

# 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

22 January 2015

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, 28TH JANUARY, 2015** 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 - 8)  
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 **OVERVIEW & SCRUTINY COMMITTEE STRUCTURE** (Pages 9 - 24)  
Report of Member Engagement Manager
- 5 **OFFICERS' CODE OF CONDUCT** (Pages 25 - 40)  
Report of Chief Officer (Governance)
- 6 **WEBCASTING OF MEMBER MEETINGS** (Pages 41 - 56)  
Report of Chief Officer (Governance)
- 7 **REVIEW OF PROTOCOL ON MEMBER / OFFICE RELATIONS** (Pages 57 - 70)  
Report of Chief Officer (Governance)
- 8 **ANNUAL REVIEW OF THE CODE OF CORPORATE GOVERNANCE**  
(Pages 71 - 96)  
Report of Chief Officer (Governance)
- 9 **NEW MODEL CONSTITUTION** (Pages 97 - 100)  
Report of Chief Officer (Governance)

## **CONSTITUTION COMMITTEE** **15 OCTOBER 2014**

Minutes of the meeting of the Constitution Committee of Flintshire County Council held in County Hall, Mold, on Wednesday, 15 October 2014.

### **PRESENT: Councillor Robin Guest (Chairman)**

Councillors: Bernie Attridge, Glyn Banks, Haydn Bateman, Chris Bithell, Clive Carver, Veronica Gay, George Hardcastle, Christine Jones, Dave Mackie, Aaron Shotton, Owen Thomas, David Williams, David Wisinger, and Arnold Woolley

**APOLOGIES:** Councillors David Cox, Ian Dunbar, Tim Newhouse, Neville Phillips, Paul Shotton, and Nigel Steele-Mortimer

### **CONTRIBUTORS**

(For minute no. 10) Chief Officer (Planning and Environment). (For minute no.11) Clwyd Pension Fund Manager, and Karen McWilliam (Independent Advisor - Aon Hewitt)

### **IN ATTENDANCE:**

Chief Officer (Governance), Democracy and Governance Manager, Member Engagement Manager, and Committee Officer

## **8. DECLARATIONS OF INTEREST**

Councillor Chris Bithell declared a personal interest in the following item due to the close family association of an individual who is in receipt of a Clwyd Pension, and an individual who is a member of the Fund and an employee of Wrexham County Borough Council:-

Agenda Item 5 – Clwyd Pension Fund Governance

Councillors Bernie Attridge and Dave Mackie declared a personal interest in the following item as they were members of the Clwyd Pension Fund:-

Agenda Item 5 – Clwyd Pension Fund Governance

Councillor George Hardcastle declared a personal interest in the following item due to the close family association of an individual who is in receipt of a Clwyd Pension:-

Agenda Item 5 – Clwyd Pension Fund Governance

## **9. MINUTES**

The minutes of the meeting of the Committee held on 9 July 2014, were submitted.

## Matters arising

### Officers' Code of Conduct

The Chief Officer (Governance) gave an update on progress. He advised that a report would be submitted to the next meeting of the Committee on 28 January 2015 to recommend referral to the following meeting of the County Council.

### Whistleblowing Policy, and Standing Orders on the Appointment and Dismissal of Officers

The Democracy and Governance Manager reported that the Constitution had been updated to reflect the resolutions agreed at the meeting for both the above items.

### **RESOLVED:**

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

## **10. REVIEW OF THE FLINTSHIRE PLANNING CODE OF PRACTICE**

The Democracy Governance Manager introduced the report to review the Flintshire Planning Code of Practice. He provided background information and referred to the main proposed changes to the Planning Code concerning member training, predetermination, lobbying, site visits, and decisions contrary to officer recommendation. Members were invited to consider the proposed alterations to the Planning Code (shown as tracked changes) which were appended to the report and put forward any further comments or changes.

The Committee considered the proposed changes in turn and the following amendments were discussed and agreed:

Paragraph 2.1.2 – Councillor Chris Bithell suggested that the word 'respect' be added to the first and second sentences following the word 'trust'.

Paragraph 2.3.2 – It was agreed that the bullet point on 'Avoid giving the impression that the Member has made her/his mind up prior to the application being determined' be deleted.

Paragraph 2.3.4 – Following a suggestion by the Leader it was agreed that the word 'formal' be deleted from the first sentence.

Paragraph 4.2.3 – Councillor Chris Bithell suggested that the word 'may' be replaced with 'must'. Councillor Arnold Woolley suggested that the word 'should' also be replaced with 'must'.

Paragraph 4.3.1 – During discussion it was agreed that the first sentence be amended to replicate the wording in the Members Code.

Section 5 – It was agreed that a definition of 'significant effect' be included as it did not appear elsewhere in the Planning Code of Practice.

Paragraph 5.1 – The Chairman asked that the final sentence be amended to read ‘Officers should be made aware of any lobbying correspondence Members receive’.

Paragraph 5.6 – Councillor Arnold Woolley referred to the last sentence and suggested that the wording be amended to read as follows: ‘If such a Member does express an opinion, then he/she 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’.

Paragraph 6.1 – It was agreed that the word ‘any’ be inserted before the word ‘Members’ in the first line.

**RESOLVED:**

That subject to the above additional amendments, the draft revised Flintshire Planning Code of Practice be approved

**11. CLWYD PENSION FUND GOVERNANCE**

The Chairman welcomed the Clwyd Pension Fund Manager and Karen McWilliam (Independent Advisor - Aon Hewitt). The Clwyd Pension Fund Manager introduced a report on a proposal to create a local Pension Board for the Clwyd Pension Fund and 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.

The Clwyd Pension Fund Manager provided background information and context and advised that each LGPS Administering Authority was required to establish a local Pension Board by 1 April 2015. He referred to the structure for the new Pension Board which was attached as appendix 1 to the report, and outlined the key elements of the proposed Protocol for the Board which was detailed in Appendix 2. The Clwyd Pension Fund Manager advised that subject to approval by the Committee the Protocol would be recommended for approval to the meeting of the County Council on 27 January 2015 to enable appointments to be made and training to take place prior to implementation on 1 April 2015.

**RESOLVED:**

- (a) That the Committee recommends 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; and
- (b) That delegated power be given to the Chief Officer (People and Resources), in consultation with the Chairs of the Pensions Committee and Constitution Committee, and the Monitoring Officer to make any

changes needed to Appendix 2 as a result of the proposed regulations altering.

## **12. REMOTE ATTENDANCE AND WEBCASTING OF MEMBER MEETINGS**

The Democracy and Governance Manager introduced a report to seek further consideration to the remote attendance and webcasting of meetings in view of the trial conducted at the 26 March meetings of the Democratic Services and Constitution Committees, the statutory guidance on remote attendance issued in April 2014 and the WLGA guidance published in August..

The Democracy and Governance Manager provided background information and explained that appended to the report were the responses from Members who had attended the trial, the Welsh Government statutory guidance on remote attendance, the Council's earlier response to the consultation on draft statutory guidance on remote attendance, and the Welsh Local Government Association guidance on webcasting.

The Democracy and Governance Manager referred to the key considerations in the report and drew attention to the concerns and risks expressed by the Council's officers around the technology for remote attendance and the time required by officers to prepare such technology for meetings. For these reasons, and taking into account the geographical size of Flintshire and the substitution process, the Democracy and Governance Manager advised that officers did not consider there was a need to pursue remote attendance arrangements at the present time.

Concerning the benefits of webcasting the Democracy and Governance Manager explained that the WLGA guidance divided these into those relating to public engagement and transparency and the benefits for the Council itself. Officers considered that the benefits relating to public engagement and transparency had more merit than those listed as benefits for the Council. The Democracy and Governance Manager advised that the main challenge associated with webcasting was the cost of the equipment and the time required by staff to operate such equipment. He advised that the Welsh Government was hoping to work with the WLGA and local authorities to secure savings through a joint procurement of webcasting providers and the Council had responded to consultation from the WLGA to indicate its interest in securing savings through joint procurement.

During discussion Members expressed a number of concerns around the ongoing costs associated with remote attendance and webcasting of meetings. Councillor Aaron Shotton spoke in support of the Council continuing to explore the option of webcasting some of its meetings and suggested that in addition to pursuing savings through a joint procurement exercise with the WLGA and other local authorities, the Council investigate the arrangements Monmouthshire had put in place that avoided an ongoing revenue cost. He commented that webcasting was underway in most authorities for those meetings which were judged to be of most interest to the public and that there was an ongoing public interest in such broadcasts.

**RESOLVED:**

- (a) That no further action be taken at the present time in pursuing remote attendance at meetings; and
- (b) That the Council continue to explore the option of webcasting some of its meetings by investigating the financial options available and a further report be submitted to the next meeting of the Committee.

**13. OVERVIEW AND SCRUTINY ANNUAL REPORT**

The Member Engagement Manager introduced the draft Overview & Scrutiny Annual Report for the 2013/14 municipal year. Members were invited to consider the draft Report and put forward any comments or amendments. He explained that the reference to Councillor Nancy Matthews as Vice-Chair of the Environment Overview & Scrutiny Committee on page 89 of the Report had been corrected and replaced with reference to Councillor Paul Shotton.

The Member Engagement Manager advised that the final version of the Annual Report would be considered at the meeting of County Council on 22 October 2014 and thanked all who had contributed to it.

**RESOLVED**

That the Overview & Scrutiny Annual Report be agreed and forwarded to Council.

**14. SCOPING THE REVIEW OF THE OVERVIEW AND SCRUTINY COMMITTEE STRUCTURE**

The Member Engagement Manager introduced a report to determine the scope of the 2014 review of the Overview & Scrutiny Committee structure. He provided background information and advised that following changes to the operating model and senior management structure of the Council some of the Cabinet Members and Chief Officers had to attend more than one Overview & Scrutiny committee which was not an efficient use of resources.

The Member Engagement Manager explained that as a first stage in consultation the statements and questions which were intended to form the design principles for further work had been forwarded to the political group leaders and Chairs of the Overview & Scrutiny committees for comment. The responses received were appended to the report.

During discussion it was agreed that the Member Engagement Manager would prepare a number of options for Overview and Scrutiny structural models for consideration at the next meeting of the Committee to be held on 28 January 2015.

## **RESOLVED**

That the Member Engagement Manager prepares a number of options for Overview and Scrutiny structural models for consideration at the meeting of the Committee on 28 January 2015.

### **15. WALES AUDIT OFFICE NATIONAL SCRUTINY IMPROVEMENT STUDY – ACTION PLAN UPDATE**

The Member Engagement Manager introduced the report to update on progress with the Action Plan arising out of the Wales Audit Office (WAO) National Scrutiny Improvement Study.

The Member Engagement Manager provided background information and advised that the current version of the Action Plan was appended to the report for consideration. He explained that the inaugural meeting for the Steering Group of Chairs and Vice Chairs had not yet taken place and work with the Public Engagement Strategy was still ongoing. The Public Engagement Strategy would be submitted to the inaugural meeting of the Steering Group and subsequently to the meeting of the Constitution Committee to be held on 28 January 2015.

## **RESOLVED**

That the update be noted.

### **16. REVIEW OF THE MEMBERS' CODE OF CONDUCT**

The Democracy and Governance Manager explained the Members' Code of Conduct formed part of the Council's Constitution and that the Committee was in the last year of its 3 year programme to review all parts of the Constitution. The guiding principles were to ensure that the Constitution was up to date and that the wording was clear and unambiguous.

The Democracy and Governance Manager advised that the Standards Committee had considered a report on the review of the Members' Code of Conduct at its meeting on 6 October 2014 and agreed the changes (shown as tracked changes) in Appendix A. Members were asked to consider the proposed changes to the Members' Code of Conduct as outlined in Appendix A.

## **RESOLVED**

That the Members Code of Conduct be amended as shown in Appendix A.

### **17. UPDATE TO OFFICER DELEGATION SCHEME**

The Democracy and Governance Manager introduced a report to update the reference in the Officer Delegation Scheme to the Community Protection Manager as that post had ceased to exist. He provided background information and referred to the main considerations which were detailed in the report.



**RESOLVED**

That the Delegation Scheme and Article 11 of the Constitution be updated to replace the references to the Community Protection Manager by references to the Environmental Protection Manager.

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

(The meeting commenced at 2.00 pm and finished at 3.52 pm.)

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Chairman

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:**           **CONSTITUTION COMMITTEE**  
**DATE:**                 **WEDNESDAY, 28 JANUARY 2015**  
**REPORT BY:**         **MEMBER ENGAGEMENT MANAGER**  
**SUBJECT:**           **OVERVIEW & SCRUTINY COMMITTEE STRUCTURE**

### **1.00 PURPOSE OF REPORT**

1.01 To enable the Committee to consider proposals for a revised and renewed Overview & Scrutiny committee structure.

### **2.00 BACKGROUND**

2.01 Our current Overview & Scrutiny committee structure has been in place for over four years. At the last Annual Meeting, it was agreed that in the light of the new operating model and senior management team that Overview & Scrutiny structure should be reviewed.

2.02 At the meeting of this committee on 15<sup>th</sup> October 2014, a report on the draft design principles for a new structure was considered. It was agreed that a range of options, observing those principles for Overview and Scrutiny structural models should be prepared for consideration at the meeting of the Committee on 28 January 2015. The Design Principles are attached as Appendix 1.

### **3.00 CONSIDERATIONS**

3.01 Appendix 2 contains examples of six models for structures which have six Overview & Scrutiny committees, as one of the principles was that there should be six committees of fifteen members. Within each model, one committee will need to be designated as the statutory crime and disorder scrutiny committee.

3.02 For each model, the names of the committees, together with those Cabinet Members and Chief Officers who would be likely to attend it have been identified.

