

CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE
14 OCTOBER 2020

Minutes of the remote meeting of the Constitution and Democratic Services Committee of Flintshire County Council held on Wednesday, 14 October 2020

PRESENT: Councillor Neville Phillips (Chairman)

Councillors: Chris Bithell, Bob Connah, Jean Davies, Rob Davies, David Evans, David Healey, Ted Palmer, Mike Peers, Michelle Perfect, Vicky Perfect, Ian Smith, David Williams, and Arnold Woolley

APOLOGIES: Councillor Bernie Attridge

ALSO PRESENT: Councillor Patrick Heesom

IN ATTENDANCE: Chief Officer (Governance), Head of Democratic Services , and Democratic Services Officers

Prior to the start of the meeting the Chairman congratulated Councillor David Evans on being awarded an OBE in the 2020 Queens's Birthday Honours List which was published on 10th October.

01. APPOINTMENT OF CHAIR

The Head of Democratic Services reminded the Committee that at the Annual Meeting, Council had resolved that the Liberal Democrats group should nominate the Chair of the Committee. The nomination from the group had been for Councillor Neville Phillips.

RESOLVED:

That Councillor Neville Phillips be confirmed as Chairman of the Committee for the municipal year.

(From this point, Councillor Phillips chaired the remainder of the meeting)

02. APPOINTMENT OF VICE-CHAIR

The Chairman sought nominations for the appointment of Vice-Chair.

Councillor Mike Peers proposed Councillor Arnold Woolley as Vice-Chair of the Committee and this was seconded by Councillor Rob Davies.

Councillor Chris Bithell proposed Councillor Michelle Perfect as Vice-Chair of the Committee and this was seconded by Councillor Ted Palmer.

On being put to the vote Councillor Michelle Perfect was appointed as Vice-Chair of the Committee.

RESOLVED:

That Councillor Michelle Perfect be appointed Vice-Chair of the Committee for the municipal year.

03. DECLARATIONS OF INTEREST

None.

In response to a query from the Chair on item 6 – Independent Remuneration Panel for Wales (IRPW) Annual Report, the Chief Officer (Governance) advised that Members were only required to declare a personal interest in relation to matters of remuneration.

04. MINUTES

The minutes of the meeting held on 5 March 2020 were submitted.

The minutes were moved by Councillor Chris Bithell and seconded by Councillor Ted Palmer.

RESOLVED:

That the minutes be approved as a correct record and signed by the Chairman.

05. INDEPENDENT REMUNERATION PANEL FOR WALES (IRPW) ANNUAL REPORT FOR 2020/21

The Head of Democratic Services introduced a report on the Independent Remuneration Panel for Wales (IRPW) Annual Report for 2021/22, which determined the rates of payment to be made to elected and co-opted members of Welsh Local Authorities for the next year. He said the IRPW had sent the draft Annual Report to County Councils on 28 September, requesting comments to be made by 23 November 2020. The IRPW was required to take into account the representations it received on the draft before issuing its final version of the report in February 2021.

In presenting the report, the Head of Democratic Services advised that for 2021/22 the IRPW had made 48 Determinations, 24 of which were directly relevant to Flintshire County Council. The Panel's determinations for 2021/22 were listed in Appendix 1 of the report. He reported that the IRPW had proposed that the basic salary in 2021/22 for elected members of principal councils shall be £14,368 with effect from 1 April 2021. This was an increase of £150 on the 2020/21 level. An increase of 1.06% was also proposed for senior and civic salaries. The Panel also proposed an increase of £12 to £210 for the daily rate for ordinary co-opted members of Committees. The Head of Democratic Services referred to the main determinations in the report.

In response to a question from Councillor Ted Palmer the Head of Democratic Services advised that it was a matter for individuals to determine whether they accepted or declined all or part of the payment to which they were entitled.

Councillor Chris Bithell referred to Section 15, paragraph 15.3 in the IRPW report. The Chief Officer responded to the question around salaries of Heads of Paid Services and Chief Officers of principal councils and drew attention to the information provided in paragraph 15.1.

Councillor Bithell raised a further question concerning the recording of Members' attendance at meetings. He commented that whilst attendance at most meetings of the Council were recorded there were a significant number of additional meetings attended by Members as part of their duties which were not, citing meetings of sub-committees, Panels, external organisations, and bodies as examples. He emphasised the importance of raising public awareness and reassurance that Members were fulfilling their duties. The Head of Democratic Services explained that the Authority recorded the membership and attendance of elected Members of specific committees within the Authority and also recorded attendance at other meetings and this information was available on the Authority's website. He said Members could record reference to all the meetings they attended in their Annual Reports. The Chief Officer advised that there was a statutory list of the meetings at which the Authority was required to record Members' attendance and confirmed that the Authority also recorded Members' membership of external bodies. The Head of Democratic Services suggested that regular reports be submitted to the Committee on the development and briefing events held by the Authority and the names of the Members present.

Councillor Chris Bithell referred to Annex 4 of the IRPW report on publication of remuneration – the Panel's requirements. Commenting on paragraph 1 (a) he said there was no reference made to the provision for Town and Community Councils in the report. The Head of Democratic Services advised that the regulations did not extend to Town and Community Councils. Councillor Bithell expressed the view that the same rules should apply to both County Councils and Town and Community Councils and proposed that the Committee made representation to the IRPW on this matter. Councillor David Healey seconded the proposal.

