

# Public Document Pack

**Anwen Jones Solicitor/Cyfreithiwr**  
Interim Head of Legal and Democratic Services  
Pennaeth Dros Dro Gwasanaethau Cyfreithiol a



To: Cllr Hilary Isherwood (Chairman)

CS/NG

Councillors: Robin Guest, Bernie Attridge,  
David Barratt, Marion Bateman, Chris Bithell,  
Carolyn Cattermoul, Glenys Diskin, Quentin Dodd,  
Jim Falshaw, Veronica Gay, Fred Gillmore,  
Ron Hampson, George Hardcastle,  
Patrick Heesom, Dennis Hutchinson,  
Peter Macfarlane, Peter Pemberton,  
Aaron Shotton, Owen Thomas and Arnold Woolley

22 March 2012

Maureen Potter 01352 702322  
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Dear Sir / Madam

A meeting of the **CONSTITUTION COMMITTEE** will be held in the **DELYN COMMITTEE ROOM, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 28TH MARCH, 2012** at **10.00 AM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

## **AGENDA**

1 **APOLOGIES**

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

3 **MINUTES** (Pages 1 - 6)

To confirm as a correct record the minutes of the meeting held on 18/01/2012 (copy enclosed).

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

4 **LOCAL GOVERNMENT (WALES) MEASURE 2011 - CONSULTATION ON DRAFT STATUTORY GUIDANCE** (Pages 7 - 14)

To obtain the Committee's view on the Draft Statutory Guidance currently being consulted upon by the Welsh Government.

5 **REVISED MEMBERSHIP AND TERMS OF REFERENCE OF AUDIT COMMITTEE** (Pages 15 - 22)

To consider a recommendation from the Audit Committee in relation to its membership and terms of reference.

6 **FLINTSHIRE BYE-LAWS** (Pages 23 - 26)

Pursuant to the decision taken at the last meeting of the Committee to revisit the need for a separate Bye-laws Committee.

7 **ANNUAL REVIEW OF CODE OF CORPORATE GOVERNANCE** (Pages 27 - 48)

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

## CONSTITUTION COMMITTEE 18 JANUARY 2012

Minutes of the meeting of the Constitution Committee of Flintshire County Council held in County Hall, Mold on Wednesday, 18 January, 2012

**PRESENT: Councillor H.T. Isherwood (Chairman)**

Councillors: D. Barratt, M. Bateman, R.C. Bithell, Q.R.H. Dodd, F. Gillmore, R.J.T. Guest, R.G. Hampson, G. Hardcastle, P.R. Pemberton, A.P. Shotton and A. Woolley

**SUBSTITUTION:** Councillor R. Hughes for J.C. Cattermoul

**APOLOGIES:** Chief Executive and Councillors J.B. Attridge and R.P. Macfarlane

**IN ATTENDANCE:**

Democracy and Governance Manager and Committee Officer

**43. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**44. MINUTES**

The minutes of the meeting of the Committee held on 19 October 2011, were submitted.

**Matters arising**

**Monitoring of Planning Training**

Councillor R.C. Bithell commented on the importance of consistency in membership of the Planning & Development Control Committee and on the use of substitutions. He expressed the view that there was a need to ensure that all Members and substitute Members of the Committee were robustly apprised of planning procedures and that some additional training as well as the core training provided should be attended by all.

It was agreed this should be considered by Group Leaders and if they wished a report submitted by the Democracy and Governance Manager to the next meeting of the Committee.

**Panel for the appointment of LEA Governors**

Councillor R.C. Bithell made reference to the resolution of the Committee and commented on the need to review the wording in one of the recommended criteria as detailed in the report submitted to the Committee on 19 October 2011.

## **RESOLVED:**

- (a) That the minutes be received, approved and signed by the Chairman as a correct record; and
- (b) That the training of members and substitute members of the Planning & Development Control Committee be considered and if they wish a report submitted by the Democracy and Governance Manager to the next meeting of the Committee.

## **45. UPDATING COUNCIL CONSTITUTION**

The Democracy and Governance Manager introduced a report to clarify the way in which changes and updates to the Council's Constitution are made. He made reference to the query raised at the previous meeting of the Committee concerning the updated version of the Constitution and provided background information on the requirement for local authorities to have written Constitutions. He explained that there was a constant need for it to be updated and the updates that had been made in the last 2 years were attached as an appendix to the report for information.

The Democracy and Governance Manager explained that the amendments that had been made to the Constitution fell into two categories which were the substantive changes following consideration by the Constitution Committee and County Council and the necessary updates as a result of minor amendments made by the Head of Legal & Democratic Services/Monitoring Officer under delegated powers.