3.03 Detailed terms of reference, on a similar basis to those which we currently have can be drafted for any model or models which the committee recommend should be considered further. It is suggested that discussions will need to take place with key members to help direct the review.

3.04 Model One – Status Quo.

Model Two – Replacing Community Profile & Partnerships with a dedicated Organisational Change Committee and expanding the remit of the Housing O&SC to cover the Community & Enterprise portfolio.

Model Three – Reflecting the new operating model and incorporating the Organisational Change portfolios into the best or nearest fit committees.

Model Four – Reflecting the new operating model and including a dedicated Organisational Change Overview & Scrutiny Committee.

Model Five – Reflecting the Improvement Plan priorities.

Model Six – Reflecting current Cabinet portfolios.

3.05 To illustrate how alternative models, with fewer committees could operate three further options have been produced. These are:

Model Seven - Three committee structure: Public Realm (or Place); People and Resources.

Model Eight - Four committee structure: Resources; People; Organisational Change and Public Realm.

Model Nine - Five committee structure: Resources; Organisational Change & Enterprise, Education, Social Care Health & Housing and Public Realm.

3.06 In identifying all of the potential models, we have tried to keep the work of each of the committees as balanced as possible. In view of the complexities, however, it is suggested that the committee should now consider appointing a working group of five to seven Members that can bring forward recommendations to the AGM. That working group could then identify a preferred option or options and include detailed terms of reference for the committees therein. Given the importance of the issue, it is suggested that the working group should include the Chair of the Constitution Committee, the Leader of the Council and some of the Overview & Scrutiny committee chairs.

**4.00 RECOMMENDATIONS**

4.01 That having regard to the above, that the committee appoints a working group of five to seven members that can bring forward recommendations for a new Overview & Scrutiny structure to the Annual Meeting on Tuesday, 12<sup>th</sup> May .

**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 None.

**12.00 APPENDICES**

Appendix 1 – Design Principles/questions

Appendix 2– O&S Structures Review 2014/15 Tabulation.

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

Report to and Minutes arising from the Constitution Committee, 15<sup>th</sup>  
October 2014.

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

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## Guiding Principles/Questions for designing an Overview & Scrutiny Structure

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 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 provide well evidenced solutions to recognised problems.
7. Overview & Scrutiny must have 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 the 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?

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## O&S Structures Review 2014/15 Tabulation

Model 1 – Six Committee structure – Status Quo

Cabinet Members

COT Members

Committee	Corporate Resources	Community Profile & Partnerships (statutory crime & disorder)	Environment	Housing	Lifelong Learning	Social & Healthcare
Cabinet Members attending	Leader /Finance,  Corporate Management	Leader,  Other Cabinet Members	Deputy /Environment,  Waste, PP and LS,  Economic Development	Housing	Education	Social Services
COT Members Attending (or others from the portfolio)	Chief Executive,  Chief Officer Governance,  Chief Officer People & Resources,  Chief Officer Organisational Change  Chief Officer Organisational Change	Chief Executive,  Chief Officer Planning & Environment.	Chief Officer Planning & Environment,  Chief Officer Streetscene & Transportation,  Chief Officer Community & Enterprise,  Chief Officer Organisational Change  Chief Officer Organisational Change	Chief Officer Community & Enterprise	Chief Officer Education & Youth,  Chief Officer Organisational Change	Chief Officer Social Services

## O&S Structures Review 2014/15 Tabulation

Model 2 – Six Committee structure – Replacing C P & P with an O C Committee and adjusting Housing Committee’s name and terms of reference

**Cabinet Members**

**COT Members**

Committee	Corporate Resources	Organisational Change	Environment (Statutory Crime & Disorder Ctte)	Community, Enterprise & Housing	Lifelong Learning	Social & Healthcare
Cabinet Members attending	Leader /Finance, Corporate Management	Leader, Others as required.	Deputy/ Environment, Waste, PP and LS,	Housing Economic Development	Education	Social Services
COT Members Attending (or others from the portfolio)	Chief Executive, Chief Officer Governance, Chief Officer People & Resources,	Chief Executive, Chief Officer Organisational Change X 2	Chief Officer Planning & Environment, Chief Officer Streetscene & Transportation,	Chief Officer Community & Enterprise	Chief Officer Education & Youth,	Chief Officer Social Services

## O&S Structures Review 2014/15 Tabulation

Model 3 – Six Committee structure - Reflecting the new operating model and incorporating the Organisational Change portfolios into the 'best or nearest fit' committee

**Cabinet Members**

**COT Members**

Committee	Corporate	Education & Youth	Social Care & Health	Community Services	Planning & Environment (Statutory crime & disorder)	Streetscene & Transportation
Cabinet Members attending	Leader /Finance,  Corporate Management	Education	Social Services	Housing  Economic Development	Deputy/ Environment  Waste, PP and LS	Deputy/ Environment  Waste, PP and LS
COT Members Attending (or others from the portfolio)	Chief Executive,  Chief Officer Governance,  Chief Officer People & Resources,  Chief Officer Organisational Change	Chief Officer Education & Youth,  Chief Officer Organisational Change	Chief Officer Social Services  Chief Officer Organisational Change	Chief Officer Community & Enterprise  Chief Officer Organisational Change	Chief Officer Planning & Environment  Chief Officer Organisational Change	Chief Officer Streetscene & Transportation  Chief Officer Organisational Change

## O&S Structures Review 2014/15 Tabulation

Model 4 – Six Committee structure - Reflecting the new operating model and including an Organisational Change Committee

Cabinet Members  
COT Members

Committee	Corporate	Education & Youth	Social Care & Health	Community & Enterprise	Environment	Organisational Change
Cabinet Members attending	Leader /Finance, Corporate Management	Education	Social Services	Housing Economic Development	Deputy/ Environment Waste, PP and LS	Leader Others as required
COT Members Attending (or others from the portfolio)	Chief Executive, Chief Officer Governance Chief Officer People & Resources	Chief Officer Education & Youth	Chief Officer Social Services	Chief Officer Community & Enterprise	Chief Officer Planning & Environment Chief Officer Streetscene & Transportation	Chief Executive Chief Officer Organisational Change Chief Officer Organisational Change

## O&S Structures Review 2014/15 Tabulation

Model 5 – Six Committee structure - Based on Improvement Plan Priorities

### Cabinet Members

### COT Members

Committee	Housing	Living Well	Economy & Enterprise	Skills & Learning	Environment	Modern & Efficient Council
Cabinet Members attending	Housing	Housing  Social Services	Economic Development	Education	Deputy/ Environment  Waste, PP and LS	Leader / Finance  Corporate Management
COT Members Attending (or others from the portfolio)	Chief Officer Community & Enterprise	Chief Officer Community & Enterprise  Chief Officer Social Services	Chief Officer Community & Enterprise	Chief Officer Education & Youth	Chief Officer Planning & Environment  Chief Officer Streetscene & Transportation	Chief Executive  Chief Officer People & Resources  Chief Officer Governance  Chief Officer Organisational Change

## O&S Structures Review 2014/15 Tabulation

Model 6 – Six Committee structure - Based on Current Cabinet Portfolios

**Cabinet Members**

**COT Members**

Committee	Finance & Corporate Management	Environment & Leisure	Housing	Education & Youth	Social Services	Economic Development
Cabinet Members attending	Leader / Finance Corporate Management	Environment Waste, PP and LS	Housing	Education	Social Services	Economic Development
COT Members Attending (or others from the portfolio)	Chief Executive Chief Officer People & Resources Chief Officer Governance Chief Officer Organisational Change	Chief Officer Planning & Environment Chief Officer Streetscene & Transportation Chief Officer Organisational Change	Chief Officer Community & Enterprise Chief Officer Organisational Change	Chief Officer Education & Youth Chief Officer Organisational Change	Chief Officer Social Services Chief Officer Organisational Change	Chief Officer Community & Enterprise Chief Officer Organisational Change

## O & S Structures Review 2014/15 Tabulation

### 3 Committee Overview & Scrutiny Structure

#### Cabinet Members

#### COT Members

Committee	Place (statutory crime & disorder)	People	Resources
Cabinet Members attending	Deputy/ Environment  Housing  Waste, Leisure P & P  Economic Development	Education  Social Services	Leader/Finance  Corporate Management
COT Members Attending (or others from the portfolio)	Chief Officer Community & Enterprise  Chief Officer Streetscene & Transportation  Chief Officer Planning & Environment  Chief Officer Organisational Change	CO Social Services  CO Education & Youth	Chief Executive  Chief Officer People & Resources  Chief Officer Governance  Chief Officer Organisational Change  Chief Officer Organisational Change

## 4 COMMITTEE OVERVIEW & SCRUTINY SCTRUCTURE

Cabinet Members

COT Members

Committee	Resources	People	Organisational Change	Public Realm Statutory crime & disorder)
Cabinet Members attending	<p>Leader / Finance</p> <p>Corporate Management</p>	<p>Education</p> <p>Social Services</p>	<p>Leader</p> <p>Other Cabinet Members as necessary</p>	<p>Environment</p> <p>Housing</p> <p>Waste, Leisure Public &amp; Protection</p> <p>Economic Development</p>
COT Members Attending (or others from the portfolio)	<p>Chief Executive</p> <p>Chief Officer People &amp; Resources</p> <p>Chief Officer Governance</p>	<p>Chief Officer Social Services</p> <p>Chief Officer Education &amp; Youth</p>	<p>Chief Executive</p> <p>Chief Officer Organisational Change</p> <p>Chief Officer Organisational Change</p>	<p>Chief Officer Community &amp; Enterprise</p> <p>Chief Officer Streetscene &amp; Transportation</p> <p>Chief Officer Planning &amp; Environment</p>



## 5 COMMITTEE OVERVIEW & SCRUTINY SCTRUCTURE

Cabinet Members

COT Members

Committee	Resources	Organisational Change and Enterprise	Education	Social Health & Housing	Public Realm (statutory crime & disorder)
Cabinet Members attending	<p>Leader / Finance</p> <p>Corporate Management</p>	<p>Economic Development</p> <p>Others Cabinet Members as required</p>	Education	<p>Social Services</p> <p>Housing</p>	<p>Deputy/Environment</p> <p>Waste, Leisure Public &amp; Protection</p>
COT Members Attending (or others from the portfolio)	<p>Chief Executive</p> <p>Chief Officer People &amp; Resources</p> <p>Chief Officer Governance</p>	<p>Chief Officer Community &amp; Enterprise</p> <p>Chief Officer Organisational Change</p> <p>Chief Officer Organisational Change</p>	Chief Officer Education & Youth	<p>Chief Officer Social Services</p> <p>Chief Officer Community &amp; Enterprise</p>	<p>Chief Officer Planning &amp; Environment</p> <p>Chief Officer Streetscene &amp; Transportation</p>

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **CONSTITUTION COMMITTEE**  
**DATE:** **WEDNESDAY, 28 JANUARY 2015**  
**REPORT BY:** **CHIEF OFFICER, GOVERNANCE**  
**SUBJECT:** **OFFICERS' CODE OF CONDUCT**

### **1.00 PURPOSE OF REPORT**

1.01 To give further consideration to the review of the officers' code of conduct as part of the ongoing review of the Council's Constitution.

### **2.00 BACKGROUND**

2.01 At its meeting on the 24 July 2012 the committee considered a report recommending a programmed review of the Constitution over a 3 year period and resolved to endorse that programmed review. The third year of that programme includes reviewing the officers' code of conduct.

2.02 In reviewing that officers' code there has been consultation with the HR & OD department and with Trade Union representatives, including a report to the Flintshire Joint Trade Union Committee meeting of the 29 May 2014. The draft revised code was also considered at a meeting of the Standards Committee on the 7 July 2014. It was then considered at a meeting of the Constitution Committee on the 9 July 2014. The draft revised officers' code considered at that meeting is attached as Appendix 1 showing tracked changes from the current wording. The tracked changes were agreed subject to the retention of paragraphs 8.11 and 8.12. A copy of the minutes of that meeting are attached as Appendix 2.

### **3.00 CONSIDERATIONS**

3.01 The provisions in paragraphs 8.11 and 8.12 need to be considered in the wider context of the other requirements placed on officers by legislation and the statutory parts of the officers' code. Section 117 of the Local Government Act 1972 requires the disclosure of contracts in which an officer has a pecuniary interest. It also forbids an officer accepting any fee or reward other than their remuneration. Breach of either provision is a criminal offence. The statutory parts of the officers' code are automatically incorporated into officers' contracts of employment. They include the following provisions:-

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

This wider context provides a considerable level of assurance irrespective of the provisions in paragraphs 8.11 and 8.12.

- 3.02 Following the decision of the Constitution Committee enquiries were made of other Welsh authorities to ascertain their practice in relation to declarations of membership of such bodies as Freemasonry. The response was mixed with some having similar provisions to paragraphs 8.11 and 8.12 but others having obtained advice that such provisions were contrary to the Human Rights legislation and unlawful.
- 3.03 Following discussion with the Chief Executive, consultation was undertaken with politically restricted post holders to obtain their views on the Council introducing a voluntary register to disclose membership of organisations, such as Freemasonry. The reasons for considering such a voluntary register being twofold. Firstly, that that the Council should expect from its senior officers the highest level of conduct in being open and transparent. Secondly, to protect senior officers from suspicion that decisions they make or advice they give Members are influenced by membership of any such type of organisation. The consultation revealed no concern about introducing such a voluntary register.
- 3.04 In order to clarify the legal position, advice was sought from Counsel on both maintaining the current provisions in the officers' code and on introducing a voluntary register. In his advice Counsel drew attention to a decision of the European Court of Human Rights which held that an obligation to declare membership of the Freemasons was an unlawful interference with the right of freedom of association given by Article 11 of the European Convention on Human Rights. His opinion concluded that a compulsory register of membership of such organisations would be unlawful. He was also of the opinion that asking officers to make voluntary registrations would be susceptible to challenge as being in effect a disguised requirement.
- 3.05 Officers consider that in the light of decided cases and Counsel's advice it would be unlawful to implement the committee's previous decision to retain clauses 8.11 and 8.12 of the officers' code. It is however considered important that the Council's Senior Officers (Chief Officers, those Managers reporting directly to them and officers with delegated powers) voluntarily disclose their membership of societies and clubs in the interests of transparency in relation to the advice given to Members or decisions taken under delegated powers.

