

COUNTY COUNCIL

Date of Meeting	Tuesday, 10 May 2016
Report Subject	Constitutional Matters: Committees and Outside Bodies
Report Author	Chief Officer (Governance)

EXECUTIVE SUMMARY

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). As in previous years each section deals with a different topic such as Appointment of Committees and each recommendation follows the relevant section. Each section will need to be considered and voted on in turn at the meeting.

RECOMMENDATIONS

1	<p>That the Council appoint the following Committees:</p> <ul style="list-style-type: none"> • Audit • Clwyd Pension Fund • Constitution • Democratic Services • Licensing • Planning and Development • Standards • The Six Overview and Scrutiny Committees shown below <ul style="list-style-type: none"> ○ Community and Enterprise ○ Corporate Resources ○ Education and Youth ○ Environment ○ Organisational Change ○ Social Services and Health
2	That the size of each Committee should be as set out in paragraph 1.03.
3	That seats be allocated in accordance with the requirements of political balance.

4	That Council appoints the Chair of the following Committees (Noting any restrictions on eligibility): <ul style="list-style-type: none"> ○ Clwyd Pension Fund ○ Constitution ○ Democratic Services ○ Licensing ○ Planning and Development
5	That Council decides which group will Chair each Overview and Scrutiny Committee.
6	That Local Choice Functions as set out in the Constitution are approved.
7	That the make-up of the Appointments Committee be approved.
8	That the 3 Councillors on the Standards Committee be noted

REPORT DETAILS

1.00	CONSTITUTIONAL MATTERS
	<u>APPOINTMENT OF COMMITTEES</u>
1.01	<p>The Constitution presently provides for the appointment of the following committees:-</p> <ul style="list-style-type: none"> • Audit • Clwyd Pension Fund Committee • Constitution Committee • Democratic Services Committee • Licensing Committee • Planning and Development Control • Standards Committee <p>Plus six Overview and Scrutiny Committees (OSC's) which will be as shown below</p> <ul style="list-style-type: none"> • Community and Enterprise • Corporate Resources • Education and Youth • Environment • Organisational Change • Social Services and Health
1.02	<p>It is recommended that Council appoint the following committees:</p> <ul style="list-style-type: none"> • Audit

	<ul style="list-style-type: none"> • Clwyd Pension Fund • Constitution • Democratic Services • Licensing • Planning and Development • Standards • The Six Overview and Scrutiny Committees listed above 														
	<u>DETERMINATION OF THE SIZE OF COMMITTEES</u>														
1.03	<p>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:-</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Audit Committee</td> <td style="text-align: right;">7</td> </tr> <tr> <td>Constitution Committee</td> <td style="text-align: right;">21</td> </tr> <tr> <td>Democratic Services Committee</td> <td style="text-align: right;">21</td> </tr> <tr> <td>Licensing Committee</td> <td style="text-align: right;">12</td> </tr> <tr> <td>Each of the Overview & Scrutiny Committees</td> <td style="text-align: right;">15</td> </tr> <tr> <td>Pensions Committee*</td> <td style="text-align: right;">5</td> </tr> </table> <p>(*please note in addition to the places listed there are 4 places for co-optees)</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Planning & Development Control Committee</td> <td style="text-align: right;">21</td> </tr> </table>	Audit Committee	7	Constitution Committee	21	Democratic Services Committee	21	Licensing Committee	12	Each of the Overview & Scrutiny Committees	15	Pensions Committee*	5	Planning & Development Control Committee	21
Audit Committee	7														
Constitution Committee	21														
Democratic Services Committee	21														
Licensing Committee	12														
Each of the Overview & Scrutiny Committees	15														
Pensions Committee*	5														
Planning & Development Control Committee	21														
1.04	It is recommended that the size of each committee should be as set out in paragraph 1.03.														
	<u>TERMS OF REFERENCE OF COMMITTEES AND PENSION DELEGATIONS</u>														
1.05	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.														
1.06	It is recommended that the terms of reference for each committee in Part 2 of the Constitution should be approved.														
	<u>POLITICAL BALANCE</u>														
1.07	The Council is required at, or as soon as practicable after the Annual Meeting, 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.			
1.08	<p>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. The allocation of seats on committees to the political groups must recognise that:-</p> <p>(i) There must be no one group committees.</p> <p>(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)</p> <p>(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.</p> <p>(iv) Each committee should (so far as is practicable) have the same proportional division between political groups as is represented upon the full Council.</p>			
1.09	<p>There are a total of 177 seats for councillors across all of the council committees Based on the current group membership the entitlement of each group to seats is set out in the table below. Those seats could be divided across the different committees in a number of possible configurations, and one possible lawful configuration is attached to the report as Appendix 1.</p>			
	Group	Size of group	% of total councillors	Entitlement to seats
	Labour	34	48.57%	86 (85.97)
	Independent Alliance	10	14.29%	26 (25.29)
	Conservative	8	11.43%	20 (20.23)
	Independent	6	8.57%	15 (15.17)
	Liberal Democrats	6	8.57%	15 (15.17)
	New Independent	6	8.57%	15 (15.17)
	Total	70	100%	177
1.10	<p>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 who cannot be the Leader. At a meeting of the Audit Committee it was of the view there should be no Cabinet Members on it.</p>			
1.11	<p>It is recommended that seats be allocated as set out in Appendix 1.</p>			

