

CONSTITUTION COMMITTEE
17TH DECEMBER 2009

Minutes of the meeting of the Constitution Committee of Flintshire County Council held in County Hall, Mold on Thursday 17th December 2009.

PRESENT: Councillor R J T Guest (Chairman)

Councillors: Eng K. Armstrong-Braun, J. B. Attridge, R. C. Bithell, Q. R. H .Dodd, V. Gay, A. M. Halford, G. Hardcastle, P. G. Heesom, R. P. Macfarlane, P. R. Pemberton, N. Phillips and A. P. Shotton.

SUBSTITUTES: Councillor: R. Hampson for D. Barratt.

APOLOGIES: Councillors: N. R. Steele-Mortimer, L. A. Sharps and A. Woolley

Councillor C. Thomas was also present.

IN ATTENDANCE:

Chief Executive, Head of Legal and Democratic Services, Assistant Director (Democratic Services), Head of Overview and Scrutiny and Democratic Services Manager.

32. DECLARATIONS OF INTEREST

There were no declarations of interest.

33. MINUTES

(a) Accuracy

The minutes of the meeting held on 28th July 2009 were approved as a correct record.

(b) Update

Councillor P. G. Heesom referred to minute number 26; "Procedure To Reduce The Risk Of Awards Of Costs Against The Council In Planning Appeals" and advised that work had progressed on this issue at the Planning Protocol Working Group, of which he was the Chair, and that he would pass the minutes to members of this Committee.

34. OVERVIEW AND SCRUTINY COMMITTEE STRUCTURE

The Committee considered the report of the Head of Legal and Democratic Services which was presented by the Assistant Director (Democratic Services) the purpose of which was to recommend to the County Council an amended committee structure for Overview and Scrutiny. Prior to the presentation of his report, the Assistant Director of Democratic Services reported upon the receipt of a consultation paper the previous day from the Welsh Assembly Government which included aspects of the Overview and Scrutiny function.

The Assistant Director reported upon the background to the preparation of the report and advised that at its meeting on 28th July 2009 the Committee had considered a report on the results of the Overview and Scrutiny Member Opinion Survey. That questionnaire included a section seeking views on the Overview and Scrutiny Committee structure.

The Member and Officer Survey results supported a revised committee structure which had a close alignment to the Council's organisational structure, avoided duplication and had capacity to engage in external Overview and Scrutiny. Responses to the survey were reported to the meeting of the Overview and Scrutiny Co-ordinating Committee on 16th July 2009. At that meeting the Committee supported the revised committee structure, which was detailed in Appendix 1 to the report, with the proviso that there should be a greater emphasis on outward looking Scrutiny including regional working and the relationship to the Welsh Assembly Government. At that time the Chair of the Co-ordinating Committee suggested that this could possibly be added to the terms of reference of the Co-ordinating Committee.

The survey results and the views of the Co-ordinating Committee were considered at a meeting of this Committee on 28th July 2009. In considering the future committee structure a number of differing views had been expressed which included views both in favour and against combining the existing Community and Housing with the existing Social and Health Committee, combining the existing Community and Housing Committee with the existing Environment and Regeneration Committee and the view that the Co-ordinating Committee should be combined with the Constitution Committee. The Committee decided that all Members should be given an opportunity to make suggestions as to an amended committee structure by the end of August and that consideration should be deferred pending a further report to consider each alternative model. By a letter dated 30th July 2009 all Members were informed of this and a copy of that letter was attached as Appendix 2 to the report.

The Assistant Director reported that the further consultation led to responses being received from Councillors Eng. K. Armstrong-Braun, D. Barratt, C. Carver and T. Newhouse and the report summarised their comments. In continuing the presentation of the report, the Assistant Director referred to the meeting of Group Leaders on 16th September 2009 when the issue of Overview and Scrutiny Committees was considered and it had been decided that Group Leaders should have four weeks to make any suggestions they may wish to make. Following which a meeting be arranged for Overview and Scrutiny Chairs and Vice-Chairs to consider various options. The only Group Leader who made suggestions was Councillor Robin Baker on behalf of the Liberal Democrat Group and advised that only three Members wished to make further comments to those in the Members' Survey and these were detailed in the report. The Committee was informed that a progress report was given to the Co-ordinating Committee on 22nd October 2009 and the main issue arising from consideration of the report was whether the Community and Housing Committee should be combined with the Social and Health Committee in view of their existing workloads. It was decided a small working group of Members should be set up to explore that point further. Immediately after the Co-ordinating Committee meeting the meeting of Chairs and Vice-Chairs was held pursuant to the Group Leaders' meeting and the suggestions made by the Liberal Democrat Group were considered.

