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Head of Legal and Democratic Services
Pennaeth Gwasanaethau Cyfreithiol a Democraataidd



To: ALL MEMBERS OF THE COUNCIL

CS/NG

6 November 2013

Nicola Gittins on 01352 702345
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Dear Sir / Madam

A meeting of the **FLINTSHIRE COUNTY COUNCIL** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **TUESDAY, 12TH NOVEMBER, 2013** at **2.00 PM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

AGENDA

1 **APOLOGIES FOR ABSENCE**

2 **PUBLIC QUESTION TIME**

3 **DECLARATIONS OF INTEREST**

To receive any declarations of interests from Members.

4 **COUNCIL MINUTES** (Pages 1 - 6)

To confirm as a correct record the minutes of the meeting on 23 October 2013.

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

5 **CHAIR'S COMMUNICATIONS**

6 **PETITIONS**

7 **NOTICE OF MOTION**

8 **QUESTIONS**

To note the answers to any questions submitted in accordance with County Council Standing Order No. 9.4(A).

9 **QUESTIONS FROM MEMBERS ON COMMITTEE MINUTES**

The Minute Books, Edition 3, has been circulated to Members. Members are now entitled to ask questions on these minutes, subject to certain limitations, and answers will be provided at the meeting. Members are requested to bring to the meeting their copy of the Minute Book. Any questions must have been received by the Democracy and Governance Manager prior to the close of business on 6 November 2013.

10 **UPDATE OF AUDIT COMMITTEE TERMS OF REFERENCE** (Pages 7 - 16)

Report of Head of Legal and Democratic Services enclosed.

11 **CONSULTATION BY THE INDEPENDENT REMUNERATION PANEL FOR WALES (IRPW)** (Pages 17 - 26)

Report of Head of Legal and Democratic Services enclosed.

12 **SINGLE STATUS IMPLEMENTATION PLAN**

Verbal Update by the Chief Executive and Head of Human Resources and Organisational Development

FLINTSHIRE COUNTY COUNCIL

23 OCTOBER 2013

Minutes of the meeting of the Flintshire County Council of Flintshire County Council held at Council Chamber, County Hall, Mold CH7 6NA on Wednesday, 23 October 2013

PRESENT: Councillor Carolyn Thomas (Chair)

Councillors: Alex Aldridge, Bernie Attridge, Glyn Banks, Haydn Bateman, Marion Bateman, Chris Bithell, Derek Butler, Clive Carver, David Cox, Peter Curtis, Ron Davies, Glenys Diskin, Rosetta Dolphin, Ian Dunbar, Andy Dunbobbin, Carol Ellis, David Evans, Jim Falshaw, Veronica Gay, Robin Guest, Ron Hampson, Cindy Hinds, Ray Hughes, Hilary Isherwood, Joe Johnson, Christine Jones, Kevin Jones, Richard Jones, Stella Jones, Colin Legg, Phil Lightfoot, Richard Lloyd, Dave Mackie, Nancy Matthews, Ann Minshull, Billy Mullin, Mike Peers, Neville Phillips, Mike Reece, Gareth Roberts, Ian Roberts, Aaron Shotton, Paul Shotton, Nigel Steele-Mortimer, David Williams, David Wisinger, Arnold Woolley and Matt Wright

APOLOGIES:

Councillors: Amanda Bragg, Helen Brown, Adele Davies-Cooke, Alan Diskin, Chris Dolphin, Brian Dunn, Ted Evans, Alison Halford, George Hardcastle, Dennis Hutchinson, Rita Johnson, Brian Lloyd, Mike Lowe, Hilary McGuill, Tim Newhouse, Tony Sharps, Ian Smith, Owen Thomas and Sharon Williams
Director of Lifelong Learning

IN ATTENDANCE:

Chief Executive, Director of Community Services, Director of Environment, Head of Legal & Democratic Services, Democracy & Governance Manager and Committee Officers

Policy & Performance Manager (for minute number 49)

Member Engagement Manager (for minute number 52)

46. DECLARATIONS OF INTEREST

No declarations of interest were made.

47. COUNCIL MINUTES

The minutes of the meeting held on 25 September 2013 were submitted.

