

# Public Document Pack

**Gareth Owens LL.B Barrister/Bargyfreithiwr**  
Chief Officer (Governance)  
Prif Swyddog (Llywodraethu)



To: Cllr Robin Guest (Chair)

CS/NG

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

9 April 2015

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, 15TH APRIL, 2015** at **2.00 PM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

## **A G E N D A**

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**
- 3 **MINUTES** (Pages 3 - 8)  
To confirm as a correct record the minutes of the last meeting.

4 **ANTI-FRAUD AND CORRUPTION POLICY AND FRAUD RESPONSE PLAN** (Pages 9 - 32)

Report of Internal Audit Manager.

5 **OVERVIEW & SCRUTINY COMMITTEE STRUCTURE** (Pages 33 - 46)

Report of Member Engagement Manager.

6 **NEW MODEL CONSTITUTION** (Pages 47 - 50)

Report of Chief Officer (Governance).

7 **WEBCASTING OF MEMBER MEETINGS** (Pages 51 - 60)

Report of Chief Officer (Governance)

## **CONSTITUTION COMMITTEE** **28 JANUARY 2015**

Minutes of the meeting of the Constitution Committee of Flintshire County Council held in County Hall, Mold, on Wednesday, 28 January 2015.

**PRESENT: Councillor Robin Guest (Chairman)**

Councillors: Bernie Attridge, Glyn Banks, Haydn Bateman, Chris Bithell, Clive Carver, David Cox, Ian Dunbar, Veronica Gay, Christine Jones, Dave Mackie, Tim Newhouse, Neville Phillips, Paul Shotton and Owen Thomas

**APOLOGIES:** Councillors George Hardcastle, Aaron Shotton, David Williams, David Wisinger and Arnold Woolley

**SUBSTITUTION:** Councillor Jim Falshaw (for Nigel Steele-Mortimer)

**IN ATTENDANCE:**

Chief Officer (Governance), Democracy and Governance Manager, Member Engagement Manager, and Committee Officer

Prior to the start of the meeting the Chairman referred to the recent death of Councillor Stella Jones and asked all Members and Officers to stand in silent tribute to her memory. Members expressed their sincere condolences.

### **18. DECLARATIONS OF INTEREST**

Councillor Clive Carver explained that he had been granted a dispensation for his personal and prejudicial interest in the following item:-

Agenda Item 5 – Officers' Code of Conduct

### **19. MINUTES**

The minutes of the meeting of the Committee held on 15 October 2014, were submitted.

Matters arising

Clwyd Pension Fund Governance

The Democracy and Governance Manager referred to the proposal to create a local Pension Board and advised that the proposed Protocol for the Board would be recommended for approval to the meeting of the County Council on 3 March 2015.

**RESOLVED:**

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

## **20. OVERVIEW AND SCRUTINY COMMITTEE STRUCTURE**

The Member Engagement Manager introduced the report on proposals for a revised and renewed Overview & Scrutiny Committee structure. He provided background information and advised that the design principles for the new structure were appended to the report. Also appended were the examples of six models for structures which have six Overview & Scrutiny Committees.

The Member Engagement Manager explained that detailed terms of reference, similar to those currently used, could be drafted for any model or models which the Committee recommended. He reported that in addition to the six models put forward for consideration a further three options had been produced to illustrate how alternative models with fewer committees could operate.

In view of the complexities the Member Engagement Manager advised that the Committee should consider appointing a working group of eight Members who would put forward the Committee's recommendations to the Annual Meeting of the County Council in May 2015. The working group preferably to include the Chair of the Constitution Committee, the Council Leader and at least one Overview & Scrutiny Chair.

During discussion it was agreed that such a working group be established but for it to report back on its preferred option or options for a new Overview & Scrutiny structure to a meeting of the Constitution Committee prior to submission to the Annual Meeting of the County Council.

The Chief Officer (Governance) commented on the need for all Members to have the opportunity for consideration and input on the process.

Officers responded to the questions and points raised by Members around transitional arrangements and the appointment of Chairs for the new committees. The Chief Officer (Governance) advised that the committees would be approved at the Annual Meeting of the County Council and the Council would subsequently ask the political groups to appoint a Chair for each committee.

Councillor Bernie Attridge proposed that the membership of the Working Group be politically balanced and this was seconded by Councillor Chris Bithell and agreed by the Committee.

### **RESOLVED:**

- (a) That the Committee appoints a working group of eight members which is to be politically balanced; and
- (b) That the working group provides a report on the recommendations for a new Overview & Scrutiny structure to a future meeting of the Constitution Committee prior to submission to the Annual Meeting of the County Council.

## **21. OFFICERS' CODE OF CONDUCT**

The Democracy and Governance Manager introduced a report on the review of the Officers' code of Conduct as part of the ongoing review of the Council's Constitution. He provided background information and referred to the key considerations in the report. He advised that the provisions in paragraphs 8.11 and 8.12 of the Code needed to be considered in the wider context of the other requirements placed on officers by legislation and the statutory parts of the officers' code.

The Democracy and Governance Manager explained that Officers considered that in view of decided cases and Counsel's advice, it would be unlawful to implement the Committee's previous decision to retain clauses 8.11 and 8.12 of the Officers' Code. However, it was important that the Council's Senior Officers voluntarily disclosed their membership of societies and clubs in the interests of transparency in relation to the advice given to Members or decisions taken under delegated powers.

During discussion Officers responded to the queries and concerns raised by Councillor Bernie Attridge concerning the proposal to delete paragraphs 8.11 and 8.12 from the Officers' Code of Conduct. Councillor Attridge proposed that paragraphs 8.11 and 8.12 be retained in the Officers' Code of Conduct and Councillor Ian Dunbar seconded the proposal.

Officers responded to the further comments and observations put forward by Members concerning the disparity between the Members Code of Conduct and the Officers' Code of Conduct. The Chief Officer reiterated the advice provided by Counsel that it would be unlawful to adopt mandatory obligations of disclosure especially focussed just on freemasonry, and referred to a decision taken by the European Court of Human Rights.

The Chair asked Members to vote on the proposal put forward by Councillor Bernie Attridge that paragraphs 8.11 and 8.12 be retained in the Officers' Code of Conduct. Councillor Clive Carver withdrew from the meeting at this point. When put to the vote the proposal was carried.

Councillor Clive Carver returned to the meeting and the Chair informed him of the decision that was taken by the Committee in his absence.

Councillor Glyn Banks sought further clarification in relation to paragraph 9.4 concerning hospitality. The Chief Officer (Governance) explained that the sum referred to in the paragraph was determined by the Council and was currently deemed to be sufficient to account for the cost of a working lunch for example.

Councillor Chris Bithell referred to paragraph 5.1 and sought further guidance on the definition of close personal familiarity between employees and individual Councillors. The Chief Officer (Governance) provided clarification on this.

**RESOLVED:**

- (a) That paragraphs 8.11 and 8.12 be retained in the Officers' Code of Conduct; and
- (b) That the revised Officers' code of Conduct be recommended to County Council.

**22. WEBCASTING OF MEMBER MEETINGS**

The Democracy and Governance Manager introduced a report to seek further consideration to the webcasting of some Member meetings pursuant to the decision of the Committee at its last meeting. He provided background information and referred to the key considerations in the report. He reported that the Welsh Government (WG) had decided that joint procurement was not practical due to the need to meet EU procurement requirements.

The Democracy and Governance Manager drew attention to the arrangements made by Monmouthshire Council for webcasting of meetings and advised that Officers had also made enquiries with the two other Councils that had devised their own systems, however, neither provided a better option for Flintshire than the Public-I system.

During discussion some Members expressed concerns around the ongoing costs associated with webcasting of meetings and referred to the current and future financial restraints faced by the Authority.

Other Members spoke in support of the webcasting of some meetings and referred to the benefits in terms of public engagement, access, convenience and transparency. They referred to webcasting being underway in most authorities in Wales for those meetings which were judged to be of most interest to the public and to ongoing public interest in the broadcasting of Council meetings.

Responding to the questions raised around the cost of webcasting and the one-off grant of £40k which had been made available by the WG, the Democracy and Governance Manager explained that if the funding was not used for webcasting then the Welsh Government expected it to be used for some other form of democratic service initiative.

The Chairman asked Members to consider the recommendation in the report that the Committee recommends to Cabinet the implementation of webcasting for those Member meetings of most interest to the public with officers investigating ways of doing so within available staffing resources. When put to the vote the recommendation was carried.

