

TO: Councillor: Robin Guest (Chairman)

Councillors: Bernie Attridge, David Barratt, Chris Bithell,
Carolyn Cattermoul, Glenys Diskin JP, Quentin Dodd,
Veronica Gay, Alison Halford, George Hardcastle, Patrick
Heesom, Dennis Hutchinson, Peter Macfarlane, Peter
Pemberton, Neville Phillips OBE, Tony Sharps, Aaron
Shotton, Nigel Steele-Mortimer, Arnold Woolley

Your Ref /
Eich Cyf

ur Ref / Ein Cyf ST 0

Date / Dyddiad 07/07/2010

Ask for /
Gofynner am Maureen Potter

Direct Dial /
Rhif Union 01352 702322

Fax / Ffacs

Dear Sir / Madam,

A meeting of the **CONSTITUTION COMMITTEE** will be held in the **DELYN COMMITTEE ROOM, COUNTY HALL, MOLD** on **WEDNESDAY, 14 JULY 2010** at **10:00** to consider the following items.

Yours faithfully



Democracy and Governance Manager

A G E N D A

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**
3. **MINUTES**
To confirm as a correct record the minutes of the meeting held on 26/04/2010 (copy enclosed).
4. **MEMBER CHAMPIONS**
Report of Democracy and Governance Manager enclosed
5. **OVERVIEW & SCRUTINY COMMITTEE STRUCTURE**
Report of Democracy and Governance Manager enclosed

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CONSTITUTION COMMITTEE
26 APRIL 2010

Minutes of the meeting of the Constitution Committee of Flintshire County Council held in County Hall, Mold on Monday 26 April, 2010.

PRESENT: Councillor R J T Guest (Chairman)

Councillors: D. Barratt, R.C. Bithell, J.C. Cattermoul, Q. R. H .Dodd, V. Gay, P. G. Heesom, H.D. Hutchinson, R. P. Macfarlane, P. R. Pemberton, N. Phillips, A.P. Shotton and A. Woolley.

ALSO PRESENT: Councillor Eng. K. Armstrong-Braun.

APOLOGIES: Councillors: G.D. Diskin, A.M. Halford, G. Hardcastle and N.R. Steele-Mortimer.

IN ATTENDANCE:

Head of Legal and Democratic Services, Democracy and Governance Manager, Member Engagement Manager and Committee Officer.

58. DECLARATIONS OF INTEREST

There were no declarations of interest.

59. MINUTES

The minutes of the meeting of the Committee held on 3 March, 2010, were submitted.

Matters Arising

Councillor H.D. Hutchinson expressed concern with regard to delays by the Authority in sending correspondence to Town and Community Councils and also referred to the length of time taken by some Officers to respond to communications from Town and Community Councils.

RESOLVED

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

60. REPRESENTATION AT PLANNING APPEALS

The Democracy and Governance Manager introduced a report the purpose of which was to consider a recommendation from the Planning Protocol Working Group to amend the part of the planning code of practice dealing with appeals against Council decisions.

The Democracy and Governance Manager provided background information and referred to the key considerations in the report. He advised that the Planning Protocol Working Group had agreed that the current wording on appeals in the planning code of practice should be replaced by the wording set out in Appendix 2 to the report and asked that Members considered the revised wording as outlined.

In response to a concern expressed by Councillor Q.R.H. Dodd the Democracy and Governance Manager advised that the revised wording was not intended to provide a “one size fits all” solution. He referred to the wide variety of situations that arose in relation to planning appeals and commented that the intention was to provide a flexible approach to meet the circumstances of each case.

RESOLVED:

That the Committee accepted the recommendation by the Planning Protocol Working Group to amend the part of the Flintshire planning code of practice dealing with appeals to incorporate the wording in Appendix 2 of the report.

61. CONSULTATION ON NATIONAL PLANNING POLICY AND GUIDANCE

The Democracy and Governance Manager introduced a report the purpose of which was to consider a recommendation from the Planning Protocol Working Group relating to consultation on national planning policy and guidance.

The Democracy and Governance Manager referred to the consideration given by the Planning Protocol Working Group to greater Member involvement in responding to consultation on national planning policy and guidance documents. He advised that the Planning Protocol Working group had been given various options for increasing Member input and had made a recommendation to the Constitution Committee that internal consultation was undertaken with the Working Group before a response was made to the consultation, although it was recognised that this was subject to the consultation period given by the Welsh Assembly Government being sufficient to allow for such internal consultation.

RESOLVED

That the views of the Planning Protocol Working Group be obtained and taken into account in determining the Council's response to consultation on national planning policy and guidance provided the consultation period allowed for this.

62. CHAIR/VICE-CHAIR OF PLANNING AND DEVELOPMENT CONTROL COMMITTEE

The Head of Legal and Democratic Services introduced a report to enable Members to consider the appropriateness of an Executive Member being either the Chair or Vice-Chair of the Planning and Development Control Committee.

The Head of Legal Services referred to the request made by Councillor Engineer Klaus Armstrong-Braun, that the Committee make a recommendation to the County Council that an Executive Member should not hold the position of Chair or Vice-Chair of the Planning and Development Control Committee. The Head of Legal Services referred to previous research undertaken on the matter and advised that no guidance had been issued by the Welsh Assembly Government but guidelines had been provided in England which suggested that it was not appropriate for the Chair of Planning to be a member of the Executive. He commented that an extract of the Guidance was attached as an appendix to the report for Members' consideration.