At both the Co-ordinating Committee meeting and the meeting of Chair and Vice-Chairs, a number of Members were of the view that reducing the number of formal committees would enable greater use of Task and Finish groups. There was also recognition that as any new committee structure was unlikely before the annual meeting there was now less reason for joint Chairs and Vice-Chairs. There was also recognition that the Co-ordinating Committee was needed to deal with issues common to all Overview and Scrutiny Committees.

The Assistant Director reported that on 2nd November 2009 the Member Working Group met to consider the issue of combining the Community and Housing and Social and Health Committees. Following a wide ranging discussion at that meeting, Councillor McGuill, who chaired the Committee, summarised the factors in favour of the two committees combining and those against. The factors in favour were that the Committee structure would match the Directorate structure and there would be more scope for task and finish groups and workshops resulting in a better use of Officer resources. The factors against were the current review of the Housing Stock Transfer Option and the new Health structure were both issues requiring much time and that the way the two existing committees operated was very different. The report went on to identify the key considerations and detailed the provisions of the Local Government Act 2000 in relation to the Overview and Scrutiny function.

It was noted that Flintshire currently had more Overview and Scrutiny Committees than any other North Wales Council and the number of members of each committee was higher than average. The current structure was based on the Council's previous Directorate structure together with a Co-ordinating Committee. The report then considered each of the existing Overview and Scrutiny Committees and any proposals to change each of them. It was noted that the existing Corporate Management and People and Performance Committees were created at a time when there were two central Directorates. Now there was a central Corporate Services Directorate and it seemed appropriate to combine the two existing committees into one Corporate Committee including the new Crime and Disorder Powers and to scrutinise the Police and Fire Authorities. This had been supported by Officers, Members and the Co-ordinating Committee. With regard to the Lifelong Learning Overview and Scrutiny Committee there had been no suggestions to change the existing terms of reference for the committee. Similarly, there was no support to change the role of the Environment Overview and Scrutiny Committee. It was noted that during the consideration of the committee structure at the last Constitution Committee that Members suggested that the Environment Committee be combined with the existing Community and Housing Committee, the reason given was that this would better reflect the Executive Portfolios. It was acknowledged that Executive Portfolios were in the gift of the Council Leader and changed on a regular basis. Officers believed that the Environment Committee already had a broad remit and did not have capacity to take on the work of the current Community and Housing Committee. The Member and Officer Surveys favoured a committee structure that reflected the existing Directorate structure and this meant combining the existing Social and Health and Community and Housing Committees. This was the aspect of the proposal that had attracted the most Member interest.

In determining a revised Overview and Scrutiny Committee structure it was important to have widespread Member support. The wide ranging consultation following the Member and Officer Surveys did however indicate it would be difficult to

arrive at a structure which had unanimous Member support. Following the wide consultation the recommendation for restructuring was detailed in the report.

Councillor R. C. Bithell commented that it was a good report and highlighted the key issues. He expressed a view that the topics raised had to be discussed and even if the number of committees was reduced it would not necessarily mean a reduction in the time taken in dealing with those issues as the committees may have to sit longer. He thought it was important that all Members of the Council played a role in the process. He felt that until the ballot was undertaken in relation to Housing Stock Options Transfer then the Community and Housing Overview and Scrutiny Committee should remain. Councillor Bithell also felt the Co-ordinating Committee played an important role in the allocation of work but accepted that there could be a reduction in the number of Members on that committee. Councillor P. G. Heesom felt at present there was a democratic deficit. He felt that the only issues addressed by the Overview and Scrutiny Committees were those which were part of the Executive Forward Work Programme. Councillor Heesom felt that Members should be allowed further opportunities to raise matters as part of the Overview and Scrutiny function. He supported the views of Councillor R. C. Bithell in relation to the Housing function. He also felt that the Health Service reform was a significant issue and could be a time consuming item. With regard to task and finish groups, he felt that not all essential work should be put through them as he felt there was a need for wider consultation of the decision making process. He acknowledged that People and Performance and the Corporate Management Overview and Scrutiny Committees could benefit from being combined.

Councillor P. Macfarlane supported the views of Councillors Bithell and Heesom in relation to the Housing function but did not support Councillor Heesom's view on the current Scrutiny arrangements where he felt there had been considerable progress. Councillor Hampson also supported the view of the previous speakers in relation to the Housing function.

