

CONSTITUTION COMMITTEE
19 OCTOBER 2011

Minutes of the meeting of the Constitution Committee of Flintshire County Council held in County Hall, Mold on Wednesday, 19 October, 2011

PRESENT: Councillor H.T. Isherwood (Chairman)

Councillors: J.B. Attridge, D. Barratt, M. Bateman, R.C. Bithell, J.C. Cattermoul, Q.R.H. Dodd, J.E. Falshaw, V. Gay, F. Gillmore, R.J.T. Guest, R.G. Hampson, G. Hardcastle, P. G. Heesom, H.D. Hutchinson, R.P. Macfarlane, W.O. Thomas and A. Woolley

SUBSTITUTION: Councillor A.M. Halford for P.R. Pemberton

APOLOGIES: Chief Executive and Councillor A.P. Shotton

ALSO PRESENT: Councillor Eng. K. Armstrong-Braun

IN ATTENDANCE:

Head of Planning, Democracy and Governance Manager, Member Engagement Manager, and Committee Officer. For minute no. 38: School Staffing and Governance Manager

32. DECLARATIONS OF INTEREST

There were no declarations of interest.

33. MINUTES

The minutes of the meeting of the Committee held on 20 April 2011, were submitted.

Matters arising

Local Member Guidelines

Councillor R.C. Bithell commented on situations where a Member was approached for assistance on a matter outside that Member's ward and cited the example of housing issues. The Democracy and Governance Manager advised that a letter had been sent to all Members and relevant Heads of Service to remind officers that should a Member speak to them about another ward that they let the local Member know. He referred to the need for a pragmatic and practical approach to be adopted in such circumstances.

Annual Review of Code of Corporate Governance

Councillor P.G. Heesom said he had viewed an updated version of the constitution on the website and that in this version the role of Members had changed. The Democracy and Governance Manager advised the role of Members had not changed and that a report would be provided to the next meeting of the Committee on the amendments made to the constitution under

delegated powers. His report would also explain why the constitution was the length it was.

RESOLVED:

- (a) That the minutes be received, approved and signed by the Chairman as a correct record; and
- (b) That the Democracy and Governance Manager provides a report to the next meeting of the Committee on the length of the constitution and amendments to it under delegated powers.

34. DELEGATED POWERS OF THE HEAD OF PLANNING

The Democracy and Governance Manager introduced a report to consider the recommendations from the Planning Protocol Working Group on the delegated powers of the Head of Planning. He outlined the recommended changes which were detailed in paragraph 2.02 of the report to the existing delegated powers.

The Head of Planning responded to the questions and concerns raised by Members and provided explanations around consistency, interpretation of policy and decision making, the scheme of delegation, site visits, and Town and Community Council involvement. Councillor M. Bateman commented on site visits and said that she felt there was a need for further guidance around public speaking at such visits.

Councillor P.G. Heesom commented on the progress made in the Planning department to make the application process as transparent and informed as possible. He commented on the need for “sound” planning reasons to be provided for site visits and for local Members to submit applications to the Committee.

Councillor R.J.T. Guest referred to the third recommendation in paragraph 2.02 and said the reason that all Flintshire County Council’s planning applications were submitted to Planning Committee was for transparency and the process should be conducted in the full public arena. The Democracy and Governance Manager explained that the delegation scheme did not require all such applications to go to Committee only the Flintshire Planning Code. The Code inconsistently also said the Council’s applications would be processed in the same way as other applications. The Head of Planning advised that the intention was to issue guidance concerning what were and were not sufficient planning reasons for reports being submitted to Committee but the decision would rest with the Chair and Vice Chair and himself.

Councillor Guest suggested that the first and second recommendations as detailed in paragraph 2.02 of the report be accepted but the third recommendation rejected but this was not supported. It was then proposed and seconded that all 3 recommendations be agreed.

RESOLVED:

That the following recommendations from the Planning Protocol Working Group as detailed in paragraph 2.02 of the report be implemented:

- (i) That applications are only submitted to Committee if the Chair, Vice Chair and Head of Planning are satisfied that the local Member has given sufficient planning reasons;
- (ii) That a Committee site visit is only arranged when the Chair, Vice Chair and Head of Planning are satisfied that a sufficient planning reason for a site visit has been provided; and
- (iii) That the Flintshire planning code be amended so that the Council's own applications do not automatically go to Committee for determination.

35. TERMS OF REFERENCE OF PLANNING PROTOCOL WORKING GROUP

The Democracy and Governance Manager introduced a report to consider a recommendation from the Planning Protocol Working Group as to its terms of reference. He provided background information and advised that appendix 2 to the report contained the draft terms of reference which reflected existing working practice, together with the Local Development Plan, and included flexibility to enable future planning issues to benefit from consideration by the Working Group.

Councillor R.J.T. Guest proposed that the Constitution Committee be added to the list of Committees in sub paragraph 7 of the terms of reference, which could refer future planning issues for consideration to the Working Group. The proposal was agreed by Members.

RESOLVED:

That the County Council be recommended to agree the terms of reference for the Planning Protocol Working Group as detailed in appendix 2 of the report with the list of Committees in sub paragraph 7 being amended to include the Constitution Committee.

36. MONITORING OF PLANNING TRAINING

The Democracy and Governance Manager introduced a report to receive a recommendation from the Planning Protocol Working Group concerning Member attendance at planning training. He advised that the Flintshire Planning code stated that Members of the Planning & Development Control Committee (including substitute Members) should attend a minimum of 75% of the training arranged over a period of 2 years. The code also stated that attendance records would be monitored and reported to the Council and any Member who failed to attend the minimum of training sessions may be removed or suspended from the Committee.