A comparison of Flintshire's Constitution with those of other North Wales authorities showed that there was a large degree of similarity, although there was variation as to how minor changes to the Constitution could be made. The Democracy and Governance Manager commented that Conwy's Constitution reflected Flintshire's custom and practice in that whilst changes of substance had to be approved by the Council, minor or consequential changes could be undertaken by the Monitoring Officer in consultation with the Chair of the Council and Chair of the Constitution Committee. Members were asked to consider that the transparency of the current custom and practice would be improved if the Council's Constitution was amended.

Councillor R.C. Bithell proposed that the recommendation as detailed in paragraph 4.01 of the report be accepted but with the amendment that the Vice Chair as well as the Chair of the Constitution Committee be consulted. Councillor R.J.T. Guest suggested the recommendation be accepted but that consultation take place with the Chair and Vice Chair of the County Council, Chair and Vice Chair of the Constitution Committee and Group Leaders, but this was not supported. Councillor D. Barratt proposed that the recommendation be accepted but that consultation take place with the Chair of the Constitution Committee and Group Leaders and when put to the vote this was agreed.

## **RESOLVED:**

That the Committee recommends to County Council that article 18 be amended to make clear the distinction between changes of substance, which need to be approved by County Council and minor or consequential changes that can be made by the Head of Legal and Democratic Services/Monitoring Officer under delegated powers following consultation with the Chair of the Constitution Committee and Group Leaders.

### **46. WELSH GOVERNMENT CONSULTATION DOCUMENT ON THE LOCAL ELECTIONS SURVEY (WALES) REGULATIONS 2012**

The Democracy and Governance Manager introduced a report to assist Members to decide on a response to the Welsh Government (WG) consultation on the proposed Local Elections Survey (Wales) Regulations 2012. He commented that despite the Council's representation made in response to consultation on the draft Local Government (Wales) Measure 2011, the Measure had imposed a duty on each County Council in Wales to conduct a survey of those who stood as candidates in their area after each ordinary election. The survey encompassed candidates for both the County Council and Town and Community Councils.

Members considered the draft survey which was appended to the report and raised a number of queries and concerns around purpose, cost and the future implications. In response the Democracy and Governance Manager explained that the aim of the survey was to gauge the effectiveness of policies aimed at widening participation in local government over time. The Council was required to respond to the Welsh Government by the 24 January 2012 on the draft Survey and draft Statutory Guidance and had six months from the date of the ordinary election to collect and collate the data and forward it to the WG.

The Democracy & Governance Manager advised that the WG had made £35K available to be divided amongst 22 county councils to meet the cost of the exercise. However, it was believed that the actual costs to local authorities of conducting the survey would be greater than the funding allocated. He advised that the Survey included questions that went beyond those which Section 1(4) of the Measure specified and it was believed that the questionnaire was already sufficiently long and detailed without including the additional areas of questioning. Referring to Question 3 of the Survey he reported that it was a requirement that the results were collated to separate between successful and unsuccessful candidates for both County Council and Town/Community Councils. It was suggested therefore that the options to Question 3 should be amended to County Councillor, Town/Community Councillor and Unelected.

In response to the further views expressed by Members the Democracy & Governance Manager commented that there was no obligation on a candidate to return the questionnaire and there was no requirement on local authorities to issue reminders to recipients of the form.

**RESOLVED:**

That under the Head of Legal & Democratic Services' delegated powers a response to consultation is made which includes the points detailed in paragraphs 3.05, 3.06 and 3.07 of the report and referred to above.

**47. LOCAL GOVERNMENT BYE-LAWS (WALES) BILL**

The Democracy and Governance Manager introduced a report to inform the Committee of the Local Government Bye-laws (Wales) Bill and to determine a response to consultation on it. He provided background information and advised that the specific questions asked by the Communities, Equality and Local Government Committee and a draft response to the consultation were attached to the report.

Councillor Q.R.H. Dodd moved the recommendation in the report and expressed the view that there should be substantial support by Members when voting to accept a bye-law and referred to a previous decision to form a Byelaw Committee that had not been implemented.

During discussion it was agreed that a response to consultation be sent as detailed in Appendix 2 of the report and that the Democracy and Governance Manager provides a further report to the Committee to consider the need to establish a separate committee to ensure consensus of support from Members for the bye-laws introduced by the County Council.

**RESOLVED:**

- (a) That the Committee noted the provisions in the Local Government Bye-laws (Wales) Bill;
- (b) That under the Head of Legal & Democratic Services' delegated powers a response to consultation be sent as detailed in Appendix 2 to the report; and
- (c) That the Democracy and Governance Manager provides a further report to the Committee to revisit the need for a separate bye-laws committee.