**RESOLVED:**

That the Committee recommends to Cabinet the implementation of webcasting for those Member meetings of most interest to the public with officers investigating ways of doing so within available staffing resources.

**23. REVIEW OF PROTOCOL ON MEMBER/OFFICER RELATIONS**

The Democracy and Governance Manager presented a report to review the protocol on Member/Officer Relations. He gave background information and advised that the protocol showing the proposed tracked changes was appended to the report for consideration.

The Democracy and Governance Manager explained that the main changes proposed were to introduce as Section 3 a description of the roles of Members and Officers, and to introduce as Section 4 what Members can expect from Officers and what Officers can expect from Members.

**RESOLVED**

That the Protocol on Member/Officer Relations including the proposed changes shown in Appendix 1 be approved.

**24. ANNUAL REVIEW OF THE CODE OF CORPORATE GOVERNANCE**

The Democracy and Governance Manager advised that the Code of Corporate Governance was one of the documents included in the Council's Constitution and applied to all aspects of the Council's business. In carrying out Council business Members and officers were expected 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.

The Democracy and Governance Manager provided background information and referred to the main updating changes to the Code of Corporate Governance which were detailed in the report. He advised that a copy of the updated Code which included the tracked changes made following the annual review, was appended to the report for consideration.

**RESOLVED**

That the updating changes proposed to the Code of Corporate Governance as shown in Appendix 1 be approved.

**25. NEW MODEL CONSTITUTION**

The Democracy and Governance Manager introduced the report to seek agreement in principle to recommend to Council the adoption of a new model constitution. He provided background information and explained that the current Council constitution was based on a national model with a modular format. The format meant, for example, that not all information about Cabinet or Overview & Scrutiny Committees was in the same part of the constitution. The new model simplifies the structure of the constitution by putting all the provisions for each topic area in the same place.

The Democracy and Governance Manager advised that the Committee may consider the most effective way of progressing consideration of the new model constitution was for a Member working group to be formed which could

meet informally with relevant officers and report back to the Committee on its work.

**RESOLVED**

- (a) That agreement be given in principle to adopting the new model constitution subject to a review of its provisions; and
- (b) That a working group of 8 members be established to consider the differences between the detailed provisions of the new model and Flintshire's existing constitution and make recommendations as to which detailed provisions to adopt to the next Annual Meeting of the County Council on 12 May 2015

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

(The meeting commenced at 2.00 pm and finished at 3.35 pm.)

.....  
Chairman



## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **CONSTITUTION COMMITTEE**  
**DATE:** **WEDNESDAY, 15 APRIL 2015**  
**REPORT BY:** **INTERNAL AUDIT MANAGER**  
**SUBJECT:** **ANTI-FRAUD AND CORRUPTION POLICY AND  
FRAUD RESPONSE PLAN**

### **1.00 PURPOSE OF REPORT**

1.01 To consider amending the Constitution to reflect the updated Council Corporate Anti-Fraud and Corruption Strategy and Fraud and Irregularity Response Plan.

### **2.00 BACKGROUND**

2.01 These documents have been in use since 2002 and were last updated and approved by the Audit Committee in 2010. There is a need to review them periodically to ensure they reflect any changes in working practice, legislation and other regulations. The two documents have been updated by Internal Audit in conjunction with people and Resources and Governance. They were agreed by the Audit Committee on 28<sup>th</sup> January 2015.

### **3.00 CONSIDERATIONS**

3.01 The Corporate Anti-Fraud and Corruption Strategy is written for the benefit of employees, Councillors and the public and to inform organisations and businesses dealing with the Council who are also expected to act with integrity. It has been updated after review of the CIPFA Code of Practice on Managing the Risk of Fraud and Corruption, the Chartered Institute of Internal Audit (CIIA) Policy Paper and 'Fighting Fraud Locally', published by the LGA. Published Strategies from other Councils have also been considered.

3.02 The Strategy states the Council Policy of zero tolerance for fraud and corruption, defines them and outlines the culture within the Council to combat them. It outlines the deterrence, prevention, detection and investigation measures in place and lists the roles and responsibilities of individuals and groups both within and outside the Council.

3.03 The Fraud and Irregularity Response Plan defines the responsibilities for action and provides guidance to managers and employees in the event of a suspected fraud or other irregularity.

- 3.04 It outlines the actions that should be taken by employees, managers and Members if they suspect a fraud, and also what will happen after they pass on the suspicion and the action that may be taken. It also refers to the Whistleblowing Policy, which was updated recently.
- 3.05 The amendments to both the Strategy and the Response Plan are substantive, so it would not be helpful to use tracked changes from the existing documents. The new Strategy and Response Plan are shown in the Appendices.
- 3.06 It is intended to publicise the Strategy and Response Plan to all employees. An e-learning module is being developed to raise awareness and knowledge among employees. This will be launched as part of the Council's e learning package in 2015. Members will also be informed of the new Strategy and Response Plan.

#### **4.00 RECOMMENDATIONS**

- 4.01 The committee is requested to consider and approve the updated Strategy and Response Plan attached as Appendices 1 and 2.

#### **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 relevant officers in People and Resources and Governance portfolios. It has also been considered by the Audit Committee.

#### **11.00 CONSULTATION UNDERTAKEN**

- 11.01 With relevant officers in People and Resources and Governance portfolios. It has also been considered by the Audit Committee.

**12.00 APPENDICES**

- 12.01 Appendix 1 – Anti-Fraud and Corruption Strategy  
Appendix 2 – fraud and Irregularity Response Plan

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

None

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# FLINTSHIRE COUNTY COUNCIL

## Corporate Anti-Fraud and Corruption Strategy

Policy owners	Internal Audit Manager
Date implemented	April 2007
Date last reviewed	October 2010
Date of last amendment	November 2014
Date of next review	

# Contents

	<i>Page</i>
Anti-Fraud and Corruption Policy Statement	3
1. Introduction	3
2. Fraud and Corruption Definitions	4
3. Adopting the Right Strategy	5
4. Accurately identifying the risks	5
5. Creating and Maintaining a Strong Structure	6
6. Responsibilities by Role	7
7. Taking Action to Tackle the Problem	9
8. Defining Success	10
9. Awareness and Training	10
10. Conclusion	11

## **ANTI FRAUD AND CORRUPTION POLICY STATEMENT**

- **The Chief Executive and Flintshire County Council are committed to this policy and to maintaining high ethical standards**
- **Flintshire County Council does not tolerate any form of fraud or corruption from within the Council or from external individuals or organisations.**
- **Flintshire County Council is committed to the prevention, deterrence, detection and investigation of all forms of fraud or corruption within or against all its activities.**
- **Flintshire County Council will support prosecutions or apply other relevant sanctions to those who commit acts of fraud or corruption.**
- **Flintshire County Council encourages anyone who suspects fraud and corruption to report it, and will support anyone who does this.**

## **CORPORATE ANTI-FRAUD AND CORRUPTION STRATEGY**

### **1. Introduction**

1. Flintshire County Council employs around 7,000 staff and spends in excess of £250m a year. The Council commissions and provides a wide range of services to individuals and households and works with many other private, public and voluntary sector organisations.
2. The size and nature of the Council's services means that there is an ongoing risk of loss due to fraud and corruption from both internal and external sources. The council is continuously developing anti-fraud initiatives and remains committed to:
  - The prevention, detection, deterring, investigation and correcting all forms of fraud and corruption, whether these are attempted from within or external to the organisation.
  - Minimising losses caused by fraud, corruption and breaches of regulations.
  - Embedding management of fraud risk throughout the organisation.

- Increasing awareness of counter-fraud responsibilities at all levels within and outside the Council.
3. The Council's commitment to the protection of public funds against fraud and corruption is set out in this strategy and supporting policies.

***The strategy is structured to reflect the CIPFA code of practice on managing the risk of fraud and corruption. The five key elements of the code are to:***

- ***Acknowledge the responsibility of the governing body for countering fraud and corruption;***
  - ***Identify the fraud and corruption risks;***
  - ***Develop an appropriate counter fraud and corruption strategy;***
  - ***Provide resources to implement the strategy***
  - ***Take action in response to fraud and corruption***
4. The Strategy covers
- All employees and Members of the Council
  - Partner Organisations
  - Council Suppliers, Contractors and Consultants
  - General Public

The Council requires all individuals and organisations with whom it deals in any capacity to behave toward the Council with integrity and without intent or actions involving fraud or corruption. Members of the public are encouraged to report any concerns which they may have.

