

Public Document Pack

Gareth Owens LL.B Barrister/Bargyfreithiwr
Head of Legal and Democratic Services
Pennaeth Gwasanaethau Cyfreithiol a Democraidaidd



To: Cllr Robin Guest (Chairman)

CS/NG

Councillors: Chris Bithell, Derek Butler,
Clive Carver, David Cox, Glenys Diskin,
Ian Dunbar, David Evans, Veronica Gay,
George Hardcastle, Patrick Heesom, Joe Johnson,
Rita Johnson, Tim Newhouse, Neville Phillips,
Ian Roberts, Tony Sharps, Paul Shotton,
Nigel Steele-Mortimer, Owen Thomas and
Arnold Woolley

18 July 2012

Maureen Potter 01352 702322
maureen.potter@flintshire.gov.uk

Dear Sir / Madam

A meeting of the **CONSTITUTION COMMITTEE** will be held in the **DELYN COMMITTEE ROOM, COUNTY HALL, MOLD CH7 6NA** on **TUESDAY, 24TH JULY, 2012** at **2.00 PM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

AGENDA

- 1 **APOLOGIES**
- 2 **APPOINTMENT OF VICE-CHAIR**
Nominations will be sought for a Vice-Chair for the Committee.
- 3 **MINUTES** (Pages 1 - 8)
To confirm as a correct record the minutes of the last meeting.

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www.flintshire.gov.uk
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The Council welcomes correspondence in Welsh or English
Mae'r Cyngor yn croesawau gohebiaeth yn y Cymraeg neu'r Saesneg

- 4 **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**
- 5 **CONSULTATION ON WELSH GOVERNMENT WHITE PAPER “PROMOTING LOCAL DEMOCRACY”** (Pages 9 - 24)
To inform the committee of the contents of the White Paper “Promoting Local Democracy” and obtain its views on how to respond to the consultation.
- 6 **STATUTORY GUIDANCE ON THE LOCAL GOVERNMENT (WALES) MEASURE 2011** (Pages 25 - 32)
To inform the committee of the statutory guidance issued followed consultation on the draft guidance
- 7 **REVIEW OF CONSTITUTION** (Pages 33 - 46)
1) To inform the committee of a proposed rolling review of the Constitution.
2) To inform the committee of proposed arrangements to raise understanding of the Constitution amongst Members and officers
- 8 **REVIEW OF INTERNAL MEMBER FORA** (Pages 47 - 52)
To formally commence a review of internal Member informal fora such as panels and working groups.
- 9 **OVERVIEW & SCRUTINY ANNUAL REPORT** (Pages 53 - 84)
To enable the Committee to consider the draft Overview & Scrutiny Annual Report for the 2011 / 12 municipal year
- 10 **TERMS OF REFERENCE OF COMMITTEES** (Pages 85 - 90)
To advise in Committee of a request from the Lifelong Learning Overview & Scrutiny Committee that an issue regarding its terms of reference and those of the Community Profile and Partnerships Overview & Scrutiny Committee be reviewed.
- 11 **REPORTS FROM OVERVIEW & SCRUTINY COMMITTEE CHAIRMEN**
(Pages 91 - 92)
To invite the Constitution Committee to consider whether it wishes to continue the practice adopted by the former Overview & Scrutiny Co-ordinating Committee to receive reports from Committee Chairmen on the work of their Committees

CONSTITUTION COMMITTEE **28 MARCH 2012**

Minutes of the meeting of the Constitution Committee of Flintshire County Council held in County Hall, Mold on Wednesday, 28 March, 2012

PRESENT: Councillor H.T. Isherwood (Chairman)

Councillors: D. Barratt, R.C. Bithell, Q.R.H. Dodd, F. Gillmore, R.J.T. Guest, G. Hardcastle and R. P. MacFarlane

APOLOGIES: Councillors M. Bateman, V. Gay, R.G. Hampson and P.R. Pemberton

IN ATTENDANCE:

Democracy and Governance Manager, Member Engagement Manager, Internal Audit Manager, and Committee Officer

50. DECLARATIONS OF INTEREST

There were no declarations of interest.

51. MINUTES

The minutes of the meeting of the Committee held on 18 January 2012, were submitted.

Matters arising

Monitoring of Planning Training

The Democracy and Governance Manager reported that Planning training had been considered by Group Leaders at a meeting on 24 January 2012. It had been decided that a report was not required to be submitted to the next meeting of the Committee.

Updating Council Constitution

The Democracy and Governance Manager advised that the changes recommended by the Committee to County Council had been agreed. He said he had written to all Group Leaders about the minor changes that would be made and that he would distribute details of the changes to the Committee.

Welsh Government Consultation Document on the Local Elections Survey (Wales) Regulations 2012

The Democracy and Governance Manager commented it was disappointing that the points made by the Committee in response to the consultation document had not been put into effect by the Welsh Government.

RESOLVED:

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

52. LOCAL GOVERNMENT (WALES) MEASURE 2011 – CONSULTATION ON DRAFT STATUTORY GUIDANCE

The Democracy and Governance Manager introduced a report to seek the view of the Committee on the Draft Statutory Guidance currently being consulted on by the Welsh Government (WG).

The Democracy and Governance Manager advised that on 3 February 2012, the WG had issued a consultation document on Draft Statutory Guidance on the local democracy and governance parts of the Measure. The parts of the Draft Statutory Guidance relating to overview and scrutiny were considered by the Overview & Scrutiny Co-ordinating Committee on 8 March 2012, and details of its recommended response to consultation effecting Overview and Scrutiny was attached to the report. The parts of the Draft Guidance relating to audit committees had been considered by the Audit Committee at its meeting on 26 March 2012. The observations of the Audit Committee were tabled at the meeting and reported by the Internal Audit Manager. The Democracy and Governance Manager advised that the deadline for responses to the consultation was 30 March 2012.

The Democracy and Governance Manager gave an overview of the proposals put forward in the Draft Statutory Guidance which were detailed in the report. Members raised a number of concerns in relation to the proposed timescale, following ordinary elections, for a survey to be conducted around the timing and intervals at which council, committee and sub committee meetings were held. Councillor R.C. Bithell expressed the view that this and some of the other proposals should be left with the local authority to determine rather than the WG trying to micro manage authorities. He commented that Flintshire County Council already had well established and long standing arrangements in place which worked well. Further queries were raised by Members concerning the appointment of at least one lay person to the membership of the Audit Committee. The Democracy and Governance Manager responded to the comments and queries and provided clarification on the matter of co-optee allowances.

The Committee endorsed the observations of the Overview and Scrutiny Coordinating Committee in response to consultation on the Draft Guidance relating to Overview and Scrutiny. Members also endorsed the points made by the Audit Committee at its meeting on 26 March 2012, in response to consultation relating to audit committees. In addition Members stated that the criteria for the appointment of a suitable lay person to the membership of the Audit Committee should be made clear in the final version of the Guidance. It was agreed that the proposed timetable for a survey to be conducted of Members following ordinary elections in relation to the timing of the Council's meetings was unrealistic.

RESOLVED:

- (a) That the observations of the Overview and Scrutiny Coordinating Committee in response to consultation on the Draft Guidance be endorsed;
- (b) That the observations made by the Audit Committee at its meeting on 26 March 2012 concerning the Draft Statutory Guidance relating to audit committees be endorsed;
- (c) That the criteria for the appointment of a suitable lay person to the membership of the Audit Committee be made clear in the final version of the Guidance;
- (d) That the proposed timetable for a survey to be conducted following ordinary elections in relation to the timing of the Authority's council, committee, and sub committee meetings, was deemed unrealistic; and
- (e) That the Democracy and Governance Manager responds to consultation on the above basis.

53. REVISED MEMBERSHIP AND TERMS OF REFERENCE OF AUDIT COMMITTEE

The Democracy and Governance Manager introduced a report to consider a recommendation from the Audit Committee in relation to its membership and terms of reference.

The Democracy and Governance Manager provided background information and commented on the need for the Council to prepare for the implementation of the provisions in the Local Government (Wales) Measure 2011 relating to audit committees. He advised that irrespective of the implementation of the Measure there was a need by June 2012 to update the current terms of reference for the Audit Committee under section C, financial reporting. The Internal Audit Manager explained that the update was required to reflect the changed practice to reporting for the draft statement of accounts to go to the Audit Committee and then following consideration by the Welsh Audit Office to be considered again and referred to Council for approval.

The Democracy and Governance Manager advised that once the Measure came into effect there was a need to recruit at least one lay person to the Audit Committee. At its meeting on 26 March 2012 the Audit Committee received a report on the Local Government (Wales) Measure which recommended that the Committee considered changes to its membership and terms of reference so that these could be recommended to the Constitution Committee and County Council and the process of recruiting lay member(s) undertaken. Councillor Q.R.H. Dodd said that the Committee's preliminary view was that the total membership of the Audit Committee under the new arrangements would be seven Members and one lay member, with no Executive Members.

Members referred to the present terms of reference for the Audit Committee which were attached to the report. Councillor R.J.T. Guest sought clarification on the effect of the Measure on the terms of reference for the Audit Committee. He commented on section 7.02, Form and Composition, which advised that the Chair and Vice-Chair would be chosen from amongst the main opposition group(s) on the Council. Councillor Guest suggested that the terms of reference be amended so that the word 'main' was deleted from the first sentence and this was agreed by Members.

In addition to the above the Committee also agreed that the terms of reference for the Audit Committee be amended under Section C, Financial Reporting, so that the Audit Committee considered the draft annual Statement of Accounts, together with the underlying accounting policies prior to their submission to the Welsh Audit Office and again afterwards prior to recommending their approval to the Council.

In response to a request from Councillor Q.R.H. Dodd, the Democracy and Governance Manager suggested that via a letter from the Chair, Members be informed of the proposed changes to the composition and terms of reference for the Audit Committee.

RESOLVED:

- (a) That the membership of the Audit Committee be extended by one lay member and its terms of reference extended to reflect the Local Government (Wales) Measure 2011 when it comes into effect;
- (b) That the terms of reference for the Audit Committee be amended so that the word 'main' be deleted from the first sentence in section 7.02, Form and Composition;
- (c) That the terms of reference for the Audit Committee be amended under Section C, Financial Reporting, to read 'Consider the draft annual Statement of Accounts, together with the underlying accounting policies prior to their submission to the Welsh Audit Office and again afterwards prior to recommending their approval to the Council'; and
- (d) That via a letter from the Chair, Members are informed of the proposed changes to the composition and terms of reference of the Audit Committee.

54. LOCAL GOVERNMENT BYE-LAWS (WALES) BILL

The Democracy and Governance Manager introduced a report to revisit the need for a separate Bye-laws Committee pursuant to the decision at the last meeting. He advised that whilst the Council had not decided to have a Bye-law Committee, it had decided in 2006 to set up a working party to examine and consider the creation of a set of bye-laws for Flintshire. However, the Group did not meet and the work was undertaken by the Constitution Forum which was subsequently replaced by the Constitution Committee.

The Democracy and Governance Manager advised that the Council's Constitution provided that the making, amending, revoking, re-enacting or adopting of bye-laws was a function of the full Council. Once the Local Government Bye-Laws (Wales) Bill was enacted the process for making bye-laws should be simplified and this may lead the Council to making new bye-laws or amending existing ones.

Councillor Q.R.H. Dodd suggested that the issue of Bye-laws be considered by the Constitution Committee and proposed that the terms of reference for the Committee be amended to reflect this. During discussion Members expressed a number of concerns in relation to the enforcement of bye-laws. Councillor R.J.T. Guest seconded the proposal put forward by Councillor Dodd and when put to the vote this became the resolution of the Committee.

RESOLVED:

That the terms of reference for the Constitution Committee be amended to enable the Committee to examine and consider the creation or amendment of Bye-laws for Flintshire.

55. ANNUAL REVIEW OF CODE OF CORPORATE GOVERNANCE

The Democracy and Governance Manager introduced a report on the annual review of the Code of Corporate Governance. He reported that in October 2011 the Corporate Governance Officer Working Group had commenced this year's review and update of the Code of Corporate Governance. Whilst the majority of the code remained accurate and appropriate some parts of it required updating and a copy of the updated code and the changes made was attached to the report.

The Democracy and Governance Manager advised that as the Code of Corporate Governance formed part of the Constitution when the Code was amended there was a need to update the Constitution to include the amended version of the code. He advised that if the Committee approved the updates made to the Code he would consult with political Group Leaders and the Chair of the Constitution Committee to check they had no objection to the version in the Constitution being updated. In the event of any objection there would be a need for it to be reported to the Council for approval. Councillor D. Barratt requested that the Vice-Chair of the Constitution Committee also be kept informed of any changes.

RESOLVED:

- (a) That the amendments made by way of updating the Code of Corporate Governance be approved; and
- (b) That the Democracy and Governance Manager consults with political Group Leaders and the Chair of the Constitution Committee on updating the Constitution to reflect the current Code of Corporate Governance following the review.

56. PRESS IN ATTENDANCE

There were no members of the press in attendance.