Councillor C. Thomas was attending as an observer and was invited to comment by the Chairman. Councillor Thomas very much supported the role of the task and finish groups which she felt undertook a very useful role and suggested it was an ideal forum for Members to be able to contribute. Councillor Thomas identified specific examples of what she felt had proved successful work of the task and finish groups.

Councillor K. Armstrong-Braun reiterated his view in relation to the Co-ordinating Committee which he felt provided no useful purpose and could be deleted from the structure. He felt there was more power required for the Overview and Scrutiny function with regard to Task and Finish groups. He indicated they were always busy and brought back reports to the main Overview and Scrutiny Committees for them to make a decision. He supported the merger of the Social and Community and Housing Overview and Scrutiny Committees.

Councillor A. P. Shotton also acknowledged the thoroughness of the report and referred in particular to the original guidance when the Welsh Assembly Government had set up the Overview and Scrutiny function. He referred in particular to the guidance on the number of Chairs that should be held by the ruling Groups and felt that this may be an issue to be discussed at the annual meeting. Councillor A. P.

Shotton also referred to the current arrangements which had been acknowledged throughout Wales for its effectiveness and a good example of the Scrutiny function. He referred to the reference to the possible expenditure savings referred to in the financial implications and felt that this should not be an issue but about effective Scrutiny. Councillor Shotton felt there was a role for Task and Finish groups within the over all committee structure. Councillor Shotton supported the views in relation to the Housing function and that the appropriate committee should not be merged until after the outcome of the Housing Stock Options Transfer Ballot. He also disagreed with the views of Councillor K. Armstrong-Braun in relation to the role of the Co-ordinating Committee which he felt played a valuable role. In this respect he felt that it could play an important role on national issues such as Health Service Reform. Councillor Shotton was also keen for those Members who did not sit on the Executive to play a role and be guaranteed a place on an Overview and Scrutiny Committee.

Councillor Q. R. H. Dodd expressed a view that the structure currently under examination would be for the next two and a half years. He also referred to the significance of the Boundary Review and the effect that might have on the structure of the Council. He also concurred with the view that the Housing function should remain where it was for the time being, this point was reiterated by Councillors G. Hardcastle and P. Pemberton.

Councillor J. B. Attridge expressed his concern at the number of occasions of the meetings of Overview and Scrutiny Committees when the Executive Member was not present. He felt that they had a distinct responsibility and that it should not always be for the Officers to address the issues. The Assistant Director of Democratic Services explained that when scoping a topic the Committee should determine those it wanted to attend and it may not always be appropriate for an Executive Member to attend. Councillor Attridge commented that it was not for the Officers to determine if the Executive Member should be required to attend an Overview and Scrutiny Committee.

The Chairman suggested that there was a technical aspect to this point and whether it would be appropriate for the Monitoring Officer to come back and report thereon.

Councillor A. Halford referring to the role of the Executive Member and commented specifically on the Housing function where because of existing circumstances there was currently no individual Executive Member responsible for this function. She expressed her surprise at the current arrangements put in place by the Leader. Pursuing the point regarding the attendance of the Executive Members at Overview and Scrutiny Committees, Councillor A. P. Shotton commented that there was a genuine concern and not just from Members of Opposition Groups.

Councillor R. C. Bithell referred to the time when he was an Executive Member and that he used to sit in the public seats at Overview and Scrutiny Committees by way of interest but was always prepared to attend formally when required to do so.

The Chief Executive commented upon issues raised by Members and confirmed that it was not the responsibility of Officers to determine when an Executive Member attended an Overview and Scrutiny Committee. He also confirmed that it was not the remit of this part of the review to save money or resources, it was done

purely on the basis for the best way for the Overview and Scrutiny function to operate. The Chief Executive also referred to the appropriateness of Councillor A. P. Shotton's point regarding the issues on regional matters which could well be addressed by the Overview and Scrutiny Co-ordinating Committee. With regard to the issues of Housing, he accepted the views expressed and that it should be left as it is at present. Similarly, the Social and Health Overview and Scrutiny Committee had a very important task in relation to issues involving the National Health Service. He suggested that these issues could well proceed into the year 2011.

After some discussion the Chairman indicated that he wished to proceed to the vote and it was duly proposed and seconded that the recommendations in the report be agreed subject to the inclusion as (d) that the Community and Housing and Social and Health Committee continue until the result of the Housing Stock ballot was known when their position be reviewed by this Committee. Councillor K. Armstrong-Braun felt that he had not had an opportunity to make all his points and decided to leave the meeting.

