

# Pecyn Dogfen Gyhoeddus



Swyddog Cyswllt:  
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At: Cyng Neville Phillips (Cadeirydd))

Y Cynghorwyr: Bernie Attridge, 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

Dydd Iau, 18 Mawrth 2021

Annwyl Gynghorydd,

**RHYBUDD O GYFARFOD ANGHYSBELL**  
**PWYLLGOR Y CYFANSODDIAD A GWASANAETHAU DEMOCRATAIDD**  
**DYDD MERCHER, 24AIN MAWRTH, 2021 2.00 PM**

**Mae'r rhaglen hon yn destun cyfyngiadau o ran cynnwys oherwydd Cyfnod yr Etholiad sy'n dechrau ar Dydd Llun 22 Mawrth ac yn dod i ben ar Dydd Sul 9 Mai 2021.**

Yn gywir

Robert Robins  
Rheolwr Gwasanaethau Democraidd

Sylwch: Bydd hwn yn gyfarfod dros y we a bydd 'presenoldeb' wedi'i gyfyngu i Aelodau'r Pwyllgor a'r Aelodau hynny o'r Cyngor sydd wedi gofyn i Bennaeth y Gwasanaethau Democraidd am wahoddiad. Y Cadeirydd fydd yn penderfynu a yw'r rhain yn cael siarad ai peidio.

Bydd recordiad o'r cyfarfod ar gael i'w weld ar-lein cyn pen 48 awr o'r cyfarfod yn <https://flintshire.public-i.tv/core/portal/webcasts>

Os oes gennych unrhyw ymholiadau, cysylltwch ag aelod o'r Tîm Gwasanaethau Democraidd ar 01352 702345.

## R H A G L E N

### 1 YMDDIHEURIADAU

I dderbyn unrhyw ymddiheuriadau.

### 2 DATGAN CYSYLLTIAD (GAN GYNNWYS DATGANIADAU CHWIPIO)

I dderbyn unrhyw ddatganiad o gysylltiad a chynghori'r Aelodau yn unol a hynny.

### 3 COFNODION (Tudalennau 3 - 6)

**Pwrpas:** I gadarnhau, fel cofnod cywir gofnodion y cyfarfod ar 25 Tachwedd 2020.

### 4 CYLCH GORCHWYL Y PWYLLGOR ARCHWILIO (Tudalennau 7 - 20)

Ceisio cymeradwyaeth i newid enw Pwyllgor Archwilio'r Cyngor a chynnwys swyddogaethau newydd yng nghylch gorchwyl presennol y Pwyllgor a ail-enwyd.

### 5 ADOLYGIAD O'R PROTOCOL AR GYFER CWRDD Â CHONTRACTWYR (Tudalennau 21 - 30)

Ymgymryd ag adolygiad parhaus o'r Protocol i sicrhau ei fod yn ddiweddar ac yn berthnasol.

### 6 DIWEDDARIAD YNGHYLCH GWEITHREDU'R DDEDDF LLYWODRAETH LEOL AC ETHOLIADAU (Tudalennau 31 - 38)

hysbysu'r Cyngor am y gwaith sy'n cael ei wneud i weithredu'r Ddeddf.

### 7 RHEOLIADAU ABSENOLDEB TEULUOL AR GYFER AELODAU AWDURDODAU LLEOL (CYMRU) (DIWYGIO) 2021. (Tudalennau 39 - 42)

rhoi gwybod i'r Pwyllgor am y cynnydd yn hawl absenoldeb mabwysiadwr ar gyfer Aelodau.

### 8 DIWEDDARIAD AR SEMINARAU, SESIYNAU BRIFFIO A GWEITHDAI AELODAU (Tudalennau 43 - 46)

rhoi'r wybodaeth ddiweddaraf i aelodau ynghylch y digwyddiadau ymgysylltu a gynhaliwyd yn ystod y flwyddyn ddiwethaf.

**Sylwch, efallai y bydd egwyl o 10 munud os yw'r cyfarfod yn para'n hirach na dwy awr.**

# Eitem ar gyfer y Rhaglen 3

## **CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE** **25 NOVEMBER 2020**

Minutes of the remote meeting of the Constitution and Democratic Services Committee of Flintshire County Council held on Wednesday, 25 November 2020

### **PRESENT: Councillor Neville Phillips (Chairman)**

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

**SUBSTITUTIONS:** Councillors Clive Carver (for Councillor Jean Davies) and Patrick Heesom (for Councillor David Williams)

**APOLOGIES:** Councillor Bob Connah

**ALSO PRESENT:** Councillor Christine Jones

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

### **09. DECLARATIONS OF INTEREST**

None.

### **10. MINUTES**

The minutes of the meeting held on 14 October 2020 were submitted.

Matters arising

Page 8 – Councillor Mike Peers said that following the matters raised by himself and Councillor Chris Bithell, the Chief Officer (Governance) had agreed to amend the Protocol as appropriate and asked if confirmation could be given that this had been done. The Chief Officer confirmed that following the meeting he had circulated the amended Protocol to Members prior to the meeting of County Council on 20 October, and the Protocol had been approved by Council.

In response to a query from Councillor Chris Bithell, the Chief Officer agreed to chase up the guidance to Members on the process for reporting enquiries and complaints if this had not been resent.

The minutes were moved 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.

## 11. OVERVIEW AND SCRUTINY ANNUAL REPORT 2019/20

The Head of Democratic Services introduced a report to enable the Committee to consider and approve the Overview & Scrutiny Annual Report for 2019/20. He provided background information and advised that the Annual Report provided the Council with assurance that the Overview and Scrutiny function was fulfilling its constitutional role. The draft Annual Report was submitted to the Committee for comment before being presented to Council for formal approval.

The Annual Report was based on the six Overview and Scrutiny Committee structure which had been reviewed during the year. The new five Committee structure was introduced from the Annual Meeting of the Council in September 2020. The Head of Democratic Services referred to the remit of the Organisational Change Overview & Scrutiny Committee which, having successfully completed its aims and tasks, had been stepped down as part of the review. Future matters relating to the Organisational Change Overview & Scrutiny Committee would be allocated to the most appropriate Committee in the remaining structure.

The recommendation to approve the Annual Report was moved by Councillor Ted Palmer and seconded by Councillor Patrick Heesom

Councillor Mike Peers asked for clarification on the requirement in paragraph 1.01 of the report. In response to the comments, Officers explained that the current practice was that each Overview and Scrutiny Committee considered its Forward Work Programme at each meeting and the Overview and Scrutiny Committee Forward Work Programme was fed into the Council's Forward Work Programme which was submitted to Cabinet on a monthly basis. The Head of Democratic Services agreed to look at the wording in the Constitution.

The Head of Democratic Services suggested that the recommendation in the report be amended as follows:

- (a) That the Committee approves the Overview & Scrutiny Annual Report for 2019/20; and
- (b) That the Committee recommends that the wording in the Constitution be changed to reflect the current practice

The amendment was moved by Councillor Mike Peers and seconded by Councillor Chris Bithell. When put to the vote this was carried.

Councillor Patrick Heesom paid tribute to the Head of Democratic Services for his work on the Constitution & Democratic Services Committee.

