

Barry Davies LL.B (Hons)
Solicitor/Cyfreithiwr
Head of Legal and Democratic Services
Pennaeth Gwasanaethau Cyfreithiol a
Democrataidd



TO: Councillor: Robin Guest (Chairman)

Councillors: Bernie Attridge, David Barratt, Marion Bateman, Chris Bithell, Carolyn Cattermoul, Glenys Diskin JP, Quentin Dodd, Veronica Gay, Fred Gillmore, Alison Halford, Ron Hampson, George Hardcastle, Patrick Heesom, Dennis Hutchinson, Peter Macfarlane, Peter Pemberton, Aaron Shotton, Nigel Steele-Mortimer, Arnold Woolley, Matt Wright

Your Ref /
Eich Cyf

ur Ref / Ein Cyf ^{ST 0}

Date / Dyddiad 13/04/2011

Ask for /
Gofynner am Maureen Potter

Direct Dial /
Rhif Union 01352 702322

Fax / Ffacs

Dear Sir / Madam,

A meeting of the **CONSTITUTION COMMITTEE** will be held in the **CLWYD COMMITTEE ROOM, COUNTY HALL, MOLD** on **WEDNESDAY, 20 APRIL 2011** at **10:00** to consider the following items.

Yours faithfully

Democracy and Governance Manager

AGENDA

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**
3. **MINUTES**
To confirm as a correct record the minutes of the meeting held on 10/01/2011 (copy enclosed).
4. **LOCAL MEMBER GUIDELINES**
Report of Head of Legal and Democratic Services enclosed
5. **ANNUAL REVIEW OF CODE OF CORPORATE GOVERNANCE**
Report of Democracy and Governance Manager enclosed

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

CONSTITUTION COMMITTEE
10 JANUARY 2011

Minutes of the meeting of the Constitution Committee of Flintshire County Council held in County Hall, Mold on Monday, 10 January, 2011.

PRESENT: Councillor R.J.T. Guest (Chairman)

Councillors: J.B. Attridge, D. Barratt, R.C. Bithell, J.C. Cattermoul, Q.R.H. Dodd, C.J. Dolphin, V. Gay, F. Gillmore, A.M. Halford, R.G. Hampson, G. Hardcastle, P. G. Heesom, A.P. Shotton and M.G. Wright.

SUBSTITUTE: Councillor D.I. Mackie for A. Woolley.

APOLOGIES: Councillors R. P. Macfarlane and P.R. Pemberton.

IN ATTENDANCE:

Head of Legal and Democratic Services, Democracy and Governance Manager, Member Engagement Manager, Health Protection Manager and Committee Officer.

15. DECLARATIONS OF INTEREST

All Members present except Councillors R.C. Bithell and A.M. Halford declared a personal interest in item 4 relating to the Practice of Naming of Schools within a Planning Report and item 6 relating to Panel for the Appointment of LEA Governors.

16. MINUTES

The minutes of the meeting of the Committee held on 23 September, 2010, were submitted.

Matters arising

In response to a query raised by Councillor D. Barratt concerning Member Champions the Democracy and Governance Manager confirmed that Council had decided there would not be a member champion for member support and development.

RESOLVED

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

17. PRACTICE OF NAMING OF SCHOOLS WITHIN A PLANNING REPORT

The Democracy and Governance Manager introduced a report dealing with the practice of naming of schools within planning reports where it was

recommended that the school received a financial benefit as part of the recommendation to grant the planning application.

The Democracy and Governance Manager provided background information and referred to the Notice of Motion which had been submitted to the Council and subsequently the Planning Protocol Working Group for consideration concerning the above practice. He drew attention to the consultation process with the Lifelong Learning Directorate on planning applications for residential development which, if granted, could increase the demand for places in one or more schools. Reference was also made to the use of Section 106 Agreements for financial contributions to be made to schools affected by such proposed developments and to the importance of transparency in determining planning applications.

During discussion Members sought clarification on the references in the report to personal and prejudicial interests. The Democracy and Governance referred to the Members' Code of Conduct which made clear that where Members had a prejudicial interest they should not be involved in considering the business in which they had a prejudicial interest unless they obtained dispensation from the Council's Standards Committee. However, regarding the determining of planning applications, he advised that recent guidance issued by the Public Services Ombudsman for Wales indicated that in such circumstances Members with a prejudicial interest should have the same rights to address the Planning Committee as members of the public had.

The Chairman asked Members to consider the recommendation set out in the report and when put to the vote this was carried. Councillor P.G. Heesom asked that it be recorded that he had abstained.

RESOLVED:

That there should be no change to the practice of naming schools that will financially benefit from a planning application in Committee reports.

18. AMENDMENT TO PROTOCOL FOR THIRD PARTY REPRESENTATIONS AT PLANNING & DEVELOPMENT CONTROL COMMITTEE MEETINGS

The Democracy and Governance Manager introduced a report to consider a recommendation from the Planning Protocol Working Group that the protocol on third party representations be amended.

The Democracy and Governance Manager provided background information and referred to the changes which had been recommended by the Planning Protocol Working Group. He advised that the current process provided that third parties address the Committee before the application was debated and if the Committee then decided to adjourn the application any third party speakers were not allowed when the item was subsequently reconsidered by the Committee. He also referred to the declaration of a prejudicial interest in an application by a member and the guidance from the Ombudsman's office which was issued subsequent to the introduction of the process and therefore not

referred to in the current process. He explained that a review of the existing procedures identified that there had been occasions when a member of the Council had registered to speak as a third party and as a result had denied a member of the public from speaking as the process allows for only one speaker in favour, one against and one from the Town or Community Council.

