

Public Document Pack

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



To: Cllr Robin Guest (Chair)

CS/NG

Councillors: Bernie Attridge, Glyn Banks,
Haydn Bateman, Chris Bithell, Clive Carver,
David Cox, Ian Dunbar, Veronica Gay,
George Hardcastle, Christine Jones, Dave Mackie,
Tim Newhouse, Neville Phillips, Aaron Shotton,
Paul Shotton, Nigel Steele-Mortimer,
Owen Thomas, David Williams, David Wisinger
and Arnold Woolley

9 October 2014

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

Dear Sir / Madam

A meeting of the **CONSTITUTION COMMITTEE** will be held in the **DELYN COMMITTEE ROOM, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 15TH OCTOBER, 2014** at **2.00 PM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

AGENDA

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

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

- 4 **REVIEW OF THE FLINTSHIRE PLANNING CODE OF PRACTICE** (Pages 7 - 26)
Report of Chief Officer (Governance)
- 5 **CLWYD PENSION FUND GOVERNANCE** (Pages 27 - 44)
Report of Chief Officer (People and Resources) and Chief Officer (Governance)
- 6 **REMOTE ATTENDANCE AND WEBCASTING OF MEMBER MEETINGS** (Pages 45 - 74)
Report of Chief Officer (Governance)
- 7 **OVERVIEW & SCRUTINY ANNUAL REPORT** (Pages 75 - 104)
Report of Member Engagement Manager.
- 8 **SCOPING THE REVIEW OF THE OVERVIEW & SCRUTINY COMMITTEE STRUCTURE** (Pages 105 - 118)
Report of Member Engagement Manager
- 9 **WALES AUDIT OFFICE NATIONAL SCRUTINY IMPROVEMENT STUDY - ACTION PLAN UPDATE** (Pages 119 - 124)
Report of Member Engagement Manager
- 10 **REVIEW OF THE MEMBERS' CODE OF CONDUCT** (Pages 125 - 144)
Report of Chief Officer (Governance)
- 11 **UPDATE TO OFFICER DELEGATION SCHEME** (Pages 145 - 148)
Report of Chief Officer (Governance)

CONSTITUTION COMMITTEE

9 JULY 2014

Minutes of the meeting of the Constitution Committee of Flintshire County Council held in County Hall, Mold, on Wednesday, 9 July 2014.

PRESENT: Councillor Neville Phillips (Vice Chair in the Chair)

Councillors: Bernie Attridge, Glyn Banks, Haydn Bateman, Clive Carver, David Cox, Ian Dunbar, Veronica Gay, George Hardcastle, Christine Jones, Dave Mackie, Tim Newhouse, Aaron Shotton, Paul Shotton, Nigel Steele-Mortimer, Owen Thomas, David Williams, David Wisinger, and Arnold Woolley

APOLOGIES: Councillors Chris Bithell and Robin Guest

IN ATTENDANCE:

Democracy and Governance Manager, Internal Audit Manager, Member Engagement Manager, and Committee Officer

1. **APPOINTMENT OF VICE-CHAIR**

The Democracy and Governance Manager sought nominations for a Vice-Chairman for the Committee.

Councillor Clive Carver nominated Councillor Nigel Steele-Mortimer as Vice-Chair of the Committee and this was seconded by Councillor Tim Newhouse.

Councillor Ian Dunbar nominated Councillor Neville Phillips as Vice-Chair of the Committee. Councillor Bernie Attridge seconded the nomination.

Members were asked to vote on the nominations and when put to the vote Councillor Neville Phillips was appointed Vice-Chair of the Committee.

In the absence of the Chairman, the Vice-Chair took the Chair for the remainder of the meeting.

RESOLVED:

That Councillor Neville Phillips be appointed Vice-Chair of the Committee.

2. **DECLARATIONS OF INTEREST**

During consideration of the item on the Officers' Code of Conduct the issue of membership of Freemasonry was raised and Councillor Clive Carver declared a personal and prejudicial interest and left the room whilst it was discussed.

3. MINUTES

The minutes of the meeting of the Committee held on 26 March 2014, were submitted.

Matters arising

Family Absence for Members

The Democracy and Governance Manager referred to page 2, resolution (b), and said he had sent Members an email on 23 May 2014 which explained why he was unable to seek a substantive response from the Welsh Government on Family Absence for Members.

Clwyd Pension Fund Governance

The Democracy and Governance Manager advised that the County Council had agreed with the Committee's recommendation.

The Democracy and Governance Manager also reported that the remaining resolutions in the minutes had been approved by the County Council and implemented.

RESOLVED:

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

4. WHISTLEBLOWING POLICY

The Democracy Governance Manager introduced the report to consider amending the Constitution to reflect the updated Council Whistleblowing Policy. He provided background information and outlined why the current Policy was being updated. The revised Policy, which had been agreed by the Audit Committee at its meeting on 7 May 2014, had been circulated.

The Chairman welcomed Mr. David Webster, Internal Audit Manager, and invited him to give an overview of the revised Policy. The Internal Audit Manager referred to the Enterprise and Regulatory Reform Act 2013 which had introduced changes to the statutory protection to whistleblowers. He advised that the changes had been incorporated into the revised policy and drew attention to the main considerations which were detailed in the report.

The Internal Audit Manager advised that the Whistleblowing Policy enabled employees to raise any concerns they had and provided assurances regarding confidentiality and protection. It detailed the procedures to be followed in raising a concern either internally or externally. For internal cases it explained how the Council would respond and provided examples of the type of concerns which could be raised.

The Internal Audit Manager advised that when the revised version of the Policy had been agreed he would undertake an exercise to raise awareness of

the new procedure amongst staff and send a briefing note to Members as they were referred to in the revised policy.

In response to a question raised by Councillor Ian Dunbar the Internal Audit Manager explained that whilst it was commended that schools adopted the Policy as good practice they could adopt a different policy if they wished to.

Councillor Clive Carver referred to the changes which came into effect as a result of the Enterprise and Regulatory Reform Act 2013. He queried the change that for employees to have protection under the Act they needed to reasonably believe that they are making disclosures in the public interest. Officers provided clarification and advised that the Authority had set lower standards on internal procedures to encourage staff to raise concerns where they reasonably believed the concern.

RESOLVED:

That the Whistleblowing Policy dated April 2014 be approved.

5. OFFICERS' CODE OF CONDUCT

The Democracy and Governance Manager introduced a report to consider a revised and updated officers' code of conduct as part of the ongoing review of the Council's Constitution. He advised that in undertaking the review of the Constitution the guiding principles had been to update to reflect current arrangements, avoid unnecessary bureaucracy and ambiguity of wording.

The Democracy and Governance Manager referred to the main considerations in the report and gave a summary of the changes to the Officers' Code. He said there had been wide consultation on the document and the Trade Unions had welcomed the proposed changes.

The Chairman invited Members to review the draft revised officers' code of conduct which was appended to the report and put forward any further comments or changes.

The Democracy and Governance Manager advised that the reference to Head of Legal and Democratic Services in paragraph 2.1 would be replaced by 'the Chief Officer (Governance)' following the recent appointment to that position.

Councillor Bernie Attridge queried the proposed removal of paragraphs 8.11 and 8.12 relating to disclosing membership of freemasonry

Councillor Clive Carver declared that he had a personal and prejudicial interest and withdrew from the meeting at this point.

Councillor Bernie Attridge proposed that paragraphs 8.11 and 8.12 be retained from the previous version and asked that this be recommended by the Committee to the next available meeting of the County Council. The proposal was seconded by Councillor Paul Shotton and agreed..

Councillor Clive Carver returned to the meeting.

Councillor Attridge queried the removal of paragraphs 8.17, 8.18 and 8.19 on page 34. The Democracy and Governance Manager responded to the questions raised and reiterated the need to remove ambiguity. He provided clarification and explained that paragraph 9.4 now addressed the issue of acceptance by employees of hospitality less ambiguously.

RESOLVED:

That the draft revised Officers' Code of Conduct be approved subject to:

- (a) That the reference to Head of Legal and Democratic Services in paragraph 2.1 of the draft revised officers' code of conduct be replaced by 'the Chief Officer (Governance)'; and
- (b) That the Committee recommends to the next meeting of the County Council that paragraphs 8.11 and 8.12 be reinstated from the previous version of the officers' code of conduct.

Councillor Clive Carver abstained from voting.

6. STANDING ORDERS ON THE APPOINTMENT AND DISMISSAL OF OFFICERS

The Democracy and Governance Manager introduced a report to update the Council's Standing Orders relating to the appointment and dismissal of officers. He provided background information and referred to the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 which came into force on 1 July 2014. He advised that appended to the report were the standing orders relating to the appointment and dismissal of officers which showed tracked changes to reflect the requirements of the 2014 regulations.

The Democracy and Governance Manager drew attention to the five significant changes made by the regulations which were summarised in the report. Members were asked to consider the changes as detailed in the appendix to update the standing orders.

RESOLVED:

That the changes as shown in Appendix 3 to update the Standing Orders relating to the appointment and dismissal of officers to reflect the 2014 regulations, be approved.

7. FINAL REPORT FROM THE AUDITOR GENERAL FOR WALES IMPROVEMENT STUDY: SCRUTINY IN LOCAL GOVERNMENT

The Member Engagement Manager introduced a report to inform the Committee of the final report produced by the Auditor General for Wales arising out of the "Good Scrutiny? Good Question!" Improvement study of local

government scrutiny in Wales. He advised that the Welsh Audit Office report had made nine recommendations and these were detailed in the report with the Authority's response. Members were asked to consider and comment on the recommendations and the responses to them.

Councillor Bernie Attridge thanked the Member Engagement Manager for the work undertaken as part of the improvement study and proposed that the recommendations in the report be endorsed. Councillor Owen Thomas seconded the proposal.

Councillor Dave Mackie commented on the work of the Flintshire Peer Learning Evaluation Team (PLET) and the wider activities undertaken as part of the review. He said the exercise had been useful and had achieved some good outcomes.

RESOLVED

That the Welsh Audit Office recommendations and the Authority's responses to them be approved and commended to the Steering Group for implementation.

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

(The meeting commenced at 2.00 pm and finished at 2.55 pm.)

.....
Chairman

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CONSTITUTION COMMITTEE**
DATE: **WEDNESDAY, 15 OCTOBER 2014**
REPORT BY: **CHIEF OFFICER, GOVERNANCE**
SUBJECT: **REVIEW OF THE FLINTSHIRE PLANNING CODE OF PRACTICE**

1.00 **PURPOSE OF REPORT**

1.01 To review the Flintshire Planning Code of Practice.

2.00 **BACKGROUND**

2.01 The Nolan Committee's report on standards in public life led to the introduction of the new ethical framework for Members introduced in the Local Government Act 2000. One chapter of the Nolan Committee's report related to Member involvement in the planning process and recommended that each local planning authority should introduce its own planning code to improve practices in this area.

2.02 Early in the life of Flintshire County Council a Planning Protocol Group of members was formed to formulate Flintshire's code of practice which was subsequently agreed by County Council and incorporated into the Council's Constitution.

2.03 The Constitution Committee is currently in the third year of a 3 year programme of reviewing all parts of the Council's Constitution and this year's programme includes the Flintshire planning code. The guiding principles of this review are to ensure the various parts of the Constitution are up-to-date, unambiguous and easy to understand.

2.04 The review of the Flintshire planning code has been led by the Democracy & Governance Manager who has consulted with the Monitoring Officer and the Chief Officer, Planning & Environment prior to consideration by Members.

2.05 The review of the planning code was considered by the Standards Committee at its meeting on the 1st of September and then by the Planning Strategy Group at its meeting on the 4th of September. The views of the Standards Committee were reported to and considered by the Planning Strategy Group at its meeting. Attached as Appendix 1 is the Flintshire Planning Code with the proposed alterations shown as tracked changes together with comments showing the reason for those changes.

3.00 **CONSIDERATIONS**

3.01 The main proposed changes to the planning code concern:-

- Member training
- Predetermination
- Lobbying
- Site visits
- Decisions contrary to officer recommendation

3.02 Section 3 of the planning code relates to Member training on planning. Paragraph 3.1 is proposing to widen the requirement for core planning training beyond members of the Planning and Development Control Committee to all members of the Council as all members of the Council are consulted on planning applications affecting their ward. For members of the committee and named substitutes it is being suggested that the 75% minimum attendance at planning training topics should be an ongoing requirement during the life of the current County Council rather than being over a period of 2 years. It is also proposed that there should be a mechanism whereby members can be granted an exception to this requirement where there is good reason for temporarily failing to meet it. The Standards Committee believes that it should grant such exceptions as the majority of its members are not Councillors which it saw as an advantage in terms of public perception. The Planning Strategy Group decided that it should be that Group as it has responsibility for determining what planning training is provided.

3.03 The second significant change to the Planning Code relates to the issue of predetermination. This is now being given its own section (see 4.4) rather than being part of the paragraphs concerning personal interest. This is because predetermination is a separate issue to personal interest and also to give more prominence to predetermination within the code.

3.04 There have been several changes within section 5 relating to lobbying. In 5.1 a sentence has been added so that Members should make officers aware of any lobbying correspondence they receive. Where such documents contain new information it is important the officers are aware of it. Also where such documents contain inaccurate information officers can then prevent Members being misled. In 5.3 where the same individual has lobbied a Member on four or more occasions that should be declared at the appropriate part of the Committee meeting. It is custom and practice to do this under the item dealing with Declarations of Interest and for Planning Committee it is intended to broaden this heading to include Declarations of lobbying.

3.05 Paragraph 9.3.1 concerning site visits has been expanded to make clear that the public have no right to attend the site visit itself. If the

public lobby Members on their way to or way from a site visit any documentation they wish to submit should be done formally to the Planning Department and the paragraph has been expanded to include this.

- 3.06 Section 11 of the Code deals with where as part of the democratic process Members reach a decision contrary to the Officer recommendation. It is important that in such situations the reasons are clearly stated and recorded in the minutes of the meeting. Paragraphs 11.4 and 11.5 have been amended to reflect current practice in relation to this.

4.00 **RECOMMENDATIONS**

- 4.01 For the Constitution Committee to review the Flintshire Planning Code and agree or amend Appendix 1 as appropriate

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 Chief Officer Planning and Environment, Standards Committee and Planning Strategy Group,

11.00 **CONSULTATION UNDERTAKEN**

- 11.01 The Chief Officer Planning and Environment, Standards Committee and Planning Strategy Group,

12.00 **APPENDICES**

- 12.01 Appendix 1 – Planning Code of Practice

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS

Report to Standards Committee meeting 1st September 2014
Report to Planning Strategy Group 4th September 2014

Contact Officer: Peter Evans
Telephone: 01352 702304
Email: peter.j.evans@flintshire.gov.uk

PLANNING CODE OF PRACTICE

HOW WE DEAL WITH PLANNING APPLICATIONS AND OTHER PLANNING ISSUES CONTENTS

1. INTRODUCTION
2. ROLE OF MEMBERS AND OFFICERS
 - 2.1 General
 - 2.2 Role of Officers
 - 2.3 Role of Members
 - 2.4 Member / Officer Contact
3. TRAINING
4. REGISTRATION AND DECLARATION OF INTERESTS
 - 4.1 Code of Conduct
 - ~~4.2~~ Personal Interests
 - ~~4.3~~ Declaration
 - 4.4 Pre-determination
 - 4.5 Register
 - 4.6 Dual Community / Town Council Membership
5. LOBBYING
6. APPLICATIONS SUBMITTED BY MEMBERS AND OFFICERS
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9. PLANNING COMMITTEE SITE VISITS
 - 9.1 Purpose
 - 9.2 Request for a Site Visit
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10. PROCEDURE AT PLANNING & DEVELOPMENT CONTROL COMMITTEE
11. DECISIONS CONTRARY TO OFFICER RECOMMENDATION
12. APPEALS AGAINST COUNCIL DECISIONS
13. PLANNING OBLIGATIONS

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14. REGULAR REVIEW OF DECISIONS

15. COMPLAINTS

1. INTRODUCTION

- 1.1 The Planning system involves taking decisions about the use and development of land in the wider public interest having regard to the Development Plan, national Planning Guidance and other material considerations. Planning can be contentious because its decisions affect the daily lives of individuals, landowners and developers.

It is important therefore that the process is open and transparent. In other words the system should not only be fair but it should be seen to be fair. The Nolan Committee's report on Standards in Public Life gave close consideration to these issues and its recommendations feature significantly in the Local Government Association's revised 2002 guidance for Members and Officers in dealing with planning matters. Members are advised to read the LGA guidance as it provides useful background to the Code of Practice.

- 1.2 This Code of Practice provides guidance to elected Members, officers and developers on the planning process. It is supplementary to the Flintshire Member and Officer Codes of Conduct and the Protocol on Member/officer relations all of which are contained in the Council Constitution.
- 1.3 Whilst the principles set out in this document apply primarily to the manner in which individual planning applications should be dealt with, they also apply to the decision-making process relating to any aspect of the planning function.

2. ROLE OF MEMBERS AND OFFICERS

2.1 General

- 2.1.1 Members and officers have different but complementary roles. Both serve the public but Members are responsible to the electorate, whilst officers are responsible to the Council as a whole. Officers advise Members and the Council and carry out the Council's work. They are employed by the Council, not individual Members, and Members instructions may only be given to officers through a decision of the Council, its Cabinet or a Committee.

- 2.1.2 It is important that a good relationship exists between Members and officers and that this is based on mutual trust and understanding of each others positions. This relationship and trust must never be abused or compromised.

2.2 Role of Officers

- 2.2.1 The officer's function is to advise and assist Members in the formulation of planning policies, in the determination of planning

Deleted: is highly

Comment: The contentiousness is not heightened as suggested in the first sentence. Delete it. The second sentence deleted is misleading in giving too much prominence to the requirements of the individual.

Deleted: This is heightened by the openness of the system and the legal nature of Development Plans and decision notices. In making planning decisions the requirements of the individual, whether the applicant or a neighbour, have to be balanced against the broader public interest.¶

Comment: It is wider than indicated by the last few words and includes for instance decisions relating to TPOs or listed buildings.

Deleted: Unitary Development Plan, Supplementary Planning Guidance and associated documentation.

applications and, deciding whether or not to take enforcement action for breaches of planning control. officers should:-

- Provide impartial and professional advice.
- Make sure that all accurate information necessary for the decision to be made is given.
- Provide a clear and accurate analysis of the issues.
- Set applications and enforcement issues against the broader Development Plan policies and all other material considerations.
- Give a clear recommendation based on the above requirements.
- Carry out the decisions made by Members in committee or through the delegated authority of the Chief Officer, Planning and Environment
- Update Members on new legislation and guidance.
- Provide appropriate training and briefings for Members.

Deleted: the

Comment: Amendment of Planning Strategy Group

Deleted: Director of Environment and the Head of Planning ¶

2.3 Role of Members

2.3.1 The full Council is responsible for setting the Council's formal planning policy framework through the Development Plan(s). As a general principle there is an expectation that Members will uphold the Council's planning policies.

Deleted: Unitary Development Plan

2.3.2 When Members come to make a decision they must:-

- Be clear as to whether or not they have an interest which needs to be declared if not already done so.
- Act fairly and openly.
- Approach each application with an open mind.
- Carefully weigh up all relevant issues.
- Determine each application on its own merits.
- Avoid giving the impression that the Member has made her / his mind up prior to the application being determined.
- Ensure that there are clear and substantial reasons for their decisions, and that those reasons are clearly stated.

Comment: This ignores decisions made under delegated powers.

Deleted: It falls to the Planning and Development Control Committee to determine planning and related applications within the context of these planning policies.

Comment: Amendment of Planning Strategy group

Deleted: Head of Planning

Comment: This is not part of the role of councillors and is better covered later in the Code.

2.3.3 Where a planning application relates to a Member's ward the views of the local Member are important to the Chief Officer, Planning & Environment and to the Chair and Members of the Planning and Development Control Committee. Ward Members should not become too closely identified with special interest groups if they wish to vote in the Planning and Development Control Committee. Whilst Members have a responsibility to their constituents their overriding duty is to the whole County and therefore need to consider proposed developments in the interests of the wider community.

Deleted: The local Members are likely to be approached by applicants and by objectors and where approached on three or more occasions by the applicant or by an objector the Member should disclose this to the Planning Case Officer, Planning Team Leader or the Head of Development Control and at the Planning and Development Control Committee.

Comment: Amendment of Planning Strategy Group

2.3.4 Members should not decide how to vote on any application at any formal political group meeting. Political group meetings should never dictate how Members should vote on a planning issue.

Deleted: including those who did not vote for them

Comment: Amendment of Planning Strategy Group

2.4 Member / Officer Contact

- 2.4.1 The officer / Member relationship is extremely important for good decision making and an effective planning service. The mutual understanding of their respective roles and respect for each other's position is vital for good relations.
- 2.4.2 In making enquiries regarding individual applications Members should make contact with the Case Officer or Line Manager and make an appointment if necessary. Whilst Members may wish to seek advice or information from the Chief Officer, Planning & Environment or the Development Manager, Members should in the first instance seek information from the Case Officer. Information can be sought and provided by e-mail.
- 2.4.3 Officers will provide every reasonable help to Members in the carrying out of their duties. Meetings between officers and Members may sometimes be helpful, but are only likely to be of value if prior arrangements have been made. This allows the officer to have all relevant documents available at the meeting. Prior arrangements may be made by telephoning the relevant Officer or the Planning Services Reception staff. Members rooms can be utilised and suitable rooms can be made available by mutual agreement if privacy is required.
- 2.4.4 It is acknowledged that Members and officers may well have differing views on a proposal but Members should on no account interfere with or put pressure on officers to make a particular recommendation.

3. TRAINING

- 3.1 All members of the Council are required to have received core planning training covering planning policies, procedures, law and this Code.
- 3.2 Other training will be arranged by officers in consultation with members in the form of additional sessions, seminars and workshops on topical issues and to keep members up to date on new procedures, advice and guidance.
- 3.3 Members of the Planning & Development Control Committee (including substitute members) are required at all times between ordinary County Council elections to attend at least 75% of the planning training topics covered during their membership of the Committee.
- 3.4 Attendance at planning training will be monitored and reported to the Planning Strategy Group who may grant an exception to the requirements of paragraph 3.3 where there is good reason for a member temporarily failing to meet this requirement.

