

CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE

24 JANUARY 2024

Minutes of the meeting of the Constitution and Democratic Services Committee of Flintshire County Council held at Hybrid Meeting Delyn Committee Room, County Hall, Mold on Wednesday, 24th January, 2024

PRESENT: **Rob Davies (Chairman)**

Councillors Gillian Brockley, Steve Copple (Vice-Chair), Alasdair Ibbotson, Paul Johnson, Gina Maddison, Roz Mansell, Ted Palmer, Andrew Parkhurst, Michelle Perfect, Vicky Perfect, Linda Thew, Arnold Woolley, Antony Wren and Bernie Attridge (for Ian Hodge)

APOLOGIES: Councillor .

ALSO PRESENT: Councillors

IN ATTENDANCE:

20. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Councillor Attridge declared a personal interest as his wife and two daughters worked for the Authority in social care.

Councillor Andrew Parkhurst declared a personal interest as his wife worked as a lunchtime supervisor in the local school.

Councillor Ted Palmer declared a personal interest as his partner and daughter both worked for the Authority.

Councillor Roz Mansell declared a personal interest as her sister worked for Streetscene.

Councillor Gillian Brockley declared a personal interest as her brother worked for the Authority.

Councillor Palmer asked if this personal interest was declared on the Registration of Interest form when Councillors were first appointed, would it still need to be declared. In response the Chief Officer (Governance) clarified that this form did not include a question on whether a family member worked for the County Council. This was a prescribed form but for the vast majority it had no impact on individuals or the organisation. He provided information on the potential events where this would be required which was why it was included within the Code and that the role of the partners of those Members who had declared an interest, had not impinged on their role as a Councillor.

21. MINUTES

The minutes of the meeting held on 8 November 2023 were presented for approval.

Matters Arising

Councillor Antony Wren asked for the following amendments to be made:

Page 5, paragraph 4 –change the word basis to basic.

Page 7, first paragraph – change the word employees to employers.

Page 8 Q3 Councillor Paul Johnson's name was spelt incorrectly.

Councillor Wren asked for an updated on the Cycle to Work Scheme. The Democratic Services Manager agreed to circulate the information following the meeting.

Councillor Andrew Parkhurst asked for an update on the consultation on Allowances for all elected and co-opted Members. The Democratic Services Manager understood that this had been completed but agreed to check and come back.

Subject to the above amendments the minutes were moved as a correct record by Councillor Ted Palmer and seconded by Councillor Linda Thew.

RESOLVED:

That subject to the amendments the minutes be approved as a correct record.

22. FORWARD WORK PROGRAMME

The Democratic Services Manager presented the Forward Work Programme for consideration and provided information on the regular items which were included together with those scheduled for the forthcoming meetings in March and June. Moving forward it was suggested that an action tracking report be included, similar to other committees to assist committee members.

The recommendations within the report were approved as moved by Councillor Paul Johnson and seconded by Councillor Ted Palmer .

RESOLVED:

- (a) That the Committee considered the draft Forward Work Programme and approve/amend, as necessary.
- (b) That the Democratic Services Manager, in consultation with the Chair of the Committee be authorised to vary the Forward Work Programme between meetings, as the need arose.

23. ROLLING REVIEW OF THE MEMBERS CODE OF CONDUCT

In presenting the report the Chief Officer (Governance) commented that the Penn Review had recommended that Councils across Wales considered

whether they should harmonise the level that Members were required to declare around the receipt of gifts and hospitality. It was explained that currently Councils chose their own figures which varied from £0 up to £50 and that following a discussion at the National Forum of Standards Committee Chairs, it was agreed that they would seek to harmonise the levels around the value of £25. The Forum was not a decision-making body and the Council was required to decide whether or not to formally adopt that recommended figure. This had been considered by the Standards Committee who were happy to do accept this figure. A decision was required by this committee prior to it being presented to Full Council.

In response to a question from Councillor Bernie Attridge on the number of declarations made by Members, the Chief Officer (Governance) confirmed that he had received two or three in the last 12 months. He explained that Richard Penn was appointed by Welsh Government (WG) to review the operation of the Ethical Framework and made the recommendation to seek to harmonise the figure and enable consistency across Wales.

In response to a clarification question from Councillor Gillian Brockley around the receipt of multiple gifts from the same source, the Chief Officer referred to paragraph 17.2 of the Code which highlighted the current value. This related to a member receiving a series of gifts or hospitality which were below the threshold to declare but which could over time mount up.

Councillor Paul Johnson asked why councillors would accept any gift as they were being paid to do a job and was quite prepared to keep the level at £10.

Councillor Andrew Parkhurst commented that this had been discussed by the Standards Committee and he felt that the £25 figure with the £100 limit was not out of kilter given the increases in inflation since the previous figure of £10 was applied. He felt that it was important if Members were offered or received gifts of any amount then these should be disclosed and that a reminder be sent to Members of the procedures to ensure that this Policy was fully complied with.

