

# Public Document Pack



Contact Officer:  
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To: Cllr Robin Guest (Chair)

Councillors: Alex Aldridge, Bernie Attridge, Glyn Banks, Haydn Bateman, Chris Bithell, Clive Carver, David Cox, Paul Cunningham, Glenys Diskin, Veronica Gay, George Hardcastle, Christine Jones, Dave Mackie, Neville Phillips, David Roney, Aaron Shotton, Nigel Steele-Mortimer, David Williams, David Wisinger and Arnold Woolley

21 January 2016

Dear Councillor

You are invited to attend a meeting of the Constitution Committee which will be held at 2.00 pm on Wednesday, 27th January, 2016 in the Delyn Committee Room, County Hall, Mold CH7 6NA to consider the following items

## A G E N D A

### 1 **APOLOGIES**

**Purpose:** To receive any apologies.

### 2 **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

**Purpose:** To receive any Declarations and advise Members accordingly.

### 3 **MINUTES** (Pages 3 - 6)

**Purpose:** To confirm as a correct record the minutes of the last meeting.

### 4 **ANNUAL REVIEW OF THE CODE OF CORPORATE GOVERNANCE** (Pages 7 - 32)

Report of Internal Audit Manager

**Purpose:** To consider the annual review of the Code of Corporate Governance.

5 **THE '6 MONTH RULE'** (Pages 33 - 36)

Report of Chief Officer (Governance)

**Purpose:** Councillors are required to attend at least 1 meeting of full Council, Cabinet and committee or a working group every 6 months. Failure to do so, without full Council approval, results in disqualification. It is not clear whether attendance as an observer is sufficient to satisfy the 6 month rule.

6 **CONTRACTS REQUIRING SEALING** (Pages 37 - 40)

Report of Chief Officer (Governance)

**Purpose:** To recommend that the threshold should be increased to £250,000

7 **PROPOSED ALTERATIONS TO LOCAL RESOLUTION PROCEDURE**  
(Pages 41 - 48)

Report of Deputy Monitoring Officer

**Purpose:** To review the Local Resolution Procedure after it being in operation for 2 years.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Peter Evans', with a long horizontal stroke extending to the right.

Peter Evans  
Democracy & Governance Manager

## **CONSTITUTION COMMITTEE** **7 OCTOBER 2015**

Minutes of the meeting of the Constitution Committee of Flintshire County Council held in County Hall, Mold, on Wednesday, 7 October 2015.

### **PRESENT: Councillor Peter Curtis (In the Chair)**

Councillors: Glyn Banks, Haydn Bateman, Chris Bithell, Clive Carver, David Cox, Paul Cunningham, Veronica Gay, George Hardcastle, Dave Mackie, Neville Phillips, David Roney, Aaron Shotton, Nigel Steele-Mortimer, and Arnold Woolley

**SUBSTITUTIONS:** Councillor Peter Curtis (for Bernie Attridge), and David Healey (for Christine Jones)

**APOLOGIES:** Councillors Robin Guest and David Wisinger

### **IN ATTENDANCE:**

Chief Officer (Governance), Chief Officer (Planning & Environment), Member Engagement Manager, and Committee Officer

## **9. APPOINTMENT OF CHAIR FOR THE MEETING**

In the absence of the Chairman and Vice-Chairman, the Chief Officer (Governance) sought nominations for a chair for the meeting.

### **RESOLVED:**

That Councillor Peter Curtis be appointed Chair for the meeting.

## **10. DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **11. MINUTES**

The minutes of the meeting of the Committee held on 1 July 2015, were submitted.

### **Matters arising**

Minute 5, page 5, Councillor Arnold Woolley referred to the comments concerning absence through long term sickness in the second paragraph and asked if the matter had been raised with the Welsh Government (WG). The Chief Officer (Governance) confirmed that he had raised the point with WG but had not received a response as yet.

Minute 5, Page 5, Councillor Chris Bithell referred to his comments concerning payments made to Members through outside bodies. The Chief Officer advised that only claims for travel expenses had been made.

## **RESOLVED:**

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

## **12. NEW MODEL CONSTITUTION**

The Chief Officer (Governance) introduced a report on the differences between the Council's current Constitution and the Model Welsh Constitution (MWC) and whether to amend any provisions as a result. He provided background information and reported that the Constitution Working Group (CWG) had met in July 2015 to consider the differences and made recommendations as to the changes which it believed should be made and these were detailed in the report. There were parts of the old constitution and MWC which the Working Group decided not to adopt.

The Chief Officer referred to the key considerations in the report and explained that the MWC contained a provision at paragraph 6.3.4 which enabled the Council to appoint a new Leader in the event that the existing Leader became too ill or incapacitated to continue in his role. He emphasised that the inclusion of this provision was not because of any concerns about the Council Leader. The CWG recommended the inclusion of a less legalistic version of the provision which was set out in Appendix E. The CWG also considered provisions about dismissal of the Leader as there was no provision in the old constitution, as existed in other Councils, enabling the Leader to be removed. The CWG recommended that 15% of councillors from at least 2 groups would be needed to instigate such a vote and that a simple majority would be required to approve the motion. As a further safeguard it suggested that no more than one such vote should be permitted in a rolling 12 month period.

