

CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE
12 JANUARY 2023

Minutes of the Constitution and Democratic Services Committee of Flintshire County Council held as a remote attendance meeting on Thursday, 12 January 2023.

PRESENT: Councillor Rob Davies (Chairman)

Councillors: Gillian Brockley, Steve Copple, Ian Hodge, Alasdair Ibbotson, Paul Johnson, Gina Maddison, Ted Palmer, Michelle Perfect, Vicky Perfect, Linda Thew, Arnold Woolley and Antony Wren

APOLOGY: Councillor Jean Davies

SUBSTITUTE: Councillor Bernie Attridge for Councillor Roz Mansell

IN ATTENDANCE: Monitoring Officer, Deputy Monitoring Officer, Democratic Services Manager and Democratic Services Officer

19. DECLARATIONS OF INTEREST

There were no declarations of interest.

20. MINUTES

The minutes of the meeting held on 9 November 2022 were approved, as a correct record and moved and seconded by Councillors Ted Palmer and Gillian Brockley.

RESOLVED:

That the minutes be approved as a correct record.

21. ADOPTION OF SKIN PIERCING BYELAWS

The Community and Business Protection Manager introduced a report to recommend the adoption of Model Byelaws (as drafted by Welsh Government) in relation to skin piercing in accordance with provisions of the Local Government (Miscellaneous Provisions) Act 1982, Part VIII, sections 14 and 17. She provided background information and context and referred to the key points as detailed in the report.

Councillor Alasdair Ibbotson said he supported the proposed byelaws, however, he moved that the following amendments be made before they were passed:

- in part 1, change b) and c) to i) and ii), and consequently change d) to b)
- in part 1, insert "clean" means previously unused either (i) in the case of a single use item, at all, and (ii) in the case of a reusable item, since last

thoroughly washed, disinfected and sterilised as appropriate and kept in a hygienic condition since"

- In part 2(1)(h), delete "may" and replace with "must". Insert "assistance" before second "animals".
- In part 3(1)(b)(i)(aa) after "wherever possible", insert "and in all cases where a new premises is established after the commencement of these bylaws".

Councillor Ibbotson moved an amendment to the recommendation in the report which was 'to support the recommendation to Council of the formal adoption of byelaws relating to skin piercing subject to the above amendments being adopted before the byelaws are adopted'. This was seconded by Councillor Gillian Brockley and when put to the vote was carried.

RESOLVED:

That the Committee recommends to Council the formal adoption of byelaws relating to skin piercing subject to the above amendments being adopted before the byelaws are passed.

22. FINANCIAL PROCEDURE RULES

The Strategic Finance Manager presented a report to provide the Committee with the proposed updated Financial Procedure Rules (FPR's) for comment and endorsement prior to approval at County Council on 24 January 2023. She provided background information and reported that the FPR's were considered and endorsed by the Governance and Audit Committee on 14 November 2022 and questions were raised regarding some of the changes. Feedback from the Governance and Audit Committee was included in paragraph 1.10 of the report.

The Strategic Finance Manager advised that the main changes to FPRs were set out in paragraphs 1.07 and 1.08 of the report. The updated FPR's were attached as Appendix 1 with tracked changes, which included a minor amendment following feedback from the Governance and Audit Committee attached as Appendix 2. Following approval of the FPR's the Finance Team would continue to undertake awareness raising with management teams to ensure that managers and staff understand their responsibilities regarding the FPR's and emphasis will be put on the requirement for all staff to ensure compliance. Once approved, adherence to the FPR's would be monitored by finance teams and any breaches or concerns reported to Chief Officers on a regular basis.

Councillor Bernie Attridge asked where information on the use of the corporate credit card by Members and officers could be located in the FPRs. He also referred to paragraph 1.10 in the report and the question and response relating to 'Further clarification sought on what is a "true copy" of an invoice. (h) P.41. Councillor Attridge asked if this would assist with the problems relating to invoices and Betsi Cadwaladr University Health Board (BCUHB). He also referred to page 97 of the report, paragraph (i) and sought further information around the disposal of surplus, obsolete or defective items held in stock. The Corporate Finance Manager and

Strategic Finance Manager responded to the questions and comments raised. The Strategic Finance Manager agreed to provide feedback to Councillor Attridge on use of the corporate credit card following the meeting. The Corporate Finance Manager confirmed that the FPRs applied to all Members and officers.

The recommendation in the report was moved by Councillor Ted Palmer and seconded by Councillor Ian Hodge.

RESOLVED:

That the updated Financial Procedure Rules be endorsed and recommended to Council for approval.

