

FLINTSHIRE COUNTY COUNCIL

REPORT TO: CONSTITUTION COMMITTEE

DATE: WEDNESDAY, 24 OCTOBER 2012

REPORT BY: DEMOCRACY & GOVERNANCE MANAGER

SUBJECT: REVIEW OF INTERNAL MEMBER FORA

1.00 PURPOSE OF REPORT

- 1.01 To progress the review of internal member informal fora such as Panels and Working Groups.

2.00 BACKGROUND

- 2.01 At the annual Council meeting on the 15 May the Head of Legal & Democratic Services' report on constitutional matters included a section on internal Member bodies. It explained that in the light of the recent implementation of the Local Government (Wales) Measure 2011 and at the start of a new Council it was an opportune time to review the various internal member bodies. The Council agreed to the recommendation that the review be undertaken by the Head of Legal & Democratic Services in consultation with Group Leaders and a report submitted to the Constitution Committee and Council. It also agreed that pending the outcome of the review the existing internal bodies be retained.
- 2.02 Most of the internal Member fora are undertaking or advising upon Executive functions which are the responsibility of Flintshire's Cabinet. In relation to such Member fora any Council decision can only be a recommendation to the Cabinet who have the final decision on whether such Member fora should continue or not. Attached as appendix 1 is a list of the internal Member fora, including a column indicating whether or not each forum is discharging an Executive or a Council function.
- 2.03 The review covers those internal Member fora that have been established for an indefinite period rather than those set up to deal with a specific task which automatically end once that task has been completed. The review therefore, does not include any Task & Finish Working Groups set up by Overview & Scrutiny Committees.

- 2.04 Following initial consideration at the Group Leaders meeting on the 9 July a report was submitted to the Constitution Committee meeting of the 24 July. At the Committee meeting it was agreed that the further information listed below should be obtained and for there to be further consultation with Group Leaders prior to a report back to the Constitution Committee.
- 2.05 The further information that the Constitution Committee agreed should be obtained for each internal body:-
- a. The membership
 - b. The terms of reference or function
 - c. The frequency of meetings
 - d. The view of the relevant senior officer as to whether the body should continue or not and the reason for this view.
 - e. For those internal bodies that relate to executive functions to obtain the view as to whether the body should continue from the appropriate Cabinet member.
 - f. The view of the chair of each forum
- 2.06 The information in the previous paragraph has been requested from the appropriate senior officer for each of the internal member fora. As part of this exercise some of those member fora originally identified have been removed from the list as they relate to a wider area than Flintshire, or are legally required, or are time limited in their duration. Attached to this report as an appendix is a list of the member fora remaining within the review, together with information in relation to them.
- 2.07 Group Leaders are being consulted on this report at the Group Leaders meeting on the 19 October 2012 and there will be a verbal feedback on it at the committee meeting.

3.00 CONSIDERATIONS

- 3.01 All internal member fora require resources from both members and officers in terms of preparation, attendance and actioning outcomes. The review may identify that whilst the member fora is discharging a valuable function there is a more efficient way of doing so that is less resource intensive.
- 3.02 Whilst some internal fora served a valuable role when they were initially established, with the passage of time the need of that role may have diminished. There may for instance have been a change in legislation or policy that reduced the need for a particular member forum. Whilst new member fora are created to meet new legislation or new policies, there needs to be a periodic review of existing fora to ensure that they are still needed and an efficient way of discharging their role.