5. The Strategy has the full support of Members and the Council's Chief Officers Team. It is approved by Audit Committee and The Cabinet.

## **2. Fraud and corruption definitions**

1. The Fraud Act 2006 came into force on 15<sup>th</sup> January 2007. It created a single offence of fraud which can be committed in three separate ways:
- False representation
  - Failure to disclose information where there is a legal duty to do so
  - Abuse of position.

Four new offences were also created:

- Possession of articles for use in fraud
- Making or supplying articles for use in fraud
- Obtaining services dishonestly
- Participating in fraudulent business



Theft – “A person shall be guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it” (Theft Act 1968).

Corruption – The Council has defined corruption as “The offering, giving, soliciting or acceptance of an inducement or reward, which may influence the action of any person”. The introduction of the Bribery Act 2010 created criminal offences for any individual who either offers or receives a financial or other advantage intending the advantage to be rewarded by the improper performance of a function or activity. The Act also created an offence of directly or indirectly offering, promising or giving a bribe to a foreign public official so as to influence the actions of the foreign public official. Any individual found guilty of any of these offences is liable to imprisonment for up to a maximum period of 10 years.

Computer fraud occurs where information technology equipment has been used to manipulate programmes or data dishonestly (for example, by altering, substituting or destroying records or creating spurious records), or where the use of an IT system was a material factor in the perpetration of fraud.

### 3. Adopting the Right Strategy

- 3.1 To reduce losses to fraud and corruption to an absolute minimum, a strategic approach is implemented encompassing a clear remit covering all areas of fraud and corruption affecting the organisation.
- 3.2 The approach adopted by the organisation involves a three stage process:
  - 1) **Deter** – by having a culture within the organisation which deters the committing of fraud
  - 2) **Prevent** – by having measures in place to help prevent fraud occurring
  - 3) **Detect** – by having measures in place to detect fraud should it occur

The approach is covered in more detail later in this document.

- 3.3 The full range of integrated actions should be taken forward with the focus on outcomes (i.e. reduced losses) rather than activity (i.e. number of investigations).

### 4. Accurately identifying the risks

- 4.1 Fraud and corruption risks are considered as part of the organisation’s strategic risk management arrangements.

- 4.2 The nature and scale of losses to fraud and corruption are identified where they can be practically established. By measuring the scale of losses, and learning from where they are detected, knowledge is gained of where controls within systems should be strengthened or introduced.

## **5. Creating and Maintaining a Strong Structure**

- 5.1 The Council is committed to the Nolan principles of standards in public life, namely objectivity, openness, leadership, accountability, honesty, selflessness and integrity. High ethical standards should be adhered to and be demonstrated in all the Council's actions and decisions.

The Council's commitment to the highest standard of governance is supported by a strong framework including the Constitution, Code of Corporate Governance, Member and Officer Codes of Conduct and specific counter fraud policies e.g. Whistleblowing and the Anti-Money Laundering Policy. The Annual Governance Statement includes reference to the measures taken to counter fraud and corruption.

The Council expects elected members and all employees to lead by example in demonstrating opposition to fraud and corruption, by adhering to rules and regulations, and that all practices and operating procedures are beyond reproach.

- 5.2 Within the County Council those charged with countering fraud and corruption have the appropriate authority to pursue their remit effectively. In order for the Council to effectively deal with allegations of fraud those charged with investigating matters must receive full support from all officers.
- 5.3 It is management's responsibility to establish sound systems of internal controls to prevent and detect fraud, designed to reduce the risk posed by fraud within service areas.
- 5.4 The Accounts and Audit (Wales) Regulations require every local authority to maintain adequate and effective Internal Audit.
- 5.5 One of the roles of Internal Audit is to promote anti-fraud and anti-bribery best practice and to ensure management has effective systems in place to detect and prevent corrupt practices. Internal Audit staff are properly trained to gain the appropriate knowledge and skills in respect of fraud awareness, prevention, detection and investigation. In Flintshire a clear mandate has been provided to Internal Audit to investigate potential fraud and irregularities and this is specified in the Audit Charter and the Financial Procedure Rules (11.17e).

- 5.6 Where appropriate, Flintshire County Council will co-operate with other local authorities and public sector bodies in the prevention, detection and investigation of fraud and corruption e.g. participation in the National Fraud Initiative and liaison with the Police.

## 6. Responsibilities by Role

Individual / Group	Role / Responsibility
Chief Executive	Ultimately accountable for the effectiveness of the Council's arrangements for countering fraud and corruption.
Chief Officer Governance (Monitoring Officer)	Advise members and officers on ethical issues, standards and powers to ensure that the Council operates within the law and statutory Codes of Practice. Prepare a report to Council where it appears that the authority has or is about to do anything which would be in contravention of the law or which would constitute maladministration
Corporate Finance Manager (Section 151 Officer)	Ensure proper arrangements are made for the Council's financial affairs. Maintain an adequately resourced internal audit team.
Chief Officer Team	Overseeing the corporate approach to counter-fraud activity, setting the tone to embed a culture of high standards and integrity.
Chief Officers and Managers	<b>Notify Internal Audit of all suspected fraud or corruption incidents in their area – see Fraud and Irregularity Response Plan, para 5.</b> Ensuring that adequate systems of internal control exist within their areas of responsibility, and that such controls, checks and supervision operate in such a way as to prevent or detect fraudulent activity. Regularly need to assess the types of risks and scope for potential fraud associated with the operations in their area. Ensure that employees receive fraud awareness training. The extent of this will depend on the work that individual employees carry out. Remind employees who are an integral part of the control framework of fraud and risk issues. Ensure this Strategy and the Fraud Response Plan are available to all employees.

Individual / Group	Role / Responsibility
Employees	<p><b>A duty to act if they believe there is a possibility of fraud or corruption taking place or the rules are being breached – see Fraud and Irregularity Response Plan para 3.</b></p> <p>Their own conduct and for contributing towards the safeguarding of corporate standards (including declaration of interest, private working, whistleblowing, etc.)</p> <p>Acting with propriety in the use of official resources and in the handling and use of corporate funds.</p> <p>Be alert to any financial transactions that may suggest money laundering.</p>
Internal Audit	<p>Providing a pro-active corporate anti-fraud function to facilitate the identification and subsequent investigation of alleged acts of fraud or corruption.</p> <p>Completion of any and all investigations of fraud and corruption that do not fall within the remit of other investigative bodies, such as Housing Benefit.</p> <p>Receiving and reviewing notifications of all frauds reported within the Council and analysing fraud risk.</p> <p>Making appropriate arrangements to co-ordinate the Council's work on the National Fraud Initiative.</p> <p>Undertake internal data matching across Council systems.</p> <p>Reporting to and liaising with the local police on individual cases.</p> <p>Provide reports to the Audit Committee on incidents of fraud and corruption.</p> <p>Issuing guidance to members and management in relation to fraud and corruption related legislation and procedures.</p> <p>Provide advice and guidance on internal controls to prevent or detect fraud or corruption.</p> <p>Promoting fraud awareness and training.</p> <p>Acting as the Council's consultant on issues of fraud and corruption,</p>
External Audit	<p>Considering if the Council has adequate arrangements in place to prevent and detect fraud and corruption.</p>
Trade Unions	<p><b>Notifying Officers if they believe there is a possibility of fraud or corruption taking place or the rules are being breached, see Fraud and Irregularity Response Plan para 4.</b></p> <p>Support their members throughout the process.</p>

Individual / Group	Role / Responsibility
Members	<b>Notifying Officers if they believe there is a possibility of fraud or corruption taking place or the rules are being breached, see Fraud and Irregularity Response Plan para 5.</b> Responsible for their own conduct. Contributing towards the safeguarding of corporate standards, as detailed in the Members Code of Conduct.
Audit Committee	Reviewing and monitoring policies for preventing and detecting fraud. Reviewing reports relating to fraud from internal and external auditors.
Partners, Suppliers, Contractors, Consultants and the Public	To be aware of the possibility of fraud and corruption within their organisation or against the Council and report any genuine concerns / suspicions.

## 7. Taking action to tackle the problem

### Deterrence

The Council will publicise its counter fraud measures using all available means e.g. the press, newsletters, the Infonet and internet.

