

Public Document Pack

Gareth Owens LL.B Barrister/Bargyfreithiwr
Head of Legal and Democratic Services
Pennaeth Gwasanaethau Cyfreithiol a Democraataidd



To: Cllr Robin Guest (Chairman)

CS/NG

Councillors: Chris Bithell, Derek Butler,
Clive Carver, David Cox, Glenys Diskin,
Ian Dunbar, David Evans, Veronica Gay,
George Hardcastle, Patrick Heesom, Joe Johnson,
Rita Johnson, Tim Newhouse, Neville Phillips,
Ian Roberts, Tony Sharps, Paul Shotton,
Nigel Steele-Mortimer, Owen Thomas and
Arnold Woolley

24 January 2013

Maureen Potter 01352 702322
maureen.potter@flintshire.gov.uk

Dear Sir / Madam

A meeting of the **DEMOCRATIC SERVICES COMMITTEE** will be held in the **DELYN COMMITTE ROOM, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 30TH JANUARY, 2013** at **3.30 PM** to consider the following items.

Please note that the meeting will commence at 3.30pm or on the rising of the Constitution Committee, whichever is the latest.

Yours faithfully

Democracy & Governance Manager

A G E N D A

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

County Hall, Mold. CH7 6NA
Tel. 01352 702400 DX 708591 Mold 4
www.flintshire.gov.uk
Neuadd y Sir, Yr Wyddgrug. CH7 6NR
Ffôn 01352 702400 DX 708591 Mold 4
www.siryfflint.gov.uk

The Council welcomes correspondence in Welsh or English
Mae'r Cyngor yn croesawau gohebiaeth yn y Cymraeg neu'r Saesneg

3 **MINUTES** (Pages 1 - 4)

To confirm as a correct record the minutes of the last meeting.

4 **MEMBER DEVELOPMENT STRATEGY** (Pages 5 - 12)

To update the Member Development Strategy

5 **MEMBER DATA PROTECTION NOTIFICATIONS** (Pages 13 - 16)

For the committee to consider a change in the Council's practice concerning the cost of individual Member notifications to the Information Commissioner's office.

6 **FEEDBACK ON MEMBER DEVELOPMENT EVENTS** (Pages 17 - 22)

To provide the committee with feedback on Member development events held since the last meeting of the committee.

DEMOCRATIC SERVICES COMMITTEE **24 OCTOBER 2012**

Minutes of the meeting of the Democratic Services Committee of Flintshire County Council held in County Hall, Mold on Wednesday, 24 October, 2012

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

Councillors: R.C. Bithell, C.S. Carver, D.L. Cox, A.I. Dunbar, D. Evans, V. Gay, G. Hardcastle, P.G. Heesom, W.P. Shotton, N.R. Steele-Mortimer and A. Woolley

SUBSTITUTE: Councillor D.E. Wisinger for G.D. Diskin

APOLOGIES: Councillors D. Butler, J.M. Johnson, R. Johnson, N. Phillips, I.B. Roberts, L.A. Sharps and W.O. Thomas

ALSO PRESENT: Councillors J.B. Attridge, J.E. Falshaw and C.M Jones

IN ATTENDANCE:

Head of Legal and Democratic Services, Democracy and Governance Manager, Member Engagement Manager and Committee Officer

11. DECLARATIONS OF INTEREST

There were no declarations of interest.

12. MINUTES

The minutes of the meeting of the Committee held on 24 July 2012, were submitted.

RESOLVED:

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

13. CRIMINAL RECORDS BUREAU CHECKS FOR COUNCILLORS

The Head of Legal and Democratic Services explained that the Criminal Records Bureau (CRB) was reluctant to undertake checks on all councillors. Central Government had also taken steps under the Protection of Freedoms Act 2012, to restrict the categories of employees where criminal checks could be made although the law had not been changed regarding councillors.

The positions held by councillors which made them eligible for a CRB check under the Safeguarding of Vulnerable Groups Act 2006 were detailed in the report. The Head of Legal and Democratic Services advised that the majority of councillors within the Authority fell within the legislative categories that were eligible for CRB checks. However, it was necessary for the person who was the subject of the check to give his/her consent.