Deleted: Head of Planning

Deleted: Head of Development Control

Deleted: Members should not seek advice or information from other officers who may be advising the Case Officer. This is in the interests of efficiency and to avoid duplication of effort and confusion in what is a very busy service which has to operate within very tight timescales.

Comment: Amendment of Planning Strategy Group

Deleted: Members of the Planning & Development Control Committee shall undertake appropriate training and this training will also be offered to all Members. A Member speaking or voting at Planning and Development Control Committee should have received training in planning policies and procedures.

Comment: The 75% attendance is ongoing between ordinary County Council elections rather than being for a 2 year period. Provision is also included for the Planning Strategy Group to grant exceptions where there is good reason for a member temporarily failing to meet the requirement.

Deleted: Core training will consist of sessions covering planning procedures, the Development Plan and material planning considerations, probity and the application of this Code of Practice.¶

¶
3.3 Other training will be arranged by officers in consultation with Members in the form of additional sessions, seminars and workshops on topical issues and to keep Members up to date on new procedures, advice and guidance.¶

¶
3.4 Members of the Planning and Development Control Committee (including substitute Members) should attend a minimum of 75% of the training arranged over a period of 2 years. Attendance records will be monitored and reported to the Planning Protocol Working Group, any Member who fails to attend the stated minimum of training sessions may be removed or suspended from the committee

Comment: Decision of Planning Strategy Group

4. REGISTRATION AND DECLARATION OF INTERESTS

4.1 Code of Conduct

4.1.1 Members should follow scrupulously the County Council's **Members' Code of Conduct** in relation to registration and declaration of interests and, if an interest is declared, in deciding whether the Member should participate in the consideration of an application. Not only should impropriety be avoided but also any appearance or grounds for suspicion of improper conduct. If a Member considers he/she may have a personal interest they should consult the Monitoring Officer or a Senior Officer of Legal & Democratic Services for advice on their position ideally in advance of the meeting.

4.2 Personal Interests

4.2.1 The principles about the disclosure of interests should be applied, not only to formal meetings, but also to any of a Member's dealings with Council officers, or with other Members. Where a Member has a personal interest, as defined by the Code, it must always be declared. It does not necessarily follow that the Member is debarred from participation in the discussion. The responsibility for declaring an interest lies with the Member, but the Monitoring Officer is there to advise. If there is any doubt in a Member's mind, he / she should seek early advice from the Monitoring Officer or other Senior Officer of Legal & Democratic Services on their position. Members should err on the side of declaring an interest when they are not sure.

4.2.2 Members who have substantial property, professional or other interests relating to the planning function which would prevent them from voting on a regular basis, should avoid serving on the Planning and Development Control Committee.

4.2.3 Where a Local Member has decided he / she has a personal interest making it inappropriate for that Member to be involved in the processing and determination of a planning application in his / her ward such a Member may arrange for another Member to act as local Member instead to represent constituents views. In such a situation the local Member should inform the Monitoring Officer and the Chief Officer, Planning & Environment of the arrangement made and take no further part in the processing and determination of the planning application other than referring any representations or communications received to the Member who is acting as local Member.

4.3 Declaration

4.3.1 When declaring an interest at committee, this should be done at the beginning of the meeting. Members should be clear and specific in identifying the item on the agenda in which they have an interest, and

Comment: Decision of Planning Strategy Group

Comment: Delete and replace later in the document under the heading Predetermination.

Deleted: 4.2 Relationship with Third Parties

4.2.1 If a Member of the Planning and Development Control Committee has had such a significant personal involvement with an applicant, agent, landowner or other interested party whether or not in connection with the particular matter under consideration by the Committee, which could possibly lead to the reasonable suspicion by a member of the public that there may be any possibility that the involvement could affect the Councillor's judgement in any way, then the Councillor should consider carefully whether the involvement amounts to a personal interest, which would debar him / her from participation in the decision-making process.

Comment: 4.3, 4.4 and 4.5 renumbered as 4.2, 4.3 and 4.4

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Comment: Decision of Planning Strategy Group

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the nature of that interest.

4.4 Predetermination

4.4.1 A Member has predetermined a planning application where the Member shows (e.g. in local press) he/she has made their mind up on the merits of the application prior to it being considered at committee. A predisposition is where a Member has an inclination or preliminary view on the merits of the application.

Comment: Decision of Planning Strategy Group

4.4.2. A Member who has predetermined the merits of a planning application in advance of it being considered at committee should not be a Member of the committee that considers that application. A Member of the committee may have a predisposition or a preliminary view. If in doubt a Committee Member should seek advice prior to the Committee meeting from either the Monitoring Officer or the Solicitor who attends committee meetings.

4.4.3 Those Members who do not sit on the Planning & Development Control Committee may predetermine their stance on an application but should respect the fact that Planning Committee Members cannot do the same.

4.5 Register

4.5.1 A register of Members' interests is maintained by the Council's Monitoring Officer. It is available for public inspection. Each **Member** has a responsibility to provide the Monitoring Officer with up to date written details of relevant interests.

Deleted: Councillor

4.6 Dual Community / Town Council Membership

4.6.1 Membership of a Town / Community Council which has expressed a view on a planning matter does not in itself mean that the **Member** cannot take part in the determination of the matter when it comes before the Planning and Development Control Committee provided that the Member has kept an open mind and not committed himself / herself to a final view on the matter until all the arguments for and against have been aired at committee. The Member can enter into discussion and ask questions, but should make clear that a view in favour or against the proposal is on the basis of knowledge and information known at that time.

Deleted: Councillor

Deleted: only express

4.6.2 Where an application submitted by a Community or Town Council is being considered then a Member of that Council may not vote on the proposal to determine the application unless the Member has obtained dispensation from the Standards Committee.

5. LOBBYING

5.1 Lobbying is a part of the political process and it is quite common for applicants or other interested parties to wish to discuss a proposed development with Members before a planning application is determined. This can help Members' understanding of the issues and concerns associated with an application. Officers should be made of any lobbying correspondence Members receive.

Comment: Decision of Planning Strategy Group

5.2 However, Members of the Planning & Development Control Committee are under an obligation to determine matters on their merits. That means that they should not take a firm view on a planning matter before receiving and reading the officer's report or receiving any new information reported to the committee. Whilst Members of the committee may form an initial view or opinion, and indicate their view that an application is contrary to policy, they should not openly declare which way they intend to vote in advance of the Planning and Development Control Committee meeting. To avoid compromising their position before they have received all the relevant information, committee Members are advised that they should:-

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- > **Refer** applicants / developers who approach them for planning or procedural advice to the appropriate Planning Officer.
- > **Avoid** making it known in advance whether they support or oppose the proposal.
- > **Avoid** campaigning actively in support of a particular outcome.
- > **Direct** lobbyists or objectors to the appropriate Planning Officer, who will include reference to their opinions where relevant in their report.

Comment: covered in 2.4.4

Deleted: Not put pressure on Officers to make a particular recommendation in their report.† >

5.3 Members should declare at the appropriate part of the committee meeting significant contact with applicants and objectors. Significant contact is where a Member has been contacted on four or more occasions by the applicant or the same objector (either orally or in writing).

Comment: Amendments to 5.3 were the decision of the Planning Strategy Group

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5.4 Members must advise the Ward Member as a courtesy in cases where they are seeking to be involved in a development proposal or enforcement issue outside of their own Ward. It is accepted that where a planning application has a significant effect on another ward the Member(s) for that ward is entitled to become involved in the development proposal.

5.5 Members of the Planning & Development Control Committee must avoid organising support for or against a planning application. Where such a Member does organise support for or against a planning application then that Member must stand down from the Planning and Development Control Committee on such a planning application. Where a Member is in doubt about such issues the Member should seek advice from the Monitoring Officer or other Senior Officer in Legal & Democratic Services ideally in advance of the meeting.

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Deleted: Councillor should not vote at

Comment: Decision of Planning Strategy Group

5.6 If a Planning & Development Control Committee Member expresses support for, or opposition to, a proposal before the matter is formally considered at the relevant meeting, whether or not there has been lobbying, he / she could have some difficulty in being able to claim to retain an open mind on the issue and to be prepared to determine the application on its merits. If such a Member does express an opinion, then it should make it clear that it is a preliminary opinion and that he / she will only be in a position to take a final decision when all the evidence and arguments have been considered.

5.7. Where a member of the committee has not complied with 5.2, 5.5 or 5.6 above and has predetermined the merits of the application, they must not participate in the decision making on that application.

6. APPLICATIONS SUBMITTED BY MEMBERS AND OFFICERS

6.1 Planning applications submitted by or on behalf of Members, or officers involved in the planning application process, or the close relatives* of Members or such officers where the officer or Member knows of the application shall be decided by the Planning and Development Control Committee and not by the Chief Officer, Planning & Environment under delegated powers.

[* Close relative is defined as spouse, partner, parent, child or sibling].

6.2 A Member affected by clause 6.1 shall declare the personal and prejudicial interest at any meeting of the Planning and Development Control Committee to determine the application, take no part in the decision and leave the meeting place unless granted a dispensation by the Standards Committee.

6.3 The affected officer shall take no part in the processing of the application and its determination.

7. APPLICATIONS SUBMITTED BY THE COUNCIL

7.1 It is important that the Council is seen to be treating applications for its own development (or a development involving the Council and another party) on an equal footing with all other applications as well as actually doing so.

7.2 Subject to any legislative restrictions, all such proposals will be subject to the same administration processes, including consultation, as private applications with consideration being made in accordance with policy and any other material planning considerations.

8. PRE-APPLICATION AND ENFORCEMENT DISCUSSIONS

Comment: Failure to comply with paragraphs 5.2 to 5.6 only prevents a Member participating in the decision making process. The other 4 points referred to are not prevented. It is largely dealt with by 5.8 (now 5.7)

Deleted: 5.7 Provided that Councillors comply with 5.2, 5.3, 5.4, 5.5 and 5.6 above and do not have a personal interest in a matter they are able to:-¶

¶

- > **Listen** and receive viewpoints from residents, constituents or other interested parties.¶

- > **Make comments** to residents, constituents, interested parties, other Councillors or Officers.¶

- > **Seek** information through the appropriate channels.¶

- > **Bring** to the Committee's attention views / opinions of residents, constituents or other interested parties.¶

- > **Participate** in the decision making process.¶

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Comment: 5.3 and 5.4 should not prevent participation in the decision making as in the current wording.

Deleted: If however a member of the Committee has not complied with 5.2, 5.3, 5.4, 5.5 and 5.6 above and has made it clear that he or she has predetermined the matter they should not speak or vote on the matter.

Comment: There is no longer a planning division

Deleted: officers employed in the Planning Division, or officers involved in the planning process

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8.1 Pre-application meetings between officers and potential applicants and negotiations regarding breaches of planning control are encouraged. The aim of such meetings is to ensure beneficial development and to resolve matters that might otherwise lead to the refusal of planning permission. Such discussions will normally take place at officer level and Members should refer requests for such advice to the officers. If Members become involved in such discussions they should make it clear that their views are personal and provisional. To avoid such meetings being misunderstood:-

Comment: Current wording considered too strong

Deleted: shall, wherever possible,

- > **It will be made clear** prior to and at such meetings that only personal and provisional views based upon the Development Plan and other material considerations can be given and no commitments can be made which would bind or otherwise compromise the Planning & Development Control Committee or any member of the committee.
- > **A note** of the discussion will be taken and placed on file and made available for public inspection once an application has been made.
- > **Where** exceptionally meetings are to involve Members the meetings will be arranged by and attended by officers.

Comment: Decision of Planning Strategy Group

9. PLANNING COMMITTEE SITE VISITS

9.1 Purpose

9.1.1 Planning and Development Control Committee site visits are not meetings where decisions are made and neither are they public meetings. They are essentially fact finding exercises held for the benefit of Members where a proposed development may be difficult to visualise from the plans and supporting material. They may be necessary for careful consideration of relationships to adjoining property or the general character of the area due to the scale or design of the development.

Comment: Current wording considered too specific

Deleted: the general vicinity of the proposal due to its scale or effect on a listed building or conservation area.¶

9.2 Request for a Site Visit

9.2.1 A request for a site visit is normally made by the local Ward Member in response to being consulted on the proposed development. The request must be in writing (e.g. e-mail) and should clearly indicate the planning reasons for the visit which will appear on the agenda for site visits. Site visits can be costly and cause delay so it is important that they are only held where necessary and prior to committee. Site visits are held pursuant to a decision of the Chair of the Planning and Development Control Committee or pursuant to a request from a local Member including another Ward Member consulted because the application significantly affects the other ward. All local Members will be advised when a site visit has been arranged.

Comment: Amendments to 9.2.1 were the decisions of Planning Strategy Group

9.2.2 Examples where a site visit would not normally be appropriate include where;

- purely policy matters or issues of principle are at issue
- the Member wishes to consider boundary or neighbour disputes
- issues of competition
- loss of property values
- any other issues which are not material planning considerations
- where Members have already visited the site within the last 12 months, except in exceptional circumstances

Where no planning reason is given for the site visit or the reason for the site visit is any of the above the Chair should not convene the site visit.

Comment: To prevent unnecessary site visits

9.3 **Format and Conduct at the Site Visit**

9.3.1 Members of the Planning and Development Control Committee and the Local Ward Member(s) will be notified in advance of any visit. Such visits are not formal meetings of the Committee and there is no right of public attendance at the visit itself. If the public in lobbying Members on their way to or from a site visit seek to present documentation they should be advised to send it to the Planning Department instead

Comment: It should be made clearer that the visit itself is not open to the public. Any documentation from the public should be formally submitted to the Planning Department

9.3.2 Advance notice of the site visit will also be sent to the applicant or agent requesting that access to the site for Members/officers be provided at the specified time/date and pointing out that the applicant/agent will not be allowed to participate in the site visit. Any Member with a personal and prejudicial interest must not take part in the site visit.

Comment: Decision of Planning Strategy Group

9.3.3 The Chair will invite the Planning Officer to briefly outline the proposal and point out the key issues raised by the application and of any vantage points from which the site should be viewed then the local ward Member will be invited to speak, followed by other Members of the Committee who may ask questions and seek clarification from officers who will respond. Any statement or discussion concerning the principles and policies applicable to the development should not be allowed by the Chairman.

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9.3.4 Although site visits are not part of the formal committee consideration of the application, the Code of Conduct still applies to site visits and Members should have regard to the guidance on declarations of personal interest.

9.3.5 A file record will be kept of those attending the site visit, together with a brief note of any points raised.

9.3.6 For the avoidance of doubt references in this section to Local Member(s) includes adjacent ward Members where the application significantly affects their ward.

9.3.7 Occasionally the applicant/agent/owner of the site to be visited may not permit Members and officers onto the site. There may be good reason for this, for example, if someone was injured they could have a claim against the landowner. Where access is refused to one or more of the elected Members, the Chairman will be advised that none of the Members and officers should enter onto the land. In such circumstances the site should be viewed from the nearest public land such as the public highway.

9.3.8. In summary site visits are:-

- > **Fact** finding exercise.
- > **Not part** of the formal committee meeting and therefore public rights of attendance do not apply.
- > **To enable** officers to point out relevant features.
- > **To enable** questions to be asked on site for clarification. However, discussions on the application will only take place at the subsequent committee.

10. PROCEDURE AT PLANNING & DEVELOPMENT CONTROL COMMITTEE

10.1 The majority of planning applications are determined by the Chief Officer, Planning & Environment under the Council's delegation scheme. This is necessary to ensure that most decisions are made in a timely manner. Whilst Members have a right to request that applications, affecting their ward be determined by the Planning and Development Control Committee such requests should be justified by clearly identifying in writing why a committee decision is required. This is generally done on the return notification form sent out to Members.

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10.2 Officers will produce written reports on all planning applications reported to committee. In respect of each proposal the report will include, amongst other matters;

- description of the proposal
- description of the site
- responses to consultations and officer observations thereon.
- summary of objections and / or support received
- relevant site history
- relevant Development Plan policies
- relevant planning guidance where appropriate
- any other material planning consideration

- an appraisal by the Case Officer which will include the relevant views of other consulted officers within the Planning Division
- a clear recommendation
- brief details of the substance of any conditions to be imposed or;
- full details of reasons for refusal.

- 10.3 Late observations received by 5.00 p.m. the day before a committee meeting will be summarised and reported separately and circulated to Members immediately prior to the start of the meeting.
- 10.4 The Planning Officer will briefly introduce each item highlighting the key issues for Members consideration.
- 10.5 Where an application is being reported to committee, the Chair will allow oral representations to be made in accordance with the protocol on public speaking prior to the committee debating the application.
- 10.6 Where a Member seeks and obtains a majority for a deferment for a specific purpose then there will be no further debate on that matter until such time as the proposal is re-presented.

10.7 Members who read out at committee, or refer to, communications they have received should provide an advance copy to officers

Comment: Similar to 5.2 Denbighshire Code

11. **DECISIONS CONTRARY TO OFFICER RECOMMENDATION**

11.1 From time to time members of the Planning & Development Control Committee will disagree with the professional advice given by the Chief Officer, Planning & Environment. The committee's decisions must be in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. If Members propose to make a decision contrary to the officer recommendation (whether for approval or refusal), the proposer should set out clearly the reasons for doing so. The Chairperson will ensure that the officer is given the opportunity to explain the implications of the contrary decision, before a vote is taken.

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11.2 In cases where the Planning and Development Control Committee decides for good and valid reasons to depart from the Chief Officer, Planning & Environment recommendation, the committee must always define the reasons for rejecting the officer's recommendation and those reasons must be recorded in the minutes of the meeting.

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11.3 In the case of conditions which the committee has resolved to add or amend, the precise wording is delegated to the Chief Officer, Planning & Environment and, if appropriate, in consultation with the Chair of committee.

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11.4 In cases of refusal the reasons shall be clearly stated and agreed by Members. There may be occasions when officers need to clarify the reasons for refusal either at the meeting itself or by a report to a subsequent meeting.

Comment: This is to reflect current practice

11.5 A legal advisor present at the committee meeting may subsequently prevent a decision notice being issued until a report by the Chief

Officer Governance has been considered at the subsequent committee meeting. The reason for this report may be concerns of a legal nature or that at the committee meeting the Chief Officer, Planning and Environment indicated the proposed decision represents a significant departure from planning policy and the legal officer subsequently agreed.

12. PLANNING APPEALS

- 12.1 There are a wide variety of different factual situations relating to appeals. There can be appeals against non determination or against a refusal made under officers' delegated powers or by the Planning & Development Control Committee, either in accordance with the officer recommendation or contrary to the officer recommendation. Appeals can be heard by way of written representations, informal hearing or at an inquiry. The appeal may relate to a major or a minor planning proposal, a development that has attracted a lot of interest from Members and the public or a proposal that is of limited interest. Because of the range of circumstances, the way the Council responds to an appeal will be individual to the circumstances of that appeal. The following principles will guide the Council's response to each specific appeal.
- 12.2 The Council recognises the importance of complying with the timescales within the appeal process as a failure to meet these timescales can lead to an award of costs against the Council.
- 12.3 The Council will adopt a team approach to appeals whereby Members and officers work together in the best interest of the Council, irrespective of how the decision appealed against was arrived at.
- 12.4 The decision whether an appeal is determined by way of written representations, informal hearing or public inquiry is a matter for the Planning Inspectorate but the Council is given the opportunity of making representations as to the appropriate format. The Chief Officer, Planning & Environment will make representations on behalf of the Council as to its preferred format where possible following consultation with the local Member(s).
- 12.5 In the case of Informal Hearings and inquiries, the Chief Officer, Planning & Environment will determine who shall present the case on behalf of the Council following consultation with the Chair and Vice Chair of the Planning and Development Control Committee.
- 12.6 Where the decision appealed against was made by officers under delegated powers or was pursuant to an officer recommendation, the case will normally be presented by the Council's officers.
- 12.7 Where the decision was made by Members contrary to officer recommendation, attendance by one or more Members would assist

Comment: The reason for deletion is that the current wording is meaningless new wording reflects current practice

Deleted: Where Members seek to determine a planning application contrary to officer recommendation that application may be deferred to next meeting of the Committee only upon a majority vote of the committee in favour of such deferment to enable officers to advise Members further.¶

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the Council's case and relevant Members will be approached by the Chief Officer, Planning & Environment to ascertain their availability. Officers will assist any such Member in preparing for the appeal.

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- 12.8 External legal representation and/or consultants will be engaged where the Chief Officer, Planning & Environment, following consultation with the Local Member(s) and the Chair and Vice Chair of the Planning and Development Control Committee, believes this to be appropriate in all the circumstances. One relevant circumstance is the need for Planning Officers who are members of The Royal Town Planning Institute to comply with its Code of Professional Conduct and not make statements purporting to be their own which are contrary to their bona fide professional opinion.

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13. PLANNING OBLIGATIONS

- 13.1 The Planning and Development Control Committee may, when considering the merits of an individual planning application, consider any planning obligation which has been raised with the applicant or agent but should form a view solely on the basis of the contents of the application and should take into account offered planning obligations only to the extent that they are necessary to make a proposal acceptable in land use planning terms.

Comment: Decision of Planning Strategy Group

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- 13.2 Members should avoid becoming involved in discussions with applicants, prospective applicants, their agents, landowners or other interested parties regarding benefits, which may be offered to the Council, or benefits which the Council itself wishes to obtain.

14. REGULAR REVIEW OF DECISIONS

- 14.1 As part of the aim to continually improve the quality of planning decisions Members will have the opportunity to revisit a sample of implemented planning decisions. Such reviews will be a positive step to improve the quality and consistency of decision-making, not only strengthening public confidence in the planning system but also assist with the review of planning policy.

- 14.2 Such a review will take place annually and briefing notes will be prepared for each case. The Planning Strategy Group will formally consider the review and decide whether it gives rise to the need to reconsider any policies or practices.

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15. COMPLAINTS

- 15.1 Any issues or concern arising from this Code of Practice can be raised with the Chairperson of the Planning and Development Control Committee, the Monitoring Officer, the Chief Officer, Planning & Environment or the Legal Officer present at committee. (The Council

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also has a formal complaints system in operation, which can be used if necessary).