Publicised information makes employees aware that fraud and corruption are serious offences and that they may face disciplinary action if there is evidence that they have been involved in these activities.

Where fraud and corruption is proved, and the Council has suffered a financial loss, the Council will seek to recover the full value of any loss. In some cases this may involve civil proceedings being instigated through the courts. As a deterrent to others the Council will seek to publicise such cases.

### Prevention

Managers at all levels within the County Council have a responsibility for the prevention of fraud and corruption (within their own remit) and for implementing appropriate strategies to minimise the risk effectively. Such strategies include promoting fraud awareness, assessing compliance with Council policies (e.g. Financial Regulations) and ensuring sufficient levels of internal control are maintained within systems and procedures.

The internal audit plan includes time for audit involvement in the development of new systems. Involvement at this stage should help to ensure that controls are designed into the systems to help prevent the risk of fraud and corruption.

## **Detection**

Managers play a key role in ensuring that systems and processes are in place to detect fraudulent activity

In many cases, the diligence of employees and the alertness and good citizenship of the public at large detect acts of fraud or corruption. Fraud and corruption may also be discovered by Internal Audit during routine audits, proactive fraud audits or through the use of data matching. Frauds are also detected as a result of the Council's participation in the National Fraud Initiative exercise.

Employees, elected members and external stakeholders are expected to report suspected fraud or corruption in accordance with Financial Regulations and the Council's Whistleblowing procedures.

## **Investigation**

Reporting suspected cases of fraud and corruption by the above means will ensure that all reported incidents are considered by Internal Audit in accordance with the Fraud Response Plan. All referrals are logged and assessed with timescales being agreed for completion of the investigation taking into account any future loss of evidence or funds.

During the investigation the Investigating Officer (Auditor) will contact any other relevant parties e.g. the Monitoring Officer, People and Resources or the Police, to ensure all allegations and evidence are properly investigated and reported upon. When referrals are passed to the Police, the Crown Prosecution Service will determine whether a prosecution will be pursued.

Internal Audit investigation reports identify the specific control weaknesses which were present at the time of the fraud and allowed it to be committed. Recommendations to address these weaknesses and strengthen the control environment are included within investigation reports. Recommendations are graded depending upon their severity and the manager responsible must complete an action plan detailing dates for implementation and officer responsible.

Where necessary, the Council's disciplinary policy will be used to facilitate a thorough investigation of any allegations of improper behaviour by employees. The decision to invoke the disciplinary policy will be a consideration of Departmental Management and People and Resources.

To prevent misuse of the investigation process, someone who maliciously raises a matter they know is untrue may be subject to disciplinary action.

## **Sanctions and Redress**

Where fraud or corruption has been identified the Council will recover any losses (where applicable) and prosecute or apply other sanctions as detailed within the Fraud Response Plan. Sanctions will be applied in a comprehensive, consistent and proportionate manner. Examples of the type of sanctions that could be considered are; disciplinary action (against employees) and/or civil and criminal action.

Redress will be applied in accordance with the Recovery of Losses section detailed in Fraud Response Plan. Rates of recovery will be monitored as part of the quality process.

## **8. Defining Success**

An annual report will be presented to the Audit Committee on the performance against this strategy

## **9. Awareness and Training**

Training and guidance are vital to maintaining the effectiveness of the Anti-fraud and Corruption Strategy. The Council supports induction and work related training and will ensure that fraud awareness training is provided to all Members and Senior Managers of the Council.

Employees within Internal Audit will receive specific training to ensure compliance with professional standards and relevant legislation.

In order to raise awareness of this strategy and fraud and corruption in general, the Council will arrange periodic publicity campaigns and will issue advice encouraging fraud awareness.

## **10. Conclusion**

Flintshire County Council has in place a clear framework of systems and procedures to deter, prevent, detect and investigate fraud and corruption.

The Council will monitor performance of the Anti Fraud and Corruption Strategy through regular reports submitted to the Audit Committee. The Audit Manager will, in addition, keep this policy under review in order to take account of any changes in Council policy and government legislation.

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# FLINTSHIRE COUNTY COUNCIL

## Fraud and Irregularity Response Plan

Policy owner	Internal Audit Manager
Date implemented	April 2007
Date last reviewed	October 2010
Date of last amendment	November 2014
Date of next review	

## **1. Introduction**

1.1 This document provides guidance to employees and management in the event of their becoming aware of, or suspecting a fraud or corrupt act being committed in Flintshire by a Council Member, member of staff, contractor or a supplier.

1.2 A one page flowchart is also included at the end of this document, to provide an at-a-glance summary of the process.

1.3 The plan is not intended for use where there is suspicion of child abuse. Where concerns are noted in relation to child protection these should be referred in the first instance to the Duty and Assessment Team, Social Services on 01352 701000 for a preliminary discussion.

## **2. Objectives**

2.1 The objectives of a fraud and irregularity response plan are to ensure that timely and effective action can be taken to:

- ensure there is a clear understanding over who will lead any investigation and to ensure local managers, Internal Audit and People and Resources are involved as appropriate;
- prevent further losses of funds or other assets where fraud has occurred and maximise recovery of losses;
- ensure there is substance and evidence to support any allegation against an employee before that employee is subject to disciplinary action;
- minimise the risk of inappropriate action or disclosure taking place which would compromise an investigation or recovery of losses;
- secure evidence and ensure containment of any information or knowledge of any investigation into the matter reported;
- identify the perpetrators and maximise the success of any disciplinary / legal action taken; and

## **3. Employee Responsibilities**

3.1 As an employee, there are a number of actions you may be required to take depending on who is involved in the fraud or corruption. You should remember, however, that when you know of or suspect a fraud or corrupt act you must not discuss it with other work colleagues either before or after reporting it to the appropriate person.

3.2 You should never confront the suspected individual or act in a manner which might draw their attention to your suspicions.

3.3 At the earliest opportunity you should clearly record all the activities you have witnessed and information you have received or are aware of. It is important to record as much information as possible to inform any subsequent management assessment or investigation, including dates, times and sequences of events.

### **Suspected Fraud by another Council Employee**

3.4 If a work colleague is giving rise to suspicions that she / he is committing a fraudulent or corrupt act within the Authority, then under normal circumstances you should report it to your **line manager**. However, you may not wish to report to your line manager, particularly if you suspect them of committing a fraud or corrupt act, or having an involvement in what you have observed. Therefore, the option exists to report to any of the following officers:

- **Your line Manager's Manager;**
- **Your Chief Officer;**
- **The Internal Audit Manager**

In addition, suspicions can be reported to your Trade Union, see Para 4.

### **Suspected Fraud by an elected Member**

3.5 If you need to report a suspicion or an actual fraud or corrupt act by a Councillor, you should report this to one of the following officers in the Council:

- **The Chief Officer Governance, who is the Council's Monitoring Officer;**
- **The Internal Audit Manager**

### **Suspected Fraud by a contractor, supplier or a member of the public**

3.6 If the fraud or corrupt act is being committed in your Service area, then under normal circumstances you should report your concerns to your **line manager**. If your suspicions do not relate directly to your area, then you should not ignore the information you have, but should report the matter directly to the **Internal Audit Manager**. This could include information that comes into your possession through your profession or social life.

### **Whistleblowing policy**

3.7 If you prefer to raise your concerns confidentially the Council has a Whistleblowing policy (available on the intranet) in accordance with the provisions of the Public Interest Disclosure Act 1998. The policy provides employees with a method of raising concerns about any financial or other malpractice in the Council.

3.8 Under that policy, if you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent apart from exceptional cases. For example this could be in cases when the person raising the concerns will need to provide a statement and potentially appear as a witness in subsequent legal proceedings, or may be required to give evidence in a disciplinary hearing. It is also possible that the

investigation itself may serve to reveal the source of information, although this will be avoided where possible.

3.9 Subject to the constraints of Data Protection legislation and the Council's duty of confidentiality to employees and Councillors, we will give you as much feedback as we properly can within an agreed timescale.

#### **4. Trade Union Role**

4.1 Should any employee who is a member of a recognised Trade Union have any concerns regarding their own behaviour, or that of others, in relation to any potential fraudulent activity then they can seek advice and assistance from their Trade Union. Whilst discussions between Union members and their Union are confidential, the disclosure of any potential fraudulent activity to a Trade Union Official will result in it being disclosed to the Organisation for them to investigate it fully. Disclosure of information to the Trade Unions will protect the identity of the individual making the disclosure and they will of course receive the full support of their Trade Union throughout the ensuing process.

