

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **FLINTSHIRE COUNTY COUNCIL**

DATE: **TUESDAY, 14 MAY 2013**

REPORT BY: **HEAD OF LEGAL AND DEMOCRATIC SERVICES**

SUBJECT: **CONSTITUTIONAL MATTERS: COMMITTEES AND
OUTSIDE BODIES**

1.00 PURPOSE OF REPORT

1.00 To deal with those matters which require decisions at the Annual Meeting of the County Council in accordance with Council Procedure Rule 1.1 (vii)-(xiv). Those matters are set out in separate paragraphs.

2.00 APPOINTMENT OF COMMITTEES

2.01 The Council's Procedure Rules require the Annual Meeting to appoint at least one Overview & Scrutiny Committee, a Democratic Services Committee, an Audit Committee, a Planning & Development Control Committee, a Standards 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. The Constitution presently provides for the appointment of the following Committees:-

1. Audit
2. Community Profile and Partnership Overview & Scrutiny
3. Constitution Committee
4. Corporate Resources Overview & Scrutiny
5. Democratic Services Committee
6. Environment Overview & Scrutiny
7. Housing Overview & Scrutiny
8. Licensing Committee
9. Lifelong Learning Overview & Scrutiny
10. Planning and Development Control
11. Social and Health Care Overview & Scrutiny
12. Standards Committee

2.02 Having made several changes at the last Annual Meeting (eg. creation of a Democratic Services Committee and dissolution of the Overview and Scrutiny Co-ordinating Committee) it is not proposed that any changes be made at this Annual Meeting. It should be noted that the Democracy Bill, when in force, will permit the Democratic Services Committee to be given other functions so it could be combined with the Constitution Committee at some future point.

3.00 DETERMINATION OF THE SIZE OF COMMITTEES

3.01 The Annual Meeting must decide upon the size of each of the Committees it has appointed. The Constitution presently makes provision for the size of those Committees as set out below:-

Audit Committee	7
Constitution Committee	21
Democratic Services Committee	21
Licensing Committee	12
Each of the Overview & Scrutiny Committees	15
Planning and Development Control Committee	21

3.02 The size of committees should reflect the need to achieve a fair political balance and any changes to the existing size will require corresponding amendments being made to the Constitution.

4.00 TERMS OF REFERENCE OF COMMITTEES

4.01 The Annual Meeting is required to decide the terms of reference of the committees that it appoints. The existing terms of reference of the existing committees are set out in Part 2 of the Constitution.

4.02 No changes are proposed to the terms of reference for any of the committees. Members are therefore recommended to confirm their existing terms of reference.

5.00 POLITICAL BALANCE – ANNUAL REVIEW

5.01 The Annual Meeting is required to decide the allocation of seats to political groups in accordance with the Political Balance Rules contained in the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 as amended.

5.02 The basis of the statutory requirement is that committee seats should be allocated to political groups in so far as practicable in the same proportion as those groups have to the total membership of the County Council.

5.03 The allocation of seats on committees to the political groups will need to recognise that:-

- (i) There must be no one group committees.
- (ii) Where there is a majority group it is entitled to a majority upon every committee. (This does not apply where the largest group does not have an overall majority).

- (iii) The total number of seats allocated to each political group should be (in so far as is practicable) in the same proportion as those groups strengths upon the full Council.
- (iv) Each committee should (so far as is practicable) have the same proportional division between political groups as is represented upon the full Council.

5.04 In relation to the Audit and Democratic Services Committees, the Local Government (Wales) Measure limits the number of Cabinet Members on each committee to a maximum of one and that one to not be the Leader. At a meeting of the Audit Committee it was of the view there should be no Cabinet Members on it.

5.05 Attached as Appendix A is the current calculations of political balance and allocation of committee seats. The table at Appendix 1 shows one possible allocation of seats. Council may choose to allocate places in a different manner, for example it might decide that a different Overview & Scrutiny Committee should have only 6 places for the Labour Group.

5.06 Council needs to decide which committees each of the two non-aligned Members, Councillors T Newhouse and D Williams, should sit on from the 5 places allocated to them. One being on 2 committees and the other on 3 committees.

6.00 APPOINTMENT OF CHAIRS OF STANDING COMMITTEES

6.01 Council Procedure Rule 1.1(x) requires that the County Council appoint the chairs of the standing committees, except the Standards, Overview & Scrutiny and Audit Committees.

