

TO: Councillor: Robin Guest (Chairman)

Councillors: Bernie Attridge, David Barratt, Chris Bithell, Carolyn Cattermoul, Glenys Diskin JP, Quentin Dodd, Veronica Gay, Fred Gillmore, Alison Halford, Ron Hampson, George Hardcastle, Patrick Heesom, Dennis Hutchinson, Peter Macfarlane, Peter Pemberton, Tony Sharps, Aaron Shotton, Nigel Steele-Mortimer, Arnold Woolley, Matt Wright

Your Ref /
Eich Cyf

ur Ref / Ein Cyf MPO

Date / Dyddiad 17/09/2010

Ask for / Gofynner am Maureen Potter

Direct Dial / Rhif Union 01352 702322

Fax / Ffacs

Dear Sir / Madam,

A meeting of the **CONSTITUTION COMMITTEE** will be held in the **DELYN COMMITTEE ROOM, COUNTY HALL, MOLD** on **THURSDAY, 23 SEPTEMBER 2010** at **14:00** to consider the following items.

Yours faithfully



Democracy and Governance Manager

AGENDA

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**
3. **MINUTES**
To confirm as a correct record the minutes of the meeting held on 14/07/2010 (copy enclosed).
4. **LOCAL MEMBER GUIDELINES**
At the last County Council meeting the following Notice of Motion was approved:-

"That the Monitoring Officer be requested to submit a report to the Constitution Committee to enable it to consider issuing guidelines to address

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situations where an elected Member of this Council is approached by a resident or body from outside his or her ward for assistance with any problems they may have. Such guidelines might include a provision (except in situations identified) for the Member who has been approached to:-

Inform the relevant Member or Members of that ward of the approach;
Allow that Member or Members to take up that approach as it is a responsibility relation to their ward;
If those ward Member or Members cannot or will not take on the issue then the approached Member must inform them, in writing, that he or she is dealing with the issue on the resident's or body's behalf".

To receive a verbal report from the Head of Legal and Democratic Services.

5. **MEMBER CHAMPIONS**
Report of Democracy and Governance Manager enclosed
6. **PROPOSED LOCAL GOVERNMENT (WALES) MEASURE**
Report of Head of Legal and Democratic Services enclosed
7. **STRUCTURE AND TERMS OF REFERENCE FOR OVERVIEW AND SCRUTINY COMMITTEES**
Report of Member Engagement Manager and Democracy and Governance Manager enclosed
8. **OVERVIEW & SCRUTINY PROCEDURE RULES**
Report of Democracy and Governance Manager enclosed

CONSTITUTION COMMITTEE
14 JULY 2010

Minutes of the meeting of the Constitution Committee of Flintshire County Council held in County Hall, Mold on Wednesday, 14 July, 2010.

PRESENT: Councillor A.M. Halford (Vice Chair in the Chair)

Councillors: J.B. Attridge, D. Barratt, R.C. Bithell, J.C. Cattermoul, V. Gay, G. Hardcastle, P. G. Heesom, H.D. Hutchinson, R. P. Macfarlane and A. Woolley.

ALSO PRESENT: Councillors Eng. K. Armstrong-Braun, A.J. Davies-Cooke and J.E. Falshaw.

SUBSTITUTE: Councillor R.G. Hampson for A.P. Shotton

APOLOGIES: Councillors: R.J.T. Guest, Q.R.H Dodd, N. Phillips, L.A. Sharps and N.R. Steele-Mortimer.

IN ATTENDANCE:

Chief Executive, Head of Legal and Democratic Services, Democracy and Governance Manager, Member Engagement Manager and Committee Officer.

1. DECLARATIONS OF INTEREST

Councillor V. Gay declared a personal interest in item 4 relating to Member Champions.

2. MINUTES

The minutes of the meeting of the Committee held on 26 April, 2010, were submitted.

Matters Arising

The Democracy and Governance Manager advised that action had been taken to implement the decisions on page 3 of the minutes.

RESOLVED

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

3. MEMBER CHAMPIONS

The Democracy and Governance Manager introduced a report the purpose of which was to consider recommendations from the Member Champions Task and Finish Group. He provided background information and referred to the key considerations detailed in the report.

The Democracy and Governance Manager explained that prior to the first meeting of the Task and Finish Group each Member Champion had been given the opportunity to discuss their role with him. He advised that this had then informed the report to the Task and Finish Group which met on the 28 May 2010 and a copy of the minutes of that meeting were attached as an appendix to the report. The Democracy and Governance Manager asked the Committee to consider the recommendations of the Task and Finish Group as set out in paragraphs 3.04 to 3.08 of the report. He also requested that Members considered the Model Role Description for Member Champions which was distributed during the meeting.

Councillor R.C. Bithell questioned the need for Member Champions in the Authority. He referred to the functions of Executive and Scrutiny and expressed the view that all Members were adequately able to champion matters which concerned their Wards and those areas which were of special interest to them. He referred to the individual skills, specialist knowledge and experience acquired by Members and commented that this should be more fully utilised. Councillor A. Woolley indicated his willingness to appoint Member Champions outside the Executive but expressed the view that Champion roles absorbed into the Executive would not be conducive to improvement.

During the ensuing discussion a number of concerns and comments were raised by Members over entitlement to allowances and approved duties for Member Champions. Members also expressed the view that the proposal to appoint Member Champions introduced a further unnecessary tier of hierarchy. In his response to Members' comments the Democracy and Governance Manager gave an assurance that there was no intention to detract from the role of the Local Member.

Councillor V. Gay gave an overview of her role as a Member Champion for Older People and informed Members that she viewed it as helping the relevant Executive Member in a specialised and time consuming area. She expressed the view that making an Executive Member a Member Champion could lead to the Member's workload becoming overloaded.

The Chief Executive advised Members that there was no requirement by the Welsh Assembly Government to have Member Champions, however, if Members decided to make such appointments discussion would need to take place about which roles would need to be covered. He also made reference to roles and responsibilities and the need for third parties to clearly understand the role and status of the Member Champion.

In conclusion Councillor R.C. Bithell put forward a proposal that Members should not continue with Member Champions in Flintshire County Council. Members voted on the proposal and recommended that the Authority discontinued the practice of Member Champions.

RESOLVED:

That the Committee recommended that the practice of Member Champions be discontinued.

4. OVERVIEW AND SCRUTINY COMMITTEE STRUCTURE

The Democracy and Governance Manager introduced a report the purpose of which was to give further consideration to the Overview and Scrutiny Committee structure pursuant to the decision at the Council's annual meeting.

The Democracy and Governance Manager provided background information and referred to the key considerations in the report. He advised that at the Co-ordinating Committee meeting on 3 June it was decided to recommend to the Constitution Committee that the existing number of Overview and Scrutiny Committees be retained and that officers review all the Committees in an attempt to define synergies. He also reported that the Coordinating Committee had decided that the Committee Chairman should write to all Members to ask that they provide their views and evidence on whether they thought there was a need to reduce the number of Overview and Scrutiny Committees and their responses to the Chairman's letter were summarised in Appendix 4 to the report. The Democracy and Governance Manager asked the Committee to consider what representation it wished to make to the Council on the Overview and Scrutiny Committee structure.

