

**TO: Councillor: Robin Guest (Chairman)**

Councillors: Bernie Attridge, David Barratt, Chris Bithell,  
Carolyn Cattermoul, Glenys Diskin JP, Quentin Dodd,  
Veronica Gay, Alison Halford, George Hardcastle, Patrick  
Heesom, Mel Higham, Dennis Hutchinson, Eng. Klaus  
Armstrong-Braun, Peter Macfarlane, Peter Pemberton,  
Neville Phillips OBE, Tony Sharps, Aaron Shotton, Nigel  
Steele-Mortimer, Arnold Woolley

Your Ref /  
Eich Cyf

Our Ref / Ein MT  
Cyf

Date / Dyddiad 06/03/2009

Ask for /  
Gofynner am

Direct Dial /  
Rhif Union

Fax / Ffacs

Dear Sir / Madam,

A meeting of the **CONSTITUTION COMMITTEE** will be held in the **DELYN COMMITTEE ROOM, COUNTY HALL, MOLD** on **THURSDAY, 12 MARCH 2009** at **10:00** to consider the following items.

Yours faithfully



Assistant Director (Democratic Services)

**A G E N D A**

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**
3. **MINUTES**  
To confirm as a correct record the minutes of the meeting held on 15/10/2008 (copy enclosed).
4. **REVIEW OF COUNCIL BUSINESS**  
Report of Head of Legal and Democratic Services enclosed
5. **REVIEW OF THE DELEGATION SCHEME**  
Report of Head of Legal and Democratic Services enclosed

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The Council welcomes correspondence in Welsh or English  
Mae'r Cyngor yn croesawau gohebiaeth yn y Cymraeg neu'r Saesneg

6. **REVIEW OF OVERVIEW & SCRUTINY FUNCTION**

Report of Chief Executive and Head of Legal and Democratic Services enclosed

7. **EXPIRY OF THE WORKING DAY**

To avoid doubt it is recommended that references in the Constitution to the expiry of the working day should be amended to 5.00 p.m. on that day

**CONSTITUTION COMMITTEE**  
**15<sup>TH</sup> OCTOBER 2008**

Minutes of the meeting of the Constitution Committee of Flintshire County Council held in County Hall, Mold on Wednesday 15<sup>th</sup> October 2008.

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

Councillors: K Armstrong-Braun, J B Attridge, C Cattermoul, G Diskin JP, QRH Dodd, V Gay, A Halford, G Hardcastle, P G Heesom, M Higham, H D Hutchinson, R P MacFarlane, A P Shotton and A Woolley

**SUBSTITUTES:** Councillors: E F Evans for D Barratt and C Carver for N R Steele-Mortimer

**APOLOGIES:** Councillors: R C Bithell, N Phillips, L A Sharps.

**IN ATTENDANCE:**

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

**8. DECLARATIONS OF INTEREST**

None were received.

**9. MINUTES**

Prior to the consideration of the minutes, the County Legal and Democratic Services Officer circulated an amended sheet relating to minute no. 4 and this was noted by the Committee.

**RESOLVED:**

That subject to the amendments now circulated the minutes of the meeting held on the 21<sup>st</sup> July 2008 be approved as a correct record.

**10. REVIEW OF COUNCIL BUSINESS**

The Committee considered the report of the Assistant Director (of Democratic Services) previously circulated, the purpose of which was to consider the results of a Members survey regarding arrangements for Council business. The Committee was informed that one of the requirements of the Welsh Local Government Association Charter was that there should be a review of arrangements for Council business so that as a result meeting times and venues reflected the needs of Members as closely as possible. The Assistant Director of Democratic Services reported that in a letter dated 1<sup>st</sup> July 2008 a questionnaire had been sent to all Members seeking their views on issues identified in the Charter and other relevant issues relating to Council business. A copy of that questionnaire was attached as Appendix 1 to the report. The table showed the responses to the questionnaire as reported to the Member

Development Working Group meeting on 30<sup>th</sup> July 2008 which was attached as Appendix 2.

At the Member Development Group meeting consideration had been given to the response to the survey and their recommendations were detailed in the report. It was noted that the Members survey and the Member Development Working Group meeting both supported 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.

It was suggested that the introduction of a procedure rule limiting the length of meetings should help Members in managing their diaries. However, any procedure rule should give the Chair some discretion as over rigorous enforcement of a three hour maximum could on occasions be counter productive. The Members survey showed a large degree of agreement on the starting time for afternoon meetings being at 2.00 pm but less consistency regarding the starting time for morning meetings. The Member Development Working Group believed that a 9.30 am start allowed sufficient time for Members to travel to County Hall from the various parts of the County. The Chair of the Working Group, Councillor N Phillips expressed a view at the group, that Council and Planning Committees should be held in the morning rather than the current practice of afternoon meetings and that the Council meeting should commence at 10.00 am. These views were subsequently endorsed by the Working Group.

With regard to the recommendations that the Officers investigate the cost implications of only Committee Members receiving paper copies of agendas and reports, with paper copies being provided in Group Rooms and non Committee Members receiving electronic copies; the report detailed the relevant cost and subsequent savings of this proposal.

The Assistant Director advised that there would be further savings in relation to staff time but this was not quantifiable. Councillor E F Evans referred to the recommendation in relation to start times for Committees and indicated that this was not consistent with the outcome of the survey. He also referred to the cost of the proposals and the anticipated savings and commented that there would be a considerable timescale purely to break even.

Also referring to the suggested start time for morning meetings of 9.30 am, Councillor H D Hutchinson referred to his tenure as the Chair of an Overview and Scrutiny Committee when he had had very useful pre-Committee briefings before the meeting and he felt that the proposal would restrict the opportunities for such briefings.

Councillor K Armstrong-Braun suggested that the duration of the meeting should not be restricted but that after a given period there should be a comfort break. He did feel that the Planning and Development Control meeting should meet in the evenings as this Committee generated the most public interest and it would avoid members of the public having to take time off work to listen to the proceedings. With regard to figures quoted for the introduction of a part electronic system he felt

to give it due consideration that the staffing implications should be quantified which would give a more realistic figure of the actual savings.

Councillor C Carver suggested that there could be a saving in the figure quoted as a number of Members already had IT systems installed in their homes. If it was necessary to have a second system it may not be acceptable to Members as they may not have room to accommodate two systems particularly if it was necessary to have a printer for each of the machines. As an alternative, he suggested that a production of a CD Rom may be more cost effective where Members could use their existing equipment.

Councillor P G Heesom felt that the contribution of Councillor Carver merited support. He shared the view that the evidence of the survey did not support the recommendation in the report for a 9.30 am start for morning meetings which was unacceptable and was of the opinion that on occasions it was necessary for meetings to go beyond three hours because of the level of business to be discussed. Therefore, Councillor Heesom felt it was necessary for more work to be undertaken regarding the determination of the items to be included on relevant agendas for consideration.

After a detailed discussion, the Chairman summed up the view of the meeting whereby it was agreed that the matter should be resubmitted to the Working Group with a view to seeking more evidence to support the recommendations. He indicated members could make further representations to the Working Group via the Assistant Director.

#### **RESOLVED:**

That the report be referred back to the Member Development Working Group for further work.

### **11. REVIEW OF THE COUNCIL PROCEDURE RULES**

The Committee considered the report of the County Legal and Democratic Services Officer, the purpose of which was to review the Council's procedure rules relating to Notices of Motion, Questions on Minutes and Call-In Procedure. Consideration of these items was deferred at the last meeting of the Committee. It was also to note the position concerning the submission of late reports.

#### **Motions on Notice and Questions on Minutes**

The County Legal and Democratic Services Officer reported that Council Procedure Rule 11 currently dealt with Notices of Motion and the full text of the Rule was detailed in the report. Following the problems encountered at earlier meetings of the County Council in connection with the Notices of Motion consideration had been given to revising the procedure and the criteria for allowable motions. The Chief Executive wrote to all Group Leaders on the 7<sup>th</sup> February 2008 setting out the suggestions which were detailed in the report under the headings of:

- Suggested Criteria for Allowable Motions.

- Suggested Process for Considering Motions.

The Chairman of the Council also suggested that consideration should be given to the possibility of allowing motions on notice to be included on the agenda of all meetings of the County Council whether they be Ordinary or Special meetings and also enable Members to ask questions on written notice about Executive and Committee Minutes at both Ordinary and Special meetings. Members were subsequently requested to recommend the amendment of Rule 11 to reflect these suggestions. The Chief Executive supported the recommendations detailed in the report and suggested that clarity was necessary to ensure that the issues raised were properly addressed. By way of example he referred to Notices of Motion received for the forthcoming meeting of the County Council and explained that these would all have met the criteria recommended in the report. Members generally supported the aims of the proposal. Councillor P MacFarlane queried the timescale for the calling of Special meetings of the County Council and the related timescale for Notices of Motion to be submitted for consideration. The County Legal and Democratic Services Officer advised on the procedure and indicated that there were a number of Special meetings identified on the Committee diary for specific issues. The Chief Executive expanded that there were a number of motions which had been submitted on previous occasions in time for a special meeting which, because of the procedure, had to wait some months before they could be considered by an ordinary meeting of the Council. It was also suggested that if there was only a single item on the agenda for a special meeting it would spread the workload over a number of Council meetings rather than having a substantial number of motions going to a single meeting. With regard to the suggested criteria for allowable motions, Councillor Q R Dodd recommended a slight amendment to the wording to include "residents or" before the words "the County of Flintshire"

### **RESOLVED:**

That the County Council be recommended to agree the amendment of Rule 11 to reflect the suggestions set out in 2.02 in the report subject to the words "residents or" being included in 1 of the evidence and to extend the opportunities for Members to propose Motions on Notice for Special Meetings of the Council and also questions on Executive and Committee minutes at both Ordinary and Special meetings.

### **Call-In Procedure**

The County Legal and Democratic Services Officer reported that it was sometime since the Council reviewed the Call-In Procedure for Overview and Scrutiny Committees. It was noted that the procedure did not contain any criteria upon which the determination of Call-In requests could be based. Statutory guidance issued by the National Assembly for Wales came into force on 31<sup>st</sup> July 2006 and paragraph 6.3 of the guidance was detailed in the report. Reference was also made to paragraph 6.4 of the guidance. The County Legal and Democratic Services Officer reported that the Welsh Assembly Government had intended to provide guidance on Overview and Scrutiny and publication was originally envisaged for Autumn 2007. However, it was understood that this guidance was unlikely to be

produced in the near future and it was not intended to undertake any review in the foreseeable future.

It was also suggested that whilst the Committee was considering criteria for Call-Ins it would also be helpful to make amendments to clarify other areas of that procedure and this was expanded upon in the report. The Chief Executive had personally undertaken further research with the Welsh Assembly Government on any impending guidance for the call in procedure and reported that the Assembly Government was reviewing its legislative competence at the primary and secondary legislative level to introduce new powers for Local Government such as the duty to scrutinise other public bodies and the right to co-opt Members with full speaking and voting rights, onto Overview and Scrutiny Committees.

The Committee noted that the legislative powers would not make any reference to Call-In procedures and no new guidance was intended. The WLGA was conducting a survey of how Call-In Procedures had been operated in the field for the information of Local Authorities and the Council now had a copy of the survey outcome.

Councillor A P Shotton indicated that he had spoken to the Chief Executive on this issue on previous occasions but still had difficulty in accepting the guidance. He referred to his previous role as Leader of the Council and related the difficulties of only ten Members being on the Executive. He had serious concerns with the proposal and the difficulties in interpreting the relevant Legislation. The County Legal and Democratic Services Officer reported that the proposed wording was as set out in the Statutory Guidance.

Councillor J B Attridge also referred to issues relating to the previous administration and certain difficulties that had been encountered with the number of Call-Ins. However, he felt that the status quo should remain. The Chief Executive indicated that following his arrival at the County Council he had been requested by Members to look at the Constitution and provisions relating to issues such as these. He stressed that there was no intention to restrict or gag Members but felt that an operating structure was useful. He used an example during the previous Administration where there was an issue relating to waste strategy which ended up going to two separate meetings, in close proximity, of an Overview and Scrutiny Committee because a call in had been implemented when the item had already been included on the agenda. Members generally felt that the proposal was a step too far and the Leader of the Council indicated that it was always his intention for any issue to be discussed in an open and transparent manner and he was opposed to anything that would restrict this. He also expressed a view that Overview and Scrutiny should be involved in the process of the preparation of reports rather than just on issues of closure after decisions had been made. Councillor P G Heesom supporting the views expressed by other Members indicated that the Call-In Procedure was sacrosanct to the Authority and welcomed the comments in particular of the former Leader of the Council. He stressed that it was very much the role of Members to make the decisions in the operation of the Council. The Chairman indicated that he had discussed this issue with the County Legal and Democratic Services Officer who had confirmed that there was no legal requirement to have any criteria. Referring to his earlier comments, Councillor A P Shotton

indicated that he was not against some form of control but felt that this was a step too far. Councillor K Armstrong-Braun suggested that Members should pursue issues with the Monitoring Officer prior to seeking a Call-In and to seek advice. Councillor P G Heesom felt that the current arrangement should prevail but concurred that Members should seek advice of the Monitoring Officer as previously suggested.

Within the same report under paragraph 3.07, 3.08 and 3.09 the Monitoring Officer had recommended amendments to the wording and this was accepted by the Committee.

Arising from the discussion the County Legal and Democratic Services Officer suggested that it may be a good opportunity to review the role of Overview and Scrutiny and that it could be included in a future work programme. The Committee felt that was a good suggestion.

**RESOLVED:**

- (a) That no recommendations be made to the County Council to revise the Call-In Procedure as detailed in the report and that the status quo remains.
- (b) That the amendments to the wording in paragraphs 3.07, 3.08 and 3.09 of the report of the County Legal and Democratic Services Officer be agreed.
- (c) That an item be included in the Forward Work Programme of the Committee in relation to the review of the structure of the Overview and Scrutiny function.

**12. SUBMISSION OF LATE REPORTS**

The County Legal and Democratic Services Officer reported that at this meeting held on 4<sup>th</sup> March 2008 the County Council requested the former Constitution Forum to examine the procedure for and concerns around the submission of late reports. The report detailed the background to its preparation and identified the statutory requirements in relation to the submission of reports to Committee. At its meeting held on 21<sup>st</sup> July 2008 the Committee agreed that the Chief Executive discuss the issue of late reports with Group Leaders. Subsequently the Chief Executive, following investigation, wrote to the Chairman of the Committee, with copies to the Group Leaders, over the issues of late reports and concerns expressed at the Committee that reports might in some cases be purposely delayed to prevent the media reporting on them in advance of the respective meeting. In that letter the Chief Executive included an analysis of the numbers and percentages of late reports. Councillor J B Attridge who had initially raised concerns moved the recommendation, expressed a vote of thanks to the Chief Executive for taking on board the comments made by Members. This view was supported by Councillor A P Shotton. The Chief Executive indicated that the scrutiny requested by Members had been helpful and that he was now looking to improve the quality in report writing.

