

PART 4 - RULES OF PROCEDURE

Council Procedure Rules

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1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in May.

The annual meeting will:

- (i) elect a person to preside if the Chair and Vice-Chair of Council are not present;

Comment: Annual Meetings are held during May

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Comment: It is only when both the Chair and Vice-Chair are not present that there is the need to elect a person to preside.

- (ii) elect the Chair of Council;
- (iii) elect the Vice Chair of Council;
- (iv) receive any announcements from the Chair and/or Head of the Paid service;
- (v) elect the Leader;
- (vi) receive and note the Leader's choice of Councillors to serve upon the Cabinet;
- (vii) appoint at least one Overview and Scrutiny Committee, a Standards Committee, a Democratic Services Committee, an Audit Committee, a Planning & Development Control Committee, a Licensing Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive Functions (as set out in Part 3, Table 1 of this Constitution);
- (viii) decide the size and terms of reference for those Committees;
- (ix) decide the allocation of seats to political groups in accordance with the political balance rules; and appoint to Committees those Members, if any, who are not Members of any political group. It will be noted that Group Leaders appoint Members from within their Groups to fill the seats available to their respective Groups on Committees.
- (x) appoint the chairs of the standing Committees appointed under (vii) above with the exception of the Standards Committee, the Overview & Scrutiny Committee(s) and the Audit Committee;
- (xi) determine which political group shall nominate the Chair of each Overview & Scrutiny Committee appointed under (vii) above, having regard the guidance issued under the Local Government (Wales) Measure 2011.
- (xii) agree such part of the scheme of delegation as the Constitution determines it is for the Council to agree (as set out in Part 3 Table 3 of this Constitution);
- (xiii) approve a programme of ordinary meetings of the Council for the year; and
- (xiv) appoint to those outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.

Comment: Previously omitted by oversight.

Comment: Guidance has now been issued

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2. ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:

- (i) elect a person to preside if the Chair and Vice Chair are not present;
- (ii) approve the minutes of the last meeting;
- (iii) ~~consider any urgent items of business as determined by the Chair to the meeting;~~
- ~~(iv) public questions in accordance with Rule 10 of these Rules~~
- (v) ~~consider questions and motions under Procedure Rules 9 and 11;~~ and
- (vi) receive reports from the Cabinet and the Council's Committees and receive questions and answers on any of those reports;
- ~~(vii) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;~~
- ~~(viii) consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the Overview and Scrutiny Committees for debate.~~

3. SPECIAL MEETINGS

3.1 Calling special meetings.

Those listed below may request the Democracy & Governance Manager to call Council meetings in addition to ordinary meetings:

- i) the Council by resolution;
- ii) the Chair of the Council;
- iii) the Leader of the Council;
- ~~iv) the Chair of the Constitution Committee~~
- v) the Monitoring Officer;
- vi) the Chief Finance Officer, and
- vii) the Chair of an Overview and Scrutiny Committee acting in accordance with a call-in referral to the County Council by that Overview and Scrutiny Committee in accordance with paragraph 16 of the Overview and Scrutiny Procedure Rules.

3.2. Any five Members of the Council shall be entitled to requisition a

Comment: This is covered by (viii) and does not need specific reference

Comment: It is unclear what this is intended to cover but in any event the minutes of the previous meeting are dealt with under (ii) and any other agenda items under (viii)

Deleted: receive any declarations of interest from members;

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¶ (iv) deal with any business from the last Council meeting;

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¶ (v)

Comment: Legally this is a decision for the Chair alone

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Comment: Previously omitted by mistake

Comment: Councillors questions previously omitted by mistake

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Comment: Update

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Special Meeting of the Council on presentation of a Requisition Notice signed by them all setting out the Motion they wish to move and delivering the Requisition Notice to the office of the Democracy & Governance Manager;

- 3.3 On receipt of the Requisition referred to in 3.2 above the Democracy and Governance Manager shall convene a Special Meeting and that meeting shall be held no earlier than 10 working days of receipt of the Requisition Notice (except with the consent of the Chairman or Vice Chairman in cases of urgency) and no later than 20 working days of receipt of the Requisition Notice (except with the agreement of the five Members making the Requisition).
- 3.4 If following receipt of the Requisition Notice, but before the agenda has been dispatched, signatories to that Notice indicate in writing that they no longer require such meeting to be held then the requisite Notice shall be deemed to be cancelled.
- 3.5 Where appropriate questions given on Notice in Writing in compliance with Rule 9.4(b) and Motions on Notice in accordance with Rule 11 shall be considered at special meetings of the Council where they are received within the relevant timescales unless the Member submitting the question or motion requests otherwise

4. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Democracy & Governance Manager and notified in the summons.

5. NOTICE OF AND SUMMONS TO MEETINGS

The Democracy & Governance Manager will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least three clear days before a meeting, the Democracy & Governance Manager will send a summons signed by him or her to every Member of the Council. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

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Comment: Some Members have agreed to receive agendas electronically or by collecting them from Members' Services.

6. CHAIR OF MEETING

- 6.1 Each Committee shall appoint one of its members as Vice Chair at the first meeting following the annual general meeting.
- 6.2 The person presiding at the meeting may exercise any power or duty of the Chair. Accordingly, if it appears appropriate, the Chair may, at his/her sole discretion waive compliance with the rules of debate set out in Rule 13.4 and 13.5 to facilitate the transaction of business at the meeting.

Comment: Already covered by Procedure Rule 23

Deleted: Where these rules apply to Committee and Sub-Committee meetings, references to the Chair also include the Chair of Committees and Sub-Committees.

- 6.3 The decision of the Chair of the meeting on all points of procedure and order and the Chair's interpretation of any Procedure Rule shall be final and no debate may ensue thereon.
- 6.4 In the case of Committees:-
- (a) The Committee's Chair when present shall chair the meeting except where the Committee Chair decides otherwise.
 - (b) Where the Committee Chair does not Chair the meeting or a part of it the Vice-Chair of the Committee when present shall take the Chair except where the Vice-Chair decides otherwise.
 - (c) In the absence of a Chair and Vice Chair for the meeting or a part of it a Chair for the meeting shall be appointed by the Committee from those Members present for the meeting.

7. **QUORUM**

The quorum of a meeting will be one quarter of the whole number of members. During any meeting if the Chair counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

8. **DURATION OF MEETING**

Unless the Chairman in his/her discretion decides otherwise, any meeting shall conclude at 5.00pm. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. **QUESTIONS BY MEMBERS**

9.1 **On reports of the Cabinet or Committees**

A Member of the Council may ask the Leader or the Chair of a Committee any question without notice upon an item ~~in~~ the report of the Cabinet or a Committee when that item is being received or under consideration by the Council.

Comment: Clarification

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9.2 **Questions on notice at full Council**

Subject to Rule 9.4, a Member of the Council may ask:

- the Chair of the Council;
- a Member of the Cabinet; or
- the Chair of any Committee or Sub-Committee.

a question on the minutes of any committee or fora (with the exception of minutes relating to planning or licensing applications) published since the last Ordinary Meeting of the County Council or on any matter in relation to which the Council has powers or duties or which affects the County of Flintshire.

