

CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE
15 MARCH 2023

Minutes of the Constitution and Democratic Services Committee of Flintshire County Council held as a remote attendance meeting on Wednesday, 15 March 2023.

PRESENT: Councillor Rob Davies (Chairman)

Councillors: Gillian Brockley, David Coggins Cogan, Steve Copple, Ian Hodge, Alasdair Ibbotson, Gina Maddison, Roz Mansell, Ted Palmer, Michelle Perfect, Vicky Perfect, Linda Thew, Arnold Woolley and Antony Wren

APOLOGY: Councillor Jean Davies

ALSO PRESENT: Councillor Bernie Attridge (as an observer)

SUBSTITUTE: Councillor Christine Jones for Councillor Paul Johnson

IN ATTENDANCE: Chief Officer (Governance), Democratic Services Manager and Democratic Services Officer

26. DECLARATIONS OF INTEREST

The Chief Officer (Governance) advised that a personal interest would be recorded for all Members present on item 6: Independent Remuneration Panel for Wales (IRPW) Annual Report, February 2023

27. MINUTES

The minutes of the meeting held on 12 January 2023 were submitted. The minutes were approved as a correct record as moved and seconded by Councillors Gillian Brockley and Steve Copple

RESOLVED:

That the minutes be approved as a correct record.

28. ROLLING REVIEW OF THE COUNCILLORS' CODE OF CONDUCT

The Chief Officer (Governance) presented the report. He provided background information and reported on the main considerations as detailed in the report. The Committee was asked to consider and approve the changes to the Code of Conduct that had been recommended by the Standards Committee as part of the rolling review of the Constitution. The recommended changes were outlined in section 1.01 of the report and the wording necessary to implement the changes was added to the Code of Conduct as draft changes in Appendix 1. A clean copy of the "finished version" was provided in Appendix 2.

The Chief Officer responded to the questions and comments raised by Members concerning the definition of a 'criminal offence/behaviour' as referred to in

the recommended changes paragraph 1.01 (vi). He explained that there was an obligation in the Code of Conduct for Councillors to report a matter of criminal offence/behaviour which would then be passed to the proper authority to take appropriate action. The Chief Officer explained that any Councillor who committed a criminal offence/behaviour would be subject to criminal law and if convicted would also be subject to investigation by the Public Service Ombudsman for Wales.

Councillor Bernie Attridge suggested that a requirement be included in the Code of Conduct that all Members had an enhanced Disclosure and Barring Service (DBS) check in place at the start of term of office. The Chief Officer responded to the points made by Councillor Attridge and explained that he would submit a report to a future meeting of the Committee to inform of the legal advice on which positions within the Council a DBS check could be undertaken for and on the need for a future policy. The Chair proposed that this be included as an item on the Forward Work Programme for the Committee to consider and this was seconded by Councillor Ted Palmer. When put to the vote this was carried.

The following recommendations were moved by Councillors Ted Palmer and seconded by Councillor Ian Hodge.

RESOLVED:

- (a) That the proposed amendments to the Councillors' Code of Conduct be approved; and
- (b) That a report on the potential to undertake a Disclosure and Barring Service (DBS) check for all Councillors be submitted to a future meeting of the Committee.

29. ADOPTION OF THE MODEL ORDINARY LANGUAGE GUIDE TO THE CONSTITUTION AND UPDATES MADE TO THE NATIONAL MODEL CONSTITUTION

The Chief Officer (Governance) presented a report to recommend adoption of the ordinary language guide and updated Constitution. He provided background information and referred to the working group which had been convened to consider the matters raised by the Committee on the draft consultation at a meeting held on 12 January 2023. The Chief Officer reported that the Committee had recommended that Council adopt the ordinary language guide to the constitution and it was adopted by Council at a meeting held on 24 January 2023. A draft of the constitution and the ordinary language guide were appended to the report. The changes the working group proposed be made to the Council's constitution were shown as tracked changes, including the additional amendments made as a result of the comments which were raised by the Committee. The Chief Officer reported on the main considerations as detailed in the report.