During discussion a number of concerns were raised by Members and the Democracy and Governance Manager provided clarification on queries regarding adjoining ward members. Councillor D. Barratt suggested that the recommendation put forward in paragraph 2.05 (b) of the report be amended so that any County Councillor who was an adjoining ward member or had a prejudicial interest would have the right to speak for or against the application for 3 minutes but would not be treated as the one speaker allowed to speak for or against the application. The Chairman asked Members to vote on the recommendation as amended by Councillor Barratt.

RESOLVED:

That the third party representation process be amended to reflect the following:

- (a) That if during the debate a third party speaker had made their statement and then the application was deferred they would be allowed to speak when the application was considered again;
- (b) That any County Councillor who is an adjoining ward member or has a prejudicial interest will have the right to speak for or against the application for 3 minutes but will not be treated as the one speaker allowed to speak for or against the application; and
- (c) That the Head of Legal and Democratic Services be given delegated authority to amend the code of best practice for planning procedures to reflect the above amendments agreed.

19. PANEL FOR THE APPOINTMENT OF LEA GOVERNORS

The Chairman invited Councillor M.J. Peers to join the meeting. Councillor Peers was a signatory of a notice of motion submitted to Council to request that a review be undertaken of the arrangements, powers and responsibilities of the Panel for the appointment of LEA Governors.

The Head of Legal and Democratic Services provided background information and advised that the power of nomination to LEA Governor vacancies was with the Member of the Ward where the school was situated. He referred to the requirement to consult with neighbouring ward members, except for Community Primary Schools, where more than 75% of pupils at the school come from within their ward. He asked Members to consider whether the current arrangements, powers and responsibilities of the Panel for the appointment of LEA governors should be revised.

Councillor Q.R.H. referred to the terms of reference for the Panel and outlined his concerns that the Panel did not have power to make decisions or

take actions and could only make recommendations to the Executive or Director of Lifelong Learning. He suggested that a meeting be held, as a matter of urgency, with the Panel and the Head of Legal and Democratic Services to discuss the issues raised. A number of further grievances were expressed by Members concerning the need for transparency and for nominees to act in fairness, without prejudice, and in accordance with statutory requirements. Councillor R.C. Bithell suggested that the matter should be referred to the Lifelong Learning Overview and Scrutiny Committee for further consideration.

The Chairman asked Members to vote on the proposal put forward by Councillor Bithell and when put to the vote this was not carried. The Chairman asked Members to vote on the proposal by Councillor Dodd that a meeting be held with the Panel and the Head of Legal and Democratic Services and his team to review the arrangements powers and responsibilities of the Panel and that a report on the outcome be brought back to the Committee. When put to the vote this became the resolution of the Committee.

RESOLVED:

That a meeting be held with the Panel and the Head of Legal and Democratic Services, as a matter of urgency, to review the arrangements powers and responsibilities of the Panel and that a report on the outcome be brought back to the Constitution Committee.

20. LOCAL MEMBER GUIDELINES

The Democracy and Governance Manager introduced a report the purpose of which was to give further consideration to introducing guidelines to address situations where an elected Member was approached for assistance on a problem outside that Member's ward.

The Democracy and Governance Manager provided background information and context and referred to the circumstances where it would be appropriate for a Member to engage in activities outside that Member's ward boundary. He also advised that there were many issues that may appear to be of only local interest but could have implications in relation to Council wide policies which all Members had a legitimate interest in. He referred to the situation where a Member was approached by a resident or body from outside his or her ward for assistance and advised that this should be acceptable subject to the Member approached following the guidelines outlined in paragraph 3.05 of the report. He suggested that if the Committee were to agree to the guidance stated in the report this could be covered by a letter being sent to all Members rather than a draft protocol or written guidance being produced.

During an ensuing discussion Councillor P. Heesom proposed that a draft protocol should be established and also referred to the question of enforcement. The Head of Legal and Democratic Services explained that no formal action could be taken to enforce any protocol but statistics could be reported to the Standards Committee annually. Members commented on the local member being informed as a matter of courtesy and suggested points to include in a draft protocol. The Chairman asked Members to consider the proposal put forward by

Councillor Heesom and when put to the vote it was agreed that a draft protocol be produced and brought back to the next meeting of the Committee for further consideration.

RESOLVED

That a draft protocol be produced and brought back to the next meeting of the Committee for consideration.

21. FOOD LAW ENFORCEMENT SERVICE PLAN

The Chairman informed Members that the purpose of the report was to consider amending the Constitution to remove from the policy framework the food law enforcement service plan. He welcomed and introduced Ms. Sylvia Portbury, Health Protection Manager, to the meeting and invited her to give an overview of the report.

The Health Protection Manager provided background information and advised that in practice the Council does not have a food law enforcement service plan but does have an annual food service plan which covered enforcement. Members were informed that the food service plan covers matters within the responsibility of the portfolio of the Executive Member for Leisure and Public Protection and it was considered that the annual food service plan should be approved by the Executive. Members were asked to consider making a recommendation to Council that the Food Law Enforcement Service Plan be deleted from the Council's policy framework and that the annual Food Service Plan be approved by the Executive. When put to the vote the recommendation was carried.

RESOLVED:

That the Committee recommends to the Council:-

- (a) The deletion from the Council's policy framework of the Food Law Enforcement Service Plan; and
- (b) That the annual Food Service Plan is approved by the Executive.

22. PRESS IN ATTENDANCE

There were no members of the press in attendance.

23. DURATION OF MEETING

The meeting commenced at 10.00 am and finished at 11.55 am.