**RESOLVED:**

That the report be noted.

**13. PROCEDURE TO DEAL WITH SUBSTANTIAL DEPARTURES FROM POLICY AT THE PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

The Committee considered the report of the County Legal and Democratic Services Officer, the purpose of which was to consider a request from the Executive Member for Housing Strategy and Planning to review the operation of the procedure adopted for departures from policy. The Committee was informed that at its meeting held on 22<sup>nd</sup> July 2008 the County Council approved recommendations from this Committee with slight amendments and these were detailed in the report. It was noted that the recommendations of the Constitution Committee replicated those previously made by the Executive and before that the Planning Protocol Working Group. The original suggestion to introduce a system of this nature was made by Pricewaterhouse Coopers in a report commissioned by the Council to carry out a review of the development control function.

Since the introduction of the new procedure, two applications had been deferred. The County Legal and Democratic Services Officer indicated that the legal adviser, in both cases, made the decision to defer the application in question having considered the appropriate policies and after consulting with the mover and seconder of the motion to grant permission. The County Legal and Democratic Services Officer reported that in each case the legal adviser had come to the impartial and informed view that there was "likely to be a departure from policy". It was noted that in both cases the legal adviser had been subject to criticism from some Members of the Planning and Development Control Committee. The County Legal and Democratic Services Officer explained that the purpose behind the introduction of the new procedure was to stand back from the original decision, reflect upon it, consider again all the evidence and come to view on the application. In relation to both applications there had been a perception that some Members regarded decisions on a referral as a challenge to their decision making role. He stressed that this was not the case and the procedure was there to protect Members of the Planning and Development Control Committee and the Council by providing a safeguard and an ability to review decisions made. Councillor P G Heesom felt that this issue should be referred to a smaller Sub-Committee to undertake some specialist research. He suggested that the Sub-Committee should look at the definition of "substantial" in relation to magnitude of the application and departure from policy. The Chairman felt that the Legal Officer advising the Committee was placed in a difficult position in interpreting this issue where a substantial departure had occurred.

Councillor A P Shotton who had supported the previous decision felt the two cases in question did not come within the definition of "substantial". Councillor K Armstrong-Braun referred to what he felt was unfounded criticism of Planning Officers and said that planning policies should be protected. He also commented that the Working Group had supported the proposal and believed that Planning Guidance Wales was a statutory document.

The Chairman indicated as this matter had been submitted to this Committee via recommendation from the Planning Protocol Working Group then it should be

referred back to them. Members agreed to this and felt that further consideration was necessary in relation to the definition of “substantial”.

**RESOLVED:**

That the matter be referred back to the Planning Protocol Working Group accordingly.

(Councillor K Armstrong-Braun wishes it to be recorded that he voted against this decision).

**14. REVIEW OF THE DELEGATION SCHEME**

The Committee considered the report of the County Legal and Democratic Services Officer previously submitted, the purpose of which was to make amendments of the delegation scheme required as a result of Phase 1 of the restructure of senior management and to create a new framework which would enable decisions to be made at the appropriate level within the Authority. The report described the existing scheme of delegation. The County Legal and Democratic Services Officer reported that over the last two years delegations below Director level had been agreed in relation to number of Heads of Service and Senior Officers. It was reported that the advantage of devolving decision making on functions and in particular operational matters to Heads of Service and Service Managers had been recognised by the Council. These advantages included more timely decision making and less duplication of resources. Best practice dictated that decision should be taken by those Officers responsible for the provision of services. Accordingly, it was suggested that the delegation scheme should be linked to the responsibilities and accountabilities set out in job descriptions of Senior Officers.

Councillor A P Shotton referring in particular to paragraphs 3.01 – 3.04 felt that the delegation was going slightly too far and referred in particular to the sum of £250,000 referred to in the expenditure that could be authorised by Directors. He quoted an example in support of this. The Chief Executive clarified how this would operate and would only relate to identified approved budgets. Following the advice of the Chief Executive. Members were in support of the principle but felt that more detail was required.

It was also suggested that the existing mechanism for urgent decisions could be simplified but after some debate it was generally agreed that the mechanism be not amended.

It was then noted that the Constitution did not contain any reference to TAITH or the North Wales Trunk Road Agency Joint Committee. The report contained suggested paragraphs for incorporation and Members supported this.

It was also noted that a further report would be made to the Committee in relation to any refinements of the delegation scheme required during, or as a result, of the second phase of the restructure of the Senior Management. In referring to paragraph 3.08 of the report, The County Legal and Democratic Services Officer recommended that in the meantime any existing delegation be exercised by the

relevant Second Tier Officer or Head of Service who had responsibility for the function in question.

Councillor P G Heesom indicated that at present he felt Planning Officers had too much power and that the Planning Protocol Working Group should review the position as soon as possible.

**RESOLVED:**

- (a) That the County Council be recommended to agree in principle the suggested framework for a new delegation scheme as detailed in 3.01 – 3.04 of the report with the detailed scheme being reported back to this Committee.
- (b) That no amendment be made to the mechanism for urgent decisions.
- (c) That the County Council be recommended to agree the incorporation of the suggested paragraphs relating to TAIH and the North Wales Trunk Road Agency.
- (d) That it be noted that a further report be made to the Committee in relation to any refinements to the delegation scheme required during or as a result of the second phase of the restructure of Senior Management.
- (e) That in the meantime the Council be recommended to agree that any existing delegation be exercised by the relevant Second Tier Officer or Head of Service who has responsibility for the function in question with the Planning Protocol Working Group being requested to review the delegation to the Chief Planning Officer as soon as possible.

**15. REVIEW OF CONTRACT PROCEDURE RULES**

The Committee considered the report of the County Legal and Democratic Services Officer previously circulated, the purpose of which was to consider the recommendations of the Officers Working Group concerning:-

- Recommendations from the Internal Audit report.
- Ways of modernising practice.
- Dispensing with unnecessary red tape.

**RESOLVED:**

That the County Council be recommended to agree to the suggestions as set out in Appendix A to the report.

**16. CODE OF CORPORATE GOVERNANCE**

The Committee considered the report, previously circulated, of the County Legal and Democratic Services Officer, the purpose of which was to consider the revised Code of Corporate Governance and recommend its approval by the County

Council. The report detailed the background to its preparation and identified the key considerations.

**RESOLVED:**

That the Council be recommended to approve the redesigned Code of Corporate Governance.

**17. DURATION OF MEETING:**

The meeting commenced at 2.00 pm and ended at 4.35 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: 15<sup>th</sup> OCTOBER 2008</b>
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<b>MEMBER</b>	<b>ITEM</b>	<b>MIN. NO. REFERS</b>
NO DECLARATIONS WERE MADE		

## **FLINTSHIRE COUNTY COUNCIL**

**AGENDA ITEM NUMBER: 4**

**REPORT TO:**        **CONSTITUTION COMMITTEE**  
**DATE :**             **12 MARCH 2009**  
**REPORT BY:**      **HEAD OF LEGAL AND DEMOCRATIC SERVICES**  
**SUBJECT :**         **REVIEW OF COUNCIL BUSINESS**

### **1.00 PURPOSE OF REPORT**

- 1.01 To give further consideration to the results of the Members' survey regarding the arrangements for Council business.

### **2.00 BACKGROUND**

- 2.01 At its meeting on the 15 October 2008 the Committee received a report on the results of the members' survey regarding the arrangements for Council business. A copy of that report is attached as Appendix A. The Committee resolved that the report be referred back to the Member Development Working Group for further work.
- 2.02 A further report was submitted to the Member Development Working Group meeting of the 25 November 2008 and a copy of that report is attached as Appendix B. A copy of the draft minute of that part of the meeting is attached as Appendix C. Pursuant to that resolution a letter was sent to all members and a copy of that letter is attached as Appendix D.
- 2.03 Following the letter being sent to members a notice of motion was received which is attached as Appendix E. In response to the notice of motion it was agreed that the current arrangements for the despatch and distribution of Committee agendas and reports would continue until the matter had been considered by the Constitution Committee. This was confirmed at the Council meeting on the 17 February 2009 when it considered the notice of motion.

### **3.00 CONSIDERATIONS**

- 3.01 The first issue arising from the members' survey concerned whether meetings should be held in the morning, afternoon or evenings and the venue for such meetings. The Member Development Working Group following reconsideration remain of the view that the existing arrangements for morning and afternoon meetings in County Hall should continue.
- 3.02 The second issue arising from the survey was whether there should be a limit placed on the length of meetings. Originally the Member Development Working Group recommended that there should be a maximum length of meetings of three hours. Following further consideration the Working Group

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**Date: 06/03/2009**

agreed that the Chairman's existing discretion to adjourn the meeting either temporarily or to a later date was sufficient without the need to have a standard limit to the length of meetings.

- 3.03 The third issue concerned the normal start time for morning and afternoon meetings. Originally the Member Development Working Group suggested morning meetings should normally commence at 9.30 am and afternoon meetings normally at 2.00 pm but that meetings of the County Council and the Planning and Development Control Committee should be held in the morning commencing at 10.00 am.
- 3.04 Following reconsideration the Member Development Working Group agreed that morning meetings should normally start at 10.00 am rather than 9.30 am. In relation to meetings of the Planning and Development Control Committee, the Chief Executive explained that if the proposals for third party representations are agreed the length of meetings would be longer. Therefore when the Planning Protocol Working Group considered third party representations it would need to also consider meetings starting in the morning. In relation to the start time of Council meetings, it was considered that the Constitution Committee should consider options such as Council meetings commencing at 1.00 pm.
- 3.05 In relation to the issue of the distribution of Committee agendas and reports to members, the Working Group accepted 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 Member Services and in the Group rooms. It was also decided that those members entitled to have paper copies of agendas and reports sent to them could choose to receive them electronically instead.
- 3.06 This is the issue that following the letter to members led to the notice of motion. There are a number of considerations in looking at this issue, including the wishes of individual members, the use of modern methods of communication, the financial implications and the environmental impact. Whatever arrangements are put in place it is important that all members have access to the agendas and reports that they need to have access to.

#### **4.00 RECOMMENDATIONS**

- 4.01 That the Committee give further consideration to the arrangements for Council business arising from the members' survey following the further consideration by the Member Development Working Group.

#### **5.00 FINANCIAL IMPLICATIONS**

- 5.01 There would be a reduction in expenditure on printing and postage costs if there was a greater use of electronic means of communicating agendas and reports.

## **6.00 ANTI POVERTY IMPACT**

6.01 None as a result of this report.

## **7.00 ENVIRONMENTAL IMPACT**

7.01 A move to greater use of electronic agendas and reports would have a positive environmental impact.

## **8.00 EQUALITIES IMPACT**

8.01 None as a result of this report.

## **9.00 PERSONNEL IMPLICATIONS**

9.01 A greater use of electronic agendas and reports should result in some saving in officer time but this can not be quantified in advance.

## **10.00 CONSULTATION REQUIRED**

10.01 This report follows a consultation survey with all Members.

## **11.00 CONSULTATION UNDERTAKEN**

11.01 This report follows a consultation survey with all Members.

## **12.00 APPENDICES**

- 12.01 Appendix A - Report to the 15 October 2008 Constitution Committee meeting.  
Appendix B - Report to the 25 November 2008 Member Development Working Group meeting.  
Appendix C - Relevant draft minute from the meeting held on the 25 November 2008.  
Appendix D - Letter to all Members of the County Council dated 30 December 2008.  
Appendix E - Notice of motion.

## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985** **BACKGROUND DOCUMENTS**

Previous reports and Minutes of the Member Development Working Group and Constitution Committee.

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**FLINTSHIRE COUNTY COUNCIL****AGENDA ITEM NUMBER: 4**

**REPORT TO:**        **CONSTITUTION COMMITTEE**  
**DATE :**                **15 OCTOBER 2008**  
**REPORT BY:**        **ASSISTANT DIRECTOR (DEMOCRATIC SERVICES)**  
**SUBJECT :**            **REVIEW OF COUNCIL BUSINESS**

**1.00 PURPOSE OF REPORT**

- 1.01 To consider the results of the Members' survey regarding the arrangements for Council business.

**2.00 BACKGROUND**

- 2.01 One of the requirements for the Welsh Local Government Association Charter is that there should be a review of the arrangements for Council business so that as a result meeting times, timings and venues reflect the needs of Members as closely as possible.
- 2.02 By letter dated the 1 July 2008 a questionnaire was sent to all Members seeking the views of Members, not only on the issues identified in the Charter but also on other relevant issues relating to Council business. A copy of the questionnaire is attached as Appendix 1 to this report. A table showing the responses to the questionnaire as reported to the Member Development Working Group meeting on the 30 July 2008 is attached as Appendix 2.
- 2.03 At the Member Development Working Group meeting, consideration was given to the response to the survey which led to the group recommending:
- (a) That the existing arrangements for morning and afternoon meetings in County Hall should continue.
  - (b) That the length of meetings should be limited to 3 hours.
  - (c) That meetings should normally commence at 9.30am in the morning and 2.00pm in the afternoon.
  - (d) That the County Council and Planning & Development Control Committee meetings be held in the mornings with Council at 10.00am.
  - (e) That officers investigate the cost implications of only committee Members receiving paper copies of agendas and reports for meetings, plus paper copies in the group rooms with non-committee Members receiving electronic copies and executive summaries.

### **3.00 CONSIDERATIONS**

- 3.01 The Members' survey and the Member Development Working Group meeting both support 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.
- 3.02 By introducing a procedure rule limiting the length of meetings this should help Members in managing their diaries. It may also avoid Members leaving an ongoing meeting because of other commitments. Any procedure rule should give the Chair some discretion as over rigorous enforcement of the three hour maximum could on occasions be counterproductive.
- 3.03 The Member survey showed a large degree of agreement on the starting time for afternoon meetings being at 2.00 pm but less consistency regarding the starting time for morning meetings. The Member Development Working Group believe that a 9.30 am start allows sufficient time for Members to travel to County Hall from the various parts of the County.
- 3.04 The Chair of the Working Group, Councillor Neville Phillips, expressed the view that Council and Planning Committee meetings should be held in the morning rather than the current practice of afternoon meetings and that the Council meeting should commence at 10.00 am. These views were endorsed by the rest of the Working Group.
- 3.05 The cost implications of proceeding as indicated in paragraph 2.03(e) above have been investigated following the Member Development Working Group meeting. The cost of providing Members with laptop computers, printers, software and ICT officer support (for the initial year) is estimated at £100,000. The cost savings on printing and postage is estimated at £13,000 per year at current charges. The saving in officer time is not quantifiable in advance.

### **4.00 RECOMMENDATIONS**

- 4.01 It is recommended:
- (i) That the County Legal & Democratic Services Officer make appropriate changes to the Council Procedure Rules to reflect (b), (c) and (d) of paragraph 2.03 above.
  - (ii) That the committee endorse the implementation of only committee Members receiving paper copies of agendas and reports for meetings, plus paper copies in the group rooms with non-committee Members receiving electronic copies and executive summaries.

