

CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE
30 JUNE 2021

Minutes of the meeting of the Constitution and Democratic Services Committee of Flintshire County Council held at remote attendance meeting on Wednesday, 30th June, 2021

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, and Arnold Woolley

SUBSTITUTION: Councillor Patrick Heesom for David Williams

APOLOGIES: Councillor Bernie Attridge

ALSO PRESENT AS OBSERVERS: Councillors Veronica Gay and Aaron Shotton

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

Prior to the start of the meeting the Chair referred to the recent sad loss of former Councillor Dennis Parry and Councillor John Beard who had been long standing Members of the Council. He expressed condolences to their families and asked Members and officers to join him in a short period of silence in tribute to them.

1. 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)

2. APPOINTMENT OF VICE-CHAIR

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

Councillor David Evans proposed Councillor Michelle Perfect as Vice-Chair of the Committee and this was seconded by Councillor Dave Healey.

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

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.

3. MINUTES

The minutes of the meeting held on 24 March 2021 were submitted.

The minutes were moved by Councillor Chris Bithell and seconded by Councillor Rob Davies.

RESOLVED:

That subject to the correction of typographical errors the minutes be approved as a correct record and signed by the Chairman.

4. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None.

5. AMENDMENTS TO THE RULES OF PROCEDURE

The Head of Democratic Services introduced a report for the Committee to comment on and agree amendments to the Rules of Procedure. He referred to the Annual Meeting of the County Council held on 9 September 2020 and the agreement to the temporary changes to some of the Rules which had been circulated. He advised that as the Council moved towards 'multi location meetings' required by the Local Government & Elections (Wales) Act 2021 what had been temporary changes should now be formally adopted by the Committee and Council whilst a policy on multi-location meetings was developed.

The report explained the need to make the amendments to the rules of procedure which were appended to the report.

The Chief Officer (Governance) explained there was a need for flexible rules to accommodate restrictions around the Covid-19 pandemic and said there was a possibility that the Council might return to an arrangement where, on occasion, everyone was physically present at a meeting; or where some people were physically present and others were present remotely (hybrid meetings); or attendance was wholly via remote devices. The Chief Officer commented on the wider issues to be considered regarding how the Council wished meetings to proceed in the future.

Councillor Chris Bithell referred to the proposed changes to the Rules of Procedure detailed in the appendix to the report. Regarding procedure 8 - Duration of Meetings, he expressed concerns that if a Member was required to attend several meetings during a day there could be insufficient time for an i-pad

battery to be recharged. He also referred to Procedure 17 – Record of Attendance, and commenting on attendance at remote meetings he said that if members had to leave during a meeting it could have an impact on whether the meeting remained quorate. The Chief Officer responded to the matters raised. The Chair suggested that the host of a remote meeting could update the Chair during the meeting to inform of the remainder members present if a number of people subsequently withdrew from the meeting. The Head of Democratic Services drew attention to Procedure 15.1 – Majority, which addressed voting at remote/hybrid meetings.

Councillor Michelle Perfect also referred to procedure 8 - Duration of Meetings, and suggested that the reference to Council meetings starting at 2.00 pm be amended to read: "Council meetings must ordinarily conclude after 3 hours". She also referred to Procedure 14 – Previous Decisions and Motions, and suggested that the proposed amendment be clarified to read that 10 individual emails be sent to the Head of Democratic Services.

Councillor Mike Peers referred to Procedure 15.0 – Voting, and commenting on the proposed amendment regarding 'silent assent' he said there was a need to provide guidance in writing on how Members were to indicate if they wished to oppose or abstain on a vote. Councillor Peers also referred to Procedure 15.5 – Recorded Vote, and suggested that the proposed wording be amended to read: "That the Monitoring Officer will remind Members of the process to put in the 'chat' function that they request a formal vote and the requisite number reached will be declared by the Monitoring Officer".

Officers agreed to include the changes to the amendments put forward by Members.