#### **5. Members Responsibilities**

5.1 Where Members come into possession of information which may indicate that a fraudulent or corrupt act is being perpetrated against Flintshire County Council, they must report this to either the **Chief Executive, the Internal Audit Manager, the relevant Chief Officer, or the Monitoring Officer (Chief Officer Governance)**. The officer in receipt of the report should ensure that any subsequent investigation follows the requirements of this fraud response plan.

5.2 Under no circumstances should a Member discuss a suspected fraud with other Members or the press.

#### **6. Management's Role**

6.1 As soon as a complaint or an allegation is received by a manager (including referrals made by Members as in 4.1), it is their responsibility to inform the **Internal Audit Manager** in accordance with Finance Procedure Rule 11.17(e) and **People and Resources** (where the allegation relates to a member of staff) to undertake an initial risk assessment of the facts. This enquiry should be carried out as quickly as possible, with the objectives of either substantiating or repudiating the allegation that has been made.

6.2 At no time during the preliminary investigation should the manager confront the alleged suspect, nor put evidence at risk. Under no circumstances should a manager discuss a suspected employee fraud with other staff members or peer managers.

6.3 If there are suspicions that similar frauds are or could be being committed the situation should be discussed with the **Internal Audit Manager**.

## **7. What will happen next?**

7.1 After the initial assessment has been carried out and where evidence suggests there is a potential fraud or irregularity, a detailed investigation will need to be undertaken. Depending on the nature of the allegation the options for this will be

- Appoint an Investigating Officer; this will usually be a senior officer in the relevant service and will be actioned by People and Resources. He/she will carry out the investigation (for investigations under the disciplinary policy) in conjunction with People and Resources;
- Internal Audit carry out the investigation in conjunction with the Investigating Officer;
- The matter is referred to the Police (in conjunction with Internal Audit where required);
- The matter is referred to an external agency for investigation eg. Housing Benefit fraud.

## **8. How will the investigation proceed?**

8.1 Every case is unique. The Internal Audit Manager will work with the appointed Investigating Officer and People and Resources to ensure the most appropriate course of action is taken.

Considerations will include:

- The preparation of an investigation plan;
- The potential requirement to suspend a member of staff, in accordance with the Council's Disciplinary Procedure, while the investigation is undertaken;
- The need to secure evidence (including documents, computer records, CCTV tapes, etc);
- The commissioning of specialist services from both within and outside the Council (e.g. surveillance experts, forensic IT specialists, specific service areas or subject matter experts);
- Carrying out interviews to gather information and witness statements (any interviews must be conducted fairly and will, where possible, be tape-recorded);
- Potential referral to other internal or external agencies, e.g. Housing Benefit Fraud team, the Department for Work & Pensions, the Police, Standards Committee.

## **9. Investigation outcomes**

### **Allegations against an employee**

9.1 If an allegation is substantiated following an investigation, the disciplinary process will be instigated.

9.2 At the same time, if there is evidence that fraud has been committed against the Council, the Internal Audit Manager will formally consider referring the matter to the Police (if not already done so at initial assessment stage), and liaise with them over whether formal charges will be brought and an investigation taken forward to possible prosecution. A referral to the Police will be carried out, normally following consultation with the Chief Officers for People & Resources and Governance.

9.3 In appropriate circumstances the Council will consider taking civil action against the accused employee to recover any debt caused as a result of their actions.

### **Allegation against a Councillor**

9.4 Any allegations which are substantiated against a Councillor will be considered under their code of conduct by the Monitoring Officer and could result in a referral to the standards committee, Public Service Ombudsman for Wales or the Police.

### **Allegation against a contractor or supplier**

9.5 If an allegation of fraud against the Council by a contractor or supplier is substantiated, it will be referred to the police and may result in prosecution.

9.6 In addition to the criminal route, wherever applicable, the action taken by the Council will also follow a civil route, in order to recover assets or monies obtained by the potential offender.

## **External Audit**

9.7 In some cases it may be necessary to immediately inform the Council's External Auditor of the fraud or corruption. This will be the responsibility of the Internal Audit Manager.

## **Audit Committee**

9.8 Except in special circumstances, after taking into consideration issues of confidentiality, fraud investigations will normally be reported in outline to the Audit Committee every quarter. Where it would be proper to do so, the Chair of the Audit Committee will be briefed immediately with any sensitive/serious matters.

9.9 Any variation from the approved fraud response plan, together with reasons for the variation, will be reported to the Audit Committee where it would be appropriate to do so.

## **Press and publicity**

9.10 The Corporate Communications Team will deal with the press and publicity in all matters regarding fraud and corruption. Where appropriate the details of all successful prosecutions for fraud will be released to the media through the Corporate Communications Team. Such disclosures will maintain the confidentiality of the initial referral. Staff and Managers must not directly disclose to the press the details of any cases suspected or under investigation.

9.11 Disclosure of details to the media without the express authority of the Corporate Communications Team could be regarded as a disciplinary matter. The aim is to publicise the Council's intolerance of fraud or corruption both within the Council and by users of its services. It also serves to publicise our successes against those who would perpetrate such fraud or corruption against the Council.

## **10. Conclusion**

10.1 The Fraud and Irregularity Response Plan for Employees and Management, in conjunction with the Anti-Fraud and Corruption Strategy, the Whistleblowing Policy, the Codes of Conduct (Employees and Members), the Prosecution Policy and the Employee Disciplinary Policy will support the Council's objectives in countering and investigating corporate fraud and corruption. However no guidance such as this can expect to cover all eventualities and, therefore, if you have any issues or are unsure of the action to take in a given situation you should immediately contact the Internal Audit Manager.

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 15 APRIL 2015**

**REPORT BY:** **MEMBER ENGAGEMENT MANAGER**

**SUBJECT:** **OVERVIEW & SCRUTINY COMMITTEE STRUCTURE**

### **1.00 PURPOSE OF REPORT**

**1.01** To enable the committee to receive and comment on the recommended terms of reference for the new Overview & Scrutiny committee structure and make recommendations to the Annual Meeting of the Council which is to be held on Tuesday 12<sup>th</sup> May 2015.

### **2.00 BACKGROUND**

**2.01** At the previous meeting of the committee which was held 28<sup>th</sup> January, a working group was established to consider the various models which had been put forward for a new Overview & Scrutiny structure.

**2.02** The working group comprised Councillors Aaron Shotton, Attridge, Marion Bateman, Carver, Guest, Hampson, Newhouse and Peers. It met on 4<sup>th</sup> March and identified a preferred model and asked that the officers draft terms of reference for the committees within the new structure.

### **3.00 CONSIDERATIONS**

**3.01** The model which the working group identified as the preferred option is Model 3, which is attached as Appendix 1 to this report. This model was preferred because it reflects the Council's current operating model and includes an Organisational Change Committee.

**3.02** At the conclusion of the meeting, the officers were asked to draft terms of reference for each of the Overview & Scrutiny committees within the proposed new structure. This was carried out, and was the subject of further consultation with Members of the Working Group and members of the Chief Officer Team between 25<sup>th</sup> and 30<sup>th</sup> March. The terms of reference, which are attached as Appendix 2, incorporate the feedback received during that consultation.

3.03 To enable the Overview & Scrutiny committees within the new structure to operate as effectively as possible, it is considered that would be beneficial for each to hold forward work planning meetings as soon after the Annual Meeting as possible. This will enable the committees to consider the legacy items from their predecessors and to identify new areas of work.

#### **4.00 RECOMMENDATIONS**

- 4.01 (1) That the committee consider the recommended model for a new Overview & Scrutiny committee structure, as shown in Appendix 1 ;
- (2) That the committee consider the terms of reference for Overview & Scrutiny committees within that new structure, as shown in Appendix 2;
- (3) That subject to the above, the committee recommend the new Overview & Scrutiny structure and its terms of reference to the County Council at its Annual Meeting on Tuesday 12<sup>th</sup> May.

#### **5.00 FINANCIAL IMPLICATIONS**

5.01 As the proposals are to replace the current six committee Overview & Scrutiny structure with another six committee structure, this exercise is cost neutral.