The Chairman invited the Member Engagement Manager to express his views on the Committee structure prior to Members' observations. The Member Engagement Manager advised that he continued to advocate having four functional Scrutiny Committees as this had worked well in the past, however, he did not intend that the role of scrutiny be reduced but that it works more effectively.

During a discussion Members put forward their views. Councillor J.B. Attridge expressed the opinion that the Authority should retain the status quo and that a recommendation be made to the Executive that a review of resources be undertaken to ensure that scrutiny could function effectively. Councillor A. Woolley also echoed the sentiments made by Councillor Attridge and emphasised the importance and increasing need for scrutiny. Councillor P. Heesom commented that there was a need for greater Member input into the scrutiny process. He suggested that Members actively put forward issues for scrutiny and, where appropriate, that elected members be co-opted onto Committees to provide specialist knowledge in terms of Ward matters. Councillor D. Barratt expressed concerns regarding duplication or loss of membership should the Corporate Management and People and Performance Committees be combined into one Corporate Committee.

Councillor R.P. Macfarlane referred to the bleak financial outlook and the difficult decisions which lay ahead in terms of service delivery and indicated that it was not the appropriate time to reduce the number of Committees. Councillors R.G. Hampson and G. Hardcastle also indicated a wish to retain the existing number of Scrutiny Committees.

The Chief Executive acknowledged the comments and concerns expressed by Members. In summarising the debate he referred to the strong indication by Members that they wished to retain the existing number of

Overview and Scrutiny Committees and suggested that some revisions could be made around the specific titles and terms of reference for the Corporate Management and People and Performance Committees. He also referred to the need for greater emphasis on future efficiencies and financial choices, and scrutiny of external bodies.

Referring to the suggestion by Councillor Heesom for further Member input into Committee agendas the Member Engagement Manager explained that Members were given the opportunity and encouraged to add items onto the Forward Work Programme for future consideration and that the arrangements which existed for Members to be co-opted onto committees had not been changed.

Councillor J.B. Attridge put forward a proposal that the Authority should retain the existing number of Overview and Scrutiny Committees and that the Executive review the resources of Scrutiny to ensure it is able to function effectively. After further discussion the Committee unanimously agreed the following:

RESOLVED

- (a) To retain the existing number of Overview and Scrutiny Committees but with 15 members on the Co-ordinating Committee and for the Co-ordinating Committee to review the terms of reference of the various Committees; and
- (b) That the Executive review the resources of Scrutiny to ensure it is able to function effectively.

5. DURATION OF MEETING

The meeting commenced at 10.00 am and finished at 11.20 am.

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Chairman

SUMMARY OF DECLARATIONS MADE BY MEMBERS
IN ACCORDANCE WITH FLINTSHIRE COUNTY COUNCIL'S
CODE OF CONDUCT

CONSTITUTION COMMITTEE		DATE 14 July 2010
MEMBER	ITEM	MIN. NO. REFERS
Councillor V. Gay	Member Champions	4

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 5

REPORT TO: **CONSTITUTION COMMITTEE**
DATE : **23 SEPTEMBER 2010**
REPORT BY: **DEMOCRACY AND GOVERNANCE MANAGER**
SUBJECT : **MEMBER CHAMPIONS**

1.00 PURPOSE OF REPORT

1.01 To give further consideration to the different types of Member Champions.

2.00 BACKGROUND

2.01 The Council has seven Members who act as Member Champions for various areas as detailed in Appendix 1. The Member Champions have been appointed in different ways and at different times. Member Champions are separate to Executive Members acting as lead Members for matters within their portfolios.

2.02 At the Constitution Committee meeting on the 17 December 2009 consideration was given to a report from the Head of Legal & Democratic Services on Member Champions. The report identified a number of issues and recommended the setting up of a Task & Finish Group of Members to review the role and make appropriate recommendations to rationalise the present situation.

2.03 The Task & Finish Group met on the 28 May 2010 and its recommendations were reported to the Constitution Committee meeting of the 14 July 2010. A copy of that report is attached as Appendix 2. The Constitution Committee resolved to recommend that the Council cease to have Member Champions. For those Member Champions appointed by the Leader or by the Executive it is for the Leader or Executive to consider the Committee's recommendation.

2.04 A report was presented to the County Council meeting on the 29 July to consider the Constitution Committee's recommendation in relation to those Member Champions who had not been appointed by either the Executive or the Leader. At that meeting it was decided that no decision should be taken until the matter had been considered by the Constitution Committee and a further report on the different types of Member Champions made to that Committee.

3.00 CONSIDERATIONS

3.01 There are two different types of Member Champion. Firstly, those appointed by either the Executive or the Leader and secondly, those appointed by other parts of the Council as detailed in Appendix 1.

Date: 16/09/2010

- 3.02 When the Overview & Scrutiny Champion was decided by the Coordinating Committee in 2004 it followed the North Wales Scrutiny conference where a presentation had been given by the Director of the Centre for Public Scrutiny, which had made particular reference to the Scrutiny Champions Network. The idea was that each authority should nominate a Member and an officer to act as Scrutiny Champions so that the Centre for Public Scrutiny could e-mail appropriate material. The Coordinating Committee decided that the Member Champion for Overview & Scrutiny should be the Chair of the Overview & Scrutiny Coordinating Committee from time to time.
- 3.03 In relation to the Member Champion for Member Support and Development, this is a requirement of the WLGA Charter for member support and development. It is a requirement of the Charter that there is a Member Champion and a Member Development Working Group made up of members and officers. It was decided the Chair of this Working Group from time to time would be the Member Champion.
- 3.04 The Supporting People Champion was appointed at the Social & Health Overview & Scrutiny Committee meeting on the 24 March 2009. The Chairman informed Members that nominations were sought for the appointment of Supporting People Champion and that Councillor E W Owen had been nominated. Councillor McGuill asked Members if there were further nominations and none was submitted. Councillor Owen was then unanimously appointed as the Supporting People Champion.
- 3.05 Councillor Baker was appointed Member Champion for ICT following a report to the Executive of the 1 April 2009. The report provided an update on progress with implementation of the corporate information and communications technology strategy and recommended the appointment of a Member Champion to reflect the key role, the strategy's place in the Council's business planning and governance frameworks. The other Member Champions in Appendix 1 have been appointed by the Leader.

4.00 RECOMMENDATIONS

- 4.01 Pursuant to the decision of the Council meeting of the 29 July 2010 for the Committee to give further consideration to the matter of Member Champions.

5.00 FINANCIAL IMPLICATIONS

- 5.01 Amending the Members Allowance Scheme to include work as a Member Champion as an approved duty could be met from within the existing Member allowance budget.

