

CONSTITUTION COMMITTEE
7 OCTOBER 2015

Minutes of the meeting of the Constitution Committee of Flintshire County Council held in County Hall, Mold, on Wednesday, 7 October 2015.

PRESENT: Councillor Peter Curtis (In the Chair)

Councillors: Glyn Banks, Haydn Bateman, Chris Bithell, Clive Carver, David Cox, Paul Cunningham, Veronica Gay, George Hardcastle, Dave Mackie, Neville Phillips, David Roney, Aaron Shotton, Nigel Steele-Mortimer, and Arnold Woolley

SUBSTITUTIONS: Councillor Peter Curtis (for Bernie Attridge), and David Healey (for Christine Jones)

APOLOGIES: Councillors Robin Guest and David Wisinger

IN ATTENDANCE:

Chief Officer (Governance), Chief Officer (Planning & Environment), Member Engagement Manager, and Committee Officer

9. APPOINTMENT OF CHAIR FOR THE MEETING

In the absence of the Chairman and Vice-Chairman, the Chief Officer (Governance) sought nominations for a chair for the meeting.

RESOLVED:

That Councillor Peter Curtis be appointed Chair for the meeting.

10. DECLARATIONS OF INTEREST

There were no declarations of interest.

11. MINUTES

The minutes of the meeting of the Committee held on 1 July 2015, were submitted.

Matters arising

Minute 5, page 5, Councillor Arnold Woolley referred to the comments concerning absence through long term sickness in the second paragraph and asked if the matter had been raised with the Welsh Government (WG). The Chief Officer (Governance) confirmed that he had raised the point with WG but had not received a response as yet.

Minute 5, Page 5, Councillor Chris Bithell referred to his comments concerning payments made to Members through outside bodies. The Chief Officer advised that only claims for travel expenses had been made.

RESOLVED:

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

12. NEW MODEL CONSTITUTION

The Chief Officer (Governance) introduced a report on the differences between the Council's current Constitution and the Model Welsh Constitution (MWC) and whether to amend any provisions as a result. He provided background information and reported that the Constitution Working Group (CWG) had met in July 2015 to consider the differences and made recommendations as to the changes which it believed should be made and these were detailed in the report. There were parts of the old constitution and MWC which the Working Group decided not to adopt.

The Chief Officer referred to the key considerations in the report and explained that the MWC contained a provision at paragraph 6.3.4 which enabled the Council to appoint a new Leader in the event that the existing Leader became too ill or incapacitated to continue in his role. He emphasised that the inclusion of this provision was not because of any concerns about the Council Leader. The CWG recommended the inclusion of a less legalistic version of the provision which was set out in Appendix E. The CWG also considered provisions about dismissal of the Leader as there was no provision in the old constitution, as existed in other Councils, enabling the Leader to be removed. The CWG recommended that 15% of councillors from at least 2 groups would be needed to instigate such a vote and that a simple majority would be required to approve the motion. As a further safeguard it suggested that no more than one such vote should be permitted in a rolling 12 month period.

Councillor Clive Carver referred to the recommendation in paragraph 3.05 concerning the provision for removal of the Leader and drew attention to paragraph 4.20.4, Appendix E, where it referred to two political groups. He raised concerns that if the situation arose whereby the Council was formed by only two political groups the proposal may not be achievable. The Chief Officer responded to the concerns and suggested that if the Committee wished to address such a situation as raised by Councillor Carver a specific paragraph could be included in the Constitution to address this. During discussion it was further suggested that so as not to risk destabilising the Council, the Committee may wish to increase the recommended number of councillors to 20-25% to be confident of a reasonable spread of Members.

Councillor Chris Bithell expressed the view that 15% was too small and proposed that the number be increased to 25%. The proposal was seconded.

In response to a further query from Councillor Carver concerning removal of the Leader and the process for appointment of a new Leader, the Chief Officer suggested that a paragraph could be included in the Constitution, in the event that the notice of motion was passed, that there would be an election of a new Leader in which the previous deposed Leader was not able to stand.