The Chief Officer (Governance) referred to the paragraph within the Code which stated that Members must reject any gift or hospitality whatever the value if it appeared to place them under any obligation.

Councillor Bernie Attridge wished to move that the amount remained the same at £10 and that it should be declared. Members had to be sure that they did not accept anything which could place them in a position.

The Chief Officer (Governance) explained that Councillor Attridge had moved a motion not to follow the officer recommendation for the amount to stay the same.

Councillor Paul Johnson seconded this motion.

RESOLVED:

That the Committee agreed that the value which gifts or hospitality had to be registered remained the same at £10.

24. ROLLING REVIEW OF THE EMPLOYEES CODE OF CONDUCT

In presenting the Chief Officer (Governance) explained that the Codes and Protocols within the Constitution were continually reviewed to ensure that they were up to date and relevant. This document formed part of the Employees Contract of Employment and would be enforced through disciplinary action. It was explained that the statutory Code of Conduct for employees was different to the Members Code of Conduct. The Chief Officer then referred to the report and clarified that the text in bold was the statutory text with the non-bold text referring to extra information or requirements included by County Council over the years. The Code had been reviewed with a number of changes recommended following debate by the Standards Committee and those were summarised at point 1.04 of the report. Information was provided on the changes and additions which related to behaviour, standing for election, public statements criticising the Authority, use of IT and dress code which had also been included.

In response to a question from Councillor Alasdair Ibbotson on section 2.3 of the proposed code the Chief Officer (Governance) suggested the following wording be included

“Close personal familiarity between employees and individual councillors in the workplace could damage the relationship and prove embarrassing for other employees.” It was suggested that further wording be included for when Councillors and employees were in a relationship stating that it was incumbent upon the employee to declare that to their line manager.

In response to Councillor Ibbotson’s second point concerning section 5.01, the Chief Officer felt it was appropriate to fully debate all of the issues and comments that members had. It was confirmed that the comments from this committee would be presented to full Council. He also confirmed that if there were any concerns or the need to double check with committee members then this would be carried out by email to ensure all comments were included prior to the finalisation of the report.

In response to a question from Councillor Bernie Attridge on the reporting mechanism for the Officer Code of Conduct, the Chief Officer confirmed that paragraph 8 of the Code required officers to declare an interest where their private lives could conflict with their public duty. He outlined the differences between the Officer’s Code and Members Code and explained how this was covered within paragraph 8. This was about the potential in case the need arose.

Councillor Alasdair Ibbotson moved the recommendation with a small change “ that the Committee **note** the changes being recommended by the Standards Committee to Full Council for adoption.”

The Chief Officer suggested that this was changed following the meeting to incorporate the changes suggested around paragraph 2.3 and 5.1.

The recommendations within the report were approved as moved by Councillor Alasdair Ibbotson and seconded by Councillor Antony Wren .

RESOLVED:

That the Committee note the changes being recommended by the Standards Committee to Full Council for adoption.

25. COMMITTEE SIZES AND POLITICAL BALANCE

In presenting the report the Chief Officer (Governance) referred to the comments made around committee sizes at the Annual Meeting of Full Council last year. Information was provided on the work which had been undertaken and committee were referred to the table at paragraph 1.06 of the report. The Chief Officer outlined his rationale and the difficulties that he had encountered trying to ensure that all groups were represented. An outline was provided of the complexities of increasing or decreasing the seats on committees whilst ensuring that they were compliant with the Political Balance Rules. It was also explained that some committees, such as Audit & Governance Committee, Planning Committee and Standards had been ruled out from this as the membership for these was different.

Councillor Bernie Attridge commented that he would vote for this to remain the same.

Councillor Alasdair Ibbotson referred to the illustration and wondered if it would assist if the Labour party lost one seat on the Community & Housing Overview & Scrutiny Committee for which it had 6 seats, to be compensated by gaining a seat on the Audit & Governance Committee, where the Labour group had two seats and the Independent Group had 3. This would ensure that there were no changes in the Labour Group's allocation and remove the majority on any committee with the seat on Community & Housing Overview & Scrutiny Committee becoming available to compensate the group which would lose a seat on Audit & Governance Committee

In response the Chief Officer commented that this was lawful and that he could not see an issue with it. If Members wished to reduce the size to 11 then he was happy to go away and work on this. He felt that the current system worked because of the way members chose to apply the rules with seats allocated to people who were interested in the work of a specific committee. This was why Members were happy with the current situation.

Councillor Paul Johnson referred felt the way that the seats were awarded on political balance worked well and he could see no reason to change the existing status quo.

Councillor Arnold Woolley also felt that there was no need to change the present system as it worked well.

Councillor Ted Palmer moved the recommendation which was seconded by Councillor Paul Johnson

RESOLVED:

That committee sizes remained as they were.