- 3.03 Unfortunately at the present time not all the information requested by the Constitution Committee has been supplied. Sufficient information has however been provided to make recommendations in relation to some of the member fora. Each of these is considered in turn in the following paragraphs.
- 3.04 The Member Development Working Group was established prior to the requirement under the Local Government (Wales) Measure 2011 to form a Democratic Services Committee. The role of that committee covers the work that was previously undertaken by the Member Development Working Group. The Member Development Working Group has not met since the establishment of the Democratic Services Committee at the annual meeting in May. Councillor Mullin as the appropriate Cabinet member has been consulted and agrees that there is no longer a need for the Member Development Working Group.
- 3.05 Within the scope of this review are two separate member bodies relating to Planning, namely the Development Plans Panel and the Planning Protocol Working Group. The Head of Planning believes that both fora undertake valuable work but that it would be beneficial if they were combined into one working group leading to greater efficiency and consistency. Such a proposal would reflect one of the recommendations of the recently published Independent Advisory Group's report into the delivery of planning in Wales. The report recommended that a group of Councillors drawn from Planning Committee (as is the case with Planning Protocol Working Group) should be tasked with driving forward the Development Plan. As the Planning Protocol Working Group has the larger membership this would be the suggested size of the combined working group. This view is supported by Councillor Attridge the appropriate Cabinet member.
- 3.06 The Planning Delegations Body is a consultative meeting between the Head of Planning and the Chair and Vice Chair of Planning to consider those applications where the Head of Planning is of the view permission should be granted under his delegated powers, notwithstanding that there has been some objection raised as part of the consultation process. The Chair or Vice Chair can refer such applications to committee for determination where they disagree with the recommendation of the Head of Planning. The Head of Planning believes that despite recent improvements this is not a transparent process. The vast majority of items that are considered by the Delegation Body are dealt with in line with the officer's recommendation. It is felt that the significant resources required to service this meeting are disproportionate to the advantages that this forum brings. The Chair of the Planning and Development Control Committee supports the loss of such meetings provided there is some alternative arrangement to enable delegated decisions to be subsequently discussed at a planning member body on a quarterly

basis. This view is supported by Councillor Attridge the appropriate Cabinet member.

- 3.07 The Land Disposal Panel, in the view of the Head of Assets & Transportation should be discontinued and replaced with a more effective and transparent arrangement as indicated below:-

£1 to £100K - Report to be signed by the Case Officer who is to be a chartered surveyor, together with the Corporate Valuer and Head of Service. The local Member to be consulted on the principle of disposal and their observations/comments noted in the report.

£100K to £250K - As above plus the portfolio holder.

£250K to £500K - As above plus Corporate Asset Management Group

£500K plus - As above plus Cabinet

The above are in the case of properties/land which have been tested on the market.

In the absence of market testing and for properties/land above £100K the District Valuer to provide a supporting valuation.

In addition to the Council's internal arrangements there are statutory safeguards under the Local Government Act 1972 in relation to the disposal of land.

- 3.08 The Social Services Representation and Complaints Review Panel in the view of the Head of Development & Resources is effectively redundant after changes to the Social Services complaints procedure which transferred the function to an independent body. The Panel has not met for some time and its dissolution is supported by the appropriate Cabinet member, Councillor Christine Jones.

- 3.09 The Agricultural Panel has no statutory purpose and its main role is to act as a sounding board and reviewer of leases and agreements for Council smallholdings. As a result of a review in 2011 there was a phased disposal programme and this role is diminishing. The Head of Assets & Transportation recommends that the Panel be discontinued and this view is supported by the appropriate Cabinet member.

The Head of Assets and Transportation believes that the processes should be the same as with the Land Disposal Panel (see paragraph 3.07 above).

4.00 RECOMMENDATIONS

- 4.01 For the committee to make recommendations to Council and for Executive functions to Cabinet in relation to the Member fora referred to in paragraphs 3.04 to 3.09.

4.02 For the review to continue in relation to the other Member fora in appendix 1.

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 A reduction in Member fora may lead to some personnel implications.

10.00 CONSULTATION REQUIRED

10.01 With Group Leaders.

11.00 CONSULTATION UNDERTAKEN

11.01 With Group Leaders.

12.00 APPENDICES

12.01 Appendix 1 - List of Internal Member Fora

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

Report of the Head of Legal & Democratic Services on Constitutional Matters to the Council meeting 15 May 2012
Minute of Council meeting 15 May 2012 relating to internal bodies
Report to Group Leaders dated 9 July 2012

Contact Officer:	Peter Evans
Telephone:	01352 702304
Email:	peter.j.evans@flintshire.gov