57. DURATION OF MEETING

The meeting commenced at 10.00 am and finished at 11.25 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 28 March 2012
MEMBER	ITEM	MIN. NO. REFERS
NO DECLARATIONS WERE MADE		

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: CONSTITUTION COMMITTEE

DATE: TUESDAY, 24 JULY 2012

REPORT BY: DEMOCRACY & GOVERNANCE MANAGER

SUBJECT: CONSULTATION ON WELSH GOVERNMENT WHITE PAPER “PROMOTING LOCAL DEMOCRACY”

1.00 PURPOSE OF REPORT

1.01 To inform the committee of the contents of the White Paper “Promoting Local Democracy” and obtain its views on how to respond to the consultation.

2.00 BACKGROUND

2.01 On the 17 May 2012 the Welsh Government issued a White Paper entitled “Promoting Local Democracy” for consultation purposes with responses to the consultation required by the 3 August 2012. Copies of the White Paper have been made available in Member Services and in the group rooms.

2.02 The White Paper covers the following areas:-

Proposals Requiring Legislation – Local Democracy (Wales) Bill

- Local Government Boundary Commission Wales
- Amendments to the Local Government (Wales) Measure 2011
- Access to Information Town & Community Councils

Other Issues

- Electoral Issues
- Local Government Ethical Framework
- Local Government Scrutiny
- Councillor Training & Development

2.03 The White Paper raises a total of 44 specific questions that it is seeking responses to as part of the consultation process. These are set out in appendix 1 to this report. None of these questions relate to the last two areas in the list in the above paragraph. In responding to consultation the Council is not confined to just answering the questions that are asked.

3.00 CONSIDERATIONS

- 3.01 Each of the seven areas covered by the White Paper are considered in turn and a draft response to the consultation is included in appendix 1.

Local Government Boundary Commission Wales

- 3.02 This part of the White Paper is largely dealing with the recommendations made by the Mathias review with these recommendations included at annex A of the White Paper. The first 7 specific questions in the White Paper seem straightforward ones to improve the Commission's working arrangements and the draft response in appendix 1 therefore agrees with these.
- 3.03 Questions 8, 9, 10 and 11 relate to the part of the White Paper dealing with community reviews and are not so straightforward. This part of the White Paper is proposing to give the Boundary Commission more powers in relation to community reviews and the committee may take the view that the existing arrangements are satisfactory. The answers in appendix 1 have been prepared on this basis.
- 3.04 The next section of the White Paper concerns electoral reviews and questions 12 to 16 seem to suggest practical improvements to the current arrangements and the draft response has answered these questions favourably.
- 3.05 With the exception of question 19 the remaining questions up to and including question 23 seem to be sensible practical improvements and the draft response therefore welcomes them. Question 19 is asking whether the Commission should produce draft proposals or orders in electronic format only. As there are still many people who do not use electronic communications it is believed that the response to this question should be in the negative.

Amendments to the Local Government (Wales) Measure

- 3.06 This part of the White Paper is proposing changes to the Measure which for the most part came into effect in April 2012. At present statutory guidance on these parts of the Measure are still awaited. It does seem odd that such recent legislation is already being amended prior to the guidance on it.
- 3.07 The first area that is considered in this part of the White Paper is that relating to the Independent Remuneration Panel for Wales. Most of the questions here are suggesting ways of improving the practical arrangements for the Panel and widening its remit to other public bodies. The draft response in appendix 1 has therefore answered questions 24 up to and including 28 in the affirmative.

- 3.08 Question 29 is asking whether the Panel should be empowered to require County Councils to publish information relating to all remuneration received by individual Councillors in connection with the performance of public duties. One of the changes that has only recently come into effect requires Flintshire and other County Councils to annually publicise the amount of allowances paid to individual Councillors from the North Wales Fire & Rescue Authority. The White Paper is proposing to widen this to payments received for the performance of all public duties. It is suggested that it should be for each public body that pays their Members to publicise those payments rather than the County Councils doing so. The proposal would give the impression that, for instance, Flintshire was paying the allowances that its Members receive from the North Wales Fire & Rescue Authority. It is also adding to the work involved in annually publishing the allowances received by each Member. There are payments made to Members by other bodies that County Councils would not know about and trying to trace all such payments could prove very time consuming.
- 3.09 Paragraphs 53 and 54 on question 30 of the White Paper relate to local authority area committees. The draft response in appendix 1 has indicated that the membership of area committees should be left to the local choice of each Council.
- 3.10 Paragraphs 55 to 57 and questions 31 and 32 relate to Audit and Democratic Services Committees. These questions show a lack of knowledge of the existing legal requirements. Both of these committees are already governed by the political balance and access to information legislation contained in the Local Government & Housing Act 1989 and the Local Government Act 1972 (As Amended in 1985).

Access to Information: Town & Community Councils

- 3.11 Part 3 of the White Paper is dealing with Town & Community Councils and the draft response in appendix 1 to questions 33 and 34 indicates that it should be left to the local choice of individual Town & Community Councils.

Electoral Issues

- 3.12 Paragraph 63 and question 35 of the White Paper cover payments made to local government officers when undertaking election work. The question of individual payments can only be considered in the context of the cost of, and responsibilities for, running elections and not in isolation. The systems for electoral costs and payments have been modified over time by the bodies that 'contract' Councils to run their elections on their behalf but have not been reviewed in totality. Therefore, a review of the level of payments to Councils to run elections as a 'contractor' and their purpose (i.e. for European Union,

Parliamentary and Welsh Government elections and ad hoc national referenda), and the costs they incur for their own local elections, should not be denied. It should be noted however that the Welsh Government would have no jurisdiction over contracted payments made to Councils for European, Parliamentary and other UK level elections (e.g. the election of Police Commissioners). The White Paper is proposing that in future local government officers only receive remuneration under the Returning Officers' Fees and Charges Order for work they undertake outside of their normal working hours. The position is not that straightforward. The duties undertaken by Returning Officers and senior and other electoral officers would need to be evaluated on (1) level of responsibility (2) level of risk and (3) level of additional work required over and above their contracted roles with their Council. The question could also be posed who could run the elections more cost-efficiently and effectively than Councils e.g. the private sector. Each year, for example, Flintshire runs elections well, without challenge, and always within its allocated budget and returns efficiencies to the paying body. It is essential to the efficient running of elections that there are sufficient willing senior officers of the calibre, experience and expertise required. The proposal in the White Paper could lead to a loss of expertise if officers refuse, over and above their contracted work, to undertake these duties. The draft response in appendix 1 suggests that this issue is best addressed outside of any White Paper by negotiations between the interested parties to come up with a practical national protocol to be followed.

- 3.13 Paragraph 63 and question 36 is more straightforward and funding mechanisms to reward efforts in improving registration levels are to be welcomed.
- 3.14 The third electoral issue raised in the White Paper is whether the National Assembly should have legislative competence for introducing primary legislation dealing with electoral registration, or the conduct of local or Assembly elections. It is for Members to consider whether they believe the Assembly to have the necessary expertise and experience to draft legislation dealing with electoral registration and the conduct of elections.

Local Government Ethical Framework

- 3.15 This part of the White Paper is likely to attract a lot of interest. The Members' ethical framework and the Members' code of conduct were introduced under the Local Government Act 2000. More recently the Localism Act 2011 has swept away this statutory framework for English authorities and police authorities in Wales. Paragraph 70 of the White Paper indicates that the Welsh Government remains of the view that the current statutory framework in Wales provides an appropriate balance between guiding Members on the standards of conduct and giving reassurance to the public that misconduct will be dealt with consistently and appropriately.

- 3.16 The White Paper goes on to indicate that the Welsh Government is of the view that there is scope for a more local approach to the resolution of low level complaints without immediate resort to the full and potentially costly investigatory role of the Ombudsman. In considering how to respond to this part of the White Paper Members may wish to consider whether Town & Community Councillors should continue to be governed by the ethical framework and whether the provisions in the Members' code in relation to personal and prejudicial interests should be simplified.
- 3.17 The White Paper then goes on to consider indemnities given to Members for the legal costs associated with them defending themselves in relation to complaints of breaches of the Members' code. Paragraph 79 criticises the giving of indemnities or insurance provided to Members for their legal costs. It fails to recognise that such arrangements will only assist those Members who at the end of the process are found not to be in breach of the code, or to have made a minor transgression of it.
- 3.18 The last issue raised in this part of the White Paper concerns removing barriers to greater collaboration on a regional basis on dealing with Standards Committee matters. Question 44 is asking what are the perceived barriers to the establishment of regional Standards Committees. Members may take the view that the perceived barriers to this are that it will increase the cost of travel and the difficulties in securing attendance at regional Standards Committee meetings.

Local Government Scrutiny

- 3.19 Paragraphs 84 to 86 indicate that the Welsh Government proposes to reintroduce the scrutiny development fund as an initiative to raise general standards and capacity for scrutiny across Wales. To the extent that this is implicitly criticising the current standards of scrutiny. Members may wish to include a comment that there are good arrangements for overview & scrutiny within Flintshire but nevertheless the reintroduction of a scrutiny development fund is welcomed.

Councillor Training and Development

- 3.20 Paragraphs 87 to 89 are un-contentious paragraphs stressing the importance of Member development and that the Welsh Government will continue to work and support the WLGA in its ongoing programme of Member development. In its response to consultation, the committee may wish to include a comment about the detailed Member development arrangements within Flintshire.

4.00 RECOMMENDATIONS

4.01 To consider the contents of the White Paper.

4.02 To determine how the committee wishes to respond to the consultation taking account of appendix 1 and paragraphs 3.13 to 3.19

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

None as a result of this report.

11.00 CONSULTATION UNDERTAKEN

None as a result of this report.

12.00 APPENDICES

12.01 Appendix 1 - consultation response form and draft response to questions 1 to 36.

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

The Welsh Government White Paper “Promoting Local Democracy”

Contact Officer: Peter Evans
Telephone: 01352 702304
Email: peter.j.evans@flintshire.gov.uk

Promoting Local Democracy Consultation Response Form

Please return this form to reach the Welsh Government no later than **3 August 2012**

The email address for responses or queries is: LGDTMailbox@wales.gsi.gov.uk

Postal responses should be sent to:

Scrutiny, Democracy and Participation Team
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Telephone contact for enquiries: 029 2082 3094

Alternatively, responses can be submitted via an online response form available at:

English:

Welsh:

Your name:

Organisation (if applicable):

Email address:

Telephone number:

Your address:

Question 1: Do you agree with the Commission being renamed as the Local Democracy and Boundary Commission for Wales?			
Yes	<input type="checkbox"/>	✓	No
	<input type="checkbox"/>		<input type="checkbox"/>
Please expand on your answer			

Question 2: Do you agree with the Commission's quorum being increased to three, with the appointment of a Chair, Deputy Chair and two other members becoming the norm?			
Yes	<input type="checkbox"/>	✓	No
	<input type="checkbox"/>		<input type="checkbox"/>
Please expand on your answer			

Question 3: What are your views on the appointment of a reserve member?

Agree to having a reserve member.

Question 4: Do you agree that the provisions set out at section 7.3 of the Welsh Government's Welsh language scheme are appropriate with regard to appointing members to the Commission?

Yes

✓

No

Please expand on your answer

Question 5: What are your views on the Commission having the power to appoint persons to provide expert advice, together with the power to pay any such persons?

Agree, sensible.

Question 6: Do you agree that the Commission should consider consequential changes to electoral arrangements (the numbers and distribution of councillors) when recommending changes to local government areas?

Yes

✓

No

Please expand on your answer

Question 7: Do you agree that the Commission should inform the Home Secretary of any recommendations which affect the boundaries of a police area?

Yes

✓

No

Please expand on your answer

Question 8: Once notified of a forthcoming electoral review, should a principal council be required to ensure that its communities have been recently reviewed to the satisfaction of the Commission?

Yes

No

✓

Please expand on your answer

There is already a statutory duty to keep under review which is sufficient.

Question 9: If a principal council does not follow the guidance, should the Commission be empowered to carry out the review and charge the principal council for doing so?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/> ✓
Please expand on your answer			
This would change guidance so that it in effect became mandatory.			

Question 10: What are your views on the Commission being empowered to issue guidance to the principal council on the timing and process of community reviews together with the principles to be followed?	
As long as it is only guidance and principal Councils are able to choose the extent to which it is followed.	

Question 11: Should the Commission be granted order-making powers in relation to community reviews carried out by principal councils?			
Yes	<input type="checkbox"/> ✓	No	<input type="checkbox"/>
Please expand on your answer			
Only where the Commission agrees with the Council proposals so as to make the process more efficient but not where it takes a different view to principal Councils.			

Question 12: What are your views on the Commission operating a continual cycle of electoral reviews, commencing in 2014, with a timetable for a ten year cycle of reviews being produced?	
No objection.	

Question 13: When fixing boundaries should local community ties have equal importance to achieving a target ratio of electors to councillors?			
Yes	<input type="checkbox"/> ✓	No	<input type="checkbox"/>
Please expand on your answer			
For practical proposals community ties are equally important as a target ratio of electors to councillors.			

Question 14: Should the Commission be able to propose electoral divisions which straddle community boundaries?			
Yes	<input type="checkbox"/>	✓	No <input type="checkbox"/>
Please expand on your answer			
Freedom to make more practical proposals than if tied to community boundaries.			

Question 15: Should the Commission be able to propose changes to community boundaries as part of an electoral review?			
Yes	<input type="checkbox"/>	✓	No <input type="checkbox"/>
Please expand on your answer			
To make proposals more efficient.			

