

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, 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 Cyf MP

Date / Dyddiad 24/02/2010

Ask for /
Gofynner am Maureen Potter

Direct Dial /
Rhif Union 01352 702322

Fax / Ffacs

Dear Sir / Madam,

A meeting of the **CONSTITUTION COMMITTEE** will be held in the **DELYN COMMITTEE ROOM, COUNTY HALL, MOLD** on **WEDNESDAY, 03 MARCH 2010** at **15:00** to consider the following items.

Members are asked to note the time of the above meeting.

Yours faithfully



Assistant Director (Democratic Services)

AGENDA

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**
3. **MINUTES**
To confirm as a correct record the minutes of the meeting held on 27/01/2010 (copy enclosed).
4. **COUNTY COUNCIL DIARY OF MEETINGS 2010/11**
Report of Chief Executive enclosed

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

5. **CHAIR AND VICE-CHAIR OF PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

Pursuant to minute No.41 of the Committee (27 January 2010) the Committee agreed for this item to be considered. A copy of the report of the Monitoring Officer submitted to the Committee on 17/12/09 is enclosed.

6. **DELEGATION SCHEME**

Report of Head of Legal and Democratic Services enclosed

CONSTITUTION COMMITTEE
27TH JANUARY 2010

Minutes of the meeting of the Constitution Committee of Flintshire County Council held in County Hall, Mold on Wednesday 27th January 2010.

PRESENT: Councillor R J T Guest (Chairman)

Councillors: J.B. Attridge, D. Barratt, Q. R. H .Dodd, V. Gay, A. M. Halford, G. Hardcastle, P. G. Heesom, R. P. Macfarlane, P. R. Pemberton, N. Phillips, A. P. Shotton, N.R. Steele-Mortimer and A. Woolley.

APOLOGIES: Councillors: R.C. Bithell and H.D. Hutchinson.

IN ATTENDANCE:

Chief Executive, Head of Legal and Democratic Services, Head of Planning, Head of Overview and Scrutiny and Democratic Services Manager.

43. COUNCILLOR K. ARMSTRONG-BRAUN

The Head of Legal and Democratic Services reported that Councillor K. Armstrong-Braun had resigned from the Committee following his departure from the meeting held on 17th December 2009 as indicated in the final paragraph of Minute No. 34.

Councillor G. Hardcastle supported by other Members of the Committee indicated the action of the Member concerned should in no way reflect on the Chairman who he had felt had given him ample opportunity to make his point. Councillor Hardcastle referred to the excellent and fair manner in which the Chairman conducted the meeting of the Committee.

The Chairman was disappointed that Councillor Armstrong-Braun had taken the action that he did and from a personal point of view took no satisfaction from it.

44. DECLARATIONS OF INTEREST

There were no declarations of interest.

45. MINUTES

(a) Accuracy

RESOLVED:

That subject to the word "change" replacing "charge" in Minute No. 34 that the minutes of the meeting held on 17th December 2009, be confirmed as a correct record.

(b) Update

i) Minute Number 34 – Overview and Scrutiny Committee Structure

Councillor D. Barratt indicated that he was not able to be present at the meeting although he had submitted written comments strongly objecting to the proposal but these had not been recorded.

The Chairman advised that his written comments had been part of a written report which had been considered in detail by the Committee.

ii) Minute Number 5 – Regulation of Investigatory Powers Act (RIPA) Authorising Officers

The Head of Legal and Democratic Services gave an update on this situation. The Committee was informed of new requirements for a Member of the Corporate Management Team to be appointed as a Lead Officer for RIPA matters.

Quarterly reports to Members were also required and the Corporate Management Overview and Scrutiny Committee could receive these reports as part of the Legal and Democratic Services quarterly service review report.

The Council's RIPA policy also needed to be reviewed on an annual basis and the Head of Legal and Democratic Services suggested that this was the appropriate Committee for that review.

iii) Minute Number 37 – Champions

Councillor V. Gay enquired about the progress regarding the Task and Finish Group. The Head of Legal and Democratic Services indicated that he was compiling the relevant information and hoped to be in a position to report in the near future.

iv) Minute Number 39 – Changes to the Functions and Responsibilities of the Council and the Executive

The Head of Legal and Democratic Services referred to 4(a) of the Resolution and advised that this should read "Children and Young Persons Plan" and not as stated "approval of a Single Education Plan". He explained that this would be clarified at the forthcoming meeting of the County Council when he would be submitting a report.

v) Minute No. 38 – Corporate Governance – Self-Assessment

Councillor G. Hardcastle enquired about progress in this area and the Chief Executive advised that he had pursued this issue with the Welsh Assembly Government on three separate occasions.

vi) Minute No. 40 – Chair/Vice-Chair of Planning and Development Control Committee

Councillor J.B. Attridge enquired what the situation would be in relation to this item as Councillor Armstrong-Braun had resigned from the Committee. The Committee agreed that it be reasonable for the matter to be included on the Agenda for the next Committee and in accordance with the decision of the Committee that Councillor K. Armstrong-Braun would be invited to participate in the meeting whilst this was being discussed.

vii) Minute No. 41 – Planning Protocol Working Group – 11th December 2009

Councillor A.P. Shotton referred to this item and it was accepted that this was the subject of a separate report on the Agenda and it would be addressed at that time.

RESOLVED:

That the updates be noted and the amendment referred to by the Head of Legal and Democratic Services in Minute No. 39 be noted.

46. THE COUNCIL'S OWN PLANNING APPLICATIONS

The Committee considered the joint report of the Head of Legal and Democratic Services and Head of Planning, the purpose of which was to consider a recommendation for the Planning Protocol Working Group in relation to the Council's own planning applications. The report was presented by the Head of Planning who advised that at the meeting of the Planning Protocol Working Group on 6th November 2009 it received a presentation from Trevor Roberts Associates on the scheme of delegation for planning.

It was noted that one of the issues arising from the Workshop was whilst the Scheme of Delegation allowed planning applications submitted by the County Council to be determined under the delegated powers of the Head of Planning, the Planning Code of Practice required all such applications to be considered by the Planning and Development Control Committee.

The Head of Planning advised that he had submitted a report on the Scheme of Delegation to the Planning Protocol Working Group meeting on the 11th December 2009 to follow up issues identified at the 6th November 2009 meeting. The report to that meeting indicated the recommendation of the Code of Practice be relaxed to allow County Council schemes to be determined under delegated powers where appropriate. The Working Group agreed that this recommendation should be made to the Constitution Committee.

It was noted that at its meeting held on 17th December 2009 the Constitution Committee considered that recommendation and deferred consideration until this meeting.