6.00 ANTI POVERTY IMPACT

- 6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

10.01 None as a result of this report.

11.00 CONSULTATION UNDERTAKEN

11.01 With existing Member Champions individually.

12.00 APPENDICES

12.01 Appendix 1 - Table of Member Champions
Appendix 2 - Report to Constitution Committee meeting of 14 July 2010.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS

Report to Executive of 1 April 2009
Minutes of the Coordinating Committee meeting of 29 January 2004
Minutes of the Social & Health Overview & Scrutiny Committee meeting
of 24 March 2009
Report to the Executive meeting of 1 April 2009
Minutes of the Constitution Committee meeting 17 December 2009

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APPENDIX 1

Member Champion	Area	Appointed
Councillor Robin Baker	ICT	Decision of the Executive
Councillor Hilary McGuill	Overview & Scrutiny	Decision of the Coordinating Committee
Councillor Neville Phillips	Member Support & Development	Decision of the Member Development Working Group
Councillor Veronica Gay	Older People	Appointed by the Leader
Councillor Emlyn Cooke	Energy	Appointed by the Leader
Councillor Carolyn Thomas	Biodiversity	Appointed by the Leader
Councillor Eric Owen	Supporting People	Appointed by Social & Health Overview & Scrutiny Committee

FLINTSHIRE COUNTY COUNCIL

Appendix 2

REPORT TO: **CONSTITUTION COMMITTEE**
DATE : **14 JULY 2010**
REPORT BY: **DEMOCRACY AND GOVERNANCE MANAGER**
SUBJECT : **MEMBER CHAMPIONS**

1.00 PURPOSE OF REPORT

- 1.01 To consider recommendations from the Member Champions Task & Finish Group.

2.00 BACKGROUND

- 2.01 At the Constitution Committee meeting on the 17 December 2009 consideration was given to a report from the Head of Legal & Democratic Services on Member Champions. A copy of that report is attached as Appendix A. At that meeting the Constitution Committee resolved that a Task & Finish Group be established consisting of Councillors R C Bithell, A Halford, P G Heesom, V Gay and A P Shotton.
- 2.02 Following the Constitution Committee and prior to the first meeting of the Task & Finish Group each Member Champion had the opportunity to discuss their role with the Democracy and Governance Manager. This informed the report to the Task & Finish Group which met on the 28 May 2010. A copy of that report is attached as Appendix B. Attached as Appendix C are the minutes of that meeting of the Task & Finish Group.

3.00 CONSIDERATIONS

- 3.01 At the commencement of the Task & Finish Group meeting Councillor Bithell questioned whether there was a need for Member Champions. His view and the opposite view taken by Councillor Gay are summarised in Appendix 3. The Task & Finish Group then proceeded to consider various issues relating to Member Champions, including the issues identified in paragraph 2.03 of the report to the Constitution Committee meeting of the 17 December 2009 (Appendix A).
- 3.02 The report of the Democracy & Governance Manager explained the processes that had been used to appoint Member Champions. The Scrutiny Champion had been appointed by the Coordinating Committee, the Champion for ICT by the Executive and the other Member Champions by the Leader.
- 3.03 The Task & Finish Group then proceeded to consider how Member Champions should be appointed in the future. With the exception of the

Overview & Scrutiny Champion the appointment of other Champions is an Executive function. The Task & Finish Group formed the view that appointment as a Member Champion should be based on Member skills rather than on the membership on any particular Group. It was indicated that Member Champions should have the support of all Members if part of their role was to deal with queries or concerns raised by Members.

- 3.04 The Task & Finish Group recommend the following process for the future appointment of Member Champions:-
- That an open invitation to all Members be made for nominations for each of the Member Champion roles.
 - That any nominations should be seconded and that each candidate nominated should make a written statement indicating how they would fulfil the role.
 - All such nominations received will then be considered at the same Council meeting which would make a recommendation on each appointment to the Executive. The Overview & Scrutiny Champion would not be an Executive appointment.
- 3.05 The next issue considered by the Task & Finish Group was whether greater publicity should be given to the Member Champions. The Task & Finish Group recommend that:-
- A letter should be sent to all Members giving details of the current Member Champions and their roles.
 - This information should also be put on the Member information part of the Infonet.
 - That the public be made aware of the various Member Champions through the Customer Services part of the Council's Website.
- 3.06 The Task & Finish Group went on to consider role descriptions for the Member Champions. At present the Member Champions for Biodiversity, Older People and for Supporting People have written role descriptions. The Task & Finish Group decided to recommend to the Committee that role descriptions be prepared for the remaining Member Champions.
- 3.07 The next issue considered by the Task & Finish Group was identifying how Champions should report back on their activities to the County Council. Various alternative suggestions have been made in relation to this. These include an annual report to County Council whereby each Member reports on the issues relating to their work during the year and the issues that have been raised with them. Another suggestion is that information could be reported on the Member information part of the Infonet and letters sent by Member Champions to all Members from time to time. It has also been

suggested that the Champions report periodically to their appropriate Overview & Scrutiny Committee.

- 3.08 The last issue considered by the Task & Finish Group was the extent to which the activities of Champions should be eligible for travelling and subsistence allowance. It is recommended that work as a Member Champion should be added to the list of approved duties in the Council's Scheme of Member Allowances. This would ensure that the Member Champions qualify for travelling and subsistence allowance and are not out of pocket.

4.00 RECOMMENDATIONS

- 4.01 For the Constitution Committee to consider the recommendations of the Task & Finish Group set out in paragraphs 3.04 to 3.08 above.

5.00 FINANCIAL IMPLICATIONS

- 5.01 Amending the Members' Allowance Scheme to include work as a Member Champion as an approved duty could be met from within the existing Members allowance budget.

6.00 ANTI POVERTY IMPACT

- 6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

- 7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

- 8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

- 9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

- 10.01 None as a result of this report.

11.00 CONSULTATION UNDERTAKEN

- 11.01 With existing Member Champions individually.

12.00 APPENDICES

- 12.01 Appendix A - Constitution Committee Report 17 December 2009
- Appendix B - Task & Finish Group Report 28 May 2010
- Appendix C - Task & Finish Group Minutes

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS

Report to the Executive of the 1 April 2009
Minutes of the Coordinating Committee meeting of the 29 January 2004
Minutes of the Constitution Committee meeting 17 December 2009

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FLINTSHIRE COUNTY COUNCIL

Appendix A

REPORT TO: **CONSTITUTION COMMITTEE**
DATE : **17 DECEMBER 2009**
REPORT BY: **HEAD OF LEGAL AND DEMOCRATIC SERVICES**
SUBJECT : **CHAMPIONS**

1.00 PURPOSE OF REPORT

1.01 To consider setting up a Task & Finish Group to review the roles and appointments of Champions.

2.00 BACKGROUND

2.01 At the meeting of the County Council held on the 24 August, 2009 the Leader of the Council withdrew a Notice of Motion which stated:

"That work as a Member Champion be added to the list of approved duties in the Members' Allowance Scheme with effect from 1 April, 2009."

2.02 Some research undertaken in connection with the Notice of Motion established that there was no single process for the appointment of Champions. In addition there was no clear picture as to the reporting or accounting lines between Champions and the responsible Executive Member, Committee Chair or Directorate.

2.03 Requests have been made for the Constitution Committee to consider reviewing the position with a view to:

- Establishing what processes have been used to appoint Champions in the past.
- Considering the rationalisation of an appointments process.
- Considering role descriptions for Champions.
- Identifying how Champions should report back on their activities to the County Council.
- Considering the extent to which the activities of Champions should be made eligible for travelling and subsistence allowance within the Members' Allowance Scheme.

3.00 CONSIDERATIONS

3.01 The role of Champions was considered briefly at the last meeting of the Corporate Management Overview & Scrutiny Committee and it was agreed

at the suggestion of the Chairman of the Constitution Committee that the matter be left with the Constitution Committee to avoid duplication of effort.

