

Pecyn Dogfen Gyhoeddus

Gareth Owens LL.B Barrister/Bargyfreithiwr
Chief Officer (Governance)
Prif Swyddog (Llywodraethu)



Swyddog Cyswllt:
Maureen Potter 01352 702322
maureen.potter@flintshire.gov.uk

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, 24 Mehefin 2021

Annwyl Gynghorydd,

RHYBUDD O GYFARFOD ANGHYSBELL
PWYLLGOR Y CYFANSODDIAD A GWASANAETHAU DEMOCRATAIDD
DYDD MERCHER, 30AIN MEHEFIN, 2021 2.00 PM

Yn gywir

Robert Robins
Rheolwr Gwasanaethau Democrataidd

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 Democrataidd am wahoddiad. Y Cadeirydd fydd yn penderfynu a yw'r rhain yn cael siarad ai peidio.

Bydd y cyfarfod yn cael ei ffrydio'n fyw ar wefan y Cyngor. Bydd recordiad o'r cyfarfod ar gael yn fuan ar ôl y cyfarfod ar <https://flintshire.publici.tv/core/portal/home>

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

R H A G L E N

1 PENODI CADEIRYDD

Yn y Cyfarfod Blynyddol, penderfynodd y Cyngor mai Grŵp y Democratiaid Rhyddfrydol a fydd yn cadeirio'r Pwyllgor hwn. Rhoddir gwybod i'r Pwyllgor mai'r Cynghorydd Neville Phillips yw Cadeirydd y Pwyllgor am y flwyddyn ddinesig hon.

2 PENODI IS-GADEIRYDD

Penodi Is-Gadeirydd ar gyfer y Pwyllgor.

3 YMDDIHEURIADAU

Pwrpas: I dderbyn unrhyw ymddiheuriadau.

4 COFNODION (Tudalennau 5 - 10)

Pwrpas: I gadarnhau, fel cofnod cywir gofnodion y cyfarfod ar 24 Mawrth 2021.

5 DATGAN CYSYLLTIAD (GAN GYNNWYS DATGANIADAU CHWIPIO)

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

6 DIWYGIADAU I REOLAU'R WEITHDREFN / AMENDMENTS TO THE RULES OF PROCEDURE / (Tudalennau 11 - 18)

Galluogi'r pwyllgor i ystyried y protocol diwygiedig

7 PROTOCOL ON ACTING OUTSIDE THE WARD / PROTOCOL AR WEITHREDU TU ALLAN I'R WARD (Tudalennau 19 - 26)

Galluogi'r pwyllgor i ystyried y protocol diwygiedig

8 DIWEDDARIAD AR SEMINARAU, SESIYNAU BRIFFIO A GWEITHDAI AELODAU / MEMBER WORKSHOPS BRIEFINGS AND SEMINARS UPDATE (Tudalennau 27 - 30)

Rhoi'r wybodaeth ddiweddaraf i aelodau ynghylch y digwyddiadau ymgysylltu a gynhaliwyd ers yr adroddiad diwethaf.

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

Nodyn Gweithdrefnol ar redeg cyfarfodydd

Bydd y Cadeirydd yn agor y cyfarfodydd ac yn cyflwyno eu hunain.

Bydd nifer o Gynghorwyr yn mynychu cyfarfodydd. Bydd swyddogion hefyd yn mynychu cyfarfodydd i gyflwyno adroddiadau, gyda swyddogion Gwasanaethau Democrataidd yn trefnu a chynnal y cyfarfodydd.

Gofynnir i bawb sy'n mynychu i sicrhau bod eu ffonau symudol wedi diffodd a bod unrhyw sain gefndirol yn cael ei gadw mor dawel â phosib.

Dylai'r holl feicroffonau gael eu rhoi "ar miwt" yn ystod y cyfarfod a dim ond pan fyddwch yn cael eich gwahodd i siarad gan y Cadeirydd y dylid eu rhoi ymlaen. Pan fydd gwahoddedigion wedi gorffen siarad dylen nhw roi eu hunain yn ôl "ar miwt".

Er mwyn mynegi eu bod nhw eisiau siarad bydd Cynghorwyr yn defnyddio'r cyfleuster 'chat' neu yn defnyddio'r swyddogaeth 'raise hand' sy'n dangos eicon codi llaw electronig. Mae'r swyddogaeth 'chat' hefyd yn gallu cael ei ddefnyddio i ofyn cwestiynau, i wneud sylwadau perthnasol ac yn gyfle i'r swyddog gynghori neu ddiweddarau'r cynghorwyr.