Question 16: Should the Commission identify and publish, as part of its consultation prior to an electoral review, the number of councillors it considers appropriate for each principal council?			
Yes	<input type="checkbox"/>	✓	No <input type="checkbox"/>
Please expand on your answer			

Question 17: Should Welsh Ministers be required to consult with the Commission before Minister directions are issued?			
Yes	<input type="checkbox"/>	✓	No <input type="checkbox"/>
Please expand on your answer			

Question 18: Should the Commission and principal authorities be empowered to require the council for the local government area under review to provide them with information relevant to the review?			
Yes	<input type="checkbox"/>	✓	No <input type="checkbox"/>
Please expand on your answer			

Question 19: Do you agree with the Commission being able to provide draft proposals or orders in electronic format only?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/> ✓
Please expand on your answer			
Many people do not use electronic communications.			

Question 20: Do you agree that the Commission, or principal council, should describe within their proposals, the steps they took to consult and how they responded to the representations received?			
Yes	<input type="checkbox"/> ✓	No	<input type="checkbox"/>
Please expand on your answer			

Question 21: Should an organisation that conducted a review of any kind which resulted in a change to local authority areas be placed under a duty to inform Ordnance Survey, and any other persons or organisations which may be prescribed, once the changes have been made?			
Yes	<input type="checkbox"/> ✓	No	<input type="checkbox"/>
Please expand on your answer			

Question 22: Do you agree with the proposal to remove the regulatory power within section 60(6) of the 1972 Act to prescribe the procedure for reviews?			
Yes	<input type="checkbox"/> ✓	No	<input type="checkbox"/>
Please expand on your answer			

Question 23: Should Welsh Ministers have the power to make other public bodies whose membership includes elected councillors (e.g. fire and rescue authorities, local health boards), subject to review by the Commission?			
Yes	<input type="checkbox"/> ✓	No	<input type="checkbox"/>
Please expand on your answer			

Question 24: Should the Panel be able to prescribe a numeric limit on the posts or duties which may receive a particular payment without having to specify it as a proportion of the authority?			
Yes	<input type="checkbox"/>	✓	No <input type="checkbox"/>
Please expand on your answer			

Question 25: Should Welsh Ministers be enabled to add other public bodies to the remit of the Panel?			
Yes	<input type="checkbox"/>	✓	No <input type="checkbox"/>
Please expand on your answer			

Question 26: Should the Panel have the discretion to choose any date for the coming into force of their determinations, with the additional option of backdating any of their determinations for a period of up to three months prior to the publication of a report?			
Yes	<input type="checkbox"/>	✓	No <input type="checkbox"/>
Please expand on your answer			

Question 27: Do you agree with the publication date for the Panel's annual report being altered to 28 February of each year rather than 31 December?			
Yes	<input type="checkbox"/>	✓	No <input type="checkbox"/>
Please expand on your answer			

Question 28: Do you agree to the consultation period for <u>supplementary</u> reports being reduced to between four and eight weeks?			
Yes	<input type="checkbox"/>	✓	No <input type="checkbox"/>
Please expand on your answer			

Question 29: Should the Panel be empowered to require local authorities to publish information relating to all remuneration received by individual councillors in connection with the performance of public duties?

Yes

No

✓

Please expand on your answer

This would create more bureaucracy and wrongly give the impression that these payments are made by principal councils. The public bodies themselves should publish the payments they made to their members.

Question 30: Do you agree that area committees responsible for non-executive functions should be made up of all the councillors elected for that area who wish to be members?

Yes

No

✓

Please expand on your answer

This should be left to the local choice of the councils concerned.

Question 31: Should it be a legal requirement for councillor membership of audit committees to be politically balanced?

Yes

✓

No

Please expand on your answer

It is already required under the Local Government & Housing Act 1989.

Question 32: Should audit and newly-created democratic services committees fall under the normal access to information rules?

Yes

✓

No

Please expand on your answer

It is already required under the Local Government Act 1972 (As Amended in 1985).

Question 33: What are your views on town and community councils being required to ensure their contact and membership details, together with records of their proceedings are accessible via the Internet?

This is a matter that should be left to the local choice of the Town & Community Councils themselves.

Question 34: Can you suggest any other communication channels that should be explored to improve individuals' access to information about their town and community councils?

This is a matter that should be left to the local choice of the Town & Community Councils themselves.

Question 35: Do you agree that a local government officer should not receive payment under the terms of a returning Officers' fees and charges order whilst also receiving remuneration for the same period of time from their local authority?

Yes

No

✓

Please expand on your answer

The question of individual payments can only be considered in the context of the cost of, and responsibilities for, running elections and not in isolation. The systems for electoral costs and payments have been modified over time by the bodies that 'contract' Councils to run their elections on their behalf but have not been reviewed in totality. Therefore, a review of the level of payments to Councils to run elections as a 'contractor' and their purpose (i.e. for European Union, Parliamentary and Welsh Government elections and ad hoc national referenda), and the costs they incur for their own local elections, should not be denied. It should be noted however that the Welsh Government would have no jurisdiction over contracted payments made to Councils for European, Parliamentary and other UK level elections (e.g. the election of Police Commissioners). The White Paper is proposing that in future local government officers only receive remuneration under the Returning Officers' Fees and Charges Order for work they undertake outside of their normal working hours. The position is not that straightforward. The duties undertaken by Returning Officers and senior and other electoral officers would need to be evaluated on (1) level of responsibility (2) level of risk and (3) level of additional work required over and above their contracted roles with their Council. The question could also be posed who could run the elections more cost-efficiently and effectively than Councils e.g. the private sector. Each year, for example, Flintshire runs elections well, without challenge, and always within its allocated budget and returns efficiencies to the paying body. It is essential to the efficient running of elections that there are sufficient willing senior officers of the calibre, experience and expertise required. The proposal in the White Paper could lead to a loss of expertise if officers refuse, over and above their contracted work, to undertake these duties. This issue is best addressed outside of any White Paper by negotiations between the interested parties to come up with a practical national protocol to be followed.

Question 36: What are your views on the potential use of funding mechanisms to reward efforts to improve registration levels?

This is welcomed.

Question 37: Do you think that legislative competence in relation to electoral registration and the conduct of local and Assembly elections should be conferred on the Assembly?

Yes

No

Please expand on your answer

Question 38: What are the practical barriers to extending the local resolution process to community and town councils and how might they be overcome?

Question 39: To what extent is it desirable or necessary to modify the current statutory framework or model code of conduct to facilitate local resolution of complaints?

Question 40: Should the ethical framework in Wales be more radically modified (e.g. to introduce local assessment and investigation of all alleged breaches of the code of conduct) and, if so, how?

Yes

No

Please expand on your answer

Question 41: Are the "call-in" arrangements sufficient, or should cases which fall just short of the Ombudsman's current criteria be routinely referred for local investigation and determination?

Yes

No

Please expand on your answer

Question 42: Is the voluntary cap on indemnities provided for this purpose appropriate and sufficient?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			

Question 43: Should the Welsh Government introduce a statutory limit on indemnities through subordinate legislation?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			

Question 44: What are the perceived barriers, if any, to the establishment of regional standards committees?			

FLINTSHIRE COUNTY COUNCIL

REPORT TO: CONSTITUTION COMMITTEE

DATE: TUESDAY, 24 JULY 2012

REPORT BY: DEMOCRACY & GOVERNANCE MANAGER

SUBJECT: STATUTORY GUIDANCE ON THE LOCAL
GOVERNMENT (WALES) MEASURE 2011

1.00 PURPOSE OF REPORT

1.01 To inform the committee of the statutory guidance issued followed consultation on the draft guidance

2.00 BACKGROUND

2.01 At its meeting on the 28 March 2012 the committee considered a report on the draft guidance that the Welsh Government was consulting upon. That report followed consideration of the draft guidance by the Overview & Scrutiny Coordinating Committee in relation to the parts dealing with Overview & Scrutiny and the Audit Committee in relation to the parts dealing with the Audit Committee. The Democracy & Governance Manager was authorised to respond to the consultation on the basis of the points made by the three committees. A copy of that response to the consultation is attached as appendix 1.

2.02 At the end of April 2012 the Welsh Government implemented those provisions of the Measure that the draft guidance related to. It did not however, issue the final version of the guidance until 25 June 2012 some 8 weeks later.

2.03 Copies of this statutory guidance have been placed in the Members' library and in the group rooms. There will be separate reports to the Audit Committee on the chapter in the guidance relating to Audit Committees and to the Democratic Services Committee on the chapters relating to such committees and Member development.

2.04 It is the intention to bring a further report to the committee in relation to the constitutional aspects of implementing the Measure and statutory guidance following consultation with Group Leaders and relevant officers.

3.00 CONSIDERATIONS

3.01 Overview

There have been some minor changes to the guidance following the consultation period. The majority of suggested amendments the Council made as part of the consultation process have not led to any changes. There have however, been changes in relation to points 3 (see paragraph 3.02 below) to points 10 and 12, clarify the interface between audit reports that have to be reported to the Audit Committee to those from external auditors.

3.02 Timing of Formal Meetings

This chapter has been amended so that there is no longer a requirement for the Member survey to be carried out within 3 weeks of the elections and point 3 of appendix 1 has been taken account of.

3.03 Exercise of Functions by Councillors

At the consultation stage the Council made no specific comments on this chapter of the draft guidance. There have been changes made to this chapter. Paragraph 4.16 removes the previous bullet point about providing grants to local groups. There is a new sentence at the end of paragraph 4.18 indicating that any decisions made by non executive members using delegated functions should be subject to the same call in procedures as relate to executive functions more generally. This would have resource implications and practical difficulties. The issues identified in paragraph 4.17 may dissuade Flintshire from delegating the limited functions in 4.16 to individual members.

3.04 Taking into Account the Views of the Public

Points 4 and 5 of appendix 1 relates to this chapter and have not led to any changes in the final version of the guidance. Paragraph 5.26 is still recommending that local authorities develop four separate protocols.

3.05 Councillor Calls for Action

Paragraph 6.5 remains making clear that a Councillor call for action should be a means of last resort and this was welcomed by the Council when responding to the draft guidance.

3.06 Appointment of Person to Chair Overview & Scrutiny Committees

Whilst there is a new worked example, this does not include any Members that are not in any political group which was a point Flintshire made on the draft guidance. Unfortunately whilst a new worked example has been given, this has not been taken account of in paragraph 7.2 point 5 which confusingly still refers to group A when this is no longer mentioned in the worked example.

- 3.07 Co-opted Members of Overview & Scrutiny Committees
There has been minimal change to this chapter, notwithstanding point 8 of the representations the Council previously made.

4.00 RECOMMENDATIONS

- 4.01 To note the contents of the statutory guidance.

5.00 FINANCIAL IMPLICATIONS

- 5.01 At the present time this can not be quantified.

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 There will be significant resource implications of implementing the detailed provisions in the statutory guidance, in particular in relation to Overview & Scrutiny.

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 - Response to consultation

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

Copy of the statutory guidance.

Contact Officer: Peter Evans
Telephone: 01352 702304
Email: peter.j.evans@flintshire.gov.uk

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APPENDIX 1

**Peter J
Evans/CountySecretary/F
lintshire/GB** To LGDTMailbox@wales.gsi.gov.uk
cc
Sent by: Lavinia M
Stockham/CountySecretary Fax to
/Flintshire/GB
29/03/2012 11:46 Subje Consultation on Draft Statutory Guidance on the Local
ct Government Measure 2011

Dear Sir/Madam

The purpose of this e-mail is to give you the formal response of Flintshire County Council to the consultation document issued on the 3 February for which responses are required by 30 March.

The Draft Statutory Guidance in so far as it relates to overview and scrutiny committees has been considered by the Council's Overview & Scrutiny Co-ordinating Committee. In so far as it relates to the audit committee the Draft Guidance has been considered by the Council's Audit Committee and all parts of the Draft Guidance have been considered by the Council's Constitution Committee at its meeting on the 28 March.

At these meetings it was agreed that the Council should make the following observations on the Draft Statutory Guidance.

1. The first point the Council wishes to make is that the Draft Statutory Guidance is too prescriptive and that more freedom should be left to the local choice of each council as to how it implements the provisions in the Local Government (Wales) Measure 2011. Observations to this effect were made at each of the three committee meetings that considered the Draft Statutory Guidance and the view expressed that the Draft Guidance is seeking to micro manage authorities and that the final version of the Guidance should be less detailed, allowing individual authorities to be creative in putting in place local arrangements to suit their local circumstances.

2. Secondly, Members believed that particularly in relation to the parts of the Guidance dealing with overview and scrutiny, it is generating a lot of extra administrative and bureaucratic work for little or no benefit. For example, in paragraph 5.26 of the Draft Guidance it recommends that authorities develop four separate protocols when it is believed that raising public awareness about overview and scrutiny can be achieved without such protocols.

I shall now make observations in the order in which they appear in the Draft Guidance.

3. Paragraph 1.10

In this paragraph it is indicated that the survey to ascertain the preferences of Members should be carried out within 3 weeks of ordinary elections in order for recommendations to be considered at the Council's Annual Meeting. Flintshire's Annual Meeting will be held on 15 May following the elections on 3 May and it believes that it is totally impractical to conduct a survey of all Members in such a short period of time that the results of any such survey can be reported to and considered at the Annual Meeting. It is believed this sentence should be deleted from the final version of the Guidance.