- 3.02 Members are invited to consider setting up a Task & Finish Group. The Group could at its first meeting consider those arrangements which have already been put in place and the remit of existing Champions where this has been set out. It is suggested that the Task & Finish Group comprise Members of each of the four political groups on the Council and report back in due course in relation to those matters set out in paragraph 2.03.

4.00 RECOMMENDATIONS

- 4.01 That Members consider setting up a Task & Finish Group to review the role and appointment of Champions and make appropriate recommendations to rationalise the present situation.

5.00 FINANCIAL IMPLICATIONS

- 5.01 None

6.00 ANTI POVERTY IMPACT

- 6.01 None

7.00 ENVIRONMENTAL IMPACT

- 7.01 None

8.00 EQUALITIES IMPACT

- 8.01 None

9.00 PERSONNEL IMPLICATIONS

- 9.01 None

10.00 CONSULTATION REQUIRED

- 10.01 All Members of the Council through the democratic process.

11.00 CONSULTATION UNDERTAKEN

- 11.01 Limited consultation so far.

12.00 APPENDICES

- 12.01 -

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS

As referred to in the report.

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FLINTSHIRE COUNTY COUNCILAGENDA ITEM NO.

REPORT TO: **MEMBER CHAMPIONS TASK & FINISH GROUP**
DATE: **28 MAY 2010**
REPORT BY: **HEAD OF LEGAL & DEMOCRATIC SERVICES**
SUBJECT: **MEMBER CHAMPIONS**

1.00 PURPOSE OF REPORT

- 1.01 To consider the arrangements relating to Member Champions pursuant to the decision of the Constitution Committee meeting of the 17 December 2009.

2.00 BACKGROUND

- 2.01 At the Constitution Committee meeting on the 17 December 2009 consideration was given to a report from the Head of Legal & Democratic Services on Member Champions. A copy of that report is attached as **Appendix 1**. At that meeting the Constitution Committee resolved that a Task & Finish Group be established consisting of Councillors R C Bithell, A Halford, P G Heesom, V Gay and A P Shotton.
- 2.02 During consideration by the Constitution Committee there was uncertainty on a number of aspects of the Member Champion role that required clarification. These included the relationship with Executive Members, the role of the Champions and entitlement to allowances. During consideration it was also identified there was a need to formally identify the Champions as there was a lack of awareness of who were Member Champions.
- 2.03 Following the Constitution Committee meeting and prior to this first meeting of the Task & Finish Group each Member Champion has had the opportunity to discuss their role with the Governance & Democracy Manager.

3.00 CONSIDERATIONS

- 3.01 The first consideration is to identify which Member Champions have been formally appointed. There are two ways in which Member Champions have been appointed, either by formal resolution of a Committee or the Executive or secondly, by appointment from the Leader of the Council. Attached as **Appendix 2** is a table of the seven Member Champions indicating the area they are Champion for and the way in which they were appointed. One issue

for the Working Group to consider is whether greater publicity should be given to these Member Champions so that their existence is better known by other Members and by officers.

- 3.02 Another consideration is to clarify the role of Member Champions. When the Member Champions were appointed, varying details about their role was provided. Those appointed by Committee or Executive are considered first followed by those appointed by the Leader.
- 3.03 When the Overview & Scrutiny Champion was decided by the Coordinating Committee in 2004 it followed the North Wales Scrutiny Conference where a presentation had been given by the Director for the Centre for Public Scrutiny, which had made particular reference of the Scrutiny Champions Network. The idea was that each authority should nominate a Member and an officer to act as Scrutiny Champions so that the Centre for Public Scrutiny could e-mail appropriate material. The Coordinating Committee decided that the Member Champion for Overview & Scrutiny should be the Chair of the Overview & Scrutiny Coordinating Committee from time to time. When at its meeting of the 1 April 2009 the Executive appointed Councillor Robin Baker as Member Champion for ICT, the report explained that the appointment was to reflect the key role that the ICT strategy played in the Council's business planning and governance frameworks. In relation to the Member Champion for Member Support and Development, this is a requirement of the WLGA Charter for Member Support and Development. It is a requirement of the Charter that there is a Member Champion and Member Development Working Group made up of Members and officers to sponsor the Member Development Strategy and the Member development programme. It was decided the Chair of this Working Group from time to time would be the Member Champion.
- 3.04 In relation to the Member Champions appointed by the Leader he has explained that their roles were intended to:-
- a) Comply with any guidance/requirement from WAG;
 - b) To form a focal point of specialism;
 - c) To support/relieve/inform Executive Members, and
 - d) Provide a resource for Members, or constituents who had problems, enquiries, complaints or whatever relating to those specialisms.
- 3.05 In discussions with the individual Member Champions two have indicated that they have a written role description issued by WAG (the Member Champions for Biodiversity and Older People). The discussions with individual Member Champions have also indicated a degree of similarity in how they view their role, including being a point of contact for their particular area for other Members, officers, the public and outside bodies. Whilst Councillor Neville Phillips is also the Executive Member for the area he is Champion of, the other Member Champions (with the exception of Overview & Scrutiny) see themselves as helping the appropriate Executive Member in a particular specialised and time consuming area. The Working Group may feel that it is appropriate for each Member Champion to have a written role description.

3.06 Another consideration for the Working Group is in relation to Member Champions entitlement to allowances. Member Champions are not eligible for special responsibility allowances. Member Champions are however, eligible for care allowance so are able to reclaim expenses necessarily incurred in caring for dependents whilst carrying out those duties, subject to a maximum of £403 per month. The Member Champion may also be able to recover expenses incurred in travel & subsistence. This is dependent upon whether the work falls within of the list of approved duties contained in paragraph 3.01 of the Members' Allowance Scheme, such as attendance at a Body to which the Council makes appointments or attendance upon an officer of the Council upon Council business. At present the list of approved duties does not include work as a Member Champion and this can mean that on occasions a Member Champion's expenses on travel & subsistence is not reimbursed. Representations have been received from the Older People's Partnership Network that the Older People's Champion should be able to access out of pocket expenses with regard to the discharge of her role. The Group may wish to recommend that work as a Member Champion is added to the list of approved duties.

4.00 RECOMMENDATIONS

4.01 For the Working Group to consider the issues raised in paragraphs 3.01 to 3.06 of this report and any other issue the Task & Finish Group wishes to raise with a view to these being included in a report to the Constitution Committee.

5.00 FINANCIAL IMPLICATIONS

5.01 Amending the Members' Allowance Scheme to include work as a Member Champion as an approved duty could be met from within the existing Members' Allowance budget.

6.00 ANTI-POVERTY IMPACT

6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

7.01 None as a result of this report.

8.00 EQUALITY IMPACT

8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

10.01 None arising directly from this report

11.00 CONSULTATION UNDERTAKEN

11.01 With existing Member Champions individually.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT, 1985

Background Documents

Report to Executive of 1 April 2009

Minutes of Coordinating Committee meeting on 29 January 2004.

