

FLINTSHIRE COUNTY COUNCIL

Date of Meeting	Wednesday 9 th September 2020
Report Subject	Constitutional Matters: Committees
Report Author	Chief Officer (Governance)

EXECUTIVE SUMMARY

Each year, at our Annual Meeting, the Council must agree what arrangements it will make to carry out certain functions, such as its Committee structure and delegation to Officers. These matters are set out in Council Procedure Rule 1.1 (vii)-(xiv).

The Council carried out a Committee Review during the last municipal year, as recommended by the Leader of the Council at the 2019 Annual Meeting. The results of that review were reported to Council on 27th February 2020 and it agreed to reduce the number of Overview & Scrutiny committees, and to adjust the number of Members on committees. Those decisions are reflected in this report, together with the appointment of other committees and chairs, allocation of seats, under political balance etc.

The report is split into sections, each one dealing with one decision that needs to be made and the relevant issues to consider. Each section must be considered and voted on in turn at the meeting. Therefore, it is not possible to move these recommendations 'en bloc'.

RECOMMENDATIONS

1	<p>That Council appoints the following committees:</p> <ul style="list-style-type: none"> • Audit Committee • Clwyd Pension Fund Committee • Community, Housing & Assets Overview & Scrutiny Committee • Constitution & Democratic Services Committee • Corporate Resources Overview & Scrutiny Committee • Education, Youth & Culture Overview & Scrutiny Committee • Environment & Economy Overview & Scrutiny Committee • Joint Governance Committee (for pensions)
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	<ul style="list-style-type: none"> • Licensing Committee • Planning Committee • Social & Healthcare Overview & Scrutiny Committee • Standards Committee • Grievance Committee • Grievance Appeals Committee • Appeals Committee • Investigation and Disciplinary Committee
2	It is recommended that the terms of reference for each Committee in the Constitution and, for the Overview & Scrutiny Committees set out in Appendix 1, should be approved.
3	That the size of each Committee should be as set out in paragraph 1.03 and 1.04 of this report
4	That seats be allocated in accordance with political balance as set out in Appendix 2 and the rules on membership of the committees as set out in paragraphs 1.08 – 1.14, and that the seats on the Grievance, Grievance Appeals and Investigation and Disciplinary Committees be allocated to give a broad political spread of membership.
5	That Council appoints the Chair of the following Committees (noting any restrictions on eligibility): <ul style="list-style-type: none"> • Clwyd Pension Fund • Constitution & Democratic Services (the Chair must not be member of the administration group) • Licensing • Planning
6	That the Grievance Committee, the Grievance Appeal Committee and the Investigation & Disciplinary Committee should each appoint their own Chairs from amongst their Membership.
7	That Council decides which group will chair each of the five Overview & Scrutiny Committees.
8	That the Local Choice Functions as set out in the Constitution be approved.
9	That the make-up of the Appointments Committee be approved.
10	That the composition and membership of the Standards Committee be noted.
11	That Council notes that nominees to Outside Bodies have been appointed for the whole Council term and the Chief Executive's power to vary those nominations (in consultation with Group Leaders).

REPORT DETAILS

1.00	EXPLAINING THE COMMITTEE STRUCTURE
1.01	<p>The Constitution presently provides for the appointment of the following:-</p> <ul style="list-style-type: none">• Audit Committee• Clwyd Pension Fund Committee• Constitution & Democratic Services Committee• Grievance Committee• Grievance Appeals Committee• Investigation & Disciplinary Committee• Joint Governance Committee (for Pensions)• Licensing Committee• Planning committee• Standards Committee <p>In addition the Constitution provides for the appointment of 6 Overview & Scrutiny Committees (OSCs). At its meeting on 27th February 2020 Council agreed to reduce that number to 5 at the Annual Meeting. The revised OSCs will be as shown below. The amended terms of reference for these OSCs are set out in Appendix 1.</p> <ul style="list-style-type: none">• Community, Housing & Assets• Corporate Resources• Education, Youth & Culture• Environment & Economy• Social and Healthcare
1.02	<p>It is recommended that: That Council appoints the following committees for 2020/21:</p> <ul style="list-style-type: none">• Audit Committee• Clwyd Pension Fund Committee• Community, Housing & Assets Overview & Scrutiny Committee• Constitution and Democratic Services Committee• Corporate Resources Overview & Scrutiny Committee• Education, Youth & Culture Overview & Scrutiny Committee• Environment & Economy Overview & Scrutiny Committee• Joint Governance Committee (for pensions)• Licensing Committee• Planning Committee• Social & Healthcare Overview & Scrutiny Committee• Standards Committee• Grievance Committee• Grievance Appeals Committee• Appeals Committee• Investigation and Disciplinary Committee
1.03	<p>DETERMINATION OF THE SIZE OF COMMITTEES</p> <p>The Annual Meeting must decide upon the size of each of the Committees it has appointed. Council determined at its meeting on 27th February that there should be a new political balance solution which achieved an overall</p>