RESOLVED:

- (a) That the Committee notes Independent Remuneration Panel for Wales Annual Report for 202/21; and
- (b) That the Head of Democratic Services be authorised to make a response on behalf of the Council which includes a request that Town & Community Councils be required to publish details of their own payments to Members

06. MEMBER IT SUPPORT

The Chief Officer (Governance) introduced a report to consider the proposals for enhanced Member IT provision. He provided background information and explained that the Authority's current IT provision for Members, based on providing ipads, was not adequate to meet all the IT requirements of Members for full participation at remote meetings. To alleviate these concerns and enable Members who are currently without their own IT equipment the Authority had investigated the provision of laptops to Members. The cost would be offset against the increasing costs of printing and postage for agendas. Members would be able to refuse such provision.

The Chief Officer advised that the Independent remuneration Panel for Wales (IRPW), determinations 9 and 10, on Member support, included Councils making provision for their members to have 'adequate telephone, email and internet facilities giving electronic access to appropriate information' being made, without cost to the individual member. For this reason, the Committee was asked to consider offering Members a 'broadband allowance' of up to £30 per month. The Chief Officer explained that in acknowledgement that there was also a number of Members who, despite having the maximum broadband provision in their area, do not get sufficient bandwidth and experience connectivity problems, a Mi-Fi device would be provided. The cost of the Mi-Fi would be offset against a Member's £30 broadband allowance. Individual Members would be able to decline the offers if they were satisfied with their current provision.

During discussion the Chief Officer responded to the comments and queries raised by Members around technical matters relating to security, capacity, and configuration, concerning the proposed new laptops and the upgrade of any personal IT equipment used by Members. Councillor Mike Peers suggested that a detailed survey of all Members be undertaken to determine what IT equipment was actually required by individuals and the suitability of personal equipment used. He said this would potentially reduce the cost to the Authority of providing equipment which was not required. The Chief Officer explained that if the Committee decided to agree the recommendations in the report officers would consult with Members on the number of options available to ensure that their IT requirements were met and resolve any problems they have encountered.

The following recommendation was moved by Councillor Chris Bithell and seconded by Councillor Ted Palmer.

- That the Committee approves the provision of a council laptop to each Member who requires one.

Councillor Mike Peers proposed that the recommendation be amended to include a requirement that a detailed survey of Members' be undertaken to determine the need for individual equipment and this was agreed by the Committee.

The following recommendation was moved by Councillor Chris Bithell and seconded by Councillor Arnold Woolley.

- That the Committee approves the introduction of broadband allowance of up to £30 per month to each Member of the Council who requires it.

Councillors Chris Bithell and Mike Peers proposed that the recommendation be amended to include reference to the IRPWs recommendation. This was agreed by the Committee.

The following recommendation was moved by Councillor Ted Palmer and seconded by Councillor Jean Davies.

- That the Committee recognises that any Member is free not to accept either offer of a laptop or broadband allowance.

RESOLVED:

- (a) That the Committee approves the provision of a council laptop to each Member who requires one following a survey being undertaken to determine Members' requirements;
- (b) That the Committee approves the introduction of a broadband allowance of up to £30 per month to each Member of the Council who requires it, in line with the recommendation of the Independent Remuneration Panel for Wales; and
- (c) That the Committee recognises that any Member is free not to accept either offer of a laptop or Broadband allowance.

07. REVIEW OF MEMBER/OFFICER PROTOCOL

The Chief Officer (Governance) presented a report to consider the changes recommended by the Standards Committee to the Member/Officer Protocol as part of its rolling review of the Constitution. He reported that at end of 2019/early 2020 the Council had also undertaken work around specific aspects of the working relationship such as case handling for Councillors and the Flintshire Standard and it was appropriate that the Protocol be amended to incorporate that work. In addition it was deemed appropriate to update the protocol to strengthen the guidance on relationships between employees and Councillors in light of a recent Case Tribunal. The Protocol was attached as Appendix A to the report showing the proposed amendments as tracked changes.

Councillor Mike Peers referred to the proposed changes to the Protocol in Appendix A, and raised a number of questions and suggestions regarding paragraphs 3.1 Roles of Members and Officers; 4.1(d) timely response to enquiries and complaints; 10.2 involvement of Ward councillors; 11.1 Members' access to information and to council documents; and 13.0 access to Council premises. The Chief Officer responded to the points raised and agreed to amend the Protocol as appropriate.

Councillor Chris Bithell expressed the view that there was insufficient reference in the Protocol around Members responsibilities to their individual Ward constituents. He referred to paragraph 3.1 on the Roles of Members and Officers and said Members were also responsible for representing the electorate and raising any specific matters or concerns they had. Councillor Bithell also referred to paragraph 4.0 (d) on a timely response to enquiries and complaints and expressed the view that the deadlines within the guidance for handling enquiries were not being met. Councillor Bithell made further comments in relation to Member/Officer relationships, working relationships between Members and Officers, and access to Council premises. The Chief Officer responded to the concerns raised and provided advice on the correct procedures to be followed. He agreed to amend the Protocol as appropriate in response to the suggestions made by Councillor Bithell and to resend the guidance provided to Members on the process for reporting enquiries and complaints.

The recommendation in the report was moved by Councillor Arnold Woolley and seconded by Councillor Rob Davies.

RESOLVED:

That the amended protocol be approved

08. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There was one member of the press in attendance.

(The meeting started at 2.00 pm and ended at 3.48 pm)

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Chairman