Councillor Alasdair Ibbotson thanked the working group for its work on the matters which had been raised by the Committee on the draft consultation. He referred to paragraph 1.14 of the report and said that he felt that the point raised by the Committee concerning Trade Unions and the Council's whistleblowing policy had

not been addressed. Councillor Ibbotson also referred to paragraph 4.6.21 of the draft constitution which was appended to the report and said that if the intention was that only the Council could carry out the self-assessment process the wording should be revised to state this. The Chief Officer responded to the comments made by Councillor Ibbotson and suggested that paragraph 4.6.21 be amended to include the following “(carrying out its performance duties under the Local Government and Elections Act 2021)” to clarify the corporate self-assessment duty and confirm it was not intended to remove the functions of the Overview & Scrutiny Committees. Councillor Ibbotson asked that the verbal clarification given by the Chief Officer also be included in the paragraph for confirmation.

The recommendations in the report were moved by Councillor Ted Palmer and seconded by Councillor Steve Copple.

RESOLVED:

- (a) That the Committee recommends to Council that the draft amended constitution should be adopted, with the exception of the role descriptions contained at Section 31 of the draft constitution and subject to a final internal consistency check, proof-read, and cross reference with the ordinary language guide;
- (b) that paragraph 4.6.21 of the draft Constitution be amended to include the following “(carrying out its performance duties under the Local Government and Elections Act 2021)”
- (b) That any additional work that the Committee considers should take place in respect of the Council’s constitution will form part of a forward work programme for the Committee.

30. INDEPENDENT REMUNERATION PANEL FOR WALES (IRPW) ANNUAL REPORT, FEBRUARY 2023

The Democratic Services Manager presented a report to provide details of the final annual report from the IRPW for 2023-24. He provided background information and advised that there had been no changes to the proposals included in the IRPW draft report which was considered by the Committee at the meeting held on 9 November 2022, and therefore all figures provided in the November report would be implemented from 1 April 2023.

In moving the recommendation Council Ted Palmer referred to paragraph 1.05 of the report and expressed concern that Members or co-opted members may feel under pressure by the IRPW statement to forgo any part of their entitlement to a payment under the determination of the Panel for that particular year. The recommendation was seconded by Councillor Gillian Brockley.

RESOLVED:

That the Committee notes the Determinations made by the Independent Remuneration Panel for Wales in their Annual Report for 2023/24.

31. UPDATE FROM WORKING GROUP – MEETING FORMAT

The Democratic Services Manager gave a presentation to provide an update on the work of the Working Group to date which was set up to review and update the 'interim Multi-Location Meeting Policy' and explore the implications of any changes. The presentation covered the following points:

- aim of the working Group
- activities undertaken
- next steps – multi-location meeting policy

32. MEMBER WORKSHOPS, BRIEFINGS AND SEMINARS UPDATE

The Democratic Services Manager presented a report to provide members with an update on the engagement events held or planned since the last report. He provided background information and advised that the induction programme was intended to provide new and returning Members with an overview of how the Council operated, including rules and regulations, the role of elected Members, and the role of Officers. As Members had now settled into their roles it was appropriate to consider how they can be supported in their development over the next 4 years. The Democratic Services Manager referred to the main considerations as detailed in the report and said that a '*training needs analysis*' of all Members was suggested to ensure that the training was relevant to the wants and needs of Members and also to address any skills shortages that may exist across the Council.

The recommendations in the report were moved by Councillor Ian Hodge and seconded by Councillor Antony Wren.

RESOLVED

- (a) That a 'training needs analysis' be undertaken of all Members by the Democratic Service Manager to better inform future development programmes.
- (b) That if Members had any suggestions for future development they contact the Democratic Services Manager to discuss them; and
- (c) That a draft training and development plan be brought back to the Committee meeting in June.

33. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were no members of the press or public present.

(The meeting started at 2.00 pm and ended at 3.23 pm)

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Chairman