

CONSTITUTION COMMITTEE
18 JANUARY 2012

Minutes of the meeting of the Constitution Committee of Flintshire County Council held in County Hall, Mold on Wednesday, 18 January, 2012

PRESENT: Councillor H.T. Isherwood (Chairman)

Councillors: D. Barratt, M. Bateman, R.C. Bithell, Q.R.H. Dodd, F. Gillmore, R.J.T. Guest, R.G. Hampson, G. Hardcastle, P.R. Pemberton, A.P. Shotton and A. Woolley

SUBSTITUTION: Councillor R. Hughes for J.C. Cattermoul

APOLOGIES: Chief Executive and Councillors J.B. Attridge and R.P. Macfarlane

IN ATTENDANCE:

Democracy and Governance Manager and Committee Officer

43. DECLARATIONS OF INTEREST

There were no declarations of interest.

44. MINUTES

The minutes of the meeting of the Committee held on 19 October 2011, were submitted.

Matters arising

Monitoring of Planning Training

Councillor R.C. Bithell commented on the importance of consistency in membership of the Planning & Development Control Committee and on the use of substitutions. He expressed the view that there was a need to ensure that all Members and substitute Members of the Committee were robustly apprised of planning procedures and that some additional training as well as the core training provided should be attended by all.

It was agreed this should be considered by Group Leaders and if they wished a report submitted by the Democracy and Governance Manager to the next meeting of the Committee.

Panel for the appointment of LEA Governors

Councillor R.C. Bithell made reference to the resolution of the Committee and commented on the need to review the wording in one of the recommended criteria as detailed in the report submitted to the Committee on 19 October 2011.

RESOLVED:

- (a) That the minutes be received, approved and signed by the Chairman as a correct record; and
- (b) That the training of members and substitute members of the Planning & Development Control Committee be considered and if they wish a report submitted by the Democracy and Governance Manager to the next meeting of the Committee.

45. UPDATING COUNCIL CONSTITUTION

The Democracy and Governance Manager introduced a report to clarify the way in which changes and updates to the Council's Constitution are made. He made reference to the query raised at the previous meeting of the Committee concerning the updated version of the Constitution and provided background information on the requirement for local authorities to have written Constitutions. He explained that there was a constant need for it to be updated and the updates that had been made in the last 2 years were attached as an appendix to the report for information.

The Democracy and Governance Manager explained that the amendments that had been made to the Constitution fell into two categories which were the substantive changes following consideration by the Constitution Committee and County Council and the necessary updates as a result of minor amendments made by the Head of Legal & Democratic Services/Monitoring Officer under delegated powers.

A comparison of Flintshire's Constitution with those of other North Wales authorities showed that there was a large degree of similarity, although there was variation as to how minor changes to the Constitution could be made. The Democracy and Governance Manager commented that Conwy's Constitution reflected Flintshire's custom and practice in that whilst changes of substance had to be approved by the Council, minor or consequential changes could be undertaken by the Monitoring Officer in consultation with the Chair of the Council and Chair of the Constitution Committee. Members were asked to consider that the transparency of the current custom and practice would be improved if the Council's Constitution was amended.

Councillor R.C. Bithell proposed that the recommendation as detailed in paragraph 4.01 of the report be accepted but with the amendment that the Vice Chair as well as the Chair of the Constitution Committee be consulted. Councillor R.J.T. Guest suggested the recommendation be accepted but that consultation take place with the Chair and Vice Chair of the County Council, Chair and Vice Chair of the Constitution Committee and Group Leaders, but this was not supported. Councillor D. Barratt proposed that the recommendation be accepted but that consultation take place with the Chair of the Constitution Committee and Group Leaders and when put to the vote this was agreed.

RESOLVED:

That the Committee recommends to County Council that article 18 be amended to make clear the distinction between changes of substance, which need to be approved by County Council and minor or consequential changes that can be made by the Head of Legal and Democratic Services/Monitoring Officer under delegated powers following consultation with the Chair of the Constitution Committee and Group Leaders.