RESOLVED:

That the minutes be approved as a correct record and signed by the Chair.

48. ANNUAL PERFORMANCE REPORT 2012/13

The Chief Executive introduced the report and delivered a presentation for Members to endorse the 2012/13 draft Annual Performance Report for publication following approval by Cabinet. He thanked the Policy & Performance

Manager and Performance Team Leader for their work on the report and reminded Members that the document would need to be adopted by the statutory deadline of 31 October. The Annual Performance Report met the statutory requirement to review the Council's progress against the Improvement Priorities and overall progress for the previous year 2012-13. A public summary would be produced for inclusion in 'Your Community, Your Council'.

The Policy & Performance Manager provided an explanation on the statutory requirements for the content of the report. She reminded Council that it was important to recognise that performance indicators were only part of the total picture. It was noted that 56% of Improvement Targets continued to improve or remained at top ranking whilst 44% showed a downturn (which in the majority of cases was marginal), with 61% meeting or exceeding the target set. In national rankings, Flintshire had performed better than the Wales average in 59% of indicators and was placed top of ranking in five indicators and bottom in one. A total of 37 indicators were in the top and middle quartiles compared with 21 last year.

The Chief Executive said that during the current transitional year, the former ten Improvement Priorities for 2012/13 had been condensed for 2013/14 and it was important for the report to compare the performance across both. The statement of progress as at 31 March 2013 set the close of the year reported to Cabinet and Overview & Scrutiny showed that good progress had been made in five of the Improvement Priorities with satisfactory progress achieved in the remainder.

The Policy & Performance Manager highlighted changes to the format and content of the Plan to make it easier to read and identify outcomes, together with examples of good practice and areas for improvement. Outcomes for each sub-priority would be determined and linked to the Improvement Plan for tracking. Links to the Improvement Plan would help the reader to understand past and future actions. The Chief Executive said that an up-to-date progress statement against the eight new Priorities which had recently been reported to Cabinet would be submitted to Overview & Scrutiny committees to review in their respective portfolios.

In moving the recommendation in the report, Councillor Aaron Shotton thanked the officer team for putting together the report and referred to the complex nature of the new Improvement Plan in which the approach to Priorities and Improvement objectives had been streamlined. The proposal was seconded by Councillor Bernie Attridge.

Councillor Richard Jones queried the recommendation to endorse the report as Members had previously been requested to approve. He welcomed the continuous improvement in trends and queried consistency in the practice for business cases on regional partnerships to show evidence of benefits specifically for Flintshire and the need to ensure that the value of services was not reduced. On sub-priority 2.2 to achieve the set efficiency targets from collaborative projects, he felt that actions should be set out on how to achieve a 'Green' rather than an 'Amber' outcome.

The Chief Executive confirmed that a summary would be produced and that the wording on the recommendation was due to terminology used. In response to concerns about collaborative projects, he was unaware of any new projects where the adopted three stage reporting Protocol had not been followed and would follow this up with the Member Engagement Manager. To further strengthen the Protocol it was intended to include involvement by the Audit Committee. On the last query, he said that efficiencies on collaborative projects had been delivered broadly on time and that this was about the level of confidence in the region's ambitions to deliver major cost savings. Any further information required by Members was readily available.

Councillor Mike Peers suggested that a 'road map' would be beneficial and that greater transparency was needed on the changing number of Priorities. On secondary priority 6.13, he said that consistency was needed due to differences between an outline plan and a 'master plan'. He felt that there was some repetitiveness in the Improvement Priorities and that there was a resistance to change on pace and ambition running through the document. He went on to suggest that a prioritised action plan was needed to show recovery plans for the areas marked 'what we didn't do so well' in the report.

The Chief Executive said that the timing of information was due to the data clearance process with input from WAO and confirmed that the review of Priorities for next year's Improvement Plan would be open and subject to Member involvement. The former ten Improvement Priorities had been condensed into the new set of seven for 2013/14 with an additional eighth Priority to support those vulnerable to poverty through welfare reform. Assurance was given that detailed action plans with targets were in place to address areas in need, which were available for scrutiny, although it was not possible to summarise these within the report.

