaces, Tree preservation orders
 - Street cleansing (such as litter picking, sweeping and graffiti removal)
 - Public conveniences
 - Street lighting (except on principal roads)
 - Parking restrictions
 - Cutting grass verges and looking after local footpaths;
 - Managing council allotments.
 - Street naming
- 3.3 If currently only 10% of community councils pass the White Papers capacity test of having a budget of over £200k this could be a block to further delegation. The White Papers solution to this is to give the new principal councils after LGR the power to lead reform of town and community councils.
- 3.4 This proposal is based on the principle of subsidiarity and is supported by WLGA but with a significant qualification. The reason for this is that the White Paper stipulates the aim of this new power is to achieve “fewer and larger community councils”, through a review of governance and structure to be completed by 2022. Logistically this is not possible. Setting aside the hugely contentious and contested process of such mergers of community councils, the idea that new principle councils set up in 2020 can complete such an exercise in two years is unrealistic and setting the exercise up to fail. WLGA would also have concerns that the current moves towards federations amongst existing community councils might also be stalled as a result of the above provisions.

New Models of Delivery

- 4.1 In terms of moves towards new mechanisms like mutuals with community transfers WLGA is supportive. We are fully engaging with the review by Keith Edwards and previously gave evidence to the Andrew Davies Commission.
- 4.2 The WLGA position on this is clear. Members believe that service quality, standards and accountability can best be achieved through a default model of Welsh public services being delivered through public sector workers and accountable within a democratic framework to local elected councillors. This model includes a commitment to finding “public sector solutions to public sector problems” wherever possible. However members also recognise that the current financial challenges within the Welsh public services are such that the “default” model is one which is unable to provide all the answers to the scale of cost reductions and the need to produce balanced budgets.
- 4.3 In this context Members believe that there is a role for the third sector particularly the cooperative movement, mutuals and not for profit companies in delivering services when they have an enhancing and innovative contribution to make or when funding sources that cannot be accessed by statutory bodies can be utilised. The private sector also has a role to play and has traditionally done so, for example, in services such as social care. However much of the private sector’s involvement tends to concentrate in capital projects where authorities commission large-scale infrastructure investment such as housing, road building and waste management facilities
- 4.4 WLGA therefore recognise that the model should in the first instance be based on protecting and enhancing in house services and supporting a public services ethos but also pragmatically recognising that in the current financial crisis this will not always be possible.
- 4.5 It is of course vital to put people at the centre of service delivery although we must also be realistic that with busy family, working and personal lives many people are not seeking engagement. Others will want to engage but in new ways. Evidence from some areas for example on budget consultations suggest that the traditional approaches on public meetings are variable in response. Alternatively using new social media approaches across Twitter has generated significant interest. Undoubtedly as digital technology increases its dominance in relation to communication such approaches will grow in significance. In addition the role of dedicated forums in areas such as business and young people all serve to increase engagement and tap into wider civil society.
- 4.6 The provisions of the White Paper on community asset transfers are supported. It is readily understood in local government that for services like leisure and libraries this may be “the only show in town” if current austerity continues. A range of authorities including Torfaen, Bridgend, Neath Port Talbot and the Vale of Glamorgan have already put leisure centres into community trusts or the private sector. More authorities are exploring this route.

- 4.7 We would point out however that discussions between employers and trade unions have revealed distinct and diverging policy positions in this area. We fully respect the stance of the trade unions. It is their view that they do not support models of service delivery that 'hollow out' local councils. The trade unions have pointed out what may appear attractive in terms of potential to deliver savings or achieve greater efficiencies may have unintended costs and consequences which will have an impact on the public sector as a whole. In this sense it is important that issues are explored in more detail through the mechanism of the Workforce Partnership Council to examine if consensus is possible. Wherever possible WLGA wishes to move forward in consensus with social partners.

Response

WLGA supports fully the concept of member led community governance.

WLGA believes that in some cases Area Boards can add value but only when there is local demand and not when imposed through national frameworks.

WLGA calls on Welsh Government to implement the Williams Report recommendations on reducing complexity before any new localized structures are put in place.

WLGA supports the proposal to give the new principal councils the power to lead reform of town and community councils.

WLGA does not believe that a full review of governance and structures of Community councils can be completed by 2022

WLGA is committed to public service provision through local government and, while accepting that alternative models of service delivery must be explored and considered, believes that the future sustainability of public services will rely on direct provision by councils.

Chapter 6: Corporate Governance and Improvement

Introduction

- 1.1 The White Paper outlines continued commitment to the concept of self-improvement, where councils themselves remain responsible for identifying their own improvement priorities, identifying and mitigating improvement challenges and risks and managing service performance. The White Paper therefore proposes a repeal of the more general improvement provisions in Part 1 of the Local Government (Wales) Measure 2009 and reaffirms an intention to retain Ministerial Intervention powers, including a new power to commission an independent governance review of an authority in certain circumstances.
- 1.2 The WLGA welcomes the Welsh Government's continued commitment to and strengthening of an improvement regime based on self-assessment and self and sector-improvement. In Wales the WLGA has been at the heart of designing and supporting this approach during the past decade. The concept has generally worked successfully, but requires effective political and professional leadership, a commitment to openness and challenge, robust internal corporate governance, performance management and scrutiny, supplemented by peer review led by the sector. There are clear links to the proposed new duty under the WBFG Bill to audit the work of partnerships via the Public Service Boards.

Capacity

- 2.1 Local government is currently collecting data for the Welsh Government's Review of Administrative Services as referenced in the White Paper. Whilst the outcomes of the review will not be published until after the general elections, it is welcomed the Welsh Government's recognition that:

"...the Commission on Public Service Governance and Delivery found that in releasing efficiency savings, Authorities' corporate capacity has often been the casualty of cuts...It is essential Local Authorities retain resilient governance capability and strategic capacity. Local Authorities are large, complex organisations, spending hundreds of millions of pounds of public money. A capable, adaptive and strategic corporate apparatus is a prerequisite for managing change and improving services."

- 2.2 The White Paper's description of arrangements for effective corporate governance provide an appropriate general overview of the range of core characteristics featured in more detailed and comprehensive corporate governance frameworks and guidance currently available.
- 2.3 The general proposals to strengthen the role of Audit Committees is broadly supported, but the Welsh Government should also seek to clarify the distinct remit and roles of audit and scrutiny, which can occasionally cause confusion and blur accountability and governance arrangements.

- 2.4 The WLGA does not support the proposed reforms to ensure that the chair of Audit is an independent member or that Audit Committees should include a greater proportion of independent members. Whilst many independent members and chairs already provide a valued contribution in the current audit arrangements, such decisions around appointment and balance should be left to local discretion. No evidence is presented in the White Paper to suggest that independent members provide more effective or more objective assurance than elected members. The proposal also runs counter to other White Paper chapters which seek to strengthen local democratic engagement and oversight.

Self Assessment and Peer Review

- 3.1 The WLGA strongly endorses the proposed central role of local authority self-assessment as a key mechanism for focusing collective corporate leadership on the key challenges, priorities, performance and direction of travel of the authority. The overarching self-assessment features outlined in the White Paper appear appropriate. The self-assessment model, with appropriate internal and external peer challenge arrangements, has developed and embedded in recent years. These approaches have been developed by authorities and the WLGA, with support from the Wales Audit Office. The WLGA, through the Welsh Government's Improvement Grant, has provided guidance and extensive challenge and support to authorities' self-assessment arrangements which have been reflected and recognised in a range of Wales Audit Office Annual Improvement Reports¹.
- 3.2 The WLGA, along with the LGA, has developed the peer review concept and model during that past decade of sector-led improvement. The approach in Wales has previously been supported by Welsh Government and has delivered a credible, robust and respected mechanism for providing critical-friend challenge and supporting improvement in services and corporate governance arrangements.
- 3.3 The WLGA welcomes the Welsh Government's recognition of the value of peer review and agrees that it should remain a key component of a reformed improvement regime in the future. Peer review however should remain a sector-led, sector-owned and sector-commissioned model and should not be legislated for or prescribed as set out in the White Paper.
- 3.4 To date, 7 authorities have received a peer review since the 2012 elections and all authorities, through the WLGA Council in 2013, have committed to receive a peer review once during a rolling four year period (as is the case in England). The WLGA agrees that peer review reports should be published, but that this is a matter for local discretion and does not need legislation; to date, all WLGA peer reviews have been published by authorities.