APPOINTMENT OF CHAIRS OF STANDING COMMITTEES

1.12 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)
Clwyd Pension Fund Committee	Council	The Chair and Vice Chair must be a Flintshire County Councillor
Democratic Services Committee	Council	Cannot be a Cabinet Member (LGW Measure 2011)
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 Committee	Council	None
Planning & Development Control	Council	None
Standards Committee	Standards Committee	Must be an independent member (Standards Committees (Wales) Regulations 2001)

1.13 **It is recommended that Council appoints the chair of the following committees (noting any restrictions on eligibility):**

- **Clwyd Pension Fund**
- **Constitution**
- **Democratic Services**
- **Licensing**

	<ul style="list-style-type: none"> • Planning and Development
1.14	Under the Local Government Measure 2011 the chairs of Overview and Scrutiny are chosen by the political groups based on the strength of the various groups and which have seats on the Cabinet. Chairs are allocated to groups with a place on Cabinet first and any entitlement is rounded down to the nearest whole number. The remaining chairs are then allocated to groups without a seat on Cabinet (rounding up to the nearest whole number).
1.15	The two groups with seats on Cabinet comprise 57.14% of the total number of councillors and are therefore entitled to 3 (rounding down) of the 6 seats. They are allowed to choose between them how those seats are allocated.
1.16	The remaining three seats must be allocated between the other 4 groups by Council. The larger size of the Independent Alliance and Conservative groups means they are each entitled to 1 seat. The Liberal Democrat group and New Independent group are the same size and so have the same entitlement. Council must therefore decide which group is to be allocated the final chair.
1.17	It is recommended that Council decides which group will chair each Overview and Scrutiny Committee.
	<u>LOCAL CHOICE FUNCTIONS</u>
1.18	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.
1.19	It is recommended that local choice functions as set out in the Constitution are approved.
	<u>NOMINATIONS TO INTERNAL BODIES</u>
1.20	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.
1.21	It is recommended that the make-up of the Appointments Committee be approved.

	<u>STANDARDS COMMITTEE</u>
1.22	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.
1.23	It is recommended that the 3 councillors on the Standards Committee be noted.

2.00	RESOURCE IMPLICATIONS
2.01	None as a result of this report

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Constitution Committee

4.00	RISK MANAGEMENT
4.01	None as a result of this report

5.00	APPENDICES
5.01	Appendix 1 – political balance

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None Contact Officer: Gareth Owens, Chief Officer (Governance) Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	None