

**TO: Councillor: Hilary Isherwood
(Chairman)**

Councillors: Bernie Attridge, David Barratt, Marion Bateman, Chris Bithell, Carolyn Cattermoul, Glenys Diskin JP, Quentin Dodd, Jim Falshaw, Veronica Gay, Fred Gillmore, Robin Guest, Ron Hampson, George Hardcastle, Patrick Heesom, Dennis Hutchinson, Peter Macfarlane, Peter Pemberton, Aaron Shotton, Owen Thomas, Arnold Woolley

Your Ref /
Eich Cyf

ur Ref / Ein Cyf ST 0

Date / Dyddiad 12/10/2011

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 **CLWYD COMMITTEE ROOM, COUNTY HALL, MOLD** on **WEDNESDAY, 19 OCTOBER 2011** 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 20/04/2011 (copy enclosed)
4. DELEGATED POWERS OF THE HEAD OF PLANNING
Report of Democracy and Governance Manager and Head of Planning enclosed

County Hall, Mold. CH7 6NA
Tel. 01352 702400 DX 708591 Mold 4
www.flintshire.gov.uk
Neuadd y Sir, Yr Wyddgrug. CH7 6NR
Ffôn 01352 702400 DX 708591 Mold 4
www.siryfflint.gov.uk

5. TERMS OF REFERENCE OF PLANNING PROTOCOL WORKING GROUP
Report of Democracy and Governance Manager enclosed
6. MONITORING OF PLANNING TRAINING
Report of Democracy and Governance Manager enclosed
7. OVERVIEW & SCRUTINY COMMITTEES - AMENDMENT TO TERMS OF REFERENCE
Report of Member Engagement Manager enclosed
8. PANEL FOR THE APPOINTMENT OF LEA GOVERNORS
Report of Director of Lifelong Learning and Democracy and Governance Manager enclosed
9. MEMBERSHIP OF THE CHILDREN'S FORUM
Report of Democracy and Governance Manager enclosed
10. LOCAL GOVERNMENT (WALES) MEASURE 2011
Report of Democracy and Governance Manager enclosed

CONSTITUTION COMMITTEE
20 APRIL 2011

Minutes of the meeting of the Constitution Committee of Flintshire County Council held in County Hall, Mold on Wednesday, 20 April, 2011.

PRESENT: Councillor R.J.T. Guest (Chairman)

Councillors: .D. Barratt, R.C. Bithell, Q.R.H. Dodd, V. Gay, A.M. Halford, G. Hardcastle, P. G. Heesom, H.D. Hutchinson, R.P. MacFarlane, and A. Woolley

SUBSTITUTIONS: Councillors J.E. Falshaw for N.R. Steele-Mortimer and D.I. Mackie for F. Gillmore

APOLOGIES: Councillors J.B. Attridge, P.R. Pemberton and A.P. Shotton

IN ATTENDANCE:

Chief Executive, Democracy and Governance Manager, and Committee Officer.

24. DECLARATIONS OF INTEREST

There were no declarations of interest.

25. ADDITIONAL ITEM

The Chairman announced that he had decided that the Committee should consider an additional item on the grounds of urgency, as provided for under Section 100 B(4) of the Local Government Act 1972 (as amended). The item was to consider the suggestion that the Constitution Committee be amalgamated with the Overview and Scrutiny Co-ordinating Committee and was urgent due to the forthcoming annual meeting.

26. MINUTES

The minutes of the meeting of the Committee held on 10 January, 2011, were submitted.

Accuracy

Page 4, final paragraph, the minutes be amended to read Councillor Q.R.H. Dodd.

Matters arising

Member Champions

Councillor D. Barratt referred to his comments in the minutes concerning Member Champions. The Democracy and Governance Manager explained that the Council had decided that Member Champions appointed by the Overview and Scrutiny Committees or the Council would not continue. He advised that for

those Member Champions appointed by the Leader it was the Leader's decision whether to continue them or not.

Panel for the Appointment of LEA Governors

Councillor Q.R.H. Dodd asked for an update on the progress made to review the arrangements powers and responsibilities of the Panel. The Democracy and Governance Manager reported that the Monitoring Officer had issued written advice to the Panel which would be considered at a meeting of the Panel to be held in June and a report on the outcome would then be brought back to the Committee.

RESOLVED

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

27. LOCAL MEMBER GUIDELINES

The Democracy and Governance Manager introduced a report to give further consideration to introducing guidelines to address situations where a Member is approached for assistance on a problem outside that Member's ward.

The Democracy and Governance Manager provided background information and advised that a draft protocol had been produced for Member guidance and was attached as appendix 2 to the report. He gave an overview of the protocol and explained that it incorporated the range of circumstances where it was appropriate for a Member to engage in activities outside their ward boundary.

Councillor R.C. Bithell commented on the complexity of the matter and said that the protocol would be difficult to enforce and monitor. He expressed the view that it was dependent on the respect and goodwill of Members and that it contained too many caveats and did not refer to the adjacent ward member. Councillor Bithell said that he would not wish to have a formal agreement or protocol established and proposed that the concept be abandoned.

Members referred to the draft protocol and raised a number of queries and made some suggestions for strengthening and improving the guidelines. Referring to the issue of enforcement the Democracy and Governance Manager advised that whilst no formal action could be taken statistics could be collated and reported annually to the Standards Committee.

During a discussion Members commented on the problem of inappropriate and unwarranted interference taking place in their ward by Member(s) from another ward. The Chief Executive said there was a need for advice and guidance to be provided which would assist existing Members and be used for the induction of new Members following the 2012 elections.

Councillor V. Gay asked if it would be possible for Officers to notify the Local Member for the Ward when they were contacted by another Member about a local issue. The Chief Executive acknowledged that a more consistent

approach could be applied and agreed to look at how awareness could be raised with Officers to address this. Councillor Q.R.H. Dodd expressed concerns about how this could work in practice. The Chief Executive responded that where complex matters occurred Officers should apply “commonsense”. If there was a pattern of behaviour by a Member Officers could give advice to that Member concerning the procedures that Members were expected to comply with.

Councillor A.M Halford suggested that the proposal put forward by Councillor R.C. Bithell be amended to allow progress to be made to achieve practical and workable guidance to the problems raised. The Chairman asked Members to vote on the amendments which had been put forward during further discussion and when put to the vote these became the resolution of the Committee.

RESOLVED:

- (a) That Officers notify the local Member if they are approached by another Member about a local issue except in instances where there is a two Member Ward there is no obligation on the Officer to inform the other Member;
- (b) That the general thrust of the draft Member protocol be included in the advice and guidance given to Members following the elections next year; and
- (c) That in the case of a pattern of behaviour by a Member that advice be given by Officers to that Member to explain the procedures Members are expected to comply with.

28. ANNUAL REVIEW OF CODE OF CORPORATE GOVERNANCE

The Democracy and Governance Manager introduced a report to consider the annual review of the Code of Corporate Governance. He provided background information and reported that the review and update of the Code of Corporate Governance had been undertaken in consultation with senior officers and whilst the majority of the code remained accurate and appropriate some parts had required updating. He asked Members to consider the updated code following the review which was attached as an appendix to the report.

The Democracy and Governance Manager advised that whilst the Executive in consultation with the Constitution Committee was responsible for approving the code the Chief Executive and Monitoring Officer were responsible for ensuring it was up-dated through annual reviews. He asked Members to consider whether there was a need to continue to report each annual update to the Committee. During a discussion Members agreed that they wished the practice to continue and that future annual updates be reported to the Committee.

Councillor R.C. Bithell referred to section 6.4 of the Code of Corporate Governance concerning the development of a Communication Strategy and suggested that the opportunities within the Authority for face-to-face meetings

with the public should be increased. The Chief Executive acknowledged the point made and said he would consider how best to do so.

RESOLVED:

- (a) That the amendments made to the Code of Corporate Governance as a result of the annual review be noted; and
- (b) That future annual reviews be reported to the Constitution Committee.

29. CONSTITUTION COMMITTEE AND OVERVIEW AND SCRUTINY COORDINATING COMMITTEE

The Chairman advised that he wished to canvass the views of the Committee on the suggestion that a proposal be made at the Annual Meeting of the County Council that the functions of the Constitution Committee and Overview and Scrutiny Coordinating Committee be amalgamated into one for the purpose of efficiency.

During a discussion Members expressed their views with some Members being in support of and others against the suggestion.