Councillor Clive Carver referred to the recommendation in paragraph 3.05 concerning the provision for removal of the Leader and drew attention to paragraph 4.20.4, Appendix E, where it referred to two political groups. He raised concerns that if the situation arose whereby the Council was formed by only two political groups the proposal may not be achievable. The Chief Officer responded to the concerns and suggested that if the Committee wished to address such a situation as raised by Councillor Carver a specific paragraph could be included in the Constitution to address this. During discussion it was further suggested that so as not to risk destabilising the Council, the Committee may wish to increase the recommended number of councillors to 20-25% to be confident of a reasonable spread of Members.

Councillor Chris Bithell expressed the view that 15% was too small and proposed that the number be increased to 25%. The proposal was seconded.

In response to a further query from Councillor Carver concerning removal of the Leader and the process for appointment of a new Leader, the Chief Officer suggested that a paragraph could be included in the Constitution, in the event that the notice of motion was passed, that there would be an election of a new Leader in which the previous deposed Leader was not able to stand.

Councillor Chris Bithell asked about the terms of office for Members as stated in paragraph 1.2.1. The Chief Officer explained that the current term of office for Members was 5 years with the norm being 4 years and advised that there was no change in the law as yet. The Chief Officer also responded to the further query raised by Councillor Bithell regarding the wording in paragraph 1.2.1 concerning the democratic accountability of Councillors. He outlined the procedure for dealing with minor changes to the model Constitution.

The Chair asked Members to consider approval of the changes recommended in Appendixes A-E of the report. Members were also asked to vote on the proposal that the threshold for removal of the Leader be set at 25% of Councillors from 2 groups. When put to the vote the proposal was carried. Councillor Glyn Banks abstained from the vote.

**RESOLVED:**

- (a) That the changes as recommended in Appendixes A-E of the report be approved; and
- (b) That the threshold for removal of the Leader be set at 25% of Councillors from 2 groups.

**13. PROPOSED CHANGES TO CHIEF OFFICER (PLANNING AND ENVIRONMENT) DELEGATED POWERS**

The Chief Officer (Governance) introduced a report to consider recommendations from the Planning Strategy Group (PSG) to alter the delegations to the Chief Officer (Planning & Environment), and to transfer the documented responsibility to make agreements for highway works from the Chief Officer (Streetscene and Transportation) to the Chief Officer (Planning & Environment) to reflect the staffing structure.

The Chief Officer (Governance) invited the Chief Officer (Planning & Environment) to present the proposals concerning delegation. The Chief Officer (Planning & Environment) provided background information and referred to the role and responsibilities of the PSG. He advised that the PSG fully supported the revised delegations to the Chief Officer (Planning and Environment) and was satisfied that the Planning & Development Control Committee would still be able to consider applications that warranted Member scrutiny. He commented on the 'failsafe' that Members would retain the ability to ask for applications to be considered at Committee if there was legitimate reason.

**RESOLVED:**

- (a) That the revised delegations, to the Chief Officer (Planning & Environment) as identified by the PSG be recommended to Council for approval; and
- (b) That the power to make agreements for the execution of highways works be transferred from the Chief Officer (Transport & Streetscene) to the Chief Officer (Planning & Environment)

**14. OVERVIEW & SCRUTINY ANNUAL REPORT**

The Member Engagement Manager presented the draft Overview & Scrutiny Annual Report for the 2014/15 municipal year. He advised that the Committee was requested to consider the draft Report and make any observation or amendments prior to it being submitted to the meeting of the County Council on 20 October 2015.

Councillor Arnold Woolley referred to page 58, paragraph 2, and sought clarification as to the wording. The Member Engagement Manager confirmed that the sentence should read 'The aim was for all senior managers to have been appraised under the new system by end of March 2015' and thanked Councillor Woolley for identifying the typographical error.

Councillor Aaron Shotton referred to page 48, paragraph 4, and said that the word Committee should be inserted following the word Constitution.

**RESOLVED:**

That subject to the inclusion of the typographical errors, the Overview & Scrutiny Annual Report be agreed and forwarded to Council.

**15. NEW REPORT FORMAT FOR CABINET AND COMMITTEES**

The Member Engagement Manager introduced a report on the new report format for Cabinet, Council and Committees. He advised that the report provided details of the new format which was intended to make reporting more effective and efficient. Future reports would be less resource intensive to prepare and easier and quicker to read. The Committee was asked to comment on and approve the use of the new format for Council and Committee reports.

In response to a question from Councillor Clive Carver on when the new report format was to be introduced, the Member Engagement Manager advised that it was intended to use the new format for Council and Committee reports from November 2015, subject to the Committee's approval.

**RESOLVED:**

That the new report format for Cabinet and Committees be approved.

**16. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE**

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

(The meeting commenced at 2.00 pm and finished at 2.50 pm.)