Comment: Clarification as 9.4(b) makes clear questions do not have to be on minutes.

9.3 Questions on notice at Committees and Sub-Committees

Subject to Rule 9.4, a Member of a Committee or Sub-Committee may ask the Chair of it a question on any matter in relation to which the Council has powers or duties or which affect and which falls within the terms of reference of that Committee or Sub-Committee.

9.4 Notice of questions

- (a) In the case of questions on the minutes of committees or fora where they have given at least three clear working days notice in writing of the question to the Democracy & Governance Manager; or
- (b) subject to (c) below in relation to any other question where they have given at least ten clear working days notice in writing of the question to the Democracy & Governance Manager; or
- (c) the question relates to urgent matters, they have the consent of the Chair or Member of the Cabinet to whom the question is to be put and the content of the question is given to the Democracy & Governance Manager by 9.00 a.m. on the day of the meeting.

9.5 Response

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner and all other Members.

Comment: All Members should be entitled to a copy

9.6 Supplementary question

A Member asking a question under Rule 9.2 or 9.3 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

9.7 Questions at the Overview and Scrutiny Committees

- (a) Where a person attends before an Overview and Scrutiny Committee for the purpose of answering questions the Chair may allow the person to make an opening statement relating to the subject matter under consideration.
- (b) Members of the Committee will each be permitted to ask questions of any person attending the Committee for the purpose of answering questions.
- (c) The order number and duration of questioning by Members of the Committee shall be determined by the Chair of the meeting.
- (d) A person attending the Committee for the purpose of answering questions will be expected to normally give an oral answer or to nominate someone else present to answer on that person's behalf.

Note

- (i) Where an answer would involve the disclosure of exempt information there will be a need to first consider excluding the press and public.
- (ii) A person will be able to decline to answer where this would be permissible in Court.

10.00 PUBLIC QUESTION TIME

- 10.01 There will, as the next agenda item after apologies at ordinary meetings, be an opportunity for people who work, study or live in Flintshire to ask questions to the Leader of the Council and Cabinet Members.
- 10.02 The overall period for asking and answering questions will be 30 minutes.
- 10.03 Questions shall be restricted to matters relating to Flintshire County Council and/or the services provided by the Council and no other agencies.
- 10.04 A person may only submit one question for consideration at any public question time.
- 10.05 Questions will not be accepted which:-
 - (a) Involve judicial or quasi-judicial matters or matters being investigated by the Ombudsman, under any Council procedure or other agency;
 - (b) Relate to individual planning applications; licence applications; grant applications, or appeals;
 - (c) Relate to a named officer or member of the Council;
 - (d) Requires the disclosure of confidential or exempt information as described in the Access to Information Procedure Rules;
 - (e) Are party political matters.
 - (f) Are defamatory, or
 - (g) Are substantially the same as a question already put at the same question time or within the last six months.

- 10.06 Questions must be submitted in writing and received by the Democracy & Governance Manager no later than 12 noon on the seventh day before public question time.
- 10.07 Questions which conform to the requirements of these Rules will be scheduled by the Democracy & Governance Manager in the order in which they were received, and they will be dealt with in that order. Five days prior to public question time the Democracy & Governance Manager will inform the person/persons concerned of the date of the meeting at which their question will be presented. Details of all questions submitted will be circulated to all members of the Council in advance.
- 10.08 Where a submitted question cannot be answered because time does not allow, a written answer will be provided within 7 days of the public question time, a copy of which will be sent to all members of the Council.
- 10.09 One supplementary question will be allowed by the questioner but must specifically relate to the subject matter of the original question and not introduce other issues. The Leader or Cabinet Member may elect to respond to any supplementary question in writing.
- 10.10 This protocol will not operate to allow Members and employees of Flintshire County Council to raise any questions as they have their own procedure already.

11. MOTIONS ON NOTICE

11.1 Notice

Except for motions which can be moved without notice under Rules 12, 13.10 and 13.11, written notice of every motion, signed by the Member giving notice, must be delivered to the office of the Democracy and Governance Manager not later than 10 working days before the date of the meeting. These will be entered in a book open to public inspection.

Comment: For clarity

Deleted: proper Officer

11.2 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

11.3 Scope

The County Council cannot alter, but it can express a view, on decisions made by the Cabinet and cannot require the Cabinet to follow its view on any Executive function.

Comment: clarification

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A motion which could be perceived as being defamatory in nature shall not be accepted for inclusion on the Council agenda.

11.4 Criteria for Allowable Motions

1. The subject matter of a motion should have a direct connection with the business of the Council or the interests of the residents or the County of Flintshire;
2. The text of a motion should be precise and understandable;
3. Where the motion makes references to facts, published reports or published statements it should be factually accurate and must give the source of the information upon which it relies (i.e. person/organisation and place/date/publication); the motion should not be defamatory in content; and
4. The motion should make a proposition which is capable of being debated and voted upon with or without amendment.

11.5 Process for Considering Motions

1. Motions are to be submitted to the Monitoring Officer by the deadline of 10 working days before the meeting of the Council in question;
2. The Monitoring Officer and Chief Executive will determine whether the motion is allowable, is able to be allowed with amendment by the proposer or should be refused and will advise the proposer of the motion accordingly;
3. In the case of an irresolvable disagreement between the proposer of the motion and the Monitoring Officer and the Chief Executive the Chairman of the Council shall arbitrate;
4. any amendment necessary to the motion submitted or any decision by the Chairman in the case of any disagreement must be agreed or made at least 7 working days prior to the meeting of the Council in question; and
5. Where third parties are named or implicated in an allowable motion they shall be contacted and given the opportunity to provide a statement which will be presented to the council meeting following the proposing and seconding of the motion and before the debate on the motion.

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Comment: For clarification

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12. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) To appoint a Chair of the meeting at which the motion is moved;
- (b) In relation to the accuracy of the minutes;
- (c) To change the order of business in the agenda;
- (d) To refer something to an appropriate body or individual;
- (e) To appoint a Committee or Member arising from an item on the summons for the meeting;
- (f) To receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;

- (g) To withdraw a motion;
- (h) To amend a motion;
- (i) To proceed to the next business;
- (j) That the question be now put;
- (k) To adjourn a debate;
- (l) To adjourn a meeting;
- (m) That the meeting continue beyond 6 hours in duration;
- (n) To suspend a particular Council procedure rule;
- (o) To exclude the public and press in accordance with the Access to Information Rules;
- (p) To not hear further a Member named under Rule 19.3 or to exclude them from the meeting under Rule 19.4; and
- (q) To give the consent of the Council where its consent is required by this Constitution.

13. RULES OF DEBATE

13.1 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

13.2 Right to require motion in writing

Unless notice of the motion has already been given, the Chair may require it to be written down and handed to him/her before it is discussed.