AGENDA ITEM

FLINTSHIRE COUNTY COUNCIL

REPORT TO: CONSTITUTION COMMITTEE

DATE: 15 OCTOBER 2014

REPORT BY: CHIEF OFFICER (PEOPLE AND RESOURCES) AND
CHIEF OFFICER, GOVERNANCE

SUBJECT: CLWYD PENSION FUND GOVERNANCE

1.00 PURPOSE OF REPORT

- 1.01 To provide Members with a proposal to create a local Pension Board for the Clwyd Pension Fund.
- 1.02 To seek agreement for a recommendation to Council for the Protocol of the Pension Board with a view to it being incorporated into the Council's Constitution.

2.00 BACKGROUND

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

Establishment

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

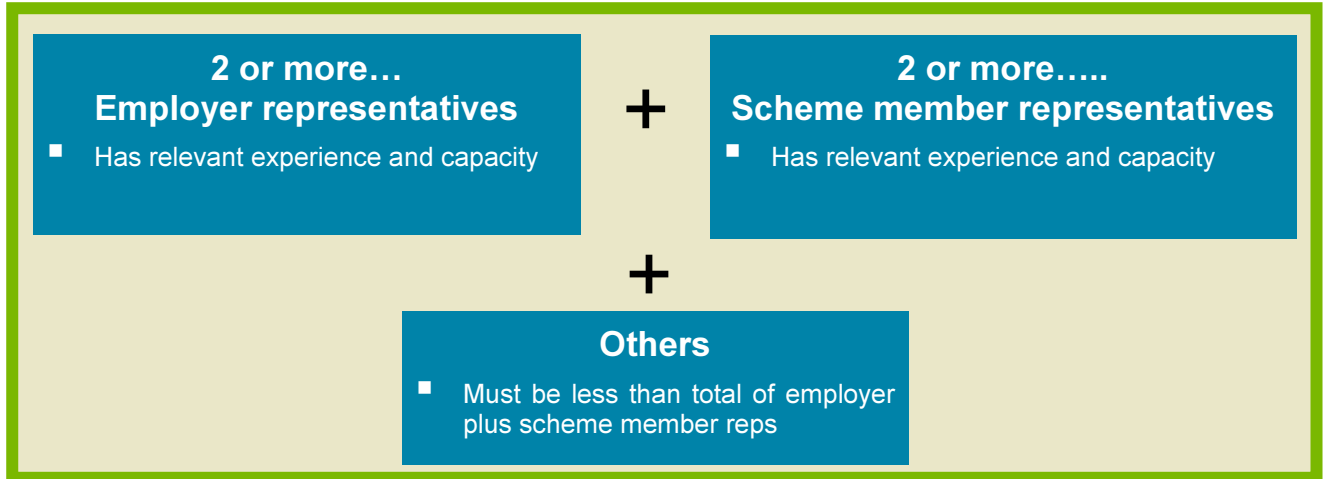
challenging. Accordingly, it is expected all local authority Administering Authorities will be required to create a separate Pension Board (i.e. in addition to any existing Pension Committee).

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

Membership

- There must be equal numbers of scheme member representatives and employer representatives
- It is expected that these cannot be elected members on a Pension Committee or officers involved with the management of the Pension Fund
- There must be at least two of each of these representatives (so a Pension Board must comprise of at least four individuals)
- However, these representatives must have "relevant experience and capacity" as well as meeting an ongoing legal requirement in relation to knowledge of pension matters
- Other members can be appointed to the Pension Board in addition to the representatives but the number of these other members must be less than the total number of representatives

These points are illustrated below:



Conflicts of Interest

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

Procedures

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

3.00 CONSIDERATIONS

- 3.01 Accordingly Flintshire County Council must establish a new Pension Board. It is worth noting that local authority legislation, and accordingly the Council's Constitution, does not automatically apply to the new local Pension Boards as they are being established under the Public Service Pensions Act. Accordingly a Protocol detailing how the Pension Board is established and operated must be developed.
- 3.02 The establishment of this Pension Board was considered when the Council established the Pension Fund Committee on 30 April. The structure diagram from that report is attached as Appendix 1 (updated in line with recent management changes).
- 3.03 The proposed Protocol for the Pension Board is attached as Appendix 2. The key elements of the proposals are:
- The Fund's Independent Adviser will Chair the Pension Board
 - There will be two each of scheme member and employer representatives with the appointments being made by the Chief Officer (People and Resources)
 - The Pension Board will meet twice a year
 - Minutes of all meetings will be submitted to the Pension Fund Committee and, therefore, will be public documents
 - An annual report will be submitted to the Pension Fund Committee and Audit Committee and, as such will be a public document, which will also be reproduced in the Fund's Annual Report and Accounts
 - Pension Board meetings will not be open to the general public although attendees will be permitted to attend and address the Board at the discretion of the Chair.
- 3.04 It is considered that this approach will not be out of line with many other Administering Authorities and it is appropriate given:
- the improved level of governance recently introduced through the creation of the Pension Fund Committee and review of the Independent Adviser position,
 - the creation of a Pension Fund Advisory Panel, which consists of senior officers of the Fund, the Fund Actuary, Investment Consultant and Independent Adviser, providing advice to the Pension Fund Committee, and
 - employer and scheme member representatives are already full voting members of the Pension Fund Committee.
- 3.05 Legal and Democratic Services have provided advice and support and will continue to assist with the establishment of the Pension Board in line with the Protocol.

3.06 Subject to the approval of this Committee, the Pension Board Protocol can then be recommended for approval to the Council on 26 November, so as to enable appointments being made and training commencing prior to the latest implementation date of 1 April 2015.

3.07 These recommended changes are subject to final LGPS Regulations. A verbal update will be provided at the Committee if there are any developments affecting the proposals.

4.00 RECOMMENDATION

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

5.00 FINANCIAL IMPLICATIONS

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

6.00 ANTIPOVERTY IMPACT

6.01 None directly as a result of this report.

7.00 ENVIRONMENTAL IMPACT

7.01 None directly as a result of this report.

8.00 EQUALITIES IMPACT

8.01 None directly as a result of this report.

9.00 PERSONNEL IMPLICATIONS

9.01 None, directly as a result of this report.

10.00 CONSULTATION REQUIRED

10.01 None, directly as a result of this report.

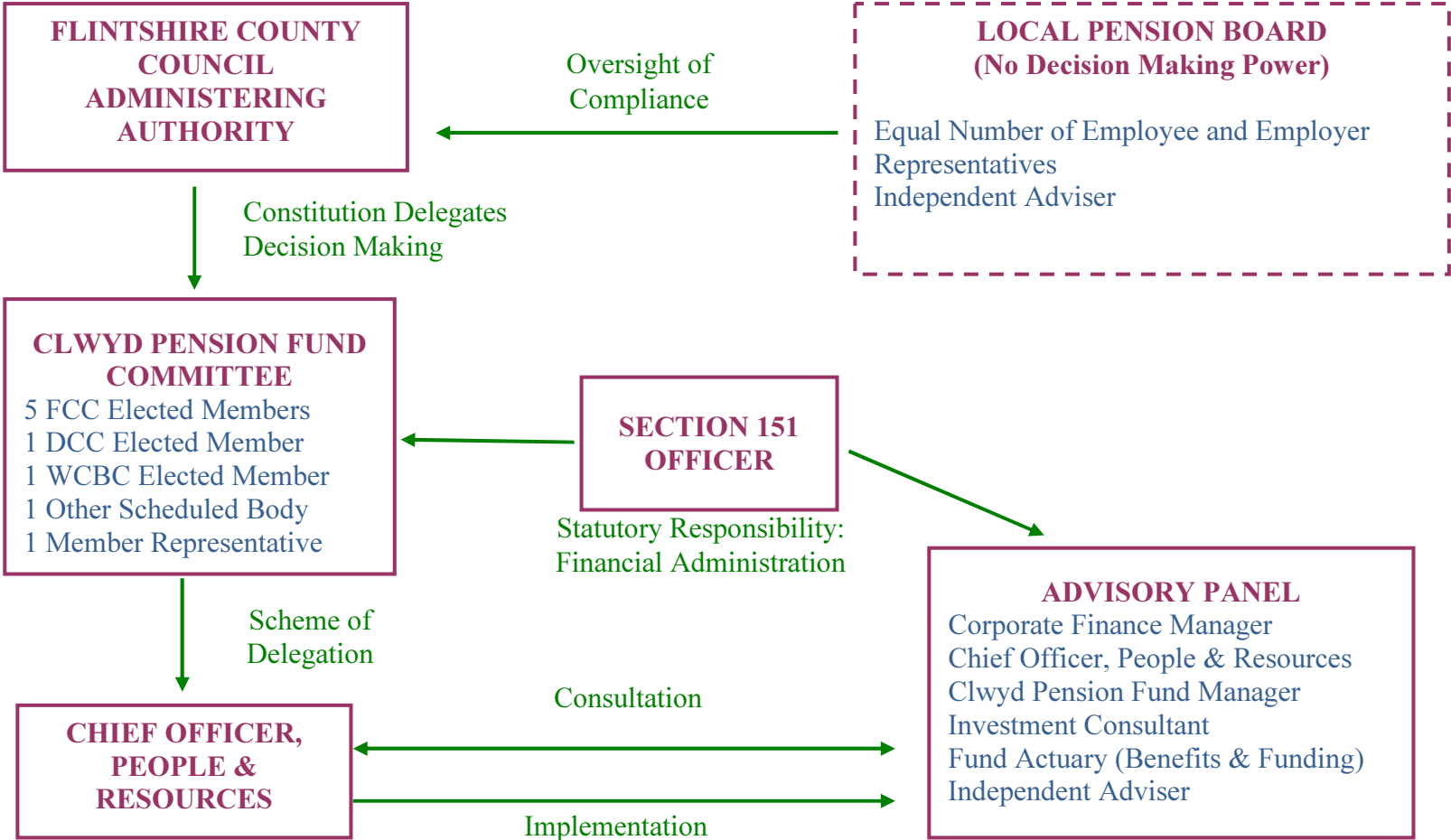
11.00 CONSULTATION UNDERTAKEN

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

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers: Constitution Committee Report 26th March 2014
 Council Report 30th April 2014
 Public Service Pensions Act 2013
 Local Government Pension Scheme Regulations 2013

Contact Officer: Helen Stappleton, Chief Officer (People and Resources)
 Tel: 01352 702720
 e-mail: helen.stappleton@flintshire.gov.uk



Recommended change to the Constitution relating to the Clwyd Pension Fund

Addition to PART 2 – ARTICLES OF THE CONSTITUTION

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

1.5 Clwyd Pension Fund Board

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

FLINTSHIRE COUNTY COUNCIL AS LEAD AUTHORITY FOR THE CLWYD PENSION FUND

PENSION BOARD PROTOCOL

1) Introduction

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

2) Powers of the Pension Board

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

3) Role of the Pension Board

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

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

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

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

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

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

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

4) Composition of the Pension Board

a) Membership.

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

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

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

b) Eligibility and selection criteria.

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

c) Appointment of Members.

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

i) Employer Representative

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

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

ii) Scheme Member Representatives

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

The other Scheme Member Representative will be selected by the Chief Officer (People and Resources) following procedures determined by him/her.

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

iii) Independent Member and Alternate

The Independent Adviser (or Alternate) for the Clwyd Pension Fund will be the Independent Member on the Pension Board and the appointment of the Independent Member and his Alternate will be made as part of their contract with Flintshire County Council.

d) Term of Office

i) The Employer Representatives are appointed for a period of three years from the date of establishment of the Pension Board or the date of their appointment if later. This period may be extended to up to five years if agreed

by the Chief Officer (People and Resources). It will automatically cease if the individual is no longer in the employment of that employer).

- ii) The Scheme Member Representatives are appointed for a period of three years from the date of establishment of the Pension Board or the date of their individual appointment if later. This period may be extended to up to five years if agreed by the Chief Officer (People and Resources).
- iii) The Independent Member's term of office will be determined by the contract terms for the Clwyd Pension Fund's Independent Adviser.

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

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

Other than ceasing to be eligible (as set out above) a Pension Board member may only be removed from office during the term of appointment by the unanimous agreement of the Chief Officer (People and Resources), the Monitoring Officer and the Independent Member. Such reasons may include non-compliance with this Protocol including inappropriate conduct, conflicts of interest, avoidance of training or low meeting attendance.

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

e) Quorum

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

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

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

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

f) Chairing

The Chair of the Pension Board will be the Independent Member (or Alternate). The role of the Chair is to:

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

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

g) Voting

Each Employer and Scheme Member Representative on the Pension Board will have an individual voting right but it is expected the Pension Board will as far as possible reach a consensus.

The Chair of the Pension Board will only vote in the event of an equality of votes. The results of any voting outcomes will be reported in the Board minutes.

5) Location and Frequency of Meetings

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

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

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

6) Remuneration and Expenses

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

7) Acting in the interests of the entire pension fund

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

8) Conflicts of Interest

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

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

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

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

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

The Chief Officer (People and Resources) and the Monitoring Officer will jointly adopt the role of ensuring that the Chair of the Pension Board does not have a conflict of interest in the same way as the Chair does in relation to all other Pension Board members.

9) Receipt of advice and information

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

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

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

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

10) Knowledge and Skills

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

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

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

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

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

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

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

11) Standards of Conduct

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

12) Administration

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

The minutes may, at the discretion of the Chair, be edited to exclude items on the grounds that they would either involve the likely disclosure of exempt information as

specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act and/or they represent data covered by the Data Protection Act 1998.

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

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

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

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

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

- who the Pension Board members are
- representation on the Board
- the role of the Pension Board.

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

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

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

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

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

14) Accountability

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

15) Review, Interpretation and Publication of Protocol

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

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

16) Definitions and Interpretation

Points of interpretation:

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

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

<i>"Pension Board" or "Board"</i>	the local Pension Board for Flintshire County Council, administering authority for the Clwyd Pension Fund as required under the Public Service Pensions Act 2013
<i>"Fund" or "Pension Fund"</i>	Clwyd Pension Fund
<i>"the LGPS Regulations"</i>	The Local Government Pension Scheme Regulations 2013 (as amended)
<i>the Public Service Pensions Act</i>	The Public Service Pensions Act 2013 (as amended)
<i>"Scheme Manager"</i>	Flintshire County Council as administering authority of the Clwyd

Pension Fund.

“Chair”

The appointed Chairperson of the Pension Board

“LGPS”

The Local Government Pension Scheme

“Scheme”

The Local Government Pension Scheme

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CONSTITUTION COMMITTEE**

DATE: **WEDNESDAY, 15 OCTOBER 2014**

REPORT BY: **CHIEF OFFICER, GOVERNANCE**

SUBJECT: **REMOTE ATTENDANCE AND WEBCASTING OF MEMBER MEETINGS**

1.00 PURPOSE OF REPORT

1.01 For the committee to give further consideration to remote attendance and webcasting of meetings in view of the trial conducted at the last meetings of the Democratic services and Constitution Committees and the statutory guidance on remote attendance issued in April.

2.00 BACKGROUND

2.01 Section 4 of the Local Government (Wales) Measure 2011 allows Councils to make arrangements for Members to attend meetings remotely. There are no statutory provisions relating to the webcasting of meetings but its use is encouraged by the Welsh Government as a way of making Member meetings more accessible to the public.

2.02 In the last financial year Flintshire and other principal Councils in Wales received grant funding from the Welsh Government to enable them to investigate the use of remote attendance and webcasting of meetings. That resulted in remote attendance and webcasting being trialled at the meetings of the Democratic Services and Constitution Committees held on the 26 March.

2.03 At the end of the meetings held on the 26 March the Members in attendance were asked to complete a short questionnaire on how the arrangements had operated in practice. Attached as Appendix 1 are details of the responses Members gave. The views are mixed with no consensus or clear majority.

2.04 On the 4 April 2014 the Council received statutory guidance on remote attendance and this is attached as Appendix 2. The Council had previously been consulted on draft guidance and at its meeting on the 17 July 2013 the committee had decided its response to that consultation which is attached as Appendix 3. Whilst less prescriptive and more permissive than the draft guidance there are still resource implications in relation to officer attendance at the remote location (see paragraphs 7 and 8 of Appendix 2).

- 2.05 Following the March meetings the intention was to present a report to the committee's meeting in July but in a report to the Group Leaders meeting on 3 July it was explained that further work on webcasting was needed in order to present a fuller report to committee.
- 2.06 On the 15 August 2014 the Welsh Local Government Association (WLGA) published guidance for Members on webcasting and this is attached as Appendix 4. Flintshire is one of the 12 authorities whose webcast is listed on page 9 of the guidance. Whilst most of those have used the same commercial supplier as Flintshire a few have developed their own. The guidance includes a list of what are seen as the benefits of webcasting, together with the challenges associated with it.

3.00 CONSIDERATIONS

- 3.01 In making the previous grant of £40K to the Council the Welsh Government made clear that it was a one off with no commitment to fund ongoing costs associated with either remote attendance or webcasting.
- 3.02 Whilst Public-i are the commercial market leader in relation to the webcasting of meetings the Flintshire meetings were the first time their technology had been used to provide remote attendance. Notwithstanding their representatives attending for several hours before the meetings to set up the equipment properly there were occasions during the meetings when the Member attending remotely was not able to see Members or be seen by them. The explanation was given that this was as a result of the person attending remotely being in another room in the same building rather than from a separate building. The Council's officers however, believe the risks would be increased rather than decreased if the remote location was elsewhere than in the same building. The Council officers do not believe the remote attendance technology to be sufficiently reliable as presently developed.
- 3.03 Officers also have a concern about the time that would be required by officers in preparing the technology for remote attendance. This is exacerbated by the statutory guidance referring to an officer attending at the remote location. The geographical size of Flintshire is such that the travelling time for Members to attend meetings at County Hall is not a significant consideration. The substitution process enables business to be conducted without effecting political balance notwithstanding the occasional absence of a Member. For the above reasons officers do not consider there to be a need to further pursue remote attendance arrangements at the present time.
- 3.04 In considering the benefits of webcasting the WLGA guidance divides these into those relating to public engagement and transparency and secondly, benefits for the Council itself (see page 5 of Appendix 4).

Officers consider that those benefits relating to public engagement and transparency have more merit than those listed as benefits for the Council itself. Webcasting enables meetings to be viewed by more than can be physically accommodated in the meeting room and for meetings to be viewed at a time convenient to individual members of the public. As indicated in the WLGA guidance webcasting is now underway in most authorities for those meetings which are judged to be of most interest to the public, particularly full Council, Cabinet and Planning Committee meetings. It also indicates that whilst viewing figures for webcasts vary according to the type of meeting and authority, generally the number of website hits suggests that there is a real ongoing public interest in these broadcasts.

3.05 At least one Council in North Wales intends to free capacity to manage the webcasting technology by reducing the detail of the minutes of meetings that are webcast. Flintshire tends to prepare longer minutes and Members would need to be happy with any such change in style for a similar arrangement to work here. Webcasts of meetings are normally only retained for six months due to storage issues whereas it is a legal requirement to keep minutes for 6 years after a meeting.

3.06 As identified by the WLGA the main challenge associated with webcasting is the cost, not only of the equipment but also the staff time required to operate such equipment. It goes on to indicate that the Welsh Government is hoping to work with the WLGA and local authorities to secure savings through a joint procurement of webcasting providers. The Council has responded to consultation from the WLGA on this to indicate its interest in securing savings through such a joint procurement exercise. Prior to receipt of the guidance from the WLGA the Council had been negotiating with Public-i over the cost of webcasting some of its meetings. In view of the commercial sensitivities this information is being sent separately to Members who are asked to maintain the confidentiality of those costs.

4.00 RECOMMENDATIONS

4.01 That no further action be taken at the present time in pursuing remote attendance at meetings.

4.02 That the Council continue to explore the option of webcasting some of its meetings by supporting the joint procurement initiative of the Welsh Government and the WLGA with a further report to the next meeting of the committee.

5.00 FINANCIAL IMPLICATIONS

5.01 The Council has previously received a one off grant from the Welsh Government of £40K of which a balance of £37K remains.

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 Both webcasting and remote attendance involve significant officer time in setting up and operating the systems. Each webcast meeting would require an extra officer to be in attendance and for remote attendance meetings two extra officers.

10.00 CONSULTATION REQUIRED

10.01 None

11.00 CONSULTATION UNDERTAKEN

11.01 A progress report was submitted to the Group Leaders meeting on the 3 July 2014.

12.00 APPENDICES

12.01 Appendix 1 - Members feedback on remote attendance & webcasting
Appendix 2 - Welsh Government statutory guidance April 2014
Appendix 3 - The Council's response to consultation
Appendix 4 - WLGA guidance for Members on webcasting.