Reference was made to the Council's Code of Best Practice which contained a section on applications submitted by the Council and the current wording was attached as Appendix 1 to the report. It was noted that the wording advised that it was important that the Council treated its own applications on an equal footing with all other applications and that the Council's own applications should be reported to Committee rather than being dealt with under delegated powers to ensure transparency and openness.

Compliance with that Code of Practice had resulted in very simple County Council applications where no objections had been received and which complied with Planning Policy and other material planning considerations being determined by the Planning and Development Control Committee.

The Planning Protocol Working Group recommended that the Council should treat its own applications in the same manner as other applications and therefore delete paragraph 7.3 from the Planning Code of Practice.

The report detailed the safeguards in place relating to this recommendation.

Whilst the intention behind all the Council's planning applications going to Committee for determination was one of transparency and openness, the public may be suspicious of a process that treated Council applications differently to other applications. However, the documentation relating to the Council's planning applications was available to the public in the same way that non-Council applications were available.

In presenting the report, the Head of Planning expanded upon the safeguards relating to this and the involvements with the Chair and Vice-Chairman of the Planning and Development Control Committee for any such decisions being made.

Councillor A.P. Shotton was of the opinion that when this item was deferred by the Committee at its previous meeting it was on the basis that the Planning Protocol Working Group would reconsider its recommendations in view of the comments made. He expressed concern at the proposal and felt that it was essential for all Council planning applications to be dealt with in an open and transparent way. He felt it was important for the public to see that the Council's own procedures were totally above board. Whilst he accepted that some of the applications were of a more routine nature, he suggested that it would be difficult to know where to draw the line by which applications should go to Committee. He felt there was a need for adequate safeguards for any system. He had concerns about the public perception if paragraph 7.3 was to be removed from the Code of Practice.

Councillor Q.R.H. Dodd shared Councillor Shotton's concern. He suggested that a renewal of a planning application would be no problem as it had gone through the process. He further suggested that it may not be immediately obvious if an application was contentious and gave examples where

this may be the case. There could be issues also in relation to applications which would have an effect on adjoining Wards.

Councillor P.G. Heesom, in his role as Vice-Chairman of the Planning and Development Committee, offered reassurance to the Members and advised of the safeguards that were in place and suggested that the revised arrangements with the input from Chair and Vice-Chair was more robust than they had been previously. He stressed that if there were any doubts about any applications or if Members had raised reservations, they would be submitted to Planning and Development Control Committee. He expanded upon the system now in place, of dealing with delegated applications where those were subject to written reports and in this respect felt that the system was more transparent than it had previously been.

Councillor N. Phillips expressed similar concerns as Councillors Shotton and Dodd and felt that the current system gave reassurance. He explained about difficulties that could occur and by way of example quoted the circumstances relating to Buckley Baths. He also had issues in relation to mobile classrooms which he always made a point of opposing whenever they were submitted to the Planning and Development Control Committee.

The Chairman of the Committee indicated that he also had certain reservations with the proposals and shared the view of Councillor Shotton whereby it would be difficult to draw the line between the applications which were submitted to Committee and those which were dealt with under delegated powers.

Councillor P.G. Heesom reiterated his previous assurances in relation to applications.

Councillor A.P. Shotton, seconded by Councillor Q.R.H. Dodd, proposed that a decision be deferred and that the Planning Protocol Working Group be requested to consider the matter further, taking into account the views of this Committee and look at examples of applications which had been considered.

The Head of Planning indicated that he could prepare a report which would include case studies, possibly over a 12 month period, and what the options would be in relation to each of those applications. Councillor P.G. Heesom indicated that he was happy to accept this proposal.

Councillor A.P. Shotton reiterated the point that the Planning Protocol Working Group had not considered the issue since this Committee had expressed its views and felt it was appropriate for them to have the opportunity.

RESOLVED:

That a decision be deferred and that the matter be referred back to the Planning Protocol Working Group for further consideration with a request that they consider specific examples of applications with a subsequent report back to this Committee.

47. CONSULTATION ON POLITICAL STRUCTURES BY WELSH ASSEMBLY GOVERNMENT

The Committee considered the report of the Head of Legal and Democratic Services, the purpose of which was to consider a Consultation Paper issued by the Welsh Assembly Government which related to scrutiny and political structures and to determine a response to the provisions relating to political structures. The Committee was informed that the Council received a Consultation Paper issued by the Welsh Assembly Government relating to Scrutiny and Political Structures in Local Government. Using the framework powers granted to the National Assembly for Wales and the Local Democracy Economic Development and Construction Act 2009, the Welsh Assembly Government intended to introduce a measure on scrutiny and political structures. The policy issues which the measure could address were discussed in the Consultation Paper.

The provisions in the Consultation Paper relating to Scrutiny were reported to the Coordinating Committee meeting on 14th January 2010 and that Committee determined the Council's response to those parts of that consultation paper. Attached as Appendix 1 to the report was that part of the Consultation Paper relating to political structures for this Committee to determine the Council's response to those aspects of the Consultation Paper. There were a number of considerations and the first issue relating to political structures was that the Assembly Government proposed to remove the "Mayor and Council Manager" political structure which had not been used in Wales and to make it easier for Local Authorities to change their political models and for greater flexibility in the establishment of area committees.

Councillor P. Macfarlane, referring to this paragraph, felt that the proposal undermined the power of Councils and was a way of regulating decision making. In the circumstances it was agreed there were no observations on this section.

The second significant issue was contained in paragraph 11 of the consultation paper. The Assembly Government intended to simplify, by reference to fields of activity functions that were not appropriate for Executive responsibility and allow for more functions to be the subject of local choice, Welsh Ministers would have the fall back power of directors in relation to this matter. Councillor A.P. Shotton, supported by other Members, felt that it was difficult to comment in detail upon this section until information was available. The Chief Executive, supported by the Leader, felt that there was an expectancy of more local choice. The Leader expressed the view that concern had been expressed in relation to the County Council duplicating the Executive functions. Members concurred with the previously expressed view of the need for additional information in this area.

Paragraph 12 proposed that local authorities would be able to delegate the decision making powers to Executive Members representing them on Local Service Boards or other partnerships, with decisions needing to be recorded and published in the same way as other Executive decisions. Councillor A.P. Shotton expressed concern at this proposal and felt that this could threaten the

principle of local democracy, whilst he understood there was a need to make progress with the decision making process.

Councillor G. Hardcastle enquired as to the role of the Local Service Boards and this was explained. The Chief Executive concurred with the concerns expressed by Councillor A.P. Shotton, he also referred to the need for clarity on the role and function of a number of these boards. Councillor P.G. Heesom also felt there was a need to examine the role of these Boards particularly in the light of possible budget difficulties and the decisions that would have to be made thereafter. Councillor P.G. Heesom's proposed and this was duly seconded by Councillor G. Hardcastle, that a report is submitted to the Committee on the role of Local Service Boards.