RESOLVED:

That the County Council be recommended to accept a revised Overview and Scrutiny Committee as detailed in Appendix 1, subject to:-

- (a) the Co-ordinating Committee being reduced to fifteen members;
- (b) the Co-ordinating Committee having responsibility to scrutinise regional working and the relationship with the Welsh Assembly Government;
- (c) the deletion of references to Joint Chairs and Vice-Chairs;
- (d) that the Community and Housing and Social and Health Committees continue until the result of the Housing Stock ballot is known when their position be reviewed by this Committee.

35. REGULATION OF INVESTIGATORY POWERS ACT (RIPA) AUTHORISING OFFICERS

The Committee considered the report of the Head of Legal and Democratic Services which was presented by the Assistant Director (Democratic Services), the purpose of which was to amend the existing Regulation of Investigatory Powers Act (RIPA) Authorising Officers so as to reflect a recommendation from the Office of Surveillance Commissioners.

The Committee was informed that the Act enabled and regulated the use by Public Authorities, such as the Council, of covert surveillance and covert human intelligence sources. Compliance with the Act was enforced by the Office of Surveillance Commissioners who periodically visited Authorities to check on their arrangements. It was noted that an Assistant Surveillance Commissioner had visited the Council in the summer and issued an Inspection Report containing five recommendations. The Assistant Director confirmed that these recommendations had been or were in the course of being implemented. One of the recommendations which was to reduce the number of those permitted to authorise for the purpose of the Act and compliance with this recommendation required an amendment to the Officer Delegation Scheme in the Constitution. The Committee was informed that at present the Delegation Scheme provided that the Chief Executive, Corporate Directors and

Heads of Service could authorise Officers within their Service to act as Authorised Officers for the purposes of RIPA.

The Office of Surveillance Commissioners was recommending that this be reduced to about five Officers in addition to the Chief Executive and Directors. The Officers delegated would then undertake authorisations more frequently and become more familiar with and expert in the requirements. All such Officers should have received training on RIPA.

Another recommendation of the report was that the Council appoint a RIPA Monitoring Officer with responsibility for record keeping, training, oversight and heightening awareness of RIPA throughout the Council. As part of the Democratic Services Review it was decided that this should be the Governance and Democracy Manager.

The report detailed those areas of the Council which made most use of RIPA. The RIPA Monitoring Officer was consulting with the Heads of Services for those areas to determine the five Officers who could be authorised following which the existing authority of any authorised Officers would be cancelled.

Councillor R. C. Bithell sought further clarification on the number of Officers currently used and the type of work that they undertook in this role. The Assistant Director (Democratic Services) explained that there were currently approximately double the number that was recommended and explained the type of work when RIPA was used.

Councillor J.B. Attridge enquired if there was a need for five officers plus the Chief Executive and Directors. Councillor Heesom also expressed a similar view and felt that there should be a limit of six which would include the Chief Executive, the Monitoring Officer and the Section 151 Officer. The Head of Legal and Democratic Services explained that if the Council accepted this it would go against the recommendation of the Commissioner in his inspection report. He also suggested it would not be appropriate for him in his role as Monitoring Officer to be an Officer for this purpose as it was necessary for him to give independent advice on their usage.

A general discussion ensued and Members accepted the point that this course of action was usually a last resort. Councillor A. Halford enquired if this should be an issue to be addressed by the Standards Committee to illustrate the independence of the process. However, the Monitoring Officer advised that this was not within their remit as the legislation applied to Officers of the Council.

The Head of Legal and Democratic Services explained this was the third inspection that had been undertaken and the current Inspector had taken a more robust view on certain issues and this was the reason for the recommendations. The Chief Executive also explained that since he had been employed by the Council he had never been asked to endorse any investigations under these powers and concurred with the view that it was a rare issue. In view of the explanation given the Committee accepted the recommendation.

RESOLVED:

That the Delegation Scheme is amended to provide that the Chief Executive, Corporate Directors and up to five others, determined by the RIPA Monitoring Officer, be authorised for the purposes of RIPA.

36. FORMAT OF MINUTES

The Committee considered the report of the Head of Legal and Democratic Services, the purpose of which was to consider setting up a Task and Finish Group to review the format of Minutes for Council and Committee Minutes. The Committee was informed that the present format of Minutes emanated from a decision of the County Council held on 8th November 2005 and the report identified the relevant resolution. The remainder of the resolution dealt with a new process for the approval of Minutes and arrangements whereby questions on Minutes could be asked at meetings of the County Council following ten clear working days notice in writing of the question. In the original resolution it was the intention for the practice to be reviewed in six to twelve months from the introduction of the new practices. However, it had always been the intention to review those arrangements relating to Minutes but there had been delays for a number of reasons including the development of the Committee Administration System.