Councillor Ian Roberts asked for clarity on the agreed procedure for local Members to be kept informed of progress where high level discussions were taking place on options for major developments within their wards. The Chief Executive confirmed that there was an expectation for all officers to conform to this practice.

Following the earlier comments made by Councillor Richard Jones, the Chief Executive confirmed the amendment to the wording in the recommendation from 'endorse' to 'approve'. On being put to the vote, this was agreed by the Committee.

RESOLVED:

That the 2012/13 draft Annual Performance Report be approved for publication.

49. COMMUNITY REVIEW

The Democracy & Governance Manager introduced a report to recommend to Cabinet the Council's community review proposals for the purposes of consultation. He explained the Council's statutory duty to keep its Town and Community boundaries and electoral arrangements for communities under review and that this was the first comprehensive review undertaken in

Flintshire. Proposals received from interested parties in response to the first formal stage of the consultation process had been carefully considered in preparing the Council's draft proposals.

As a result of representations made at a meeting with Town and Community Councils in May 2013, clarification had been given that the objective of the seventh and eighth guiding principles was to ensure approximately the same proportion of electors to councillors across the different wards within a town or community.

In moving the recommendation in the report, Councillor Aaron Shotton referred to concerns previously raised by Members on the proposals from the former Boundary Commission and the work which had been undertaken to reach the current position with involvement by County Council, Town and Community Councils and the County Forum. He spoke of the need to ensure that Town and Community Council opinions were represented and to be mindful of avoiding any confusion to the electorate and for outcomes from the Public Services Commission to be clarified. The proposal was seconded by Councillor Billy Mullin.

Councillor David Wisinger pointed out that the proposal which he had submitted during the first stage of the review related to Queensferry and not Penyffordd. The Democracy & Governance Manager agreed to amend this.

Councillor Alex Aldridge referred to the need to acknowledge the potential for challenging times ahead and the role of Councils in the delivery of services.

Councillor Robin Guest echoed this view and spoke of the contribution made by local councillors. He also commented on the reviews of the community boundaries and County wards, suggesting that it would be easier if one body carried out both reviews to minimise confusion. In response to his query, the Democracy & Governance Manager explained that where there were no proposals to change an external community boundary, the town/community wards arising from the review should lie wholly within a single County Council electoral division. To avoid confusion at the 2017 Local Government Elections, as the proposal for Mold included changing the external boundary, the Local Democracy & Boundary Commission would be involved and could alter County electoral divisions to correspond with any new Town Council wards.

Councillor Richard Jones said that Flintshire was a well-performing county and that any changes from the review should not affect service levels which should be sustained and improved.

As local Member for the Mold Broncoed ward, Councillor Haydn Bateman endorsed the proposal for this area as he felt this to be a fair compromise.

Councillor Carol Ellis welcomed the proposal for an increased number of councillors in the Buckley Mountain ward to address inconsistencies in the ratio of electorate to councillors and felt that this should also be reflected at County level.

The Chief Executive recognised that a great deal of work had been carried out by the Democracy & Governance Manager in involving the Town and Community Councils.

Councillor Aaron Shotton responded to Members' comments and thanked the Democracy & Governance Manager's team for the complex work which had been undertaken.

RESOLVED:

That it be recommended to Cabinet:

- That the seventh and eighth guiding principles be clarified as indicated in paragraph 3.02 of the report;
- That the proposals in Appendix A be recommended to Cabinet for consultation;
- That the second formal consultation stage be as indicated in paragraph 3.06 of the report.

50. ELECTORAL REVIEW PROGRAMME

The Chief Executive introduced a report on the recently published ten year programme of electoral reviews which was required under the Local Government (Democracy) (Wales) Act 2013. The report included a programme published by the Local Democracy & Boundary Commission for Wales (LDBCW) which contained information on the review based on a variety of factors, following data obtained from principal councils. It was reported that the review of Flintshire was scheduled to commence in the final quarter of 2015, followed by draft proposals issued in mid 2016 to be finalised after the Local Government Elections scheduled for 2017.