Proportionality

- 4.1 Legislating and prescribing a peer review process would also change what is at present an effective improvement process owned by an authority and designed and

¹ <http://www.wlga.gov.uk/ig-publications/wlga-improvement-support-evaluation-2013-14>

timed to meet the needs of an authority into a quasi-regulatory role which potentially duplicates the role of the Wales Audit Office. Formalizing the process will affect the dynamics and flexibility of the review process and the openness and ownership of the authority. The present approach works and works well and therefore the WLGA does not believe it needs to be reformed as outlined.

- 4.2 The proposed biennial cycle of peer reviews is too frequent and is not proportionate to risk. The current external challenge and regulatory regime is based on proportionality, whereas the White Paper effectively proposes an annual cycle of external review (a joint inspection from the WAO, CSSIW and Estyn followed by a corporate peer review the following year and so on).
- 4.2 There is also a significant issue of capacity and coordinating peer reviews; whilst the WLGA intends to continue to offer peer reviews despite the withdrawal of Welsh Government support, peer reviews are only as effective as the calibre and credibility of the peer team. The peer review model not only provides improvement challenge and support to authorities, but it allows peers to observe and learn new ideas or approaches which can be taken back to their own authorities. Ideally therefore, it would be beneficial to develop a model with greater use of senior political and professional peers from Welsh authorities, as well as from England and other sectors. The issue with a biennial peer review therefore, particularly in a future with significantly fewer authorities, is that it would not be feasible to expect authorities to release senior corporate leaders to undertake a peer review in another authority at the same time that they themselves are planning for or undergoing a full corporate inspection from the WAO.
- 4.3 The provision (or otherwise) of capacity and resources to promote and support self and sector-led improvement have been well-rehearsed during recent months. The WLGA, through the Welsh Government's Improvement Grant, previously worked closely with the Welsh Government, WAO and authorities in promoting and providing improvement support to authorities particularly around the self-assessment and peer challenge agenda. Whilst this resource has now been withdrawn and the central coordinating corporate capacity removed, it is critical that authorities receive adequate improvement support in the future.
- 4.4 Whilst the WLGA champions self and sector-led improvement, it is appropriate that Welsh Ministers retain a back-stop power to provide support or intervene in certain circumstances. These circumstances have been codified in the Local Government Support and Intervention Protocol and it is appropriate that this is revised in light of the wider reforms to the improvement regime. The WLGA supports the notion outlined in the White Paper that such powers should only be exercised in extreme circumstances and where there is clear evidence of governance or service concerns.
- 4.5 The WLGA also strongly believes that any intervention should be subject to prior discussion with partners, such as the WLGA, to ensure that intervention and the proposed model of intervention is appropriate and the most effective approach to rapidly and sustainably improve governance or service performance.
- 4.6 The WLGA is aware that the WAO was considering undertaking an assessment of the impact of Welsh Government interventions and it is important that lessons are learned before any proposals outlined in the White Paper are introduced. The rationale behind the White Paper proposal for Welsh Ministers to commission an

independent review of corporate governance arrangements prior to triggering any intervention is not properly justified and unclear. Welsh Ministers (as outlined in the White Paper) would already have access to independent assessment from the WAO, an independent peer review as well as more robust, independent internal audit reporting.

- 4.7 It is therefore our view that there are sufficient checks and balances in place. It leads us to question what added value a further assessment of corporate governance would provide and its possible impact on the timeliness of any remedial support or intervention response?

Response

WLGA welcomes the Welsh Government's continued commitment to and strengthening of an improvement regime based on self-assessment and self-improvement.

WLGA supports the general proposals to strengthen the role of Audit Committees, but the Welsh Government should also seek to clarify the distinct remit and roles of audit and scrutiny.

WLGA does not support the proposed reforms to ensure that the chair of Audit is an independent member or that Audit Committees should include a greater proportion of independent members.

WLGA welcomes the White Paper's recognition of the value of peer review, but believes it should remain a sector-led, sector-owned and sector-commissioned model and should not be statutory or prescribed.

WLGA recognises that it is appropriate that Welsh Ministers retain a back-stop power to provide support or intervene in certain circumstances but such an approach should be clearly codified and subject to consultation.

Chapter 7: Performance in Local Government

Introduction

- 1.1 The White Paper further explores the key components of effective governance and self-improvement and outlines proposals for a requirement for councils to publish a corporate plan that covers the short, medium and long term, annual reporting arrangements covering performance for the previous year. The White Paper also clarifies Welsh Government intention to streamline the performance measurement regime in line with the Williams Commission recommendations and proposes the establishment of an online information portal including councils' performance information and performance documentation and reports.
- 1.2 The WLGA supports many of the aims of the White Paper around seeking to streamline and more effectively and transparently measure, manage and report council performance. The WLGA and the Local Government Data Unit (Data Unit) work closely with local authorities, Welsh Government and partners in developing, updating and reporting performance measurement information. The WLGA, through the Data Unit, has openly and transparently reported local authority performance publicly on an annual basis and last year launched the My Local Council platform to aid public understanding and engagement.
- 1.3 The WLGA supports the proposal that councils should produce a comprehensive corporate plan, which will be the key overarching council document that brings together the Leader's political vision, the council's wider corporate documents such as financial management plans, the risk register etc. as well as links to the wider Well-being Plan outcomes as agreed by the Public Service Board.
- 1.4 Whilst the WLGA supports the aim of clarifying the respective roles and responsibilities of the Chief Executive and senior officers and those of Executive members and scrutiny members, it is not clear that the proposals to make the corporate plan the chief executive's plan, as opposed to the council's plan, will achieve this. Many of the proposed elements of the corporate plan, such as corporate priorities for service delivery, financial management plans and planned performance levels, require clear policy direction from the political leadership.
- 1.5 The WLGA agrees that the list of key elements of the corporate plan is appropriate given *'the corporate plan is a tool of management and we [Welsh Government] intend that to continue'*. The White Paper however continues that the corporate plan will be a *'public document [which] will support the Authority in engaging with the public about strategic issues which affect the whole Local Authority area, as well as issues which affect specific communities and or particular services.'* The corporate plan will be a very large, comprehensive and complex management tool, as a result it will not effectively serve the purpose of engaging the public in council business, and summary documents and materials will inevitably have to be produced to fulfil this purpose.

Streamlining Performance Management

- 2.1 The WLGA welcomes the Welsh Government's stated ambitions and commitment to clarify, streamline and strengthen performance management information. The Welsh Government also recognises the challenges it will face, in particular the aspiration of translating outcomes into meaningful, comparable and relevant performance measures.
- 2.2 There is some confusion regarding the consistency between the White Paper (full) and the Consultation Survey (full); the latter asks a series of significant questions around 'minimum performance outcomes or standards' and whether there should be 'financial penalties' for failure to meet such standards, yet minimum standards only receive a passing reference in the White Paper and there is no mention or consideration of the merits or otherwise of financial penalties.
- 2.3 Nationally set targets are well established in a number of key service areas. Local government and Welsh Government have also explored the concept of minimum standards with open minds previously, it is however an extremely challenging concept and has implications in terms of local accountability, local prioritisation and should be linked to an agreed spending assessment for the included.
- 2.4 The exploratory work around minimum standards led to the development and introduction of Improvement Agreements (subsequently Outcome Agreements) which achieved greater consistency and a clearer causal link between national outcomes and performance expectations and local performance and service priorities.
- 2.5 The concept of 'financial penalties' for non-attainment of set standards is not explored in the White Paper but is referenced in the Consultation Survey. Financial penalties can be contested in terms of equity for communities but also in terms of perverse consequences; a failure to achieve standards may be as a result of capacity or financial constraints which would be further compounded by a consequential financial penalty, which in turn has a further detriment to outcomes for communities.
- 2.6 The WLGA and Data Unit welcomes the Welsh Government commitment to working with partners and looks forward to working with and supporting the Welsh Government in developing:
 - *"a more strategic approach to performance management across the whole public sector;*
 - *outcome indicators and performance measures to support public service leaders in their decision-making;*
 - *better value for money from collecting performance information; and*
 - *more transparent reporting of information which will have a greater impact."*

Mylocalcouncil.com

- 3.1 The WLGA, through the Data Unit, has extensive expertise, experience and networks with which to contribute to and support this work. "My Local Council" is a recently launched sector-led platform, which has received very positive evaluative

feedback from councillors and the public. It is planned to further expand this platform to include financial information as well as published performance reports and could therefore provide the platform as described in the White Paper. It is vital that Welsh Government support this.

