

DEMOCRATIC SERVICES COMMITTEE
24 OCTOBER 2012

Minutes of the meeting of the Democratic Services Committee of Flintshire County Council held at Delyn Committee Room, County Hall, Mold, CH7 6NA on Wednesday, 24 October 2012

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

Councillors Chris Bithell, Clive Carver, David Cox, Ian Dunbar, David Evans, Veronica Gay, George Hardcastle, Patrick Heesom, Paul Shotton, Nigel Steele-Mortimer and Arnold Woolley

SUBSTITUTES: Councillors David Wisinger (for Glenys Diskin)

APOLOGIES: Councillors Derek Butler, Joe Johnson, Rita Johnson, Neville Phillips, Ian Roberts, Tony Sharps and Owen Thomas.

ALSO PRESENT: Councillors J.B. Attridge, J.E. Falshaw and C.M Jones

IN ATTENDANCE: Head of Legal and Democratic Services, Democracy and Governance Manager, Member Engagement Manager and Committee Officer

11. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

There were no declarations of interest.

12. MINUTES

The minutes of the meeting of the Committee held on 24 July 2012, were submitted.

RESOLVED:

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

13. CRIMINAL RECORDS BUREAU CHECKS FOR COUNCILLORS

The Head of Legal and Democratic Services explained that the Criminal Records Bureau (CRB) was reluctant to undertake checks on all councillors. Central Government had also taken steps under the Protection of Freedoms Act 2012, to restrict the categories of employees where criminal checks could be made although the law had not been changed regarding councillors.

The positions held by councillors which made them eligible for a CRB check under the Safeguarding of Vulnerable Groups Act 2006 were detailed in

the report. The Head of Legal and Democratic Services advised that the majority of councillors within the Authority fell within the legislative categories that were eligible for CRB checks. However, it was necessary for the person who was the subject of the check to give his/her consent.

During discussion concerns were expressed by Members in relation to their role as corporate parents and as Ward Members. Councillor C.S. Carver also raised the issue of entitlement to substitute at meetings. The Head of Legal and Democratic Services advised that should a councillor refuse to have a CRB check he/she would not be eligible to hold any of the positions specified in the report or take part in any relevant designated activities. However, councillors would be able to continue to represent vulnerable groups of the community within their ward without restriction.

Members commented on the importance the Council placed on the safeguarding of children and vulnerable adults and expressed the view that it was important that all councillors were CRB checked if at all possible. The Head of Legal and Democratic Services provided clarification on the Council's current policy concerning CRB checks and their portability to alternative roles. He suggested that CRB checks be undertaken on eligible members following county council elections and on the relevant members following by-elections. In addition as the composition of Cabinet, Overview and Scrutiny Committees, and Panels etc. changed new checks should be carried out as and when required.

RESOLVED:

- (a) That the Council believes it is important that all willing councillors are CRB checked and specifically those councillors falling into the following categories:

A member of the Cabinet

A member of either the Housing Overview & Scrutiny Committee, the Lifelong Learning Overview & Scrutiny or the Social & Health Care Overview & Scrutiny Committee (and any substitute)

A member of the Fostering Panel

A member of the Adoption Panel

A member of the Local Children's Safeguarding Board

A school governor

Carries out a corporate parenting role under the Council's corporate parenting policy

Undertakes rota visits of children's homes or care homes

- (b) That checks be carried out on eligible members following county council elections, and on the relevant members following by-elections and any change in the composition of the Cabinet, Committees, Panels etc.
- (c) That councillors who have not been CRB checked are not eligible to hold any of the above positions or take part in any of the designated activities, noting that a councillor will not be subject to any restrictions on his or her representative role on behalf of vulnerable groups.

14. LOCAL GOVERNMENT (WALES) MEASURE CONSULTATION DOCUMENTS

The Democracy and Governance Manager introduced a report to determine the Council's response to consultation documents relating to joint Overview & Scrutiny Committees and annual reports by Members.

Members were advised that Section 58 of the Local Government (Wales) Measure 2011 empowered Welsh Ministers to make regulations to permit two or more local authorities to appoint a joint Overview & Scrutiny Committee and to issue statutory guidance which joint Overview & Scrutiny Committees must have regard to when exercising their functions. A draft response to consultation on the draft regulations and draft statutory guidance was attached to the report for consideration.

Section 5 of the above Measure also empowered Welsh Ministers to issue statutory guidance to which local authorities must have regard when making arrangements for the production of annual reports by individual Members and a draft response to the consultation was also appended to the report.

Councillor R.C. Bithell referred to the draft response on joint Overview & Scrutiny Committees and sought clarification concerning the arrangements for payment of the Joint Committee Chair. The Democracy and Governance Manager acknowledged that the draft regulations were not clear and advised that this matter was raised in the draft response.

RESOLVED:

- (a) That the draft response to Draft Regulations and Draft Guidance on Joint Overview & Scrutiny Committees be endorsed; and
- (b) That the draft response to Consultation on Draft Guidance concerning Annual Reports by Members be endorsed.

15. FEEDBACK ON MEMBER DEVELOPMENT EVENTS

The Democracy and Governance Manager introduced a report to provide feedback on Member development events held since the last meeting of the Committee.

The Democracy and Governance Manager advised that phase 2 of the Member development programme was scheduled to take place from September to December 2012. Members were asked to complete an evaluation form at all training events and attached to the report were graphs showing the feedback received from the latest sessions held. Overall the response from the development events remained good.

Members were invited to make observations on their experience or suggestions for improvements for future development events. Councillor D. Evans queried the number who had attended the two events on 21 September 2012, and the Democracy and Governance Manager indicated approximately 10 had attended each event.

RESOLVED:

That the feedback on Member Development Events be noted.

16. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There were no members of the press in attendance.

(The meeting started at 3.30 am and ended at 4.35 am)

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Chairman