The recommendations in the report, subject to the further amendments to the changes to the Rules of Procedure as agreed by the Committee, was moved by Councillor Chris Bithell and seconded by Councillor Jean Davies.

RESOLVED:

- (a) That the Committee approves the changes to the Rules of Procedure as shown in appendix 1, subject to the further amendments to the changes as agreed during the meeting; and
- (b) That further work be undertaken to develop a policy on multi-location meetings.

6. PROTOCOL ON ACTING OUTSIDE THE WARD

The Head of Democratic Services introduced a report to enable the Committee to consider the revised protocol. He provided background information and advised that following recent concerns it had become necessary to re-visit the protocol with a view to making more 'user-friendly'. Particular concerns in redrafting the protocol were around the needs to observe geographical representation, voter/councillor representation issues, and the consequences of dissatisfaction with actions taken with lack of recourse. The Head of Democratic Services advised that appended to the report was the original protocol from 2011 which had been approved by the Constitution Committee, and the revised Member Protocol on Involvement in other wards which was supported by Group Leaders.

The Head of Democratic Services reported on the main considerations as set out in the revised Member Protocol and said it had been re-written to assist Members in contentious matters. He referred to the exceptions to the protocol, procedure to be followed, and monitoring.

Councillor Michelle Perfect commented on instances when Town and Community Councillors approached officers of the County Council directly for information instead of following correct procedures and asked if a procedure could be drafted to address this issue. The Chief Officer explained that consideration could be given to providing instructions to County Council officers on how they should respond to a request from individual town and community councillors. He suggested that any such procedure should also be submitted to County Forum for consideration.

Councillor Mike Peers referred to Appendix 2, section 1, second paragraph, and commenting on the local boundary commission said the sentence "Local Member means the Councillor or one of the two who represent the ward" would not apply if there was a three member ward and suggested that the sentence should read: "Local Member means the Councillor who represents the ward".

In response to a question from Councillor Rob Davies on Appendix 2, paragraph 3.1, regarding agreement between the non-ward member and ward member, the Head of Democratic Services confirmed that this could be by email or telephone to achieve an effective outcome.

Councillor David Healey suggested that the Protocol include reference to the risks involved in social media and cited the example of Members potentially becoming involved in matters which were not in their own ward.

Councillor David Evans referred to Appendix 2, section 4 - Monitoring, and commenting on a cross-border matter between his Ward and a neighbouring ward he asked for clarification on the circumstances in which Member Services had to be informed of local issues. Officers responded to the query raised and the Chief Officer suggested that to avoid unnecessary bureaucracy, that in future only a breach of the Protocol be recorded rather than instances of compliance.

Councillor Chris Bithell referred to appendix 2, paragraph 1.1, and commented on the involvement of Members in a ward other than their own due to planning matters. He suggested that in these circumstances there was a need to inform officers in the Planning Department, and any other relevant department, of the case so the appropriate contact details can be provided.

The Head of Democratic agreed to include the further amendments put forward by Members.

The recommendation in the report was moved by Councillor Rob Davies and seconded by Councillor David Evans.

RESOLVED:

That subject to the amendments put forward by Members, the Committee

recommends that the 2021 revised Member Protocol on Involvement in Other Wards be adopted.

7. MEMBER WORKSHOPS BRIEFINGS AND SEMINARS UPDATE

The Head of Democratic Services introduced a report to provide an update on the Member Development and Engagement events which had been held since the last meeting in March 2021, and those forthcoming. He explained that an update on attendance for the events held on 28 June and following would be provided at the next meeting. He invited Members to contact him with any suggestions they wished to put forward for future development events.

The recommendations in the report were moved by Councillor Chris Bithell and seconded by Councillor Ted Palmer

RESOLVED:

- (a) That the progress with Member Workshops, Briefings and Seminars since the last report be noted; and
- (b) That if Members had any suggestions for future Member Development they contact the Head of Democratic Services to discuss them.

8. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There was no member of the press in attendance.

(The meeting started at 2.00 pm and ended at 3.02 pm)

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Chairman