During discussion concerns were expressed by Members in relation to their role as corporate parents and as Ward Members. Councillor C.S. Carver also raised the issue of entitlement to substitute at meetings. The Head of Legal and Democratic Services advised that should a councillor refuse to have a CRB check he/she would not be eligible to hold any of the positions specified in the report or take part in any relevant designated activities. However, councillors would be able to continue to represent vulnerable groups of the community within their ward without restriction.

Members commented on the importance the Council placed on the safeguarding of children and vulnerable adults and expressed the view that it was important that all councillors were CRB checked if at all possible. The Head of Legal and Democratic Services provided clarification on the Council's current policy concerning CRB checks and their portability to alternative roles. He suggested that CRB checks be undertaken on eligible members following county council elections and on the relevant members following by-elections. In addition as the composition of Cabinet, Overview and Scrutiny Committees, and Panels etc. changed new checks should be carried out as and when required.

RESOLVED:

- (a) That the Council believes it is important that all willing councillors are CRB checked and specifically those councillors falling into the following categories:

A member of the Cabinet

A member of either the Housing Overview & Scrutiny Committee, the Lifelong Learning Overview & Scrutiny or the Social & Health Care Overview & Scrutiny Committee (and any substitute)

A member of the Fostering Panel

A member of the Adoption Panel

A member of the Local Children's Safeguarding Board

A school governor

Carries out a corporate parenting role under the Council's corporate parenting policy

Undertakes rota visits of children's homes or care homes

- (b) That checks be carried out on eligible members following county council elections, and on the relevant members following by-elections and any change in the composition of the Cabinet, Committees, Panels etc.

- (c) That councillors who have not been CRB checked are not eligible to hold any of the above positions or take part in any of the designated activities, noting that a councillor will not be subject to any restrictions on his or her representative role on behalf of vulnerable groups.

14. LOCAL GOVERNMENT (WALES) MEASURE CONSULTATION DOCUMENTS

The Democracy and Governance Manager introduced a report to determine the Council's response to consultation documents relating to joint Overview & Scrutiny Committees and annual reports by Members.

Members were advised that Section 58 of the Local Government (Wales) Measure 2011 empowered Welsh Ministers to make regulations to permit two or more local authorities to appoint a joint Overview & Scrutiny Committee and to issue statutory guidance which joint Overview & Scrutiny Committees must have regard to when exercising their functions. A draft response to consultation on the draft regulations and draft statutory guidance was attached to the report for consideration.

Section 5 of the above Measure also empowered Welsh Ministers to issue statutory guidance to which local authorities must have regard when making arrangements for the production of annual reports by individual Members and a draft response to the consultation was also appended to the report.

Councillor R.C. Bithell referred to the draft response on joint Overview & Scrutiny Committees and sought clarification concerning the arrangements for payment of the Joint Committee Chair. The Democracy and Governance Manager acknowledged that the draft regulations were not clear and advised that this matter was raised in the draft response.

RESOLVED:

- (a) That the draft response to Draft Regulations and Draft Guidance on Joint Overview & Scrutiny Committees be endorsed; and
- (b) That the draft response to Consultation on Draft Guidance concerning Annual Reports by Members be endorsed.

15. FEEDBACK ON MEMBER DEVELOPMENT EVENTS

The Democracy and Governance Manager introduced a report to provide feedback on Member development events held since the last meeting of the Committee.

The Democracy and Governance Manager advised that phase 2 of the Member development programme was scheduled to take place from September to December 2012. Members were asked to complete an evaluation form at all training events and attached to the report were graphs showing the feedback received from the latest sessions held. Overall the response from the development events remained good.

Members were invited to make observations on their experience or suggestions for improvements for future development events. Councillor D. Evans queried the number who had attended the two events on 21 September

2012, and the Democracy and Governance Manager indicated approximately 10 had attended each event.

RESOLVED:

That the feedback on Member Development Events be noted.

16. PRESS IN ATTENDANCE

There were no members of the press in attendance.

17. DURATION OF MEETING

The meeting commenced at 3.30 pm and finished at 4.35 pm.

