

**CONSTITUTION COMMITTEE**  
**26 APRIL 2010**

Minutes of the meeting of the Constitution Committee of Flintshire County Council held in County Hall, Mold on Monday 26 April, 2010.

**PRESENT: Councillor R J T Guest (Chairman)**

Councillors: D. Barratt, R.C. Bithell, J.C. Cattermoul, Q. R. H .Dodd, V. Gay, P. G. Heesom, H.D. Hutchinson, R. P. Macfarlane, P. R. Pemberton, N. Phillips, A.P. Shotton and A. Woolley.

**ALSO PRESENT:** Councillor Eng. K. Armstrong-Braun.

**APOLOGIES:** Councillors: G.D. Diskin, A.M. Halford, G. Hardcastle and N.R. Steele-Mortimer.

**IN ATTENDANCE:**

Head of Legal and Democratic Services, Democracy and Governance Manager, Member Engagement Manager and Committee Officer.

**58. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**59. MINUTES**

The minutes of the meeting of the Committee held on 3 March, 2010, were submitted.

**Matters Arising**

Councillor H.D. Hutchinson expressed concern with regard to delays by the Authority in sending correspondence to Town and Community Councils and also referred to the length of time taken by some Officers to respond to communications from Town and Community Councils.

**RESOLVED**

That the minutes be received, approved and signed by the Chairman as a correct record.

**60. REPRESENTATION AT PLANNING APPEALS**

The Democracy and Governance Manager introduced a report the purpose of which was to consider a recommendation from the Planning Protocol Working Group to amend the part of the planning code of practice dealing with appeals against Council decisions.

The Democracy and Governance Manager provided background information and referred to the key considerations in the report. He advised that the Planning Protocol Working Group had agreed that the current wording on appeals in the planning code of practice should be replaced by the wording set out in Appendix 2 to the report and asked that Members considered the revised wording as outlined.

In response to a concern expressed by Councillor Q.R.H. Dodd the Democracy and Governance Manager advised that the revised wording was not intended to provide a “one size fits all” solution. He referred to the wide variety of situations that arose in relation to planning appeals and commented that the intention was to provide a flexible approach to meet the circumstances of each case.

**RESOLVED:**

That the Committee accepted the recommendation by the Planning Protocol Working Group to amend the part of the Flintshire planning code of practice dealing with appeals to incorporate the wording in Appendix 2 of the report.

**61. CONSULTATION ON NATIONAL PLANNING POLICY AND GUIDANCE**

The Democracy and Governance Manager introduced a report the purpose of which was to consider a recommendation from the Planning Protocol Working Group relating to consultation on national planning policy and guidance.

The Democracy and Governance Manager referred to the consideration given by the Planning Protocol Working Group to greater Member involvement in responding to consultation on national planning policy and guidance documents. He advised that the Planning Protocol Working group had been given various options for increasing Member input and had made a recommendation to the Constitution Committee that internal consultation was undertaken with the Working Group before a response was made to the consultation, although it was recognised that this was subject to the consultation period given by the Welsh Assembly Government being sufficient to allow for such internal consultation.

**RESOLVED**

That the views of the Planning Protocol Working Group be obtained and taken into account in determining the Council's response to consultation on national planning policy and guidance provided the consultation period allowed for this.

**62. CHAIR/VICE-CHAIR OF PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

The Head of Legal and Democratic Services introduced a report to enable Members to consider the appropriateness of an Executive Member being either the Chair or Vice-Chair of the Planning and Development Control Committee.

The Head of Legal Services referred to the request made by Councillor Engineer Klaus Armstrong-Braun, that the Committee make a recommendation to the County Council that an Executive Member should not hold the position of Chair or Vice-Chair of the Planning and Development Control Committee. The Head of Legal Services referred to previous research undertaken on the matter and advised that no guidance had been issued by the Welsh Assembly Government but guidelines had been provided in England which suggested that it was not appropriate for the Chair of Planning to be a member of the Executive. He commented that an extract of the Guidance was attached as an appendix to the report for Members' consideration.

The Chairman invited Councillor Engineer Klaus Armstrong-Braun to join the meeting and present his concerns to the Committee. Councillor Armstrong-Braun raised a number of issues and referred to the potential for conflict of interest. He also expressed concerns with regard to the "well being" and "independence" of Officers to enable them to perform their role and responsibilities and emphasised the importance of a fair and transparent policy.

During an ensuing discussion Councillor P. Heesom stated that he was satisfied with the advice provided by the Head of Legal Services and proposed that the Committee agreed that an Executive Member should not hold the position of Chair or Vice-Chair of the Planning and Development Control Committee.