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APPENDIX 2

Member Champion	Area	Appointed
Councillor Robin Baker	ICT	Decision of the Executive
Councillor Hilary McGuill	Overview & Scrutiny	Decision of the Coordinating Committee
Councillor Neville Phillips	Member Support & Development	Decision of the Member Development Working Group
Councillor Veronica Gay	Older People	Appointed by the Leader
Councillor Emlyn Cooke	Energy	Appointed by the Leader
Councillor Carolyn Thomas	Biodiversity	Appointed by the Leader
Councillor Eric Owen	Supporting People	Appointed by the Leader

**MEMBER CHAMPIONS TASK & FINISH GROUP MEETING
OF THE 28 MAY 2010**

Present: Councillors: R C Bithell, V Gay
and Democracy & Governance Manager

Apologies: No apologies were received

Appointment of Chairman

Councillor Bithell was appointed Chairman.

Declarations of Interest

Councillor Gay declared a personal non prejudicial interest arising from her role as a Member Champion.

Member Champions

The Democracy & Governance Manager introduced his report and summarised it. Councillor Bithell questioned whether there was a need for Member Champions. In his view it was for officers to advise Members rather than another Member to do so as Member Champion. He also felt that for Executive functions the role was part of that of the appropriate Executive Member and that they were regularly in touch with the Welsh Assembly Government as a result of their Executive role in a way that a Member Champion not on the Executive would not be. Councillor Gay took the opposite view and indicated that the effect of making the Executive Member the Member Champion could lead to that Member being overloaded and the quality of the Member Champion role suffering as a result. Councillor Gay indicated that in relation to her role as a Member Champion for Older People other larger Councils as well as Flintshire had someone other than the Executive Member appointed as the Champion.

The Democracy & Governance Manager advised that in reporting back to the Constitution Committee the views of Councillor Bithell would be included but that the Task & Finish Group had been given the task of advising on certain issues relating to the role and would expect the Task & Finish Group to address these issues. Councillor Bithell agreed that the issues needed to be considered and the meeting proceeded to do so.

The first issue that the Constitution Committee at its meeting on the 17 December 2009 had asked to be considered was to establish what processes had been used to appoint Member Champions in the past. The report of the Democracy & Governance Manager explained that the Scrutiny Champion had been appointed

by the Coordinating Committee, the Champion for ICT by the Executive and the other Member Champions by the Leader.

Councillor Bithell indicated that the issue of how Member Champions should be appointed in the future should be considered. Councillors Bithell and Gay agreed that appointment as a Member Champion should be based on that Member's skills rather than on their membership of a particular Group. The Democracy & Governance Manager explained that with the exception of the Overview & Scrutiny Champion the appointment of the other Champions was an Executive function. He also indicated that Member Champions should have the support of all Members if part of the role was to deal with queries or concerns Members had. Both Councillors Bithell and Gay believed there should be an open and transparent process of appointing Member Champions. It was agreed to recommend to the Constitution Committee the following process:-

- That an open invitation to all Members be made for nominations for each of the Member Champion roles.
- That any nomination should be seconded and that each candidate nominated make a written statement indicating how they would fulfil the role.
- All such nominations received would then be considered at the same Council meeting who would make a recommendation on each appointment to the Executive.

The next issue considered was that identified in the report to the meeting of whether greater publicity should be given to the Member Champions so that their existence is better known by Members and officers. In considering this issue it was agreed to recommend that a letter should be sent to all Members giving a list of the current Member Champions and their roles for which they were the Champion. This should also be put on the Member information part of the Infonet. Councillor Gay indicated that in addition to Members and officers the public needed to be made aware of the various Member Champions. Councillor Gay suggested that this be done through the customer services part of the Council's website. This process would enable queries raised by the public to be channelled to the appropriate part of the Council and a record of them kept. The Democracy & Governance Manager indicated that he would need to make enquiries of Chris Guest as the appropriate Head of Service for this area as to the practicalities of this.

With this caveat the Constitution Committee was recommended to agree that a letter be sent to all Members detailing the current Member Champions and their roles and this information be placed on the Infonet and on the Customer Services part of the web.

The next issue was the question of written role descriptions for the Member Champions. The Democracy & Governance Manager reported that three of the existing Member Champions had written role descriptions namely, the Member Champions for Biodiversity, Older People and for Supporting People. It was agreed to recommend to the Constitution Committee that role descriptions be prepared for the remaining Member Champions. The Democracy & Governance

Manager would enquire of WAG if they had role descriptions for the other four Member Champions. If they did then this would be the recommended role description. If they did not, then a new role description would be prepared by the Democracy & Governance Manager in consultation with the current post holder and the Leader, which would then be reported to the Constitution Committee for approval.

The next issue was to identify how Champions should report back on their activities to the County Council. Councillor Bithell suggested that there be an annual report to County Council on the issues relating to their work during the year and the issues that had been raised with them. In addition, information could be reported on the Member information part of the Infonet and letters sent by the Member Champion from time to time to Members updating them.

The last issue was one of Member Champion entitlement to allowances. The Democracy & Governance Manager explained the current situation in relation to travel and subsistence reimbursement being dependant upon an approved duty which at present did not include work as a Member Champion. Councillor Bithell was of the view that work as a Member Champion should qualify for travel and subsistence allowance and the current scheme be amended to allow for this. Councillor Bithell was also of the view that a Member Champion should be able to claim care allowance for undertaking work as a Member Champion. The Democracy & Governance Manager explained that this was the existing situation.

The meeting lasted from 2.00 pm until 3.00 pm.

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 6

REPORT TO: **CONSTITUTION COMMITTEE**
DATE : **23 SEPTEMBER 2010**
REPORT BY: **HEAD OF LEGAL AND DEMOCRATIC SERVICES**
SUBJECT : **PROPOSED LOCAL GOVERNMENT (WALES) MEASURE**

1.00 PURPOSE OF REPORT

- 1.01 To inform the committee of the proposed Local Government (Wales) Measure and of the opportunity to respond to consultation on it.

2.00 BACKGROUND

- 2.01 A Measure is a piece of law made by the Assembly which has similar effect to an Act of Parliament. Whilst a Measure is in progress through the Assembly it is known as a proposed Measure. There is a four stage process for the consideration of the proposed Measure. Stage 1 involves consideration of the general principles of the Proposed Measure by a committee which includes the taking of evidence from interested parties and stakeholders. The National Assembly for Wales' Legislation Committee No. 3 is calling for evidence on the general principles of this proposed Measure by the 1 October 2010.
- 2.02 Attached as Appendix 1 is a list of the contents of the proposed Measure. Copies of the proposed Measure and accompanying explanatory memorandum have been placed in the members library and in the group rooms. Attached as Appendix 2 are the consultation questions that Legislation Committee 3 has issued.
- 2.03 Part 6 of the proposed Measure relates to overview & scrutiny and these provisions were the subject of a separate report to the overview & scrutiny coordinating committee meeting on the 2 September 2010. The Committee's views are summarised in paragraph 3.03 of this report.
- 2.04 In its policy statement on local governance entitled A Shared Responsibility issued in 2007 the Assembly Government undertook to seek new powers to enable it to address a number of the delivery issues which affected local government in Wales. The need for new legislation was also informed by the Assembly Government's document "Are we being served?", the Aberystwyth report into the role and functions of community and town councils in Wales and by the work of the Independent Remuneration Panel for Wales.