- 3.06 The following are suggested to further reduce the risk of legal challenge which is already considered low taking account of the results of the officer consultation:
- (i) The requirements would apply to only senior officers where the need for transparency is greatest;
  - (ii) The obligation would be voluntary;
  - (iii) The obligations would relate to all clubs and societies and would not “single out” any one organisation:

#### **4.00 RECOMMENDATIONS**

- 4.01 That paragraphs 8.11 and 8.12 be deleted from the officers’ code of conduct.
- 4.02 That a voluntary register be introduced for Chief Officers, those Managers reporting to them and officers having delegated powers to disclose membership of all societies and clubs such officers are members of.
- 4.03 That the revised officers’ code of conduct be recommended to County Council.

#### **5.00 FINANCIAL IMPLICATIONS**

- 5.01 None as a result of this report.

#### **6.00 ANTI POVERTY IMPACT**

- 6.01 None as a result of this report.

#### **7.00 ENVIRONMENTAL IMPACT**

- 7.01 None as a result of this report.

#### **8.00 EQUALITIES IMPACT**

- 8.01 Equalities have been considered in reviewing the code.

#### **9.00 PERSONNEL IMPLICATIONS**

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

#### **10.00 CONSULTATION REQUIRED**

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

**11.00 CONSULTATION UNDERTAKEN**

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

**12.00 APPENDICES**

12.01 Appendix 1 – Officers’ Code of Conduct.  
Appendix 2 – Minutes of the Constitution Committee of the 9 July ‘14

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

None

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

## Officers' Code of Conduct

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

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### General Principles

**1. *The public is entitled to expect the highest standards of conduct from all qualifying employees of relevant authorities. The role of such employees is to serve their employing Authority in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.***

1.1 Local government employees are expected to give the highest possible standard of service to the public and, where it is part of their duties, to provide appropriate advice to Councillors and fellow employees with impartiality. Flintshire employees are expected to show respect and courtesy in their dealings with the public, Councillors and fellow employees providing them with impartial and appropriate advice.

**Deleted:** Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service.

### Accountability

**2. *Qualifying employees of relevant authorities work for their employing Authority and serve the whole of that Authority. Qualifying employees are defined as all employees of a relevant Authority unless exempted by statutory regulation, e.g. Teachers and Officers of Fire Authorities. They are accountable to, and owe a duty to that Authority. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.***

2.1 Employees must report any impropriety or breach of procedure to their immediate manager, except where that relates to the conduct of the manager when it must be reported to the manager's manager. Managers should, in turn, report breaches to their manager. The Chief Officer shall notify the Head of Legal & Democratic Services of the occurrence.

**Deleted:** Director

2.2 All employees are required to familiarise themselves with and comply with the Council's Financial Procedure Rules. Any employee who fails to observe Financial Procedure Rules may be subject to disciplinary action.

**Deleted:** Each Director shall be required to bring the Council's Financial Regulations to the attention of all employees within their directorate.

**Deleted:** Regulations

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

Deleted: Tendering

2.4 Employees involved in the procurement process and dealing with Contractors should be clear on the separation of client and Contractor roles within the Authority. Senior employees who have both a client and Contractor responsibility must be aware of the need for accountability.

Deleted: Tendering

2.5 Employees in Contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other Contractors and sub-Contractors.

2.6 Employees who are privy to confidential information on Tenders or costs for either internal or external Contractors must not disclose that information to any unauthorised party or organisation.

2.7 Employees contemplating a management buyout must, as soon as they have formed a definite intent, inform their manager and withdraw from the contract awarding processes.

2.8 Employees must ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

2.9 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

2.10 Local Government Act 1972 117 - Pecuniary Interests - provides that if officers know that a contract in which they have a pecuniary interest is before the local Authority, they must give notice of their interest to the Authority. This does not, of course, apply to a contract with them in their own name because the Authority will then know of their interest. Section 117(2) forbids any officer "under colour of" their office or employment to accept "any fee or reward" whatsoever other than proper remuneration.

#### 2.11 *The Bribery Act 2010*

The Bribery Act 2010 creates criminal offences for any individual who either offers or receives a financial or other advantage intending the advantage to be rewarded by the improper performance of a function



or activity. The Act also creates an offence of directly or indirectly offering, promising or giving a bribe to a foreign public official so as to influence the actions of the foreign public official. Any individual found guilty of any of these offences is liable to imprisonment for up to a maximum period of 10 years.

2.12 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, Tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Any offer of sponsorship should only be accepted if the appropriate **Chief Officer** has so decided. Particular care must be taken when dealing with Contractors or potential Contractors.

Deleted: Director

2.13 Any offers of sponsorship received by employees should be referred to their **Chief Officer** for decision

Deleted: Director

2.14 Where the Authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the Authority through sponsorship, grant aid, financial or other means, gives support in the community, employees must ensure that impartial advice is given and that there is no conflict of interest involved.

### **Political Neutrality**

3. **Qualifying employees of relevant authorities, whether or not politically restricted, must follow every lawfully expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work. Where qualifying employees are politically restricted (by reason of the post they hold or the nature of the work they do), they must comply with any statutory restrictions on their political activities.**

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3.1 Employees serve the Authority as a whole. It follows they must serve all Councillors and not just those of the controlling group, and must ensure that the individual rights of all Councillors are respected.

3.2 Subject to the Authority's conventions, employees may be required to advise political groups. They must do so in ways which do not compromise their political neutrality.

3.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work.

3.4 Political assistants appointed on fixed term contracts in accordance with the local Government and Housing Act 1989 are exempt from the standards set in paragraphs 3.1 to 3.3.

3.5 The Local Government and Housing Act 1989, Pt 1 contains provisions to stop 'twin-tracking' (where a senior local Authority employee is also an elected Member of another local Authority) and to restrict the political activity of senior employees. Local Authority employees holding politically restricted posts are disqualified from membership of any local Authority, other than a parish or community Council (sl(1)), from being an MP, AM or MEP and are subject to prescribed restrictions on their political activity (sl(5),(6)).

3.6 The Local Government & Housing Act 1989 requires each Council to maintain a list of its politically restricted posts. These are posts which are:-

(a) specified in the legislation, such as the Head of Paid Service, Chief Officers and their Deputies.

(b) those posts which have delegated powers to make decisions on behalf of the Council.

(c) those posts that regularly provide advice at Council, Cabinet or formal Committee or sub Committee meetings.

(d) those posts that speak on behalf of the authority on a regular basis to journalists and broadcasters.

3.7 The political restrictions are deemed to be incorporated in the contract of employment of every local Authority employee who holds a politically restricted post. If you are uncertain as to whether your post is politically restricted you should seek clarification from your immediate manager and, if uncertainty remains, contact the Democracy and Governance Manager.

**Relations with members, the public and other employees**

4. **Mutual respect between qualifying employees and members is essential to good local government, and working relationships should be kept on a professional basis.**

5. **Qualifying employees of relevant authorities should deal with the public, members and other employees sympathetically, efficiently, and without bias.**

5.1 Councillors

Employees are responsible to the Authority through its senior managers. For some their role is to give advice to Councillors and senior managers, and all are there to carry out the Authority's work. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors can damage the

**Deleted:** Officers (Political Restriction) Regulations 1990 and the Local Government (Politically Restricted Posts) (No2) Regulations 1990 cover the posts which are politically restricted. These are:

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**Deleted:** and the Monitoring Officer. Chief Officers and their deputies are restricted without exemption or appeal;¶

**Deleted:** all posts which reach or exceed a prescribed remuneration ceiling (equivalent to Spinal Column Point 44). These posts are automatically included on a list which employing authorities are under a duty to prepare unless exemption for individuals is granted;

**Deleted:** all posts which meet the duties-related criteria for determining a 'sensitive' post, irrespective of remuneration level, unless the post holder appeals successfully against determination. These posts are defined as those which (i) give advice on a regular basis to the employing Authority, to any Committee or Sub-Committee or another joint Committee on which the Authority is represented (but excluding purely factual information) or (ii) speak on behalf of the Authority on a regular basis to journalists and broadcasters.

**Deleted:** 's Directorate

relationship and prove embarrassing to other employees and Councillors and should therefore be avoided.

## 5.2 The Local Community and Service Users

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Authority.

## 5.3 Contractors

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

**Deleted:** against other Tenders,

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

## Equality

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

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

## Stewardship

**7. Qualifying employees of relevant authorities must ensure that they use public funds entrusted to them in a responsible and lawful manner, and must not utilise property, vehicles or other facilities of the Authority for personal use unless authorised to do so.**

7.1 All employees are required to familiarise themselves with the Council's Financial Procedure Rules and Contract Procedure Rules, and know where they can inspect a copy of them. Any doubt concerning Financial Procedure Rules and Contract Procedure Rules, should be raised with your immediate manager and, if the doubt continues, with the Finance Department.

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**Deleted:** Regulations

**Deleted:** , Financial Standing Orders and Standing Orders Relating to Contracts

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**Deleted:** Director of

**Deleted:** Financial, Legal and Democratic Services.¶

- 7.2 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Authority.

### **Personal Interests**

8. ***Whilst qualifying employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others. In particular, they must comply with:***

- (1) any rules of their relevant Authority on the registration and declaration by employees of financial and non - financial interests,***
- (2) any rules of their relevant Authority on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the Authority. Qualifying employees must not accept benefits from a third party unless authorised to do so by their relevant Authority.***

8.1 In addition to the criminal offence under Section 117 of the Local Government Act 1972 concerning pecuniary interests (see paragraph 2.10 above) there are the following rules concerning personal interests.

8.2 Employees have a personal interest whenever a reasonable person would perceive a conflict between the employee's private interests and the work the employee does for the authority.

8.3 There would be a personal interest under 8.2 if in the course of the employee's Council work he/she would normally deal with a matter that would affect him/her, their family, a close personal associate, their property, or an organisation they are associated with. For instance, if in the course of the employee's work they would normally deal with a planning application affecting a relative's property or where the employee is involved in processing a payment to an organisation with which the employee is associated.

8.4 Wherever the employee has such a personal interest they should immediately draw it to the attention of their Line Manager who would normally decide that the employee should not be involved in dealing with that matter. This does not mean that the employee can not be

**Deleted:** Some employees have conditions of service which require them to obtain written consent to take any outside employment. All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the Authority's interests.

**Deleted:** It is stressed to employees of all grades that they should not undertake outside work if their official duties overlap in some way with their proposed work, if it causes a conflict of interest, or if it makes use of material to which the employee has access by virtue of his or her position (for example, an architect or planner who draws up plans within the Authority for an applicant for planning consent). It is irrelevant whether or not the work is paid.¶

**Deleted:** Employees' off duty hours are their personal concern but they should not subordinate their duty to their private interests or put themselves in a position where their duty and their private interests conflict.

**Deleted:** Any additional employment undertaken by employees must not conflict with or react detrimentally to the Authority's interests, or in any way weaken public confidence in the conduct of the Authority's business. Employees above Scale 6 shall devote their whole-time service to the work of the Council and shall not engage in any other business or take up any other additional appointment without the express consent of the Council.¶

trusted but is to protect both the Council's reputation and the employee's reputation against allegations of favouritism. In exceptional circumstances where the employee's skills can not be replicated the Manager may allow the employee to undertake the work but put in place other controls such as being copied into all communications.

8.5 The arrangements must be recorded in writing and communicated to all other employees who need to know what the arrangements are. Each Chief Officer should have a register to record all such declarations of interest and any consequential working arrangements promptly in it. It is the employee's responsibility to ensure their declaration of interest is recorded.

## 8.6 Intellectual property

Intellectual property is a generic term that includes inventions, creative writings and drawings. If these are created by the employee during the course of employment then, as a general rule, they belong to the employer. However, various Acts of Parliament cover different types of intellectual property.

## 8.7 Inventions and Patents

Inventions made before 1st June 1978 are the property of the employer if made in the course of that employer's employment. However, the Patents Act 1977 states that after the 1st June 1978 inventions are only the property of the employer if:-

- \* they have been made in the course of the employee's normal duties; or
- \* they have been made in the course of duties specifically assigned to the employee and where invention might be reasonably expected; or
- \* it was made in the course of the employee's duties and at the time the employee had (because of the nature of his or her duties and particular responsibilities arising from them) a special obligation to further the interests of the employer.

## Section 9 – Gifts & Hospitality

9.1 In addition to the criminal offences covered by the Bribery Act 2010 referred to in paragraph 2.11 above there are the following rules concerning gifts and hospitality.

9.2 Employees must not retain personal gifts obtained, whether directly or indirectly, as a result of their work for the authority. The only gifts that employees are entitled to retain are insignificant items of token value such as pens and diaries. With any other gifts the employee should draw this to the attention of their Line Manager who may decide that rather than the gift being returned it should be forwarded to the civic office as a donation to the Chair's charity. All offers of gifts should be recorded in the register maintained by the Chief Officers.

**Deleted:** No outside work of any sort will be undertaken on Council premises, and use of facilities, e.g. telephones, or access to typists is forbidden. Employees are also instructed that correspondence and incoming telephone calls related to outside work are not allowed.¶

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

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

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

¶ 8.11 Employees must declare to the Head of Legal & Democratic Services membership of Freemasonry or of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.¶

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

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



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

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

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

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

### **Section 10 – Employees' Outside Work**

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

10.2 Employees must not undertake outside work if their official work for the authority overlaps in any way with such outside work. It is irrelevant whether or not the outside work is paid for or not.