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Chairman

SUMMARY OF DECLARATIONS MADE BY MEMBERS
IN ACCORDANCE WITH FLINTSHIRE COUNTY COUNCIL'S
CODE OF CONDUCT

CONSTITUTION COMMITTEE		DATE 10 January 2011
MEMBER	ITEM	MIN. NO. REFERS

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 4

REPORT TO: **CONSTITUTION COMMITTEE**
DATE : **20 APRIL 2011**
REPORT BY: **HEAD OF LEGAL AND DEMOCRATIC SERVICES**
SUBJECT : **LOCAL MEMBER GUIDELINES**

1.00 PURPOSE OF REPORT

- 1.01 To give further consideration to introducing guidelines to address situations where a Member is approached for assistance on a problem outside that Member's ward.

2.00 BACKGROUND

- 2.01 At the County Council meeting on the 7 September 2010 consideration was given to the following Notice of Motion submitted by Councillor D McFarlane:-

"That the Monitoring Officer be requested to submit a report to the Constitution Committee to enable it to consider issuing guidelines to address situations where the elected Member of this Council is approached by a resident or body from outside his or her ward for assistance with any problems they may have. Such guidelines might include a provision (except in situations identified) for the Member who has been approached to:-

- Inform the relevant Member or Members of that ward of the approach;
- Allow that Member or Members to take up that approach as it is a responsibility relating to their ward;
- If those ward Member or Members cannot or will not take on the issue then the approached Member must inform them, in writing, that he or she is dealing with the issue on the resident's or body's behalf".

- 2.02 Following a debate on the Notice of Motion the County Council resolved that the report be submitted to the Constitution Committee to enable it to consider issuing guidelines to address situations where an elected Member of this Council is approached by a resident or body from outside his or her ward for assistance with any problems they may have.

- 2.03 At the meeting of the Constitution Committee on the 23 September 2010 the Head of Legal & Democratic Services gave a verbal report on the matter. In doing so he referred to circumstances where Members may need to engage constituents outside their own wards, for example, if they are a prospective Assembly or Parliamentary candidate or if they had roles on other public bodies or organisations. He suggested that a letter be sent to all Members to

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ascertain their observations and feedback from such a letter would then inform a report to a future meeting of the Constitution Committee. Following discussion this was agreed by the Constitution Committee.

- 2.04 By letter dated the 21 October 2010 the Head of Legal & Democratic Services wrote to all Members pursuant to the decision of the Constitution Committee. A copy of that letter is attached as Appendix 1 to this report. Two responses were received to the letter from Councillors T Howorth and R Jones, both making the point that if the Boundary Commission was to change ward boundaries it should be legitimate to canvass potential voters in the new enlarged ward.
- 2.05 A report was then presented to the Constitution Committee meeting of the 10 January 2011 recommending that a letter be sent to all members. Following discussion the Committee resolved that a draft protocol be produced and brought back to the next meeting of the Committee for consideration.

3.00 CONSIDERATIONS

- 3.01 At the Constitution Committee meeting on the 23 September 2010 and in the letter of the 21 October 2010 the following circumstances were identified where it would be appropriate for a Member to engage in activities outside that Member's ward boundary:-

- Where the Member was a prospective Assembly or Parliamentary candidate;
- Where the Member had roles on other public bodies or organisations;
- To fulfil a Civic or Executive role of that Member;
- Because of a legitimate County wide issue;
- Where requested for assistance by a constituent who is unable or does not wish to approach the local ward Member;
- Because of the existence of a conflict of interest or a prejudicial interest.

- 3.02 In response to the letter of the 21 October 2010 only two Members responded and both identified:-

- Where ward boundaries are to change canvassing potential voters in the new ward.

The Notice of Motion is not aimed at restricting political canvassing at election times.

- 3.03 It can be seen from the above that there are a wide range of circumstance in which it is appropriate for a Member to engage in activities outside of that Member's ward boundary. Preparing a comprehensive list of such situations and then enforcing it would both be difficult in practice. It also has to be recognised that many issues that at first appear to be of only local interest

can have implications in relation to Council wide policies which all Members have a legitimate interest in.

- 3.04 The Notice of Motion is considering a situation where an elected Member is approached by a resident or body from outside his or her ward seeking assistance with any problems they may have. There may be a range of reasons why the approach has been made to a Member who is not the local Member. These include not being aware of who the local Member is or preferring to deal with a Member that they know.
- 3.05 It is suggested that if a resident or body has chosen to approach an individual Member that should be acceptable subject to:-
- a) The Member approached explaining who the local Member or Members are, and
 - b) The resident or body not wanting to approach a local Member, and
 - c) The Member approached informing the local Member(s) as a matter of courtesy.
- 3.06 During consideration at the last Constitution Committee meeting members believed that a draft protocol should be prepared that incorporated the points in paragraphs 3.01, 3.02 and 3.05 above. The issue of enforcing any protocol was also raised and members were advised that whilst no formal action could be taken, statistics could be collated and reported annually to the Standards Committee. Attached as Appendix 2 is a draft protocol that incorporates the points made at the Committee meeting on the 10 January 2011.
- 3.07 Any protocol agreed by the Committee will need to be approved by the County Council before it can be added to the Council's Constitution. If Members wish to amend the draft protocol in appendix 2 it is suggested that delegated authority be given to the Head of Legal & Democratic Services to amend it to reflect the Committee's wishes in consultation with the Chair of the Committee.

4.00 RECOMMENDATIONS

- 4.01 That Members consider the draft protocol attached as appendix 2 which has been produced pursuant to the Committee's discussion and decision at its last meeting.

5.00 FINANCIAL IMPLICATIONS

- 5.01 None as a result of this report.

