

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **FLINTSHIRE COUNTY COUNCIL**

DATE: **TUESDAY, 20 MAY 2014**

REPORT BY: **HEAD OF LEGAL AND DEMOCRATIC SERVICES**

SUBJECT: **CONSTITUTIONAL MATTERS: COMMITTEES AND
OUTSIDE BODIES**

1.00 PURPOSE OF REPORT

1.01 To deal with those matters which require decisions at the Annual Meeting of the County Council in accordance with Council Procedure Rule 1.1 (vii)-(xiv). Those matters are set out in separate paragraphs.

2.00 APPOINTMENT OF COMMITTEES

2.01 The Council's Procedure Rules require the Annual Meeting to appoint at least one Overview & Scrutiny Committee, a Democratic Services Committee, an Audit Committee, a Planning & Development Control Committee, a Standards Committee, a Licensing Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions.

The Constitution presently provides for the appointment of the following committees:-

1. Audit
2. Community Profile and Partnership Overview & Scrutiny
3. Constitution Committee
4. Corporate Resources Overview & Scrutiny
5. Democratic Services Committee
6. Environment Overview & Scrutiny
7. Housing Overview & Scrutiny
8. Licensing Committee
9. Lifelong Learning Overview & Scrutiny
10. Planning and Development Control
11. Social and Health Care Overview & Scrutiny
12. Standards Committee

2.02 In addition, at its meeting on 30 April 2014 Council agreed to the creation of a Clwyd Pension Fund Committee. Whilst the membership of the Committee and its functions were agreed, the delegations to officers were not resolved and that matter is addressed later in this report.

2.03 At its meeting on 25 March 2014 the Council approved a new operating model which included a new senior management structure. The current Overview and Scrutiny Committee structure reflects in part the current officer structure within the Council. Whilst the committees still cover all of the council's functions, it would be timely to conduct a short review of the number and alignment of those committees. Clearly, councillors will need to be involved in shaping and undertaking that review and so it is recommended that the Chief Executive should bring a scoping paper to the Constitution Committee.

3.00 DETERMINATION OF THE SIZE OF COMMITTEES

3.01 The Annual Meeting must decide upon the size of each of the Committees it has appointed. The Constitution presently makes provision for the size of those Committees as set out below:-

Audit Committee	7
Constitution Committee	21
Democratic Services Committee	21
Licensing Committee	12
Each of the Overview & Scrutiny Committees	15
Pensions Committee*	5
(*please note in addition to the places listed there are 4 places for co-optees)	
Planning & Development Control Committee	21

3.02 The size of committees should reflect the need to achieve a fair political balance and any changes to the existing size will require corresponding amendment being made to the Constitution.

4.00 TERMS OF REFERENCE OF COMMITTEES AND PENSION DELEGATIONS

4.01 The Annual Meeting is required to decide the terms of reference of the committees that it appoints. The existing terms of reference of the existing committees are set out in Part 2 of the Constitution.

4.02 At its meeting on 30 April Council approved the terms of reference for the Clwyd Pension Fund Committee but did not decide the scheme of delegation to officers. The proposed scheme of delegation to officers is set out at Appendix 1. Broadly speaking, issues of policy will be decided by the Committee and application to specific cases will be handled by officers.

If Members are satisfied that the proposed delegation strikes the correct balance, then they should approve the delegations to officers and confirm the existing terms of reference. If, however, changes are required to the officers scheme of delegation then corresponding amendments will need to be made to the terms of reference for the committee itself.