4. Paragraph 5.26

As indicated in 2. above, it is believed that raising public awareness about overview and scrutiny can be achieved without the need to recommend four separate protocols.

5. Paragraph 5.33

As overview and scrutiny forward work programmes frequently change to reflect changing local priorities rather than circulating to a large number of bodies as is indicated in this paragraph, it is believed it would be a more effective use of resources to use council web sites which is what Flintshire currently does. Sending copies of forward work programmes to the long list of bodies indicated in paragraph 5.33 is going to generate confusion with those bodies whenever the forward work programmes are changed as inevitably and quite properly they are.

6. Paragraph 6.5

The Council welcomes the reference in this paragraph that a councillor call for action should be a means of last resort after other avenues have been explored. Flintshire already has a number of mechanisms to support Members in resolving problems within their electoral divisions which are lower profile and potentially less confrontational than a call for action.

7. Paragraph 7.2

It would be helpful if the final version of the Guidance includes a worked example of where a council has a number of members that are not in any political group.

8. Chapter 8

It is believed that the Draft Guidance dealing with Co-opted Members of Overview and Scrutiny is too detailed and more flexibility should be given to enable easy co-option.

9. Chapter 9

It seems as if the Welsh Government is proposing to implement the part of the Measure dealing with audit committees so that it takes effect from early May which would mean that any meeting of the audit committee thereafter would legally require to have on it at least one lay member. The Council believes that the implementation of this part of the Measure should be approximately 2 months after the final guidance has been issued. The final version of the Guidance should give more guidance than is in paragraph 9.27 of the Draft Guidance as to the criteria against which lay candidates' appropriateness will be judged. Councils should then have 2 months to publicly advertise in a transparent way indicating the criteria and to recruit suitable lay members so that the reconstituted committee can be in place when that part of the Measure is implemented. Otherwise there is a risk of either recruiting in a rushed non transparent way or of not having a legally effective audit committee because the requisite lay member(s) have not as yet been appointed.

10. Paragraph 9.2

The Local Government Measure introduces a responsibility for Audit Committees to review, scrutinise and issue reports and recommendations in relation to the authority's financial affairs. The draft guidance does not clarify what it is intended that this should mean in practice. A number of Councils are interpreting this to mean that the Audit Committee should take over responsibility for scrutiny of the Council's revenue budget and capital programme and the in-year monitoring, following consideration of the same by the Executive. In effect this would take away the budget scrutiny role from Flintshire's Overview & Scrutiny Committees. Flintshire believes that the final version of the guidance should clarify what precisely is seen as the role of the Audit Committee in relation to the financial affairs of the Council and how this differs to the ongoing role of Overview & Scrutiny. In Flintshire's opinion the final version of the consultation should indicate that the Audit Committee should be limited to ensuring that there is a solid approach towards financial and organisational propriety, through the application of effective systems, procedures and controls. The role of Overview & Scrutiny to monitor, challenge and support the development of effective financial performance (linked to service delivery and performance) should remain.

11. Paragraphs 9.9 and 9.10

These refer to two separate publications issued by CIPFA and indicate that whilst one of those publications is somewhat dated (published in 2005) its principles are still valid. The Draft Guidance

goes on to indicate that local authorities are advised to view the two documents as being complimentary to the Guidance. The Council believes that the final Guidance should be all encompassing rather than referring to separate documents, particularly where it is saying that one of those documents is somewhat dated. The final Guidance should include those parts of the separate document that the Welsh Government believes still to be relevant.

12. Paragraph 9.15

This indicates that each authority must ensure that the Audit Committee is provided with all copies of auditor's reports. Flintshire believes that this is too prescriptive and that in view of the number of reports that are issued by internal and external auditors it can lead to the Committee being inundated and unable to properly consider the reports that raise significant issues. It is believed that the final guidance should leave it to local choice for each authority to decide the extent to which Audit Committees need to receive copies of auditor's reports. Separate arrangements can always be made for the members of the Audit Committee to be informed of all audit reports and for those reports to be available for any member who wishes to read them and if the member wishes refer them to the Committee for its consideration.

13. Paragraph 9.19

This requires the Audit Committee to receive and consider reports from not only external/internal auditors but also any other regulators or inspectors. It goes on to say that the authority will need to ensure that there is no unnecessary duplication between the Audit Committee and any Overview & Scrutiny Committee in considering such reports. If in future Audit Committees are to receive and consider reports from bodies such as Estyn, and duplication is avoided, then such reports would not in future be considered by Flintshire's Lifelong Learning Overview & Scrutiny Committee but by the Audit Committee. Flintshire believes that this part of the draft guidance is too prescriptive and it should be left to the local choice of individual authorities as to the extent to which reports from regulators and inspectors are considered by Audit Committee rather than by the appropriate Overview & Scrutiny Committee.

14. Paragraph 9.23

This states that reports and recommendations by the Audit Committee should be considered by full Council in particular, as well as the Executive. Whilst this appears just to relate to the Audit Committee in relation to financial statements, it does seem to be advocating duplication and could lead to confusion as to whether the responsibility is with the Executive or is a Council function. It is believed that this paragraph should be clarified in the final version of the guidance. Firstly, as to when it is appropriate for reports and recommendations to subsequently be considered by both Council and Executive and secondly, to clarify which prevails in the event of the Council and Executive taking different views.

I hope the above representations will assist in the drafting of the final version of the statutory guidance.

Please acknowledge receipt of this e-mail.

Regards,

Peter Evans
Democracy & Governance Manager | Rheolwr Democratiaeth a Llywodraethu
Democratic Services | Gwasanaethau Democratiaidd
Flintshire County Council | Cyngor Sir Y Fflint
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FLINTSHIRE COUNTY COUNCIL

REPORT TO: CONSTITUTION COMMITTEE

DATE: TUESDAY, 24 JULY 2012

REPORT BY: DEMOCRACY & GOVERNANCE MANAGER

SUBJECT: REVIEW OF CONSTITUTION

1.00 PURPOSE OF REPORT

- 1.01 To inform the committee of a proposed rolling review of the Constitution.
- 1.02 To inform the committee of proposed arrangements to raise understanding of the Constitution amongst Members and officers.

2.00 BACKGROUND

- 2.01 Section 37 of the Local Government Act 2000 requires a local authority such as Flintshire to keep up-to-date a Constitution containing information prescribed by the Welsh Government and for that to be available for inspection by members of the public. Section 38 requires the authority to have regard to guidance issued by the Welsh Government and such guidance required the Constitutions to be in the modular format that Flintshire has. The Constitution currently runs to nearly 500 pages and the contents are indicated in appendix 1.
- 2.02 Article 1 of the Constitution lists the eight purposes of the Constitution as attached in appendix 2. Article 18 places a duty on the Monitoring Officer to monitor and review the operation of the Constitution (see appendix 3). There is also an obligation on the Head of Legal & Democratic Services to ensure that a summary of the Constitution is made widely available within the area and is updated as necessary (article 19, appendix 4).
- 2.03 Following a recommendation from the Constitution Committee at its meeting on the 18 January 2012 the County Council at its meeting on the 31 January 2012 simplified the process by which updating changes can be made to the Constitution and this is now reflected in paragraph 18.02 (see appendix 3). This process has subsequently been used on two separate occasions to make minor updating changes to the Constitution without the need for these to be considered by the County Council itself.

3.00 CONSIDERATIONS

- 3.01 The current Constitution is a lengthy document that has been kept up-to-date on an ad-hoc basis as and when changes to it are needed. There has not been a programmed comprehensive review of it. The constant updating of it has led to inconsistencies in the style and terminology used.
- 3.02 In undertaking a programmed review of the entire Constitution it has to be recognised that this will take time and that because of the requirements of sections 37 and 38 of the Local Government Act 2000, the length and format can not be radically changed.
- 3.03 The programmed review should however, lead to a more readable document that uses consistent terminology and consistent style and removes any ambiguities that currently exist.
- 3.04 Attached as appendix 5 is a draft programme for the review spreading the work over a three year period. As each numbered part of the programme is undertaken there will be a report to the committee for its consideration. The first such report to the next meeting of the committee will identify key guiding principles to the review, such as the use of plain English and the avoidance of duplication.
- 3.05 Throughout the process there will be the ongoing updating pursuant to the arrangements agreed by County Council at its meeting on the 31 January 2012. This will include updates as a result of decisions at the annual meeting each year, changes required by new legislation such as the Local Government (Wales) Measure 2011 and to Members' allowances as a result of reports from the Independent Remuneration Panel for Wales.
- 3.06 Whilst the order shown in appendix 5 is for consideration by the committee, there are reasons for certain parts of the order. For example, there is currently a national review of contract procedure rules which Flintshire is awaiting the outcome of. That review may well inform a review of the finance procedure rules. It is believed that the summary of the Constitution should be considered both at the start of the review process and revisited at the end of it.
- 3.07 Whilst the Constitution is obviously an important document, there is a lack of understanding of it amongst both Members and officers. It is considered that this could be addressed by:-
- a) The rolling programme commencing with reviewing the summary of the Constitution contained on pages 4 to 9 of it.
 - b) Publicising on the Council's website and elsewhere the reviewed summary.
 - c) Arranging briefings for groups of officers and groups of Members on the Constitution.

4.00 RECOMMENDATIONS

- 4.01 For the committee to note the proposed programmed review of the Constitution and amend appendix 5 as it believes appropriate.
- 4.02 For the committee to endorse the proposals in paragraph 3.07 above in relation to raising understanding of the Constitution amongst Members and officers.

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 With the Monitoring Officer.

12.00 APPENDICES

- 12.01 Appendix 1 - Contents of Constitution
Appendix 2 - Article 1 of Constitution
Appendix 3 - Article 18 of Constitution
Appendix 4 - Article 19 of Constitution
Appendix 5 - Draft programme for the review

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985 BACKGROUND DOCUMENTS

The Council's Constitution

Contact Officer: Peter Evans
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Article 1 – The Constitution

1.01 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.02 The Constitution

This Constitution, and all its appendices, is the Constitution of the Flintshire County Council.

1.03 Purpose of the Constitution

The purpose of the Constitution is to:

1. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
2. support the active involvement of citizens in the process of local Authority decision-making;
3. help Councillors represent their constituents more effectively;
4. enable decisions to be taken efficiently and effectively;
5. create a powerful and effective means of holding decision-makers to public account;
6. ensure that no one will review or scrutinise a decision in which they were directly involved;
7. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
8. provide a means of improving the delivery of services to the community.

1.04 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 18.

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Article 18 – Review and Revision of the Constitution

18.01 Duty to monitor and review the constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

Protocol for monitoring and review of constitution by Monitoring Officer

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

1. observe meetings of different parts of the Member and officer structure;
2. undertake an audit trail of a sample of decisions;
3. record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and
4. compare practices in this Authority with those in other comparable authorities, or national examples of good practice.

18.02 Changes to the Constitution

The process for changes to the Constitution differs depending upon whether the change is one of substance, or a minor, or a consequential change. Changes of substance need to be approved by the full Council. This will normally be after consideration by the Constitution Committee and it making a recommendation to the County Council. Minor or consequential changes to the Constitution can be made by the Head of Legal & Democratic Services/Monitoring Officer under delegated powers provided:-

1. The Chair of the Constitution Committee and the political Group Leaders have been consulted; and
2. None of those consulted under (1) above require the proposed change to be reported to County Council.

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Article 19 – Suspension, Interpretation and Publication of the Constitution

19.01 Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules specified in them and set out in Part 4 may be suspended by the full Council to the extent permitted within those Rules and the law.
- (b) **Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

19.02 Interpretation

The ruling of the Chair of Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

19.03 Publication

- (a) The Head of Legal & Democratic Services will provide a disk containing the Constitution to each Member of the Authority and each new Member upon delivery to him/her of that individual's declaration of acceptance of office on the Member first being elected to the Council.
- (b) The Head of Legal & Democratic Services will ensure that printed copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- (c) The Head of Legal & Democratic Services will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

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Year 1

1. Review part I, summary and explanation
2. Update and review part 8, management structure
3. Review Part 2 articles of the Constitution
4. Review Council Procedure Rules
5. Review Cabinet Procedure Rules
6. Review Overview & Scrutiny Procedure Rules

Year 2

7. Review Access to Information Procedure Rules
8. Review standing orders relating to the appointment and dismissal of officers
9. Review Contract Procedure Rules
10. Review Financial Procedure Rules
11. Review Protocols and Members in their dealings with contractors/developers
12. Review Part 3 – Responsibility for Functions

Year 3

13. Review Members' Code of Conduct
14. Review Officers' Code of Conduct
15. Review Protocol on Members/Officer relations
16. Review confidential reporting procedures for officers and Members
17. Review Code of Best Practice for Planning Procedures (following consideration by Planning Protocol Working Group)
18. Review Part 7 Audit Procedures
19. Review Part 6 – Members' Allowances

Throughout the programme to update to reflect:-

- Legislative changes
- Changes agreed by Council or Cabinet
- Changes in staffing structures, job titles, committee titles etc.
- Annual updates of code of corporate governance

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: CONSTITUTION COMMITTEE

DATE: TUESDAY, 24 JULY 2012

REPORT BY: DEMOCRACY & GOVERNANCE MANAGER

SUBJECT: REVIEW OF INTERNAL MEMBER FORA

1.00 PURPOSE OF REPORT

- 1.01 To formally commence a review of internal Member informal fora such as panels and working groups.