### **5.00 FINANCIAL IMPLICATIONS**

5.01 As detailed in this report the initial setup costs to provide the revised procedure for receiving agenda, papers etc as indicated in paragraph 3.05 are £100K. As part of the budget 2009/10 process a request is being submitted for this expenditure to be built into the 2009/10 base budget.

5.02 It is anticipated that ongoing reduction in expenditure of £13K per annum could be achieved by adopting the proposal, however, the current level of expenditure is predicted to be £13K over budget in the normal year. Although savings will be achieved the base budget will not be affected.

## **6.00 ANTI POVERTY IMPACT**

6.01 None as a result of this report.

## **7.00 ENVIRONMENTAL IMPACT**

7.01 The move to greater use of electronic agendas and reports has a positive environmental impact.

## **8.00 EQUALITIES IMPACT**

8.01 None as a result of this report.

## **9.00 PERSONNEL IMPLICATIONS**

9.01 The move to electronic agendas will require the recruitment of an ICT officer at Scale 5 to support the implementation for at least the first year.

## **10.00 CONSULTATION REQUIRED**

10.01 The report is as a result of a consultation survey with Members.

## **11.00 CONSULTATION UNDERTAKEN**

11.01 The report is as a result of a consultation survey with Members.

## **12.00 APPENDICES**

12.01 Appendix 1: A copy of the questionnaire sent to Members on 1 July 2008  
Appendix 2: A table showing responses to the questionnaire.

## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 BACKGROUND DOCUMENTS**

Report to the Member Development Working Group meeting on the 30 July 2008

Contact Officer: Peter J Evans  
Telephone: 01352 702304  
E-Mail: peter\_j\_evans@flintshire.gov.uk

**FLINTSHIRE COUNTY COUNCIL****AGENDA ITEM NUMBER: 4**

**REPORT TO:** **MEMBERS DEVELOPMENT WORKING GROUP**  
**DATE :** **25 NOVEMBER 2008**  
**REPORT BY:** **ASSISTANT DIRECTOR (DEMOCRATIC SERVICES)**  
**SUBJECT :** **REVIEW OF COUNCIL BUSINESS**

**1.00 PURPOSE OF REPORT**

- 1.01 For the Member Development Working Group to reconsider recommendations previously made to the Constitution Committee.

**2.00 BACKGROUND**

- 2.01 One of the requirements of the Welsh Local Government Association Charter is that there should be a review of the arrangements for Council business so that as a result meeting times, times and venues reflect the needs of Members as closely as possible.
- 2.02 By letter dated the 1 July 2008 a questionnaire was sent to all Members seeking the views of Members, not only on the issues identified in the Charter but also on other relevant issues relating to Council business. A copy of the questionnaire is attached as **Appendix 1** to this report. A table showing the responses to the questionnaire reported to that meeting is attached as **Appendix 2**.
- 2.03 The results of the Member survey were considered at a meeting of the Member Development Working Group on the 30 July 2008 where it was decided to make a number of recommendations to the Constitution Committee. The Minutes of the Member Development Working Group meeting appear earlier on the agenda for this meeting.
- 2.04 A copy of the report to the Constitution Committee meeting of the 15 October is attached as **Appendix 3**. A number of Members spoke to the report and their views are summarised in **Appendix 4** to this report. The Constitution Committee resolved that the report be referred back to the Member Development Working Group for further work.

**3.00 CONSIDERATIONS**

- 3.01 The Members' survey and the previous meeting of this Working Group both supported the continuation of the existing arrangements for formal Member meetings being held in County Hall and in the morning and afternoon, rather than being held at other venues or in the evening. At the Constitution Committee the only view to the contrary was from Councillor Armstrong-Braun who suggested that meetings of the Planning Committee should be in

the evening in view of the greater public attendance at those meetings. If the Working Group confirms its previous view there would be no recommendation to be made to the Constitution Committee.

- 3.02 The Member survey and the previous meeting of the Member Development Working Group both favoured limiting the length of meetings and the majority view was that the limit should be set at three hours. At the Constitution Committee some Members expressed the view that there should not be a restriction on the duration of meetings but that after a given period there should be a short comfort break.
- 3.03 There are a number of considerations regarding limiting the length of meetings. The number of agenda items and their complexity varies, not only from one Committee or Body to another but between meetings of the same Committee or Body. In the interests of efficient use of the resources involved, Member durability and diary management, the effective time management of the meeting by the Chairman is important. The Chairman already has a discretion over the duration of a meeting with the ability to fix a date and time for any business not dealt with. In view of these considerations the Working Group may decide there is no need to again recommend to the Constitution Committee a standard limit to the length of meetings.
- 3.04 In relation to the start times of morning meetings the Member survey indicated a diversity of opinion as to the appropriate starting time, there was support for 9.00 am, 9.30 am and 10.00 am. At the last meeting of the Working Group the recommendation was for a starting time of 9.30 am. This being the average result of the Member survey and allowing sufficient time for Members to travel to County Hall. At the Constitution Committee some Members pointed out that the majority of responses to the Member survey did not support a 9.30 am start. Councillor Hutchinson made the point that when he had been Chairman of an Overview & Scrutiny Committee it was the normal practice to have a very useful pre Committee briefing before the start of the formal meeting and a 9.30 am start would restrict the opportunities for such briefings.
- 3.05 As a result of the diversity of views on this the Member Development Working Group might wish to continue with the existing arrangements whereby morning meetings start at a variety of times depending upon a number of factors such as the need for the Chairman to be briefed beforehand, the length of the agenda and the other meetings scheduled. The Constitution Committee did not raise concerns about afternoon meetings commencing at 2.00 pm as recommended by the Working Group which reflects current practice.
- 3.06 At the last meeting of the Working Group, the Chairman expressed the view that Council and Planning Committee meetings should be held in the morning rather than the current practice of afternoon meetings and that the

Council meeting should commence at 10.00 am. Those views were endorsed by the rest of the Working Group. When this was considered at the Constitution Committee there was no support for these recommended changes to the existing arrangements.

- 3.07 At the meeting of the Working Group on the 30 July 2008 there was support for paper copies of agendas and reports being restricted to those Members who are on that Committee or Body plus paper copies in the Group rooms. Members not on the Committee or Body only receiving electronic copies of the agendas and reports. It was decided that officers should investigate the cost implications.
- 3.08 The report to the Constitution Committee explained that the cost of providing all Members with laptop computers, printers, software and ICT officer support (for the initial year) was estimated at £100K. The cost savings on printing and postage was estimated at £13K per year at current charges. At the Constitution Committee meeting a number of Members indicated such expenditure was not an efficient use of the Council's resources, particularly in the current economic climate.
- 3.09 Neither the Member Development Working Group or officers have made a recommendation that £100K should be spent on providing hardware and software for all Members only that the cost of doing so should be investigated, along with the estimated savings. It has not been the Council's policy to purchase computers for Members. The report of the Independent Remuneration Panel for Wales considered at the Council meeting on the 28 October 2008, indicates that Members are expected to meet IT, telecommunications and office costs from their basic allowances. Advice is available to Members on the purchase of computers via the IT helpdesk.
- 3.10 From the 4 November agendas and reports are available via the Council's website. In addition to enable access to Part 2 items, Members with their own computers can access agendas and reports on Lotus Notes via the RSA tokens which have been issued to them. Members without their own computers can access the agendas and reports from both the website and Lotus Notes via the workstations in Member Services and the Group rooms. Training & assistance in accessing the Lotus Notes based information is available via Member Services.
- 3.11 In view of the above and the need to avoid unnecessary expenditure, it is proposed that only those who are members of a Committee or Body will in future be entitled to receive paper copies. Additional paper copies will be provided in the Members' library and Group rooms for those that are not members of a Committee or Body and do not wish to access the reports and agendas electronically. Officers will continue to investigate ways in which agendas, reports and their distribution are modernised over time.

3.12 Irrespective of any corporate decision to restrict the distribution of paper copies of agendas and reports, individual Members may by giving written notice opt to access electronic rather than paper copies of agendas and reports.

3.13 It is proposed that a letter be sent to Members giving them the opportunity to attend a demonstration of the electronic availability of agendas and reports and to opt out of receiving paper copies for Committees or Bodies they are members of.

#### **4.00 RECOMMENDATIONS**

4.01 That a report be submitted to the Constitution Committee informing it of the outcome of further consideration of the results of the Member survey.

#### **5.00 FINANCIAL IMPLICATIONS**

5.01 Should Members wish to pursue the option of purchasing hardware and software for all Members, this would need to be considered as part of the budget process for 2009/10. It is anticipated that ongoing reduction in expenditure of £13K per annum could be achieved by the proposal to reduce the distribution of paper copies of agendas and reports. However, the current level of expenditure is predicted to be £13K over budget in a normal year. Although savings would be achieved, the base budget would not be affected.

#### **6.00 ANTI POVERTY IMPACT**

6.01 None as a result of this report.

#### **7.00 ENVIRONMENTAL IMPACT**

7.01 A move to greater use of electronic agendas and reports would have a positive environmental impact.

#### **8.00 EQUALITIES IMPACT**

8.01 None as a result of this report.

#### **9.00 PERSONNEL IMPLICATIONS**

9.01 If new hardware and software was to be purchased for all Members then it is believed that for effective implementation an ICT officer at Scale 5 should be recruited for the first year.

#### **10.00 CONSULTATION REQUIRED**

10.01 The report follows a consultation survey with all Members.

## **11.00 CONSULTATION UNDERTAKEN**

11.01 The report follows a consultation survey with all Members.

## **12.00 APPENDICES**

- 12.01 Appendix 1: A copy of the questionnaire sent to Members on 1 July 2008  
Appendix 2: A table showing responses to the questionnaire.  
Appendix 3: A report to the Constitution Committee meeting on the 15 October 2008  
Appendix 4: Members views

## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985** **BACKGROUND DOCUMENTS**

Report to the Member Development Working Group meeting on the 30 July 2008

Contact Officer: Peter J Evans  
Telephone: 01352 702304  
E-Mail: peter\_j\_evans@flintshire.gov.uk

## WLGA CHARTER QUESTIONNAIRE

\* Please delete as appropriate

1. I would like Council, Executive and Committee meetings to be held:-

\* **During mornings / Afternoons / Evenings**

2. I would like the meetings referred to in question 1 to be held at:-

\* **County Hall / Other (*please specify*)**

3. I would like there to be a time limit on the length of such meetings.

\* **Yes or No**

4. If you would like there to be a time limit on the length of meetings, please specify the limit you would suggest.

\* **2 Hours / 3 Hours / Other (*please specify*)**

5. At what time do you believe the meetings referred to in question 1 should commence

For morning meetings: .....

For afternoon meetings: .....

For evening meetings: .....

6. I would like to receive copies of Council, Executive and Committee agendas and reports

\* **Electronically / Paper copies / Other (*please specify*)**

7. I have the following other observations to make

.....  
 .....  
 .....

Name (Print):..... Date: .....

**Please return to Member Services by the 14 July 2008.**

**RESPONSE TO QUESTIONNAIRE**
**APPENDIX 2**

Name	Q1			Q2		Q3		Q4			Q5			Q6	
	am	pm	Evening	County Hall	Other	Yes	No	2hrs	3hrs	Other	am	pm	Evening	Electronic	Paper
T Howorth	✓	✓		✓		✓			✓		9	2			✓
A Woolley				✓			✓								✓
C Bithell	✓	✓		✓		✓			✓		9	2			✓
F Gillmore	✓			✓		✓			✓		9.30	1.30	6.30		✓
A Davies-Cooke				✓			✓								✓
N Phillips	✓			✓			✓				9.30	2.00	6.00		
C Thomas	✓	✓		✓			✓				9.30	2.00	6.00	✓	✓
Doreen Mackie	✓	✓		✓		✓		✓	✓		10.00	2.00		✓	
P Macfarlane	✓	✓		✓			✓	✓	✓		10.00	2.00		✓	
D Cox	✓	✓		✓			✓				9.30	2.00			✓
N Humphreys	✓			✓		✓			✓		11.00				✓
S Jones	✓	✓		✓			✓				10.00	2.00		✓	✓
I Roberts			✓		Various	✓			✓				6.00		✓
T Evans	✓	✓		✓		✓			✓		10.00	2.00			✓
R Johnson		✓	✓		T/Hall	✓		✓				2.00	5.00		✓
A Aldridge	✓	✓		✓		✓			✓		10.00	1.00			
R Jones				✓			✓				10.00	2.00	6.00	✓	✓
R Hughes	✓	✓		✓		✓			✓		9.30	2.00			✓
R Baker		✓		✓		✓			✓		10.00	2.00	6.00	✓	✓
P Pemberton						✓			✓		10.00	2.00	6.30		✓
C Ellis	✓			✓		✓			✓		10.00			✓	
B Mullin	✓			✓			✓				10.00	2.00	6.00		✓
E Owen				✓		✓		✓			10.00	2.00	6.00		✓
N Steele-Mortimer	✓			✓			✓				10.00				✓
H McGuill	✓			✓		✓			✓		9.00	1.30	6.00	✓	✓
C Carver	✓	✓		✓		✓			✓		9.00	1.00	6.00	✓	✓
H Bateman	✓			✓		✓		✓			9.30	2.00	6.00		✓

Name	Q1			Q2		Q3		Q4			Q5			Q6	
	am	pm	Evening	County Hall	Other	Yes	No	2hrs	3hrs	Other	am	pm	Evening	Electronic	Paper
N Matthews			✓	✓		✓			✓		9.30	2.00	6.00	✓	
T Newhouse		✓	✓	✓		✓		✓				5.00	5.30	✓	
A Halford	✓	✓		✓		✓		✓			10.00	2.00	5.30	✓	
B Attridge			✓	✓			✓						6.00		✓
G Hardcastle	✓			✓			✓				10.00				✓
A Minshull	✓			✓		✓		✓			10.00				✓
David Mackie	✓	✓		✓		✓			✓		10.00	2.00		✓	
Q Dodd	✓			✓			✓				10.00				✓
C Hinds	✓	✓		✓		✓		✓			10.00	2.00		✓	
C M Jones		✓		✓		✓		✓			10.00	2.00	7.00		✓
K Armstrong-Braun	✓			✓			✓				10.00	1.00	6.30		✓
J Falshaw		✓		✓			✓		✓						✓
D Wisinger	✓	✓		✓			✓				10.00	2.00			✓
R Davies		✓		✓		✓		✓				2.00		✓	
M Reece				✓		✓		✓					6.00		✓
R Dolphin			✓	✓			✓		✓		9.00	1.30	6.30	✓	✓
C Dolphin			✓	✓		✓			✓		9.00	1.00	6.00	✓	✓
R Hampson	✓			✓			✓				10.00	2.00	6.00		✓
<b>TOTAL</b>	28	21	7	41	2	27	17	12	20		10.00	2.00	6.00	17	33