The Chairman thanked Members for their comments and observations and confirmed that his intention at the present time was to ascertain the views of the Committee on the matter.

30. PRESS IN ATTENDANCE

There were no members of the press in attendance.

31. DURATION OF MEETING

The meeting commenced at 10.00 am and finished at 11.35 am.

.....

Chairman

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

CONSTITUTION COMMITTEE		DATE 20 April 2011
MEMBER	ITEM	MIN. NO. REFERS
NO DECLARATIONS WERE MADE		

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 4

REPORT TO: **CONSTITUTION COMMITTEE**
DATE : **19 OCTOBER 2011**
REPORT BY: **DEMOCRACY AND GOVERNANCE MANAGER AND HEAD**
 OF PLANNING
SUBJECT : **DELEGATED POWERS OF THE HEAD OF PLANNING**

1.00 PURPOSE OF REPORT

1.01 To consider recommendations from the Planning Protocol Working Group relating to the delegated powers of the Head of Planning.

2.00 BACKGROUND

2.01 The length of Planning & Development Control Committee meetings has increased following the introduction of the procedure allowing members of the public and representatives of Town and Community Councils to address the committee. The committee meetings on the 22 June and 13 July lasted approximately 5 hours and ended either side of 7.00 pm.

2.02 The length of Planning & Development Control Committee meetings was considered by the Planning Protocol Working Group at its meeting on the 8 and 29 July when it agreed to introducing an earlier start time to committee meetings and recommended the following changes to the existing delegated powers of the Head of Planning:-

1. That applications are only submitted to committee if the chair, vice chair and Head of Planning are satisfied that the local Member has given sufficient planning reasons.
2. That a committee site visit is only arranged when the chair, vice chair and Head of Planning are satisfied that a sufficient planning reason for a site visit has been provided.
3. That the Flintshire planning code be amended so that the Council's own applications do not automatically go to committee for determination.

3.00 CONSIDERATIONS

3.01 The Head of Planning's Delegation Scheme contains a number of restrictions which include the following:-

"(b) Where a Member requests in writing during the consultation period that any application in his/her ward should be determined by the Planning & Development Control Committee;

Date: 12/10/2011

(c) When an adjoining ward Member whose ward is likely to be significantly affected by the development in question requests in writing during the consultation period that the application be determined by the Planning & Development Control Committee."

3.02 Paragraph 10.1 of the Flintshire Planning Code contains the following provision:-

"Whilst Members have a right to request that applications affecting their ward be determined by the Planning & Development Control Committee, such requests should be justified by clearly identifying in writing why a committee decision is required."

For these purposes the local Member includes any adjacent ward Members where the application significantly affects their ward.

3.03 At present there is no requirement for the local member to identify a planning reason in order for an application to be referred to committee for determination. This contrasts with the provision in paragraph 9.2.1 of the Planning Code relating to requests for site visits where it expressly states that the request should clearly indicate the planning reasons for the visit.

3.04 At the Planning Protocol Working Group meeting on the 29 July Members were of the view that the same test should apply for a local Member requesting a site visit and for requesting that an item go to committee. In both cases the local Member (which includes any adjacent ward Members where the application significantly affects their ward) should give sufficient planning reasons to satisfy the chair and vice chair and the Head of Planning.

3.05 Whilst there is no restriction in the Head of Planning's delegated powers that requires all Council applications going to Committee, Flintshire's Planning Code of Practice contains the provision shown in appendix 1. Whilst paragraph 7.1 states that it is important that the Council is seen to be treating applications for its own developments on an equal footing with all other applications, as well as actually doing so, paragraph 7.3 requires all of the Council's applications to be considered by committee. In effect the Council is therefore treating its own applications differently to external applications.

3.06 At the Planning & Development Control Committee meeting on the 13 July there were 11 applications submitted by the Council relating to temporary classrooms which would not have gone to committee except for paragraph 7.3 of the Flintshire Planning Code.

3.07 In the past the Planning Protocol Working Group has recommended to the Constitution Committee that there no longer be a need for all the Council's applications to automatically go to committee but at its meeting on 27 January 2010 the Constitution Committee referred this back to the working group. The working group has given further consideration to this and remains of the view that the Council's own applications should be treated the same as all other applications.

4.00 RECOMMENDATIONS

4.01 To agree to the recommendations from the Planning Protocol Working Group detailed in paragraph 2.02 above.

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 No significant implications.

10.00 CONSULTATION REQUIRED

10.01 The Planning Protocol Working Group.

11.00 CONSULTATION UNDERTAKEN

11.01 The Planning Protocol working Group.

12.00 APPENDICES

12.01 Appendix 1 - extract from Flintshire Planning Code.

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS**

Flintshire Planning Code of Best Practice
Delegation Scheme for Head of Planning
Planning Protocol Working Group minutes of 8th and 29 July 2011 meetings.

Contact Officer: Peter J Evans

Telephone: 01352 702304
E-Mail: peter_j_evans@flintshire.gov.uk

7. APPLICATIONS SUBMITTED BY THE COUNCIL

- 7.1 It is important that the Council is seen to be treating applications for its own development (or a development involving the Council and another party) on an equal footing with all other applications as well as actually doing so.
- 7.2 All such proposals will be subject to the same administration processes, including consultation, as private applications with consideration being made in accordance with policy and any other material planning considerations.
- 7.3 In order to ensure transparency and openness in dealing with such applications Council proposals (save for discharge of conditions) will be determined by the Planning and Development Control Committee and not by the Head of Planning under delegated powers.

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 5

REPORT TO: **CONSTITUTION COMMITTEE**
DATE : **19 OCTOBER 2011**
REPORT BY: **DEMOCRACY AND GOVERNANCE MANAGER**
SUBJECT : **TERMS OF REFERENCE OF PLANNING PROTOCOL**
 WORKING GROUP

1.00 PURPOSE OF REPORT

1.01 To consider a recommendation from the Planning Protocol Working Group as to its terms of reference.

2.00 BACKGROUND

2.01 The Planning Protocol Working Group was formed following a report to the Executive of the 4 May 2004. The report explained that there was a need to prepare a revised planning protocol for Members and officers and it was recommended that a working party of 12 members be appointed supported by officers to prepare and bring forward a planning protocol for consideration. This recommendation was agreed.

2.02 Following the completion of the work on a Flintshire planning protocol the working group has continued to meet as a consultative body on a range of planning related issues. Appendix 1 is a list of the type of issues that the Planning Protocol Working Group has considered. These issues being referred to it by the Planning & Development Control Committee, or the chair of the Committee, or the Environment Overview & Scrutiny Committee, or by the Head of Planning, or the Head of Legal & Democratic Services.

2.03 At its meeting on the 29 July the Planning Protocol Working Group considered a report on draft terms of reference and decided to recommend to the Constitution Committee the terms of reference shown in appendix 2.

3.00 CONSIDERATIONS

3.01 The working group provides a valuable forum for detailed consideration of planning topics which can then form the subject of reports to Committee, the Executive or be actioned under officers delegated powers.

3.02 During the Unitary Development Plan process, the Council has appointed a Development Plans Panel which at various stages of the process has made recommendations to the Council. The Unitary Development Plan process is nearing its conclusion and for consistency the Development Plans Panel should continue until the end of that process. The Local Development Plan process would, however, benefit from the involvement of a Member group and it is recommended this role be undertaken by the Planning Protocol Working Group.

Date: 12/10/2011

3.03 As the Planning Protocol Working Group is not a decision making body, its terms of reference can be relatively flexible so that it can continue to consider any planning related issues that are referred to it by the Planning & Development Control Committee, the Chair of that Committee, the Head of Planning or the Head of Legal & Democratic Services.

3.04 Appendix 2 to this report contains draft terms of reference which reflects the existing working practice, together with the Local Development Plan and includes flexibility enabling consideration of future planning issues that would benefit from consideration by the working group.

4.00 RECOMMENDATIONS

4.01 For the Constitution Committee to recommend the terms of reference in appendix 2 for consideration by County Council.