10.3 No outside work of any sort can be undertaken on Council premises or use Council facilities such as telephones or IT. Incoming correspondence or telephone calls relating to outside work are also not allowed.

10.4 Whilst an employee's right to a private life is respected that does not justify conduct which could reasonably be regarded as bringing the authority into disrepute or significantly and fundamentally affect the employee's ability to work for the Council.

10.5 There would be a breach of paragraph 10.4, for example, if an employee were to act in such a way that when other employees or service users became aware of it they reasonably refuse to work or communicate with the employee concerned.

▼

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### **Section 11 – Disclosure of Information**

11.1 Flintshire supports the principles of open government and encourages employees to assist the public in obtaining public documentation in accordance with the rights contained in the Local Government Act

**Deleted:** 8.14 Acceptance of hospitality must be authorised and recorded by your Director.¶

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

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

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

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

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

¶

1972, the Freedom of Information Act 2000 and Environmental Information Regulations 2004.

11.2 The Council's Constitution, available on the Infonet, contains Access to Information Procedure Rules explaining the legislation relating to these information rights. If an employee is uncertain as to whether information being sought should be disclosed the employee must seek advice from his/her Manager and, if uncertainty remains, the Manager can seek guidance from the Democracy & Governance Manager.

11.3 Only employees with specific delegated authority may disclose to members of the public any information arising, documentation considered or events occurring at a time when a Council, Cabinet, Committee or sub-Committee meeting has decided to exclude the press and public from that part of its meeting.

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

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

11.6 Where enforcing authorities such as the Police, Wales Audit Office or Health & Safety Executive are seeking information they may be doing so pursuant to statutory powers which they would quote. It is important to ensure that the request is being made by the regulatory body not an impostor. Legitimate bodies accept the need to produce written authority. If in doubt advice is available from the Council's Legal Department. Where such bodies are not using their statutory powers to obtain information then personal information should not be disclosed without ensuring it would not breach the Data Protection Act.

11.7 Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor pass it on to others who might use it in such a way. Any particular information received by an employee from a Councillor which is personal to that Councillor and does not belong to the Authority must not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by the law.

### **Whistleblowing**

**12. In the event that a qualifying employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee**

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**should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and with the relevant Authority's confidential reporting procedure, or any other procedure designed for this purpose.**

### **Appointment of Employees**

13. **Qualifying employees of relevant authorities involved in the recruitment and appointment of employees must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, such employees must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.**

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

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

13.3 All candidates for any appointment under Flintshire County Council shall, when making an application, disclose in writing to the Authority whether to their knowledge they are related to any Member of the Authority or to a holder of any senior office under the Authority. Deliberate omission to make such a disclosure will disqualify the candidate and, if the omission is discovered after appointment, he/she shall be liable to dismissal. Every senior officer of the Authority shall similarly disclose to the Authority any relationship known to him/her to exist between himself/herself and a candidate for an appointment of which he/she is aware. ~~The Chief Executive's office will~~ keep a record of any such disclosure made.

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### **Investigations by Monitoring Officers**

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



**Minute 5 of the Constitution Committee Meeting  
held on the 9 July 2014**

**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.

## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:**           **CONSTITUTION COMMITTEE**  
**DATE:**               **WEDNESDAY, 28 JANUARY 2015**  
**REPORT BY:**       **CHIEF OFFICER GOVERNANCE**  
**SUBJECT:**           **WEBCASTING OF MEMBER MEETINGS**

### **1.00**   **PURPOSE OF REPORT**

1.01   For the Committee to give further consideration to webcasting of some Member meetings pursuant to the decision of the committee at its last meeting.

### **2.00**   **BACKGROUND**

2.01   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<sup>th</sup> March 2014.

2.02   At the end of the meetings held on the 26<sup>th</sup> March the Members in attendance were asked to complete a short questionnaire on how the arrangements had operated in practice. The results were reported to the committee's last meeting on the 15<sup>th</sup> October. The views were mixed with no consensus or clear majority.

2.03   On the 15<sup>th</sup> August 2014 the Welsh Local Government Association (WLGA) published Guidance for Members on webcasting which was reported to the Committee's last meeting and is attached as Appendix 1. 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 for the Flintshire pilot, Public-i, a few have developed their own system. The guidance includes a list of what are seen as the benefits of webcasting together with the challenges associated with it.

2.04   At the last meeting of the committee on the 15<sup>th</sup> October it was resolved that whilst no further action was to be taken at the present time in pursuing remote attendance at meetings the Council should continue to explore the option of webcasting some of its meetings by investigating the financial options available and a further report be submitted to the next meeting of the committee.

### **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. At the committee's last meeting it was reported that the Welsh Government was hoping to work with the WLGA and Local Authorities to secure savings through a joint procurement initiative of webcasting providers. Whilst the Council responded to consultation from the WLGA on this to indicate its interest the Welsh Government subsequently decided joint procurement was not practical due to the need to meeting EU procurement requirements.
- 3.02 With the exception of a few Councils who have devised their own webcasting arrangements the remaining Councils who have introduced webcasting have entered into contractual arrangements with Public-i. The Council's officers have obtained from Public-i quotes for different options for webcasting which have been sent by e-mail to Members of the committee. In view of the commercial sensitivities of this information Members are asked to maintain the confidentiality of the figures quoted. The upfront cost and the service costs for either a year or three year contract could be met from the balance of the Welsh Government grant.
- 3.03 At the last meeting of the committee the Leader asked that officers investigate the arrangements Monmouthshire had put in place that avoided an ongoing revenue cost, who were one of the few Councils who developed their own system. Monmouthshire have explained that they have recently made a major investment in their Council Chamber through the installation of a new and up to date audio visual system which included a number of cameras and technology that could pan to a specific Member when they speak. It was because of this investment that it was more cost effective for them to devise their own system rather than enter into a contract with another provider. Without that investment in their Council Chamber the Public-i contract would have been the most cost effective option. Officers have also made enquiries of the other two Councils that have devised their own systems but officers believe neither provides a better option for Flintshire as the Public-I system is easier for staff and public to use.
- 3.04 As advised at the last meeting of the committee the other main challenge associated with webcasting besides the financial cost is the time required by staff to operate such equipment. Since the last meeting of the committee enquiries have been made of both Conwy and Wrexham of the staffing implications of webcasting their meetings. Both Councils have fixed cameras in their Council Chambers but not in any other rooms. Without fixed cameras the staffing implications are considered too onerous for introduction in Flintshire. For any webcast meeting there will be a need for an extra member of staff to attend to operate the cameras and align the

microphones. In 2014 if meetings of the County Council, Cabinet and Planning had been webcast it is estimated that the staffing impact would have been an additional 152 hours of Committee Officer time. At a time when the review of Democratic Services is proposing to find budget savings through the loss of posts the additional workload involved in webcasting such meetings represents a significant challenge.

- 3.05 It is considered that webcasting those meetings where there is a greater public interest such as meetings of the Planning & Development Control Committee has benefits in terms of public engagement and transparency. Webcasting enables meeting to be viewed by more people 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 in Wales for those meetings which are judged to be of most interest to the public. It also indicates that generally the number of website hits suggests that there is a real ongoing public interest in these broadcasts. It is for Members to consider whether these factors justify the investment in terms of finance and staff time. Any decision to recommend webcasting of meetings would have to be a recommendation to Cabinet.

#### **4.00 RECOMMENDATIONS**

- 4.01 In view of the benefits of webcasting in terms of public engagement and transparency for the committee to recommend to Cabinet the implementation of webcasting for those Member meetings of most interest to the public with officers investigating ways of doing so within available staffing resources.

#### **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. The upfront cost and the service costs for either a year or a three year contract could be met from the balance of the Welsh Government grant.

#### **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 Each webcast meeting would require an extra officer to be in attendance and this would represent a significant challenge at a time of reducing staffing resources to find budget savings.

**10.00 CONSULTATION REQUIRED**

10.01 None as a result of this report.

**11.00 CONSULTATION UNDERTAKEN**

11.01 None as a result of this report.

**12.00 APPENDICES**

12.01 Appendix 1 – Guidance for Members

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

Questionnaires on webcasting arrangements at Conwy and Wrexham Councils.

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WLGA • CLILC

# Guidance for Members: Webcasting

APPENDIX 1

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.

### Welsh Local Government Association

Local Government House  
Drake Walk  
Cardiff  
CF10 4LG

Tel: 029 2046 8600

Fax: 029 2046 8601

[www.wlga.gov.uk](http://www.wlga.gov.uk)

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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.

A handwritten signature in black ink, appearing to read 'Peter Fox'.

**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*,<sup>1</sup> 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*,<sup>2</sup> 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.

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

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<sup>2</sup> <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, 28 JANUARY 2015**  
**REPORT BY:** **CHIEF OFFICER, GOVERNANCE**  
**SUBJECT:** **REVIEW OF PROTOCOL ON MEMBER / OFFICER RELATIONS**

### **1.00 PURPOSE OF REPORT**

1.01 To review the protocol on Member / Officer Relations

### **2.00 BACKGROUND**

2.01 The Protocol on Member/Officer Relations forms part of the Council's Constitution. The Constitution Committee is in the last year of a 3 year programme of reviewing all parts of the Constitution. The guiding principles behind that review are to ensure that the wording is unambiguous and the information up to date.

2.02 At the training for Standards Committee members hosted by Anglesey County Council on the 1<sup>st</sup> of July the facilitator Mr. Keith-Lucas referred to four Protocols that he had been involved in devising and one of these related to Member/Officer Relations. A copy of that Protocol was subsequently obtained and has been considered as part of the review of the Council's existing Protocol.

2.03 The Standards Committee at its meeting on the 3 November 2014 considered the review of the protocol, agreed the recommended changes to it and suggested three further minor changes. A copy of the protocol showing the proposed tracked changes is attached as Appendix 1.

### **3.00 CONSIDERATIONS**

3.01 The Protocol provides guidance for Members, Co-opted members and Officers in their working relations with each other it is one of the documents referred to in the Flintshire Standard explaining the standard of conduct expected from County Councillors and Co-opted members in dealing with each other and with Officers. The Flintshire Standard and the Protocol for Member/Officer Relations are important in promoting good co-operation between Members and between Members and Officers within the Council thereby allowing the Council to fulfil its duties effectively and professionally.

3.02 The main changes proposed are to introduce as Section 3 a description of the roles of Members and Officers and to introduce as Section 4 what Members can expect from Officers and what Officers can expect from Members. These provisions are based on provisions in the Protocol provided by Mr. Keith-Lucas. It is considered that these provisions give a useful summary of the respective roles of Members and Officers and what each can expect from the other.

3.03 The other proposed changes to the Protocol are minor changes to clarify or update provisions in the Protocol and the track changes comment on the reason for these minor changes.

#### **4.00 RECOMMENDATIONS**

4.01 For the Committee to review the Protocol on Member / Officer Relations including the proposed changes shown in Appendix 1.

#### **5.00 FINANCIAL IMPLICATIONS**

5.01 None as a result of this report.

#### **6.00 ANTI POVERTY IMPACT**

6.01 None as a result of this report.

#### **7.00 ENVIRONMENTAL IMPACT**

7.01 None as a result of this report.

#### **8.00 EQUALITIES IMPACT**

8.01 None as a result of this report.

#### **9.00 PERSONNEL IMPLICATIONS**

9.01 None as a result of this report.

#### **10.00 CONSULTATION REQUIRED**

10.01 With the Standards Committee.

#### **11.00 CONSULTATION UNDERTAKEN**

11.01 With the Standards Committee.

#### **12.00 APPENDICES**

12.01 Appendix 1 – Protocol on Member / Officer Relations.

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

None

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## Protocol on Member/Officer Relations

### 1.0 Introduction

1.1 Effective local governance and community leadership depends on good working relationships between Members and Officers.

1.2 This Protocol provides guidance for Members (which includes co-opted members) and officers in their working relations with each other. The Protocol covers the more common working situations, but is not comprehensive. The principles underlying it may be applicable to other situations.

**Comment:** So that subsequent references to members clearly include co-opted members

1.3 This Protocol applies only to working relations between Members in their role as Members and Officers in their capacity as Officers.

### 2.0 Working Relations

2.1 Members and Officers shall establish sound and effective working relations that engender mutual respect and put aside any personal differences.

2.2 Members will comply with the Members' Code of Conduct and officers with the Officers' Code of Conduct.

**Comment:** To include reference to officers' code and to delete reference to pages in the Constitution which change.

2.3 The National Conditions of Service for Staff in Local Government provide: "*The public is entitled to demand, of a local government Officer, conduct of the highest standard*".

**Deleted:** , applicable to Elected Members set out on pages 118-125. ¶

2.4 Members and Officers must recognise their different roles, needs and objectives. They must be ready to discuss positively how working relations between each other can most effectively be developed. Members and Officers must set aside any personal differences in the interests of maintaining effective working relations.

2.5 It is important that Officers develop political awareness of issues that are sensitive to the individual political groups represented on the Council.

### 3.0 Roles of Members and Officers

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3.1 The respective roles of Members and officers can be summarised as follows:-

Members and officers are servants to the public and they are indispensable to one another. Their responsibilities are distinct. Members are responsible to the electorate and set policy and direction. Officers are responsible to the Council. An officer's job is to give advice to the Council and to carry out the Council's work under the direction and control of the Council, the Cabinet and relevant committees.

### 3.2 Members have four main areas of responsibility:-

- Contributing to determining the policy of the Council and giving it leadership;
- Monitoring and reviewing the performance of the Council in implementing that policy and delivering services;
- Representing the Council in their local areas and externally;
- Acting as advocates on behalf of their constituents;

### 3.3 An officer's role is:-

- To give advice and information to all Members on an impartial basis; and
- To implement policies determined by the authority, provided the policies are within the law.
- In all advice, including reports, it is the responsibility of the officer to express his/her own objective advice in a professional manner and make recommendations based on this.