Paragraph 13 of the Consultation Paper indicated that the Assembly Government proposed to make it a requirement that the Executive should publish forward plans on their web site, these should be rolling documents covering the period of six months ahead and subject to quarterly update. Guidance would make reference to the extent of detail required in the forward plans. Members felt that this was reasonable.

Paragraph 14 of the Consultation Paper indicated the proposal to make the establishment of Audit Committees a requirement and the appointment of Members of such Committees to be a function of the Full Council. It also proposed that the Chair of the Audit Committee would be a lay person as with Standards Committees and that a maximum of one third of the Membership also be lay appointees. The Head of Legal and Democratic Services explained that the Council already had an Audit Committee in place but that other Authorities did not as it was not a statutory requirement to do so. Councillor A. Halford expressed her opposition to this proposal, whilst she felt the system worked perfectly well she suggested that if a lay person was appointed it would weaken the power of Members who had been democratically elected. She referred to the current Chair of the Audit Committee who undertook an excellent job as did his predecessor. Councillor P. Macfarlane commented that lay persons who served on the Lifelong Learning Overview and Scrutiny Committee had made a useful contribution. Councillor Q.R.H. Dodd advised that there was a view that when good practices were being pursued, lay persons with a degree of expertise could assist the Committee. Whilst there was merit in this, he felt that the appointment of a lay person as Chair would be a step too far. Councillor P. Pemberton expressed a view that all Members were lay persons in this respect and their advice could be welcome, however, the role of the Chair could be too much. Councillor N.R. Steele-Mortimer, pursuing the point previously raised by Councillor P. Macfarlane, also commented upon the assistance given at the Lifelong Learning Overview and Scrutiny Committee by lay Members and felt they made a useful contribution, however, he felt that if a lay person was to be appointed they should have a pre-agreed qualification and be appointed by that body. Councillor P. G. Heesom felt the existing system worked well and the Audit Committee dealt with a number of issues in a thorough manner whilst in the public domain. Members also suggested it would be appropriate for the Audit Committee to express a view on this issue. The Chief Executive concurred with the view that if the Audit Committee works in its current form representation should be made on those lines. He also made the point that the regulators were

confident in the way in which the Council conducted the Audit Committee and its related business and that was a key factor in its effectiveness. He also suggested that if the Council had adopted good practices which were working well then they should be promoted to the Welsh Assembly Government in that way. Councillor A.P. Shotton expressed the view that the proposals could be brought in place for those Councils who did not currently have a system. He also suggested the views expressed by the Chief Executive should be supported as part of the response. The Committee concurred with this view. Members also referred to the role whereby the Chair was a Member of the main Opposition Group and they felt that this had worked well and was preferable to a lay person taking this role and this view was also supported by the Committee.

The Committee was informed that paragraph 15 of the Consultation Paper proposed that Welsh Ministers be empowered to intervene in the operation of the Local Authority when there was an actual perceived threat to the effect of discharge of functions as identified in the report of the Inspector/Regulator. At present such powers of intervention were mostly confined to where there was a threat to the delivery of essential public services with limited powers in events of political impasse. The Chief Executive explained how this proposal had developed and how the existing powers are operated. He gave examples of what interventions may occur. Councillor A. Woolley, as Leader of the Council, concurred with the views expressed by the Chief Executive and commented upon cases where there had been, quite properly, interventions. He felt it was up to a Local Authority to operate in such a way to avoid this sanction occurring. Councillor A. Halford felt there was some merit in the proposal. Following a question by Councillor P. Pemberton, the Chief Executive explained the role of the Inspector and Regulator. The Chief Executive concurred that issues were not always clear cut, he also referred to the experience whereby, if necessary, the role of the Regulator could be challenged and this had been done on occasions.

The Head of Legal and Democratic Services referred to paragraph 17 which contained proposals to introduce provisions for Councillor calls for action in policy areas beyond the existing one of crime and disorder; such provisions would be supported by guidance as how to deal with frivolous or repetitive bids. Local Authorities would be empowered for functions and budgets to be delegated to Councillors for use within their local community area. The information contained in the Appendix to the report expanded upon the key points. Members expressed a view that incidents of concern did not necessarily coincide with individual Members boundaries. Councillor P. Macfarlane also referred to issues where things were pursued with the police and those that shouted the loudest received action and this did not necessarily reflect community views. Councillor A. Woolley also expressed his concern about the effect on budgets and how they would be controlled. Councillor A. Halford also had concerns that this could raise expectations with members of the public. The majority of the Committee did not support the proposal.

The Committee was informed that paragraph 18 of the Consultation Paper indicated a proposal by the Assembly Government to bring into effect provisions contained within the Local Democracy Economic Development and Construction Act 2009 which at present only applied to England. The provisions placed a duty

on Local Authorities to promote understanding of their functions, their democratic arrangements and how members of the public could take part and what taking part was likely to involve. It was also noted that there was a duty on principal Local Authorities to promote understanding of public bodies in the Authority's area. The Act also placed duties on the Council in relation to petitions signed by those who lived, worked or studied in that local area. It was noted that the Assembly Government proposed to consult separately on guidance on the promotion of democracy, petitions and whether other Local Authorities should also be subject to requirements concerning petitions. Members accepted the principle regarding the promotion and understanding of their functions. Councillor J. B. Attridge referred to the Council's website which detailed the functions and roles of the Committee and he felt that it was up to other Authorities to undertake their own work relative to the functions they undertake. This now was generally accepted. The Chief Executive indicated that as a Council it increasingly provided information in its own right. A discussion ensued in relation to electronic petitions and after some debate Members were against the acceptance of electronic petitions.

RESOLVED

That the comments against each paragraph be noted and submitted as the Council's response to the Consultation Paper.

48. MEMBERS COMMUNICATIONS

The Committee considered the report of the Head of Legal and Democratic Services, the purpose of which was to consider a protocol for dealing with Members' correspondence. The Committee was informed that at the meeting of the County Council held on 16th December 2009, Councillor Q.R.H. Dodd sought to defer a Notice of Motion that he submitted concerning "the answering of letters and emails and telephone calls" by staff, following certain assurances that he had received that the Corporate Management Team and Leader's Strategy Group had recognised that there was a problem and that it was intended to raise awareness amongst staff concerning the requirements of the existing process. Following some discussion the County Council had accepted an amendment from Councillor A. Shotton which read as follows; "That the Council calls upon the Executive to bring forward a protocol of dealing with correspondence including letters and emails in reports for the Constitution Committee". The Head of Legal and Democratic Services reported that following the County Council meeting a Discussion Paper attached to the report had been considered by the Corporate Management Team. It acknowledged that there was an inconsistent approach in dealing with Members' enquiries and proposed processes to address those inconsistencies. The Discussion Paper drew a distinction between service enquiries and more complex matters. With regard to service enquiries it was intended to offer Members a variety of methods of contacting the appropriate Officers. It was intended to produce a useful contact list for circulation amongst Members and to provide a main Contact Officer for each Directorate Division. In addition, the Customer Services Team could be contacted in circumstances where Members were unclear as to which service to contact initially. Enquiries received would be recorded on the Virtual Contact Centre.