The Chief Executive spoke of some flaws in the previous process undertaken by the former Boundary Commission and work carried out since to build relationships and give a greater degree of confidence in the outcomes of future reviews.

Councillor Billy Mullin proposed that the Council support the recommendations as outlined within the report. This was seconded by Councillor Bernie Attridge.

RESOLVED:

That the electoral review programme issued by the Local Democracy & Boundary Commission for Wales be noted.

51. OVERVIEW & SCRUTINY ANNUAL REPORT

The Member Engagement Manager introduced a report to enable the Council to approve the Annual Report of the Overview & Scrutiny function for the 2012/13 municipal year. The report detailed work undertaken by the Overview & Scrutiny committees during the period and in line with Constitution requirements,

had been approved by the Constitution Committee prior to submission to full Council.

As Chair of the Constitution Committee, Councillor Robin Guest proposed that the Council support the recommendation in the report and thanked the Member Engagement Manager and his team for facilitating the Overview & Scrutiny process with involvement by all Council Members. He went on to thank Cabinet Members for their recognition of the work carried out by Overview & Scrutiny and reminded Members of the value of their contribution to the Overview & Scrutiny process by submitting topics of interest. The proposal was seconded by Councillor Nigel Steele-Mortimer.

Councillor Matt Wright thanked Members of the Environment & Scrutiny Committee and spoke about the positive relationship with Cabinet on the timing of policies, for example the Speed Limit Review.

In thanking Members of the Social & Health Care Overview & Scrutiny Committee, Councillor Carol Ellis referred to the meeting which had been held to consider proposals put forward by the Betsi Cadwaladr University Health Board. She said that this was the first time that such a meeting had been opened up to all Council Members, adding that the concerns raised at that meeting about the impact on hospital beds from the closure of community hospital beds had increased.

Councillor Mike Peers spoke of the importance of effective chairmanship of committees and thanked Councillor Ian Roberts, Chair of the Lifelong Learning Overview & Scrutiny Committee who had arranged for an item he requested to be considered by that Committee.

RESOLVED:

That the Overview & Scrutiny Annual Report for the 2012/13 municipal year be approved.

52. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There was one member of the press in attendance.

(The meeting started at 10.00 am and ended at 11.15 am)

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Chair

FLINTSHIRE COUNTY COUNCIL

REPORT TO: FLINTSHIRE COUNTY COUNCIL

DATE: TUESDAY, 12 NOVEMBER 2013

REPORT BY: HEAD OF LEGAL AND DEMOCRATIC SERVICES

SUBJECT: UPDATE OF ARTICLE 7 OF CONSTITUTION ON
AUDIT COMMITTEE ROLE

1.00 PURPOSE OF REPORT

1.01 For Council to approve changes to the Audit Committee role contained in Article 7 of the Council Constitution.

2.00 BACKGROUND

2.01 Article 7 of the Constitution deals with the Audit Committee and paragraph 7.01 details its role.

2.02 The role of the Audit Committee was updated last year to reflect the changes introduced by the Local Government (Wales) Measure 2011 that came into effect in May 2012. However, at that time the remainder of the role was not reviewed and has not been reviewed for some years.

2.03 It is considered good practice to review the role of the Audit Committee on a regular basis particularly as the areas of its responsibility have widened considerably.

2.04 A full review has now taken place to reflect current practice. The review was reported to the Audit Committee meeting of 30 July 2013 and to the Constitution Committee at its meeting on the 16 October 2013. Attached as appendix A is the revised wording following consideration by those committees.

3.00 CONSIDERATIONS

3.01 The main changes are:-

- The role of the committee is clarified in terms of financial affairs.
- The work of the committee is specified for risk management, corporate governance, treasury management and collaborations.
- The review of the Anti Fraud and Corruption Strategy, Fraud Response Plan and Whistleblowing Policy is included.

- Reports from other regulatory bodies are included.
- Approval of the Internal Audit Charter, the receipt of the Annual Report and the monitoring of performance indicators is included
- A strengthening of reporting on the implementation of audit recommendations.
- From the Local Government Measure, the ability of the committee to require the presence of a member or officer (previously 'request').
- The frequency of meetings as laid down by the Local Government Measure – at least once a year, but as many as the committee wants.
- The training requirements for the committee.
- The need for the committee to act apolitically is stated.

