

# Public Document Pack



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To: Cllr Neville Phillips (Chairman)

Councillors: Bernie Attridge, Chris Bithell, Bob Connah, Jean Davies, Rob Davies, David Evans, David Healey, Ted Palmer, Mike Peers, Michelle Perfect, Vicky Perfect, Ian Smith, David Williams and Arnold Woolley

19 November 2020

Dear Sir/Madam

**NOTICE OF REMOTE MEETING**  
**CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE**  
**WEDNESDAY, 25TH NOVEMBER, 2020 at 2.00 PM**

Yours faithfully

Robert Robins  
Democratic Services Manager

Please note: Due to the current restrictions on travel and the requirement for physical distancing, this meeting will not be held at its usual location. This will be a remote meeting and 'attendance' will be restricted to Committee Members. The meeting will be recorded.

If you have any queries regarding this, please contact a member of the Democratic Services Team on 01352 702345.

## A G E N D A

### 1 **APOLOGIES**

**Purpose:** To receive any apologies.

### 2 **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

**Purpose:** To receive any Declarations and advise Members accordingly.

### 3 **MINUTES** (Pages 3 - 8)

**Purpose:** To confirm as a correct record the minutes of the meeting held on 14 October 2020.

### 4 **OVERVIEW & SCRUTINY ANNUAL REPORT 2019/20** (Pages 9 - 38)

**Purpose:** To consider and approve the Overview & Scrutiny Annual Report for 2019/20.

### 5 **ADOPTION ABSENCE FOR LOCAL AUTHORITY MEMBERS** (Pages 39 - 56)

**Purpose:** To consult the Committee on WG proposals to extend Adoption Absence for Local Authority Members.

## **CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE** **14 OCTOBER 2020**

Minutes of the remote meeting of the Constitution and Democratic Services Committee of Flintshire County Council held on Wednesday, 14 October 2020

### **PRESENT: Councillor Neville Phillips (Chairman)**

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

**APOLOGIES:** Councillor Bernie Attridge

**ALSO PRESENT:** Councillor Patrick Heesom

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

Prior to the start of the meeting the Chairman congratulated Councillor David Evans on being awarded an OBE in the 2020 Queens's Birthday Honours List which was published on 10th October.

### **01. APPOINTMENT OF CHAIR**

The Head of Democratic Services reminded the Committee that at the Annual Meeting, Council had resolved that the Liberal Democrats group should nominate the Chair of the Committee. The nomination from the group had been for Councillor Neville Phillips.

#### **RESOLVED:**

That Councillor Neville Phillips be confirmed as Chairman of the Committee for the municipal year.

(From this point, Councillor Phillips chaired the remainder of the meeting)

### **02. APPOINTMENT OF VICE-CHAIR**

The Chairman sought nominations for the appointment of Vice-Chair.

Councillor Mike Peers proposed Councillor Arnold Woolley as Vice-Chair of the Committee and this was seconded by Councillor Rob Davies.

Councillor Chris Bithell proposed Councillor Michelle Perfect as Vice-Chair of the Committee and this was seconded by Councillor Ted Palmer.

On being put to the vote Councillor Michelle Perfect was appointed as Vice-Chair of the Committee.

**RESOLVED:**

That Councillor Michelle Perfect be appointed Vice-Chair of the Committee for the municipal year.

**03. DECLARATIONS OF INTEREST**

None.

In response to a query from the Chair on item 6 – Independent Remuneration Panel for Wales (IRPW) Annual Report, the Chief Officer (Governance) advised that Members were only required to declare a personal interest in relation to matters of remuneration.

**04. MINUTES**

The minutes of the meeting held on 5 March 2020 were submitted.

The minutes were moved by Councillor Chris Bithell and seconded by Councillor Ted Palmer.

**RESOLVED:**

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

**05. INDEPENDENT REMUNERATION PANEL FOR WALES (IRPW) ANNUAL REPORT FOR 2020/21**

The Head of Democratic Services introduced a report on the Independent Remuneration Panel for Wales (IRPW) Annual Report for 2021/22, which determined the rates of payment to be made to elected and co-opted members of Welsh Local Authorities for the next year. He said the IRPW had sent the draft Annual Report to County Councils on 28 September, requesting comments to be made by 23 November 2020. The IRPW was required to take into account the representations it received on the draft before issuing its final version of the report in February 2021.

In presenting the report, the Head of Democratic Services advised that for 2021/22 the IRPW had made 48 Determinations, 24 of which were directly relevant to Flintshire County Council. The Panel's determinations for 2021/22 were listed in Appendix 1 of the report. He reported that the IRPW had proposed that the basic salary in 2021/22 for elected members of principal councils shall be £14,368 with effect from 1 April 2021. This was an increase of £150 on the 2020/21 level. An increase of 1.06% was also proposed for senior and civic salaries. The Panel also proposed an increase of £12 to £210 for the daily rate for ordinary co-opted members of Committees. The Head of Democratic Services referred to the main determinations in the report.

In response to a question from Councillor Ted Palmer the Head of Democratic Services advised that it was a matter for individuals to determine whether they accepted or declined all or part of the payment to which they were entitled.

Councillor Chris Bithell referred to Section 15, paragraph 15.3 in the IRPW report. The Chief Officer responded to the question around salaries of Heads of Paid Services and Chief Officers of principal councils and drew attention to the information provided in paragraph 15.1.

Councillor Bithell raised a further question concerning the recording of Members' attendance at meetings. He commented that whilst attendance at most meetings of the Council were recorded there were a significant number of additional meetings attended by Members as part of their duties which were not, citing meetings of sub-committees, Panels, external organisations, and bodies as examples. He emphasised the importance of raising public awareness and reassurance that Members were fulfilling their duties. The Head of Democratic Services explained that the Authority recorded the membership and attendance of elected Members of specific committees within the Authority and also recorded attendance at other meetings and this information was available on the Authority's website. He said Members could record reference to all the meetings they attended in their Annual Reports. The Chief Officer advised that there was a statutory list of the meetings at which the Authority was required to record Members' attendance and confirmed that the Authority also recorded Members' membership of external bodies. The Head of Democratic Services suggested that regular reports be submitted to the Committee on the development and briefing events held by the Authority and the names of the Members present.

Councillor Chris Bithell referred to Annex 4 of the IRPW report on publication of remuneration – the Panel's requirements. Commenting on paragraph 1 (a) he said there was no reference made to the provision for Town and Community Councils in the report. The Head of Democratic Services advised that the regulations did not extend to Town and Community Councils. Councillor Bithell expressed the view that the same rules should apply to both County Councils and Town and Community Councils and proposed that the Committee made representation to the IRPW on this matter. Councillor David Healey seconded the proposal.

**RESOLVED:**

- (a) That the Committee notes Independent Remuneration Panel for Wales Annual Report for 202/21; and
- (b) That the Head of Democratic Services be authorised to make a response on behalf of the Council which includes a request that Town & Community Councils be required to publish details of their own payments to Members

## 06. MEMBER IT SUPPORT

The Chief Officer (Governance) introduced a report to consider the proposals for enhanced Member IT provision. He provided background information and explained that the Authority's current IT provision for Members, based on providing ipads, was not adequate to meet all the IT requirements of Members for full participation at remote meetings. To alleviate these concerns and enable Members who are currently without their own IT equipment the Authority had investigated the provision of laptops to Members. The cost would be offset against the increasing costs of printing and postage for agendas. Members would be able to refuse such provision.

The Chief Officer advised that the Independent remuneration Panel for Wales (IRPW), determinations 9 and 10, on Member support, included Councils making provision for their members to have 'adequate telephone, email and internet facilities giving electronic access to appropriate information' being made, without cost to the individual member. For this reason, the Committee was asked to consider offering Members a 'broadband allowance' of up to £30 per month. The Chief Officer explained that in acknowledgement that there was also a number of Members who, despite having the maximum broadband provision in their area, do not get sufficient bandwidth and experience connectivity problems, a Mi-Fi device would be provided. The cost of the Mi-Fi would be offset against a Member's £30 broadband allowance. Individual Members would be able to decline the offers if they were satisfied with their current provision.

During discussion the Chief Officer responded to the comments and queries raised by Members around technical matters relating to security, capacity, and configuration, concerning the proposed new laptops and the upgrade of any personal IT equipment used by Members. Councillor Mike Peers suggested that a detailed survey of all Members be undertaken to determine what IT equipment was actually required by individuals and the suitability of personal equipment used. He said this would potentially reduce the cost to the Authority of providing equipment which was not required. The Chief Officer explained that if the Committee decided to agree the recommendations in the report officers would consult with Members on the number of options available to ensure that their IT requirements were met and resolve any problems they have encountered.

The following recommendation was moved by Councillor Chris Bithell and seconded by Councillor Ted Palmer.

- That the Committee approves the provision of a council laptop to each Member who requires one.

Councillor Mike Peers proposed that the recommendation be amended to include a requirement that a detailed survey of Members' be undertaken to determine the need for individual equipment and this was agreed by the Committee.

The following recommendation was moved by Councillor Chris Bithell and seconded by Councillor Arnold Woolley.

- That the Committee approves the introduction of broadband allowance of up to £30 per month to each Member of the Council who requires it.

Councillors Chris Bithell and Mike Peers proposed that the recommendation be amended to include reference to the IRPWs recommendation. This was agreed by the Committee.

The following recommendation was moved by Councillor Ted Palmer and seconded by Councillor Jean Davies.

- That the Committee recognises that any Member is free not to accept either offer of a laptop or broadband allowance.

**RESOLVED:**

- (a) That the Committee approves the provision of a council laptop to each Member who requires one following a survey being undertaken to determine Members' requirements;
- (b) That the Committee approves the introduction of a broadband allowance of up to £30 per month to each Member of the Council who requires it, in line with the recommendation of the Independent Remuneration Panel for Wales; and
- (c) That the Committee recognises that any Member is free not to accept either offer of a laptop or Broadband allowance.