**RESOLVED:**

- (a) That the Overview & Scrutiny Annual Report for 2019/20 be approved ; and
- (b) That the Committee recommends that the wording in the Constitution be changed to reflect the current practice

**12. ADOPTION ABSENCE FOR LOCAL AUTHORITY MEMBERS**

The Head of Democratic Services introduced a report on the Welsh Government (WG) proposals to extend the Adoption Absence for Local Authority Members from 2 to 26 weeks. He explained that the consultation period runs until 29 December 2020 and local authorities were being asked three questions to gauge the reasonableness of the proposals. Authority was sought for the Head of Democratic Services to respond to the consultation on behalf of the Council.

The Head of Democratic Services referred to the three questions detailed in paragraph 1.06 of the report, the suggested responses, and the changes identified in paragraph 1.05.

Councillor Mike Peers raised a question on the changes to the regulations which would prevent multiple periods of adopter's absence being taken under the same arrangement. He asked if more than one child was adopted could there be a concurrence of absence of 26 weeks for each child or was the limit 26 weeks per year. Councillor Peers also sought clarification on the change which would allow individuals taking adopter's leave to continue some duties with the consent of the Chair, and asked if this would be brought back to the Constitution and Democratic Services Committee for consideration.

The Head of Democratic Services responded to the questions raised and explained that the proposed increase in the length of adopter's absence was to allow 26 weeks for the adoption process and commented that it was unlikely that a second adoption process would arise in the same year. He also provided an example of how an individual taking adopter's leave may continue with some of their duties with the consent of the Chair.

The Chief Officer advised that following the consultation period should the legislation be passed, the WG may require the Authority to adopt a change to its Standing Orders which would be incorporated into the Constitution. This matter would then be submitted to the Constitution and Democratic Services Committee for approval.

The recommendations in the report were moved by Councillor Chris Bithell and seconded by Councillor Rob Davies.

**RESOLVED:**

- (a) That the proposals and the three questions, along with the suggested responses, be approved as the Council’s response; and
- (b) That the Head of Democratic Services be authorised to respond to the consultation on behalf of the Authority.

**13. 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 2.28 pm)

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**Chairman**

# Eitem ar gyfer y Rhaglen 4



## CONSTITUTION & DEMOCRATIC SERVICES COMMITTEE

<b>Date of Meeting</b>	Wednesday, 24 <sup>th</sup> March 2021
<b>Report Subject</b>	Review of the terms of reference of the Audit Committee
<b>Report Author</b>	Internal Audit Manager

### EXECUTIVE SUMMARY

In January 2021 a full report was presented to the Flintshire County Council and Audit Committee on the Local Government and Elections (Wales) Bill. In February 2021 this bill received Royal Assent and became the Local Government and Elections (Wales) Act 2021 with some commencement dates following 2 months after Royal Assent.

This paper covers the legislation which will impact on the role of the Audit Committee from April 2021, this being:

- Change the name of the Audit Committee;
- Additional functions of the Committee around the review and reporting of the self-assessment and peer assessment of the Council's performance and reporting on the effective handling of complaints.

### RECOMMENDATIONS

1	To ask the Constitution and Democratic Services Committee to acknowledge the amended the name of the Council's Audit Committee and to include new functions set in the Act within the current Terms of Reference of the renamed Committee.
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### REPORT DETAILS

<b>1.00</b>	<b>EXPLAINING REVIEW OF THE COUNCIL'S CONSTITUTION / AUDIT COMMITTEE'S TERMS OF REFERENCE.</b>
1.01	In January 2021 a paper was presented to the Flintshire County Council and the Audit Committee on the Local Government and Elections (Wales) Bill. Since this report in January the Bill has received Royal Assent.
1.02	Section 116 – 118 of the Act will commence from April 2021 with the requirement to change the name of the Audit Committee to Governance

	<p>and Audit Committee. As part of the act there will be additional responsibilities of the Governance and Audit Committee. These are:</p> <ul style="list-style-type: none"> <li>• Review an annual performance self-assessment;</li> <li>• Draft responses to any panel reports;</li> <li>• Review and assess the Council's ability to effectively handle complaints; and</li> <li>• Make reports and recommendations in relation to the authority's ability to handle complaints effectively.</li> </ul>
1.03	Further changes will be required to the composition of the renamed Governance and Audit Committee in May 2022. These changes include the additional appointment of a lay member and the Chair of the Governance and Audit Committee being a Lay Member.
1.04	The current Committee's Terms of Reference has been updated to reflect the renaming of the Committee to Governance and Audit Committee, to include the new functions listed above, and to address the changes of the composition of the audit committee from May 2022. For ease of reference Appendix A highlights all changes in bold / red text.
1.05	The draft Terms of Reference will be presented for consideration to the Audit Committee on the morning of the 24 <sup>th</sup> March 2021 and the Constitution and Democratic Services Committee on the afternoon of the 24 <sup>th</sup> March 2021. If accepted they will be presented to County Council on the 1 <sup>st</sup> April 2021.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	Consultation over the draft Terms of Reference has taken place with the Chief Executive, Council's Monitoring Officer and the Democratic Services Manager and the Audit Committee.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	Not applicable at this stage.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix A – Revised Terms of Reference - changes highlighted in bold / red text



<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p>Local Government and Elections (Wales) Act 2021</p> <p><a href="file:///C:/Users/cscsrjr/Downloads/WLGA%20LG&amp;E(W)%20report%20Nov%202020.pdf">file:///C:/Users/cscsrjr/Downloads/WLGA%20LG&amp;E(W)%20report%20Nov%202020.pdf</a></p> <p>Report of the Chief Executive and Chief Officer (Governance) on the Local Government &amp; Elections (Wales) Bill. Council, 28<sup>th</sup> January 2021 and resultant minute.</p> <p><b>Contact Officer:</b> Lisa Brownbill, Internal Audit Manager  <b>Telephone:</b> 01352 702231  <b>E-mail:</b> <a href="mailto:Lisa.brownbill@flintshire.gov.uk">Lisa.brownbill@flintshire.gov.uk</a></p>
<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	None.

Mae'r dudalen hon yn wag yn bwrpasol

# **GOVERNANCE AND** AUDIT COMMITTEE

Terms of Reference

**Draft – March 2021**

## Article 7 - The **Governance and Audit Committee**

### 7.00 Statement of Purpose:

The terms of reference sets out the **Governance and Audit Committee's** position in the governance structure of the Council.

The **Governance and Audit Committee** is a key component of Flintshire County Council's (the Council's) corporate governance. It provides an independent and high level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

### 7.01 Role:

The **Governance and Audit Committee's** role and functions will be to:

- A.** Review the effectiveness of the Authority's systems of corporate governance, internal control, **complaints, performance (self-assessment and peer review)** and risk management, and to make reports and recommendations to the County Council on the adequacy and effectiveness of these arrangements;
- B.** Oversee the reporting of the statutory financial statement's process to ensure the balance, transparency and integrity of published financial information, and to review the financial statements prepared by the authority and recommend them to County Council; and  
  
Review and scrutinise the County Council's financial affairs, and to make reports and recommendations on them. The role of the Committee is to assure the budgetary control systems of the Council rather than the scrutiny of the use and value for money of expenditure which is the role of the respective Overview and Scrutiny Committees.
- C.** Monitor the performance and effectiveness of the internal and external audit functions within the wider regulatory context.
- D.** Report to the Council annually, summarising the Committee's activities and recommendations.