.....
Chairman

FLINTSHIRE COUNTY COUNCIL

REPORT TO: DEMOCRATIC SERVICES COMMITTEE
DATE: WEDNESDAY, 30 JANUARY 2013
REPORT BY: DEMOCRACY AND GOVERNANCE MANAGER
SUBJECT: MEMBER DEVELOPMENT STRATEGY

1.00 PURPOSE OF REPORT

1.01 To update the Member Development Strategy.

2.00 BACKGROUND

2.01 As part of the Welsh Local Government Association's Charter for Member Support and Development the Council had to adopt a Member Development Strategy. That Strategy was last updated in October 2010.

2.02 At its meeting on 13 November the Council considered a report on the review on Internal Member Fora including the Member Development Working Group. That report explained that as a result of the requirement under the Local Government (Wales) Measure 2011 to form a Democratic Services Committee there was no longer a need for a Member Development Working Group. This recommendation was agreed by the Council as the role of the Democratic Services Committee includes the work previously undertaken by the Member Development Working Group.

2.03 The Local Government (Wales) Measure 2011 requires that all Members of the County Council (with the exception of the Council Leader) have the opportunity of an annual review of their training and development needs. This goes beyond the previous requirement of the Charter which only required this for those members in receipt of a special responsibility allowance.

3.00 CONSIDERATIONS

3.01 The Council's Member Development Strategy should be kept under review and in view of paragraph 2.02 above the Democratic Services Committee now has the responsibility for this.

3.02 Attached as Appendix 1 to this report is a copy of the Member Development Strategy with tracked changes showing updates to it that should be made as a result of paragraphs 2.02 and 2.03 above.

4.00 RECOMMENDATIONS

4.01 The Committee is recommended to review the Member Development Strategy and endorse the updating changes shown in Appendix 1 and any other changes the Committee wishes to make.

5.00 FINANCIAL IMPLICATIONS

5.01 None as a result of this report.

6.00 ANTI POVERTY IMPACT

6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

10.01 None as a result of this report.

11.00 CONSULTATION UNDERTAKEN

11.01 None as a result of this report.

12.00 APPENDICES

12.01 Appendix 1 – Member Development Strategy

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

WLGA Charter for Member Support & Development

Contact Officer: Peter Evans
Telephone: 01352 702304
Email: peter.j.evans@flintshire.gov.uk

FLINTSHIRE COUNTY COUNCIL

MEMBER DEVELOPMENT STRATEGY

Updated October 2010

MEMBER DEVELOPMENT STRATEGY

1. Introduction

1.1 Flintshire County Council aims to provide continuously improving services which inevitably means the need for Councillors to learn and embrace new roles and responsibilities.

1.2 The Council is operating in a constantly changing environment, requiring elected members and a workforce that is flexible and responsive to change. Recent Welsh Assembly Government policies have presented the authority with an extremely challenging and demanding programme which includes:-

- A greater emphasis on working in partnership with other agencies.
- Collaborating with other local authorities to improve service delivery.
- Delivering efficiency savings year on year.
- New, challenging and changing roles for elected members.
- A strong emphasis on continuous improvement and performance measurement.

1.3 In embracing these challenges, the Council must continue to develop its members and organisation into one which:

- Is responsive to change and looks to maximise opportunities.
- Sets high performance standards and is not afraid to be measured by them.
- Makes maximum use of all resources available to it.
- Is an influential community leader.
- Is respected as a good employer and seen as a role model by others in the community it serves.

2. Purpose

2.1 To enable members to operate efficiently and effectively in fulfilling their various roles in achieving the Council's aims and objectives the Council has agreed to identify the learning and development needs of all Councillors. It is committed to undertaking development needs analyses which identify the

local and national, collective and individual development needs of all members.

- 2.2 For a number of years Flintshire County Council has adopted a proactive approach towards member development and support in the form of internally and externally facilitated presentations, seminars and workshops as well as through specific training courses. The Council has supported members' development through the allocation of a specific budget and applied its policy on an equal basis to all 70 members.
- 2.3 The Council has recognised the need to further improve opportunities for development in line with the requirements of the Welsh Local Government Association's (WLGA's) Charter for member support and development. Achieving Charter status has endorsed the importance of continuous training and development for Members and ensure the provision of future member development opportunities.