## Question 7 - Comments

Name	Comments
A Woolley	Minutes of Committees should go only to those who need hard copies. Copies in Member Services and electronic copies provide adequate back up for anyone else interested. Sending 70 copies of everything to every Councillor seems wasteful.
C Bithell	Such is the nature of Council business nowadays evening meetings are not practical. Furthermore, most Councillors have other demands on their time in the evenings such as governing bodies, outside bodies etc.
N Phillips	Whatever the outcome of questionnaire, I suggest that full Council should meet at 10.30 am and Planning at 10.00 am
Carolyn Thomas	Paper copies on Committees I am a member of. Electronic copies of other Committees.
Doreen Mackie	I would welcome the facility to use laptops in main Committee rooms, Chamber, Delyn & Clwyd rooms.
P Macfarlane	Better use must be made of electronic means for communicating. All Member documents which are not important to retain for+B28 future reference.
S Jones	Committee papers (agendas) if I am a member of the Committee I would like the paper version, if they are for information electronically. Audit & Exec in paper form.
I Roberts	Papers should be sent to time and not marked to follow.
R Jones	Council, Executive & Committees that I represent/participate - paper copies Other Committees that I do not represent/participate - electronic copy (pdf)
R Hughes	In an emergency meetings should be called at anytime - day or evening.
R Baker	For meetings where the papers are sent for info only, it would seem sensible to just produce electronic information on the County Infonet. This would be impracticable for meetings where a paper copy will be needed for reference during a meeting. I would suggest a hybrid system so that actual members of Committees receive paper copies, whilst other Councillors are merely sent an e-mail to notify that papers can be viewed on-line. To send electronic papers by e-mail is not really practical as some Internet service providers limit file size of e-mails and many documents would fall foul of this.
H McGuill	Paper for Committees you are a member of and electronically for Committees you are not a member of and if need info. Committees should do site visits so meetings could be "on site".
C Carver	With regard to the No. 6, would prefer choice for each category, rather than overall decision.
N Matthews	Special Council meetings could be evenings/twilight to begin with.
David Mackie	There should be laptop connection for power and network in all Committee rooms otherwise item 6 will not be possible.
Q Dodd	For 12 months I am the servant of the Council.
C Hinds	If I do have trouble in downloading documents then I will have to go to paper copies.
Rosetta Dolphin	We need more evening meetings as this is more convenient to working people like myself.
Chris Dolphin	Working Councillors are normally younger. To encourage a new/fresher/outlook to the future, evening meetings must be seriously considered.

## **FLINTSHIRE COUNTY COUNCIL**

### **APPENDIX 3**

**REPORT TO:**        **CONSTITUTION COMMITTEE**  
**DATE :**            **15 OCTOBER 2008**  
**REPORT BY:**      **ASSISTANT DIRECTOR (DEMOCRATIC SERVICES)**  
**SUBJECT :**        **REVIEW OF COUNCIL BUSINESS**

#### **1.00 PURPOSE OF REPORT**

- 1.01 To consider the results of the Members' survey regarding the arrangements for Council business.

#### **2.00 BACKGROUND**

- 2.01 One of the requirements for the Welsh Local Government Association Charter is that there should be a review of the arrangements for Council business so that as a result meeting times, timings and venues reflect the needs of Members as closely as possible.
- 2.02 By letter dated the 1 July 2008 a questionnaire was sent to all Members seeking the views of Members, not only on the issues identified in the Charter but also on other relevant issues relating to Council business. A copy of the questionnaire is attached as Appendix 1 to this report. A table showing the responses to the questionnaire as reported to the Member Development Working Group meeting on the 30 July 2008 is attached as Appendix 2.
- 2.03 At the Member Development Working Group meeting, consideration was given to the response to the survey which led to the group recommending:
- (a) That the existing arrangements for morning and afternoon meetings in County Hall should continue.
  - (b) That the length of meetings should be limited to 3 hours.
  - (c) That meetings should normally commence at 9.30am in the morning and 2.00pm in the afternoon.
  - (d) That the County Council and Planning & Development Control Committee meetings be held in the mornings with Council at 10.00am.
  - (e) That officers investigate the cost implications of only committee Members receiving paper copies of agendas and reports for meetings, plus paper copies in the group rooms with non-committee Members receiving electronic copies and executive summaries.

### **3.00 CONSIDERATIONS**

- 3.01 The Members' survey and the Member Development Working Group meeting both support 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.
- 3.02 By introducing a procedure rule limiting the length of meetings this should help Members in managing their diaries. It may also avoid Members leaving an ongoing meeting because of other commitments. Any procedure rule should give the Chair some discretion as over rigorous enforcement of the three hour maximum could on occasions be counterproductive.
- 3.03 The Member survey showed a large degree of agreement on the starting time for afternoon meetings being at 2.00 pm but less consistency regarding the starting time for morning meetings. The Member Development Working Group believe that a 9.30 am start allows sufficient time for Members to travel to County Hall from the various parts of the County.
- 3.04 The Chair of the Working Group, Councillor Neville Phillips, expressed the view that Council and Planning Committee meetings should be held in the morning rather than the current practice of afternoon meetings and that the Council meeting should commence at 10.00 am. These views were endorsed by the rest of the Working Group.
- 3.05 The cost implications of proceeding as indicated in paragraph 2.03(e) above have been investigated following the Member Development Working Group meeting. The cost of providing Members with laptop computers, printers, software and ICT officer support (for the initial year) is estimated at £100,000. The cost savings on printing and postage is estimated at £13,000 per year at current charges. The saving in officer time is not quantifiable in advance.

### **4.00 RECOMMENDATIONS**

- 4.01 It is recommended:
- (i) That the County Legal & Democratic Services Officer make appropriate changes to the Council Procedure Rules to reflect (b), (c) and (d) of paragraph 2.03 above.
  - (ii) That the committee endorse the implementation of only committee Members receiving paper copies of agendas and reports for meetings, plus paper copies in the group rooms with non-committee Members receiving electronic copies and executive summaries.

### **5.00 FINANCIAL IMPLICATIONS**

5.01 As detailed in this report the initial setup costs to provide the revised procedure for receiving agenda, papers etc as indicated in paragraph 3.05 are £100K. As part of the budget 2009/10 process a request is being submitted for this expenditure to be built into the 2009/10 base budget.

5.02 It is anticipated that ongoing reduction in expenditure of £13K per annum could be achieved by adopting the proposal, however, the current level of expenditure is predicted to be £13K over budget in the normal year. Although savings will be achieved the base budget will not be affected.

#### **6.00 ANTI POVERTY IMPACT**

6.01 None as a result of this report.

#### **7.00 ENVIRONMENTAL IMPACT**

7.01 The move to greater use of electronic agendas and reports has a positive environmental impact.

#### **8.00 EQUALITIES IMPACT**

8.01 None as a result of this report.

#### **9.00 PERSONNEL IMPLICATIONS**

9.01 The move to electronic agendas will require the recruitment of an ICT officer at Scale 5 to support the implementation for at least the first year.

#### **10.00 CONSULTATION REQUIRED**

10.01 The report is as a result of a consultation survey with Members.

#### **11.00 CONSULTATION UNDERTAKEN**

11.01 The report is as a result of a consultation survey with Members.

#### **12.00 APPENDICES**

12.01 Appendix 1: A copy of the questionnaire sent to Members on 1 July 2008  
Appendix 2: A table showing responses to the questionnaire.

#### **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985** **BACKGROUND DOCUMENTS**

Report to the Member Development Working Group meeting on the 30 July 2008

Contact Officer: Peter J Evans  
Telephone: 01352 702304  
E-Mail: peter\_j\_evans@flintshire.gov.uk

### MEMBERS' VIEWS

1. Councillor E F Evans referred to the recommendation in relation to start times for morning Committees and indicated that this was not consistent with the outcome of the survey. He also referred to the cost of the proposals and the anticipated savings and commented that there would be a considerable timescale purely to break even.
2. Councillor H D Hutchinson referred to his tenure as the Chair of an Overview & Scrutiny Committee when he had very useful pre-Committee briefings before the meeting and he felt that the proposed 9.30 am start would restrict the opportunities for such briefings.
3. Councillor K Armstrong-Braun suggested that the duration of the meeting should not be restricted but that after a given period there should be a comfort break. He did feel that the Planning and Development Control Committee meeting should meet in the evenings as this Committee generated the most public interest and it would avoid members of the public having to take time off work to listen to the proceedings. With regard to figures quoted for the introduction of a part electronic system he felt that to give it due consideration that the staffing implications should be quantified which would give a more realistic figure for the actual savings.
4. Councillor C Carver suggested that there could be a saving in the figure quoted as a number of Members already had IT systems installed in their homes. If it was necessary to have a second system it may not be acceptable to Members as they may not have room to accommodate two systems, particularly if it was necessary to have a printer for each of the machines. As an alternative, he suggested that a production of a CD ROM may be more cost effective where Members could use their existing equipment.
5. Councillor P G Heesom felt that the contribution of Councillor Carver merited support. In his view the evidence of the survey did not support the recommendation in the report for a 9.30 am start for morning meetings and was of the opinion that on occasions it was necessary for meetings to go beyond three hours because of the level of business to be discussed. He felt it was necessary for more work to be undertaken regarding the determination of the items to be included on relevant agendas for consideration.

6. Councillor A Shotton indicated that he wished to retain afternoon Council meetings and would not want to limit the time of meetings. He also felt that in the current economic climate expenditure of the £100K on laptops could not be justified.
7. The Chairman of the meeting, Councillor Robin Guest in concluding the discussion, indicated that Members could make further representations to the Member Development Working Group via the Assistant Director (Democratic Services).

**39. REVIEW OF COUNCIL BUSINESS**

A report of the Assistant Director (Democratic Services), copies of which had been previously circulated, was submitted. The purpose of the report was for the Member Development Working Group to reconsider the recommendations previously made to the Constitution Committee.

The Assistant Director (Democratic Services) referred to the report which was submitted to a meeting of the Constitution Committee held on 15 October, to consider the results of the Member' survey with regard to the arrangements for Council business. He advised that following consideration of the report the Constitution Committee had resolved that it be referred back to the Member Development Working Group for further discussion.

The Assistant Director (Democratic Services) asked the Group to reconsider the results of the Member survey in light of comments made at the Constitution Committee and decide what, if any, changes should be made to the previous recommendations to the Constitution Committee. Each of the recommendations previously made were reconsidered in turn.

In relation to the venue for meetings and meetings being held in the morning, afternoon or evening it was agreed that the existing practice of meetings being held in County Hall in the morning or afternoon should continue.

On the question of limiting the length of meetings it was agreed that the Chairman's existing discretion to adjourn the meeting either temporarily or to a later date was sufficient without the need to have a standard limit to the length of meetings.

In relation to the start times of morning and afternoon meetings following discussion it was agreed these would normally be 10.00 a.m. and 2.00 p.m.

On the recommendation that meetings of the Planning Committee should start in the morning the Chief Executive explained that if the proposal to allow third party representations was agreed the length of meetings would be longer. When the Planning Protocol Working Group considered third party representations it would need to also consider meetings starting in the morning. On the issue of whether Council meetings should be held in the morning rather than afternoon concern was expressed about the number of Members that left before the meeting ended. It was recognised that Members often had other meetings in the evenings. It was considered that the Constitution Committee should consider options such as Council meetings commencing at 1.00 p.m.

In considering the distribution of Committee agendas and reports to Members the following points were accepted:

- It had not been a recommendation that the Council purchase computers for all Members only that the cost and savings in printing and postage be investigated.
- Only Members on a specific committee or other body would in future be entitled to paper copies of agendas and reports.
- Paper copies of agendas and reports would be available in Member Services and in the Group rooms.
- Provided sufficient Members expressed an interest the Council could consider purchasing appropriate hardware and software for them and recover the cost by deduction from their entitlement to Basic Allowance.
- Those Members entitled to have paper copies of agendas and reports sent to them could choose to receive them electronically instead.

**RESOLVED:**

- (a) That a report be made to the Constitution Committee to inform of the outcome of further consideration of the results of the Member survey.
- (b) That a survey is undertaken of the Members of a Committee or Body who have an entitlement to receive paper copies of agendas and reports to determine if they wish to receive paper copies or to access the agendas and reports electronically.
- (c) That a survey is undertaken to establish how many Members would be interested in the Council purchasing appropriate hardware and software in bulk with the cost being met by deduction from Basic Allowances.

## **APPENDIX D**

All Members of the Council

PJE/LS/G002001

30 December 2008

Mr. Peter Evans

01352 702304

01352 702494

E Mail Address:  
Peter.j.evans@flintshire.gov.uk

Dear Councillor,

### **AGENDAS AND REPORTS**

My purpose in writing to you is to explain the new arrangements being made for the distribution of Executive and Committee agendas and reports and to update you on the developing ICT Policy for Members.

In July a questionnaire was sent to all Members about various aspects of Council business and one aspect was the distribution of agendas and reports. The responses to that questionnaire have subsequently been considered by the Member Development Working Group and the Constitution Committee and then reconsidered by the Member Development Working Group.

It has been decided that only Members who are on the Executive or on a particular Committee will in future be entitled to have paper copies of the agendas and reports sent to them. Additional paper copies will be made available in the Member Services library and in the Group rooms. These arrangements will come into effect on the 25 January 2009. There are a number of reasons why this decision has been taken, firstly, with effect from the 4 November 2008 agendas and reports have been available via the Council's website. In addition, to enable Members to access exempt reports, not available to the press and public, these can be accessed on Lotus Notes via the RSA tokens issued to Members on request. Members without their own computers can access the agendas and reports from both the website and Lotus Notes via the workstations in Member Services and in the Group rooms. Training and assistance in accessing the Lotus Notes based information is available via Member Services.

.../...

The costs of printing and posting agendas and reports have increased so that in the current year the annual budget will be exceeded by an estimated £13,000. There is also a positive environmental impact from a move to the greater use of electronic agendas and reports. Many Members have indicated support for greater use of modern technology in the distribution of Committee agendas and reports.

I enclose for your information the current Members Information and Communications Technology (ICT) Policy which is also available in Member Services. Any Member who currently does not have their own computer and wishes to acquire one, if required can obtain advice on purchasing via the IT helpdesk (Ext. 2222). At the recent Member Development Working Group meeting it was also suggested that if there is sufficient Member interest the Council could purchase suitable hardware and software for Members and then recoup the cost by agreed deductions from that Member's basic allowance entitlement. If you are interested in pursuing this possibility please could you complete and return to Member Services Enclosure 1.

It is open to Members to choose that even where they are entitled to have paper copies of agendas and reports sent to them, they would prefer to obtain them from their computer and any such Member is asked to please complete and return to Member Services Enclosure 2.

If you have any queries or concerns on the above I trust you will not hesitate to contact either of us.

Yours sincerely,

**Peter J Evans**  
Assistant Director (Democratic Services)

**Chris Guest**  
Head of ICT & Customer Services

### NOTICES OF MOTION

The following Notice of Motion has been received from Councillors A P Shotton, J B Attridge, R G Hampson, R C Bithell, P Macfarlane and I B Roberts.

