

CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE
26 JANUARY 2022

Minutes of the remote meeting of the Constitution and Democratic Services Committee of Flintshire County Council held on Wednesday, 26 January 2022

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, and Arnold Woolley

APOLOGY: Councillor Bernie Attridge

ALSO PRESENT: Councillors Patrick Heesom and Christine Jones attended as observers

IN ATTENDANCE: Chief Officer (Governance),

35. DECLARATIONS OF INTEREST

None.

36. MINUTES

The minutes of the meeting held on 17 November were submitted.

The minutes were moved as a correct record by Councillor Chris Bithell and seconded by Councillor Mike Peers.

RESOLVED:

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

37. DRAFT PETITIONS SCHEME

The Chief Officer (Governance) presented the draft petition scheme, which would enable members of the public to organise and submit petitions directly to the County Council. Section 42 of the Local Government & Elections (Wales) Act 2021, which would come into effect from 5 May, 2022 placed a duty on principal councils to make and publish a petition scheme.

Officers had drafted a petition scheme, based on the criteria of suitability for questions at Council, with a copy shown at Appendix 1 of the report. This had been in place for some years and following review was still considered to be suitable with the submission of electronic petitions being managed using the Modern.gov software which supported the committee system.

The recommendations, as outlined within the report, were moved and seconded by Councillors Bob Connah and Rob Davies.

Councillor Vicky Perfect spoke in support of the requirement that a signatory must live or work within the Council area, and cited previous petitions received from other countries regarding Flint Castle.

Councillor Ted Palmer sought clarification that petitions from organisations such as, change.org would not be accepted. The Chief Officer explained that the Council's petition system would be widely available but there needed to be assurances that were built into the Council's own scheme. Councillor Palmer supported this suggestion as he felt it would be difficult to assess where all signatories lived and worked through any other petitions scheme.

Councillor Mike Peers suggested that local Members should be notified of any petitions submitted in order to deal with any queries from local residents that may arise from the petition and also asked whether there would be a mechanism for the public to appeal, if they felt that the petition had not been dealt with properly. He commented on the review of petitions to ensure that they were appropriate and questioned whether a local Members could submit a petition to County Council following the refusal of an online petitions due to its appropriateness. In conclusion, he questioned the proposal that petitions would not be accepted if they related to planning applications. He felt that a petition on a planning application would give members of the public the opportunity to comment, especially on large scale applications, and would also give the Committee a greater number of views.

Councillor Chris Bithell spoke in support of allowing people who lived and worked outside of the County to submit and sign online petitions. He felt that the views of residents in neighbouring counties who visited Flintshire on a regular basis for shopping and those that visited for tourism should be heard. He commented on the proposal that the Chief Executive would decide how to respond to a petition and asked that if a decision was taken not to take any action, that a reason why was also provided. In relation to petitions on planning applications, he outlined instances where planning applications had continued to be considered by the Planning Committee where petitions had been submitted on the application.

The Chief Officer responded to the comments made. He explained that the decision to allow signatories to work or live outside of the County was a matter for the Committee. He supported the suggestion that local Member(s) be informed of a petition submitted on an issue within their ward and suggested that the views of the local Member(s) on the substance of the petition be sought. In relation to comments around petitions on planning applications, he explained that there were established processes for consultation on planning applications and the petitions should not allow for further consideration of applications if a decision had been made. He supported the comments around restrictions and agreed that the same restrictions should apply to any petitions submitted by Members at County Council meetings and said that he was happy to provide advice to Members on the appropriateness of a petition.

Following further consideration on whether online petitions would be accepted if they related to individual planning applications, the Chief Officer suggested that petitions be allowed for open planning applications and that the petition be treated as a consultation response to the application. The Committee supported this suggestion.

Councillor Michelle Perfect, following further discussion around the signatories of online petitions, suggested that the lead signatory must live or work in the County but that all further signatories could live and work outside of the County. Councillor Bithell supported this suggestion and also suggested that the justification of this, outlined in the scheme be amended to read 'This is to ensure that signatories are genuine, with an interest in Flintshire or the matter/issue of concern'. These suggestions were supported by the Committee.

The Chief Officer, in summing up the comments/suggestions made by the Committee, outlined the following proposed changes to the draft Petition Scheme, as outlined at Appendix 1 of the report:-

- That to be regarded as valid, a signatory must provide their name, address, postcode and e-mail address. The first signatory, called the promoter, must live, work, volunteer etc. within the Council area;
- That the justification of the above, be amended to read 'This is to ensure that signatories are genuine, with an interest in Flintshire or the matter/issue of concern';
- That Petitions received in relation to planning, licensing or grant applications/appeals that have not been decided will be referred to the relevant service and treated as a consultation response to that application/appeal;
- The ward member(s) will be notified of a petition received from a promoter whose address is within that ward. The ward member(s) will be asked for their views on the petition and proposed method of disposal;
- That the response to the petition be sent to the promoter of the petition and published on the Councils website;
- The promoter may object (appeal) if they believe that the petition has not been dealt with properly; and
- Petitions will not be accepted if they relate to individual planning, licence or grant applications or appeals which have already been determined by the Council.