Bydd y Cadeirydd yn galw ar y siaradwyr, gan gyfeirio at aelod etholedig fel 'Cynghorydd' a swyddogion yn ôl eu teitl swydd h.y. Prif Weithredwr neu enw. O bryd i'w gilydd mae'r swyddog sy'n cynghori'r Cadeirydd yn egluro pwyntiau gweithdrefnol neu'n awgrymu geiriad arall ar gyfer cynigion er mwyn cynorthwyo'r Pwyllgor.

Os, a phan y cynhelir pleidlais, mi fydd y Cadeirydd yn egluro mai dim ond y rheiny sy'n gwrthwynebu'r cynnig/cynigion, neu sy'n dymuno ymatal a fydd angen mynegi hynny drwy ddefnyddio'r swyddogaeth 'chat'. Bydd y swyddog sy'n cynghori'r Cadeirydd yn mynegi os bydd y cynigion yn cael eu derbyn.

Os oes angen pleidlais fwy ffurfiol, bydd hynny yn ôl galwad enwau – lle gofynnir i bob Cynghorydd yn ei dro (yn nhrefn yr wyddor) sut mae ef / hi yn dymuno pleidleisio.

Yng nghyfarfodydd Pwyllgorau Cynllunio a Chyngor Sir mae amseroedd siaradwyr yn gyfyngedig. Bydd cloch yn cael ei chanu i roi gwybod i'r siaradwyr bod ganddyn nhw funud ar ôl.

Bydd y cyfarfod yn cael ei ffrydio'n fyw ar wefan y Cyngor. Bydd recordiad o'r cyfarfod ar gael yn fuan ar ôl y cyfarfod ar <https://flintshire.publici.tv/core/portal/home>

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 4

CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE **24 MARCH 2021**

Minutes of the remote meeting of the Constitution and Democratic Services Committee of Flintshire County Council held on Wednesday, 24 March 2021

PRESENT: Councillor Neville Phillips (Chairman)

Councillors: Chris Bithell, Jean Davies, Rob Davies, David Evans, David Healey, Michelle Perfect, Vicky Perfect, Ian Smith, David Williams and Arnold Woolley

SUBSTITUTIONS: Councillors Sean Bibby for Ted Palmer

APOLOGIES: Councillor Bob Connah and Mike Peers

ALSO PRESENT AS OBSERVERS: Councillor Patrick Heesom.

Mr. Jonathan Duggan-Keen (Standards Committee)s

IN ATTENDANCE: Chief Officer (Governance), Head of Democratic Services, and Democratic Services Officers. Internal Audit Manage for minute no 16.

14. DECLARATIONS OF INTEREST

None.

15. MINUTES

The minutes of the meeting held on 25 November 2020 were submitted.

Matters arising:

Page 3 – In response to a question from Councillor Chris Bithell regarding the guidance for Members on the process for reporting enquiries and complaints. The Head of Democratic Services explained that a new protocol had been circulated to Members following a meeting with Group Leaders in January which superseded the previous guidance provided.

The minutes were moved by Councillor Chris Bithell and seconded by Councillor David Evans.

RESOLVED:

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

16. REVIEW OF THE AUDIT COMMITTEE'S TERMS OF REFERENCE

The Internal Audit Manager introduced a report to inform the Committee of the requirements in the Local Government and Elections (Wales) Act 2021 (sections 116-118) which required a change to the name of the Audit Committee to the Governance and Audit Committee. Appended to the report was the current Terms of Reference for the Audit Committee which had been updated to reflect the renaming of the Committee and to include the new functions going forward, as detailed in the report. The Internal Audit Manager said that the terms of reference had also been updated to address the additional changes that would be required to the composition of the renamed Governance and Audit Committee in May 2022. These changes would include the additional appointment of a lay member and also the Chair of the Governance and Audit Committee being a lay member.

The Internal Audit Manager reported that the draft Terms of Reference had been submitted to the Audit Committee prior to the meeting of the Constitution & Democratic Services Committee held today and the proposed changes to the terms of reference had been acknowledged. If accepted by the Committee they would be presented to County Council on 1 April for approval

The recommendation in the report was moved by Councillor Chris Bithell and seconded by Councillor Jean Davies.

