

CONSTITUTION COMMITTEE
12TH MARCH 2009

Minutes of the meeting of the Constitution Committee of Flintshire County Council held in County Hall, Mold on Thursday 12th March 2009.

PRESENT: Councillor R J T Guest (Chairman)

Councillors: Eng K Armstrong-Braun, D Barratt, R C Bithell, QRH Dodd, A Halford, G Hardcastle, M Higham, H D Hutchinson, R P MacFarlane, P R Pemberton, A P Shotton and N R Steele-Mortimer

SUBSTITUTES: Councillors: C Jones for J B Attridge

APOLOGIES: Councillors: C Cattermoul, G D Diskin, P G Heesom, N Phillips, L A Sharps and A Woolley

IN ATTENDANCE:

Chief Executive, Head of Legal and Democratic Services, Assistant Director of Democratic Services and Democratic Services Manager.

17. DECLARATIONS OF INTEREST

None were received.

18. MINUTES

(a) Accuracy

RESOLVED

That the minutes of the meeting held on 15th October 2008 be confirmed as a correct record.

(b) Matters Arising

Minute Number 12 – Submission of Late Reports

Councillor R C Bithell commented that the situation regarding the submission of late reports had improved and commented that in certain reports there were spelling mistakes and asked that a watch be kept on this matter. The Chief Executive commented that the main concern on the issue of late reports had been addressed.

19. REVIEW OF COUNCIL BUSINESS

The Committee considered the report of the Assistant Director (Democratic Services), the purpose of which was to consider the results of the Members survey regarding arrangements for Council business. The Assistant Director (Democratic Services) presented the report and advised on the background to its preparation. A

copy of the report submitted to the Committee on 15th October 2008 was attached as Appendix A to the report. The Committee resolved that at that meeting the report be referred back to the Member Development Working Group.

A further report to the Member Development Working Group on 25th November 2008 was attached as Appendix B, a copy of the draft minutes as Appendix C, a copy of letter sent to Members as Appendix D.

The Assistant Director report that following the letter being sent to Members a Notice of Motion was received and a copy was attached as Appendix E. In response to that Notice of Motion it was agreed that the current arrangements would continue until further consideration by this Committee.

The Assistant Director then expanded on the key points. It was noted that following the Members survey the Member Development Working Group agreed the existing arrangements for formal Member meetings being held in County Hall in the morning and afternoon rather than being held in the evening or at other venues should remain. This was supported by the Committee.

The next issue related to the possibility of reducing the length of time on meetings. It had previously been suggested that by introducing a procedure rule limiting the length of meetings could help Members in managing their diaries. Members also commented on issues of childcare. The Working Group had previously recommended a limit of three hours for a meeting but now felt that the Chairman's existing discretion was sufficient.

The third issue concerned the normal time for start of meetings. The Assistant Director commented that the Members survey showed a large degree of agreement on the starting time for afternoon meetings being at 2 p.m. but less consistency regarding the starting time for morning meetings. The Member Development Group originally suggested that 9.30 a.m. would be appropriate but now reconsidered and felt that a 10.00 a.m. start should be recommended.

The issue of third party representatives for Planning Committee was also explained. The Member Development Working Group felt that Planning Committee and County Council should stand at 10.00 a.m.

In his report the Assistant Director also referred to the cost implications of a system for providing Members with laptop computers, printers etc.

With regard to the time limit on meetings it was proposed and seconded that the existing arrangements remain and that the length of time should be at the Chairman's discretion. A view was expressed that Members may wish to remain in the meeting for a longer period knowing that there would be a given finish time. The Chief Executive suggested it could be regarded more as a guideline rather than a fixed rule. After some discussion Members felt that the existing arrangements should remain with the discretion of the Chairman being paramount and on being put to the vote this was carried.

The Committee then went on to discuss the start times for meetings. Councillor R C Bithell spoke in support of an earlier start and referred to particular instances why he felt an earlier start in the morning would be appropriate. He duly proposed a 9.30 a.m. start for morning meetings and 2.00 p.m. for afternoon meetings but this was not seconded. Councillor K Armstrong-Braun felt that there was a case for evening meetings particularly for Planning and Development Control Committees as this was the meeting which showed most interest for the general public. He referred to the practice of other Authorities which appeared to work well. Councillor N R Steele-Mortimer did not support a 9.30 a.m. start and he referred to the travelling distances some Members had to undertake to arrive at County Hall. Councillor Q R H Dodd also commented that it was necessary to clarify what meetings were to be included and any recommendation would cover, for example, should they include Panels and the like. Councillor N R Steele-Mortimer duly proposed a 10.00 a.m. start for morning meetings this was seconded and on being put to the vote was carried.

Members then went on to discuss the situation regarding afternoon meetings. There was a general feeling that there was a necessity for a reasonable break between the end of morning meeting and the start of an afternoon meeting and that the 2.00 p.m. start should remain. They were also aware of the situation regarding some Members who were in employment and would need to finish at a reasonable time to attend an afternoon meeting and a 2.00 p.m. start was generally beneficial for them.