**07. REVIEW OF MEMBER/OFFICER PROTOCOL**

The Chief Officer (Governance) presented a report to consider the changes recommended by the Standards Committee to the Member/Officer Protocol as part of its rolling review of the Constitution. He reported that at end of 2019/early 2020 the Council had also undertaken work around specific aspects of the working relationship such as case handling for Councillors and the Flintshire Standard and it was appropriate that the Protocol be amended to incorporate that work. In addition it was deemed appropriate to update the protocol to strengthen the guidance on relationships between employees and Councillors in light of a recent Case Tribunal. The Protocol was attached as Appendix A to the report showing the proposed amendments as tracked changes.

Councillor Mike Peers referred to the proposed changes to the Protocol in Appendix A, and raised a number of questions and suggestions regarding paragraphs 3.1 Roles of Members and Officers; 4.1(d) timely response to enquiries and complaints; 10.2 involvement of Ward councillors; 11.1 Members' access to information and to council documents; and 13.0 access to Council premises. The Chief Officer responded to the points raised and agreed to amend the Protocol as appropriate.

Councillor Chris Bithell expressed the view that there was insufficient reference in the Protocol around Members responsibilities to their individual Ward constituents. He referred to paragraph 3.1 on the Roles of Members and Officers and said Members were also responsible for representing the electorate and raising any specific matters or concerns they had. Councillor Bithell also referred to paragraph 4.0 (d) on a timely response to enquiries and complaints and expressed the view that the deadlines within the guidance for handling enquiries were not being met. Councillor Bithell made further comments in relation to Member/Officer relationships, working relationships between Members and Officers, and access to Council premises. The Chief Officer responded to the concerns raised and provided advice on the correct procedures to be followed. He agreed to amend the Protocol as appropriate in response to the suggestions made by Councillor Bithell and to resend the guidance provided to Members on the process for reporting enquiries and complaints.

The recommendation in the report was moved by Councillor Arnold Woolley and seconded by Councillor Rob Davies.

**RESOLVED:**

That the amended protocol be approved

**08. 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 3.48 pm)

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**Chairman**





## CONSTITUTION & DEMOCRATIC SERVICES COMMITTEE

<b>Date of Meeting</b>	Wednesday, 25 <sup>th</sup> November 2020
<b>Report Subject</b>	Overview & Scrutiny Annual report 2019/20
<b>Report Author</b>	Head of Democratic Services

### EXECUTIVE SUMMARY

The Overview & Scrutiny Annual Report is drafted on an annual basis by the Officer team in consultation with the relevant Committee Chairs. The draft is then submitted to this committee for Member comment before being submitted to Council for formal approval.

The Annual Report provides the Council with assurance that the Overview & Scrutiny function is fulfilling its constitutional role.

### RECOMMENDATIONS

1	That the Committee considers and comments on the Overview & Scrutiny Annual Report for 2019/20.
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## REPORT DETAILS

<b>1.00</b>	<b>THE OVERVIEW &amp; SCRUTINY ANNUAL REPORT</b>
1.01	Under section 7.4.5 of the Constitution, the Overview & Scrutiny Committees are required to report annually to the Full Council on their workings with recommendations for their future work programme and changing working methods if appropriate.
1.02	This Annual Report is based on the six Overview & Scrutiny committee structure which was reviewed during the year. The new five committee structure was introduced from the annual Meeting in September.
1.03	In response to a previous Member request, the report contains a section dealing with the call in of Cabinet decisions. One such decision was called in during 2019/20.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	Not applicable in relation to this report.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	Not applicable in relation to this report.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix 1 – Draft 2019/20 Overview & Scrutiny Annual Report.

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	None.  <b>Contact Officer:</b> Robert Robins, Head of Democratic Services <b>Telephone:</b> 01352 702320 <b>E-mail:</b> <a href="mailto:Robert.robins@flintshire.gov.uk">Robert.robins@flintshire.gov.uk</a>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	None.

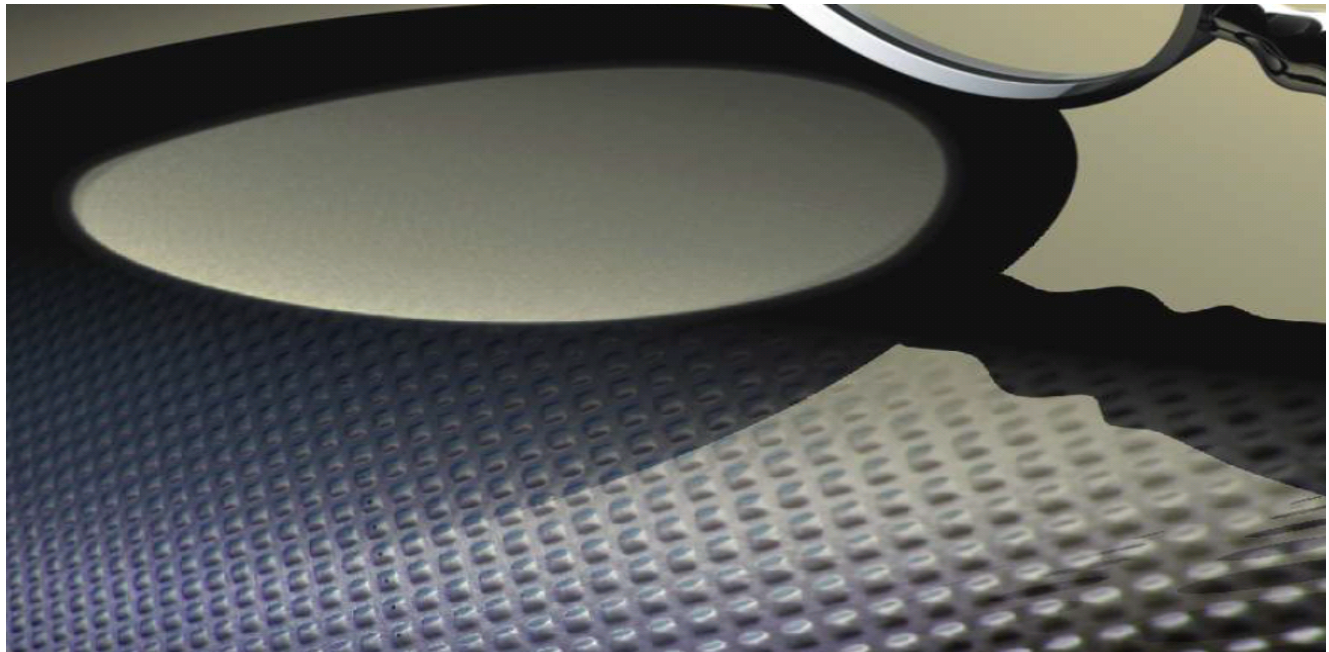
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Overview & Scrutiny

Annual Report

2019/20



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Date	Approved By	Version
	Constitution and Democratic Services Committee	<b>Draft</b>
	Flintshire County Council	<b>Final</b>

## FOREWORD BY THE LEADER OF THE COUNCIL



At the 2019 Annual Meeting of Council, I gave an undertaking that our committee structure would be reviewed during the year. That review covered the number of committees, their memberships, the role of co-optees, and the functions and terms of reference of committees.

It was also important that the review answered the questions:

- What we need?
- How do we choose to organise ourselves for good governance?
- What we want?

The review was conducted by consensus, through several Group Leaders meetings at which we were supported by the statutory officers. By January, we had agreed on a number of options for the reduction from six to five Overview & Scrutiny Committees, and a reduction in the number of Members on Planning, Constitution & Democratic Services and the five Overview & Scrutiny Committees.

The recommendations from the review were considered and supported by Constitution & Democratic Services Committee at their January meeting and subsequently by Council in February. One of the Overview & Scrutiny Committees - Organisational Change- had been set up to scrutinise the Community Asset Transfer process and Alternative Delivery Models. Having achieved its aim, it was appropriate for it to be stepped down as part of the review.

It was agreed that from the 2020 Annual Meeting, we would have Community, Housing & Assets, Corporate Resources, Environment & Economy, Education, Youth & Culture and Social & Healthcare Overview & Scrutiny committees, each comprising 12 members.

I would like to take this opportunity to thank the group leaders and their deputies, and our officers for the work on the review. The new structure, and the number of Members on committees should contribute to the improved governance which the review sought to achieve.

**Councillor Ian Roberts**

Leader of the Council

**REVIEWING THE OVERVIEW & SCRUTINY COMMITTEE STRUCTURE – THE CHIEF EXECUTIVE’S PERSPECTIVE**



Following on from the Leader's undertaking that there would be a Committee Review during 2019, we conducted research and listened to the views of Members and officers. This enabled us to scope the review, which was conducted through meetings of the political group leaders, their deputies and the statutory officers.

The aim of the review was to improve the committee structure, which had not been reviewed for several years and address a number of other concerns – Flintshire had amongst the largest number of overview & scrutiny committees in Wales, and a greater number of Members on those committees. We needed to ensure that our Overview & Scrutiny committee structure was the right one for the Council in 2020/21 and beyond – bearing in mind that the last review of it had been conducted in 2014/15.

There was consensus that the number of Members on some committees should be reduced: in the case of the overview & scrutiny committees, from 15 to 12. It was also agreed to reduce the number of Overview & Scrutiny Committees from six to five.

In 2015, as a result of a previous review of Overview & Scrutiny committees, we had set up the Organisational Change Overview & Scrutiny committee. The committee was a significant factor in the safe transfer of assets from the Council to the community and in developing our alternative delivery models. As the work which it had been set up to do had been successfully completed, it was appropriate for the committee to cease with effect from the 2020 Annual Meeting of Council.