RESOLVED:

That the updated terms of reference as appended to the report which includes the amended name of the Council's Audit Committee and the new functions as set out in the Local Government and Elections (Wales) Act 2021 be acknowledged

17. REVIEW OF PROTOCOL FOR MEETING CONTRACTORS

The Chief Officer (Governance) explained that the Protocol had been reviewed as part of the Committee's rolling programme of reviewing the Constitution. The periodic refresh was an opportunity to check that the document remained up to date and pertinent. He provided background information and said the Protocol explained the considerations that apply to the award of contracts and the determination of planning applications. It gave guidance on whether Members should meet with people seeking contracts with the Council and safeguards that should be applied if they did so. The guidance remained necessary although some of the terminology needed updating and the proposed changes were as shown in Appendix 1 of the report.

The Chief Officer explained that the Protocol also gave advice on what Members should do if they were approached or lobbied by either planning applicants or objectors. The guidance on dealings with developers required updating, however, in addressing these matters the Protocol overlapped with the Planning Code of

Guidance. It was suggested that the Protocol should not seek to duplicate advice given elsewhere and the parts of the document relating to planning should be removed and the Planning Code of Guidance be updated instead. This document would be updated and reported to the Planning Strategy Group before being presented to the Constitution & Democratic Services Committee....The amended Protocol should then be included within training and induction programmes for officers who award contracts and Members of Cabinet.

Referring to Appendix 1, Councillor Chris Bithell raised a number of queries on the proposed changes to the Protocol. The Chief Officer responded to the comments and questions and provided clarification on where text had been inserted and deleted in the tracked changes. In response to the suggestion by Councillor Bithell the Chief Officer agreed to amend the wording on page 27, paragraph 1.3, to read as follows: "One of the overriding principles that must be complied with is that officers and Members should show no undue favour to any contractor". The Chief Officer also agreed to the further suggestion by Councillor Bithell that an additional precaution be included in section 6, page 28, that recordings of meetings/conversations should not be made without permission.

Councillor David Evans commented on a matter which had been brought to his attention by a resident in his Ward concerning the progress of a planning application regarding a business. The Chief Officer advised that the Protocol did not prevent Members from advocating on behalf of residents in their Ward or other people. However, he agreed that further clarification could be helpful to outline the appropriate and positive role Members could undertake as community representatives if approached by applicants to request assistance in the progress of a business application which could benefit the Council or their Ward without the Member incurring any potential legal ramifications for the Council. In response to a further question by Councillor Evans concerning paragraph 1.3, page 27, the Chief Officer provided explanation of the meaning of the terminology 'undue favour' as referred to and said this was to avoid personal, or personal and prejudicial interests, being made by Members.

The recommendation in the report was moved by Councillor Chris Bithell and seconded by Councillor David Evans.

RESOLVED:

- (a) 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 seeding a contact with the Council be amended as shown in the Appendix to the report; and
- (b) 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.

18. UPDATE ON THE IMPLEMENTATION OF THE LOCAL GOVERNMENT & ELECTIONS ACT

The Chief Officer (Governance) introduced a report to apprise the Committee of ongoing implementation of the Local Government and Elections (Wales) Act 2021. He advised that the provisions of the Act would be brought into force by three commencement orders accompanied by other relevant subordinate legislation during March 2021. These orders would bring the relevant provisions into force on a series of dates between March 2021 and 5 May 2022. As a consequence of the pandemic the commencement of a number of the Act's provisions had been postponed to 5 May 2022 to correspond with the date of the next Local Government elections. The Chief Officer reported on the main considerations and referred to the details of the commencement orders as shown in the report.

The Head of Democratic Services advised that Commencement order No.2 had been made on 11 March and dealt with the performance and governance regime for principal Councils and gave Welsh Ministers new support and intervention powers. Commencement Order No.3 was made on 18 March and brought into force provisions in respect of remote attendance at local authority meetings and arrangements for local authority meetings and documents, including requiring electronic publication of certain meeting documents.

Councillor Chris Bithell raised questions on the provisions under the first commencement order and the duties from 5 May 2022 for principal councils to make arrangements to enable the electronic broadcasting of meetings; to establish a petitions scheme; and the power to require authorities to appoint joint overview and scrutiny committees. The Chief Officer advised that the Act formally made provision for the temporary arrangements put in place until May 2021 due to the pandemic for holding remote meetings. He also said that provision was being made for electronic petitions to be made available. Officers responded to the question on the enabling power to appoint joint overview and scrutiny committees and it was agreed that the Head of Democratic Services would provide further information on this duty following the meeting. The Head of Democratic Services referred to the Local Government (Wales) Measure 2011 which advised that local authorities may set up joint scrutiny committees and explained that the wording had been changed from 'may' to 'must'.