**A. Corporate Governance, Internal Control, Complaints, Performance and Risk Management**

1. Evaluate whether Senior Accountable Officers and service teams are setting the appropriate “control culture” by communicating the importance of internal control and risk management.
2. Consider and assure the annual update of the Code of Corporate Governance against the ‘Delivering Good Governance Framework (Wales)’.
3. Consider and assure the draft Annual Governance Statement and make appropriate recommendations/observations prior to its submission to the Council’s Regulators.
4. Evaluate the overall effective development and operation of the internal control and risk management frameworks and consider whether actions raised by the internal and external auditors have been implemented by Senior Accountable Officers.
5. Review and assure the Risk Management Strategy through regular reports on risk management and business continuity plans, processes and outcomes.
6. Monitor progress in addressing risk related issues reported to the Committee.
7. Consider the Council’s framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.
- 8. To review and assess the Council’ ability to effectively handle complaints.**
- 9. To make reports and recommendations in relation to the Council’s ability to handle complaints effectively.**
- 10. To consider the Council’s draft Annual Performance Self-Assessment report and if necessary make any recommendations for changes to the Council.**
- 11. To receive the Council’s finalised Annual Self-Assessment report for the respective financial year as soon as reasonably possible after the end of the financial year.**
- 12. At least once during the period between two consecutive ordinary elections of councillors to the Council, consider the independent Panel Performance Assessment report on whether the Council is meeting its performance requirements.**
- 13. To receive and review the Council’s draft response to the report of the independent Panel Performance Assessment and if necessary make recommendations for changes to the statements made in the draft response to the Council.**

14. Keep under review the Council's Anti-Fraud and Corruption Strategy, Fraud Response Plan and Whistleblowing Policy and the assessment of fraud risks and potential harm to the Council from Fraud and Corruption.
15. Consider the Council's arrangements to secure value for money and review assurances and assessment on the effectiveness of these arrangements.
16. Receive reports on all fraud identified and any other special investigations, and action taken.
17. Consider how Senior Accountable Officers are held to account for the security of computer systems and applications to protect against computer fraud or misuse.
18. Ensure the rigorous application of the agreed protocol for the reporting and decision making over business cases for collaborative projects, the management of the transition for approved collaborations, and the subsequent performance management arrangements for the new collaborative services.
19. Obtain regular updates from Senior Accountable Officers and legal advice regarding compliance matters, and be satisfied that all compliance matters have been considered in preparing the financial statements.
20. The Chair and Vice Chair of the **Governance and Audit Committee** together with the Chairs and Vice Chairs of the six Overview and Scrutiny Committees will attend the Chair and Vice Chair Liaison Group with the primary aim to reduce duplication of work, ensure there is a shared coverage of the Council's risk profile and escalate poor performance between respective Committees.

Appendix A of the Audit Charter provides a diagram of the co-ordination of work between the Overview and Scrutiny Committees and **Governance and Audit Committee**.

## **B. Financial:**

### **Statutory Financial Statements**

1. Receive the draft annual Statement of Accounts, together with the underlying accounting policies for information. Consider and comment on the final statement of accounts following the receipt of the proposed audit opinion from the Wales Audit Office prior to recommending their approval to the Council.
2. Understand the controls and processes implemented by Senior Accountable Officers to ensure the financial statements derive from the underlying financial systems,

comply with relevant standards and requirements, and are subject to appropriate review.

3. Meet with management and external auditors to review the financial statements, the key accounting policies and judgements, significant accounting and reporting issues and their impact on financial reports, and the results of the audit.
4. Ensure that significant adjustments, unadjusted differences, disagreements with Senior Accountable Officers and critical accounting policies and practice are discussed with the external auditor.

### **Financial Affairs**

5. Understand the internal control systems implemented by Senior Accountable Officers and service team for the approval of transactions and the recording and processing of financial data.
6. Gain an understanding of the current areas of greatest risk around financial controls and advise and assure on risk management.
7. Keep under review the Council's financial procedure rules and contract procedure rules and all other corporate directions concerning financial control.
8. Review and assure the Treasury Management Strategy and Policy and consider quarterly updates on Treasury Management and make appropriate recommendations / observations to the Cabinet.

## **C. Internal and External Audit**

1. Keep under review the joint working arrangements of the Council's Internal and External Auditors.

### **Internal Audit**

2. Promote the role of internal audit within the Council, as a key element of its control environment.
3. Review and approve the Internal Audit Charter, outlining the role, scope, independence, authority, responsibility and reporting of the department.
4. Keep under review the organisational structure and resource requirements of the Internal Audit Section and consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the

Internal Audit Manager. To approve and periodically review safeguards to limit such impairments.

5. Make appropriate enquiries of both Senior Accountable Officers and the Internal Audit Manager to determine if there are any inappropriate scope or resources limitations.
6. Review, approve (but not direct) and monitor the delivery of the risk-based internal audit plan, the approach to using other sources of assurance and any work required to place reliance upon those other sources and ensure the plan considers changes arising from Government, Assembly or Council initiatives.
7. Approve significant interim changes to the risk based internal audit plan and resources requirements.
8. Receive summaries of all internal audit reports issued, highlighting key actions with corporate control implications.
9. Consider reports from the Internal Audit Manager on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
  - Updates on the work of internal audit including key findings, issues of concern including monitoring the implementation of agreed actions contained within internal audit reports, receive report on actions not implemented within good timescales and seek explanations from officers where required.
  - Regular reports on the results of the Quality Assurance Improvement Programme (QAIP);
  - Reports on instances where the internal audit service does not conform to the Public Sector Internal Audit Standards (PSIAS) and Local Governance Advice Note (LGAN), considering whether the non-conformance is significant enough that it must be included in the AGS.
10. Receive and consider the Internal Audit Managers annual report:
  - The statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement – these will indicate the reliability of the conclusions of internal audit.
  - The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the



summary of the work supporting the opinion – these will assist the Committee in reviewing the Annual Governance Statement (AGS).

- Keep performance indicators under review and evaluate, on an annual basis, the performance and effectiveness of internal audit and its compliance with best practice.
11. Consider summaries of specific internal audit reports as requested.
  12. Receive reports outlining the action taken where the Internal Audit Manager has concluded that Senior Accountable Officers and service teams have accepted a level of risk that may be unacceptable to the Council or there are concerns about progress with the implementation of agreed actions.
  13. Contribute to the Quality Assurance Improvement Programme (QAIP) and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
  14. Meet separately with the Internal Audit Manager to discuss any matters that the Committee or internal auditors believe should be discussed privately.
  15. Should the needs arise, arbitrate in the event of any failure to agree between a Senior Accountable Officers and internal audit.
  16. Discuss with the external auditor the standard of work of internal audit.

