

**CONSTITUTION COMMITTEE**  
**30 JANUARY 2013**

Minutes of the meeting of the Constitution Committee of Flintshire County Council held at Delyn Committee Room, County Hall, Mold CH7 6NA on Wednesday, 30 January 2013

**PRESENT: Councillor Robin Guest (Chairman)**

Councillors Chris Bithell, Clive Carver, David Cox, Ian Dunbar, David Evans, Veronica Gay, George Hardcastle, Joe Johnson, Tim Newhouse, Neville Phillips, Paul Shotton, Owen Thomas and Arnold Woolley

**IN ATTENDANCE:** Head of Legal and Democratic Services, Democracy and Governance Manager, Member Engagement Manager and Committee Officer

**20. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

There were no declarations of interest

**21. MINUTES**

The minutes of the meeting of the Committee held on 24 October 2012, were submitted.

**Matters arising**

Page 3 – the Democracy and Governance Manager advised he would bring a report on Corporate Service Standards for responses to communications to the next meeting of the Committee.

Page 5 – the Member Engagement Manager advised that Councillor D.I. Mackie had replaced Councillor C.A. Thomas on the Peer Learning Exchange Team.

**RESOLVED:**

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

**22. REVIEW OF INTERNAL MEMBER FORA**

The Democracy and Governance Manager introduced the report to progress the review of internal member informal fora such as panels and working groups. He provided background information and advised that appended to the report was a list of the member fora remaining within the review together with an indication as to whether or not each forum was discharging an executive or a council function.

The Chairman asked that consideration be given to each of the fora as detailed in the report. During discussion Officers responded to the observations and queries raised by Members concerning individual bodies. Members agreed that the following be recommended to continue:

- Joint Consultative Committee
- School Performance Monitoring Group
- Member/Officer Tenant Working Group
- Voluntary Sector Grants Panel
- Inclusion Service Steering Group
- Welsh in Education Strategic Forum
- Foster Care Panel
- Children's Forum
- Adoption Panel
- Health and Safety Board

In addition Members agreed that the Teachers Consultative Committee and the Flintshire County Council Teachers Consultative Committee be combined and for the combined body to cover all education staff, not just teachers. It was further recommended that the ICT Panel be reconstituted and that more detail be provided on the terms of reference and membership for the next meeting of the County Council.

Members recommended that the following bodies be discontinued:

- The Planning Delegations Body
- Waste Strategy Review Board
- Procurement Board

Members agreed that as a consequence of the decision that the Planning Delegations Body be discontinued that the Planning and Development Control agenda should be distributed to Members a week in advance of the meeting.

**RESOLVED:**

- (a) That the Committee recommends to Council that the Planning Delegations Forum be discontinued and that the Planning and Development Control agenda be distributed to Members a week in advance of the meeting;
- (b) That the Committee report to Council the above recommendations to Executive in relation to:-

Joint Consultative Committee  
School Performance Monitoring Group  
Member/Officer Tenant Working Group  
Voluntary Sector Grants Panel  
Inclusion Service Steering Group  
Welsh in Education Strategic Forum  
Foster Care Panel  
Children's Forum  
Adoption Panel

Health and Safety Board  
Teachers Consultative Committee  
Flintshire County Council Teachers Consultative Committee  
ICT Panel  
Waste Strategy Review Board  
Procurement Board

- (c) That more detail be provided on the terms of reference and membership of the proposed and reconstituted ICT Panel at the next meeting of the County Council.

## **23. LOCAL GOVERNMENT (DEMOCRACY) (WALES) BILL**

The Democracy and Governance Manager introduced a report to inform of the contents of the Local Government (Democracy) (Wales) Bill which was published at the end of November 2012 and to agree any response to consultation on it. He provided background information and advised that attached at Appendix 2 to the report was a copy of a draft consultation response for Members' consideration.

Councillor C.S. Carver referred to the provisions in Part 5 of the Bill relating to the Independent Remuneration Panel for Wales and sought clarification around the proposed requirement that local authorities publish information relating to all payments made to Members by other public bodies. The Democracy and Governance Manager agreed to investigate the proposed wording in the Bill and if appropriate include Councillor Carver's point in the consultation response.