The Chairman invited Councillor Engineer Klaus Armstrong-Braun to join the meeting and present his concerns to the Committee. Councillor Armstrong-Braun raised a number of issues and referred to the potential for conflict of interest. He also expressed concerns with regard to the "well being" and "independence" of Officers to enable them to perform their role and responsibilities and emphasised the importance of a fair and transparent policy.

During an ensuing discussion Councillor P. Heesom stated that he was satisfied with the advice provided by the Head of Legal Services and proposed that the Committee agreed that an Executive Member should not hold the position of Chair or Vice-Chair of the Planning and Development Control Committee.

Councillor R.C. Bithell acknowledged the potential for conflict of interest between the views of the Executive Member and the Planning Committee and alluded to the stance which was previously taken by the Authority with regard to the appointment of Chair and Vice-Chair of the Planning Committee. Councillor A.P. Shotton expressed the view that there were sufficient elected Members to take either positions on the Committee and that the Executive Member for Housing Strategy and Planning should not sit on the Planning Committee due to the involvement which was required.

Councillor Q.R.H. Dodd commented that he believed that the workload of Executive Members was too demanding to enable them to undertake the additional responsibilities of Chair or Vice Chair although he had no objection to Elected Members holding either position. Councillor Heesom asked if consideration could be given as to whether it was appropriate or not for the Executive Member for Housing Strategy and Planning to sit on the Planning Committee. In his response the Chairman advised that the matter could be referred to the Planning Protocol Working Group for consideration.

In conclusion Members agreed that a recommendation be made to the County Council that the constitution be amended to reflect that the position that the Chair or Vice-Chair of the Planning and Development Control Committee should not be held by a member of the Executive.

RESOLVED

That a recommendation be made to the County Council that the constitution be amended to reflect that the position that the Chair or Vice-Chair of the Planning

and Development Control Committee should not be held by a member of the Executive.

63. MEMBER CHAMPIONS

The Democracy and Governance Manager referred to the decision at a meeting of the Committee on 17 December, 2009, to constitute a Task and Finish Group to consider the arrangements relating to Member Champions. He reported that the meeting of the Task and Finish Group which had been arranged for 22 April, did not take place and therefore there were no recommendations from the Group to report to the Committee.

During a discussion Members agreed to defer the item for future consideration when the meeting of the Task and Finish Group had been reconvened.

RESOLVED

That the item be deferred to a future meeting of the Committee.

64. CORPORATE GOVERNANCE – SELF-ASSESSMENT

The Head of Legal and Democratic Services introduced a report the purpose of which was for Members to consider the Self-Assessment Review 2010 as set out in the appendix to the report.

The Head of Legal Services provided background information and referred to the key considerations in the report. He advised that the Self-Assessment Review set out the Authority's achievements under the six core principles and identified any further action required to strengthen the Council's arrangements. He advised that work on the Self-Assessment had been delayed whilst the Wales Audit Office undertook a diagnostic in all Councils in Wales to enable them to produce a national report setting out its findings. He reported that the Wales Audit Office had provided a draft version of their analysis of the Good Governance Diagnostic but it had not yet been verified. However, to avoid further delay in dealing with the self-assessment reference to the diagnostic was included in paragraph 3.5 of the document with an action point to identify how to address those areas where the Wales Audit Office suggested further work be undertaken. The Head of Legal Services advised that a further report would be made available to the Committee when the final document had been received from the Wales Audit Office.

The Head of Legal Services referred to the Self Assessment Review which was attached as an appendix to the report and outlined some of the achievements to date. Referring to page 49 the Head of Legal Services referred to the six functional committees and advised that it had been previously recommended by the Constitution Committee that these should be reduced to five. Councillor A. Woolley emphasised the importance of scrutiny and referred to the recommendation by the Committee that the Corporate Management and People and Performance Overview and Scrutiny Committees be amalgamated to form the Corporate Overview and Scrutiny Committee. He expressed the view

that there would be an increasing need for scrutiny to be undertaken in the future and that it would be prudent to retain the current structure of six functional Committees.

Councillor R.C. Bithell referred to page 48 of the Review and the reference to Staff Appraisals and asked for an assurance that the process was undertaken in all directorates. The Head of Legal Services referred to the consideration of staff appraisals by Directorate Management Teams on a regular basis and the undertaking of mid year reviews. He commented that he was confident that staff appraisals were carried out regularly across the Authority. Councillor A. Woolley acknowledged that improvement had been made during the last year, however, he asked Members to continue to be diligent in their enquiries as there was still room for improvement.

RESOLVED

That the self Assessment Review 2010 be noted. .

65. DURATION OF MEETING

The meeting commenced at 2.00 pm and finished at 3.25 pm.

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Chairman

SUMMARY OF DECLARATIONS MADE BY MEMBERS
IN ACCORDANCE WITH FLINTSHIRE COUNTY COUNCIL'S
CODE OF CONDUCT

CONSTITUTION COMMITTEE		DATE 26 APRIL 2010
MEMBER	ITEM	MIN. NO. REFERS
NO DECLARATIONS WERE MADE		

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 4

REPORT TO: **CONSTITUTION COMMITTEE**
DATE : **14 JULY 2010**
REPORT BY: **DEMOCRACY AND GOVERNANCE MANAGER**
SUBJECT : **MEMBER CHAMPIONS**

1.00 PURPOSE OF REPORT

1.01 To consider recommendations from the Member Champions Task & Finish Group.

2.00 BACKGROUND

2.01 At the Constitution Committee meeting on the 17 December 2009 consideration was given to a report from the Head of Legal & Democratic Services on Member Champions. A copy of that report is attached as Appendix A. At that meeting the Constitution Committee resolved that a Task & Finish Group be established consisting of Councillors R C Bithell, A Halford, P G Heesom, V Gay and A P Shotton.