Councillor Chris Bithell also sought clarification on the removal of the restriction on monitoring officers also being designated Head of Democratic Services, and on the abolition of polls consequent on a Community meeting, which were being brought into force on 5 May 2022 for principal councils. In response the Chief Officer advised that the first matter had been to provide a statutory separation of powers: the post of Head of Democratic Services which provided support to non-executive members to fulfil their role was not combined with the post of the Monitoring Officer.

In response to the second matter he outlined how community polls were conducted and commented that the Welsh Government had probably determined that there were better ways of engaging with the public to determine public opinion

The recommendation in the report was moved by Councillor Jean Davies and seconded by Councillor David Healey.

RESOLVED:

That the implementation timetable be noted and further updates be provided in due course.

19. ADOPTION ABSENCE FOR LOCAL AUTHORITY MEMBERS

The Head of Democratic Services introduced a report to inform the Committee of the increase in adopter's absence entitlement for Members. He provided background information and advised that the relevant part of the Constitution had been changed to reflect the new increase in adoption absence period for local authority members from 2 to 26 weeks

The recommendations in the report were moved by Councillor Chris Bithell and seconded by Councillor Ian Smith.

RESOLVED:

That the Committee notes that the Welsh Government have made the Family Absence for Members of Local Authorities (Wales) (Amendment) Regulations 2021; and the Constitution amended accordingly.

20. MEMBER WORKSHOPS, BRIEFINGS AND SEMINARS UPDATE

The Head of Democratic Services introduced a report to provide an update on the engagement events held during the last year. He drew attention to the events provided, using webex video technology, from 1 July 2020 to 22 March 2021 as detailed in the report. He invited Members to contact him with any suggestions they wished to put forward for future Member development events.

In response to a request from Councillor Chris Bithell it was agreed that the Head of Democratic Services would include the number of Members attending each event in future reports to the Committee

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

RESOLVED:

- (a) That the progress with Member Workshops, Briefings and Seminars since the last report be noted; and
- (b) That if Members had any suggestions for future Member Development they contact the Head of Democratic Services to discuss them.

21. MEMBERS OF THE PRESS IN ATTENDANCE

There was no member of the press in attendance.

(The meeting started at 2.00 pm and ended at 3.08 pm)

.....
Chairman

Eitem ar gyfer y Rhaglen 6



CONSTITUTION & DEMOCRATIC SERVICES COMMITTEE

Date of Meeting	Wednesday, 30 June 2021
Report Subject	Amendments to the Rules of Procedure
Report Author	Head of Democratic Services

EXECUTIVE SUMMARY

For the 2020 Annual Meeting, which was held on 9th September, the Chair agreed to temporary changes to some of the Rules, which were circulated. We are continuing with our Remote Attendance Meetings, as we move towards the 'multi-location meetings' required by the Local Government & Elections (Wales) Act 2021.

What were originally temporary changes should now be formally adopted by this Committee and Council for the time being, whilst the Council develops its policy on multi-location meetings.

RECOMMENDATIONS

1	That the Committee considers and approves the changes to the Rules Of Procedure as shown in appendix 1.
2	That further work be undertaken to develop a policy on multi-location meetings.

REPORT DETAILS

1.00	EXPLAINING THE NEED TO MAKE AMENDMENTS TO THE RULES OF PROCEDURE
1.01	Our Rules of Procedure (what used to be referred to as 'Standing Orders') set out how we run our meetings. When the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 came into force, we started holding our meetings as 'Remote Attendance Meetings' (RAM).