3.02 The current wording of Article 7 states that the Audit Committee will keep its terms of reference under annual review and propose any amendment to the County Council. This wording predates amendments made to Article 19.02 of the Constitution whereby some amendments can now be made to the Constitution without the need for a report to County Council. This is where there is consultation with the Chair of the Constitution Committee and the political Group Leaders and none of them require the proposed change to be reported to County Council. Whilst it is proposed to have annual reviews of Audit Committee's role it is suggested that to avoid delay in implementing changes these should not automatically have to be referred to County Council. Instead in future any changes should be subject to the normal provisions in Article 19.02 whereby minor or consequential changes can be made following consultation with the Chair of the Constitution Committee and Group Leaders if none of them require the matter to be considered by Council.

4.00 RECOMMENDATIONS

4.01 The Council is requested to approve the changes to Article 7 set out in appendix A.

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.

11.00 CONSULTATION UNDERTAKEN

11.01 With the Constitution Committee of the 16 October 2013.

12.00 APPENDICES

12.01 Appendix A – Draft Terms of Reference for the Audit committee

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

Local Government (Wales) Measure 2011 and Guidance to the Measure.

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

A. Corporate Governance, Internal Control and Risk Management

- Evaluate whether management is setting the appropriate "control culture" by communicating the importance of internal control and risk management.
- Consider and assure the annual update of the Code of Corporate Governance
- Consider and assure the annual draft Annual Governance Statement and make appropriate recommendations/observations prior to its submission to the Council's Regulators.
- 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.
- Review and assure the Risk Management Strategy through regular reports on risk management and business continuity plans, processes and outcomes.

- Keep under review the Council's Anti Fraud and Corruption Strategy, Fraud Response Plan and Whistleblowing Policy
- Receive reports on all fraud identified and any other special investigations, and action taken.
- Consider how management is held to account for the security of computer systems and applications to protect against computer fraud or misuse.
- Ensure the rigorous application of the agreed protocol for the reporting and decision making over business cases for collaborative projects, the management of the transition for approved collaborations, and the subsequent performance management arrangements for the new collaborative services.
- 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.

B. Statutory Financial Statements

- Receive the draft annual Statement of Accounts, together with the underlying accounting policies for information. Consider and comment on the final statement of accounts following the receipt of the proposed audit opinion from the Wales Audit Office prior to recommending their approval to the Council.
- 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.
- 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.

C. Internal and External Audit

- Keep under review the joint working arrangements of the Council's internal and external auditors.

Internal Audit

- Promote the role of internal audit within the Council, as a key element of its control environment.
- Review and approve the Internal Audit Charter outlining the role, scope, independence, authority, responsibility and reporting of the department
- Keep under review the organisational structure and resource requirements of the Internal Audit Section.
- Ensure that no management restrictions are placed in the scope of audit's examinations.
- Review, approve (but not direct) 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, receive reports on recommendations not implemented within agreed timescales and seek explanations from officers where required.
- Receive the Internal Audit annual report and ensure that the annual opinion is reflected in the Annual Governance Statement.
- Keep performance indicators under review and evaluate on an annual basis the performance and effectiveness of internal audit and its compliance with best practice.
- Meet separately with the Internal Audit Manager to discuss any matters that the committee or internal auditors believe should be discussed privately.
- Arbitrate in the event of any failure to agree between a Director or Head of Service and internal audit.
- Discuss with the external auditor the standard of work of internal audit staff.

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.
- 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.
- Receive reports from other regulatory bodies and ensure that effective processes are in place for setting and monitoring against proportionate and effective action plans.
- 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.
- Review on an annual basis the performance of external audit and co-ordinate any feed back requested from the Wales Audit Office.

D. Financial Affairs

- Understand the internal control systems implemented by management for the approval of transactions and the recording and processing of financial data.
- Gain an understanding of the current areas of greatest risk around financial controls and advise and assure on risk management.
- Keep under review the Council's financial procedure rules and contract procedure rules and all other corporate directions concerning financial control.
- Review and assure the Treasury Management Strategy and Policy and consider quarterly updates on Treasury Management and make appropriate recommendations / observations to the Cabinet.

