

CONSTITUTION COMMITTEE
20 APRIL 2011

Minutes of the meeting of the Constitution Committee of Flintshire County Council held in County Hall, Mold on Wednesday, 20 April, 2011.

PRESENT: Councillor R.J.T. Guest (Chairman)

Councillors: .D. Barratt, R.C. Bithell, Q.R.H. Dodd, V. Gay, A.M. Halford, G. Hardcastle, P. G. Heesom, H.D. Hutchinson, R.P. MacFarlane, and A. Woolley

SUBSTITUTIONS: Councillors J.E. Falshaw for N.R. Steele-Mortimer and D.I. Mackie for F. Gillmore

APOLOGIES: Councillors J.B. Attridge, P.R. Pemberton and A.P. Shotton

IN ATTENDANCE:

Chief Executive, Democracy and Governance Manager, and Committee Officer.

24. DECLARATIONS OF INTEREST

There were no declarations of interest.

25. ADDITIONAL ITEM

The Chairman announced that he had decided that the Committee should consider an additional item on the grounds of urgency, as provided for under Section 100 B(4) of the Local Government Act 1972 (as amended). The item was to consider the suggestion that the Constitution Committee be amalgamated with the Overview and Scrutiny Co-ordinating Committee and was urgent due to the forthcoming annual meeting.

26. MINUTES

The minutes of the meeting of the Committee held on 10 January, 2011, were submitted.

Accuracy

Page 4, final paragraph, the minutes be amended to read Councillor Q.R.H. Dodd.

Matters arising

Member Champions

Councillor D. Barratt referred to his comments in the minutes concerning Member Champions. The Democracy and Governance Manager explained that the Council had decided that Member Champions appointed by the Overview and Scrutiny Committees or the Council would not continue. He advised that for

those Member Champions appointed by the Leader it was the Leader's decision whether to continue them or not.

Panel for the Appointment of LEA Governors

Councillor Q.R.H. Dodd asked for an update on the progress made to review the arrangements powers and responsibilities of the Panel. The Democracy and Governance Manager reported that the Monitoring Officer had issued written advice to the Panel which would be considered at a meeting of the Panel to be held in June and a report on the outcome would then be brought back to the Committee.

RESOLVED

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

27. LOCAL MEMBER GUIDELINES

The Democracy and Governance Manager introduced a report to give further consideration to introducing guidelines to address situations where a Member is approached for assistance on a problem outside that Member's ward.

The Democracy and Governance Manager provided background information and advised that a draft protocol had been produced for Member guidance and was attached as appendix 2 to the report. He gave an overview of the protocol and explained that it incorporated the range of circumstances where it was appropriate for a Member to engage in activities outside their ward boundary.

Councillor R.C. Bithell commented on the complexity of the matter and said that the protocol would be difficult to enforce and monitor. He expressed the view that it was dependent on the respect and goodwill of Members and that it contained too many caveats and did not refer to the adjacent ward member. Councillor Bithell said that he would not wish to have a formal agreement or protocol established and proposed that the concept be abandoned.

Members referred to the draft protocol and raised a number of queries and made some suggestions for strengthening and improving the guidelines. Referring to the issue of enforcement the Democracy and Governance Manager advised that whilst no formal action could be taken statistics could be collated and reported annually to the Standards Committee.

During a discussion Members commented on the problem of inappropriate and unwarranted interference taking place in their ward by Member(s) from another ward. The Chief Executive said there was a need for advice and guidance to be provided which would assist existing Members and be used for the induction of new Members following the 2012 elections.

Councillor V. Gay asked if it would be possible for Officers to notify the Local Member for the Ward when they were contacted by another Member about a local issue. The Chief Executive acknowledged that a more consistent

approach could be applied and agreed to look at how awareness could be raised with Officers to address this. Councillor Q.R.H. Dodd expressed concerns about how this could work in practice. The Chief Executive responded that where complex matters occurred Officers should apply “commonsense”. If there was a pattern of behaviour by a Member Officers could give advice to that Member concerning the procedures that Members were expected to comply with.

Councillor A.M Halford suggested that the proposal put forward by Councillor R.C. Bithell be amended to allow progress to be made to achieve practical and workable guidance to the problems raised. The Chairman asked Members to vote on the amendments which had been put forward during further discussion and when put to the vote these became the resolution of the Committee.

RESOLVED:

- (a) That Officers notify the local Member if they are approached by another Member about a local issue except in instances where there is a two Member Ward there is no obligation on the Officer to inform the other Member;
- (b) That the general thrust of the draft Member protocol be included in the advice and guidance given to Members following the elections next year; and
- (c) That in the case of a pattern of behaviour by a Member that advice be given by Officers to that Member to explain the procedures Members are expected to comply with.

28. ANNUAL REVIEW OF CODE OF CORPORATE GOVERNANCE

The Democracy and Governance Manager introduced a report to consider the annual review of the Code of Corporate Governance. He provided background information and reported that the review and update of the Code of Corporate Governance had been undertaken in consultation with senior officers and whilst the majority of the code remained accurate and appropriate some parts had required updating. He asked Members to consider the updated code following the review which was attached as an appendix to the report.

The Democracy and Governance Manager advised that whilst the Executive in consultation with the Constitution Committee was responsible for approving the code the Chief Executive and Monitoring Officer were responsible for ensuring it was up-dated through annual reviews. He asked Members to consider whether there was a need to continue to report each annual update to the Committee. During a discussion Members agreed that they wished the practice to continue and that future annual updates be reported to the Committee.

Councillor R.C. Bithell referred to section 6.4 of the Code of Corporate Governance concerning the development of a Communication Strategy and suggested that the opportunities within the Authority for face-to-face meetings

with the public should be increased. The Chief Executive acknowledged the point made and said he would consider how best to do so.

RESOLVED:

- (a) That the amendments made to the Code of Corporate Governance as a result of the annual review be noted; and
- (b) That future annual reviews be reported to the Constitution Committee.

29. CONSTITUTION COMMITTEE AND OVERVIEW AND SCRUTINY COORDINATING COMMITTEE

The Chairman advised that he wished to canvass the views of the Committee on the suggestion that a proposal be made at the Annual Meeting of the County Council that the functions of the Constitution Committee and Overview and Scrutiny Coordinating Committee be amalgamated into one for the purpose of efficiency.

During a discussion Members expressed their views with some Members being in support of and others against the suggestion.

The Chairman thanked Members for their comments and observations and confirmed that his intention at the present time was to ascertain the views of the Committee on the matter.

30. PRESS IN ATTENDANCE

There were no members of the press in attendance.

31. DURATION OF MEETING

The meeting commenced at 10.00 am and finished at 11.35 am.

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Chairman

SUMMARY OF DECLARATIONS MADE BY MEMBERS
IN ACCORDANCE WITH FLINTSHIRE COUNTY COUNCIL'S
CODE OF CONDUCT

CONSTITUTION COMMITTEE		DATE 20 April 2011
MEMBER	ITEM	MIN. NO. REFERS
NO DECLARATIONS WERE MADE		