#### Agendas and Reports

“That this Council resolves that until such a time as the Constitution Committee considers the matter of Members access to Committee agendas and reports, then the current despatch and distribution arrangements will remain in place. The status quo arrangements will remain until County Council considers any recommendations that may arise from the Constitution Committee”.

## **FLINTSHIRE COUNTY COUNCIL**

**AGENDA ITEM NUMBER: 5**

**REPORT TO:**        **CONSTITUTION COMMITTEE**  
**DATE :**             **12 MARCH 2009**  
**REPORT BY:**      **HEAD OF LEGAL AND DEMOCRATIC SERVICES**  
**SUBJECT :**         **REVIEW OF THE DELEGATION SCHEME**

### **1.00 PURPOSE OF REPORT**

- 1.01 To recommend a new Delegation Scheme to reflect the organisational restructure of the Council's senior management.

### **2.00 BACKGROUND**

- 2.01 At its meeting on the 15 October, 2008 the Committee considered a report with a view to making essential amendments to the Delegation Scheme required as a result of Phase I of the restructure of senior management and to create a new framework enabling decisions to be made at the appropriate level within the Authority. Accordingly the Committee at its meeting on the 15 October endorsed the proposals. Subsequently a new Delegation Scheme has been developed for approval at the next Annual Meeting of the Council.
- 2.02 Further extensive consultations have taken place with Senior Officers and a draft Delegation Scheme has been produced which will enable Directors, Heads of Service and Operational Managers to make operational decisions with responsibility and accountability at the most appropriate levels in the organisation.

### **3.00 CONSIDERATIONS**

- 3.01 The revised Delegation Scheme has been designed to avoid the need to trawl through many hundreds of specific delegations to ensure that there is one to meet a given situation. Instead the revised Scheme incorporates an extended range of general delegations common to all senior managers but with higher level decisions being reserved to Directors. The Scheme also provides greater flexibility by permitting arrangements whereby each Director can authorise other Officers for whom he/she has line management responsibilities to exercise functions delegated to them. Where such functions relate to statutory powers or duties, the delegated action must be taken in the relevant Director's name.
- 3.02 Accordingly the new Scheme comprises six parts, including an introduction which provides the statutory context and sets out the overall limitations within which delegated powers must be exercised.

- 3.03 Paragraph 3 of Sub-Section A sets out the general delegations appropriate to all Officers, making it clear that they can make operational decisions on all functions within their responsibility.
- 3.04 3.6 of Sub-Section A clarifies the present unsatisfactory arrangements whereby each Officer at present has to ensure that the Delegation Scheme specifically mentions the statutory provisions relating to a function before he/she can issue notices, make orders, undertaken enforcement action etc. The new general provision links those general powers to all statutory responsibilities aligned to the functional role of the relevant manager.
- 3.05 Delegated decision-making requires appropriate consultation with Executive Members and where appropriate, local Members. It will be noted that land disposal decisions can only be taken upon the recommendations of the Land Disposal Panel. Decisions in relation to contracts can only be undertaken in accordance with Council Procedure Rules and within the budget allocated.
- 3.06 The Scheme improves transparency in decision-making by requiring delegated decisions relating to Executive matters to be made on prescribed forms, published in the Executive Decision Register and open to the public.
- 3.07 The provisions in the Scheme relating to urgent action remain unchanged.
- 3.08 Sub-Section B gives general delegations to the Chief Executive and Corporate Directors and reflects their strategic and corporate status within the organisation.
- 3.09 Sub-Section C provides general delegations to all Heads of Service aligned to their responsibility and accountability for service provision.
- 3.10 Sub-Section D provides delegations to all Operational Managers.
- 3.11 Although the Scheme is largely based on a number of general delegations, it is still necessary to provide specific delegations to Statutory and other Officers to identify particular responsibilities and accountabilities. Accordingly the Statutory Officers need the appropriate delegations including Proper Officer appointments to enable them to fulfil their statutory responsibilities. In addition, the Head of Human Resources and Head of Technical Services require some specific delegations specifically related to their services. These are set out in Sub-Section E.
- 3.12 Sub-Section F goes on to provide specific delegations to other Officers at Head of Service and operational level. These include the existing delegations of the Chief Planning Services Officer. These delegations are in the process of being reviewed by the Planning Protocol Working Group and the outcome of that review will need to be reflected in the Scheme before it is recommended for approval by the Annual Council meeting.

#### **4.00 RECOMMENDATIONS**

- 4.01 That Members approve the attached revised Delegation Scheme and recommend its adoption by Annual Council.

#### **5.00 FINANCIAL IMPLICATIONS**

- 5.01 None

#### **6.00 ANTI POVERTY IMPACT**

- 6.01 None

#### **7.00 ENVIRONMENTAL IMPACT**

- 7.01 None

#### **8.00 EQUALITIES IMPACT**

- 8.01 None

#### **9.00 PERSONNEL IMPLICATIONS**

- 9.01 It is anticipated that the revised Scheme will provide greater clarity in the exercise of delegated decision-making particularly in relation to the management of human resources throughout the Council's Directorates.

#### **10.00 CONSULTATION REQUIRED**

- 10.01 Corporate Management Team

#### **11.00 CONSULTATION UNDERTAKEN**

- 11.01 Corporate Management Team, Heads of Services

#### **12.00 APPENDICES**

- 12.01 Appendix A - revised General Scheme of Delegation of Executive and Non-Executive Functions to Officers

#### **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985** **BACKGROUND DOCUMENTS**

As referred to in the report.

Contact Officer: Barry Davies  
Telephone: 01352 702344  
E-Mail: barry\_davies@flintshire.gov.uk

**SECTION C****GENERAL SCHEME OF DELEGATION OF EXECUTIVE  
AND NON-EXECUTIVE FUNCTIONS TO OFFICERS****SUB-SECTION A - INTRODUCTION****1. Overall Basis**

1.1 This Scheme delegates certain functions of the Council and the Executive to officers and should be interpreted widely rather than narrowly. It is divided into the following sub-sections:

- A – Introduction
- B – General Delegations to Chief Executive/Corporate Directors
- C – General Delegations to Heads of Service
- D – General Delegations to Operational Managers
- E – Specific Delegations to Statutory Officers
- F – Specific Delegations to other Officers

These sub-sections inter-relate and should not be read in isolation.

1.2 In this Scheme “officer” means the holder of any post named in this Scheme as having delegated powers and duties. Where at any time a post named in this Scheme is filled by someone who is not an employee of the Council, that person comes within the definition.

1.3 This Scheme delegates powers and duties within broad functional descriptions and includes powers and duties under all legislation present and future within those descriptions and all powers and duties incidental to that legislation.

1.4 This Scheme operates under Sections 101, 151 and 270 of the Local Government Act 1972, Section 15 of the Local Government Act 2000 and all other enabling powers.

1.5 Decisions on operational, technical or professional issues will normally be taken by Officers without reference to Members. In relation to other issues, each Officer should, when exercising his/her delegated powers:-

1.5.1 keep appropriate Executive Member(s) with portfolios for the service area in question fully informed and also have due regard to any comments made by the relevant scrutiny committee regarding the matter in question;

1.5.2 where appropriate ensure that he/she consults with/or informs the local Member(s) that may be affected by the decision in advance;

1.5.3 ensure that he/she consults with/or informs the Chief Executive as appropriate.

1.6 Any new functions which become the Council’s responsibility will be included within

this Scheme and the delegated authority of the Officer given or acquiring responsibility for those functions shall be automatically extended without the need for the full Council, or where appropriate the Leader, to amend the Scheme and if any doubt should arise as to which Officer is responsible for the function the Chief Executive shall decide.

## **2. Overall Limitations**

### **2.1 This Scheme does not delegate to officers:-**

- (1) Any decision reserved to full Council
- (2) Any decision which by law may not be delegated to an officer
- (3) Any decision expressly withdrawn from delegation by this Scheme or at any time by the Executive

### **2.2 Officers cannot make decisions which:-**

- ❖ make, amend or are not in accordance with the budget and policy framework
  - ❖ determine borrowing limits
  - ❖ approve the capital programme
  - ❖ set or change policy and associated service standards set by the Council or the Executive
  - ❖ set service budgets
  - ❖ respond to formal central government consultation in respect of strategic policy
  - ❖ make by-laws
  - ❖ make compulsory purchase orders
  - ❖ are contrary to statutory requirements or restrictions
- and such decisions remain the responsibility of the Council/the Executive/Committees as appropriate.

### **2.3 In exercising delegated powers officers shall:-**

- (1) not go beyond the provision in the revenue or capital budgets for their service or agree individual items of expenditure or virement beyond that permitted by Standing Orders relating to Contracts and Financial Procedure Rules;
- (2) have regard to any report by the Head of the Paid Service or the Monitoring Officer under Section 4 and 5 of the Local Government and Housing Act 1989 or of the Head of Finance under Section 114 of the Local Government Finance Act 1988;
- (3) maintain a full record of the exercise of those powers, including all relevant details, in accordance with any corporate guidance given to the Head of Legal and Democratic Services (for decisions taken within the Scheme, the form of evidence required is shown in sub-sections B, C and D); and
- (4) have regard to any report from the Council's internal and external auditors in relation to a fundamental weakness in management and financial controls.

### **3. Further Provisions**

- 3.1 The County Council may review the delegations it has made at any time in accordance with Article 18 of the Constitution. The Leader may review the delegations in relation to Executive functions at any time.
- 3.2 Except where the Scheme expressly provides otherwise, an Officer named in Sub Section B or Sub Section C to whom a function has been delegated may authorise officers within their Directorate, Service or Team or where lawful to do so other appropriate persons to exercise functions delegated to them subject to such limits as they see fit unless stated otherwise. Any decisions taken under such authority shall be taken in the name of the Officer to whom the function has been delegated and the Officer giving the authorisation shall remain accountable and responsible for decisions made. A written record shall be made of all authorisations given under this paragraph and the Monitoring Officer shall be kept informed of all such arrangements made.
- 3.3 Each Officer (having consulted with the Executive Member with the relevant portfolio where appropriate) is authorised to take any action necessary to protect or promote the Council's interests, subject to the restrictions noted in paragraph 2 above.
- 3.4 Without prejudice to the generality of 3.3 above, this includes exercising his/her professional judgment to take such decisions as are necessary to implement the Council's policies and to promote the management and delivery of the services which are his/her responsibility.
- 3.5 In all cases delegated authority includes management of the human and material resources made available for their functions, directorates or services subject to the limitations of this Scheme and any other specific delegations provided for in this Scheme or elsewhere to another officer.
- 3.6 In all cases delegated authority includes the power under all legislation relevant to the functional areas of the Officer concerned to:-
  - 3.6.1 issue, make and serve, suspend, revoke/vary and review the suspension of statutory and other notices, including notices to determine whether any person has a legal interest in land;
  - 3.6.2 to consult upon, consider objections and representations received and if appropriate make orders or confirm orders;
  - 3.6.3 authorise the commencement, institution, defence, appearance in or settlement of legal proceedings before courts or tribunals;
  - 3.6.4 take default or enforcement action and/or undertake work in default or with agreement;
  - 3.6.5 authorise officers to appear and/or make applications on behalf of the Council in courts, tribunals, review boards and inquiries, and to sign all necessary documents in respect of any legislation, regulations, codes of practice or bye-laws for the time being enforceable by the Council;
  - 3.6.6 seize or authorise the seizure of goods/other articles forming evidence. (This is not meant to restrict the powers already available to officers duly authorised

- under specific legislation);
  - 3.6.7 lay or authorise the laying of information for the purpose of obtaining a warrant, whether of search entry or otherwise;
  - 3.6.8 issue and serve, renew and serve and impose or vary conditions in relation to any licence, registration permit or other authorisation granted or to be granted by him/her or in accordance with any relevant statutory requirements;
  - 3.6.9 appoint Inspectors and authorised Officers
  - 3.6.10 determine applications for services, assistance, grants or otherwise.
- 3.7 An Officer has authority to authorise his/her staff or consultants or agency workers in appropriate cases to exercise such powers as necessary to enter or inspect any land, buildings or properties and to provide any evidence or authority as necessary for discharging their duties in accordance with the Council's statutory powers.
- 3.8 In all cases, delegated authority includes:
- 3.8.1 the power to determine applications, subject to any limitations or restrictions set out elsewhere in this Scheme
  - 3.8.2 authorise payments and
  - 3.8.3 implement national agreements
- within the policies and budget set by the Council, Executive or Committees.
- 3.9 It shall always be open to an Officer not to exercise delegated powers but to refer the matter to the Council, the Executive or a committee (as appropriate).
- 3.10 In exercising delegated powers, officers shall consult with such other relevant officers and shall have regard to any advice given.
- 3.11 Each Officer in Sub Section B and C is authorised as an Authorised Officer for the purpose of the Regulation of Investigatory Powers Act 2000 and may authorise other officers within their service similarly to be Authorised Officers.

#### **4. Record of Exercise of Any Decision**

In the case of decisions taken by full Council, Executive meeting, Chief Executive or a Corporate Director:-

- (a) the written record of the decision, in the prescribed form, will be sent to, and kept by, the Head of Legal & Democratic Services;
- (b) the written record of the decision will be open to public inspection, except where it contains confidential or exempt information; and
- (c) a copy will be sent to the Head of Finance if the decision requires a call on budget which should be notified to him/her.

Decisions (except those of an operational, technical or professional nature) made by the Executive will be published in the Executive Decision Register. Similar decisions made by an Officer in connection with an Executive function will be published in the Executive Decision Register.

In the case of all other decisions:-

- (a) the written record of the decision will be kept in accordance with the requirements of the relevant Corporate Director;
- (b) the written record of decision will be open to inspection by a Councillor in accordance with the Access to Information Procedure Rules; and
- (c) a copy will be sent to the Head of Finance if the decision requires a call on budget which should be notified to him/her.

For the avoidance of doubt, the record of the exercise of a delegated power may relate to the exercise of one or more power where the powers have been exercised contemporaneously.

## **5. Urgent Action – Non Executive Functions**

5.1 Where urgent action is necessary between either County Council or Committee meetings, and the Authority of the County Council or that Committee is necessary to give effect to the action the following provisions will apply:-

- a) The Chief Executive/Corporate Director (or in their absence their duly authorised Deputy or nominee) concerned must consult with the Chair and/or the Vice-Chair of the Council or relevant Committee and the Leader and /or the Deputy Leader of the Council and the Chair of the relevant Overview and Scrutiny Committee or in the absence of such Chair, the Chair of the Scrutiny Co-ordinating Committee to consider whether it is either desirable or possible to convene a meeting of the County Council or the Committee in time for the decision to be taken.
- b) If in the opinion of the Chief Executive (or in his absence his duly authorised Deputy) following such consultation, it is either impossible to convene such a meeting or it is not considered desirable, then the County Council expressly delegates to the Chief Executive (or duly authorised Deputy) the power to act, subject only to further detailed consultation with the Chair/Vice-Chair of the Council/Committee and the Leader/Deputy Leader of the Council and the Chair of the relevant Overview and Scrutiny Committee or in the absence of such Chair, the Chair of the Scrutiny Co-ordinating Committee and the decision taken being reported to the next meeting of the Council/Committee.
- c) The circumstances of the urgency and the nature of the decisions taken shall be recorded in a record of the decision.