2.02 Following the Constitution Committee and prior to the first meeting of the Task & Finish Group each Member Champion had the opportunity to discuss their role with the Democracy and Governance Manager. This informed the report to the Task & Finish Group which met on the 28 May 2010. A copy of that report is attached as Appendix B. Attached as Appendix C are the minutes of that meeting of the Task & Finish Group.

3.00 CONSIDERATIONS

3.01 At the commencement of the Task & Finish Group meeting Councillor Bithell questioned whether there was a need for Member Champions. His view and the opposite view taken by Councillor Gay are summarised in Appendix 3. The Task & Finish Group then proceeded to consider various issues relating to Member Champions, including the issues identified in paragraph 2.03 of the report to the Constitution Committee meeting of the 17 December 2009 (Appendix A).

3.02 The report of the Democracy & Governance Manager explained the processes that had been used to appoint Member Champions. The Scrutiny Champion had been appointed by the Coordinating Committee, the Champion for ICT by the Executive and the other Member Champions by the Leader.

3.03 The Task & Finish Group then proceeded to consider how Member Champions should be appointed in the future. With the exception of the

Date: 06/07/2010

Overview & Scrutiny Champion the appointment of other Champions is an Executive function. The Task & Finish Group formed the view that appointment as a Member Champion should be based on Member skills rather than on the membership on any particular Group. It was indicated that Member Champions should have the support of all Members if part of their role was to deal with queries or concerns raised by Members.

3.04 The Task & Finish Group recommend the following process for the future appointment of Member Champions:-

- That an open invitation to all Members be made for nominations for each of the Member Champion roles.
- That any nominations should be seconded and that each candidate nominated should make a written statement indicating how they would fulfil the role.
- All such nominations received will then be considered at the same Council meeting which would make a recommendation on each appointment to the Executive. The Overview & Scrutiny Champion would not be an Executive appointment.

3.05 The next issue considered by the Task & Finish Group was whether greater publicity should be given to the Member Champions. The Task & Finish Group recommend that:-

- A letter should be sent to all Members giving details of the current Member Champions and their roles.
- This information should also be put on the Member information part of the Infonet.
- That the public be made aware of the various Member Champions through the Customer Services part of the Council's Website.

3.06 The Task & Finish Group went on to consider role descriptions for the Member Champions. At present the Member Champions for Biodiversity, Older People and for Supporting People have written role descriptions. The Task & Finish Group decided to recommend to the Committee that role descriptions be prepared for the remaining Member Champions.

3.07 The next issue considered by the Task & Finish Group was identifying how Champions should report back on their activities to the County Council. Various alternative suggestions have been made in relation to this. These include an annual report to County Council whereby each Member reports on the issues relating to their work during the year and the issues that have been raised with them. Another suggestion is that information could be reported on the Member information part of the Infonet and letters sent by Member Champions to all Members from time to time. It has also been

suggested that the Champions report periodically to their appropriate Overview & Scrutiny Committee.

- 3.08 The last issue considered by the Task & Finish Group was the extent to which the activities of Champions should be eligible for travelling and subsistence allowance. It is recommended that work as a Member Champion should be added to the list of approved duties in the Council's Scheme of Member Allowances. This would ensure that the Member Champions qualify for travelling and subsistence allowance and are not out of pocket.

4.00 RECOMMENDATIONS

- 4.01 For the Constitution Committee to consider the recommendations of the Task & Finish Group set out in paragraphs 3.04 to 3.08 above.

5.00 FINANCIAL IMPLICATIONS

- 5.01 Amending the Members' Allowance Scheme to include work as a Member Champion as an approved duty could be met from within the existing Members allowance budget.

6.00 ANTI POVERTY IMPACT

- 6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

- 7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

- 8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

- 9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

- 10.01 None as a result of this report.

11.00 CONSULTATION UNDERTAKEN

- 11.01 With existing Member Champions individually.

12.00 APPENDICES

- 12.01 Appendix A - Constitution Committee Report 17 December 2009
- Appendix B - Task & Finish Group Report 28 May 2010
- Appendix C - Task & Finish Group Minutes

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS

Report to the Executive of the 1 April 2009
Minutes of the Coordinating Committee meeting of the 29 January 2004
Minutes of the Constitution Committee meeting 17 December 2009

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FLINTSHIRE COUNTY COUNCIL

Appendix A

REPORT TO: **CONSTITUTION COMMITTEE**
DATE : **17 DECEMBER 2009**
REPORT BY: **HEAD OF LEGAL AND DEMOCRATIC SERVICES**
SUBJECT : **CHAMPIONS**

1.00 PURPOSE OF REPORT

- 1.01 To consider setting up a Task & Finish Group to review the roles and appointments of Champions.

2.00 BACKGROUND

- 2.01 At the meeting of the County Council held on the 24 August, 2009 the Leader of the Council withdrew a Notice of Motion which stated:

"That work as a Member Champion be added to the list of approved duties in the Members' Allowance Scheme with effect from 1 April, 2009."

