

## PART 1 - Summary and Explanation

### Flintshire County Council's Constitution

The Council has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into 20 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

**Comment [FCC1]:** Added article on Democratic Services Committee

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### What's in the Constitution?

Article 1 explains that the Council will exercise its powers and their duties in accordance with the law and with the Constitution. It goes on to list the following purposes of the Constitution:-

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¶ Provide clear leadership and effective accountability by:-¶

**Comment [FCC2]:** Inaccurate, Article 1 does not commit the Council to provide clear leadership and effective accountability

- ♦ Enabling the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- ♦ Supporting the active involvement of citizens in the process of local authority decision making;
- ♦ Helping Councillors represent their constituents more effectively;
- ♦ Enabling decisions to be taken efficiently and effectively;
- ♦ Creating a powerful and effective means of holding decision-makers to public account;
- ♦ Ensuring that no one will scrutinise a decision in which they were directly involved;
- ♦ Ensuring that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and
- ♦ Providing a means of improving the delivery of services to the community.

Articles 2 –19 explain the rights of citizens and how the key parts of the Council operate.

These are:

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Full Council (Article 4)

**Comment [FCC3]:** clarification

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- Chairing the Council (Article 5)
- Overview and Scrutiny Committees (Article 6)
- Audit Committee (Article 7)
- The Cabinet (Article 8)
- Planning and Development Committee (Article 9)
- The Standards Committee (Article 10)
- The Licensing Committee (Article 11)
- Appeals Committee (Article 12)
- Constitution Committee (Article 13)
- Democratic Services Committee (Article 14)
- Joint arrangements (Article 15).
- Officers (Article 16).
- Decision making (Article 17).
- Finance, contracts and legal matters (Article 18).
- Review and revision of the Constitution (Article 19).
- Suspension, interpretation and publication of the Constitution (Article 20).

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### How the Council operates

Prior to the adoption of this Constitution the Council undertook to ascertain the views of the electorate and other stakeholders as to how it should operate. The overwhelming response to the consultation was in favour of the Council's recommended option, a Leader and Cabinet system under the Local Government Act 2000.

The Cabinet will make decisions within the framework decided by the Council as a whole.

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Scrutiny Committees will hold the Cabinet to account in relation to their performance, advise on policy formulation and they may also review areas of Council activity which are not the responsibility of the Cabinet or matters of wider local concern.

Planning decisions will continue to be made by the Planning and Development Control Committee and the Council, not the Cabinet, will maintain an Appeals Committee, Audit Committee, Licensing Committee and a Standards Committee to deal with particular areas of work.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Monitoring Officer trains and advises them on the code of conduct.

The Standards Committee will promote high standards of conduct and support Members' observation of their Code of Conduct.

The Council is composed of 70 Councillors normally elected every four years. Councillors are democratically accountable to residents of their electoral division. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year.

## HOW DECISIONS ARE MADE

### THE CABINET

The Cabinet is the part of the Council which is responsible for taking most of the major decisions. The Cabinet is made up of 8 Portfolio Members including the Leader and Deputy Leader responsible for the following matters or functions:

1. Finance
2. Environment
3. Social Services
4. Education
5. Public Protection, Waste & Recycling
6. Housing
7. Corporate Management
8. Regeneration, Enterprise & Leisure

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**Comment [FCC4]:** Update

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**Comment [FCC5]:** Update

**Deleted:** and Youth

**Comment [FCC6]:** Update

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**Deleted:** Strategy and Planning

**Deleted:** 6. . Waste Strategy and Management  
7. . Estate Management  
8. . Corporate Governance and Strategy  
9. . Regeneration and Tourism  
10. . Leisure and Public Protection

**Comment [FCC7]:** Update

The business to be considered by the Cabinet, Overview and Scrutiny Committees and the Council as a whole is published in the forward work programme. Meetings of the Cabinet, Overview and Scrutiny Committees, the Council and other Committees are open for the public to attend except where exempt or confidential matters are being discussed, as defined by the law. The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole.