**48. PRESS IN ATTENDANCE**

There were no members of the press in attendance.

**49. DURATION OF MEETING**

The meeting commenced at 2.00 pm and finished at 3.30 pm.

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Chairman

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

<b>CONSTITUTION COMMITTEE</b>		<b>DATE 18 January 2012</b>
<b>MEMBER</b>	<b>ITEM</b>	<b>MIN. NO. REFERS</b>
<b>NO DECLARATIONS WERE MADE</b>		

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **28 MARCH 2012**

**REPORT BY:** **DEMOCRACY AND GOVERNANCE MANAGER**

**SUBJECT:** **LOCAL GOVERNMENT (WALES) MEASURE 2011 –  
CONSULTATION ON DRAFT STATUTORY  
GUIDANCE**

### **1.00 PURPOSE OF REPORT**

**1.01** To obtain the Committee's view on the Draft Statutory Guidance currently being consulted upon by the Welsh Government.

### **2.00 BACKGROUND**

**2.01** The Local Government (Wales) Measure 2011 became law on 10 May 2011 when it received Royal assent. The Measure contains proposals aimed at strengthening local democracy, governance arrangements, communities and community councils, members' allowances and collaboration.

**2.02** On the 3 February 2012 the Welsh Government issued a consultation document on Draft Statutory Guidance on the local democracy and governance parts of the Measure. The parts of that Draft Statutory Guidance relating to overview and scrutiny have been reported to and considered by the Overview & Scrutiny Co-ordinating Committee at its meeting on the 8 March. The parts of that Draft Guidance relating to audit committees have been reported to and considered by the Audit Committee at its meeting on 26 March. The views of the Co-ordinating Committee have been included in this report and those of the Audit Committee will be reported verbally at the meeting.

**2.03** Copies of the Draft Statutory Guidance have been placed in Members Services and in the group rooms. A response to the consultation will be sent under officers delegated powers following consideration by this Committee as the deadline for responses is 30 March.

### **3.00 CONSIDERATIONS**

**3.01** Chapter 1 of the Draft Statutory Guidance relates to the timing of council meetings. Section 6(2) of the Measure requires local

authorities to have regard to the final version of the Guidance in relation to the times and intervals at which council, committee and sub committee meetings are held. The Draft Guidance requires authorities to review the times at which meetings are held at least once in every council term, preferably shortly after the new council is elected and that meetings should then be held at times and intervals and locations which are convenient to the majority of members. Paragraph 1.10 of the Draft Guidance says that the survey should be carried out within three weeks of ordinary elections in order for recommendations to be considered at the council's annual meeting. Flintshire's Annual Meeting is only 12 days after the election and it is totally impractical to have surveyed the Members in that time. Officers believe this point should be made in response to the consultation notwithstanding that at the Overview & Scrutiny Network meeting on 10 February 2012 an undertaking was given to consider amending to 3 months rather than 3 weeks.

**3.02** Chapter 2 of the Draft Statutory Guidance concerns the training and development of local authority members. Section 7 of the Measure requires local authorities to secure the provision of reasonable training and development opportunities for its members. The Draft Guidance refers to the WLGA Charter for Member Support and Development as being good guidance. Flintshire is one of the authorities that has obtained the Charter and complies with its requirements. In parts the Guidance goes beyond what is in the Charter, such as requiring that every member (except the Council Leader) be offered the opportunity to have their training and development needs reviewed on an annual basis whereas the Charter only requires those members in receipt of special responsibility allowance. The Draft Guidance also requires that a suitably qualified person carry out the interviews to assess the training and development needs of the member. The Draft Guidance would allow Flintshire to continue with its existing practice of such interviews normally being conducted by a group leader provided the group leader has received suitable training. Paragraph 2.22 of the Draft Guidance advises that authorities liaise with the WLGA to ensure the provision of this. The Draft Guidance recommends that the new Democratic Services Committee has overall responsibility for member training and development whereas at present in Flintshire this rests with the Member Development Working Group.

**3.03** Chapter 3 of the Draft Statutory Guidance concerns local authority democratic services. The Measure requires each unitary authority to designate one of their officers to the new statutory post of Head of Democratic Services and to provide that Officer with sufficient support to do their job. The Head of Democratic Services has the functions set out in paragraphs 3.8 of the Draft Guidance which are basically to provide support and advice in relation to the authority's formal meetings and to each member in carrying out their role as a Member (except in connection with their role as an Executive Member).

**3.04** Each unitary authority must also establish a Democratic Services Committee which is required to perform the following roles:-

- Designate the Head of Democratic Services.
- Keep under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services in order to ensure that they are adequate for the responsibilities of the post.
- Make reports, at least annually, to the full council in relation to these matters.