### **External Audit and External Regulatory Bodies**

#### **External Audit**

17. Support the independence of external audit through consideration of the external auditor's annual assessment of its independence.
18. Review the external auditors' proposed audit scope and approach for the current year in the light of the Authority's present circumstances and changes in regulatory and other requirements arising from Government, Assembly or Council initiatives.
19. Ensure that the annual audit is undertaken in compliance with statutory requirements.
20. Receive all audit reports, and the annual audit letter, issued by the external auditor, and ensure that all agreed recommendations are implemented.
21. Consider specific reports as agreed with the external auditor.

22. Discuss with the external auditor any audit problems encountered in the normal course of audit work, including any restriction on audit scope or access to information.
23. Meet separately with the external auditors to discuss any matters that the Committee or auditors believe should be discussed privately. Ensure the auditors have access to the chair of the **Governance and** Audit Committee when required.
24. Review, annually, the performance of external audit and co-ordinate any feed back requested from the Wales Audit Office.

#### **External Regulation: Performance**

25. External arrangements for regulation and assurance are provided by a number of statutorily appointed bodies such as the Wales Audit Office (WAO), Estyn and the Care Inspectorate Wales (CIW), plus a number of other external regulatory bodies. To examine how the organisation manages and spends public money including achieving value in delivery. This work is co-ordinated by the Chief Executive's Business and Communications team and a shared protocol for these working arrangements is in place.
26. To gain assurance and confidence of the Council's response to the external regulatory findings the **Governance and** Audit Committee will:
  - a) Receive periodic reports from external regulators which will include the Council's response to the reports and ensure that effective processes are in place for setting and monitoring against proportionate and effective action plans.
  - b) Receive an annual report collating external regulatory activity on improvement assessment work which is supplemented by local risk based audit work; and
  - c) Receive the Annual Improvement Report from the Auditor General

#### **D. Accountability Arrangements**

1. Require the attendance at the Committee of any officer or member, or the submission of a report from any officer, to provide further explanation in connection with any of the above terms of reference.
2. Evaluate the Committee's own performance, both of individual members and collectively, on a regular basis.
3. The Committee must meet at least once a year and must also do so if the Council decides or if at least a third of the Committee's members require a meeting. Beyond those requirements the Committee can meet whenever it likes.

4. The **Governance and** Audit Committee will keep the above terms of reference under annual review and propose any amendment to the County Council.
5. Report to full council and publish an annual report on the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose.

## 7.02 Composition

1. The Chair and Vice-Chair of the **Governance and** Audit Committee will be chosen by the Committee itself at its first meeting following each annual general meeting. The Chair and Vice Chair of the **Governance and** Audit Committee will be chosen from amongst the opposition group(s), non aligned Councillors or lay member on the Council (that is to say from amongst the group(s) none of whose members are included in the Cabinet). **From May 2022 the appointment of the Chair must be from one of the Lay Members appointed to sit on the Committee.**
2. The County Council shall appoint **two (three from May 2022) people** who **are** neither a serving Councillor nor an officer of the County Council or any other Council to serve as a lay members of the Committee with full voting rights. The lay member's term of office shall be from the first County Council meeting following the annual general meeting following the County Council elections until the first County Council meeting after the annual general meeting following the next County Council elections. No more than one member of the Committee shall be on the Council's Cabinet. The Council Leader cannot be a member of the Committee.
3. It is the express wish of the Council that there should be continuity of membership of the **Governance and** Audit Committee so as to build up a body of expertise and maintain a consistency of approach.
4. In recognising the express wish of the Council, but observing the requirements of the legislation for political balance, the **Governance and** Audit Committee will comprise seven **(six from May 2022)** Members with the seats allocated in accordance with the legislation to the appropriate political groups and one lay member. Any proposed substitution shall comply with Council Procedure Rule 22.4 and the proposed substitute shall have attended relevant training. Substitutes will only be permitted where the **Governance and** Audit Committee, at the commencement of its meeting, agrees that good reasons exist for substitution.
5. Members will receive induction training on appointment to the Committee. Ongoing training will be provided as necessary to meet the requirements of the Committee, based on the skills and experience of the members.
6. The business of the Committee shall be conducted apolitically.

Mae'r dudalen hon yn wag yn bwrpasol

# Eitem ar gyfer y Rhaglen 5



## CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE

<b>Date of Meeting</b>	Wednesday 24 <sup>th</sup> March 2021
<b>Report Subject</b>	Review of Protocol for Meeting Contractors
<b>Report Author</b>	Chief Officer Governance

### EXECUTIVE SUMMARY

The Protocol for Members in their Dealings with Contractors/Developers and Other Third Parties provides advice to Members on how to avoid inadvertently compromising required levels of impartiality and transparency required of them and the Council when awarding contracts or considering planning applications.

The protocol is due for review as part of the Committee's rolling programme of reviewing the Constitution. This periodic refresh of the protocol is an opportunity to check that the document remains up to date and pertinent.

The guidance on dealings with potential contractors remains necessary and needs only minor updating. The guidance on dealings with developers does need updating. However, in addressing these matters the protocol overlaps with the Planning Code of Guidance. It would be better if the protocol did not seek to duplicate advice given elsewhere. The parts of the document relating to planning should be removed and the Planning Code of Guidance be updated instead.

### RECOMMENDATIONS

1	That the parts of the Protocol for Members in their Dealings with Contractors/Developers and Other Third Parties relating to dealings with parties who might be bidding for or seeking a contract with the Council be amended as shown in the Appendix.
2	That the parts of the Protocol for Members in their Dealings with Contractors/Developers and Other Third Parties relating to Planning be transferred to the Planning Code of Guidance (to the extent that they are not already incorporated therein) and that the Planning Code of Guidance be updated.

## **REPORT DETAILS**

<b>1.00</b>	<b>EXPLAINING THE REVIEW OF PROTOCOL</b>
1.01	The Council spends about £198m every year on contracts. It also buys and sells land/buildings. Contracts should be awarded and planning applications should be decided fairly, impartially and in a transparent manner. In addition, the Council considers planning applications, which, if granted, can generate many thousands of pounds for developers. The Protocol for Members in their Dealings with Contractors/Developers and Other Third Parties (“the Protocol”) gives advice to members on how to ensure they do not inadvertently compromise the fairness or transparency of such matters.
1.02	The Protocol explains the considerations that apply to the award of contracts and also the determination of planning applications. It gives guidance on whether Members should meet with people seeking contracts with the Council and safeguards that should be applied if they do so. This guidance remains both necessary and pertinent though some of the terminology needs updating. Some scenarios to illustrate the situations covered by the Protocol have also been included. The proposed changes are tracked in the document at Appendix 1.
1.03	The Protocol also gives advice on what Members should do if they are approached or lobbied by either planning applicants or objectors. In summary Members must declare if they have been spoken to four or more times. However, the Protocol does not then impose any obligation on Members to take any action in respect of being lobbied to this degree and further advice on the issue is needed. This is a lacuna that should be addressed. A similar requirement to declare being lobbied is included in the Planning Code of Guidance. That Code of Guidance is also similarly silent on what Members should do if they are lobbied. It would be better if the issues were handled comprehensively in the Planning Code of Guidance. That document will be updated and reported to Planning Strategy Group before being coming to this Committee.
1.04	The amended protocol should then be included within training and induction programmes for officers who award contracts and Members of Cabinet.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None associated with this report.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	This Protocol was reviewed at Standards Committee on Monday 1 <sup>st</sup> March. If approved this Protocol will be considered at Full Council.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	The Protocol is designed to avoid or minimise the risk of Council processes being compromised by inadvertent behaviour.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix One – Protocol for Members in their Dealings with Contractors/Developers and Other Third Parties.

