

CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE
25 NOVEMBER 2020

Minutes of the meeting of the Constitution and Democratic Services Committee of Flintshire County Council held at Remote Meeting on Wednesday, 25th November, 2020

PRESENT: Councillor Neville Phillips (Chairman)

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

SUBSTITUTIONS: Councillors Clive Carver (for Councillor Jean Davies) and Patrick Heesom (for Councillor David Williams)

APOLOGIES: Councillor Bob Connah

ALSO PRESENT: Councillor Christine Jones

IN ATTENDANCE: Chief Officer (Governance), Head of Democratic Services, and Democratic Services Officers

9. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None

10. MINUTES

The minutes of the meeting held on 14 October 2020 were submitted.

Matters arising

Page 8 – Councillor Mike Peers said that following the matters raised by himself and Councillor Chris Bithell, the Chief Officer (Governance) had agreed to amend the Protocol as appropriate and asked if confirmation could be given that this had been done. The Chief Officer confirmed that following the meeting he had circulated the amended Protocol to Members prior to the meeting of County Council on 20 October, and the Protocol had been approved by Council.

In response to a query from Councillor Chris Bithell, the Chief Officer agreed to chase up the guidance to Members on the process for reporting enquiries and complaints if this had not been resent.

The minutes were moved by Councillor Chris Bithell and seconded by Councillor Mike Peers.

RESOLVED:

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

11. OVERVIEW & SCRUTINY ANNUAL REPORT 2019/20

The Head of Democratic Services introduced a report to enable the Committee to consider and approve the Overview & Scrutiny Annual Report for 2019/20. He provided background information and advised that the Annual Report provided the Council with assurance that the Overview and Scrutiny function was fulfilling its constitutional role. The draft Annual Report was submitted to the Committee for comment before being presented to Council for formal approval.

The Annual Report was based on the six Overview and Scrutiny Committee structure which had been reviewed during the year. The new five Committee structure was introduced from the Annual Meeting of the Council in September 2020. The Head of Democratic Services referred to the remit of the Organisational Change Overview & Scrutiny Committee which, having successfully completed its aims and tasks, had been stepped down as part of the review. Future matters relating to the Organisational Change Overview & Scrutiny Committee would be allocated to the most appropriate Committee in the remaining structure.

The recommendation to approve the Annual Report was moved by Councillor Ted Palmer and seconded by Councillor Patrick Heesom

Councillor Mike Peers asked for clarification on the requirement in paragraph 1.01 of the report. In response to the comments, Officers explained that the current practice was that each Overview and Scrutiny Committee considered its Forward Work Programme at each meeting and the Overview and Scrutiny Committee Forward Work Programme was fed into the Council's Forward Work Programme which was submitted to Cabinet on a monthly basis. The Head of Democratic Services agreed to look at the wording in the Constitution.

The Head of Democratic Services suggested that the recommendation in the report be amended as follows:

- (a) That the Committee approves the Overview & Scrutiny Annual Report for 2019/20; and
- (b) That the Committee recommends that the wording in the Constitution be changed to reflect the current practice

The amendment was moved by Councillor Mike Peers and seconded by Councillor Chris Bithell. When put to the vote this was carried.

Councillor Patrick Heesom paid tribute to the Head of Democratic Services for his work on the Constitution & Democratic Services Committee.

RESOLVED:

- (a) That the Overview & Scrutiny Annual Report for 2019/20 be approved ;
and
- (b) That the Committee recommends that the wording in the Constitution be changed to reflect the current practice

12. ADOPTION ABSENCE FOR LOCAL AUTHORITY MEMBERS

The Head of Democratic Services introduced a report on the Welsh Government (WG) proposals to extend the Adoption Absence for Local Authority Members from 2 to 26 weeks. He explained that the consultation period runs until 29 December 2020 and local authorities were being asked three questions to gauge the reasonableness of the proposals. Authority was sought for the Head of Democratic Services to respond to the consultation on behalf of the Council.

The Head of Democratic Services referred to the three questions detailed in paragraph 1.06 of the report, the suggested responses, and the changes identified in paragraph 1.05.

Councillor Mike Peers raised a question on the changes to the regulations which would prevent multiple periods of adopter's absence being taken under the same arrangement. He asked if more than one child was adopted could there be a concurrence of absence of 26 weeks for each child or was the limit 26 weeks per year. Councillor Peers also sought clarification on the change which would allow individuals taking adopter's leave to continue some duties with the consent of the Chair, and asked if this would be brought back to the Constitution and Democratic Services Committee for consideration.

The Head of Democratic Services responded to the questions raised and explained that the proposed increase in the length of adopter's absence was to allow 26 weeks for the adoption process and commented that it was unlikely that a second adoption process would arise in the same year. He also provided an example of how an individual taking adopter's leave may continue with some of their duties with the consent of the Chair.

The Chief Officer advised that following the consultation period should the legislation be passed, the WG may require the Authority to adopt a change to its Standing Orders which would be incorporated into the Constitution. This matter would then be submitted to the Constitution and Democratic Services Committee for approval.

The recommendations in the report were moved by Councillor Chris Bithell and seconded by Councillor Rob Davies.

RESOLVED:

- (a) That the proposals and the three questions, along with the suggested responses, be approved as the Council's response; and

- (b) That the Head of Democratic Services be authorised to respond to the consultation on behalf of the Authority.

13. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There was one member of the press in attendance.

(The meeting started at 2.00 pm and ended at 2.28 pm)

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Chairman