The Chair of the Democratic Services Committee must not be a member of any of the political groups represented on the Executive (paragraph 3.12 of the Guidance). The Democratic Services Committee has the power to require the attendance of any members or officers to answer questions.

**3.05** Chapter 4 of the Draft Guidance concerns the exercise of functions by individual members. Section 56 of the Measure introduced new powers for members aimed at helping them tackle issues and resolve problems in their local area. It is for individual councils to decide if they wish to make use of this power to delegate both Executive and Council functions to non executive members. If Flintshire decides to take advantage of this power there are a number of factors and considerations to be taken into account that are listed in paragraphs 4.17-4.23 of the Draft Guidance to try to protect such decisions from legal challenge.

**3.06** Chapter 5 of the Draft Statutory Guidance concerns taking into account the views of the public. Section 62 of the Measure places a requirement on local authorities to make arrangements that enable all persons who live or work in the area to bring to the attention of the relevant overview and scrutiny committee their views on any matter under consideration by the committee. This part of the Guidance is very detailed rather than leaving matters to the discretion of the individual council. Flintshire County Council already make a facility available for the public via the website which has only been used twice.

**3.07** Chapter 6 of the Draft Statutory Guidance is dealing with councillor calls for action. Section 63 of the Measure introduces provision for "councillor calls for action" which enables members to refer issues of local importance to an overview and scrutiny committee. The Draft Guidance will create extra work for Overview and Scrutiny Officers.

**3.08** Chapter 7 of the Draft Statutory Guidance relates to the appointment of overview and scrutiny committee chairs. Part 6 of the Measure introduces detailed provisions relating to the appointment of chairs of

overview and scrutiny committees. The Council has previously made representations that the provisions in the Measure are unnecessarily complex and take no account of those members who are not in any political group. This remains the case with the Draft Guidance.

- 3.09 Chapter 8 of the Draft Guidance deals with co-opted members of overview and scrutiny committees. The Draft Guidance is very detailed on how to identify potential co-opted members and how they should be recruited, which will generate a lot of extra work.
- 3.10 Chapters 5, 6, 7 and 8 were considered at the Co-ordinating Committee meeting on 8 March and a copy of its recommended response to consultation effecting Overview and Scrutiny is attached as Appendix 1.
- 3.11 Chapter 9 of the Draft Guidance relates to audit committees and is the subject of a separate report to the Audit Committee meeting on 26 March. The views of the Audit Committee will be reported verbally at the meeting. The membership of Audit Committee must in future include at least one lay person and such committees are to have wider terms of reference than Flintshire's Audit Committee currently has.

#### **4.00 RECOMMENDATIONS**

- 4.01 For the Committee to note the provisions in the Draft Guidance.
- 4.02 For the Committee to consider the points to be made in response to consultation on the Draft Guidance.

#### **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 Chapter 1 of the Draft Guidance relating to the time of council meetings is an equalities initiative of the Welsh Government.

**9.00 PERSONNEL IMPLICATIONS**

**9.01** The Draft Guidance will increase the workload of officers supporting Overview & Scrutiny.

**10.00 CONSULTATION REQUIRED**

**10.01** None as a result of this report.

**11.00 CONSULTATION UNDERTAKEN**

**11.01** The Overview & Scrutiny Co-ordinating Committee and the Audit Committee have each received a report on relevant aspects of the Draft Guidance.

**12.00 APPENDICES**

**12.01** Appendix 1 - recommended response of the Co-ordinating Committee (8 March meeting) to consultation effecting Overview and Scrutiny

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

Local Government (Wales) Measure 2011  
Draft Statutory Guidance on the Local Government (Wales) Measure 2011

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### **Observations of the Overview & Scrutiny Coordinating Committee**

The Coordinating Committee made a general observation on the draft guidance relating to Overview & Scrutiny and several observations on individual paragraphs. The general observation was that the guidance should be less detailed allowing individual authorities to be creative in putting in place local arrangements to suit their local circumstances. The following specific points were made by the Committee:-