46. WELSH GOVERNMENT CONSULTATION DOCUMENT ON THE LOCAL ELECTIONS SURVEY (WALES) REGULATIONS 2012

The Democracy and Governance Manager introduced a report to assist Members to decide on a response to the Welsh Government (WG) consultation on the proposed Local Elections Survey (Wales) Regulations 2012. He commented that despite the Council's representation made in response to consultation on the draft Local Government (Wales) Measure 2011, the Measure had imposed a duty on each County Council in Wales to conduct a survey of those who stood as candidates in their area after each ordinary election. The survey encompassed candidates for both the County Council and Town and Community Councils.

Members considered the draft survey which was appended to the report and raised a number of queries and concerns around purpose, cost and the future implications. In response the Democracy and Governance Manager explained that the aim of the survey was to gauge the effectiveness of policies aimed at widening participation in local government over time. The Council was required to respond to the Welsh Government by the 24 January 2012 on the draft Survey and draft Statutory Guidance and had six months from the date of the ordinary election to collect and collate the data and forward it to the WG.

The Democracy & Governance Manager advised that the WG had made £35K available to be divided amongst 22 county councils to meet the cost of the exercise. However, it was believed that the actual costs to local authorities of conducting the survey would be greater than the funding allocated. He advised that the Survey included questions that went beyond those which Section 1(4) of the Measure specified and it was believed that the questionnaire was already sufficiently long and detailed without including the additional areas of questioning. Referring to Question 3 of the Survey he reported that it was a requirement that the results were collated to separate between successful and unsuccessful candidates for both County Council and Town/Community Councils. It was suggested therefore that the options to Question 3 should be amended to County Councillor, Town/Community Councillor and Unelected.

In response to the further views expressed by Members the Democracy & Governance Manager commented that there was no obligation on a candidate to return the questionnaire and there was no requirement on local authorities to issue reminders to recipients of the form.

RESOLVED:

That under the Head of Legal & Democratic Services' delegated powers a response to consultation is made which includes the points detailed in paragraphs 3.05, 3.06 and 3.07 of the report and referred to above.

47. LOCAL GOVERNMENT BYE-LAWS (WALES) BILL

The Democracy and Governance Manager introduced a report to inform the Committee of the Local Government Bye-laws (Wales) Bill and to determine a response to consultation on it. He provided background information and advised that the specific questions asked by the Communities, Equality and Local Government Committee and a draft response to the consultation were attached to the report.

Councillor Q.R.H. Dodd moved the recommendation in the report and expressed the view that there should be substantial support by Members when voting to accept a bye-law and referred to a previous decision to form a Byelaw Committee that had not been implemented.

During discussion it was agreed that a response to consultation be sent as detailed in Appendix 2 of the report and that the Democracy and Governance Manager provides a further report to the Committee to consider the need to establish a separate committee to ensure consensus of support from Members for the bye-laws introduced by the County Council.

RESOLVED:

- (a) That the Committee noted the provisions in the Local Government Bye-laws (Wales) Bill;
- (b) That under the Head of Legal & Democratic Services' delegated powers a response to consultation be sent as detailed in Appendix 2 to the report; and
- (c) That the Democracy and Governance Manager provides a further report to the Committee to revisit the need for a separate bye-laws committee.

48. PRESS IN ATTENDANCE

There were no members of the press in attendance.

49. DURATION OF MEETING

The meeting commenced at 2.00 pm and finished at 3.30 pm.

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Chairman

SUMMARY OF DECLARATIONS MADE BY MEMBERS
IN ACCORDANCE WITH FLINTSHIRE COUNTY COUNCIL'S
CODE OF CONDUCT

CONSTITUTION COMMITTEE		DATE 18 January 2012
MEMBER	ITEM	MIN. NO. REFERS
NO DECLARATIONS WERE MADE		