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 With Planning Protocol Working Group

11.00 CONSULTATION UNDERTAKEN

11.01 With the Political Group Leaders and with the Planning Protocol Working Group.

12.00 APPENDICES

12.01 Appendix 1 - List of type of issues considered by the

Planning Protocol Working Group
Appendix 2 - Planning Protocol Working Group
Terms of Reference

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS

Report to the Executive meeting of the 4 May 2004
Minute of the Executive meeting of the 4 May 2004.
Record of Executive decision of the 4 May 2004

Contact Officer: Peter J Evans
Telephone: 01352 702304
E-Mail: peter_j_evans@flintshire.gov.uk

List of Issues considered by the Planning Protocol Working Group

- Planning Appeal Decisions.
- Planning Training Topics
- Planning Guidance Note on Educational Contributions
- Audit Report on Section 106 Obligations.
- Third Party Representation Procedure.

**Draft Terms of Reference for
Planning Protocol Working Group**

To make recommendations as necessary to Executive, Council, Committee, Head of Planning, or Head of Legal & Democratic Services in relation to:-

1. Alterations to the Flintshire Planning Code of Best Practice.
2. The workings of the Planning and Development Control Committee.
3. The procedures for dealing with planning applications and other applications processed by the Planning Department.
4. Planning appeal processes and decisions.
5. The Local Development Plan process
6. Planning policy & procedure issues.
7. Any planning topics referred to it by the Planning and Development Control Committee, or the Chair of that Committee, or the Environment Overview & Scrutiny Committee, or by the Head of Planning, or by the Head of Legal & Democratic Services.

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 6

REPORT TO: **CONSTITUTION COMMITTEE**
DATE : **19 OCTOBER 2011**
REPORT BY: **DEMOCRACY AND GOVERNANCE MANAGER**
SUBJECT : **MONITORING OF PLANNING TRAINING**

1.00 PURPOSE OF REPORT

- 1.01 To receive a recommendation from the Planning Protocol Working Group concerning member attendance at planning training.

2.00 BACKGROUND

- 2.01 Section 3 of Flintshire's planning code of best practice deals with planning training for members of the Planning & Development Control Committee. The relevant provisions from the code of best practice are attached as appendix 1.
- 2.02 Paragraph 3.4 of the code states that members of the Planning & Development Control Committee (including substitute members) should attend a minimum of 75% of the training arranged over a period of 2 years. It goes on to say that attendance records will be monitored and reported to the Council and any member who fails to attend the stated minimum of training sessions may be removed or suspended from the committee.
- 2.03 The effectiveness of this provision is dependent upon the political group leaders ensuring that the members of their group who fail to meet the minimum training sessions no longer take one of the group's allocated places on the committee.
- 2.04 During the interregnum between the departure of the former Head of Planning and the current Head of Planning taking up his post there was a period when no planning training was arranged. Since January 2010 there have been regular planning training topics arranged. As at the end of June 2011 five planning training topics had been held and it was proposed to hold another four in the remainder of the two year period leading to January 2012.
- 2.05 Attached as appendix 2 are the attendance records of those who have been members or substitute members of the committee since January 2010. This was considered at the Planning Protocol Working Group meeting on the 8 July 2011. Following discussion the working group resolved to recommend to the Constitution Committee that the 75% attendance for planning be reduced to 66% and that the requirement for the monitoring of attendance at planning training continued to be reported to County Council.

3.00 CONSIDERATIONS

Date: 12/10/2011

- 3.01 The 75% attendance referred to in paragraph 3.4 of the planning code is not based on any national or other guidance. The report to the Planning Protocol Working Group was the first time that attendance at planning training had been monitored and reported. The working group considered that in the light of experience the percentage that had been set was too high a figure. In doing so the working group noted that before any member can serve on the planning committee they have to first receive training on planning policies, procedures and on probity. All members and substitute members have had such training.
- 3.02 Some of the existing planning committee members will not meet the 75% minimum currently required, even if they attend each of the four remaining planning training topics that are to be held before the expiry of the two year period in January 2012. In view of the forthcoming Council elections in May next year, the committee may consider that it is not the appropriate time to change the current 75% and that equally it is inappropriate to enforce it for the last few months of the life of the Council.
- 3.03 The committee may wish to consider some action to improve the attendance at planning training for those members whose attendance to date has been below 75%. This could include letters being sent to them with copies to their group leader.
- 3.04 At the Planning Protocol Working Group consideration was also given to the provision in paragraph 3.4 of the Planning Code of Best Practice which states that the attendance records will be reported to Council. The Working Group was given the option of recommending a change to this requirement but decided against it.

4.00 RECOMMENDATIONS

- 4.01 For the committee to consider the recommendation from the Planning Protocol Working Group that the percentage in paragraph 3.04 of the Planning Code of Best Practice be changed to a minimum of 66%.

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 Planning Protocol Working Group

12.00 APPENDICES

12.01 Appendix 1 - Section 3 of the planning code of best practice
Appendix 2 - Planning training attendance records

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS

Report to and minute of Planning Protocol Working Group meeting of the 8 July 2011.

Contact Officer: Peter J Evans
Telephone: 01352 702304
E-Mail: peter_j_evans@flintshire.gov.uk

Planning Code of Best Practice Section 3

3. **TRAINING**

- 3.1 Members of the Planning & Development Control Committee shall undertake appropriate training and this training will also be offered to all Members. A Member speaking or voting at Planning and Development Control Committee should have received training in planning policies and procedures.
- 3.2 Core training will consist of sessions covering planning procedures, the Development Plan and material planning considerations, probity and the application of this Code of Practice.
- 3.3 Other training will be arranged by Officers in consultation with Members in the form of additional sessions, seminars and workshops on topical issues and to keep Members up to date on new procedures, advice and guidance.
- 3.4 Members of the Planning and Development Control Committee (including substitute Members) should attend a minimum of 75% of the training arranged over a period of 2 years. Attendance records will be monitored and reported to the Council, any Member who fails to attend the stated minimum of training sessions may be removed or suspended from the Committee.

Planning Attendance 2010 & Percentage of Attendance

5 Sessions

COUNCILLOR	Role of Cllrs in Planning	Local Development Plan	Role of Planning Inspector	Role of Design Planning	Policy/house exten's Replace dwellings	No. of Training Sessions Attended	Planning Attendance %
	22/02/2010	15/04/2010	10/06/2010	02/09/2010	14/10/2010		
Bernie Attridge	1		1			2	40.0
Chris Bithell	1	1	1		1	4	80.0
Clive Carver (S)	1	1				2	40.0
Emlyn Cooke (S)	1	1	1		1	4	80.0
David Cox	1	1	1		1	4	80.0
Ted Evans (S)	1	1	1		1	4	80.0
Jim Falshaw	1	1	1	1	1	5	100.0
Fred Gillmore (S)	1	1	1		1	4	80.0
Alison Halford	1		1	1	1	4	80.0
Ron Hampson (S)	1		1			2	40.0
Patrick Heesom	1	1	1		1	4	80.0
Raymond Hughes	1		1	1	1	4	80.0
Dennis Hutchinson (S)	1		1			2	40.0
Grenville James	1	1	1		1	4	80.0
Rita Johnson (S)	1	1	1			3	60.0
Christine Jones	1	1	1	1	1	5	100.0
Richard Jones	1	1	1			3	60.0
Stella Jones (S)	1	1	1	1	1	5	100.0
Billy Mullin		1	1	1	1	4	80.0
Mike Peers	1	1	1			3	60.0
Neville Phillips	1	1	1			3	60.0
Gareth Roberts	1	1	1	1		4	80.0
Nigel Steele-Mortimer (S)	1	1	1			3	60.0
Carolyn Thomas	1	1	1	1	1	5	100.0
Owen Thomas	1	1				2	40.0
David Wisinger	1	1	1			3	60.0
Matt Wright (S)						0	0.0

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 7

REPORT TO: **CONSTITUTION COMMITTEE**
DATE : **19 OCTOBER 2011**
REPORT BY: **MEMBER ENGAGEMENT MANAGER**
SUBJECT : **OVERVIEW & SCRUTINY COMMITTEES - AMENDMENT TO**
 TERMS OF REFERENCE

1.00 PURPOSE OF REPORT

1.01 To invite the committee to consider a slight change to the terms of reference of two of the Overview & Scrutiny Committees to avoid potential for doubt and duplication.

2.00 BACKGROUND

2.01 The terms of reference of the Overview & Scrutiny Committees were reviewed and approved by the Constitution Committee and subsequently by Council in September 2010.