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Chairman



## CONSTITUTION COMMITTEE

<b>Date of Meeting</b>	Wednesday, 27 January 2016
<b>Report Subject</b>	ANNUAL REVIEW OF THE CODE OF CORPORATE GOVERNANCE
<b>Cabinet Member</b>	Not Applicable
<b>Report Author</b>	Internal Audit Manager
<b>Type of Report</b>	Operational

### EXECUTIVE SUMMARY

The Code of Corporate Governance forms part of the Constitution. It is reviewed annually to ensure that it is up to date and complies with all relevant legislation and other requirements. The review for 2015 has been completed by the Corporate Governance Working Group, who consulted with appropriate senior officers within the Council. The results of the review are shown in Appendix 1.

### RECOMMENDATIONS

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

<b>1.00</b>	<b>EXPLAINING THE ANNUAL REVIEW OF THE CODE OF CORPORATE GOVERNANCE</b>
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.

1.02	The code is based on the six core principles contained in 'Delivering Good Governance in Local Government: Framework', published by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives (SOLACE).
1.03	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. In September 2015 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.
1.04	<p>The main updating changes this year are:</p> <ul style="list-style-type: none"> <li>• In 1.2 some information on the developing Alternative Delivery Models</li> <li>• In 1.9 updates on the Medium Term Financial Strategy</li> <li>• In 1.17 updates on the information provided in committee reports</li> <li>• In 4.9 and 4.10 information on the updated risk management approach</li> <li>• In 4.21 to 4.25 information on the complaints and appeals procedures</li> </ul> <p>Other minor changes appear throughout the document.</p>
1.05	These tracked changes are being taken to the Audit Committee on the morning of 27 <sup>th</sup> January 2016. Any comments and amendments from the Audit Committee will be reported to the Constitution Committee when considering this paper.
1.06	As the Code of Corporate Governance forms part of the Constitution, when the code is amended there is a need to update the Constitution with the amendments. If the Constitution Committee approve the updates to the code the Internal Audit Manager will consult with the political Group Leaders and the Constitution Committee Chair to check that they have no objection to the Constitution being updated with the amendments. In the event of any of them objecting there will be a need for it to be reported to the Council for approval.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None as a direct result of this report.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	With appropriate Council officers and the Audit Committee.



<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	None as a direct result of this report.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Amended Code of Corporate Governance.

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p>None.</p> <p><b>Contact Officer: David Webster, Internal Audit Manager</b>  <b>Telephone: 01352 702248</b>  <b>E-mail: david.webster@flintshire.gov.uk</b></p>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<p>(1) <b>Corporate Governance:</b> 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.</p> <p>(2) <b>Alternative Delivery Models:</b> operating models which are different from current or traditional methods of service delivery and which are responding to changed situations to sustain important services.</p> <p>(3) <b>Medium Term Financial Strategy:</b> a written strategy which gives a forecast of the financial resources which will be available to a Council for a given period, and sets out plans for how best to deploy those resources to meet its priorities, duties and obligations.</p>

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## 1. 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 [and Addendum – Chartered Institute of Public Finance and Accountancy \(CIPFA\) / The Society of Local Authority Chief Executives \(SOLACE\)](#)
- 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
- [International Framework: Good Governance in the Public Sector – International Federation of Accountants / CIPFA](#)

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 ~~are~~<sup>were</sup> 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 has developed and is working on establishing Alternative Models of Delivery for Council assets and services. The purpose of this is in a difficult financial climate to sustain services and jobs that otherwise would be at risk. The types of alternative delivery will include models run by the community, commercial models, and co-operative or social purpose models. Key requirements for the Council in each instance will be:

- Ensuring proper governance arrangements are established and maintained
- Ensuring business plans are developed and achieved
- Ensuring Council specified services are delivered to a high quality
- Ensuring staff are treated fairly
- Ensuring community benefits are delivered

1.32 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.

1.43 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.
- Proper accounting records have been kept and are up to date.
- The Statement of the Authority's Responsibilities for the Statement of Accounts is signed by the Chair of the County Council and the Chief Finance Officer.

1.54 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 2014.

1.65 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; ii) 3 year business efficiency plans

and iii) internal structural arrangements to support improvement and change through strategies and plans: Medium Term Financial Strategy, Asset and Capital Strategy, such as the HR People Strategy Plan, ICT Strategy, Procurement Strategy and Customer Services Strategy and Medium Term Financial Strategy.

1.7 The business efficiency plans are one of three elements within the Council's Medium Term Financial Strategy (September 2015) contributing towards reducing the funding gap up to 2017/18.

1.8 Both tThese elements of the Council Planning Framework are encapsulated within relevantour plans and strategies. which include both the 'what and how' of planning to provide our services and the quarterly reporting of pProgress against these plans andthrough the Improvement Plan monitoring is subject to regular reportingand Chief Officer reports. The contents of the Council Plan (Governance) Framework have been agreed by Cabinet.