### 3.4 Through performance appraisal, target setting and day to day management officers receive their instructions from their Line Managers. Members are not authorised to instruct officers other than:-

- Through the formal decision-making process;
- To request the provision of consumable resources provided by the Council for the use of Members;
- Where staff have been specifically allocated to give support to a Member, a group of Members, or all Members.

## 4.0 Expectations

### 4.1 Members can expect from officers:-

- a) A commitment to the Council as a whole and not to any political group.
- b) A working partnership.
- c) An understanding of and support for respective roles, workloads and the differing pressures.
- d) Timely response to enquiries and complaints.
- e) Objective advice, not influenced by political views or preference, which does not compromise the political neutrality of officers.
- f) Regular, up-to-date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold.
- g) Awareness of and sensitivity to the political environment.
- h) Respect, courtesy and dignified behaviour appropriate to the occasion.
- i) Training and development in order to carry out their role effectively.
- j) A high level of integrity and confidentiality, appropriate to the situation.
- k) Not to have officers' personal issues raised with them outside the agreed procedures.

**Comment:** The word 'differing' inserted as agreed by the Standards Committee 3 Nov 2014



- l) That they will not attempt to influence improperly any Member to advance officers' personal interests or influence improperly a decision
- m) At all times compliance with the Code of Conduct for Officers
- n) Support for the role of Members as the local representatives of the Council, within any scheme of support for Members, which may be approved by the authority.

#### 4.2 Officers can expect from Members:

- a) A working partnership.
- b) An understanding of and support for respective roles, workloads and differing pressures.
- c) Leadership and direction.
- d) Respect, courtesy and dignified behaviour appropriate to the occasion.
- e) A high level of integrity and confidentiality appropriate to the situation.
- f) Not to be subject to bullying or to be put under undue pressure to accord with a Member's wishes.
- g) Not to use their position or relationship with officers improperly to advance their personal interests, or those of others, or to improperly influence decisions.
- h) That Members will at all times comply with the Council's Code of Conduct.

**Comment:** The word 'differing' added as agreed by the Standards Committee on the 3 Nov 2014

**Comment:** Wording slightly amended as agreed by the Standards Committee 3 Nov 2014

### **5.0 Courtesy**

- 5.1 Mutual respect between Members and Officers is essential, it is important that any dealings between the parties should observe the highest standards of behaviour and courtesy towards each other and will not take or attempt to take unfair advantage of their position.
- 5.2 Members and Officers should have regard to the formality of the occasion as to the mode of address they choose to adopt. In particular, in formally convened meetings and/or meetings open to the public a formal mode of address should be adopted. In all other cases Members and Officers will respect preferred modes of address.

### **6.0 Officers Giving Advice and Information to Political Groups**

- 6.1 There is now statutory recognition for political groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such deliberations by political groups.
- 6.2 The support provided by Officers can take many forms, ranging from a briefing meeting with a Chairperson or Spokesperson prior to a Committee meeting to a presentation to a full political group meeting. Whilst in practice such Officer support is likely to be in most demand from whichever political group is for the time being in control of the Council, such support is available

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to all political groups.

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6.3 Certain points must, however, be clearly understood by all those participating in this type of process, members and officers alike. In particular:

(a) Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of political group business. The observance of this distinction will be assisted if Officers are not expected to be present at meetings, or parts of meetings, when matters of political group business are to be discussed;

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(b) Political group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not, therefore, rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and

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(c) Similarly, where Officers provide information and advice to a political group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the County Council or the relevant Committee or Sub-Committee when the matter in question is considered.

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6.4 Special care needs to be exercised whenever Officers are involved in providing information and advice to a political group meeting which includes persons who are not members of the Council. Such persons will not be bound by the National Code of Local Government Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons Officers may not be able to provide the same level of information and advice as they would to a Members only meeting.

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6.5 Officers must respect the confidentiality of any political group discussions at which they are present in the sense that they should not relay the content of any such discussions to another political group.

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6.6 Any particular cases of difficulty or uncertainty in this area of Officer advice to political groups should be raised with the Chief Executive who will discuss them with the relevant Group Leader(s).

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## 7.0 **Support Services to Members**

7.1 Members will use support services and resources provided by the Council only for Council business. Support services shall not be used for political or campaigning activity, or for private purposes.

7.2 The Council provides support services to members only in designated areas (including stationery, IT facilities, printing, photo-copying, travel, transport and parking arrangement, etc.) to assist members in discharging their role as

Members of the Council.

- 7.3 Support services are provided to the Political Group Leaders by the Members' Services Section of the Democracy and Governance Manager Department. Individual Departments may, in addition, provide support services to an Cabinet Member with Portfolio, Lead Members, Chairs of Scrutiny Committees and Panel Chairs.

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## 8.0 **Communications**

- 8.1 Members and Officers will not, without the agreement of the author, copy a communication, whether physical or electronic, from a member of the public (including MPs, AMs or MEPs) or Member to another Member or to any other third party.
- 8.2 Most correspondence between officers or from officers to Members will be open and may be copied as a part of the normal arrangements for dealing with the matter within it. Members and Officers may from time to time raise matters confidentially with each other and such confidences shall be respected.
- 8.3 It may be necessary or appropriate for an Officer to discuss the content of a confidential communication with another Member, particularly where political consultation is required before action is taken under Officer delegated powers. In these circumstances, the communication should not be copied or shown to another Member or the identity of the author revealed without the express permission of that author.
- 8.4 Official communications on behalf of the Council should normally be sent out over the name of the appropriate Officer, rather than over the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister or Assembly Secretary) for a communication to appear over the name of a Member, but this should be the exception rather than the norm. Communications which, for example, create obligations or give instructions on behalf of the Council should never be sent out over the name of a Member.

## 9.0 **Specific Member/Officer Working Relations**

- 9.1 Members and Officers will not allow a working relationship to become so close or appear to be so close as to bring into question the Officer's ability to deal impartially with other members, political groups and other Officers.
- 9.2 Cabinet members with Portfolios, Lead Members and other appropriate members will routinely be consulted by Officers, prior to making decisions under delegated powers.
- 9.3 The Cabinet Member and/or the Chair and/or the Vice-Chair of the Committee

or Panel will be consulted as a part of the agenda preparation for meetings.

- 9.4 Officers having delegated decision-making Authority are entitled, where considered expedient, to refer a matter to the Cabinet Committee or appropriate Sub-Committee for decision. Officers of Cabinet Management are responsible for the contents of all reports submitted in their name.
- 9.5 Members must acknowledge that Officers within a department are accountable to their Chief Officer. Officers should always be prepared to assist Members, but they cannot go beyond the bounds of the Authority given to them by their Chief Officer and they must not be asked to do so. Members must also recognise that Officers are bound by professional standards, codes of conduct or professional ethics and they should not be asked to go outside of the bounds set in such codes.

#### 10.0 **Involvement of Ward Councillors**

- 10.1 Ward Members will be invited to attend any public meeting organised by the Council which relates to issues affecting their ward.
- 10.2 Ward Members must be appraised of local issues effecting their ward and involved in any public meeting or consultation exercise. They must be notified, at the outset, of any consultation on a local issue affecting their ward.

#### 11.0 **Members' Access to Information and to Council Documents**

- 11.1 Members have legal rights to access to information and to Council documents that go beyond the rights enjoyed by members of the public. The law relating to Member's rights to information is complex and includes common law and statutory rights. The law also changes from time to time with new legislation or new case law. If at any time a Member believes access to information or Council documents is being denied contrary to the Member's legal rights the issue should be raised with a Senior Officer in the Legal & Democratic Services Department.

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#### 11.0 **Confidentiality of Reports and Correspondence**

- 11.1 All Chief Officers have a duty to satisfy themselves that Committee reports to which they are signatories are only classified as 'exempt information' when the statutory criteria for confidentiality are met. The Chief Executive and the Chief Officer, Governance have an overriding responsibility to determine this compliance.
- 11.2 Once a report has been issued within Part II of the agenda for a meeting and until a Committee decides that it should not be discussed in the absence of the press and public, Members and Officers must respect the confidentiality of the report and not disclose it to a third party.
- 11.3 It does not, however, follow that all the contents of the report must be regarded as secret. It may only be certain items of information or terms of

negotiations that justify the inclusion of that report within Part II; other aspects may already be within the public domain or otherwise outside the definition of 'exempt'. A Member may accordingly refer to these aspects in discussions with third parties but must exercise proper care and judgement not to reveal those elements of the paper which are protected but it will always be prudent for that Member to consult the Chief Officer, Governance before doing so.

## 12.0 Access to Council Premises

- 12.1 All Members of the Council shall be entitled to access to the Council Chamber and Committee Rooms for the purposes of attending and/or observing scheduled meetings of the Council, its Committees and Sub-Committees, Fora and the Cabinet (subject to any restrictions set out in the Access to Information Procedure Rules) or any public meeting held in those rooms by any other agency or body.
- 12.2 Subject to the provisions set out below, Members shall also be entitled to have access to any other part of any Council building or premises open to members of the public between 8.00 am and 6.00 pm.
- 12.3 In addition, subject to the provisions set out below, Members shall have access to the Chimney Entrance, the Canteen, the Bridge Link and the areas outside the Council Chamber and Committees Rooms between 8.00 am and 6.00 pm.
- 12.4 Members when they are not acting in pursuit of their roles and duties as a Member shall have no greater rights of access to Council buildings and premises than members of the public. Deleted: Councillor
- 12.5 All Members shall also be entitled to access and use the facilities provided for in the Members' Services Suite between the hours of 8.00 am and 6.00 pm during weekdays (excluding bank holidays).
- 12.6 There is a general presumption that Members will not require access to Council buildings before 8.00 am or after 6.00 pm except for scheduled or public meetings referred to in 11.1 above. In exceptional circumstances where a Member remains in the building beyond 6.00 pm, he/she must inform security of his/her presence and location and give an indication as to how long he/she intends to stay.
- 12.7 Where individual Groups have been allotted rooms for their sole use Members shall be entitled to have access to the room set aside for the use of the Group to which he or she belongs subject to any reasonable restrictions which that Group may wish to place upon access from time to time.
- 12.8 Any Committee Chair or Cabinet Member who has been allocated a room shall also be entitled to access to the room so allocated for the purposes of the consultation responsibilities arising under the Delegation Scheme or for any other business arising from their roles and responsibilities
- 12.9 All Members who have been invited to attend meetings elsewhere in County Hall shall be entitled to have access to all corridors, stairwells and other reception areas through which it is necessary to pass to enable them to attend. The same limitation shall apply to Committee Chairs and Cabinet Members under 11.8 above.

- 12.10 Members shall not be entitled to enter certain restricted sensitive areas including the central computer suite, unified benefits (including the corridor on that part of the ground floor on Phase 2), payroll, and child protection unless by invitation of the Chief Officer or a duly authorised Officer in exceptional circumstances.
- 12.11 Subject to 11.10 above, there is a presumption that Members will not be entitled to enter other staff only areas except following express authorisation by the relevant Chief Officer or someone duly authorised to give such authorisation. Members will endeavour to make appointments with officers in advance giving them sufficient time to research the matter to be discussed. A suitable venue for the proposed meeting will be arranged at that time. Staff only areas include individual rooms, open plan areas, management suites, internal reception areas not open to the public.
- 12.12 In situations where Members and Officers inadvertently meet in the course of their business there should be no expectation on the part of the Member that the Officer will deal with any issue that the Member wishes to raise, unless both agree that it is an urgent issue which cannot wait for a formal appointment to be arranged.
- 12.13 Any contravention of the above provisions shall be reported to the Council's Monitoring Officer who will in the first instance attempt to resolve the issue appropriately. If he is unable to resolve the issue he will report the matter to the Standards Committee. He will also make an annual report to the Standards Committee on the operation of this part of the Protocol.

### **13.0 Criticism of Members and Officers**

- 13.1 As employer, the Council has a duty to provide and maintain a working environment which is reasonably tolerable to all employees and to protect them from unacceptable treatment and behaviour and unauthorised interference in work duties. All Members must ensure they discharge their duties as employer fairly and impartially and not do anything to undermine the relationship of mutual trust and confidence which must exist between the Council and its employees.
- 13.2 No public comment will be made on ongoing disciplinary proceedings as it could prejudice their outcome.

### **14.0 Political Group Leaders and the Chief Executive**

- 14.1 The Political Group Leaders and the Chief Executive will develop and conduct appropriate working relations.
- 14.2 Regular Briefing arrangements between the Political Group Leaders and the Chief Executive are an essential part of the democratic machinery of the Council. It is important that the Chief Executive, as Head of the Paid Service, is accessible by all political groups represented on the Council through their respective Leaders.

### **15.0 Issues regarding Working Relations between Members and Officers**

- 15.1 Members and Officers will seek to resolve any issues arising within their working relations.

15.2 Chief Officers will, in the first instance, endeavour to resolve any such issue.

15.3 The relevant Political Group Leader and the Chief Executive will seek to resolve by mediation and conciliation any unresolved problem or breakdown in working relationships between Members and Officers.

**16.0 Review**

16.1 This Protocol will be reviewed from time to time and/or in the light of subsequent legislation.

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **CONSTITUTION COMMITTEE**

**DATE:** **WEDNESDAY, 28 JANUARY 2015**

**REPORT BY:** **CHIEF OFFICER, GOVERNANCE**

**SUBJECT:** **ANNUAL REVIEW OF THE CODE OF CORPORATE GOVERNANCE**

### **1.00 PURPOSE OF REPORT**

1.01 The Code of Corporate Governance is one of the documents included in the Council's Constitution and applies to all aspects of the Council's business. Members and officers are expected in carrying out Council business to conduct themselves in accordance with the high standards expected by the citizens of Flintshire and in accordance with the aspirations set out in the code.