During discussion the Committee agreed the draft response to the consultation subject to the following amendments:

Question 4: The response to be strengthened to reflect the views expressed by the Committee that these provisions should only apply to community reviews commencing after the Bill receives Royal Assent.

Question 6: The response to be No.

Question 7 The response to be No and first sentence deleted. The response may require amending to incorporate Councillor Carver's above point.

Question 9: The response to be No and reworded.

Questions 10 and 11: The responses to be No to both questions.

Question 12: The response to be Yes.

### **RESOLVED:**

- (a) That the proposals be noted;

- (b) That the draft responses to the consultation be agreed subject to the above amendments; and
- (c) That the Democracy and Governance Manager investigates the wording of the Bill and if appropriate include Councillor Carver's point in the response to question 7.

**24. FOUR PROTOCOLS FOR PUBLIC ENGAGEMENT WITH OVERVIEW & SCRUTINY**

The Member Engagement Manager introduced a report on the four draft public engagement protocols for Overview and Scrutiny which had been produced pursuant to Section 62 of the Local Government (Wales) Measure 2011 and Paragraph 5.26 of the Statutory Guidance from the Local Government Measure 2011.

Members referred to the "Four Protocols document" which was attached as Appendix 1 to the report. During discussion a number of concerns were expressed by Members around the protocol for public speaking arrangements at Overview & Scrutiny Committees. Officers responded to the comments made and emphasised that the role of the Chair would be paramount in addressing some of the matters raised.

It was agreed that the Democracy and Governance Manager would seek from the Welsh Assembly their protocol for public engagement.

**RESOLVED:**

- (a) That the Committee agreed the Protocols for use in engaging with the public; and
- (b) That the Democracy and Governance Manager would seek from the Welsh Assembly their protocol for public engagement.

**25. UPDATING THE CONSTITUTION**

The Democracy and Governance Manager introduced a report to consider further updating changes to the Council's Constitution pursuant to the three year programme agreed at the meeting of the Committee on 24 July 2012.

The Democracy and Governance Manager provided background information and advised that a review of the Council Procedure Rules, Cabinet Procedure Rules and Overview & Scrutiny Procedure Rules had been undertaken in consultation with the relevant Members and Officers. The updated rules of procedure were attached as appendices 1, 2 and 3 to the report for Members consideration.

During discussion the Committee agreed the recommended changes to the Council, Cabinet and Overview and Scrutiny procedure rules subject to the following amendments:

#### Council Procedure Rules

Rule 7 Quorum: An additional sentence to be added that there is no quorum at anytime when the number of members in remote attendance is equal to, or greater than, the number of members in actual attendance.

Rule 17 Record of Attendance: Wording to be amended to include provision for recording the remote attendance of Members at meetings on their behalf.

#### Overview and Scrutiny Procedure Rules

#### Protocol

The Democracy and Governance Manager advised that the existing protocol at Appendix A would later in the meeting be superseded by an updated protocol to comply with the Local Government (Wales) Measure 2011.

#### **RESOLVED:**

That the Committee recommends the changes to the Council, Cabinet, and Overview and Scrutiny procedure rules, as detailed in the appendices to the Report, to County Council subject to the above amendments.

### **26. LOCAL GOVERNMENT (WALES) MEASURE 2011**

The Democracy and Governance Manager introduced a report on the implementation of part of the Local Government (Wales) Measure 2011. He provided background information and referred to the main considerations of the report and advised that the two aspects of the Measure which directly affected Members were contained in sections 56 and 63.

Members were informed that the Authority currently had an agreed protocol relating to individual Members putting items on the agenda of an Overview & Scrutiny Committee. However, at a recent Group Leaders meeting it was considered that this should be updated to reflect the "Councillor calls for action" (CCfA) process. A draft of the updated protocol was attached as Appendix 1 for the Committee's consideration.

#### **RESOLVED:**

- (a) That the Committee agreed not to pursue the power given by section 56 of the Measure; and
- (b) That the updated protocol shown in Appendix 1 to replace the existing protocol relating to Members putting items on the agenda of Overview and Scrutiny Committees be agreed.

**27. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE**

There were no members of the press in attendance.

(The meeting started at 2.00 pm and ended at 3.50 pm)

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**Chairman**