

**CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE**  
**31 JANUARY 2018**

Minutes of the meeting of the Constitution and Democratic Services Committee of Flintshire County Council held in the Council Chamber, County Hall, Mold on Wednesday, 31 January 2018

**PRESENT: Councillor Rita Johnson (Chairman)**

Councillors: Clive Carver, Jean Davies, Rob Davies, Ian Dunbar, David Healey, Joe Johnson, Mike Peers, Michelle Perfect, Neville Phillips, Paul Shotton, David Wisinger and Arnold Woolley

**SUBSTITUTES:** Councillor: Kevin Hughes (for Bob Connah) and Patrick Heesom (for David Williams)

**APOLOGIES:** Councillors: Marion Bateman, Chris Bithell, Ted Palmer and Ian Smith

**ALSO PRESENT:** Councillors: Gladys Healey, Christine Jones and David Williams attended as observers

**IN ATTENDANCE:** Chief Officer (Governance); Democratic Services Manager; Finance Manager (Strategy Accounting & Systems); and Democratic Services Officer

**13. DECLARATIONS OF INTEREST**

None were received.

**14. MINUTES**

The minutes of the meeting held on 25 October 2017 were submitted.

Matters Arising

Minute number 8: Induction Report - the Democratic Services Manager advised that a Member workshop on the Well-being of Future Generations (Wales) Act 2015 had been scheduled for 8 February 2018.

Minute number 10: Sharing Information within the Council - the Chief Officer gave positive feedback from the first meeting of the working group and advised that the draft rules would be shared with the Chief Officer team and progress reported back to the group. A Member workshop was likely to be scheduled before March.

**RESOLVED:**

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

## 15. FINANCIAL PROCEDURE RULES

The Finance Manager presented the revised Financial Procedure Rules (FPRs) for consideration, prior to seeking approval at County Council to meet statutory obligations.

The FPRs had been reviewed in 2017 to reflect changes to legislation and processes. No concerns had been raised when reported to the Audit Committee in November 2017. The changes included a proposed increase in the virement threshold to allow greater flexibility for Chief Officers whilst maintaining financial control.

Councillor Peers said that the report should indicate submission to County Council as well as Cabinet. On page 13 of the FPRs, he suggested that paragraphs (g) and (j) be linked. The Finance Manager agreed to incorporate into the following changes:

- On page 13, paragraph (g) - to confirm the actual threshold of a 'significant overspend'.
- On page 17, section 3.5 - the first sentence to clarify that the general level of reserves to be decided by 'The Council' rather than 'The local authority' to specify that this was a function of Council and not Cabinet.

In response to queries, it was explained that paragraph (j) on page 27 referred to the competitive sealed bidding process for surplus Council stock items. It was agreed that this wording would replace the 'secret and competitive basis' description currently in the FPRs.

On the same matter, Councillor Carver gave examples of stock which, although deemed as 'scrap', may still retain some value. The Chief Officer said that additional wording would be included in the paragraph to indicate that officers should still seek to achieve the highest amount of value for the Council, whichever method of disposal was appropriate.

Councillor Woolley said that the first sentence of the section on maintenance of reserves reflected processes that were not compatible. The Finance Manager advised that as part of the protocol, the level of reserves were set at a prudent level and explained in budget monitoring reports. She referred to recent challenge by the Corporate Resources Overview & Scrutiny Committee to establish whether unused earmarked reserves could be brought back into the budget for use.

The Chief Officer referred to the responsibilities of the Section 151 Officer in determining the adequacy of reserve levels and the Council's duty to approve the overall budget at which stage details of reserves had already been subject to scrutiny.

In response to a request by Councillor Woolley, the Finance Manager agreed to provide a response to the Committee on the total amount of the Council's assets and date of the valuation.

**RESOLVED:**

That, subject to the amendments identified, the updated Financial Procedure Rules be endorsed and recommended for submission to County Council for approval.

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

The Chief Officer (Governance) presented the revised Code of Corporate Governance for adoption as part of the Council's Constitution, following endorsement by the Audit Committee.

The revised principles of the Code had been used in self-assessments which would form the basis of the Annual Governance Statement to accompany the Statement of Accounts.

Councillor Peers said that paragraph 1.01 of the report should have set out the full consultation process. He also pointed out that some of the links in section A of the Code did not work and that contact details of the Public Services Ombudsman for Wales could not be found on the Council's website. The Chief Officer agreed to look into this.

**RESOLVED:**

That the updated Code of Corporate Governance be adopted as part of the Council's Constitution.

**17. INDUCTION PROCESS**

The Democratic Services Manager presented a report giving an overview of the Member induction programme following the May 2017 County Council elections.

It was reported that over half of new Members had attended the training on generic topics and that some returning Members had also attended. Attendance figures were also given for training on specific skills, including mandatory training for specific committees.

Councillor Shotton was pleased to note the involvement of a number of returning Members at the training sessions to help give advice and support those who were newly elected.

Councillors Hughes commended officers for the excellent training programme and spoke about the need for mandatory training for new Members. The Democratic Services Manager advised that this was not an option. In recognition of the various commitments of Members, follow-up work had taken place with some individuals who had been unable to attend the sessions.

As requested by Councillor Healey, a guidance note would be circulated to Members giving contact details for other public bodies such as North Wales Police, Betsi Cadwaladr University Health Board etc.

Councillor Hughes said that Members of the Planning Committee should be provided with additional training to assist them in that complex role. Councillor Dunbar spoke in agreement. It was noted that the training session for 'Planning for non-Planning Members' was to help Members in respect of applications in their wards.