- 3.2 As the White Paper notes the 'pull of public demand' is as important if not more so than the 'push of government expectation', it is therefore important to provide appropriate balance and clarity around the range of contextual and performance information available, and where possible allow for a range of interests and needs from general or simple comparative overview, through to more detailed interrogation of specific localised performance and contextual data.
- 3.3 The WLGA recognises the potential for councils to become 'digital pioneers' and further develop the potential for the public's digital interface with services as well as ensuring digital allows effective operation of back-office and support services. Whilst the WLGA recognises the White Paper's criticism that councils' could have made further and quicker progress, this arena has been subject to a multiplicity of devolved government initiatives over the years and the announcement that the PAN performance management system would not proceed.
- 3.4 The WLGA supports the White Paper proposals around openness and transparency; the WLGA has worked closely with the Welsh Government in delivering the webcasting programme and promoting the use of social media, through guidance and training for members. Whilst increasingly Councils are webcasting meetings, including Cabinet meetings, and some allow public questioning and participation in some debates, the Welsh Government should also seek to apply such commitments and practice to the principles of openness and transparency in its own arrangements.
- 3.5 The WLGA also supports proposals around the introduction of a streamlined online approach to complaints. The National Assembly's Finance Committee is currently conducting an Inquiry into the powers of the Ombudsman and is exploring local authority complaints handling; the report of this inquiry should provide valuable evidence to inform any potential practice to be shared or reforms to be introduced. All authorities have introduced the Ombudsman's model complaints policy and process, and twenty authorities currently have a web-based complaints process (the other two provide an email option via their websites). All authorities also report complaints information and use it to inform service improvements, but there remains scope for improvement, sharing practice and greater consistency.

Response

WLGA supports many of the aims of the White Paper around seeking to streamline and more effectively and transparently measure, manage and report council performance.

WLGA and Data Unit welcome the Welsh Government commitment to working with partners in developing the proposed new, streamlined approach

WLGA does not support proposals for 'financial penalties' will unfairly undermine performance and attainment of standards. The White Paper does not explore the potential of minimum standards in detail.

WLGA supports the proposal that councils should produce a comprehensive corporate plan, but is not convinced it will lead to clearer demarcation of the respective roles of councillors and senior managers and, given its comprehensiveness and complexity, it will not support public engagement or accountability.

The WLGA supports the White Paper proposals around openness and transparency of council business and recognises the potential for increased service provision and customer contact through digital channels.

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Chapter 8: Strengthening the Role of Review

Introduction

- 1.1 The White Paper outlines the Welsh Government's plans continued commitment to the concept of local democratic oversight and scrutiny of local government and, potentially, partner organisations. The White Paper outlines proposals to further clarify, support and strengthen local scrutiny, the relationship of scrutiny with external inspectorates and regulators and improved coordination of information and activities of such external bodies.
- 1.2 The WLGA supports many of the principles and objectives that underpin the chapter on strengthening the role of review, many of the individual proposals are also endorsed.

Overview and Scrutiny

- 2.1 The WLGA agrees with much of the analysis and ambition around strengthening internal review or overview and scrutiny. The resourcing of scrutiny support has been recognised as a challenge for a number of years, particularly in recent years where diminishing resources are prioritised towards front-line services. In this context, both the WLGA and Centre for Public Scrutiny have provided a range of support to scrutiny members and officer during recent years. That said, it is not clear that the 20% reduction in scrutiny support cited in the White Paper is a Wales only figure (or England and Wales) and it is not clear how this compares to wider reduction in resources in the corporate centre as observed elsewhere in the White Paper.
- 2.2 The WLGA would support the removal of the prohibition of the Monitoring Officer from being the statutory Head of Democratic Services, but does not agree that the Head of Democratic Services should become a Chief Officer post in legislation. Such matters should be left to local determination and local management arrangements. Such a development would not necessarily translate into additional resources for scrutiny given the wider financial pressures and competing priorities remain and will become even more challenging in future years.
- 2.3 The WLGA supports the introduction of 'Key Decisions' to clarify the key issues which scrutiny should consider and may be subject to call-in when appropriate. Similarly scrutiny forward work planning could be strengthened, but requirements around inclusion of details around which community groups will be engaged with and when may not be proportionate or allow future flexibility, and the current wider duty to engage with the public should be sufficient.
- 2.4 The WLGA recognises the experience, expertise and contribution that co-optees can make to councils' scrutiny committees and there are examples of effective co-optation in practice currently. That said, it should be a matter for local determination regarding the role and in particular voting rights of co-optees. Scrutiny committees can receive external advice and expertise in other ways, including expert witnesses or committee 'advisors' as well as formal co-optees.

- 2.5 There is a risk that providing co-optees voting rights undermines local democracy and further weakens the unique, representative role of elected councillors. This proposal combined with the White Paper's wider proposals about 'sharing' elected members' powers and responsibilities with unelected, unaccountable community representatives undermines the White Paper's central theme about strengthening local democracy and making the role of a councillor an attractive one.

Joint and Public Sector Scrutiny

- 3.1 The WLGA does not support the proposal to legislate to ensure that collaborative or jointly commissioned services have a joint scrutiny committee. Local accountability arrangements should be left to the discretion of constituent authorities; it may be appropriate in certain circumstances to establish a Joint Overview and Scrutiny Committee (as per powers in the 2011 Measure) but similarly, some services although delivered jointly may require local scrutiny arrangements to ensure clear links to local accountability arrangements and local democratic priorities reflecting the needs of local communities. In such circumstances there should be effective communication and planning between constituent authorities' committees to avoid duplication or burden on joint delivery bodies.
- 3.2 The concept of Local Public Accounts Committees is interesting and it would be worth re-examining the impact of the English pilots. But it is not clear how the proposal differs from the current statutory duty around scrutiny of designated persons and the provisions in the Well-being of Future Generations Bill regarding scrutiny of PSBs. The proposal also describes the Committee's potential role in scrutinising 'pooled or joint budgets agreed under place-based finance arrangements' yet this interesting concept of 'place-based finance arrangements' is not referenced elsewhere in the White Paper or in the Well-being of Future Generations Bill.

Links between Internal and External Scrutiny

- 3.3 The WLGA supports the proposals around strengthening the links between external inspection and regulatory bodies and internal scrutiny; this was a key recommendation from the Williams Commission and has been explored further by authorities and partners through a Cardiff Council led research project.
- 3.4 The WLGA also supports proposals for strengthening the links between external regulators, notably the WAO, CSSIW and Estyn. The WLGA in principle supports the proposed joint 'whole system assessment' of authorities, but a biennial assessment as outlined in the White Paper does not appear to be proportionate and could place a significant burden on authorities. The White Paper does not explore this concept in detail and the WLGA would welcome further dialogue with the Welsh Government, WAO, CSSIW and Estyn to explore how such an approach could be managed.
- 3.5 It is important that any overarching annual national 'assessment of the health of local government' will add value to local performance reports and the proposed online portal of comparative performance; it is important that such a national

report does not generalise and underplay or overlook legitimate local differences, performance achievements or challenges.

Response

WLGA supports many of the principles and objectives that underpin the chapter on strengthening the role of review, many of the individual proposals are also endorsed.

WLGA supports the introduction of 'Key Decisions' to clarify the key issues which scrutiny should consider and may be subject to call-in when appropriate. Similarly scrutiny forward work planning could be strengthened, but prescription should be proportionate.

WLGA recognises the contribution and value of co-optees but it should be a matter for local determination regarding the role and voting rights of co-optees.

WLGA does not support the proposal to legislate to ensure that collaborative or jointly commissioned services have a joint scrutiny committee. Local accountability arrangements should be left to the discretion of constituent authorities;

WLGA supports the proposals around strengthening the links between external inspection and regulatory bodies.