13.3 Seconders' speech

When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

13.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes without the consent of the Chair.

13.5 When a Member may speak again

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) To speak once on an amendment moved by another Member;
- (b) To move a further amendment if the motion has been amended since he/she last spoke;

~~(c)~~ In exercise of a right of reply;

~~(d)~~ On a point of order; and

~~(e)~~ By way of personal explanation.

Comment: Duplication

Deleted: (c) If his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);¶

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13.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) To refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) To leave out words;
 - (iii) To leave out words and insert or add others; or
 - (iv) To insert or add words.

As long as the effect of (ii) to (iv) is not to negate the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

13.7 Alteration of motion

- (a) A Member may alter a motion of which he/she has given notice with the

consent of the meeting. The meeting's consent will be signified without discussion.

- (b) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

13.8 Withdrawal of motion

A Member may withdraw a motion which he/she has moved with the consent of the seconder. No Member may speak on the motion after ~~it has been withdrawn~~.

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Deleted: The meeting's consent will be signified without discussion.

Comment: Clarification

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Deleted: unless permission is refused.

13.9 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

13.10 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) To withdraw a motion;
- (b) To amend a motion;
- (c) To proceed to the next business;
- (d) That the question be now put;
- (e) To adjourn a debate;
- (f) To adjourn a meeting;
- (g) That the meeting continue beyond 6 hours in duration;
- (h) To exclude the public and press in accordance with the Access to Information Rules; and
- (i) To not hear further a Member named under Rule 19.3 or to exclude

them from the meeting under Rule 19.4.

13.11 Closure motions

- (a) A Member may move, without comment, the following motions at the end of a speech of another Member:
 - (i) To proceed to the next business;
 - (ii) That the question be now put;
 - (iii) To adjourn a debate; or
 - (iv) To adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

13.12 Point of order

A Member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chairperson on the matter will be final.

13.13 Personal explanation

With the consent of the Chair a Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

14. PREVIOUS DECISIONS AND MOTIONS

14.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless moved on the recommendation of a Committee or the Cabinet or the notice of motion is signed by at least 10 members.

14.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless moved on the recommendation of a Committee or the Cabinet or the notice of motion or amendment is signed by at least 10 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

15. VOTING

15.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

15.2 Chair's casting vote

If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chairperson chooses to exercise a casting vote.

15.3 Show of hands

Unless a ballot or recorded vote is demanded under Rules 15.4 and 15.5, the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

15.4 Ballots

At a meeting of the County Council the vote will take place by ballot if 20 members present at the meeting demand it. At meetings of Committees or Sub-Committees the vote will be taken by ballot if at least one quarter of the membership of the Committee or Sub-Committee demand it. The Chair will announce the numerical result of the ballot immediately the result is known.

15.5 Recorded vote

If 10 members present at the meeting of the County Council demand it, or in the case of Committees or Sub-Committees at least one quarter of the membership of the Committee or Sub-Committee demand it, the names for

and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

15.6 Right to require individual vote to be recorded

Where any Member requests it immediately after the vote is taken, there must be recorded in the minutes of the proceedings of that meeting, whether that person cast a vote for the question or against the question or whether that person abstained from voting.

15.7 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

16. MINUTES

16.1 Signing the minutes

The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chairperson will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

16.2 No requirement to sign minutes of previous meeting at special meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (a special meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

16.3 Form of minutes

Minutes will contain all motions and amendments in the exact form and order the Chair put them.

17. RECORD OF ATTENDANCE

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

18. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 20 (Disturbance by Public).

19. MEMBERS' CONDUCT

19.1 Standing to speak

When a Member speaks at full Council they must stand and address the meeting through the Chair. If more than one Member stands, the Chairperson will ask one to speak and the others must sit. Other members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

19.2 Chair standing

When the Chair stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

19.3 Member not to be heard further

If a Member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, any Member may move that the Member concerned be not heard further. If seconded, the motion will be voted on without discussion.

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Comment: Best if it is a Member other than the Chair in case the vote is lost

19.4 Member to leave the meeting

If the Member continues to behave improperly after such a motion is carried, any Member may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

Comment: Best if it is a Member other than the Chair in case the vote is lost

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19.5 General disturbance

If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as he/she thinks necessary.

20. DISTURBANCE BY PUBLIC

20.1 Removal of Member of the public

If a Member of the public interrupts proceedings, the Chair will warn the

person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

20.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

21. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE

21.1 Suspension

All of these Council Rules of Procedure except Rules 7, 15.6, 20 and 21.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

21.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

22. ATTENDANCE AT COMMITTEES AND SUB COMMITTEES

22.1 Provision of Agendas and Reports

All Members will be sent the agenda and reports for each meeting of each Committee, Sub-Committee and Forum with the exception of reports containing confidential information within Section 100A(3) of the Local Government Act 1972 and/or exempt information within paragraphs 12 to 18 of Part 4 of Schedule 12A of the Local Government Act 1972, irrespective of whether they are a Member of the Cabinet, the Committee, Sub-Committee or Forum in question.

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Comment: Updated to reflect current legislation

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22.2 Attendance at Meetings to Speak on Matters Significantly Affecting a Member's Ward

Provided that the Chief Executive or the Democracy & Governance Manager is notified on the working day preceding the meeting of a Committee or Sub-Committee of a Member's intention to attend, a Member who is not a Member of a Committee or Sub-Committee shall be authorised to attend and speak on such agenda item or minutes specifically relating to projects, development or other matters which significantly affect that Member's Ward as are specified in that Member's written notice. Any member attending pursuant to this Standing Order shall have no voting rights. This Procedure Rule does not apply to meetings of the Licensing Committee or its Sub-Committees, the Appeals Committee, Standards Committee or the Appointments Committee.

22.3 Attendance at Meetings to Observe and Speak at the Discretion of the Chair

A Member who does not have a seat on a Committee, Sub-Committee or Forum may where Council Procedure Rule 22.2 does not apply attend and observe at such Committee, Sub-Committee or Forum and may speak at the discretion of the Chair, except at meetings of the Licensing Committee, its Sub-Committees, the Appeals Committee, Standards Committee or the Appointments Committee or where the public and press have been excluded for the consideration of confidential information within Section 100A(3) of the Local Government Act 1972, or of exempt information. Where the public and press have been so excluded, a Member may observe proceedings, but may not speak, if he is able to demonstrate a legitimate interest in the matters under discussion, connected to the performance of his public duty, and his presence would not prevent the Committee, Sub-Committee or Forum from exercising its proper functions.

Comment: Updated to reflect current legislation

Deleted: falling within categories 7, 8, 10 and 13 of the exempt information set out in paragraph 10.5 of the Council's Access to Information Procedure Rules

23. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the Cabinet. Only Rules 5, 6, 7, 8, 9.3, 9.4, 9.5, 9.6, 12, 13, 15, 16.1, 16.2, 16.3, 17, 18, 19, 20, 22, 23, 25 apply to meetings of Committees and Sub-Committees.

