

**CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE**  
**17 NOVEMBER 2021**

Minutes of the meeting of the Constitution and Democratic Services Committee of Flintshire County Council held at Remote Meeting on Wednesday, 17th November, 2021

**PRESENT: Councillor Neville Phillips (Chairman)**

Councillors: Bob Connah, Jean Davies, Rob Davies, David Evans, David Healey, Ted Palmer, Mike Peers, Michelle Perfect, Vicky Perfect, Ian Smith, and Arnold Woolley

**SUBSTITUTION:** Councillor Martin White for Chris Bithell

**APOLOGIES:** Councillor Bernie Attridge

**IN ATTENDANCE:** Chief Officer (Governance), Head of Democratic Services, Team Leader- Democratic Services and Democratic Services Officers.

**28. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

The Chief Officer (Governance) advised that a personal interest would be recorded on behalf of Members in relation to item 4 – Independent Remuneration Panel for Wales (IRPW)

**29. MINUTES**

The minutes of the meeting held on 30 June 2021 and 30 September were submitted.

Accuracy: 30 September 2021: first paragraph, meeting of the Committee held on 24 March, should read 30 September 2021.

30 September 2021: In response to the comments made by Councillor Mike Peers, the Head of Democratic Services agreed to inform the Planning Strategy Group of the suggestions as set out in minute no. 24, resolution (f).

The minutes were moved by Councillor Michelle Perfect and seconded by Councillor Jean Davies.

**RESOLVED:**

That subject to the above correction the minutes be approved as a correct record and signed by the Chairman.

**30. INDEPENDENT REMUNERATION PANEL FOR WALES (IRPW)**

The Head of Democratic Services introduced a report on the Independent Remuneration Panel for Wales (IRPW) draft Annual Report for 2022. He provided background information and said the IRPW had sent the draft Annual Report to County Councils on 29 September, requesting comments to be made by 26 November 2021. The IRPW was required to take into account any

representations it received on the draft before issuing the final version of the report in February 2022.

In presenting the draft report, the Head of Democratic Services advised that the IRPW proposed an increase in the basic salary in 2021/22 for elected members of principal Councils which shall be £16,800 with effect from 9 May 2022. Increases were also proposed for Cabinet Members, Council Leaders and their deputies. The Head of Democratic Services advised that the IRPW draft Annual Report had been considered by Group Leaders at a meeting held on 28 October, and their collective view was detailed in paragraph 1.18 of the report. Councillor Neville Phillips, Chair of the Democratic Services & Constitution Committee, and the Head of Democratic Services had shared preliminary observations and feedback from Group Leaders with representatives of the IRPW at a consultation meeting held on 2 November. The Head of Democratic Services sought the view of the Committee on the proposals made by the IRPW in the draft report for 2022 and onwards.

Councillor David Healey expressed a number of concerns and proposed that the Head of Democratic Services, on behalf of the Constitution and Democratic Services Committee, writes to the IRPW to endorse the collective view of the Group Leaders as set out in paragraph 1.18 of the report. This was seconded by Councillor Mike Peers. When put to the vote this was agreed by the Committee.

#### **RESOLVED:**

- (a) That the Committee notes the Determinations made by the Independent Remuneration Panel for Wales in the draft Annual Report for 2022/23; and
- (b) That the Head of Democratic Services writes to the IRPW on behalf of the Committee to endorse the collective view of the Group Leaders as follows:
  - It is disappointing that the IRPW have allowed the situation to develop that such a large increase in Members' salaries was now necessary; and
  - We believe that the increase should not be in one tranche, but incrementally over the life of the next Council also ensuring that those increments take into account the levels of inflation prevailing at the time

### **31. OVERVIEW & SCRUTINY ANNUAL REPORT 2020/21**

The Head of Democratic Services introduced a report on the Overview & Scrutiny Annual Report for 2020/21. He provided background information and explained the changes that had been made to the format of the draft Overview & Scrutiny Annual Report which was appended to the report for consideration and approval by the Committee.

Councillor Mike Peers referred to page 120 of the report and, on a point of accuracy, advised that Councillor Bob Connah had been a member of the Education, Youth and Culture Overview & Scrutiny Committee, from December 2020.

The Chief Officer (Governance) suggested that a reference to the valuable role undertaken by Group Leaders in terms of providing informal scrutiny of proposals be included in the draft Report. The Head of Democratic Services suggested that the acknowledgement be added to the foreword to the Report which was written by the Leader of the Council.