3.00 CONSIDERATIONS

Date: 16/09/2010

- 3.01 Parts 1 and 2 of the proposed Measure is entitled Strengthening Local Democracy and includes provisions relating to promoting and supporting membership of local authorities provisions relating to local authority democratic services and provisions for family absence for members. These provisions include:-
- Introducing a duty on principal councils to monitor the equality and diversity profile of candidates in ordinary elections to principal councils and town & community councils.
 - Introducing a duty on principal councils to provide reasonable training and development opportunities for its members as well as an annual review of each member's training and development needs.
 - Requiring principal councils to make arrangements for the publication of an annual report by each councillor.
 - Requiring principal councils to appoint a Head of Democratic Services whose functions are set out in section 9.
 - Requiring principal councils to appoint a democratic services committee to review the adequacy of provision by the council of staff, accommodation and other resources to discharge democratic services functions.
 - Requiring principal councils to enable councillors to take similar maternity, new born, adoption and parental leave as that available to officers.
- 3.02 Parts 3, 4 and 5 of the proposed Measure relate to governance arrangements, Executive arrangements and the discharge of functions by committees and councillors. These parts of the proposed Measure include provisions to:-
- Simplify the procedures by which a local authority is able to change its Executive model.
 - Abolish the elected Mayor and Council Manager political option.
 - Remove the alternative arrangements (4th option) council model.
 - Enable local authorities or their Executives to delegate decision making functions to non Executive elected members appointed to Local Service Boards or other partnerships.
- 3.03 Part 6 of the proposed Measure contains proposals relating to overview & scrutiny including the following:-
- Enabling two or more local authorities to form joint overview & scrutiny committees.

This was welcomed by overview & scrutiny coordinating committee but crime and disorder matters should not be excluded as is currently proposed.

- Enabling local authorities to have powers to co-opt persons who are non councillors to their scrutiny committees with voting rights.

The Coordinating Committee was against extending the voting rights of cooptees.

- Requiring scrutiny committees to scrutinise services delivered by providers of public services in their area and enabling them to require information and responses from such organisations.

The coordinating Committee welcomed this and hoped it would include the National Health Service in Wales.

- Requiring scrutiny committees to have arrangements enabling all persons who live or work in the authority's area to bring to the attention of the committee their views on any matter under consideration by the committee.

This was welcomed by the overview & scrutiny coordinating committee.

- Provisions relating to the appointment of chairs of overview & scrutiny committees.

The coordinating committee were of the view these proposals needed to make allowance for member not in any political group.

- Prohibiting a member voting at scrutiny if he has been given a party whip relating to that question.

The coordinating Committee were against this proposal believing the current guidance sufficient and the proposal could lead to practical difficulties.

3.04 Part 7 relates to communities and community councils and include provisions on the following:-

- Making it simpler to set up a community or town council and to set a higher threshold for a community decision to dissolve an existing one.
- Requiring vacancies to be filled by co-option to be widely advertised locally.
- Providing a power to enable community councils to appoint non-voting youth representatives.
- Requiring unitary authorities to review their community areas every 10 to 15 years and to report to the Local Government Boundary Commission for Wales.
- Enable unitary authorities to request the Boundary Commission to conduct the review on their behalf on a rechargeable basis.
- Extend the power of well-being to community councils.

- Enable the Assembly Government to provide direct grant funding to community councils for particular purposes.
- 3.05 Part 8 of the proposed Measure relates to Members payments and pensions. This part of the proposed Measure contains provisions which enable the Independent Remuneration Panel for Wales:-
- To alter the types of allowances and the terminology describing the allowances.
 - To define the duties and responsibilities which may qualify members to receive allowances.
 - To determine the actual levels of allowances which principal councils must pay to their members.
 - To determine allowances for members of community councils, national park authorities and fire & rescue authorities.
 - To monitor the implementation and management of the payments made by authorities.
 - To determine which members of eligible authorities shall be enabled to join the Local Government pension scheme.
- 3.06 Part 9 of the proposed Measure contains various miscellaneous provisions, the most significant of which is to extend Welsh Ministers' powers to issue guidance on local authorities' powers and duties regarding collaboration.
- 3.07 Having considered the provisions in the proposed Measure the Committee may wish to determine its response to consultation or authorise the Head of Legal & Democratic Services to incorporate its views into the Council's response.

4.00 RECOMMENDATIONS

- 4.01 To note the provisions in the proposed Measure.
- 4.02 To determine how to respond to consultation on the proposed Measure.

5.00 FINANCIAL IMPLICATIONS

- 5.01 Section 8 of the explanatory memorandum details the costs of the proposals. Many are cost neutral and for principal councils the potential compliance costs are judged to be marginal (paragraph 8.88 of the explanatory memorandum).

6.00 ANTI POVERTY IMPACT

- 6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

8.01 The proposals for members to have similar entitlement to family leave as officers would improve equalities issues for members.

9.00 PERSONNEL IMPLICATIONS

9.01 The proposals would have some impact on democratic services and overview & scrutiny staff.

10.00 CONSULTATION REQUIRED

10.01 The Welsh Assembly Government is consulting on the Proposed Measure.

11.00 CONSULTATION UNDERTAKEN

11.01 With principal councils town and community councils.

12.00 APPENDICES

12.01 Appendix 1 - Contents of Proposed Measure
Appendix 2 - Consultation Questions

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS

Explanatory Memorandum on Local Government (Wales) Measure

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ACCOMPANYING DOCUMENTS

Explanatory Notes and an Explanatory Memorandum are printed separately.

**Proposed Local Government (Wales)
Measure
[AS INTRODUCED]**

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Dr Dai Lloyd AM
Committee Chair

Annex 1

Legislation Committee No.3

Proposed Local Government (Wales) Measure

Consultation Questions

1. Is there a need for a proposed Measure to deliver the stated objectives of strengthening the structures and working of local government in Wales at all levels and ensuring that local councils reach out to and engage with all sectors of the communities they serve?
2. How will the proposed Measure change what organisations do currently and what impact will any such changes have?
3. Are the sections of the proposed Measure appropriate in terms of achieving the stated objectives?

In considering this question, the Committee is particularly interested to hear your views on the following:

- (i) **broaden and increase participation in local government** by permitting steps which will help remove barriers and disincentives to standing for election to local councils (*Parts 1 -2 of the proposed Measure*);
- (ii) **enable the review and improvement of the governance structures** introduced through the Local Government Act 2000 so that they better suit the circumstances of local government in Wales (*Parts 3 -4*);
- (iii) **enhance the role of non-executive** (“backbench”) local authority councillors in the scrutiny of local services (*Parts 5 - 6*);
- (iv) **develop and strengthen the role of community councils** in Wales, including enabling them to deliver a wider range of services and actions locally as well as to increase the effectiveness of their representational role and their ability to work in partnership with other bodies (*Part 7*);
- (v) **reform the system for setting allowances** for councillors (*Part 8*);

- (vi) allow the Welsh Ministers to **issue statutory guidance on collaboration** between local authorities, and between them and other bodies (*Part 9*).
4. What are the potential barriers to implementing the provisions of the proposed Measure (if any) and does the proposed Measure take account of them?
 5. What are the financial implications of the proposed Measure for organisations, if any? In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Regulatory Impact Assessment), which estimates the costs and benefits of implementation of the proposed Measure.
 6. Are there any other comments you wish to make about specific sections of the proposed Measure?