- 2.02 Some research undertaken in connection with the Notice of Motion established that there was no single process for the appointment of Champions. In addition there was no clear picture as to the reporting or accounting lines between Champions and the responsible Executive Member, Committee Chair or Directorate.

- 2.03 Requests have been made for the Constitution Committee to consider reviewing the position with a view to:

- Establishing what processes have been used to appoint Champions in the past.
- Considering the rationalisation of an appointments process.
- Considering role descriptions for Champions.
- Identifying how Champions should report back on their activities to the County Council.
- Considering the extent to which the activities of Champions should be made eligible for travelling and subsistence allowance within the Members' Allowance Scheme.

3.00 CONSIDERATIONS

- 3.01 The role of Champions was considered briefly at the last meeting of the Corporate Management Overview & Scrutiny Committee and it was agreed

at the suggestion of the Chairman of the Constitution Committee that the matter be left with the Constitution Committee to avoid duplication of effort.

- 3.02 Members are invited to consider setting up a Task & Finish Group. The Group could at its first meeting consider those arrangements which have already been put in place and the remit of existing Champions where this has been set out. It is suggested that the Task & Finish Group comprise Members of each of the four political groups on the Council and report back in due course in relation to those matters set out in paragraph 2.03.

4.00 RECOMMENDATIONS

- 4.01 That Members consider setting up a Task & Finish Group to review the role and appointment of Champions and make appropriate recommendations to rationalise the present situation.

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 All Members of the Council through the democratic process.

11.00 CONSULTATION UNDERTAKEN

- 11.01 Limited consultation so far.

12.00 APPENDICES

- 12.01 -

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS

As referred to in the report.

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FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NO.

REPORT TO: **MEMBER CHAMPIONS TASK & FINISH GROUP**
DATE: **28 MAY 2010**
REPORT BY: **HEAD OF LEGAL & DEMOCRATIC SERVICES**
SUBJECT: **MEMBER CHAMPIONS**

1.00 **PURPOSE OF REPORT**

1.01 To consider the arrangements relating to Member Champions pursuant to the decision of the Constitution Committee meeting of the 17 December 2009.

2.00 **BACKGROUND**

2.01 At the Constitution Committee meeting on the 17 December 2009 consideration was given to a report from the Head of Legal & Democratic Services on Member Champions. A copy of that report is attached as **Appendix 1**. At that meeting the Constitution Committee resolved that a Task & Finish Group be established consisting of Councillors R C Bithell, A Halford, P G Heesom, V Gay and A P Shotton.

2.02 During consideration by the Constitution Committee there was uncertainty on a number of aspects of the Member Champion role that required clarification. These included the relationship with Executive Members, the role of the Champions and entitlement to allowances. During consideration it was also identified there was a need to formally identify the Champions as there was a lack of awareness of who were Member Champions.

2.03 Following the Constitution Committee meeting and prior to this first meeting of the Task & Finish Group each Member Champion has had the opportunity to discuss their role with the Governance & Democracy Manager.

3.00 **CONSIDERATIONS**

3.01 The first consideration is to identify which Member Champions have been formally appointed. There are two ways in which Member Champions have been appointed, either by formal resolution of a Committee or the Executive or secondly, by appointment from the Leader of the Council. Attached as **Appendix 2** is a table of the seven Member Champions indicating the area they are Champion for and the way in which they were appointed. One issue

for the Working Group to consider is whether greater publicity should be given to these Member Champions so that their existence is better known by other Members and by officers.

- 3.02 Another consideration is to clarify the role of Member Champions. When the Member Champions were appointed, varying details about their role was provided. Those appointed by Committee or Executive are considered first followed by those appointed by the Leader.
- 3.03 When the Overview & Scrutiny Champion was decided by the Coordinating Committee in 2004 it followed the North Wales Scrutiny Conference where a presentation had been given by the Director for the Centre for Public Scrutiny, which had made particular reference of the Scrutiny Champions Network. The idea was that each authority should nominate a Member and an officer to act as Scrutiny Champions so that the Centre for Public Scrutiny could e-mail appropriate material. The Coordinating Committee decided that the Member Champion for Overview & Scrutiny should be the Chair of the Overview & Scrutiny Coordinating Committee from time to time. When at its meeting of the 1 April 2009 the Executive appointed Councillor Robin Baker as Member Champion for ICT, the report explained that the appointment was to reflect the key role that the ICT strategy played in the Council's business planning and governance frameworks. In relation to the Member Champion for Member Support and Development, this is a requirement of the WLGA Charter for Member Support and Development. It is a requirement of the Charter that there is a Member Champion and Member Development Working Group made up of Members and officers to sponsor the Member Development Strategy and the Member development programme. It was decided the Chair of this Working Group from time to time would be the Member Champion.
- 3.04 In relation to the Member Champions appointed by the Leader he has explained that their roles were intended to:-
- a) Comply with any guidance/requirement from WAG;
 - b) To form a focal point of specialism;
 - c) To support/relieve/inform Executive Members, and
 - d) Provide a resource for Members, or constituents who had problems, enquiries, complaints or whatever relating to those specialisms.
- 3.05 In discussions with the individual Member Champions two have indicated that they have a written role description issued by WAG (the Member Champions for Biodiversity and Older People). The discussions with individual Member Champions have also indicated a degree of similarity in how they view their role, including being a point of contact for their particular area for other Members, officers, the public and outside bodies. Whilst Councillor Neville Phillips is also the Executive Member for the area he is Champion of, the other Member Champions (with the exception of Overview & Scrutiny) see themselves as helping the appropriate Executive Member in a particular specialised and time consuming area. The Working Group may feel that it is appropriate for each Member Champion to have a written role description.