#### **6.00 ANTI POVERTY IMPACT**

6.01 None arising directly from this report.

#### **7.00 ENVIRONMENTAL IMPACT**

7.01 There will still be a committee dedicated to 'environmental issues' within the new structure.

#### **8.00 EQUALITIES IMPACT**

8.01 None arising directly from this report.

#### **9.00 PERSONNEL IMPLICATIONS**

9.01 The new structure will require the same number of staff as that which it is to replace.

#### **10.00 CONSULTATION REQUIRED**

10.01 No further consultation is required.

## **11.00 CONSULTATION UNDERTAKEN**

11.01 Group Leaders, Working Group members and CPT have all been consulted during this process.

## **12.00 APPENDICES**

12.01 Appendix 1 – Model 3 – the preferred option.

Appendix 2 – Draft Terms of Reference for the new Overview & Scrutiny committees.

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

Report to the Constitution Committee – Scoping the review of the Overview & Scrutiny Structure - 15<sup>th</sup> October 2014 and resultant minute.

Report to the Constitution Committee- Overview & Scrutiny Committee Structure - 28<sup>th</sup> January 2015 and resultant minute.

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Appendix 1 to the Overview & Scrutiny Structures report to Constitution Committee, 15<sup>th</sup> April 2015

Committee	Corporate	Education & Youth	Social Care & Health	Community & Enterprise	Environment	Organisational Change
Cabinet Members attending	Leader /Finance,  Corporate Management	Education	Social Services	Housing  Economic Development	Deputy/ Environment  Waste, PP and LS	Leader  Others as required
Chief Officer Team Members Attending (or others from the portfolio)	Chief Executive,  Chief Officer Governance  Chief Officer People & Resources	Chief Officer Education & Youth	Chief Officer Social Services	Chief Officer Community & Enterprise	Chief Officer Planning & Environment  Chief Officer Streetscene & Transportation	Chief Executive  Chief Officer Organisational Change  Chief Officer Organisational Change

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## Article 6 – Overview & Scrutiny Committees

### 6.01 Terms of Reference

The Council will appoint the Overview & Scrutiny committees set out in the left hand column of the table below to discharge the functions conferred by section 21 of the Local Government Act 2000 in relation to the matters set out in the right hand column of the same table.

Overview & Scrutiny Committee	Scope
<p><b>Corporate Resources</b></p> <p>15 Elected Members</p> <p>(Statutory crime &amp; disorder committee)</p>	<p>To fulfil all of the functions of an Overview &amp; Scrutiny committee for the following:</p> <p><b>Corporate Management and Governance</b>            Council strategic and improvement planning            Council performance and performance systems            Customer Services            Crime and Disorder            Civil Contingencies and Emergency Planning            Alternative delivery models (shared responsibility with Organisational Change)</p> <p><b>Finance Strategy</b>            Revenue and capital strategic planning            Revenue and capital budget monitoring</p> <p><b>Clwyd Pension Fund</b></p> <p><b>ICT Strategy</b></p> <p><b>People Strategy</b>            People Strategy            Organisational Design &amp; Change Programme (shared responsibility with the Organisational Change O&amp;SC)</p> <p><b>Corporate Services</b>            Corporate Communications            Financial services            ICT Services            Information and Business Services            Procurement            HR Business Partnering</p>

	<p>Occupational Health and Wellbeing  Employment Services  Legal Services  Democratic Services  Electoral registration and elections</p> <p><b>Strategic and Partnership Working</b>  Partnership and collaborative working frameworks  Local Service Board  Strategic need assessment and Community Strategy  Community Safety Partnership  Voluntary Sector Compact  The County Forum and the Joint Community Charter with Town and Community Councils</p> <p><b>Main External Partner Organisations</b>  Flintshire Local Voluntary Council  North Wales Fire &amp; Rescue Authority &amp; Service  North Wales Police &amp; Crime Commissioner  North Wales Police Service  North Wales Probation Service  Welsh Local Government Association</p>
<p><b>Education &amp; Youth</b></p> <p>15 Elected Members</p> <p>5 Statutory co-opted members</p>	<p>To fulfil all of the functions of an Overview &amp; Scrutiny committee for the following:</p> <p><b>Schools</b>  School organisation and management  School Improvement and modernisation  School Access, planning and provision  Primary and Early years  Secondary and 14-19 education  Schools Performance Monitoring</p> <p><b>Continuing Education</b>  Adult and community learning</p> <p><b>Special Education</b>  Inclusion service</p> <p><b>Support to Families and Young People</b></p> <p>Families First  Youth Services  Youth Justice Service</p>



	<p><b>Partnership Working &amp; Strategies</b></p> <p>Children and Young People’s Partnership (shared responsibility with the Social &amp; Health Care Overview &amp; Scrutiny Committee)</p> <p><b>Performance, Improvement and Policy Development</b></p> <p>Performance and Improvement Plan monitoring Policy development.</p> <p><b>Main External Partner Organisations</b></p> <p>Coleg Cambria Glyndwr University GwE DCELLS Estyn</p>
<p><b>Social &amp; Health Care</b></p> <p>15 Elected Members</p>	<p>To fulfil all of the functions of an Overview &amp; Scrutiny committee for the following:</p> <p><b>Adult Services</b></p> <p>First contact and localities Adult safeguarding Adult Independence and support services</p> <p><b>Children’s Services</b></p> <p>Fieldwork Resources Safeguarding Early Years and Family support</p> <p><b>Disability, Progression and Recovery Services</b></p> <p><b>Partnership Working, Commissioning &amp; Strategies</b> Children and Young People’s Partnership (jointly with the Education &amp; Youth Overview &amp; Scrutiny Committee) Social &amp; Health Care Strategy Development Health Social Care and Well-being partnership and the Good Health Good Care Strategy Dementia Commissioning Plan Mental Health Commissioning Plan Learning Disability Commissioning Plan</p> <p><b>Performance, Improvement and Policy Development</b></p> <p>Policy and Performance development Performance and Improvement Plan Monitoring</p>

	<p><b>Main External Partner Organisations</b>                  Betsi Cadwaladr University Health Board (BCUHB)                  Ambulance Trust                  Community Health Council</p>
<p><b>Community &amp; Enterprise</b></p> <p>15 Elected Members</p>	<p>To fulfil all of the functions of an Overview &amp; Scrutiny committee for the following:</p> <p><b>Community</b>                  Community support services                  Welfare reform</p> <p><b>Public Housing</b>                  Housing Strategy                  Neighbourhood Housing                  Housing Asset management</p> <p><b>Private Housing</b>                  Housing renewal</p> <p><b>Revenues &amp; Benefits</b></p> <p><b>Regeneration</b>                  Communities First,                  Economic Development and Tourism                  Enterprise                  Regeneration Partnership</p> <p><b>Performance, Improvement and Policy Development</b>                  Performance and Improvement Plan Monitoring                  Policy and Performance development</p> <p><b>Partnership Working and Strategies</b>                  Housing Strategy                  Housing Asset Management Strategy                  Rural Development Plan                  Housing Revenue Account Business Plan</p> <p><b>Main External Partner Organisations</b>                  NEW Homes Limited                  Registered Social Landlords                  Visit Wales</p>

<p><b>Environment</b></p> <p>15 Elected Members</p>	<p>To fulfil all of the functions of an Overview &amp; Scrutiny committee for the following:</p> <p><b>Planning</b>  planning and environmental strategy,  development management and control,  conservation,  minerals and waste planning,  countryside and the environment  Greenfield Valley Heritage Park  Public rights of way  Drainage advisory/Flood Water Management Act  Energy Services</p> <p><b>Public Protection</b>  Community protection  health protection  environmental protection,  bereavement services</p> <p><b>Streetscene Services,</b>  environmental and waste management,  neighbourhood services,  maintenance of the public realm  Environmental enforcement  Vehicle fleet</p> <p><b>Transportation</b>  Highway Strategy and Development Control  Traffic Services  Transport Services  Road Safety Education, Training and Publicity</p> <p><b>Performance, Improvement and Policy Development</b></p> <p>Performance and Improvement Plan Monitoring and Policy and Performance development within Streetscene and Transportation and Planning and Environment</p> <p><b>Strategic and Partnership Working</b></p> <p>Local Development Plan  Flood management Strategy  North Wales Residual Waste Treatment Partnership</p> <p><b>Main External Partner Organisations</b>  Natural Resources Wales  Planning Inspectorate Wales</p>
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<p><b>Organisational Change</b></p> <p>15 Elected Members</p>	<p>To fulfil all of the functions of an Overview &amp; Scrutiny committee for the services within Organisational Change and, in particular, but not limited to:</p> <p><b>Strategic</b></p> <p>Alternative delivery models (shared responsibility with Corporate Resources O&amp;SC)</p> <p>Overview of the Organisational Design &amp; Change programme (shared responsibility with Corporate Resources O&amp;SC)</p> <p>Community Asset Transfer Programme</p> <p><b>Service Delivery</b></p> <p>Engineering Services  Property and Design Consultancy  Valuation and Estates  Facilities Services  Community Assets  Clwyd Theatr Cymru  Libraries, Culture and Heritage including archives and museums  Leisure Services, including leisure and sports centres, swimming pools and recreational facilities/activities</p> <p><b>Performance, Improvement and Policy Development</b></p> <p>Performance and Improvement Plan Monitoring and Policy and Performance development within Organisational Change</p> <p><b>Main External Partner Organisations</b></p> <p>Arts Council for Wales</p>
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In addition to the above Overview & Scrutiny committees, the following terms of reference relating to Overview & Scrutiny have been given by the Council to the Constitution Committee.

