

CONSTITUTION COMMITTEE

9 JULY 2014

Minutes of the meeting of the Constitution Committee of Flintshire County Council held at Delyn Committee Room, County Hall, Mold CH7 6NA on Wednesday, 9 July 2014

PRESENT: Councillor Neville Phillips (Vice Chair in the Chair)

Councillors Bernie Attridge, Glyn Banks, Haydn Bateman, Clive Carver, David Cox, Ian Dunbar, Veronica Gay, George Hardcastle, Christine Jones, Dave Mackie, Tim Newhouse, Aaron Shotton, Paul Shotton, Nigel Steele-Mortimer, Owen Thomas, David Williams, David Wisinger and Arnold Woolley

APOLOGIES: Councillors Chris Bithell and Robin Guest

IN ATTENDANCE:

Democracy and Governance Manager, Internal Audit Manager, Member Engagement Manager, and Committee Officer

1. APPOINTMENT OF VICE-CHAIR

The Democracy and Governance Manager sought nominations for a Vice-Chairman for the Committee.

Councillor Clive Carver nominated Councillor Nigel Steele-Mortimer as Vice-Chair of the Committee and this was seconded by Councillor Tim Newhouse.

Councillor Ian Dunbar nominated Councillor Neville Phillips as Vice-Chair of the Committee. Councillor Bernie Attridge seconded the nomination.

Members were asked to vote on the nominations and when put to the vote Councillor Neville Phillips was appointed Vice-Chair of the Committee.

In the absence of the Chairman, the Vice-Chair took the Chair for the remainder of the meeting.

RESOLVED:

That Councillor Neville Phillips be appointed Vice-Chair of the Committee.

2. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

During consideration of the item on the Officers' Code of Conduct the issue of membership of Freemasonry was raised and Councillor Clive Carver declared a personal and prejudicial interest and left the room whilst it was discussed.

3. MINUTES

The minutes of the meeting of the Committee held on 26 March 2014, were submitted.

Matters arising

Family Absence for Members

The Democracy and Governance Manager referred to page 2, resolution (b), and said he had sent Members an email on 23 May 2014 which explained why he was unable to seek a substantive response from the Welsh Government on Family Absence for Members.

Clwyd Pension Fund Governance

The Democracy and Governance Manager advised that the County Council had agreed with the Committee's recommendation.

The Democracy and Governance Manager also reported that the remaining resolutions in the minutes had been approved by the County Council and implemented.

RESOLVED:

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

4. WHISTLEBLOWING POLICY

The Democracy Governance Manager introduced the report to consider amending the Constitution to reflect the updated Council Whistleblowing Policy. He provided background information and outlined why the current Policy was being updated. The revised Policy, which had been agreed by the Audit Committee at its meeting on 7 May 2014, had been circulated.

The Chairman welcomed Mr. David Webster, Internal Audit Manager, and invited him to give an overview of the revised Policy. The Internal Audit Manager referred to the Enterprise and Regulatory Reform Act 2013 which had introduced changes to the statutory protection to whistleblowers. He advised that the changes had been incorporated into the revised policy and drew attention to the main considerations which were detailed in the report.

The Internal Audit Manager advised that the Whistleblowing Policy enabled employees to raise any concerns they had and provided assurances regarding confidentiality and protection. It detailed the procedures to be followed in raising a concern either internally or externally. For internal cases it explained how the Council would respond and provided examples of the type of concerns which could be raised.

The Internal Audit Manager advised that when the revised version of the Policy had been agreed he would undertake an exercise to raise awareness of

the new procedure amongst staff and send a briefing note to Members as they were referred to in the revised policy.

In response to a question raised by Councillor Ian Dunbar the Internal Audit Manager explained that whilst it was commended that schools adopted the Policy as good practice they could adopt a different policy if they wished to.

Councillor Clive Carver referred to the changes which came into effect as a result of the Enterprise and Regulatory Reform Act 2013. He queried the change that for employees to have protection under the Act they needed to reasonably believe that they are making disclosures in the public interest. Officers provided clarification and advised that the Authority had set lower standards on internal procedures to encourage staff to raise concerns where they reasonably believed the concern.