With regard to complex matters, it was intended that the details would be logged on the Mail Logging System, and in relation to telephone calls and emails on the Virtual Contact Centre if appropriate. Each Directorate Head of Service would nominate a person who would be the main point of contact for each matter and that person would be responsible for providing updates and progress reports. A guidance document would be produced for staff to ensure that they were aware of the system and a survey would be undertaken to obtain a better understanding of the present position of the system and making further improvements.

Councillor P. Pemberton felt that the proposal would mark a big improvement and commented that it appeared to be a well thought out system and would address the problem. Councillor Q.R.H. Dodd felt the proposal was a somewhat cumbersome system but accepted that it recognised real issues. He explained the reasons why he had raised the issues and upon the considerable delay in receiving responses. He felt the Contact Officer referred to should hold a senior position and that the Head of the Service should be that person's Line Manager. Councillor J.B. Attridge indicated that he had received timely responses from Officers, particularly if he contacted them by email. However, he did have concerns in certain sections of the Housing Department whereby telephones were not answered for a considerable period and that there was no voice mail in operation even when staff had gone on holiday.

The Chief Executive commented that he and the Corporate Management Team took the issues very seriously; he referred to the range of services and was confident that the proposals would address the situation but it was important that Members let Officers know if there were any problems. With regard to the level of Officer, he felt that he would be looking at a Third Tier level for this post. Councillor J.B. Attridge also felt that if he did not receive response to formal correspondence then he would not wait for the length of time referred to by Councillor Q.R.H. Dodd. He would refer it to the Head of Service in the first instance and if that did not receive a response, then to the Chief Executive.

Councillor A. Halford also commented upon the vast majority of cases where she received responses from Officers and took a similar action to Councillor Attridge. The Chief Executive indicated that there were always occasions to look for improvement and that the situation was taken very seriously. He felt it was important that the Council did challenge itself on the level of service provided. Councillor P. Pemberton's proposal was duly seconded; that the proposal be accepted.

RESOLVED

That the proposals detailed in the Discussion Paper be accepted in line with the recommendations of the Corporate Management Team.

49. BOUNDARY COMMISSION REPORT

The Chief Executive requested the inclusion of an urgent item on the Agenda to allow him to give a verbal report on the current situation in relation to

the Boundary Commission proposals. In giving this update he advised that he was not talking about the individual proposals but the process relative to giving it due consideration. In giving an update, the Chief Executive expressed his disappointment at the manner in which the document had been received. He had asked for early notification of when the document was to be received but whilst acknowledged was not adhered to.

He commented upon the three stages:

- i) Study Proposal;
- ii) Consultation;
- iii) Overview of the Process.

He expanded upon the key points in each area and that the consultation period ended on 13th March 2010. He referred to proposals to three other Councils which had strongly been challenged by the Welsh Local Government Association. He expressed a view that he was not confident that the Boundary Commission was acting fully within its powers within the manner and range of proposals and was currently investigating this. He suggested it would be necessary for special meetings of the Council to be arranged during March to meet the timescales. He clarified a number of points and process raised by Members.

RESOLVED

That the report be noted.

50. INFORMATION – ANALYSIS OF LATE REPORTS

The Chairman referred to a document that Members had received under separate cover which gave an analysis of late reports to Committee meetings. He referred to the fact that there was only one late report during the period and in the circumstances felt that there was no need for this to form part of the formal Agenda unless the situation deteriorated. This was accepted by the Committee.

51. DURATION OF MEETING

The meeting commenced at 10.00 am and finished at 12.20 pm.

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Chairman

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

CONSTITUTION COMMITTEE	DATE 27th JANUARY 2010
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MEMBER	ITEM	MIN. NO. REFERS
NO DECLARATIONS WERE MADE		

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 4

REPORT TO: **CONSTITUTION COMMITTEE**
DATE : **03 MARCH 2010**
REPORT BY: **CHIEF EXECUTIVE**
SUBJECT : **COUNTY COUNCIL DIARY OF MEETINGS 2010/11**

1.00 PURPOSE OF REPORT

1.01 To consider a revised frequency of Flintshire County Council meetings for 2010/11.

2.00 BACKGROUND

2.01 At the meeting of Flintshire County Council on 17 February 2010, Members discussed the draft diary of meetings for 2010/11.

2.02 At the Executive meeting on 16 February 2010, it was recognised that the frequency of County Council meeting dates needed to be reviewed. This was also raised at the meeting of County Council on 17 February 2010.

2.03 In drafting the diary, there was a suggestion to combine the usual 10 weekly County Council meetings with those meetings required on specific dates for items such as the Statement of Accounts. This was suggested to avoid meetings being held in close proximity. In drafting the diary this way, there were 5 meetings of the County Council scheduled.

2.04 In the original draft, a date was included for a County Council meeting in December for receiving the Annual Letter. As this is no longer a requirement in this form, the proposed date for this special Council meeting to consider the Letter was deleted thereby creating the gap between September 2010 and March 2011 as referred to by Members. This was recognised by the Executive at its meeting on 16 February 2010 and the Chief Executive recommended that a County Council meeting should be included in December which was agreed.

2.05 The draft diary has now been amended and the 5 dates have been replaced with 8 alternative dates which are listed below.

2.06 The last scheduled meeting for County Council in the current diary is 30 June 2010. Based on the 10 weekly cycle, the suggested meeting dates are:

- Tuesday 7 September 2010 (2pm) (10 weeks)
- ***Wednesday 29 September 2010 (2pm) (Statement of Accounts)***
- Tuesday 7 December 2010 (2pm) (10 weeks)

Date: 24/02/2010

- Tuesday 8 February 2011 (2pm) (9 weeks)
- ***Tuesday 1 March 2011 (2pm) (Budget)***
- Tuesday 19 April 2011 (2pm) (10 weeks)
- ***Tuesday 10 May 2011 (11am) (Annual Meeting)***
- ***Wednesday 29 June (2pm) (Statement of Accounts) (10 weeks)***

2.05 The meetings above in bold italics are in addition to the meetings scheduled to meet every 10 weeks.

2.06 In addition to the meetings on a 10 weekly cycle and those required for the Statement of Accounts, the Budget and the Annual meeting, there are 8 reserved slots in the draft diary should special meetings need to be called.