### **2.00 BACKGROUND**

2.01 The code is based on the six core principles contained in the document entitled "Delivering Good Governance in Local Government: Framework". Those six core principles are:-

- Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area.
- Members and officers working together to achieve a common purpose with clearly defined functions and roles.
- Promoting value for the authority and demonstrating the values of governance through upholding high standards of conduct and behaviour.
- Taking informed and transparent decisions which are subject to effective scrutiny and managing risks.
- Delivering capacity and capability of Members and officers to be effective.
- Engaging with local people and other stakeholders to ensure robust public accountability.

2.02 The Cabinet in consultation with the Constitution Committee were responsible for approving the code and the Chief Executive and Monitoring Officer are responsible for ensuring that it is kept up-to-date by way of annual reviews commencing in October each year. In October 2014 the Corporate Governance working group commenced this year's review and update including consulting with appropriate senior officers within the Council. Whilst the majority of the code

remains accurate and appropriate some parts of it needed updating. Attached as Appendix 1 is a copy of the updated code following the review which also indicates the tracked changes that have been made. These tracked changes were approved by the Audit Committee at its meeting on the 10 December 2014.

### **3.00 CONSIDERATIONS**

3.01 The main updating changes this year are:-

- Updates to reflect the new Chief Officers structure.
- To include in 1.13 reference to the in-depth corporate assessment undertaken by the Wales Audit Office.
- In 2.9 to update on the completion of the single status agreement.
- In 3.9 to update on the strategic partnership governance framework.
- To update on improvement and service planning.
- To include reference to the new e-magazine 'Your Council' and the public consultation on the budget process.

3.02 As the Code of Corporate Governance forms part of the Constitution, when the code is amended there is a need to update the Constitution to include the amended version of the code. If the Constitution Committee approve the updates to the code the Democracy & Governance Manager will consult with the political Group Leaders and the Constitution Committee Chair to check that they have no objection to the version in the Constitution being updated to the amended version. In the event of any of them objecting there will be a need for it to be reported to the Council for approval.

### **4.00 RECOMMENDATIONS**

4.01 For the committee to approve the updating changes proposed to the Code of Corporate Governance as shown in Appendix 1.

### **5.00 FINANCIAL IMPLICATIONS**

5.01 None as a result of this report.

### **6.00 ANTI POVERTY IMPACT**

6.01 None as a result of this report.

### **7.00 ENVIRONMENTAL IMPACT**

7.01 None as a result of this report.

### **8.00 EQUALITIES IMPACT**

8.01 None as a result of this report.

**9.00 PERSONNEL IMPLICATIONS**

9.01 None as a result of this report.

**10.00 CONSULTATION REQUIRED**

10.01 With appropriate Council officers and with the audit Committee.

**11.00 CONSULTATION UNDERTAKEN**

11.01 With appropriate Council officers and with the audit Committee.

**12.00 APPENDICES**

12.01 Appendix 1 – Code of Corporate Governance

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

None

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# CODE OF CORPORATE GOVERNANCE

## Introduction

Corporate Governance is the system by which local authorities direct and control their functions and relate to their communities. It is founded on the basic principles of openness and inclusivity, integrity and accountability together with the overarching concept of leadership. It is an inter-related system that brings together the underlying set of legislative requirements, governance principles and management processes.

Flintshire County Council recognises the need for sound corporate governance arrangements and over the years Members and senior Officers have put in place policies, systems and procedures designed to achieve this and the stewardship of the resources at their disposal. In adopting a Code, the Council has drawn together all those elements of corporate governance which were already in place.

This code recognises the emphasis placed upon corporate governance by the Welsh Government and also takes into account relevant legislation and the contents of guidance documents which have been issued as follows: -

- Delivering Good *Governance* in Local Government: Framework – CIPFA/SOLACE
- Delivering Good Governance in Local Government – Guidance Notes for Welsh Authorities – CIPFA/SOLACE
- The Annual Governance Statement – A Rough Guide for Practitioners issued by the CIPFA Finance Advisory Network

The Council's Corporate Governance arrangements are reviewed annually by way of a self-assessment. The self-assessment is undertaken by senior officers of the Council and used to inform the Annual Governance Statement reported each year to the Council's Audit Committee and Council.

The Code forms part of the Constitution and applies to all aspects of the Council's business. Members and staff of the Council must, in carrying out its business, conduct themselves in accordance with the high standards expected by the citizens of Flintshire and to the aspirations set out below.

The Code is based upon and reflects the various requirements that underpin the six core principles contained in the document entitled “Delivering Good Governance in Local Government: Framework”. Those six core principles are: -

- Focusing on the purpose of the Authority and on outcomes for the community and creating and implementing a vision for the local area.
- Members and Officers working together to achieve a common purpose with clearly defined functions and roles.
- Promoting values for the Authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour.
- Taking informed and transparent decisions which are subject to effective scrutiny and managing risk.
- Developing capacity and capability of Members and Officers to be effective.
- Engaging with local people and other stakeholders to ensure robust public accountability.

Many of the requirements that underpin the six core principles are inter-related and the various sections of the Code need to be read together to obtain a full understanding of the arrangements in place. The Code specially identifies the actions to be taken for each of the six core interlocking principles governing our business.

The Cabinet in consultation with the Constitution Committee were responsible for approving this Code and the Chief Executive and Monitoring Officer are responsible for ensuring that it is kept up to date by way of annual reviews commencing in October each year.

**1. Focusing on the purpose of the Authority and on outcomes for the community and creating and implementing a vision for the local area**

1.1 The County Council is committed through the carrying out of its general and specific duties and responsibilities and its ability to exert wider influence, to: -

- Work for and with its communities.
- Exercise leadership in its communities, where this is appropriate.
- Undertake an “ambassadorial” role to promote the well-being of Flintshire where appropriate.
- Engaging and working in partnership with other organisations and authorities for the benefit of its communities.

1.2 The Council will maintain effective arrangements: -

- For explicit accountability to stakeholders for the Authority’s performance and its effectiveness in the delivery of services and the sustainable use of resources.

- To demonstrate integrity and openness in the Authority's dealings with partnerships established with other public agencies and the private/voluntary sectors.
- To demonstrate inclusivity by communicating and engaging with all sections of the community to encourage active participation.
- The impact of the county vision as set by the Local Service Board (LSB) is monitored and reviewed by the LSB and the Council's Cabinet as each partner body translates the vision into its working and governance arrangements.
- Ensure that the partnership arrangements below the Single Integrated Plan are supported by a common vision.
- Ensure appropriate governance arrangements are in place when developing alternative delivery models for services.

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1.3 An audited and signed Statement of Accounts is published on an annual basis to reflect a true and fair view of the Authority's financial position, as judged by the Council's external auditor (currently Wales Audit Office). Contained within the Statement of Accounts is a statement of responsibilities which includes: -

- Compliance with proper practices as set out in the CIPFA/LASAAC Code of Practice on Local Authority Accounting in Great Britain.
- The Authority manages its affairs to secure economic, efficient and effective use of resources and safeguard its assets.
- Suitable accounting policies have been selected and consistently applied.
- Ensuring judgements and estimates which have been made were reasonable and prudent.
- Reasonable steps have been taken to prevent and detect fraud and other irregularities.

1.4 An Annual Governance Statement is presented to Audit Committee and Council for approval every year. Once approved the Statement is signed by the Leader of the Council and the Chief Executive. The statement explains how the Authority has complied with the Code of Corporate Governance, and met the requirements of the Accounts and Audit (Wales) (Amendment) Regulations 2010.

1.5 The Council Planning Framework has been developed to incorporate both the Council's accountability arrangements through i) annual and periodic reporting of performance and risk and challenges in relation to the Council's administration and improvement priorities and ii) internal structural arrangements to support improvement and change through strategies and plans such as the HR People Plan, ICT Strategy and Medium Term Financial Strategy. Both these elements of the Council Planning Framework are encapsulated within our plans and strategies which include both the 'what and how' of planning to provide our services and the quarterly reporting of progress against these plans through the Improvement Plan monitoring and Chief Officer reports. The contents of the Council Plan (Governance)

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Framework have been agreed by Cabinet.

- 1.6 The Medium Term Financial Strategy (MTFS) was formally adopted by the Council in June 2011; the strategy has been translated into Welsh and has been published on the Council's website along with the Council priorities and improvement plan. The MTFS is a critical part of the Council's overall Governance Framework. It sets out the financial resource strategy by which the Council will deliver its vision as strategic objectives over the medium term. Its purpose is to enable the Council to plan ahead by identifying when new investment is required, where activity will increase or decrease and which new policies or targets (external or internal) will be set by the organisation. Integral to the MTFS is the Medium Term Financial Plan (MTFP) which: -
- i) Forecasts for a defined period available resources, financial pressures (which arise from conscious choice, or uncontrollable demand) and opportunities for efficiencies/savings for both revenue services and capital programme.
  - ii) Provides an analysis of the 'gap' between estimated future funding and expenditure.
  - iii) Identifies specific actions required to balance budgets and manage resources within the overall framework of the Medium Term Financial Strategy.

The MTFP is an ever evolving forecast of the Council's financial position. The latest published MTFP is at 30<sup>th</sup> September 2013. The Council plans to develop a fuller and more priority based MTFS in 2014.

- 1.7 The County Council's financial and operational reporting processes are independently examined by: -
- The Wales Audit Office whose annual audit letter is presented to the Audit Committee and their audit certificate is included in the annual Statement of Accounts.
  - The Council's independent Internal Audit who report regularly to the Audit Committee including an annual report.
  - Other external review agencies such as ESTYN and the Care and Social Services Inspectorate Wales (CSSIW).
- 1.8 The Council's Overview and Scrutiny Committees have a significant input into the review and development of service delivery issues and policy development. This role includes the examination of performance outturn and budget monitoring which assist in assessing success and failure. These are some of the checks and balances which have been put in place. External regulations add to the process through the publication of reports on service and performance.



1.9 Other ways in which the Council measures and monitors the quality of its services includes: -

- The use of quality assurance models.
- Internal and external audit and inspections.
- Customer Satisfaction Surveys.
- The CIPFA Benchmarking Club.
- Reports on performance, risk and achievement of Improvement Objectives (priorities) to Overview & Scrutiny Committees and the Cabinet.

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1.10 The Council strives to ensure continuous improvement in the delivery of its services through performance measurement and management, establishing service quality standards, creating clear lines of accountability and undertaking customer satisfaction surveys. The Council has a procedure for dealing with Compliments, Comments and Complaints which enables complaints to be recorded on a central database and monitored corporately and within each directorate.

1.11 A central register of contracts and lists of defaults is being developed to assist in contract monitoring and review. In some areas the Council has put in place arrangements and backup capacity to respond to service or market failure.

1.12 A number of methods are employed to demonstrate value for money: -

- The annual Improvement Plan provides detailed information of the Council's plans and their desired impacts. The annual Performance Report provides a general performance and progress profile as to how the Council is improving the level of efficiency and effectiveness of its services in line with it's Improvement Plan.
- An annual budget setting process is in place and all directorates have monthly meetings to review their budgets.
- The Terms of Reference of the Council's Overview & Scrutiny Committees enables them to review, scrutinise, question and make recommendations in relation to their areas of activity including policy, finance, performance, risk and governance.
- A series of fundamental business plan reviews, are being undertaken, as part of the Council's organisational change programme.

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1.13 The Wales Audit Office review the Council's performance and value for money arrangements through their Improvement Assessment work and report their findings in various letters and their Annual Improvement Report. WAO have recently completed their in-depth Corporate Assessment of the Council. Corporate Assessments are undertaken approximately every four years. Formal feedback is awaited.

1.14 Various impacts such as equality, financial, personnel, environmental and anti-poverty of the Council's policies, plans and strategies are identified on all

committee reports. In addition, Equality Impact Assessments are undertaken and published in relation to policy and business decisions as well as setting the budget.

1.15 The Council has adopted the principle that in the conduct of public business and the administration of justice in Wales it will treat the Welsh and English languages on a basis of equality. The Council's Welsh Language Scheme sets out how the Council will give effect to that principle when providing services to the public in Wales, and in the conduct of its internal business. The Council has made a public commitment to monitor and review the implementation of its Welsh Language Scheme and to report annually to the Council's Cabinet and to the Welsh Language Commissioner on its performance.

**2. Members and Officers working together to achieve a common purpose with clearly defined functions and roles**

2.1 The Council recognises the need to have effective political and management structures and processes to govern decision-making and the exercise of authority within the organisation. It has therefore established a number of arrangements to secure this.

2.2 The Council's Constitution includes the names and a description of the portfolios held by the Leader and other Members of the Cabinet. Their respective roles have been agreed and documented. Role descriptions have also been agreed for all chairs and vice-chairs of Overview and Scrutiny Committees, regulatory committees and Members of Overview and Scrutiny Committees are similarly documented.

2.3 Job descriptions are in place for all Senior Officers of the Council and the senior management structure is kept under review to ensure its continued appropriateness.

2.4 The Constitution includes a Delegation Scheme which identifies those decisions reserved to the County Council, those local choice issues which are decided by the County Council and those by the Cabinet at the Council's discretion. Local choice issues are reviewed at the Council's Annual Meeting. The Delegation Scheme identifies those general and specific delegated powers given to Chief Officers and Senior Officers and is subject to frequent review.

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2.5 The Council has appointed a Chief Executive as Head of the Paid Service and with responsibility for all aspects of operational management. The Corporate Finance Manager is responsible for ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and accounts and for maintaining an effectual system of internal financial control fulfilling the Council's requirements under Section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1988. The Chief Officer, Governance has been designated at the statutory Monitoring Officer

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and is accountable for the statutory requirements of that role under Section 5 and 5(a) of the Local Government and Housing Act 1989. The three Statutory Officers consult each other as required by their statutory roles and meet regularly to consider the work of the Cabinet.