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 7

REPORT TO: **CONSTITUTION COMMITTEE**
DATE : **23 SEPTEMBER 2010**
REPORT BY: **MEMBER ENGAGEMENT MANAGER AND DEMOCRACY
AND GOVERNANCE MANAGER**
SUBJECT : **STRUCTURE AND TERMS OF REFERENCE FOR OVERVIEW
AND SCRUTINY COMMITTEES**

1.00 PURPOSE OF REPORT

- e.01 To enable the committee to recommend to Council amendments to the Constitution to reflect amended terms of reference for the Overview & Scrutiny committees.

2.00 BACKGROUND

- 2.01 At the meeting of the County Council which was held on the 29th July it was resolved to keep a seven committee Overview and Scrutiny Structure. The Constitution Committee had already agreed that there should be a revision of the Terms of Reference of Overview & Scrutiny committees. A report setting out a revised structure and terms of reference was approved, by the Co-ordinating Committee at its meeting on 2nd September.

3.00 CONSIDERATIONS

- 3.01 The revised structure and terms of reference is designed to be user- friendly, both to the councillors who comprise the membership and also to the organisation. The terms of reference ensure that, as far as is possible, there is no duplication or uncertainty as to which is the appropriate committee to deal with a particular topic. The role of the Overview & Scrutiny committees in dealing with our external relationships is properly recognised.
- 3.02 The relevant pages of the Constitution (Article 6) give the broad scrutiny role, but these have been revisited to insert some positive elements: some authorities use wording such as 'scrutinising, complementing and adding value to the work of the Executive Member for a particular portfolio'.
- 3.03 Two of the six functional Overview and Scrutiny Committees – Environment & Regeneration and Lifelong Learning- are closely aligned to the Directorate Structure and to service delivery. Thus only slight tweaking of their Terms of Reference and a slight change in name for E&R to reflect the current Environment directorate title is required. Social & Health and Community & Housing are tied to specific services. Under the new structure, the committees will be re-named Housing Overview & Scrutiny Committee and Social & Health Care Overview & Scrutiny Committee.

Date: 16/09/2010

3.04 The two central Committees which have been known as Corporate Management and People & Performance since May 2005 have worked well but recently been the subject of much discussion as to their continued suitability. Both committees will be replaced by new committees which better reflect the current needs of the organisation. These will be Corporate Resources and Community Profile & Partnerships.

3.05 The Terms of Reference for the Overview and Scrutiny Committees are set out in the appendix. The columns relating to Member portfolios and officer contributors would not be incorporated into the Constitution but assisted the review process. It is important to avoid multiple accountability and reporting relationships as this provides better clarity and time management for Overview & Scrutiny committees, Executive Members/ portfolio holders and senior officer contributors.

4.00 RECOMMENDATIONS

4.01 That the Committee recommends to the Council amendments to the Constitution to reflect the amended terms of reference for the Overview & Scrutiny Committees, as agreed by the Co-ordinating Committee.

5.00 FINANCIAL IMPLICATIONS

5.01 The financial implications of the suggested changes are unlikely to differ from the current structure

6.00 ANTI POVERTY IMPACT

6.01 None arising directly from this report

7.00 ENVIRONMENTAL IMPACT

7.01 None arising directly from this report

8.00 EQUALITIES IMPACT

8.01 None arising directly from this report

9.00 PERSONNEL IMPLICATIONS

9.01 Same as current structure

10.00 CONSULTATION REQUIRED

10.01 Publication of the report constitutes consultation.

11.00 CONSULTATION UNDERTAKEN

11.01 None

12.00 APPENDICES

12.01 Terms of Reference

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS

As referred to in the report

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E-Mail: robert_robins@flintshire.gov.uk

Terms of Reference of Overview and Scrutiny Committees

Name of Overview & Scrutiny Committee	Scope	Relevant Executive Member Portfolio	Key Officer Contributors and supporters
<p>Corporate Resources</p> <p>15 Elected Members</p>	<p>Corporate Management and Governance, Organisational design/ Flintshire Futures programme Monitoring Finance but not specific control issues which are within the remit of the Audit Committee, Revenue and Capital Budget monitoring, Asset Management, Strategy and Planning, People strategy and Single Status, Strategic Assessment of Risks and Challenges, Overview of Performance Management, Performance and Policy development for all 4 Corporate Services : HR and OD, ICT and Customer Services, Finance and Legal & Democratic Services</p>	<p>Leader, Deputy Leader, EM for Finance & Asset Management, EM for Corporate Management</p>	<p>Chief Executive and 4 Corporate Service Heads</p> <p>Bev Symonds as facilitator</p>

<p>Environment</p> <p>15 Elected Members</p>	<p>All services provided by the Environment Directorate including, as per the new Directorate Structure,</p> <p>Assets and Transportation, including TAITH, highways, engineering and energy issues but not valuation/estates which are specifically remitted to the Corporate Resources OSC</p> <p>Planning, including planning and environmental strategy, development control, minerals and waste planning, countryside and the environment</p> <p>Public Protection, including community , health protection and environmental protection</p> <p>Regeneration, including Communities First, economic development & tourism, enterprise and the Regeneration Partnership</p> <p>Street Scene Services including AD Waste, Environmental and waste management, neighbourhood services and the vehicle fleet. Performance and policy Development within the Environment Directorate.</p>	<p>EM for Environment, EM for Leisure and Health, EM for Waste Management, EM for Regeneration and Tourism</p>	<p>Chief Executive as lead officer for the North Wales Residual Waste Treatment Project, Director of Environment and Service Heads</p> <p>Sam Owen as facilitator</p>
<p>Housing</p> <p>15 Elected Members</p>	<p>All housing services provided by the relevant divisions of the Community Services Directorate eg Housing Management, Housing Strategy Stock Ballot progress and ongoing work relating to the future of the housing stock. Neighbourhood housing renewal areas Performance and policy development for the Housing Service.</p>	<p>Leader, Deputy Leader and EM for Housing</p>	<p>Chief Executive, Director of Community Services and Head of Housing</p> <p>Sam Owen as facilitator</p>

<p>Lifelong Learning</p> <p>15 Elected Members (5 Statutory Co-Opted Members)</p>	<p>All services provided by the Lifelong Learning Directorate:</p> <p>Education, School organisation School Improvement Early Years Special Educational needs Adult and Community learning, Youth Services, Libraries, Culture and Heritage including archives, records management and museums Leisure Services, including Leisure and sports centres, swimming pools, and recreational facilities/activities Relations with external education providers/partners - Deeside College, Glyndwr University etc on service specific issues Relations with DCELLS, Children and Young People’s Partnership (jointly with S& HC O&S) Performance and policy development for services within the Lifelong Learning directorate.</p>	<p>EM for Education and EM for Leisure and Health</p>	<p>Director of Lifelong Learning and Services Heads</p> <p>Margaret Parry-Jones as facilitator</p>