<p><b>Constitution</b> (as it relates to Overview &amp; Scrutiny)</p> <p>21 Elected Members</p>	<p>Allocating, co-ordinating and prioritising the work of the Overview &amp; Scrutiny committees where necessary. Dealing with matters of common interest to Overview &amp; Scrutiny. Identification/allocation of appropriate scrutiny chair for consent/consultation purposes. The examination and development of good scrutiny practice. The promotion, effective development and maintenance of a high profile Overview &amp; Scrutiny function to ensure maximum opportunity for non-Cabinet member engagement. Liaison with and responding to the Welsh Government on emerging legislation relevant to Overview &amp; Scrutiny.</p>
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## 6.02 General role

Within their terms of reference, Overview and Scrutiny Committees have the power to:

- i) Review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's or Cabinet's functions;
- ii) Make reports and/or recommendations to the full Council and/or the Cabinet; and/or any joint Committee.
- iii) Consider any matter affecting the Council area or its inhabitants; and
- iv) Exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet.
- v) Promote high performance, efficiency and organisational change.

## 6.03 Specific functions

(a) **Policy development and review.** Overview and Scrutiny Committees may:

- i) support and assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
- ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;

- iv) question members of the Cabinet and/or Committees and Chief Officers about their views on issues and proposals affecting the area; and
  - v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
- (b) **Scrutiny.** Overview and Scrutiny Committees may:
- i) review and scrutinise the decisions made by and performance of the Cabinet and/or Committees and Council officers both in relation to individual decisions and over time;
  - ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
  - iii) question members of the Cabinet and/or Committees and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
  - iv) make recommendations to the Cabinet and/or appropriate Committee and/or Council arising from the outcome of the Scrutiny process;
  - v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance; and
  - vi) question and gather evidence from any person (with their consent).
- (c) **Finance.** Overview and Scrutiny Committees may exercise overall responsibility for the finances made available to them.
- (d) **Annual report.** Overview and Scrutiny Committees must report annually to full Council through the Constitution Committee on their workings and make recommendations for future work programmes and amended working methods if appropriate.
- (e) **Officers.** Overview and Scrutiny Committees may exercise overall responsibility for the work programme of the officers employed to support their work.

#### 6.04 **Proceedings of Overview and Scrutiny Committees**

Overview and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:**           **CONSTITUTION COMMITTEE**  
**DATE:**                 **WEDNESDAY, 15 APRIL 2015**  
**REPORT BY:**         **CHIEF OFFICER, GOVERNANCE**  
**SUBJECT:**            **NEW MODEL CONSTITUTION**

### **1.00**    **PURPOSE OF REPORT**

1.01    For the committee to consider recommendations from the Member Constitution Working Group in relation to adopting a new model Constitution.

### **2.00**    **BACKGROUND**

2.01    Section 37 of the Local Government Act 2000 requires Welsh county Councils to prepare and keep up-to-date a written constitution containing such information as Welsh Ministers may direct, a copy of the authority's standing orders, a copy of the authority's code of conduct for Members and such other information as the authority considers appropriate.

2.02    The current Council constitution is based on a national model with a modular format. This format does mean that, for example, not all information about Cabinet or Overview & Scrutiny Committees are in the same part of the constitution.

2.03    The Monitoring Officers in Wales in consultation with interested parties last year commissioned a firm of solicitors to produce a new format for Constitutions. The new model produced simplifies the structure of the Constitution by putting all the provisions for each topic area in the same place. It is also written in a style that is easier for the public to understand. County Councils in Wales are considering the new model Constitution.

2.04    In the report on constitutional matters submitted to the last annual meeting it was explained that proposals would be brought forward to assess the differences between our current Constitution and the new model Constitution and to assess those differences before deciding whether the Council should adopt the new model. Copies of the new model Constitution have been left in Member Services and the group rooms.

2.05 At the committee's last meeting on the 28 January 2015 it agreed in principle to adopting the new model Constitution subject to a review of its provisions. It also agreed to establish a Member Working Group to consider the differences between the detailed provisions of the new model and Flintshire's existing Constitution and make recommendations as to which detailed provisions to adopt to the next annual Council meeting.

### **3.00 CONSIDERATIONS**

3.01 The Member Constitution Working Group met on the 2 April 2015. In advance of the meeting Working Group members had been sent the following:-

- The table of contents of the current Constitution
- The table of contents of the new model Constitution
- A note comparing current and proposed Constitutions
- A copy of the new model Constitution

3.02 The first matter the Working Group considered was the structure and format of the new model Constitution compared with the structure and format of the existing Constitution. The modular format of the current Constitution means that the provisions about the Cabinet or Overview & Scrutiny each appear in several different parts of the Constitution. In contrast the proposed new model Constitution is in a format where everything relating to the Cabinet or Overview & Scrutiny is in the same part. The Working Group agreed that the format of the new model Constitution was preferable as it was easier for Members, officers and the public to follow.

3.03 The Working Group then proceeded to consider the documents such as local protocols that are contained in Flintshire's current Constitution but not in the model. These comprise:-

- The Local Resolution Procedure
- Social Media Protocol
- The Protocol on Councillor Newsletters
- The Protocol on Members Dealing with Contractors
- The Protocol on Members' Rights of Access to Information
- Standing Orders relating to Family Absence for Members
- Members Confidential Reporting Procedure
- Schedule of Member Remuneration
- Code of Corporate Governance
- Audit Procedures
- The Council's Prosecution Policy

The Working Group agreed that with the exception of the Prosecution Policy all the other documents listed above should be transferred to the model Constitution at the appropriate section of it. The



Prosecution Policy is the only policy contained in the Constitution and the Working Group agreed with officers that that policy should not be included in the Constitution.

- 3.04 The Working Group then considered two matters that are contained in the model Constitution but not in the Council's current Constitution. Firstly, the new model Constitution contains in Section 2.2 definitions of phrases used in it. The Working Group agreed that this should be retained. Secondly, Section 23 of the model contains various Member role descriptions and person specifications. Whilst Flintshire has previously adopted a smaller number of Member role descriptions these are not currently included in its Constitution. The Working Group agreed that it would leave it to the Constitution Committee to decide whether these current role descriptions should be included in the new Constitution. The Working Group also believed that there should be consultation with Members on the additional role descriptions and person specifications in the model Constitution before a decision was taken on including these in the Constitution.
- 3.05 The Working Group then considered a list of detailed differences between the wording in the current Constitution and the new model Constitution. The Working Group accepted a recommendation that these detailed points were best considered at future meetings of the Working Group following the annual meeting. In the interim the wording in such situations to remain the wording in the current Constitution.

#### **4.00 RECOMMENDATIONS**

- 4.01 That the Chief Officer, Governance prepares for the annual meeting a new Constitution in the format of the new model Constitution to reflect the views of the Member Constitution Working Group as summarised in paragraph 3.03 to 3.05 above.
- 4.02 That the Member Constitution Working Group continues after the annual meeting to consider the detailed differences between the model Constitution and the current Constitution.
- 4.03 For the committee to decide whether the Council's current Member role descriptions should be included in the new Constitution and for Members to be consulted on the additional role descriptions and person specifications contained in the new model Constitution.