Going forward, we will now have five Overview & Scrutiny committees which together will cover all of the Council's functions. These committees are:

- Community, Housing & Assets;
- Corporate Resources;
- Education, Youth & Culture,
- Environment & Economy and
- Social & Healthcare.

These committees will be integral to the Council's recovery from the emergency which started for us in mid-March, when we took the decision to stand down all of our committee meetings.

**Colin Everett,**  
Chief Executive



## The “Call-in” Process

### 1. The Arrangements

The arrangements for calling in a decision are to be found in paragraph 16 of the Overview & Scrutiny Procedure Rules contained within the Council’s Constitution. The legal authority is derived from section 21 (3) of the Local Government Act 2000.

The ability to call in a Cabinet decision is a significant power for non-executive members. It is not something which should be considered unless there is no alternative: if the power is over-used, or used in such a way as to be thought of as frivolous, its significance or importance would be lost.

### 2. Decisions of the Cabinet

Following a meeting of the Cabinet, the record of the decisions made is published within two days. Copies are available at County Hall, and are sent to all Members of the County Council.

The decision record specifies that the decisions will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless it is called in.

### 3. Calling in a Decision

If the Chief Officer (Governance) or Democratic Services Manager receives a call in notice from the Chair of an Overview & Scrutiny Committee or at least four members of the Council, a call in meeting is arranged.

Either the Democratic Services Manager or one of the Overview & Scrutiny Facilitators notifies the decision takers (the relevant Cabinet members and Chief Officers) of the call-in, and then arranges a meeting of the appropriate committee within seven working days of the decision to call-in

### 4. The Call-in Meeting

Call-in meetings are held at short notice (i.e. within seven working days of the call-in decision) and generally be the only item of business on the agenda. However, from time to time it is expedient to consider a call in at a meeting which has already been convened.

There is a suggested procedure for dealing with a call in. This is intended to make the meeting as simple and transparent as possible. This procedure is part of the agenda at each call in meeting, and the officer advising the committee will take members through it during the meeting.

### 5. The Call in decision

At the end of a call in meeting, the committee must make a decision based on one of four options. Options 1 and 2 allow the decision to be implemented immediately Option 3 is to refer back to Cabinet for further consideration and Option 4 is to refer to Council. However,

executive functions' are solely within the remit of the Cabinet. Thus Council can consider the issue, but not change the decision: it can only recommend to Cabinet that the decision be reconsidered.

## **6. Call in during 19/20**

During the last municipal year, only one Cabinet decision was called in. This was the Fees & Charges (Record of decision number 3673). The call in was heard by the Corporate Resources Overview & Scrutiny Committee on 12<sup>th</sup> August 2019. The committee was satisfied with explanations given and thus the decision could be implemented immediately after the meeting

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**Chair**  
**Cllr Ian Dunbar**



**Vice-Chair**  
**Cllr Ray Hughes**

As outlined in the Community & Enterprise Overview & Scrutiny 2018/19 Annual Report, the Committee had committed to receiving regular update reports on Housing Rent Income in order to monitor the impact Universal Credit was having on rent arrears and how the Council were working to mitigate this. We received reports and detailed presentations at our meetings held on 26<sup>th</sup> June, 2019 and 22<sup>nd</sup> January, 2020 following consideration of the Welfare Reform Update report which were presented at the same meetings. The Committee were pleased to see an improved collection position with an overall reduction in rent arrears and asked that their thanks be passed to all officers within the Revenue Team for the work being carried out to continue to support tenants and reduce the rent arrears. The Committee will continue to receive regular update reports on Welfare Reform and Housing Rent Income which are built into its Forward Work Programme.

Below is a summary of some of the topics the committee have considered over the last 12 months.

### **Modular Building and Site Visits**

Following a request by the Committee, a detailed report, on progress being made to date on the use of Modern Methods of Construction in Flintshire was presented to our meeting in September 2019. A number of questions around the shortage of trades and apprenticeship opportunities were raised with the Committee seeking assurances that apprentices were being given the opportunity to enhance their skills.

The Committee also supported a suggestion that the Community Benefits being delivered as part of the SHARP programme be presented to a future meeting. This has been added to the Committee's Forward Work Programme, with representatives from Wates Group invited to attend and provide a presentation to the Committee.

Also, in welcoming the report, a number of Members commented on the apartment complex at the former doctor's surgery in Buckley, which had recently been completed using off site construction methods, and the development of apartments at St Andrews Church, Garden City and agreed with a suggestion for Members of the Committee to visit both sites. Site visits to both locations were arranged and held on 30<sup>th</sup> October and 15<sup>th</sup> November, 2019 with Members being given the opportunity to meet with officers, look around the apartments and be provided with information on construction methods.

### **Tourism Update**

In December 2019 the Committee considered a report which outlined the main areas of work undertaken by the Business Development Team in supporting the tourism sector. This was the first time the Committee had considered such a report and Members welcomed the progress made in supporting tourism across Flintshire.

In considering the report, the Committee made a number of suggestions for improvements in marketing of local events to encourage an increase in tourism to Flintshire. Comments and concerns were also raised around the negative impact of conditions and train delays at Bidston station and welcomed the assurance from the Cabinet Member that representations were being made on these matters.

### **Rough Sleepers Briefing Paper**

Following a request, the Committee considered a detailed report on priority actions being taken to tackle and prevent homelessness across Flintshire at our December, 2019 meeting. The report focussed on the 'People' theme of the Regional Homelessness Strategy and its priority of rough sleepers and acknowledged that rough sleeping was extending into communities in Flintshire, a concern for a number of Members of the Committee.

A number of questions around working relationships with partner agencies were asked and as part of this discussion, it was agreed that Social and Health Care Overview & Scrutiny Committee Members be invited to our meeting in June, 2020 to discuss an update report, to review the impact of the actions being taken and how the Homelessness Team worked jointly with Social Services. A joint meeting with the Social & Health Overview & Scrutiny Committee has been arranged to take place in June, 2020.

The Committee also asked that their thanks be passed to all the Homelessness team for the work being undertaken to meet the challenges for all people presenting as homeless.

### **Domestic Energy Programmes**

The Committee recently considered a report which outlined the approaches taken by the Domestic Energy Efficiency Programme Team to reduce fuel poverty and improve the quality of life for residents in Flintshire.

The Committee had not received an update on the Domestic Energy Programme for some time but we were pleased with the service provided with a number of Members giving examples of residents who had benefitted from the support of the Team.

The Committee recommended the report to Cabinet in order to highlight the positive action being taken by the Council.

I would like to thank everyone for their continued input throughout the year.

**Councillor Ian Dunbar**

Chair of the Community & Enterprise Overview & Scrutiny Committee

**CORPORATE RESOURCES OVERVIEW & SCRUTINY COMMITTEE**



**Chair**  
**Cllr Clive Carver**



**Vice-Chair**  
**Cllr Paul Johnson**

The Corporate Resources Overview and Scrutiny Committee is aligned to the Serving Council and Supportive Council priority themes in the Council Plan. Below is a summary of some of the topics the committee have considered over the last 12 months.

### **Council Plan 2019/20**

At the May meeting we reviewed the priorities and sub-priorities within the draft Council Plan. It was agreed that two member workshops would be held at the end of May to consider the plan further and provide members with an opportunity to raise any concerns. In June we received a report setting out the main outcomes from the workshops. A number of suggestions had been included to improve the process for future member participation including better alignment between the Council Plan themes and overview & scrutiny forward work programmes.

### **Cross-Party Working Group on Local Government Finance**

The Cross-party working group on Local Government Finance was formed due to concerns about the 2019/20 budget settlement. There had been a significant council tax increase for 2018/19. In late 2018, it had become apparent that due to the Council's settlement from Welsh Government and the services which the council provides that there was a significant budget gap.

The Council's position prompted a cross-party group of Councillors to hire a bus and take the lobbying case direct to the Senedd: this was our delegation to the Welsh Government in February. The Minister for Housing & Local Government, Julie James AM met the delegation. As a result, we were invited to make proposals for the reform of local government finance. We accepted that challenge with alacrity, by forming the cross-party working group, involving all political groups advised by senior officers and external experts. The findings were shared with WLGA for effective case making.

### **Council Tax Collection Rates**

We received an update from Dave Barnes, Revenues Manager on the latest Council Tax collection rates, arrear levels and comparisons with other Welsh councils. We welcomed the improving position in Council Tax collection rates in Flintshire. It was pleasing to note that Flintshire had recorded the highest in-year collection rate of 98.2%, which was above the Welsh average of 97.3% despite a 6.71% increase in Council Tax in 2018/19. We

expressed our gratitude to the Revenues Manager and his team for achieving these excellent outcomes.

### **Community Safety Partnership Annual Report**

At our September meeting we welcomed our Chief Executive who introduced the Community Safety Partnership (CSP) annual report which provided an overview of activities over the past 12 months. The Community Safety Team Leader reported a reduction in victim-based crime in Flintshire over the past year with a reduction in anti-social behaviour seen across North Wales. He gave an overview of interaction with the Safer Communities Board on priority areas to address violence against women, vulnerable adults and young people, as well as protecting communities. We were pleased that a Community Cohesion Officer for Flintshire was to be appointed, supported by Welsh Government Funding with a focus on hate crime. Members saw this as a positive development which would help encourage communities to report incidents.

Inspector Gareth Cust of North Wales Police spoke about the various methods of reporting crime and raising awareness in schools of issues such as hate crime and County Lines. He also advised of a training programme with police officers in Flintshire to identify the impacts of Adverse Childhood Experiences. Following concerns raised regarding the integrity of data, we were advised that analysts were reviewing the approach to recording incidents to incorporate all elements of domestic violence and provide an accurate picture. Inspector Cust also referred to significant changes in crime recording and compliance with regulation standards. We welcomed the comprehensive report and supported the achievements of the Community Safety Partnership.