2.6 The Council has put in place a number of mechanisms to ensure effective communication between Members and Officers in their respective roles. A Protocol on Member/Officer Relations provides guidance for Members and Officers covering the more common situations that tend to arise. The Protocol encourages the establishment of sound and effective working relations for engendering mutual respect and the observance of the highest standards of behaviour and courtesy towards each other. It gives advice to Officers on the information that Members are entitled to expect, for the purposes of undertaking their various roles. It includes a section relating to communications and emphasises the need to maintain confidentiality where such an expectation exists. It also recognises the need of Members to be apprised of local issues affecting their Ward including public meetings and consultation exercises.

2.7 Briefing sessions are provided to Chairs and Vice-chairs of Committees in advance of committee meetings and wider briefings are organised from time to time with Group Leaders, members of the Cabinet and Ward Members in relation to specific issues.

2.8 The levels of Member allowances are set annually by the Independent Remuneration Panel for Wales. Their specific application to the Council is considered at the annual meeting and then detailed in the Schedule of Member Remuneration which forms part of the Constitution.

2.9 The terms and conditions and the remuneration of Officers are negotiated nationally. However a job evaluation exercise covering former manual and former administrative, professional, technical and clerical staff has recently been completed and a single status agreement has been approved. This project was central to the development of an equality proofed pay structure.

2.10 The Chief Executive leads the management of the Council through its Chief Officer Team which through the review of the Council Improvement Plan and supporting plans and strategies, is responsible for communicating the Council's shared values with the community and the Council's partners. It communicates these through: -

- Partnership working
- Reports to the Council and its committees and the Cabinet
- The e-magazine 'Your Council'.
- Meetings with the Flintshire Joint Trades Union Council
- Meetings of the Joint Consultative Committees
- Flintshire Focus
- Change Exchange and Team Brief

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- Staff appraisal process
  - Senior Management Team and other team meetings
- 2.11 Following the Annual Meeting of the Council, Members from all political groups are nominated to undertake roles on various outside bodies. Guidance has been provided to assist Members in carrying out those roles and responsibilities and separate guidance for those nominated as company directors. Whenever a new partnership is created, care is taken to ensure that its legal status is clear, that it has appropriate terms of reference and that representatives are aware of the extent to which they can bind the Council. The Cabinet has set and agreed a protocol for the governance of partnership working including the full involvement of appropriate Overview & Scrutiny Committees and the Audit Committee.

**3. Promoting values for the Authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour**

3.1 The County Council recognises that the openness, integrity and accountability of individuals within a local authority form the cornerstone of effective corporate governance. Also the Council's reputation depends on the standards of behaviour of everyone in it, whether Members, employees or agents contracted to it.

3.2 Members and Senior Officers are therefore expected to maintain shared values and exercise leadership by conducting themselves as role models within the County Council to follow. As a result: -

- The Council has a Code of Conduct governing the behaviour of all Members and co-opted Members of the County Council. This Code requires all Members to declare personal (and prejudicial where appropriate) interests in any matters which come before them for consideration. Where the interest is prejudicial Members must withdraw from the room where the discussion is taking place unless they have received a dispensation from the Standards Committee. Interests must be declared in all meetings including informal meetings with Officers and in correspondence.
- A Local Resolution Procedure has been adopted to resolve the less serious internal complaints of a Member not complying with the Code.
- The Code applies to Members in their dealings with other organisations to which they have been nominated except where that organisation has its own separate code when that code will apply.
- A supplementary Code has been adopted to deal specifically with planning matters.
- The majority of members on the Council's Standards Committee are independent co-opted members, one of whom is the Chairman of the Committee, with the responsibility for monitoring the operation of the Members' Code and providing training and guidelines on it to all Members.

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- Officers are subject to a Code of Conduct which includes a wide range of standards of behaviour required of them. These standards include requirements to perform their duties diligently, to respect the dignity and rights of the public, customers and other employees at all times; and to serve the public courteously, efficiently and impartially. There are other requirements relating to the use of Council resources, gifts and hospitalities, outside commitments, conflicts of interest, confidentiality, political neutrality, relationships with Members and general conduct.
- 3.3 The Leader and Cabinet have set up a number of advisory boards to assist the Cabinet in the development of policy and the development of services.
- 3.4 The County Council has in place a timetable of meetings which seeks to ensure that the roles described above can be exercised effectively. The full County Council is scheduled to meet every 10 weeks, special meetings also take place when they are required, Cabinet meets every four weeks and each of the six Overview and Scrutiny Committees meet regularly several times a year. Details of Overview & Scrutiny work is contained in an annual report reported to Council each year and available on the Council's website.
- 3.5 The County Council has adopted an Anti-Fraud and Corruption Policy which is reviewed and updated periodically. Its key elements are: -
- To promote a culture of honesty and opposition to fraud and corruption within the Council.
  - To provide arrangements whereby concerns can be raised with senior Officers on a confidential basis.
  - To ensure arrangements are in place for the prevention of fraud and corruption within the Council, including internal control mechanisms and effective recruitment procedures.
  - To set up basic principles to apply where instances of fraud are detected, including the involvement of the Police and the taking of disciplinary measures.
  - To remind staff to be alert to possible causes of fraud and corruption.
- 3.6 Processes are also in place to ensure the continued operation of arrangements for ensuring that Members and employees are not influenced by prejudice, bias and conflicts of interest. In particular: -
- Members receive advice on a regular basis from the Standards Committee on the application of the Members' Code of Conduct.
  - A Code of Planning Practice has been adopted.
  - A Protocol has been agreed and published giving guidance to Members on dealings with Developers and Contractors.
  - A Members' Register of Interests is maintained.
  - There is a formal opportunity for Members at the beginning of all meetings to declare interests.

- Officers are required to register any interests, gifts and hospitality on registers kept by their Chief Officer. Members of the Chief Officer Team should inform the Monitoring Officer of any interests, gifts and hospitality they receive which will be kept on a central register.

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3.7 The requirements and terms of the various codes and policies are drawn to the attention of those who need to know about them in a variety of forms: -

- Through formal Member training, in the case of the Members' Code of Conduct.
- Through publicity of the Officers Code of Conduct, Whistle Blowing Policy and Anti-Fraud and Corruption Policy on the County Council's intranet site.
- Through the County Council's staff induction programme.

3.8 In addition to the Codes of Conduct and Protocols referred to above, the Council seeks to maintain high standards in the conduct of its business and avoid prejudice, bias and conflicts of interest through: -

- The adoption and publication of an Equal Opportunities and Diversity Policy and the provision of training.
- The adoption of a Strategic Equality Plan and annual reporting.
- Through the adoption and monitoring of the Council's Welsh Language Scheme and Policy.

3.9. The Local Service Board has developed a Strategic Partnership Governance Framework that considers: -

- Procedures for forming or joining any Strategic Partnership
- Strategic Partnerships Agreements
- Performance Management
- Risk Management
- Resource Management
- Information Sharing and Communication
- Annual Partnership Review / Self-Assessment

The purpose of this is to provide a consistent approach to Strategic Partnership Governance.

This Framework is used by the LSB and related partnerships including: - -

- Employment, Skills & Jobs Project Board
- Health, Wellbeing and Independence Board
- People are Safe Board
- Youth Justice Executive Management Board

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 Employment, Skills & Jobs Project Board¶  
 Health, Wellbeing and Independence Board¶  
 <#>Housing and Regeneration Partnership¶  
 People are Safe Board¶  
 Youth Justice Executive

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The diagram at Appendix 1 shows the links between the LSB and the Partnership Boards in relation to the Community Strategy, Single Integrated Plan and Council plans and strategies.

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<#>Community Safety Partnership (for both Flintshire and Wrexham)¶  
<#>Local Safeguarding Childrens Board (for both Flintshire and Wrexham)¶  
<#>Flintshire Housing Partnership¶  
<#>Health, Social Care & Well-being Partnership¶  
<#>Regeneration Partnership¶  
<#>Youth Justice Service Executive Management Board ¶

#### **4. Taking informed and transparent decisions which are subject to effective scrutiny and managing risk**

4.1 The Council has also adopted a Constitution which: -

- Clearly defines those functions which are reserved to the full Council for decision, those decisions which will be taken by the Cabinet or its individual members, and those which are delegated to senior Officers. In this respect, the basic principle on which these rules are established is that the full Council sets the strategic direction through the adoption of policies and the budget, the Cabinet takes major decisions within the overall policy and budget framework and helps to develop new policies and Officers take the day to day decisions within the policy and budget framework.
- Established through the six Overview and Scrutiny Committees a robust overview and scrutiny role. These bodies have between them powers to review and scrutinise decisions relating to any of the Council's activities, including considering policy issues referred to them by the Council or the Cabinet.
- Sets out clearly the role of the Leader and Cabinet and in particular makes it clear that they are responsible for providing effective strategic leadership to the Council and for ensuring that the Council successfully discharges its overall responsibilities for the activities of the organisation as a whole.
- Ensures through Financial Procedure Rules and the Scheme of Delegated Powers that there is effective control over the day to day conduct of the Council's business by requiring Member approval for decisions outside defined parameters.
- Makes clear the role of all Councillors both in their formal decision making/policy development role and as local members and ensures through the Schedule of Member Remuneration that they are properly remunerated for this work.

4.2 The Constitution sets out the responsibilities and procedures for decision making. Decisions which can be taken by the Cabinet, Overview and Scrutiny and other committees and full Council are clarified in Part 3 of the Constitution. The fundamental principles to be applied in all decision making are as follows: -

- Proportionality (i.e. the action must be proportionate to the desired outcome).
- Due consultation and the taking of professional advice from Officers.
- Respect for human rights.
- A presumption in favour of openness.

- Clarity of aims and desired outcomes.
- Consideration of alternative options.
- Recording reasons for the decision, including details of any alternative options considered and rejected.
- In addition the Council's policies and protocols set out the processes that must be followed in decision making e.g. in relation to planning applications processes are detailed in the Flintshire Planning Code of Best Practice.

4.3 The Constitution sets out how the Council operates, how decisions are made and the procedures followed to ensure that these are efficient, transparent and accountable to local people. The Constitution is divided into 21 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in rules and protocols at the end of the Constitution.

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4.4 The decision making process is clearly explained on the Council's web site.

4.5 The Constitution contains comprehensive Contract and Financial Procedure Rules governing the process to be adopted in conducting the Council's business; these are further supported by more detailed local codes, protocols and notes of guidance.

4.6 The Constitution sets out clear protocols and codes of conduct to ensure that the implications of supporting community political leadership for the whole Council are acknowledged and resolved, including: -

- Members' Code of Conduct
- Standards Procedure
- Whistleblowing Procedure
- Flintshire Planning Code of Best Practice
- Protocols for Overview and Scrutiny Committees including:-
  - Attendance of Members and Officers at Overview and Scrutiny Committee meetings
  - Dealing with minority reports within Overview and Scrutiny
  - Cabinet Members attending meetings of Overview and Scrutiny Committees
  - Members placing items on an agenda of an Overview and Scrutiny Committee
- Local Member/Officer Protocol

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4.7 In addition, the Council's Infonet site has guidance on, for example: -

- Equalities
- Harassment



- Speaking up about wrongdoing (Whistle Blowing)
- Health and Safety at Work
- IT Code of Practice
- Data Protection

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- 4.8 The Council has an Audit Committee consisting of 7 politically balanced Members and a lay member. The Chair and Vice Chair are chosen by the Committee itself from amongst the opposition group(s), non-aligned Councillors, or lay member. It meets on a regular basis and is advised by the Council's Internal Audit Manager, and is normally attended by representatives of the Council's external auditors. All Members receive training and it is a requirement that only trained substitutes are allowed.

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The Committee's terms of reference include those prescribed by the Local Government (Wales) Measure 2011 and were agreed by the Council. They give the committee the following functions: -

- Review the effectiveness of the Authority's systems of corporate governance, internal control and risk management systems, and to make reports and recommendations to the County Council on the adequacy and effectiveness of these arrangements;
- Oversee the reporting of the statutory financial statements process to ensure the balance, transparency and integrity of published financial information, and to review the financial statements prepared by the authority and recommend them to the County Council;
- Monitor the performance and effectiveness of the internal and external audit functions within the wider regulatory context;
- Review and scrutinise the County Council's financial affairs, and to make reports and recommendations on them. The role of the committee is to assure the budgetary control systems of the Council rather than the scrutiny of the use and value for money of expenditure which is the role of the respective Overview and Scrutiny Committees.

- 4.9 The Audit Committee is further supported in the discharge of its functions by:-

- Having appropriate arrangements in place for delivery of an adequate and effective Internal Audit function and ensuring adequate reporting arrangements to safeguard its independence.
- An up to date risk based Internal Audit Plan.
- Systematic risk assessments in all areas of the Council's activities; both at a strategic level supporting the Council's improvement priorities and at an operational Chief Officer level.
- Clear Terms of Reference.
- External Auditors who annually consider the Council's approach to legality, its response to major legislation and any matter of legality relevant to the

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Audit of financial transactions and the outcome is considered by the Audit Committee.

- Appropriate training for Members of the Audit Committee.

4.10 The Council has identified and evaluated its strategic risks in relation to the priorities within the Improvement Plan. These form the basis of the Council's strategic risk register. Additionally, operational risks are captured and monitored through the supporting plans and strategies, to the Improvement Plan. Partnership and project risks are captured by and reported to the appropriate boards.