E. General

- Require the attendance at the Committee of any officer or member, or the submission of a report from any officer, to provide further explanation in connection with any of the above terms of reference.
- Evaluate the committee's own performance, both of individual members and collectively, on a regular basis.

- The Committee must meet at least once a year and must also do so if the Council decides or if at least a third of the committee's members require a meeting. Beyond those requirements the committee can meet whenever it likes.

The Audit committee will keep the above terms of reference under annual review.

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **FLINTSHIRE COUNTY COUNCIL**

DATE: **TUESDAY, 12 NOVEMBER 2013**

REPORT BY: **HEAD OF LEGAL AND DEMOCRATIC SERVICES**

SUBJECT: **CONSULTATION BY THE INDEPENDENT
REMUNERATION PANEL FOR WALES (IRPW)**

1.00 PURPOSE OF REPORT

1.01 To consider the Council's response to consultation by the IRPW on its draft annual report for 2014/15.

1.02 To inform Council of changes to payments to co-opted members.

2.00 BACKGROUND

2.01 The IRPW determines the allowances payable to Members. It consults on its proposed annual report prior to issuing each year's report.

2.02 On the 1 October 2013 the Council received the IRPW draft annual report for 2014/15 for consultation purposes. Responses to the consultation need to be received by the IRPW no later than the 26 November 2013. A copy of the draft report has been placed in Member Services and in each of the Group Rooms.

2.03 A report on the consultation document was submitted to the Constitution Committee meeting on the 16 October 2013. At that meeting the separate proposals by the IRPW were considered in turn and the committee's views established. It was also agreed that the Democracy & Governance Manager would prepare a draft response and consult with the Committee Chair and the Leader of the Council on it.

2.04 On the 1 November 2013 the IRPW issued a supplemental report in respect of payments to co-opted members (Appendix 1). The determinations in that supplemental report are to take effect on the 1 January 2014. These proposals had been the subject of separate consultation between the 1 August 2013 and 26 September 2013.

3.00 CONSIDERATIONS

3.01 This year's draft report follows the IRPW visiting each of the 22 principal authorities to discuss how its determinations are working in practice and what matters it should consider for this annual report and

for the future. The IRPW spent the 25 April 2013 meeting various groups of Members and officers of Flintshire.

- 3.02 The first proposed change the IRPW are consulting on is to increase basic allowance in 2014/15 from the current £13,175 to £13,300 p.a. In the last 3 years there has been a reduction in funding for local authorities and a freeze on public sector pay. Therefore the Panel had determined that during that period it would be inappropriate to increase allowances. However, given the modest relaxation in the constraints on public sector pay this year, the Panel is proposing to increase basic allowance by less than 1% from spring 2014. In relation to this proposed change the Constitution Committee agreed that this should only be proposed on the basis NJC staff are receiving at least the same percentage increase.
- 3.03 The second proposed change relates to the payments to Leader, Deputy Leader and other Cabinet members. Whilst these amounts continue to vary according to the size of population served by a Council, this variation is proposed to be narrowed. Flintshire is in the middle of the three population groups and the Panel propose to increase the amount paid to the Leader by £500 p.a., that to the Deputy Leader by £40 p.a. and that to Cabinet members by £220 p.a. There are smaller increases for the small number of larger authorities and larger increases for those authorities with smaller populations than Flintshire. These proposed changes in differentials are rather minor. The Constitution Committee were of the view that this should only be proposed where the workforce were having a 1% or more increase in their pay.
- 3.04 The third proposed change is a more significant one in that it is giving local choice to each County Council to choose which of three salary bands to pay each individual Committee Chair. At present all Committee Chairs receive the same extra payment for their added responsibility. It is proposed that in future this will be either £8,700, £6,700 or £4,700 as determined by each individual authority for each individual Chair. At present the uplift on basic allowance amounts to £8,735 p.a. The Constitution Committee agreed with this proposed change.
- 3.05 The next proposed change is to increase the amount paid to the Leader of what the IRPW calls the largest 'opposition group'. It is proposed that this increase on basic salary would be £8,700 p.a. whereas at present it is only £3,745 p.a. In paragraph 3.14 of its draft report the Panel indicate that they take the view that the payment for this position is important for local democracy. In relation to this proposed change the Constitution Committee was of the view that there should be greater local choice and that it be left to individual authorities to decide how this amount should be awarded to the Leaders of the groups not represented on the Cabinet.