The recommendations in the report were moved by Councillor Ted Palmer and seconded by Councillor Arnold Woolley.

**RESOLVED:**

- (a) That the Committee's comments on the draft Overview and Scrutiny Annual Report for 2020/21 be noted; and
- (b) That the draft Overview & Scrutiny Annual Report for 2020/21 be approved for submission to Council.

**32. MULTI-LOCATION MEETINGS AND FUTURE MEETINGS MODEL-PROGRESS REPORT**

The Head of Democratic Services introduced the report and provided background information and context. He advised that paragraphs 1.07 to 1.12 of the report set out a suggested interim multi-location meetings policy to be considered for adoption until such time as the new Council to be elected in May 2022 determined its own policy. He envisaged that this may not reasonably be until the autumn of 2022.

In response to the comments made by Councillor Mike Peers, Officers provided clarification around the reference to political balance as stated in paragraph 1.08 of the report. Officers commented on the awareness of public perception around political grouping, the location-neutral stance which had been adopted by other local authorities, and the Council's commitment to broaden diversity and democracy.

In response to the further comments made by Councillor Ted Palmer regarding political balance in section 1.08 of the report, the Chief Officer explained that fair and equal access would be given to all Members who wished to be physically present at meetings of the Council held in the Council Chamber.

Councillor Arnold Woolley asked if the option of electronic voting could be provided at Council's Zoom meetings to ensure clarity. The Chief Officer spoke in support of the use of on-line voting at remote meetings. The Team Manager –

Democratic Services explained that testing of the on-line voting system on Zoom had indicated that further work was required to adapt for use at Council meetings and agreed to take this forward.

The recommendation in the report was moved by Councillor Rob Davies and seconded by Councillor Mike Peers.

**RESOLVED:**

That the interim Multi-meetings policy, as detailed in paragraphs 1.07 - 1.12 of the report be adopted until such time as the new Council determined its own Multi-location meetings policy.

**33. DECLARATION AND DISPOSAL OF LAND SURPLUS TO REQUIREMENTS**

The Chief Officer (Governance) introduced a report to agree minor changes to the Constitution around how land would be declared surplus to requirements. He provided background information and explained that the process for declaring and disposing of land surplus to the Council's requirements was not currently documented and it was proposed that the process be included within the Constitution to improve transparency and clarity.

Councillor Mike Peers raised a number of questions around delegated authority, membership of the Capital Asset Programme Board, land and property surplus to requirements, and the reference to a delegated report in section 1.03 of the report. Councillor Peers spoke on the need to ensure that 'best value' was obtained for the sale of surplus land/property and proposed that reference to this be included in the Constitution. Councillor Arnold Woolley seconded the proposal.

The Chief Officer referred to section 1.04 in the report and advised that there was a separate documented process to authorise the sale of a particular piece of land which was based on the value of the land and he provided an overview of the disposal process. He confirmed that Members were already involved in the sale process. In response to a question from Councillor Peers the Chief Officer confirmed that an independent valuation was obtained on the proposed sale of land. In response to the comments made by Councillor Peers concerning 'best value', the Chief Officer advised that this was a statutory obligation on the Council which could not dispose of land less than fair market value except in certain circumstances. The Chief Officer agreed to include reference to the need to obtain 'best consideration' to the existing delegation to Officers around the disposal of land.

In response to a question from Councillor Ian Smith, the Chief Officer explained that the local Member(s) must be consulted on the sale of any land within their Ward.

Councillor David Healey asked what course of action would be taken if the Governing Body of a School disagreed with the potential sale of land on a school estate. The Chief Officer explained that in such circumstances negotiation would take place with all parties involved. The Chief Officer advised that if a School was to disagree with the potential sale of a particular piece of land the decision

on whether the land was declared as 'surplus' should be subject to a delegated report and he outlined the decision making process for delegated reports.

The following recommendations were moved by Councillor David Healey and seconded by Councillor Ted Palmer

**RESOLVED:**

- (a) That the proposed process for declaring and disposing of land that is surplus to requirements be included within the Constitution;
- (b) That reference to the need to obtain 'best consideration' be included in the existing delegation to Officers around the disposal of land; and
- (c) That if a School should disagree with the potential sale of a particular piece of land the decision on whether the land was declared as 'surplus' should be subject to a delegated report

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

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

(The meeting started at 2.00 pm and ended at 3.20 pm)

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**Chairman**