	However, we recognised that some elements of our Rules of Procedure would no longer work effectively for us, and would need to be amended. For example, it is not practical for members to stand to request a recorded vote during a video conference.
1.02	For the 2020 Annual Meeting, which was held on 9 th September, the Chair agreed to temporary changes to some of the Rules, which were circulated. They have been adapted slightly to refer to hybrid meetings though the substance of each rule has not changed. What were temporary changes should be formally adopted and regarded as permanent, subject to the work outlined below.
1.03	The Local Government & Elections (Wales) Act 2021 was given Royal Assent at the end of January. Section 47 of the Act, and part 1 of schedule 4 of that Act now provide the statutory basis for what is now being referred to as 'multi-location meetings'. Multi-location meetings are defined in the Act as a meeting of a relevant authority whose participants are not all in the same physical place. This applies to the Remote Attendance Meetings which we have been holding since last year, hybrid meetings, such as our Annual Meeting, where some people were in the Chamber, or meetings where a greater number of people are present, but others attending via remote means.
1.04	The Act requires that the Council should develop and publish its policy on which meetings will take place in person, remotely or as a hybrid and the rules that will apply to each. We will need to develop our own 'multi-location meetings' policy before May 2022. There will be further reports to this Committee, and to Council.
1.05	The attached details changes (shown in italics) which need to be incorporated into the Rules of Procedure to make them applicable to multi-location meetings.

2.00	RESOURCE IMPLICATIONS
2.01	None

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	This report is being published for consultation purposes.

4.00	RISK MANAGEMENT
4.01	Not applicable.

5.00	APPENDICES
5.01	List of suggested amendments to the Rules of Procedure

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>Council's Constitution. https://www.flintshire.gov.uk/en/PDFFiles/Democratic-Services/Flintshire-Constitution.pdf</p> <p>Interim statutory guidance on multi-location meetings (Further to section 47 of the Local Government & Elections (Wales) Act 2021.)</p> <p>Contact Officer: Robert Robins, Head of Democratic Services Telephone: 01352 702320 Email: robert.robins@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	None

Mae'r dudalen hon yn wag yn bwrpasol

AMENDMENTS TO COUNCIL PROCEDURE RULES FOR MULTI-LOCATION MEETINGS (REMOTE ATTENDANCE MEETINGS (RAM) and HYBRID MEETINGS

Introduction: Since July 2020, we have been holding our meetings by remote attendance, as a result of the Covid regulations. The ability to hold remote meetings has been made permanent by section 47 of the Local Government & Elections (Wales) Act 2021. (Commencement order no 3, made 18th March 2021)

In 2020, we made some temporary changes to our rules of procedure as some rules would not be practicable at a remote attendance, rather than at a physical meeting. These were then temporary amendments, which were agreed with the Chair of Council, who by their appointment is recognised as the arbiter of rules of procedure within the Constitution.

Terms used:

- Remote attendance Meetings – RAM where all participants and observers are connected by a software platform. No one is ‘physically’ present at the meeting.
- Hybrid Meetings - where some people are physically present, but others contribute remotely

We now need to make the temporary changes, as detailed below, permanent. The proposed amendments, shown in italics, will ensure that our Rules of Procedure will work equally well for a Remote Attendance Meeting or, in the future, at hybrid meetings.

Interpretation: Rule 6.3: The decision of the Chair of the meeting on all points of procedure and order and the Chair’s interpretation of any Procedure Rule shall be final and no debate may ensue thereon.

Declaration of Interest: Should a Member need to declare an interest and thus leave a Remote Attendance Meeting, the meeting host will transfer them electronically to the virtual waiting area for the duration of that item. Any Member is physically present will leave the room during the item.

Rule of procedure number	Regarding	Comments and <i>proposed amendment for Remote Attendance Meetings</i>
7	Quorum	Whilst the number for a quorum remains the same at 18, this will be counted from amongst those physically present and/or attending remotely. <i>For a Remote Attendance Meeting of Council, this would be 18 Members shown on the system as participating. For other meeting, the requirement will be a quarter of the membership, rounded up where necessary. (Thus for a 13 member committee, the quorum would be four)</i>
8	Duration of Meeting	Council meetings starting at 2pm must ordinarily conclude by 5pm. <i>Our guidance for Remote Attendance Meetings, whilst not absolutely binding, for a break after two hours, should be observed. Our agendas now show the need for a break after a meeting has lasted for two hours.</i>
14	Previous Decisions and Motions	Normally 10 signatures are required. <i>For all meetings this must now be 10 emails sent to the Head of Democratic Services.</i>
15.0	Voting	<i>We anticipate that for non –contentious issues, unless Members indicate their opposition or abstention on a vote, this can be conducted on a consensus basis, by ‘silent assent’, where only those wishing to oppose or abstain are required to indicate.</i> <i>Should a formal vote be required, this would have to be done following the usual Recorded Votes process.</i>
15.1	Majority	The reference to ‘members voting and present in the room at the time the question was put is not applicable for RAM or hybrid meetings. <i>Members voting must be visible to colleagues and observers/viewers (camera switched on, unless they have previously indicated technical problems or are dialing in) during that part of the meeting to be eligible to vote.</i>
15.3	Show of Hands	<i>At a Remote Attendance Meetings and hybrid meetings, voting by show of hands is not practicable: for instance, the position of the camera on laptops means hands may not always be visible to the officer conducting the count or to fellow Members.</i> <i>Voting at a Remote Attendance Meeting or hybrid meeting should either be by ‘silent assent’ or roll call.</i>