1.96 The Medium Term Financial Strategy (MTFS) is a critical part of the Council's overall Governance Framework with the dual purpose of forecasting the financial resources available to the Council for a given period, and to set out plans for how to best deploy these resources to meet its priorities, duties and obligations.

The latest version of the MTFS has been published in two parts – Part 1: Forecasting the Challenge was approved by Cabinet in June and Part 2: Meeting the Challenge was approved in September. The MTFS has been published for the three year period 2015/16 – 2017/18 which will take Flintshire to the end of the first year of the new Council and will be revised and republished twice per year. Firstly, in January/February as part of the annual budget setting process and then in September/October as part of setting the context for the following budget year.

The MTFS includes an ever evolving forecast of the Council's overall financial position and will be kept under constant review.

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.~~

1.107 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).

1.118 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.

1.129 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 Clubs.
- Reports on performance, risk and achievement of Improvement Objectives (priorities) to Overview & Scrutiny Committees and the Cabinet.

1.130 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 monitoring standards and performance. ~~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 portfoliodirectorate.

1.141 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.

1.152 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 its Improvement Plan.
- An annual budget setting process is in place and all portfolios/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.
- The business plans are reviewed through a common governance structure of Programme Boards with officer and member involvement, including efficiency trackers and risk logs.~~A series of fundamental business plan reviews are being undertaken as part of the Council's organisational change programme.~~

1.163 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.

1.174 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 the following sections as appropriate:

Section 1 – Explaining the XXX (report subject)

Section 2 – Resource implications

Section 3 – Consultations Required / Carried Out

Section 4 – Risk Management

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

1.185 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 new Welsh Language Standards will apply from April 2016 and~~Scheme~~ sets out how the Council will give effect to the eat principle above when providing services to the public in Wales, and where appropriate, 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~~ reports bi-annually to the



Council's Cabinet and annually 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.
- 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 as the statutory Monitoring Officer 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. ~~A~~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 ~~implemented~~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 Briefings
  - Staff appraisal process
  - Senior Management Team and other team meetings
  - Workforce Bulletins
  - Social Media e.g. Twitter
- 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.
- 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. The Code is issued to all new employees as part of their induction. All staff have been asked to confirm that they have read the Code.

~~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.~~

3.34 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.

3.45 The County Council has adopted an Anti-Fraud and Corruption Strategy Policy, Fraud Response Plan and Whistleblowing Policy which are reviewed and updated periodically. Their 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.
- To provide arrangements whereby concerns can be raised with senior Officers on a confidential basis.
- Encourage staff, contractors and suppliers and partners to feel confident in raising serious concerns and to question and act upon concerns.
- 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.
- 

3.56 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.

3.67 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 informal member workshops to raise awareness
- 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.

3.78 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.

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

- Diversity and Equality
- Dignity at Work
- Health and Safety at Work
- Data Protection

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

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.

#### **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 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 30 sections that set out how each part of the council works. 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.~~

4.32 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. Each section of the Constitution describes the relevant delegated powers for that part of the council.~~ 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.~~

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 Members placing items on an agenda of an Overview and Scrutiny Committee~~
- ~~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 on Member / Officer Relations~~
- ~~Protocol for Members in their dealings with Contractors / Developers and other third parties~~
- ~~Planning Code of Practice~~

~~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~~

**4.87** 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.

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.

4.89 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 Audit of financial transactions and the outcome is considered by the Audit Committee.
- Appropriate training for Members of the Audit Committee.

4.9 A refreshed approach to risk management was approved by the Audit Committee in June 2015. It incorporates:

- Enhanced descriptions of risk including an explanation of the impact if the 'risk' were to be realised and become the 'issue' to be dealt with.
- A more sophisticated risk matrix, moving from a 3 x 3 matrix to a 6 x 4 matrix for likelihood and impact; allowing more options to show how the risk is increasing or decreasing dependent on the success of mitigating actions and influence of external conditions.
- Clearer guidance for escalating and reviewing/reporting risk; the more the significant the risk, the more frequently it is reviewed.
- An improved format to capture both new and emerging risks and also allow for a risk to be 'closed' once it has been mitigated or realised as an issue being dealt with.
- The reporting of 'risk' more prominently within Council reports

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. They are reported on quarterly to Cabinet and the

relevant Overview and Scrutiny Committees as part of the Improvement Plan Monitoring Reports. Additionally, Audit Committee receives a report twice yearly which includes a strategic risk summary/overview.

4.11 ~~Additionally, o~~Operational risks are captured and monitored through ~~the supporting plans and strategies, to the Improvement Plan within their operational areas and through project/programme boards as appropriate.~~ Partnership and project risks are captured by and reported to the appropriate boards.

4.1~~21~~ 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~~ Service Continuity Plans are being updated 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.
- 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.
- 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 ~~service~~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: -
- Make it easy for anyone to make a ~~compliment, comment, or complaint.~~ ~~or~~ ~~a compliment.~~
  - Solve problems as close to where they occur as possible, and pass back compliments to the right people.
  - Prevent problems happening again and also encourage good practice.

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. Cabinet Members are supported through the Executive Office.