3.00 CONSIDERATIONS

3.01 During consideration of the draft Overview & Scrutiny Annual Report by the Co-ordinating Committee, a Member drew attention to the inclusion of the phrase 'Performance Framework and co-ordination' within the terms of reference of the Community Profile & Partnerships Overview & Scrutiny Committee (CP&P). The Member Engagement Manager acknowledged that the intention had been to assign that task to the Corporate Resources Overview & Scrutiny Committee entirely, and that the continued inclusion of the reference within CP&P could lead to either confusion or duplication. The Co-ordinating Committee agreed that a recommendation be made that the reference be excised.

3.02 The terms of reference of the Corporate Resources Overview & Scrutiny Committee already contain the phrase 'Overview of Performance Management'. It is suggested that this be amended to 'Overview and co-ordination of the Performance Management Framework' and the Constitution be amended accordingly.

3.03 If the committee agrees to the proposed changes, these would subsequently have to be ratified by the full Council.

4.00 RECOMMENDATIONS

4.01 That the terms of reference of the Community Profile & Partnerships Overview & Scrutiny Committee be amended to remove the phrase 'Performance Framework and co-ordination'.

Date: 12/10/2011

4.02 That the terms of reference of the Corporate Resources Overview & scrutiny be amended to change the phrase 'Overview of Performance Management' to 'Overview and co-ordination of the Performance Management Framework'.

4.03 That the Committee approve the recommendations and commend them to Council for the necessary changes to be incorporated into the Constitution.

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 Publication of this report constitutes consultation.

11.00 CONSULTATION UNDERTAKEN

11.01 Publication of this report constitutes consultation.

12.00 APPENDICES

12.01 None

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS**

Minute 9 of the Co-ordinating Committee 22nd September 2011

Contact Officer: Robert Robins
Telephone: 01352 702320

E-Mail: robert_robins@flintshire.gov.uk

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 8

REPORT TO: **CONSTITUTION COMMITTEE**
DATE : **19 OCTOBER 2011**
REPORT BY: **DIRECTOR OF LIFELONG LEARNING AND DEMOCRACY**
 AND GOVERNANCE MANAGER
SUBJECT : **PANEL FOR THE APPOINTMENT OF LEA GOVERNORS**

1.00 PURPOSE OF REPORT

1.01 To review the arrangements, powers and responsibilities of the panel for the appointment of LEA Governors.

2.00 BACKGROUND

2.01 At the County Council meeting on the 19 October 2010 consideration was given to a Notice of Motion from Councillors Dodd, Heesom, Attridge and Peers when it was resolved that the Council request the Constitution Committee to review the arrangements, powers and responsibilities of the Panel for the appointment of LEA Governors.

2.02 The Panel was set up by the Executive at its meeting on the 18 November, 2008 comprising 5 Members nominated by Group Leaders. The terms of reference given to the Panel were:

- to ratify nominations to vacancies for LEA Governors
- to consider disputes concerning nominations, and
- to consider requests to remove LEA Governors in accordance with paragraph 27 of the Government of Maintained Schools (Wales) Regulations 2005.

2.03 The Panel was created due to a desire for transparency in decision making and to assist in the determination of disputed nominations and make recommendations in circumstances where a request for the removal of an LEA Governor is received. The Panel does not have power to make decisions and can only make recommendations to the Executive or Director of Lifelong Learning.

2.04 In all schools, the power of nomination to LEA Governor vacancies is with the Member of the Ward where the school is situated as confirmed by County Council policy (November 2008).

2.05 The Ward Member is asked to consider the following attributes when choosing his/her nomination:-

- nominee has a commitment to raising standards in the school to ensure the best possible education for its pupils;

Date: 12/10/2011

- nominee understands accountability for the use of funding to ensure value for money;
 - nominee has an attitude of fairness and an ability to act without prejudice and in accordance with statutory requirements;
 - nominees have a commitment to attend regularly and to update their skills and knowledge on all aspects relating to their role.
- 2.06 For Church Aided, Welsh Medium and Secondary Schools consultation by the Ward Member with neighbouring ward members is carried out prior to ratification by the Panel. The LEA provides administrative support for this consultation process.
- 2.07 For Community Primary Schools the requirement to consult neighbouring ward members is removed where more than 75% of pupils at the school come from within their ward.
- 2.08 Pursuant to the County Council resolution of the 19 October 2010 a report was submitted to the Constitution Committee meeting of the 10 January 2011 when following discussion it was resolved that a meeting be held between the Panel and the Head of Legal & Democratic Services as a matter of urgency to review the arrangements, powers and responsibilities of the Panel and a report on the outcome brought back to the Constitution Committee.
- 2.09 At the Constitution Committee meeting of the 20 April 2011 Councillor Dodd asked for an update on this and it was explained that the Head of Legal & Democratic Services had issued written advice to the Panel which would be considered at the Panel meeting to be held in June following which a report on the outcome would then be brought back to the Committee.
- 2.10 At the LEA Governors Panel meeting on the 17 June 2011 there was a detailed discussion of this matter and the relevant minute is attached as appendix 1 to this report.

3.00 CONSIDERATIONS

- 3.01 During the discussion at the Panel meeting on the 17 June 2011 it was decided that there should be more transparency introduced into the process through clearly specifying the criteria for choosing between candidates that are nominated and that these criteria should be set out on the nomination form which then seeks to obtain information relevant to the criteria. Nomination forms should also make it clear that a nomination can only be objected to on the basis that the candidate does not meet the criteria or does not satisfy the relevant regulations. If adopted this would mean that in future objections based on, for example, not knowing the candidate would not qualify as a valid objection.
- 3.02 At the Panel meeting it was agreed to recommend that the criteria to be used for deciding on the suitability of a candidate should be:-

- i) A commitment to raising standards in the school to ensure the best possible education for its pupils.
 - ii) Understanding the concept of value for money for funding from the public purse.
 - iii) Able to demonstrate they can give the requisite time commitment.
 - iv) Able to demonstrate sufficient local connection with the school's catchment area.
 - v) Any previous experience as a school governor.
 - vi) The candidate possesses skills which the governing body has identified in a self evaluation/skills analysis as a shortage on the governing body.
- 3.03 At the Panel meeting the following existing criterion was not mentioned and should be added to the above:-
- vii) The candidate has an attitude of fairness and an ability to act without prejudice and in accordance with statutory requirements.
- 3.04 The Panel also recommend that the nomination form is amended so that it sets out the criteria listed above and asks questions seeking information about the extent to which the candidate meets any of the criteria. The Panel also recommend that the nomination form sets out the basis on which a nomination can be objected to which would be either that the candidate does not sufficiently meet the criteria or does not satisfy the relevant regulations. The nomination form will contain details of the relevant regulations. Where a candidate is being renominated as a governor, information will be obtained about the candidate's previous record of attendance as a governor.
- 3.05 At the Panel meeting consideration was given to the situation where a secondary school based in one ward has the majority of its pupils from an adjoining Member's ward. The Panel were of the view that in such situations both the Member for the ward where the school is located and the Member for the majority of pupils should be able to make a nomination as to a suitable school governor. This could be achieved by amending the definition of local Member to cover such situations.
- 3.06 On occasions there has been delay in obtaining a nomination from a local Member and the Panel believe that in order to reduce the time taken in filling vacancies after the Member has had a month, a reminder will be sent saying that if a nomination is not received within a further 14 working days the Member will no longer be able to make a nomination. In the absence of a nomination the Panel will have the power to seek nominations and to make a recommendation for appointment to the Director of Lifelong Learning.
- 3.07 Due to problems that the Panel has experienced it is recommended that in future the Panel can decide that a candidate is not suitable on the basis of insufficiently meeting the criteria and make such a recommendation to the Director of Lifelong Learning. The Director will consider the recommendation and report back to the Panel with his

view and a suggestion as to how to proceed. This could include seeking a new nomination from the local Member.

- 3.08 Where there are more than one candidate nominated ("disputed nominations") the Panel shall make a recommendation to the Director of Lifelong Learning as to which candidate they believe best satisfies the criteria. The Director will then confirm the appointment and action it or refer it back to the Panel for further consideration.

4.00 RECOMMENDATIONS

- 4.01 That the Committee considers and endorses the recommendations of the Panel as set out in paragraphs 3.01 to 3.08 above for consideration by the Executive.

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 Executive.

11.00 CONSULTATION UNDERTAKEN

- 11.01 LEA Governors Panel.