WLGA supports in principle the proposed joint 'whole system assessment' of authorities, but a biennial assessment does not appear to be proportionate and could place a significant burden on authorities.

Chapter 9: Reforming Local Government Finance

Introduction

1.1 The impact of austerity and cuts on Welsh councils is by far the biggest issue facing local government. The main lever utilised to tackle deficit reduction by Westminster has been the most significant reductions in public spending in recent decades. Total public spending and receipts on the 2015 budget spending plans are forecast by the Office of Budget Responsibility to dip to 36.0% of GDP by 2018/19². The same figure in 2009 was 47.4%³, thus the reduction in total managed expenditure within a short period has been huge.

1.2 In the devolved context this has impacted dramatically on the Welsh Budget. It has also occurred at a time when structural problems and issues within the Welsh NHS have required a massive shift in Welsh Government budget allocations to the detriment of the published plans that support medium-term financial planning. The upshot of all these factors is significant reductions in funding to local government, particularly in 2014-15 and continuing into 2015-16.

Overall, councils in Wales had a £155 million (3.8%) real-terms reduction in their revenue funding from the Welsh Government in 2011-12. Funding levels are continuing to decline where revenue funding from the Welsh Government was approximately £283 million (7%) lower in 2013-14 than 2010-11. In October 2013, the Welsh Government announced reductions in core funding of £175 million for 2014-15 and a further £65 million in 2015-16. Changes to published plans meant that by the time the 15-16 settlement was published the reduction was nearer £146m. By the end of 2017-18, WLGA forecasts a budget shortfall nearing £900m

1.3 These are dramatic cuts and grow increasingly comparable with those in England. Indeed whilst the level of reductions to grant income appear lower in percentage terms, councils in Wales are far more grant dependent so the cuts have impacted equally. The functional presence of schools in local government in Wales is also a factor where in England this is no longer the case. Schools have received significant protection since 2010, which has meant disproportionate cuts for other services as councils struggle to meet the threshold of protecting schools 1% above the Welsh Government Block Grant. The impact on other services has been significant. In evidence to the Finance Committee, the WLGA has argued that spending on some services is lower in real terms than it was in 1999-00.

Commission of Local Finance Wales

2.1 As stated above the recent period of reductions in government funding has highlighted the degree of dependency on the Welsh Government as a source of funding for Welsh local government. Relative to England, Welsh authorities are over-reliant on central funding which in turn makes managing these reductions in central funding more difficult to manage. As we have argued in this White Paper response there is also a need to examine the core functions of local government, the future funding needed to provide for them and the potential sources of the

² HM Treasury Budget 2015

³ HM Treasury Budget 2013

funding required, in order that future sustainability can be gauged. In terms of distribution of Welsh Government funding to local government, the independent members of the Distribution Sub Group are clear that the current approach needs to be radically rethought. Work should continue within the DSG but there is a need for a fundamental examination of how local government is funded.

- 2.2 The White paper rightly states “We need to take a more strategic and longer term approach to reform of the finance system”. Many of the factors highlighted and supported by WLGA such as council tax revaluation, reform of the local government funding formula and new approaches to local taxation cannot happen overnight. However the White Paper is somewhat “leisurely” in tone when it comes to immediate problems. The figures highlighted above and the tribulations of many budget rounds this year show that the next three years will shape the form and functions of local government for years to come. The big savings envisaged by local government reorganisation will have all but dissipated by 2020.
- 2.3 In this setting there is need for urgent thinking and action. There is clear evidence that the pressures on expenditure on local services, particularly those other than education and social services will continue to grow well into the future. In light of this the sustainability of local services in the medium-term has to be questioned. In its submission to Welsh Government on the White Paper “Reforming Local Government in Wales” the WLGA argued the need for establishing an Independent Commission on Local Finance in Wales. This was fully agreed at the WLGA Council 28 November 2014 and authorisation for funding the work given by the Management and Audit Sub Committee held on 17 December 2014.
- 2.4 Why is there a need for an Independent Commission on Local Government Finance in Wales? The financial framework that underpins the provision of local services is outdated and increasingly circumvented through the use of specific grants and controls on the amount of money that Councils can raise themselves. The longstanding system of local accountability for tax and spend decisions on local services is becoming weaker.
- 2.5 A wider debate is also occurring post Scottish Independence referendum on greater devolution across the UK. This has inevitably raised the issue of the relevance of the Barnett formula and its continued application. Equally important is a debate on “localism” and how devolution must not stop at Westminster, Holyrood or Cardiff Bay. In England this has led to a debate about devolution to city regions with local government in the driving seat on economic regeneration, housing and infrastructure investment. In Wales these same debates about financial flexibilities, the future of business rates, new powers to raise income, service commissioning and deepening localism seem to be stuck at the starting gates.
- 2.6 WLGA and our Data Unit have recently led public sector wider conferences on strategic commissioning, digital inclusion to tackle poverty and demand management/prevention. We would also envisage the Commission looking at the massive inherent potential in such approaches. The key outcome of the Commission would therefore be to formulate a proposal for the next Welsh Government, which is a practical and evidenced basis for making our financing sustainable in the long term and, crucially, understandable and transparent not only to practitioners but especially to council taxpayers and service users.

Response

WLGA would argue that the arena of local government finance is the key issue facing local councils, reform should be given greater prominence within the White Paper

WLGA fully support the White Paper proposals on council tax revaluation, reform of the local government funding formula and new approaches to local taxation.

WLGA has commissioned an Independent Commission on Local Government funding to examine the crisis in local government funding and the Welsh Government is invited to participate in this work.

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **FLINTSHIRE COUNTY COUNCIL**

DATE: **TUESDAY, 14 APRIL 2015**

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

SUBJECT: **COMMUNITY REVIEW - FLINT MOUNTAIN**

1.00 PURPOSE OF REPORT

1.01 For Council to consider a report issued by the Local Democracy & Boundary Commission for Wales (“Boundary Commission”) seeking views on three options for community boundaries for the Flint Mountain area.

2.00 BACKGROUND

2.01 Members will recollect that during 2013/14 the Council undertook a community review and the last report to Council was at its meeting on the 30 April 2014 followed by a report to Cabinet on the 13 May 2014.

2.02 The Flint Mountain area forms part of the Trelawny ward of the Community of Flint. The Council’s review concluded that there should be no change to this arrangement.

2.03 On the 27 June 2014 following publication of the Council’s final proposals representations were made to the Boundary Commission to remove Flint Mountain from the Trelawny ward of Flint Town Council. These representations have led the Boundary Commission to issue the consultation document attached as Appendix 1.

2.04 The Boundary Commission is of the view that the electorate of Flint Mountain is not of sufficient size to form an effective community area by itself but it is consulting on three other options namely:

- A) Flint Mountain is retained within the Trelawny ward of the Community of Flint (the existing arrangement);
- B) Flint Mountain is created as a separate community ward of the Community of Flint; or,
- C) Flint Mountain is created as a new community ward and transferred to the Community of Northop.

The default view of the Boundary Commission is to retain the existing arrangement (Option A) if it does not receive sufficient evidence for either option B or C.

3.00 CONSIDERATIONS

- 3.01 Technically the community review is an Executive function rather than a Council function but throughout the process reports have been submitted to both Council and the Cabinet. Consistent with that practice the Council's view on this matter will form a recommendation to Cabinet.
- 3.02 The last page of Appendix 1 summarises the representations that were made to the Boundary Commission which led it to issue the consultation document. Those representations should be taken into consideration in making a recommendation as to which of the three options should be the Council's response to consultation.
- 3.03 Of the three options, option C would have the most significant effect in that the overall size of Flint Town Council would reduce by one member and the size of Northop Community Council increase by one member. Option A would maintain the existing arrangement and the stance previously taken by Council and Cabinet.
- 3.04 Both Flint Town Council and Northop Community Council and the County Councillors for the areas have been consulted and if their preferred options are known at the time of the meeting they will be reported verbally.

4.00 RECOMMENDATIONS

- 4.01 For Council to recommend to Cabinet Option A as its preferred option as there is insufficient evidence to change the existing arrangements.

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 The Boundary Commission is required to consult interested parties and consult the public. Flintshire has assisted in publicising the report.