6.00 ANTI POVERTY IMPACT

- 6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

10.01 All Members have been consulted by letter dated 21 October 2010.

11.00 CONSULTATION UNDERTAKEN

11.01 All Members have been consulted by letter dated 21 October 2010.

12.00 APPENDICES

12.01 Appendix 1 - Letter dated 21 October 2010
Appendix 2 - Draft Member Protocol

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS

Notice of Motion from Councillor D McFarlane
Draft minutes of Constitution Committee meeting of 23 September 2010
Report to the Constitution Committee of the 10 January 2011

Contact Officer: Peter J Evans
Telephone: 01352 702304
E-Mail: peter_j_evans@flintshire.gov.uk

APPENDIX 1

To: All Members of the Council

BCD/AEH

21 October 2010

Barry Davies

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E Mail : barry.davies@flintshire.gov.uk

Dear Councillor

Members' Involvement in Activities Outside their Own Ward Boundaries

At its last meeting the Constitution Committee considered the following Notice of Motion referred to it by the County Council at its meeting on the 23 September, 2010.

“That the Monitoring Officer be requested to submit a report to the Constitution Committee to enable it to consider issuing guidelines to address situations where an elected Member of this Council is approached by a resident or body from outside his or her ward for assistance with any problems they may have. Such guidelines might include a provision (except in situations identified) for the Member who has been approached to:-

- Inform the relevant Member or Members of that ward of the approach;
- Allow that Member or Members to take up that approach as it is a responsibility relating to their ward;
- If the ward Member(s) cannot or will not take on the issue then the approached Member must inform them, in writing, that he or she is dealing with the issue on the resident's or body's behalf.”

The Constitution Committee has requested that I write to all Members before preparing a report so that the report can make reference to any circumstances in which Members believe that it would be appropriate to engage in activities outside their ward boundaries. Those circumstances might include:-

- For a Member to fulfil a Civic or Executive role;
- Because of a legitimate County wide issue;
- Where requested for assistance by a constituent who is unable to or does not wish to approach the ward Member;
- Because of the existence of a conflict of interest.

I should be grateful for any examples you may have or any comments or observations you would like to make in relation to procedures suggested in the Notice of Motion.

Yours sincerely

Barry Davies
Head of Legal & Democratic Services

DRAFT MEMBER PROTOCOL

Introduction

1. This protocol has been drawn up pursuant to a decision of the Constitution Committee and has been approved by it.
2. The protocol applies to the situation where a Member becomes involved in a local ward issue when the Member is not the local Member for that ward. This may arise where the Member is approached by a resident or an organisation or where the Member on his/her own initiative becomes involved in a local ward issue.
3. The practice of a Member becoming involved in local ward issues when not the local Member led to a Notice of Motion being submitted to the County Council meeting of the 7 September 2010 and the Council referring it to the Constitution Committee.

Definitions

4. For the purpose of this protocol "local Member" means the County Councillor or one of the County Councillors who represent the ward where the local issue arises.
5. For the purposes of this protocol "local issue" means an issue that relates only to a part of Flintshire and does not fall within paragraph 6 below.

Issues that are not local issues

6. The Constitution Committee believes that for the purposes of this protocol the following are not to be regarded as local issues:-
 - a) Issues the Member is pursuing in his capacity as prospective Assembly or Parliamentary candidate.
 - b) Issues which the Member is pursuing by virtue of a role the Member has on other public bodies or organisations rather than as a member of Flintshire.
 - c) Issues the Member is pursuing as a result of the Member's Executive role or as Chair or Vice Chair of the Council.
 - d) Where the Member is canvassing at election times.
 - e) Where the Member is pursuing a County-wide issue or a Council-wide policy.
 - f) Where the Member is involved because the local Member has a conflict of interest or a prejudicial interest and that Member has asked the Member to act as local Member.

- g) Where the Member is being contacted because of an item to be considered at a meeting of the County Council or of a Committee the Member sits on.

Procedure to be followed

- 7. Where the Member on their own initiative wishes to pursue a local issue then before doing so as a matter of courtesy they should inform the local Member(s). In subsequently pursuing the issue with any Council officer the Member must make clear to the officer that they are not the local Member. Officers approached in this way will be expected to inform the local Member(s) of the approach they have had and of how they have dealt with that approach.
- 8. Where the Member has been approached by a resident or body about the local issue the Member should:-
 - a) Explain that he is not the local Member(s) and indicate who the local Member(s) is/are.
 - b) If following a) the resident or body still wants the Member to pursue the matter the Member to inform the local Member(s) as a matter of courtesy of the approach that has been received.

Monitoring

- 9. In both paragraph 7 and paragraph 8 above the Member should notify Member Services of the local issue they are involved in so that a record is kept of all such occasions. This record will annually be reported to the Standards Committee as part of a report monitoring compliance with this protocol.

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 5

REPORT TO: **CONSTITUTION COMMITTEE**
DATE : **20 APRIL 2011**
REPORT BY: **DEMOCRACY AND GOVERNANCE MANAGER**
SUBJECT : **ANNUAL REVIEW OF CODE OF CORPORATE GOVERNANCE**

1.00 PURPOSE OF REPORT

1.01 To receive a report on the annual review of the Code of Corporate Governance.

2.00 BACKGROUND

2.01 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 Council staff are expected in carrying out Council business to conduct themselves in accordance with the high standards expected by the citizens of Flintshire and in accordance with the aspirations set out in the code.

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

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

2.03 The Executive in consultation with the Constitution Committee are 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. The Monitoring Officer and section 151 officer arrange for the Council's corporate governance arrangements to be audited independently by internal audit following each annual review. In October 2010 the Democracy & Governance Manager commenced the review and update of

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the Code of Corporate Governance, including consulting with appropriate senior officers within the Council. Whilst the majority of the code remained 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 tracking changes that have been made.

