

**FLINTSHIRE COUNTY COUNCIL**

<b>Date of Meeting</b>	Tuesday, 24 January 2023
<b>Report Subject</b>	Adoption of the Model Ordinary Language Guide to the Constitution and updates made to the National Model Constitution
<b>Report Author</b>	Chief Officer (Governance)

**EXECUTIVE SUMMARY**

The Council is required to publish a constitution setting out the rules, codes and protocols that govern its business. The current document is based on a national model produced by Lawyers in Local Government and the Welsh Local Government Association in 2014. Legislation has changed since then and so a revised model has been prepared. Council needs to update its document in line with those changes.

The Council must also produce an ordinary language guide to the constitution by way of a summary. A national model of this document has also been prepared.

The Constitution and Democratic Services Committee appointed a working group to consider the draft model ordinary language guide to the constitution and revisions to the draft updated Model Constitution.

The working group reported back to the Constitution and Democratic Services Committee on the 12<sup>th</sup> of January and the Committee resolved to make the following recommendations to Council.

**RECOMMENDATIONS**

1	That the role descriptions in the draft Model Constitution should be subject to consultation with relevant Members, before the updated constitution is adopted at the Annual General Meeting.
2	That the ordinary language guide be approved for adoption at the Annual Meeting, subject to a final document and cross reference comparison with the draft constitution to ensure accuracy and consistency between those documents.

## REPORT DETAILS

<b>1.00</b>	<b>WORKING GROUP MEETINGS</b>
1.01	<p>Under the Local Government Act 2000 the Council must publish a Constitution which sets out the key documents governing its workings and procedures. The mandatory contents for the document are defined in legislation. Since 2014 the Council has used a national model document that was prepared jointly by Lawyers in Local Government and the WLGA. Given the age of the national model an updated version was produced in 2022.</p>
1.02	<p>The Constitution and Democratic Services Committee appointed a working group to consider updates to the Model National Constitution, and the model ordinary language guide (see below) to the constitution on the 7<sup>th</sup> of July 2022. The Committee considered the report back from the working group at its meeting on 12<sup>th</sup> January 2023. The Committee resolved to undertake some further detailed consideration of parts of the Constitution</p>
1.03	<p>One of the requirements of the Local Government and Elections (Wales) Act 2021 was for Councils to publish an ordinary language guide to the constitution so that the contents of the constitution were more easily accessible and understandable for everyone. The group considered the content of the model guide and recommended that, subject to the adaptation of it to reflect the local position in Flintshire, it should be adopted by the Council, as the group considers that the guide is fully fit for purpose.</p>
1.04	<p>Notwithstanding the further work to the detail of the main document, the Committee was content that the further work would not affect the ordinary language guide, which is a summary of the main provisions of the Constitution. It therefore resolved that the ordinary language guide could be recommended to Council for adoption. This is subject to a final document and cross reference comparison with the draft constitution in order to ensure accuracy and consistency between those documents. The Constitution and Democratic Services Committee resolved to make this recommendation to Council. The draft ordinary language guide is shown as Appendix two to this report.</p>
1.05	<p>The working group also considered a part of the Model Constitution setting out definitions of roles for certain members/positions within the Council. Those role descriptions are also referenced in the ordinary language guide, but have never been adopted by the Council. The role descriptions are shown as Appendix one to this report. The group considered that including such descriptions in the Council's constitution and ordinary language guide may well be useful to members of the public and aid their understanding of how the Council works. However, the group considered that before those role descriptions are adopted by the Council there should be further consultation with members of the Council who hold those roles</p>

	in order that they are fully aware of, and in agreement with, the appropriateness of those role descriptions. The Constitution and Democratic Services Committee resolved to make this recommendation to Council.
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<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	The work to create the national model and plain language guide was funded by the Welsh Local Government Association. The work to consider the changes has been accommodated within existing resources.
2.02	The draft constitution with the changes approved by the working group, incorporated as tracked changes to the draft constitution, have been produced by the law firm who produced the updated national model and plain language guide for the Welsh Local Government Association. They will also carry out a full internal consistency check, proof-read, and an update of any cross-references and a cross reference comparison with the ordinary language guide, to ensure accuracy and consistency between those documents. The costs are estimated to be between £3,000 and £4,000.
2.03	The approved updated constitution will require translation into Welsh as will the ordinary language guide.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	The model documents contain a section of role descriptions for members who have certain specific roles within the Council. These role descriptions do not form part of the current constitution and it is appropriate to consult directly with members who hold these positions in the council before the Council adopts them.
3.02	The Council will need to approve and adopt the draft updated constitution and ordinary language guide.
3.03	The working group will need to consider recommendations from the Constitution and Democratic Services Committee before reporting back to that Committee in respect of the draft updated constitution.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	The updated constitution and ordinary language guide are fully compliant with the legislative requirements for constitutions. They set rules and procedures that ensure the Council works in accordance with legislation and principles such as natural justice thereby reducing the risk of legal challenge.

<b>5.00</b>	<b>APPENDICES</b>
5.01	App 1 – Draft Role Descriptions from the Model Constitution App 2 - Draft Constitution Guide

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<a href="#">Current Constitution</a>
6.02	<a href="#">Model Constitution</a>  <b>Contact Officer:</b> Gareth Owens, Chief Officer (Governance) <b>Telephone:</b> 01352 702344 <b>E-mail:</b> gareth.legal@flintshire.gov.uk

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<b>Welsh Local Government Association (WLGA)</b> – the representative body for all local authorities in Wales. It liaises with Welsh Government, provides advice and assistance to improve governance and helps to co-ordinate activity.