### **Welsh Language Annual Monitoring Report**

We received the annual monitoring report which provided an overview of compliance with the Welsh Language Standards and areas for improvement. Whilst significant progress had been made in Education, Social Services and Theatr Clwyd in relation to Welsh culture and use of the Welsh language, areas of further improvement were identified in the report including understanding the skill levels of employees and building confidence to converse in Welsh. It was disappointing to see a significant drop in the number of employees attending Welsh language skills training from 139 in 2017/18 down to 64 in 2018/19. We were pleased to hear of the positive work being undertaken in schools, particularly the six English medium schools which had achieved the Bronze award of 'Cymraeg Campus'.

### **Pensions – Financial relationship of Flintshire County Council as an employer and the Clwyd Pension Fund**

We received a presentation on the Clwyd Pension fund and were pleased to hear that by carefully balancing risk against return, investment returns had increased significantly above the target level which had contributed to the significant reduction in the deficit position of the Fund. This had resulted in a net reduction of 4% in employer contributions equating to a total saving of £2.646m to the Council budget for 2020/21.

We were satisfied with the degree of assurance and requested biannual progress updates going forward and thanked the officer team for their work in achieving a significantly improved position for the Clwyd Pension Fund.

## **Budget Monitoring**

We continue to consider the budget monitoring reports before they go to Cabinet. When we make observations or recommendations they are formally reported to the Cabinet as part of the presentation of the report. We also refer items to one of the other Overview & Scrutiny committees if we feel that an item within their remit, such as a service overspending, requires further investigation.

## **Councillor Clive Carver**

Chair of the Corporate Resources Overview & Scrutiny Committee

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**Chair**  
**Cllr David Healey**



**Vice-Chair**  
**Mr. David Hytch**

The Committee were again pleased to take part in the Annual Joint Meeting with the Social & Health Care Overview & Scrutiny Committee, held in July 2019, which provides an opportunity for Members of both Committees to ensure the safeguarding of children within the education services provided. We were particularly pleased to welcome members of the Participation Group (Young Voices Speak Out) who gave a detailed presentation during the meeting and answered questions from Members who applauded their conduct and presentation skills.

The Committee has again had a busy year and below is a summary of some of the other topics the Committee has considered over the last 12 months:-

### **Discretionary Transport Policy Review – Outcome of Consultation**

In May 2019, the Committee considered the feedback from the consultation on the review of discretionary school and college transport policy and considered the options available. As part of considering the report, I was pleased to invite Mrs. Jane Cooper who spoke on behalf of the Secondary Headteachers Association and Mr. Steve Jackson, speaking on behalf of Coleg Cambria to the meeting to outline their views on the outcome of the consultation to the Committee.

The main concern arising from proposed changes to the Discretionary Transport Policy was the possible reduction in students engaging in the education system if charges for transport were applied, which was outlined by a number of Members of the Committee. The Committee also asked a number of questions around the cost of transport for those entitled to benefits and the possibility of introducing concessions for sibling groups due to concerns around the financial impact to families. Following a thorough debate the Committee recommended the following to Cabinet:-

- That the Committee support Option 3, as outlined within the report;
- That free Post 16 transport to those entitled to benefits be retained; and
- That Cabinet consider concessions for sibling groups in Post 16 education.

### **Social Media & Internet Safety**

The Committee had sought assurances that children and young people in Flintshire schools were receiving the appropriate support to develop their skills in relation to the use of social media and internet safety. In response to this, a report was submitted and considered by the Committee at its meeting in May 2019.

In response to concerns raised around the inappropriate use of social media and cyber bullying, the Committee stood to pledge that they would not themselves engage in social



media in ways which denigrate other individuals. The Committee welcomed the initiatives in schools to engage with parents and share good practice to keep young people safe on-line and agreed that we would continue to receive regular reports on social media and internet safety given the increasing use of social media in all aspects of daily life. As part of the recommendations, Members of the Committee undertook to set an example to young people, in the way in which they engaged in social media themselves and supported moves to invite all Councillors to make such a commitment.

In line with the recommendations made by the Committee, I submitted a Notice of Motion to County Council in June 2019 to inform all Members of the pledge taken by Members of the Education & Youth Committee and to request that all Members of the Council take a similar pledge so that Flintshire County Council, as a whole, could be seen to be leading the way in setting an example itself with regard to the shameful activity of cyber bullying. I was pleased that this Notice of Motion was fully supported.

### **Estyn Inspection of Flintshire's Education Services**

In September 2019 we received a report which outlined the outcome of the Estyn Inspection of the Flintshire County Council Education Services. As a Committee, we congratulated the Chief Officer and her team for a positive inspection and were pleased to hear of a case study from Flintshire being used on the Estyn website to show effective practices in the early learning development.

The Committee did raise concerns around the lack of funding being provided from Governments to schools and were concerned that Estyn has not highlighted this as part of their inspection. This led to the Committee passing a recommendation 'That the Committee deplores Estyn's failure to highlight the lack of funding that blights education in Flintshire'.

During the following Committee meeting in November, 2019, the Committee considered the draft Post Inspection Action Plan. The outcomes of the inspection were added to the Committees Forward Work Programme to ensure that actions were monitored and scrutinised going forward.

### **Additional Learning Needs and Education Tribunal (Wales) Act 2018 – 30.01.20**

In January 2020, the Committee considered an update on the Additional Learning Needs (ALN) and Education Tribunal (Wales) Act 2018. The Committee were informed that the implementation had been moved to September 2021 to enable Welsh Government (WG) to work through all the comments received during the consultation process. This was welcomed, following previous letters being written to WG, on behalf of the Committee outlining the concerns around the resource implications of the Act for both the Local Authority and schools

The Committee, following a debate, recommended that a letter requesting clarification on how the Act would be cost neutral and the term 'universal provision' be sent to WG and that the Committee receives a further report following implementation.

I would like to thank officers and all staff of schools across Flintshire for their hard work and determination to deliver continued improvements to the service area within the Committees terms of reference.

DRAFT

## ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE



**Chair**  
**Cllr Patrick Heesom**



**Vice-Chair**  
**Cllr David Evans CBE**

The Environment Overview and Scrutiny Committee is aligned to the GREEN Council priority theme in the Council plan. The report below focuses on the relevant priority themes considered by the Committee. Below is a summary of some of the topics the committee have considered over the last 12 months.

We held our May meeting at Wepre Park and received a presentation highlighting the partnership working that continues to help maintain and develop Wepre Park to meet the needs of increasing visitor numbers. Members welcomed the future plans for improving access, car parking and play areas. The committee commended the contributions of volunteer and community groups to the success of Wepre Park.

For our October meeting we returned to the Greenfield Valley Heritage Park. The Chair of Greenfield Valley Trust welcomed the new positive relationship that had developed between Flintshire and the Trust and praised the team for their hard work over the last months. The Committee very delighted with the progress made and the innovative ways being used to develop and promote the Park.

### **Review of Streetscene Standards**

We considered the Streetscene service standards which had been updated following review. These standards are reported as part of the performance monitoring process under the Safe and Clean Council theme. Some of the questions raised by Members included why some standards had been removed, the use of chemicals for graffiti removal, missed bin collections and targets for street cleansing agreed with Town and Community Councils and fly tipping. Following discussions, the committee recommended to Cabinet that the revised standards be adopted.

### **Bus Lanes – limitations on use**

We received a report outlining the proposals for limitations on vehicles authorised to utilise bus lanes between Queensferry and Shotton and dedicated bus only access routes within the Deeside Industrial Park. Concerns were raised regarding possible disruption while work was carried out. In response, the Chief Officer, streetscene and Transportation gave assurances that every effort would be made to limit disruptions and that staff would be available to talk to the business community and local residents to minimise impact. The committee recommended the report to cabinet and welcomed the fact that the Welsh Government Transport Funding grant was being utilised in Flintshire.

## **Winter Maintenance Policy Review**

The above policy is reviewed every two years. We were advised that the weather forecast provider had been changed to Metdesk by Welsh Government and that improved communication with schools had been progressed to ensure they have forecasts to inform decisions regarding school closures. Members spoke highly of the adverse weather services provided in Flintshire. As Chairman I agreed that the winter maintenance teams are highly regarded and welcomed the opportunity to review the policy based on lessons learnt.

## **Waste Strategy Review Consultation**

The Committee were delighted to hear that Flintshire was performing well on recycling, being the third best in Wales. This is significant as Wales is reported to be the third best in the world. A 6 week consultation on recycling was proposed to consider recycling targets and performance, the need to review targets, and review of the current Waste Strategy. The Committee did not support 3-4 weekly collections but emphasised the need to encourage people to recycle more. We were advised that work was ongoing with regard to communal pick up areas, including having cameras installed in some areas. The Chief Officer welcomed the suggestion that consultation events need to be held at a range of times to enable residents to attend.

At the October meeting we received a report on the outcome of the public consultation process with over 8,000 responses received. A change in black bag collection frequency was not currently supported but 32% of residents had indicated that they were unsure whether they could manage in the event of such a change. The proposals for increased enforcement had been widely supported which the committee welcomed and in particular the three-staged approach which allowed for informing and educating in the first instance with formal action taken only in the event of continued non-compliance. Members commended the extensive consultation exercise, the outcome on black bin collection frequency and the focus on education and thanked members of the public for engaging with the consultation process.