23. ADOPTION OF THE MODEL ORDINARY LANGUAGE GUIDE TO THE CONSTITUTION AND UPDATES MADE TO THE NATIONAL MODEL CONSTITUTION

The Deputy Monitoring Officer presented a report to recommend adoption of the ordinary language guide and updated Constitution following the work undertaken by a working group of the Committee. He provided background information and referred to the key points as detailed in the report. The Deputy Monitoring Officer advised that a first draft of both the constitution and the ordinary language guide were appended to the report. The changes that the working group proposed should be made to the Council's constitution were shown as tracked changes but some further drafting work would need to be undertaken before the documents could be adopted by the Council.

Councillor Bernie Attridge drew attention to a number of corrections which he said needed to be made to update the draft Constitution with regard to other matters. He also sought information on where reference was made to CJs in the Constitution. The Deputy Monitoring Officer responded to the points raised by Councillor Attridge. The Monitoring Officer and Deputy Monitoring Officer also provided background information regarding the question on CJs and explained that those which were specific to the Council would be included in the Constitution in due course.

Councillor Alasdair Ibbotson proposed the recommendation that the Committee gives feedback to Council on the proposed changes made and brings back to the working group to produce a further draft. Councillor Ibbotson suggested that the following changes be made to the Constitution:

Page 24 - Members of the public – making comments/complaints
Why has engagement with the Overview and Scrutiny Committee been deleted?

Page 27 - Functions of the Full Council
4.6.15 – redundant
4.6.16 – redundant

Page 28 - *Functions of the Full Council*

4.6.21 a), b) – prevents Overview and Scrutiny Committees doing this because of top language

4.6.19 – as above regarding Overview and Scrutiny Committees

Page 46 - *Electronic broadcast of meetings*

21 – date is missing for how many days after a meeting copies will be available

Page 59 - *The Cabinet - Leader*

5.3 – The leader shall be one OF the Council's representatives on: ...

Page 60 - *Job sharing by Cabinet members*

5.5 – who is able to make individual Cabinet member decisions? Must these be made jointly, or by either member individually?

Page 64 - *Cabinet meetings, when and where*

5.9.6 – determination of choice?

Page 261 - *Officer structure chart*

Incomplete, no structure chart included

Page 277 - *Responsibility for Council functions table*

Highlighted part – appears to be a note when amending the document, should be removed?

Page 299 - *Information sharing principles*

B – “timely” ONLY applies in certain circumstances

Page 341 - *Responsibility of Chief Officers*

Powers to require senior officers to register interests and scrutinise those interests?

Page 582 - *Trade Union Representation, concerns regarding behaviour*

4.14 – delete ‘recognised’ prior to Trade Union

Page 602 - *Elected members role description*

1.2 a) ii) and iv) – delete

Page 603 - *Elected members, values*

1.3 – delete

Page 606 - *Leader, values*

2.3 – not essential to delete

Cabinet member, values

4.3 – as above

Councillor Ibbotson proposed that his comments and amendments be submitted to the Working Group and further consideration be given to the draft Constitution. This was seconded by Councillor Bernie Attridge.

The Deputy Monitoring Officer responded to the points made by Councillor Ibbotson and advised that there were no changes in the tracked document attached to the report which altered any of the rules, procedures and processes that the Council currently had in terms of scrutiny or debate. The Deputy Monitoring Officer said all the matters raised by Councillor Ibbotson would be considered in producing a further draft of the Constitution. The Monitoring Officer explained that some of the sections raised by Councillor Ibbotson were not matters that the Working Group had recommended for change and therefore the questions and points made were regarding the current Constitution which was beyond the scope of the current exercise.

The Monitoring Officer suggested that the Committee may wish to adopt the proposed changes and provide a list of areas which might require further work/review. He said that those matters which were identified by Councillor Ibbotson which applied to the changes that were being proposed and anything which had not been recommended by the Working Group for review could be included on the Forward Work Programme.

In summing up Councillor Ibbotson expressed concern that the Council was in breach of the statutory obligation placed on it by the Local Government and Elections Act 2021 and the commencement regulations. He said he supported the Plain Language guide as being compliant with the statutory obligations. Speaking on the review of the Constitution, Councillor Ibbotson proposed that the substantive constitutional changes which were to be recommended to Council be re-submitted to the Working Group with feedback from the Constitution and Democratic Services Committee for further consideration. The Working group be asked to produce a second draft of the proposed amendments to the Constitution and report back to the Committee for further consideration.