3. Member Development Strategy – Aims and Objectives

- 3.1 Member development refers to any development activities or training programmes specifically designed to improve the knowledge, skills and abilities of elected members in their varied roles.
- 3.2 This strategy aims to provide members with the skills, knowledge and understanding they need in their current roles as set out in their various role descriptions. To ensure that this strategy meets the needs of members and the Council, activities will be properly planned, resourced, monitored and evaluated.
- 3.3 The strategy's main objectives are:
- To help members in the performance of their various roles;
 - To provide an integrated induction programme and an Annual Development Programme for all members;
 - To provide support tailored to the needs of individual members based on individual training needs analysis;
 - To monitor the impact of the strategy and use feedback to improve future development activities.
- 3.4 The Council will provide elected members with flexible and responsive training and development that is based on individual and organisational needs. This will maximise the effectiveness of members in their various roles

to ensure that Flintshire County Council will be regarded as a leader in the provision of support to members.

4. **Implementing the WLGA Charter Requirements**

- 4.1 It is fundamental to its success that members take a leading role in its development, will oversee its implementation, willingly participate with the requirements of the Charter and play a full role in evaluating and monitoring its progress and effectiveness.
- 4.2 The Wales Charter for member support and development sets out a rigorous and structured approach for member development. Set out below are the Charter's main requirements and the Council's approach to their implementation:
- 4.3 **Members committing support to the strategy and a learning culture by participating in Charter requirements** – At a meeting of the Council on 29th January, 2008 members agreed that the Council should aim for Charter status. This was subsequently obtained in the Autumn of 2008. In October 2008 the Council was awarded the Charter. This was renewed in October 2011.
- 4.4 **Undertaking a training and development needs analysis with each member to identify individual and collective development requirements.** Each member has the opportunity of having an annual personal development meeting with a senior member to identify their training and development needs. Each meeting will consider any role description the member has.
- 4.5 **Creating personal support plans for members.** At the personal development meetings each member participating will complete their personal support plan with assistance from the senior member present.
- 4.6 **Responding to the development needs of members** identified in their personal support plans through the Annual Member Development Programme and other means but recognising activities may need to be prioritised according to demand and within available resources.
- 4.7 **Devising and publishing an Annual Member Development Programme** that sets out development opportunities available to members. This will be informed by the personal support plans and by questionnaires to all members
- 4.8 **Members are supported with role descriptions** – These have been drafted and agreed for the following roles; Leader; Deputy Leader; Cabinet Members; Chairs and members of Overview and Scrutiny, Chair of Planning, Licensing and Audit Committees; Chairman and Vice-Chairman of the Council.

5. Strategy Delivery

5.1 Monitoring and reviewing the Strategy is overseen by the Democratic Services Committee. This Committee is politically balanced and meets regularly to agree and review training and development activities for elected members and oversee the implementation of this Strategy. The group's officer membership is led by the Chief Executive, and includes the Democracy & Governance Manager, Member Engagement Manager and the Corporate Training Manager.

5.2 The purpose of the Committee's work in this respect will be: -

- To establish a comprehensive and robust member training and development process using the principles of the member support Charter.
- To ensure that member development becomes part of the overall mainstream organisational activity.
- To advise on members' support services, particularly member development
- Coordination of the annual member development programme
- To monitor progress against the Strategy's objectives (see paragraph 3 above)

5.3 All member training and development activities provided as a result of this Strategy will:

- Be secured from the most effective and appropriate training providers or facilitators from within or outside the authority.
- Respond to the expressed needs of members for method and style of delivery.
- Be provided taking into account the principles of the Council's equalities policies and be arranged at convenient times and locations.

6. Evaluation of the Strategy

6.1 Progress with the strategy will be monitored and evaluated by the Democracy & Governance Manager, Member Engagement Manager, Corporate Training Manager and most importantly by the Democratic Services Committee.

- 6.2 The development of members as a result of the activities will be assessed by themselves with support of senior members if participating in the personal support and development meetings.

7. Resources

- 7.1 A sum of £11,122 is included in the Council's 2013/14 budget for members training and development activities.
- 7.2 The Democracy & Governance Manager has overall responsibility for member development and is supported in this on a practical day-to-day basis by the Member Engagement Manager and the Corporate Training Manager with additional support being given by Members Services. Other officers will be expected to support this by providing in-house development activities.