Councillor Chris Bithell asked about the terms of office for Members as stated in paragraph 1.2.1. The Chief Officer explained that the current term of office for Members was 5 years with the norm being 4 years and advised that there was no change in the law as yet. The Chief Officer also responded to the further query raised by Councillor Bithell regarding the wording in paragraph 1.2.1 concerning the democratic accountability of Councillors. He outlined the procedure for dealing with minor changes to the model Constitution.

The Chair asked Members to consider approval of the changes recommended in Appendixes A-E of the report. Members were also asked to vote on the proposal that the threshold for removal of the Leader be set at 25% of Councillors from 2 groups. When put to the vote the proposal was carried. Councillor Glyn Banks abstained from the vote.

RESOLVED:

- (a) That the changes as recommended in Appendixes A-E of the report be approved; and
- (b) That the threshold for removal of the Leader be set at 25% of Councillors from 2 groups.

13. PROPOSED CHANGES TO CHIEF OFFICER (PLANNING AND ENVIRONMENT) DELEGATED POWERS

The Chief Officer (Governance) introduced a report to consider recommendations from the Planning Strategy Group (PSG) to alter the delegations to the Chief Officer (Planning & Environment), and to transfer the documented responsibility to make agreements for highway works from the Chief Officer (Streetscene and Transportation) to the Chief Officer (Planning & Environment) to reflect the staffing structure.

The Chief Officer (Governance) invited the Chief Officer (Planning & Environment) to present the proposals concerning delegation. The Chief Officer (Planning & Environment) provided background information and referred to the role and responsibilities of the PSG. He advised that the PSG fully supported the revised delegations to the Chief Officer (Planning and Environment) and was satisfied that the Planning & Development Control Committee would still be able to consider applications that warranted Member scrutiny. He commented on the 'failsafe' that Members would retain the ability to ask for applications to be considered at Committee if there was legitimate reason.

RESOLVED:

- (a) That the revised delegations, to the Chief Officer (Planning & Environment) as identified by the PSG be recommended to Council for approval; and
- (b) That the power to make agreements for the execution of highways works be transferred from the Chief Officer (Transport & Streetscene) to the Chief Officer (Planning & Environment)

14. OVERVIEW & SCRUTINY ANNUAL REPORT

The Member Engagement Manager presented the draft Overview & Scrutiny Annual Report for the 2014/15 municipal year. He advised that the Committee was requested to consider the draft Report and make any observation or amendments prior to it being submitted to the meeting of the County Council on 20 October 2015.

Councillor Arnold Woolley referred to page 58, paragraph 2, and sought clarification as to the wording. The Member Engagement Manager confirmed that the sentence should read 'The aim was for all senior managers to have been appraised under the new system by end of March 2015' and thanked Councillor Woolley for identifying the typographical error.

Councillor Aaron Shotton referred to page 48, paragraph 4, and said that the word Committee should be inserted following the word Constitution.

RESOLVED:

That subject to the inclusion of the typographical errors, the Overview & Scrutiny Annual Report be agreed and forwarded to Council.

15. NEW REPORT FORMAT FOR CABINET AND COMMITTEES

The Member Engagement Manager introduced a report on the new report format for Cabinet, Council and Committees. He advised that the report provided details of the new format which was intended to make reporting more effective and efficient. Future reports would be less resource intensive to prepare and easier and quicker to read. The Committee was asked to comment on and approve the use of the new format for Council and Committee reports.

In response to a question from Councillor Clive Carver on when the new report format was to be introduced, the Member Engagement Manager advised that it was intended to use the new format for Council and Committee reports from November 2015, subject to the Committee's approval.

RESOLVED:

That the new report format for Cabinet and Committees be approved.

16. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There were no members of the public or press in attendance.

(The meeting commenced at 2.00 pm and finished at 2.50 pm.)

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Chairman