3.06 Another consideration for the Working Group is in relation to Member Champions entitlement to allowances. Member Champions are not eligible for special responsibility allowances. Member Champions are however, eligible for care allowance so are able to reclaim expenses necessarily incurred in caring for dependents whilst carrying out those duties, subject to a maximum of £403 per month. The Member Champion may also be able to recover expenses incurred in travel & subsistence. This is dependent upon whether the work falls within of the list of approved duties contained in paragraph 3.01 of the Members' Allowance Scheme, such as attendance at a Body to which the Council makes appointments or attendance upon an officer of the Council upon Council business. At present the list of approved duties does not include work as a Member Champion and this can mean that on occasions a Member Champion's expenses on travel & subsistence is not reimbursed. Representations have been received from the Older People's Partnership Network that the Older People's Champion should be able to access out of pocket expenses with regard to the discharge of her role. The Group may wish to recommend that work as a Member Champion is added to the list of approved duties.

4.00 RECOMMENDATIONS

4.01 For the Working Group to consider the issues raised in paragraphs 3.01 to 3.06 of this report and any other issue the Task & Finish Group wishes to raise with a view to these being included in a report to the Constitution Committee.

5.00 FINANCIAL IMPLICATIONS

5.01 Amending the Members' Allowance Scheme to include work as a Member Champion as an approved duty could be met from within the existing Members' Allowance budget.

6.00 ANTI-POVERTY IMPACT

6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

7.01 None as a result of this report.

8.00 EQUALITY IMPACT

8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

10.01 None arising directly from this report

11.00 CONSULTATION UNDERTAKEN

11.01 With existing Member Champions individually.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT, 1985

Background Documents

Report to Executive of 1 April 2009

Minutes of Coordinating Committee meeting on 29 January 2004.

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APPENDIX 2

Member Champion	Area	Appointed
Councillor Robin Baker	ICT	Decision of the Executive
Councillor Hilary McGuill	Overview & Scrutiny	Decision of the Coordinating Committee
Councillor Neville Phillips	Member Support & Development	Decision of the Member Development Working Group
Councillor Veronica Gay	Older People	Appointed by the Leader
Councillor Emlyn Cooke	Energy	Appointed by the Leader
Councillor Carolyn Thomas	Biodiversity	Appointed by the Leader
Councillor Eric Owen	Supporting People	Appointed by the Leader

**MEMBER CHAMPIONS TASK & FINISH GROUP MEETING
OF THE 28 MAY 2010**

Present: Councillors: R C Bithell, V Gay
and Democracy & Governance Manager

Apologies: No apologies were received

Appointment of Chairman

Councillor Bithell was appointed Chairman.

Declarations of Interest

Councillor Gay declared a personal non prejudicial interest arising from her role as a Member Champion.

Member Champions

The Democracy & Governance Manager introduced his report and summarised it. Councillor Bithell questioned whether there was a need for Member Champions. In his view it was for officers to advise Members rather than another Member to do so as Member Champion. He also felt that for Executive functions the role was part of that of the appropriate Executive Member and that they were regularly in touch with the Welsh Assembly Government as a result of their Executive role in a way that a Member Champion not on the Executive would not be. Councillor Gay took the opposite view and indicated that the effect of making the Executive Member the Member Champion could lead to that Member being overloaded and the quality of the Member Champion role suffering as a result. Councillor Gay indicated that in relation to her role as a Member Champion for Older People other larger Councils as well as Flintshire had someone other than the Executive Member appointed as the Champion.

The Democracy & Governance Manager advised that in reporting back to the Constitution Committee the views of Councillor Bithell would be included but that the Task & Finish Group had been given the task of advising on certain issues relating to the role and would expect the Task & Finish Group to address these issues. Councillor Bithell agreed that the issues needed to be considered and the meeting proceeded to do so.

The first issue that the Constitution Committee at its meeting on the 17 December 2009 had asked to be considered was to establish what processes had been used to appoint Member Champions in the past. The report of the Democracy & Governance Manager explained that the Scrutiny Champion had been appointed

by the Coordinating Committee, the Champion for ICT by the Executive and the other Member Champions by the Leader.

Councillor Bithell indicated that the issue of how Member Champions should be appointed in the future should be considered. Councillors Bithell and Gay agreed that appointment as a Member Champion should be based on that Member's skills rather than on their membership of a particular Group. The Democracy & Governance Manager explained that with the exception of the Overview & Scrutiny Champion the appointment of the other Champions was an Executive function. He also indicated that Member Champions should have the support of all Members if part of the role was to deal with queries or concerns Members had. Both Councillors Bithell and Gay believed there should be an open and transparent process of appointing Member Champions. It was agreed to recommend to the Constitution Committee the following process:-

- That an open invitation to all Members be made for nominations for each of the Member Champion roles.
- That any nomination should be seconded and that each candidate nominated make a written statement indicating how they would fulfil the role.
- All such nominations received would then be considered at the same Council meeting who would make a recommendation on each appointment to the Executive.