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4.11 The Council has developed a resilient approach to Business Continuity including: -

- The development of a Corporate Business Continuity Plan which provides the overall framework within which the Business Continuity Plans operate and identifies the actions to be taken to aid recovery during a major business interruption e.g. loss of IT or accommodation.
- The identification of Mission Critical Services and development of Plans for those services which must be maintained or recovered as a priority should a business interruption occur e.g. severe weather.

Both the above are periodically tested through training and scenarios and lessons applied through these and in year events.

4.12 The Council has a Whistle Blowing Policy which is reviewed and updated periodically. All members of staff have access to the policy which aims to: -

- Encourage staff, contractors and suppliers and partners to feel confident in raising serious concerns and to question and act upon concerns.
- Provide avenues for people to raise those concerns and receive feedback on any action taken.
- Ensure that people receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied.
- Reassure those raising concerns that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have raised any concern in good faith.

4.13 The Council actively recognises the limits of lawful activity placed upon them whilst also striving to utilise powers to the full benefit of their communities through: -

- Legal advice in the preparation of Council, Committee and Cabinet reports.
- The availability of legal advice at meetings of the Council, the Cabinet and various Committees.

- The pro-active work of the Council's Legal Service and its close working relationship with service managers.
- Professional development and training (including multi-agency training for Children's Services staff in particular).
- The Council's policies and protocols set out the processes.

4.14 The Overview & Scrutiny function has developed as a critical friend, providing constructive challenge in order to contribute to continuous service improvement. This role is discharged both through consultation by the Cabinet and Chief Officers and also through the 'calling in' of Cabinet decisions by the 6 functional Overview & Scrutiny Committees. Each of those Committees engages in performance monitoring and management through the consideration of appropriate items such as performance indicator, outturns, risk identification and mitigation. The work programmes of Overview & Scrutiny are updated and published on a regular basis and there is a dedicated team of Officers to support the function.

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4.15 Other Committees will take decisions based upon detailed reports with any late information being referred to in the minutes. Overview and Scrutiny Committees when undertaking work requested by Council or the Cabinet or when undertaking their own investigations, will agree reports containing the evidence which was considered to be material.

4.16 The Cabinet and County Council reports, contain all the information, evidence and comments needed to take decisions. The decisions made by Officers under delegated powers are, documented on files or where they are of a significant nature, incorporated in Delegated Action Forms which are reported to the Cabinet for information purposes.

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4.17 The Monitoring Officer and Deputy Monitoring Officer are available to give advice to Members and staff on conflicts of interest that might arise from time to time. Guidance is also available on the Council's Infonet.

4.18 A set of customer care standards are in place which are supported by a complaints procedure, which in turn is supported by a central database system which aims to: -

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- Make it easy for anyone to make a comment, complaint or a compliment.

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- Solve problems as close to where they occur as possible, and pass back compliments to the right people.

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- Prevent problems happening again and also encourage good practice.

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4.19 Monitoring of the arrangements set out above is carried out in a number of ways, particularly: -

- Through the Corporate Complaints Officer in the case of compliments, comments and complaints.

- Through the Standards Committee, in the case of the Members' Code of Conduct.
- Through the Monitoring Officer, in respect of the Whistle Blowing Policy.
- By Internal Audit, in the case of the Anti-Fraud and Corruption Strategy.

4.20 Member Services provide a support service to Members in relation to their ward issues.

4.21 The Council has developed a separate complaints handling system for social services matters with three stages. The final stage involves an appeal to an Independent Panel.

4.22 There are statutory appeal processes involving independent panels for school exclusions and admissions.

## **5. Developing capacity and capability of Members and Officers to be effective**

5.1 Generic one day induction sessions are provided for all new employees in groups. Those induction sessions include modules comprising equalities and diversity awareness, customer care and governance.

5.2 After County Council elections a Member induction programme is devised and delivered. The Council ensures that both Members and Officers have the skills required to undertake their roles and that those skills are developed on a continuing basis to improve performance through: -

- Staff appraisal as part of a performance management system which also identifies training and development needs and how these will be met.
- Induction training for officers.
- The development of leadership and management behavioural competencies.
- Development and training programmes, including those provided by professional organisations for both Members and Officers.
- Management Development Programme for Officers.
- Member induction training.
- A mentoring system for Members.
- An annual Member Development Programme.
- The Council's Member Development Strategy.
- Training on the Members' Code of Conduct.
- Specific training for Members on planning, licensing, audit and risk management.

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5.3 The Council benefits from its membership of the Welsh Local Government Association which provides support and assistance over the whole range of Council functions, partnership working, policy development and liaison with

the Welsh Government. CIPFA/SOLACE, Lawyers in Local Government and other professional associations also assist and support statutory and other service officers in performing their roles.

5.4 A People Strategy and underpinning action plan, which aims to ensure that employees deliver services that meet existing and future demands has been developed to run until 2014. The HR Business Partner, aligned to each portfolio, works in partnership with portfolio Management Teams to develop and implement activities under the People Strategy at local / service level. There is a nominated officer in each service area who is responsible for monitoring specific elements of the plan, for example, the completion of individual employee appraisals.

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5.5 The Council wishes to encourage individuals from all sections of the community to engage with and contribute to and participate in the work of the Authority and seeks to achieve this aim through: -

- The Single Integrated Plan and its extensive and consultation with partners.
- The Improvement Plan produced annually which is consulted on through the Members as representatives of local residents.
- Supporting Communities First programmes to enable people to participate effectively in their own communities.
- The development and implementation of a consultation and engagement framework and guidelines/policy document.
- The adoption of a set of core consultation and engagement principles based on nationally identified best practice.

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5.6 The Council ensures that career structures are in place for all staff and encourages participation and development through: -

- development of a Corporate Performance Management framework
- development of a People Strategy
- periodic restructuring of the Council's senior management
- continuous professional development

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**6. Engaging with local people and other stakeholders to ensure robust public accountabilities**

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6.1 The Council continues to enhance arrangements to demonstrate the levels of accountability in the provision of services through: -

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- The Single Integrated Plan
- The Council's Improvement Plan
- Supporting Plans and Strategies
- Clear statements of roles and accountabilities in job descriptions of staff

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- Clear statements of the roles of Members in their various offices
- Unambiguous provisions in partnership and service level agreements
- Terms of reference of committees

6.2 The vast majority of reports are considered in public and in the rare cases where this is not the case, the Committee has resolved to exclude the press and public after the Monitoring Officer or Deputy Monitoring Officer have decided there is a proper legal basis for doing so.

6.3 The Council's Overview and Scrutiny Committees produce an annual report on their work which is considered by the Council.

6.4 The Council has established clear channels of communication with all sections of the community and other stakeholders and put in place proper monitoring arrangements to ensure they operate effectively.

- The Council has many ways of communicating with its citizens and stakeholders, including: -
  - Publications and leaflets
  - The e-magazine 'Your Council'
  - Website
  - Social Media
  - Events
  - Established links and regular meetings with local interest groups/forums
  - Invitations to members of the public to submit issues they consider should be considered by Overview and Scrutiny Committees
  - Consultation on the budget process with local stakeholders (residents and businesses) to help shape its budget proposals
- Recognising the value of media as a method of communicating information to the public and using news releases, statements and media briefings to do this.

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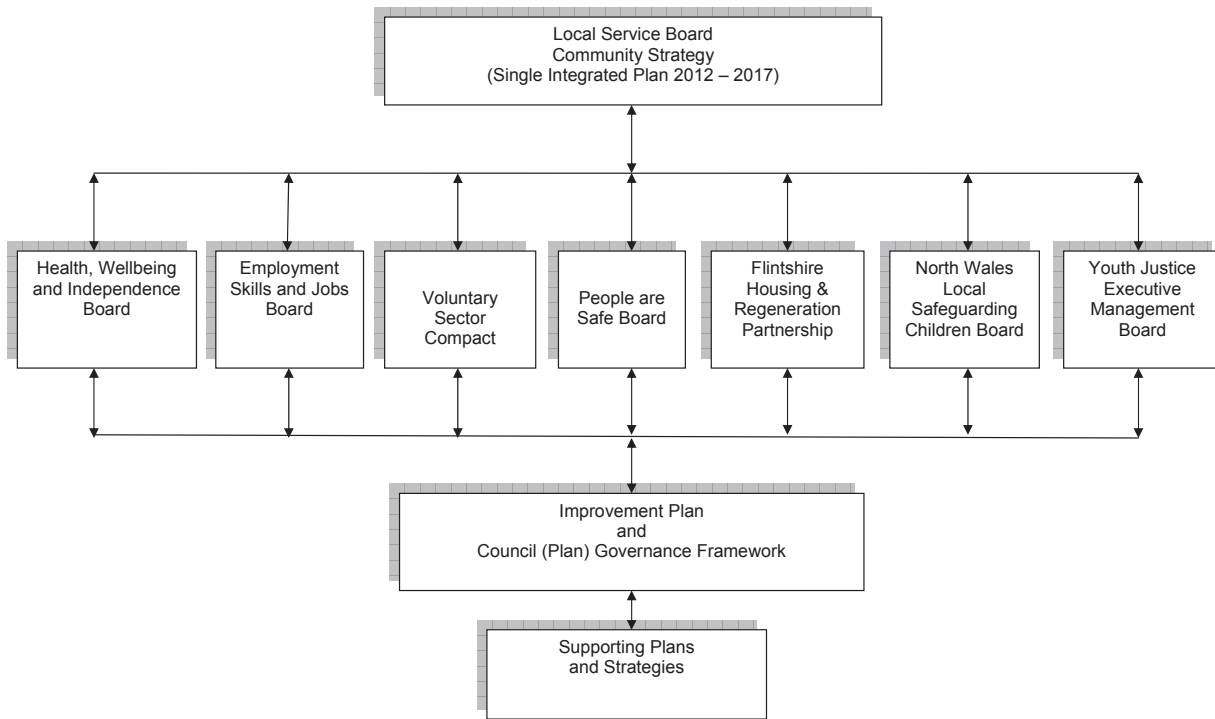
**Deleted:** <#>Presentations by the The Overview and Scrutiny Team has in recent years given presentations about the function and role of ? Overview and Scrutiny to local schools and Town and Community Councils.¶¶

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Local Service Board

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **CONSTITUTION COMMITTEE**  
**DATE:** **WEDNESDAY, 28 JANUARY 2015**  
**REPORT BY:** **CHIEF OFFICER, GOVERNANCE**  
**SUBJECT:** **NEW MODEL CONSTITUTION**

### **1.00 PURPOSE OF REPORT**

1.01 For committee to consider whether to recommend to Council adopting a new model constitution.

### **2.00 BACKGROUND**

2.01 Section 37 of the Local Government Act 2000 requires Welsh County Councils to prepare and keep up-to-date a written constitution containing such information as Welsh Ministers may direct, a copy of the authority's standing orders, a copy of the authority's code of conduct for Members and such other information as the authority considers appropriate.

2.02 The current Council constitution is based on a national model with a modular format. This format does mean that, for example, not all information about Cabinet or Overview & Scrutiny Committees are in the same part of the constitution.

2.03 The Welsh Local Government Association (WLGA) in consultation with the Welsh Government and the Association of Council's Secretaries and Solicitors (now renamed Lawyers in Local Government) recently commissioned a firm of solicitors to review the national model.

2.04 The new model produced simplifies the structure of the constitution by putting all the provisions for each topic area in the same place. For example, there is a section on Overview & Scrutiny which sets out the number and terms of reference for the committees, the Overview & Scrutiny procedure rules, rules for call-ins etc.

2.05 All County Councils in Wales are considering the new model constitution. In the report on constitutional matters submitted to the annual meeting on the 20 May 2014 it was explained that proposals would be brought forward to assess the differences between our current Constitution and the new model constitution and to assess those differences before deciding whether the Council should adopt

the new model. Copies of the new model constitution have been left in Member Services and the group room.

### **3.00 CONSIDERATIONS**

3.01 Each County Council has its own individual constitution to reflect that Council's particular circumstances. Each Council will also have differences as to the documents it believes appropriate to include in its constitution. The national modular format is currently common to County Councils in Wales. As the new model is considered by each Council this may lead to the new model becoming common place.

3.02 It is considered that the new model constitution differs from our existing modular format in the following respects:-

- All information about a specific part of the Council is in the same part of the constitution.
- As a result of the above there is less duplication.
- The style of the new constitution is more intelligible to the public

3.03 Whilst the new model constitution contains detailed provisions, adopting the new model constitution does not require those detailed provisions to be adopted. One option is to adopt the format of the new model constitution but retain the Council's existing detailed provisions concerning procedure rules, codes of conduct and protocols. This option would preserve continuity and retain the valuable work that has been done over the last 2 years in reviewing each part of our existing constitution.

3.04 The committee may consider that the most effective way of progressing consideration of the new model constitution is for a member working group to be formed that can meet informally with relevant officers and report back to the committee on its work.

### **4.00 RECOMMENDATIONS**

4.01 For the committee to agree in principle to adopting the new model constitution subject to a review of its provisions.

4.02 To establish a small working group of 5 to 8 members to consider the differences between the detailed provisions of the new model and Flintshire's existing constitution and make recommendations as to which detailed provisions to adopt to the next annual Council meeting.

### **5.00 FINANCIAL IMPLICATIONS**

5.01 None as a result of this report.

**6.00 ANTI POVERTY IMPACT**

6.01 None as a result of this report.

**7.00 ENVIRONMENTAL IMPACT**

7.01 None as a result of this report.

**8.00 EQUALITIES IMPACT**

8.01 None as a result of this report.

**9.00 PERSONNEL IMPLICATIONS**

9.01 None as a result of this report.

**10.00 CONSULTATION REQUIRED**

10.01 None as a result of this report.

**11.00 CONSULTATION UNDERTAKEN**

11.01 None as a result of this report.

**12.00 APPENDICES**

12.01 None

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

Draft Model Welsh Constitution.

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