2.00 BACKGROUND

- 2.01 At the annual Council meeting on the 15 May the Head of Legal & Democratic Services' report on constitutional matters included a section on internal Member bodies. It explained that in the light of the recent implementation of the Local Government (Wales) Measure 2011 and at the start of a new Council it was an opportune time to review the various internal Member bodies. The Council agreed to the recommendation that the review be undertaken by the Head of Legal & Democratic Services in consultation with Group Leaders and a report submitted to the Constitution Committee and Council. It also agreed that pending the outcome of the review the existing internal bodies be retained.
- 2.02 The review covers those internal Member Fora that have been established for an indefinite period rather than those set up to deal with a specific task and to automatically end once that task has been completed. The review therefore does not include any Task and Finish Working Groups set up by Overview & Scrutiny Committees.
- 2.03 The review does include those informal Member Fora that are assisting the Cabinet in the discharge of executive functions. A decision taken by County Council on such Fora can only take effect as a recommendation to Cabinet or to the Leader as the Council does not have the legal power to effect change to those bodies undertaking executive functions. Attached as appendix 1 to this report is a list of the internal Member Fora that have been identified through consultation with the Council's Heads of Service. If Members are aware of any other Fora not included in the list please could they inform the Democracy & Governance Manager.

3.00 CONSIDERATIONS

- 3.01 All internal bodies require resources from both Members and officers in terms of preparation, attendance and actioning outcomes. The review may identify that whilst the internal body is discharging a valuable function, there is a more efficient way of doing so that is less resource intensive.
- 3.02 The committee is asked to consider how best to progress the review. The committee may wish to consider the information it needs which could be shared with the political Group Leaders prior to the review being further considered at a subsequent meeting of the Constitution Committee.
- 3.03 In addition to the list of internal bodies, further information that may prove useful to the review includes for each internal body:-
- a. The membership.
 - b. The terms of reference or function.
 - c. The frequency of meetings.
 - d. The view of the relevant senior officer as to whether the body should continue or not and the reason for this view.
 - e. For those internal bodies that relate to executive functions to obtain a view as to whether the body should continue from the appropriate Cabinet member.
 - f. The view of the Chair for each forum
- 3.04 The committee may wish to consider recommending that some of the fora do not meet pending the outcome of the review.

4.00 RECOMMENDATIONS

- 4.01 To obtain the view of the committee as to how to progress the review of internal Member fora.

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 With political Group Leaders and deputies.

12.00 APPENDICES

12.01 List of internal Member fora

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

Report of the Head of Legal & Democratic Services on Constitutional
Matters to the Council meeting 15 May 2012

Minute of Council meeting 15 May 2012 relating to internal bodies

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	List of Member Working Groups, Fora etc.
1.	Joint Consultative Committee
2.	Teachers Consultative Committee
3.	Member Development Working Group
4.	Development Plans Panel
5.	Planning Protocol Working Group
6.	Single Status Project Board
7.	Member / Officer Sheltered Working Group
8.	Member / Officer Tenant Working Group
9.	Planning Protocol Working Group
10.	Land Disposal Working Group
11.	Voluntary Sector Grants Panel
12.	Inclusion Service Steering Group
13.	Welsh in Education Strategic Forum (Whilst both this and preceding have Member representatives in the main they consist of other stakeholders e.g. Schools representatives)
14.	Adoption and Foster Care Panel
15.	Social Services Representations and Complaints Review Panel
16.	Agricultural Panel
17.	Children's Forum
18.	Waste Strategy Review Board
19.	Health & Safety Board
20.	Procurement Board
21.	Flintshire Rural Partnership
22.	Flintshire Tourism Association
23.	Destination Flintshire Partnership
24.	Groundwork Board

	List of Member Working Groups, Fora etc.
25.	Flintshire Access Forum
26.	Members' Appointment Panel for Local Authority Governors
27.	ICT Panel

FLINTSHIRE COUNTY COUNCIL

REPORT TO: CONSTITUTION COMMITTEE
DATE: TUESDAY, 24 JULY 2012
REPORT BY: MEMBER ENGAGEMENT MANAGER
SUBJECT: OVERVIEW & SCRUTINY ANNUAL REPORT

1.00 PURPOSE OF REPORT

To enable the Committee to consider the draft Overview & Scrutiny Annual Report for the 2011/12 municipal year.

2.00 BACKGROUND

2.01 Article 6.03 (d) places a requirement on Overview & Scrutiny Committees to report annually to Full Council through the Co-ordinating Committee on their workings and working methods. Since the Annual Meeting, the functions of the Co-ordinating Committee have been part of the remit of the Constitution Committee.

3.00 CONSIDERATIONS

3.01 The Committee is requested to consider the draft Overview & Scrutiny Annual Report and make any observations or amendments as appropriate.

3.02 The final version of the Annual Report will then be forwarded to County Council for approval.

4.00 RECOMMENDATIONS

4.01 That the Constitution Committee considers the attached draft Annual Report and makes observations thereon

5.00 FINANCIAL IMPLICATIONS

None arising directly from this report

6.00 ANTI POVERTY IMPACT

None arising directly from this report

7.00 ENVIRONMENTAL IMPACT

None arising directly from this report

8.00 EQUALITIES IMPACT

None arising directly from this report

9.00 PERSONNEL IMPLICATIONS

None arising directly from this report

10.00 CONSULTATION REQUIRED

Not applicable

11.00 CONSULTATION UNDERTAKEN

The publication of this report constitutes consultation

12.00 APPENDICES

Draft Overview & Scrutiny Annual Report 2011/12

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

As referred to in the report

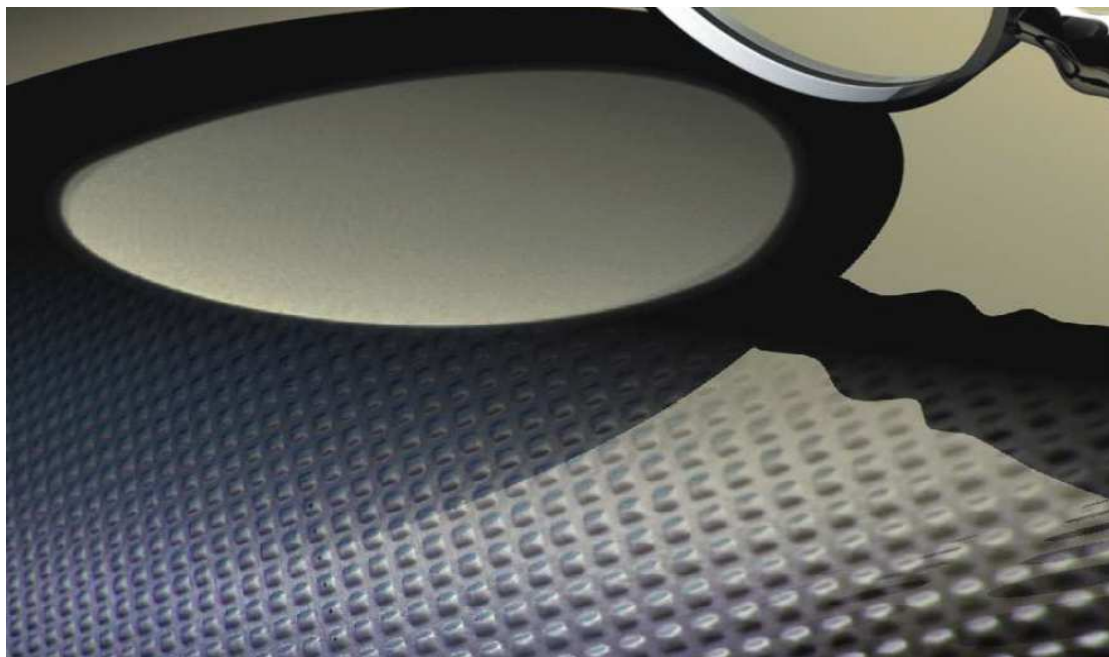
Contact Officer: Robert Robins
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Report of the
**Overview & Scrutiny
Committees**

Annual Report

MAY 2011 TO APRIL 2012



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Foreword



It is my pleasure to introduce the Council's Overview & Scrutiny Annual Report. This year, we have followed the same report format we have adopted in the two previous annual reports, by giving insights into aspects of overview & scrutiny that have taken place during the last municipal year. The Scrutiny Committees have remained the same and are aligned to the Directorates.

Overview & Scrutiny is a vital part of Flintshire County Council's responsibility to its residents. It works on behalf of residents to highlight issues of concern and makes recommendations for improvement to the Council and local partners.

It is important for Overview & Scrutiny to become involved with decisions at an appropriate stage to apply real influence and therefore play the important role of 'critical friend' to the Executive. With the continuing financial challenges faced by Local Government on a national basis, Flintshire will not escape the pressures and overview & scrutiny will play a vital role in ensuring services are delivered more effectively and efficiently.

The new Local Government (Wales) Measure 2011 aims to strengthen overview & scrutiny, which will mean a more demanding role for the members undertaking scrutiny. We will be able to conduct joint scrutiny reviews, and require information and responses from organisations outside the council that provide services to the public in Flintshire. But, we will also need to take into account the views of the public, and we will need to consider methods that will encourage the public to engage in the overview and scrutiny process.

I hope that you find this annual report interesting and informative. It has been designed to provide a snapshot of the work of the overview & scrutiny committees. If you would like to find out more, all Scrutiny Committee meetings are open to the public and the support officers will be pleased to supply you with more information. Contact details are listed at the end of this report.

I would like to thank everyone who has contributed to the scrutiny process during the past year, in particular the Councillors who have given their time to take part in the various scrutiny workshops, task & finish groups and seminars.

Councillor Hilary Isherwood
Chairman of the Coordinating Committee

OBSERVATIONS FROM THE CHIEF EXECUTIVE – COLIN EVERETT



Overview and Scrutiny in Flintshire has matured and developed over time and now performs an effective 'check and balance' in accountability for the transparency of decision-making, choices in the deployment of public money and in the performance of local services and partnerships.

Overview and Scrutiny Committees have developed internal expertise, and often concentrate their energies on specific reviews of key services and topical issues. Having the expertise gives confidence and purpose for members to explore and challenge; concentrating energy gives members some real reward as they can see tangible results for their work. Through specific reviews organised on a 'task and finish' method we have seen big changes and improvements made in services from housing to environment to education to social care. This work adds real value to policy development and service improvement over and above the basic constitutional role of being a 'check' on accountability for performance of the executive functions of the Council.

Using workshops and other fora, involving all members and being co-led by Overview and Scrutiny Chairs, has helped build a consensus for action in the face of the toughest local challenges. Developing an effective Medium-Term Financial Strategy and a budget plan for 2012/13 onwards, and steering a path to restore trust and confidence in a public consultation process on the emotive subject of school re-organisation are two notable examples of the success of this approach.

The Council has modernised and improved its systems for performance reporting, scrutiny and management markedly over the past four years. The system for quarterly reviews of performance, assessing and protecting against risk, and business continuity, are resilient. Overview and Scrutiny has contributed to the development of these systems as well as their effective operation, and elected members have developed their expertise and skills in knowing how to understand and challenge services and their performance.

More recently we have expanded the remit of Overview and Scrutiny into the work of partners and partnerships and the changing world of collaboration within the public services. This work has contributed to improving the governance and performance of partnerships from health and well-being to regeneration to housing, to building purposeful partnerships with key partners such as Betsi Cadwaladr University Health Board and locality working, and has ensured robust business cases and governance arrangements for new collaborative models of service provision most recently the Regional School Improvement and Social Services Commissioning services.

The Overview and Scrutiny function has strong foundations for an incoming Council.

OVERVIEW & SCRUTINY AND THE SUPPORT IT RECEIVES

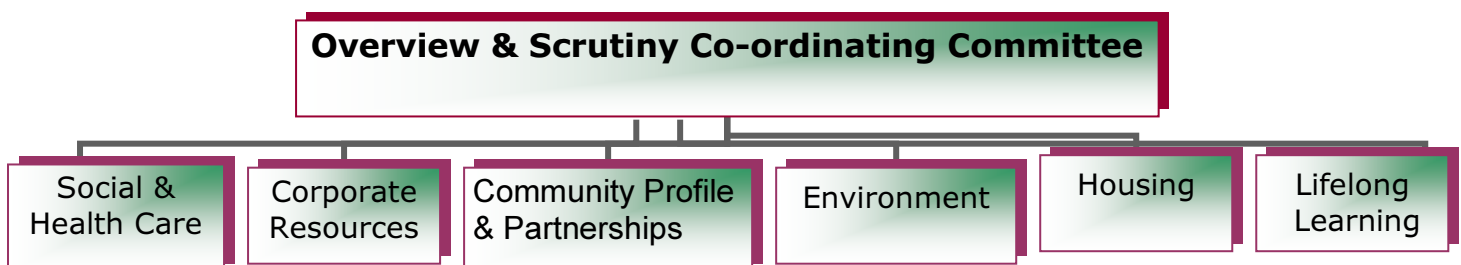
Local authorities in England and Wales have, since the Local Government Act 2000, operated executive arrangements that place the decision-making powers in the hands of a Cabinet or Executive. In the case of Flintshire until recently it was styled 'the Executive' and in 2011/12 was made up of 9 councillors including the Leader, Deputy Leader and 7 Executive Members. The overview and scrutiny function was established to hold the Cabinet/Executive to account for its decisions, and to contribute to evidence-based policy making in the council.