## **Ash Dieback Action Plan**

As a committee we were very concerned to hear that Ash Dieback was endemic across Flintshire and was likely to wipe out the majority of the 24,000 ash trees with significant environmental impact. It was pleasing to hear that a robust plan was in place and a dedicated Tree Officer who was involved in communicating with the public and those affected where infected trees would need to be removed, e.g. roadsides, schools and other public locations.

## **Budget proposals**

At the December meeting we received a report on the financial forecast for 2020/21 together with efficiencies and cost pressures across the Streetscene and Transportation and Planning and Environment portfolios. Members had previously attended a workshop where proposed efficiencies had been shared. We were advised that difficulty of finding further efficiencies had prompted a change in the way of working to generate income within the Streetscene and Transportation portfolio. Assurances were given that core services would be protected as far

as possible. The committee endorsed the portfolio pressures, investments and efficiency options.

### **The Council's response to the challenges of Climate Change**

We received a report on climate change outlining the challenges faced by the public sector in general and in particular here in Flintshire. The role of planning in reducing carbon emissions was emphasised and we were advised that the Local Development Plan would contain a suite of policies designed to address climate change. Members also advocated a proactive press and communication campaign to promote the Council's approach to climate change. Other concerns raised included flood risk, reducing the use of plastic materials, more emphasis on local procurement of goods and services and collaborative working with neighbouring authorities. We were advised on the impact of climate change across all service areas in the Authority and the corporate work being carried out. Members took advice on and discussed the Wales National Infrastructure Consultation papers. At the request of the Committee, 2 member workshops were held in February and March which were well attended. We considered our role as Councillors in assisting the Council in achieving carbon neutrality by 2030 and what should the council do next to reduce its carbon footprint, whilst recognising that a range of initiatives have already been put in place. Members put forward a range of suggestions for further consideration within future action plans for carbon reduction across Flintshire.

### **Flintshire Integrated Transport Strategy**

We received a report to update the Committee on the work being carried out to develop the Flintshire Integrated Transport Strategy. The Strategy aims to provide long term sustainable transport solutions through the successful integration of all modes of transport, whilst maintaining and promoting a sustainable, affordable and environmentally friendly public transport service across Flintshire.

Officers advised that The Transport Strategy for Wales which is currently being updated, will enable the North Wales Joint Local Transport Plan to be progressed. The Strategy, which includes all national transport interventions funded by Welsh Government, is scheduled to be revised by the end of 2020. The report demonstrated that the Council had made good progress with an estimated 85% of the defined intervals having been completed or currently in the process of being delivered.

We were advised that the Demand Responsive Transport Service had been launched in rural areas where commercial services are not available. The Committee welcomed the service which will provide residents with valuable links to transport services along Flintshire's Core Network and will operate using one of Flintshire's distinctive, 16 seater wheelchair accessible vehicles.

**Cllr Patrick Heesom**

Chair of the Environment Overview & Scrutiny Committee

**ORGANISATIONAL CHANGE OVERVIEW & SCRUTINY COMMITTEE**



**Chair**  
**Cllr Dave Mackie**



**Vice-Chair**  
**Cllr Sean Bibby**

Members will be aware that during the 2019 Annual Council meeting the Leader of the Council gave an undertaking that the committee structure would be reviewed. A review was carried out and its outcome reported to County Council in February, 2020 with the decision made that there would be a reduction in the number of Overview & Scrutiny Committees by disaggregating the remit of the Organisational Change Overview & Scrutiny Committee. This came into force following the Annual Council Meeting on 9 September, 2020.

I would like to take this opportunity to thank all of the Members who have sat on the Organisational Change OSC. The Committee was instrumental in overseeing the transition to Alternative Delivery Models (ADMs) and Community Asset Transfers (CAT) and whilst Members learnt new skills in this area, asked many questions and made important recommendations to ensure that the ADMs and CAT would benefit the Council and importantly the wider community, successfully fulfilling its original objectives.

Below is a summary of the work undertaken by the Committee over the last 12 months:-

### **Holywell Leisure Centre – Community Asset Transfer**

In May 2019, the Committee held its meeting at Holywell Leisure Centre. This allowed for the Committee to have a short tour of the venue before holding its meeting. The Committee found the tour very informative and welcomed the work being done to ensure services continued and were expanded for the community.

The Committee, during the meeting, also considered a report which allowed Members to review the progress of Holywell Leisure Centre Community Asset Transfer since its establishment in April 2017. The report was supported and on behalf of the Committee, I thanked the Trustees and management team for the progress and achievements gained and the ongoing success of Holywell Leisure Centre.

Future update reports will now be submitted to the Education, Youth & Culture Overview & Scrutiny Committee which will be built into its Forward Work Programme.

### **The Council's Closed Circuit Television Service and Shared Service with Wrexham**

In May 2019, the Committee considered a report which outlined proposals for joint working with Wrexham County Borough Council on the merging of Flintshire County Council's CCTV monitoring service with that of Wrexham. The Committee asked a number of questions around cost implications and staff implications/negotiations with an agreement that a further report be provided on staffing negotiations when appropriate.

Whilst supporting the merging of the CCTV monitoring function with Wrexham, the Committee recommended that officers consider opening discussions with the Police and Crime Commissioner for a higher contributions to future CCTV costs, given the value of CCTV services to North Wales Police.

### **Connah's Quay Swimming Pool: Cambrian Aquatics Strategic Business Plan 2018/21**

In July 2019, the Committee held a special meeting at Connah's Quay Swimming Pool. This allowed the Committee to see first-hand the work which had been done to ensure services continued and were expanded for the community.

Following the tour of the facility, the Committee received a detailed presentation from the four Directors which included details around community and social benefits together with year 3 objectives. The Committee congratulated the Board on its achievements, especially around the increase in participants for the 'learn to swim'.

Future update reports will now be submitted to the Education, Youth & Culture Overview & Scrutiny Committee which will be built into its Forward Work Programme.

### **Flintshire Micro-Care ADM Project**

In December 2019, the Committee considered a report on the implementation of the Micro-care Alternative Delivery Model in Flintshire and welcomed the Planning & Development Officer for Micro-Care to the meeting who provided an overview of the Micro-Care project.

The Committee welcomed the establishment of a pilot Micro-care enterprise project and a number of questions were raised around the increased demand on social care services. In response to the questions, we welcomed the flexibility of the project to provide support through various options to individuals under the age of 65.

### **Alternative Delivery Model Update (Social Care - Learning Disability Day and Work Opportunities)**

In March 2020, the Committee were pleased to welcome the Centre Manager and Senior Operational Manager of Hft to the meeting to provide an update on the new day centre Hwb Cyfle and the partnership working arrangement with Hft.

We were also extremely pleased to welcome a service user to the meeting who shared his experiences and achievements with the Committee. This allowed us to see first-hand the positive impact the service had on individuals and we commended officers and Hft Managers on its success.

### **Councillor Dave Mackie**

Chair of the Organisational Change Overview & Scrutiny

**SOCIAL & HEALTH CARE OVERVIEW & SCRUTINY COMMITTEE**





**Chair**  
**Cllr Hilary McGuill**



**Vice-Chair**  
**Cllr Gladys Healey**

The Social & Health Care Overview and Scrutiny Committee is aligned to the CARING Council priority theme in the Council Plan. The Committee continues to undertake effective scrutiny of health and social care and actively works to ensure the work programme is aligned to the corporate priorities and improvement objectives of the Council. As a Committee our aim is ensure scrutiny is meaningful and focused on outcomes. Below is a summary of some of the topics the committee have considered.

### **North East Wales Community Equipment Service**

We held our January meeting at the North East Wales Community Equipment Service in Hawarden. We were given a tour of the facility which provides a community equipment services for North East Wales which is run by Flintshire on behalf of Betsi Cadwaladr University Health Board and Wrexham County Borough Council. The service delivers and installs over 30,000 items of equipment a year and re-uses 90% of the equipment is returned. We were impressed with the green, modern and efficient ways of working adopted by the service. As a Committee we value this essential service which helps people of all ages with disabilities cope independently and helps people to return home from hospital safely.

### **Third Sector Update**

The Committee receives an annual review of the social care activities undertaken. We were given an update on the thriving voluntary/third sector and the range of services which provide invaluable support across a range of services funded by Social Services. A recent review had been undertaken to ensure that services commissioned through the third sector continued to meet the needs of the people of Flintshire. We welcomed the approach taken to co-produce new and innovative services going forward.

As a Committee we sent a letter of thanks to the Flintshire Local Voluntary Service in appreciation of the valuable services provided by the social care third sector.

### **Integrated Autism Service**

At the July meeting we reserved a report to update us on the progress of the local implementation of the Integrated Autism Service (IAS). We were able to hear first-hand from a service user of the support and benefits she had received from the service and the difference it had made to her life. She also spoke of her aspirations for the future and where she felt further improvements could be made to the Service. Concerns were expressed regarding the amount of resources allocated to the North Wales Integrated Autism Service which may not be sufficient to meet the demands on the Service. The committee was content



that good progress had been made and thanked the service user for sharing her experiences with them.

### **Progress for Providers Update**

We received a report on this innovative accreditation programme working in partnership with care homes and home care providers to drive forward the implementation of person centered care practices based on a self-assessment toolkit developed by Flintshire. The tool kit clearly sets out Flintshire's expectations around the delivery of individualised care and supports responsible individuals and managers within homes by providing a range of person centered tools which help staff teams change the way they support people and how they engage with family and friends. The 3 levels of accreditation Bronze, Silver and Gold help demonstrate publicly how providers are making continued progress to truly person centred care. As a committee we expressed our congratulations to all involved in developing the scheme and to the care homes who had gained Bronze, Silver or Gold accreditation. We look forward to receiving updates in the future.