However, Councillor Q. R. H. Dodd duly proposed and was seconded by Councillor R. C. Bithell that the status quo for Minutes remain. Councillor A. Halford initially did not agree with this recommendation and spoke on behalf of a member of her Group who had some concerns in this respect. However, the Head of Legal and Democratic Services indicated that he had earlier spoken to the Member concerned who had indicated that the last set of Council Minutes were more balanced in his view and Councillor Halford accepted this. Councillor P. G. Heesom concurred with the view that the Minutes in their current format should remain and that the situation could be reviewed in two years time. The Chief Executive enquired if Members were happy with the Minutes, why it was necessary to seek a review. Members indicated that things could change but accepted that the review could be implemented as and when necessary.

RESOLVED:

That the format of Minutes for Council and Committee meetings remain in their current form.

37. CHAMPIONS

The Committee considered the report of the Head of Legal and Democratic Services, the purpose of which was to consider setting up a Task and Finish Group to review the roles and appointments of Champions. The Committee was informed that at the meeting of the County Council held on 24th August 2009 the Leader of the Council withdrew a Notice of Motion which stated:

“That work as a Member Champion be added to the list of approved duties in the Members’ Allowances Scheme with effect from 1st April 2009.”

The Head of Legal and Democratic Services reported that some research undertaken in connection with the Notice of Motion established that there is no single process for

the appointment of Champions, in addition there was no clear picture as to the reporting or accounting line between Champions and the responsible Executive Member, Committee Chair or Directorate. Requests had been made for this Committee to consider reviewing the position. The role of Champions was considered briefly at the meeting of the Corporate Management Overview and Scrutiny Committee and it was agreed at the suggestion of that Committee that the matter be left with the Constitution Committee to avoid duplication of effort. In the circumstances, the Head of Legal and Democratic Services invited Members to consider setting up a Task and Finish Group. The Group could, at its first meeting, consider those arrangements which had already been put in place and the remit of existing Champions where this had been set out. It was suggested that the Task and Finish Group comprise Members of each of the four political Groups on the Council and report back in due course in relation to those matters set out in paragraph 2.03 of the report.

Councillor P. G. Heesom felt it was a good suggestion and felt that the five Members should be from this Committee. Councillor A. P. Shotton whilst accepting the principle, felt that in the first instance that a report should go to Group Leaders from the Monitoring Officer. He expanded upon the point relative to the Leader having the ability to appoint Champions. Councillor R. C. Bithell, in his previous role as Executive Member for Lifelong Learning, had been a Champion in that area. However, he understood that there appeared to be other Champions in addition to Executive Members and he felt that this was a point that required clarification. The Chairman felt that the points raised illustrated the need to bring it forward to avoid confusion on the role of the Champions. Councillor Q. R. H. Dodd expressed similar views to Councillor Shotton and felt this should come back to this Committee after it had been initially examined by Group Leaders. Councillor N. Phillips concurred with the view that the whole issue required examination. Councillor A. Halford sought clarification on the role of the Champions and if they received any allowances at present. She also expressed support for the views expressed by Councillor Dodd and felt a paper should be prepared accordingly. Councillor V. Gay supported the Task and Finish Group. She expanded on her role as a Champion but felt that it required clarification and particularly in relation to the role of the Executive Member. Councillor P. Pemberton also supported the need for a review because of the role of Champions was not clear and that it would be for Members' benefit if this information was available. Councillor J. B. Attridge felt that there was not a necessity for a Champion because he referred to the situation whereby if a Member wished to become more involved then they could shadow an Executive Member or Group Leaders which had been undertaken by a number of other people. Councillor A. P. Shotton withdrew his previous suggestion of the report going to Group Leaders and supported the principle of a Task and Finish Group. For that Group he felt it was essential for the Leaders intentions to be made known on the role of Champions.

The Head of Legal and Democratic Services felt that it was necessary for work to be undertaken on the role of the Champions because a number of Members understood that they were Champions but had not formally been designated as such and for this reason he wished to undertake research and produce a report to allow Members to consider the issue further. The Chief Executive concurred with the view of the necessity to formally identify Champions because if a Member was of the opinion that they were a Champion and expressed a view in a forum then it would be

accepted that it was the Council's formal view in that area so it was essential for roles to be identified.