<p>Community Profile & Partnerships (Statutory Crime & Disorder Committee) 15 Elected Members</p> <p>(Those members who represent Flintshire on the Police or Fire & Rescue Authority and who are not already named members of the ctte to be co-opted for meetings when crime & disorder issues are considered)</p>	<p>Community Strategy and Leadership initiatives All external and regional collaboration and partnership working with other public service bodies Local Service Board, Community Safety Partnership Statutory Crime & Disorder committee, thus relationship with the Police, Fire, Probation etc Voluntary Sector compact Clwyd Theatre Cymru Cross Cutting Policy issues, Performance Framework and co-ordination the Outcome Agreement But excluding issues specifically remitted to another committee (eg NWRWTP,TAITH or DCELLS)</p>	<p>Leader, Deputy Leader, and EM for Corporate Management</p>	<p>Chief Executive all other CMT members</p> <p>Bev Symonds as facilitator</p>
<p>Social & Health Care 15 elected members</p>	<p>Services provided by the Community Services directorate relating to: Social Services to Adults Social Services to Children, Social & Health Care Strategy development, Children and Young People's Partnership (jointly with Lifelong Learning O&S)</p> <p>Monitoring service delivery by the Health Services Providers and Voluntary sector including the relationship with Betsi Cadwaladr UHB.</p>	<p>EM for Social Services</p>	<p>Director of Community Services and Service Heads</p> <p>Margaret Parry-Jones as facilitator</p>

	<p>Health Social Care and Well-being Partnership and the Good Health Good Care Strategy</p> <p>Policy and performance development within the social care and development and resources divisions of the Community Services Directorate</p>		
<p>Co-Ordinating 15 Elected Members</p>	<p>Allocating, co-ordinating and prioritising the work of the Overview and Scrutiny Committees where necessary Dealing with matters of common interest to overview & Scrutiny Identification / allocation of appropriate Scrutiny Chairs for consent / consultation purposes The examination and development of good scrutiny practice The promotion, effective development and maintenance of a high profile Overview and Scrutiny Function to ensure maximum opportunity for non-executive member engagement. Liaison with and responding to the Welsh Assembly Government on emerging legislation relevant to Overview & Scrutiny.</p>		<p>Chief Executive, Head of Legal & Democratic Services, Democracy & Governance Manager Member Engagement Manager</p>

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 8

REPORT TO: **CONSTITUTION COMMITTEE**
DATE : **23 SEPTEMBER 2010**
REPORT BY: **DEMOCRACY AND GOVERNANCE MANAGER**
SUBJECT : **OVERVIEW & SCRUTINY PROCEDURE RULES**

1.00 PURPOSE OF REPORT

- 1.01 To consider a recommendation to amend Rule 16 (e) of the Overview & Scrutiny procedure rules by deleting the words "Within a further 5 working days" where they first appear in paragraph (e)

2.00 BACKGROUND

- 2.01 Rule 16 of the Overview & Scrutiny procedure rules contained in the Constitution deals with procedures for the call in by Overview & Scrutiny of an Executive decision. A copy of Rule 16 is attached as appendix 1.
- 2.02 Paragraph (e) covers the situation where Overview & Scrutiny have called in an Executive decision and having considered it Overview & Scrutiny is still concerned about it and decides to refer it back to the Executive for reconsideration. It provides that in such a situation the Executive shall then reconsider its decision within a further 5 working days of the Overview & Scrutiny Committee meeting.
- 2.03 The above timescale was most recently followed in relation to the call in of the Executive decision relating to the caretaking service which was considered by Lifelong Learning Overview & Scrutiny Committee at a meeting on the 1 September and then reconsidered by the Executive at a specially convened meeting on the 7 September.

3.00 CONSIDERATIONS

- 3.01 In such situations as that with the Executive decision relating to caretakers where the Scrutiny Committee has referred it back to the Executive for further consideration, the Executive's original decision can not be implemented until the Executive has met to reconsider the decision and reaffirmed it.
- 3.02 The present requirement for the Executive to urgently reconvene to reconsider their original decision militates against the Executive having time to thoroughly consider the objections that have been raised by the Overview & Scrutiny Committee. As a result of the concerns of the Overview & Scrutiny Committee there may be the need for further work to be undertaken before the Executive reconsider its initial decision.

Date: 16/09/2010

3.03 At present the Constitution requires the original decision to always be urgently reconsidered by the Executive and this can lead to special meetings being urgently convened as the next scheduled Executive meeting falls outside the 5 working day limit.

3.04 By removing the words "Within a further 5 working days" where they first appear in paragraph (e) the Executive will have flexibility as to when it reconsiders its original decision.

4.00 RECOMMENDATIONS

4.01 That Council is recommended to delete from the Constitution the words "Within a further 5 working days" where they first appear in paragraph (e) of Rule 16 of the Overview & Scrutiny procedure rules.

5.00 FINANCIAL IMPLICATIONS

5.01 None as a result of this report.

6.00 ANTI POVERTY IMPACT

6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

10.01 None as a result of this report.

11.00 CONSULTATION UNDERTAKEN

11.01 None as a result of this report.

12.00 APPENDICES

12.01 Appendix 1 - Rule 16 of the Overview & Scrutiny procedure rules.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS

None

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16. Call-in

- (a) When a decision is made by the Executive, an individual Member of the Executive or a Committee of the Executive, or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 days of being made. Chairs of all Overview and Scrutiny Committees will be sent copies of the records of all such decisions within the same timescale, by the Assistant Director (Democratic Services).
- (b) The decision record will bear the date on which it is first published and the date the decision is made. The decision will come into force, and may be implemented, on the expiry of 5 working days after the first publication of the decision, unless called in pursuant to these Procedure Rules.
- (c) During that period, the Assistant Director (Democratic Services) shall call-in a decision for Scrutiny by the Committee if so requested by the Chair, or at least four Members of the Council, and shall then notify the decision-taker of the call-in. All such requests must be in writing and signed individually by those requesting the call-in and stating the reason(s) for the call-in. He/she shall call a meeting of the Committee on such date as he/she may determine, where possible after consultation with the Chair of the Committee, and in any case within 7 working days of the decision to call-in. For the purpose of this paragraph the last working day before Christmas and the three working days in-between Christmas and the New Year shall not be counted as working days.
- (d) If, having considered the decision, the Overview & Scrutiny Committee is satisfied with the explanation which it has received, it will so indicate to enable the decision to be implemented. Should the Overview & Scrutiny Committee, in receiving the explanations be 'no longer concerned', but not minded to indicate that it is 'satisfied with the explanation', it is in order for that Committee to resolve that 'the explanation be accepted but not endorsed by the Overview & Scrutiny Committee'.
- (e) If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker that decision maker shall then reconsider within a further 5 working days, amending the decision or not, before adopting a final decision. If referred to the full Council, the Council shall meet to consider the referral within

10 working days unless there is a scheduled meeting of the full Council at which the matter may be considered within the expiry of a further 5 working days.

- (f) If following an objection to the decision, the Overview and Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny meeting, or the expiry of that further 5 working day period, whichever is the earlier.
- (g) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive as a whole or a Committee of it, a meeting will be convened to reconsider within 10 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 10 working days of the Council request.
- (h) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

EXCEPTIONS

- (h) Councils have been recommended to consider exceptions to this process in order to ensure that call-in is neither abused nor causes unreasonable delay.
The Council considers that no limitations are to be placed upon the use of the procedure at the outset but rather prefers that the procedure should be monitored and the question of limitations be reconsidered in the light of experience.

CALL-IN AND URGENCY

- (i) The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call in process would prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision

is an urgent one, and therefore not subject to call-in. The Chair of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairperson, the Vice-Chair's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

- (j) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.