

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **FLINTSHIRE COUNTY COUNCIL**

DATE: **TUESDAY, 12 MAY 2015**

REPORT BY: **CHIEF OFFICER (GOVERNANCE)**

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

1. Audit
2. Clwyd Pension Fund Committee
3. Constitution Committee
4. Democratic Services Committee
5. Licensing Committee
6. Planning and Development Control
7. Standards Committee

Plus six Overview and Scrutiny Committees (OSC's) which will be as shown in Column A of the table below if the earlier report on this agenda was approved or Column B if it was not.

Column A	Column B
(Proposed OSC's)	(Previous OSC's)
Corporate Resources	Corporate Resources
Community and Enterprise	Housing
Education and Youth	Lifelong Learning
Environment	Environment
Organisational Change	Community Profile and Partnerships
Social and Health Care	Social and Health Care

2.02 **IT IS RECOMMENDED THAT COUNCIL APPOINT THE FOLLOWING COMMITTEES:**

- Audit

- Clwyd Pension Fund
- Constitution
- Democratic Services
- Licensing
- Planning and Development
- Standards
- The Six Overview and Scrutiny Committees shown in either Column A or Column B

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 **IT IS RECOMMENDED THAT THE SIZE OF EACH COMMITTEE SHOULD BE AS SET OUT IN PARAGRAPH 3.01**

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.

N.B. If the earlier report on reviewing the OSC's was approved then it takes immediate effect. So, a resolution for approval of the terms of reference within the Constitution will include the changes made in that report as well.

4.02 **IT IS RECOMMENDED THAT THE TERMS OF REFERENCE FOR EACH COMMITTEE IN PART 2 OF THE CONSTITUTION SHOULD BE APPROVED**

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 time of writing this report, the results of the by election in the Caergwrle Ward are not known. A recommended allocation of seats will be circulated after the election but before the meeting.

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 **IT IS RECOMMENDED THAT SEATS BE ALLOCATED IN ACCORDANCE WITH THE REQUIREMENTS OF POLITICAL BALANCE**

6.00 APPOINTMENT OF CHAIRS OF STANDING COMMITTEES

6.01 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)
Clwyd Pension Fund Committee	Council	The Chair and Vice Chair must be a Flintshire County Councillor
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
Planning & Development Control	Council	None
Standards Committee	Standards Committee	Must be an independent member (Standards Committees (Wales) Regulations 2001)

6.02 **IT IS RECOMMENDED THAT COUNCIL APPOINTS THE CHAIR OF THE FOLLOWING COMMITTEES (NOTING ANY RESTRICTIONS ON ELIGIBILITY):**

- **Clwyd Pension Fund**
- **Constitution**
- **Democratic Services**
- **Licensing**
- **Planning and Development**

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. The outcome of the by election in the Caergwrle Ward could have an impact on the entitlement of each group to be allocated a chair. Therefore, a suggested allocation of chairs will be circulated once the result of the by election is known.

6.04 **IT IS RECOMMENDED THAT COUNCIL DECIDES WHICH GROUP WILL CHAIR EACH OVERVIEW AND SCRUTINY COMMITTEE.**

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.

7.02 **IT IS RECOMMENDED THAT LOCAL CHOICE FUNCTIONS AS SET OUT IN THE CONSTITUTION ARE APPROVED.**

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.

8.02 **IT IS RECOMMENDED THAT THE MAKE UP OF THE APPOINTMENTS COMMITTEE BE APPROVED**

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.

9.02 **IT IS RECOMMENDED THAT THE CHIEF EXECUTIVE IS AUTHORISED TO MAKE APPOINTMENTS TO OUTSIDE BODIES IN CONSULTATION WITH GROUP LEADERS**

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.

10.02 **IT IS RECOMMENDED THAT THE 3 COUNCILLORS ON THE STANDARDS COMMITTEE BE NOTED.**

11.00 RECOMMENDATIONS

- 11.01 (a) that the Council appoint the following Committees:
- Audit
 - Clwyd Pension Fund
 - Constitution
 - Democratic Services
 - Licensing
 - Planning and Development
 - Standards
 - The Six Overview and Scrutiny Committees shown in either Column A or Column B
- (b) that the size Of each Committee should be as set out in paragraph 3.01
- (c) that seats be allocated in accordance with the requirements of political balance
- (d) that Council appoints the Chair of the following Committees (Noting any restrictions on eligibility):
- Clwyd Pension Fund
 - Constitution
 - Democratic Services
 - Licensing
 - Planning and Development
- (e) that Council decides which group will Chair each Overview and Scrutiny Committee.
- (f) that Local Choice Functions as set out in the Constitution are approved.
- (g) that the make up of the Appointments Committee be approved
- (h) that the chief Executive is authorised to make appointments to outside bodies in consultation with Group Leaders
- (i) that the 3 Councillors on the Standards Committee be noted

12.00 FINANCIAL IMPLICATIONS

12.01 None as a result of this report.

13.00 ANTI POVERTY IMPACT

13.01 Not applicable.

14.00 ENVIRONMENTAL IMPACT

14.01 Not applicable.

15.00 EQUALITIES IMPACT

15.01 Not applicable.

16.00 PERSONNEL IMPLICATIONS

16.01 Not applicable.

17.00 CONSULTATION REQUIRED

17.01 Constitution Committee.

18.00 CONSULTATION UNDERTAKEN

18.01 Constitution Committee.

19.00 APPENDICES

None.

**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