12.00 APPENDICES

- 12.01 Appendix 1 - Minutes of LEA Panel meeting 17 June 2011.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 BACKGROUND DOCUMENTS

None

Contact Officer: Peter J Evans
Telephone: 01352 702304
E-Mail: peter_j_evans@flintshire.gov.uk

LEA GOVERNORS PANEL
17th June 2011

Minutes of the meeting of the LEA Governors Panel held at County Hall, Mold on Friday 17th June 2011.

1. PRESENT:

Councillors: Q. R. H. Dodd, M. J. Peers

2. APOLOGIES

Councillor Adele Davies-Cooke, Cllr Patrick Heesom, Cllr Bernie Attridge

3. IN ATTENDANCE:

Kim Brookes, School Staffing and Governance Manager; Faye Davey, Staffing and Governance Administrative Officer and Clerk.

1 declaration of interest was declared by Cllr Dodd.

4. MINUTES OF LAST MEETING

Cllr Q Dodd (Vice Chair) opened the meeting requesting any Declarations of Interest.

The minutes were accepted and seconded.

5. MATTERS ARISING:

From previous minutes

No matters arising.

6. To review the arrangements, powers and responsibilities of the Panel – Peter Evans, Democracy and Governance Manager.

Peter Evans attended as Barry Davies representative due to his unavailability. He explained the legal advice and answered queries on it. Following discussion it was agreed a report would be made to the Constitution Committee recommending the Executive amend existing procedures in the following ways.

Revisions proposed:

- Objections following consultation: That criteria be established as to valid objections;
- Identify criteria to use when deciding between candidates – nomination papers amended to obtain relevant information;
- Disputed nominations to be resolved by recommendation by panel giving reasons to Director of Lifelong Learning who confirms appointment and actions or refers back to Panel for further consideration;

- Terms of reference of Panel amended so Panel can say no to a candidate nominated;
- On re-nominations obtain record of attendance as governor;
- In the case of nominations to secondary schools, that the definition of local member be amended to include both the member whose ward the school is situated and the member from the ward with the majority of pupils;
- that power to nominate will be removed from a member who fails to make a nomination 14 working days after a reminder has been sent. The Panel will make a recommendation for appointment to the Director of Lifelong Learning.
- Criteria to be used for candidate selection:
 - Demonstrates commitment to raising standards
 - Understanding of the concept of value for money with the public purse;
 - Previous experience as a governor;
 - Sufficient local connection with the school's catchment area;
 - Candidate has skills which the governing body has identified in their self evaluation/skills analysis as a shortage;
 - Ability to demonstrate and can give requisite time commitment
- Change nomination form so it:
 - Sets out above criteria
 - Asks questions seeking information about criteria
 - Sets out the basis on which a nomination can be objected to namely not meet criteria or nor satisfy regulations

7. LEA GOVERNOR NOMINATIONS: TO INFORM THE PANEL OF THE LEA GOVERNOR NOMINATIONS FOR THE SCHOOLS DETAILED IN THE REPORT

Ysgol Derwenfa, Leeswood

RESOLVED: Cllr Kenneth Richardson, Teresa Vista, Pontybodkin, Leeswood CH7 4RA be appointed.

Ysgol Croes Atti

RESOLVED: Mrs Christine Hughes, 1 Clos Farm, Flint Mountain CH6 5UX be appointed.

John Summers High School

RESOLVED: Cllr Gary Cooper, 110 Shotton Lane, Shotton CH5 1QS be appointed

Castell Alun High School

RESOLVED: Cllr Stella Jones, 25 Pen Y Bryn, Hope LL12 9NQ be appointed.

Ysgol Maes Edwin

RESOLVED: Cllr Ted Evans, 3 Third Avenue, Flint CH6 5LT be appointed.

Argoed High School

RESOLVED: Cllr Hilary McGuill, Wylfa House, Wylfa Hill, Mynydd Isa CH7 6TG be appointed.

St Mary's R C Primary School

RESOLVED: Mr Paul Cunningham, 23 Bryn Mor, Flint CH6 5RZ be appointed.

Ysgol Bryn Coch

RESOLVED: Mrs Jacqueline Rogers, 3 Ffordd Argoed, Mold CH7 1LY be appointed.
Llanfynydd C P School

RESOLVED: Mr Mark Davies, Meadow View, Llamfynydd, Nr Wrexham LL11 5HG be appointed.

Sychdyn C P School

RESOLVED: Cllr Marion Bateman, Cortonwood, Blackbrook, Sychdyn CH7 6LT be appointed.

Ysgol Maes Glas

RESOLVED: Miss Linda Hachett, 4 Dyffryn Glas, Greenfield, Holywell be appointed.

Westwood C P School

RESOLVED: Mrs Joan Williams, 41 Lexham Green Close, Buckley CH7 2HS be appointed.

Westwood C P School

RESOLVED: Mrs Jeanne Hutchinson, Newlyn, Padeswood Road, Buckley CH7 2JW be appointed.

Gronant C P School

RESOLVED: Miss Joanne Gilmore, 9 Mostyn Road, Gronant be appointed.

Derwen Foundation School, Kinnerton

RESOLVED: Mrs Jean Brain, 2 Paddock Way, Higher Kinnerton, Chester CH4 9BA be appointed.

Derwen Foundation School, Kinnerton

RESOLVED: Cllr Norma Humphreys. 3 Bennetts Lane, Higher Kinnerton, CH4 9AR be appointed.

Ysgol Estyn

RESOLVED: Mr Peter Pemberton, Shordley Cottage, Shordley Road, Hope be appointed.

Sealand C P School

RESOLVED: Cllr Christine Jones, 31 Welsh Road, Garden City, Deeside CH5 2HU be appointed.

Rector Drew V A School

RESOLVED: Cllr Glenys Diskin, Ambleside, Duckers lane, Mancot, CH5 2ED be appointed.

Hawarden infants School

RESOLVED: Mrs Tracey Bousfield, 12 Blackbrook Avenue, Hawarden CH5 3HJ be appointed.

Connahs Quay High School

RESOLVED: Cllr Aaron Shotton, 48 Pinewood Avenue, Connahs Quay, Deeside CH5 4SJ be appointed.

Abbotts Lane Infants

RESOLVED: Mrs Jane Littler, 4 Lilac Drive, Penyffordd, Chester be appointed.

Penyffordd Junior School

RESOLVED: Mrs Patricia Ransome, 10 Priory Close, Penyffordd, Nr Chester CH4 0NJ be appointed.

Wepre C P School

RESOLVED: Mrs Carol Granger, 4 Cae Llys Close, Connahs Quay, Deeside be appointed.

8. LEA GOVERNOR NOMINATIONS: TO RESOLVE DISPUTED LEA GOVERNOR NOMINATIONS FOR THE SCHOOLS DETAILED IN THE REPORT

Joint ward members nominated different nominees therefore 2 names were put forward to the panel.

Golftyn C P School

DEFERRED: Mrs Jennifer Gray / Cllr Eric owen

St Davids High School

Ward member nominated Mr Jimmy Ashton 32A Tolbar Road, Chester CH3 5QX. 3 objections were received by neighbouring ward members.

DEFERRED: Mr Jimmy Ashton 32A Tolbar Road, Chester CH3 5QX.

9. **DURATION OF MEETING**

The meeting commenced at 1.10 pm and ended at 2.10 pm

.....
Chair

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 9

REPORT TO: **CONSTITUTION COMMITTEE**
DATE : **19 OCTOBER 2011**
REPORT BY: **DEMOCRACY AND GOVERNANCE MANAGER**
SUBJECT : **MEMBERSHIP OF THE CHILDREN'S FORUM**

1.00 PURPOSE OF REPORT

1.01 To consider expanding the membership of the Children's Forum

2.00 BACKGROUND

2.01 In January 2003 the Laming report was published following the inquiry into the death of Victoria Climbié. The report contained a number of recommendations which local authorities were required to consider and respond to. As part of the Council's response an action plan was produced and on the 1 February 2005 the Executive considered a report on that action plan.

2.02 The report to the Executive explained that the Laming report had stated that a clear line of accountability should exist between Executive Members, the Chief Executive and the managers responsible for the provision of services for vulnerable children. That this may be achieved by establishing a Forum within which the Chief Executive, appropriate Executive Members, together with the statutory Director of Social Services and the then Director of Education, Children's Services & Recreation would receive reports from the Head of Children's Services and Senior Managers within that service with the objective of:-

- Ensuring that the Chief Executive and Executive Members are involved in setting priorities and strategic direction for vulnerable children specifically children on the child protection register and children looked after.
- Ensuring that the Chief Executive and Executive Members are well informed about the progress and well-being of vulnerable children for whom the authority holds significant responsibility.
- Overseeing the authority's development of a robust approach to corporate parenting.