5.00 POLITICAL BALANCE

- 5.01 The Council is required at, or as soon as practicable after the Annual Meeting, to decide the allocation of seats to political groups in accordance with the Political Balance Rules contained in the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 as amended.
- 5.02 The basis of the statutory requirement is that committee seats should be allocated to political groups in so far as practicable in the same proportion as those groups have to the total membership of the County Council. At the present moment in time, there are only 68 Councillors serving on Flintshire County Council. The political balance must be calculated on that basis. Following the by-election on the 22 May, it is likely Council will need to recalculate political balance taking into account the additional member and any impact group size.
- 5.03 The allocation of seats on committees to the political groups will need to recognise that:-
- (i) There must be no one group committees.
 - (ii) Where there is a majority group it is entitled to a majority upon every committee. (This does not apply where the largest group does not have an overall majority)
 - (iii) The total number of seats allocated to each political group should be (in so far as is practicable) in the same proportion as those groups strengths upon the full Council.
 - (iv) Each committee should (so far as is practicable) have the same proportional division between political groups as is represented upon the full Council.
- 5.04 In relation to the Audit and Democratic Services Committees, the Local Government (Wales) Measure limits the number of Cabinet Members on each committee to a maximum of one who can not be the Leader. At a meeting of the Audit Committee it was of the view there should be no Cabinet Members on it.
- 5.05 Attached as Appendix 2 is the current calculations of political balance and allocation of committee seats. That table shows only one possible allocation of seats. Council may choose to allocate places in a different manner, for example it might decide that a different Overview & Scrutiny Committee should have only 6 places for the Labour Group.

6.00 APPOINTMENT OF CHAIRS OF STANDING COMMITTEES

6.01 Council Procedure Rule 1.1(x) requires that the County Council appoint the chairs of the standing committees, except the Standards, Overview & Scrutiny and Audit Committees. The Council must also appoint the Vice Chair of the Clwyd Pension Fund Committee.

6.02 The committee chairs are appointed by different bodies and some are subject to restrictions. A table showing which body appoints which chair and what restrictions (if any) apply is set out below:

Committee	Who Appoints the Chair?	Any Restrictions?
Audit Committee	Audit Committee	Cannot be a member of a group represented on the Cabinet (Local Government Wales Measure 2011)
Democratic Services Committee	Council	Cannot be a Cabinet Member (LGW Measure 2011)
Constitution Committee	Council	None
Overview & Scrutiny Committees	Council decides from which group the chair comes	Council must allocate chairs based on the size of each group (LGW Measure 2011)
Licensing Committee	Council	None
Clwyd Pension Fund Committee	Council	The Chair and Vice Chair must be a Flintshire County Councillor
Planning & Development Control	Council	None
Standards Committee	Standards Committee	Must be an independent member (Standards Committees (Wales) Regulations 2001)

6.03 The chairs of Overview and Scrutiny are chosen by the political groups based on the strength of the various groups and which have seats on the Cabinet. At present, the New Independent Group is the same size as the Liberal Democrat Group. Both are therefore equally entitled to chair one Overview and Scrutiny Committee between them. Council must choose which committee that will be. Then under the 2011 Measure the committee itself must choose its own chair.

- 6.04 Based on the current and recent allocation of chairs, officers would recommend the following:-

Overview & Scrutiny Committees:	Group to Choose Chair:
Community Profile & Partnerships	Independent Alliance
Corporate Resources	Liberal Democrat or New Independent
Environment	Conservative
Housing	Labour and/or Independent
Lifelong Learning	Labour and/or Independent
Social & Health	Labour and/or Independent

7.00 LOCAL CHOICE FUNCTIONS

- 7.01 The Council is also required to agree such part of the Scheme of Delegation as the Council determines it is for the Council to agree. This relates to those local choice functions which can be decided either by the Council or the Cabinet and/or delegated to officers. The table of Local Choice Functions is included in Part 3, Section A, Table 3 of the Constitution. Members are recommended to confirm or otherwise the existing Local Choice Functions.

8.00 NOMINATIONS TO INTERNAL BODIES

- 8.01 The existing Scheme of Delegation provides for an Appointments Committee for first and second tier officers comprising 7 Members. This is not a standing committee and is convened when required by seeking nominations from Group Leaders. In the past it has been usual for Committee Members to be politically balanced including the relevant Cabinet Member. The Council has previously agreed that the Chair or Vice-Chair of the relevant Overview and Scrutiny Committee be one of the Members of the Committee. It is recommended Council continues the previous practice.