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	None.  <b>Contact Officer:</b> Gareth Owens, Chief Officer Governance <b>Telephone:</b> 01352 702344 <b>E-mail:</b> <a href="mailto:gareth.legal@flintshire.gov.uk">gareth.legal@flintshire.gov.uk</a>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<b>Planning Strategy Group</b> – an internal working group drawn from the Planning Committee that advises the Council on procedures and other matters pertaining to the planning process.

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## **SECTION 21**

### **12. PROTOCOL FOR MEMBERS IN THEIR DEALINGS WITH CONTRACTORS/DEVELOPERS AND OTHER THIRD PARTIES SEEKING OR ENGAGED IN CONTRACTS WITH THE COUNCIL**

#### **1. INTRODUCTION**

- 1.1 This Protocol has been developed to assist Members by identifying some of the existing provisions in Codes of Conduct, Guidance and Procedure Rules most relevant to dealings with existing or would be contractors/~~developers~~ for easy access when advice on individual circumstances is needed. It also extends to include advice on meetings or discussions with external bodies, and in particular private companies, which might at some stage be seeking to benefit from an association with the Council and/or its partner organisations.
- 1.2 It is recognised that Members may be contacted by a range of public, private and voluntary organisations for various reasons and in various ways. Occasionally this will be to acquaint a Member with an event that is planned for the Member's particular ward. However, more often than not the contact will be in the hope that the Member will support a proposal in one way or another.
- 1.3 The Code of Conduct for Members sets out general principles which Members must have regard to in the roles they fulfil. The Planning Code of Conduct builds upon the Members' Code of Conduct and ~~in relation to planning applications requires Members to declare circumstances where there has been significant contact and indicates that this is where a Member has been contacted on more than 4 occasions by the same person whether that was an applicant or an objector~~ members should refer to that document on what to do if they are lobbied by a planning applicant or objector.
- 1.4 This Protocol covers any situation where a person or business may be seeking a contract, or may already be in a contract, with the Council. For example  
— A company might approach a councillor offering to sell land or buildings to the Council at a "good price"
- A software company might send a promotional email to a councillor explaining how its products could save the Council money
  - A company which is not fulfilling its contractual obligations complain to a Cabinet member that it is being "unfairly treated"

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#### **2. CODE OF CONDUCT**

- 2.1 The Members' Code of Conduct includes the following provisions which are particularly relevant in relation to Members in their dealings with would be contractors/~~developers~~ and other third parties.
- 2.2 Paragraph 4 of the Members' Code requires that Members must carry out their duties and responsibilities with due regard to the principle of equality of

opportunity for all people regardless of their gender, race, disability, sexual orientation, age or religion.

- 2.3 Paragraph 7 of the Members' Code provides that Members must not use their position improperly to confer on or secure for themselves ~~or any other person~~ an advantage ~~nor create or avoid for themselves or any other person a seek to avoid a~~ disadvantage. ~~Likewise, they should not do these things in respect of other people.~~
- 2.4 Part 3 of the Members' Code contains detailed provisions concerning the disclosure of personal interests and where Members believe these provisions may be relevant they should seek advice from the Monitoring Officer ~~or Deputy Monitoring Officer at the earliest opportunity~~ ~~a Deputy Monitoring Officer or other senior officer in Legal & Democratic Services.~~ These provisions are particularly important in dealings with contractors, ~~people or companies seeking business with the Council~~ ~~developers~~ or third parties with whom the Member has a close personal association.
- 2.5 Paragraph 8 of the Members' Code requires ~~ed~~ that when reaching decisions Members must do so on the basis of the merits of the circumstances involved and in the public interest having regard to relevant advice provided by officers.
- 2.6 Paragraphs 9, 17 and 18 of the Members' Code contain provisions concerning accepting from anyone gifts or hospitality. Where a Member is in any doubt as to the application of these provisions, advice should be obtained from the Monitoring Officer ~~or Deputy Monitoring Officer or other senior officer within Legal & Democratic Services~~ ~~at the earliest opportunity.~~
- 2.7 The above provisions are merely a summary of some of the contents of the Members' Code of Conduct, the full details of which appear elsewhere in this Constitution.

### 3. **PROCEDURE RULES**

- 3.1 The Council's Financial Procedure Rules make reference to the Council's responsibility to achieve the most favourable terms possible from suppliers and requires ~~central~~ procurement ~~arrangements~~ ~~rules and procedures~~ to be set up for that purpose.
- 3.2 The Contract Procedure Rules have been adopted by the Council based upon a number of basic principles and emphasise that purchasing and disposal procedures must:-
- Seek value for money ~~and achieve the aims of the Council's procurement strategy such as social value, carbon reduction etc~~
  - Show no undue favour to any contractor, nor discriminate against any contractor.
  - Ensure that all procurement is in accordance with the highest standards of propriety and proper practice (including respecting the confidentiality of commercial information).

- Do nothing that contravenes EU or domestic law
- Ensure that adequate contract files are kept.
- ~~Ensure that contracts are packaged to ensure best value for money.~~

1.3. One of the overriding principles that must be complied with is that officers should show no undue favour to any contractor. This principle applies equally to Members.

#### 4. PLANNING CODE OF CONDUCT

~~4.1 The Planning Code of Conduct provides a set of principles which apply primarily to the manner in which individual planning applications should be dealt with and to the decision-making process relating to the Development Plan, Supplementary Planning Guidance and associated documentation.~~

~~4.2 The Code makes it clear that whilst lobbying is a part of the political process, and it is quite common for applicants or other interested parties to wish to discuss a proposed development with Members before a planning application is determined, Planning Committee Members are under an obligation to determine matters on their merits. Accordingly the Code provides advice that all Members should amongst other things:-~~

- ~~Refer applicants/developers who approach them for planning or procedural advice to the appropriate Planning Officer.~~
- ~~Not put pressure on Officers to make a particular recommendation in their report.~~
- ~~Direct lobbyists or objectors to the appropriate Planning Officer who will include reference to their opinions where relevant in their report.~~

~~Those Members who sit on the Planning Committee are also advised:-~~

- ~~Not to openly declare which way they intend to vote in advance of the committee meeting.~~
- ~~Avoid campaigning actively in support of a particular outcome on a planning application.~~
- ~~Where a member of the committee has made it clear which way they intend to vote prior to the committee meeting they should not participate in the committee's debate or vote on the matter.~~

~~4.3 The above is a summary of some of the points in the Flintshire Planning Code and full details of the code are contained in the Council's Constitution.~~

#### 54. ROLES AND RESPONSIBILITIES OF MEMBERS

54.1 The Council has adopted role descriptions for the various roles that Members undertake such as Leader of the Council, Cabinet Member, Committee Chair and ordinary Member. These are all available on the Council's Infonet.