The roles of overview & scrutiny outlined in the National Assembly for Wales Guidance on Executive & Alternative Arrangements 2006 are:

"The role of councillors exercising overview and scrutiny is:

- To hold the executive to account for the efficient exercise of executive functions – especially the performance of the executive as measured against the standards, objectives and targets set out in the policies and plans which it is implementing;
- To assist in the improvement and development of the council's policies by evaluating whether they are achieving their stated objectives, whether those policies and the way they are being implemented reflect the needs and priorities of local communities and by reporting and making recommendations to the executive or the full council;
- To review and make reports on issues which affect the authority's area or its residents; and
- To examine whether the systems the executive has in place to deliver its functions are robust and are being properly observed."

In 2011/12 we had an overarching Overview & Scrutiny Co-ordinating Committee and 6 Overview & Scrutiny Committees as illustrated in the diagram below:



OVERVIEW & SCRUTINY SUPPORT

The Scrutiny Team are:-

Robert Robins - Member Engagement Manager
Margaret Parry-Jones – Overview & Scrutiny Facilitator
Samantha Roberts – Overview & Scrutiny Facilitator
Janet Kelly – Overview & Scrutiny Support Officer

The team are an independent resource supporting the scrutiny function and its Members. The Team's main responsibility is to ensure that the scrutiny process is effective. Other responsibilities include:

- Advising on the strategic direction and development of the scrutiny function
- Co-ordinating the work programmes for the seven Overview & Scrutiny Committees
- Advising, supporting and assisting in the development of scrutiny members
- Undertaking research and information analysis to help inform reviews
- Producing reports and presentations on behalf of members
- Offering independent advice and guidance in relation to policy development and performance management
- Acting as a key contact point to members, officers, external organisations and the public in relation to scrutiny matters.
- Facilitating task & finish groups.

INSIGHTS INTO THE WORK OF OVERVIEW & SCRUTINY

Any effective Overview & Scrutiny regime will be prepared to use a number of different ways of working in order to reach its conclusions. In Flintshire we have experimented with a number of approaches, the favoured amongst which have become consideration by a whole committee, assigning a task to a task & finish or working group, holding a workshop and going out and actually having a look at a particular problem in situ. For any one issue, a combination of approaches may be appropriate. We always place great emphasis on the task & finish group, workshop or site visit reporting back to the parent committee and of ensuring that the process is a transparent one.

Some of our committees are more likely to use task & finish groups than others, as the following pages will illustrate. Other committees, such as Corporate Resources, tend to conduct their work through the presentation of reports and then holding discussions with the relevant Executive Member or Members and the supporting officers. It isn't necessarily a question of one technique being right or wrong, more about selecting one particular tool to do a job, from a number which are available.

As Overview & Scrutiny is now reaching a state of some maturity (we started with Overview & Scrutiny in the autumn of 2001) we have learned a lot from experience. Working methods which we have used in the past, but which have been set aside for various reasons, include meeting like a parliamentary select committee over a period of some days, or the assigning of aspects of work to pairs of Members. Neither approach was intrinsically wrong, but in terms of successful outcomes they tended to be rather resource intensive.

The case studies which follow show how the Environment and Lifelong Learning Overview & Scrutiny committees have used the task group approaches. For Housing, Social & Healthcare, Corporate Resources and Community Profile & Partnerships we have detailed some of the work undertaken.

STREETLIGHTING REVIEW

At a meeting of the Environment Overview & Scrutiny committee on 21 September 2011, it was agreed that a task & finish group would be established to review Street lighting services in Flintshire. The task group would be made up of five members from the committee.

The task group met on three occasions which included a site visit to Raikes Lane, Mold and Wepre Park. They were able to see examples of various dimming options already being trialled.



The purpose of the first meeting was to learn about how Flintshire currently provide the service, the growing cost of the service, what types of street lighting were available, information on energy savings and to develop terms of reference. It was at this stage that the group agreed there would be no advantage in switching off any County owned highway lights as the cost savings would be nominal,

which would be out weighed by the community and safety benefits.

At the second meeting, the group continued to learn about classifications of lighting, the relevant statutory requirements and legislation, and available funding. In addition they received details on street lighting provided by town & community councils and how they were currently maintained. It was evident that there were inconsistencies across the County on how the service was delivered, and the group were concerned about how these inconsistencies could be addressed without it having a significant impact on the budget available. The town and community Council's are currently responsible for approximately 3,500 street lights across the County and whilst some town and community Councils have maintenance arrangements in place to ensure the safety of their lighting units, others have not.

There were four options the group considered to address the inconsistencies:

1. **No Change**

Benefits:

- would require no investment.

Disadvantages:

- there would be varying standards,
- difficult for residents to understand who owns what and where to report faults,
- the rising energy costs for town & community councils.

2. Adopt all lights

Benefits:

- Simple for residents to understand
- Maximises energy procurement potential
- Single maintenance contractor so consistent standards

Disadvantages:

- Prohibitively expensive
- town and community councils reluctance to hand over lights

3. Ensure all footway lights are maintained by the town & community councils

Benefits:

- Equitable and fair to all town and community councils

Disadvantages:

- Some Councils would be reluctant to take on the lights
- Would require a full survey to classify Carriageway/footway lighting across the County
- Varying standards for maintenance
- Difficult for residents to understand who owns what

4. Continue with existing arrangement with central inventory of all Street lights

Benefits:

- Requires no change to current maintenance arrangement
- Single point of contact for reporting faults
- Allows town and community councils to benefit from the County Council's energy procurement rate

Disadvantages:

- Would require a survey to identify all lighting units, the cost to visually inspect and map lighting stock prior to inclusion on council inventory would be £10 per unit.

The task group agreed that these issues and options should be shared with town & community councils and the Environment Overview & Scrutiny Committee, and views should be sought. A report on the options was considered by the Environment Overview & Scrutiny committee on 22 February 2012, resulting in a number of observations which will be considered further by the task & finish group. Under the terms of reference of the group options for improving the efficiency of the lighting stock will be discussed with a view to producing a consistent Council policy for street lighting which will include guidelines and options for part night lighting and or dimming.

GRASS CUTTING POLICY AND STREETSCENE STANDARDS

In the Overview & Scrutiny Annual Report of 2010/11 we reported on the work of the Streetscene Task & Finish group on working with officers in developing proposals for integrating services to form a single and consolidated Streetscene operation based in the Environment Directorate. Their work has continued into 2011/12, in developing service standards and launching the new service on 5 March 2012.

A report was submitted to the Environment Overview and Scrutiny Committee on 7th February 2011 outlining the task and finish group's recommended standards for the service in the future. Following this the task and finish group have produced targets for delivering each of the proposed standards for the new service. In recommending the standards Members invited Officers from all elements of the service to make comment and to ensure the standards were realistic and achievable whilst remaining challenging for the service, acceptable to Members and within the proposed budgets for the service.

The Streetscene standards and targets will form part of the quarterly performance management report submitted to the Environment Overview and Scrutiny and will be the mechanism for establishing the progress and success of the Streetscene service in the future. The targets for each standard will be challenged and reviewed by Members at the Performance Setting Workshop each year.

Because of the conflicts between ecology and aesthetics in regards to grass cutting standards, a Members workshop was held in November 2011 to consider the subject and was attended by 18 Members. The meeting received information from operational teams and the Council's Biodiversity Officer. The advice from both the operational teams and the Biodiversity Officer were considered by Members at the workshop, prior to the task & finish group proposing the new Grass Cutting Policy.

LIFELONG LEARNING PLAY AREAS TASK AND FINISH GROUP

The task group was set up in January 2011 following consideration of the Play Areas Survey and a suggestion that a task group be formed to participate in a programme of assessment visits to play areas identified in the 'red' category in the report and give further consideration to the sustainability of play areas in Flintshire.

The task group met on 3 occasions and undertook site visits to the 'red' play areas identified in the Play Areas Survey. The task group also visited The Bonc, a newly refurbished play area in Mynydd Isa.



Members of the task group all agreed that free, open access play areas where children can come and go as they please without relying on parents to take them there are important to a child's development. Doorstep play areas are important so young children know that their parents are nearby if needed and also for parents to allow their children to go out to play. It was stressed that if children have a fear of playing they will not go out to play.

It became evident that there appeared to be a lack of provision for older children which needed to be addressed.

Of the sites visited, one site was a cause of concern because the space was not ideal for encouraging play. Members suggested that consultation should take place with the local ward members and the local community as to whether the site should be decommissioned or have some other use within the local community.

Members suggested that the planning protocol working group give further consideration to provision for play areas within planning mechanisms to ensure sustainable play provision in the future;

The match funding scheme with town and community councils had proved to be extremely successful with a good take up from town and community councils and members of the group felt strongly that the scheme should be continued. Due to the success of the scheme it suggested that criteria should be agreed for the allocation of match funding for future years.

Some suggestions from the group included:-

- Priority should be given to applications from town & community councils who have a play area in the 'red' category

- The Play Areas Survey should form the basis of decision making regarding match funding with regard to the following
 1. condition of existing equipment
 2. safety of existing equipment and surfaces
 3. recent/previous investment in site
 4. local needs
 5. Amber sites to be considered if match funding still available
 6. Limit of £10,000 per site per annum maximum contribution from match funding scheme.
 7. Emphasis on one site in locality to meet older children's needs.

In addition it was suggested that town & community councils should be made aware of the results and implications of the Play Areas Survey especially for those with 'red' category sites.

Members suggested that an advice booklet on grant funding should be developed to give community groups information on what grants are available and how to access them. Consideration should also be given to identifying mentors to work with groups to encourage local communities to improve play areas.

The Lifelong Learning Overview & Scrutiny Committee considered the findings of the task group in June and unanimously supported the recommendations. A report was considered by the Executive in November and they resolved that the findings of the Lifelong Learning Overview & Scrutiny Committee Play Area Task & Finish Group be received and noted; and (b) that a further report be submitted to the Executive in 2012.



SOCIAL & HEALTH CARE OVERVIEW & SCRUTINY COMMITTEE

We have developed good working relationships with the Betsi Cadwaladr University Health Board. Senior officers and the Chairman of the Board have attended the Social and Health Care Overview & Scrutiny Committee to keep Members informed of the developments taking place within the National Health Service in North Wales. Senior officers have agreed to attend the Social and Health Care Overview & Scrutiny Committee twice a year. We have also developed communication mechanisms to ensure effective communication and information sharing with elected members including a 'key issues' document which is circulated to members giving a monthly update on developments.

Social and Health Care Overview & Scrutiny members have actively scrutinised the Regional Commissioning, Procurement and Monitoring Hub project for Flintshire.

The outline business case had been developed by the North Wales Social Services Improvement Collaborative to explore options for developing a regional commissioning, procurement and monitoring hub for high cost, low volume residential care in areas including Children's Services, Learning Disabilities, Physical Disability and Sensory Impairment and Mental Health.

In February we received the Full Business Case for comments prior to consideration by the Executive.

We agreed the following resolution to inform the Executive decision making process:-

"That subject to adequate governance arrangements to allow for scrutiny of the hub, the Social & Health Care Overview & Scrutiny Committee supports the establishment of a Regional Commissioning, Procurement and Monitoring Hub in North Wales to serve the six local authorities and Betsi Cadwaladr University Health Board following completion of the Full Business Case."

The Committee have also asked for regular updates on the work of the newly established monitoring hub.

Overview & Scrutiny committees receive quarterly performance updates to enable Members to fulfil their scrutiny role in relation to performance. Members take their role as Corporate Parents seriously and both the Social & Health Care and Lifelong Learning Committees have been actively involved in monitoring the numbers and cost of out of county placements for looked after children. Both Children Services and Lifelong Learning have demonstrated a commitment to reducing the need for high cost, intensive intervention by focusing on preventative work, early intervention and developing robust commissioning arrangements. This has already resulted in a positive outcome with fewer out of county placements and a significant reduction in expenditure over recent months.

HOUSING OVERVIEW & SCRUTINY COMMITTEE:

PRIVATE SECTOR HOUSING RENEWAL POLICY

The Housing Overview & Scrutiny Committee were receiving regular reports relating to the Private Sector Housing Renewal project, and in July 2011 a task and finish group was established to work with Officers in developing a revised Private Sector Housing Renewal and Improvement Policy.

The evidence gathered during the private sector stock condition survey identified the need to revise the Private Sector Housing Renewal & Improvement Policy which had last been updated in 2005.

The Task & Finish Group met between August 2011 and April 2012, and a series of meetings were held on various theme areas, including amongst others; empty homes, disabled adaptations and options to support a high quality private rented sector.

The Task and Finish Group consisted of Councillor Marion Bateman, Councillor Haydn Bateman, Councillor Ron Hampson, Councillor Gareth Roberts and Councillor Patrick Heesom. The Group provided valuable contributions to the formation of this Policy.

The new Policy is centred around the following four themes: -

- Client focused – targeting vulnerable, older and disabled people living in the poorest housing.
- Theme focused – tackling issues such as empty homes and energy efficiency
- Tenure focused – improving and encouraging the private rented sector
- Area based – supporting neighbourhood initiatives including the Council's Renewal Area

A review of the existing Policy identified that there are gaps in provision which exist; below is a summary of the main changes.