Councillor Peers said that the Planning Committee could appear daunting for new Members, despite having received training. As a possible solution, he proposed that the Planning Strategy Group be asked to consider whether in future, new Members of the Planning Committee should attend their first few meetings as an observer to help prepare them to participate at further meetings.

This was seconded by Councillor Hughes who suggested that consideration also be given to new Members being given the option to accompany Planning Officers when visiting sites to give them a better understanding of the planning process. The Democratic Services Manager agreed to follow this up.

Following comments by Councillor Perfect, it was explained that the remit of senior officers had formed part of the 'Introduction to Council' training session. A brief explanation was given on changes to Cabinet Member responsibilities which had been confirmed at the Annual General Meeting.

**RESOLVED:**

- (a) That the induction progress report be noted;
- (b) That consideration being given to new Members attending Planning Committee as observers rather than participants and accompanying officers on site to gain an insight into their work.

**18. TIMING OF MEETINGS SURVEY**

The Democratic Services Manager presented a report on the results of the survey which sought the views of committees on their preferred pattern of meetings.

The report concluded that all six Overview & Scrutiny committees, the Audit Committee and Planning Committee (consulted via the Planning Strategy Group) wished to retain their respective current arrangements. Comments raised by Members of those committees during the consultation were appended to the report. The results of the survey would help to inform the model for the 2018/19 Schedule of Meetings due to be approved at the next Annual General Meeting.

Councillor Peers asked that the agreed outcome for Planning Committee meetings be included on the meeting preference tracker.

Councillor Phillips commented on the Chair and Vice-Chair of the Planning Committee being able to determine whether those meetings could be brought forward to an earlier time, depending on the extent of business to be considered.

Councillors Dunbar and Wisinger spoke in agreement.

Councillor Peers said it was the responsibility of each committee to adjust its meeting times accordingly.

**RESOLVED:**

- (a) That the draft Schedule of Meetings for 2018/19 be prepared on the current pattern of meetings; and
- (b) That where the Chair and Vice-Chair of the Planning Committee believe that the volume of business to be transacted warrants it, the start time of the committee be brought forward to noon instead of 1pm.

**19. BUDGET PROCESS**

The Chief Officer (Governance) presented a report to review the process for the setting of the annual budget process, as agreed at the Corporate Resources Overview & Scrutiny Committee meeting. It was suggested that the process be reviewed after completion of work on the 2018/19 budget, to develop a budget consultation protocol. The rules in the Constitution could then be updated to more accurately reflect the budget process.

In response to comments by Councillor Heesom on decision-making powers, the Chief Officer explained that most decisions were taken by Cabinet, as specified in legislation, but that important decisions such as the budget were retained for approval by the County Council. The process included opportunities for valuable input by non-Cabinet Members and various examples were given where proposals had been challenged by Overview & Scrutiny, resulting in recommendations to Cabinet. Contributions would be sought from Members to design the budget process within the terms of the legislation.

On the budget protocol, Councillor Peers referred to the principle on sharing information with Members. He said that more detail should be provided to clarify reasons for movement in the budget gap against the total income and that information on portfolios should be made available. Officers explained that a breakdown of the budget gap had been provided. The Chief Officer agreed that the level of information would be reviewed to explain movement in the gap at each stage to help Members approve the overall budget.

Councillor Healey explained that the reason for his request for a review of the budget process was to standardise the process. This had arisen from his concerns that some of the larger issues within Stage 2 budget options had not been considered by the respective Overview & Scrutiny committees.

Councillor Hughes commended the Member workshops during the process.

Councillor Shotton welcomed the phased approach to approving the budget and spoke in support of the principles for the protocol set out in the report.

The Democratic Services Manager explained that due to ongoing work on the budget process, an additional recommendation was to move the date of the next meeting of the Committee.

**RESOLVED:**

- (a) That the Committee is assured by the process being used for consultation and scrutiny of the 2018/19 Council Budget;
- (b) That a further report, reviewing the 2018/19 budget process and including amendments to the Budget and Policy Framework be prepared for a future meeting of the Committee;
- (c) That all Members and co-optees be invited to contribute to the review process; and
- (d) That the next meeting of the Committee be moved to April.

**20. PROVISION OF TELEPHONES TO MEMBERS**

The Democratic Services Manager presented a report to consider the provision of telephones to all elected Members, to comply with Determination 6 of the Independent Remuneration Panel for Wales (IRPW). The Council had resolved in 2015 to oppose the determination due to cost implications and this issue had been raised again during a recent IRPW visit. A survey of the 22 Welsh authorities concluded that of the majority which had responded, only a third offered some type of telephone provision for their Members.

Councillor Shotton said that it was not feasible for telephones to be provided in the current financial climate. His proposal that the Council remain non-compliant with Determination 6 was seconded.

This view was shared by Councillor Healey who suggested a Notice of Motion to show the strength of feeling against the IRPW determination.

The Chief Officer provided background information on Determination 6 which sought to ensure that sufficient support was available to help elected Members in their role.

Councillor Peers asked if there were any implications of non-compliance and whether these could be overcome by introducing an 'opt out' provision. Officers advised that no sanction would be imposed and that the Committee could consider introducing an optional scheme, which also applied to travelling expenses.

Councillors Woolley and Dunbar spoke in support of retaining the current arrangement.

In response to questions, the Chief Officer provided information on the mobile telephone contract and monitoring arrangements within each portfolio.

**RESOLVED:**

That the Council's provision of telephones to Members remain as it is.

**21. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE**

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

(The meeting started at 2pm and ended at 3.55pm)

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**Chair**