1. In relation to paragraphs 5.8 to 5.26 of the draft guidance concerning raising public awareness about Overview & Scrutiny, it is believed this can be achieved without the need for four separate protocols as indicated in paragraph 5.26.
2. In relation to paragraphs 5.27 to 5.34 dealing with the publication of Overview & Scrutiny forward work programmes, these frequently change to reflect changing local priorities and rather than circulating to a large number of bodies as indicated in paragraph 5.33, it is believed it would be more effective to use Council websites to publish and update forward work programmes which is what Flintshire currently does.
3. The Council welcomes the reference in paragraph 6.5 that a Councillor call for action should be a last resort after other avenues have been explored. Flintshire already has a number of mechanisms to support Members in resolving problems within their electoral divisions which are lower profile and potentially less confrontational than calls for action.
4. Chapter 7 of the draft guidance relating to the appointment of Overview & Scrutiny chairs takes no account of those Members who are not in any political group.
5. Chapter 8 of the draft guidance dealing with co-opted Members of Overview & Scrutiny is believed to be too detailed and more flexibility should be given to enable the easy cooption of Members.
6. Chapter 9 concerning audit committees, in paragraph 9.19 states that reports from all regulators and inspectors should go to audit committee and it is believed that this is unduly prescriptive and it should be left to the local choice of each Council to decide if such reports are more appropriately considered by Overview & Scrutiny. There is also a concern about the suggested budget monitoring role for audit committees. Audit committees should ensure that a budget monitoring process which is robust and reliable is in place and that scrutiny committees, within that process, should exercise the monitoring function.

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **28 MARCH 2012**

**REPORT BY:** **DEMOCRACY AND GOVERNANCE MANAGER**

**SUBJECT:** **REVISED MEMBERSHIP AND TERMS OF REFERENCE OF AUDIT COMMITTEE**

### **1.00 PURPOSE OF REPORT**

**1.01** To consider a recommendation from the Audit Committee in relation to its membership and terms of reference.

### **2.00 BACKGROUND**

**2.01** Local Government (Wales) Measure 2011 contains a chapter dealing with audit committees. The Measure received Royal Assent on the on 10 May 2011. Whilst some parts of the Measure have come into effect, the chapter dealing with audit committees has not as yet come into effect but is expected to do so shortly.

**2.02** Section 81 Measure requires each County or County Borough Council to appoint an audit committee with the following functions:-

- Review, scrutinise and issue reports and recommendations in relation to the authority's financial affairs.
- Review, scrutinise and issue reports and recommendations on the appropriateness of the authority's risk management, internal control and corporate governance arrangements.
- Oversee the authority's audit arrangements and review its financial statements.

At present the audit committee's terms of reference do not include all of these functions. The present terms of reference are attached as appendix 1.

**2.03** Irrespective of the implementation of the Local Government (Wales) Measure the current terms of reference require minor updating in section C financial reporting to reflect changes to reporting for the draft statement of accounts to go to the audit committee and then following consideration by the WAO to be considered again and referred to Council for approval.

**2.04** Section 82 of the Measure concerns the future membership of audit committees and requires:-

- That at least that one member of the committee is a lay member.
- That no more than a third of the committee's membership is made up of lay members.
- That no more than one member of the committee is a member of the Executive.
- That the Leader is not a member of the audit committee.

**2.05** Section 83 of the Measure requires the audit committee to appoint its own chair. The chair must not be a member of a group that has members on the Council's Executive (except in the unlikely event of there being no opposition groups on the Council). Section 83 also gives audit committees powers that overview & scrutiny committees have to require members and officers of the authority to attend before it to answer questions.

**2.06** At its meeting on the 26 March the audit committee is receiving a report on the Local Government (Wales) Measure which includes the points made in paragraphs 2.02 to 2.05 above. That report is recommending the committee consider changes to the audit committee's membership and terms of reference so that these can be recommended to the constitution committee and to County Council and the process of recruiting lay member(s) undertaken if appropriate.

### **3.00** CONSIDERATIONS

**3.01** It is considered that the Council should prepare for the implementation of the provisions in the Local Government (Wales) Measure 2011 relating to audit committees. Once the Measure comes into effect there is a need to recruit at least one lay person to the committee and such recruitment will take time.

**3.02** Irrespective of preparing for implementation of the Measure, there is a need by June 2012 to update the current terms of reference as indicated in paragraph 2.03 above.

**3.03** The views of the audit committee at its meeting on the 26 March will be reported verbally to the constitution committee meeting. This will enable the constitution committee to consider the composition and terms of reference of the audit committee in time to make a recommendation to the Council's annual meeting in May.

**4.00 RECOMMENDATIONS**

**4.01** To consider a recommendation from the audit committee as to its future composition and terms of reference so that this can be considered at the Council's annual meeting.

**5.00 FINANCIAL IMPLICATIONS**

**5.01** None as a result of this report.

**6.00 ANTI POVERTY IMPACT**

**6.01** None as a result of this report.

**7.00 ENVIRONMENTAL IMPACT**

**7.01** None as a result of this report.

**8.00 EQUALITIES IMPACT**

**8.01** None as a result of this report.

**9.00 PERSONNEL IMPLICATIONS**

**9.01** None as a result of this report.

**10.00 CONSULTATION REQUIRED**

**10.01** None as a result of this report.

**11.00 CONSULTATION UNDERTAKEN**

**11.01** Discussions taken place with the Wales Audit Office and other North Wales Councils.

**12.00 APPENDICES**

**12.01** Appendix 1 - audit committee's terms of reference

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

Report to the audit committee meeting of the 26 March 2012.