6.02 The committee chairs are appointed by different bodies and some are subject to restrictions. A table showing which body appoints which chair and what restrictions (if any) apply is set out below:

Committee	Who Appoints the Chair?	Any Restrictions?
Audit Committee	Audit Committee	Cannot be a member of a group represented on the Cabinet (Local Government Wales Measure 2011)
Democratic Services Committee	Council	Cannot be a Cabinet Member (LGW Measure 2011)

Committee	Who Appoints the Chair?	Any Restrictions?
Constitution Committee	Council	None
Overview & Scrutiny Committees	Council decides from which group the chair comes	Council must allocate chairs based on the size of each group (LGW Measure 2011)
Licensing	Council	None
Planning	Council	None
Standards Committee	Standards Committee	Must be an independent member (Standards Committees (Wales) Regulations 2001)

- 6.03 The chairs of Overview and Scrutiny are chosen by the political groups and depend on the strength of the various groups and which have seats on the Cabinet. Although Council can change the political group that will chair each Overview & Scrutiny Committee, it is your officer's suggestion that the allocations remain as at present.

Overview & Scrutiny Committees:	Group to Choose Chair:
Community Profile & Partnerships	Independent Alliance
Corporate Resources	Liberal Democrat
Environment	Conservative
Housing	Labour and/or Independent
Lifelong Learning	Labour and/or Independent
Social & Health	Labour and/or Independent

7.00 LOCAL CHOICES ISSUES

- 7.01 The Council is also required to agree such part of the Scheme of Delegation as the Council determines it is for the Council to agree. This relates to those local choice functions which can be decided either by the Council or the Cabinet and/or delegated to officers. The table of Local Choice Functions is included in Part 3, Section A, Table 3 of the Constitution. Members are recommended to confirm or otherwise the existing Local Choice Functions.

8.00 NOMINATIONS TO INTERNAL BODIES

8.01 The existing Scheme of Delegation provides for an Appointments Committee for first and second tier officers comprising 7 Members. This is not a standing committee and is convened when required by seeking nominations from Group Leaders. In the past it has been usual for Committee Members to be politically balanced including the relevant Cabinet Member. The Council has previously agreed that the Chair or Vice-Chair of the relevant Overview and Scrutiny Committee be one of the Members of the Committee. It is recommended Council continues the previous practice.

9.00 NOMINATIONS TO OUTSIDE BODIES

9.01 Appendix B contains the outside bodies to which the Council makes appointments and the current appointments. The Council is recommended to delegate to the Chief Executive in consultation with Group Leaders and non aligned Members any changes to these appointments to these bodies.

10.00 STANDARDS COMMITTEE

10.01 The Standards Committee includes five independent members, a Community Council member and three Councillors not to be the Council Leader or Cabinet Members. The three members were appointed at the last AGM for 4 years.

11.00 PROGRAMME OF ORDINARY MEETINGS

11.01 A draft programme of meetings is attached to the agenda as a separate report.

12.00 RECOMMENDATIONS

- 12.01
- (a) To determine the Council's standing committees.
 - (b) To determine the size of the Council's standing committees.
 - (c) To determine the political balance of committee seats.
 - (d) To determine the chairs of the following committees:
 - Constitution
 - Democratic Services
 - Licensing
 - Planning and Development Control

- (e) To confirm that the following groups will select the chairs of the Overview and Scrutiny Committees as set out below:

Community Profile & Partnerships	Independent Alliance
Corporate Resources	Liberal Democrat
Environment	Conservative
Housing	Labour and/or Independent
Lifelong Learning	Labour and/or Independent
Social & Healthcare	Labour and/or Independent

13.00 FINANCIAL IMPLICATIONS

13.01 None as a result of this report.

14.00 ANTI POVERTY IMPACT

14.01 Not applicable.

15.00 ENVIRONMENTAL IMPACT

15.01 Not applicable.

16.00 EQUALITIES IMPACT

16.01 Not applicable.

17.00 PERSONNEL IMPLICATIONS

17.01 Not applicable.

18.00 CONSULTATION REQUIRED

18.01 Constitution Committee.

19.00 CONSULTATION UNDERTAKEN

19.01 Constitution Committee.

12.00 APPENDICES

Appendix A – Political Balance Calculations
Appendix B – Current List of Outside Bodies

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

The Council's Constitution

Contact Officer: Gareth Owens
Telephone: 01352 702344
Email: gareth.legal@flintshire.gov.uk