Members were asked to consider the attendance records since January 2010 which were appended to the report. The Democracy and Governance Manager advised that the matter had been considered by the Planning Protocol Working Group which had recommended to the Constitution Committee that the 75% required attendance for planning be reduced to 66%. Councillor R.C. Bithell expressed the view that it was not the appropriate time to change the 75% requirement and suggested that the level was not reduced.

The Head of Planning responded to the concerns raised regarding attendance at meetings of the Planning & Development Control Committee and at site visits and said that attendance at site visits was now being recorded. He also addressed the concerns raised around training and acknowledged the need for training sessions to be scheduled at times which afforded Members the maximum opportunity to attend.

The Democracy and Governance Manager suggested that in view of the elections in May the Committee may wish to consider some action to improve the attendance at planning training for the remainder of this Council. He advised that this could include letters being sent to Members and substitute Members of the Committee.

Councillor R.J.T. Guest concurred with the views expressed by Councillor Bithell and suggested that a letter be sent to those Members whose attendance was below 75% encouraging their attendance at future planning training events. It was agreed that the Democracy and Governance Manager would liaise with the Chair and Vice Chair of the Planning & Development Control Committee over the wording of the letter. It was further agreed that paragraph 3.4, Section 3, of the Planning Code of Best Practice be amended to reflect that attendance records would be monitored and reported to the Planning Protocol Working Group instead of County Council.

RESOLVED:

- (a) That the Democracy and Governance Manager liaise with the Chair and Vice Chair of the Planning and Development Control Committee over the wording of a letter to those Members below 75% attendance encouraging their attendance at future planning training events; and
- (b) That paragraph 3.4, Section 3, of the Planning Code of Best Practice be amended to read that attendance records would be monitored and reported to the Planning Protocol Working Group instead of the Council.

37. OVERVIEW & SCRUTINY COMMITTEES – AMENDMENT TO TERMS OF REFERENCE

The Democracy and Governance Manager asked that the Committee consider a slight change to the terms of reference of two of the Overview and Scrutiny Committees to avoid the potential for doubt and duplication.

RESOLVED:

That the Committee commended the following changes to be incorporated into the Constitution:

- (i) That the terms of reference of the Community Profile & Partnerships Overview & Scrutiny Committee be amended to remove the phrase 'Performance Framework and co-ordination'; and
- (ii) That the terms of reference of the Corporate Resources Overview & Scrutiny Committee be amended to change the phrase 'Overview of Performance Management' to 'Overview and co-ordination of the Performance Management Framework'.

38. PANEL FOR THE APPOINTMENT OF LEA GOVERNORS

The Democracy and Governance Manager introduced a report to review the arrangements, powers and responsibilities of the panel for the appointment of LEA Governors. He advised that at the meeting of the LEA Governors Panel held on 17 June 2011 it was decided that there should be more transparency introduced into the nomination process by clearly specifying the criteria for choosing between candidates that were nominated. He continued that nomination forms should also make it clear that a nomination could only be objected to on the basis that the candidate did not meet the criteria or satisfy the relevant regulations.

The Democracy and Governance Manager advised that the criteria to be used for deciding on the suitability of a candidate was outlined in paragraphs 3.02 and 3.03 of the report. He reported that time limits had been introduced to the nomination process to reduce the time taken to "fill" vacancies.

Members raised a number of points regarding how prospective candidates could be expected to demonstrate their skills or understanding of some of the criteria applied and on the recruitment of suitable candidates.

The School Staffing and Governance Manager responded to the points raised and suggested a number of initiatives which the Authority and Governing Bodies could undertake to assist with the process of nomination and recruitment.

Members commented on the School Governors' Development programme and asked if the training provided was well attended. The School Staffing and Governance Manager reported that overall there was a good uptake of the training offered and work was in progress to encourage attendance from governing bodies where there had been no representation to date. Members expressed appreciation on the high standard of the development programme and the advice and support provided by the School Staffing and Governance Manager and officers.

RESOLVED:

That the Committee endorse the recommendations of the Panel as detailed in paragraphs 3.01 to 3.08 of the report for consideration by the Executive.

39. MEMBERSHIP OF THE CHILDREN'S FORUM

The Democracy and Governance Manager introduced a report to request that the Committee give consideration to expanding the membership of the Children's Forum. He explained minor changes to the recommendation in the report. Members made reference to the considerations in the report.

RESOLVED:

- (a) That the Committee recommend to the Executive and the Council that the formal membership of the Children's Forum be expanded to include a representative from the Betsi Cadwaladr University Health Board; and
- (b) That the provision in the Constitution be amended to reflect the membership of the Forum agreed on 1 August 2006 updated to reflect the current Executive portfolios of the Members.

40. LOCAL GOVERNMENT (WALES) MEASURE 2011

The Democracy and Governance Manager introduced a report to provide Members with an overview of the Local Government Measure and its implications for Flintshire.

RESOLVED:

That the provisions of the Measure and implications for Flintshire be noted.

41. PRESS IN ATTENDANCE

There were no members of the press in attendance.

42. DURATION OF MEETING

The meeting commenced at 2.00 pm and finished at 4.30 pm.

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Chairman

SUMMARY OF DECLARATIONS MADE BY MEMBERS
IN ACCORDANCE WITH FLINTSHIRE COUNTY COUNCIL'S
CODE OF CONDUCT

CONSTITUTION COMMITTEE		DATE 19 October 2011
MEMBER	ITEM	MIN. NO. REFERS
NO DECLARATIONS WERE MADE		