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**Article 7 - The Audit Committee**

**7.01 Role**

The Audit Committee's role and functions will be to:

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

**A. Internal Control**

- Evaluate whether management is setting the appropriate "control culture" by communicating the importance of internal control and risk management.
- Understand the internal control systems implemented by management for the approval of transactions and the recording and processing of financial data.
- Understand the controls and processes implemented by management to ensure the financial statements derive from the underlying financial systems, comply with relevant standards and requirements, and are subject to appropriate management review.
- Evaluate the overall effectiveness of the internal control and risk management frameworks and consider whether recommendations made by the internal and external auditors have been implemented by management.
- Consider how management is held to account for the security of computer systems and applications, and the contingency plans for processing financial information in the event of a systems breakdown or to protect against computer fraud or misuse.
- Consider the annual draft statement on internal control and make appropriate recommendations/observations to the Executive prior to its submission to the Council's Regulators.

**B. Compliance with Law and Regulations**

- Keep under review the Council's financial regulations and contract standing orders and all other corporate directions concerning financial control.
- Receive reports on all fraud identified and any other special investigations, and action taken.
- Obtain regular updates from management and legal advice regarding compliance matters, and be satisfied that all compliance matters have been considered in preparing the financial statements.

### **C. Financial Reporting**

- Consider the annual Statement of Accounts, together with the underlying accounting policies prior to their submission for audit, and recommend their approval to the Council.
- Gain an understanding of the current areas of greatest financial risk and how these are being managed.
- Meet with management and external auditors to review the financial statements, the key accounting policies and judgements, significant accounting and reporting issues and their impact on financial reports, and the results of the audit.
- Ensure that significant adjustments, unadjusted differences, disagreements with management and critical accounting policies and practice are discussed with the external auditor.
- Review the other sections of the Annual Report and the Statements of Accounts and consider whether the information is understandable and consistent with members' knowledge of the Authority and operations and lacks bias.

### **D. External Audit**

- Ensure that the annual audit is undertaken in compliance with statutory requirements.
- Review the external auditors' proposed audit scope and approach for the current year in the light of the Authority's present circumstances and changes in regulatory and other requirements arising from Government, Assembly or Council initiatives.
- Receive all audit reports, and the annual audit letter, issued by the external auditor, and ensure that all agreed recommendations are implemented.
- Review on an annual basis the performance of external audit and co-ordinate any feed back requested from the Audit Commission.
- Discuss with the external auditor any audit problems encountered in the normal course of audit work, including any restriction on audit scope or access to information.
- Meet separately with the external auditors to discuss any matters that the committee or auditors believe should be discussed privately. Ensure the auditors have access to the chair of the audit committee when required.

### **E. Internal Audit**

- Promote the role of internal audit within the Council, as a key element of its control environment.
- Review, approve and monitor the delivery of the internal audit plan and the risk assessment exercise on which the plan is based, and ensure it considers changes arising from Government, Assembly or Council initiatives.

- Receive summaries of all internal audit reports issued, highlighting key recommendations and recommendations of reports with corporate control implications.
- Monitor the implementation of agreed recommendations contained within internal audit reports.
- Ensure that no management restrictions are placed in the scope of audit's examinations.
- Meet separately with the Head of Internal Audit to discuss any matters that the committee or internal auditors believe should be discussed privately.
- Keep under review the organisational structure and resource requirements of the Internal Audit Section.
- Discuss with the external auditor the standard of work of internal audit staff.
- Evaluate on an annual basis the performance and effectiveness of internal audit and its compliance with best practice.

#### **F. General**

- Request the attendance at the Committee of any Director, or the submission of a report from any Director, to provide further explanation in connection with any of the above terms of reference.
- Arbitrate in the event of any failure to agree between a Director and internal audit.
- Keep under review the joint working arrangements of the Council's internal and external auditors.
- Evaluate the committee's own performance, both of individual members and collectively, on a regular basis.

The Audit committee will keep the above terms of reference under annual review and propose any amendment to the County council.

#### **7.02 Form and Composition**

The Chair and Vice-Chair of the Audit Committee will be chosen from amongst the main opposition group(s) on the Council.

It is the express wish of the Council that there should be continuity of membership of the Audit Committee so as to build up a body of expertise and maintain a consistency of approach.

