

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CONSTITUTION COMMITTEE**
DATE: **WEDNESDAY, 7 OCTOBER 2015**
REPORT BY: **CHIEF OFFICER (GOVERNANCE)**
SUBJECT: **NEW MODEL CONSTITUTION**

1.00 PURPOSE OF REPORT

- 1.01 To consider differences between the Council's current Constitution and the Model Welsh Constitution (MWC) and whether to amend any provisions as a result.

2.00 BACKGROUND

- 2.01 At the AGM in May, the Council adopted the same layout as the MWC and transposed all of the content from its Constitution (in this report called the "old constitution") into that new layout. It did not change the substance of any rules and procedures.
- 2.02 As a result there are differences between the old constitution and the MWC. The Constitution Working Group (CWG) met on 9 July 2015 to consider those differences. It has made recommendations as to changes which it believes should be made.

3.00 CONSIDERATIONS

- 3.01 The following parts of the old constitution are not included within the MWC and it is recommended by the CWG that they be included as indicated:

- a) The old constitution contained Article 3.02 which stated:

'Citizens' responsibilities

Citizens must not be violent, abusing or threatening to councillors, or officers and must not wilfully harm things owned by the council, councillors or officers.'

The Constitution Working Group considered that this section should be inserted in the MWC to form a new paragraph (h) at the end of paragraph 3.2.1 with the addition of the following sentence:

"The Council will consider legal action to protect its councillors,

officers or property.”

- b) Article 17 of the old constitution included the principles of decision making. The Working Group considered that Articles 17.01, 17.02 and 17.06, 17.07 and 17.08 should all be added to the MWC after s.1.2.1 as shown at Appendix A.

3.02 In addition there were parts of the old constitution and MWC which the Working Group decided not to adopt.

- a) Article 1.04 of the old constitution refers to review of the Constitution. The Working Group considered that this was dealt with more comprehensively by paragraphs 2.4 and 2.5 of the MWC as shown at Appendix B.
- b) The Working Group decided that Articles 20.02 and 20.03 (see Appendix C) were dealt with in a better way by paragraphs 2.3 and 2.8 of the MWC. It therefore recommended that they are not included.
- c) The MWC provides for an annual state of the County debate (see Appendix D). The Working Group felt that the notice of motion procedure gave ample opportunity to debate issues affecting the county. It recommends not adopting that provision.

3.03 The MWC contains a provision at paragraph 6.3.4 (Appendix E) enabling the Council to appoint a new Leader in the event that the existing Leader becomes so ill or incapacitated that he cannot continue in the role. The Working Group hoped that the provision would never need to be exercised but saw that it would be beneficial if such circumstances arose. It recommended the inclusion of a less legalistic version of the provision which is also set out at Appendix E.

3.04 Lastly, the Working Group considered provisions about dismissing the Leader. The old constitution stated that the Leader was appointed at the AGM and served until the next AGM unless he resigned or was disqualified. There was no provision enabling the Leader to be removed, as exists in other councils. It was noted that those councils tend to appoint their leader for a whole council term but it agreed that it would be useful to have such a provision in case it was ever needed.

3.05 The Working Group wanted a process that would not destabilise the Council but, which did not set too high a threshold for removal. It considered that the MWC provision set too low a hurdle and so recommended that 15% of councillors from at least 2 groups would be needed to instigate such a vote and that a simple majority would be needed to approve the motion. As a further safeguard it suggested that no more than one such vote should be permitted in a rolling 12

month period.

4.00 RECOMMENDATIONS

4.01 That the changes in Appendixes A – E should be approved.

5.00 FINANCIAL IMPLICATIONS

5.01 None directly arising from this report.

6.00 ANTI POVERTY IMPACT

6.01 None directly arising from this report.

7.00 ENVIRONMENTAL IMPACT

7.01 None directly arising from this report.

8.00 EQUALITIES IMPACT

8.01 None directly arising from this report.

9.00 PERSONNEL IMPLICATIONS

9.01 None directly arising from this report.

10.00 CONSULTATION REQUIRED

10.01 Following consideration by this committee any changes must be approved by full Council.

11.00 CONSULTATION UNDERTAKEN

11.01 The Leader and Constitution Working Group.

12.00 APPENDICES

12.01 Appendix A – Articles 17.01, 17.02 and 17.06, 17.07 and 17.08 to be added to MWC

Appendix B – Article 1.04 to be added to paragraphs 2.4 and 2.5 of the MWC

Appendix C – Articles 20.02 and 20.03

Appendix D – State of the County debate

Appendix E – MWC provisions at paragraph 6.3.4

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985

BACKGROUND DOCUMENTS

As referred to in the report.

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