FLINTSHIRE COUNTY COUNCIL

REPORT TO: DEMOCRATIC SERVICES COMMITTEE
DATE: 30 JANUARY 2013
REPORT BY: DEMOCRACY & GOVERNANCE MANAGER
SUBJECT: MEMBER DATA PROTECTION NOTIFICATIONS

1.00 PURPOSE OF REPORT

1.01 For the committee to consider a change in the Council's practice concerning the cost of individual Member notifications to the Information Commissioner's office (ICO).

2.00 BACKGROUND

2.01 The ICO is responsible for both providing advice on the Data Protection Act and also taking enforcement action for breach of the Act.

2.02 Organisations or individuals that process personal information covered by the Data Protection Act may need to notify the ICO about their processing on an annual basis. Where notification is required there is a fee payable to the ICO.

2.03 Whilst it is clear that Flintshire County Council needs to complete an annual notification it is less clear when individual elected Members also need to do so. The ICO has issued guidance explaining the circumstances in which individual Members will need to complete an annual notification and pay a fee of £35. The guidance indicates that individual elected Members will need to complete a notification when basically they have electronic records about identifiable residents of their ward which are not covered by the Council's own notification.

2.04 Over recent years the ICO has been more proactive in seeking individual notifications from elected Members than was previously the case. The practice in Flintshire has been to provide advice and assistance to elected Members over their individual notifications but for the cost to be met by the Member themselves.

3.00 CONSIDERATIONS

3.01 The Council has liaised with the Welsh Local Government Association (WLGA) over this issue. Firstly, to ask that it make representations to prevent the need for individual Members to complete annual

notifications and for this to be covered by the Council's notification. Secondly, to ascertain the practice of other authorities. This has revealed that the majority of authorities pay the £35 fee rather than expecting the individual Member to do so.

- 3.02 The WLGA have also sought clarification on this matter from the Independent Remuneration Panel for Wales (IRPW) who have indicated that the local authority should make the payment on behalf of their Members. The IRPW has indicated that notification is required as a direct result of the Member's work with their constituents and the cost arising is similar to that concerning the provision of laptops, telephones, postage, etc. which the Panel recommended in its 'moving forward' report dated May 2010 should be provided without charge to individual Councillors.
- 3.03 It is considered that in view of the practice of other authorities and the advice from the IRPW the Council should in future meet the cost of the notifications by individual Members. The notification will still need to be made by the Member and to detail their particular circumstances but as at present advice and assistance in the process will be provided by the Information & Support Team in Democratic Services.

4.00 RECOMMENDATIONS

- 4.01 That in future the Council meets the cost of individual notifications made by Members to the ICO.

5.00 FINANCIAL IMPLICATIONS

- 5.01 The annual cost of approximately £2000 can be met from the underspend on the budget for Members' allowances.

6.00 ANTI POVERTY IMPACT

- 6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

- 7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

- 8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

- 9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

10.01 None as a result of this report.

11.00 CONSULTATION UNDERTAKEN

11.01 With the WLGA.

12.00 APPENDICES

12.01 None

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

None

Contact Officer: Peter Evans
Telephone: 01352 702304
Email: peter.j.evans@flintshire.gov.uk

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

REPORT TO: DEMOCRATIC SERVICES COMMITTEE
DATE: WEDNESDAY, 30 JANUARY 2013
REPORT BY: DEMOCRACY & GOVERNANCE MANAGER
SUBJECT: FEEDBACK ON MEMBER DEVELOPMENT EVENTS

1.00 PURPOSE OF REPORT

1.01 To provide the committee with feedback on Member development events held since the last meeting of the committee.

2.00 BACKGROUND

2.01 It had been the practice of the Member Development Working Group to receive reports detailing member feedback on development events at each of its meetings. As a result of the Local Government (Wales) Measure 2011 creating Democratic Services Committees it is more appropriate for such reports to be considered by this Committee.

2.02 It is important to receive member feedback on development events to monitor the quality of them and to identify any issues that can be improved for future member development events. At its meeting on 24 October the committee received feedback on those events that had been held since the previous committee meeting on the 24 July 2012.

2.03 At all member development events the members present are asked to complete an evaluation form at the end of the event. Attached as appendix 1 to this report are the graphs showing the feedback received for each member briefing held since the committee last met.

