

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:**           **FLINTSHIRE COUNTY COUNCIL**

**DATE:**               **TUESDAY, 12 MAY 2015**

**REPORT BY:**       **CHIEF OFFICER (GOVERNANCE)**

**SUBJECT:**           **NEW MODEL CONSTITUTION**

**1.00**   **PURPOSE OF REPORT**

1.01   For Council to accept a recommendation from the Constitution Committee to adopt a new format of 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, including 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 parts 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.

2.05   At the Constitution Committee's 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 representations as to which detailed provisions to adopt.

- 2.06 Following a meeting of the Member Constitution Working Group on the 2 April 2015 its recommendations were considered by the Constitution Committee at its meeting on the 15 April 2015.

### **3.00 CONSIDERATIONS**

- 3.01 The first recommendation the Working Group made to the Constitution Committee related to a comparison of the structure and format of the new model Constitution compared with the structure and format of the existing Constitution. The Working Group recommended the structure and format of the new model Constitution was preferable as it was easier for Members, officers and the public to follow. The Constitution Committee accepted this recommendation.

- 3.02 The Working Group then proceeded to consider the local Flintshire documents contained in Flintshire's current Constitution but understandably not included 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 policies should not be included in the Constitution. These recommendations were agreed by the Constitution Committee.

- 3.03 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 and this recommendation was agreed by the Constitution Committee. Secondly, Section 23 of the model contains various Member role descriptions and person specifications. The Working Group agreed that it would leave it to the Constitution Committee to

decide whether these should be included in the new Constitution. The Constitution Committee decided against included these documents in the Constitution.

3.04 The Working Group then considered a list of detailed differences between the wording in the current Constitution and in the new model Constitution. The Working Group recommended that these detailed points were best considered by future meetings of the Working Group after the annual meeting. In the interim the wording in such situations to remain the wording in the current Constitution. This recommendation was agreed by the Constitution Committee.

3.05 The Constitution Committee resolved that the Chief Officer, Governance should prepare for the annual meeting a new Constitution in the format of the new model Constitution to reflect the above decisions of the committee. A copy of the new Constitution has been prepared and placed in Member Services. If approved the new Constitution will also be made available on the Infonet and website.

#### **4.00 RECOMMENDATIONS**

4.01 That the Council agrees to adopt the new format of the Constitution as recommended by the Constitution Committee.

#### **5.00 FINANCIAL IMPLICATIONS**

5.01 There will be a cost of translating certain sections into Welsh for which there is a budget provision.

#### **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 and Constitution Committee.

**11.00 CONSULTATION UNDERTAKEN**

11.01 Member Constitution Working Group and Constitution Committee.

**12.00 APPENDICES**

12.01 None

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

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