3.00 CONSIDERATIONS

- 3.01 The Chief Executive and Monitoring Officer have both seen and satisfied themselves with the changes made to ensure the code is kept up-to-date. Officers consulted as part of the annual review and update include the Head of Internal Audit, the Risk Manager, Welsh Language Policy Officer, Corporate Communications Manager and Policy, Performance & Partnerships Manager.
- 3.02 Whilst the Executive in consultation with the Constitution Committee are responsible for approving the code, it expressly states that the Chief Executive and Monitoring Officer are responsible for ensuring that it is kept up-to-date by way of annual reviews and the Committee may feel that in future years there is no need for each annual update to be reported to the Committee.

4.00 RECOMMENDATIONS

- 4.01 For the Committee to note the amendments made to the Code of Corporate Governance as a result of the annual review.
- 4.02 For the Committee to determine whether it wishes future annual reviews to be reported to the Committee.

5.00 FINANCIAL IMPLICATIONS

- 5.01 None as a result of this report.

6.00 ANTI POVERTY IMPACT

- 6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

- 7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

- 8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

10.01 With appropriate officers of the Council.

11.00 CONSULTATION UNDERTAKEN

11.01 Consultation has taken place with the Chief Executive, Monitoring Officer, Head of Internal Audit, Welsh Language Policy Officer, Corporate Communications Manager, Risk Manager and Policy, Performance & Partnerships Manager.

12.00 APPENDICES

12.01 Appendix 1 - Updated Code of Corporate Governance

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS

E-mails exchanged with David Webster, Caren Prys-Jones, Barbara Milne, Vicki Woolf
Karen Armstrong and Barbara Milne

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CODE OF CORPORATE GOVERNANCE

Introduction

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

Flintshire County Council recognises the need for sound corporate governance arrangements and over the years Members and senior Officers have put in place policies, systems and procedures designed to achieve this and the stewardship of the resources at their disposal. However, until recently these arrangements have tended to develop in an ad-hoc and uncoordinated manner. In adopting a Code in October 2007 the Council drew together all those elements of corporate governance which were already in place.

When the Code was adopted by the Council it was recognised that the first review of the Code would need to take into account certain modifications set out in proposed new guidance which was at that time in draft format. That new guidance has now been formalised and additional guidance received on governance issues. The new guidance documents issued are as follows:-

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

This new Code recognises the greater emphasis placed upon corporate governance by the Welsh Assembly Government and the contents of the new guidance documents. The Council's Corporate Governance arrangements were reviewed during early 2008 by way of a self-assessment undertaken in accordance with the new guidance. The self-assessment was undertaken by senior officers of the Council and approved by the Council's Constitution Forum following consultation with the Council's Corporate Management Team. The Self-assessment Review has been subsequently audited by the Council's Internal Audit Department and the recommendations in the Audit Report together with the outcomes of the Self-assessment Review have been taken into account in compiling the new Code.

The Code forms part of the Constitution and will apply to all aspects of the Council's business. Members and staff of the Council will, 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 Executive in consultation with the Constitution Committee are 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.

The Monitoring Officer and Section 151 Officer will arrange for the Council’s Corporate Governance arrangements to be audited independently by Internal Audit following each annual review of the Code. The results of the review will be included in the Internal Audit Manager’s Annual Report and form part of the overall assurance on internal control incorporated in the Annual Governance Statement signed by the Leader, Chief Executive and Section 151 Officer.

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

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

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

- Engaging and working in partnership with other organisations and authorities for the benefit of its communities.

1.2 The Council will maintain effective arrangements:

- For explicit accountability to stakeholders for the Authority's performance and its effectiveness in the delivery of services and the sustainable use of resources.
- To demonstrate integrity and openness in the Authority's dealings with partnerships established with other public agencies and the private/voluntary sectors.
- To demonstrate inclusivity by communicating and engaging with all sections of the community to encourage active participation.
- To develop and articulate a clear and up to date vision as part of the four yearly review of the Community Strategy and through the developing arrangements for a local service board.
- Ensure that the partnership arrangements below the community strategy are supported by a common vision.

1.3 An audited and signed Statement of Accounts is published on an annual basis containing:

- A statement of responsibilities for the Statement of Accounts.
- A statement of compliance with Statements of Recommended Practice (SORP's) and the Chartered Institute of Public Finance and Accountancy (CIPFA) general accounting principles.
- A statement of accounting policies.

1.4 An Annual Governance Statement is ~~presented to currently in draft for 2007/08, it will be presented to~~ Audit Committee and Council for approval ~~every during late~~ September. Once approved the Statement ~~will be is~~ signed by the Leader of the Council, Chief Executive and Head of Finance. Statements are published annually explaining how the Council has complied with the Code and met the requirements of the Accounts and Audit (Wales) Regulations 2005.

1.5 ~~The Council Plan was adopted on the 27 June, 2006 and reviewed in early 2007. A further but more fundamental review was commenced prior to the local elections in May 2008 and a draft Council Plan 2008/2012 produced based upon how the Council is governed and resourced and identifying the Council's strategic risks and challenges following the Strategic Risk Assessment undertaken for 2007/08. The Council Plan is closely influenced~~

~~by the Flintshire wide Community Strategy and significantly influences Directorate Plans and Service Plans.~~1.5 The Council Planning Framework has been developed to incorporate both our accountability arrangements through i) annual and periodic reporting of performance and risk and challenges in relation to our administration and improvement priorities and our ii) internal structural arrangements to support improvement and change through strategies and plans such as the HR People Plan, ICT Strategy and Medium Term Financial Strategy. Both these elements of the Council Planning Framework are encapsulated within our Directorate Plans which include both the 'what and how' we plan to provide our services and the quarterly reporting of progress against these plans. The contents of the Council Planning (Governance) Framework have been agreed by Executive and will be completed fully during 2011.