A considerable discussion ensued on the starting time for the Planning and Development Control Committee. It was agreed that this should be left to the Planning Protocol Working Group which was due to meet in the near future. Members also discussed the start time for Council meetings it was suggested that they should commence at 10.00 a.m. However Members reiterated the point regarding Members in employment, and the need for Group meetings prior to Council meetings and it was agreed that the meetings remain at 2.00 p.m.

In relation to the issue of the distribution of Committee agendas and reports to Members the Working Group recommended that only Members on a specific Committee or other Body would in future be entitled to paper copies of the agendas and reports. Additional paper copies of agendas and reports would be available in Members Services and in group rooms. It was also recommended that those Members entitled to have paper copies of agendas and reports sent to them could choose to receive them electronically instead. Members commented on a number of issues including the wishes of individual Members, the use of modern methods of communication, the financial implications and the environmental impact. It was noted that whatever arrangements were put in place it was important that all Members have access to the agendas and reports that they need to have access to. Members would be further consulted on this issue.

RESOLVED

- (1) That meetings of the County Council commence at 10.00 a.m.

- (2) The formal meetings of Committees with public access scheduled to meet in the mornings commence at 10.00 a.m. and that Panels, Sub-Committees, Working Groups and Hearings have discretion to commence at a different time.
- (3) That formal meetings of Committees scheduled to meet in the afternoon commence at 2.00 p.m. with a similar discretion as mentioned in (2) above.
- (4) That a decision on the start of Planning and Development Control Committee be deferred pending consideration of this and related issues by the Planning Protocol Working Group.

20. REVIEW OF THE DELEGATION SCHEME

The Committee considered the report of the Head of Legal and Democratic Services, the purpose of which was to recommend a new delegation scheme to reflect the organisational restructure of the Council's Senior Management. The Committee was informed that at its meeting held on the 15th October 2008 they considered a report with a view to making essential recommendations to the scheme required as a result of Phase I of the restructure of Senior Management and to create a new framework in enabling decisions to be made at the appropriate level within the Authority. Accordingly the Committee at its meeting on the 15th October 2008 endorsed all proposals. A new delegation scheme had to be developed with approval at the next Annual Meeting of the Council.

The Head of Legal and Democratic Services explained that further extensive consultations had taken place with Senior Officers and the draft delegation scheme had been produced which would enable all Directors, Heads of Service and Operational Managers to make operational decisions with responsibility and accountable at the most appropriate levels of the organisation.

In presenting his report the Head of Legal and Democratic Services corrected a typographical error in relation to the status of a particular post. He then went through each of the key points identified in his report. Reference was made to Section CE12 on page 55 in relation to the involvement of local members in land property disposals. Councillor A P Shotton referred to paragraph 3.3 on page 46 and suggested an addition of words which the Head of Legal and Democratic Services indicated assist with clarity. The Chief Executive and Head of Legal and Democratic Services explained a number of other points raised by Members.

RESOLVED:

That the revised delegation scheme with the further amendments suggested verbally by the Head of Legal and Democratic Services be recommended for approval by the County Council.

21. REVIEW OF OVERVIEW AND SCRUTINY FUNCTION

The Committee considered the joint report of the Chief Executive and Head of Legal and Democratic Services, the purpose of which was to consider undertaking a

review of the Overview and Scrutiny function. The report detailed the background to its preparation and identified the key considerations. It was noted that each Authority had a large degree of freedom in delivering its Overview and Scrutiny arrangements and Authorities operated in a number of different ways. The report detailed the arrangements for the Council. It was noted that any review of the existing arrangements needed to bear in mind the Government's proposals for new Overview and Scrutiny powers and these were expanded upon within the report. The Local Government Policy Paper 'A Shared Responsibility' published in March 2007 also set out proposals to strengthen the role and remit of Overview and Scrutiny which included a number of points which were identified in the report. It was also noted that the Local Democracy Economic Development and Construction Bill published in December 2008 would provide the Assembly Government with the legislative competence to introduce the proposals referred to in the report. Following questions by Members the Chief Executive expanded upon the revised powers of the Overview and Scrutiny Committees and the area which they could cover. It was generally accepted this was an opportune time to review the Overview and Scrutiny function and that any review should be informed by detailed consultation with all Members and the results of such consultation being considered by both the Overview and Scrutiny Co-Coordinating Committee and the Constitution Committee. The report detailed what it was intended to include in the proposed questionnaire to all Members which were the key messages from the National Scrutiny Champions Network. Members shared the view expressed by Councillor A P Shotton whereby when seeking views Members should be looking to identify those areas where there was a deficit in the current system. The Chairman of the Committee also commented that it was important for Members to complete the questionnaire when circulated to them.

RESOLVED

That the proposals for Members consultation of the Overview and Scrutiny function be approved.

22. EXPIRY OF THE WORKING DAY

The Assistant Director of Democratic Services reported that to avoid doubt it was recommended that references in the Constitution to the expiry of the working day should be amended to specify 5.00 p.m. on that day.

RESOLVED

That the recommendation be approved and that the expiry of the working day be specified as 5.00 p.m.

DURATION OF MEETING:

The meeting commenced at 10.00 a.m. and ended at 12.30 p.m.

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Chairman

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

CONSTITUTION COMMITTEE	DATE: 12th MARCH 2009
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MEMBER	ITEM	MIN. NO. REFERS
NO DECLARATIONS WERE MADE		