3.00 CONSIDERATIONS

3.01 Overall the feedback from the development events remains good with average scores normally in excess of 5 out of a maximum 6. The committee may however wish to consider where the average score falls below this.

3.02 In addition to the analysis in appendix 1 committee members may wish to make observations on their experience of the events that they attended or make suggestions for improvements for future member development events.

4.00 RECOMMENDATIONS

4.01 That Members' consider the feedback on member development events held since the last committee meeting so as to inform arrangements for future member development events.

5.00 FINANCIAL IMPLICATIONS

5.01 The Member training budget for 2013-14 is £13,707.

6.00 ANTI POVERTY IMPACT

None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

None as a result of this report.

8.00 EQUALITIES IMPACT

None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

None as a result of this report.

10.00 CONSULTATION REQUIRED

None as a result of this report.

11.00 CONSULTATION UNDERTAKEN

None as a result of this report.

12.00 APPENDICES

12.01 Appendix 1 – Feedback results

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

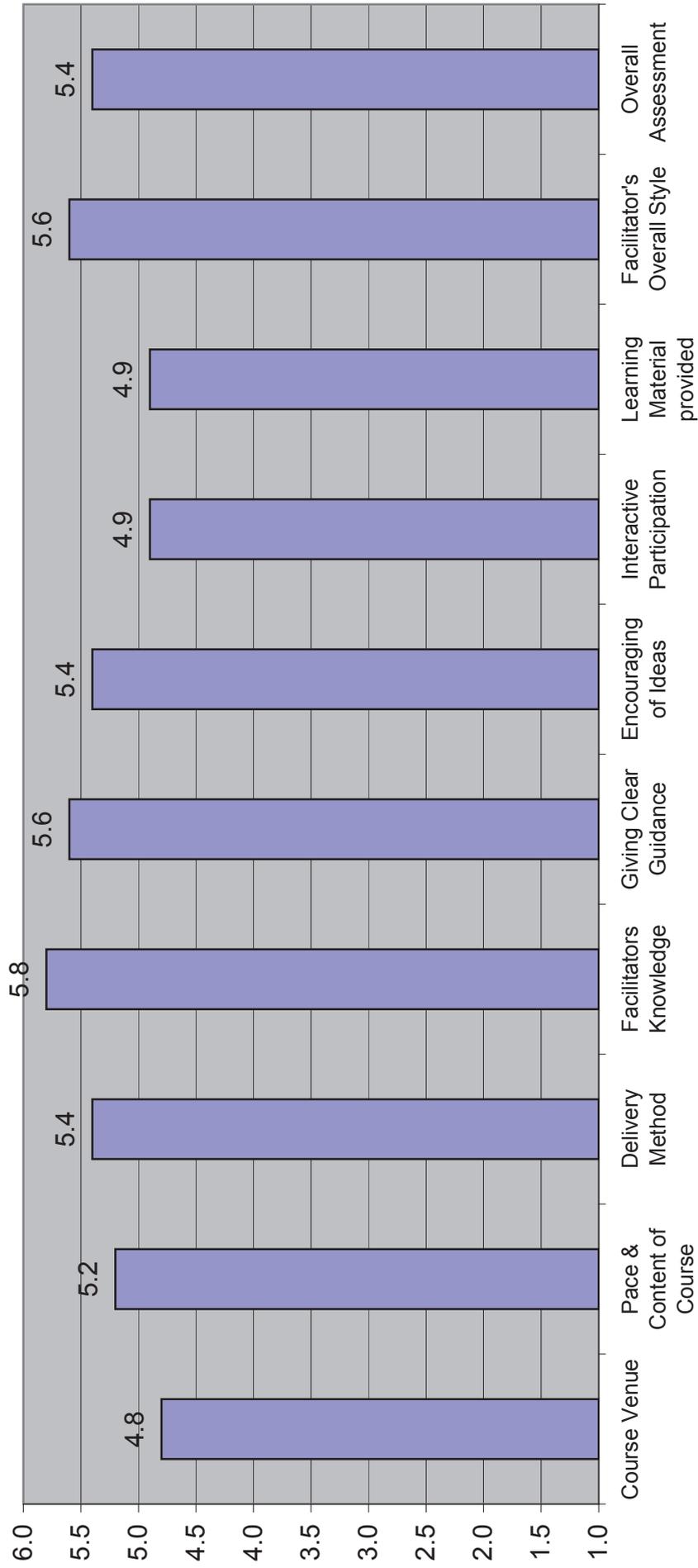
None

Contact Officer: Peter Evans
Telephone: 01352 702304

**Member Training - An Overview of the Appeals Process for Councillors
8th November 2012, 10.00am - 4.00 pm - Council Chamber**