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

None

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**Survey results of Webcast meetings and Remote Attendance
Democratic Services Committee and Constitution Committee
26 March 2014**

QUESTION	RESPONSES
Do you feel the arrangements impeded or helped the conduct of the meeting and the reasons why?	Awareness of the technology affected the natural flow of business to a very limited effect <i>(Councillor Guest)</i>
	Helped conduct. Members were more aware of how to present points of view (minimised heckling) <i>(Councillor Gay)</i>
	Helped conduct of meeting <i>(Councillor Cox)</i>
	There was a certain novelty. Otherwise nothing either way <i>(Councillor Woolley)</i>
	A little but not too much <i>(Councillor Mackie)</i>
	No view <i>(Councillor Evans)</i>
	Problems needed to be solved but explained later by Public-I rep <i>(Anonymous)</i>
	A great deal of preparation and setting up required for so little advantage <i>(Councillor Bithell)</i>
	My presence, attending the meeting remotely, meant that my view was able to be heard <i>(Councillor Newhouse)</i>

QUESTION	RESPONSES
Do you think there are issues that arose during the trial meetings that would need addressing if we were to pursue either Webcasting or Remote Attendance?	Positioning of the screen(s) with the meeting room <i>(Councillor Guest)</i>
	Members full name. Possibly include ward/town/community where relevant. Remote attendance requests to be considered as norm if Member has good reason for non attendance. 'Burning desire to speak to Committee' <i>(Councillor Gay)</i>
	Yes – as per agenda <i>(Councillor Cox)</i>
	Additional cost? Guarantee of picture/sound quality? Languages? Attendance? Substitution problems? <i>(Councillor Woolley)</i>
	The remote person should be able to indicate electronically that they wish to speak. Could a presentation be seen by the remote person? Voting should be seen <i>(Councillor Mackie)</i>
	Additional cost? Guarantee of picture/sound quality? Languages? Attendance? Substitution problems? <i>(Councillor Woolley)</i>
	The remote person should be able to indicate electronically that they wish to speak. Could a presentation be seen by the remote person? Voting should be seen <i>(Councillor Mackie)</i>
	It is a trial so can expect teething troubles which can be ironed out <i>(Councillor Banks)</i>

	No view <i>(Councillor Evans)</i>
	Some teething problems <i>(Anonymous)</i>
	The sound quality was not good and the picture image was fuzzy – technical issues which no doubt could be improved in time. The Member attending remotely can't see how other Members voted and therefore required a recorded vote <i>(Councillor Bithell)</i>
	When colleagues voted against a decision I didn't have time to see who had voted. Therefore I called for a recorded vote <i>(Councillor Newhouse)</i>

QUESTION	RESPONSES
Any other comments you wish to make about either Webcasting or Remote Attendance?	Limits on circumstances in which it could be used may be needed – absence on business or health grounds possibly? <i>(Councillor Guest)</i>
	21 st Century communication for involving residents to assist with understanding of the ways of the 'political engine'. Electronic voting? <i>(Councillor Gay)</i>
	Not against progress but let us have all of the pros and cons please <i>(Councillor Woolley)</i>
	Great idea. Future generations will expect this <i>(Councillor Banks)</i>
	No view <i>(Councillor Evans)</i>
	What is the potential cost to this system <i>(Anonymous)</i>
	I consider this to be a terrible waste of public money at a time of huge cuts in essential front line services on which people depend. At £40k per local authority that amounts to £880,000 over 22 Local Authorities. This is a disgusting waste at such a desperate time for Local Government and its customers. One off funding from WG – we couldn't afford to sustain it in the future nor would we want to <i>(Councillor Bithell)</i>
	Remote attendance should be allowed at all Council meetings for any reason. Not allowing remote attendance is disenfranchising Councillors (and prospective Councillors) who work for a living

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Llywodraeth Cymru
Welsh Government

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Statutory Guidance made under Section 4 of the Local Government (Wales) Measure 2011

APPENDIX 2

Remote attendance at council meetings

REMOTE ATTENDANCE AT COUNCIL MEETINGS

Statutory Guidance made under Section 4 of the Local Government (Wales) Measure 2011

1. Part 1 of the Local Government (Wales) Measure 2011 (“the Measure”) was intended to strengthen local democracy by, in particular, introducing reforms which support councillors outside of the executive or executive members when acting in a non-executive capacity. One of these reforms, at section 4 of the Measure, was the introduction of the possibility of remote attendance at council meetings. This was intended to make it easier for those who, for instance, may have to travel long distances, those with domestic responsibilities and those in employment to attend.
2. This guidance is statutory guidance under section 4(6) of the Measure, to which a local authority must have regard, in relation to meetings of an authority attended remotely in accordance with section 4.

What section 4 of the Measure says

3. Section 4 provides that attendance at a council meeting is not limited to a meeting of persons who are all present in the same place. By “council meeting” we include any committee or sub-committee of the council as well as the full council itself. However, the section places certain limitations as to what constitutes remote attendance.
4. Any member attending a meeting remotely (“remote attendee”) must, when they are speaking, be able to be seen and heard by the members who are attending the meeting at the place where the meeting is held (“members in actual attendance”) and the remote attendee must, in turn, be able to see and hear those in actual attendance. In addition, a remote attendee must be able to be seen and heard by, and in turn see and hear any members of the public entitled to attend the meeting and who exercise a right to speak at the meeting. If there is more than one remote location, all the members attending remotely must be able to hear – but not necessarily see – the other remote attendees.
5. Meetings can only take place remotely if not prohibited by the local authority’s standing orders/rules of procedure. It is therefore up to each local authority to decide whether it wishes to make remote attendance available. The standing orders/rules must also secure that any meeting with remote attendees is not quorate if there are less than 30% of those eligible to attend present at the main meeting place. Authorities may set a higher quota for attendance at the main meeting place if they wish.
6. Each local authority may make other standing orders/rules in relation to remote attendance at meetings and must have regard to any guidance

given by Welsh Ministers. Our intention is to publish this guidance at the same time as the section of the Measure is brought into force.

Supporting remote attendance

7. The Welsh Government accepts that there are technical and staffing implications connected with the introduction of remote attendance. Where a number of councillors are expected to attend remotely at the same location, probably though not necessarily in a different council office from the place where the meeting is held, there may be a need for an officer to be present, both to support the members attending remotely but also to ensure that the equipment needed for remote attendance to function is operating correctly.
8. Local authorities will need to decide whether or not they wish to permit members of the public to be able to be present at a remote location. If so, an officer presence may be required to make arrangements for them.
9. There will clearly be a need to provide appropriate training for officers who might become involved in remote attendance, both to familiarise them with the requirements of the legislation and to cover the practical issues involved. The WLGA should be able to assist in this process.
10. The need to recognise equality between the Welsh and English languages has great significance when considering remote attendance. Local authorities will have their own Welsh language schemes but it is likely that facilities will exist – or could be made available – to cater for members who are unable to understand Welsh. It will be for each authority to ensure that any use of remote attendance is in keeping with their Welsh Language Scheme
11. It is also important for authorities to ensure that the needs of any disabled members are taken into account when considering the practicality of a remotely attended meeting.
12. It is proposed that standing orders should contain a provision that members should, whenever possible, be able to participate at a remotely attended meeting in either Welsh or English. However, it is the Welsh Government's policy that remote attendance should not be permitted if, for technical or other reasons, it would not be possible to provide simultaneous interpretation for non-Welsh speakers attending a meeting where both Welsh and English will be used. As such, local authorities may wish to ask members to note their language preference (in terms of speaking at meetings) and whether or not they would require simultaneous interpretation should any other participant speak in Welsh.
13. The Welsh Government does not take for granted that local authorities will possess the equipment or technological know-how to make remote attendance work to suit everyone. Someone attending remotely at home or work may have bandwidth limitations which affect their ability to take

part fully. Local authorities will need to decide for themselves the extent to which they will invest or assist members to have the necessary facilities to attend remotely.

14. There are times when council meetings are not open to the public, when confidential, or “exempt” issues – as defined in Schedule 12A of the Local Government Act 1972 – are under consideration. It would be important to ensure that there are no members of the public at remote locations able to hear or see the proceedings during such meetings. Any member in remote attendance who failed to disclose that there were in fact persons present who were not so entitled would be in breach of their Code of Conduct responsibilities.
15. Local authority standing orders can determine which types of meetings can be attended remotely. In the first instance, practical issues might dictate that the number of meetings which could enjoy this facility would be quite limited, though over time it would be hoped that the number of meetings where remote attendance were possible would increase.
16. The Measure requires that, for a remotely attended meeting to be quorate, a certain proportion of councillors must be in actual attendance at the meeting. Should this be disturbed by members in actual attendance at the main meeting place leaving the meeting before it is finished, bringing about a higher than permitted proportion of councillors attending remotely, the chair would have no choice but to close the meeting.
17. Standing orders should also make provision about what should happen if a technical difficulty results in the breakdown of the communications facility. Such occurrences are not unknown in video conferenced meetings. If this occurred, it is the Welsh Government’s view that the chair should declare a recess while the fault is addressed. If necessary, the meeting would have to be abandoned and the meeting should not continue without the involvement of the remote members. Standing orders could, however, make different provision for different types of meetings etc, for example that a meeting taking an urgent decision or one which is time-limited, might either not be allowed to take place with remote attendees or that the meeting would proceed in the event of a communications failure, so that those attending remotely would be aware and accept that the meeting would continue and a vote would be taken without their attendance in the event of a communications failure.
18. Finally, there is the issue of voting. Local authorities will have to build into standing orders arrangements to provide for voting to take place simultaneously at the main and remote location(s). It may not always be possible for remotely attending members to vote electronically even if that is the norm in council meetings. Standing Orders will need to cover this issue so that chairs of meetings are aware of the correct procedure to follow.

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Response to Consultation on Draft Statutory Guidance on Remote Attendance

- 1 Each paragraph of the final version should be numbered.
- 2 The draft guidance needs to take more account of the resource implications of what is being proposed.
- 3 The reference in the eighth paragraph to “The probable need for an officer to be present at the remote location” should be deleted because of the resource implications.
- 4 The paragraphs dealing with the equality between the languages should be deleted. It should be left to the choice of each authority to decide whether translation facilities will be provided for any remote attendance taking account of all the circumstances including its normal practice at meetings and the response implications.
- 5 In the penultimate paragraph on the third page the view of the Welsh Government expressed here is inconsistent with the legislation itself and should be deleted. Section 4 (3) (c) makes clear that Councils standing orders can prohibit remote attendance. This is also explained in the penultimate paragraph on the first page of the draft guidance.
- 6 The ante penultimate paragraph on the last page should be amended to change the emphasis so that those attending remotely take the risk of the technology failing rather than expecting what will be the majority attending at the normal meeting place to be inconvenienced and the meeting to be abandoned partway through.
- 7 If the final version of the guidance reflects the current draft then the Welsh Government needs to provide the funding to meet the resource implications of it.

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WLGA • CLILC

Guidance for Members: Webcasting

APPENDIX 4

August 2014

Contact

Welsh Local Government Association

The WLGA's primary purposes are to promote a better local government, its reputation and to support authorities in the development of policies and priorities which will improve public service and democracy.

It represents the 22 local authorities in Wales with the 3 fire and rescue authorities and 3 national park authorities as associate members.

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We are indebted to the officers, members and professionals who have contributed to this guide, in particular the network of member support officers and Lawyers in Local Government (LLG). Also to Mel Doel, who provided training to elected members on behalf of the WLGA and contributed to this guide, and Kevin O'Keefe of EXCELA INTERIM MANAGEMENT AND CONSULTANCY LTD for his guidance on legal matters.

Preface



I am extremely pleased to present this guidance from the WLGA on the webcasting of council meetings. It provides members with a useful overview of the subject, and offers some important tips

on how to make the most of an exciting technological development that offers huge potential for improving how councils engage with their communities.

The webcasting of key council meetings and decisions represents a significant step forward in ensuring that the process of local government is both transparent and accessible to the public, and it is already helping people to engage with the decisions that affect their lives and community on a daily basis. We know that people trust their local council, more than any other level of government, to deliver on the issues that matter the most to them. As we enter one of the most challenging periods for local government in Wales, the active broadcasting of how

key decisions are made will play a vitally important role in helping to ensure that this level of public trust continues into the future.

Alongside a rising use of social media, the webcasting of council meetings is quickly becoming a well-established part of local government processes. This means that communities can view the business of their council as it happens, while also taking an active role within decision making through the use of social media tools like Facebook and Twitter. I hope that councils will continue to build on these initiatives to foster further transparency and encourage more people to actively participate in the local democratic process.



Councillor Peter Fox

Leader Monmouthshire County Council
WLGA spokesperson for ICT and Digital
Inclusion

What is a Webcast?

A webcast is a live or recorded transmission of a video on the internet. It is not edited prior to broadcast and can be viewed by anyone with access to the Internet, both during the live broadcast and for as long as an authority makes it available on their website.

Webcasting is now being introduced in councils across Wales to broadcast a range of council meetings to the public. This is clearly of significance to councillors as there is a potential for the public to be more widely involved in the democratic process, and for the business of local government to be made more transparent. It also means that the actions, opinions and positions taken by local councillors may potentially be more closely scrutinised by the public.

Why Wales is Webcasting

Councils in Wales are committed to promoting local democracy and facilitating public participation. The Welsh Government has assisted councils to promote democracy and engagement in local government by providing £1,125,000 funding in 2013/14 to broadcast council meetings, introduce remote attendance and assist community councils to establish websites. Although there is currently no requirement on local authorities to webcast their meetings, the Minister for Local Government and Government Business has encouraged councils to webcast some or all of their meetings in the interests of public engagement and transparency. The White Paper - *Reforming Local Government*,¹ currently out for consultation, states that the Welsh Government intends to introduce

a mandatory requirement on all authorities to broadcast their meetings.

The draft *Revised Code of Recommended Practice in Local Authority Publicity*,² says that "Society now expects to have far greater access to information than in the past, in particular in relation to the decision-making procedures of its elected bodies. This should be embraced by political representatives as providing an opportunity to communicate directly with their electorate. Local authorities are encouraged to make arrangements for their proceedings to be made more accessible to the public by allowing them to be broadcast."

Progress

Webcasting is now underway in most authorities for those meetings which are judged to be of most interest to the public, particularly full Council, Cabinet and Planning Committee meetings. Some authorities are also broadcasting proceedings from their scrutiny committees.

Most authorities have commissioned commercial providers for this service, however, some have developed their own distinct approaches. For example Monmouthshire uses Google Plus and YouTube, Ceredigion uses Livestream to broadcast bilingually and Bridgend has developed a solution with Auditel and Vimeo.

Viewing figures for council webcasts vary according to the type of meeting and authority, but generally the number of website hits suggest that there is real and growing public interest in these broadcasts. Typically, there are more viewings of archived webcasts than live meetings.

¹ <http://wales.gov.uk/consultations/localgovernment/white-paper-reforming-local-government/?lang=en>

² <http://wales.gov.uk/docs/ds1lq/consultation/130322revisedcodelapublicityen.pdf>

The Benefits of Webcasting

Webcasting has produced a wide range of benefits which have been summarised below. Some were intended and anticipated, while others were unforeseen and identified by authorities from their webcasting experiences.

Engagement and Transparency

- More open and transparent governance and accountability.
- Improved public engagement in and understanding of decision making.
- Easier public access to meetings minimising travel and allowing more flexible viewing times.
- Will facilitate the understanding of the overview and scrutiny function by the public in line with the Local Government (Wales) Measure 2011.
- Can be used with social media to further promote public engagement. This is possible through a social media conversation which can run alongside the meeting when it is in progress.
- The public can access the papers and presentations made at the meeting as well as see the meeting footage.
- Provides good "PR" for the council as council meetings can be seen as more constructive than, for example, Prime Ministers question time.

Benefits for the Council

- A step towards remote attendance at meetings - a requirement of the Local Government (Wales) Measure 2011 which will allow members to attend meetings from a location which is convenient to them.

- Provides an incentive for high standards of member attendance, engagement and conduct at meetings.
- An effective means of communicating to officers and other members key information and decisions.
- A useful part of member and officer induction and training.
- Opportunities for members to learn good practice from peer observation and inform potential candidates about their role to encourage democratic renewal.
- Fewer press enquiries as journalists can now watch broadcasts rather than ask for quotes.
- A reduced need for space for the public at popular or controversial meetings.
- Equipment and venues can be used for purposes other than committees, such as staff training and inter authority meetings.
- Provides a true record of the meeting. This helps to supplement minutes and to counteract any misleading use of "edited highlights" by anyone filming the meeting.

Challenges Associated with Webcasting

Some concerns have been expressed about the costs of webcasting, particularly as it is being introduced at a time when severe reductions are being made to council budgets. The main costs are that of equipment, whether purchased or hired, and also for the staff time required to operate the equipment.

The major challenge for authorities now, is to undertake cost benefit analyses to see if outcomes from webcasting are worth the expense. The Welsh Government is hoping

to work with the WLGA and local authorities to secure savings through a joint procurement of webcasting providers. In the future, webcasting may provide opportunities for saving money and generating income for example: minutes can be shortened and used to record actions rather than the full debate; equipment may be hired out, and there is some evidence to suggest that there are fewer time-consuming Freedom of Information (FOI) requests to councils when council meeting records can be so easily viewed.

Blogging, Tweeting and Filming During Meetings

About half of the Local Authorities in Wales allow or encourage the use of social media by members in meetings. Filming by the public or journalists is less common, and where it is allowed, usually requires permission.

The Welsh Government is of the view that the use of Social Media is useful as long as members use it appropriately. Authorities who restrict it do so on the grounds that members might be accused of not concentrating on the matter under discussion. Members may wish to consider how the public might perceive their using social media in a meeting and their ability to concentrate on the matter at hand if they are blogging or tweeting during a debate, a vote, or a planning decision.

See also the WLGA guidance for members on using social media available at: <http://www.wlga.gov.uk/member-support-and-development-publications1/social-media-a-guide-for-councillors/>

The Law and Protocols Relating to Webcasting

Data Protection

It is not likely that the Data Protection Act will affect the broadcasting of council meetings as sensitive information relating to individuals should not be discussed at any public meeting, broadcast or otherwise. In the case of exempt items, where the public and press are excluded, the broadcast is switched off and replaced with a message saying why the broadcast has been temporarily suspended.

Freedom of Information

The Freedom of Information Act should also not apply to broadcasts as it only applies to information which is not already in the public domain. If people request information under the FOI act which has been broadcast or is available on the website through the meeting archive the council is under no obligation to respond.

Copyright

The Council is the `author` of the webcast whether live or archived. As such, they own copyright. If anyone, including individual members or the public, wishes to use it they should ask permission of the council. However, it is unlikely that a council would invoke the law if the broadcast is used for legitimate and positive purposes such as information or training. If a broadcast is used inappropriately, for example for political or satirical purposes the council could take legal action. Video sharing websites such as YouTube and Google Video already actively state in their terms and conditions that you must be the copyright owner and have the permission of all those involved in order to upload videos to their sites.

Consent

In the early stages of webcasting it is advisable to consult with any potential meeting participants to ensure that they are comfortable with being filmed. Some people might wish to have opportunities for development or coaching before appearing.

Participants at every meeting should be informed that the meeting will be webcast and should be given notice of this when the meeting agenda is distributed. Meeting participants will be deemed to have agreed to consent to be filmed and to the future use of the film if they are present.

At the start of each meeting to be filmed, an announcement should also be made to the effect that the meeting is being webcast live and will also be available for future viewings. No exempt or confidential agenda items should be broadcast.

Voting

The process of voting is the same in a broadcast as in any other public meeting. Webcasting should simply be seen as an extension of the 'openness' of meetings which are already, by definition, in the public domain. Voting will be undertaken either by a show of hands or by using the council's electronic system. Depending on the webcasting system used, the public may be able to see how each councillor votes.

Terminating a Webcast

The Chair of the meeting has the discretion to terminate or suspend the webcast if, in his/her opinion, continuing to broadcast would prejudice the proceedings of the meeting. For example:

- (i) If the meeting is suspended due to a public disturbance.
- (ii) When it has been agreed that the public and press are to be excluded.

- (iii) When the Chair and committee agree that webcasting would prejudice the proceedings of the meeting.

Editing a Webcast

Clearly it is not possible to edit a live broadcast. Evidence suggests that if a member accidentally says something inappropriate, offensive or illegal the chair should ask them to immediately apologise. Editing an archived broadcast is possible, because, once archived, the material is a publicly accessible digital file and making offensive material available such as inadvertent racist comments may amount to an offence. Making defamatory material available carries a civil law risk. In the circumstances, it is permissible to allow a 'bleep' to be inserted. In the undoubtedly rare instance where editing is required - an unedited copy of the recording should be retained as evidence should it be required for any future proceedings.

Personal Skills

Appearance

There are certain skills and behaviours that are helpful to be aware of when you are appearing in a webcast. You might find the following useful:

- Don't move too much! This can reduce the picture quality and may be hard for the camera to follow. Bending over to speak into a microphone looks awkward on screen, so some councils are considering changing their meeting procedure so that members may remain seated.
- When considering what to wear, bear in mind all the possible camera angles and watch out for clothing or jewellery which might rub against the microphone and stop what you are saying being heard. Mayoral chains are particular culprits!

- Don't watch the broadcast live on your own equipment as this may create sound interference.
- Be aware of the range of the camera view as talking with colleagues, eating, adjusting clothing can also be distracting if it is behind the member who is speaking.
- Watch your body language, slumping can be misinterpreted as disengagement and eye resting as sleeping.

Speaking

Although the general rules about public speaking apply at all public meetings, there are some behaviours that will help you come over well in a broadcast and make the meeting more interesting and useful to the viewers. Above all be natural and be yourself!

- Be direct, to the point and as brief as possible.
- Don't speak too quickly, if you are stumbling over words you may be rushing too much.
- Prepare your contributions in advance (bullet points which enable you to speak naturally rather than a prepared speech which looks and sounds unnatural).
- Be aware of how your messages could be interpreted by the public, both what you say and how you say it.
- You may have to be more clear about some of the information that you give so that it is clear to a lay person what you are doing and why you are doing it. A good example of this is declaring interests. It will be helpful to say not only that you have an interest but what the interest is whether it is personal or prejudicial and also how you intend to act as a result.

- Avoid jargon and "council speak" - this applies to officers too!
- Heckling doesn't work well on a webcast as usually it is only the chair and the member who has the floor who can be seen and heard. Other comments are often unintelligible as they are off microphone.
- Make sure that you are in range of the microphone and keep your head turned towards it. Don't speak until your light comes on, or the first part of your contribution will be lost! Make sure that you turn your microphone off when you have finished speaking.
- Be aware of how what you say could be used by the media.

Chairing Skills

The chair of the meeting is vital to the viewing experience of the public, just as if there was a full public gallery. Here are some tips for chairs to consider.

- Introduce the key players at the meeting so that viewers know who they are looking at. This might include the chair themselves, officers, and witnesses. It is important to say what their role is at the meeting too.
- Be prepared to explain some meeting procedures if these are not obvious to viewers. For example, if the meeting is going into recess, explain why this is and when the meeting will reconvene.
- Be prepared to enforce time restraints on speakers, either formal ones if they apply or if someone's contribution is long and unproductive.
- Don't forget to remind everyone that the meeting is being broadcast and will be available in future on the internet.

- Make clear the different elements of the agenda, such as what is for information or a decision, or a vote. Also if the Webcast is going to be suspended for exempt or confidential items you'll need to say when and why this will happen.
- As a chair you may be required to handle the equipment, for example operating a speaker queuing and permission system. Make sure that you have guidance in advance on how to do this.