Councillor P. G. Heesom also concurred with the view and expressed that there was considerable confusion amongst Members between the roles of Executive Members and those of Champions.

RESOLVED:

That a Task and Finish Group be established consisting of five Members as follows:-
Councillors R. C. Bithell, A. Halford, P. G. Heesom, V. Gay and A. P. Shotton.

38. CORPORATE GOVERNANCE – SELF ASSESSMENT

The Committee considered the report of the Head of Legal and Democratic Services, the purpose of which was to inform Members of the delayed timescale for the annual self assessment of Corporate Governance. The report detailed the background to its preparation and the Head of Legal and Democratic Services advised that, for a number of reasons, the Wales Audit Office work had been delayed and the outcome of the exercise was still awaited although it was hoped that it would be received before the end of the calendar year. In the circumstances and provided the outcome of the Wales Audit Office exercise was received by the end of the year, it was suggested that a provisional timescale should be followed as detailed in the report. The Chief Executive indicated that he was concerned with the delay and was chasing this up with the Wales Audit Office.

RESOLVED:

That the provisional timescale for the self assessment and review of the Code of Corporate Governance as set out in paragraph 3.01 be noted

39. CHANGES TO THE FUNCTIONS AND RESPONSIBILITIES OF THE COUNCIL AND THE EXECUTIVE

The Committee considered the report of the Monitoring Officer, the purpose of which was to inform Members of a number of additional functions which had been designated as County Council rather than Executive functions and others which were local choice functions whereby the Council could decide whether it wished those functions to be exercised by the Executive or by itself through delegated powers granted to Committees and Officers. The report detailed the background and identified the key considerations.

RESOLVED:

- 1) That the Highway functions set out in Regulation 4 of Appendix 1 be local choice functions exercised by the Executive in accordance with the existing delegation scheme.
- 2) That the Wildlife and Countryside functions set out in Regulation 4 of Appendix 1 be local choice functions exercised by the Executive in accordance with the existing delegation scheme.

- 3) That the functions set out in Regulation 4 of Appendix 1 relating to Gambling Act functions be local choice functions exercised by the Council through the existing delegation scheme to the Licensing Committee, Sub Committees and Officers.
- 4) That the following functions are Council functions:-
 - a) approval of the Single Education Plan;
 - b) the Right of Way Improvement Plan.
- 5) That the Electoral functions set out in the National Assembly for Wales (Representation of People) Order 2003 becomes an Executive function.
- 6) That the Monitoring Officer accordingly makes appropriate amendments to the Constitution reflecting these decisions and the content of the Regulations.

40. CHAIR/VICE-CHAIR OF PLANNING AND DEVELOPMENT CONTROL COMMITTEE

The Chairman referred to the fact that Councillor Klaus Armstrong-Braun who had left the meeting had originally raised this issue and enquired if Members wished for the item to be deferred to allow him to be present when it was discussed.

RESOLVED:

That a decision on this report be deferred accordingly.

41. PLANNING PROTOCOL WORKING GROUP 11TH DECEMBER 2009

The Assistant Director of Democratic Services reported upon the following recommendation to this Committee arising from the meeting of the Planning Protocol Working Group held on 11th December 2009:-

The Working Group recommended that the Planning Code at Best Practice be amended to remove the requirement that all planning applications made by the Council itself should be considered by the Planning and Development Control Committee

Councillor A. P. Shotton had some concerns with this proposal. Whilst accepting the point about the time taken by the Committee to discuss such applications he felt it was important for the Council and its Members to be safeguarded and they should be seen to be transparent. Councillor Q. R. H. Dodd supported this view. It was suggested that the Planning Protocol Working Group should look at the impact of different types of planning applications submitted by the Council. Councillor P. G. Heesom felt that there should be no real concerns as the Planning Protocol Working Group had taken considerable time in dealing with these issues. If there were significant objections to the application it would be reported to the Committee in any case. Councillor P. Pemberton also had concerns in relation to issues dealt with under delegated powers particularly when Town and Community Councils have expressed concerns on applications which had been determined without going to Committee. After some discussion it was felt that a deferment was appropriate.

RESOLVED:

That the decision on this matter be deferred.

42. DURATION OF MEETING

The meeting commenced at 10 am and finished at 12.20 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: 17TH DECEMBER 2009
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MEMBER	ITEM	MIN. NO. REFERS
NO DECLARATIONS WERE MADE		