	<p>reduction in the number of committee places whilst still making provision for all political groups to be represented on our major committees. This is reflected below.</p> <ul style="list-style-type: none"> • Audit Committee 7 • Constitution and Democratic Services Committee 16 • Joint Governance Committee (Pensions) (this is the Chair of the Pensions Committee) 1 representative • Licensing Committee 12 • Each of the Overview & Scrutiny Committees 12 • Pensions Committee* 5 <p>(*please note in addition to the places listed there are 4 places for co-optees)</p> <ul style="list-style-type: none"> • Planning Committee (see below) 17 • Standards Committee** 9 <p>(** there are 3 places for County Councillors plus 6 co-optees)</p> <ul style="list-style-type: none"> • Grievance Committee 12 • Grievance Appeals Committee 12 • Investigation and Disciplinary Committee 12
1.04	<p>The size and composition of the Planning Committee is regulated by legislation. The Planning Committee must be between 11 and 21 Members in size and no larger than 50% of the total Membership of the Council. The reduced size of the committee, with 17 Members, still meets these requirements.</p>
1.05	<p>It is recommended that: That the size of each Committee should be as set out in paragraph 1.03 and 1.04 of this report</p>
1.06	<p>TERMS OF REFERENCE OF COMMITTEES The Annual Meeting is required to decide the terms of reference of the Committees which it appoints. The terms of reference of the existing Committees are set out in the Constitution. The terms of reference for the Overview & Scrutiny Committees within the revised structure are attached as Appendix 1. They were agreed by Council on 27th February 2020. The new Overview & Scrutiny committee terms of reference will now be incorporated within the Constitution.</p>
1.07	<p>It is recommended that: that the terms of reference for each Committee as set out in the Constitution and in Appendix 1 to this report should be approved.</p>
1.08	<p>POLITICAL BALANCE 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). Members are advised that these rules do not apply to the Cabinet nor to the Standards Committee.</p>
1.09	<p>The basis of the statutory requirement is that Committee seats should be allocated to political groups (so far as is practicable) in the same proportion as those groups have to the total Membership of the County</p>

	<p>Council. The allocation of seats on Committees to the political groups must recognise that:-</p> <p>(i) There must be no Committees whereby only one group has all the seats;</p> <p>(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);</p> <p>(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;</p> <p>(iv) Each Committee should (so far as is practicable) have the same proportional division between political groups as is represented upon the full Council. Thus if a group holds 25% of the total number of Councillors they should have 25% of the overall number of seats on the Council and 25% seats on each Committee.</p> <p>(v) Where some councillors are not in a political group then the Council must ensure that a proportion of seats are allocated to those councillors</p>
1.10	<p>In order to achieve political balance, it has been necessary to separate out the 'employment' committees which are the Grievance, Grievance Appeals and Investigation & Disciplinary Committees. Otherwise, the smaller groups would be disadvantaged by having to use part of their seat allocation on committees which seldom if ever meet. This separation requires a specific agreement from all Members of Council. If one Member objects to it, then it cannot be implemented.</p>
1.11	<p>The Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017 also require that a Planning Committee:</p> <ul style="list-style-type: none"> • Should not include any substitutes; and • May only include 1 Member from a multiple Member ward. <p>In making nominations to the Planning Committee, the groups will need to follow these rules. Where a multiple Member ward is represented by Councillors who are not in the same group (and both wish to be on the Planning Committee), then there will need to be a means of deciding which Councillor can take up the place. In the first instance the two respective Group Leaders should seek to reach agreement. If that is not possible then the first nomination received by the proper officer should be accepted</p>
1.12	<p>For the Audit and the Constitution & Democratic Services Committees, the Local Government (Wales) Measure limits the number of Cabinet Members on each Committee to a maximum of one who cannot be the Leader. The Constitution has extended this so that no Cabinet Member may be a Member of the Audit Committee.</p>
1.13	<p>Section 11 of the Constitution requires that the Investigation & Disciplinary Committee should include at least one Cabinet Member. It also requires that Cabinet Members should make up no more than 50% of the Committee. So, it is proposed that in selecting the Members of his/her group to serve on this Committee, the Leader should appoint only one Cabinet Member.</p>

1.14 There are a total of 118 seats for Councillors across all of the Council Committees based on the current group Membership. The entitlement of each group to seats is set out in the table below:

Group	Group size	% of total councillors	Entitlement to seats
Labour	34	48.57	57
Independent Alliance	13	18.57	22
Conservative	6	8.57	10
Liberal Democrats	6	8.57	10
New Independents	4	5.71	7
Flintshire Independents	3	4.29	5
Independents	3	4.29	5
Non-aligned member	1	1.42	2
Total	70	100%	118

1.15 **It is recommended that:** That seats be allocated in accordance with political balance as set out in Appendix 2 and the rules on membership of the committees as set out in paragraphs 1.08 – 1.14, and that the seats on the Grievance, Grievance Appeals and Investigation and Disciplinary Committees be allocated to give a broad political spread of membership.