The next issue considered was that identified in the report to the meeting of whether greater publicity should be given to the Member Champions so that their existence is better known by Members and officers. In considering this issue it was agreed to recommend that a letter should be sent to all Members giving a list of the current Member Champions and their roles for which they were the Champion. This should also be put on the Member information part of the Infonet. Councillor Gay indicated that in addition to Members and officers the public needed to be made aware of the various Member Champions. Councillor Gay suggested that this be done through the customer services part of the Council's website. This process would enable queries raised by the public to be channelled to the appropriate part of the Council and a record of them kept. The Democracy & Governance Manager indicated that he would need to make enquiries of Chris Guest as the appropriate Head of Service for this area as to the practicalities of this.

With this caveat the Constitution Committee was recommended to agree that a letter be sent to all Members detailing the current Member Champions and their roles and this information be placed on the Infonet and on the Customer Services part of the web.

The next issue was the question of written role descriptions for the Member Champions. The Democracy & Governance Manager reported that three of the existing Member Champions had written role descriptions namely, the Member Champions for Biodiversity, Older People and for Supporting People. It was agreed to recommend to the Constitution Committee that role descriptions be prepared for the remaining Member Champions. The Democracy & Governance

Manager would enquire of WAG if they had role descriptions for the other four Member Champions. If they did then this would be the recommended role description. If they did not, then a new role description would be prepared by the Democracy & Governance Manager in consultation with the current post holder and the Leader, which would then be reported to the Constitution Committee for approval.

The next issue was to identify how Champions should report back on their activities to the County Council. Councillor Bithell suggested that there be an annual report to County Council on the issues relating to their work during the year and the issues that had been raised with them. In addition, information could be reported on the Member information part of the Infonet and letters sent by the Member Champion from time to time to Members updating them.

The last issue was one of Member Champion entitlement to allowances. The Democracy & Governance Manager explained the current situation in relation to travel and subsistence reimbursement being dependant upon an approved duty which at present did not include work as a Member Champion. Councillor Bithell was of the view that work as a Member Champion should qualify for travel and subsistence allowance and the current scheme be amended to allow for this. Councillor Bithell was also of the view that a Member Champion should be able to claim care allowance for undertaking work as a Member Champion. The Democracy & Governance Manager explained that this was the existing situation.

The meeting lasted from 2.00 pm until 3.00 pm.

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 5

REPORT TO: CONSTITUTION COMMITTEE
DATE : 14 JULY 2010
REPORT BY: DEMOCRACY AND GOVERNANCE MANAGER
SUBJECT : OVERVIEW & SCRUTINY COMMITTEE STRUCTURE

1.00 PURPOSE OF REPORT

1.01 To give further consideration to the Overview & Scrutiny Committee structure pursuant to the decision at the Council's annual meeting.

2.00 BACKGROUND

- 2.01 Members will recollect a wide-ranging questionnaire on the Overview & Scrutiny arrangements was sent to members and senior officers last year. Section 5 of the survey raised questions about the Overview & Scrutiny Committee structure. Both the member and officer survey results supported a revised Committee structure which has a close alignment to the Council's organisational structure, avoids duplication and has capacity to engage in external Overview & Scrutiny.
- 2.02 The responses to the member and officer surveys were reported to the Overview & Scrutiny Coordinating Committee on the 16 July 2009. At that meeting the Committee supported the revised Committee structure shown in Appendix 1 to this report with the proviso that there should be greater emphasis on outward looking scrutiny, including regional working and the relationship with the Welsh Assembly Government. The Chair of the Coordinating Committee suggested that this could possibly be added to the terms of reference of the Coordinating Committee.
- 2.03 The survey results and the views of the Coordinating Committee were then considered at a meeting of the Constitution Committee on the 28 July 2009. The Committee decided that all members should be given the opportunity to make suggestions as to an amended Committee structure by the end of August and that consideration should be deferred pending a further report to consider any such alternative models. By letter dated the 30 July 2009 all members were informed of this and a copy of that letter is attached as Appendix 2.
- 2.04 At the Constitution Committee meeting on the 17 December 2009 after a detailed discussion it was decided to recommend to County Council a revised Overview & Scrutiny Committee structure as detailed in appendix 1 subject to:

Date: 06/07/2010

- a. The Coordinating Committee having responsibility to scrutinise regional working and the relationship with the Welsh Assembly Government.
 - b. The deletion of references to joint chairs and vice chairs.
 - c. The Coordinating Committee being reduced to 15 members.
 - d. The Community & Housing and Social & Health Committees continue until the result of the housing stock ballot is known when their position be reviewed by Constitution Committee.
- 2.05 At the Council's annual meeting on the 11 May 2010 it was decided that members should provide evidence to the Constitution Committee on whether they think there is a need to reduce the number of Overview & Scrutiny Committees and that the Constitution Committee need to consider such evidence and within 90 days provide recommendations to Council.
- 2.06 At a meeting of the Overview & Scrutiny Coordinating Committee on the 3 June it was decided to recommend to the Constitution Committee that the existing number of Overview & Scrutiny Committees be retained and that officers review all the Committees in an attempt to define synergies and come up with options for seven new Overview & Scrutiny Committees.
- 2.07 The Coordinating Committee also decided that the Committee Chairman write to all Members requesting that they provide their views and evidence on whether they think there is a need to reduce the number of Overview & Scrutiny Committees. A copy of Councillor McGuill's letter is attached at Appendix 3. The responses from members to Councillor McGuill's letter are summarised in Appendix 4.

