

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CONSTITUTION COMMITTEE**

DATE: **WEDNESDAY, 15 APRIL 2015**

REPORT BY: **CHIEF OFFICER, GOVERNANCE**

SUBJECT: **NEW MODEL CONSTITUTION**

1.00 **PURPOSE OF REPORT**

1.01 For the committee to consider recommendations from the Member Constitution Working Group in relation to adopting a new model Constitution.

2.00 **BACKGROUND**

2.01 Section 37 of the Local Government Act 2000 requires Welsh county Councils to prepare and keep up-to-date a written constitution containing such information as Welsh Ministers may direct, a copy of the authority's standing orders, a copy of the authority's code of conduct for Members and such other information as the authority considers appropriate.

2.02 The current Council constitution is based on a national model with a modular format. This format does mean that, for example, not all information about Cabinet or Overview & Scrutiny Committees are in the same part of the constitution.

2.03 The Monitoring Officers in Wales in consultation with interested parties last year commissioned a firm of solicitors to produce a new format for Constitutions. The new model produced simplifies the structure of the Constitution by putting all the provisions for each topic area in the same place. It is also written in a style that is easier for the public to understand. County Councils in Wales are considering the new model Constitution.

2.04 In the report on constitutional matters submitted to the last annual meeting it was explained that proposals would be brought forward to assess the differences between our current Constitution and the new model Constitution and to assess those differences before deciding whether the Council should adopt the new model. Copies of the new model Constitution have been left in Member Services and the group rooms.

2.05 At the committee's last meeting on the 28 January 2015 it agreed in principle to adopting the new model Constitution subject to a review of its provisions. It also agreed to establish a Member Working Group to consider the differences between the detailed provisions of the new model and Flintshire's existing Constitution and make recommendations as to which detailed provisions to adopt to the next annual Council meeting.

3.00 CONSIDERATIONS

3.01 The Member Constitution Working Group met on the 2 April 2015. In advance of the meeting Working Group members had been sent the following:-

- The table of contents of the current Constitution
- The table of contents of the new model Constitution
- A note comparing current and proposed Constitutions
- A copy of the new model Constitution

3.02 The first matter the Working Group considered was the structure and format of the new model Constitution compared with the structure and format of the existing Constitution. The modular format of the current Constitution means that the provisions about the Cabinet or Overview & Scrutiny each appear in several different parts of the Constitution. In contrast the proposed new model Constitution is in a format where everything relating to the Cabinet or Overview & Scrutiny is in the same part. The Working Group agreed that the format of the new model Constitution was preferable as it was easier for Members, officers and the public to follow.

3.03 The Working Group then proceeded to consider the documents such as local protocols that are contained in Flintshire's current Constitution but not in the model. These comprise:-

- The Local Resolution Procedure
- Social Media Protocol
- The Protocol on Councillor Newsletters
- The Protocol on Members Dealing with Contractors
- The Protocol on Members' Rights of Access to Information
- Standing Orders relating to Family Absence for Members
- Members Confidential Reporting Procedure
- Schedule of Member Remuneration
- Code of Corporate Governance
- Audit Procedures
- The Council's Prosecution Policy

The Working Group agreed that with the exception of the Prosecution Policy all the other documents listed above should be transferred to the model Constitution at the appropriate section of it. The

Prosecution Policy is the only policy contained in the Constitution and the Working Group agreed with officers that that policy should not be included in the Constitution.

3.04 The Working Group then considered two matters that are contained in the model Constitution but not in the Council's current Constitution. Firstly, the new model Constitution contains in Section 2.2 definitions of phrases used in it. The Working Group agreed that this should be retained. Secondly, Section 23 of the model contains various Member role descriptions and person specifications. Whilst Flintshire has previously adopted a smaller number of Member role descriptions these are not currently included in its Constitution. The Working Group agreed that it would leave it to the Constitution Committee to decide whether these current role descriptions should be included in the new Constitution. The Working Group also believed that there should be consultation with Members on the additional role descriptions and person specifications in the model Constitution before a decision was taken on including these in the Constitution.

3.05 The Working Group then considered a list of detailed differences between the wording in the current Constitution and the new model Constitution. The Working Group accepted a recommendation that these detailed points were best considered at future meetings of the Working Group following the annual meeting. In the interim the wording in such situations to remain the wording in the current Constitution.

4.00 RECOMMENDATIONS

4.01 That the Chief Officer, Governance prepares for the annual meeting a new Constitution in the format of the new model Constitution to reflect the views of the Member Constitution Working Group as summarised in paragraph 3.03 to 3.05 above.

4.02 That the Member Constitution Working Group continues after the annual meeting to consider the detailed differences between the model Constitution and the current Constitution.

4.03 For the committee to decide whether the Council's current Member role descriptions should be included in the new Constitution and for Members to be consulted on the additional role descriptions and person specifications contained in the new model Constitution.

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 Member Constitution Working Group.

11.00 CONSULTATION UNDERTAKEN

11.01 Member Constitution Working Group.

12.00 APPENDICES

12.01 None

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

Contact Officer: Peter Evans
Telephone: 01352 702304
Email: peter.j.evans@flintshire.gov.uk