24. OVERVIEW AND SCRUTINY COMMITTEES

This rule shall apply only to meetings of Overview and Scrutiny Committees.

- (a) Overview and Scrutiny Committees and Sub-Committees shall consider the following business:
 - i) minutes of the last meeting;
 - ii) declarations of interest (including whipping declarations);
 - iii) the business otherwise set out on the agenda for the meeting.
- (b) Where the Overview and Scrutiny Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:
 - i) that the investigation be conducted fairly and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - ii) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
 - iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Where a person attends before an Overview and Scrutiny

Committee for the purpose of answering questions the Chair may allow the person to make an opening statement relating to the subject matter under consideration.

- (d) The order number and duration of questioning by Members of the Committee shall be determined by the Chair of the meeting.
- (e) A person attending the Committee for the purpose of answering questions will be expected to normally given an oral answer or to nominate someone else present to answer on that person's behalf.
- (f) Following any investigation or review, the Committee/Sub-Committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

Note

- (i) Where an answer would involve the disclosure of exempt information there will be a need to first consider excluding the press and public.
- (ii) A person will be able to decline to answer where this would be permissible in Court.

25. SUBSTITUTIONS

Where a political group alters any of its representatives serving on a committee, sub-committee or forum, either for individual meetings or for all future meetings, formal written notice of such alterations must be received by the committee minute taker prior to the commencement of the committee, sub-committee or forum meeting. The written notice may be sent by fax but not e-mailed and must be signed by Group Leaders or the Member authorised to act in the place of the Leader. In the case of substitutions for individual meetings of the Planning and Development Committee, substitutions are only permitted in the case of illness, inconvenience or incapacity with the agreement of the Chairman of the meeting. The substitutes will be from a pool of substitutes consisting of three named substitutes for each of the main political groups on the Council. The named substitutes shall be appointed for the current municipal year and must have received relevant training in planning matters before they can act as substitutes.

Deleted: or Deputy Leaders or Group Secretaries or Whips

Comment: Correct legal terminology

Working parties or task groups shall be entitled to set out their own rules in relation to substitutions.

Cabinet Procedure Rules

HOW DOES THE CABINET OPERATE?

1.1 Who may make Cabinet decisions?

The arrangements for the discharge of Executive Functions may be set out in the Executive arrangements adopted by the Council. If they are not set out there, then the Leader may decide how they are to be exercised. In either case, the arrangements or the Leader may provide for Executive Functions to be discharged by:

- i) the Cabinet as a whole;
- ii) a Committee of the Cabinet;
- iii) an individual Member of the Cabinet;
- iv) an officer;
- v) joint arrangements.

1.2 Delegation by the Leader

At the annual meeting of the Council, the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. The document presented by the Leader will contain the following information about Executive Functions in relation to the coming year:

- i) the names, addresses and electoral divisions of the people appointed to the Cabinet by the Leader;
- ii) the extent of any Authority delegated to Cabinet members individually, including details of the limitation on their Authority;
- iii) the terms of reference and constitution of such Cabinet Committees as the Leader appoints and the names of Cabinet members appointed to them;
- iv) the nature and extent of any delegation of Executive Functions to any joint arrangements and the names of those Cabinet members appointed to any joint Committee for the coming year; and
- v) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

1.3 Sub-delegation of Executive Functions

(a) Where the Cabinet, a Committee of the Cabinet or an individual Member of the Cabinet is responsible for an Executive Function, they may delegate further to joint arrangements or an officer.

(b) Unless the Council directs otherwise, if the Leader delegates functions to the Cabinet, then the Cabinet may delegate further to a Committee of the Cabinet or to an officer.

(c) Unless the Leader directs otherwise, a Committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an officer.

(d) Even where Executive Functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.4 The Council's scheme of delegation and Executive Functions

(a) Subject to (b) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 8 and set out in Part 3 of this Constitution.

(b) The Leader is able to decide whether to delegate Executive Functions, and he/she may amend the scheme of delegation relating to Executive Functions at any time during the year. To do so, the Leader must give written notice to the Democracy and Governance Manager and to the person, body or Committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, Committee or the Cabinet as a whole. The Democracy and Governance Manager will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

(c) Where the Leader seeks to withdraw delegation from a Committee, notice will be deemed to be served on that Committee when he/she has served it on its Chair.

(d) Where in exercising an executive function a decision by Cabinet requires a consequential change to the Constitution, then the Head of Legal & Democratic Services can update the Constitution following the expiry of the call in process in accordance with Article 19.02.

Comment: Updated to reflect the change to Article 19.02 agreed by County Council in November 2012

1.5 Personal Interests or a Personal and Prejudicial Interest

Deleted: Conflicts of Interest

(a) Where the Leader has a personal interest or a personal and prejudicial

Comment: To clarify

| interest in a matter this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

| (b) If any Member of the Cabinet has a personal or prejudicial interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

Comment: To clarify

Deleted: every

(c) If the exercise of an Executive Function has been delegated to a Committee of the Cabinet, an individual Member or an officer, and should a personal or prejudicial interest arise, then this should be dealt with as set out in the Council's Code of Conduct for Members or Code of Conduct for Officers in Part 5 of this Constitution.

Deleted: , then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise

Comment: The current wording in this paragraph is ambiguous and it is illogical. The proposed amendment removes the ambiguity and provides for consistency that the provisions in either the Member or Officer Codes will apply.

1.6 Cabinet meetings – when and where?

The Cabinet will meet at least 6 times per year at times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader.

1.7 Public or private meetings of the Cabinet?

Subject to the Access and Information Procedure Rules meetings of the Cabinet shall so far as is possible be public.

1.8 Quorum

The quorum for a meeting of the Cabinet, or a Committee of it, shall be 3 including the Leader and/or deputy Leader.

1.9 How are decisions to be taken by the Cabinet?

(a) Cabinet decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.

(b) Where Cabinet decisions are delegated to a Committee of the Cabinet, the rules applying to Cabinet decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

2. HOW ARE THE CABINET MEETINGS CONDUCTED?

2.1 Who presides?

If the Leader is present he/she will preside. In his/her absence the deputy Leader shall preside and in the absence of both Leader and deputy Leader, then a person appointed to do so by those present shall preside.

2.2 Who may attend?

Subject to the Access Information Procedure Rules the public may attend

public meetings of the Cabinet as may other Councillors. In the case of meetings from which the public are excluded, Councillors seeking to attend will need to establish either the permission of the Cabinet to remain in attendance or establish to the satisfaction of the Monitoring Officer a need to attend.

2.3 What business?

At each meeting of the Cabinet the following business will be conducted:

- i) consideration of the minutes of the last meeting;
- ii) declarations of interest, if any;
- iii) matters referred to the Cabinet (whether by an Overview and Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- iv) consideration of reports from Overview and Scrutiny Committees; and
- v) matters set out in the agenda for the meeting.