## **6. Urgent Action – Executive Functions**

6.1 In the absence of the Leader, Deputy Leader and appropriate Executive Member, the Chief Executive (or, in his absence, his duly authorised Deputy) shall have the delegated power to make decisions on any matter where urgent action is necessary between meetings of the Executive provided:-

- (a) The Chief Executive (or duly authorised Deputy) consults with at least 2 other available Members of the Executive and the Chair of the relevant Scrutiny Committee.
- (b) The decision is reported to the next meeting of the Executive.

## **SUB-SECTION B - GENERAL DELEGATIONS TO CHIEF EXECUTIVE AND CORPORATE DIRECTORS**

NOTE: The following delegations must be read in conjunction with the foregoing Sub-Section A which sets out the overall basis, limitations, and further provisions which apply to this Scheme of Delegation.

All delegated decisions taken in this sub-section, apart from CD1 and CD2 (Council Functions), will be published in the Executive Decision Register, whether exercised by the delegatee or a person authorised by him/her under his/her authority and in his/her name.

General Delegation:

The Chief Executive and all Corporate Directors shall be authorised:-

1.1 To make any decisions relating to any matter within their area of responsibility, provided always that the decision is:

- a) within budget
- b) in accordance with the Council's policy framework
- c) in accordance with the Council's Financial Procedure Rules and Contract Procedure Rules
- d) not a matter specifically reserved for full Council, a committee of the Council, the Executive or a Statutory Officer

1.2 To exercise the following Delegations:-

Ref	Delegation / Authorisation	Form of Evidence
<b>Human Resources CD1</b>	<p>Authority to manage the human resources within their area of responsibility, including the appointment, training, terms and conditions of employment, leave of absence, extensions of sick pay, health and safety, discipline, suspension and dismissal of staff, in accordance with the Council's HR and financial policies and procedures and subject to appropriate consultation as outlined therein.</p> <p><u>Limitations to the delegate authority</u> Proposals which:- (1) involve the probability of redundancies and/or (2) cannot be implemented within existing budgets, and/or (3) have significant effects on the employment of existing staff generally in that or any other Council service area.</p>	Relevant HR Form
<b>CD2</b>	Authority to consider and approve, as appropriate, in consultation with the Head of Human Resources, Head of Finance and in accordance with the provisions of the Local Government Pension Scheme and the	Relevant HR Form

	Council's approved policy and criteria, the early retirement of staff in the following circumstances: (1) in the interests of the efficiency of the service (2) who request voluntary retirement	
<b>Procurement CD3</b>	To procure works, goods, services and/or supplies and manage all aspects of the contract (except in relation to management consultancy) where the estimated value does not exceed £2,000,000 and the sum is allocated in the budget for that purpose subject to compliance with the Contract Procedure Rules and the Policy and Budget Framework. Appointment of temporary staff over and above establishment for periods of 12 months or less where funding for the post(s) is/are from external sources. <b>Qualification: This may not be further delegated</b>	Contract Pre and Post Tender Forms
<b>CD4</b>	To authorise, issue or approve variations in accordance with the values and/or thresholds, as set out in the Contract Procedure Rules.	
<b>CD5</b>	To appoint persons to undertake management consultancy up to a value of £200,000 where the sum is allocated in the budget and for that purpose, subject to compliance with the Contract Procedure Rules and the Policy and Budget Framework. <b>Qualification: This may not be further delegated</b>	Contract Pre and Post Tender Forms
<b>Other CD6</b>	Within service areas to vire sums not exceeding £75,000 provided under any one budget head during the year to other purposes (revenue only), subject to compliance with the Financial Procedure Rules. <b>Qualification: This may not be further delegated</b>	Virement Form
<b>CD7</b>	To authorise the disposal (as recommended by the Land Disposal Panel) or acquisition of land not exceeding £2,000,000 provided that the offer represents the best price reasonably obtained by the Authority in the case of a disposal and that the value represents no more than the market value of the land and is allocated in the budget in relation to acquisitions. <b>Qualification: This may not be further delegated</b>	Acquisition/ Disposal of Land Form

## **SUB-SECTION C – GENERAL DELEGATIONS TO ALL HEADS OF SERVICE**

(NOTE: the following delegations must be read in conjunction with the foregoing Sub-Section A which set out the overall basis, limitations and further provisions which apply to this Scheme of Delegation)

### **1. General Delegation:**

All Heads of Service shall be authorised:-

1.1 To make any decisions relating to any matter within their area of responsibility, provided always that the decision is:

- a) within budget
- b) in accordance with the Council's policy framework
- c) in accordance with the Council's Financial Procedure Rules and Contract Procedure Rules
- d) not a matter specifically reserved for full Council, a committee of the Council, the Executive, a Statutory Officer, the Chief Executive or Corporate Directors

1.2 To exercise the following Delegations:

Ref	Delegation / Authorisation	Form of Evidence
<b>Human Resources CO1</b>	<p>Authority to exercise the delegated powers of the Chief Executive or Corporate Director, as appropriate, and in his/her name to manage the human resources within their area of responsibility, including the appointment, training, terms and conditions of employment, leave of absence, extensions of sick pay, health and safety, discipline, suspension and dismissal of staff, in accordance with the Council's HR and financial policies and procedures and subject to appropriate consultation as outlined therein.</p> <p>Proposals which:-</p> <ul style="list-style-type: none"><li>(1) involve the probability of redundancies and/or</li><li>(2) cannot be implemented within existing budgets, and/or</li><li>(3) have significant effects on the employment of existing staff generally in that or any other Council service area</li></ul> <p><b>Qualification: This may not be further delegated</b></p>	Relevant HR Form
<b>CO2</b>	<p>Authority to exercise the delegated powers of the Chief Executive or Corporate Director, as appropriate, and in his/her name to consider and approve, as appropriate, in consultation with the Head of Human Resources, Head of Finance and in accordance with the provisions of the Local Government Pension</p>	Relevant HR Form

	<p>Scheme and the Council's approved policy and criteria, the early retirement of staff in the following circumstances:</p> <p>(1) in the interests of the efficiency of the service</p> <p>(2) who request voluntary retirement</p> <p><b>Qualification: This may not be further delegated</b></p>	
<b>CO3</b>	To sanction paid time off for Trade Union courses which are in accordance with the ACAS Code of Practice and in consultation with the Head of HR or her representative.	
<b>Procurement CO4</b>	<p>To procure works, goods, services and/or supplies and manage all aspects of the contract (except in relation to management consultancy) where the estimated value does not exceed £1,000,000 and the sum is allocated in the budget for that purpose subject to compliance with the Contract Procedure Rules and the Policy and Budget Framework. Appointment of temporary staff over and above establishment for periods of 12 months or less where funding for the post(s) is/are from external sources.</p> <p><b>Qualification: This may not be further delegated</b></p>	Contract Pre and Post Tender Forms
<b>CO5</b>	To authorise, issue or approve variations in accordance with the values and/or thresholds, as set out in the Contract Procedure Rules.	
<b>Other CO6</b>	To make any applications under the planning legislation to the Authority as Local Planning Authority in relation to development of land for which the Head of Service is responsible including planning applications to develop any land held by the Authority or for the development of any land by the Authority whether on its own or jointly.	
<b>CO7</b>	To manage any operational land or premises or assets and to secure such maintenance, repair or renewal of the same, save that the purchase repair, leasing, hire, disposal and maintenance of vehicles will be managed in accordance with arrangements made by the officer who is for the time being the Authority's Fleet Manager.	
<b>CO8</b>	<p>Within service areas to vire sums not exceeding £75,000 provided under any one budget head during the year to other purposes (revenue only), subject to compliance with the Financial Procedure Rules.</p> <p><b>Qualification: This may not be further delegated</b></p>	Virement Form

<b>CO9</b>	In accordance with any policy or strategy approved by the Executive, the Council or a Committee to set fees and charges (including licences and other consents) which may be made by the Authority and to waive such fees or charges or grant concessions (subject in each case to the prior approval of the Head of Finance where the sum is less than £100)	Concessionary Letting Form
<b>CO10</b>	To make applications or submit bids for funding or financial assistance or assistance in kind, to any person or body and take all necessary steps to accept this assistance.	Grant Submission Form

## **SUB-SECTION D – DELEGATIONS TO OPERATIONAL MANAGERS**

### **1. General Delegations**

All Operational Managers and Heads of Service shall be authorised:-

1.1 To make any decisions relating to any matter within their area of responsibility, provided always that the decision is:

- a) within budget
- b) in accordance with the Council's policy framework
- c) in accordance with the Council's Financial Procedure Rules and Contract Procedure Rules
- d) not a matter specifically reserved for full Council, a committee of the Council, the Executive, a Statutory Officer, the Chief Executive or Corporate Directors, Chief Officers or Heads of Service

1.2 To exercise the following Delegations:-

Ref	Delegation / Authorisation	Form of Evidence
<b>Human Resources OM1</b>	Authority to manage the human resources within their area of responsibility except to the extent that any action would conflict with the approved Human Resources policies and procedures.	Relevant HR Form
<b>Procurement OM2</b>	To procure works, goods, services and/or supplies and manage all aspects of the contract (except in relation to management consultancy) where the estimated value does not exceed £500,000 and the sum is allocated in the budget for that purpose subject to compliance with the Contract Procedure Rules and the Policy and Budget Framework.	Contract Pre and Post Tender Forms
<b>OM3</b>	To authorise, issue or approve variations in accordance with the values and thresholds, as set out in the Contract Procedure Rules.	
<b>OM4</b>	To issue warnings and, where appropriate, dismiss staff under the Council's Sickness Absence Policy/ Procedure.	

## **SUB-SECTION E – SPECIFIC DELEGATIONS TO STATUTORY , LEGAL, FINANCIAL, HUMAN RESOURCES AND TECHNICAL SERVICES OFFICERS**

(NOTE: the following delegations must be read in conjunction with the foregoing Sub-Sections A and B which set out the overall basis, limitations and further provisions which apply to this Scheme of Delegation and also general delegations to the Chief Executive and Corporate Directors)

All delegated decisions of Executive functions taken in this sub-section by the Officers will be published in the Executive Decision Register, except those of an operational, technical or professional nature.

<b>Chief Executive &amp; Head of Paid Service</b>	
CE1	To exercise any Executive Function in any case of urgency as set out in paragraph 6 of Sub Section A.
CE2	In cases of urgency or emergency, to take any decision on behalf of the Council as set out in paragraph 5 of Sub Section A.
CE3	To be Head of Paid Service
CE4	To exercise corporate Council functions as appropriate
CE5	To incur expenditure in the event of a civil emergency
CE6	For the purposes of the Local Government (Contracts) Act 1997, for the Head of Finance and any one of the following – Chief Executive, Head of Legal & Democratic Services, to sign each certificate given under the Act.
CE7	To the Chief Executive to make decisions on employee terms and conditions, (including procedures for dismissal), except those relating to: <ul style="list-style-type: none"> <li>• Chief Executive, Chief Officers and other NJC Officer posts;</li> <li>• Changes to the Council's pay and grading structure;</li> <li>• Changes of employee terms and conditions which are the subject of contention with the trade unions</li> </ul>
CE8	Functions of the Returning Officer.
CE9	Functions of the Electoral Registration Officer.
CE10	To appoint proper officers where required at law for the performance of Council and Executive Functions.
CE11	To approve new operational HR employment policies and changes to existing policies as required.
CE12	To declare land/property as surplus to operational requirements in consultation with the Head of Finance and the Corporate Director of the relevant service area.
<b>Qualifications: these may not be further delegated</b>	
	<b><u>Local Government Act 1972 Part V – General Provisions as to Members &amp; Proceedings of Local Authorities</u></b>
CE13	Section 83(1) to (4) – Witness and Receipt of Declarations of Acceptance of Office
CE14	Section 84- Receipt of Declaration of Resignation of Office
CE15	Section 88(2) – Convening meeting to fill casual vacancy of Chairman
CE16	Section 89(1)(b) – Receipt of Notices of Casual Vacancy

<b>Head of Legal &amp; Democratic Services &amp; Monitoring Officer</b>	
LD1	To authorise an officer of the Authority for any purpose the performance of which is a Council or Executive Function where statute requires that the officer should be authorised for that specific purpose or purposes.
LD2	All Proper Officer functions not allocated to other officers and to act as Solicitor to the Council.
LD3	<ul style="list-style-type: none"> <li>• Authority to affix the Common Seal of the Council.</li> <li>• Responsibilities in relation to the Sheriff's warrant.</li> </ul>
LD4	<p>In the absence of the Chief Executive to act as the Proper Officer for the purpose of the following sections of the Local Government Act 1972:</p> <ul style="list-style-type: none"> <li>○ Witness and receipt of declarations of office. (Section 83)</li> <li>○ Receipt of declaration of resignation of office. (Section 84)</li> <li>○ Convening of meeting of Council to fill casual vacancy in the office of Chairman. (Section 88)</li> <li>○ Receipt of notice of casual vacancy from 2 local government electors. (Section 89)</li> </ul>
LD5	<p><b><u>Part XI General Provision – Documents and Notices etc</u></b></p> <ul style="list-style-type: none"> <li>• Section 228(3) – Inspection of accounts.</li> <li>• Section 229(5) – Certification of official documents.</li> <li>• Section 231(1) – Receipt of Notices served on the Council.</li> <li>• Section 233 – Service of Notices by the Council.</li> <li>• Section 234(1) &amp; (2) – Signing of documents.</li> <li>• Section 238 – Certification of by-laws.</li> </ul>
LD6	<p><b><u>Local Government Housing Act 1989</u></b></p> <ul style="list-style-type: none"> <li>• Matters relating to Political Balance (Sections 15 and 16)</li> </ul>
LD7	<p><b><u>Local Government (Committees &amp; Political Groups) Regulations 1990</u></b></p> <p>Regulation 8 – Receipt of notice of formation of political groups and changes in membership of political groups.</p>
LD8	<p><b><u>Constitution (including Standing Orders)</u></b></p> <p>To exercise delegations as set out in the Constitution (including Standing Orders).</p>
LD9	<p><b><u>Appointments</u></b></p> <p>To appoint councillors and/or non-councillor members to committee seats allocated to political groups or nominating bodies (or to make changes, fill vacancies or give effect to temporary membership changes – “substitutions”) in accordance with the wishes of political groups or added-member nominating body.</p>

LD10	To make appointments to outside bodies in accordance with the decision of the Executive, the Council or the delegated decision of a meeting of the Group Leaders/Deputy Leader.
LD11	To constitute the membership of appeals and complaints committees and Council Tax/Benefit Revenue Boards from panels of trained members.
LD12	<p><b><u>Representing the Council in the Courts, Tribunals or at Public Enquiries</u></b></p> <p>To commence, institute, defend, withdraw or compromise any claims or legal proceedings, civil or criminal, in consultation with the relevant Officer, except where power to institute proceedings is delegated to or vested in specific officers.</p>
LD13	To appear personally or authorise officers of the Council to appear on the Council's behalf in court proceedings or at any tribunal or public or local inquiry.
LD14	To engage Counsel or external Solicitors to represent the Council at any proceedings.
LD15	To defend and settle (subject to consultation with the relevant Officer and the Head of Human Resources) any Employment Tribunal proceedings.
LD16	<p><b><u>Orders</u></b></p> <p>To make all Statutory Orders.</p>
LD17	Instituting criminal proceedings in cases of assault against employees where it is considered appropriate to do so in the interest of the County Council and where such proceedings have not been undertaken by Police.