2.07 Members generally supported the remainder of the diary.

2.08 Based on the previous cycle of meetings, Overview and Scrutiny meetings are not always able to receive timely data and this has been taken into account in the draft diary for 2010/11.

3.00 CONSIDERATIONS

3.01 The draft diary, if approved, will enable more timely reporting to Overview and Scrutiny Committees, in particular for budget and performance reports.

3.02 The draft diary has been based on the resolution of the Constitution Committee on 17 December 2009 for People and Performance and Corporate Management Overview and Scrutiny Committees to be merged into one Committee called Corporate Overview and Scrutiny Committee. However, the resolution of the Constitution Committee will not be considered by the County Council until the Annual Meeting in May. Therefore, if the recommendation is not adopted, the dates will revert back to meetings for the original Overview and Scrutiny Committees.

3.03 In addition, where possible, meetings have been avoided in the main school holidays.

4.00 RECOMMENDATIONS

4.01 That comments on the revised dates for meetings of the Flintshire County Council be referred to the County Council meeting on 9 March 2010.

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 None.

10.00 CONSULTATION REQUIRED

10.01 None.

11.00 CONSULTATION UNDERTAKEN

11.01 Corporate Management Team.

12.00 APPENDICES

12.01 Report to County Council - 17 February
Revised diary with FCC meetings on a 10 weekly cycle.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS

Report to Executive - 16 February 2010
Report to County Council - 17 February 2010

Contact Officer: Nicola Gittins
Telephone: 01352 702345
E-Mail: nicola_gittins@flintshire.gov.uk

AGENDA ITEM NUMBER: 21

REPORT TO: **FLINTSHIRE COUNTY COUNCIL**
DATE : **17 FEBRUARY 2010**
REPORT BY: **CHIEF EXECUTIVE**
SUBJECT : **COUNTY COUNCIL DIARY OF MEETINGS 2010/11**

1.00 PURPOSE OF REPORT

1.01 To consider the diary of meeting for 2010/11 as set out in the attached schedule.

2.00 BACKGROUND

2.01 Historically the diary of meetings has been based on a ten week cycle of meetings.

2.02 The purpose of a ten weekly cycle was to enable minutes of meetings to be submitted to the scheduled ten weekly County Council meetings for approval.

2.03 At a meeting of the County Council on 8 November 2005, it was resolved that the accuracy and adoption of minutes would no longer be considered by County Council. It was further resolved that the circulation of a minute book would take place on a approximate monthly basis for those minutes which had been reported back to the appropriate meeting.

2.04 Based on the current cycle, Overview and Scrutiny meetings are not always able to receive timely data and this has been taken into account in the draft diary for 2010/11.

3.00 CONSIDERATIONS

3.01 Following the decision of County Council in November 2005, it is no longer necessary to base the diary on a ten weekly cycle.

3.02 The draft diary attached as Appendix 1 is based on the required frequency of meetings following consultation with the appropriate officers.

3.03 One significant change is the recommendation to hold Executive meetings on a four weekly cycle rather than the current three weekly cycle.

3.04 If Members approve the four weekly cycle for Executive meeting, this will enable more timely reporting to Overview and Scrutiny Committees, in particular for budget and performance reports, which have been factored into the draft diary following consultation with the appropriate officers.

3.05 In the draft diary, Members will see that the draft has been based on the resolution of the Constitution Committee on 17 December 2009 for People and Performance and Corporate Management Committees to be merged into one Committee called Corporate Overview and Scrutiny Committee. However, the resolution of the Constitution Committee will not be considered by County Council until the annual meeting. Therefore, if the recommendation is not adopted, the dates will revert back to meetings for the original Overview and Scrutiny committees.

3.06 In addition and where possible, meetings have been avoided in the main school holidays.

4.00 RECOMMENDATIONS

4.01 That the draft diary of meeting 2010/11 be recommended for adoption.

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 None.

10.00 CONSULTATION REQUIRED

10.01 None.

11.00 CONSULTATION UNDERTAKEN

11.01 Corporate Management Team.

12.00 APPENDICES

12.01 Draft diary of meetings 2010/11

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS

None.

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DIARY 2010/11

Appendix 2

<u>DAY / DATE</u>	<u>10.00AM</u>	<u>2.00PM</u>
12 July 2010 (Monday)		JCC Standards Committee (6pm)
13 July 2010 (Tuesday)	Executive (9.30am)	
14 July 2010 (Wednesday)	Constitution Committee	Children's Services Forum (4.30pm)
15 July 2010 (Thursday)		
16 July 2010 (Friday)	Planning Protocol Working Group	
19 July 2010 (Monday)	SCHOOLS CLOSED	
20 July 2010 (Tuesday)	SCHOOLS CLOSED	
21 July 2010 (Wednesday)	SCHOOLS CLOSED	
22 July 2010 (Thursday)	SCHOOLS CLOSED	
23 July 2010 (Friday)	SCHOOLS CLOSED	
26 July 2010 (Monday)	SCHOOLS CLOSED	
27 July 2010 (Tuesday)	SCHOOLS CLOSED	
28 July 2010 (Wednesday)	SCHOOLS CLOSED	
29 July 2010 (Thursday)	SCHOOLS CLOSED	
2 August 2010 (Monday)	Planning Site Visits SCHOOLS CLOSED	
3 August 2010 (Tuesday)	SCHOOLS CLOSED	
4 August 2010 (Wednesday)	SCHOOLS CLOSED	Planning & Development Control Committee
5 August 2010 (Thursday)	SCHOOLS CLOSED	
9 August 2010 (Monday)	SCHOOLS CLOSED	
10 August 2010 (Tuesday)	Executive (9.30am) SCHOOLS CLOSED	
11 August 2010 (Wednesday)	SCHOOLS CLOSED	