In recognising the express wish of the Council, but observing the requirements of the legislation for political balance, the Audit Committee will comprise 7 Members with the seats allocated in accordance with the legislation to the appropriate political groups. Any proposed substitution shall comply with Council Procedure Rule 22.4 and the proposed substitute shall have attended relevant training. Substitutes will only be permitted where the Audit Committee at the commencement of its meeting agrees that good reasons exist for substitution.

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:**           **CONSTITUTION COMMITTEE**  
**DATE:**                 **28 MARCH 2012**  
**REPORT BY:**         **DEMOCRACY AND GOVERNANCE MANAGER**  
**SUBJECT:**            **FLINTSHIRE BYE-LAWS**

### **1.00**    **PURPOSE OF REPORT**

**1.01**    Pursuant to the decision taken at the last meeting of the Committee to revisit the need for a separate Bye-laws Committee.

### **2.00**    **BACKGROUND**

**2.01**    At the last meeting of the Committee on the 18 January 2012 consideration was given to a report on consultation on the Local Government Bye-laws (Wales) Bill. During consideration of that report Councillor Q R H Dodd referred to a previous decision to form a Bye-law Committee that had not been implemented. As part of the resolution it was resolved that the Democracy & Governance Manager provide a further report to the Committee to revisit the need for a separate Bye-laws Committee.

**2.02**    At a meeting of the County Council on the 18 April 2006 consideration was given to a notice of motion submitted by Councillor Q R H Dodd which stated "This Council resolves to set up a working party to examine and consider the creation of a set of bye-laws for Flintshire. The aim is to regulate behaviour which is not covered by existing statute. The working party will consult with all elected Members of the authority and all Town & Community Councils and will invite contributions from the general public. In due course they will present a report and recommendations to this authority for approval". This motion was carried.

### **3.00**    **CONSIDERATIONS**

**3.01**    Whilst the Council has never decided to have a Bye-law Committee, it did decide in 2006 to set up a working party to examine and consider the creation of a set of bye-laws for Flintshire. The first meeting of the working party was intended to be on the 26 July 2007 but due to some confusion regarding the membership of the working party its work was undertaken by the Constitution Forum that met on that day.

**3.02**    The report to the Constitution Forum explained that Flintshire had

inherited a number of bye-laws from the former Alyn & Deeside District Council and the former Delyn Borough Council as well as having made its own bye-laws in relation to acupuncture and tattooing. The report went on to indicate that the recently introduced Clean Neighbourhoods and Environment Act 2005 covered areas such as dog fouling that had previously been covered by bye-laws. The Constitution Forum decided that there should be consultation with Town & Community Councils in relation to the possible take up of powers under the Clean Neighbourhoods and Environment Act 2005.

**3.03** Following that consultation Flintshire introduced controls under the Clean Neighbourhoods and Environment Act relating to dog fouling in 2009. The Constitution Forum was then replaced by the Constitution Committee.

**3.04** The Council's Constitution expressly provides that the making, amending, revoking, re-enacting or adopting of bye-laws is a function of the full Council (Article 4, paragraph 4.02 (j)). Once the Local Government Bye-laws (Wales) Bill has been enacted the process for making bye-laws should be simplified and this may lead the Council to make new bye-laws or amend existing ones. In those circumstances a report to the County Council could include a recommendation to establish a working group of Members to formulate and progress proposals for consideration by County Council.

#### **4.00 RECOMMENDATIONS**

**4.01** That in the event of the circumstances described in paragraph 3.04 arising Council consider establishing a new Member Working Group.

#### **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** The creation of a further formal committee would require further staffing resources.

**10.00 CONSULTATION REQUIRED**

**10.01** None

**11.00 CONSULTATION UNDERTAKEN**

**11.01** None

**12.00 APPENDICES**

**12.01** None

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

Report to Constitution Forum, 26 July 2007  
Minute of Constitution Forum, 26 July 2007

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **28 MARCH 2012**

**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 commencing in October each year. In

October 2011 the Corporate Governance Officer Working Group commenced this year's review and update of the Code of Corporate Governance, 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 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 that the code is kept up-to-date. The Corporate Governance Working Group is chaired by the Democracy & Governance Manager and includes in its membership the Head of Internal Audit, the Risk Manager, the Policy Performance Manager and colleagues from the Finance Department. The review has also taken into account observations made by the Wales Audit Office.

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

### **4.00 RECOMMENDATIONS**

**4.01** For the Committee to approve the amendments made by way of updating the Code of Corporate Governance.

**4.02** For the Democracy & Governance Manager to consult with the political Group Leaders and the Chair of the Constitution Committee over updating the Constitution to reflect the current Code of Corporate Governance following the review.

