

## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:**           **CONSTITUTION COMMITTEE**  
**DATE:**               **28 MARCH 2012**  
**REPORT BY:**       **DEMOCRACY AND GOVERNANCE MANAGER**  
**SUBJECT:**           **FLINTSHIRE BYE-LAWS**

### **1.00 PURPOSE OF REPORT**

**1.01** Pursuant to the decision taken at the last meeting of the Committee to revisit the need for a separate Bye-laws Committee.

### **2.00 BACKGROUND**

**2.01** At the last meeting of the Committee on the 18 January 2012 consideration was given to a report on consultation on the Local Government Bye-laws (Wales) Bill. During consideration of that report Councillor Q R H Dodd referred to a previous decision to form a Bye-law Committee that had not been implemented. As part of the resolution it was resolved that the Democracy & Governance Manager provide a further report to the Committee to revisit the need for a separate Bye-laws Committee.

**2.02** At a meeting of the County Council on the 18 April 2006 consideration was given to a notice of motion submitted by Councillor Q R H Dodd which stated "This Council resolves to set up a working party to examine and consider the creation of a set of bye-laws for Flintshire. The aim is to regulate behaviour which is not covered by existing statute. The working party will consult with all elected Members of the authority and all Town & Community Councils and will invite contributions from the general public. In due course they will present a report and recommendations to this authority for approval". This motion was carried.

### **3.00 CONSIDERATIONS**

**3.01** Whilst the Council has never decided to have a Bye-law Committee, it did decide in 2006 to set up a working party to examine and consider the creation of a set of bye-laws for Flintshire. The first meeting of the working party was intended to be on the 26 July 2007 but due to some confusion regarding the membership of the working party its work was undertaken by the Constitution Forum that met on that day.

**3.02** The report to the Constitution Forum explained that Flintshire had

inherited a number of bye-laws from the former Alyn & Deeside District Council and the former Delyn Borough Council as well as having made its own bye-laws in relation to acupuncture and tattooing. The report went on to indicate that the recently introduced Clean Neighbourhoods and Environment Act 2005 covered areas such as dog fouling that had previously been covered by bye-laws. The Constitution Forum decided that there should be consultation with Town & Community Councils in relation to the possible take up of powers under the Clean Neighbourhoods and Environment Act 2005.

**3.03** Following that consultation Flintshire introduced controls under the Clean Neighbourhoods and Environment Act relating to dog fouling in 2009. The Constitution Forum was then replaced by the Constitution Committee.

**3.04** The Council's Constitution expressly provides that the making, amending, revoking, re-enacting or adopting of bye-laws is a function of the full Council (Article 4, paragraph 4.02 (j)). Once the Local Government Bye-laws (Wales) Bill has been enacted the process for making bye-laws should be simplified and this may lead the Council to make new bye-laws or amend existing ones. In those circumstances a report to the County Council could include a recommendation to establish a working group of Members to formulate and progress proposals for consideration by County Council.

#### **4.00 RECOMMENDATIONS**

**4.01** That in the event of the circumstances described in paragraph 3.04 arising Council consider establishing a new Member Working Group.

#### **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** The creation of a further formal committee would require further staffing resources.

**10.00 CONSULTATION REQUIRED**

**10.01** None

**11.00 CONSULTATION UNDERTAKEN**

**11.01** None

**12.00 APPENDICES**

**12.01** None

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

Report to Constitution Forum, 26 July 2007  
Minute of Constitution Forum, 26 July 2007

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