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.~~ In line with statutory guidance the Council has developed a separate complaints handling system for social services matters. The prescribed process has three stages. Stage one provides for local consideration and resolution, stage two a formal independent investigation/review with a response from the Chief Officer for Social Services. The third and final stage involves appeal to the Local Government Ombudsman.

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

4.23 Planning appeals can be made to the Welsh Ministers against all planning decisions.

4.24 Requests can be made to the Council to review certain housing decisions, including decisions relating to homelessness applications and decisions to seek possession from introductory tenants and demoted tenants. Such reviews are carried out by officers who were not involved in the original decision. Statutory appeals can be made in the court against homelessness decisions where the original decisions are upheld by the reviewing officer.

4.25 All decisions of the Council that do not carry a right to a sStatutory review or appeal can be subject to Judicial Review or can be the subject of a complaint to the Public Services Ombudsman for Wales.

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

5.1 Managers are responsible for ensuring all new staff have an induction. There is a generic induction checklist which needs to be completed in addition to a service specific induction. A gGeneric one day induction sessions isare also provided for all new employees in groups the purpose of which is to cover. Those induction sessions include modules includingcomprising 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.

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 ~~The~~A People Strategy and underpinning action plan, which aims to ensure that employees deliver services that meet existing and future demands ~~was refreshed at the end of~~~~has been developed to run until~~ 2014 ~~and will run until~~ 2017. 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 ~~in relation to the four key themes namely Effective Leadership, High Performance, Enabled Workforce and Improved Skills and Resources. 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.~~

~~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.~~

5.56 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

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

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

- The Single Integrated Plan (Wellbeing Plan)
- The Council's Improvement Plan
- Business Plans
- Medium Term Financial Strategy
- Supporting Plans and Strategies
- Clear statements of roles and accountabilities in job descriptions of staff
- 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.

~~6.45.5 The Council wishes to encourages 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.

6.54 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
  - Publications and leaflets
  - 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 and encourage community involvement.
- 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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## CONSTITUTION COMMITTEE MEETING

<b>Date of Meeting</b>	Wednesday, 27 January 2016
<b>Report Subject</b>	THE '6 MONTH RULE'
<b>Report Author</b>	Gareth Owens, Chief Officer (Governance)

### EXECUTIVE SUMMARY

All councillors are required to attend, as a member, at least one meeting of full Council, Cabinet, a committee or a working group every 6 months. Failure to do so, without prior approval from full Council, results in disqualification. This is known as the '6 month rule'.

A situation has arisen in relation to a councillor who attended an overview and scrutiny committee meeting intending to participate as a member only to find that she was no longer a member of that committee. She therefore remained at the meeting as an observer. This was the only meeting that the councillor attended during a 6 month period.

It is not clear whether attendance as an observer is sufficient to satisfy the 6 month rule. The answer is not clear from the legislation itself and there is no relevant case law on the issue. How the present case is decided will set a precedent for future decisions until such time as the legislation is clarified. It is therefore appropriate that this committee should establish the convention that will be used to judge this and future cases.

### RECOMMENDATIONS

1	<p>That, until such time as the position is clarified by further legislation or case law, the following convention will be used, in addition to the legislation, to interpret whether a councillor has satisfied the 6 month rule:</p> <p><i>“Attendance by a councillor to observe, listen to or speak at any meetings of the Cabinet (or any of its sub-committees), a committee, a sub-committee, a working group or task and finish group or member workshop (whether the public is entitled to attend some or all of the meeting) will be deemed sufficient to satisfy the requirement to attend meetings contained within s.85 of the Local Government Act 1972 (“the 6 month rule”).”</i></p>
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2	That Council be recommended to expressly confirm the authority of the Monitoring Officer to decide whether a councillor has complied with the 6 month rule.
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## **REPORT DETAILS**

<b>1.00</b>	<b>EXPLAINING THE ISSUES</b>
1.01	S.85(1) of the Local Government Act 1972 provides that if a member fails to attend any meeting for 6 consecutive months from the date of his last attendance then he/she ceases to be a member. This is known as the “6 month rule”. Provided it does so before the end of the 6 month period, Full Council can approve the reason for non-attendance, and often does so, for example, in cases of ill-health.
1.02	Section 85(2) of the Local Government Act 1972 says that attendance “as a member” at any committee, sub-committee, joint committee, joint board, advisory body or outside body shall be sufficient to satisfy the 6 month rule. However, it is not clear whether the phrase “as a member” requires the councillor to be a voting member of that committee etc or whether attendance to observe, listen and/or speak is sufficient. The legislation itself provides no further explanation and the issue has not been decided by case law. The Committee is therefore asked to establish the convention that will be used to decide this and any similar case that might arise in the future.
1.03	The legislation was intended to provide a simple method for deciding whether a councillor was adequately fulfilling her/his duties and representing electors. The key question at the heart of this issue is, therefore, how to judge the level of a councillor’s participation.
1.04	The 6 month rule was clearly established long before the advent of executive decision making and the cabinet/scrutiny process. It reflects a time when committees and sub-committees undertook much more of the work for the Council. Since the creation of cabinet style decision making it is fair to say that the work undertaken by non-Cabinet members within their own wards has taken on greater importance. However the legislation has not kept pace and so does not recognise such ward work as a means of complying with the 6 month rule. Councillors might therefore wish to give a broad interpretation to the 6 month rule to allow more scope for councillors to satisfy their obligations.
1.05	Some committees such as Planning and Development Control and Licensing Sub-Committee continue to make decisions and exercise functions that have an important impact on residents and the county. Also, members fulfil an important role when they participate in debate at scrutiny or member workshops. Lastly, of course, all councillors are eligible to attend and participate in meetings of full Council where the most significant decisions are made. So it is possible that members might feel that attendance at committee meetings etc is still a useful guide to measuring the fulfilment of councillor duties.