11.00 CONSULTATION UNDERTAKEN

11.01 The Boundary Commission is required to consult interested parties and consult the public. Flintshire has assisted in publicising the report.

12.00 APPENDICES

12.01 Appendix 1 – Boundary Commission Draft Proposals Report

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

Report to and minute of Cabinet meeting of the 13 May 2014

Contact Officer: Peter Evans
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Email: peter.j.evans@flintshire.gov.uk

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Comisiwn Ffiniau a
Democratiaeth Leol
Cymru



Local Democracy and
Boundary Commission
For Wales

**REVIEW OF COMMUNITY BOUNDARIES OF THE
COUNTY OF FLINTSHIRE – FLINT MOUNTAIN**

DRAFT PROPOSALS

LOCAL DEMOCRACY AND BOUNDARY COMMISSION FOR WALES

REVIEW OF COMMUNITY BOUNDARIES OF THE COUNTY OF FLINTSHIRE – FLINT MOUNTAIN

DRAFT PROPOSALS

- 1 INTRODUCTION
- 2 SUMMARY OF THE DRAFT PROPOSAL
- 3 REPRESENTATIONS RECEIVED PRIOR TO THE DRAFT PROPOSAL
- 4 PROPOSAL
- 5 CONSEQUENTIAL ARRANGEMENTS
- 6 ACKNOWLEDGEMENTS
- 7 RESPONSES TO THIS REPORT
- 8 THE NEXT STEPS

APPENDIX A – SUMMARY OF REPRESENTATIONS RECEIVED



The Local Democracy and Boundary Commission for Wales

*Hastings House
Fitzalan Court
CARDIFF
CF24 0BL*



BUDDSODDWYR | INVESTORS
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www.ldbc-wales.gov.uk*

1. INTRODUCTION

- 1.1. Flintshire County Council have conducted a review of the community boundaries and community electoral arrangements under Section 55(2) and 57(4) of the Local Government Act 1972 as amended by the Local Government (Wales) Act 1994 (the Act). In accordance with Section 55(2) of the Act Flintshire County Council have submitted a report to the Local Democracy and Boundary Commission for Wales (the Commission) of their considerations for changes to a number of community boundaries in their area.
- 1.2. The purpose of the Council's review was to consider whether, in the interests of effective and convenient local government, changes to the present community boundaries should be proposed.
- 1.3. We have considered Flintshire County Council's report and proposals in accordance with Section 55(3) of the Act. As part of our considerations we have identified an issue with a particular area that we do not consider to have been satisfactorily addressed in the Council's report and recommendations. We have therefore given consideration to changes in respect of the Flint Mountain area of the Community of Flint.
- 1.4. We are seeking views on the three options we have identified for Flint Mountain. On receipt of these views we will consider the options and make final proposals. These proposals will be included with all our proposals in respect of the community changes suggested in the Flintshire County Council report.
- 1.5. Section 60 of the Act lays down procedural guidelines, which are to be followed in carrying out a review. In line with that guidance we are writing to the Town and Community Councils of Flint and Northop, the Member of Parliament for the local constituency, the Assembly Members for the area and other interested parties to inform them of our intention to conduct the review and to request their views. We will ask the Councils to display public notices. Notification of the start of the review and the 22 April 2015 closing date for representations to be made is to be placed on the websites of both the Commission and Flintshire County Council.

2. SUMMARY OF THE DRAFT PROPOSAL

- 2.1. The Commission is seeking further evidence in respect of the area known locally as Flint Mountain. A proposal has been made to separate Flint Mountain from the rest of the Trelawny ward of the Community of Flint and a suggested boundary for this area can be found on the map at page 4. The Commission is seeking views as to whether one of the three following options is appropriate for the area:
 - A** Flint Mountain is retained within the Trelawny ward of the Community of Flint;
 - B** Flint Mountain is created as a separate ward of the Community of Flint; or,
 - C** Flint Mountain is created as a new ward and transferred to the Community of Northop.

- 2.2. It is the view of the Commission that the electorate of Flint Mountain is not of sufficient size to form an effective community area.

3. REPRESENTATIONS RECEIVED PRIOR TO THE DRAFT PROPOSAL

- 3.1. We received representations from Town Councillor Nigel Williams (Flint - Trelawny), and a resident of Flint Mountain. We considered both of these representations carefully before we formulated our proposals. Details of these representations can be found at Appendix A.
- 3.2. The resident of Flint Mountain wrote asking the Commission to request that Flint Mountain be removed from Flint Town. This resident described how the settlement and surrounding area of Flint Mountain is of a rural character which has become out of step with the demands and needs of the more urban Flint Town. This disparity has led to a perceived erosion of democracy for the residents of Flint Mountain.
- 3.3. The resident was of the opinion that Flint Mountain would be of sufficient size to represent itself at community level and then would also be better fitted to join with the more rural-aligned Northop Community.
- 3.4. Councillor Williams wrote in support of this argument citing that his observations are that the needs of Flint Mountain are often overridden by those of the urban-centred bias towards Flint Town.

