CONSTITUTION COMMITTEE

24 JULY 2012

Minutes of the meeting of the Constitution Committee of Flintshire County Council held in County Hall, Mold on Tuesday, 24 July, 2012

PRESENT: Councillor R.J.T. Guest (Chairman)
Councillors: R.C. Bithell, D. Butler, D.L. Cox, G.D. Diskin, A.I. Dunbar, D. Evans, V. Gay, G. Hardcastle, P.G. Heesom, J.M. Johnson, W.P. Shotton, W.O. Thomas and A. Woolley

SUBSTITUTION: Councillor J.B. Attridge for I.B. Roberts

APOLOGIES: Councillors C.S. Carver, R. Johnson and N. Phillips

IN ATTENDANCE:
Chief Executive, Head of Legal and Democratic Services, Democracy and Governance Manager, Member Engagement Manager and Committee Officer

Prior to the commencement of the meeting the Chairman expressed his thanks to Councillor H.T. Isherwood, for all her work in chairing the Committee during the last year.

1. APPOINTMENT OF VICE-CHAIR

The Chairman sought nominations for a Vice-Chair for the Committee.

RESOLVED:

That Councillor J.M. Johnson be appointed Vice-Chair of the Committee.

2. DECLARATIONS OF INTEREST

Councillor R.J.T. Guest declared a personal interest on agenda item number 10 – Terms of Reference of Committees, as Vice-Chair of the Community Profile and Partnerships Overview & Scrutiny Committee.

3. MINUTES

The minutes of the meeting of the Committee held on 28 March 2012, were submitted.

Matters arising

Annual Review of Code of Corporate Governance

Councillor R.C. Bithell requested that the Vice-Chair of the Constitution Committee also be kept informed of any changes on updating the Constitution to reflect amendments to the Code of Corporate Governance. The Democracy

and Governance Manager confirmed that he would do so.

RESOLVED:

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

4. CONSULTATION ON WELSH GOVERNMENT WHITE PAPER "PROMOTING LOCAL DEMOCRACY"

The Democracy and Governance Manager introduced a report to inform the Committee of the contents of the White Paper "Promoting Local Democracy" and obtain Members' views on how to respond to the consultation. The questions and draft responses were appended to the report.

Copies of a paper to the WLGA Co-ordinating Committee on the consultation was distributed at the meeting for Members' information.

Members referred to the considerations in the report and made the following observations on the seven areas covered by the White Paper.

Local Government Boundary Commission Wales

On question 2 Members agreed that the Commission's membership be extended to 6 members and that the quorum be increased to three.

Question 8 related to community reviews. The Chief Executive commented that there was already a statutory duty to keep under review and only if a council had not carried this out should the Commission require one

There was an objection to the proposal put forward in question 16 as being unreasonable to put a specific number at the start of the process. The draft response reflected the recent Council decision when considering the consultation on Council size and so it was agreed that the response should remain "Yes".

Members endorsed the draft responses provided to questions 19 to 23.

Amendments to the Local Government (Wales) Measure

Question 25 was discussed and it was agreed not to comment one way or the other.

Members agreed to add a comment that senior salaries should continue to be paid post elections until the appointment of new postholders at each subsequent Annual General Meeting as their duties continued during that period.

The draft responses to questions 29 to 32 were endorsed.

Access to Information: Town and Community Councils

Members were in favour of the draft responses to questions 33 and 34..

Electoral Issues

The Chief Executive and Head of Legal and Democratic Services responded to queries raised by Members concerning payments made to local government officers when undertaking election work and provided further clarification on the duties and responsibilities for running elections. Members agreed the draft response to question 35.

Members welcomed the potential use of funding mechanisms to reward efforts to improve registration levels and expressed the view that the Authority's performance was good.

Local Government Ethical Framework

During discussion Members were of the view that there should be a Code of Conduct which applied to both County and Town and Community Councillors in the same way. Members also supported the concept of more regional collaboration but not necessarily over North Wales as a whole.

Councillor P.G. Heesom withdrew from the meeting room at this point for the remainder of the agenda item.

The Committee were of the view that Members should be required to take out insurance cover for legal representation costs either individually or through political parties.

Local Government Scrutiny and Councillor Training and Development

Members endorsed the proposed responses as detailed in the report concerning Local Government Scrutiny and Councillor Training and Development.

RESOLVED:

(a) That the White Paper "Promoting Local Democracy" be noted; and

(b) That the draft response to consultation on the White Paper be amended to reflect the discussion and submitted.

5. STATUTORY GUIDANCE ON THE LOCAL GOVERNMENT (WALES) MEASURE 2011

The Democracy and Governance Manager introduced a report to inform the Committee of the statutory guidance issued following consultation on the draft guidance.