1.06	The Constitution does not currently specify any officer to determine whether a councillor has complied with the 6 month rule. Ordinarily, the decision is a straightforward one but as can be seen from the current case it can be more complex, involving legislative interpretation as well as issues of principle. In practice, the Monitoring Officer would be asked to make the determination, but it is silent on the point. It is therefore recommended that Council be asked to expressly confirm that the Monitoring Officer has authority to decide whether a councillor has satisfied the 6 month rule.
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<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	If the council adopts the proposed convention there will be no resource implications. If it does not adopt the convention then there will need to be a by election (likely cost about £3000).

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	Changes to the Constitution must be debated at full Council.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	Establishing the recommended convention would give the broadest possible scope for members to comply with the 6 month rule. This extends the opportunity for those with full-time jobs to undertake the role and could help to encourage a wider range people to seek election.
4.02	There is a risk that the decision not to declare a vacancy could be legally challenged. However it is believed that this risk is small and that there would be sound reasons for defending the proposed position.

<b>5.00</b>	<b>APPENDICES</b>
5.01	None

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	None  <b>Contact Officer: Gareth Owens, Chief Officer (Governance)</b> <b>Telephone: 01352 702344</b> <b>E-mail: <a href="mailto:gareth.legal@flintshire.gov.uk">gareth.legal@flintshire.gov.uk</a></b>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	None



## CONSTITUTION COMMITTEE MEETING

<b>Date of Meeting</b>	Wednesday, 27 January 2016
<b>Report Subject</b>	CONTRACTS REQUIRING SEALING
<b>Report Author</b>	Gareth Owens, Chief Officer (Governance)

### **EXECUTIVE SUMMARY**

Certain contracts are required by contract procedure rules to be “under seal”. That is to say, to have the Council’s official seal attached rather than being signed by a manager. One such category is contracts worth more than £250,000. Section 12.10 of the Constitution requires all contracts over £50,000 to be in writing and either signed by two officers or sealed. For the sake of clarity there should only be one set of rules.

### **RECOMMENDATIONS**

- |   |   |
|---|---|
| 1 | <p>That Section 12.10 of the Constitution be amended by deleting the words struck out as follows</p> <p><b><u>“Authentication of Documents</u></b></p> <p>Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Chief Officer, Governance or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite Authority to some other person. <del>Notwithstanding any arrangements set out within the Contract Procedure Rules which may require particular forms of contract for contracts of a lesser value, the Council expressly resolves that any contract with a value exceeding £50,000 entered into on behalf of the local Authority in the course of the discharge of a Executive Function shall be made in writing. Such contracts must either be signed by at least two officers of the Authority or made under the common seal of the Council attested by at least one officer.”</del></p> |
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## **REPORT DETAILS**

1.00	<b>CONTRACT PROCEDURE RULES</b>
1.01	<p>The Council's Contract Procedure Rules (CPRs) are a comprehensive set of requirements for entering into contracts. They require all contracts to be in writing. They also require the following contracts to be under seal (CPR 35.1).</p> <p>"The following contracts shall be in writing and executed under seal:</p> <ul style="list-style-type: none"> <li>(a) if the Council wishes to enforce the contract for more than six years after its end;</li> <li>(b) where the price paid or received under contract is a nominal price or there is no consideration and does not reflect the value of the works goods or services;</li> <li>(c) where there is any doubt about the authority of the person signing for the other contracting party;</li> <li>(d) where it is required by law; or</li> <li>(e) where the total value of the Contract exceeds £250,000.</li> </ul> <p>The seal must not be affixed without the authority of Cabinet or of a Cabinet Member or Chief Officer acting under delegated powers. All contracts under seal will also require an official Purchase Order to be created on the Purchase-to-Pay solution (where available)."</p>
1.02	<p>Section 12.10 of the Constitution provides:</p> <p><b><u>"Authentication of Documents</u></b></p> <p>Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Chief Officer, Governance or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite Authority to some other person. Notwithstanding any arrangements set out within the Contract Procedure Rules which may require particular forms of contract for contracts of a lesser value, the Council expressly resolves that any contract with a value exceeding £50,000 entered into on behalf of the local Authority in the course of the discharge of a Executive Function shall be made in writing. Such contracts must either be signed by at least two officers of the Authority or made under the common seal of the Council attested by at least one officer."</p> <p>Clearly, these requirements are similar to but not entirely consistent with the Contract Procedure Rules. It would be preferable for them to be entirely consistent.</p>
1.03	<p>Given that CPR's are comprehensive it would be better for all the rules to be in the same location. It is therefore recommended that the part of 12.10 that duplicates CPR's should be deleted.</p>

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	The CPR's were considered by the Audit Committee, this Committee and Council.
3.02	Changes to the Constitution must be reported to Council.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	There are no risks associated with the proposed change.