2.03 Regular meetings of such a Forum would then be followed by reports by either the Chief Executive or the statutory Director of Social Services to the Executive to provide all Members of the Executive with an overview situation report together with an indication of any significant issues.

2.04 As part of its decision the Executive at its meeting on the 15 February 2005 agreed that the principles outlined in the above paragraph were approved and that the Chief

Date: 12/10/2011

Executive and statutory Director of Social Services in consultation with the appropriate Executive Members be authorised to convene such a Forum to consider the terms of reference and format of the proposed regular reports to the Executive.

2.05 This led to the Children's Forum being established and the provisions in the Constitution relating to the Leader's Scheme of Delegation of Executive functions containing the following:-

- Children's Forum (Executive Members for Education & Youth and Social Services and 5 other members).

Terms of Reference:-

1. Ensuring that the Chief Executive and Executive Members are involved in setting priorities and the strategic direction for vulnerable children, specifically children on the child protection register and children looked after.
2. Ensuring that the Chief Executive and Executive Members are well informed about the progress and well-being of vulnerable children for whom the authority holds significant responsibility.
3. Overseeing the authority's development of a robust approach to corporate parenting.

2.06 At a meeting of the Executive on the 1 August 2006 the membership of the Forum was expanded to include the following:

- Executive Member for Education, Children's Services and Recreation
- Executive Member for Adult Social Care
- Executive Member for Housing and Consumer Services.
- Executive Member for Corporate Governance.
- Chief Executive
- Solicitor to the Council
- Director of Education, Children's Service and Recreation
- Director of Adult Social Care/Statutory Director of Social Services
- Director of Community & Housing
- Assistant Director (Children's Services)
- Other officers attend as necessary
- Two young people representatives from the Children's Services Participation Group.
- Two young people to joint the Children Services Forum
- Nominated members from all political groupings.
- A senior manager from the Education Department or a Head Teacher.
- A foster carer.

3.00 CONSIDERATIONS

3.01 At its meeting on the 19 September 2011 the Children's Forum favoured the extended membership of the Executive decision of 1 August 2006. The provision in the

Constitution will need amending to reflect the Executive decision but updated to reflect current Executive portfolios.

- 3.02 In recent meetings of the Forum a representative of Betsi Cadwaladr UHB has attended as a co-optee. At the meeting of the Forum on the 6 July 2011 it agreed that it wished the representative of the Betsi Cadwaladr UHB to be included in the membership of the Forum as the UHB has a legitimate interest in the work of the Forum and provides a valued input.

4.00 RECOMMENDATIONS

- 4.01 To recommend to the Executive that the formal membership of the Children's Forum be expanded to include a representative from the Betsi Cadwaladr UHB and that the provision in the Constitution be amended to reflect the membership of the Forum agreed on 1 August 2006.

5.00 FINANCIAL IMPLICATIONS

- 5.01 None as a result of this report.

6.00 ANTI POVERTY IMPACT

- 6.01 Robust services to children in need impact upon social exclusion and improve life chances for children.

7.00 ENVIRONMENTAL IMPACT

- 7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

- 8.01 The provision of services to children in need/in need of protection, especially early intervention strategies, will ensure that those children referred are not disadvantaged and will receive support and opportunities to fulfil their potential.

9.00 PERSONNEL IMPLICATIONS

- 9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

- 10.01 With the Leader and the final decision resting with the Executive.

11.00 CONSULTATION UNDERTAKEN

- 11.01 With the Head of Children Services and with the Leader.

12.00 APPENDICES

12.01 None

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS

Report and minute of the Executive meeting of the 15 February 2005.
Report and minutes of the Executive meeting of the 1 August 2006.

Contact Officer: Peter J Evans
Telephone: 01352 702304
E-Mail: peter_j_evans@flintshire.gov.uk

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 10

REPORT TO: **CONSTITUTION COMMITTEE**
DATE : **19 OCTOBER 2011**
REPORT BY: **DEMOCRACY AND GOVERNANCE MANAGER**
SUBJECT : **LOCAL GOVERNMENT (WALES) MEASURE 2011**

1.00 PURPOSE OF REPORT

- 1.01 To provide Members with an overview of the Local Government Measure and its implications for Flintshire.

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. Attached as Appendix 1 is a list of the contents of the Measure. Copies of the Measure are available in group rooms and in the Members' Library.
- 2.02 The Measure has completed its passage through the Assembly and received Royal assent. The Measure comes into effect in stages. The day after Royal assent provisions relating to overview and scrutiny, collaboration and amalgamation came into effect. Two months later provisions relating to governance arrangements, area committees and co-opted members of overview and scrutiny committees came into effect as did some of the provisions relating to communities and community councils. The majority of the provisions come into force by commencement order at a date to be determined by Welsh Ministers.
- 2.03 At the consultation stage of the proposed Measure, it was reported to the Overview and Scrutiny Co-ordinating Committee, the Members Development Working Group and then to the Constitution Committee meeting of the 23 September 2010, when the Council's response to consultation was determined. In essence the Council welcomed some of the provisions in the proposed Measure but believed other provisions to be unnecessary involving extra work and cost to no perceived benefit.
- 2.04 Whilst minor amendments were made to the proposed Measure as it proceeded through the Assembly's legislative process, the final provisions remain essentially the same with the exception of one additional provision concerning the power to amalgamate authorities. A running concern expressed by opposition Members in the Assembly was around the level of prescription and powers being placed in the Minister's hands. The late addition of provisions enabling Welsh Ministers to amalgamate two or three local government areas dominated debate on the Measure with opposition members and members of the Constitutional Affairs Committee criticising the process and the lack of scrutiny. The Minister explained that the power was not a power to reorganise but an improvement power.

Date: 12/10/2011

3.00 CONSIDERATIONS

Part 1 of the Measure

3.01 Part 1 of the Measure is entitled "Strengthening Local Democracy" and includes the following provisions:-

- A duty on each local authority to conduct a survey of councillors and unsuccessful candidates after each ordinary election, asking prescribed questions in any prescribed form and collating the information and providing the information to Welsh Ministers within 6 months of the election to which it relates. The survey to include questions on equal opportunities issues. There will be cost and workload implications of this for Flintshire. In response to consultation, Flintshire said it would be more cost effective if one national survey was carried out.
- Section 4 enables remote attendance by members at meetings provided technical facilities are in place and remote attendance is not prohibited by the Council's Standing Orders. Flintshire will need to consider amending its Rules of Procedure to either prohibit or regulate remote attendance at meetings. It is widely believed that the Assembly has underestimated the costs of making such technical provision for remote attendance.
- Section 5 requires authorities to make arrangements for annual reports from each member and for these arrangements to be publicised. In response to consultation the Council was against this requirement and believed it would not reflect each Member's effectiveness.
- Section 6 deals with the timing of council meetings and enables Welsh Ministers to give guidance about the times at which meetings of a local authority are held, which local authorities must have regard to. In response to consultation the Council was of the view that this should be left as a matter of local choice and saw no need for such guidance.
- Section 7 deals with the training and development of members. For the most part these provisions are already in place in Flintshire.
- Section 8 requires local authorities to designate one of their officers as the Head of Democratic Services to arrange for the discharge of the democratic services functions in Section 9. These cover providing support and advice to council and its various committees and to each member in carrying out their role of member. The Head of Democratic Services is also given power to make reports and recommendations concerning the number and grades, the appointment and the management of Democratic Services staff. These provisions should have little effect in Flintshire and were welcomed at consultation stage.
- Section 10 enables Welsh Ministers to incorporate provisions relating to the management of Democratic Services staff in a council's Standing Orders. This should not have significant effect in Flintshire.
- Sections 11-19 relate to the functions of the Democratic Services Committee which all authorities will be required to have. The Committee will need to meet

at least once a year and a maximum of one executive member can serve on the Democratic Services Committee. It is for the Committee to designate the Head of Democratic Services, to review the adequacy of provision by the authority of Democratic Services staff and to make reports and recommendations to the authority in relation to such provision. The Committee has power to require members and officers of the authority to attend before it to answer questions. In response to consultation the Council indicated that it did not believe there was a need for such a committee.

