

Flintshire County Council Overview & Scrutiny Public Engagement Protocols

1.0 Introduction and background

1.1 The four Public Engagement protocols are produced pursuant to section 62 of the Local Government (Wales) Measure 2011 and paragraph 5.26 of *the Statutory Guidance from the Local Government Measure 2011* published by the Welsh Government in June 2012 (WG 15736)

1.2 In order to manage the differing ways in which members of the public may engage with the work of overview & scrutiny, the statutory guidance recommends that 4 protocols be developed to assist in the consistent application of practices. The aim of the protocols is to manage public expectations in terms of setting out how any information submitted to the relevant Overview & Scrutiny committees will be used and detailing how and when feedback will be provided.

1.3 The protocols are:

- Public Speaking Arrangements at Scrutiny Committee/Joint Overview & Scrutiny Committees meetings (to include call in);
- Public involvement in Sub-committee and/or Task & Finish Group Meetings;
- Managing a request for scrutiny (including petitions);
- Dealing with requests for public co-option.

The 4 protocols will be published on the website and thus be easily available for public reference.

1.4 The County Council currently has six Overview & Scrutiny committees, which are

- Community Profile & Partnerships
- Corporate Resources
- Environment
- Housing
- Lifelong Learning
- Social & Healthcare

Together, these committees cover all of the County Council's functions and also those services provided by other public service providers in the county.

2.0 Public speaking arrangements at Overview & Scrutiny Committees

2.1 The forward work programme for all of our Overview & Scrutiny committees is published on the Council's website and is thus readily

accessible to members of the public. Similarly, the agendas for Overview & Scrutiny Committee meetings are published on our website at least three clear working days before the meeting is due to take place.

2.2 If a member of the public wishes to speak at a meeting to make a contribution to an Overview & scrutiny committee, in the first instance they should contact the committee's facilitator at least 24 hours before the meeting. (The facilitator is the dedicated support officer for the committee and advises the Chair on Council policy and procedure and on the conduct of meetings - details are available on the website or by phoning 01352 702301) They should then explain the nature of their interest and the contribution which they think that they could make. The facilitator will then discuss the approach with the committee's chair and/or vice-chair explaining the nature of the contribution. If the Chair is of the opinion that a member of the public in such circumstances could make a valid contribution to the committee's understanding of the issue, s/he will give their assent. Bearing in mind that there are likely to be other items on the agenda which should also be afforded an appropriate amount of time for discussion, the Chair is advised to limit the number of public contributors to two. Members of the public who attend a committee meeting to speak will be limited to five minutes.

2.3 There is also a facility for a member of the public to make a written contribution if they are unable to attend in person. At the Chair's discretion, such contributions can be circulated to members of the committee at the start of the meeting.

2.4 It may be that circumstances have caused a member of the public to attend an Overview & scrutiny committee without having given prior notice. If s/he then wishes to contribute to the meeting by speaking on a particular item, they should approach the Chair or the Chair's adviser or committee officer prior to the start of the meeting, explaining why they wish to speak. If the Chair is of the opinion that a member of the public in such circumstances could make a valid contribution to the committee's understanding of the issue, s/he will give their assent.

2.5 At the appropriate juncture, the member of the public will be called to speak and be afforded the opportunity so to do for five minutes.

2.6 The Chair's decision as to whether or not a member of the public is able to make a contribution is final: the Chair will always apply a test of reasonableness in making this decision and will be guided by the officers.

2.7 A member of the public attending and speaking at an overview & scrutiny meeting will be bound by the rules of conduct and procedure contained within the Council's Constitution and will be expected to respect the rulings of the Chair.

2.8 Potential contributors should be aware that the Council cannot accept topics which relate to the following: judicial or quasi-judicial matters or which are currently being investigated; individual planning, licensing or grant

applications or appeals; named members or employees of the Council; confidential or exempt information (as described in the Council's Access to Information procedure rules) or which requires its disclosure; party political matters or defamatory material.

3.0 Public involvement in Sub-committee and/or Task & Finish Group Meetings

3.1 Whilst Flintshire does not currently have sub-committees, some of the work of the Overview & Scrutiny committee is from time delegated to a task and finish group. The provisions in this protocol will apply to any sub-committee which Overview & Scrutiny forms in the future.