12 August 2010 (Thursday)	SCHOOLS CLOSED	
16 August 2010 (Monday)	SCHOOLS CLOSED	
17 August 2010 (Tuesday)	SCHOOLS CLOSED	
18 August 2010 (Wednesday)	SCHOOLS CLOSED	
19 August 2010 (Thursday)	SCHOOLS CLOSED	
23 August 2010 (Monday)	SCHOOLS CLOSED	
24 August 2010 (Tuesday)	SCHOOLS CLOSED	
25 August 2010 (Wednesday)	SCHOOLS CLOSED	
26 August 2010 (Thursday)	SCHOOLS CLOSED	
27 August 2010 (Friday)	SCHOOLS CLOSED	
30 August 2010 (Monday)	BANK HOLIDAY	
31 August 2010 (Tuesday)	SCHOOLS CLOSED	
1 September 2010 (Wednesday)	Licensing Committee	
2 September 2010 (Thursday)	Co-ordinating Committee	
3 September 2010 (Friday)	North Wales Residual Waste Joint Committee (10.30am)	
6 September 2010 (Monday)	Planning Site Visits	
7 September 2010 (Tuesday)		County Council
8 September 2010 (Wednesday)	OSC (C&H) (Performance Reporting)	Planning & Development Control Committee
9 September 2010 (Thursday)	OSC (Corp) (Performance Reporting)	
13 September 2010 (Monday)	OSC (S&H) (Performance Reporting)	Standards Committee (6pm)
14 September 2010 (Tuesday)		
15 September 2010 (Wednesday)	OSC (E&R) (Performance Reporting)	Reserved
16 September 2010 (Thursday)		OSC (LL) (Performance Reporting)

17 September 2010 (Friday)	Planning Protocol Working Group	
20 September 2010 (Monday)	Licensing Sub-Committee	
21 September 2010 (Tuesday)	Executive (9.30am)	
22 September 2010 (Wednesday)		
23 September 2010 (Thursday)		
27 September 2010 (Monday)		
28 September 2010 (Tuesday)		
29 September 2010 (Wednesday)	Audit Committee (+ Statement of Accounts)	County Council (+ Statement of Accounts)
30 September 2010 (Thursday)	OSC (Corporate)	
4 October 2010 (Monday)	Planning Site Visits	
5 October 2010 (Tuesday)		
6 October 2010 (Wednesday)		Planning & Development Control Committee
7 October 2010 (Thursday)		
11 October 2010 (Monday)	OSC (S&H)	Standards Committee (6pm)
12 October 2010 (Tuesday)		
13 October 2010 (Wednesday)	OSC (E&R)	Children's Services Forum (4.30pm)
14 October 2010 (Thursday)		OSC (LL)
18 October 2010 (Monday)	Licensing Sub-Committee	
19 October 2010 (Tuesday)	Executive (9.30am)	
20 October 2010 (Wednesday)	OSC (C&H)	Reserved
21 October 2010 (Thursday)	OSC (Corporate) SCHOOLS CLOSED	
25 October 2010 (Monday)	SCHOOLS CLOSED	
26 October 2010 (Tuesday)	SCHOOLS CLOSED	
27 October 2010 (Wednesday)	Constitution Committee SCHOOLS CLOSED	

28 October 2010 (Thursday)	SCHOOLS CLOSED	
1 November 2010 (Monday)		
2 November 2010 (Tuesday)		
3 November 2010 (Wednesday)		SACRE
4 November 2010 (Thursday)		
8 November 2010 (Monday)		JCC Standards Committee (6pm)
9 November 2010 (Tuesday)		
10 November 2010 (Wednesday)	Licensing Committee	Planning & Development Control Committee
11 November 2010 (Thursday)		
15 November 2010 (Monday)		FCCTCC
16 November 2010 (Tuesday)	Executive (9.30am)	
17 November 2010 (Wednesday)		
18 November 2010 (Thursday)	OSC (Corporate)	
19 November 2010 (Friday)	Planning Protocol Working Group	
22 November 2010 (Monday)	Licensing Sub-Committee	
23 November 2010 (Tuesday)		
24 November 2010 (Wednesday)		Reserved
25 November 2010 (Thursday)		
29 November 2010 (Monday)	OSC (S&H) (Performance Reporting)	
30 November 2010 (Tuesday)		
1 December 2010 (Wednesday)	OSC (E&R) (Performance Reporting)	
2 December 2010 (Thursday)	Co-ordinating Committee	OSC (LL) (Performance Reporting)
6 December 2010 (Monday)	Planning Site Visits	

7 December 2010 (Tuesday)		County Council
8 December 2010 (Wednesday)	OSC (C&H) (Performance Reporting)	Planning & Development Control Committee
9 December 2010 (Thursday)		
13 December 2010 (Monday)		Standards Committee (6pm)
14 December 2010 (Tuesday)	Executive (9.30am)	
15 December 2010 (Wednesday)		
16 December 2010 (Thursday)	OSC (Corporate) (Performance Reporting)	
20 December 2010 (Monday)	Licensing Sub-Committee SCHOOLS CLOSED	
21 December 2010 (Tuesday)	Executive (Budget) (Provisional) SCHOOLS CLOSED	
22 December 2010 (Wednesday)	Audit Committee SCHOOLS CLOSED	
23 December 2010 (Thursday)		
27 December 2010 (Monday)	BANK HOLIDAY	
28 December 2010 (Tuesday)	BANK HOLIDAY	
29 December 2010 (Wednesday)	SCHOOLS CLOSED	
30 December 2010 (Thursday)	SCHOOLS CLOSED	
31 December 2010 (Friday)	SCHOOLS CLOSED	
3 January 2011 (Monday)	BANK HOLIDAY	
4 January 2011 (Tuesday)	SCHOOLS CLOSED	
5 January 2011 (Wednesday)		
6 January 2011 (Thursday)		
10 January 2011 (Monday)	Constitution Committee	Standards Committee (6pm)
11 January 2011 (Tuesday)		
12 January 2011 (Wednesday)		(Reserved)
13 January 2011 (Thursday)		OSC (LL)

14 January 2011 (Friday)	Planning Protocol Working Group	
17 January 2011 (Monday)	Planning Site Visits	
18 January 2011 (Tuesday)	Executive (9.30am)	OSC (Budget)
19 January 2011 (Wednesday)	OSC (E&R)	Planning & Development Control Committee
20 January 2011 (Thursday)	OSC (Corporate)	OSC (Budget)
21 January 2011 (Friday)	OSC (Budget)	
24 January 2011 (Monday)	OSC (S&H)	OSC (Budget)
25 January 2011 (Tuesday)	OSC (Budget)	OSC (Budget)
26 January 2011 (Wednesday)	OSC (C&H)	OSC (Budget)
27 January 2011 (Thursday)	OSC (Budget)	OSC (LL) Children's Services Forum (4.30pm)
28 January 2011 (Friday)	Planning Protocol Working Group	
31 January 2011 (Monday)		
1 February 2011 (Tuesday)		
2 February 2011 (Wednesday)	Licensing Committee	
3 February 2011 (Thursday)		
7 February 2011 (Monday)	Licensing Sub-Committee	
8 February 2011 (Tuesday)		County Council
9 February 2011 (Wednesday)		
10 February 2011 (Thursday)		
14 February 2011 (Monday)	Planning Site Visits	Standards Committee (6pm)
15 February 2011 (Tuesday)	Executive (9.30am)	
16 February 2011 (Wednesday)		Planning & Development Control Committee
17 February 2011 (Thursday)	OSC (Corporate)	