<b>5.00</b>	<b>APPENDICES</b>
5.01	None

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p>None</p> <p><b>Contact Officer:</b> Gareth Owens, Chief Officer (Governance)  <b>Telephone:</b> 01352 702344  <b>E-mail:</b> <a href="mailto:gareth.legal@flintshire.gov.uk">gareth.legal@flintshire.gov.uk</a></p>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	Contract Procedure Rules – a comprehensive set of rules that everyone must follow when entering into contracts on behalf of the Council.
7.02	Council Seal – a means of showing that a document has been authorised by the Council. It consists of a red wafer seal attached to a document and stamped with the Council's coat of arms. The seal is signed by the Chair of the Council and one of a limited number of other signatories.

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## CONSTITUTION COMMITTEE MEETING

<b>Date of Meeting</b>	Wednesday, 27 January 2016
<b>Report Subject</b>	Proposed alterations to the Local Resolution Procedure
<b>Report Author</b>	Deputy Monitoring Officer

### EXECUTIVE SUMMARY

1. The Council adopted the Local Resolution Procedure ("LRP") on the 25 June 2013. Since then six cases have been handled under the LRP and it was considered that, as more than 2 years had passed since its adoption, it was appropriate to review the effectiveness of the procedure at a meeting of the Standards Committee.
2. On the 7 December 2015 a report was taken to the Standards Committee in order to review the LRP and with a recommendation to consider whether to impose a requirement for complaints under the LRP to be handled with due speed.
3. The committee resolved to take a report to the Constitution Committee to recommend that the LRP be altered to impose a 30 day time limit for referral of complaints to the Monitoring Officer from the date that the complainant becomes aware of the incident giving rise to the complaint, and to add a time limit to resolving complaints under the LRP of 12 months. It was further resolved that there should be a recommendation that these time limits can be extended at the discretion of the Monitoring Officer.

### RECOMMENDATIONS

1	To approve the proposed amended wording to the LRP (as highlighted in tracked changes to the current LRP at Appendix 1) and to take a report to the Council to recommend that the Council adopts that amended wording.
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## **REPORT DETAILS**

<b>1.00</b>	<b>LOCAL RESOLUTION PROCEDURE</b>
1.01	Council approved the LRP at its meeting on the 25 June 2013. The LRP provides an alternative route for resolving some breaches of the Councillors' Code of Conduct. This procedure is available where the Monitoring Officer advises that complaints made to him are ones that are appropriate to be dealt with by the LRP rather than referred to the Public Services Ombudsman for Wales (PSOW). The Standards Committee reviewed the operation of the LRP at a meeting on the 7 December 2015, given that the LRP had been in operation for more than 2 years.
1.02	In reviewing the LRP the Standards Committee considered the local resolution processes of some other Welsh authorities, which had been discussed at the Standards Conference Wales 2015 in Cardiff last October. One of the practices that the Standards Committee considered would improve the operation of the LRP would be to impose a time limit of 30 days to refer complaints to the Monitoring Officer from the date that the complainant became aware of the behaviour giving rise to the complaint. Further, the Standards Committee considered that a 12 month timeframe should be imposed for resolving complaints that had been referred to the LRP.
1.03	In the case of both proposed time limits the Standards Committee considered that the Monitoring Officer should retain a discretion to extend those time limits where the Monitoring Officer considered it was justified to do so. For example, should a Member or officer suffer from illness or be away on a pre-planned holiday it may be considered that an extension of the timeframes would be justified.
<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	Providing a mechanism to end complaints will help to conserve resources.
<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	All changes to the LRP will need to be approved by Council.
<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	If a complaint is terminated by the Council the complainant retains the rights to complain to the PSOW. The facts around the failed use of the LRP would be made known to the PSOW who could either decide to investigate or refer the matter back to the Council.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix 1 – Copy of the current LRP with the recommended amendments shown in tracked changes.

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p>Local Resolution Procedure</p> <p><b>Contact Officer:</b> Matthew Georgiou, Deputy Monitoring Officer  <b>Telephone:</b> 01352 702330  <b>E-mail:</b> matthew_georgiou@flintshire.gov.uk</p>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	Public Services Ombudsman for Wales – an independent body appointed to consider, amongst other things, alleged breaches of the Code of Conduct for Members.

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## Local Resolution Procedure For Complaints About Behaviour

### INTRODUCTION

1. 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. It is therefore important that any allegations against a member that he/she has breached the standard and/or protocol can be dealt with quickly and effectively. The purpose of this procedure is to introduce a simple and easy way to understand the method of dealing with such allegations.