3.00 CONSIDERATIONS

- 3.01 The Local Government Act 2000 gives Councils freedom to have one or more Overview & Scrutiny Committee as determined by each Council. Provided the political balance requirements are met Councils also have freedom to determine the size of each Overview & Scrutiny Committee.
- 3.02 Flintshire currently has more Overview & Scrutiny Committees than any other North Wales Council and the number of members on each Committee is higher than average. The current Committee structure is based on the Council's previous Directorate structure, together with a Coordinating Committee.
- 3.03 Committee meetings are resource intensive, both in terms of officer support and member time. Officers believe that by reducing the number of formal Overview & Scrutiny Committees more resources can be devoted to Task & Finish Group working resulting in more efficient and effective Overview & Scrutiny.

- 3.04 Whilst a few members have questioned the need for a Coordinating Committee more have recognised that it serves a valuable role in dealing with issues common to all the Overview & Scrutiny Committees and thereby avoiding duplication. In addition to its role in dealing with requests for Scrutiny topics, the Constitution Committee recommended to Council that its role be expanded to include scrutiny of regional working and the relationship with the Welsh Assembly Government and that its size be reduced to the size of the other Overview & Scrutiny Committees.
- 3.05 The existing Corporate Management and People & Performance Committees were more appropriate when there were two central Directorates. Now there is a Central Corporate Services Directorate it seems appropriate to combine the two existing Committees into one Corporate Committee to reflect the Directorate structure. The results of the member and officer survey support the combining of the two existing Committees in this way.
- 3.06 Representations have recently been made by a number of members that it is inappropriate to reduce the central/corporate scrutiny capacity at a time when new scrutiny functions are being added. The Crime & Disorder powers have already been added to the Corporate Management Overview & Scrutiny Committee. The Welsh Assembly Government is currently considering local authority responses to the consultation on Scrutiny and Democratic functions. A report is likely to be published in the summer, setting out the Assembly Government's proposals for the extension of Overview and Scrutiny powers to other public service bodies, excluding the Health Service.
- 3.07 In previous considerations it was the issue of combining the existing Social & Health and Community & Housing Committees which has attracted the most member interest. Initially this was supported by the Coordinating Committee but the Member Working Group it subsequently set up was evenly split between combining the two Committees at the present time or doing so after the housing stock option process. The Constitution Committee subsequently recommended to Council that the two Committees continue until the result of the housing stock ballot is known when their position be reviewed.
- 3.08 In February the annual report of the Independent Remuneration Panel was received. With effect from the beginning of April the report changed the legal framework for the payment of special responsibility allowances. Whilst the chairs of Overview & Scrutiny Committees are in the new framework, the vice chairs are not. The Council has made application to the Independent Remuneration Panel for Overview & Scrutiny vice chairs to still be eligible for special responsibility allowances but the application has been refused.
- 3.09 In determining a revised Overview & Scrutiny Committee structure it is important that it has widespread member support, particularly from those members not on the Executive. The previous wide-ranging consultation

following the member and officer surveys does however, indicate it will be difficult to arrive at a structure which has unanimous member support.

- 3.10 From the responses received to Councillor McGuill's letter the majority of responses favour retaining the existing number of Overview & Scrutiny Committees.

4.00 RECOMMENDATIONS

- 4.01 For the Committee to consider what representation it wishes to make to the Council on the Overview & Scrutiny Committee structure.

5.00 FINANCIAL IMPLICATIONS

- 5.01 None as a result of this report.

6.00 ANTI POVERTY IMPACT

- 6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

- 7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

- 8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

- 9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

- 10.01 None as a result of this report.

11.00 CONSULTATION UNDERTAKEN

- 11.01 None as a result of this report.

12.00 APPENDICES

- 12.01 Appendix 1 - Revised Overview & Scrutiny Committee Structure
Appendix 2 - Letter dated the 30 July 2009 sent to Members
Appendix 3 - Letter from Cllr McGuill dated 03.06.10 sent to Members
Appendix 4 - Responses from Members to Cllr McGuill's letter

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

BACKGROUND DOCUMENTS

Member and officer Overview & Scrutiny survey results.
Report to and minutes of Coordinating Committee meeting 16 July 2009
Report to and minutes of Constitution Committee meeting 28 July 2009
Report to and minutes of Coordinating Committee meeting 22 October 2009
Report to and minutes of Constitution Committee meeting 17 December 2009
E-mail from Councillor Baker of the 9 June 2010
Letter from Councillor Armstrong-Braun of the 16 June 2010
Note from Councillor Gillmore
Letter from Councillor Evans of the 13 June 2010
Letter from Councillor Woolley of the 24 June 2010
E-mail from Councillor Hinds of the 15 June 2010

Contact Officer: Peter J Evans
Telephone: 01352 702304
E-Mail: peter_j_evans@flintshire.gov.uk

POSSIBLE REVISED COMMITTEE STRUCTURE

Corporate Overview & Scrutiny Committee

- Combining existing terms of reference of Corporate Management and People and Performance Committees.
- Joint Chairs and Vice Chairs.
- 15 Members.
- Scrutinises all services within the Corporate Directorate.
- Crime and Disorder powers from the 1 October 2009.
- Scrutinises external bodies, including Police and Fire.

Community Overview & Scrutiny Committee

- Combining existing terms of reference of Social Health and Community and Housing Committees.
- Joint Chairs and Vice Chairs.
- 15 Members.
- Scrutinises all services within Community Directorate.
- Scrutinises external bodies, including Local Health Board, Community Health Council and Housing Associations.