18 February 2011 (Friday)		
21 February 2011 (Monday)	SCHOOLS CLOSED	JCC
22 February 2011 (Tuesday)	SCHOOLS CLOSED	
23 February 2011 (Wednesday)	SCHOOLS CLOSED	
24 February 2011 (Thursday)	SCHOOLS CLOSED	
28 February 2011 (Monday)		
1 March 2011 (Tuesday)		County Council (Budget)
2 March 2011 (Wednesday)		Reserved
3 March 2011 (Thursday)		OSC (LL) (Performance Reporting)
7 March 2011 (Monday)	OSC (S&H) (Performance Reporting)	FCCTCC
8 March 2011 (Tuesday)		
9 March 2011 (Wednesday)	OSC (E&R) (Performance Reporting)	
10 March 2011 (Thursday)	Co-ordinating Committee	
14 March 2011 (Monday)	Planning Site Visits	Standards Committee (6pm)
15 March 2011 (Tuesday)	Executive (9.30am)	
16 March 2011 (Wednesday)	OSC (C&H) (Performance Reporting)	Planning & Development Control Committee
17 March 2011 (Thursday)	OSC (Corporate) (Performance Reporting)	
21 March 2011 (Monday)	Audit Committee	
22 March 2011 (Tuesday)		
23 March 2011 (Wednesday)		SACRE
24 March 2011 (Thursday)		
25 March 2011 (Friday)	Planning Protocol Working Group	
28 March 2011 (Monday)	Licensing Sub-Committee	
29 March 2011 (Tuesday)		

30 March 2011 (Wednesday)		Reserved
31 March 2011 (Thursday)		
4 April 2011 (Monday)	OSC (S&H)	
5 April 2011 (Tuesday)		
6 April 2011 (Wednesday)	OSC (E&R)	
7 April 2011 (Thursday)		
11 April 2011 (Monday)	Planning Site Visits	Standards Committee (6pm)
12 April 2011 (Tuesday)	Executive (9.30am)	
13 April 2011 (Wednesday)	OSC (C&H)	Planning & Development Control Committee
14 April 2011 (Thursday)	OSC (Corporate)	OSC (LL)
18 April 2011 (Monday)	Licensing Sub-Committee SCHOOLS CLOSED	
19 April 2011 (Tuesday)	SCHOOLS CLOSED	County Council
20 April 2011 (Wednesday)	Constitution Committee SCHOOLS CLOSED	
21 April 2011 (Thursday)	SCHOOLS CLOSED	
22 April 2011 (Friday)	BANK HOLIDAY (Good Friday)	
25 April 2011	BANK HOLIDAY (Easter Monday)	
26 April 2011 (Tuesday)	SCHOOLS CLOSED	
27 April 2011 (Wednesday)	SCHOOLS CLOSED	
28 April 2011 (Thursday)	SCHOOLS CLOSED	
29 April 2011 (Friday)	SCHOOLS CLOSED	
2 May 2011 (Monday)	BANK HOLIDAY	
3 May 2011 (Tuesday)		
4 May 2011 (Wednesday)	Licensing Committee	Reserved
5 May 2011 (Thursday)	Welsh Assembly Government Elections	

9 May 2011 (Monday)	Planning Site Visits	Standards Committee (6pm)
10 May 2011 (Tuesday)	County Council – Annual Meeting (11am)	
11 May 2011 (Wednesday)		Planning & Development Control Committee
12 May 2011 (Thursday)		Children’s Services Forum (4.30pm)
16 May 2011 (Monday)		JCC
17 May 2011 (Tuesday)	Executive (9.30am)	
18 May 2011 (Wednesday)		
19 May 2011 (Thursday)	OSC (Corporate)	
20 May 2011 (Friday)		
23 May 2011 (Monday)	Licensing Sub-Committee	
24 May 2011 (Tuesday)		
25 May 2011 (Wednesday)		
26 May 2011 (Thursday)		
27 May 2011 (Friday)	Planning Protocol Working Group	
30 May 2011 (Monday)	BANK HOLIDAY	
31 May 2011 (Tuesday)	SCHOOLS CLOSED	
1 June 2011 (Wednesday)	SCHOOLS CLOSED	
2 June 2011 (Thursday)	SCHOOLS CLOSED	
6 June 2011 (Monday)		FCCTCC
7 June 2011 (Tuesday)		
8 June 2011 (Wednesday)	OSC (E&R) (Performance Reporting)	
9 June 2011 (Thursday)	OSC (Corporate) (Performance Reporting)	OSC (LL) (Performance Reporting)
13 June 2011 (Monday)	OSC (S&H) (Performance Reporting)	Standards Committee (6pm)
14 June 2011 (Tuesday)		

15 June 2011 (Wednesday)	OSC (C&H) (Performance Reporting)	
16 June 2011 (Thursday)	Co-ordinating Committee	
20 June 2011 (Monday)	Planning Site Visits	
21 June 2011 (Tuesday)	Executive (9.30am)	
22 June 2011 (Wednesday)		Planning & Development Control Committee
23 June 2011 (Thursday)	OSC (Corporate)	
27 June 2011 (Monday)	Licensing Sub-Committee	
28 June 2011 (Tuesday)		
29 June 2011 (Wednesday)	Audit Committee (+ Statement of Accounts)	County Council (+ Statement of Accounts)
30 June 2011 (Thursday)		
4 July 2011 (Monday)		
5 July 2011 (Tuesday)		
6 July 2011 (Wednesday)		
7 July 2011 (Thursday)		
11 July 2011 (Monday)	Planning Site Visits	Standards Committee (6pm)
12 July 2011 (Tuesday)		
13 July 2011 (Wednesday)		Planning & Development Control Committee
14 July 2011 (Thursday)		
18 July 2011 (Monday)		
19 July 2011 (Tuesday)	Executive (9.30am)	
20 July 2011 (Wednesday)	Licensing Committee	Reserved
21 July 2011 (Thursday)	OSC (Corporate)	
25 July 2011 (Monday)	Licensing Sub-Committee	
26 July 2011 (Tuesday)		

27 July 2011 (Wednesday)		
28 July 2011 (Thursday)		
29 July 2011 (Friday)	Planning Protocol Working Group	

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 5

REPORT TO: CONSTITUTION COMMITTEE
DATE : 17 DECEMBER 2009
REPORT BY: MONITORING OFFICER
SUBJECT : CHAIR / VICE-CHAIR OF PLANNING & DEVELOPMENT CONTROL COMMITTEE

1.00 PURPOSE OF REPORT

1.01 To enable Members to consider the appropriateness of an Executive Member being either the Chair or Vice-Chair of the Planning & Development Control Committee.