Future Opportunities

As webcasting use and technology develops, there is a potential to use webcasting facilities to improve and broaden a number of council activities.

These include:

- Live communication to officers and members over the internet, this might include briefings by the Leader or Chief Executive.
- Live and recorded training sessions for the home council and also potentially for all councils in Wales.
- Greater interactivity with broadcasts through social media which works alongside it.
- Live links in meetings to community groups and schools for debate and reaction to plans and policies.
- Opportunities to 'advertise' council services and provide public information broadcasts.

The technology required for webcasting also provides a foundation for councils introducing remote attendance by councillors at council meetings. By law, councils are obliged to state in their constitutions the circumstances under which they will make remote attendance at council

meetings available. More information is available on the following link.

<http://wales.gov.uk/topics/localgovernment/publications/statutory-guidance-section-4-remote-attendance/?lang=en>

Watch other Authorities' Broadcasts

Blaenau Gwent

<http://www.blaenau-gwent.public-i.tv/core/>

Brecon Beacons

<http://www.breconbeacons.public-i.tv/core/>

Cardiff

<http://www.cardiff.public-i.tv/core/>

Carmarthenshire

<http://www.carmarthenshire.public-i.tv/core/>

Ceredigion

<http://new.livestream.com/ceredigion/events/2493787>

Conwy

<http://www.conwy.public-i.tv/core/>

Denbighshire

<http://www.denbighshire.public-i.tv/core/>

Flintshire

<http://www.flintshire.public-i.tv/core/>

Newport

<http://www.newport.public-i.tv/core/portal/home>

Pembrokeshire

<http://www.pembrokeshire.public-i.tv/core/>

Powys

<http://www.Powys.public-i.tv/core/portal/home>

Torfaen

<http://www.torfaen.public-i.tv/core/>

Examples of Use in Local Authorities

Torfaen County Borough Council

Torfaen County Borough Council took a decision to webcast meetings (starting with Council and Cabinet) in the spring of 2013. Following the usual contractual processes, the equipment needed (supplied by public-i) was installed in the Council Chamber during August 2013. We saw the training of all members and relevant officers (Democratic Services staff and officers who regularly present reports) as very important, and sought the expertise of Melanie Doel (of Brecon Beacons NPA) to provide training. The training was provided over several weeks and sessions, to small groups of members and officers, who were able freely and confidentially to share and discuss any concerns or issues they had with Melanie Doel (who, as a career journalist and member of the NPA, which had been webcasting for some time, was able to pass on many useful tips and a large degree of confidence).

We started webcasting Council and Cabinet meetings in October 2013, as well as webcasting a budget update from the Cabinet Member for Resources and 3 members' seminars which were deemed to be of particular "public interest". Our Democratic and Members Services staff operate the equipment, very successfully, with remote support from public-i as needed. To date there has been no failure of the webcast system. Before a webcast takes place, we promote it via our social media channels, along with a link to the agenda for that meeting, so that people are alerted to it in advance of the meeting.

As at 10 June 2014, our 8 Cabinet meetings which have been webcast attracted 6373 viewings (1641 live and 4732 via the archive). This is an average of 797 per meeting. Council (8 meetings) has attracted 9154 viewings (2987 live and 6167 archive);

an average of 1144 per meeting. The 3 seminars were viewed 1849 times (385 live and 1464 via archive); an average of 616 per meeting (albeit the budget seminar alone attracted 1097 viewings) and the budget update attracted 519 (1 live and 518 via archive). In January 2014, we decided also to webcast overview and scrutiny committees of particular public interest, with 4 meetings webcast so far and 987 viewings (156 live and 831 via archive); an average per meeting of 247.

We know many Council staff watch the meetings, to find out more about how Council, Cabinet and other meetings work, or because they are associated with or impacted upon by decisions being made. We also know that meetings are watched by the public and other people in local government across Wales and further afield. These people could of course be anywhere. We are unable to tell where or who our viewers are, but the system records that we have had 8992 unique visitor addresses (i.e. IP addresses) access the webcasts. Of those, 5358 people have watched once and 3634 people have watched several times/meetings. An IP address could represent an individual person, or a group of people (e.g. a local business).

With a very small public gallery in the Council Chamber (holding about 20 people) it is very clear that the business of the Council has reached thousands of people which it would not otherwise have reached. The Council believes webcasting to be a significant improvement in promoting openness, transparency and, as a result, the working of local democracy. The Council on 24 June 2014 is consequently expected to extend webcasting to all meetings of Scrutiny Committees, as well as the Planning and Licensing Committees. Meetings and the decisions made/events which occurred in them have been the result of significant public debate in Torfaen, as evidenced through our social media and other communication channels – and the initial concerns of many members and

officers have been all but forgotten by most people, as everyone concerned has got used to webcasting and begun to accept it as the norm. There is some perception that meetings are more business-like since webcasting was introduced (e.g. they are a bit shorter in most cases, repetition has reduced and they are more focussed), but no evidence that anyone has been put off speaking in any way. Otherwise, meetings take place exactly as they did before (albeit all meetings now have to take place in the same room), but they have been viewed nearly 19,000 more times than they would otherwise have been viewed.

In conclusion, webcasting meetings in Torfaen has been a huge success and has very clearly reached the parts which otherwise we didn't reach. The engagement of the public and staff has increased substantially as a result of webcasting. Leadership from the front, buy-in from all members and officers (via Council), the training and reassurance provided by others who've gone through it already and our determination to promote and open up democracy were all essential elements.

Torfaen would thoroughly commend webcasting and encourage others to take the plunge.

Powys County Council

Webcasting in Powys developed following a successful "broadcast" of a Council meeting to approximately 2000 people outside the Welshpool Livestock Market in 2011 where a special meeting was held by the Council to discuss wind farm developments in Powys.

Based on the significant probability that future meetings considering wind farm proposals, which would be held at County Hall, would attract attendance by large numbers of the public, the Council investigated the possibility of webcasting as a means of both of controlling the numbers attending the venue and also of ensuring that interested members of the public could

have easy access to the Council's proceedings. This has also assisted the Council in planning these events which can be undertaken far quicker now due to the experience of the team of individuals involved in the process.

Subsequently Welsh Government provided the Council with £40,000 which was used for webcasting, to stimulate an increased use of webcasting by Councils in Wales and to provide greater transparency and accountability of the Council's work.

Overall Powys has had 23395 views based on 17 events. Some examples of total viewing figures for events are listed below:

Major wind farm developments	2705 2877
Planning Committee	1509 1301 1096 782
County Council	1878
County Council – budget meetings	1804 3175
Cabinet	1731 1037
Have Your Say Day (Budget Consultation)	1951
Scrutiny Committee	254

There have been 4 other meetings where viewing figures range from 150 to 490.

Brecon Beacons National Park Authority

The National Park Authority has been webcasting the full Authority meetings, Planning Committee and Audit and Scrutiny Committee for just over two years now and total views stand at 31,500. On average, the National Park Authority meetings receive 671 views, Planning receives 556 and Audit and Scrutiny 436. Both the total and average views per meeting have continued to rise steadily over the two years and the cost per view has reduced from £2.40 to 81p.

We have found the following benefits from webcasting meetings.

- Webcasting encourages good governance and preparation for meetings (by both members and officers!)
- An opportunity to get some messages out into the public domain in the face of criticism on any specific issue
- An opportunity for members to give reports on meetings they have attended or events at which they have represented the Authority demonstrating the wider role of a member
- The public can see the Wales Audit Office presenting their Annual Improvement Reports and the members' responses (sometimes refuting the conclusions of the WAO!)
- We can now hire our meeting facilities complete with webcasting opportunities (we can host this or direct to customer sites)
- We can respond to claims that issues have not been considered or debated properly by sending links to points in meetings where items were debated. We can also prove the accuracy of minutes.

- We have used webcasting to broadcast presentations to meetings – recent examples include: a presentation by the Department of Culture Media and Sport, Welsh Water and Costain.

Future plans include

- Using webcasting to deliver our education programme
- Recording interviews with female members for the Welsh Government or the WLGA to use to encourage more women in public life
- Recording interviews/discussion with members on member development for the Advanced level of the Wales Charter for member support and development
- Exploring options for the use of social media to encourage interest in specific items
- Sharing our *State of the Park Report* with a wider audience
- Engaging more people in the strategic planning for the Park through involving the public in the review of the National Park Management Plan
- Webcasting seminars on topics such as mobile phone coverage and masts.

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CONSTITUTION COMMITTEE**
DATE: **WEDNESDAY, 15 OCTOBER 2014**
REPORT BY: **MEMBER ENGAGEMENT MANAGER**
SUBJECT: **OVERVIEW & SCRUTINY ANNUAL REPORT**

1.00 PURPOSE OF REPORT

- 1.01 To enable the Committee to consider the draft Overview & Scrutiny Annual Report for the 2013/14 municipal year.

2.00 BACKGROUND

- 2.01 Article 6.03 (d) places a requirement on Overview & Scrutiny Committees to report annually to Full Council through the Constitution Committee on their workings and working methods.

3.00 CONSIDERATIONS

- 3.01 The Committee is requested to consider the draft Overview & Scrutiny Annual Report (attached as an appendix) and make any observations or amendments as it considers to be appropriate.

4.00 RECOMMENDATIONS

- 4.01 That the Constitution Committee considers the Annual Report, attached as Appendix 1 of this report, and makes observations thereon.

5.00 FINANCIAL IMPLICATIONS

- 5.01 None arising directly from this report.

6.00 ANTI POVERTY IMPACT

- 6.01 None arising directly from this report.

7.00 ENVIRONMENTAL IMPACT

7.01 None arising directly from this report.

8.00 EQUALITIES IMPACT

8.01 None arising directly from this report.

9.00 PERSONNEL IMPLICATIONS

9.01 None arising directly from this report.

10.00 CONSULTATION REQUIRED

10.01 Not Applicable

11.00 CONSULTATION UNDERTAKEN

11.01 The Overview & Scrutiny chairs have been consulted on parts of the report relating to their committees.

12.00 APPENDICES

12.01 Appendix 1 – Draft Overview & Scrutiny Annual Report 2013/14.

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

None.

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Report of the
Overview & Scrutiny
Committees

Annual Report

MAY 2013 TO APRIL 2014

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Foreword



This is the second opportunity which I have had to introduce the Overview & Scrutiny Annual report. 2013/14 has seen a great deal of scrutiny activity and has shown how we contribute to the effective corporate governance of the Authority.

Flintshire has always been at the forefront in Overview & Scrutiny; putting the necessary resources into developing a function which has been recognised for its best practice approaches to working. Whilst the financial constraints within which local authorities are now operating have meant that the level of resources has had to be reduced, we are still able to act as critical friends and to make a difference.

However, as Members we must recognise that our Overview & Scrutiny can only be as good as the effort the Overview & Scrutiny Members make it. We need to ensure that we own our forward work programmes by suggesting topics for our committees to consider. Our officers do sterling work in scouting ahead of the column, but we need to remember that we are the cavalry.

The range of life experience, knowledge and passion for public service which each of us as Members have means that each of our six committees is both a repository of information and a power house for initiating, monitoring and generally contributing to Flintshire's well-being in difficult times.

Last year, I concluded the foreword to the annual report by thanking everyone who has had an input into the scrutiny process. It would be remiss of me not to reiterate such thanks. Overview & Scrutiny is very much a people process: the members of the committees; the contributors, whether they be external or internal; the support team of Overview & Scrutiny officers and the committee officers who service our meetings. We are all integral to Overview & Scrutiny working effectively.

Cllr Robin Guest,
Chair of the Constitution Committee

OVERVIEW & SCRUTINY – A CABINET PERSPECTIVE



Last year was the first time that the Leader of the Council had been asked to make a contribution to the Annual Report of the Overview & Scrutiny function. I was pleased to be asked and equally pleased to have been invited back again this year.

I have seen Overview & Scrutiny committee from two perspectives, both as a Leader of the Council but also as a Member of a scrutiny committee. Thus I know the benefits of effective overview & scrutiny and how it contributes to effective corporate governance, and so I am more than happy to comment on it.

During the last year, the outlook for local government has worsened, and this has meant that the role of Overview & Scrutiny as a critical friend has become even more important than it was previously. I am pleased to be able to say that in Flintshire, the relationship is strong.

One of the principal roles of Overview & Scrutiny is to hold the Cabinet to account, which could easily become an adversarial relationship, hence the benefits of the critical friendship. We now have sufficient political maturity to recognise that each elected member has a different part to play in ensuring that Flintshire strives to be as good as it can be. No mean feat in the challenging times we have faced and which we shall continue to face for the foreseeable future.

At the Corporate Resources Overview & Scrutiny Committee, where as the cabinet member for finance I am able to discuss the budget position with my fellow councillors, or at one of the other committees, where we might be contributing to discussions on a new policy, I know that we are all going to benefit from the process: there is a wealth of knowledge amongst our members. We will come to rely more and more on that wealth of knowledge and experience in the future as we seek to tackle the significant problems ahead of us.

Cllr Aaron Shotton,
Leader of the Council

OBSERVATIONS FROM THE CHIEF EXECUTIVE – COLIN EVERETT



Overview and Scrutiny in Flintshire continues to mature and develop and in the past year has performed an effective 'check and balance' in accountability for the transparency of decision-making, the use of public money and in the performance of local services and partnerships.

Welsh Government and Wales Audit office are pressing the case for Scrutiny in local councils to make more impact. We strive for continuous improvement and are certainly not complacent. Our Overview and Scrutiny Committees have built on the internal expertise which they have developed and often concentrate their energy on specific reviews of key services and topical issues. Having the expertise gives confidence and purpose for members to explore and challenge; concentrating energy gives Members some real reward as they can see tangible results for their work. Councils are built on representative democracy and scrutiny is central to the success of the local governance model.

In 2013/14, the dramatically changing national financial position prompted us to change how we ran budget consultation with Members. We used more of a 'whole council' approach so that the strategy to bridge an ever increasing gap was built up in all Member workshops prior to our Overview & Scrutiny committees concentrating on service specific detail in a public setting. This was an effective, although a difficult process.

The Wales Audit Office Scrutiny study provided the opportunity for sharing ideas and expertise with neighbouring councils. In North Wales, we have shared good practice for some time, especially through the regional Scrutiny Officers Network.

The Council continues to modernise and improve its systems for performance reporting, scrutiny and management. The more 'outcome-based' Improvement Plan for 2013-14 was evidence of this. The system for quarterly reviews of performance, assessing and protecting against risk, and business continuity, are resilient. Overview and Scrutiny has contributed to the development of these systems as well as their effective operation, elected members have developed their expertise and skills in knowing how to understand and challenge services and their performance.

Our Overview and Scrutiny function is well-placed to support the Council through the difficult times ahead, with the growing demand for key services and national reductions in funding for local government and local services. The role of the 'critical friend' will be invaluable to us; we are stronger together.

OVERVIEW & SCRUTINY BACKGROUND AND OFFICER SUPPORT

Local authorities in England and Wales have, since the Local Government Act 2000, operated executive arrangements that place the decision-making powers in the hands of a Cabinet or Executive. In the case of Flintshire, following the County Council elections in May 2012, it has been styled 'the Cabinet' and in 2013/4 was made up of 8 Councillors including the Leader, Deputy Leader and 6 Cabinet Members. The overview & scrutiny function was established to hold the Cabinet/Executive to account for its decisions, contribute to evidence-based policy making in the council, as well as monitoring performance and reviewing issues affecting the Flintshire area. Overview & Scrutiny make recommendations to the Cabinet or full Council. Flintshire has also always placed a positive emphasis on overview & scrutiny engaging with external organisations, using the general powers available under section 21 (2) (e) of the Local Government Act 2000.

The Welsh Local Government Association (WLGA) continues to provide a range of support services to assist with the development of overview & scrutiny in Wales including bespoke support for individual authorities, production of publications and the facilitation and coordination of Regional and National Scrutiny Champions Networks.

The roles of overview & scrutiny outlined in the National Assembly for Wales Guidance on Executive & Alternative Arrangement 2006 are:

"The role of councillors exercising overview and scrutiny is:

- To hold the executive to account for the efficient exercise of executive functions – especially the performance of the executive as measured against the standards, objectives and targets set out in the policies and plans which it is implemented;
- To assist in the improvement and development of the council's policies by evaluating whether they are achieving their stated objectives, whether those policies and the way they are being implemented reflect the needs and priorities of local communities and by reporting and making recommendations to the executive or the full council;
- To review and make reports on issues which affect the authority's area or its residents; and
- To examine whether the systems the executive has in place to deliver its functions are robust and are being properly observed."

In 2013/14 we had 6 Overview & Scrutiny Committees as illustrated below:-



The support which Overview & Scrutiny enjoys from officers across the Council is essential to ensure its smooth and effective running.

OVERVIEW & SCRUTINY SUPPORT

The Scrutiny Team are:-

- ❖ Robert Robins – Member Engagement Manager
(principally supporting the Community Profile & Partnerships and the Corporate Resources Overview & Scrutiny committees)
- ❖ Margaret Parry-Jones – Overview & Scrutiny Facilitator
(principally supporting the Environment and Social & Health Care Overview & Scrutiny committees)
- ❖ Ceri Owen – Overview & Scrutiny Facilitator
(Principally supporting the Housing and the Lifelong learning Overview & Scrutiny Committees)
- ❖ Janet Kelly – Overview & Scrutiny Support Officer
(principally supporting task & finish groups)

The team are an independent resource supporting the scrutiny function and its Members:

Advising on the strategic direction and development of the scrutiny function;

- Co-ordinating the work programmes for the six Overview & Scrutiny Committees;
- Advising, supporting and assisting in the development of scrutiny members;
- Undertaking research and information analysis to help inform reviews;
- Producing reports and presentations on behalf of members;
- Offering independent advice and guidance in relation to policy development and performance management;
- Acting as a key contact point to members, officers, external organisations and the public in relation to scrutiny matters; and
- Facilitating task & finish groups.

COMMUNITY PROFILE & PARTNERSHIPS OVERVIEW & SCRUTINY COMMITTEE



**Chairman –
Cllr Brian Dunn**



**Vice-Chair –
Cllr Robin Guest**

This committee was set up following the 2010 review of the overview & scrutiny committee structure, and the terms of reference were designed to give this committee a more 'outward facing' approach than the other five committees. This was in anticipation of the specific powers of external scrutiny which had been the subject of much discussion.

In Flintshire, we have always placed a positive emphasis on overview & scrutiny engaging with external organisations, using the general powers available under section 21 (2) (e) of the Local Government Act 2000. Over the past 14 years, the Council has achieved a number of 'scrutiny firsts', being the first to invite the former ELWa (education and learning Wales), carrying out extensive health service scrutiny (including inviting the then chief executive of the Countess of Chester NHS Trust and being the first to invite the newly elected Police & Crime Commissioner to a meeting).

The 'scrutiny of designated persons' is to be found in section 59 of the Local Government (Wales) Measure 2011. However, the guidance on who would become 'designated persons' under the Measure is still awaited – consultation on a very limited number of bodies to be included in *Designated Persons Order Number 1* was carried out in the autumn of 2013.

The bodies which were considered for the first designation were:

- Local Health Boards;
- NHS Trusts;
- Fire & Rescue Authorities;
- National Park Authorities;
- Registered social landlords;
- Third Sector organisation delivering services to the public.

Our response, which it transpired was echoed by a number of other local authorities, was that all statutory public bodies, apart from town and community councils should become designated. Since then, there has been no further movement on the implementation of section 59.

We have been keen to be able to show to potential 'designated persons' that appearing at an Overview & Scrutiny Committee would be a beneficial process. To this end, we have continued with our programme of external engagement.

Given the external emphasis of this committee, it became the Council's statutory crime & disorder committee as required under the Crime & Disorder (Overview & Scrutiny) Regulations 2009. In that role, we have received regular reports on the creation of the Police & Crime Commissioners and Police & Crime panels. The main element of our crime & disorder role is receiving an annual update on the Community Safety Partnership.

In terms of the committee's role in monitoring the Authority's 'community profile', during the course of the year the Committee have invited and considered presentations from the following organisations:-

In June Professor Peter Heard, Pro Vice-Chancellor (Research) from Glyndwr University was invited to give a presentation to the Committee on the links between the University and the Council and how to continue to further develop the links in the future.

In October representatives from the RNLI were invited to attend Committee to give a presentation to Members and answer questions. Following on from the presentation Members visited the RNLI Lifeboat Station at Flint for a tour of the station with the opportunity to meet the volunteers.

In January the Red Cross were invited to give a presentation to Committee outlining the work undertaken by them in Flintshire.

In February Members of the Committee attended Danger Point in Talacre for a tour of this excellent educational facility for children which Flintshire supports together with other organisations.

Representatives of the North Wales Fire and Rescue Service attended twice : first to present the North Wales Fire & Rescue Authority and Service consultation document on *Proposed Improvement Objectives for 2014-15 And Beyond* and secondly for a presentation on the Phoenix Project. This is a Fire and Rescue initiative aimed at young people between the ages of 13 to 17. This very worthwhile project runs courses across North Wales.

In April the Committee received a presentation from Mrs Ann Steele-Mortimer on behalf of the Clwyd Special Riding Centre at Llanfynydd. The second presentation was given by representatives from the Post Office outlining the Post Office Modernisation Programme.

Councillor Brian Dunn

Chairman – Community Profile & Partnerships Overview & Scrutiny Committee



**Members of the Community Profile & Partnerships Committees
Site Visit to the RNLI Station at Flint on the
28th of November 2013.**

Following a presentation by representatives from the Royal National Lifeboat Institution at the October meeting of the Community Profile & Partnerships Overview & Scrutiny Committee at County Hall, Members of that Committee requested a site visit be arranged.

The Members who attended were given a tour of the Lifeboat Station and received a presentation given by one of the long standing volunteers. A lifeboat crewman, Nathan, presented and explained to Members the protective equipment used by the crew. He answered many questions on the costs and timescales for replacing the equipment, the numbers and age of the crew members. Information on the local fundraising events and other support the Station receives was also provided.

