

**FLINTSHIRE COUNTY COUNCIL**

<b>Date of Meeting</b>	Thursday, 4 <sup>th</sup> May 2023
<b>Report Subject</b>	Adoption of Updates Made to the National Model Constitution
<b>Report Author</b>	Chief Officer (Governance)

**EXECUTIVE SUMMARY**

The Council's constitution is based on a national model prepared jointly by WLGA and Lawyers in Local Government during 2014. An updated model was commissioned by those bodies during 2021 to reflect changes in legislation, the need to modernise language etc.

The Constitution and Democratic Services Committee established a working group to consider the new document. It looked at the document, which it thought should be adopted. At its meeting on 12 January the Committee was asked to undertake a further review of provisions which appeared to change how the Council's current rules/procedures operate. The working group satisfied itself that whilst the terminology, and in some cases the layout, may have changed the new document does not fundamentally change how the Council operates. The document is now recommended for adoption.

The current model and the new model both contain role descriptions for different positions within the council e.g. chair of Committee and ward Councillor. In 2014 the Council did not wish to adopt the role descriptions but this time the working group believe they may be of utility. The working group however recognised that all Councillors should be consulted on the role descriptions.

**RECOMMENDATIONS**

1	That the updated model constitution should be adopted, with the exception of the role descriptions contained at Section 31 of the draft constitution and subject to a final internal consistency check, proof-read and cross reference with the ordinary language guide.
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2	That Council considers a further report on the role descriptions contained within section 31 of the amended model after consultation has taken place with all Councillors on their wording.
3	That authority be delegated to the Chief Officer Governance, in consultation with the chair of the Constitution and Democratic Services Committee, to make any changes following the proof read and consistency check.

## **REPORT DETAILS**

<b>1.00</b>	<b>WORKING GROUP MEETING</b>
1.01	The Council's constitution is based on a model document produced nationally in 2014 by Lawyers in Local Government and the WLGA. A new model was commissioned in 2021 in order to reflect changes in legislation (especially the Local Government and Elections (Wales) Act 2021) and to modernise language/practice. The Constitution and Democratic Services Committee set up a working group to consider the document.
1.02	The working group met on four occasions to consider changes to the Council's constitution to bring it in line with the updated Model Constitution for Welsh County and County Borough Councils. The changes were recommended to accord with legislation brought into force since the previous model was produced in 2014, including changes introduced by the Welsh Local Government and Elections Act 2021 (the Act). That work is summarised in the report to the Committee of the 12 <sup>th</sup> of January, which is attached as Appendix 1 to this report for ease of reference.
1.03	When it reported back to the Committee, the working group was asked to ensure that changes proposed to the constitution will not fundamentally alter the way the Council operates, including the way in which decisions are scrutinised. The working group therefore met again to check whether changes to terminology made any fundamental changes to the existing procedures of the council (that were not for example required by the Act). The working group was satisfied, having considered this matter and all other matters raised by the Committee, that the proposed changes to the constitution will not have that effect. Substantive changes recommended to be made to the constitution are matters required by statute and are not matters of choice.
1.04	The Committee considered the report back of the working group at its meeting on 15 <sup>th</sup> March 2023. It made several corrections to tidy up wording, correct omissions and improve clarity. It was satisfied that the new model constitution should be recommended to Council for adoption, except for the role descriptions contained at section 31.
1.05	When the model constitution was adopted in 2014 it contained suggested role descriptions, which were not adopted. This time the working group and the Constitution and Democratic Services Committee considered that the role descriptions were useful and should be adopted. However, the Committee felt that the role descriptions should be subject to consultation

	with all members first. Work is underway to plan and undertake that consultation. A further report will be brought to the Committee when the results are known.
1.06	The updated model constitution included a plain language guide designed to make the main document more accessible. It was adopted by Council at its meeting on 24 January 2023. As the Committee made several minor changes to the amended model it suggested that a final read through should take place to ensure that the two documents are consistent and as a proof read.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	The work to create the national model and plain language guide was funded by the Welsh Local Government Association. The work to consider the changes has been accommodated within existing resources.
2.02	The draft constitution with the changes approved by the working group, incorporated as tracked changes to the draft constitution, have been produced by the law firm who produced the updated national model and plain language guide for the Welsh Local Government Association. They will also carry out a full internal consistency check, proof-read, and an update of any cross-references and a cross reference comparison with the ordinary language guide, to ensure accuracy and consistency between those documents. The costs are estimated to be between £3,000 and £4,000.
2.03	The approved updated constitution will require translation into Welsh as will the ordinary language guide.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	The model documents contain a section of role descriptions for members who have certain specific roles within the Council. These role descriptions do not form part of the current constitution and it is appropriate to consult directly with members who hold these positions in the council before the Council adopts them.
3.02	The Council will need to approve and adopt the draft updated constitution and ordinary language guide.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	The updated constitution and ordinary language guide are fully compliant with the legislative requirements for constitutions. They set rules and procedures that ensure the Council works in accordance with legislation and principles such as natural justice thereby reducing the risk of legal challenge.

<b>5.00</b>	<b>APPENDICES</b>
5.01	App 1 - Report to the Constitution and Democratic Services Committee on the 12 <sup>th</sup> of January 2023.
5.02	App 2 - Draft constitution with tracked changes.

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<a href="#">Current Constitution</a>
6.02	<a href="#">Model Constitution</a>
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<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	None.