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54.2 The roles and responsibilities envisage Members, particularly at Cabinet level, having significant input into the development of policy in relation to the Authority's functions.

54.3 In the formulation of policy, Members will often rely on developmental work undertaken by Officers and in such circumstances there will often be a necessary overlap in this area. However, care should be taken to ensure that ~~the management/operational role of Officers is not compromised~~ members do not become embroiled in operational matters.

54.4 In fulfilling their respective roles, Cabinet Members and Officers will frequently find it convenient to be present in discussions with private companies and other external bodies in the development of options for service provision. There may be occasions when non-Cabinet Members are present at such meetings and this Protocol also covers such situations.

54.5 Such discussions with private companies and other external bodies will often be held for explanatory reasons to assist in undertaking an options appraisal exercise or in an attempt to understand and gain knowledge of the market ahead of a procurement exercise. Accordingly, great caution is needed in all such discussions to ensure that there can be no perception that an expectation is created that the discussions were anything more than exploratory in nature.

54.6 Accordingly a few simple precautions should always be put in place to avoid any ambiguity on the part of the private company or any perception by others who get to hear of the discussions that they were for irregular purposes. Such precautions will include:-

- ~~First of all, serious~~ Serious consideration should be given to the appropriateness of Members attending the meeting of that company or its representatives ~~in the first place~~ at all;
- ~~:-~~ the risks involved should be assessed and the potential benefits/disadvantages identified, e.g. where there is a major contract to be awarded ~~or a major planning application to be determined~~ it may not be appropriate to meet;
- The Council must comply both with statutory requirements in relation to procurement as well as its Contract Procedure Rules; ~~and~~
- ~~It~~ it is important that no discussions or meetings prejudice the ability of the Council to demonstrate equal treatment and transparency. Officers should always provide objective advice to Members in such circumstances. If there are any doubts, advice should be sought from the ~~Council's Statutory Officers~~ Head of Paid Service, S.151 Officer and/or Monitoring Officer; ~~and~~
- An audit trail ~~should~~ must be kept as to why the decision was taken for Members to attend the meetings of that company or its representatives ~~in the first place~~.

54.7 If it is considered appropriate for the discussions to proceed with Members, further precautions should be put in place:-

- A written invitation to the company in question setting out the purpose of the proposed discussions.
- Where the invitation is from a private company, the purpose of the discussions should be ascertained and contained in a letter accepting the invitation.
- Appropriate Officers should always be present to advise Members.
- Notes should be taken of the discussion and where possible agreed by the attendees. These should set out any conclusions arrived at. It should always be borne in mind that such notes could be the subject of a Freedom of Information Act request and the extent to which any commercially sensitive information needs to be discussed should be assessed and agreed in advance with the contractor.
- It should be made clear to the company that similar discussions may be held with any other interested party.
- Where the matter to be discussed is likely to lead to a procurement exercise, either because of the Procurement Rules, Contract Procedure Rules or best practice, it should be made clear that all interested tenderers will need to be financially vetted and comply with all other pre-tender requirements. This will probably be required even in circumstances where procurement is not at issue if it is likely to lead to a contractual arrangement if discussions are successful.
- Care should be taken to ensure that no company is given any advantage over others as a consequence of the discussions.
- Unless there is a good reason for doing so, which can be objectively justified, discussions should take place in the Council's offices.
- The Council should meet all costs associated with a visit to a contractor or to a development site or developer.

54.8 If Members are in any doubt about the provisions of this Protocol they should seek advice from either the Monitoring Officer or the Deputy Monitoring Officer as the impact of their actions could potentially have serious consequences for themselves and the Council.

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# Eitem ar gyfer y Rhaglen 6



## CONSTITUTION & DEMOCRATIC SERVICES COMMITTEE

<b>Date of Meeting</b>	Wednesday 24 <sup>th</sup> March 2021
<b>Report Subject</b>	Local Government and Elections (Wales) Act 2021 Implementation update
<b>Report Author</b>	Chief Officer (Governance)

### EXECUTIVE SUMMARY

The Local Government and Elections (Wales) Bill was passed by the Senedd on 18<sup>th</sup> November 2020. It received Royal Assent, and became an act at the end of January 2021.

As previously explained, the Act is a significant piece of legislation which encompasses a number of issues. Implementation of the Act is phased, with some sections in force immediately and others being brought in at a later date.

The Minister for Housing & Local Government, Julie James MS, has written to Council Leaders, confirming that she has now made the Local Government and Elections (Wales) Act 2021 (Commencement No. 1 and Saving Provision) Order 2021.

Details of the commencement orders are shown in the report.

Further updates on the implementation of this legislation will be submitted to Council and the Constitution & Democratic Services Committee from time to time.

Separate reports have been submitted on the changes to the Audit Committee and the Amendment to Adoption leave for Members, both of which are on the agenda for this meeting.

### RECOMMENDATIONS

1	Council notes the implementation timetable and acknowledges that further reports will be brought in due course
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## REPORT DETAILS

<b>1.00</b>	<b>EXPLAINING THE IMPLEMENTATION OF THE LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021</b>
1.01	<p>Provisions of the Local Government and Elections (Wales) Act 2021 will be brought into force by three commencement orders accompanied by other relevant subordinate legislation, during March 2021.</p> <p>These orders will bring the relevant provisions into force on a series of dates between March 2021 and 5 May 2022. In light of the pandemic, the timetable for the scrutiny of the Act by the Senedd was extended. As a consequence the commencement of a number of the Act's provisions has been postponed to 5 May 2022 to correspond with the date of the next Local Government Elections.</p> <p>The Welsh Government consider this approach to be more appropriate and less disruptive to local authorities, especially in light of the ongoing pandemic, rather than subjecting the sector to a number of new requirements within the year preceding the elections .</p>
1.02	<p>The Local Government and Elections (Wales) Act 2021 (Commencement No. 1 and Saving Provision) Order 2021 was made on 4<sup>th</sup> March and is detailed in paragraph 1. 03, below.</p> <ul style="list-style-type: none"><li>• The Local Government and Elections (Wales) Act 2021 (Commencement No. 2 and Saving Provisions) Order 2021 is due to be made by 12th March.</li></ul> <p>This is subject to the Senedd approving the Local Government and Elections (Wales) Act 2021 (Consequential Amendments) Regulations 2021 which need to be brought into force in line with this commencement order.</p> <p>The second Commencement Order provides for the bringing into force of Part 6 of the 2021 Act, which provides, amongst other things, for a new performance and governance regime for principal Councils and gives the Welsh Ministers new support and intervention powers, the restructuring provisions within Part 7 of the Act, the information sharing provisions in section 159 and the disapplication of the Local Government (Wales) Measure 2009 (“the 2009 Measure”) to principal Councils and National Park Authorities.</p> <ul style="list-style-type: none"><li>• The Local Government and Elections (Wales) Act 2021 (Commencement No. 3 and Transitional Provision) Order 2021 is due to be made by 18th March.</li></ul> <p>This is subject to the Senedd approving the Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Miscellaneous Provisions) Regulations 2021 which need to be brought into force in line with this commencement order.</p> <p>The third commencement order brings into force provisions in respect of attendance, including remote attendance, at Local Authority meetings and</p>