2.4 Consultation

All reports to the Cabinet from any Member of the Cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny Committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Who can put items on the Cabinet agenda?

The Leader will decide upon the schedule for the meetings of the Cabinet. He/she may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not Authority has been delegated to the Cabinet, a Committee of it or any Member or officer in respect of that matter.

Any Member of the Council may ask the Leader to put an item on the agenda of an Cabinet meeting for consideration and if the Leader agrees the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Councillor who asked for the item to be considered and this individual will be invited to attend the meeting, whether or not it is a public meeting, and will be allowed to address the meeting in relation to that item, however, there may be only up to two such items per

Deleted: There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by Overview and Scrutiny Committees. ¶

Comment: This paragraph is not necessary as there is not always a matter referred to the Cabinet by Overview and Scrutiny.

Cabinet meeting.

The Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of an Cabinet meeting and may require the Democracy and Governance Manager to call such a meeting in pursuance of their statutory duties. In other circumstances where any two of the Head of Paid Service, Chief Financial Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the persons entitled to include an item on the agenda may also require that a meeting be convened by the Democracy and Governance Manager at which the matter will be considered.

Overview and Scrutiny Procedure Rules

1. Overview & Scrutiny Committees

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The Council has the Overview and Scrutiny Committees set out in the left-hand column of the table below to discharge the functions conferred by section 21 of the Local Government Act 2000 in relation to the matter set out in the right-hand column of the table below.

Deleted: Article 6 and will appoint to them as it considers appropriate from time to time. Such Committees may appoint Sub-Committees. Further Overview and Scrutiny Committees may also be appointed for a fixed period or for a particular task on the expiry or completion of which they shall cease to exist

Comment: This reflects the wording in Article 6 and is clearer than the present wording

Comment: Table updated to reflect changes at the May 2012 annual meeting

Committee	Scope
Corporate Resources 15 Elected Members	Corporate Management and Governance, organisational design/Flintshire Futures Programme, monitoring finance, but not specific control issues which are within the remit of the Audit Committee, Revenue and Capital Budget monitoring, Asset Management, Strategy and Planning, People Strategy and Single Status, Strategic Assessment of Risks and Challenges Overview and Coordination of the Performance Management Performance and Policy development for all 4 Corporate Services: HR and OD, ICT and Customer Services, Finance, Legal & Democratic Services.
Community Profile & Partnerships 15 Elected (Statutory Crime & Disorder Committee)	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, the Outcome Agreement, but excluding issues specifically remitted to another committee (eg. NWRWTP, TAITH or DCELLS)
Environment 15 Elected Members	All services provided by the Environment Directorate including: Assets & Transportation, including TAITH, highways, engineering and energy issues but not valuation/estates which are specifically remitted to the Corporate Resources OSC. Planning, including planning and environmental strategy, development control, minerals and waste planning, countryside and the environment. Public Protection, including community, health protection and environmental protection. Regeneration, including Communities First, economic development & tourism, enterprise and the Regeneration Partnership. Street Scene Services, including AD Waste, environmental and waste management, neighbourhood services and the vehicle fleet.

	Performance and Policy. Development within the Environment Directorate.	
Housing 15 Elected Members	All housing services provided by the relevant divisions of the Community Services Directorate eg. Housing Management, Housing Strategy, Neighbourhood housing renewal areas. Performance and policy development for the Housing Service.	Deleted: Stock Ballot progress and ongoing work relating to the future of the housing stock.¶
Lifelong Learning 15 Elected Members (5 Statutory Co-Opted Members)	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.	
Social and Health Care 15 Elected Members	Services provided by the Community Services Directorate relating to: Social Services to Adults, Social Services to Children, Social & Health Care Strategy Development, Children and Young People's Partnership (jointly with Lifelong Learning O&S). Monitoring service delivery by the Health Services Providers and Voluntary sector including the relationship with Betsi Cadwaladr UHB. Health Social Care and Well-being partnership and the Good Health Good Care Strategy. Policy and Performance development within the Social Care and Development and Resources Division of the Community Services Directorate.	

Further Overview & Scrutiny Committees may also be appointed for a fixed period or for a particular task on the expiry or completion of which they shall cease to exist.

Comment: Moved from wording prior to the table

2. Who may sit on Overview and Scrutiny Committees?

All Councillors except members of the Cabinet may be members of an Overview and Scrutiny Committee. However, no Member may be involved in scrutinising a decision which he/she has been directly involved.

3. Co-optees

Any Overview and Scrutiny Committee may agree to the appointment of co-optees.

4. Education representatives

The Lifelong Learning Overview and Scrutiny Committee ~~and any~~ Sub-Committee dealing with education matters shall include in its membership the following voting representatives:

Deleted: /

Comment: For clarity

- (a) One Church in Wales representative;
- (b) One Roman Catholic Church representative;
- (c) Three parent governor representatives.

The Overview and Scrutiny Committee/Sub-Committees in this paragraph is the Overview and Scrutiny Committee or Sub-Committee of a local education Authority, whose functions relate wholly or in part to any education functions which are the responsibility of the local Authority's Cabinet. When the Overview and Scrutiny Committee/Sub-Committee deals with other matters, these representatives shall not vote on those other matters.

5. Meetings of the Overview and Scrutiny Committees

Ordinary meetings of Scrutiny Committees shall be convened in accordance with the Council's timetable of meeting. In addition ~~extraordinary meetings may be called from time to time as and when appropriate.~~ A Scrutiny Committee meeting may be called by the chairman of the relevant Scrutiny Committee or by any four members of the Committee or by the Governance & Democracy Manager if he/she considers it necessary or appropriate. The Council Procedure Rules apply to Overview and Scrutiny Committee in the same way as they apply to other Committees.

Deleted: set at the time of its Annual Meeting

Comment: Timetable of meetings not always set at annual meeting.

6. Quorum

The quorum for an Overview and Scrutiny Committee shall be as set out for Committees in the Council Procedure Rules in Part 4 of this Constitution, i.e., one quarter of the whole number of Members.

7. Who chairs Overview and Scrutiny Committee meetings?

The Chairs of Overview & Scrutiny Committees will be appointed in accordance with the Local Government (Wales) Measure 2011. In accordance with the guidance on it, at the annual meeting it shall be

Deleted: Chairs and Vice chairs of Overview and Scrutiny Committees/Sub-Committees will be drawn from among the Councillors sitting on the Committee/Sub-Committee, and appointed by the Council at the Annual Meeting and in default of any such appointment or in the case of a casual vacancy, the Committee/Sub-Committee may appoint such a person as it considers appropriate as Chair for the remainder of the municipal year. ¶

determined which political group shall nominate the Chair of each Overview & Scrutiny Committee. Each Vice Chair will be appointed by the Overview & Scrutiny at its first ordinary meeting following the annual meeting.

Comment: Amended to reflect the legislative changes that came into effect in April 2012.