Following the presentation the group then viewed the lifeboat. The equipment on board the lifeboat was explained to Members and their questions were answered. The Volunteers explained the protocols the Team followed and gave examples of the weather conditions faced by the Crew explaining how the lifeboat performed.

The Members who attended were very impressed by the station and the dedication of the Lifeboat Crew and Volunteers involved.

CORPORATE RESOURCES OVERVIEW & SCRUTINY COMMITTEE



**Chairman
Cllr Tim Newhouse**



**Vice-Chair
Cllr Peter Curtis**

The nature of our remit, which covers the corporate core of the Council and the overview of its activities, means the Corporate Resources Overview & Scrutiny Committee often has a greater number of items than other Committees.

At each of our scheduled monthly meetings, there is a budget monitoring item which mirrors the report to be submitted to Cabinet. This means the comments and observations made by Members of the Committee can be reported to Cabinet at its meeting the following week. The budget monitoring reports provide monthly information on the General Fund, Housing Revenue Account and both Revenue and Capital. Suggestions on how these reports could be improved, including how budget variances within each department are reported, have been implemented.

Among the regular items considered are the Quarterly Performance reports from the corporate heads of service. They or their representatives provide an insight into the progress being made within Finance, Human Resources & Organisational Development, ICT & Customer Services and Legal & Democratic Services.

As Corporate Resources is the 'finance' scrutiny committee, we also take a lead on the scrutiny response to budget proposals. For the 2014/15 budget, where the financial constraints were incredibly stringent, we hosted two all-member briefings in December. We held a further briefing to consider the corporate function budgets in January and then another all-member meeting as a 'mop up' for the budget process and to consider the capital programme proposals. A great emphasis is placed on the need for a transparent process with all Members being given the opportunity to challenge and suggest changes to budget proposals.

The Leader of the Council, Chief Executive and Head of Finance provided an overview of the Medium Term Financial Strategy and Medium Term Financial Plan in July 2013. They set out how the Council's priorities were being developed prior to the announcement of the provisional settlement from the Welsh Government and how the Committee could play its part in ensuring robust financial strategies were in place. The significant changes resulting from the introduction of welfare reform and discretionary payments were also discussed at this meeting

The Head of ICT and Customer Services provided the Committee with an overview of the Flintshire Futures programme and mid-year progress report. The Council developed the Flintshire Futures Programme as its corporate programme for modernising and transforming the organisation to make best use of its resources and find efficiencies. The report was the subject of detailed consideration and constructive challenge with the Committee recommending all Flintshire Futures workstreams (Assets, Customers, Finance, Procurement and Workforce) became the subject of separate reports to the Committee.

Representatives of the Wales Audit Office presented the Council's Improvement Assessment Letter from the Auditor General for Wales. The assessment had been undertaken to establish whether the Council was working effectively and efficiently. The Leader of the Council and Chief Executive welcomed the report which presented a clean bill of health. The report was the subject of detailed consideration and constructive challenge, with both Members and officers offering their insight into particular aspects of the report. This report was also considered by the Audit Committee, Cabinet and Full Council.

Cllr Tim Newhouse

Chairman – Corporate Resources Overview & Scrutiny Committee

ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE



Chair
Cllr Matt Wright



Vice-Chair
Cllr Nancy Matthews

Performance

The Environment Overview & Scrutiny committee sees performance monitoring as an integral part of their work. We scrutinise the Improvement plan on a quarterly basis and the performance highlight reports twice a year which are presented by the Heads of Service. The reports include updates on major projects such as the North Wales Residual Waste Treatment Project, the Food Waste Partnership and Service Performance including planning applications, streetscene services, highways, public protection and regeneration. The reports also summarise the regulatory work reported and outcomes and intended actions arising from any recommendations, sickness absence, compliments and complaints.

Environmental Enforcement Policy

In September we scrutinised the Environment Enforcement Policy prior to consideration by Cabinet. The policy sets out ways to address common environmental enforcement issues in Flintshire such as abandoned supermarket trolleys, fly tipping and illegal dumping of waste, irresponsible dog ownership, litter in high street areas and obstructions on the public highway. The committee welcomed the draft policy and were happy to recommend to Cabinet that the policy should be adopted and implemented in Flintshire.

Tourism

At our May meeting we received an update on the approach taken to promote Flintshire to visitors. Mr Dewi Davies, Regional Strategy Director of Tourism Partnership North Wales gave an interesting and informative presentation on the work of the partnership and introduced the Tourism Strategy for North Wales (2010-15). Some of the key areas covered included key priorities, challenges for the future, 'Destination Flintshire' and the new Tourism Forum for Flintshire.

Members emphasised the need to ensure adequate car parking, toilet provision, signage, linking paths, and a robust approach to customer care within the tourism sector in Flintshire.

Members agreed that it was important to raise the profile of Flintshire as a tourist destination and to strengthen the range of publicity material available to promote Flintshire in the future.

Review of Subsidised bus services

In July 2013 we received a report on proposals to undertake a review of subsidised bus services within Flintshire.

At the end of the review a further report was considered at the committee in October when we received an update on the review following the consultation exercise. The report detailed the proposed actions to be taken in relation to specific bus services. The report demonstrated that there had been a high level of interest in the consultation exercise, particularly from concessionary pass holders. Members were given information on service routes, cost per passenger, summary of consultation responses and the proposals for each service having considered feedback from the public consultation.

Having considered the report, Members agreed to support the proposed changes and requested that service performance tables be reviewed annually by the Committee including the actions taken by officers to improve the performance of bus services.

Cllr Matt Wright,
Chairman - Environment Overview & Scrutiny Committee

HOUSING OVERVIEW & SCRUTINY COMMITTEE



**Chairman –
Cllr Ron Hampson**



**Vice-Chair –
Cllr George Hardcastle**

The challenges facing council tenants and residents of Flintshire continue to increase following the introduction of the welfare reforms, the need for affordable housing and the difficulties in accessing mortgage finance. How best the Council can meet those challenges is a really important part of the work of the Housing Overview & Scrutiny Committee. Below are some of the topics the Committee have considered over the last 12 months to assist in mitigating the challenges for council tenants and Flintshire residents.

Developing the Flintshire housing offer through the establishment of a Housing Company

In September 2013, the Committee considered a report to explain the potential long term strategic aspirations for housing provision in Flintshire, prior to its consideration by Cabinet. The report sought the Committee's support in principle to the establishment of a housing company. Members were supportive of the initial proposals but raised concerns around additional costs to the Council, risks to elderly homeowners and existing rental agencies. The Committee recommended that the proposals be supported but that additional information be provided in a workshop to which all Members would be invited.

At the December meeting, the Committee received a presentation delivered jointly by the Head of Housing and Head of Legal and Democratic Services on the legal and governance issues around establishing a proposed Housing Company. During discussion Members were reassured that the principle of the model was to ensure local services for local people and the Committee supported the need to establish the Housing Company and its intended purpose. The comments made by Members of the Committee were passed to Cabinet during its consideration of the report.

The Committee will receive six monthly update reports following the establishment of the Housing Company, with additional reports if required.

Housing Asset Management Strategy

In January 2014, the Committee were requested to consider proposals to deliver the Welsh Housing Quality Standard (WHQS) through the development of a new Asset Management Strategy. The Strategy had three key goals – to achieve the WHQS by 2020, to make the most efficient and effective use of funds available and to maximise job creation and training opportunities for local people. Members welcomed the report and the opportunity to influence the workstream approach of the Asset Management Strategy. Their views on the favoured approach were expressed to Cabinet during its consideration of the final Strategy.

Choices Document

At the time of the tenant ballot in 2012, the Council made a number of commitments to improve service delivery to tenants. The Committee continued to receive regular updates on the progress in delivering these promises.

In February 2014, the Committee received an update report which provided a summary of progress against the promises made. Members were pleased to note that service improvements promised were being progressed and that the level of investment and improvements promised per annum was being exceeded.

The Committee also invited Mrs. Mavis Croft, Chair of the Flintshire Tenants' Federation to speak on behalf of the tenants and were pleased that her comments were complimentary on the service improvements. Mrs. Croft continues to attend Committee meetings and contribute on proposals around service improvements.

Llys Eleanor and Llys Jasmine Extra Care Facilities

In July 2013, the Committee held its meeting at the Llys Eleanor Extra Care Facility in Shotton. Prior to the meeting, Members were invited to take part in a tour of the facility and meet the residents. Members praised the wonderful facility and thanked the staff and residents for their hospitality.

The Committee also held a joint meeting with the Social & Health Care Overview & Scrutiny Committee at the Llys Jasmine Extra Care Facility in Mold. Members were invited to take part in a tour of the facility, which opened in October 2013, and met a small number of residents who had settled into their new homes. All Members praised the state of the art facility.

Further topics considered by the Committee are detailed within Appendix 2 to the report.

Cllr Ron Hampson

Chairman – Housing Overview & Scrutiny Committee

**LIFELONG LEARNING OVERVIEW & SCRUTINY
COMMITTEE**



**Chairman –
Councillor Ian Roberts**



**Vice-Chair –
Mr. David Hytch**

The Committee has had another busy year. We have held a number of our Committee meetings outside of County Hall at various venues across Flintshire, including, Deeside Leisure Centre, Hawarden Records Office, Flint High School and Ysgol Maes Garmon. During each of the visits the Committee was given a short tour of the facilities prior to the start of the meetings. The Committee hopes to continue to hold a number of their future meetings at various venues across Flintshire as appropriate.

Below is a summary of some of the topics considered by the Committee over the last 12 months with further topics listed within Appendix 2 of the report.

Home to School Transport Policy Changes – Denominational Transport

In June 2013, the Committee considered a report on home to school policy transport changes – denominational transport, which had been called-in by six Members of the Council. The Committee had previously considered this item in March 2013 and Members had called-in the report as they were concerned that the views and concerns of the Committee had not been taken into consideration by Cabinet when they considered this matter in May 2013.

We discussed this matter in detail and recommended that having considered the decision; the Committee was still concerned and referred the decision back to Cabinet.

Leisure Finance Task & Finish Group

During the Forward Work Planning Workshop held in July 2013, the Committee agreed to setting up a Task & Finish Group to review Leisure Services. The Corporate Resources Overview & Scrutiny Committee had also considered setting up a Task & Finish Group to review levels of overspend within the Leisure Service Budget. The Committee agreed that the Chairman of the Corporate Resources Overview & Scrutiny Committee be invited to sit on the Group.

The first meeting of the Task Group was held on the 21 November, where Members were given a presentation from Officers which gave an overview of the challenges facing Leisure Services.

The Membership of the Task & Finish Group is as follows:-

- Cllr David Mackie (Chairman), Cllr Marion Bateman, Cllr Stella Jones, Cllr Nancy Matthews and Cllr Tim Newhouse

In line with the Task & Finish Group's terms of reference, agreed by the Committee in December, 2013, recommendations from the Task & Finish Group will be presented to the Committee at a future meeting when appropriate.

Annual School Modernisation Report

In March 2014, the Committee considered the Annual School Modernisation Report which provided an update to Members on the progress made with School Modernisation.

A number of concerns were raised by Members during discussion of this item, including the lack of information provided within the report. It was resolved that the Committee receives a further update report to respond to the concerns and issues raised by Members during the meeting. I also suggested that the School Modernisation Partnership Board be invited to attend a future meeting to respond to Members' questions. The Committee will continue to closely scrutinise the School Modernisation Strategy.

Cllr Ian Roberts

Chairman – Lifelong Learning Overview & Scrutiny Committee

SOCIAL & HEALTH CARE OVERVIEW & SCRUTINY COMMITTEE



Chair
Cllr Carol Ellis



Vice-Chair
Cllr Cindy Hinds

The Committee has had another busy year and has scrutinised a wide range of topics. We continue to undertake pre-decision scrutiny and this year items considered have included two key plans - the Mental Health Commissioning Plan and the Dementia Commissioning Plan. We also scrutinised the Adults Safeguarding Regional Proposal and the development of a National Adoption Service for Wales prior to consideration by Cabinet. Performance Monitoring continues to be an integral part of our work. Here is a flavour of some of the topics considered over the last 12 months. A full list of topics is contained within Appendix 2 of the report.

Social Enterprise – Double Click

In May 2013 the Committee considered a report which proposed that Double Click Design and Print be transformed from a Social Services run work-scheme to a social enterprise. Members wanted to make a fully informed recommendation to the Cabinet and asked to see the Business Plan before taking a view.

Having considered the Business Plan at the June meeting some members remained apprehensive about the proposed model so we decided to arrange a members workshop at Double Click to discuss the proposals with staff and service users. At the workshop Members discussed the business plan in detail and particularly the impact on service users of the proposed change to a Social Enterprise.

At the October meeting the committee resolved to recommend to Cabinet that they agree to transfer Double Click from a Social Services run work scheme to a Social Enterprise company in the form of a Company Limited by Guarantee.

Public Health Update

In February the Executive Director of Public Health of Betsi Cadwaladr University Health Board and a team of officers gave an update on key areas of public health practice in Flintshire focusing on key issues raised by members of the Committee.

We were told about a range of screening initiatives undertaken by the screening division of Public Health Wales. Members of the Committee were concerned around the uptake of cervical and bowel screening. Public Health Wales explained that a number of factors including personal choice which may deter individuals from

participating in screening but emphasised that the aim was to enable all eligible people to make an informed decision as to whether or not to engage in screening.

Members were pleased to hear that all schools in Flintshire are participating in the Designed to Smile programme during the update on oral hygiene in Flintshire.

We also received an update on progress with infection prevention including developments in reducing Clostridium difficile infection, the prevention of MRSA, and the actions in place to strengthen Norovirus control measures.

Members of the Committee welcomed the initiatives and progress achieved to improve the health and well being of residents in Flintshire.

Llys Jasmine Extra Care Facility

One of the highlights of the year was the joint meeting of the Social & Health Care and Housing Overview & Scrutiny Committees held at the Llys Jasmine Extra Care Facility in Mold. The scheme which opened in October 2013 provides 63 apartments and bungalows including 15 apartments specially designed for people with dementia. Members were able to see the wonderful facilities at Llys Jasmine and how well people have settled into their new homes at this state of the art facility.

Cllr Carol Ellis

Chair – Social & Health Care Overview & Scrutiny Committee

Wales Audit Office National Scrutiny Improvement Study

In the summer of 2012, the Wales Audit Office launched its National Scrutiny Improvement Study. The work on this commenced in September 2012, with the completion of an extensive self-evaluation exercise. Subsequently, each Authority was required to establish a 'Peer Learning Exchange Team' (PLET) which was to incorporate both executive and Overview & scrutiny elected members as well as officers. The work on this project has been ongoing throughout 2013/14.

Following this guidance, the PLET which Flintshire established consisted of :

Cllr Billy Mullin, Cabinet Member for Corporate Management;
Cllr Richard Jones, then Chair of the Corporate Resources Overview & Scrutiny Committee;
Cllr Clive Carver; then Vice-chair of the Committee;
Cllr Dave Mackie, who had replaced the original nominee, Cllr Carolyn Thomas;
Robert Robins, Member Engagement Manager;
Margaret Parry-Jones, Overview & Scrutiny Facilitator (PLET lead and co-ordinator)
Ceri Owen, the 'reserve' became an active member of the team in the later stages.

The PLET members took part in a number of activities:

- Completion of the self-evaluation exercise;
- Meetings with WAO officials and other PLET co-ordinators;
- An initial workshop in Llandudno;
- A feedback workshop in Colwyn Bay;
- Attended , observed and provided feedback at two Denbighshire meetings;
- Responded to the feedback provided by the Wrexham PLET after they had observed at two Flintshire meetings;
- Reviewed the self-evaluation exercise;
- Prepared an action plan arising out of the review;
- Attended the national conference in Cardiff on 28th November – *Scrutiny in the spotlight: investing to maximise its impact.*

The conference should have seen the launch of the WAO report arising out of the exercise, to which the National Welsh Scrutiny Officer document 'Outcomes and characteristics for effective local government scrutiny' was to be appended. Whilst the characteristics were ready, the WAO report was not available.

Arising out of the study, the Constitution Committee had agreed to the setting up of an Overview & Scrutiny steering group to comprise the Chairs and Vice-chairs of the six Overview & Scrutiny committees, together with the scrutiny officer support team.

**Appendix 1 –
Membership of Overview & Scrutiny committees 2013/14**

**COMMUNITY PROFILE &
PARTNERSHIPS**

B Dunn (Chair)
R Davies
G Diskin
C Dolphin
I Dunbar
R Guest (Vice Chair)
R Hampson
B Lloyd
D Mackie
M Reece
T Sharps
P Shotton
I Smith
N Steele-Mortimer
D Williams

CORPORATE RESOURCES

T Newhouse (Chair)
H Bateman
M Bateman
C Carver
P Curtis (Vice Chair)
I Dunbar
R Hampson
P Heesom
T Howorth
R Jones
R Lloyd
M Lowe
P Shotton
I Smith
A Woolley

ENVIRONMENT

M Wright (Chair)
H Bateman
D Butler
P Curtis
C Dolphin
D Evans
V Gay
C Hinds
R Hughes
J Johnson
C Legg
N Matthews (Vice-Chair)
A Minshull
P Shotton
C Thomas

HOUSING

R Hampson (Chair)
A Bragg
D Cox
P Curtis
R Davies
G Diskin
R Dolphin
J Falshaw
A Halford
G Hardcastle (Vice Chair)
R Hughes
B Lloyd
M Reece
G Roberts
S Williams

LIFELONG LEARNING

I Roberts (Chair)
M Bateman
A Bragg
A Davies-Cooke
I Dunbar
R Hampson
S Jones
C Legg
P Lightfoot
D Mackie
N Matthews
A Minshull
P Shotton
N Steele-Mortimer
D Williams

Co-Opted Members

C Burgess
D Hytch (Vice Chair)
R Price
R Stark
S Williams

SOCIAL & HEALTH CARE

Carol Ellis (Chair)
M Bateman
P Curtis
A Davies-Cooke
D Evans
V Gay
C Hinds (Vice Chair)
S Jones
B Lloyd
M Lowe
D Mackie
H McGuill
G Roberts
I Smith
D Wisinger

Appendix 2
Topics covered and activity information

Joint Meeting of Lifelong Learning & Social & Health	
11.06.2013 and 02.05.2014	
Educational Attainment of Looked After Children Young Carers Corporate Parenting Activity Update	Safeguarding and Child Protection Report Visual Impairment Support to Children and Adults in Flintshire
Joint Meeting Housing and Environment Overview & Scrutiny Committees	
28.04.2014	
Tackling Long Term Vacant Private Homes	Private Sector Housing Renewal
Joint Meeting of Housing & Social & Health Care Committees	
28.01.2014 and 06.02.2014 (held at Llys Jasmine)	
Budget Consultation for 2014/15 Extra Care Provision in Flintshire	Telecare Delivering Home Adaptations & Supporting People
Community Profile & Partnerships met 8 times between June 2013 and April 2014	
24 June 2013 25 July 2013 3 October 2013	7 November 2013 20 January 2014 17 February 2014
	24 March 2014 28 April 2014
North Wales Police & Crime Commissioner Annual Community Safety Partnership update Glyndwr University and its links with Flintshire County Council Regional Collaboration Projects Community Endowment Fund Presentation by the RNLI Performance Reporting Local Government (Wales) Measure 2011	Consultation Document Designated Persons Order Improvement Plan Monitoring Strategic Partnerships Mid Year Update Presentation by North Wales Fire and Rescue Service on The Phoenix Project Community Safety Partnerships update Presentation by The Red Cross Clwyd Special Riding Centre Post Office Modernisation Single Integrated Plan

Corporate Resources met 13 times between May 2013 and April 2014			
16 May 2013	12 September 2013	12 December 2013	3 February 2014
13 June 2013	10 October 2013	16 January 2014	13 February 2014
11 July 2013	14 November 2013	28 January 2014	13 March 2014
			16 April 2014
<p>Management and Leadership Development Programme</p> <p>Wales Audit Office Annual Improvement Report</p> <p>Revenue Budget Monitoring</p> <p>Finance as a Flintshire Futures Workstream</p> <p>Workforce Information Reports</p> <p>Quarterly & Year End Performance Reports</p> <p>Medium Term Financial Plan 2014/15 – 2018/19</p> <p>Welfare Reform Act Update</p> <p>Discretionary Housing Payments update</p> <p>Attendance Management</p> <p>Performance and Areas of Improvement</p> <p>Asset Management as a Flintshire Futures Workstream</p> <p>Procurement as a Flintshire Futures Workstream</p> <p>Data Protection Audit by the Information Commissioner's Office</p>	<p>Wales Audit Office Regulatory Plan for Performance 2013</p> <p>People's Strategy Update</p> <p>Wales Audit Office Improvement Assessment Letter and Council's Response and Regulatory Plan</p> <p>Improvement Plan Monitoring Report</p> <p>Mid Year Service Performance Report</p> <p>Improvement Assessment Letter from the Auditor General for Wales</p> <p>Council Tax Reduction Scheme</p> <p>Council Tax and Business Rates Policies 2014-2015</p> <p>Feedback from consideration of Improvement and Performance Plans</p> <p>Budget Consultation for 2014/15</p> <p>Assets as an Organisational Change Strategy Workstream</p>		
Environment met 11 times between May 2013 and April 2014			
22 May 2013	18 September 2013	16 December 2013	26 February 2014
26 June 2013	9 October 2013	22 January 2014	2 April 2014
23 July 2013	13 November 2013	28 January 2014	
<p>Missed Collections Technology</p> <p>Extended Area of Outstanding Natural Beauty</p> <p>Tourism in Flintshire</p> <p>Quarterly & Year End Performance Reporting</p>	<p>Street Furniture and other Temporary Obstructions on the Adopted Highway</p> <p>Rural Development Plan & Presentation of Mold Food Festival</p>		