3.2 Task and finish groups are generally given broad terms of reference, recognising that the knowledge of a topic increases during a review. Sometimes, elements of the terms of reference can be quite specific, depending on the nature of the topic. The Chair (usually the chair or vice-chair of the parent committee) will have the latitude to allow a necessary degree of flexibility to allow the group to operate effectively and with due expedition.

3.3 It is recognised that members of the public may be invaluable in adding to a task group's understanding of an issue and thus may be asked to become involved, as a contributor or 'expert witness' for an aspect of the task and finish group's work.

3.4 A member of the public who believes that they would be able to make a valid contribution to the work of a task and finish group should contact the parent committee's facilitator, details of whom are to be found on the Council's website, www.flintshire.gov.uk/scrutiny or by phoning 01352 702301.

3.5 Any such contributions by members of the public would be summarised in the minutes of the task group and views appropriately attributed in the final report prepared by the task and finish group for submission to the parent committee.

3.6 Any contributor would be invited to attend the meeting of the parent committee to which the final report was submitted and accorded the same right to speak at the meeting as a member of the committee.

4.0 Managing a request for scrutiny (including petitions)

4.1 Anyone who lives, works or studies in Flintshire is able to submit suggestions for future topics for consideration by our committees. This can be done by completing the [Overview and Scrutiny suggestion form \(PDF.doc 71KB new window\)](#) on the website or alternatively, you can [submit an enquiry \(will open an e-form\)](#).

4.2 The Member Engagement Manager in consultation with appropriate Overview & Scrutiny Committee Chairs will decide whether the issue suggested is suitable to be referred to one of the six functional committees. If it is decided that an issue is not appropriate for discussion, or is too similar to a topic which has recently been considered, the Member Engagement Manager will contact the member of the public to explain why it has not been accepted.

4.3 A list of the sort of topics which Overview & Scrutiny committee have considered in the past is available on our website to give an understanding of our work. www.flintshire.gov.uk/scrutiny

4.3 We cannot accept topics which relate to the following: judicial or quasi-judicial matters or which are currently being investigated; individual planning, licensing or grant applications or appeals; named members or employees of the Council; confidential or exempt information (as described in the Council's Access to Information procedure rules) or which requires its disclosure; party political matters or defamatory material.

4.4 Topics for consideration should be submitted in writing to:

Member Engagement Manager
Flintshire County Council
FREEPOST
NWW 15332
Mold CH7 6ZY Or by e-mail to scrutiny@flintshire.gov.uk

or by fax to 01352 702494

5. Dealing with requests for public co-option

5.1 The Council has carefully considered the issue of co-option of members of the public to Overview & Scrutiny on a number of occasions.

5.2 There are currently five statutory co-optees on the Lifelong Learning Overview & Scrutiny Committee. Two are diocesan representatives, representing the Church in Wales' Diocese of St Asaph and the Roman Catholic Diocese of Wrexham respectfully. There are also three parent governor representatives who jointly represent the interests of parents of children in Flintshire's schools. The statutory co-optees can vote on all education matters considered by the committee. When the committee is considering another issue (Culture & Leisure issues are also within its remit) the co-optees can participate but not vote.

5.3 Experience has shown us that the involvement of the public as contributors rather than as committee members is likely to be the most effective way of managing participation. The role of members of the public as contributors, or speaking at committee is covered in sections 2 and 3, above.

5.4 It is important that an element of flexibility is retained: the current decision to involve the public as contributors or expert witnesses does not preclude the reconsideration of the public as co-optees as the need arises.

5.5 If a member of the public believes that they would be able to make a more effective contribution to a review as a co-opted member, rather than as a contributor or expert witness, they are able to make representations to that effect. In such circumstances, the member of the public should contact the Member Engagement Manager, in writing, setting out their reasons.

Member Engagement Manager
Flintshire County Council
FREEPOST
NWW 15332
Mold CH7 6ZY Or by e-mail to scrutiny@flintshire.gov.uk

or by fax to 01352 702494

5.6 The Member Engagement Manager will consult the Chair and Vice –Chair of the Constitution Committee and of the appropriate Overview & Scrutiny committee will be consulted and asked for their opinions as to the appropriateness of the contribution. The Member Engagement Manager will then make a decision and inform the member of the public accordingly.