

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CONSTITUTION COMMITTEE**

DATE: **WEDNESDAY, 17 JULY 2013**

REPORT BY: **DEMOCRACY & GOVERNANCE MANAGER**

SUBJECT: **UPDATING THE CONSTITUTION**

1.00 PURPOSE OF REPORT

1.01 To consider further updating changes to the Council's Constitution pursuant to the 3 year programme agreed at the committee's meeting on the 24 July 2012.

2.00 BACKGROUND

2.01 Section 37 of the Local Government Act 2000 requires a local authority such as Flintshire to keep up-to-date a Constitution containing information prescribed by the Welsh Government and for that to be available for inspection by members of the public. Section 38 requires the authority to have regard to guidance issued by the Welsh Government and the subsequent guidance requires the Constitutions to be in the modular format that Flintshire has.

2.02 At its meeting on the 24 July 2012 the committee considered a report recommending a programmed review of the Constitution over a three year period and resolved to endorse that programmed review. The six areas identified for review in year one were dealt with last year. The following six areas are in the programme for being reviewed this year:-

1. Access to Information Procedure Rules
2. Protocol for Members in their dealings with Contractors/Developers.
3. Contract Procedure Rules
4. Financial Procedure Rules
5. Standing Orders relating to the Appointment and Dismissal of Officers.
6. Part 3 – Responsibility for Functions.

2.03 The Democracy & Governance Manager has undertaken a review of the first two areas referred to in paragraph 2.02. Tracking changes have been made to show the proposed changes and the reasons for them and these are attached as appendices 1 and 2 to this report.

3.00 CONSIDERATIONS

- 3.01 In undertaking the review the guiding principles have been to update to reflect current arrangements, avoid unnecessary bureaucracy and avoid ambiguity of wording. The extent to which changes can be made is limited by the requirement to follow the Welsh Government guidance and to include the information the Welsh Government requires to be included in Constitutions.
- 3.02 The updating review of the Access to Information Procedure Rules includes the following proposed changes:-
- To include reference to the Environmental Information Regulations 2004, which provides similar information rights to the Freedom of Information Act in relation to Environmental Information.
 - To include reference to the recently adopted Social Media Protocol
 - To no longer make a charge for any member of the public who wishes to obtain a copy of these rules.
 - To delete a long section that was providing interpretation of phrases used which with one exception was unnecessary duplication of provisions already contained in paragraph 10.5. The one definition not previously included has been added to paragraph 10.5.
 - To update paragraph 18.3 to reflect current practice.
- 3.03 The updating review of the Protocol for Members in their dealings with Contractors/Developers includes the following proposed changes:-
- To change the title to include 'Other Third Parties' as the protocol has always gone beyond just dealings with contractors and developers.
 - Rewritten the part referring to the Members' Code of Conduct.
 - Clarified the reference to the Planning Code of Conduct to distinguish between where the Member sits on the Planning Committee and where the Member does not.
 - Paragraph 3.2 may need updating when the Contract Procedure Rules have been updated.
- 3.04 The committee is asked to consider the proposed changes to the Access to Information Procedure Rules and the Protocol for Members in their dealing with Contractors/Developers and other third parties. Once the committee has agreed the revised versions of these parts of the Constitution, the Chair and the political Group Leaders will be consulted. If there are no objections the Constitution will then be updated to reflect what the committee has agreed. If there is any objection there will be a report to County Council.

4.00 RECOMMENDATIONS

4.01 For the committee to consider the proposed changes to the Access to Information Procedure Rules and the Protocol for Members in their dealings with Contractors/Developers.

5.00 FINANCIAL IMPLICATIONS

5.01 None as a result of this report.

6.00 ANTI POVERTY IMPACT

6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

10.01 None as a result of this report.

11.00 CONSULTATION UNDERTAKEN

11.01 With the Head of Legal and Democratic Services

12.00 APPENDICES

12.01 Appendix 1 - Access to Information Procedure Rules
Appendix 2 - Protocol for Members in their dealings
with Contractors/Developers

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

None

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