1.16 **APPOINTMENT OF CHAIRS OF STANDING COMMITTEES**
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	The committee appoints its own chair.	Cannot be a member of a group represented on the Cabinet - Local Government (Wales) Measure 2011
Clwyd Pension Fund	Council	The chair and vice-chair must be Flintshire county councillors
Constitution & Democratic Services	Council	Cannot be a Cabinet Member or a member of the Administration group - Local Government (Wales) Measure 2011
Grievance	The committee appoints its own chair	None
Grievance Appeals	The committee appoints its own chair	None

	Investigation & Disciplinary	The committee appoints its own chair	None
	Overview & Scrutiny Committees (5)	Council decides which group nominates the chair of each	Council must allocate chairs based on the size of each group - Local Government (Wales) Measure 2011
	Licensing	Council	None
	Planning	Council	None
	Standards	The committee appoints its own chair	Must be a co-opted member - Standards Committees (Wales) Regulations 2001
1.17	<p>It is recommended that: Council appoints the Chair of the following Committees (noting any restrictions on eligibility):</p> <ul style="list-style-type: none"> • Clwyd Pension Fund • Constitution and Democratic Services • Licensing • Planning 		
1.18	<p>It is recommended that: the Grievance Committee, the Grievance Appeals Committee and Investigation & Disciplinary Committee should each appoint their own chairs from amongst their respective memberships.</p>		
1.19	<p>Under the Local Government Measure 2011 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. Chairs are allocated to groups with a place on Cabinet first and any entitlement is rounded down to the nearest whole number. The remaining Chairs are then allocated to groups without a seat on Cabinet (rounding up to the nearest whole number).</p>		
1.20	<p>Full Council appoints the Leader at the Annual Meeting and the Leader will then announce the Cabinet. When the membership of the Cabinet is known, it will be possible to formally allocate the correct number of Chair(s) to each group. The allocations of Chairs is set out in Appendix 2, immediately below the political balance calculations.</p>		
1.21	<p>It is recommended that: Council decides which group will chair each Overview and Scrutiny Committee.</p>		
1.22	<p>LOCAL CHOICE FUNCTIONS</p> <p>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 the Constitution. Members are recommended to confirm or otherwise the existing Local Choice Functions.</p>		
1.23	<p>It is recommended that: the Local Choice functions as set out in the</p>		

	Constitution are approved.
1.24	<p>NOMINATIONS TO INTERNAL BODIES</p> <p>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.</p>
1.25	It is recommended that: The make-up of the Appointments Committee be approved.
1.26	<p>STANDARDS COMMITTEE</p> <p>The Standards Committee includes five independent Members, a Town and Community Council representative and three Councillors (who cannot also be the Leader or Cabinet Members). The three Members (Cllrs Heesom, Paul Johnson and Woolley) have been appointed for the whole term of this Council.</p>
1.27	It is recommended that: The composition and membership of the Standards Committee be noted.
1.28	<p>APPOINTMENTS TO OUTSIDE BODIES</p> <p>At the Annual Meeting in 2017 Council appointed Members to outside bodies for the whole term of the Council. It also gave the Chief Executive, in consultation with Group Leaders, the power to make changes to those nominations as required.</p>
1.29	It is recommended that: Council notes that nominees to Outside Bodies have been appointed for the whole Council term and the Chief Executive's power to vary those nominations (in consultation with Group Leaders).

2.00	RESOURCE IMPLICATIONS
2.01	None as a result of this report.

3.00	RISK MANAGEMENT
3.01	None as a result of this report.

4.00	CONSULTATIONS REQUIRED/CARRIED OUT
4.01	Group leaders.
5.00	APPENDICES

5.01	Appendix 1 - Terms of Reference of Overview & Scrutiny Committees adopted following the 2019/20 committee Review.
5.02	Appendix 2 – 2020 Political Balance Calculation.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<ol style="list-style-type: none"> 1. Minutes of the Annual Meeting of Council, 7th May 2019 2. Report to the Meeting of the Constitution & Democratic Services Committee, 22nd January 2020 and resultant minute. 3. Report to the Council meeting on 27th February 2020 and resultant minute.

7.00	CONTACT OFFICER DETAILS
7.01	<p>Contact Officer: Gareth Owens, Chief Officer (Governance) Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk</p>

8.00	GLOSSARY OF TERMS
8.01	No technical terms have been used in this report.