### **Innovation to Reduce Reliance on Out Of County Placements**

The Committee have always recognised the financial challenges faced with supporting out of County Placements. The Senior Manager Children and Workforce advised that without investment in innovation and new approaches to service delivery the number of children requiring residential and Independent Fostering Agency placements would continue to grow at an unsustainable rate with untenable financial consequences. We received a presentation on the Mockingbird model, which is an innovative method of foster care using the Mockingbird Family model that provides respite care, peer support, regular joint planning and training and social activities.

Members welcomed the innovative Mockingbird model and expressed thanks to the Chief Officer and his team for their work to reduce reliance on out of county placements.

### **SAFEGUARDING ADULTS AND CHILDREN**

We received our annual update on this vitally important area of work outlining the joint Adults and Children's safeguarding provision within our County. The report provided key statistical and performance related information about children and adults at risk for which the Authority had significant safeguarding and corporate safeguarding responsibilities. The report also highlighted the variety of work covered by the Safeguarding Unit and the activity undertaken and summarised some of the key learning from Child and Adult Practice reviews and Domestic Homicide Reviews. We were pleased to hear that the Safeguarding Unit had had two successful Care Inspectorate Wales thematic inspections. The Committee welcomed the continuing development and improvement in service provision to meet additional demands.

#### **Betsi Cadwaladr University Health Board (BCUHB)**

A special meeting was held in February 2020 where we welcomed the Chair of the Betsi Cadwaladr University Health Board (BCUHB), Mark Polin, the Interim Chief Executive Simon Dean and representatives. The meeting was arranged to give assurances over contractual arrangements with the Countess of Chester Hospital and service continuity, to respond to the

outcome of the Notice of Motion considered by County Council on 28<sup>th</sup> January and to consider questions submitted by Members.

We were given assurances that contractual arrangements were not anticipated to be an issue in the future and meetings with the Countess of Chester and a contract was due to be signed by the end of March. A range of questions put forward by Members were addressed by BCUHB which can be viewed in the minutes of the meeting on the Flintshire website. The Committee look forward to continuing to welcome BCUHB representatives to future meetings which Members value immensely.

**Rota Visits**

Members of the Committee undertook Rota Visits between May and March which gave an opportunity to visit social care establishments with a focus on the wellbeing of service users. Establishments visited included Arosa, Woodlee, Marleyfield, Llys Gwenffrwd and Hafod.

**Councillor Hilary McGuill**

Chair of the Social & Health Care Overview & Scrutiny Committee



North East Wales Community Equipment Service visit

**Appendix 1**  
**Membership of Overview & Scrutiny Committees 2019/20**

<u>Community &amp; Enterprise</u>	<u>Corporate Resources</u>
<p><b>Councillor Ian Dunbar (Chair)</b> Councillor Sian Braun Councillor Helen Brown</p>	<p><b>Councillor Clive Carver (Chair)</b> Councillor Bernie Attridge Councillor Haydn Bateman</p>

<p>Councillor Dave Cox  Councillor Jean Davies  Councillor Ron Davies  Councillor Rosetta Dolphin,  Councillor Mared Eastwood,  Councillor Ray Hughes (<b>Vice Chair</b>)  Councillor Dennis Hutchinson  Councillor Brian Lloyd  Councillor Ted Palmer,  Councillor Mike Reece  Councillor Paul Shotton  Councillor David Wisinger</p>	<p>Councillor Geoff Collett  Councillor Bob Connah  Councillor Paul Cunningham  Councillor Mared Eastwood  Councillor Patrick Heesom  Councillor Paul Johnson (<b>Vice Chair</b>)  Councillor Richard Jones  Councillor Michelle Perfect  Councillor Vicky Perfect,  Councillor Aaron Shotton  Councillor Andy Williams  Councillor Arnold Woolley</p>
<p><b><u>Education &amp; Youth Overview &amp; Scrutiny Committee</u></b></p> <p><b>Councillor David Healey (Chair)</b>  Councillor Janet Axworthy  Councillor Sian Braun  Councillor Geoff Collett  Councillor Paul Cunningham  Councillor Andy Dunbobbin  Councillor Patrick Heesom  Councillor Dave Hughes  Councillor Kevin Hughes  Councillor Tudor Jones  Councillor Dave Mackie  Councillor Ian Smith  Councillor Martin White  Councillor David Williams</p> <p><b>Co-opted Members:</b>  Lynne Bartlett  <b>David Hytch (Vice Chair)</b>  Rita Price (May to November)  Rebecca Stark  Wendy White</p>	<p><b><u>Environment</u></b></p> <p><b>Councillor Patrick Heesom (Chair)</b>  Councillor Mike Allport  Councillor Sean Bibby  Councillor Chris Dolphin  Councillor Andy Dunbobbin  <b>Councillor David Evans (Vice Chair)</b>  Councillor Veronica Gay,  Councillor George Hardcastle  Councillor Cindy Hinds  Councillor Ray Hughes  Councillor Dennis Hutchinson  Councillor Joe Johnson  Councillor Vicky Perfect  Councillor Paul Shotton  Councillor Owen Thomas</p>

<u>Organisational Change</u>	<u>Social &amp; Health Care</u>
<p><b>Councillor Dave Mackie (Chair)</b>  Councillor Janet Axworthy  Councillor Marion Bateman  <b>Councillor Sean Bibby (Vice Chair)</b>  Councillor Geoff Collett  Councillor Andy Dunbobbin  Councillor Carol Ellis  Councillor Paul Johnson  Councillor Tudor Jones  Councillor Brian Lloyd  Councillor Mike Reece  Councillor Ralph Small  Councillor Martin White  Councillor Andy Williams  Councillor David Wisinger</p>	<p><b>Councillor Hilary McGuill Chair)</b>  Councillor Mike Allport  Councillor Paul Cunningham  Councillor Jean Davies  Councillor Rob Davies  Councillor Andy Dunbobbin  Councillor Carol Ellis  <b>Councillor Gladys Healey (Vice-Chair)</b>  Councillor Cindy Hinds  Councillor Mike Lowe  Councillor David Mackie  Councillor Ian Smith  Councillor Martin White  Councillor David Williams  Councillor David Wisinger</p>

<b>Key:</b>	
<b>C &amp; E</b>	= Community & Enterprise Overview & Scrutiny Committee
<b>CR</b>	= Corporate Resources Overview & Scrutiny Committee
<b>E &amp; Y</b>	= Education & Youth Overview & Scrutiny Committee
<b>E</b>	= Environment Overview & Scrutiny Committee
<b>OC</b>	= Organisational Change Overview & Scrutiny Committee
<b>S&amp;HC</b>	= Social and Health Care Overview & Scrutiny Committee

OVERVIEW & SCRUTINY OFFICER SUPPORT

The support which Overview & Scrutiny enjoys from officers across the Council is essential to ensure its smooth and effective running.

**OVERVIEW & SCRUTINY SUPPORT**

The Scrutiny Team are:-

- ❖ Robert Robins – Head of Democratic Services  
(supporting the Corporate Resources Overview & Scrutiny Committee).
- ❖ Margaret Parry-Jones – Overview & Scrutiny Facilitator  
(principally supporting the Environment, Social & Health Care and alternating of Organisational Change Overview & Scrutiny Committees)
- ❖ Ceri Shotton – Overview & Scrutiny Facilitator  
(principally supporting the Community & Enterprise, Education & Youth and alternating of Organisational Change Overview & Scrutiny Committees).
- ❖ Janet Kelly – Democratic Services Support Officer  
(supporting the Overview & Scrutiny Team)

The team are an independent resource supporting the scrutiny function and its members:

Advising on the strategic direction and development of the scrutiny function;

- Co-ordinating the work programmes for the six Overview & Scrutiny Committees;
- Advising, supporting and assisting in the development of scrutiny members;
- Undertaking research and information analysis to help inform reviews;
- Producing reports and presentations on behalf of Members;
- Offering independent advice and guidance in relation to policy development and performance management;
- Acting as a key contact point to Members, officers, external organisations and the public in relation to scrutiny matters; and facilitating task & finish groups

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## CONSTITUTION & DEMOCRATIC SERVICES COMMITTEE

<b>Date of Meeting</b>	Wednesday, 25 <sup>th</sup> November 2020
<b>Report Subject</b>	Adoption Absence for Local Authority Members
<b>Report Author</b>	Head of Democratic Services

### EXECUTIVE SUMMARY

The Welsh Government published a consultation document on 3<sup>rd</sup> November, on proposed changes to adoption absence for local authority members from 2 to 26 weeks. The consultation period runs until 29<sup>th</sup> December.

Local authorities are being asked three questions on the proposals, which are shown within the report. These seek to gauge the reasonableness of the proposals.

Authority is sought for the Head of Democratic Services to respond to the consultation on behalf of the authority.

### RECOMMENDATIONS

1	That the committee considers the proposals and the three questions – along with the suggested response
2	That the Head of Democratic Services be authorised to respond to the consultation on behalf of the authority.

### REPORT DETAILS

<b>1.00</b>	<b>EXPLAINING THE PROPOSED CHANGES</b>
1.01	The Family Absence for Members of Local Authorities (Wales) Regulations 2013 (the regulations) govern an adopter's absence (the form of leave taken by an individual adopting a child). The Welsh Government proposes amending the 2013 Regulations so as to extend the period of adopter's absence for elected members of councils from 2 weeks to 26 weeks and, as far as practicable, to align procedures relating to adopter's absence with those which currently govern maternity absence.

