

CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE

13 JUNE 2023

Minutes of the Constitution and Democratic Services Committee of Flintshire County Council held as a remote attendance meeting on Wednesday 13 June 2023.

PRESENT: Councillor Rob Davies (Chairman)

Councillors: Gillian Brockley, Steve Copple, Mared Eastwood, Ian Hodge, Alasdair Ibbotson, Paul Johnson, Gina Maddison, Roz Mansell, Michelle Perfect, Vicky Perfect, Arnold Woolley and Antony Wren

APOLOGY: Councillor Jean Davies

ALSO PRESENT AS AN OBSERVER: Cabinet Member for Social Services and Well Being

SUBSTITUTE: Councillor Bernie Attridge (for Councillor Linda Thew)
Councillor Mel Buckley (for Councillor Ted Palmer)

IN ATTENDANCE: Chief Officer (Governance), Democratic Services Manager and Democratic Services Officer

1. **APPOINTMENT OF CHAIR**

The committee formally noted that following the Annual Meeting, Councillor Rob Davies be appointed as Chair of the Committee.

2. **APPOINTMENT OF VICE-CHAIR**

The Chair sought nominations for the appointment of Vice-Chair
Councillor Bernie Attridge proposed Councillor Steve Copple. This was seconded by Councillor Antony Wren.

As there were no other nominations this was carried unanimously.

RESOLVED:

That Councillor Steve Copple be appointed as Vice Chair of the committee

3. **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

In response to a question raised by Councillor Bernie Attridge, the Chief Officer (Governance) clarified that Agenda item 6 related to Councillor roles and that generally Councillors would not need to declare an interest. This would only be required if a Councillor had a previous criminal conviction as they would be in a different position to the rest of the committee and would need to declare a different level of interest than a personal interest.

RESOLVED:

No Declarations were received.

4. MINUTES

The minutes of the meeting held on 15 March 2023 were approved as moved and seconded by Councillors Steve Cople and Ian Hodge

RESOLVED:

That the minutes be approved as a correct record.

5. DISCLOSING AND BARRING SERVICE CHECKS FOR COUNCILLORS

In presenting the report the Chief Officer (Governance) outlined the context and low level of risk of the issues being discussed. A great deal of vetting was carried out informally prior to candidates being elected, which included the formal step of the signing the Declaration prior to being able to stand for election. This would dissuade some people from standing. It was important to protect the vulnerable, the reputation of the Council and the role of Councillor.

The Chief Officer outlined the level of disclosure that Councillors would expect and the legal complexities which were included in the report. It was a balance between the right to know, the privacy of an individual and rehabilitation which was enshrined within legislation and limited the Council's ability to obtain disclosure. Information on the three levels of checks was located at point 1.01 in the report with the enhanced level required for Cabinet, Adoption and Foster Panels because of the sensitive information which would be shared. The Chief Officer (Governance) then referred to point 1.07 of the report saying that standard checks should be obtained for those Councillors sitting the Education Youth & Culture and Social & Health Care Overview & Scrutiny Committees as they discharged functions of the Council. For the other Councillors who did not hold any of these roles then the basic checks would be sufficient.

It was explained that the results of the checks would be sent to the Chief Officer (Governance) as Monitoring Officer and he would ensure that they remained confidential. If however it was identified that a member had a conviction which would make them unsuitable for their role, then discussions would be held with the Cabinet Member or Group Leader. The Chief Officer had no mandate to decide who sat on Cabinet or the Scrutiny Committees, this would depend on the co-operation of the Leader and Group Leaders. If it was identified that a Councillor, who had been convicted and sentenced to more than three months in prison, should not have been eligible to stand in the first place, then notification of this would be given to the Chief Executive, as the Returning Officer, and to their Group Leader. This would mean that they were disqualified by reason of having a conviction, that their role became vacant and a by-election would need to be held. A report would be sent to the Ombudsman's office and a process would be followed with independent and impartial consideration of that person's privacy. This information would remain confidential, with access restricted following the guidance which had been set by legislation.

Councillor Bernie Attridge fully supported this very important report. He asked if the Chief Officer had taken advice from other Monitoring Officers to ascertain what other authorities were doing with regard to the enhanced DBS checks and if the WLGA could take this to the next level. He also suggested lobbying Welsh Government (WG) to enable changes in the guidance so that DBS checks were carried out for every local member every 4 years.