	provisions in relation to the arrangements for Local Authority meetings and documents, including requiring electronic publication of certain meeting documents.
1.03	<p><b>First commencement Order on 4 March 2021:</b></p> <ul style="list-style-type: none"> <li>• All regulation making powers within Parts 2 (General Power of competence), 3 (Promoting access to Local Government) and 4 (Local Authority Executives, Members, Officers and committees) of the Act.</li> <li>• Duty on principal Councils to have regard to guidance issued by the Welsh Minister in respect of the allocation of resources to the officers designated Head of Democratic Services (section 161(1)) (Amendment to the Local Government(Wales) Measure 2011)</li> <li>• Content of, and duty to have regard to, guidance under section 38 of the Local Government Act 2000 (section 59)</li> </ul> <p><b>1 April 2021</b></p> <ul style="list-style-type: none"> <li>• Appointment by Local Democracy &amp; Boundary Commission for Wales of its chief executive (section 163)</li> <li>• Directions under section 48 of the 2013 Act (section 164)</li> </ul> <p><b>1 November 2021</b></p> <ul style="list-style-type: none"> <li>• The general power of competence for principal Councils.</li> </ul> <p><b>1 April 2022</b></p> <ul style="list-style-type: none"> <li>• Annual reports by Community Councils (section 52)</li> </ul> <p><b>5 May 2022</b> Principal Councils</p> <ul style="list-style-type: none"> <li>• Public participation duty including duty to prepare a public participation strategy (sections 39 – 41)</li> <li>• Duty to establish a petitions scheme (section 42)</li> <li>• Duty to publish official addresses (section 43)</li> <li>• Duty to have regard to any guidance issued by the Welsh Ministers under Chapter 2 of Part 3 (section 44)</li> <li>• Duty to publish a constitution and constitution guide (section 45)</li> <li>• Duty to make arrangements to enable the electronic broadcasting of meetings (section 46)</li> <li>• Appointment of a Chief Executive (section 54)</li> <li>• Reconsideration of remuneration following direction by the Welsh Ministers (section 56)</li> <li>• Appointment of assistants to executive (section 57)</li> <li>• Job sharing (section 58)</li> <li>• Duty of political Group Leaders in relation to standards of conduct (section 62)</li> <li>• Duty of Standards Committee to make annual report (section 63)</li> <li>• Making information available to Overview and Scrutiny Committees (section 65)</li> <li>• Power to require authorities to appoint joint overview and scrutiny committees (section 66)</li> </ul>

	<ul style="list-style-type: none"> <li>• Removal of the restriction on monitoring officers also being designated Head of Democratic Services (section 161)</li> <li>• Abolition of polls consequent on a Community meeting (section 162)</li> </ul>
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<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	There are no resource implications from this update report.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	Not applicable.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	Not applicable.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix 1: Letter from Julie James MS, Minister for Housing & Local Government, to Council Leaders dated 4 <sup>th</sup> March 2021

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p>Report to Council on 26<sup>th</sup> January 2021: Local Government &amp; Elections (Wales) Bill 2021.</p> <p><b>Contact Officer:</b> Robert Robins, Head of Democratic Services  <b>Telephone:</b> 01352 702320  <b>Email:</b> robert.robins@flintshire.gov.uk</p>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	None.

Julie James AS/MS  
Y Gweinidog Tai a Llywodraeth Leol  
Minister for Housing and Local Government



Llywodraeth Cymru  
Welsh Government

To: Leaders of Local Authorities in Wales

cc: Chief Executives / Welsh Local Government Association / One Voice Wales / Chairs of National Park authorities / Chairs of fire and rescue authorities / Chair Local Democracy and Boundary Commission for Wales / Chair Independent Remuneration Panel for Wales / Auditor General for Wales

4 March 2021

Dear Leaders

## **IMPLEMENTATION OF THE LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021**

Further to my update to Partnership Council I wanted to confirm that I have now made the Local Government and Elections (Wales) Act 2021 (Commencement No. 1 and Saving Provision) Order 2021.

Annex A to this letter sets out the provisions which will be brought into force by this commencement order.

I can also confirm that I have made the Family Absence for Members of Local Authorities (Wales) (Amendment) Regulations 2021.

These Regulations amend the Family Absence for Members of Local Authorities (Wales) Regulations 2013 to increase adopter's absence entitlement for members of a local authority from 2 weeks to 26 weeks. The changes made by these Regulations will result in the same periods of maternity and adopter's absence being available to members of principal councils and provide for similar arrangements for adopter's absence as are already in place for maternity absence.

Yours sincerely

**Julie James AS/MS**  
Y Gweinidog Tai a Llywodraeth Leol  
Minister for Housing and Local Government

Canolfan Cyswllt Cyntaf / First Point of Contact Centre: 0300 0604400  
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CF99 1SN  
[Gohebiaeth.Julie.James@llyw.cymru](mailto:Gohebiaeth.Julie.James@llyw.cymru)  
[Correspondence.Julie.James@gov.Wales](mailto:Correspondence.Julie.James@gov.Wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

## **Annex A: Provisions of the Local Government and Elections (Wales) Act 2021 brought into force by the first commencement Order**

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### **4 March 2021**

- All regulation making powers within Parts 2, 3 and 4 of the Act
- Duty on principal councils to have regard to guidance issued by the Welsh Minister in respect of the allocation of resources to the officers designated Head of Democratic Services (section 161(1))
- Content of, and duty to have regard to, guidance under section 38 of the Local Government Act 2000 (section 59)

### **1 April 2021**

- Appointment by LDBCW of its chief executive (section 163)
- Directions under section 48 of the 2013 Act (section 164)

### **1 November 2021**

- The general power of competence for principal councils.

### **1 April 2022**

- Annual reports by community councils (section 52)

### **5 May 2022**

#### Principal councils

- Public participation duty including duty to prepare a public participation strategy (sections 39 – 41)
- Duty to establish a petitions scheme (section 42)
- Duty to publish official addresses (section 43)
- Duty to have regard to any guidance issued by the Welsh Ministers under Chapter 2 of Part 3 (section 44)
- Duty to publish a constitution and constitution guide (section 45)
- Duty to make arrangements to enable the electronic broadcasting of meetings (section 46)
- Appointment of a chief executive (section 54)
- Reconsideration of remuneration following direction by the Welsh Ministers (section 56)
- Appointment of assistants to executive (section 57)
- Job sharing (section 58)
- Duty of political group leaders in relation to standards of conduct (section 62)
- Duty of standards committee to make annual report (section 63)
- Making information available to overview and scrutiny committees (section 65)
- Power to require authorities to appoint joint overview and scrutiny committees (section 66)
- Removal of the restriction on monitoring officers also being designated head of democratic services (section 161)
- Abolition of polls consequent on a community meeting (section 162)

### Town and community councils

- General power of competence
- Participation at meetings of community councils (section 48)
- Duty of standards committee to make annual report (section 63)
- Duty on community councils to prepare a training plan (section 67)
- Abolition of polls consequent on a community meeting (section 162)

### National Park authorities and Fire and Rescue authorities

- Duty of standards committee to make annual report (section 63)

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# Eitem ar gyfer y Rhaglen 7

## CONSTITUTION & DEMOCRATIC SERVICES COMMITTEE

<b>Date of Meeting</b>	Wednesday, 24 <sup>th</sup> March 2021
<b>Report Subject</b>	Adoption Absence for Local Authority Members
<b>Report Author</b>	Head of Democratic Services

### EXECUTIVE SUMMARY

The Welsh Government have made the *Family Absence for Members of Local Authorities (Wales) (Amendment) Regulations 2021*. These regulations amend the *Family Absence for Members of Local Authorities (Wales) Regulations 2013*. This increases the adoption absence period for local authority members from 2 to 26 weeks.