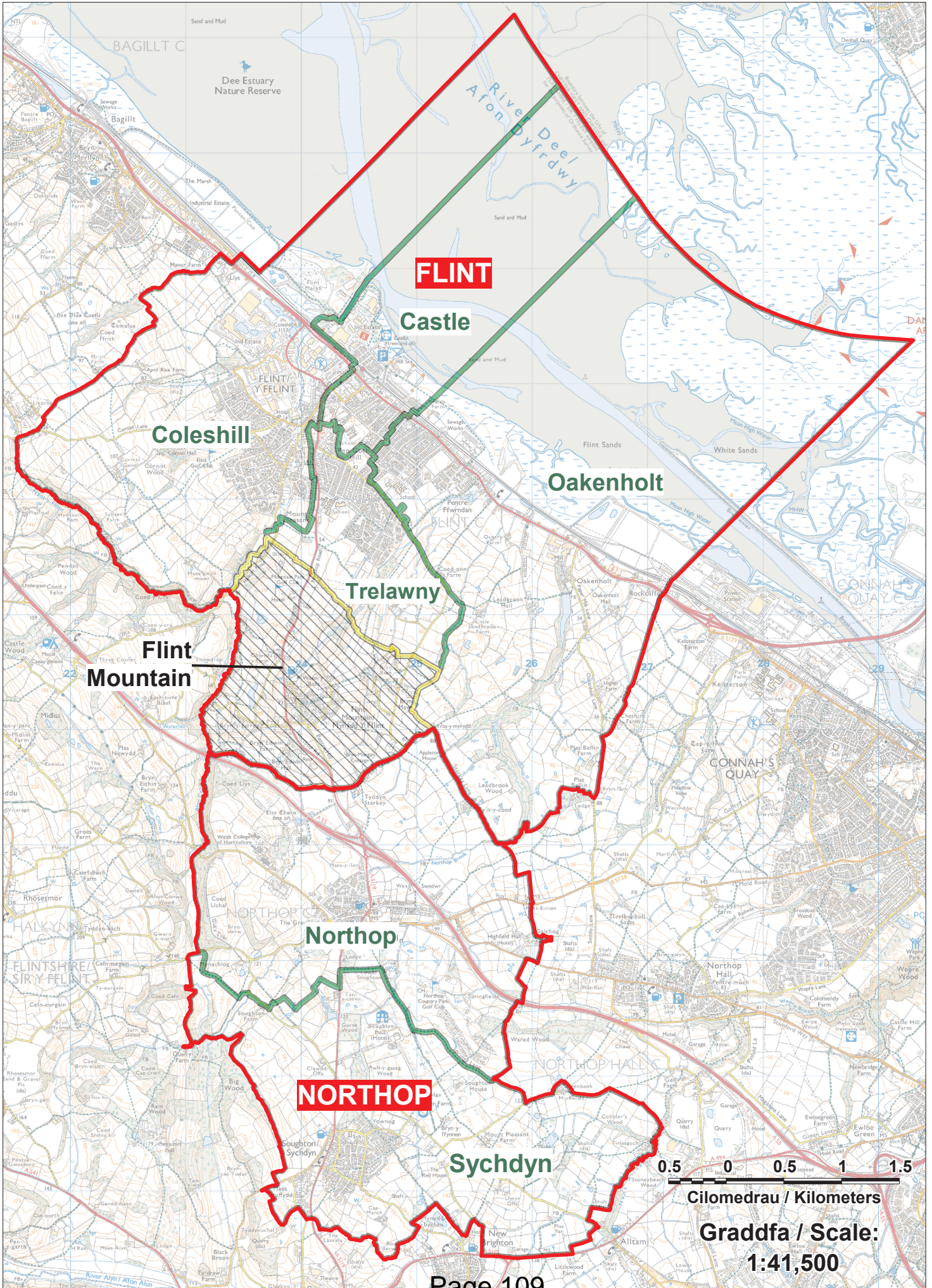
4. PROPOSAL

- 4.1. The proposal from representations is that the settlement of Flint Mountain and the surrounding area be transferred from Flint Town Council to Northop Community Council. The Flint Mountain settlement in question comprises 286 properties and 540 electors.
- 4.2. The Community of Flint is currently divided, for community electoral purposes, into the community wards of Castle, Coleshill, Oakenholt and Trelawny. The area known as Flint Mountain presently resides in the Trelawny ward of Flint Town Council.
- 4.3. The Community of Northop is currently divided, for community electoral purposes, into the community wards of Northop and Sychdyn.
- 4.4. The Commission considered the representations and has looked in detail at the area in question. It would appear to the Commission that there is some merit to the argument that Flint Mountain is a distinct area within the Town of Flint, with a separate, more rural character, than the more urban, town, wards of Castle and Coleshill.

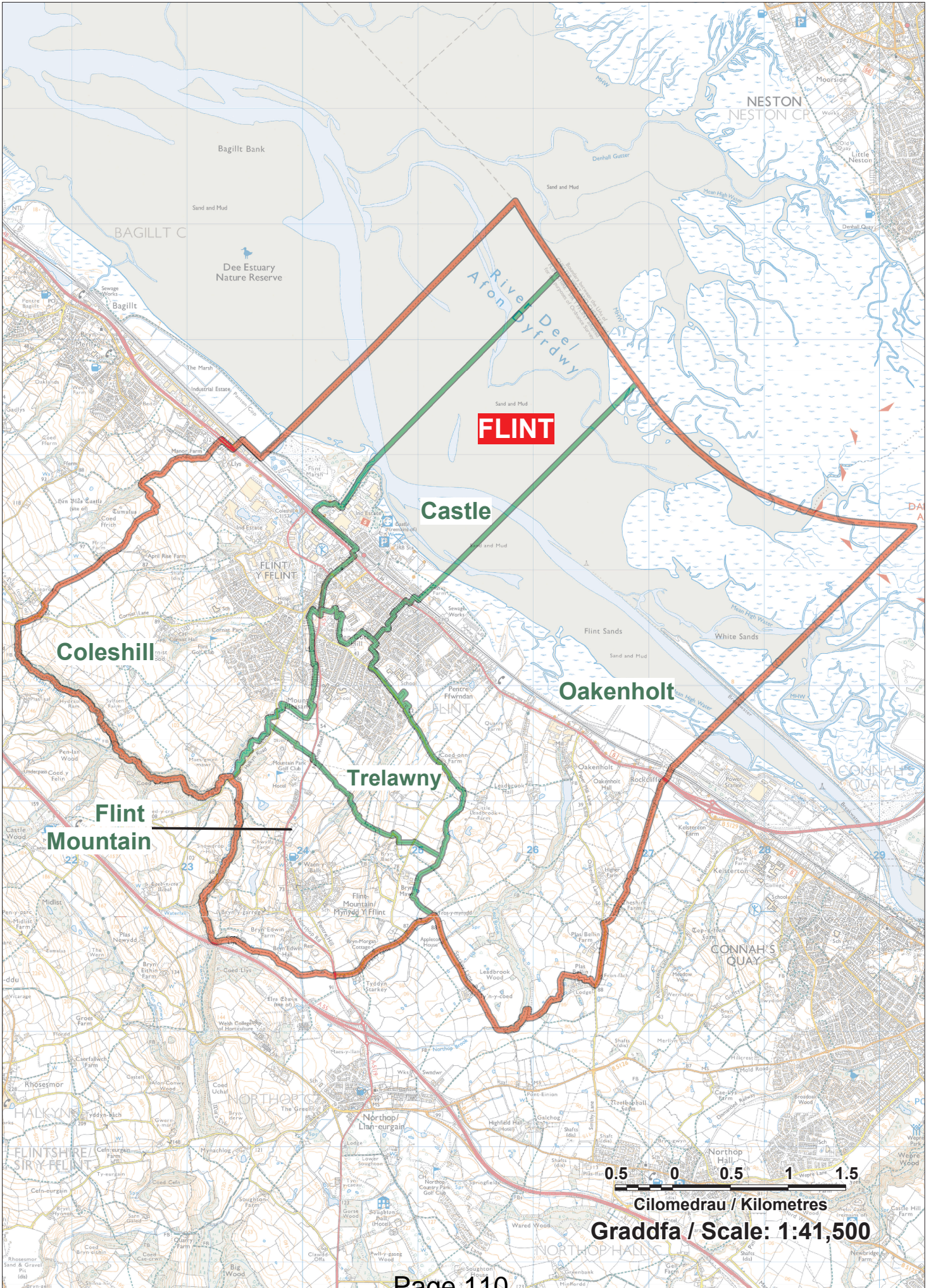
- 4.5. However, the Commission does not feel it has sufficient evidence from the local community and town councils, interested parties and members of the public to propose a change to the community arrangements. After deliberation, it was agreed by the Commission that a limited public consultation be held covering the Flint Mountain settlement on the question of whether existing arrangements should continue, or whether Flint Mountain should become more accountable for its own affairs by changing those arrangements.
- 4.6. As mentioned earlier, the Commission has identified three possible options which seem appropriate and which would reflect our obligation to ensure effective and convenient local government for community and town council arrangements:
- A** Flint Mountain is retained within the Trelawny ward of the Community of Flint (the existing arrangement);
 - B** Flint Mountain is created as a separate community ward of the Community of Flint; or,
 - C** Flint Mountain is created as a new community ward and transferred to the Community of Northop.
- 4.7. It is the view of the Commission that the electorate of Flint Mountain is not of sufficient size to form an effective community area.
- 4.8. The Commission is seeking views and evidence from those concerned as to whether one of these options is appropriate for the Flint Mountain area only. The default view of the Commission is to retain the existing arrangements (Option A) if it does not receive sufficient evidence for either Option B or Option C as a preference for the parties concerned.
- 4.9. The following three pages show maps of each Option under consideration.