- 3.06 The Panel also proposes to introduce more flexibility and local choice for the amount paid to Civic Heads and Deputy Civic Heads. As with Committee Chairs it is proposed that Councils can choose the level of payment from three bands of payment. The middle of these bands is the nearest to our current payments and would result in an increase of £125 p.a. for the Chair but a reduction of £625 p.a. for the Vice Chair. The top band would be an increase of £2,625 p.a. for the Chair and £1,375 p.a. for the Vice Chair. The Constitution Committee welcomed this proposal for more flexibility and local choice in payments to Civic Heads and deputy Civic Heads.
- 3.07 In the draft report the Panel makes clear that all Councillors should be provided with adequate telephone and e-mail facilities and electronic access to appropriate information without cost to the individual Member. At the Constitution Committee this was noted.
- 3.08 The draft report proposes to remove the current maximum reimbursement for an overnight stay in Cardiff (£120) and for all such overnight stays outside of London for the maximum to be £95. The draft report explains that this brings payable rates in line with Welsh Government rates. The Constitution Committee agreed with this proposal.
- 3.09 The draft annual report makes no proposals to change the limit of 18 on a number of so called 'senior salaries' which Flintshire can pay its members who have special responsibilities. This represents 25.7% of the Council membership when for other smaller Councils it can be as high as 50%. At the consultation meeting in April representations were made to the IRPW to increase this limit. At the Constitution Committee meeting it was agreed that representations should be made to increase the number of Flintshire Councillors eligible for 'senior salaries' as there was no good reason for the discrepancy in the proportion of members between the larger authorities such as Flintshire and a small authority.
- 3.10 To assist Council in its consideration of how to respond to consultation on the draft annual report Appendix 2 sets out a proposed response.
- 3.11 In relation to co-opted members these parts of the draft report have been introduced with effect from the 1 January 2014. Whilst the eligibility being widened to include working groups is welcomed the other determinations increase the complexity of an already complex area. They will also lead to a lack of transparency and to different co-opted members being paid differently. Council is asked to agree that the Democracy & Governance Manager be the appropriate officer for the purposes of the determinations in paragraph 4(i) and (iii) of Appendix 1.

4.00 RECOMMENDATIONS

- 4.01 For Council to agree or amend Appendix 2 as the Council's response to consultation on the draft annual report for 2014/15.
- 4.02 For the Democracy & Governance Manager to be the appropriate officer for the purposes of the determinations in paragraph 4 (i) and (iii) of the Appendix 1.

5.00 FINANCIAL IMPLICATIONS

- 5.01 The existing budget provision for Members' allowances should be sufficient to cover the proposals in the draft annual report for 2014.

6.00 ANTI POVERTY IMPACT

- 6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

- 7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

- 8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

- 9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

- 10.01 With the Constitution Committee.

11.00 CONSULTATION UNDERTAKEN

- 11.01 With the Constitution Committee, Chair of Constitution Committee and Council Leader.

12.00 APPENDICES

- 12.01 Appendix 1 - IRPW Supplementary Report
Appendix 2 - draft response to the IRPW

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985 BACKGROUND DOCUMENTS

Draft annual report for 2014.