<p>Draft Flood Management Strategy & Flooding issues Speed Limit Review</p> <p>Mersey Dee Alliance</p> <p>Review of Subsidised Bus Services</p> <p>Planning Services Performance</p> <p>Update on the North Wales Residual Waste Treatment Project and the Sub-Regional Food Waste Project</p> <p>Deeside Enterprise Zone progress report</p> <p>Energy Switching Scheme – update and revised recommendations</p> <p>Environmental Enforcement Policy</p> <p>Policy for Un-adopted Roads</p> <p>Policy for the placement of a Highway</p>	<p>Regional Bus Strategy</p> <p>Review of Subsidised Bus Services update</p> <p>Improvement Plan Monitoring Report</p> <p>Mid Year Service Performance Report</p> <p>Presentation by Superfast Cymru</p> <p>North Wales Residual Waste Treatment Partnership</p> <p>The Council's Household Waste Collection Policy</p> <p>Town Centres, High Streets and Retail Areas</p> <p>Budget Consultation for 2014/15</p> <p>2nd Inter-Authority Agreement</p> <p>Recommendation of Appointment of Preferred Bidder</p>
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Housing met 10 times between 5 June 2013 to 16th April 2014

5 June 2013	16 October 2013	8 January 2014	16 April 2014
10 July 2013	20 November 2013	21 January 2014	
23 September 2013	13 December 2013	5 February 2014	

<p>Quarterly Performance</p> <p>Housing Service Plan</p> <p>Community Services Directorate Plan</p> <p>Delivering Housing Development in Flintshire without the requirement for Public Grant Subsidy</p> <p>Developing the Flintshire Housing Offer through establishment of a Housing Company</p> <p>Developing the Private Rented Sector to help meet the need for more affordable housing</p> <p>Flint Town Centre Housing Regeneration</p> <p>Housing Revenue Account 30 Year Business Plan</p> <p>SARTH</p>	<p>Improvement Plan Monitoring Report</p> <p>Mid Year Service Performance Report</p> <p>Legal and Governance issues around Establishing a proposed Housing Company</p> <p>Communal Area Management & Fire Safety</p> <p>Housing Asset Management Strategy</p> <p>Anti Social Behaviour and Neighbourhood Management</p> <p>Tenant Satisfaction Survey Results and Action Plan</p> <p>Budget Consultation for 2014/15</p> <p>Sheltered Housing Improvement Project</p> <p>Update on the delivery of the Choices document</p> <p>Collaborative Working in Housing</p> <p>Welfare Reform Update</p>
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Lifelong Learning met 11 times between June 2013 and April 2014

6 June 2013	Call-In Meeting	5 September 2013	19 December 2013	31 March 2014
6 June 2013		10 October 2013	30 January 2014	10 April 2014
11 July 2013		14 November 2013	6 March 2014	

Home to School Transport Policy Changes	Schools Performance Monitoring Group
Quarterly Performance Reporting	Annual Report
Outcome of Estyn Monitoring Visit	School Balances
Presentation by Alliance & Leisure	Corporate Parenting Activity update
Sport and Leisure Business Plan 2013-2017 – A Local Authority Partnership	Anti Social Behaviour Policy
Agreement with Sport Wales	Improvement Plan Monitoring report
Directorate Plan	Mid Year Service Performance Report
Play Development: Summer Play Schemes	Community Events Strategy 2014-2017
School Music Service	Health & Safety Annual Report
Play Provision: Children’s Play Areas	Recommendations of the Playscheme Task & Finish Group
Update on Statutory Notices for School Modernisation	Terms of Reference of the Leisure Finance Task & Finish Group
Lifelong Learning Performance Reporting	Budget Consultation for 2014/15
Schools Funding Formula Review	National Model for Regional Working in School Improvement
Developing the Local Education System Approach to the Hill Review of Education Services	Annual School Modernisation Report
Flintshire Music Service Review	Request from a Member
School Kitchen Ventilation Replacement Scheme	Term of Office of Co-Opted Members
Leisure Services Review Task & Finish Group	Pupil Attainment
Educational Attainment of Looked After Children	Incidents of Arson, Vandalism and Burglaries in Flintshire Schools
Young Carers	Regional School Effectiveness and Improvement Services (GWE)
Apprenticeships, Training and Development Opportunities	Facilities Review
	Improvement Plan 2014/15

Social & Health Care met 9 times from May 2013 to March 2014		
9 May 2013	19 September 2013	9 January 2014
20 June 2013	24 October 2013	13 February 2014
25 July 2013	25 November 2013	20 March 2014
Provision of Health & Social Services by Third Sector Organisations in Flintshire	Adult Safeguarding	
Annual Report of Social Services	Learning Disability Commissioning Plan	
Representations and Complaints Procedure 2012-13	Adults Safeguarding Regional Proposal development of a National Adoption Service for Wales	
Transformation of Double Click to a Social Enterprise	Carers Services in Flintshire	
Transition Update	Social Services Improvement Agency	
Social Services and Well Being (Wales) Bill	Workshop outcome for Double Click and Agreement to progress	
Educational Attainment of Looked After Children	Internal Audit of Safeguarding arrangements	
Young Carers	CSSIW Annual Review and Evaluation of Performance 2012/13	
Corporate Parenting Activity update	Mental Health Commissioning Plan	
Anti Social Behaviour Policy	Dementia Commissioning Plan	
Emergency Duty Team Update	Social & Health Care Improvement Plan Monitoring Report	
Annual Council Reporting Framework	Social & Health Care Mid Year Service Performance Report	
Performance reporting	Collaborative Projects Update	
Betsi Cadwaladr University Health Board	Integrated Family Support Service	
Social Enterprise (Double Click) Business Plan Report	Enhanced Care at home Scheme	
Carers Strategy (Wales) Measure update	Public Health Update	
Welsh Ambulance Service	Rota Visits and Outcomes	

Key:

CP & P = Community Profile & Partnerships Overview & Scrutiny Committee

CR = Corporate Resources Overview & Scrutiny Committee

E = Environment Overview & Scrutiny Committee

H = Housing Overview & Scrutiny Committee

LL = Lifelong Learning Overview & Scrutiny Committee

S&HC = Social and Health Care Overview & Scrutiny Committee

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CONSTITUTION COMMITTEE**

DATE: **WEDNESDAY, 15 OCTOBER 2014**

REPORT BY: **MEMBER ENGAGEMENT MANAGER**

SUBJECT: **SCOPING THE REVIEW OF THE OVERVIEW & SCRUTINY COMMITTEE STRUCTURE**

1.00 PURPOSE OF REPORT

1.01 To determine the scope of the 2014 review of the Overview & Scrutiny Committee Structure.

2.00 BACKGROUND

2.01 Flintshire has been operating with its current six committee Overview & Scrutiny (O&S) structure since the last review in 2010 (although the Co-ordinating Committee was subsumed into the Constitution Committee in 2012). The current terms of reference are contained in Article 6 of the Constitution and attached as Appendix A of this report.

2.02 At the 2013 Annual Meeting, in the light of the new operating model and senior management structure of the Council, it was recognised that there was now a need for a review of the Overview & Scrutiny Committees. It was resolved that the Chief Executive would prepare a scoping paper for the Constitution Committee

2.03 The current Overview & Scrutiny structure is of six committees, which between them cover all of the Authority's 600 plus services and also have the ability to engage with external bodies, using the general power available in section 21 (2) (e) of the Local Government Act 2000.

2.04 Section 21(1) of the Local Government Act 2000 requires a principal council to have at least one Overview & Scrutiny committee.

3.00 CONSIDERATIONS

3.01 A number of models for how our O&S structure might look for the future could be suggested, even at this early stage. However, it is acknowledged that a Member Opinion survey has not been carried out to elicit their views: the last one was in 2009/10.

- 3.02 There is a particular concern that following the changes to the operating model, that some of the Cabinet Members and Chief Officers are having to attend more than one Overview & Scrutiny committee. This is not a good use of already stretched resources, hence the inclusion of the statement ' We must have efficiency of attendance from Cabinet and Chief Officer Team members (at Overview & Scrutiny committee meetings'.
- 3.03 That being so, and to provide the officers with the design principles for a review, it would be beneficial for us to consider the following statements and questions:
1. Overview & Scrutiny must have the capacity to cover all of our internal services and external challenges.
 2. Overview & Scrutiny must have the capacity, ability and enthusiasm to take a full and active part in our Improvement agenda.
 3. We must ensure efficiency of attendance from Cabinet and Chief Officer Team (COT) members at Overview & Scrutiny committee meetings.
 4. All of the committees should have broadly similar workloads.
 5. Overview & Scrutiny must have a clearly defined and valued role in corporate governance and improvement.
 6. Overview & Scrutiny must have the ability and capacity to provided well evidenced solutions to recognised problems.
 7. Overview & Scrutiny must be member led, whilst taking into account the needs of the organisation and the views of the public, our partners and our regulators.
 8. Overview & Scrutiny must be credible to all our members, our public, partners and regulators.
 9. Overview & Scrutiny must be able to balance small pictures - detailed scrutiny - with big pictures -more imaginative overview.
 10. Overview & Scrutiny must have flexibility, durability and appetite for change.
 11. Should the O&S structure focus be the Council's Improvement priorities or the operating model?
 12. Is six committees of fifteen Members the right number or should this be reduced or increased?

13. What will the officers need to support change and help them to implement it?
14. What does the public need to comment on/influence change through consultation on policy and service reviews.

3.03 Depending on how Members respond to the questions/statements above, it may be necessary to conduct further research into this issue. However, if the responses to the questions elicit answers which provide clear guidance, then a report setting out a number of different O&S structural models could be submitted to the 28th January 2014 meeting, or an earlier special meeting if so required.

As a first stage in consultation, the statements and questions which are intended to form the design principles for further work, were forwarded to the political group leaders and the chairs of the Overview & Scrutiny committees for them to comment. The responses which were received are included as appendix 2.

4.00 RECOMMENDATIONS

4.01 That the committee consider the draft guiding principles and questions above, together with the leading Member feedback in Appendix 2 and provide guidance to the officers as to how this issue should be progressed.

5.00 FINANCIAL IMPLICATIONS

5.01 None directly at this stage.

6.00 ANTI POVERTY IMPACT

6.01 None directly at this stage.

7.00 ENVIRONMENTAL IMPACT

7.01 None directly at this stage.

8.00 EQUALITIES IMPACT

8.01 None directly at this stage.

9.00 PERSONNEL IMPLICATIONS

9.01 None directly at this stage.

10.00 CONSULTATION REQUIRED

10.01 Publication of this report constitutes consultation.

11.00 CONSULTATION UNDERTAKEN

11.01 The political group leaders, Overview & Scrutiny Chairs and appropriate senior officers have been consulted.

12.00 APPENDICES

Appendix 1: Article 6 of the Constitution – Overview & Scrutiny Committees

Appendix 2: Responses to initial consultation from leading Members.

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

Contact Officer: Robert Robins
Telephone: 01352 702320
Email: Robert.robins@flintshire.gov.uk

Article 6 – Overview and Scrutiny Committees

6.01 Terms of reference

The Council will appoint the Overview and Scrutiny Committees set out in the left hand column of the table below to discharge the functions conferred by section 21 of the Local Government Act 2000 in relation to the matters set out in the right hand column of the same table.

Committee	Scope
Corporate Resources 15 Elected Members	Corporate Management and Governance, organisational design/Flintshire Futures Programme, monitoring finance but not specific control issues which are within the remit of the Audit Committee, Revenue and Capital Budget monitoring, Asset Management, Strategy and Planning, People Strategy and Single Status, Strategic Assessment of Risks and Challenges, Overview and Coordination of the Performance Management, Performance and Policy development for all 4 Corporate Services: HR and OD, ICT and Customer Services, Finance, Legal & Democratic Services.
Community Profile & Partnerships 15 Elected (Statutory Crime & Disorder Committee)	Community Strategy and Leadership initiatives. All external and regional collaboration and partnership working with other public service bodies. Local Service Board. Community Safety Partnership. Statutory Crime & Disorder Committee, thus relationship with the Police, Fire, Probation etc, Voluntary Sector compact, Clwyd Theatre Cymru, Cross Cutting Policy issues, the Outcome Agreement, but excluding issues specifically remitted to another committee (eg. NWRWTP, TAITH or DCELLS)
Environment 15 Elected Members	All services provided by the Environment Directorate including: Assets & Transportation, including TAITH, highways, engineering and energy issues but not valuation/estates which are specifically remitted to the Corporate Resources OSC. Planning, including planning and environmental strategy, development control, minerals and waste planning, countryside and the environment. Public Protection, including community, health protection and environmental protection. Regeneration, including Communities First, economic development & tourism, enterprise and the Regeneration Partnership. Street Scene Services, including AD Waste, environmental and waste management, neighbourhood services and the vehicle fleet. Performance and Policy. Development within the Environment Directorate.

<p>Housing 15 Elected Members</p>	<p>All housing services provided by the relevant divisions of the Community Services Directorate eg. Housing Management, Housing Strategy, Stock Ballot progress and ongoing work relating to the future of the housing stock. Neighbourhood housing renewal areas. Performance and policy development for the Housing Service.</p>
<p>Lifelong Learning 15 Elected Members (5 Statutory Co-Opted Members)</p>	<p>All services provided by the Lifelong Learning Directorate: Education – school organisation, School Improvement, Early Years, Special Educational needs. Adult and Community Learning, Youth Services Libraries, Culture and Heritage including archives, records management and museums. Leisure Services, including leisure and sports centres, swimming pools and recreational facilities/activities. Relations with external education providers/partners – Deeside College, Glyndwr University etc on service specific issues. Relations with DCELLS, Children and Young People’s Partnership (jointly with S & HC O&S). Performance and policy development for services within the Lifelong Learning Directorate.</p>
<p>Social and Health Care 15 Elected Members</p>	<p>Services provided by the Community Services Directorate relating to: Social Services to Adults, Social Services to Children, Social & Health Care Strategy Development, Children and Young People’s Partnership (jointly with Lifelong Learning O&S). Monitoring service delivery by the Health Services Providers and Voluntary sector including the relationship with Betsi Cadwaladr UHB. Health Social Care and Well-being partnership and the Good Health Good Care Strategy. Policy and Performance development within the Social Care and Development and Resources Division of the Community Services Directorate.</p>

In addition to the above Overview & Scrutiny Committees, the following terms of reference relating to Overview & Scrutiny have been given by the Council to the Constitution Committee

Committee	Scope
<p>Constitution (as it relates to Overview & Scrutiny) 21 Elected Members</p>	<p>Allocating, co-ordinating and prioritising the work of the Overview & Scrutiny Committees where necessary. Dealing with matters of common interest to overview and scrutiny. Identification/allocation of appropriate Scrutiny Chair for consent/consultation purposes. The examination and development of good scrutiny practice. The promotion, effective development and maintenance of a high profile</p>

	<p>Overview and Scrutiny Function to ensure maximum opportunity for non-Cabinet member engagement. Liaison with and responding to the Welsh Assembly Government on emerging legislation relevant to O&S.</p>
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6.02 General role

Within their terms of reference, Overview and Scrutiny Committees will:

- i) Review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's or Cabinet's functions;
- ii) Make reports and/or recommendations to the full Council and/or the Cabinet; and/or any joint Committee.
- iii) Consider any matter affecting the Council area or its inhabitants; and
- iv) Exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet.

6.03 Specific functions

(a) **Policy development and review.** Overview and Scrutiny Committees may:

- i) assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
- ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- iv) question members of the Cabinet and/or Committees and Chief Officers about their views on issues and proposals affecting the area; and
- v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(b) **Scrutiny.** Overview and Scrutiny Committees may:

- i) review and scrutinise the decisions made by and performance of the Cabinet and/or Committees and Council officers both in relation to individual decisions and over time;
- ii) review and scrutinise the performance of the Council in relation to

its policy objectives, performance targets and/or particular service areas;

- iii) question members of the Cabinet and/or Committees and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
 - iv) make recommendations to the Cabinet and/or appropriate Committee and/or Council arising from the outcome of the Scrutiny process;
 - v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance; and
 - vi) question and gather evidence from any person (with their consent).
- (c) **Finance.** Overview and Scrutiny Committees may exercise overall responsibility for the finances made available to them.
- (d) **Annual report.** Overview and Scrutiny Committees must report annually to full Council through the Constitution Committee on their workings and make recommendations for future work programmes and amended working methods if appropriate.
- (e) **Officers.** Overview and Scrutiny Committees may exercise overall responsibility for the work programme of the officers employed to support their work.

6.04 **Proceedings of Overview and Scrutiny Committees**

Overview and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

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**From Councillor Mike Peers, Leader of the Independent Alliance
(Emphasising that these are his personal views)**

1. Overview & Scrutiny must have the capacity to cover all of our internal services and external challenges.

AGREED.

2. Overview & Scrutiny must have the capacity, ability and enthusiasm to take a full and active part in our Improvement agenda.

AGREED.

3. We must ensure efficiency of attendance from Cabinet and Chief Officer Team (COT) members.

AGREED. This is fundamental in order for the Overview & Scrutiny to bring to account the decision makers and those empowered to bring about change.

4. All of the committees should have broadly similar workloads.

Not necessarily. A robust forward work programme will drive the workload.

5. Overview & Scrutiny must have a clearly defined and valued role in corporate governance and improvement.

AGREED.

6. Overview & Scrutiny must have the ability and capacity to provide well evidenced solutions to recognised problems.

AGREED. Officer support to committees is crucial in order to bring about evidenced solutions, but also in a timely manner.

7. Overview & Scrutiny must have been Member led, whilst taking into account the needs of the organisation and the views of the public, our partners and our regulators.

AGREED.

8. Overview & Scrutiny must have be credible to all our Members, our public, partners and regulators.

AGREED.

9. Overview & Scrutiny must have be able to balance small pictures - detailed scrutiny - with big pictures -more imaginative overview.

Not sure what the question is asking but a balanced view of all information received is required.

10. Overview & Scrutiny must have flexibility, durability and appetite for change.

I agree with flexibility and durability, but it's not so much an appetite for change but the recognition that change is required for a reason.

11. Should the O&S structure focus be the Council's Improvement priorities or the operating model - the Chief Officer structure?

In my view, both.

12. Is six committees of fifteen Members the right number or should this be reduced or increased?

I don't have a strong view on this, but it must be politically balanced. I am content for the Constitution committee to review the current position.

13. What will the officers need to support change and help them to active it?

Time ,commitment, and the desire.

14. What does the public need to comment on/influence change through consultation on policy and service reviews.

Access to Overview and Scrutiny forward work programmes, and perhaps access to an Overview & Scrutiny "Champion" for all things O & S.

From Councillor Ron Hampson, Chair of Housing Overview & Scrutiny Committee

In reply to your circular requesting views on a future structure for Overview and Scrutiny after the departmental structure change, I feel we should retain the six Committees, Corporate Resources, Lifelong Learning, Social Services, Housing, Environment, with possibly a change to Community Profile to give it a bigger role in keeping with the departmental changes. I believe we should carry on bringing Outside Bodies in, which is useful, but add some more specific subjects.

In line with the departmental structure change, there are a number of options to go with each main heading but I feel Economic Development should go with Housing and obviously Leisure with Lifelong Learning; I feel the new system should be structured in a way that Officers' attend the least amount of Committees that would allow them to deal with their portfolio.

I agree with most of the statement on your list of main requirements for Overview and Scrutiny but these are my views on the following points:

11. I feel that Overview and Scrutiny structure should focus mainly on the council's improvement priorities while keeping in line with Chief Officer's structure change as much as possible.

12. I feel a Committee of fifteen is the right number.

13. The Officers' will need the Committee to be suggesting new ideas to help them in un-chartered territory as well as intense and constructing scrutiny.

14. During the last Housing meeting we brought a member of the public before the Committee because he felt strongly about a subject and had pursued it diligently. I would suggest this might be a good idea for other Committees occasionally when somebody has strong views on a particular subject.

From Councillor Clive Carver, Leader of the Conservative Group

I certainly agree the statements 1 to 10.

In general I see no need to change anything in O&S in the near future, certainly not whilst the new operating model is bedding in.

What I would like to see though, in parallel with any proposals to change O&S based on questions 11 to 14, is more of an alignment of Cabinet portfolios with the new operating model.

From Councillor Carol Ellis, Chair of Social & Healthcare O&SC

Think the current model works quite well. I would not like to see Social and Health Overview joined with any other Committee as most issues scrutinised are regulated as you know. I do think more input from the public would be of benefit, contributing but not voting.

From Councillor Hilary Isherwood, Chair of Environment O&SC

1) I feel this action may be somewhat jumping the gun. If we are to merge with Wrexham, we would need to make sure our structure of Directorates and thus Scrutinies were in line with each other.

2) I feel we could do with co-opting more members of the public. A perfect example to this would be Council Tenants, re Housing Scrutiny?.

3) With the Cabinet system, we really need to make sure the vast majority of the Council have a real voice. Although you have asked Group leaders and Chairs and Vice Chairs, this really is one for the whole Council.

From Councillor Brian Dunn, Chair of Community Profile & Partnerships Overview & Scrutiny Committee (telephone message)

I am happy with the design principles which you have identified.

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CONSTITUTION COMMITTEE**

DATE: **WEDNESDAY, 15 OCTOBER 2014**

REPORT BY: **MEMBER ENGAGEMENT MANAGER**

SUBJECT: **WALES AUDIT OFFICE NATIONAL SCRUTINY
IMPROVEMENT STUDY - ACTION PLAN UPDATE**

1.00 PURPOSE OF REPORT

1.01 To update the Committee on the progress with the Action Plan arising out of the Wales Audit Office (WAO) National Scrutiny Improvement Study.

2.00 BACKGROUND

2.01 Members will be aware of this ongoing project from the previous reports which have been made to the Constitution Committee. The Study commenced in September 2012 with a Self Evaluation exercise. Subsequently a "Peer Learning Exchange Team" (PLET) comprising Members and Officers was established.

2.02 There followed an extensive period of activity which saw Flintshire's PLET (Councillors Mullin, Richard Jones, Carver and Mackie together with the Member Engagement Manager and both Overview & Scrutiny Facilitators) becoming involved in observing at two Denbighshire committees and participating in a range of North Wales workshops.

2.03 Arising out of this activity, an action plan was submitted to the Constitution Committee at its meeting on 13th July 2013. The action plan was approved and has been the subject of progress reports subsequently.

3.00 CONSIDERATIONS

3.01 Arising out of the Study, the Action Plan was identified and the current version is attached as Appendix 1. Whilst the majority of actions have been completed, the inaugural meeting of the Steering Group of Chairs and Vice Chairs has not yet taken place, and work with the Public Engagement Strategy is still ongoing.