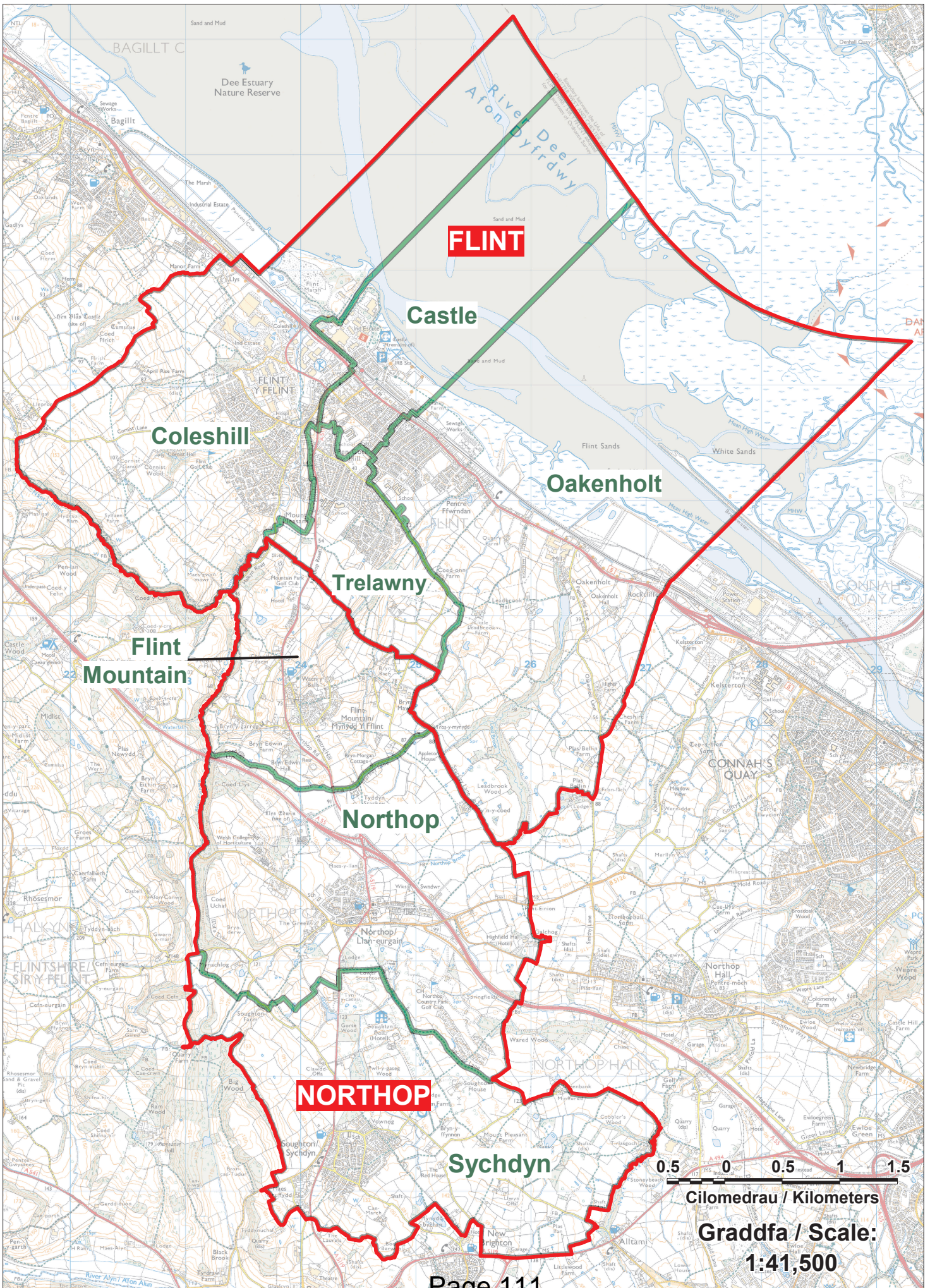
OPTION A - EXISTING ARRANGEMENTS



OPTION B - PROPOSED ARRANGEMENTS



OPTION C - PROPOSED ARRANGEMENTS



5. CONSEQUENTIAL ARRANGEMENTS

5.1. In considering the change to the community boundaries it was also necessary for us to take account of the consequential effects on the electoral arrangements for community councils and the principal authority, which would result from these changes. This section of our report details our proposals for consequential changes to the electoral arrangements. We would also welcome comments on this aspect of our report.

Community Council Electoral Arrangements

5.2. The present community arrangements (Option **A**) are shown in the table below:

Community	Ward	2014 Electors	Community Councillors	Electors per Councillor
Flint Town Council	Castle	1,518	4	380
	Coleshill	3,138	5	628
	Oakenholt	2,191	4	548
	Trelawny	2,823	5	565
	Total	9,670	18	537

Northop Community Council	Northop	1,038	6	173
	Sychdyn	1,464	7	209
	Total	2,502	13	192

5.3. If it were determined that Option **B** were the preferred proposal, we are required to consider the consequential changes to the community electoral arrangements. Under this option, we would propose that the current total of 18 Flint Town councillors is maintained with the revised Trelawny ward being represented by four members instead of five and one member representing the new Flint Mountain ward. The new arrangements would therefore be:

Community	Ward	Current			Proposed		
		2014 Electors	Community Councillors	Electors per Councillor	2014 Electors	Community Councillors	Electors per Councillor
Flint Town Council	Castle	1,518	4	380	1,518	4	380
	Coleshill	3,138	5	628	3,138	5	628
	Flint Mountain	Not applicable			540	1	540
	Oakenholt	2,191	4	548	2,191	4	548
	Trelawny	2,823	5	565	2,283	4	571
	Total	9,670	18	537	9,670	18	537
Northop Community Council	Northop	1,038	6	173	1,038	6	173
	Sychdyn	1,464	7	209	1,464	7	209
	Total	2,502	13	192	2,502	13	192

- 5.4. If it were determined that Option C were the preferred proposal, we are required to consider the consequential changes to the community electoral arrangements. Under this option, we would propose that the current total of 18 Flint Town councillors is reduced to 17 with the reduction taking place in the Trelawny ward.
- 5.5. We would also propose that the current total of 13 Northop Community councillors is increased to 14. The new Flint Mountain ward would have two community councillors, with a reduction of one community councillor in the Northop ward.
- 5.6. These changes reflect the current arrangements by maintaining a broadly similar ratio of electors per community councillor as possible within the communities involved. We therefore propose the following arrangements:

Community	Ward	Current			Proposed		
		2014 Electors	Community Councillors	Electors per Councillor	2014 Electors	Community Councillors	Electors per Councillor
Flint Town Council	Castle	1,518	4	380	1,518	4	380
	Coleshill	3,138	5	628	3,138	5	628
	Oakenholt	2,191	4	548	2,191	4	548
	Trelawny	2,823	5	565	2,283	4	571
	Total	9,670	18	537	9,130	17	537

Northop Community Council	Flint Mountain	Not applicable			540	2	270
	Northop	1,038	6	173	1,038	5	208
	Sychdyn	1,464	7	209	1,464	7	209
	Total	2,502	13	192	3,042	14	217

County Council Electoral Arrangements

- 5.7. We do not propose any changes to County Council electoral arrangements. Any changes to electoral arrangements that may be necessary will be considered at the next electoral review for the County of Flintshire.

6. ACKNOWLEDGEMENTS

- 6.1. We wish to express our gratitude to Flintshire County Council for their assistance and to all persons and bodies who made representations to us.

7. RESPONSES TO THIS REPORT

7.1. All observations on this draft report should be sent to:

The Chief Executive
Local Democracy and Boundary Commission for Wales
Hastings House
Fitzalan Court
Cardiff
CF24 0BL

not later than 22 April 2015.

8. THE NEXT STEPS

8.1. When we have considered the comments made to us in response to this draft report, we shall submit our recommendations to the Welsh Government in the form of a report and proposals. It will then fall to the Welsh Government, if it thinks fit, to implement our recommendations either with or without modifications.

Mr OWEN WATKIN OBE DL (Chair)

Mr CERI STRADLING (Deputy Chair)

Mr DAVID POWELL (Member)

Mr STEVE HALSALL (Chief Executive)

28 January 2015

REPRESENTATIONS RECEIVED FOLLOWING PUBLICATION OF FLINTSHIRE COUNTY COUNCIL'S FINAL PROPOSALS.

1. **Councillor Nigel Williams - Flint Town Council** wrote on 27 June 2014 in support of proposals from a resident of Flint Mountain that the settlement and surrounding area of Flint Mountain be moved from the Trelawny ward of Flint Town Council. Councillor Williams spoke of a democratic need that ought to be addressed and also of the difference in character between the more urban Flint Town and the generally rural Flint Mountain. Councillor Williams observed the clear and historic links that Flint Mountain has with the neighbouring Community of Northop - which is itself clearly a rural area.
2. **A resident of Flint Mountain** wrote on 27 June 2014 asking the Commission to accept her appeal that Flint Mountain be removed from the influence of Flint Town.

The resident provided statistical evidence from across Flintshire in support of their proposal to be a separate community ward, citing other community wards with a similar population to Flint Mountain. Further quotations are made from the recent census returns for the area as well as proposed planning for a series of housing projects which are set to increase the electorate in the future. The resident argues that this increase would mean that the electorate of the Flint Mountain area exceeds that of other areas which enjoy separate representation at community - and even sometimes at county level.

The resident goes on to describe the Flint Mountain area's facilities and amenities, describing it as a rural village. The resident states that Flint Mountain has always been part of the Northop Parish and also states that the local primary schools for Flint Mountain, Northop, and Sychdyn hold an annual sports day together and have no interaction with Flint Town's primary schools. The resident then describes Flint Town as an industrial town, describing its urban features and amenities.