Councillor Ted Palmer proposed an amendment to the proposal made by Councillor Ibbotson. He proposed that the recommendations in the report be approved and the concerns raised by Councillor Ibbotson be added to the Forward Work Programme for further consideration. This was seconded by Councillor Ian Hodge.

Councillor Bernie Attridge spoke against the amendment.

Councillor Ibbotson clarified that the Committee was being asked to vote on his motion unamended which was that the actual changes to the Constitution be submitted for further review by Members and officers and brought back to the Committee for further consideration and recommendation to Council. He said if the Committee supported the amendment put forward to the proposal by Councillor Ted Palmer no further work would be undertaken on the internal review of the Constitution and the Committee would recommend to Council that the draft amended constitution should be adopted

At this point the Monitoring Officer provided clarification to the Committee on the proposal by Councillor Ibbotson and the amendment to the proposal put forward by Councillor Palmer.

The Committee were asked to vote on the amendment proposed by Councillor Ted Palmer which was that the Committee forwarded to Council what had been considered by the Working Group and remit the remainder back to the Working Group for further review. When put to the vote the amendment was lost.

The Monitoring Officer explained that the Committee was asked to vote on the proposal put forward by Councillor Ibbotson to remit the proposed changes back to the Working Group to enable them to consider his concerns about the changes which were proposed and also the issues that he felt might require review concerning the parts that were not proposed for change. The proposal had been seconded by Councillor Bernie Attridge. When put to the vote the proposal was carried that the Committee recommends to Council that the draft amended constitution should be adopted subject to a further internal consistency check and proof-read.

Councillor Bernie Attridge moved recommendations (b) and (c) in the report. This was seconded by Councillor Ted Palmer and when put to the vote was carried

RESOLVED:

- (a) That the Committee recommends to Council that the draft amended Constitution should be adopted subject to a further internal consistency check and proof-read;
- (b) That the role descriptions in the draft Model Constitution should be the subject to consultation with relevant Members before the Constitution is adopted at the Annual General Meeting; and
- (c) That the ordinary language guide be adopted subject to a final document and cross reference comparison with the draft Constitution to ensure accuracy and consistency between those documents.

24. TIMINGS OF MEETINGS AND MEETING FORMAT SURVEY

The Democratic Services Manager presented a report to provide an update on the responses to the survey undertaken in November and December 2022 to gauge views on both the schedule and timings of council meetings, and also the format of meetings. A copy of the survey was included as Appendix 1 to the report.

The Democratic Services Manager explained that the survey sought the views of both elected and co-opted Members about whether meeting arrangements should remain as they currently are or whether to change timings to include evening meetings. The survey also sought the views on the preferred format of meetings: i.e. hybrid or remote. A total of 33 responses to the survey were received. The Democratic Services Manager advised that there did not seem to be a desire to alter the schedule or timing of meetings, however, the responses received did indicate that Members' preference was for meetings to be offered as 'hybrid' format. The Democratic Services Manager reported on the main points as detailed in the report.

Councillor Bernie Attridge expressed disappointment at the low number of responses received. He also expressed the view that all meetings should have the

option of being held in 'hybrid' format, citing meetings of the Planning Committee specifically. In responding to the comments made the Democratic Services Manager drew attention to the recommendations in the report and suggested that the Working Group reported back to the Committee in March with recommendations.

In moving the recommendations Councillor Paul Johnson suggested that the Working Group (if agreed) could also consider how responses to the survey could be increased. Councillor Ted Palmer seconded the proposals. Councillor Bernie Attridge moved the following amendment: that the Committee recommends to Council that meetings of the Planning Committee be held in 'hybrid' format. Councillors Paul Johnson and Ted Palmer agreed to the amendment and when put to the vote the recommendations were carried.

The following Members agreed to form a Working Group in accordance with the recommendations: Councillors Ian Hodge, Alasdair Ibbotson, Ted Palmer, Linda Thew, and Antony Wren

RESOLVED:

- (a) That the Committee agrees to recommend to Full Council that meeting arrangements in relation to the times when meetings are held remain as they are now;
- (b) That a working group, formed from Members of this Committee, meets to review and update the 'interim Multi-Location Meeting Policy', considering the views expressed by Members through the responses to the survey;
- (c) That the working group, formed from Members of this Committee, considers the full impact and implications of any changes to the interim Multi-Location Meeting Policy in considering the views expressed by Members through the responses to the survey;
- (d) That the working group reports back to this Committee in March with recommendations on (b) and (c); and
- (e) That the Committee recommends to Council that meetings of the Planning Committee be held in 'hybrid' format.

25. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

None.

(The meeting started at 2.00 pm and ended at 3.56 pm)

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Chairman