15.4	Ballots	<i>At a Remote Attendance Meeting/hybrid meeting, formal ballots other than by the calling out of names in alphabetical order (in essence, the recorded vote process) are not possible. Many decision can be taken by consensus, with only those opposing or abstaining being required to show (See reference to 'silent assent' at 15.0)</i>
15.5	Recorded vote	<i>Should a recorded vote be required at a Remote Attendance Meeting/hybrid meeting, rather than stand, 10 Members will need to request this via the 'chat' function. 'I request a recorded vote'. The Monitoring Officer will indicate when the requisite number has been reached.</i>
16	Minutes	The requirement to sign minutes has been replaced by a need to authenticate them.
17	Record of Attendance	<i>The Webex /Zoom recording constitutes a record of attendance and the officers will also make a manual record.</i>
18	Exclusion of Public and Press	<i>The press and public can be excluded from a RAM/hybrid meeting, after the exclusion has been moved, seconded and voted on.</i>
19	Members' Conduct	<i>See below</i>
19.1	Standing to Speak	<i>Members are not required to stand to speak at RAMs/hybrid meetings</i>
19.2	Chair standing	<i>The Chair is not required to stand, but may request that a Member's microphone is silenced.</i>
19.3	Member not to be heard further	The Chair will direct that the Member's microphone is switched off.
19.4	Member to leave the meeting	<i>The Chair will direct that the Member be moved into the virtual lobby or be removed from the room</i>

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 7



CONSTITUTION & DEMOCRATIC SERVICES COMMITTEE

Date of Meeting	Wednesday, 30 th June 2021
Report Subject	Member Protocol on Involvement in other Wards.
Report Author	Head of Democratic Services

EXECUTIVE SUMMARY

The practice of a Member becoming involved in local ward issues when not the local Member led to a Notice of Motion being submitted to the County Council meeting of the 7th September 2010 and the Council referring it to the Constitution Committee. Subsequently, a protocol was produced and approved by the committee.

Following recent concerns by officers, it became necessary to re-visit the protocol. It was submitted to Group Leaders, who agreed in April that it should be redrafted and made more 'user friendly'.

Particular concerns in redrafting were the needs to observe geographical representation, voter/councillor representation issues and the consequences of dissatisfaction with actions taken with lack of recourse.

It was agreed that it would be submitted to this Committee, to Standards Committee and subsequently to Council for formal adoption.

RECOMMENDATIONS

1	That the Committee considers and recommends for adoption the 2021 revised <i>Member Protocol on Involvement in Other Wards</i> .
---	--

REPORT DETAILS

1.00	EXPLAINING THE CHANGES TO THE PROTOCOL
1.01	The practice of a Member becoming involved in local ward issues when not the local Member led to a Notice of Motion being submitted to the County Council meeting of the 7 th September 2010 and the Council referring it to the Constitution Committee. Subsequently, a protocol was produced and approved by the committee.

1.02	The existing protocol was thought by both the statutory officers and Group Leaders to be in need of revision. It is attached as Appendix 1. It should be noted that the reports to Standards Committee, referred to, were not made.
	Following consideration by Group leaders and statutory officers, an amended version agreed for formal consultation. It is attached as appendix 2. The previous version was couched in very legalistic terms. It is intended that the updated version is easier to read, understand and use.
1.03	In terms of redrafting this protocol, particular concerns were: <ul style="list-style-type: none"> • Geographical representation: Members are elected to represent a particular ward. Their remit is to represent the people in that ward. Members represent the whole of Flintshire when acting together as the County Council, not as individuals. • Voter/councillor representation: again, Members are elected to represent a particular ward. Their remit is to represent the people in that ward. If they act outside their ward, without having consulted the local Member, they place themselves in a position where they are acting on behalf of a person or persons within that ward. • If electors are dissatisfied with the performance of their local Member(s) they have recourse through the ballot box at the next election. That option is not available to electors when the Member who has acted on their behalf has not been elected to represent that ward
1.04	Formal consultation on this protocol is by submission to this committee, to Standards Committee on 5 th July and subsequently to Council.