2.00 BACKGROUND

2.01 At the last meeting of the Constitution Committee on the 28 July Members asked for a report to enable them to consider Councillor Engineer Klaus Armstrong-Braun's request that the Committee make a recommendation to the County Council that an Executive Member should not hold the position of Chair or Vice-Chair of the Planning & Development Control Committee.

3.00 CONSIDERATIONS

3.01 As mentioned at the last meeting of the Committee, research was undertaken in the lead-up to the formation of the Executive in May 2008 as to whether it was possible for an Executive Member to be a Vice-Chair of the Planning & Development Control Committee. As mentioned the guidance issued by the Welsh Assembly Government in July 2006 is silent on the matter but there has been guidance in England suggesting that it was not appropriate for the Chair of Planning to be a member of the Executive.

3.02 An extract of the Guidance published in England is attached as Appendix 1 and it will be noted in paragraph 5.18 that the guidance states; "local authorities should consider including a member of the executive, if possible with responsibility for the Development Plan, on one or more committees which take development control decisions although she or he should not normally be the chair".

3.03 The Guidance acknowledges that there may be certain circumstances where the Executive Member in question could be Chair of the Committee but does not go on to identify those circumstances. It may be that the Guidance anticipates that there will be circumstances where the Committee is considering applications submitted on the basis of decisions made by the Executive. In those circumstances it seems to me that it would be prudent for an Executive Member to acknowledge a potential conflict in any event

Date: 11/12/2009

and decline to take part in discussions whether he or she is Chair, Vice-Chair or an ordinary member of the Committee.

- 3.04 In summary, there does not appear to be any impediment to an Executive Member being Vice-Chair of the Planning & Development Control Committee but the English Guidance relating to the role of Chair of a Planning Committee is at the very least persuasive.

4.00 RECOMMENDATIONS

- 4.01 That Members give further consideration to Councillor Engineer K Armstrong-Braun's request.

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 None

10.00 CONSULTATION REQUIRED

- 10.01 None required

11.00 CONSULTATION UNDERTAKEN

- 11.01 None undertaken

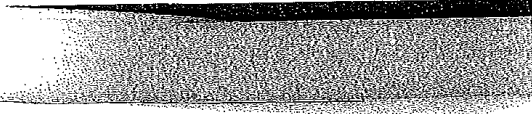
12.00 APPENDICES

- 12.01 Appendix 1 - extract of the Guidance published in England

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 BACKGROUND DOCUMENTS

As referred to in the report.

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Development control

5.16 The Development Plan will form part of the local authority's policy framework described in chapter 2 of this guidance. The executive will be responsible for formulating the Development Plan in accordance with the Town and Country Planning (Development Plan) Regulations 1999. The different types and forms of Development Plan are set out in Planning Policy Guidance Note 12 Development Plans, together with guidance on their preparation. chapter 2 provides further guidance on the process of preparing and adopting the Development Plan.

5.17 By virtue of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, development control decisions will not be the responsibility of the executive. Therefore implementation of the Development Plan through development control will continue to be exercised under delegations from the local authority in accordance with section 101 of the 1972 Act although some residual planning functions such as preparation of supplementary planning guidance, designation of conservation areas, areas of archaeological interest and nature reserves, removal of permitted development rights through Article 4 Directions and making compulsory purchase orders will be the responsibility of the executive.

5.18 The Secretary of State considers that full exchange of information between the executive and any committee which takes development control decisions is essential. The executive will need to ensure that there is effective two-way communication between them and any such committee and should consult any such committee on successive drafts of the Development Plan while policy is being formulated. In addition, local authorities should consider including a member of the executive, if possible with responsibility for the Development Plan, on one or more committees which take development control decisions although she or he should not normally be the chair.

5.19 In addition, the powers to require information as to interests in land in section 330 of the Town and Country Planning Act 1990 and section 16 of the Local Government (Miscellaneous Provisions) Act 1976 are specified in Schedule 2 to the Regulations as a local choice function.

5.20 Using the powers in section 13(4) and 13(5) of the Act a local authority's executive arrangements should provide that these functions to require information as to interests in land are not to be the responsibility of the executive except to the extent that it is necessary to exercise these powers in respect of actions which are preliminary to the exercise of powers to make compulsory purchase orders.

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 6

REPORT TO: **CONSTITUTION COMMITTEE**
DATE : **03 MARCH 2010**
REPORT BY: **HEAD OF LEGAL AND DEMOCRATIC SERVICES**
SUBJECT : **DELEGATION SCHEME**

1.00 PURPOSE OF REPORT

1.01 To enable Members to consider amending the Delegation Scheme to enable Heads of Service to authorise third and fourth tier officers to exercise some functions related to HR matters in relation to their individual teams.

2.00 BACKGROUND

2.01 The Delegation Scheme which has been approved by the Council includes the following delegations reserved to Heads of Service.

Ref	Delegation / Authorisation	Form of Evidence
Human Resources CO1	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. Limitations to the delegated authority 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 Qualification: This may not be further delegated	Relevant HR Form
CO2	Authority to exercise the delegated powers	Relevant HR

Date: 24/02/2010

	<p>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 Scheme and the 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 Qualification: This may not be further delegated</p>	<p>Form</p>
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3.00 CONSIDERATIONS

- 3.01 The present delegations are likely to cause logistical problems in implementing the many service reviews planned across the Authority, particularly where those reviews result in the identification of redundancy situations. At present the only officers authorised to deal with such issues are Heads of Service and their capacity will be limited to deal with the additional workload resulting in delays in implementing those reviews.
- 3.02 Accordingly, where that is the case it is recommended that Heads of Service should be able to authorise third and fourth tier officers to undertake the functions required within the framework of HR policies in the case of dismissals on grounds of redundancy. Any third and fourth tier officer would be subject to the Council's authorisation process prior to the commencement of considerations leading to any such dismissal.

4.00 RECOMMENDATIONS

- 4.01 That the Delegation Scheme be amended by the deletion of the words "Qualification: this may not be further delegated" from CO1 and CO2 in paragraph 1.2 of Sub-Section C of the Delegation Scheme to enable Heads of Service to authorise third and fourth tier officers to carry out functions relating to HR matters within respective teams.

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 None

10.00 CONSULTATION REQUIRED

10.01 None

11.00 CONSULTATION UNDERTAKEN

11.01 None

12.00 APPENDICES

12.01 None

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

As referred to in the report.

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