Lifelong Learning Overview & Scrutiny Committee

- 15 Members and 4 co-optees'.
- No change to existing terms of reference.
- Scrutinises all services within Lifelong Learning Directorate.
- Scrutinises external bodies, including schools, colleges, Clwyd Theatr Cymru, Arts Council and WAG Department of Children's Education Lifelong Learning & Skills (DCELLS).

Environment Overview & Scrutiny Committee

- 15 Members.
- Minimal change to existing terms of reference (to include Waste Management).
- Scrutinises all services within Environment Directorate.
- Scrutinises external bodies, including Tourist Board, Regional Flood Defence Committee, Dee Estuary Forum, Tourism Partnership and CBI Wales.

Coordinating Overview & Scrutiny Committee

- 21 Members.
- Existing terms of reference.

APPENDIX 2

All Members of the Council

PJE/LS/C196005

30 July 2009

Mr Peter Evans

01352 702304

01352 702494

Dear Councillor,

OVERVIEW & SCRUTINY COMMITTEE STRUCTURE

My purpose in writing to you is to inform you of the decision taken by the Constitution Committee at its meeting on the 28 July when it considered a report on the outcome of the Member and officer surveys on Overview & Scrutiny.

You may recollect that a questionnaire relating to Overview & Scrutiny was compiled in consultation with the Chairs of the Coordinating and Constitution Committees and sent to Members and Senior Managers on the 26 March 2009. The individual responses received were then tabulated and reported to the Coordinating Committee meeting on the 16 July and to the Constitution Committee on the 28 July. Whilst both Committees considered a number of issues arising from the questionnaire responses, this letter relates to the Constitution Committee's consideration of a revised Committee structure for Overview & Scrutiny.

The responses to the questions relating to the Committee structure in both the Member and officer surveys supported a revised Committee structure which has a closer alignment to the Council's organisational structure, avoids duplication and has capacity to engage in external Overview & Scrutiny. The attached possible structure was therefore reported to both Committees for consideration. It would combine the existing People and Performance and Corporate Management Committees and similarly combine the existing Community & Housing and Social & Health Committees so as to reflect the Directorate structure. In considering this possible structure the Coordinating Committee recommended it to the Constitution Committee with one amendment that there should be greater emphasis on outward looking Scrutiny, including regional working and the relationship with the Welsh Assembly Government. The Chair of the Coordinating Committee suggested that this could possibly be added to the terms of reference of the Coordinating Committee.

.../...

In considering this the Constitution Committee decided to defer making a recommendation to County Council to enable Members to have the opportunity to suggest alternative options so that officers could consider and bring back a further report including them prior to a new structure being recommended to County Council. Amongst the views expressed at the Constitution Committee were views both for and against combining the existing Community and Social & Health Committees, for the existing Community and Housing Committee to be combined with the Environment & Regeneration Committee and to combine the Coordinating and Constitution Committees. The Committee decided that any suggestions Members wished to make should be submitted by the end of August. If you have any suggestions as to a possible revised Committee structure for Overview & Scrutiny please could you therefore submit them to either myself or the Head of Overview & Scrutiny by the end of August.

Yours sincerely,

Peter J Evans
Assistant Director (Democratic Services)

APPENDIX 3

All Members of the County Council

HG/LS

3 June 2010

Cllr Hilary McGill

Dear Councillor,

Overview & Scrutiny Committee Structure

At the Coordinating Committee meeting on the 3 June it was agreed that I should write to all Members to follow up the decision made at the annual meeting on the 11 May 2010. At that meeting it was decided that Members should provide evidence to the Constitution Committee on whether they think there is a need to reduce the number of Overview & Scrutiny Committees and that the Constitution Committee needed to consider such evidence and within 90 days provide recommendations to the Council. At the Coordinating Committee meeting it was felt it was important that all Members had the opportunity to give their views so that such views could be taken into account at the Constitution Committee meeting on the 14 July. I would like your ideas on the terms of reference for the Corporate Management and People and Performance scrutiny committees especially with the fact that we need to be considering how we will scrutinise outside bodies. It has been suggested that Corporate Management deals with internal scrutiny and People and Performance deals with external scrutiny, what are your views? I am therefore writing to encourage Members to write to Member Services by the end of the month with any evidence or views the Member has of the need to change the number of Overview & Scrutiny Committees. The report to the Constitution Committee can then be informed by any such communications received from Members.

Yours sincerely,

Councillor Hilary McGill

APPENDIX 4

Councillor	Comments
K Armstrong-Braun	Favours Corporate Management and People & Performance combining and Social & Health and Community & Housing also combining because of the current duplication and cost.
Robin Baker	Believes we probably have too many Scrutiny Committees and each Committee has too many Members for effective debate. If we have to retain both People & Performance and Corporate Management, he is attracted to the idea of one looking inside the organisation and one looking at outside bodies.
Ted Evans	Against any combining of Overview & Scrutiny Committees as the workload and length of Committee meetings would increase.
Fred Gillmore	Believes People & Performance and Corporate Management do cover some areas of overlap but at present should be kept separate due to the current workload being high.
Cindy Hinds	There is no need for the Scrutiny Committees to be reduced. This is where non Executive Members can have their say and it would be unfair to deny those Councillors bringing up good points at these Committees.
Arnold Woolley	Believes now is not the time to be cutting the number of Committees due to the existing workload, the increasing need for scrutiny called for by WAG, the new Crime & Disorder Power, the need to scrutinise collaborative activity, ongoing structural reviews and the need for tough decisions to be made over the next few years.