

CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE
30 SEPTEMBER 2021

Minutes of the remote meeting of the Constitution and Democratic Services Committee of Flintshire County Council held on Thursday, 30 September 2021

PRESENT: Councillor Neville Phillips (Chairman)

Councillors: Chris Bithell, Bob Connah, Jean Davies, Rob Davies, Mike Peers, Michelle Perfect, Vicky Perfect, Ian Smith and Arnold Woolley

SUBSTITUTIONS:

Councillors: Joe Johnson for Ted Palmer and Sean Bibby for David Evans

APOLOGIES:

Councillors: Bernie Attridge and David Healey

ALSO PRESENT AS AN OBSERVER:

Councillor Patrick Heesom

IN ATTENDANCE:

Chief Officer (Governance), Head of Democratic Services, Deputy Monitoring Officer and Team Leader – Democratic Services

9. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None.

10. MINUTES

The minutes from the meeting held in June would be considered at the meeting in November.

RESOLVED:

That the June minutes be submitted to the meeting in November.

11. AMENDMENTS TO THE PLANNING CODE OF PRACTICE

The Deputy Monitoring Officer introduced the report and explained that in March 2021 the Committee considered a review of the Protocol for Meeting Contractors a part of the Committee's rolling review of the Council's Constitution. The parts of the Protocol relating to Members in their Dealings with Contractors/Developers and Other Third Parties who might be bidding for, or seeking, a contract with the Council were updated.

The Committee resolved that the parts of the Protocol for Meetings with Contractor that provided advice in respect of Developers should be contained in the Planning Code of Practice (PCoP) and that the PCoP be updated accordingly.

At the Council meeting in April 2021, where the updated Protocol was approved, Members also requested that advice be added to the PCoP on the pre-application consultation process.

The Planning Strategy Group (PSG) considered the above proposed changes to the PCoP on 13th May 2021 and 10th June 2021 and a number of additional alterations were made where it was felt they would be of assistance to Members involved in the planning process. In addition, Standards Committee on 5th July 2021 proposed some further additional amendments. All of those amendments were appended to the report.

In response to a question from Councillor Bithell, the Deputy Monitoring Officer explained that the statutory pre consultation period does not require all Planning Committee Members to be provided with details of the proposals. It was the local Members who should be contacted so they could advise of any local issues to assist the developer in the preparation of their application. Members of Planning Committee needed to be seen to be impartial with developers.

In responding to a further question, the Chief Officer (Governance) explained that when on a site visit, if a Member was asked to view the site from a neighbouring property from the neighbour, this was only acceptable if all Members on the site visit also went to view the site. In addition, site visits should not consist of conversations with members of the public.

Councillor Bithell asked for information on the process of appeals. The Deputy Monitoring Officer explained that the proposer and the seconder of the motion against officer recommendation were invited to meet the relevant Planning Officer to prepare a statement in response to an appeal.

Councillor Bithell asked if any details could be put in section 15, Complaints. The Chief Officer (Governance) explained that the Public Complaints Procedure could be included. There was an escalation process for Councillors who had raised an issue and not received a response, but that detail would not be put in a public document. He also asked if the Planning Code of Practice could include a section to explain that written submissions from the applicant, the person for the application and the person against the application are able to be provided in advance of the meeting to ensure that, if any of them were unable to attend, their statement could be read out by an officer on their behalf.

Councillor Peers suggested that the wording “where requested such assistance is provided in a timely manner”, be included in section 2.4.2.

On section 4.3.1, Councillor Peers queried whether the wording needed to change, to read “either under the item for declaring interests or at the moment a Member realises they have an interest”.

Councillor Peers welcomed the updates to sections 8.1 and 8.2. On Section 106 agreements, he felt that all Committee Members should be made aware of the discussions undertaken prior to the Committee meeting. He also felt that when a proposer has summed up, outlining their reasons for refusal, the rest

of the Committee should be asked if they agree with the reasons for refusal. The Chief Officer (Governance) said those two proposals could be discussed at Planning Strategy Group.

In response to a question from Councillor Smith, the Monitoring Officer said the Head of Democratic Services and Team Leader – Democratic Services would look into the possibility of Planning Strategy Group agendas and minutes being made available to all Members of the Council.

The recommendation in the report was moved by Councillor Chris Bithell and seconded by Councillor Mike Peers, including the following as proposed during the debate:

- That the Planning Code of Practice include the Public Complaints Procedure in Section 15
- That the Planning Code of Practice include a section to explain that written submissions from the applicant, the person for the application and the person against the application are able to be provided in advance of the meeting to ensure that, if any of them were unable to attend, their statement could be read out by an officer on their behalf
- That the wording “where requested such assistance is provided in a timely manner”, be included in section 2.4.2.
- That the wording in 4.3.1 the wording be changed to read “either under the item for declaring interests or at the moment a Member realises they have an interest”.
- That the Planning Strategy Group consider Councillor Peers’ suggestions on informing all Members of the Planning Committee prior to the meeting of any discussions on Section 106 agreements, and whether all Members of the Committee should be asked if they agreed with the reasons for refusal once the proposer had summed up.