### OVERVIEW AND SCRUTINY

There are six Overview and Scrutiny Committees, each having their own detailed terms of reference. Part of their role is to review and scrutinise decisions made or actions taken by the Cabinet. The terms of reference also include considering any matter affecting the Council area or its inhabitants. The Committees allow citizens to have a greater say in Council matters by investigating or inquiring into matters of local concern usually in public. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. Overview and Scrutiny Committees also monitor the decisions of the Cabinet. They can 'call-in' a decision which has been made by the Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet reconsider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

**Deleted:** which complement the work of the Cabinet and the Council as a whole whilst each of the Committees has its own detailed terms of reference the activities of the Committees are co-ordinated by the Scrutiny Co-ordinating Committee which ensures, amongst other things, that there is no duplication or wasted effort in this area. They allow citizens

**Comment [FCC8]:** Update

### PLANNING AND DEVELOPMENT CONTROL COMMITTEE

The Cabinet cannot make planning and development control decisions. These are delegated by the Council to this Committee and under the officers Scheme of Delegation to the Head of Planning.

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**Comment [FCC9]:** Clarification

### AUDIT COMMITTEE

The Local Government (Wales) Measure 2011 requires the Council to have an Audit

Committee and to include at least one lay person as a member of that Committee. The Committee's role is to support and promote efficient and economic use of resources and effective control of expenditure and review audit performance.

**Deleted:** In accordance with guidance and best practice, the Council has established an Audit Committee as a Committee of the Council

**Comment [FCC10]:** Update

## APPEALS COMMITTEE

The Council has a pool of members from which from time to time Appeals Committees numbering not less than 3, nor more than 9, are convened to hear and determine appeals which may be brought either at law or under Council policies or procedures.

**Comment [FCC11]:** Clarification

**Deleted:** Wherever Council policies and procedures or statute provide for an appeal against a decision of Members or officers, including the Cabinet and any Committee, this body will hear and determine the appeal on behalf of the Council. ¶

## LICENSING COMMITTEE

The Council has established a Licensing Committee which has been given delegated powers to determine applications made under the Licensing Act 2003 in accordance with policy adopted by the Council.

## DEMOCRATIC SERVICES COMMITTEE

The Local Government (Wales) Measure 2011 requires the Council to have a Democratic Services Committee. Its role is to ensure that those members who are not part of the Cabinet have appropriate officer support to undertake their various roles and to ensure that there are appropriate arrangements in place for Member development and training.

**Comment [FCC12]:** Update

## CONSTITUTION COMMITTEE

The Council has established a Constitution Committee to consider and make recommendations to the Council in matters relating to corporate governance and constitutional issues.

### The Council's Staff

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between officers and members of the Council.

### Citizens' Rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific Council services, for example as a parent of a school pupil or as a council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local Councillor about any matters of concern to them;

- obtain a copy of the Constitution;
- attend meetings of the Cabinet, the Council and its Committees except where exempt or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of Cabinet;
- find out, from the forward work programme, what business is to be considered by the Cabinet, Overview and Scrutiny Committees or the Council as a whole;
- see reports and background papers considered by the Cabinet, the Council and any of its Committees and the record of any decisions made by the Council, its Committees and the Cabinet, except where they contain exempt or confidential information;
- complain to the Council about dissatisfaction with the standard of service provided by the Council. A complaint may be about action or lack of action by the Council or its staff affecting the citizen as an individual or as one of a group of people receiving a service from the Council. A complaint may also be made on Council policy or the attitude or behaviour of a member of staff or a Councillor;
- complain to the Ombudsman if they think they have suffered injustice because the Council has not followed its procedures properly. However, they are encouraged only to do this after using the Council's own complaints process;
- complain to the Ombudsman if they have evidence which they think shows that a Councillor or co-opted Member of the Council has not followed the Members' Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor;
- ask a question (when at least 10 working days' notice has been given) in person at scheduled meetings of the County Council (subject to certain conditions).

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Democracy and Governance Manager at County Hall, Mold, Flintshire, CH7 6NR.

Citizens' rights of access to information are contained in **Part 4** of this Constitution in the Access to Information Procedure Rules.