Part 2 of the Measure

- 3.02 Part 2 of the Measure deals with family absence for members of local authorities, giving them an entitlement to a period of absence for maternity, new born, adopters, new adoption and for parental responsibilities. It is believed these provisions will not have a major impact on the Authority. In response to consultation the Council indicated that it did not believe there was a need for such provisions as the role of Members is different to that of employees.

Part 3 of the Measure

- 3.03 Part 3 of the Measure concerns available governance arrangements. Section 34 provides for the abolition of the mayor and council manager executive model. This does not affect Flintshire. Section 35 replaces alternative arrangements with executive arrangements. This does not affect Flintshire.

Part 4 of the Measure

- 3.04 Part 4 of the Measure deals with changes to executive arrangements. Section 37 gives local authorities power to vary its executive arrangements to provide for a different form of executive once each electoral cycle. Sections 38-47 govern the procedure to be followed. In response to consultation the Council indicated it welcomed these proposals to simplify the procedures by which a local authority can change its executive model.

Part 5 of the Measure

- 3.05 Part 5 of the Measure concerns local authority functions and their discharge by committees and councillors. Section 55 concerns area committees and it would not affect Flintshire. Section 56 enables an executive leader to arrange for a non executive member to exercise an executive function. In response to consultation the Council opposed this proposal as it believed it would lead to confusion and blurred responsibility for the exercise of executive functions.

Part 6 of the Measure

- 3.06 Part 6 of the Measure concerns overview and scrutiny. Section 58 enables regulations to be made concerning joint overview and scrutiny committees for two or more local authorities but excludes crime and disorder matters. In response to

consultation the Council welcomed Section 58 but believed that crime and disorder matters should not be excluded.

- 3.07 Sections 59-61 concern scrutinising external bodies as designated by Welsh Ministers. In response to consultation this was welcomed and hoped that it would include scrutinising the National Health Service in Wales.
- 3.08 Section 66-75 require provisions in a council's standing orders governing the appointment of overview and scrutiny chairs with the intention that they are allocated to reflect political balance on the council. These provisions are extremely technical. In response to consultation the Council indicated that the percentage calculations in these provisions need to make allowance for those members who are not in any political group otherwise there would be practical difficulties in applying the sections. Flintshire's existing Overview and Scrutiny Chairs satisfy these requirements.
- 3.09 Section 76 deals with co-opted members of overview and scrutiny committees. It gives Welsh Ministers the power to issue guidance and directions relating to co-option.
- 3.10 Section 78 prohibits whipped votes in overview and scrutiny and provides for the person chairing the meeting to determine whether a member of the committee has been given a prohibited party whip. In response to consultation the Council indicated that it believed the current guidance to be sufficient and that the proposal would lead to practical difficulties.
- 3.11 Section 79 enables Welsh Ministers to give local authorities guidance or directions about an authority's overview and scrutiny committee structure. Authorities must comply with directions and must have regard to guidance.
- 3.12 Sections 81-87 deal with Audit Committees. Section 81 requires authorities to appoint an audit committee to review and scrutinise the authority's financial affairs including its internal and external audit arrangements. Section 82 imposes requirements on the membership of the audit committee including that at least one member should be a lay member and no more than one member should be a member of the executive and that the leader should not be a member of the audit committee. Section 85 enables Welsh Ministers to give guidance on the function and membership of audit committees which local authorities must have regard to. The provisions relating to audit committees are unlikely to have a significant effect in Flintshire.

Part 7 of the Measure

- 3.13 Part 7 relates to communities and community councils. It changes the ways in which community councils are established and dissolved and the way in which co-opted members are appointed and gives community councils powers to promote well-being. Of more relevance to the County Council are the changes in the arrangements for it keeping community areas under review (Sections 122-125) and the Model Charter

Agreements between local authorities and community councils (Sections 130-133). At the consultation stage the proposals in Part 7 were broadly welcomed.

Part 8 of the Measure

- 3.14 Part 8 concerns payments and pensions to members. Section 141 continues the existence of the Independent Remuneration Panel for Wales. Sections 141-147 give the Panel extended powers including deciding the descriptions of members in respect of whom authorities will be required to pay a pension. Sections 150, 151 and 153 enable the Panel to impose on authorities requirements relating to administration, publicity and the provision of information to the Panel. These provisions are likely to increase the workload arising from the administration of members' allowances. In response to consultation the Council was of the view that with the exception of the amount of allowances Members should receive, the other aspects in Part 8 of the Measure should be left to the local choice of individual councils.

Part 9 of the Measure

- 3.15 Part 9 of the Measure concerns collaboration and amalgamation. Section 161 requires local authorities to have regard to any guidance issued by Welsh Ministers. In response to consultation the Council expressed concern that this was to be statutory guidance rather than ordinary guidance. Sections 162-164 concern amalgamation of local authorities and were added at a later stage. They enable Welsh Ministers if they are satisfied it is necessary to achieve effective local government to make an amalgamation order for the constitution of a new local government area by amalgamating two or three local government areas. It is hoped this will not have any implications for Flintshire, at least in the short term.

4.00 RECOMMENDATIONS

- 4.01 It is recommended that Members note the provisions of the Measure and the implications for Flintshire.

5.00 FINANCIAL IMPLICATIONS

- 5.01 Some of the provisions will have greater cost implications than indicated in the Assembly's explanatory memorandum.

6.00 ANTI POVERTY IMPACT

- 6.01 None.

7.00 ENVIRONMENTAL IMPACT

- 7.01 None.

8.00 EQUALITIES IMPACT

8.01 The survey required by Section 1 is intended to identify equality issues in candidates for council elections.

9.00 PERSONNEL IMPLICATIONS

9.01 Provisions in the Measure will increase workload on Democratic Services in particular.

10.00 CONSULTATION REQUIRED

10.01 None.

11.00 CONSULTATION UNDERTAKEN

11.01 None.

12.00 APPENDICES

12.01 Appendix 1 - list of the contents of the proposed Measure.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS

E-mail from WLGA of the 15 March, 2011

Minute 10 of the Constitution Committee meeting of the 23 September 2010

Contact Officer: Peter J Evans
Telephone: 01352 702344
E-Mail: peter_j_evans@flintshire.gov.uk

Proposed Local Government (Wales) Measure 2011

CONTENTS

PART 1

STRENGTHENING LOCAL DEMOCRACY

CHAPTER 1

PROMOTING AND SUPPORTING MEMBERSHIP OF LOCAL AUTHORITIES

Survey of councillors and unsuccessful candidates for election as councillors

1. Duty to conduct a survey
2. Completion of a survey and publication of information
3. Guidance about surveys

Supporting membership

4. Remote attendance at meetings
5. Annual reports by members of a local authority
6. Timing of council meetings
7. Training and development of members of a local authority

CHAPTER 2

LOCAL AUTHORITY DEMOCRATIC SERVICES

8. Head of democratic services
9. Democratic services functions
10. Duty to adopt standing orders about management of staff
11. Local authorities to appoint democratic services committees
12. Membership
13. Sub-committees
14. Proceedings etc
15. Frequency of meetings
16. Discharging functions
17. Termination of membership on ceasing to be member of authority
18. Reports and recommendations by head of democratic services
19. Reports and recommendations by democratic services committees
20. Local authority functions not to be delegated
21. Head of democratic services to be a politically restricted post

CHAPTER 3

INTERPRETATION

22. Meaning of “member”

PART 2

FAMILY ABSENCE FOR MEMBERS OF LOCAL AUTHORITIES

23. Right to family absence
24. Maternity absence
25. Newborn absence
26. Adopter’s absence
27. New adoption absence
28. Parental absence
29. Regulations: supplemental
30. Guidance
31. Amendment of Local Government Act 1972
32. Amendment of Local Government Act 2000
33. Interpretation of Part 2

PART 3

AVAILABLE GOVERNANCE ARRANGEMENTS

Mayor and council manager executive

34. Abolition of mayor and council manager executive
Alternative arrangements
35. Authorities to replace alternative arrangements with executive arrangements
36. Consequential provision etc

PART 4

CHANGES TO EXECUTIVE ARRANGEMENTS

CHAPTER 1

ADOPTING A DIFFERENT FORM OF EXECUTIVE

General provisions

37. Power to adopt a different form of executive
38. Proposals for adopting a different form of executive
39. Contents of proposals
40. Referendums
41. Timetable for implementation of proposals: no referendum
42. Timetable for implementation of proposals: referendum