1.02	The Welsh Government have proposed the changes as part of its commitment to increasing diversity across all aspects of public life. By increasing the current adoption absence allowance from 2 weeks to 26 weeks, they are seeking to reduce an obstacle which might otherwise deter an individual from seeking elected office.
1.03	<p>In the consultation document, it states:</p> <p><i>The Welsh Ministers recognise the difficulties in balancing the demanding role of being a councillor with the personal responsibilities of caring for loved ones. The challenges of the role, the sensitivities of many of the activities undertaken and the increasing expectation of the public that councillors are ‘on duty’ 24 hours a day, seven days a week can prevent individuals from giving serious consideration to becoming a councillor.</i></p> <p>The above provides context for the proposed changes.</p>
1.04	Wales was the first country in the UK to legislate for the introduction of family absence arrangements for councillors. This was in Part 2 of the Local Government (Wales) Measure 2011, which provided an entitlement for members of principal councils to be absent from authority meetings for family absences. The increase from 2 weeks, in the Measure, to the proposed 26 weeks will bring councillor’s adoption leave into line with councillor’s maternity leave. The Welsh Government have commented that the basic period of adoption absence for officers is now 26 weeks, so again this would achieve parity.
1.05	<p>In addition, associated changes to the regulations will</p> <ul style="list-style-type: none"> <li>• Create procedures for allowing a member of a local authority to vary the start date and duration of a period of adopters absence;</li> <li>• Provide that a period of adopter’s absence may start on the day the child is placed with the member for adoption, or up to 14 days beforehand. A member of an authority will be able to choose on which of these days their adopter’s absence will start;</li> <li>• Create a procedure for a member to bring their adopter’s absence to an end;</li> <li>• Prevent multiple periods of adopter’s absence being taken in respect of children adopted under the same arrangement;</li> <li>• Allow individuals taking adopter’s leave to continue some duties with the consent of the chair or the presiding member of the authority.</li> </ul>
1.06	<p>In responding to the consultation, we are being asked three questions;</p> <ol style="list-style-type: none"> <li>1. Do we agree with proposed increase in the length of adopter’s absence for councillors from 2 to 26 weeks to align with similar arrangements for maternity absence?</li> </ol> <p>Suggested response: The proposal would address the potential inconsistency and therefore should be supported.</p>



	<p>2. Do we agree with the changes identified in paragraph 1.05, above?</p> <p>Suggested response: these are reasonable changes.</p> <p>3. Do we agree that the revised statutory guidance within the annex of the consultation document (which is attached as appendix 1 to this report) reflects the details in paragraphs 1.04 and 1.05, above?</p> <p>Suggested response: we are satisfied that they do reflect them.</p>
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<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None directly from this consultation report.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	This report has been drafted in response to Welsh Government consultation.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	Not applicable

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix 1 – Consultation Document

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p>None.</p> <p><b>Contact Officer:</b> Robert Robins, Head of Democratic Services  <b>Telephone:</b> 01352 702320  <b>Email:</b> robert.robins@flintshire.gov.uk</p>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	No technical terms have been used within this report.

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## Welsh Government Consultation Document

# Changes to adoption absence for local authority members

We want your views on proposed changes to adoption absence for local authority members from 2 to 26 weeks

Date of issue: 3 November 2020  
Action required: 29 December 2020

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.  
This document is also available in Welsh.

**Overview** The Family Absence for Members of Local Authorities (Wales) Regulations 2013 (the regulations) govern adopter's absence (the form of leave taken by an individual adopting a child). The Welsh Government proposes amending the 2013 Regulations so as to extend the period of adopter's absence for members of councils from 2 weeks to 26 weeks and, as far as practicable, to align procedures relating to adopter's absence with those which currently govern maternity absence.

**How to respond** You can respond to this consultation by completing and returning the consultation response form at the back of this document. The response should be sent to:

Local Government Democracy Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

Or email:

[LGD.DemocracyDiversityRemuneration@gov.wales](mailto:LGD.DemocracyDiversityRemuneration@gov.wales)

Or by completing an [online form](#)

**Further information and related documents**

**Large print, Braille and alternative language versions of this document are available on request.**

<https://www.legislation.gov.uk/wsi/2013/2901/made>

**Contact details**

For further information, please contact:

Local Government Democracy Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

Email:

[LGD.DemocracyDiversityRemuneration@gov.wales](mailto:LGD.DemocracyDiversityRemuneration@gov.wales)

**Also available in Welsh at:**

<https://llyw.cymru/absenoldeb-mabwysiadu-i-gynghorwyr-awdurdodau-lleol>

## General Data Protection Regulation (GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

## Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:  
Welsh Government  
Cathays Park  
CARDIFF  
CF10 3NQ

e-mail:

[Data.ProtectionOfficer@gov.wales](mailto:Data.ProtectionOfficer@gov.wales)

The contact details for the Information Commissioner's Office are:

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 01625 545 745 or  
0303 123 1113

Website: <https://ico.org.uk/>

## **Background**

1. Creating a more equal Wales, where everyone has the opportunity to participate, reach their full potential and is able to contribute fully to the economy, will enable Wales to be more prosperous and innovative.
2. The Welsh Government is committed to increasing diversity across all aspects of public life. This includes tackling the barriers which prevent an individual's active participation in local democracy through elected office.
3. The Welsh Ministers recognise the difficulties in balancing the demanding role of being a councillor with the personal responsibilities of caring for loved ones. The challenges of the role, the sensitivities of many of the activities undertaken and the increasing expectation of the public that councillors are 'on duty' 24 hours a day, seven days a week can prevent individuals from giving serious consideration to becoming a councillor.
4. Enabling councillors to take time off in a range of circumstances is an important part of the approach taken in Wales. Councillors benefit from taking time off to support their families. Family absence (often referred to as "leave") is considered a fundamental lever in increasing the diversity of those participating in local democracy by enabling individuals to balance the requirements of the important role they play in society with the demands and responsibilities that come with bonding, nurturing and developing relationships with their children.
5. This is why Wales was the first country in the UK to legislate for the introduction of family absence arrangements for councillors.

## **The current family absence arrangements**

6. Part 2 of the Local Government (Wales) Measure 2011 ("the Measure") introduced entitlements to periods of family absence for members of county and county borough councils, during which a member is entitled to be absent from authority meetings.
7. The periods of absence introduced were as follows:
  - Maternity absence           26 weeks
  - Newborn absence            2 weeks
  - Adopters absence            2 weeks
  - New adoption absence      2 weeks
  - Parental absence            3 months
8. The Family Absence for Members of Local Authorities (Wales) Regulations 2013 ("the Regulations") made under Part 2 of the Measure prescribe the conditions to be satisfied for a member to be entitled to a period of family absence and made procedural arrangements in respect of each type of absence.
9. The periods of absence set out above were broadly modelled on the absence provisions for officers within county and county borough councils. The intention

behind this approach was to ensure members and officers had, as far as possible, the same basic absence arrangements.

### **The Issue**

10. With the exception of the maximum period for adopter's absence the regulations remain in step with the arrangements for Officers. However, the basic period of adopter's absence available to Officers is now 26 weeks and therefore the current 2 weeks adopter's absence available to members needs to be changed to 26 weeks to align with the broader Welsh Government policy.

### **Proposed action**

11. For this reason Welsh Ministers intend to amend the 2013 regulations to increase the adopter's absence entitlement from 2 weeks to 26 weeks. This will result in the same levels of maternity and adopter's absence being available under the 2013 regulations.

12. In addition, associated changes to the regulations will:

- Create procedures for allowing a member of a local authority to vary the start date and duration of a period of adopter's absence
- Provide that a period of adopter's absence may start on the day the child is placed with the member of a local authority for adoption or up to 14 days beforehand. A member of a local authority may choose on which of these days their adopter's absence will start.
- Create a procedure for a member of a local authority to bring their adopter's absence to an end
- Prevent multiple periods of adopter's absence being taken in respect of children adopted under the same arrangement.
- Allow individuals taking adopter's leave to continue some duties with the consent of the chair or presiding member of the local authority.

13. The need for parents to bond with and build strong relationships with their biological children has been recognised for many years. For those who decide to adopt children the need to bond and build relationships is of equal importance. Depending on the circumstances of the adoption there can be additional challenges in developing these relationships. These changes put the basic maternity and adopter's absence arrangements on an equal basis. It also ensures alignment between members and Officers.

- **Q1: Do you agree with the proposed increase in the length of adopter's absence for councillors from 2 to 26 weeks to align with similar arrangements for maternity absence?**
- 
- **Q2: Do you agree with the changes set out in Paragraph 12 above?**
- 
- **Q3 Do you agree the revised statutory guidance within the annex of this document reflects the proposed changes in paragraphs 11 and 12 above?**

- **Q4 If you would like to make any additional comments or observations about the changes proposed as part of this consultation please include them in the box provided below.**

#### Local Government and Elections (Wales) Bill

14. Section 66 of the Local Government and Elections (Wales) Bill seeks to remove the current limitations on the maximum absence periods from the 2011 Measure and enables these to be set at any level by the regulations. The rationale for this change is to enable the regulations to be updated more easily as policy develops in this area.
15. Therefore the proposals set out in this consultation are subject to the changes in section 66 of the Bill becoming law.

#### **Impact of proposals**

16. These changes will give adoptive parent's greater opportunity to take absence to help provide a supportive and nurturing environment for their children. Bonding and strong relationships are a very important part of bringing babies and young people into a new family environment and are critical to the growth and development of the adoptee. It provides consistency between those the absence arrangements for individuals eligible for maternity and adopters absence.

#### **Guidance**

There is existing statutory guidance about family absence which was made under section 30 of the Local Government (Wales) Measure 2011.

The guidance will require amendment as a result of the proposed change to family absence arrangements.

A revised set of guidance which contains amendments to reflect the changes set out in paragraphs 11 and 12 above contained in the Annex to this document.



## **FAMILY ABSENCE**

### *Statutory Guidance made under Section 30 of the Local Government (Wales) Measure 2011*

#### **Introduction**

1. Part 2 of the Local Government (Wales) Measure 2011 (“the Measure”) introduces an entitlement to a period of family absence for members of county and county borough councils, during which a member is entitled to be absent from authority meetings.