2. It is important that poor behaviour is quickly addressed and matters are handled whilst recollections are fresh. Therefore, this procedure will ~~therefore~~ only apply where a complaint has been made within 30 days of the complainant becoming aware of the incidents giving rise to the complaint, unless the Monitoring Officer exercises their discretion to extend the time limit. Further, this procedure will only apply to incidents or behaviour occurring in the 12 months prior to a complaint being made in writing to the Monitoring Officer. There will also be a 12-month time limit to resolving complaints under this procedure, unless the Monitoring Officer exercises their discretion to extend the time limit.

### STAGE 1 OF THE PROCEDURE

3. Any member or officer who wishes to submit an allegation under this procedure should send the complaint to the Monitoring Officer. Officers wishing to make a complaint should first consult with their Chief Officer. Following receipt of the complaint the Monitoring Officer will act as follows:-

4. The Monitoring Officer will not deal with the allegation at this stage in order to preserve their ability to advise the Standards Committee later in the process. In the first place the allegation will be referred either the Deputy Monitoring Officer (or another officer nominated by the Monitoring Officer) who will advise whether the allegation falls within this procedure or whether it should be referred to the Ombudsman as an allegation of breach of the Members Code of Conduct.

N.B. The complainant has the statutory right to complain to the Public Service Ombudsman for Wales ("PSOW"). Should the complainant exercise that right then this procedure will not be used, and any efforts to resolve a complaint using this procedure will be stopped. The process will only resume if the matter is referred back for local resolution.

5. This procedure is only suitable for allegations made by officers or members of Flintshire County Council that a member has breached the Flintshire Standard or the Protocol on Member/Officer relations. It is not suitable for complaints:

- ☐ made by members of the public;
- ☐ which in the opinion of the Monitoring Officer allege a serious breach of the code of conduct;
- or
- ☐ alleging repeated breaches of the code of conduct, or breaches where are similar to complaints that have been handled at Stage 3 of this procedure.

If the complaint is suitable for this procedure then the Deputy Monitoring Officer will give advice about how to possibly resolve the complaint. If the complaint is not suitable for this procedure then the Deputy Monitoring Officer will give advice about what (if anything) can be done.

6. If following the first stage the complainant wishes to proceed with the allegation under this procedure the matter may be referred either to a conciliation meeting under Stage 2 or to a hearing by the Standards Committee under Stage 3.

## **STAGE 2 OF THE PROCEDURE**

7. At Stage 2 a meeting will be held between:

- ☐ the complainant;
- ☐ the member against whom the complaint is made;
- ☐ the Chief Executive
- ☐ the leader of any relevant political group(s), that is to say the subject member's group leader and, if the complainant is a member, his/her group leader.

If the complainant is an officer, then it will be possible for the complainant to have a colleague or senior officer with him/her.

It is also possible for the matter to be dealt with in the complainant's absence in exceptional cases.

8. The purpose of this meeting will be to try and resolve the matter by conciliation. If deemed necessary the Chief Executive can call on the Monitoring Officer, the Deputy Monitoring Officer for advice and assistance.

## **STAGE 3 OF THE PROCEDURE**

9. The third Stage is a hearing before the Standard Committee. The complainant will be asked to submit the substance of the complaint in writing and the member concerned will be asked for a written response. These papers, together with any additional written evidence that is submitted by either side will be distributed to the members of the Standards Committee.

10. Both the complainant and the member have the right to appear before the Standards Committee and to submit evidence from witnesses. Both will have the right to representation or to have a colleague present. The Council will not meet the costs of representation.

11. If either side wishes not to be present or fails to attend the hearing may be held in their absence.

12. After the evidence has been heard, both sides and their representatives will be asked to leave the chamber and the Standards Committee will come to a conclusion on the allegation. The Monitoring Officer will be available to advise the Committee.

13. The Committee can come to one of three conclusions, namely :-

- a) That there is no basis to the complaint.
- b) That there is a basis to the complaint but that no further action is required.
- c) That there is a basis to the complaint and that the member should be censured.

In addition the Committee can make recommendations to the Council regarding changing any procedures or taking any further action.

## **SUPPLEMENTARY MATTERS**

14. The papers for the hearing will be exempt and it will be recommended that the hearing will take place with the press and public excluded. Publicity will not be given to the names of either the member or the complainant unless it is decided TO UPHOLD the complaint and that the member should be censured.

15. Stages 2 and 3 do not have to be following sequentially. Although it is possible for a complainant who remains dissatisfied after the conciliation meeting to ask for the matter to be referred to a hearing before the Standards Committee, it is also possible for a matter to proceed directly to the Standards Committee without going first to a conciliation meeting.

16. The aim of this procedure is to try and resolve complaints regarding members quickly and effectively. Nothing in this procedure prevents a complainant from submitting a complaint to the Public Services Ombudsman for Wales that a member has breached the Members Code of Conduct.

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