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To :

Leaders and Chief Executives of County and County Borough Councils

Chairs and Chief Executives of National Park Authorities

Chairs and Clerks of Fire and Rescue Authorities

Leader and Chief Executive of the Welsh Local Government Association

Heads of Democratic/Member Services of County and County Borough Councils, National Park and Fire and Rescue Authorities

APPENDIX 1

SUPPLEMENTARY REPORT IN RESPECT OF PAYMENTS TO CO-OPTED MEMBERS OF LOCAL AUTHORITIES IN WALES

1. This constitutes a Supplementary Report of the Independent Remuneration Panel for Wales (the Panel) in accordance with Section 147 of the Local Government Measure (Wales) 2011 (the Measure). It relates to payments made to co-opted members of Principal Authorities, National Park Authorities and Fire and Rescue Authorities, who have the right to vote.
2. During a 10 week period, from March to June 2013 the Panel visited each of the 28 authorities and issues were raised in respect of payments to co-opted members. The Panel considers that there are matters that need to be rectified and that this should be actioned in advance of the next Annual Report which will not take effect until Spring 2014.
3. These issues are:
 - i) Recognising that the preparation for meetings can be very time consuming but the current Remuneration Framework does not allow this time to be included for payment.
 - ii) While co-opted members are entitled to claim travelling expenses, the Framework does not indicate whether travelling time to and from meetings can be counted in the assessment of whether a meeting is a full day or half day for payment purposes.
 - iii) Several co-opted members expressed concerns that they were not made aware, in advance whether meetings were scheduled for a half day or a full day. This created difficulties for planning their diaries, particularly if the individual member had other work related activities to be planned. It was suggested that the Monitoring Officer (or other relevant officer) could be authorised to set the appropriate fee in advance having determined the likely time required to deal with the agenda.
 - iv) There was a lack of clarity over what constituted a "meeting". The Panel was asked to consider whether it includes other committees or working groups (including task & finish groups) that co-opted members are requested to attend.

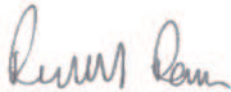
A draft Supplementary Report was issued on the 1st August 2013 and the Panel has examined the responses received. The majority were in favour of the proposed determinations contained in the draft Report.

4. The Panel has decided:

Determinations

- i) Reasonable time for pre meeting preparation is eligible to be included in claims made by co-opted members the extent of which can be determined by the appropriate officer in advance of the meeting.
 - ii) Travelling time to and from the place of the meeting can be included in the claims for payments made by co-opted members (up to the maximum of the daily rate).
 - iii) The appropriate officer within the authority can determine in advance whether a meeting is programmed for a full day and the fee will be paid on the basis of this determination even if the meeting finishes before four hours has elapsed.
 - iv) Meetings eligible for the payment of fee include other committees and working groups (including task and finish groups) or any other formal meeting to which co-opted members are requested to attend. (pre meetings with officers, training and attendance at conferences are already eligible for payment).
5. These determinations will take effect on the 1st January 2014.

Yours sincerely



Richard Penn

Chair

Draft Annual Report for 2014/15

1. The Council welcomes the two proposed changes to introduce more local choice in relation to the payments to be made to Committee Chairs, Civic Heads and Deputy Civic Heads (determinations 3 and 6 in the draft annual report).
2. In relation to the first and second determinations in the draft report relating to increases in basic allowance/salary and the payments to the Leader, Deputy Leader and other Cabinet members, the Council believes it would be inequitable for Members to receive a greater increase in their pay than the majority of Council staff and would only favour these increases if those staff on NJC terms and conditions were receiving at least a 1% increase in their pay.
3. In relation to determination four in the draft report, the amount paid to the Leader of the so called largest opposition group, it is believed there should be more allowance made for local choice particularly as there can be a wide variety in local circumstances. Flintshire's situation is that there are four political groups not represented on the Cabinet with three of them exceeding the 10% of membership threshold but with there being very little difference in the size of those political groups. It is believed it should be left to local choice to decide how to pay the Leaders of those three groups.
4. The Council agrees with the proposal of removing the maximum reimbursement for an overnight stay in Cardiff so that for all overnight stays outside of London the maximum reimbursement would be £95.
5. The draft annual report does not propose any increase in the number of Councillors who can be paid for having special responsibilities and therefore does not address the discrepancy between those Councils who have a larger number of Councillors (such as Flintshire) and those that do not (such as Isle of Anglesey). Only 25.7% of Flintshire's membership can receive payments for their special responsibilities whereas in Anglesey it is 50% and there is no good reason for this discrepancy.

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