9.00 NOMINATIONS TO OUTSIDE BODIES

- 9.01 Appendix 3 contains the outside bodies to which the Council makes appointments and the current appointments. The Council is recommended to delegate to the Chief Executive in consultation with Group Leaders and non aligned Members any changes to these appointments to these bodies.

10.00 STANDARDS COMMITTEE

- 10.01 The Standards Committee includes five independent members, a Community Council member and three Councillors not to be the Council Leader or Cabinet Members. The three members were appointed at the last AGM for 4 years.

11.00 PROGRAMME OF ORDINARY MEETINGS

11.01 A draft programme of meetings is attached to the agenda as a separate report.

12.00 NEW MODEL CONSTITUTION

12.01 The current wording of the Constitution is based on a national model drawn up when executive arrangements were first introduced. The model has not been reviewed since it was first introduced but the Council has made its own alternations and additions.

12.02 WLGA in consultation with Welsh Government and the Association of Council Secretaries and Solicitors (now renamed Lawyers in Local Government) commissioned solicitors to review the national model. A new model is therefore available and is being considered by all councils in Wales.

12.03 The new model simplifies the structure of the document by putting all the rules for each topic in one place. For example, there is a section on overview and scrutiny which sets out the number and terms of reference for the committees and the covers the rules for call in, CCFA etc. However, as with the current national model the choice over which committees to have remains with the Council.

12.04 There are a number of other differences to our current Constitution. Councillors will need to assess those differences and consider changes before deciding whether to adopt the new model. The Chief Executive will bring forward proposals for how this process will be managed.

13.00 RECOMMENDATIONS

- 13.01 (a) To determine the Council's standing committees.
- (b) That Council endorses the need for a review of the Overview and Scrutiny Committees and that the Chief Executive bring a scoping paper for that review to the Constitution Committee.
- (c) To determine the size of the Council's standing committees.
- (d) To approve delegation to officers in relation to the Clwyd Pension Fund Committee.
- (e) To confirm the terms of reference for the committees.
- (f) To determine the political balance of committee seats.
- (g) To determine the chairs of the following committees:
- Constitution

- Democratic Services
 - Licensing
 - Clwyd Pension Fund
 - Planning and Development Control
- (h) To determine the Vice Chair of the Clwyd Pension Fund Committee.
- (i) To confirm that the following groups will select the chairs of the Overview and Scrutiny Committees as set out below:

Community Profile & Partnerships	Independent Alliance
Environment	Conservative
Housing	Labour and/or Independent
Lifelong Learning	Labour and/or Independent
Social & Healthcare	Labour and/or Independent

- (j) To confirm that the Corporate Resources Overview and Scrutiny Committee will be chaired by either the Liberal Democrat or New Independent Groups.

14.00 FINANCIAL IMPLICATIONS

14.01 None as a result of this report.

15.00 ANTI POVERTY IMPACT

15.01 Not applicable.

16.00 ENVIRONMENTAL IMPACT

16.01 Not applicable.

17.00 EQUALITIES IMPACT

17.01 Not applicable.

18.00 PERSONNEL IMPLICATIONS

18.01 Not applicable.

19.00 CONSULTATION REQUIRED

19.01 Constitution Committee.

20.00 CONSULTATION UNDERTAKEN

20.01 Constitution Committee.

21.00 APPENDICES

Appendix 1 – Clwyd Pension Fund Committee
- scheme of delegation to officers

Appendix 2 – Political Balance Calculations

Appendix 3 – Current List of Outside Bodies

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

The Council's Constitution

Contact Officer: Gareth Owens
Telephone: 01352 702344
Email: gareth.legal@flintshire.gov.uk