

CONSTITUTION COMMITTEE
15 APRIL 2015

Minutes of the meeting of the Constitution Committee of Flintshire County Council held in County Hall, Mold, on Wednesday, 15 April 2015.

PRESENT: Councillor Robin Guest (Chairman)

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

APOLOGIES: Councillors David Cox, Ian Dunbar, Paul Shotton, and David Wisinger

IN ATTENDANCE:

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

26. DECLARATIONS OF INTEREST

There were no declarations of interest.

27. MINUTES

The minutes of the meeting of the Committee held on 28 January 2015, were submitted.

Matters arising

Officers' Code of Conduct

In response to a concern raised by Councillor Nigel Steele Mortimer regarding the resolution being contrary to legal advice the Democracy and Governance Manager advised that the minutes had accurately recorded the decision taken by Members at the meeting.

Minutes 23 and 24

The Democracy and Governance Manager advised that consultation had taken place with Group Leaders and the Council's Constitution had been updated to reflect the decisions made by the Committee at the last meeting.

RESOLVED:

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

28. ANTI-FRAUD AND CORRUPTION POLICY AND FRAUD RESPONSE PLAN

The Internal Audit Manager introduced a report on amending the Constitution to reflect the updated Council Corporate Anti-Fraud and Corruption

Strategy and Fraud and Irregularity Response Plan. He provided background information and referred to the Strategy and Response Plan which were appended to the report.

The Internal Audit Manager explained that the Strategy stated the Council's Policy of zero tolerance for fraud and corruption, and defined and outlined the culture within the Council to combat them. It also outlined the deterrence, prevention, detection and investigation measures in place and listed the role and responsibilities of individuals and groups both within and outside the Council. The Fraud and Irregularity Response Plan defined the responsibilities for action and provided guidance to managers and employees in the event of a suspected fraud or other irregularity. It outlined the actions that should be taken by employees, managers, and Members if they suspected a fraud, and also what would happen after they pass on the suspicion and the action that may be taken. It also referred to the updated Whistleblowing Policy.

The Chairman invited Members to raise questions.

Referring to the flowchart which was attached to the Response Plan, Councillor Clive Carver expressed concern that when a fraud was reported there was no provision to provide feedback to the referrer unless the case did not proceed to investigation. Councillor Carver also expressed concerns in relation to data retention and commented on the need to retain data as an audit trail. The Internal Audit Manager agreed to amend the flowchart and to provide information on the Authority's data retention policy.

Councillor Bernie Attridge referred to the Corporate Anti-Fraud and Corruption Strategy and suggested that reference to the Chief Executive on page 15, was not required and should be removed. Following discussion this was agreed.

Councillor Chris Bithell referred to the list of roles and responsibilities contained in the Strategy and raised concerns around the importance of ensuring that Members declared an interest if necessary. The Democracy and Governance Manager advised that it was up to the individual Member to decide whether he/she had an interest and what type of interest it was. If a Member failed to declare an interest as he/she should have done they could face sanctions for a breach of the Members Code of Conduct.

Councillor Bithell raised further concerns relating to the cost, time, and workload involved in investigations of fraud and corruption and asked if the Authority could streamline its process to achieve any efficiencies. The Internal Audit Manager acknowledged the points raised and explained that all investigations followed set procedures, however, he understood that the Authority was reviewing the process with a view to streamlining its procedures.

Commenting on page 26, section 3.1, Councillor Bithell suggested that the wording be amended to make clear why this was important and the Internal Audit Manager agreed to do so.

RESOLVED:

That the updated Corporate Anti-Fraud and Corruption Strategy and Fraud and Irregularity Response Plan attached as Appendices 1 and 2 be approved subject to the above agreed amendments.

29. OVERVIEW AND SCRUTINY COMMITTEE STRUCTURE

The Member Engagement Manager introduced a report on the recommended terms of reference for the new Overview & Scrutiny committee structure and to make recommendations to the Annual Meeting of the Council to be held on 12 May 2015.

The Member Engagement Manager provided background information and advised that Model 3, which was appended to the report, had been identified by the Working Group as the preferred option as it reflected the Council's current operating model and included an Organisational Change Committee. He explained that the terms of reference for each of the Committees outlined in Model 3 were also appended to the report.