As the original mover and seconder of the recommendations outlined within the report, Councillor Bob Connah and Councillor Rob Davies supported the proposed amendments to the draft Petitions Scheme as outlined by the Chief Officer.

RESOLVED:

- (a) That the draft Petitions scheme, as outlined at Appendix 1 of the report, be supported with the following amendments:-

- That to be regarded as valid, a signatory must provide their name, address, postcode and e-mail address. The first signatory, called the promoter, must live, work, volunteer etc. within the Council area;
- That the justification of the above, be amended to read 'This is to ensure that signatories are genuine, with an interest in Flintshire or the matter/issue of concern';
- That Petitions received in relation to planning, licensing or grant applications/appeals that have not been decided will be referred to the relevant service and treated as a consultation response to that application/appeal;
- The ward member(s) will be notified of a petition received from a promoter whose address is within that ward. The ward member(s) will be asked for their views on the petition and proposed method of disposal;
- That the response to the petition be sent to the promoter of the petition and published on the Councils website;
- The promoter may object (appeal) if they believe that the petition has not been dealt with properly; and
- Petitions will not be accepted if they relate to individual planning, licence or grant applications or appeals which have already been determined by the Council.

38. DIVERSITY IN DEMOCRACY ACTION PLAN

The Chief Officer (Governance) presented the draft Diversity in Democracy action plan, as attached at Appendix 1 of the report. The draft action plan was intended to reduce or remove barriers to election amongst underrepresented groups and contained a series of work streams.

Since 2018, the Welsh Local Government Association (WLGA) had been looking at whether the demography of elected representatives reflected the demography of the areas which they represented. In 2021 it resolved to urge all Councils in Wales to commit to their own diversity in democracy declaration in order to try and make the elected Councillor cohort more reflective of the population as a whole. The 11 key areas for consideration were summarised within the report and the Chief Officer detailed the proposed actions in relation to each area within the draft action plan, shown at Appendix 1.

The Chief Officer also provided details of the comments/suggestions made by Members during the briefing sessions held to consider the draft action plan and how these had been taken on board in presenting the report.

The Chief Officer invited the Environment and Social Care Overview & Scrutiny Facilitator to comment on the draft action plan and thanked her for her work in drafting the action plan. The Facilitator did not wish to add anything to the introduction given by the Chief Officers, but suggested that the Committee may wish

to add an additional recommendation that the Committee monitor the action plan going forward.

The recommendation, as outlined within the report, together with an additional recommendation that the Committee monitor the action plan in the future, were moved and seconded by Councillors Chris Bithell and Ian Smith.

Councillor Chris Bithell spoke in support of the report and outlined the Council's previous work, which had been recognised nationally, to increase diversification and encourage people to become Councillors. He said he was disappointed to see that the number of young people who voted in the National Assembly for Wales election had been low and outlined the work the Council done in establishing a Youth Council and the opportunities in the past for young people to attend meetings with Councillors to debate issues. He commented on employment policies for standing for public office and said that whilst employers may accommodate this, becoming a Councillor and having time off work to attend meetings etc. could affect opportunities within that employment in the future.

Councillor Ian Smith, whilst welcoming the proposals, spoke of meetings being held in the mornings/afternoon discouraging young people from standing for election. He said that Committee meetings being held in the morning required Councillors to take a full day from work to attend. He also commented on meetings with outside bodies also being held in the day and the inability for Councillors who worked full time to regularly meet with the Police etc. due to work commitments.

Councillor Mike Peers spoke about the support he had received from a large employer who had a Policy for standing for public office, when he decided to stand as a Councillor. He also commented on the support needed for people who wished to stand as a Councillor and the information and advice needed. He referred to the action plan and asked when the timeframe for the objectives would be completed.

A number of Members commented on and gave examples of the difficulties faced with work colleagues when having time off to attend meetings and carry out duties as Councillors and felt that this could be a barrier for people wishing to stand for election.

In response to the question from Councillor Peers, the Chief Officer explained that the timeframe would be completed prior to the report being presented to County Council in February, 2022. In the meantime, officers would start working on some of the actions outlined within the action plan.

RESOLVED:

- (a) That the Committee approve the Diversity in Democracy action plan; and
- (b) That the Committee monitor the action plan at future Committee meetings.

39. MEMBERS OF THE PRESS IN ATTENDANCE

There were no members of the press in attendance.

(The meeting started at 2.00 pm and ended at 3.25 pm)

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Chairman