1.6 The County Council's financial and operational reporting processes are independently examined by:

- The ~~Wales~~ Audit ~~Wales~~ Office whose annual audit letter is presented to the Audit Committee and their unqualified audit certificate is included in the ~~2006/07~~annual Statement of Accounts.
- Our own independent Internal Audit who report regularly to the Audit Committee including an annual report.
- Other external review agencies such as ESTYN and the Social Services Inspectorate (SSI).

1.7 The Council's Overview and Scrutiny Committees have a significant input into the review and development of service delivery issues. This role includes the examination of performance out turn and budget monitoring which ~~together with the Audit Plan and the monitoring of audit recommendations~~ 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.

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

- The development of quality assurance models.
- A more focused approach to audit and inspections.
- Customer Satisfaction Surveys.
- The CIPFA Benchmarking Club.
- Reports on performance indicators to Overview & Scrutiny Committees and the Executive.

- The Statement on Internal Control set out in the Annual Governance Statement.
- 1.9 The Council strives to ensure continuous improvement in the delivery of its services through performance measurement of and management, establishing service quality standards, creating clear lines of accountability and undertaking customer satisfaction surveys. The Council has introduced a ~~new~~ procedure for dealing with Compliments, Comments and Complaints which enables complaints to be recorded on a central database and monitored corporately and within each directorate.
 - 1.10 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.
 - 1.11 A number of methods are employed to demonstrate value for money. The Annual Improvement Plan provides detailed information of the Council's plans and aims, performance and general progress towards improving the level of efficiency and effectiveness. An annual budget setting process is in place and all directorates have monthly meetings to review their budgets. The Terms of Reference of the Council's Overview & Scrutiny Committees enable them to review, scrutinise, question and make recommendations in relation to their areas of activity including policy, finance, risk and governance.
 - 1.12 The Council's Regulatory Plan produced by the Wales Audit Office and the Annual Audit Letter also review the Council's performance and value for money arrangements.
 - 1.13 The environmental impact of the Council's policies, plans and strategies are identified on all committee reports. In addition, the Flintshire Integrated Tool provides an overview of the environmental, social and economic impacts during the development process of all new strategies, plans and policies as deemed as appropriate.
 - 1.14 The Council has adopted the principle that in the conduct of public business and the administration of justice in Wales it will treat the Welsh and English languages on a basis of equality. The Council's Welsh Language Scheme sets out how the Council will give effect to that principle when providing services to the public in Wales, and in the conduct of its internal business.
 - ~~1.15~~—The Council has made a public commitment to monitor and review the implementation of its Welsh Language Scheme and to report annually to the Council's Executive and to the Welsh Language Board on its performance. ~~The Annual Report covering the period 1 April, 2007 to 31 March, 2008 has been considered by the Executive and Overview and Scrutiny.~~
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 Executive. Their respective roles have been agreed and documented. Role descriptions have also been agreed for all chairmen and vice-chairmen 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 ~~have been~~ will be reviewed as part of the Council's restructuring programme.
- 2.4 The Constitution includes a Delegation Scheme which identifies those decisions reserved to the County Council and local choice issues which can be decided by either the County Council or the Executive 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, Heads of Service and other Senior Officers and is subject to frequent review. ~~This Scheme will be further reviewed as part of the ongoing restructure of the senior management of the Council.~~
- 2.5 The Council has appointed a Chief Executive as Head of the Paid Service and responsible for all aspects of operational management. The Head of Finance 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 ~~Head of Legal & Democratic Services~~ County Legal and Democratic Services Officer has been designated at 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 Executive.
- 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 Executive and Ward Members in relation to specific issues.
- 2.8 There is an annual review of Members' allowances ~~including the allocation of Special Responsibility Allowances~~ at the Annual Meeting and further reviews during the course of the year where appropriate. The Members' Allowance Scheme is set out in the Constitution.
- 2.9 The terms and conditions ~~under~~ the remuneration of Officers are negotiated nationally. However a job evaluation exercise covering former manual and former administrative, professional, technical and clerical staff is underway pursuant to a single status agreement. The project is central to the development of an equality proofed pay structure and is reaching its final stage. ~~A review of second tier officer terms and conditions through a HAY job design and evaluation exercise was undertaken in 2009. A proposal for completing the exercise will be submitted to the County Council later in the year. A review of second tier Officer terms and conditions is also underway. It will be undertaken through a Hay job design and evaluation exercise based upon the development of behavioural competencies.~~
- 2.10 The Chief Executive leads the management of the Council through its Corporate Management Team which through the review of the Council Plan, Directorate and Service Plans, 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 Executive
 - Meetings with the Flintshire Joint Trades Union Council
 - Meeting of the Joint Consultative Committees
 - Flintshire Focus
 - Team Talk and Team Brief
 - Staff appraisal process
 - Senior Management Team and other team meetings
- 2.11 Following the Annual Meeting of the Council, Members from all political groups were 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. and guidance will be produced during the year to assist Members in carrying out those roles and responsibilities. Guidance has already been produced in relation to Members who have been nominated by the Council as company directors.~~ Whenever a new partnership is created, care is taken to ensure that its legal status is clear, that ~~its~~ it has appropriate terms of reference and that representatives are aware of the extent to which they can bind the Council.