The Chief Officer (Governance) agreed with the point on the formality of checks saying that these were not carried out for every Councillor before they stood but that there were other levels of protection in place. Referring to the lobbying point he said the basis for conducting the enhanced checks for most people was that they had “regular and unsupervised contact with vulnerable people.” The Council’s social worker and care worker roles required regular enhanced and barred checks to be made because of their regular unsupervised access to vulnerable people. He asked committee Members how often they had unsupervised contact on their own with vulnerable people. It was more likely to be with an adult than a child who would have a parent or guardian present. Having that unsupervised access to a vulnerable person would provide essential evidence for lobbying purposes and would enable this to be escalated through the Monitoring Officers Group and collectively with other authorities through to the WLGA, WG and Westminster to change the law.

Referring the point on how we compared to other authorities, the Chief Officer confirmed that he had viewed the Wrexham County Borough Council policy and said that what was being considered was more onerous than theirs as Wrexham did not consider that Scrutiny Members discharged council functions. Flintshire Members had requested the highest level of checks possible for their roles. The Disclosing and Barring Service could refuse to provide the level of checks requested within our policy but it was right that we ask rather than limit the scope of requests. He was prepared to bring this back to Committee as a policy document for approval.

Councillor Steve Cople referred to the recommendations and asked if there was a policy which included the processes for dealing with these checks and felt the 4-year period for re-checks was too long considering the time Councillors were elected. The Chief Officer (Governance) responded saying that the Council had a mix of policies and decisions but agreed to formalise them into a document which could be reviewed in the future. Referring to frequency of checks he said it was for the committee to decide and that it could be changed to 3 years in line with social services checks.

Councillor Bernie Attridge moved the recommendations within the report which was seconded by Councillor Mared Eastwood

Councillor Alasdair Ibbotson proposed an amendment to the recommendations which was to remove basic checks for all Councillors and outlined his reasons for this. He felt that basic checks should be carried out for Cabinet and Overview & Scrutiny Committee members but not for the remaining Councillors who did not sit on these committees. This proposition was not supported so did not stand.

The Chief Officer (Governance) agreed with the comments made by Councillor Ibbotson that there was no sanction that the Council could impose so what was the point of doing the checks. The checks would provide evidence on whether to appoint someone to Cabinet or to an Overview & Scrutiny committee in the future.

Councillor Ian Hodge commented that since becoming a Councillor many of the residents he had visited could be deemed as vulnerable and he felt that having that DBS Check as part of his role would provide reassurance to them. He felt the checks should be mandatory for all Councillors as it would not only provide that level of certification for himself but also the person he was visiting.

Councillor Antony Wren asked if the DBS Checks for Scrutiny Committees should apply to other Members who were eligible to substitute on those committees. The Chief Officer (Governance) agreed saying that a discussion with the Disclosure & Barings Service should include that any Councillor could be nominated to these Scrutiny Committees at short notice as a substitute. They might not agree and say the checks should be for the nominated or standing members and not the substitutes. It would be worth a try though. The Chair asked if this could be investigated.

Councillor Bernie Attridge understood where Councillor Ibbotson was coming from but felt an extra resolution should be included so that no-one had the opportunity to refuse these checks. He felt most Councillors had daily contact with vulnerable people and that he would pay for the checks for himself and that as a Group Leader he would question if any members of his group refused to have the basic checks. Until this was mandatory, he felt that what was being proposed was the next best thing. He moved the recommendations with the additional recommendation.

The Chief Officer (Governance) suggested the following wording for the third recommendation :-

“ That lobbying through professional networks and the WGLA for changes to the legislation to enable an enhanced level of checks in respect of all Councillors given the vulnerable nature of the people they serve.”

Councillor Roz Manzell commented that she had applied for the check two weeks before becoming a Councillor. It cost £25 and was invaluable and worth the money as it provided that security to herself and the people with whom she had contact.

The recommendations with the inclusion of the additional recommendations were moved by Councillor Bernie Attridge and seconded by Councillor Ian Hodge

RESOLVED:

That the Council should undertake DBS checks on Councillors as follows:

- (a) Enhanced checks (without barred lists) of Members acting as
 - (a) Cabinet Members
 - (b) Members of the adoption and fostering panels

- (b) Standards checks for
 - (a) Members of the Education and Youth Overview and Scrutiny Committee; and
 - (b) Members of the Social and Health Overview and Scrutiny Committee.
- (c) That lobbying through professional networks and the WGLA for changes to the legislation to enable an enhanced level of checks in respect of all Councillors given the vulnerable nature of the people they serve

6. MEMBER WORKSHOPS BRIEFINGS AND SEMINARS UPDATE

In presenting the report the Democratic Services Manager referred to the successful Member Induction Programme which was delivered following the last Election. It was proposed to deliver a more targeted, thematic programme which would benefit Members. The WLGA were reviewing their framework which was hoped to be re-introduced within the next 12 months. Appendix 1 of the report outlined the topics which were discussed in the induction sessions and it was planned to re-visit some of the sessions to refresh and update where any changes had been made. He referred Members to point 1.05 of the report which highlighted some of the generic topics which could be included in the programme and outlined the five key areas, skills based, organisational knowledge, ethics, service or topic based and regulatory or technical sessions. The Democratic Services Manager sought Members views on what topics they thought would be beneficial and included on the training programme.