26. MEMBER WORKSHOPS BRIEFINGS AND SEMINARS UPDATE

The Democratic Services Manager presented the report and provided an overview of the training and development plan for Members which was based on the Statutory and Non- Statutory Guidance for Principal Councils in Wales, with Appendix 1 highlighting relevant information on this. He explained that the information had been split into two sections with mandatory training relative to the role of a Councillor on Planning and Licensing Committees, with follow up reports presented to committee around attendance at these mandatory training sessions. The majority of training sessions would be delivered in house and would have the option to be held in person and remotely. The WLGA also provided remote sessions for Members together with remote sessions provided by Human Resources for Members to complete at their leisure on topics such as Cyber Ninja training.

The Chief Officer (Governance) confirmed that the list for mandatory sessions was based around the modules which employees were required to undertake. It was suggested to rename them so Members undertook for example Cyber Security Training and Equalities. Having broader topics could reduce the number which members were required to undertake. He suggested that Carbon Reduction and Environmental Awareness was included which was around ensuring the Council achieving carbon neutrality by 2030. The Council had a Carbon Reduction Policy and Climate Change Committee but this could not be confined to the work of one committee and it was important that all Members were aware of what was required to achieve this.

The Democratic Services Manager confirmed that the Guidance did allow for more sessions to be included.

Councillor Bernie Attridge referred to page 77, Information Technology General, and commented that Planning Committee members had requested extra training on the IT system which all members would benefit from and said that this was a priority. Social Media and Communication had been requested by the Standards Committee and himself. He also wondered if someone from the Ombudsman's Office could attend to provide guidance around what Members were able to share on their private social media pages. He referred to rules and regulations around freedom of speech on comments made by Members of Parliament and Assembly Members which would not be permitted to be made by County Councillors. Clear guidance was required for Social Media and that training was provided by the Ombudsman's Office

The Chief Officer confirmed that he had spoken to the trainers prior to Christmas about Respectful Communication, especially around how to treat people with respect even when you disagree with them. He had chased them again. He referred to the Code of Conduct for Westminster and the Senedd, which were below the standards expected for local councillors and then provided an overview of the reasons for the formation of the Nolan Committee. An outline of the different roles was provided between Members of Parliament, Members of the Senedd and local councillors.

Councillor Alasdair Ibbotson welcomed the proposals put forward by the Chief Officer, especially those around Climate Change. He did however have

concerns around the number of training modules listed as mandatory and outlined his reasons for this. He felt it would increase the pressure on councillors who worked and had to request the time to complete the training. He fully appreciated that some of the mandatory training for Planning, for example, were needed but had reservations especially if they were penalised for not attending. He commented that Members could also risk losing the good will of their employer.

The Chief Officer appreciated the perspective provided by Councillor Ibbotson. He felt that moving the topics and combining the training could accommodate those Members with commitments. Looking at the delivery method such as eLearning which could be completed in their own time could assist. He then outlined the suggested themes which could be reduced to 6, Cyber Security, Equalities, Environment & Carbon Reduction, Safeguarding and Modern Slavery, Corporate Parenting which could be included with safeguarding. This left Violence Against Women and Domestic Abuse which was mandated by Welsh Government. There was also the Chaining Skills Training which would be just for Chairs.

Councillor Andrew Parkhurst shared Councillor Ibbotson's concerns but welcomed the Chief Officer's suggestion around how the courses were delivered. He commented that he had just completed the Cyber Ninja training which he found more convenient than having a 2-hour training session. If these sessions could be delivered along these lines that it would ease the workload. He referred to discussions in relation to Planning specifically for section 106 agreements and asked if this could be included within the modules.

In response the Democratic Services Manager confirmed that this would be included in the Planning training.

Councillor Ted Palmer proposed that an item being included for all co-opted lay members to receive training on how the Council operated to enable them to scrutinise at committee.

Councillor Arnold Woolley referred to the Council's Learning Academy which had topics which could be undertaken at home at their own leisure.

The Democratic Services Manager confirmed that this would be included in Appendix 1 under eLearning and would encourage Members to undertake the training available.

Councillor Linda Thew referred to discretionary IT support and would like to see a range of sessions and support to be provided to suit people's needs, online and in person. Councillor Roz Mansell outlined the IT training that she had received when she collected her laptop but had not received any further training since.

The Democratic Services Manager agreed to take these comments on board when decisions were made around the delivery of these sessions.

The Chief Officer (Governance) then summed up the comments made which included:-

- Specific training around the use of the Planning System, software and 106 agreements
- Request that a range of different media, whether face to face or online. Depending on the nature of the training to use face to face and eLearning to assist Members.
- The 5 themes for mandatory training put forward Cyber Security, Equalities, Environment & Carbon Reduction, Safeguarding Modern Slavery and Corporate Parenting, and Violence Against Women and Domestic Abuse
- Mandatory training for co-opted members

The recommendations within the report were approved.

RESOLVED:

- (a) That the Committee agree to categorise the 12 sessions listed in Para. 1.05 as 'mandatory' and the remaining sessions as 'discretionary'.
- (b) That if Members had any suggestions for future development 'topics', they were invited to contact the Democratic Services Manager to discuss them.
- (c) That the Committee receive a quarterly report of attendance at each of the sessions delivered.

27. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

None.

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Chairman