3.02 The Chairs and Vice Chairs are currently being consulted on preferences for the Steering meeting – whether this should be a morning, afternoon or evening.

3.03 The Public Engagement Strategy will be submitted to the inaugural meeting of that Group, and subsequently to the Constitution Committee at its meeting on the 28th of January 2015.

3.04 Further updates on the development of the Action Plan will be made to the Committee as and when necessary.

4.00 RECOMMENDATIONS

4.01 That the Committee have regard to the update provided and make such observations as they so wish on the Action Plan arising out of the WAO Study.

5.00 FINANCIAL IMPLICATIONS

5.01 None

6.00 ANTI POVERTY IMPACT

6.01 None

7.00 ENVIRONMENTAL IMPACT

7.01 None

8.00 EQUALITIES IMPACT

8.01 None

9.00 PERSONNEL IMPLICATIONS

9.00 None

10.00 CONSULTATION REQUIRED

10.00 None

11.00 CONSULTATION UNDERTAKEN

11.01 None

12.00 APPENDICES

Appendix 1: Action Plan arising out of the WAO study.

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985 BACKGROUND DOCUMENTS

Contact Officer: Robert Robins
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Email: Robert.robins@flintshire.gov.uk

WAO Peer Review Action Plan

	Area for consideration	Proposed Actions	Lead	Timescale	Actions Carried Out
1.	Citizen Engagement – restricted space for public attendance	Review the approach and consider additional capacity requirements according to need.	Robert Robins	Achieved	Tables to be moved from public gallery and extra chairs put in as required(as per the suggestion made at the Constitution Committee)
2.	Continue to raise the profile of scrutiny and 'awareness raising'		Robert Robins	On-going	Work in progress.
3.	Reports to Cabinet to include a section to ensure scrutiny accurately reflected	Cabinet to consider suggestion of including an additional section within Cabinet report template – best practice example Wrexham.	Gareth Owens/ Peter Evans	End of 2013/14 Municipal year	Not considered worthwhile during a review of report style.
4.	More challenge and more effective questioning needed in O&S meetings What value was added by scrutiny?	O & S Member training needs analysis – taking into account specific skills required for effective scrutiny – e.g. questioning skills / Different chairing skills / encourage apolitical environment etc. (avoid groups sitting together etc) Why poor attendance? Need for certain aspects to be compulsory? (Audit/planning). Training not well attended	Peter Evans	On-going	Training was provided by Julia Wright October/November 2013 but was poorly attended.
5.	Certain aspects of training to be made compulsory	Report to the Democratic Services Committee, July 2012.	Robert Robins	On-going	It was agreed that O&S training should not be compulsory but that group leaders would be asked to encourage their members to attend

	Area for consideration	Proposed Actions	Lead	Timescale	Actions Carried Out
6.	Inconsistency between scrutiny committees in terms of pre-meetings	The issue of variation is accepted but there has to be some flexibility that allows judgment to be used based on the different needs of O & S Committees. Pre-meetings for both chairs and for whole committees are recognised as being good practice.	Robert Robins	On-going	Whether a chair wants a briefing or not depends on the content of the agenda. A 'mixed economy' approach is likely to prevail. The officers advocate holding of briefings as good practice.
7.	Value of an executive summary or briefing note for lengthy reports/documents	To be considered	Gareth Owens	Ongoing	The style of Council, Cabinet and committee reports is being reviewed
8.	More detailed and 'active' recommendations for and resolutions from O&S cttes	'Active' rather than 'passive' recommendations to be included within reports where possible. Committee Chairs and their advisors to ensure that committee resolutions are 'active'	Report Authors/ Ctte takers	On-going	This will need to be monitored: report authors need to be reminded periodically.
9.	Members of public not allowed to routinely speak at scrutiny	Covered by the 'Four protocols' and to be an element of the Public Engagement Strategy	O&S Team	On-going	At some Scrutiny Committees, the Chairs have used their discretion to allow members of the public who were attending to contribute at the meeting. A formal request was made to attend Housing O&SC

	Area for consideration	Proposed Actions	Lead	Timescale	Actions Carried Out
					on 10.9.14, when a member of the public attended to give his views.
10.	Consider the impact of the limited resource available and impact on activity e.g. expert witnesses, training, etc	The use of 'expert witnesses' within O&S has always been very limited, but should not be discounted as their use could be fundamental to Members' understanding of issues in particular cases. Within 2013/14 there has been budget available for training. For the future, the O&S officer team can deliver training.	O&S Team	On-going	Training was carried out in October/November 2013 but was poorly attended which reduces the cost effectiveness of sourcing external trainers.
11.	Engage local members more formally on issues affecting their communities (as the voice of local people)	Chair/Vice Chairs to consider (Denbighshire example)	O&S Team	Ongoing	Work in progress: this will be informed by the CfPS Workshop on Public Engagement and will fall within the remit of the proposed steering group (see item 12, below)
12.	Consultation on development issues with Chairs and vice-chairs	<p>Previous versions of this action plan have referred to Chairs and Vice-chairs. This also arose during the O&S training. It is proposed to establish regular meetings between the O&S Chairs and Vice chairs and the O&S Team to discuss issues of common interest in the continued development of O&S. This is a practice which FCC had in the past (the former Co-ordinating Body) and is still used to great benefit in other North Wales authorities.</p> <p>It is intended that such a body would 'own' this action</p>	O&S Team	Immediate, if the Constitution Committee Supports the proposal.	Not all Chairs and Vice-chairs have indicated whether they would participate.

	Area for consideration	Proposed Actions	Lead	Timescale	Actions Carried Out
		<p>plan and that it would continue as a 'live document', reporting to the Constitution Committee as necessary.</p> <p>The Steering Group would also lead on the self-evaluation proposals which were agreed at the October meeting</p>			

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CONSTITUTION COMMITTEE**

DATE: **WEDNESDAY, 15 OCTOBER 2014**

REPORT BY: **CHIEF OFFICER, GOVERNANCE**

SUBJECT: **REVIEW OF THE MEMBERS' CODE OF CONDUCT**

1.00 PURPOSE OF REPORT

1.01 To review the Members' Code of Conduct.

2.00 BACKGROUND

2.01 At its meeting on the 8 April 2008 the County Council adopted the Members' Code of Conduct giving effect to the Local Authorities (Model Code of Conduct) (Wales) Order 2008. That Order prescribes information that must be contained in any Council's Members' Code of Conduct. Flintshire's Code did not add any additional provisions to those prescribed by the Order.

2.02 When Flintshire adopted its Local Resolution Procedure and Flintshire Standards of Conduct at the Council meeting on the 25 June 2013 paragraph 6 (2) of the Code was amended to incorporate reference to compliance with these.

2.03 The Members' Code of Conduct forms part of the Council's Constitution and the committee is in the last year of its 3 year programme to review all parts of the Constitution. The guiding principles of the review are to ensure that the Constitution is up-to-date and that the wording is clear and unambiguous.

2.04 At its meeting on the 6 October 2014 the Standards Committee considered a report on the review of the Members' Code of Conduct and agreed the changes indicated as tracked changes in Appendix A.

3.00 CONSIDERATIONS

3.01 Whilst there is no power to remove from the Code the prescribed provisions there is in theory the power to add additional provisions. In view of the potential sanctions for breach of the Code there should be a proven need for any additional requirements being imposed. There are other ways of improving standards such as protocols or other guidance documents that should be considered prior to making additions to the Members' Code.

3.02 Appendix A shows the following proposed changes to update or clarify the existing wording:-

- Wherever there is a reference to community council to add the words “town or” so as to clarify that the code applies to members to town councils.
- Where in paragraph 2 (2) it refers to the general principles for these to be attached to the code.
- In clause 3 (a) to delete the reference to Police Authority to update the code.
- In paragraph 8 (a) (ii) to change the reference from Chief Finance Officer to Section 151 officer to avoid ambiguity over the reference to the post being referred to.

4.00 RECOMMENDATIONS

4.01 For the committee to approve the reviewed Members’ Code of Conduct shown in Appendix A.

5.00 FINANCIAL IMPLICATIONS

5.01 None as a result of this report.

6.00 ANTI POVERTY IMPACT

6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

10.01 None as a result of this report.

11.00 CONSULTATION UNDERTAKEN

11.01 None as a result of this report.

12.00 APPENDICES

12.01 Appendix A – The Members’ Code of Conduct

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS

None

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PART 5 – CODES AND PROTOCOLS

Members' Code of Conduct

ADOPTED BY RESOLUTION OF

THE COUNTY COUNCIL

8th April 2008
to take effect from 2nd May 2008

THE LOCAL AUTHORITIES

(MODEL CODE OF CONDUCT) (WALES) ORDER 2008

With the determination of the amount of £10.00
for the purposes of paragraph 17 recorded in paragraph 18

PART 1
INTERPRETATION

1.(1) In this code —

“co-opted member”, in relation to a relevant authority, means a person who is not a member of the authority but who —

- (a) is a member of any committee or sub-committee of the authority, or
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,

and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee;

“meeting” means any meeting —

- (a) of the relevant authority,
- (b) of any Cabinet or board of the relevant authority,
- (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint/sub-committee of any Cabinet or board of the authority, or
- (d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committee and Political Groups) Regulations 1990(1),

and includes circumstances in which a member of an Cabinet or board or an officer acting alone exercises a function of an authority;

“member” includes, unless the context requires otherwise, a co-opted member;

“relevant authority” means—

- (a) a county council,
- (b) a county borough council,
- (c) a town or community council,
- (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004(2) or a scheme to which section 4 of that Act applies,
- (e) a National Park authority established under section 63 of the Environment Act 1995(3);

“you” means you as a member or co-opted member of a relevant authority; and

Comment: For clarity

(1) S.I. 1990/1553 as amended by S.I. 1991/1389; S.I. 1993/1339; S.I. 1998/1918; and S.I. 1999/500.
(2) 2004 c.21.
(3) 1995 c.25.

“your authority” means the relevant authority of which you are a member or co-opted member.

- | (2) In relation to a town or community council, references to an authority’s monitoring officer and an authority’s standards committee are to be read, respectively, as references to the monitoring officer and the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(2) of the Local Government Act 2000.

Comment: For clarity

PART 2

GENERAL PROVISIONS

- 2.(1) Save where paragraph 3(a) applies, you must observe this code of conduct
- (a) whenever you conduct the business, or are present at a meeting, of your authority;
 - (b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;
 - (c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or
 - (d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.
- (2) You should read this code together with the attached general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

3. Where you are elected, appointed or nominated by your authority to serve —

- (a) on another relevant authority, or any other body, which includes a ~~Local Health Board~~ you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or
- (b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

Comment: No longer exists

Deleted: police authority or

4. You must —

- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
- (b) show respect and consideration for others;
- (c) not use bullying behaviour or harass any person; and
- (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

5. You must not —

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

6.(1) You must —

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
- (b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
- (c) report to the Public Services Ombudsman for Wales and to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
- (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) You must –

- (a) adhere to the Flintshire standard of conduct
- (b) cooperate with the Local Resolution Procedure
- (c) comply with any request of the Monitoring Officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7. You must not —

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of your authority —
 - (i) imprudently;
 - (ii) in breach of your authority's requirements;
 - (iii) unlawfully;
 - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
 - (v) improperly for political purposes; or
 - (vi) improperly for private purposes.

8. You must —

- (a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —
 - (i) the authority's head of paid service;
 - (ii) the authority's [Section 151](#) officer;

Comment: We do not have a Chief Finance Officer and Section 151 does not create such an officer

Deleted: chief finance

- (iii) the authority's monitoring officer;
 - (iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9. You must —

- (a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;
- (b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

PART 3
INTERESTS

Personal Interests

- 10.(1)** You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.
- (2) You must regard yourself as having a personal interest in any business of your authority if —
- (a) it relates to, or is likely to affect —
 - (i) any employment or business carried on by you;
 - (ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;
 - (iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;
 - (iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
 - (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
 - (vi) any land in which you have a beneficial interest and which is in the area of your authority;
 - (vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
 - (viii) any body to which you have been elected, appointed or nominated by your authority;
 - (ix) any —
 - (aa) public authority or body exercising functions of a public nature;
 - (bb) company, industrial and provident society, charity, or body directed to charitable purposes;
 - (cc) body whose principal purposes include the influence of public opinion or policy;
 - (dd) trade union or professional association; or
- (ee) private club, society or association operating within your authority's

- area,
 in which you have membership or hold a position of general control or management;
- (x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;
 - (b) a member of the public might reasonably perceive a conflict between your role in taking a decision, upon that business, on behalf of your authority as a whole and your role in representing the interests of constituents in your ward or electoral division; or
 - (c) a decision upon it might reasonably be regarded as affecting —
 - (i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
 - (ii) any employment or business carried on by persons as described in 10(2)(c)(i);
 - (iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;
 - (iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
 - (v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management, to a greater extent than the majority of—
 - (aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
 - (bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure of Personal Interests

- 11.(1)** Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority and you make —
- (a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or
 - (b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the

representation and interest in writing within 14 days of the representation.

- (3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an Cabinet or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.
- (4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer from time to time but, as a minimum containing —
 - (a) details of the personal interest;
 - (b) details of the business to which the personal interest relates; and
 - (c) your signature.
- (5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.
- (6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.
- (7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

Prejudicial Interests

- 12.(1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—
 - (a) relates to —
 - (i) another relevant authority of which you are also a member;
 - (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
 - (iii) a body to which you have been elected, appointed or nominated by your authority;
 - (iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;

- (v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;
- (b) relates to —
 - (i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;
 - (iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;
 - (iv) the functions of your authority in respect of an allowance or payment made under sections 22(5), 24(4) and 173 to 176 of the Local Government Act 1972, an allowance or pension under section 18 of the Local Government and Housing Act 1989 or an allowance or payment under section 100 of the Local Government Act 2000;
- (c) your role as a town or community councillor in relation to a grant, loan or other form of financial assistance made by your town or community council to community or voluntary organisations up to a maximum of £500.
- (3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

Comment: To clarify

Overview and Scrutiny Committees

- 13.** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority’s Cabinet, board or another of your authority’s committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the Cabinet, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

Participation in Relation to Disclosed Interests

- 14.(1)** Subject to sub-paragraphs (2), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority’s standards committee —
- (a) withdraw from the room, chamber or place where a meeting considering the

business is being held—

- (i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or
 - (ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;
- (b) not exercise Cabinet or board functions in relation to that business;
 - (c) not seek to influence a decision about that business;
 - (d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and
 - (e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.
- (2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.
- (3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if —
- (a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or
 - (b) you have the benefit of a dispensation provided that you —
 - (i) state at the meeting that you are relying on the dispensation; and
 - (ii) before or immediately after the close of the meeting give written notification to your authority containing —
 - (aa) details of the prejudicial interest;
 - (bb) details of the business to which the prejudicial interest relates;
 - (cc) details of, and the date on which, the dispensation was granted; and
 - (dd) your signature.
- (4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

PART 4
THE REGISTER OF MEMBERS' INTERESTS

***Registration of Financial and Other Interests and Memberships and
Management Positions***

15.(1) Subject to sub-paragraph (3), you must, within 28 days of—

- (a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or
 - (b) your election or appointment to office (if that is later),
register your financial interests and other interests, where they fall within a category mentioned in paragraph 10(2)(a) in your authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to your authority's monitoring officer.
- (2) You must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under sub-paragraph (1), register that new personal interest or change by providing written notification to your authority's monitoring officer.
- (3) Sub-paragraphs (1) and (2) do not apply to sensitive information determined in accordance with paragraph 16(1).
- (4) Sub-paragraph (1) will not apply if you are a member of a relevant authority which is a town or community council when you act in your capacity as a member of such an authority.

Sensitive information

- 16.**(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
- (3) In this code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Registration of Gifts and Hospitality

17. You must, within 28 days of receiving any gift, hospitality material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer of the existence and nature of that gift, hospitality material benefit or advantage.

18. The Authority has determined that for the purposes of paragraph 17 the amount shall be £10.00 until further determination.

The Principles

The Local Government Act empowered the National Assembly to issue principles to which you must have regard in undertaking your role as a member. The Code is based on these principles which are designed to promote the highest possible standards. These principles draw on the 7 Principles of Public Life which were set out in the Nolan Report “Standards of Conduct in Local Government in England, Scotland and Wales”. Three more were added to these: a duty to uphold the law, proper stewardship of the Council’s resources and equality and respect for others.

Members elected to local authorities give generously of their time and commitment for the benefit of their communities. The principles provide a framework for channelling your commitment in a way which will reflect well on you and your authority, and which will give your communities confidence in the way that your authority is governed.

The individual sections of the Code are designed to support the implementation of the Principles. For example, the Selflessness principle is covered by Section 7 of the Code – Selflessness and Stewardship.

The current principles were set out in a statutory instrument¹ and are detailed below.

1. Selflessness

Members must act solely in the public interest. They must never use their position as members to improperly confer advantage on themselves or to improperly confer advantage or disadvantage on others.

2. Honesty

Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.

3. Integrity and Propriety

Members must not put themselves in a position where their integrity is called into

question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

4. Duty to Uphold the Law

Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.

5. Stewardship

In discharging their duties and responsibilities members must ensure that their authority's resources are used both lawfully and prudently.

6. Objectivity in Decision-making

In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, members must make decisions on merit. Whilst members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.

7. Equality and Respect

Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others.

8. Openness

Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.

9. Accountability

Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.

10. Leadership

Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority's statutory officers and its other employees.

The principles are not part of the Model Code, and failure to comply with the Principles is not of itself, therefore, indicative of a breach of the Code. However, it is likely that a failure, for example, to adhere to the principle concerning equality and respect would constitute a breach of the requirements of paragraphs 4 (a) and (b) in the Code in respect of equality of opportunity and respect.

In any event, the Principles offer a sound basis for your conduct in office and I encourage members to have regard to them at all times.

Public Services Ombudsman for Wales

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CONSTITUTION COMMITTEE**
DATE: **WEDNESDAY, 15 OCTOBER 2014**
REPORT BY: **CHIEF OFFICER GOVERNANCE**
SUBJECT: **UPDATE TO OFFICER DELEGATION SCHEME**

1.00 PURPOSE OF REPORT

1.01 To update the reference in the Officer Delegation Scheme to the Community Protection Manager following that post ceasing to exist.

2.00 BACKGROUND

2.01 The Officer Scheme of Delegation is contained in Section C of the Council's Constitution. Sub-section E of Section C gives specific delegations to Statutory, Legal, Financial, Human Resources and Technical Services Officers. This includes the Delegation shown in Appendix A to the Community Protection Manager.

2.02 Until recently this post was held by Mr. Michael Lovatt but following his departure the post no longer exists

3.00 CONSIDERATIONS

3.01 The Delegated Powers given to the Community Protection Manager relate to the Licensing Act 2003, the Health Act 2006 and the Gambling Act 2005. Work in these areas is being undertaken by Mr. Scott Rowley acting as Environmental Protection Manager. Following consultation with the Chief Officer Planning and Environment it is considered appropriate that these Delegated Powers pass to the post of Environmental Protection Manager.

3.02 These same Delegated Powers are referred to Article 11 of the Constitution relating to the work of the Licensing Committee and this should be updated to reflect any change in the post having these Delegated Powers.

4.00 RECOMMENDATIONS

4.01 To update the Delegation Scheme and Article 11 of the Constitution to replace references to the Community Protection Manager by references to the Environmental Protection Manager.

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 Chief Officer Planning and Environment

11.00 CONSULTATION UNDERTAKEN

11.01 With the Chief Officer Planning and Environment

12.00 APPENDICES

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

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

Environmental Protection Manager	<ol style="list-style-type: none"> 1. To act as the Proper Officer for the purposes of Section 78 of the Building Act 1984 on the basis that he may authorise other appropriate officers to exercise the functions of the Proper Officer subject to such limits as he sees fit.
Interim Public Protection Manager	<ol style="list-style-type: none"> 1. To ensure the appointment of a suitably qualified person who shall be designated the Chief Inspector of Weights and Measures for the Authority and to be responsible for the carrying out of the functions related to such post. 2. To provide a Home Authority Service to businesses. 3. Authorisation to appoint appropriate officers to exercise the powers contained in Section 19 and Sub-Section 2 of Section 20 and Sections 21, 22, 23, and 38 of the Health and Safety at Work, etc. Act 1974. 4. To appoint a Public Analyst as required by the provisions of the Food Safety Act in consultation with the Chief Officer, Planning & Environment and Regeneration. 5. Authority to appoint any other Inspectors and authorised officers under the legislation relevant to the functional areas of the post. 6. To engage testing houses, consultants and other appropriate persons to test, analyse and provide opinions on goods and services in relation to the functions of this Directorate. 7. To appoint an Agricultural Analyst and Deputy(ies). 8. To act as the Chief Inspector of Weights and Measures and to exercise the functions assigned to the Council as a weights and measures authority.
Community Protection Manager	<ol style="list-style-type: none"> 1. To approve applications under the Licensing Act 2003 for:- <ol style="list-style-type: none"> (a) a personal licence when no objection is made; (b) a premises licence/club premises certificate where no relevant representation is made; (c) a provisional statement where no relevant representation is made; (d) a variation of a premises licence/club premises certificate where no relevant representation is made. (e) for the variation of a designated premises supervisor; (f) removal as a designated premises supervisor where there is no Police objection, or

	<p>(g) an application for a transfer of premises licence where no Police objection is received;</p> <p>(h) an application for interim authorities where no Police objection is received.</p> <p>2. To decide on whether a complaint is irrelevant, frivolous or vexatious, etc.</p> <p>3. Power to enter all non-smoking premises in order to establish that the smoke free legislation is being enacted in accordance with the law including the authority to give out fixed penalty notices to anyone they believe are committing or have committed an offence under the legislation or to institute proceedings generally in relation to offences under the Health Act 2006.</p> <p>4. Power to authorise other appropriate officers to enter premises and issue fixed penalty notices in accordance with the provisions of 3 above.</p> <p>5. The powers granted to Officers in relation to the Gambling Act 2005 set out in the schedule to Article 11.</p>
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