The Democracy and Governance Manager provided background information and an overview of the main considerations detailed in the report and identified changes made from the draft guidance.

RESOLVED:

That the provisions in the statutory guidance be noted.

6. REVIEW OF CONSTITUTION

The Democracy and Governance Manager introduced a report to propose a rolling review of the Constitution that would ensure all parts of the document were reviewed over a 3 year period..

Members were advised that although the Constitution was an important document there was a lack of understanding amongst Members and officers. It was felt that this could be addressed by the rolling programme of review itself, and by arranging briefings for groups of officers and groups of Members on the Constitution.

RESOLVED:

(a) That the proposed programmed review of the Constitution be endorsed; and

(b) That the above proposals in relation to raising understanding of the Constitution amongst Members and officers be endorsed.

7. REVIEW OF INTERNAL MEMBER FORA

The Democracy and Governance Manager introduced a report to formally commence a review of internal Member informal fora such as panels and working groups. He provided background information and a list of the internal Member fora that had been identified for review through consultation with Heads of Service.

The hope was expressed that the process would raise the profile of the planning function.

Councillor J.B. Attridge proposed that political Group Leaders consider a review of the internal Member fora with the benefit of the information in paragraph 3.03 of the report, following which a further report be submitted to the Constitution Committee prior to consideration by County Council. This was agreed by Members and became the resolution of the Committee.

RESOLVED:

The information in paragraph 3.03 of the report be obtained for consideration by political group leaders and then a further report to the Committee prior to consideration by County Council.

8. OVERVIEW AND SCRUTINY ANNUAL REPORT

The Member Engagement Manager introduced the report to enable the Committee to consider the draft Overview & Scrutiny Annual Report for the 2011/12 municipal year. Members were informed that the final version of the report would be forwarded to County Council for approval.

It was suggested and agreed that the following be included in the next annual report:

RESOLVED:

(a) That the draft Overview and Scrutiny Annual Report for 2011/12 be amended to record the membership of Task and Finish Groups; and

(b) That the attendance of Members at Overview and Scrutiny Committee meetings be included in future Overview & Scrutiny Annual Reports.

9. TERMS OF REFERENCE OF THE LIFELONG LEARNING AND COMMUNITY PROFILE AND PARTNERSHIPS OVERVIEW & SCRUTINY COMMITTEES

The Member Engagement Manager introduced a request from the Lifelong Learning Overview & Scrutiny Committee to resolve a potential overlap between its terms of reference and those of the Community Profile & Partnerships Overview & Scrutiny Committee.

At the Lifelong Learning Overview & Scrutiny Committee meeting held on 14 June 2012, the Members held the view that Clwyd Theatr Cymru was a better "fit" with their own terms of reference particularly the Culture and Leisure aspects. Historically, it had fallen within the remit of the Community Profile & Partnerships Overview & Scrutiny Committee.

During discussion it was proposed that Clwyd Theatr Cymru remained within the terms of reference of the Community Profile and Partnerships Overview & Scrutiny Committee, as previously determined by the Co-ordinating Committee, and this was agreed by Members.

RESOLVED:

That Clwyd Theatr Cymru remains within the remit of the Community Profile and Partnerships Overview & Scrutiny Committee.

10. REPORTS FROM OVERVIEW & SCRUTINY COMMITTEE CHAIRMEN

The Member Engagement Manager introduced the report to invite the Committee to consider whether it wished to continue the practice adopted by the former Overview & Scrutiny Co-ordinating Committee to receive reports from Committee Chairmen on the work of their Committees.

During discussion Members expressed their views concerning whether to continue or not with the practice of receiving Committee Chairmen reports and the Overview and Scrutiny Committee Work Programmes. It was agreed that the Committee should receive reports from Overview & Scrutiny Committee Chairmen on the work of their Committees on an annual basis, as part of the Annual Report.

RESOLVED:

That the Constitution Committee receives reports from Overview & Scrutiny Committee Chairmen on the work of their Committees on an annual basis as part of the Annual Report.

11. PRESS IN ATTENDANCE

There were no members of the press in attendance.

12. DURATION OF MEETING

The meeting commenced at 2.00 pm and finished at 3.45 am.

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Chairman

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

CODE OF CONDUCT

CONSTITUTION COMMITTEE		**DATE 24 July 2012**
MEMBER	**ITEM**	**MIN. NO. REFERS**
Councillor R.J.T. Guest	Terms of reference of the Lifelong Learning and Community Profile & Partnerships Overview & Scrutiny Committees	9