Support for Disabled Facilities Grant applicants, who cannot meet their means tested contribution.

Energy Efficiency Support - The new Policy proposes to retain the top up loan given in the form of an interest free loan, to Community Energy Savings Programme (CESP) applicants where the grant falls short of the cost of the work, with a new fuel poverty calculation in the event of a need to prioritise the applicants for support.

Empty Homes Support - Provide interest free loans to property owners who wish to renovate an empty property for the purpose of rent or sale, along with the offer of repayment loans, to top up the existing loans that Flintshire offers under its existing Policy.

Addressing Housing Supply - The new Policy includes extending interest bearing repayment loans to the private rented sector, to tackle some of the properties in the poorest conditions.

Equity and Interest Bearing Loans - The new Policy will ensure that there is earlier recycling of resources through a hierarchy of approach to support.

The draft Policy will be considered by the Housing Overview & Scrutiny Committee in June 2012 before approval is sought with the Cabinet in July 2012.

COMMUNITY PROFILE & PARTNERSHIPS OVERVIEW & SCRUTINY COMMITTEE

Following the review of the Overview & Scrutiny structure and in anticipating the new powers to scrutinise 'designated persons', in September 2010, we redesignated one of our committees as 'Community Profile & Partnerships'. Following its inception, that committee then set about developing relationships with organisations which it was anticipated could become 'designated persons' under the Local Government (Wales) Measure 2011. The committee also became the Council's statutory crime & disorder committee as required under the Crime & Disorder (Overview & Scrutiny) Regulations 2009.

As we were still awaiting the issuing by the Welsh Government of the guidance on the Measure as to who 'designated persons' would be, the emphasis on building relationships for the future was recognised as being essential. In this we were keen to be able to show to potential 'designated persons' that appearing at an overview & scrutiny committee is a beneficial process as the collective experience and knowledge of the Members means that a great deal can be contributed by such 'critical friends'.

Meaningful and constructive scrutiny can only be achieved if the Members understand the issues around a service and thus are able to ask useful questions and make informed comments and judgements. Over the last year, the committee has built up a knowledge profile which has created a legacy which the successor committee in the 2012 Council will be able to build on.

The committee has engaged with the North Wales Police Authority and Force, Glyndwr University, North Wales Fire & Rescue Service, Deeside College, Flintshire Community Safety Partnership, Flintshire Local Voluntary Council, the Executive Director of Public Health and the Royal British Legion as well as monitoring the work of the Local Service Board. Hannah Jewell, a Welsh Government appointed Climate Change Champion attended to give an insight into her awareness raising work.

The focus of the committee isn't wholly external and thus presentations were also received from Flintshire officers on the pilot project on Climate Change Adaptations and Resilience Planning, the Joint Emergency Planning Service and the Flintshire County Forum, which has redefined and reinforced the relationship between the County and our town and community councils.

In 2011/12, our Chief Executive and Director of Lifelong Learning respectively chaired their professional organisations SOLACE Wales and the Association of Directors of Education in Wales. This offered an opportunity for the committee to learn more about those organisations and the Association of Directors of Social Services in Wales, the Executive Council of which our Director of Community Services is a member. The Council's relationship with Welsh Local Government Association (WLGA) was the subject of a lively and thought provoking presentation by the Chief Executive of the Association who demonstrated the benefits to Flintshire of continued membership.

CORPORATE RESOURCES OVERVIEW & SCRUTINY COMMITTEE

By its nature, the Corporate Resources Overview & Scrutiny Committee has a greater number of regular items than the other Overview & Scrutiny committees. For instance, at each scheduled monthly meeting there is a budget monitoring item, mirroring that which is to be submitted to the Executive, which generally meets the day after. These reports cover general fund and the housing revenue account and both revenue and capital. This means that the Executive is able to take account of any of the observation on the budget which have been made by their scrutiny colleagues. Suggestions to make the budget information more accessible to and meaningful for Members have been made and subsequently adopted.

Other regular items are the Quarterly Performance reports where the four corporate heads of service or their representatives provide an insight into the progress being made within Finance, Human Resources & Organisational Development, ICT& Customer Services and Legal & Democratic Services. Other quarterly reporting on Matrix/MASS (managed agency staffing solution) and Workforce information is provided by the Head of HR & OD.

As the 'finance' scrutiny committee, Corporate Resources also leads on the scrutiny response to budget proposals and during January held a number of meetings to fulfil that function. A great emphasis is placed on the need for a transparent process and an audit trail of items which are put forward.

The Welsh Local Government Association was commissioned to carry out a peer review of Flintshire's finances. This was reported to the committee in May: the main purpose of the review had been to concentrate attention on the Medium Term Financial Strategy (MTFS) and the Council's financial future. The MTFS is to structure and manage our finances over the medium term (rolling four years) to enable the Council to achieve its vision and strategic objectives. The results of the review and the emerging proposals received robust consideration.

Representatives of the Wales Audit Office attended the committee to present the Auditor General's Annual Improvement report for 2011 which included the auditor's Annual Audit Letter. This was the subject of detailed consideration and constructive challenge, with both Members and officers offering their insight into particular aspects of the report. The report was also considered by the Audit Committee, the Executive and full Council.

The Chief Executive introduced a report to enable the committee to consider the 'Compact for change' between the Welsh Government (WG) and local government in Wales. On 5th December 2011, the Welsh Government and the WLGA had signed a Compact and asked that each local authority 'sign up' to demonstrate their commitment to delivering the Compact. The Compact reflected the current position in the ongoing discussion with the Welsh Government and the WLGA had emphasised that its delivery will help to strengthen the case for investment in Councils ahead of the next spending review.

Flintshire has already committed to working in collaboration on a number of projects and service areas, not only with local authorities but across all public sector organisations. Within the Compact the implications of not participating or of the Compact not delivering were clear: 'delivery of the Compact by local government will help to strengthen the case for investment in councils ahead of the next spending review' and 'non delivery would see recourse to a range of legislative and other options by Welsh Government to determine the future structure and directions of services'.

The principal benefit of the Compact to Flintshire - in common with all local authorities - is that the expectations and responsibilities of local government and the Welsh Government are set out. There is a clarity which should reduce wasted effort in establishing 'new' relationships each time a collaborative project is embarked upon, making it easier for all parties to the Compact to do business with each other.

Other topics to which the committee has contributed are identified in the appendix.

The committee took a particular interest in the proposals relating to the Design & Print service, holding a special meeting with both management and union representatives to examine the issues. A number of constructive observations were made and which were considered in advance of the final proposals which were considered in September.



The Corporate Resources Overview & Scrutiny Committee at its last meeting in 2011/12

SCRUTINY OF QUARTERLY PERFORMANCE PROCESS

A significant element of the work of the Overview & Scrutiny committees is in considering service performance. This is achieved through the detailed examination of the quarterly performance reports which are prepared for each service area. During the year, a review of the process and content of Quarterly Performance Reports was undertaken, with a group consisting of Overview & Scrutiny Chairs, officers from each Directorate and Corporate Services meeting to discuss possible solutions to the issues. Subsequently a small sub-group (including Member representation) prepared a set of guidance notes for the proposed revised format of quarterly reporting

Background

The following issues were raised by both members and officers in relation to the Quarterly Performance Reports:

- Lengthy documents which were time-consuming to produce and often duplicated what had been reported in previous quarters, especially where performance had been good.
- Lack of standardised content and a logical layout.
- Debate about whether full Strategic Assessment of Risks and Challenges (SARC) templates should be attached to the reports.
- Incorporation of reporting against the Improvement Plan with the quarterly performance reports.
- Quarterly performance reports had not always been a good reflection of actual performance against the service plan.

Summary of Key Revisions

The new approach which was adopted at the beginning of 2012 is based on **exception reporting** and splits the reports into 3 distinct sections: -

1. **Foreword** – to summarise key information that the Head of Service feels Members should be aware of, including both good and poor performance. Emerging issues should also be highlighted in this section e.g. a new SARC red risk being identified.
2. **Performance Summary** – This section now contains an ‘at a glance’ summary of performance for the quarter against the following:
 - **Improvement Plan** – giving a summary of the Red, Amber and Green (RAG) statuses for the progress and outcome.
 - **SARC** – a summary of the risk RAG status at the end of the quarter
 - **Performance Indicators** – as a minimum this section will include all (PIs) classified as Improvement Targets and those which are aligned to the Improvement Priorities for the purpose of measuring outcomes. The summary will show target and outturn performance with a RAG status and trend.

- **Improvement Target Action Plan** – this section summarises whether actions to support the achievement of Improvement Targets are ‘on track’ or ‘behind schedule’.
- **Key Actions from the Service Plan** – summarises whether key actions / areas for improvement are ‘on track’ or ‘behind schedule’. (This will include other key areas of work not already identified.)
- **Internal & External Regulatory Reports** – summarises regulatory work reported in the quarter and its outcomes and intended actions.

3. Exception Reporting – This section of the report is broken down in the same way as the service plan is sectioned e.g. by Service Teams. This section is used to report in detail the emerging issues and poor performance identified in Section 1 and also any poorer performance identified in Section 2. The detail includes the reason for the issue / poor performance arising and what is to be done to rectify the situation.

The Housing Overview & Scrutiny Committee received ‘pilot’ reports for quarters 1 and 2 which followed a similar format to the guidance described above. The reports were well received by the committee members.

Historically there has been mixed reporting of corporate resource information e.g. workforce and financial information. This information is already reported to the Corporate Resources Overview & Scrutiny Committee; and this was seen as duplication. Further work needs to be undertaken to agree with the Corporate Heads of Service the issues which should be included within the quarterly performance report from Quarter 1 2012/13.

Each of the committees considers performance relating to its own remit: observations on the format, or concerns are passed on to Corporate Resources, which has the performance overview. If necessary, those comments are then forwarded to the Executive.

The Way Forward

The new Local Government (Wales) Measure 2011, poses new challenges for Scrutiny. The Measure promotes new ways of working and strengthens the role of scrutiny within Welsh Local Government. With the introduction of the Measure, local authorities will have the ability to form joint overview and scrutiny committees between two or more local authorities. In addition the Measure will enable scrutiny committees to require information and responses from organisations outside the council that provide services to the public in their area, and to require representatives of such organisations to attend committee meetings. The Measure also poses other challenges including the need to take into account the views of the public.

How the Public can become involved in Overview & Scrutiny

By letting us know your views, you can help improve the services you receive. Of course Overview & Scrutiny cannot promise to form the same conclusions as you, but your comments will be acknowledged and considered.

Overview & Scrutiny committees welcome suggestions for topics to be considered for inclusion in the scrutiny work programme.

We also welcome views on the contents of the Annual Report, and any suggestions which can be made to make Overview & Scrutiny even better.

Contact details : scrutiny@flintshire.gov.uk
 (01352) 702320

**Appendix 1 –
List of Overview & Scrutiny committees 2011/2012**

CO-ORDINATING COMMITTEE

M Bateman	H Isherwood (C)
C S Carver	R B Jones
B Dunn	R P Macfarlane
E F Evans	H J McGill
R J T Guest (VC)	T Newhouse
R G Hampson	M J Peers
G Hardcastle	I B Roberts
R Hughes	

HOUSING

J B Attridge
G H Bateman
M Bateman
J C Cattermoul
P J Curtis
Q R H Dodd
R Dolphin
A M Halford
R G Hampson (C)
G Hardcastle (VC)
N M Jones
S Jones
E W Owen
H G Roberts
A P Shotton

CORPORATE RESOURCES

D Barratt
G H Bateman
M Bateman
C S Carver (VC)
B Dunn (C)
J E Falshaw
R J T Guest
R G Hampson
P G Heesom
R B Jones
R P Macfarlane
D L Mackie
B Mullin
P R Pemberton
A P Shotton

ENVIRONMENT

E G Cooke
Q R H Dodd
C J Dolphin
J F Falshaw
G Hardcastle
C Hinds
C M Jones
N M Jones **(VC)**
S Jones
C Legg
D I Mackie
A Minshull
M J Peers **(C)**
Carolyn Thomas
David Wisinger

LIFELONG LEARNING

R C Bithell
R Dolphin
E F Evans
F Gillmore
H T Howorth
H Isherwood
C Legg
R P Macfarlane **(C)**
D I Mackie
D L Mackie
H J McGuill
T Newhouse
I B Roberts
C A Thomas **(VC)**
W O Thomas

Co-opted Members:

Ms C Burgess)
Mr D Hytch
Mrs R Price
Mrs R Stark
Mrs T Millington

COMMUNITY PROFILE & PARTNERSHIPS

K Armstrong-Braun
R Baker **(VC)**
P J Curtis
A Davies-Cooke
G D Diskin
F Gillmore
R J T Guest
R Hughes
R P Macfarlane
D McFarlane **(C)**
D I Mackie
D L Mackie
E W Owen
A P Shotton
D Wisinger

SOCIAL & HEALTH CARE

D Barratt
M Bateman
J C Cattermoul
D Cox
P J Curtis
A Davies-Cooke **(VC)**
V Gay
C Hinds
T Howorth
H T Isherwood
R B Jones **(C)**
D I Mackie
D McFarlane
H J McGuill
E W Owen