Councillor Roz Mansell asked how much the training sessions cost. It was confirmed the sessions would be delivered by specific officers with free sessions provided Data Cymru on data management and carbon literacy training. The sessions would be free with any small cost to the Council. Most of the sessions would be delivered in house.

Councillor Gina Maddison referred to the lone working policy and asked if this would be included in the Safeguarding training or did the Council have a lone work policy which could be shared with Councillors. The Democratic Services Manager confirmed the WLGA were focussing on sessions for this within their Framework. The Council did have a Lone Working Policy for different areas of work and he agreed to take this back as an Action. Health & Safety and Safeguarding for Members was part of the schedule and development process for the coming 12 months and beyond.

Councillor Bernie Attridge sought clarification that it was this Committee which identified items for the Members Training Programme and asked if any training sessions agreed would be presented to full council for adoption. He asked how other Members put forward suggestions for their training needs if they were not on this Committee and commented that the Standards Committee had requested more guidance around social media. He felt it was important that the guidance was given as soon as possible as social media was a useful tool to use with the correct guidance.

The Democratic Services Manager reported that the guidance from Welsh Government (WG) under the Local Government Elections Act stated that the

Constitution and Democratic Services Committee was responsible for the training programme for Members. The Act also stipulated that Members had Individual Development Plans with regular reviews of their training schedule and needs to ensure Members were equipped with the right skills.

The Chief Officer (Governance) agreed with the comments made around the Training Programme. Previously discussions had been held at the start of committee meetings to enable Members to suggest ideas for training on specific themes which would be beneficial to them. This could be a standard item for the next cycle of meetings to ascertain what training was required for that committee over the next 12 months. It would also be possible to incorporate training from other sources on social media, respect and how Councillors expressed their views without contravening the Code. Chief Officers were also providing training which Members would find useful. The package would be pulled together from a range of sources to enable the formation of a comprehensive and diverse programme.

Councillor Paul Johnson referred to his time as a member of the Standards Committee. When an item was being presented to committee a training session was arranged 30 minutes prior to the start of the meeting which he found extremely helpful. Having that 30-minute session on a report which included background information, legal implications and next steps was very useful.

The Chief Officer agreed saying that the Standards and Governance & Audit Committees included a training session at the meeting prior to that report being presented. This provided an opportunity for questions to be raised for clarity and could be linked to officer work programmes. Longer sessions could be provided for more complex topics to allow more time for questions and discussion to take place. There could also be bitesize sessions which could be held at the start of a meeting to assist Members. More County Council dates had been reserved in the Members' diary than were needed and these slots would be used for training or workshop sessions if not required for Council meetings. The Democratic Services Manager would be attending the Chief Officer Team meetings to ensure that training and workshops were incorporated into the forward work programme

Councillor Roz Mansell asked if the sessions would be on zoom. The Democratic Services Manager confirmed that each session would be tailored to support what was being delivered. There would be a combination as some external companies may choose to deliver them remotely if they were based in London or Cardiff. Sessions had been arranged in person in the day and on zoom at night which offered a choice to Members

The Chief Officer (Governance) referred to the convention which was being developed where one session would be provided in person in the day with the other provided remotely in the evening. Members had appreciated this approach.

The recommendations with the report were moved by Councillor Bernie Attridge and seconded by Councillor Roz Mansell

RESOLVED:

- (a) That a 'training needs analysis' was undertaken of all Members by the Democratic Service Manager to better inform future development programmes.
- (b) That if Members had any suggestions for future development, they were invited to contact the Democratic Services Manager to discuss them.
- (c) That a draft training and development plan was brought back to the Committee meeting in September.

7. FORWARD WORK PROGRAMME

The Democratic Services Manager introduced the report and provided an overview of the items which had been included for the committee. Members of the committee were encouraged to suggest further items for inclusion on the Forward Work Programme which would be developed over time.

The recommendations within the report were moved by Councillor Bernie Attridge and seconded by Councillor Ian Hodge

RESOLVED:

- (a) That the Forward Work Programme, as amended, be noted; and
- (b) That the Democratic Services Manager, in consultation with the Committee Chairman, be authorised to vary the Forward Work Programme between meetings, as the need arises.

8. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were no members of the press or public present.

(The meeting started at 2.00 pm and ended at 3.13 pm)

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Chairman