2.00	RESOURCE IMPLICATIONS
-------------	------------------------------

2.01	None directly from this consultation report.
------	--

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
-------------	---

3.01	This report is to initiate consultation
------	---

4.00	RISK MANAGEMENT
-------------	------------------------

4.01	Not observing the protocol creates potential risk.
------	--

5.00	APPENDICES
5.01	Appendix 1, original protocol from 2011. Appendix 2, revised Member Protocol on Involvement in other wards.

6.0	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>1. Notice of Motion considered by Council, 7th September 2010. http://modgov:9070/Data/Flintshire%20County%20Council/20100907/Agenda/Part%201.pdf?And subsequent minute http://modgov:9070/Data/Flintshire%20County%20Council/20100907/Agenda/Minutes.pdf?</p> <p>2. Report of the Head of Legal & Democratic Services to the Constitution Committee, 10th January 2011 <i>Local Member Guidelines</i> http://modgov:9070/Data/Constitution%20Committee/20110110/Agenda/Part%201.pdf And subsequent minute. http://modgov:9070/CeConvert2PDF.aspx?MID=1533&F=Minutes.pdf&A=1&R=0</p> <p>3. Report of the Head of Legal & Democratic Services to the Constitution Committee, 20th April 2011 <i>Local Member Guidelines</i> http://modgov:9070/CeConvert2PDF.aspx?MID=1534&F=Part%201.pdf&A=1&R=0 and subsequent minute. http://modgov:9070/CeConvert2PDF.aspx?MID=1534&F=Minutes.pdf&A=1&R=0</p> <p>Contact Officer: Robert Robins, Head of Democratic Services Telephone: 01352 702320 E-mail: robert.robins@flintshire.gov.</p>

7.00	GLOSSARY OF TERMS
7.01	No technical terms have been used within this report.

Mae'r dudalen hon yn wag yn bwrpasol

Appendix 1

MEMBER PROTOCOL FROM 2011

Introduction

1. This protocol has been drawn up pursuant to a decision of the Constitution Committee and has been approved by it.
2. The protocol applies to the situation where a Member becomes involved in a local ward issue when the Member is not the local Member for that ward. This may arise where the Member is approached by a resident or an organisation or where the Member on his/her own initiative becomes involved in a local ward issue.
3. The practice of a Member becoming involved in local ward issues when not the local Member led to a Notice of Motion being submitted to the County Council meeting of the 7 September 2010 and the Council referring it to the Constitution Committee.

Definitions

4. For the purpose of this protocol "local Member" means the County Councillor or one of the County Councillors who represent the ward where the local issue arises.
5. For the purposes of this protocol "local issue" means an issue that relates only to a part of Flintshire and does not fall within paragraph 6 below.

Issues that are not local issues

6. The Constitution Committee believes that for the purposes of this protocol the following are not to be regarded as local issues:-
 - a) Issues the Member is pursuing in his capacity as prospective Assembly or Parliamentary candidate.
 - b) Issues which the Member is pursuing by virtue of a role the Member has on other public bodies or organisations rather than as a member of Flintshire.
 - c) Issues the Member is pursuing as a result of the Member's Executive role or as Chair or Vice Chair of the Council.
 - d) Where the Member is canvassing at election times.
 - e) Where the Member is pursuing a County-wide issue or a Council-wide policy.
 - f) Where the Member is involved because the local Member has a conflict of interest or a prejudicial interest and that Member has asked the Member to act as local Member.
 - g) Where the Member is being contacted because of an item to be considered at a meeting of the County Council or of a Committee the Member sits on.

Procedure to be followed

7. Where the Member on their own initiative wishes to pursue a local issue then before doing so as a matter of courtesy they should inform the local Member(s). In subsequently pursuing the issue with any Council officer the Member must make clear to the officer that they are not the local Member. Officers approached in this way will be expected to inform the local Member(s) of the approach they have had and of how they have dealt with that approach.

8. Where the Member has been approached by a resident or body about the local issue the Member should:-

a) Explain that he is not the local Member(s) and indicate who the local Member(s) is/are.

b) If following a) the resident or body still wants the Member to pursue the matter the Member to inform the local Member(s) as a matter of courtesy of the approach that has been received.