8. Work programme

The Overview and Scrutiny Committees/Sub-Committees will be subject to the Constitution. Committee be responsible for setting their own work programme and in doing so they shall take into account wishes of members on that Committee who are not members of the largest political group on the Council.

Deleted: parent co-ordinating

9. Agenda items

Any Member shall be entitled to give notice to the Member Engagement manager or Governance & Democracy Manager that he/she wishes an item relevant to the functions of the Committee or Sub-Committee to be included on the agenda for, and be discussed at, a meeting of the Committee or Sub-Committee.

Deleted: of an Overview and Scrutiny Committee or Sub-Committee

Comment: To reflect Local Government (Wales) Measure 2011

On receipt of such a request the attached Protocol (Annex A) will be followed.

The Overview and Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate the Cabinet to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Council and/or Cabinet.

Deleted: Any Member of the Council may give written notice to the Democracy & Governance Manager that he/she wishes an item to be included on the agenda of a Scrutiny Committee. If the Democracy & Governance Manager receives such a notification then he/she will include the item on the first available agenda of the Scrutiny co-ordinating Committee for consideration by that Committee. ¶

10. Policy review and development

- (a) The role of the Overview and Scrutiny Committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, Overview and Scrutiny Committee or Sub-Committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
- (c) Overview and Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform

their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

11. Reports from Overview and Scrutiny Committee

- (a) Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report and submit it to the Democracy & Governance Manager for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- (b) If an Overview and Scrutiny Committee cannot agree on one single final report to the Council or Cabinet as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.

12. Making sure that Overview and Scrutiny reports are considered by the Cabinet

- (a) Once an Overview and Scrutiny Committee has completed its deliberations on any matter it will forward a copy of its final report to the Democracy & Governance Manager who will allocate it to either or both the Cabinet and the Council for consideration, according to whether the contents of the report would have implications for the Council's budget and policy framework. If the Democracy & Governance Manager refers the matter to Council, he/she will also serve a copy on the Leader with notice that the matter is to be referred to Council. The Cabinet will have 2 weeks in which to respond to the Overview and Scrutiny report, and the Council shall not consider it within that period. When the Council does meet to consider any referral from an Overview and Scrutiny Committee on a matter which would impact on the budget and policy framework, it shall also consider the response of the Cabinet to the Overview and Scrutiny proposals.
- (b) Where an Overview and Scrutiny Committee or Sub-Committee prepares a report for consideration by the Cabinet in relation to a matter where the Leader has delegated decision making power to another individual Member of the Cabinet, then the Overview and Scrutiny Committee will submit a copy of their report to him/her for consideration. At the time of doing so, the Overview and Scrutiny Committee shall serve a copy on the Democracy & Governance Manager. The Member with delegated decision making power must consider the report and

respond in writing to the Overview and Scrutiny Committee within 6 weeks of receiving it. A copy of his/her written response to it shall be sent to the Democracy & Governance Manager. The Member will also attend a future meeting of the Overview and Scrutiny Committee to present their response.

- (c) Where an Overview and Scrutiny Committee or Sub-Committee prepares a report for consideration by the Cabinet in relation to a matter where the Leader has delegated decision making power to another individual Member of the Cabinet, then the Overview and Scrutiny Committee will submit a copy of their report to that individual for consideration. At the time of doing so, the Overview and Scrutiny Committee shall serve a copy on the Democracy & Governance Manager and the Leader. If the Member with delegated decision making power does not accept the recommendations of the Overview and Scrutiny Committee then he/she must then refer the matter to the next available meeting of the Cabinet for debate before exercising his/her decision making power and responding to the report in writing to the Overview and Scrutiny Committee. The Cabinet Member to whom the decision making power has been delegated will respond to the Overview and Scrutiny Committee within 6 weeks of receiving it. A copy of his/her written response to it shall be sent to the Democracy & Governance Manager and he/she will attend a future meeting to respond.
- (d) Overview and Scrutiny Committees will in any event have access to the Cabinet's forward work programme for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from an Overview and Scrutiny Committee following a consideration of possible policy/service developments, the Committee will at least be able to respond in the course of the Cabinet's consultation process.

13. Rights of Overview and Scrutiny Committee Members to documents

- (a) In addition to their rights as Councillors, members of Overview and Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Cabinet and Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

14. Members and officers giving account

- (a) The relevant Overview and Scrutiny Committee or Sub-

Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the Scrutiny role, it may require any Member of the Cabinet, the Head of Paid Service and/or any senior officer to attend before it to explain in relation to matters within their remit:

- i) any particular decision or series of decisions; and/or
- ii) the extent to which the actions taken implement Council policy; and/or
- iii) their performance.

and it is the duty of those persons to attend if so required.

- (b) Where any Member or officer is required to attend an Overview and Scrutiny Committee under this provision, the Chair of that Committee will inform the Member or officer in writing giving at least 5 working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (c) Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the relevant Chair of the Overview and Scrutiny Committee shall in consultation with the Member or officer arrange an alternative date for attendance.

15. Attendance by others

An Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 14 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

16. Call-in

- (a) When a decision is made by the Cabinet, an individual Member of the Cabinet or a Committee of the Cabinet, or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 days of being made. Chairs of all Overview and Scrutiny Committees will be sent

copies of the records of all such decisions within the same timescale, by the Democracy & Governance Manager.

- (b) The decision record will bear the date on which it is first published and the date the decision is made. The decision will come into force, and may be implemented, on the expiry of 5 working days after the first publication of the decision, unless called in pursuant to these Procedure Rules.
- (c) During that period, the Democracy & Governance Manager shall call-in a decision for Scrutiny by the Committee if so requested by the Chair, or at least four Members of the Council, and shall then notify the decision-taker of the call-in. All such requests must be in writing and signed individually by those requesting the call-in and stating the reason(s) for the call-in. He/she shall call a meeting of the Committee on such date as he/she may determine, where possible after consultation with the Chair of the Committee, and in any case within 7 working days of the decision to call-in. For the purpose of this paragraph the last working day before Christmas and the three working days in-between Christmas and the New Year shall not be counted as working days.
- (d) If, having considered the decision, the Overview & Scrutiny Committee is satisfied with the explanation which it has received, it will so indicate to enable the decision to be implemented. Should the Overview & Scrutiny Committee, in receiving the explanations be 'no longer concerned', but not minded to indicate that it is 'satisfied with the explanation', it is in order for that Committee to resolve that 'the explanation be accepted but not endorsed by the Overview & Scrutiny Committee'.
- (e) If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker that decision maker shall then reconsider, where the decision maker is the Cabinet at the earliest Cabinet meeting, amending the decision or not, before adopting a final decision. If referred to the full Council, the Council shall meet to consider the referral within 10 working days unless there is a scheduled meeting of the full Council at which the matter may be considered within the expiry of a further 5 working days.