Councillor R.C. Bithell acknowledged the potential for conflict of interest between the views of the Executive Member and the Planning Committee and alluded to the stance which was previously taken by the Authority with regard to the appointment of Chair and Vice-Chair of the Planning Committee. Councillor A.P. Shotton expressed the view that there were sufficient elected Members to take either positions on the Committee and that the Executive Member for Housing Strategy and Planning should not sit on the Planning Committee due to the involvement which was required.

Councillor Q.R.H. Dodd commented that he believed that the workload of Executive Members was too demanding to enable them to undertake the additional responsibilities of Chair or Vice Chair although he had no objection to Elected Members holding either position. Councillor Heesom asked if consideration could be given as to whether it was appropriate or not for the Executive Member for Housing Strategy and Planning to sit on the Planning Committee. In his response the Chairman advised that the matter could be referred to the Planning Protocol Working Group for consideration.

In conclusion Members agreed that a recommendation be made to the County Council that the constitution be amended to reflect that the position that the Chair or Vice-Chair of the Planning and Development Control Committee should not be held by a member of the Executive.

## **RESOLVED**

That a recommendation be made to the County Council that the constitution be amended to reflect that the position that the Chair or Vice-Chair of the Planning

and Development Control Committee should not be held by a member of the Executive.

**63. MEMBER CHAMPIONS**

The Democracy and Governance Manager referred to the decision at a meeting of the Committee on 17 December, 2009, to constitute a Task and Finish Group to consider the arrangements relating to Member Champions. He reported that the meeting of the Task and Finish Group which had been arranged for 22 April, did not take place and therefore there were no recommendations from the Group to report to the Committee.

During a discussion Members agreed to defer the item for future consideration when the meeting of the Task and Finish Group had been reconvened.

**RESOLVED**

That the item be deferred to a future meeting of the Committee.

**64. CORPORATE GOVERNANCE – SELF-ASSESSMENT**

The Head of Legal and Democratic Services introduced a report the purpose of which was for Members to consider the Self-Assessment Review 2010 as set out in the appendix to the report.

The Head of Legal Services provided background information and referred to the key considerations in the report. He advised that the Self-Assessment Review set out the Authority's achievements under the six core principles and identified any further action required to strengthen the Council's arrangements. He advised that work on the Self-Assessment had been delayed whilst the Wales Audit Office undertook a diagnostic in all Councils in Wales to enable them to produce a national report setting out its findings. He reported that the Wales Audit Office had provided a draft version of their analysis of the Good Governance Diagnostic but it had not yet been verified. However, to avoid further delay in dealing with the self-assessment reference to the diagnostic was included in paragraph 3.5 of the document with an action point to identify how to address those areas where the Wales Audit Office suggested further work be undertaken. The Head of Legal Services advised that a further report would be made available to the Committee when the final document had been received from the Wales Audit Office.

The Head of Legal Services referred to the Self Assessment Review which was attached as an appendix to the report and outlined some of the achievements to date. Referring to page 49 the Head of Legal Services referred to the six functional committees and advised that it had been previously recommended by the Constitution Committee that these should be reduced to five. Councillor A. Woolley emphasised the importance of scrutiny and referred to the recommendation by the Committee that the Corporate Management and People and Performance Overview and Scrutiny Committees be amalgamated to form the Corporate Overview and Scrutiny Committee. He expressed the view

that there would be an increasing need for scrutiny to be undertaken in the future and that it would be prudent to retain the current structure of six functional Committees.

Councillor R.C. Bithell referred to page 48 of the Review and the reference to Staff Appraisals and asked for an assurance that the process was undertaken in all directorates. The Head of Legal Services referred to the consideration of staff appraisals by Directorate Management Teams on a regular basis and the undertaking of mid year reviews. He commented that he was confident that staff appraisals were carried out regularly across the Authority. Councillor A. Woolley acknowledged that improvement had been made during the last year, however, he asked Members to continue to be diligent in their enquiries as there was still room for improvement.

**RESOLVED**

That the self Assessment Review 2010 be noted. .

**65. DURATION OF MEETING**

The meeting commenced at 2.00 pm and finished at 3.25 pm.

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Chairman

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

<b>CONSTITUTION COMMITTEE</b>		<b>DATE 26 APRIL 2010</b>
<b>MEMBER</b>	<b>ITEM</b>	<b>MIN. NO. REFERS</b>
NO DECLARATIONS WERE MADE		