43. Publicity for proposals
44. Implementing proposals
45. Action if referendum rejects change

Interpretation

46. Changes of executive arrangements requiring approval in a referendum
47. Interpretation

CHAPTER 2

OTHER VARIATIONS OF EXISTING EXECUTIVE ARRANGEMENTS

48. Power to vary the existing form of executive
49. Proposals for varying the form of executive
50. Contents of proposals
51. Implementing proposals

CHAPTER 3

SUPPLEMENTARY

52. Powers under which executive arrangements may be varied
53. Forms of executive
54. Consequential provision etc

PART 5

LOCAL AUTHORITY FUNCTIONS: DISCHARGE BY COMMITTEES AND COUNCILLORS

Area committees

55. Area covered and membership
- Exercise of functions by councillors*
56. Exercise of functions by councillors
 57. Consequential provision

PART 6

OVERVIEW AND SCRUTINY

CHAPTER 1

OVERVIEW AND SCRUTINY COMMITTEES

Joint overview and scrutiny committees

58. Joint overview and scrutiny committees
59. Scrutinising designated persons
60. Notifying designated persons of report or recommendations
61. Designated persons

Taking into account the views of the public

62. Taking into account the views of the public

Powers of councillors

63. Reference of matters to overview and scrutiny committee etc
64. Duty to respond to overview and scrutiny committee
65. Provision consequential on sections 63 and 64

Appointing persons to chair committees

66. Provision in standing orders about appointment of persons to chair committees
67. When appointments to be made by committee
68. When appointments to be made by non-executive group
69. How appointments to be made in other cases
70. Appointments to be made by political groups
71. Failure to make appointments in accordance with section 70
72. Changes in composition of executive
73. Occasional vacancies in committee chairs
74. Appointment provision determined by authority
75. Supplementary provision and interpretation

Co-opted members of overview and scrutiny committees

76. Guidance and directions about co-option

Provision of information

77. Forward plans and other information

Restricting party control of committees

78. Prohibition of whipped votes & declaration of party whips

Overview and scrutiny committee structure

79. Guidance and directions

Interpretation

80. Interpretation of this Chapter

CHAPTER 2

AUDIT COMMITTEES

81. Local authorities to appoint audit committees
82. Membership
83. Proceedings etc
84. Frequency of meetings
85. Guidance

86. Termination of membership on ceasing to be member of authority
87. Interpretation etc

PART 7

COMMUNITIES AND COMMUNITY COUNCILS

CHAPTER 1

COMMUNITY MEETINGS AND COMMUNITY POLLS

88. Convening of community meetings by local government electors
89. Notice of community meeting convened by local government electors
90. Facility for the provision of electronic notices of the convening of community meetings
91. Action following receipt of notice of the convening of a community meeting
92. Public notice of community meeting
93. Demands for community polls
94. Notice to be given by returning officer following taking of a poll consequent on a community meeting
95. Determination of monitoring officer as to the council to whose functions a poll relates
96. Consideration of result of community poll by community council
97. Action to be taken following community council's consideration of results of certain community polls
98. Consideration of result of community poll by principal council
99. Principal council's explanation of its response to a community poll

CHAPTER 2

ORGANISATION OF COMMUNITIES AND THEIR COUNCILS

100. Repeal of existing provisions about establishment and dissolution of community councils etc
101. Power of community meeting to apply for an order establishing a community council
102. Orders establishing separate community councils for communities
103. Power of community meeting to apply for an order dissolving its separate community council
104. Orders dissolving separate community councils for communities
105. Power of community meeting to apply for an order grouping its community with other communities under a common community council
106. Orders grouping a community with other communities under a common community council
107. Power of community meeting to apply for an order adding its community to a group of communities with a common council
108. Orders adding a community to a group of communities with a common council

- 109. Power of council for a group of communities to apply for an order dissolving the group
- 110. Orders dissolving a group of communities
- 111. Power of community meeting to apply for order separating community from a group of communities
- 112. Orders separating a community from a group of communities
- 113. Power of Welsh Ministers to alter voting threshold in connection with organisation of community councils
- 114. Organisation of communities and their councils: consequential amendments
- 115. Transitional provision

CHAPTER 3

CO-OPTION OF MEMBERS OF COMMUNITY COUNCILS

- 116. Requirement of public notice where vacancies in community council membership are to be filled by co-option
- 117. Guidance about giving public notice of co-option

CHAPTER 4

APPOINTMENT OF COMMUNITY YOUTH REPRESENTATIVES

- 118. Appointment of community youth representatives by community councils
- 119. Notice requirements in connection with youth representative appointments
- 120. Guidance about appointment of community youth representatives
- 121. Effect of appointment as a community youth representative

CHAPTER 5

REVIEWS OF COMMUNITY AREAS AND ELECTORAL ARRANGEMENTS

- 122. Reports about discharge of a principal council's function of keeping community areas under review
- 123. Reports about discharge of a principal council's function of keeping electoral arrangements for communities under review
- 124. Exercise of functions by the Local Government Boundary Commission for Wales on behalf of principal councils
- 125. Sums payable in respect of reviews carried out by the Local Government Boundary Commission for Wales

CHAPTER 6

COMMUNITY COUNCILS' POWERS TO PROMOTE WELL-BEING

- 126. Community councils' powers to promote well-being
- 127. Modifications of enactments preventing or obstructing a community council from exercising their well-being power
- 128. Transitional provision

CHAPTER 7

GRANTS TO COMMUNITY COUNCILS

129. Welsh Ministers' power to pay grant to community councils

CHAPTER 8

MODEL CHARTER AGREEMENTS BETWEEN LOCAL AUTHORITIES AND COMMUNITY COUNCILS

130. Power to set out model charter agreement
131. Directions requiring the adoption of model charter agreements
132. Guidance about model charter agreements
133. Consultation

CHAPTER 9

SCHEMES FOR THE ACCREDITATION OF QUALITY IN COMMUNITY GOVERNMENT

134. Schemes for the accreditation of quality in community government
135. Accreditation of quality in community government: criteria
136. Accreditation of quality in community government: applications
137. Accreditation of quality in community government: fees
138. Accreditation of quality in community government: removal of accreditation
139. Applications for accreditation of quality in community government: delegation of functions
140. Accreditation of quality in community government: consequences

PART 8

MEMBERS: PAYMENTS AND PENSIONS

The Independent Remuneration Panel for Wales

141. The Panel

Principal functions of the Panel

142. Functions relating to payments to members
143. Functions relating to members' pensions
144. Relevant authorities, members etc.

Reports by the Panel

145. Annual reports
146. First annual report
147. Subsequent annual reports
148. Consultation on draft reports
149. Directions to vary draft reports

- 150. Administrative requirements in reports
- 151. Publicity requirements in reports
- 152. Publicising reports

Payments by relevant authorities

- 153. Compliance with Panel's requirements
- 154. Members wishing to forgo payments
- 155. Withholding payments

Enforcement

- 156. Directions to comply with requirements

Supplementary

- 157. Guidance
- 158. Power to modify provision about Panel
- 159. Interpretation of Part 8
- 160. Consequential amendments

PART 9

COLLABORATION AND AMALGAMATION

CHAPTER 1

COLLABORATION

- 161. Guidance about collaboration between Welsh improvement authorities

CHAPTER 2

AMALGAMATION

- 162. Power to make an amalgamation order
- 163. Electoral matters
- 164. Requirement to hold a referendum involving an elected mayor
- 165. Power to direct a referendum involving an elected mayor
- 166. Supplementary, incidental, consequential, transitional and saving provision
- 167. Review of electoral arrangements
- 168. Amendments to the Local Government Act 1972
- 169. Procedure applicable to an amalgamation order
- 170. Correction orders
- 171. Interpretation of this Chapter

PART 10

GENERAL

- 172. Orders and regulations
 - 173. Procedure applicable to certain orders under section 127
 - 174. Guidance and directions
 - 175. Interpretation
 - 176. Consequential amendments and repeals
 - 177. Power to make supplementary provision
 - 178. Commencement
 - 179. Short title
-
- Schedule 1 - Change from alternative to executive arrangements
 - Part 1 - General provisions
 - Part 2 - Other provisions applicable where referendum required
 - Part 3 - Miscellaneous
 - Schedule 2 - The Panel
 - Schedule 3 - Payments and pensions: minor and consequential amendments
 - Schedule 4 - Repeals and revocations