### **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 Finance and members of CMT.

**12.00 APPENDICES**

**12.01** Appendix 1 - Updated Code of Corporate Governance

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

None

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# CODE OF CORPORATE GOVERNANCE

## Introduction

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

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

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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 guidance which was at that time in draft format. That guidance has now been formalised and additional guidance received on governance issues. The guidance documents issued are as follows:-

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- 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

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This Code recognises the greater emphasis placed upon corporate governance by the Welsh Government and the contents of the guidance documents. 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 following consultation with the Council's Corporate Management Team **reported to the Council's Constitution Committee**.

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**Deleted:** 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.

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.

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- 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 Executive as each partner body translates the vision into its working and governance arrangements.
- Ensure that the partnership arrangements below the community strategy are supported by a common vision.

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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 International Financial Reporting Standards (IFRS’s) and the Chartered Institute of Public Finance and Accountancy (CIPFA) general accounting principles.
- A statement of accounting policies.

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1.4 An Annual Governance Statement is presented to Audit Committee and Council for approval every September. Once approved the Statement 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 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 Plan (Governance) Framework have been agreed by Executive.

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1.6 The medium term financial strategy 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 medium term financial strategy 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 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) Identify specific actions required to balance budgets and manage resources within the overall framework of the Medium Term Financial Strategy.

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

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- 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.
- 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).

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1.8 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 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.

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

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- 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.

1.10 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 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.

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- | 1.11. A central register of contracts and lists of defaults is being developed to assist in contract monitoring and review. In some areas the Council has put in place arrangements and backup capacity to respond to service or market failure. Deleted: 0
- | 1.12. A number of methods are employed to demonstrate value for money. The Annual Improvement Plan provides detailed information of the Council's plans and 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. Deleted: 1
- | 1.13. 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. Deleted: 2
- | 1.14. 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. Deleted: 3
- | 1.15. The Council has adopted the principle that in the conduct of public business and the administration of justice in Wales it will treat the Welsh and English languages on a basis of equality. The Council's Welsh Language Scheme sets out how the Council will give effect to that principle when providing services to the public in Wales, and in the conduct of its internal business. The Council has made a public commitment to monitor and review the implementation of its Welsh Language Scheme and to report annually to the Council's Executive and to the Welsh Language Board on its performance. Deleted: 4

**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 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.

- 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 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 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 and 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 ~~has been undertaken.~~
- 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:-

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- 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. 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.

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.~~
- 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.

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- Officers are subject to a Code of Conduct which includes a wide range of standards of behaviour required of them. These standards include requirements to perform their duties diligently, to respect the dignity and rights of the public, customers and other employees at all times; and to serve the public courteously, efficiently and impartially. There are other requirements relating to the use of Council resources, gifts and hospitalities, outside commitments, conflicts of interest, confidentiality, political neutrality, relationships with Members and general conduct.

3.3 The Leader and 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 weeks and each of the seven Overview and Scrutiny Committees meet regularly several times a year. [Details of Overview & Scrutiny work is contained in an annual report reported to Council each year and available on the Council's website.](#)

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

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

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

- Members receive advice on a regular basis from the Standards Committee on the application of the Members' Code of Conduct.
- A Code of Planning Practice has been adopted.
- A Protocol has been agreed and published giving guidance to Members on dealings with Developers and Contractors.

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- 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 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.

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

- Through formal Member training, in the case of the Members' Code of Conduct.
- Through publicity of the Officers Code of Conduct, Whistle Blowing Policy and Anti-Fraud and Corruption Policy 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 Strategic Equality Plan through the Codes of Conduct, Protocols referred to earlier.
- Through the adoption and monitoring of the Council's Welsh Language Strategy and Policy.

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3.9. The Local Service Board have 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

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

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This Framework is now being used by:

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

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

4.1 The Council has also adopted a Constitution which:-

- Clearly defines those functions which are reserved to the full Council for decision, those decisions which will be taken by the 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 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. in relation to planning applications processes are detailed in the Flintshire Planning Code of Best Practice.

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**Deleted:** 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

○ Local Member/Officer Protocol

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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.

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).

4.11 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:-

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- 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 modules comprising equalities and diversity awareness, customer care and corporate governance.
- 5.2 After County Council elections every 4 years 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:-

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- 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
  - The development of management/behavioural competencies
  - Development and training programmes, including those provided by professional organisations for both Members and 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 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.
- 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 all staff and encourages participation and development through:-
- development of a Corporate Performance Management framework
  - development of a People Strategy
  - 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 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 schools and Town and Community Councils.

- 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.

- Consultation on the budget process with local stateholders (residents and businesses) to help shape its budget proposals.

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.

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