Appendix 2 Topics covered and activity information	
Co-ordinating Committee	
Arrangements for the co-option of a Welsh Medium Education representative to the Lifelong Learning Overview & Scrutiny Committee	Overview & Scrutiny Annual Report Local Government (Wales) Measure 2011 - Consultation on Draft Statutory Guidance
Joint Meeting of Lifelong Learning & Social & Health	
Children and Young People's Plan 2011-2014 "Making a Positive Difference" Attainment of Looked after Children	Flintshire and Wrexham Local Safeguarding Children Board Annual Update on Corporate Parenting Activity
Joint Meeting of Housing & Social & Health Care Committees	
Wales Audit of Mental Health Services and the Mental Health Measure Establishment of a Shadow Regional Collaborative Committee for Support People Services	
Community Profile & Partnerships	
Local Service Board & Strategic Partnership Update Climate Change adaptation and Resilience Planning Site Visit to Dangerpoint, Telacre Flintshire Community Safety Partnership Welsh Government Climate Change Champion Flintshire County Forum Presentation by Steve Thomas, Chief Executive of WLGA	Flintshire Local Voluntary Council Professional Officer Associations Deeside College Presentation by Royal British Legion Clwyd Theatre Cymru 'Shared Purpose – Shared Delivery' – Welsh Government Consultation on Integrated Plans and Partnerships Digital Mapping Presentation on Civil Contingencies and Emergency Planning

Corporate Resources	
<p>Corporate Health and Safety</p> <p>Medium Term Financial Strategy and Welsh Local Government Association (WLGA) Finance Peer Review</p> <p>MATRIX Contract updates/ (Managed Agency Staff Solution)</p> <p>Workforce Information Reporting Performance Review 2010/11</p> <p>Council Fund and Housing Revenue Account Budget Monitoring 2011/12</p> <p>Capital Programme 2011/12 – 2014/15</p> <p>Capital Programme 2010/11 (Outturn)</p>	<p>Design and Print Review (part 2)</p> <p>Quarterly performance reports 2011/12</p> <p>Agricultural Estates</p> <p>Asset management</p> <p>People Strategy Updates</p> <p>The Management of the Capital Programme</p> <p>Phase 2 Trent Implementation</p> <p>Improvement Priorities mid year Review</p> <p>A compact for change between the Welsh Government and the Welsh Local Government</p> <p>Early Retirement Summary</p> <p>Budget Process for 2012/13</p> <p>Annual Improvement Report 2011 by the Auditor General for Wales</p> <p>Voice Recognition Technology (VRA) update</p>
Environment	
<p>Review of the Winter Maintenance Service</p> <p>Dog Fouling Enforcement – Position Statement</p> <p>Rural Development Plan for Wales (RDP) 2007 – 2013</p> <p>A Development Partner for Flintshire</p> <p>Quarter 4 / Year End Performance Review 2010/11 and performance reporting</p> <p>Local Land Charges - Highway</p>	<p>Food Waste Treatment Facility</p> <p>Collaborative working between Flintshire County Council and Wrexham County Borough Council in public protection</p> <p>Advertisements on the highway</p> <p>Review of the Public Convenience Service</p> <p>Local Land Charges – Highway Road Schemes</p> <p>Flintshire County Council Fleet Strategy</p>

<p>Road Schemes</p> <p>Report on the outcome of the Streetscene Task & Finish Group</p> <p>North Wales Residual Waste Treatment Project</p> <p>Review of Streetlighting Service</p> <p>Demand responsive Transport Re-tendering</p> <p>Review of the Council Household Recycling Centres</p> <p>Communities First Bid</p>	<p>Budget Process 2012/13</p> <p>Grass cutting Policy and Streetscene Standards</p> <p>Groundwork Wrexham and Flintshire</p> <p>Supermarket Pricing Offers</p> <p>Review of the new Waste Collection Service</p> <p>The Council's Highways Asset Management Plan</p>
Housing	
<p>Quarterly Performance Reporting</p> <p>Anti Social Behaviour Policy</p> <p>Private Sector Housing Renewal – an Evidence Based Approach</p> <p>Sheltered Housing Improvement Project</p> <p>Update on Repairs and Maintenance Service</p> <p>Flintshire Local Housing Strategy 2011</p> <p>Common Access Routes to Housing</p> <p>Estate Management & Communal Areas</p>	<p>Housing Service Plan 2011/2012</p> <p>Housing Repairs and Building Maintenance Trading Account</p> <p>Supporting People National Review Update</p> <p>Welfare Reforms - Managing the Impact</p> <p>Delivering the Connah's Quay, Shotton, Queensferry Renewal Area</p> <p>Developing an Assess Management Strategy</p> <p>Building Maintenance Trading Account</p> <p>Asset Management Strategy</p> <p>Actions to Improve Empty Property Performance and consideration of a minor amendment to the Allocations Policy</p>

<p>Providing Disabled adaptations in Council properties</p> <p>Rent Arrears Update</p> <p>Delivery of Housing Renewal Services – 6 monthly update</p>	<p>Flint Maisonettes</p> <p>Supporting for First Time Buyers to Access Home Ownership</p> <p>Development of Community Based Warden Support Service</p>
Lifelong Learning	
<p>Play Areas</p> <p>14 – 19 educational provision</p> <p>Performance Reporting</p> <p>School Balances 2010/11</p> <p>Exclusions from Primary Schools</p> <p>Exclusions from Secondary Schools</p> <p>Schools Modernisation Secondary Review</p> <p>Creating an active Flintshire</p> <p>Welsh Public Libraries Standards Annual Report 201/11</p> <p>Panel for the appointment of LEA Governors</p> <p>Primary School Phase Strategic Plan for 2010/11</p> <p>Secondary School Phase Strategic Plan</p>	<p>Playgroup Progress Report</p> <p>Incidents of arson, vandalism and burglaries in Flintshire Schools</p> <p>Welsh in Education Strategic Plan 2012 - 2015</p> <p>Regional School Effectiveness and Improvement Service Project – Governance Option Appraisal</p> <p>Estyn Inspections</p> <p>Leisure Centres Development Report</p> <p>Schools Admission Arrangements 2013/14</p> <p>Regional School Effectiveness and Improvement Service Project</p> <p>Regional School Effectiveness and Improvement Service –Full Business Case</p>

Social & Health Care	
Annual Council Reporting Framework	Families First Programme
Performance Reporting	Social Services Annual Performance Report
Quarterly Reporting	Flintshire Surefleet Project
Parenting Strategy Group	Social Services Regional Commissioning Hub
Rota Visits	Fostering Care Inspection Report 2011
Supporting People National Review update	Foster Care Recruitment Update 2009 - 2011
Budget process	Flintshire Community Parents Project
Annual Report of the Social Services representations and Complaints procedure	Supporting People Programme Guidance
Social Services Training update	Regional Collaboration Projects in Social Care and Housing
Overview of Flintshire Youth Justice Service	Flintshire & Wrexham Local Children's Safeguarding Board
Betsi Cadwaladr University Health Board	Feedback from Member Task & Finish Group on the Social Services Annual Performance Report (ACRF)
Safeguarding & Child Protection Report to include Munro report implications	Final Draft of the Social Services Annual Performance Report (ACRF)
Leaving Care Trainee Project	Regional Commissioning Procurement & Monitoring Hub for Flintshire
Adult Protection Report 2010/11	

Key:	
H	= Housing Overview & Scrutiny Committee
E	= Environment Overview & Scrutiny Committee
LL	= Lifelong Learning Overview & Scrutiny Committee
CP & P	= Community Profile & Partnerships Overview & Scrutiny Committee
CR	= Corporate Resources Overview & Scrutiny Committee
S&HC	= Social and Health Care Overview & Scrutiny Committee

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: CONSTITUTION COMMITTEE

DATE: TUESDAY, 24 JULY 2012

REPORT BY: MEMBER ENGAGEMENT MANAGER

SUBJECT: TERMS OF REFERENCE OF THE LIFELONG
LEARNING AND COMMUNITY PROFILE &
PARTNERSHIPS OVERVIEW & SCRUTINY
COMMITTEES

1.00 PURPOSE OF REPORT

To advise the committee of a request from the Lifelong Learning Overview & Scrutiny Committee that an issue regarding its terms of reference and those of the Community Profile & Partnerships Overview & Scrutiny Committee be reviewed.

2.00 BACKGROUND

- 2.01** Following an extensive review, in September 2010 the Council approved an amended overview & scrutiny committee structure which included the creation of the Community Profile & Partnerships Overview & Scrutiny Committee. During discussions on that committee's terms of reference, at the Co-ordinating Committee, Clwyd Theatr Cymru was remitted to Community Profile & Partnerships.
- 2.02** At the initial meeting of the Community Profile & Partnerships Overview & Scrutiny Committee following the elections, which was held on the 28th of May, the committee considered the minutes of the march meeting. That meeting was to have received a presentation on the theatre, but for a number of reasons it was necessary to defer the item. In developing its work programme, the new committee identified a topic on the Theatr for early consideration. That item, which relates to work with young people and is likely to be presented by the theatre's associate director for education, is now likely to be considered at the meeting to be held on the 6th of September.
- 2.03** Each of the Overview & Scrutiny committees have considered a 'terms of reference' report at their initial meeting. During that item at the meeting of the Lifelong Learning Overview & Scrutiny Committee which was held on the 14th of June, Members of the committee opined that the Theatr was a better "fit" with their own Terms of Reference,

particularly the Culture and Leisure aspects. It was therefore resolved that a report be made to the Constitution Committee for the Terms of Reference of both Committees to be revisited.

3.00 CONSIDERATIONS

3.01 The Committee is requested to consider whether Clwyd Theatr Cymru should fall within the remit of the Community Profile & Partnerships Overview & Scrutiny Committee or that of Lifelong Learning.

3.02 Given that both of the committees have taken an active interest in the Theatr at an early stage in the new Council's existence, a compromise could be achieved whereby if one committee retained ownership of the item, the Members of the other committee could be invited to attend meetings when it was considered. This has been our previous practice when an item has been of interest to more than one committee.

4.00 RECOMMENDATIONS

That the Committee has regard to the above and considers within which Overview & Scrutiny Committee's terms of reference Clwyd Theatr Cymru should lie.

5.00 FINANCIAL IMPLICATIONS

None arising directly from this report

6.00 ANTI POVERTY IMPACT

None arising directly from this report

7.00 ENVIRONMENTAL IMPACT

None arising directly from this report

8.00 EQUALITIES IMPACT

None arising directly from this report

9.00 PERSONNEL IMPLICATIONS

None arising directly from this report

10.00 CONSULTATION REQUIRED

None arising directly from this report

11.00 CONSULTATION UNDERTAKEN

None arising directly from this report

12.00 APPENDICES

(Appendix 1) Terms of Reference of the Community Profile and Partnerships and Lifelong Learning Overview & Scrutiny Committee

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985 BACKGROUND DOCUMENTS

Minutes of the meeting of the Lifelong Learning Overview & Scrutiny Committee held on 14th June 2012.

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Appendix A.

Extract from the Constitution: Terms of Reference of Overview & Scrutiny Committees

Community Profile & Partnerships

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)

Lifelong Learning

All services provided by the Lifelong Learning Directorate:

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.

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: CONSTITUTION COMMITTEE

DATE: TUESDAY, 24 JULY 2012

REPORT BY: MEMBER ENGAGEMENT MANAGER

SUBJECT: REPORTS FROM OVERVIEW & SCRUTINY
COMMITTEE CHAIRMEN

1.00 PURPOSE OF REPORT

- 1.01** To invite the Constitution Committee to consider whether it wishes to continue the practice adopted by the former Overview & Scrutiny Co-ordinating Committee to receive reports from Committee Chairmen on the work of their Committees

2.00 BACKGROUND

- 2.01** Since its inception in 2002, it had been the practice of the former Co-ordinating Committee to receive progress reports from Committee Chairmen, as had its predecessor, the former Co-ordinating Body. Subsequently, the forward work programmes of the functional Committees had been attached to the Chairman's reports to ensure as wide a distribution as possible.
- 2.02** Following the 2004 and 2008 Elections, the Co-ordinating Committee agreed to continue with this practice, with the caveat that since 2008 the reports are not actively presented at the meeting. However if Members have had any questions the appropriate Committee Chairman or Vice Chairman or one of the supporting officers present have been able to deal with those questions.
- 2.03** The last meeting of the former Co-ordinating Committee was on the 8th of March. As there was little committee activity between that meeting and the elections, on this occasion Committee Chairmen's reports have not been prepared.

3.00 CONSIDERATIONS

The Committee is requested to consider whether it wishes to continue the practice of receiving Committee Chairmen reports and the Overview & Scrutiny Committee Work Programmes.

4.00 RECOMMENDATIONS

That the Committee has regard to the considerations above and determines whether to continue or discontinue the practice of receiving Committee Chairmen's report and Committee Work Programmes

5.00 FINANCIAL IMPLICATIONS

None arising directly from this report.

6.00 ANTI POVERTY IMPACT

None arising directly from this report.

7.00 ENVIRONMENTAL IMPACT

None arising directly from this report.

8.00 EQUALITIES IMPACT

None arising directly from this report.

9.00 PERSONNEL IMPLICATIONS

None arising directly from this report.

10.00 CONSULTATION REQUIRED

None required.

11.00 CONSULTATION UNDERTAKEN

Publication of this report constitutes consultation

12.00 APPENDICES

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

As referred to in the report

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