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:-
- Following the local elections in May 2008 the Council has adopted a new 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.
 - 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.
 - We have also established a Standards Committee including three independent 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 Councillors.
 - Officers are subject to a Code of Conduct which includes a wide range of standards of behaviour required of them. These standards include requirements to perform their duties diligently, to respect the dignity and rights of the public, customers and other employees at all times; and to serve the public courteously, efficiently and impartially. There are other requirements relating to the use of Council resources, gifts and hospitalities, outside commitments, conflicts of interest, confidentiality, political neutrality, relationships with Members and general conduct.
- 3.3 The Leader and Executive have set up a number of advisory boards to assist in the development of policy and the development of services.
- 3.4 The County Council has in place a timetable of meetings which seeks to ensure that the roles described above can be exercised effectively. The full

County Council is scheduled to meet every 10 weeks, special meetings also take place when they are required, Executive meets every ~~four~~three weeks and each of the ~~seven~~six Overview and Scrutiny Committees meet regularly several times a year. A total of 7176 formal meetings of the Overview and Scrutiny Committees were held in 2009/10 together with 5 site visits and numerous meetings of Task Groups, Workshops and Seminars. ~~meetings and 8 other meetings organised for Overview and Scrutiny Members were held in 2007/08.~~ Full details are provided in the Overview & Scrutiny Annual Report considered at the County Council meeting of the 29 September, 2010.

3.5 The County Council has adopted an Anti-Fraud and Corruption Policy which is reviewed and updated periodically. Its key elements are:-

- To promote a culture of honesty and opposition to fraud and corruption within the Council.
- To provide arrangements whereby concerns can be raised with senior Officers on a confidential basis.
- To ensure arrangements are in place for the prevention of fraud and corruption within the Council, including internal control mechanisms and effective recruitment procedures.
- To set up basic principles to apply where instances of fraud are detected, including the involvement of the Police and the taking of disciplinary measures.
- To remind staff to be alert to possible causes of fraud and corruption.

3.6 Processes are also in place to ensure the continued operation of arrangements for ensuring that Members and employees are not influenced by prejudice, bias and conflicts of interest. In particular:-

- Members receive advice on a regular basis from the Standards Committee on the application of the Members' Code of Conduct.
- A Code of Planning Practice has been adopted.
- A Protocol has been agreed and published giving guidance to Members on dealings with Developers and Contractors.
- A ~~new~~Members' Register of Interests has been compiled following the local elections in May 2008.
- 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 Heads of Service. Members of the Corporate

Management Team and Heads of Service should inform the Monitoring Officer of any interests, gifts and hospitality they receive which will be kept on a central register.

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

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

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

- The adoption and publication of an Equal Opportunities and Diversity Policy and the provision of training.
- The adoption of a Race Equality Scheme through the Codes of Conduct, Protocols referred to earlier.
- Through the adoption and monitoring of the Council's Welsh Language Strategy and Policy.

~~3.9 The Council intends to undertake a strategic review of the range, role and purpose of its partnering arrangements during 2008/09 to determine the strategic relevance of those partnership arrangements and be assured of accountability and governance arrangements within them.~~

3.9. The Local Service Board agreed in October 2009 that further work on developing a Strategic Partnership Governance Framework be undertaken 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 was to provide a consistent approach to Strategic Partnership Governance.

This Framework is now being used by:

- Children & Young People Partnership
- Community Safety Partnership (for both Flintshire and Wrexham)
- Flintshire Housing Partnership
- Health, Social Care & Well-being Partnership
- Regeneration Partnership
- Youth Justice Service Executive Management Board

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

4.1 The Council has also adopted a Constitution which:-

- Clearly defines those functions which are reserved to the full Council for decision, those decisions which will be taken by the Executive 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 Executive 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 and the Co-ordinating Committee 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 Executive.
- Sets out clearly the role of the Leader and Executive 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 non-routine decisions or 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 Members' Allowance Scheme that they are properly remunerated for this work.

- 4.2 The Constitution sets out the responsibilities and procedures for decision making. Decisions which can be taken by the Executive, Overview and Scrutiny and other committees and full Council are clarified in Part 3 of the Constitution. The fundamental principles to be applied ~~to~~ in all decision making are as follows:
- Proportionality (ie. 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 eg. Disciplinary and Grievance Policy, Licensing and Planning Applications Appeals, Legal advisors are available to advise during meetings.
- 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 19 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 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 Procedures

- Pre-election Protocol
- Code of Conduct on Planning Matters
- Protocol for Overview and Scrutiny Committees
 - Attendance of Members and Officers at Overview and Scrutiny Committee meetings
 - Dealing with minority reports within Overview and Scrutiny
 - Executive Members attending meetings of Overview and Scrutiny Committees
 - Members placing items on an agenda of an Overview and Scrutiny Committee
- IT Codes of Practice
- Local Member/Officer Protocol

4.7 In addition, the Employee Induction Handbook contains policy statements and guidance on:-

- Equalities
- Harassment
- Speaking up about wrongdoing (Whistle Blowing)
- Violence at Work
- Health and Safety at Work
- IT Code of Practice

4.8 The Council has an Audit Committee consisting of 7 Members, politically balanced with a Chairman and Vice-Chairman from the main opposition group. 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 named and trained substitutes are allowed.

The Committee's role and functions are to:

- Review the effectiveness of the Council's systems of internal control and risk management.
- Oversee the financial reporting process to ensure the balance, transparency and integrity of published financial information.
- Monitor the performance and effectiveness of the internal and external audit functions within the wider regulatory context.

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

- Having appropriate arrangements in place for delivery of an adequate and effective Internal Audit function and ensuring adequate reporting arrangements to safeguard its independence.
- An up to date risk based Internal Audit Plan.
- Systematic Risk Assessments in all areas of the Council's activities.
- 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.

4.10 The Council has identified and evaluated its Strategic Risks in a risk register entitled Strategic Assessment of Risks and Challenges. This document provides the foundations for both the Council Plan and the Regulatory Plan. It defines and details the priorities for change and improvement and is supported by our business planning processes and disciplines of service planning, risk management and financial monitoring and review.

