

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