- (f) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council

Deleted: (f) If following an objection to the decision, the Overview and Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny meeting, or the expiry of that further 5 working day period, whichever is the earlier.†

Comment: There is no need for this paragraph and it is confusing

does object, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole or a Committee of it, a meeting will be convened to reconsider within 10 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 10 working days of the Council request.

EXCEPTIONS

- (g) Councils have been recommended to consider exceptions to this process in order to ensure that call-in is neither abused nor causes unreasonable delay.

The Council considers that no limitations are to be placed upon the use of the procedure at the outset but rather prefers that the procedure should be monitored and the question of limitations be reconsidered in the light of experience.

Deleted: (g) . If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.¶

Comment: There is no need for this paragraph and it is confusing

CALL-IN AND URGENCY

- (h) The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call in process would prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chair of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairperson, the Vice-Chair's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

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

Comment: There is no need for this provision

17. The party whip

Section 78 of the Local Government (Wales) Measure 2011 prohibits a member of an Overview & Scrutiny voting if before the meeting the Member has been given a party whip in relation to that matter. A vote given in breach of this must be disregarded by the Chair of the meeting. At each Overview & Scrutiny Committee meeting, each

member of the committee must declare any prohibited party whip which the Member has been given in relation to the meeting.

Comment: This is updated to reflect Local Government (Wales) Measure 2011

“Party whip” means an instruction which is given on behalf of the political group on a local authority to a member of that political group which is an instruction as to how that Member should vote on a question failing to be decided by the Overview & Scrutiny Committee and if not complied with would be likely to make the Member liable to disciplinary action by the political group concerned.

The above provisions apply equally in relation to a sub-committee meeting of an Overview & Scrutiny Committee.

18. Procedure at Overview and Scrutiny Committee meetings

- (a) Overview and Scrutiny Committees and Sub-Committees shall consider the following business:
 - i) minutes of the last meeting;
 - ii) declarations of interest (including whipping declarations);
 - iii) the business otherwise set out on the agenda for the meeting.
- (b) Where the Overview and Scrutiny Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:
 - i) that the investigation be conducted fairly and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - ii) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
 - iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Where a person attends before an Overview and Scrutiny Committee for the purpose of answering questions the Chair may allow the person to make an opening statement relating to the subject matter under consideration.
- (d) The order number and duration of questioning by Members of the Committee shall be determined by the Chair of the

Deleted: Means: "Any instruction given by or on behalf of a political group to any Councillor who is a member of that group as to how that Councillor shall speak or vote on any matter before the Council or any Committee or Sub-Committee, or the application or threat to apply any sanction by the group in respect of that Councillor should he/she speak or vote in any particular manner."¶

¶ When considering any matter in respect of which a Member of an Overview and Scrutiny Committee is subject to a party whip the Member must declare the existence of the whip, and the nature of it before the commencement of the Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

Comment: Updated to reflect the Local Government (Wales) Measure 2011

meeting.

- (e) A person attending the Committee for the purpose of answering questions will be expected to normally give an oral answer or to nominate someone else present to answer on that person's behalf.
- (f) Following any investigation or review, the Committee/Sub-Committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

Note

- (i) Where an answer would involve the disclosure of exempt information there will be a need to first consider excluding the press and public.
- (ii) A person will be able to decline to answer where this would be permissible in Court.

19. Matters within the remit of more than one Overview and Scrutiny Committee

Where a matter for consideration by an Overview and Scrutiny Committee also falls within the remit of one or more other Overview and Scrutiny Committees, the decision as to which Overview and Scrutiny Committee will consider it will be resolved by the Constitution Committee.

Deleted: co-ordinating

20. Terms of Reference of the Overview and Scrutiny Committees

Comment: Co-ordinating Committee Terms of Reference deleted

LIFELONG LEARNING OVERVIEW AND SCRUTINY COMMITTEE

Terms of Reference

To fulfil all the functions of an Overview & Scrutiny Committee as they relate to Lifelong Learning and, in particular (but not limited to):

1. All functions of the Council as an Education Authority under the Education Acts, School Standards and Framework Act 1998 and all other relevant legislation in force from time to time;
2. All functions of the Council insofar as they relate to the provision of opportunities for education, training and learning outside the school environment including pre-school, adult and community learning;
3. All services provided by the Lifelong Learning Directorate including

leisure services, leisure and sport centres, swimming pools and recreational facilities/activities.

4. The provision of management of archives, local history activities, libraries, parks, open spaces, arts, culture and heritage, recreational activities to enhance the quality of life for local people and museums;
5. To fulfil the Overview & Scrutiny role in relation to the development of the Council's Education Strategic Plan, School Organisation Plan, Lifelong Learning Development Plan Early Years Development Plan, Behaviour Support Plan, Children and Young People's Framework Partnerships, Children and Young Person's Plan, Young People's Partnership Strategic Plan.
6. Adult and Community Learning Services and Youth Services.
7. Relations with external education providers/partners such as Deeside College and Glyndwr University on service specific issues.
8. Performance risk management and policy development for services within the Lifelong Learning Directorate.
9. Relations with DCELLS, Children & Young People's Partnership (jointly with Social and Health Care Overview & Scrutiny).
10. To act as the appropriate Overview & Scrutiny Committee for such other matters as are referred to it by either the Council or the Constitution Committee.
11. To have the statutory powers of an Overview and Scrutiny Committee pursuant to Section 21 of the Local Government Act 2000.

SOCIAL AND HEALTH CARE OVERVIEW AND SCRUTINY COMMITTEE

Terms of Reference

To fulfil all the functions of an Overview & Scrutiny Committee as they relate to Social & Health Care and, in particular (but not limited to):

1. Services to be provided by the Community Services Directorate relating to:-

Social Services to adults, Social Services to children, Social & Health Care strategy and development, Children and Young People's Partnership (jointly with Lifelong Learning O&S).
2. Monitoring service delivery by the health services providers and voluntary sector including the relationship with Betsi Cadwaladr UHB.

3. Health, Social Care and Well-being Partnership and the Good Health Good Care Strategy.
4. Policy and performance development within the Social Care & Development & Resources Division of the Community Services Directorate.
5. Monitoring risk issues and contributing to policy development within Adult Social Care and Children's Services.
6. To liaise as appropriate with the Social Inclusion Forum.
7. To act as the appropriate Overview & Scrutiny Committee for such other matters as are referred to it by either the Council or the Constitution Committee.
8. To have the statutory powers of an Overview and Scrutiny Committee pursuant to Section 21 of the Local Government Act 2000.

CORPORATE RESOURCES OVERVIEW AND SCRUTINY COMMITTEE

Terms of Reference

To fulfil all the functions of an Overview & Scrutiny Committee as they relate to Corporate Resources and, in particular (but not limited to):

1. To act as the appropriate Overview & Scrutiny Committee for issues concerning corporate management and governance.
2. To act as the appropriate Overview & Scrutiny Committee for organisational design/Flintshire Futures Programme.
3. Monitoring the revenue and capital budget and finance but not specific control issues which are within the remit of the Audit Committee.
4. Asset Management, Strategy and Planning, People Strategy and Single Status.
5. Strategic Assessment of Risk, Challenges and overview and coordination of the Performance Management Framework, Performance of Policy Development for all Corporate Services.
6. To assist the Council in the development of its budget strategy.
7. To review the management of resources made available to the Council and to scrutinise its financial management, property and asset acquisition and disposal and capital programme.