RESOLVED:

That the Whistleblowing Policy dated April 2014 be approved.

5. OFFICERS' CODE OF CONDUCT

The Democracy and Governance Manager introduced a report to consider a revised and updated officers' code of conduct as part of the ongoing review of the Council's Constitution. He advised that in undertaking the review of the Constitution the guiding principles had been to update to reflect current arrangements, avoid unnecessary bureaucracy and ambiguity of wording.

The Democracy and Governance Manager referred to the main considerations in the report and gave a summary of the changes to the Officers' Code. He said there had been wide consultation on the document and the Trade Unions had welcomed the proposed changes.

The Chairman invited Members to review the draft revised officers' code of conduct which was appended to the report and put forward any further comments or changes.

The Democracy and Governance Manager advised that the reference to Head of Legal and Democratic Services in paragraph 2.1 would be replaced by 'the Chief Officer (Governance)' following the recent appointment to that position.

Councillor Bernie Attridge queried the proposed removal of paragraphs 8.11 and 8.12 relating to disclosing membership of freemasonry

Councillor Clive Carver declared that he had a personal and prejudicial interest and withdrew from the meeting at this point.

Councillor Bernie Attridge proposed that paragraphs 8.11 and 8.12 be retained from the previous version and asked that this be recommended by the Committee to the next available meeting of the County Council. The proposal was seconded by Councillor Paul Shotton and agreed..

Councillor Clive Carver returned to the meeting.

Councillor Attridge queried the removal of paragraphs 8.17, 8.18 and 8.19 on page 34. The Democracy and Governance Manager responded to the questions raised and reiterated the need to remove ambiguity. He provided clarification and explained that paragraph 9.4 now addressed the issue of acceptance by employees of hospitality less ambiguously.

RESOLVED:

That the draft revised Officers' Code of Conduct be approved subject to:

- (a) That the reference to Head of Legal and Democratic Services in paragraph 2.1 of the draft revised officers' code of conduct be replaced by 'the Chief Officer (Governance)'; and
- (b) That the Committee recommends to the next meeting of the County Council that paragraphs 8.11 and 8.12 be reinstated from the previous version of the officers' code of conduct.

Councillor Clive Carver abstained from voting.

6. STANDING ORDERS ON THE APPOINTMENT & DISMISSAL OF OFFICERS

The Democracy and Governance Manager introduced a report to update the Council's Standing Orders relating to the appointment and dismissal of officers. He provided background information and referred to the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 which came into force on 1 July 2014. He advised that appended to the report were the standing orders relating to the appointment and dismissal of officers which showed tracked changes to reflect the requirements of the 2014 regulations.

The Democracy and Governance Manager drew attention to the five significant changes made by the regulations which were summarised in the report. Members were asked to consider the changes as detailed in the appendix to update the standing orders.

RESOLVED:

That the changes as shown in Appendix 3 to update the Standing Orders relating to the appointment and dismissal of officers to reflect the 2014 regulations, be approved.

7. FINAL REPORT FOR THE AUDITOR GENERAL FOR WALES IMPROVEMENT STUDY: SCRUTINY IN LOCAL GOVERNMENT

The Member Engagement Manager introduced a report to inform the Committee of the final report produced by the Auditor General for Wales arising out of the "Good Scrutiny? Good Question!" Improvement study of local government scrutiny in Wales. He advised that the Welsh Audit Office report had

made nine recommendations and these were detailed in the report with the Authority's response. Members were asked to consider and comment on the recommendations and the responses to them.

Councillor Bernie Attridge thanked the Member Engagement Manager for the work undertaken as part of the improvement study and proposed that the recommendations in the report be endorsed. Councillor Owen Thomas seconded the proposal.

Councillor Dave Mackie commented on the work of the Flintshire Peer Learning Evaluation Team (PLET) and the wider activities undertaken as part of the review. He said the exercise had been useful and had achieved some good outcomes.

RESOLVED

That the Welsh Audit Office recommendations and the Authority's responses to them be approved and commended to the Steering Group for implementation.

8. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

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

(The meeting started at 2.00 pm and ended at 2.55 pm)

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Chairman