Councillor Aaron Shotton spoke in support of the new Overview & Scrutiny Committee structure and referred to the merits of creating the new Organisational Change committee which within its remit would consider alternative delivery models and have an overview of the Organisational Design and Change programme.

In response to a query raised by Councillor Chris Bithell concerning the Library and Information Service Standard report, the Member Engagement Manager explained that under the new structure the Organisational Change Committee would consider Library and Information Service matters and also matters relating to Leisure Services to avoid the duplication of workload where possible.

RESOLVED:

- (a) That the recommended model for a new Overview & Scrutiny committee structure, as shown in Appendix 1, be approved;
- (b) That the terms of reference for Overview & Scrutiny committees within that new structure, as shown in Appendix 2, be approved; and
- (c) That the Committee recommends the new Overview & Scrutiny structure and its terms of reference to the County Council at its Annual Meeting to be held on 12 May 2015.

30. NEW MODEL CONSTITUTION

The Democracy and Governance Manager introduced a report on the recommendations from the Member Constitution Working Group in relation to adopting a new model Constitution.

The Democracy and Governance Manager provided background information and explained that the Member Constitution Working Group had met on 2 April 2015 and had considered the structure and format of the new model Constitution compared with the structure and format of the existing Constitution. He reported on the matters which had been considered by the Working Group which were detailed in the report and its recommendations. He advised that Section 23 of the model contained various Member role descriptions and person specifications. Whilst Flintshire had previously adopted a smaller number of Member role descriptions these were not currently included in its Constitution. The Working Group had agreed that it would leave it to the Constitution Committee to decide whether these current role descriptions should be included in the new Constitution.

During discussion Councillor Chris Bithell proposed that Member role descriptions and person specifications should not be included in the new Constitution. The proposal was seconded and when put to the vote was carried.

RESOLVED:

- (a) 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 paragraphs 3.03 to 3.05 of the report;
- (b) That the Member Constitution Working Group continues after the Annual Meeting to consider the detailed differences between the model Constitution and the current Constitution; and
- (c) That the Member role descriptions and person specifications should not be included in the new Constitution.

31. WEBCASTING OF MEMBER MEETINGS

The Democracy and Governance Manager introduced a report to update on progress with webcasting of meetings and for the Committee to approve a proposed protocol on webcasting. He provided background information and advised that the views of the Constitution Committee on the proposed protocol would be reported to the next meeting of Cabinet and Council before decisions were taken on it.

The Democracy and Governance Manager advised that the experience of other local authorities of webcasting meetings had led to a number of useful tips being documented and these were appended to the report and would be sent to

Members, Officers, and third party speakers prior to their attendance at a webcast meetings.

Councillor Chris Bithell raised concerns around public consent to being filmed and issues which may arise in relation to public speaking. The Democracy and Governance Manager responded to the concerns raised and referred to the importance of notifying the public in advance that a meeting was to be webcast. He referred to the special protocol which was used for public speaking in meetings of the Planning and Development Control Committee which drew attention to what members of the public could and could not say. In response to a further query raised by Councillor Bithell concerning how long was the delay in transmission the Democracy & Governance Manager agreed to make enquiries and provide information on this matter.

Councillor Clive Carver raised concerns relating to data retention and referred to the footage of webcasting of meetings being held on the Council's website for 6 months and then destroyed. The Democracy and Governance Manager explained that the footage would ordinarily be destroyed but if an issue arose within the 6 months that required longer retention an exception could be made. Councillor Carver queried a possible discrepancy arising between what was recorded on the footage of the meeting and recorded in the minutes of the meeting. The Democracy and Governance Manager advised that the minutes once approved were the final and official record of the meeting. He explained that if Members viewed the webcast of the meeting and felt there was an inaccuracy in the minutes they should raise any issues with Officers in advance of consideration of the draft minutes at the subsequent meeting.

RESOLVED:

That the proposed protocol on Webcasting as shown in Appendix 1 be approved.

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

(The meeting commenced at 2.00 pm and finished at 3.09 pm.)

.....
Chairman