#### **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 Member Constitution Working Group.

**11.00 CONSULTATION UNDERTAKEN**

11.01 Member Constitution Working Group.

**12.00 APPENDICES**

12.01 None

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

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:**           **CONSTITUTION COMMITTEE**  
**DATE:**                 **WEDNESDAY, 15 APRIL 2015**  
**REPORT BY:**         **CHIEF OFFICER, GOVERNANCE**  
**SUBJECT:**           **WEBCASTING OF MEMBER MEETINGS**

### **1.00**   **PURPOSE OF REPORT**

1.01   For the committee to receive an update on progress with webcasting of meetings and for the committee to approve a proposed protocol on webcasting.

### **2.00**   **BACKGROUND**

2.01   At the committee's last meeting it received a report on webcasting of Member meetings and resolved to recommend to Cabinet the implementation of webcasting for those Member meetings of most interest to the public with officers investigating ways of doing so within available staffing resources. The meetings of most interest to the public being the Planning & Development Control Committee and Council meetings. The committee's recommendation is being reported to Cabinet on the 21 April 2015.

### **3.00**   **CONSIDERATIONS**

3.01   In order to ensure webcasting works well other Councils have adopted a webcasting protocol to include the following:-

- (a) The deemed consent of third parties and the public to webcasting meetings they attend.
- (b) How long webcasts are to be retained on the Council's website.
- (c) That the minutes once approved remain the official record of the meeting.

3.02   The report to Cabinet will include a recommendation to a meeting of County Council to adopt the protocol attached as Appendix 1. The views of the Constitution Committee on the proposed protocol will be reported to Cabinet and Council before decisions are taken on it.

3.03   Experience at other authorities of webcast meetings has led to a number of useful tips being documented and sent to Members, officers and third party speakers attending webcast meetings. These useful tips are shown in Appendix 2 and will be sent to Members,

officers and third party speakers prior to their attendance at a webcast meeting. It is envisaged that webcasting will be introduced following the August recess.

#### **4.00 RECOMMENDATIONS**

4.01 For the committee to consider and approve the proposed webcasting protocol shown in Appendix 1.

#### **5.00 FINANCIAL IMPLICATIONS**

5.01 The Council has previously received a one off grant from the Welsh Government of £40K of which a balance of £37K remains. The upfront costs and service costs should be met from the balance of the Welsh Government grant.

#### **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 Webcast meetings will require the attendance of an extra officer but as indicated in the Democratic Services business plan considered at Corporate Resources Overview & Scrutiny on the 22 January 2015 some areas of current workload can be reduced by, for example, no longer supporting meetings of informal bodies, to facilitate the extra work from webcast meetings. The Chief Officer, Governance in consultation with the Leader and Deputy Leader to make recommendations to the Democratic Services Committee.

#### **10.00 CONSULTATION REQUIRED**

10.01 None as a result of this report.

#### **11.00 CONSULTATION UNDERTAKEN**

11.01 None as a result of this report.

#### **12.00 APPENDICES**

12.01 Appendix 1 – Webcasting Protocol

Appendix 2 – Webcasting useful tips

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

Webcasting Protocols and useful tips from Conwy and Wrexham Councils.

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## **Flintshire County Council Webcasting Protocol**

### Introduction

The Council has agreed that certain meeting should be the subject of live web transmission ('webcasting'), or recorded for subsequent transmission. Fixed cameras are located within the Council Chamber for this purpose.

The main purpose of webcasting is to give members of the public the chance to view meetings as they happen without having to attend in person.

Webcasting does not replace the formal record of decisions made. The only formal record of decisions of a Local Authority is its minutes and agendas which are required to be maintained and retained for a number of years.

This protocol governs the conduct of Council meetings which are the subject of webcasting and aims to ensure that the Council is compliant with its obligations under the Data Protection Act 1998 and the Human Rights Act 1998.

### Agenda Front Sheets

On the front of each relevant agenda there will be the following notice:-

#### **WEBCASTING NOTICE**

This meeting may be filmed for live and/or subsequent broadcast on the Council's website or may be used for training purposes within the Council. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for 6 months.

Generally the public seating areas are not filmed. However, by entering the Chamber you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and / or training purposes.

If you have any queries regarding this, please contact a member of the Democratic Services Team on 01352 702345

### **Signage at Meetings**

The following signs will be displayed inside and outside of the meeting room:-

#### **WEBCASTING NOTICE**

PLEASE NOTE THAT FLINTSHIRE COUNTY COUNCIL WILL BROADCAST THIS MEETING LIVE ON ITS WEBSITE AND THE RECORD WILL BE ARCHIVED FOR FUTURE VIEWING

AS YOUR PICTURE MAY BE INCLUDED IN THE BROADCAST, BY ENTERING THE CHAMBER YOU ARE CONSENTING TO BE FILMED AND TO THE POSSIBLE USE OF THOSE IMAGES AND ANY SOUND RECORDINGS

### **Public Speakers**

In any correspondence notifying public speakers of the meeting date at which permission to speak has been granted, the following advice will be included if the particular meeting is to be webcast:

Please note that this meeting will be filmed for live and/or subsequent broadcast on the Council's website. If you do not wish your public question/statement and subsequent discussion to be filmed/recorded, please contact the Democratic Services Team to discuss your concerns.

### **Conduct of meetings**

1. At the start of each meeting to be filmed, an announcement will be made by the Chair to the effect that the meeting is being webcast and that the Chair may also terminate or suspend the webcasting of the meeting should the Chair consider this desirable.
2. No part of any meeting held with the press and public excluded will be webcast after Members have passed a resolution excluding the press and public because there is likely to be disclosure of exempt or confidential information. The Committee Officer will ensure that filming and/or recording of the meeting has ceased and will confirm this to the Chair of the meeting before any discussion of exempt or confidential matters is commenced.
3. Subject to paragraph 4 below all archived webcasts will be available to view on the Council's website for a period of six months.



4. Archived webcasts or parts of webcasts shall only be removed from the Council's website if the Monitoring Officer considers that it is necessary because all or part of the content of the webcast is or is likely to be in breach of any statutory or common law provision, for example Data Protection and Human Rights legislation or provisions relating to confidential or exempt information.
5. The actual webcasts and archived material, and copyright therein, remain the property of the Council, and the right to copy, issue, rent, perform, communicate or adapt any of the webcast or archived material is restricted as follows:
  - (i) Subject to (ii) and (iii) below, any person may copy and use webcast material or part thereof provided that the facility is not used in a way that otherwise breaks the law and that the whole agenda item is displayed.
  - (ii) The use of any webcast involving the alteration or editing of the material which results in changing the message or context without the prior written approval of the Democracy & Governance Manager.
  - (iii) The use of webcast for commercial purposes involving re-use of the material is not permitted unless the prior written approval of the Democracy & Governance Manager is obtained in writing.
6. Any elected Member who is concerned about any webcast or part thereof should raise their concerns with the Monitoring Officer.
7. There is a presumption that Members and officers give their consent to being filmed and for images to be webcast, unless a specific request is made to the Monitoring Officer for an exception to be made in advance of the meeting. The Monitoring Officer will take a view on a case-by-case basis on whether there is sufficient justification for making an exemption.
8. If a technical fault develops, the Chair should agree a short adjournment to see if the problem can be resolved. If after adjourning the problem still persists, the meeting should continue irrespective of it not being recorded.

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### **Useful tips to Members, Officers, and third party speakers attending webcast meetings**

Firstly and most importantly remember to turn your microphone on each time you speak; if you do not, your words will not be broadcast. When using the microphone try to speak directly towards it and make sure that it is not too far from your mouth.

#### **Use Microphone**

Try to avoid moving unduly whilst speaking and using expansive hand gestures because that leads to a diminution of picture quality. In addition the camera operator will struggle to keep a moving person in shot. For the same reason if giving a presentation please try to stand in the same area rather than walking around the room.

#### **Remember on camera**

When other people near you are speaking please bear in mind that you may still be on camera. Bear in mind that even when there is no audience in the room members of the public are nonetheless watching the meeting.

#### **Microphone noise**

Microphone noise is an artificial sound that is introduced when an object touches the microphone; speakers should not tap pencils or rings against microphones or touch the cable. When speaking try to speak directly towards the microphone and do not place objects such as water bottles in-between yourself and the microphone.

#### **Clothing**

Avoid bright colours which tend to cause exposure problems when webcast. Stripes and checked clothes are best avoided as they can cause a strobe effect when webcast, especially when the subject is moving.

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