<b>Head of Finance &amp; Section 151 Officer</b>	
FS1	Delegated powers conferred on the Head of Finance under the Financial Procedure Rules.
FS2	To be the Officer with responsibility for the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972 and meeting the requirement under Section 113 of the Local Government Finance Act 1988 to be a member of one of the recognised accountancy bodies.
FS3	To nominate a properly qualified member of staff to deputise should the Head of Finance be unable to perform his/her duties under Section 114 of the Local Government Finance Act 1988.
FS4	To facilitate and manage the co-ordination of medium term financial planning, annual budget planning, budget monitoring and the preparation of statutory and other accounts, associated grant claims and supporting records.
FS5	To manage the Council's financial affairs and services, including all matters relating to the General Fund, Housing Revenue Account, Treasury Management, Reserves and Provisions, Subsidiary Accounts and all other funds established under statutory requirements.
FS6	For the purpose of the Local Government (Contracts) Act 1997, authority for the Head of Finance and any one of the following – Chief Executive, Head of Legal & Democratic Services, to sign each certificate given under the Act.
FS7	To carry out the functions and exercise the powers of the Authority under Part 1 of the Local Government Finance Act 1988 (Administration and Collection of Community Charges).
FS8	To carry out the functions and exercise the powers of the Authority under Parts I and II of the Local Government Finance Act 1992 (except determinations under Sections 8(2) or 12(1) of the 1992 Act) (Administration and Collection of Council Tax).
FS9	To carry out the functions and exercise the powers of the Authority under Part II of the Local Government Finance Act 1988 (except Sections 47 and 56 and Schedules 7 and 7A) (Administration and Collection of Non-Domestic Rates).
FS10	To accept nominations of admitted bodies to participate in the Superannuation Fund.
FS11	To determine the appropriate rate of interest where chargeable under the statutory powers of the Authority.
FS12	To issue proceedings (and under Section 223 of the Local Government Act 1972 be authorised to appear on behalf of the County Council at the hearing of any legal proceedings in the Magistrates Court) by way of an application for the issue of a Liability Order in respect of:-

	<ul style="list-style-type: none"> <li>• unpaid Council Taxes and penalties under Part VI of the Council Tax (Administration and Enforcement) Regulations 1992; by way of an application for the issue of a warrant of commitment to prison under Part VI of the Council Tax (Administration and Enforcement) Regulations 1992; to require financial information, to make an Attachment of Earnings Order; to levy the appropriate amount by distress and sale goods; and to exercise all other enforcement powers of the County Council under the Council Tax (Administration and Enforcement) Regulations 1992 and any subsequent amendments of such Regulations.</li> <li>• unpaid rates; by way of an application for the issue of a warrant of commitment; and to exercise all other powers of enforcement of the County Council under the Non-Domestic (Collection and Enforcement) (Local Lists) Regulations 1989 and any amendments thereto.</li> </ul>
FS13	To engage the services of bailiffs for the service of summonses and warrants of commitment, obtaining financial information, the levying of distress warrants and the sale of goods and any appropriate action for the recovery of outstanding Community Charges under the Local Government Finance Act 1988 and any regulations made thereunder and outstanding Council Taxes and penalties under the Local Government Finance Act 1992 and any Regulations made thereunder.
FS14	To engage the services of bailiffs to serve such summonses, distress warrants, liability orders or warrants of commitment, to levy distress and to sell goods as may be necessary to recover outstanding rates.
FS15	In accordance with any policy or strategy decided by the Authority to approve decisions relating to the management of the Pension Fund and the administration of pension benefits.
FS16	To carry out functions relating to local government pensions etc pursuant to Regulations under Section 7, 12 or 24 of the Superannuation Act 1972; and functions relating to pensions, allowances and gratuities pursuant to Regulations under Section 18(3A) of the Local Government and Housing Act 1989.

<b>Head of Human Resources</b>	
HR1	To apply the job evaluation scheme in determining or reviewing levels of remuneration for all non-teaching posts within the Council.
HR2	To agree time off for authorised Trade Union activities.
HR3	To determine the number of employees to attend Trade Union training courses.
HR4	Appointment of temporary staff over and above establishment for periods in excess of 12 months where the funding for the post(s) is/are from external sources.
HR5	Market Supplements – to approve the payment of market supplements of up to a maximum of 30% of salary.
HR6	Determine requests for extension of half sick pay.
HR7	To determine appeals from staff with regard to unsuccessful applications for flexible working.
HR8	Approval of applications for voluntary severance for Operational Manager and below.
HR9	To determine applications under the Injury Allowance Scheme.
HR10	To approve deductions from pay in suitable cases when requested by the member of staff in question.

<b>Head of Technical Services</b>	
TS1	To approve the acquisition of land or an interest in land at a cost not exceeding £100,000 providing that the value does not exceed the market value.
TS2	To take or grant leases at rents not exceeding £100,000 pa.
TS3	To agree rent reviews where the change in rent does not exceed £100,000 pa.
TS4	To agree renewal or restructuring of existing leases where the rent does not exceed £100,000 pa.
TS5	To grant the release or modification of restrictive covenants.
TS6	To accept offers for disposals of land/or an interest in land where the value does not exceed £1,000,000 and on the recommendations of the Land Disposal Panel.
TS7	To grant grazing licences, easements, leases of utility undertakings for operational purposes, temporary licences and renewals.
TS8	To grant landlord's consent to alterations to land involving change of use.
TS9	To agree the sale of residential freehold reversions.
TS10	To grant the release or modification of restrictive covenants for alterations to residential premises.
TS11	To settle Part 1 claims under the Land Compensation Act 1973.
TS12	To grant landlord's consent to the assignment of existing tenancies.
TS13	To grant landlord's consent to the subletting of existing tenancies.
TS14	To grant landlord's consent to alterations to land involving no change of use.

## **SUB-SECTION F – SPECIFIC DELEGATIONS TO OFFICERS**

1. The Officers named below shall be authorised to exercise the following delegations, provided always that the decision is:
  - a) within budget
  - b) in accordance with the Council’s policy framework
  - c) in accordance with the Council’s Financial Procedure Rules and Contract Procedure Rules
  - d) not a matter specifically reserved for full Council, a committee of the Council, the Executive, a Statutory Officer, the Chief Executive or Corporate Directors, Chief Officers or Heads of Service.

Ref	Delegation / Proper Officer Roles
<b>Head of Children’s Services</b>	<ul style="list-style-type: none"> <li>• To decide on the reception of persons into guardianship of the Authority under Sections 7 and 37 of the Mental Health Act 1983, exercise of functions of nearest relative of persons so suffering and to make appointments of Approved Social Workers.</li> <li>• To undertake the responsibilities of the Council’s Lead Officer under the Children Act 2004 as amended and extended from time to time.</li> <li>•</li> </ul>
<b>Democratic Services Manager</b>	<p>To be the Proper Officer for the purpose of the following sections:</p> <p><b><u>Local Government Act 1972</u></b></p> <ul style="list-style-type: none"> <li>• Signature of summons to Council meetings (Section 99 and Schedule 12 Para 4(3))</li> <li>• Receipt of notices of address to which summons should be sent (Section 99 and Schedule 12 Para 4(3))</li> <li>• Access to agenda and connected reports (Section 100B)</li> <li>• Inspection of Minutes and other documents of the meetings (Section 100C)</li> <li>• Written summary of proceedings where Members of the public excluded (Section 100C)</li> <li>• Additional rights of access to documents for Members (Section 100F)</li> </ul> <p><b><u>Local Government and Housing Act 1989</u></b></p> <ul style="list-style-type: none"> <li>• List of Politically Restricted Posts (Section 2).</li> </ul> <p><b><u>Local Government (Wales) Act 1994</u></b></p> <p>To make determinations as a qualified person under section 36 of the Freedom of Information Act. The Head of Legal &amp; Democratic Services has similar determination powers as the Council’s Monitoring Officer.</p>

<p><b>Head of Planning Services</b></p>	<p>1. Subject to the following restrictions:-</p> <p>(a) Where objections are received from consultees or members of the public the issuing of permission shall follow consultation with the Chairman and Vice-Chairman of the Planning &amp; Development Control Committee and be subject to either of them requesting that the application being referred to Planning &amp; Development Control Committee for determination. In the absence of the Chairman or Vice-Chairman another Member of the Planning and Development Control Committee who has received the appropriate planning training may deputise for either the Chairman or Vice-Chairman in their absence.</p> <p>(b) Where a Member requests in writing during the consultation period that any application in his or her ward should be determined by the Planning &amp; Development Control Committee.</p> <p>(c) Where an adjoining Ward Members whose Ward is likely to be significantly affected by the development in question requests in writing during the consultation period that the application be determined by the Planning &amp; Development Control Committee.</p> <p>(d) Where the application constitutes a departure from the Development Plan.</p> <p>The Chief Planning Services Officer shall have power to act and determine applications in accordance with the Council's Planning Policies in the following categories:-</p> <p>(a) alterations and/or extensions to residential property, the construction of and alterations and/or extensions to domestic garages and structures;</p> <p>(b) alterations and/or extensions to non-residential buildings or structures where the additional net floor space or ground area does not exceed 2000 sq.m. or 50% of the existing whichever is the greater, where the resultant building or structure would not exceed 15 metres in height above ground level and alterations to and the provision of new entrances and means of escape;</p> <p>(c) new non-residential developments which do not create more than 2000 sq.m. net floor space or exceed 15 metres in height above ground level and/or where the site does not exceed 2 ha.;</p> <p><u>Note:</u> the limits in (a) and (b) above be increased to 5000 sq.m. and 5 ha. respectively on established industrial estates/business parks or land allocated for such purposes in the UDP.</p> <p>(d) construction and/or alteration of vehicular and pedestrian accesses to highways;</p>
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	<p>(e) erection of satellite dishes, radio antennae and other telecommunications equipment;</p> <p>(f) development on allotments;</p> <p>(g) provision of means of enclosure;</p> <p>(h) alterations to and/or provision of new shop and office fronts and the provision of roller shutters and canopies;</p> <p>(i) changes of use to buildings and land where the floor area does not exceed 2000 sq.m. or the site area does not exceed 2 ha.</p> <p>(j) residential development which does not exceed 0.5 ha, substitution of house types and variation of housing layouts;</p> <p>(k) development by the County Council, statutory undertakers (including privatised utilities) and Government departments and agencies falling within any other category (a) to (u) hereof;</p> <p>(l) construction above and below ground of storage tanks with a volume no greater than 10,000 litres, pipes, sewers, drains and power lines of no more than 1 Km. in length and associated pumping stations and sub-stations;</p> <p>(m) tipping of inert, non-toxic waste on sites not exceeding 1 ha. in area;</p> <p>(n) demolition of buildings;</p> <p>(o) conservation area consent;</p> <p>(p) listed building consent;</p> <p>(q) amendments to schemes with planning permission;</p> <p>(r) renewal of temporary permission;</p> <p>(s) reserved matters and any application or request for approval, agreement or consent pursuant to a condition imposed on a planning permission or approval and the subsequent discharge of the condition;</p> <p>(t) renewal of time limited permissions which have not lapsed and where circumstances have not materially altered;</p> <p>(u) variation or removal of planning conditions.</p> <p>2. The Chief Planning Services Officer shall also have delegated</p>
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	<p>powers to act in relation to those matters set out in Schedule One hereto.</p> <p>3. To determine the need for Environmental Assessments and the issue of screening and scoping opinions in respect of development proposals.</p> <p><b>Executive Functions</b></p> <p>1. To respond to the Forestry Commission in relation to Notices regarding Felling Licence Applications under Section 15 of the Forestry Act 1967.</p> <p>2. To prepare development briefs.</p> <p>3. To take any urgent decision arising from the work of the Planning Division following consultation with the Chairman and Vice-Chairman.</p> <p>4. To determine grant applications under the Flintshire Historic Building Repair Grant Scheme in consultation with the appropriate Executive Member.</p> <p>5. To determine Landscape and Conservation Grant applications in consultation with the appropriate Executive Member.</p> <p>6. To determine Holywell TH1 Grant applications in consultation with the appropriate Executive Member.</p>
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**Schedule 1****DELEGATED POWERS TO  
CHIEF PLANNING SERVICES OFFICER****Schedule 1**

<b>LEGISLATION</b>	<b>DESCRIPTION</b>	<b>SECTION</b>	<b>POWER</b>
Town and Country Planning Act 1990 (as amended).	Tree Preservation Orders and Trees in Conservation Areas.	198, 201, 300	Making, service and confirmation of provisional TPO's where no objection is received
	Notices requiring replacement of trees.	207, 209	Revocation of TPO's Making and service and recovery of costs in default.
	Determination of requests for consent to fell, top or lop trees covered by TPO's and/or in Conservation Areas.	198	Granting or refusal.
	Dispensations with regard to replanting.	206, 213	Granting or refusal.
	Notices requiring proper maintenance of land.	215, 219	Making, service and withdrawal and recovery of costs in default.
	Breach of Condition Notices.	187A	Making, service and withdrawal.
	Planning Contravention Notices.	171C	Making, service, and determination of response to any offers and representations made at time and place meetings.

<b>LEGISLATION</b>	<b>DESCRIPTION</b>	<b>SECTION</b>	<b>POWER</b>
Town and Country Planning Act 1990 (as amended) (continued).	Stop Notices.	183	Making, service and withdrawal of Notice.
	Enforcement and Special Enforcement Notices.	172, 173A, 294	Making, service, variation and withdrawal.
	Information as to interest in land.	330	Making and service of notices.
	Repetitive Applications.	70A	To decline to determine such applications.
	Applications for Certificates of Lawfulness of existing or proposed use or development.	191, 192	Consideration and determination.
	Applications for Express Consent to Display Advertisements.	220	Consideration and determination.
	Advertisements, Placards or Posters Displayed in Contravention of Advertisement Regulations.	224, 225	Removal and/or obliteration and making and service of discontinuance orders.

LEGISLATION	DESCRIPTION	SECTION	POWER
Town and Country Planning Act 1990 (as amended) (continued).	Applications for Prior Approval under the Delyn Simplified Planning Zone Scheme.	84	Consideration and determination.
	Directions to restrict the exercise of permitted development rights in conservation areas.	60	Making and service.
	Applications for Prior Approval under Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.	60	Consideration and determination.
Planning (Listed Buildings and Conservation Areas) Act 1990.	Building Preservation Notices.	3	Making and service.
	Listed Building Enforcement Notices.	38	Making, service, variation and withdrawal.
	Listed Building Repairs Notices.	48	Making and service.
	Dangerous Structures Orders.	56	Making and service.
	Urgent works to preserve unoccupied listed buildings.	54, 55	Making and service of notices and recovery of expenses.