The resident next describes their reasons for requesting Flint Mountain to be separate from Flint Town:

- Concerns about adequate county councillor representation.
- Concerns about adequate representation on Flint Town Council with Flint Mountain being one-fifth the population of the ward they are in, and 1/18th of the population of Flint Town.
- As a village, they have more in common with the villages of Northop and Sychdyn and would have a more equal representation on Northop Community Council.

The resident then expresses their concerns in the process of Flintshire County Council's community review itself and argues that it breached the review principles in not considering their request for Flint Mountain to be separated from Flint Town.

The resident goes on to state that Flint Town Council should not object to the change as it would have little consequence to them. The resident states the remainder of Flint is growing and developing, with large new developments in other wards. The resident argues that this is no place for a rural village to also be represented.

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **FLINTSHIRE COUNTY COUNCIL**
DATE: **TUESDAY, 14 APRIL 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 9th 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
- A requirement to declare 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 At its meeting on the 9th July the committee decided that it wished to retain the two paragraphs in the current Code concerning a requirement on employees to disclose membership of Freemasonry (paragraphs 8.8 and 8.9 in Appendix 1). Enquiries were then made of other Welsh authorities to ascertain their practice. 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 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 pointed to a decision of the European Court of Human Rights which held that an obligation to declare membership of the Freemasons was unlawful and an interference with the right of freedom of association under Article 11 of the European Convention on Human Rights. That

decision is binding on UK Courts. 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.

- 3.08 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.

- 3.09 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.

- 3.10 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.

- 3.12 Instead of paragraphs 8.11 and 8.12 officers would recommend that Council adopts the following:-

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

- 3.13 The Chief Executive has already asked Chief Officers to make such a declaration using the form at Appendix 2. All Chief Officers have completed the form and have confirmed that they have made full disclosure.

- 3.14 Councillors are required to register such interests and might reasonably expect senior officers to do the same. Unfortunately there is a small but significant difference in the legislation on the Officers’ Code of Conduct that prevents mandatory registration. Officers therefore recommend that WG be asked to amend the legislation to impose a similar obligation on senior officers.

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 as set out in paragraph 3.12 above.

- 4.04 That the WG be asked to amend the mandatory provisions of the Officers’ Code to require senior officers to register (as well as declare) their interests.

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

12.01 Appendix 1 – Officers’ Code of Conduct.
Appendix 2 – Voluntary registration form

**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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Flintshire County Council Register of Interests 2015

Name & Position	
Pecuniary Interests	
Shareholder/directorship	
Professional Society Membership	
Open Society Membership	
Closed Society Membership	
School Governor	
Date:	Next revision due:
Signed: <hr/>	

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **FLINTSHIRE COUNTY COUNCIL**
DATE: **TUESDAY, 14 APRIL 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 Independent Alliance Group from the Liberal Democrat 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 25 March 2015 a Member joined the Independent Alliance Group from the Liberal Democrat Group and the Leader of the Independent Alliance 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 Independent Alliance Group gaining 3 committee places with the Liberal Democrat Group losing 3 committee places.

3.02 As there have been no changes to the overall number of seats allocated to the Labour, Conservative, New Independents and Independent Groups there is no need to alter the individual committee places allocated to those Groups.

3.03 Attached as Appendix 2 is a table showing how the new political balance can be reflected on the Council's Committees in accordance with the rules in paragraph 2.02 above. The fourth of those rules requires the Liberal Democrats to lose a seat to the Independent Alliance on both the Corporate Resources and Licensing Committees. In Appendix 2 the third seat the Liberal Democrats lose to the Independent Alliance has been shown on the Social & Health Care Overview & Scrutiny Committee but the rules in paragraph 2.02 allow other options whereby the Liberal Democrats could lose a seat to the Independent Alliance on either the Environment or Community Profile & Partnership Scrutiny Committees instead of Social & Health.

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

With the political Group Leaders and their deputies

12.00 APPENDICES

Appendix 1 - Calculation Table
Appendix 2 - Political Balance Option

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

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POLITICAL BALANCE CALCULATION – APRIL 2015

Group	Calculation	Number of Committee Places Group Entitled To
Labour	$32 \div 69 \times 177 = 82.08$	82
Independent Alliance	$10 \div 69 \times 177 = 25.652$	26
Conservatives	$8 \div 69 \times 177 = 20.521$	21
New Independents	$7 \div 69 \times 177 = 17.956$	18
Liberal Democrats	$6 \div 69 \times 177 = 15.39$	15
Independents	$6 \div 69 \times 177 = 15.391$	15
		177

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POLITICAL BALANCE - APRIL 2015

APPENDIX 2

OPTION 1

	Labour 32 Members	Independent Alliance 10 Members	Conservatives 8 Members	New Independents 7 Members	Liberal Democrats 6 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	1 2	2	2	2 1	1	15
Social & Health OSC	7	2 3	2	1	2 1	1	15
Environment OSC	7	2	1	2	2	1	15
Community Profile & Partnership OSC	7	2	2	1	2	1	15
Planning	10	3	2	2	2	2	21
Licensing	5	1 2	2	1	2 1	1	12
Audit	3	1	1	1	0	1	7
Constitution	10	3	2	2	2	2	21
Democratic	10	3	2	2	2	2	21
Pensions	2	1	1	0	0	1	5
Total to Group	82	23 26	21	18	18 15	15	177

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **FLINTSHIRE COUNTY COUNCIL**

DATE: **TUESDAY, 14 APRIL 2015**

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

SUBJECT: **APPOINTMENTS TO AREA OF OUTSTANDING
NATURAL BEAUTY PARTNERSHIP**

1.00 PURPOSE OF REPORT

1.01 For Council to determine the three Flintshire members to serve on the Area of Outstanding Natural Beauty Partnership.

2.00 BACKGROUND

2.02 The Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) is situated within the Counties of Denbighshire, Flintshire and Wrexham. The AONB is managed on behalf of the three County Councils by a joint committee on which Flintshire's representatives are Councillors Derek Butler and Bernie Attridge. The joint committee is an executive body of the three local authorities consisting exclusively of members from the Executive or Cabinet of the three local authorities.

2.03 At its first meeting the joint committee agreed to appoint an AONB Partnership to oversee the day to day work of the AONB. The partnership to comprise a range of individuals with a maximum of 25 members with Flintshire able to nominate three members. The term of office of the members of the AONB Partnership would be for four years. Those appointed to the partnership are expected to abide by the Accord which is attached as Appendix 1.

2.04 The predecessor outside body to the new AONB Partnership was known as the Interim Joint Advisory Committee. Flintshire's three representatives on that committee were:-

- Councillors Carolyn Thomas (its Chair), Nigel Steele-Mortimer and Nancy Matthews

Councillor Colin Legg was the substitute for any of the above three.

3.00 CONSIDERATIONS

3.01 Group Leaders have been consulted to seek nominations for the three places on the new partnership. This has led to the following nominations being received:-

- Councillors Paul Cunningham, Colin Legg, Nancy Matthews, Nigel Steele-Mortimer and Carolyn Thomas

These nominations were considered at a Group Leaders meeting on the 7 April when it was decided to refer the matter to County Council for decision.

4.00 RECOMMENDATIONS

- 4.01 For Council to determine its three nominations for the new AONB Partnership.

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 political Group Leaders.

11.00 CONSULTATION UNDERTAKEN

- 11.01 With political Group Leaders.

12.00 APPENDICES

- 12.01 Appendix 1 – AONB Partnership Accord

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985 BACKGROUND DOCUMENTS

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CLWYDIAN RANGE & DEE VALLEY AONB PARTNERSHIP ACCORD

- to promote conservation and enhancement of the natural beauty of the Clwydian Range ;
- to champion the Partnership's vision for the Clwydian Range and Dee Valley as set out in the AONB Management Plan both externally and within my organization;
- to contribute relevant knowledge, expertise and experience to the work of the Partnership;
- to promote and actively support the work of the Partnership in fulfilling its terms of reference as set out in the Constitution and Terms of Reference;
- to attend Partnership meetings wherever possible and, if no longer able to attend on a regular basis, to step down and seek another representative from my organisation to sit on the Partnership;
- to act without political bias or personal interest in fulfilling my duties to the Partnership.

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