RESOLVED:

- (a) That the Committee approve the alterations to the Planning Code of Practice as identified in tracked changes in Appendix 1 of the report;
- (b) That the Planning Code of Practice include the Public Complaints Procedure in Section 15;
- (c) That the Planning Code of Practice include a section to explain that written submissions from the applicant, the person for the application and the person against the application are able to be provided in advance of the meeting to ensure that, if any of them were unable to attend, their statement could be read out by an officer on their behalf;
- (d) That the wording “where requested such assistance is provided in a timely manner”, be included in section 2.4.2;

- (e) That the wording in 4.3.1 the wording be changed to read “either under the item for declaring interests or at the moment a Member realises they have an interest”; and
- (f) That the Planning Strategy Group consider Councillor Peers’ suggestions on informing all Members of the Planning Committee prior to the meeting of any discussions on Section 106 agreements, and whether all Members of the Committee should be asked if they agreed with the reasons for refusal once the proposer had summed up.

12. MEMBER INDUCTION FOR 2022

The Head of Democratic Services introduced the report and explained that, after elections of the whole Council, which took place on a five yearly cycle, a Member Induction Programme was offered. The Programme was intended to involve both new and returning Members.

For new Members, the emphasis would be on providing an introduction to their new role and to share knowledge to enable them to start their development as a Councillor.

For returning Members, the aim would be to refresh knowledge, provide updates and additional skills where necessary.

The Programme had been submitted to Group Leaders where it was supported.

Councillor Bithell asked if there was still a requirement for RSA tokens to be issued to Members. The Head of Democratic Services explained that the RSA token was built into the laptops that were now issued to Members. In response to a further question, he explained that the ‘Who’s Who’ would provide details of senior officers. Contact details for other officers would be available on the Infonet. It was acknowledged that a timetable would be required for introducing Members to remote meetings. Councillor Bithell asked about information on how Members could safeguard themselves. The Head of Democratic Services said that document was being updated and would be circulated to all Members. In response to a comment on IT issues experienced, the Chief Officer (Governance) explained that the Head of Democratic Services and the Team Leader – Democratic Services would provide details of a fast track service available to Members when contacting the IT Helpdesk. It was suggested that the induction timetable should be given out to candidates in advance of the election.

Councillor Smith welcomed the evening sessions.

The recommendations in the report were moved by Councillor Chris Bithell and seconded by Councillor Ian Smith.

RESOLVED:

- (a) That the comments on the 2022 Member Induction Programme be noted; and

- (b) The suggestions for inclusion in the Member Induction Programme be submitted to the Head of Democratic Services.

13. MEMBER WORKSHOPS BRIEFINGS AND SEMINARS UPDATE

The Head of Democratic Services introduced the report and explained that the report provided details of events which had been held since the last meeting in March 2021 and those which were forthcoming.

The following were the engagement events which had been held since the last update, including three events which were yet to be held, including the number of Members in attendance as agreed at the previous meeting:

Date	Time	Event	Number in Attendance
30.06.21	11.00 a.m.	All Member Briefing Session on the MTFS / 2022 Budget Estimates	34
30.06.21	6.00 p.m.	Third Session of Dementia Friends	9
06.07.21	2.00 p.m.	All Member Briefing on Recycling	32
08.07.21	4.30 p.m.	Consultation Workshop for SACRE Committee Members	4
20.07.21	6.00 p.m.	All Member Briefing on Recycling	14
12.10.21	2.00 p.m. 6.00 p.m.	Supporting Flintshire Families: An Evidence Based Relationship Focused Approach	
To be determined		On-line Harassment	
08.12.21	2.00 p.m. 6.00 p.m.	Annual Treasury Management Training	

He invited Members to contact him with any suggestions they wished to put forward for future Member development events.

Councillor Bithell said he would like training on the new Planning software to take place as soon as it was available.

The recommendations in the report were moved by Councillor Joe Johnson and seconded by Councillor Bob Connah.

RESOLVED:

- (a) That the progress with Member Workshops, Briefing and Seminars since the last report be noted; and
- (b) That any suggestions for future Member Workshops, Briefings or Seminars be submitted to the Head of Democratic Services.

14. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were no members of the press in attendance.

(The meeting started at 2.00 pm and ended at 3.23 pm)

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Chairman