8. To assist the Cabinet in the development of a Council-wide property and asset strategy.
9. To act as the appropriate Overview & Scrutiny Committee for such other matters as are referred to it by either the Council or the Constitution Committee.
10. To have the statutory powers of an Overview and Scrutiny Committee pursuant to Section 21 of the Local Government Act 2000.

COMMUNITY PROFILE & PARTNERSHIPS OVERVIEW AND SCRUTINY COMMITTEE

Terms of Reference

To fulfil all the functions of an Overview & Scrutiny Committee as they relate to Community Profile and Partnerships and, in particular (but not limited to):

1. Community Strategy and Leadership initiatives
2. All external and regional collaboration and partnership working with other public service bodies including the Local Service Board, except where these are assigned to another Overview & Scrutiny Committee.
3. To act as the Statutory Crime & Disorder Committee thereby having a relationship with the Community Safety Partnership, the Police, Fire, Probation etc.
4. Scrutinising the Voluntary Sector compact, Clwyd Theatre Cymru, Cross Cutting Policy issues, the Outcome Agreement, but excluding issues specifically remitted to another committee (eg. NWRWTP, TAITH or DCELLS).
5. To act as the appropriate Overview & Scrutiny Committee for such other matters as are referred to it by either the County Council or the Constitution Committee.
6. To have the statutory powers of an Overview and Scrutiny Committee pursuant to Section 21 of the Local Government Act 2000.

ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE

Terms of Reference

To fulfil all the functions of an Overview & Scrutiny Committee as they relate to the Environment Directorate and, in particular (but not limited to);

1. All services provided by the Environment Directorate including:

Assets and Transportation (but not valuation/estates which are specifically remitted to the Corporate Resources Overview & Scrutiny Committee), Planning, Public Protection, Regeneration, Street Scene Services, Waste Planning and Management, Performance and Policy Development within the Environment Directorate.
2. Arrangements by the Council for the regeneration, and the provision and improvement of environmental well-being in the County.
3. Environmental issues within the County.
4. Economic development and tourism issues within the County and to liaise as appropriate with the Economic Affairs Forum;
5. To act as the appropriate Overview & Scrutiny Committee for highways and transportation and countryside matters;
6. Monitoring risk issues and contributing to policy development within the Environment Directorate.
7. To act as the appropriate Overview & Scrutiny Committee for such other matters as are referred to it by either the Council or the Constitution Committee.
8. To have the statutory powers of an Overview and Scrutiny Committee pursuant to Section 21 of the Local Government Act 2000.

HOUSING OVERVIEW & SCRUTINY COMMITTEE

Terms of Reference

To fulfil all the functions of an Overview & Scrutiny Committee as they relate to Housing Directorate and, in particular (but not limited to):

1. All housing services provided by the relevant divisions of the Community Services Directorate such as Housing Management, Housing Strategy, Stock Ballot progress and ongoing work relating to the future of the Council's housing stock, Neighbourhood Housing renewal areas.
2. All the functions of the Council as a Local Housing Authority and of successive Housing Acts and all other relevant legislation in force from time to time.
3. To act as the appropriate Overview & Scrutiny Committee for Performance and Policy Development for the Housing Service.
4. To act as the appropriate Overview & Scrutiny Committee for such other matters as are referred to it by either the Council or the Constitution Committee.
5. To have the statutory powers of an Overview and Scrutiny Committee pursuant to Section 21 of the Local Government Act 2000.

In addition to the above Overview & Scrutiny Committees the following terms of reference relating to Overview & Scrutiny have been given by the Council to the Constitution Committee

1. Allocating, coordinating and prioritising the work of the Overview & Scrutiny Committees where necessary.
2. Dealing with matters of common interest to Overview & Scrutiny.
3. Identification/allocation of appropriate Scrutiny Chair for consent/consultation purposes.
4. The examination and development of good scrutiny practice
5. The promotion, effective development and maintenance of a high profile Overview & Scrutiny function to ensure maximum opportunity for non Cabinet Member engagement.
6. Liaison with and responding to the Welsh Government on emerging legislation relevant to Overview & Scrutiny.

Comment: To explain the Constitution Committee's role it has taken from the former Coordinating Committee

ANNEX A

PROTOCOL

RELATING TO MEMBER PLACING ITEMS ON AN AGENDA OF AN OVERVIEW AND SCRUTINY COMMITTEE

Comment: This protocol is in the course of being updated to reflect Councillor Calls for Action. When updated protocol agreed it will replace this protocol.

Background

By virtue of Section 21(8)(a) of the Local Government Act 2000 a Member of an Overview and Scrutiny Committee has a right to place an item on the Agenda of that Committee provided it is relevant to the functions of that Committee.

Flintshire County Council has decided that all Members should have an ability to place an item on an Agenda of an Overview and Scrutiny Committee in a similar way to the right given to Members of an Overview and Scrutiny Committee.

It is recognised that the legal right given to a Member of an Overview and Scrutiny Committee has priority over the discretion the Council has given to other Members and that the statutory right given to Committee Members cannot be infringed by the discretion given to other Members.

Procedure

1. All requests from Members to place an item on the Agenda of an Overview and Scrutiny Committee should be made in writing addressed to the Member Engagement Manager.
2. All requests will initially be referred to the Constitution Committee for consideration.
3. Following consideration by the Constitution Committee a letter will be sent to the Member, informing him of the Constitution Committee's view as to how the item is best dealt with.
4. Where the Constitution Committee is of the view that the item should be placed on the Agenda of the Overview and Scrutiny Committee to which the Member has asked that it be referred, then this will take effect as soon as practicable and, in any event, within a reasonable time.
5. Where the Constitution Committee is of the view that it is inappropriate at that time to place the item on the Agenda of the Overview and Scrutiny Committee requested by the Member, then the Member will be given an explanation and asked whether, in view of this, he agrees.

6. Where the Constitution Committee has explained its view why it would be inappropriate at the present time to place the item on the Agenda of the Committee requested by the Member, and the Member concerned does not accept this reasoning, then the appropriate next step will vary as to whether the Member is, or is not, a Member of the Overview and Scrutiny Committee that he has requested the item be referred to.
 - a. Where the Member is a member of the Overview and Scrutiny Committee that he has requested the item be referred to, then the item will be placed on the Agenda of that Committee, if the Member so wishes and this will be as soon as practicable, and, in any event, within a reasonable time.
 - b. Where the Member is not a member of the Overview and Scrutiny Committee that he has requested the item be referred to and the Member does not agree with the view of the Constitution Committee, the matter will be referred to the County Council to determine how it should be pursued.