

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **FLINTSHIRE COUNTY COUNCIL**

DATE: **TUESDAY, 19 JUNE 2012**

REPORT BY: **MONITORING OFFICER**

SUBJECT: **CONSTITUTIONAL CHANGES FOLLOWING THE
AGM**

1.00 PURPOSE OF REPORT

1.01 To propose amendments to the Constitution to reflect changes approved by Flintshire County Council at its annual general meeting on the 15 May 2012.

2.00 BACKGROUND

2.01 At its AGM on the 15 May County Council agreed a number of changes to the Constitution set out in the table below. I have drafted suggested amendments to reflect those changes. These are reported in the appendices using the "tracked changes" facility so that it is possible to see what has been changed and what is proposed. Where those amendments are not ready for consideration at present I have again noted this and the reason in the table below.

Change Required	Progress
1. Create terms of reference for the new Democratic Services Committee	Awaiting the statutory guidance from the WAG which is due in June 2012
2. Transfer the functions of the Overview & Scrutiny Coordinating Committee to the Constitution Committee and to enable the Constitution Committee to review and make bye-laws	To be reported to the Constitution Committee for comment
3. Minor amendment to the terms of reference of the Audit Committee to comply with the Local Government (Wales) Measure 2011	Attached at appendix A. N.B Other changes may be necessary should guidance be issued from WAG.
4. Change to the terms of reference for appointing the Chair of the Licensing Committee	Attached at appendix B

5. Amend Council procedure rule 1.1 and procedure rule 6 on the appointment of Chairs and Vice Chairs of Committee.	Attached at appendix C N.B Other changes may be necessary should WAG prescribe a process for appointing the Chairs of the O&S Committees
6. Amendments to the terms of reference for the Audit Committee allowing it to appoint its own Chair	Attached at appendix A
7. Review of internal bodies and working groups	Awaiting statutory guidance from WAG in June 2012. A comprehensive list of all such internal bodies is being drawn up in preparation for the review
8. Determine appointment process for the Police & Crime Panel	Awaiting further guidance from the Home Secretary.

3.00 CONSIDERATIONS

- 3.01 With respect to the proposed amendment to Council procedure rule 1.1 I have added a requirement that the Council should have regard to any statutory guidance issued under the Local Government Measure 2011, which is in any case our statutory duty to do so.
- 3.02 At this year's AGM on the 15 May it was decided that the committees themselves should appoint their own Vice Chairs. If that practice is to continue in future then the CPR 1.1 will have to be amended. I have reflected this by suggesting a change to procedure 6.
- 3.03 With respect to the Audit Committee I have made it clear that each Chair must be appointed from one of the non Cabinet groups by including the definition of a Cabinet group. I have also made a little more detailed provision for the appointment of the lay member by suggesting their term of office to run from the first full Council meeting after the AGM in the year when we have elections until the first Council meeting after the AGM in the year of the next elections. Alternatively, Council may prefer for the lay member to be appointed for a period of just one year.
- 3.04 I noted that the Constitution Committee was granted power to review, create or amend bye-laws. That however, omits the power to revoke bye-laws which can be important when seeking to carryout a wholesale review. I would therefore recommend that that power is granted to the Constitution Committee as well and reported to it along with the amendments from the AGM.

4.00 RECOMMENDATIONS

4.01 To approve the changes at appendices A, B and C

4.02 That the Constitution Committee be given power to revoke bye-laws as well as to review, amend and create bye-laws.

5.00 FINANCIAL IMPLICATIONS

5.01 None

6.00 ANTI POVERTY IMPACT

6.01 None

7.00 ENVIRONMENTAL IMPACT

7.01 None

8.00 EQUALITIES IMPACT

8.01 None

9.00 PERSONNEL IMPLICATIONS

9.01 None

10.00 CONSULTATION REQUIRED

10.01 None

11.00 CONSULTATION UNDERTAKEN

11.01 The draft report has been circulated to Group Leaders

12.00 APPENDICES

12.01 Appendix A - Terms of reference for the Audit Committee
Appendix B - Terms of reference for the Licensing Committee
Appendix C - Council procedure rules 1.1 and 6

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

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