The Strategic Assessment of Risk and Challenges comprises three tiers:

1. **Community Leadership** – critical local issues which cannot be solely delivered by the Council (e.g. affordable housing, Community Strategy review, public health and primary health care).
2. **Council Delivery** – public service issues which are largely within the control and responsibility of the Council (e.g. housing, school buildings, waste management).
3. **Council Governance** – issues of organisational governance and management (e.g. finance, human resources, information and communications technology).

~~4.10 Ongoing Institute of Risk Management training courses are arranged for Members and Officers that are directly involved within the Risk Management structure. In addition Risk Management training is being developed for managers at all levels, to include Ffynnon (software) training. Other ways in which Risk Management has been bedded into the culture of the Authority include:-~~

~~o identification of risk during service planning.
o the annual joint risk assessment process.
o the consideration of identified risk in the review of the Council Plan.
o redefining the respective responsibilities of the Executive, Scrutiny and the Audit Committee.~~

4.11 A new Whistle Blowing Policy was adopted in 2007 following a review by Bentley Jennison, the company that manages the Council’s Internal Audit function. This is reviewed and updated periodically. All members of staff

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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.

4.12 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 Executive reports.
- The availability of legal advice at meetings of the Council, the Executive and Statutory 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.

4.13 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 Executive and directors and also through the 'calling in' of Executive 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 indicators and out turns and risk issues. 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.

4.14 Regulatory 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 Executive or when undertaking their own investigations will agree reports containing the evidence which was considered to be material.

4.15 The Executive and County Council reports will contain all the information, evidence and comments needed to take decisions. The decisions made by Officers under delegated powers will be documented on files or where of a significant nature be incorporated in Delegated Action Forms which will be

reported to the Executive for information purposes.

- 4.16 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.
- 4.17 We have a set of customer care standards supported by a complaints procedure supported by a central database system which aims:-
- To make it easy for anyone to make a complaint or a compliment.
 - To solve problems as close to where they occur as possible, and pass back compliments to the right people.
 - To prevent problems happening again and also encourage good practice.
- 4.18 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.
- 4.19 Members' Services provide a service to Members who seek information concerning ward issues.
- 4.20 The Council has developed a separate complaints handling system for social services matters with three stages. The final stage involves an appeal to an Independent Panel.
- 4.21 There are statutory appeal processes involving independent panels for school exclusions and admissions.

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

- 5.1 Generic one day induction sessions are provided for all new employees in groups. Those induction sessions ~~include~~~~involve~~ modules comprising equalities and diversity awareness, customer care ~~and~~ corporate governance ~~and performance management and appraisal, meetings and procedure rules.~~
- 5.2 A Member induction programme was developed prior to the local elections in May 2008 and a large majority of new Members of the Council took part. 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:-

- The development of a new recruitment and selection process for the appointment of Officers.
- Staff appraisal which should identify training and development needs.
- ~~Induction training for officers~~~~Development and training programmes including those provided by professional organisations for both Members and Officers.~~
- ~~Induction training.~~
- The development of management/behavioural competencies-
- ~~Development and training programmes, including those provided by professional organisations for both Members and Officers~~~~A mentoring system for Members.~~
- 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~~~~including~~ ~~planning~~, ~~and~~ ~~development~~ ~~control~~, ~~licensing~~, ~~and~~ ~~appeals~~, ~~audit~~ and risk management.

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- 5.3 The Council benefits from its membership of the Welsh Local Government Association which provides support and assistance over the whole range of Council functions, partnership working, policy development and liaison with the Welsh Assembly Government. CIPFA/SOLACE, ACSES and other professional associations also assist and support statutory and other service officers in performing their roles.
- 5.4 A People Strategy Framework which aims to ensure that employees deliver services that meet existing and future demands has been developed and there is an Officer in each department responsible for co-ordinating the Plan and monitoring progress in relation to annual staff appraisals and half yearly updates. ~~Further work is required during the year to ensure progress across the Council.~~
- 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:-
- It's Community Strategy and its review through extensive consultation.
 - 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.
 - Undertaking biennial resident surveys.
- 5.6 The Council ensures that career structures are in place for ~~Members and~~ all staff ~~and to~~ encourages participation and development through:-

- development of a Corporate Performance Management framework
- development of a People Strategy
- restructuring of the Council's senior management
- ~~committing to the Member Development Charter~~
- continuous professional development

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

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

- The Community Strategy
- 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
- Directorate and Service Plans

6.2 The vast majority of reports are considered in public and in the rare cases where this is not the case, the Legal Officer advising the Committee follows a process in which he/she is required to demonstrate that appropriate criteria have been taken into account in considering the public interest test and the Committee has resolved to exclude the press and public.

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

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

- We have many ways of communicating with our citizens and stakeholders and the Corporate Communications Team has developed a Communication Strategy, including:
 - Publications and leaflets
 - Website
 - Flintshire Focus
 - Your Community, Your Council – household newsletter
 - Established links and regular meetings with local interest groups/forums such as Older Peoples Forum, Schools Forum
 - Public Question Time
 - Invitation to members of the public to submit issues they consider should be considered by Overview and Scrutiny Committees
 - The Overview and Scrutiny Team has in recent years given presentations about Overview and Scrutiny to local will also be approaching schools, and Town and Community Councils and community groups to do a short presentation about what Overview and Scrutiny is and does, commencing in the autumn of 2008.

- 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.

~~6.5 The Council continues to deliver action set out in the 2006/08 Communication Strategy which sets out the five key areas of internal and external communication for the Council, namely workforce communication, media relations, public information and promotion, consultation and corporate identity.~~

6.5 The Council continues to focus on five key areas of internal and external communication, namely workforce communication, media relations, public information and promotion, consultation and corporate identity.