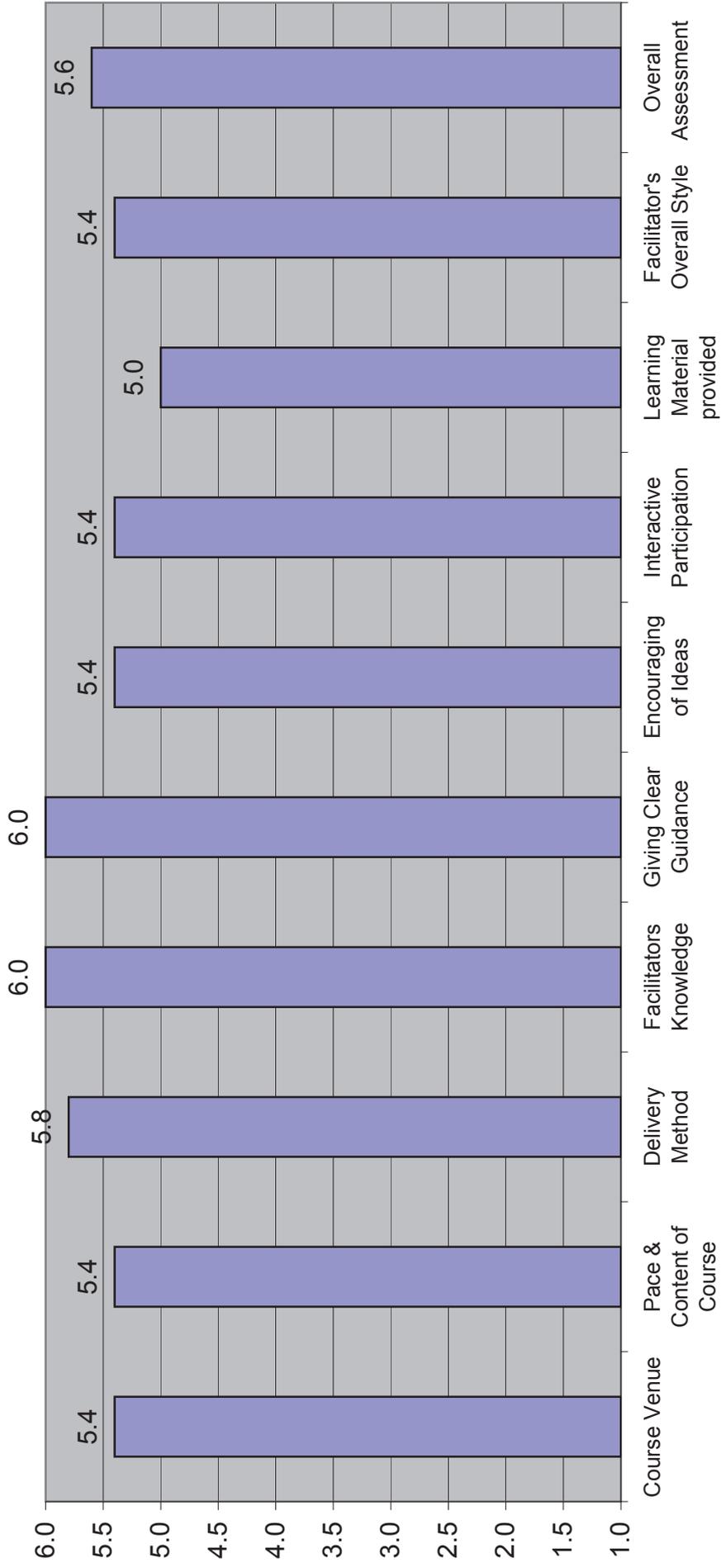
19 Evaluation Forms Returned

Lead Officer: Trevor Roberts Associates-David Kaiserman



1 Poor - 6 Excellent

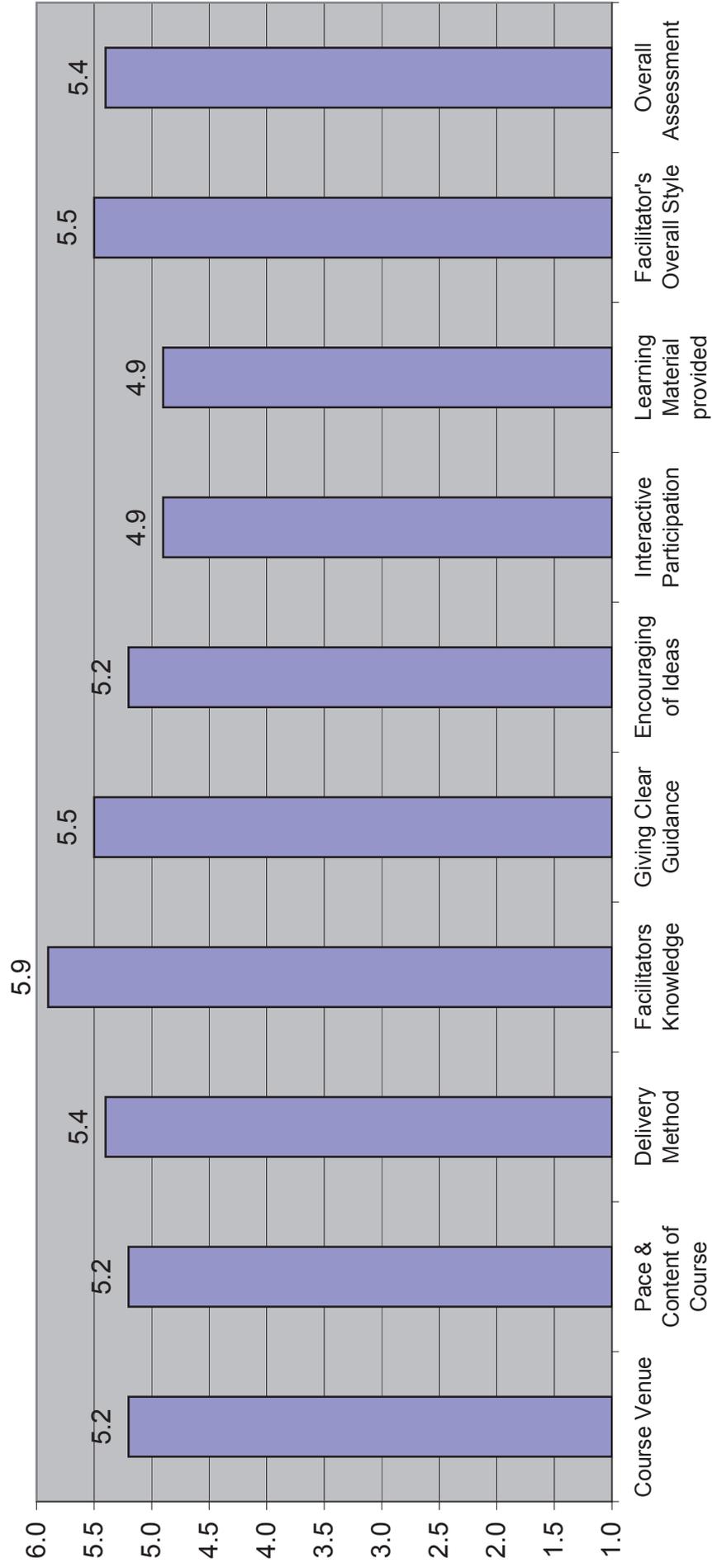
**Member Training - Dealing with Media
 13th November 2012, 9.00 am - 1.00 pm - Council Chamber
 5 Evaluation Forms Returned
 Lead Officer: Barbara Milne**



1 Poor - 6 Excellent

**Member Training - An Overview of the Appeals Process for Councillors
 30th November 2012, 10.00am - 4.00 pm - Alyn & Deeside Room
 14 Attendees**

Lead Officer: Trevor Roberts Associates-David Kaiserman



1 Poor - 6 Excellent

This page is intentionally left blank