The changes made by these Regulations will result in the same periods of maternity and adopter's absence being available to members of principal councils and provide for similar arrangements for adopter's absence as are already in place for maternity absence.

The Council was consulted on the changes a proposal last autumn. The Constitution & Democratic Services Committee, at its meeting on 25<sup>th</sup> November supported the proposed changes.

### RECOMMENDATIONS

1	That the committee notes that Welsh Government have made the <i>Family Absence for Members of Local Authorities (Wales) (Amendment) Regulations 2021</i>
2	That the Head of Democratic Services be tasked with adapting the Council's current employee policy so that it will also apply to Members.

### REPORT DETAILS

<b>1.00</b>	<b>EXPLAINING THE CHANGES</b>
1.01	The Family Absence for Members of Local Authorities (Wales) Regulations 2013 (the regulations) govern an adopter's absence (the form of leave taken by an individual adopting a child). The Welsh Government has amended the 2013 Regulations so as to extend the period of adopter's absence for elected members of councils from 2 weeks to 26 weeks and,

	as far as practicable, to align procedures relating to adopter's absence with those which currently govern maternity absence.
1.02	The Welsh Government has made the changes as part of its commitment to increasing diversity across all aspects of public life. By increasing the current adoption absence allowance from 2 weeks to 26 weeks, they are seeking to reduce an obstacle which might otherwise deter an individual from seeking elected office.
1.03	Wales was the first country in the UK to legislate for the introduction of family absence arrangements for councillors. This was in Part 2 of the Local Government (Wales) Measure 2011, which provided an entitlement for members of principal councils to be absent from authority meetings for family absences. The increase from 2 weeks, in the Measure, to the 26 weeks will bring councillor's adoption leave into line with councillor's maternity leave. The Welsh Government have commented that the basic period of adoption absence for officers is now 26 weeks, so again this would achieve parity.
1.04	The changes to the regulations: <ul style="list-style-type: none"> <li>• Create procedures for allowing a member of a local authority to vary the start date and duration of a period of adopters absence;</li> <li>• Provide that a period of adopter's absence may start on the day the child is placed with the member for adoption, or up to 14 days beforehand. A member of an authority will be able to choose on which of these days their adopter's absence will start;</li> <li>• Create a procedure for a member to bring their adopter's absence to an end.</li> </ul>
1.05	The Head of Democratic Services will liaise with colleagues in Human Resources to adapt the Council's current employee policy so that appropriate aspects of it will also apply to Members.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None directly from this information report.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	Not applicable: the committee was consulted previously on this issue.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	Not applicable



<b>5.00</b>	<b>APPENDICES</b>
5.01	None

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p>Report of the Head of Democratic Services to the Constitution &amp; Democratic Services committee, 25<sup>th</sup> November 2020, <i>Adoption Absence for Local Authority Members</i></p> <p>The Family Absence for Members of Local Authorities (Wales) (Amendment) Regulations 2021</p> <p><b>Contact Officer:</b> Robert Robins, Head of Democratic Services  <b>Telephone:</b> 01352 702320  <b>Email:</b> robert.robins@flintshire.gov.uk</p>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	No technical terms have been used within this report.

Mae'r dudalen hon yn wag yn bwrpasol

# Eitem ar gyfer y Rhaglen 8



## CONSTITUTION & DEMOCRATIC SERVICES COMMITTEE

<b>Date of Meeting</b>	Wednesday 24 <sup>th</sup> March 2021
<b>Report Subject</b>	Member Workshops, Briefings and Seminars Update
<b>Report Author</b>	Head of Democratic Services

### EXECUTIVE SUMMARY

It is the practice for this committee to receive a progress report on the Member Development and Engagement events which had been organised. This report provides details of events which have been held over the last year.

### RECOMMENDATIONS

1	That the Committee notes the progress with Member Workshops, Briefings and Seminars since the last report.
2	That if Members have any suggestions for future Member Development they are invited to contact the Head of Democratic Services to discuss them.

### REPORT DETAILS

<b>1.00</b>	<b>MEMBER WORKSHOPS, BRIEFINGS AND SEMINARS</b>		
1.01	During the last year, all of our Member engagement, whether that be formal meetings, workshops, seminars or briefings has been provided using webex video technology.		
1.04	Where possible, workshops, seminars and briefings have been offered on more than one occasion, with several being held during the evening.		
1.05	The events which we have held have been:		
	<b>Date</b>	<b>When held</b>	<b>Event</b>
	1 <sup>st</sup> July	Morning	Flintshire Electoral Wards Final LDBC Recommendations briefing
	5 <sup>th</sup> August	Evening	Carbon Reduction briefing

	7 <sup>th</sup> August	Afternoon	Carbon Reduction briefing
	1 <sup>st</sup> October	Afternoon	North Wales Economic Ambition Board - briefing
	1 <sup>st</sup> October	Evening	North Wales Economic Ambition Board - briefing
	9 <sup>th</sup> December	Morning	Annual Treasury management Briefing for all Members
	9 <sup>th</sup> December	Evening	Annual Treasury management Briefing for all Members
	16 <sup>th</sup> December	Afternoon	Ditches and Watercourses workshop
	16 <sup>th</sup> December	Evening	Ditches and Watercourses workshop
	23 <sup>rd</sup> December	Afternoon	Provisional Local Government Settlement briefing
	12 <sup>th</sup> January	Afternoon	Economic Ambition Board – Digital Briefing
	12 <sup>th</sup> January	Evening	Economic Ambition Board – Digital Briefing
	4 <sup>th</sup> February	Afternoon	Census Briefing
	4 <sup>th</sup> February	Evening	Census Briefing
	5 <sup>th</sup> February	Morning	Census Briefing
	22 <sup>nd</sup> March	Afternoon	Out of County briefing
	22 <sup>nd</sup> March	Evening	Out of County briefing
1.06	A briefing on the Council Plan 2021/22 has been scheduled for 29 <sup>th</sup> April at 2pm		

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	There is a small training budget which can be accessed if necessary: most development sessions are provided using the Council's own officers.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	None

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	The provision of information through workshops and briefings contributes to effective risk management.

<b>5.00</b>	<b>APPENDICES</b>
5.01	None.

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	None  <b>Contact Officer:</b> Robert Robins, Head of Democratic Services <b>Telephone:</b> 01352 702320 <b>E-mail:</b> <a href="mailto:robert.robins@flintshire.gov">robert.robins@flintshire.gov</a> .

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	None

Mae'r dudalen hon yn wag yn bwrpasol