#### **What the Measure requires**

2. This document contains statutory guidance issued under section 30 of the Measure. A local authority must have regard to this guidance in exercising its functions under Part 2 of the Measure.
3. Section 23 allows members who are entitled to a period of family absence to be absent from meetings of the authority, including executive meetings where applicable, during periods of family absence, in accord with regulations made under this Part of the Measure. The Measure creates an entitlement to five types of family absence: maternity absence; new-born absence; adopter’s absence; new adoption absence; and parental absence.
4. The Family Absence for Members of Local Authorities (Wales) Regulations 2013 (“the Regulations”) are made under Part 2 of the Measure and prescribe the conditions to be satisfied for a member to be entitled to a period of family absence.
5. A member is entitled to a period of maternity absence where the member satisfies conditions prescribed within the Regulations. The Regulations also include provision concerning the duration, start, bringing to an end and cancellation of any maternity absence. The Regulations restrict the period of maternity absence to a maximum of 26 weeks.
6. New-born absence concerns absence granted to the “parent” of a child other than the mother. The Regulations prescribe conditions relating to the relationship between the member and child required for the member to be entitled to a period of new-born absence. New-born absence is designed to allow a person who satisfies the prescribed conditions to assist in the caring for the child and mother. The Regulations also make provision relating to the length of new-born absence and when it should be taken.

7. Section 26 creates an entitlement to adopter's absence. The Regulations also include provision concerning the duration, start, bringing to an end and cancellation of adopters absence. The Regulations restrict the period of adopter's absence to a maximum of 26 weeks. The Regulations prescribe the conditions to be satisfied, the length of such absence and when it can be taken, subject to the provision that it cannot last more than 26 weeks. Section 27 deals with new adoption absence available to a member who satisfies prescribed conditions as to their relationship to an adopter.
8. Parental absence applies to a member who becomes responsible for a child (who was previously the responsibility of someone else). The Regulations enable a member to be absent on parental absence for a period of up to three months.
9. Section 29 enables regulations to provide for the administrative machinery of any family absence as well as the process for dealing with any complaints of abuse of absence. It also allows regulations to provide for any duties which members may perform during a period of family absence.

### **Guidance**

10. The Measure and Regulations must be read together with this guidance.
11. The introduction of family absence provides members with entitlements to enable members who have babies or become responsible for looking after children to be able to continue as members with recognised, legitimate, absence, in an open fashion, rather than be potentially subject to criticism for not fulfilling their duties as members.
12. Section 8 of the Measure requires local authorities to designate an officer as the authority's Head of Democratic Services (HDS). The Measure provides that the HDS may make arrangements for an officer appointed by them to discharge the functions of the HDS under the Measure. All references to the HDS in this guidance and the Regulations should be taken as including any officer appointed by them to fulfil the duties under the Measure. The Regulations prescribe that the HDS will take the responsibility for dealing with notifications of family absence.
13. This is clearly a potentially delicate area for the HDS. It involves dealing with members during a very important development in their personal lives. The responsibility the HDS will have for keeping records, including the dates applicable to the absence and any suspicion that the family absence entitlement is being abused, will require sensitivity. The HDS should take a flexible approach towards any request to vary the start or finish dates of absence, provided they are within the total allowance. With respect to actions which might result in the withdrawal of the entitlement, there should be a high degree of certainty in the mind of the HDS before proceeding along this course.
14. As stated above, in most circumstances, the HDS must be notified in writing before any period of family absence. In addition, the Regulations contain other notification requirements, such as under the complaint provisions. Notification by way of an e-mail or any other electronic format would satisfy the written requirement in respect of any notification required under the Regulations.

15. Under normal circumstances, the HDS should not request evidence of pregnancy or the expected date of childbirth unless there are grounds for suspicion that the notice given by the member is questionable.
16. New-born absence is aimed to assist partners of mothers by enabling them to take a period of absence during the first 56 days after childbirth.
17. Adopter's absence entitles members to a period of absence of 26 weeks. The entitlement arises at the physical date of placement of the child with the member for adoption. It is the actual date of placement of the child which is important for the start of this absence, not the date of placement according to any legal document. No evidence of adoption is required from the member in order to be entitled to a period of adopter's absence. Multiple children adopted at the same time would not enable a member to take multiple periods of adopter's absence.
18. A member who satisfies prescribed conditions as to their relationship with another person who is adopting a child may take two weeks new adoption absence. A member is not entitled to take adopter's and new adoption absence in relation to the same child. Multiple children adopted at the same time would not enable a member to take multiple periods of new adoption absence. If a member jointly adopts a child with another member, one member may elect to be the child's adopter for the purposes of the Regulations and would be entitled to a period of adopter's absence. The other member would not be entitled to a period of adopter's absence but would be entitled to a period of new adoption absence.
19. A member shall be entitled to parental absence if they become responsible for the care of a child under the age of 14. The member must notify the HDS of this responsibility and the HDS must be satisfied that such a responsibility is real and may require supporting evidence.
20. Responsibility for a child for the purposes of Part 5 of the Regulations is not limited to members who are granted parental responsibility for a child as defined in section 3 of the Children Act 1989. It is intended that parental absence would be available to members who become temporarily responsible for the care of a child in addition to members who become the subject of more permanent responsibilities. For example, a member who takes responsibility for the care of a child whilst the parent is temporarily unable to fulfil these responsibilities for reasons such as illness, would be entitled to a period of parental absence.
21. A member may decide to stage parental absence over various periods during the year from when the member became responsible for the child. The member must notify the HDS as to the staging of the periods of absence in advance, although it is not expected that a member inform the HDS of the start date and duration of each and every period of parental absence at the outset. If possible, the member should seek to inform the HDS of the intended periods of absence. However, it is accepted that this may not always be possible and would not afford the necessary degree of flexibility. In which case, as long as the HDS is informed at the outset of the member's general approach to the taking of absence and the HDS is informed in advance of each individual period of absence, the member would be entitled to periods of parental absence.

22. The HDS is required to inform the chair of the local authority, or where a local authority has elected a presiding member, the presiding member of that authority, the chair of the Democratic Services Committee (DSC) and, the leaders of each political group of the authority of any period of family absence in advance of it being taken or at the earliest possible date thereafter. The HDS is free also to inform any other persons felt necessary. For instance, this could include members of the authority representing the same or neighbouring divisions.
23. On receiving information from the HDS that a member may not be entitled to a period of family absence, a local authority may decide to cancel or curtail a member's family absence if it believes that the permitted absence is fraudulent, has been abused or simply that the member is not entitled to a period of family absence. It would be open to an authority in such a situation to decide whether the issue should be referred to their Standards Committee for their consideration.
24. A member may appeal against a decision to withdraw entitlement to family absence. Complaints must be in writing, however, as stated above a complaint in electronic form would satisfy this requirement. The HDS then places the appeal before the chair of the local authority, or where a local authority has elected a presiding member, the presiding member of that authority, who must then place it before a panel of three members appointed by the authority for the purpose (which cannot include the chair or presiding member of the authority).
25. The panel will then determine the complaint. The panel will determine whether or not the member is entitled to a period of family absence under the Regulations. Where the panel determines that the member is entitled to a period of family absence, that member will take a period of family absence in accordance with the Regulations.
26. A period of family absence may have been cancelled by the local authority mid-way through the period of family absence. Having been established to consider a complaint, the panel could then determine that the member is in fact entitled to a period of family absence. In those circumstances, the member will be entitled to the balance of their period of absence set out under the Regulations.
27. Where a panel determines that a member is not entitled to a period of family absence the member will not be eligible to a period of family absence under the Regulations and will be therefore expected to continue their duties as a member.
28. A local authority's standing orders must include provisions describing the circumstances in which a member on maternity, adopter's or parental absence (only) to continue to perform some duties if so desired. This should enable a member on such leave of absence to attend a particular meeting or type of meeting or perform a particular duty or type of duty on receipt of permission granted by the chair of the local authority, or where a local authority has elected a presiding member, the presiding member of that authority. This might be the case, for instance, where the member has a well-known particular interest in a matter of business or if urgent business affecting their local area is being considered. Before agreeing to such a request, the chair of authority, or where a local authority has elected a presiding member, the presiding member of that authority, must inform the leaders of all political groups on the council. Should there be a dispute, a panel established as above should make the final decision.

29. Standing orders should also provide as to whether any duty conferred on members should be performed during a period of family absence. This might, for instance, enable a member on family absence to be asked to attend a meeting if it might otherwise be inquorate. The standing orders could enable different arrangements to be made for different members. There might be a particular area of expertise possessed by a member which would be difficult to replace on a temporary basis, which might suggest a limited commitment could still be expected of a member in defined circumstances. However, the effect of any such provision under the standing orders should not be contrary to the purpose of the Measure and Regulations.
30. It should be noted that the absence of a member for family absence reasons should not trigger any reallocation of representation in accord with political balance. For such calculations, the member should be treated as a full member of the council and therefore any substitution should be open only to a member of the same political group.

## Consultation Response Form

Your name:	
Organisation (if applicable):	
Email / telephone number:	
Your address:	

### Questions

Q1 Do you agree with the proposed increase in the length of adopter's absence for councillors from 2 to 26 weeks to align with similar arrangements for maternity absence.

Yes / No

Add any comments

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Q2 Do you agree with the changes set out in Paragraph 12 above?

Yes / No

Add any comments

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Q3 Do you agree the revised statutory guidance within the annex of this document reflects the proposed changes in paragraphs 11 and 12 above?

Yes / No

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Q4 If you would like to make any additional comments or observations about the changes proposed as part of this consultation please include them in the box provided below.

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