LEGISLATION	DESCRIPTION	SECTION	POWER
Planning (Listed Buildings and Conservation Areas) Act 1990 (continued).	Contribution to preservation of listed and unlisted buildings of architectural or historic interest.	57	Processing and award of grants in accordance with the Council's agreed procedures and policies.
Planning (Hazardous Substances) Act 1990.	Hazardous Substances Contravention Notices.	24, 24A	Making, service, variation and withdrawal.
Land Compensation Act 1961 (as amended).	Applications for Certificates of Appropriate Alternative Development.	17	Consideration and determination.
Environment Act 1995.	Second list of sites or changes to first list of sites.	96	Obtain relevant information for, or take any other action to publicise.
	Mineral Planning - Phase I and II Sites		Granting of extensions of time for submissions of applications for appeals of conditions under the Environment Act 1995 (26th November, 1996)
	Mineral Planning - Phase I and II Sites	Schedule 13(9)	Authority to opine that the Council is unable to determine applications without further specific details
	The Hedgerow Regulations 1997 (S.I. 1160)		Authority to respond to Hedgerow Renewal Notes and to agree extensions of response for building and conduct appeals (24th June, 1997)

<b>Building Control Manager</b>	<ol style="list-style-type: none"> <li>1. To act as the Proper Officer for the purposes of Section 78 of the Building Act 1984 on the basis that he may authorise other appropriate officers to exercise the functions of the Proper Officer subject to such limits as he sees fit.</li> </ol>
<b>Head of Public Protection</b>	<ol style="list-style-type: none"> <li>1. To ensure the appointment of a suitably qualified person who shall be designated the Chief Inspector of Weights and Measures for the Authority and to be responsible for the carrying out of the functions related to such post.</li> <li>2. To provide a Home Authority Service to businesses.</li> <li>3. Authorisation to appoint appropriate officers to exercise the powers contained in Section 19 and Sub-Section 2 of Section 20 and Sections 21, 22, 23, and 38 of the Health and Safety at Work, etc. Act 1974.</li> <li>4. To appoint a Public Analyst as required by the provisions of the Food Safety Act in consultation with the Director of Environment and Regeneration.</li> <li>5. Authority to appoint any other Inspectors and authorised officers under the legislation relevant to the functional areas of the post.</li> <li>6. To engage testing houses, consultants and other appropriate persons to test, analyse and provide opinions on goods and services in relation to the functions of this Directorate.</li> <li>7. To appoint an Agricultural Analyst and Deputy(ies).</li> </ol>
<b>Trading Standards Manager</b>	To act as the Chief Inspector of Weights and Measures and to exercise the functions assigned to the Council as a weights and measures authority.
<b>Health, Safety &amp; Licensing Manager</b>	<ol style="list-style-type: none"> <li>1. To approve applications under the Licensing Act 2003 for:- <ol style="list-style-type: none"> <li>(a) a personal licence when no objection is made;</li> <li>(b) a premises licence/club premises certificate where no relevant representation is made;</li> <li>(c) a provisional statement where no relevant representation is made;</li> <li>(d) a variation of a premises licence/club premises certificate where no relevant representation is made.</li> <li>(e) for the variation of a designated premises supervisor;</li> <li>(f) removal as a designated premises supervisor where there is no Police objection, or</li> </ol> </li> </ol>

	<p>(g) an application for a transfer of premises licence where no Police objection is received;</p> <p>(h) an application for interim authorities where no Police objection is received.</p> <p>2. To decide on whether a complaint is irrelevant, frivolous or vexatious, etc.</p> <p>3. Power to enter all non-smoking premises in order to establish that the smoke free legislation is being enacted in accordance with the law including the authority to give out fixed penalty notices to anyone they believe are committing or have committed an offence under the legislation or to institute proceedings generally in relation to offences under the Health Act 2006.</p> <p>4. Power to authorise other appropriate officers to enter premises and issue fixed penalty notices in accordance with the provisions of 3 above.</p> <p>5. The powers granted to Officers in relation to the Gambling Act 2005 set out in the schedule to Article 11.</p>
<b>Senior Housing Officer</b>	<p>1. To recover possession of Council dwellings in appropriate cases pursuant to the provisions of the Housing Act 1985.</p>
<b>Head of Highways and Transportation</b>	<p>1. To put into effect the decisions of TAITH on behalf of the Council as the Lead Authority.</p> <p>2. To consider objections/representations received following the advertisement of intention to make Orders under Highways Legislation and to confirm the making of proposed Orders or otherwise including making amendments where appropriate following consultation with local Members and the Executive Member for Environment.</p>

## **FLINTSHIRE COUNTY COUNCIL**

**AGENDA ITEM NUMBER: 6**

**REPORT TO:**        **CONSTITUTION COMMITTEE**  
**DATE :**             **12 MARCH 2009**  
**REPORT BY:**      **CHIEF EXECUTIVE AND HEAD OF LEGAL AND**  
                              **DEMOCRATIC SERVICES**  
**SUBJECT :**         **REVIEW OF OVERVIEW & SCRUTINY FUNCTION**

### **1.00 PURPOSE OF REPORT**

- 1.01 To consider undertaking a review of the Overview & Scrutiny function.

### **2.00 BACKGROUND**

- 2.01 At the last meeting of the Committee on the 15 October 2008 during consideration of the call-in procedure, the Committee agreed that an item be included in the forward work programme of the Committee in relation to the review of the structure of the Overview & Scrutiny function.
- 2.02 At a meeting of the Overview & Scrutiny Coordinating Committee on the 3 December 2008, consideration was given to a report of the Welsh Scrutiny Champions Network meeting on the 3 October 2008. During consideration of that item the Chairman of this Committee explained that he felt it was important that there was full member consultation on any future arrangements for Overview & Scrutiny and suggested joint working between the Constitution Committee and the Overview & Scrutiny Coordinating Committee. The Coordinating Committee resolved that a meeting be arranged between the two Chairmen and officers to prepare a questionnaire for completion by Members to be reported to later meetings of the two Committees.
- 2.03 Following the Coordinating Committee meeting the Chief Executive advised that the contents of the proposed questionnaire should be considered by the Committee prior to its distribution to Members given a commitment to review the structure of the Overview & Scrutiny function.

### **3.00 CONSIDERATIONS**

- 3.01 In contrast with the legislation governing the Executive function, that governing the Overview & Scrutiny function is limited. The main provision is Section 21 of the Local Government Act 2000 which gives Overview & Scrutiny Committees various powers but is not prescriptive as to how the function is discharged.
- 3.02 Each authority has a large degree of freedom in determining its Overview & Scrutiny arrangements. The arrangements in different authorities have

evolved in different ways. In Flintshire there are currently six functional Overview & Scrutiny Committees, together with a Coordinating Committee as described in Article 6 of the Constitution (Appendix 1). This Committee structure needs to be reviewed in the light of the Council's current Directorate structure and due to the expectation of Council. There is also a need to ensure that the Overview and Scrutiny function is not only robust but operates in a way that is an effective and efficient use of both the member and officer resources involved. The Overview & Scrutiny structure was a deliberate alignment to the previous organisational structure and is now out of alignment. There would be options to realign the Committees to the new structure or adopt the thematic titles and turns of reference from Committees which are broader. The number and frequency of Overview & Scrutiny Committees is demanding to service and advise and there is a need to balance fully robust and rewarding Scrutiny with organisational capacity.

- 3.03 Any review of the existing Overview & Scrutiny arrangements needs to bear in mind government proposals for new Overview & Scrutiny powers. The government announced on 27 January 2009 that it intends Sections 19 & 20 of the Police and Justice Act 2008 to come into effect on 1 October 2009. This will require Councils to have an Overview and Scrutiny Committee to deal with crime and disorder matters. Consultation is awaited on draft guidance which should clarify any requirements regarding the membership of such Committees, the frequency of meetings and their relationship with policy authorities and community safety partnerships. The Coordinating Committee at its meeting in December 2008 confirmed that for the time being, the Corporate Management Overview & Scrutiny Committee should deal with crime and disorder issues.
- 3.04 The local government policy paper "A Shared Responsibility" published in March 2007 also set out proposals to strengthen the role and remit of Scrutiny which included:-
- Broadening the scope of Overview and Scrutiny Committees, empowering them to scrutinise all public service delivery in their area.
  - Provision of voting powers for Co-optees on Scrutiny Committees.
  - Powers to establish joint Scrutiny Committees between authorities.
  - Making provision to ensure cross-party representation of Scrutiny Chairs.
- 3.05 The Local Democracy, Economic Development & Construction Bill published on the 5 December 2008 will provide the Assembly Government with the legislative competence to introduce the proposals in the preceding paragraph. If the Bill is enacted this year, then following consultation with local government, such proposals could be the subject of an Assembly measure during 2010/2011.
- 3.06 Following the May 2008 elections, the review of the Council's Directorate structure and with the government's proposals for increasing Overview &

Scrutiny powers, it is an opportune time to review the Overview & Scrutiny function.

- 3.07 Any review of the Overview & Scrutiny function should be informed by detailed consultation with all Members with the results of such consultation being considered by both the Overview & Scrutiny Coordinating Committee and the Constitution Committee.
- 3.08 It is proposed that a questionnaire to all Members should include questions on the key messages from the National Scrutiny Champions Network on:-
- The planning of Overview & Scrutiny work
  - The working arrangements of Overview & Scrutiny
  - The relationship with the Executive
  - The dedicated officer support
  - The Overview & Scrutiny Committee structure.
- 3.09 The Committee's views on the contents of the proposed Member questionnaire are invited. The results of the Member questionnaire could then be considered at a joint or separate meetings of the Coordinating and Constitution Committees in late April which would enable any changes to the current Overview & Scrutiny Committee structure to be implemented at the annual meeting on or after the 12 May 2009.

#### **4.00 RECOMMENDATIONS**

- 4.01 For the Committee to agree the proposals for Member consultation on the Overview & Scrutiny function with the intention that the results of the survey be considered by the Committee in late April.

#### **5.00 FINANCIAL IMPLICATIONS**

- 5.01 None as a result of this report.

#### **6.00 ANTI POVERTY IMPACT**

- 6.01 None as a result of this report.

#### **7.00 ENVIRONMENTAL IMPACT**

- 7.01 None as a result of this report.

#### **8.00 EQUALITIES IMPACT**

- 8.01 None as a result of this report.

#### **9.00 PERSONNEL IMPLICATIONS**

9.01 None as a result of this report.

#### **10.00 CONSULTATION REQUIRED**

10.01 The report proposes consultation with all Members on the Overview & Scrutiny function.

#### **11.00 CONSULTATION UNDERTAKEN**

11.01 The report proposes consultation with all Members on the Overview & Scrutiny function.

#### **12.00 APPENDICES**

12.01 Appendix 1 - Article 6 of the Constitution

#### **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985** **BACKGROUND DOCUMENTS**

WLGA Council 20 February 2009 report on Members' issues.  
Welsh Scrutiny Champions Network report to the Coordinating Committee meeting of the 3 December 2008.

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## Article 6 – Overview and Scrutiny Committees

### OVERVIEW AND SCRUTINY AND CO-ORDINATION COMMITTEE

#### 6.01 Terms of reference

The Council will appoint the Overview and Scrutiny Committees set out in the left hand column of the table below to discharge the functions conferred by section 21 of the Local Government Act 2000 in relation to the matters set out in the right hand column of the same table.

<b>Committee</b>	<b>Scope</b>
Overview and Scrutiny Co-ordinating 21 Elected Members	Allocating, co-ordinating and prioritising the work of the Scrutiny Committees and identification/allocation of appropriate Scrutiny Chair for consent/consultation purposes and dealing with matters of common interest to Scrutiny Committees.
Corporate Management 15 Elected Members	Corporate Management and governance, finance, base budget review, the Community Strategy, cross-cutting policy development, the monitoring of risk issues and contributing to policy development within the Chief Executive's, and Director of Financial, Legal and Democratic Services Directorates.
People and Performance 15 Elected Members	All HR issues, including monitoring disciplinaries as per the Public Interest Report, Wales Programme for Improvement Overview and Risk Management, monitoring risk issues and contributing to policy development within the Corporate Strategy Directorate, E-Government and Corporate Strategy.
Environment and Regeneration 15 Elected Members	Highways, transportation, planning, countryside and environmental issues, monitoring risk issues and contributing to policy development within the Directorate of Environment and Regeneration (including Economic Development and Tourism).
Community and Housing 15 Elected Members	Community and Housing Services, Waste Management and Disposal, Crime and Disorder, monitoring risk issues and contributing to policy development within the Community and Housing Directorate.
Lifelong Learning 15 Elected Members	Education, Leisure and Youth Services, relationship with ELWa, monitoring risk issues and contributing to policy development within Education and Recreation.

Social and Health 15 Elected Members	Social and Health Services to adults and children provided by the Council or any partners including the voluntary sector and the health institutions, the Health and Social Care and Well-being Strategy including relationship with Flintshire Well-being Network, monitoring risk issues and contributing to policy development within Adult Social Care and Children's Services.
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## 6.02 General role

Within their terms of reference, Overview and Scrutiny Committees will:

- i) Review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's or Executive's functions;
- ii) Make reports and/or recommendations to the full Council and/or the Executive; and/or any joint Committee.
- iii) Consider any matter affecting the Council area or its inhabitants; and
- iv) Exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive.

## 6.03 Specific functions

- (a) **Policy development and review.** Overview and Scrutiny Committees may:
  - i) Assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
  - ii) Conduct research, community and other consultation in the analysis of policy issues and possible options;
  - iii) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
  - iv) Question members of the Executive and/or Committees and Chief Officers about their views on issues and proposals affecting the area; and
  - v) Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

- (b) **Scrutiny.** Overview and Scrutiny Committees may:
- i) Review and scrutinise the decisions made by and performance of the Executive and/or Committees and Council officers both in relation to individual decisions and over time;
  - ii) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
  - iii) Question members of the Executive and/or Committees and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
  - iv) Make recommendations to the Executive and/or appropriate Committee and/or Council arising from the outcome of the Scrutiny process;
  - v) Review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance; and
  - vi) Question and gather evidence from any person (with their consent).
- (c) **Finance.** Overview and Scrutiny Committees may exercise overall responsibility for the finances made available to them.
- (d) **Annual report.** Overview and Scrutiny Committees must report annually to full Council through the Overview and Scrutiny Co-ordinating Committee on their workings and make recommendations for future work programmes and amended working methods if appropriate.
- (e) **Officers.** Overview and Scrutiny Committees may exercise overall responsibility for the work programme of the officers employed to support their work.

#### 6.04 **Proceedings of Overview and Scrutiny Committees**

Overview and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.