Monitoring

9. In both paragraph 7 and paragraph 8 above the Member should notify Member Services of the local issue they are involved in so that a record is kept of all such occasions. This record will annually be reported to the Standards Committee.

APPENDIX 2 REVISED PROTOCOL – 2021

MEMBER PROTOCOL ON INVOLVEMENT IN OTHER WARDS

1. Introduction

1.1 Sometimes as a Member, you might become involved in a ward other than your own. If this is at the invitation of the local Member, there is no problem. For example, you could be approached to act by a colleague because they have a conflict of interest or would like some help.

However, if the involvement in another ward is because of a direct approach by a resident or on your own initiative, this is potentially contentious. This protocol has been written to help you. “Local Member” means the Councillor or one of the two who represent the ward. “Local issue” means within a ward and not wider.

2. Exceptions to the protocol

2.1. The following are not seen as local issues for the ward member(s) alone:-

- a) Pursuing something as a prospective Senedd or Parliamentary candidate.
- b) Involvement because of a role you have on other public bodies or organisations rather than as a member of Flintshire.
- c) Acting because of your role as a Cabinet Member or as Chair or Vice Chair of the Council.
- d) Canvassing at election times.
- e) Pursuing a County-wide issue or a Council-wide policy.
- f) Where you have been contacted because of an item to be considered at a meeting of the County Council or of a Committee which you sit on.

3. Procedure to be followed

3.1. When, on your own initiative, you wish to (or have been asked to) pursue an issue outside your ward, then - before doing so and out of courtesy- you should inform the local Member(s). Agreement between the non-ward member and ward members(s) will be required as to the next steps.

3.2 If subsequently pursuing this with officers, you must explain why you are involved. Officers approached in this way will be expected to inform the local Member(s) of the approach and how they have dealt with the issue. Officers can become ‘caught in the middle’ where this happens.

3.3. Where you have been approached by a resident or body about a local issue not in your ward, you should:-

- a) Explain that you are not the local Member(s) and say who the local Member(s) is/are.
- b) If the resident or body still wants you to pursue the matter, you should inform the local Member(s) as a matter of courtesy of the approach that has been received, (see also section 3.1).

4. Monitoring

4.1. If you do need to act outside your own ward, please notify Member Services of the local issue so that a record is kept of all such occasions. Where Members are thought to be acting contrary to this protocol, the issue will be flagged up with their Group Leader for discussion.

This record will be reported annually to the Standards Committee as part of a report monitoring compliance with this protocol.

Eitem ar gyfer y Rhaglen 8



CONSTITUTION & DEMOCRATIC SERVICES COMMITTEE

Date of Meeting	Wednesday 30 th June 2021
Report Subject	Member Workshops, Briefings and Seminars Update
Report Author	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 since the last meeting in March and also those which are forthcoming.

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

1.00	MEMBER WORKSHOPS, BRIEFINGS AND SEMINARS			
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.			
1.02	Where possible, workshops, seminars and briefings have been offered on more than one occasion, with several being held during the evening.			
1.03				
	Date	When held	Event	Number attending
	29 th April 2021	2pm	Council Plan 2021/22 Briefing	33
		5pm		11

	12 th May 2021	12.30 pm	Clwyd Pension Fund Committee - Pensions/Fossil Fuels workshop	10
	13 th May 2021	10am	Social Value workshop	16
	20 th May	6pm	Dementia Friends briefing	3
	28 th June	10am 6pm	Digital Strategy	Figure to be provided at next update
	30 th June	11am	MTFS and Budget 2022	Figure to be provided at next update
	30 th June	6pm	Dementia friends briefing	Figure to be provided at next update
	6 th July	2pm 6pm	Recycling briefing	Figure to be provided at next update

2.00 RESOURCE IMPLICATIONS

2.01 None

3.00 CONSULTATIONS REQUIRED / CARRIED OUT

3.01 None

4.00 RISK MANAGEMENT

4.01 The provision of information through workshops and briefings contributes to effective risk management.

5.00 APPENDICES

5.01 None.

6.00 LIST OF ACCESSIBLE BACKGROUND DOCUMENTS

6.01 None

Contact Officer: Robert Robins, Head of Democratic Services
Telephone: 01352 702320
E-mail: robert.robins@flintshire.gov.

7.00	GLOSSARY OF TERMS
7.01	None

Mae'r dudalen hon yn wag yn bwrpasol