



POLICY AND RESOURCES COMMITTEE

WEDNESDAY, 11 NOVEMBER 2020

REPORT TITLE:	ESTABLISHMENT OF LOCAL PLAN STEERING SUB-COMMITTEE AND LOCAL PLAN WORKING GROUP
REPORT OF:	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The purpose of this report is to enable the Policy and Resources Committee to establish a Local Plan Steering Sub-Committee along with a Local Plan Working Group with the same membership.

This matter affects all Wards within the Borough

This matter is not a Key Decision.

RECOMMENDATIONS

It is recommended that:

- (1) The Local Plan Working Group be established with the Terms of Reference as attached to this report at Appendix 1.
- (2) The Monitoring Officer be authorised as proper officer to carry out the wishes of the Group Leaders in allocating Members of the Policy and Resources Committee to membership and substitute membership of the Local Plan Steering Sub-Committee and the Local Plan Working Group and to appoint those Members with effect from the date at which the proper officer is advised of the names of such Members.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The constitution provides for a Local Plan Steering Sub-Committee Local Plan Steering Sub-Committee of five (5) members of the Policy and Resources Committee, politically balanced, with responsibility for the Council's functions to formulate the policies and strategies that together will form the Council's other spatial planning documents (Local Plan). The Sub-Committee is time limited until the adoption of the Local Plan in development 2020/21. Council has waived the requirement for proportionality, so the recommendation seeks authority for nominations to be notified to the Monitoring Officer for membership of the Sub-Committee based upon membership being allocated to one member for each political group.
- 1.2 The Constitution as approved by Council enables the establishment of Working Groups to develop recommendations or investigate issues of interest or concern, alongside formal Sub-Committees. The recommendation is to approve the establishment of a Local Plan Working Group to replace the former Local Plan Member Advisory Group on similar Terms of Reference. The Local Plan Working Group will enable a continuation of the detailed consideration, guidance and support for the production of the Wirral Local Plan. The Working Group will also aid greater understanding of the key issues which the Local Plan must consider, and the reasonable options that exist to address those issues.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The Committee could decide to not establish the Local Plan Working Group. This would mean that the work of consultation with members outside the formal Committee system could become unstructured and ad hoc. This would be likely to be detrimental to the production of a sound Wirral Local Plan. There is also a risk that the Local Plan Steering Sub-Committee could become overworked with matters that are better discussed, in terms of the formulation of proposals, in the more informal setting of a Working Group. It is clear however, that it is the wish of Council to have a Local Plan Working Group working alongside the Local Plan Steering Sub-Committee

3.0 BACKGROUND INFORMATION

- 3.1 On 7 October 2020 Policy and Resources Committee resolved to recommend to Council that that, as with the previous Local Plan Advisory Group, all political groups on the Council should be represented on the new Local Plan Sub-Committee. This resolution was referred as a recommendation to Council because a unanimous decision of Council was required in order to remove the Sub-Committee from the political balance requirements that would otherwise apply. On 19 October 2020 Council approved this recommendation unanimously on the basis that the Sub Committee would comprise one member from each of the Council's political groups. This was on the understanding that the membership of the Working Group would mirror that of the Local Plan Steering Sub-Committee.
- 3.2 Paragraph 26 of Part 1 of the Council's Constitution states as follows:

“Panels, Forums, Working Groups, Liaison and Task & Finish Groups may be established by Committees. The purpose of these working groups is to examine in detail specific issues or aspects of policy, procedure or service, according to their remit. These groups do not take any decisions but inform the deliberations of the committees. Their membership may include councillors from each party, non-councillors by invitation and, occasionally, employees”

3.3 Paragraph 2 of Part 3 Section B of the Council’s constitution states as follows

“Working Groups Involving Members

Working groups, may be established by a Committee from time to time to develop recommendations or investigate issues of interest or concern alongside formal Sub-Committees. They shall be for specific purposes and shall be time limited. They will only be established when the matter cannot be undertaken by a relevant Committee and each committee is limited to establishing [two] such committees at any one time.

They usually fall into one of the following categories:

(a) Advisory groups relating to policy development or service functions

Usually established to advise about an issue or subject area. The relevant Committee shall specify terms of reference and membership, which may include invited persons holding relevant expertise or knowledge and Members who are not members of the parent Committee.

(b) Task & Finish Groups

Small groups of Members appointed by a Committee or Sub-Committee for the purpose of advising the parent committee about either:

- (i) an in-depth policy review*
- (ii) performance monitoring*
- (iii) responding to a major policy consultation.*

The terms of reference and purpose are specified by the relevant Committee.”

3.4 The Committee is recommended to approve the establishment of the Local Plan Working Group on a Task and Finish basis to continue the work formerly carried out by the Local Plan Member Advisory Group with regards to the production of the Wirral Local Plan 2022- 2037 and the membership of the Committee shall comprise one member (and one substitute) from each of the Council’s 5 political groups on the same basis as the Local Plan Steering Sub-Committee.

4.0 FINANCIAL IMPLICATIONS

4.1 There are no direct financial implications arising from this report.

5.0 LEGAL IMPLICATIONS

5.1 The establishment of the Local Plan Steering Sub-Committee and the Local Plan Working Group is in compliance with the Council’s Constitution.

- 5.2 The Local Plan Steering Sub-Committee will continue the monitoring of progress on the preparation of the Local Plan, including in respect of the Direction of 28th January 2019 made to the Council by the Secretary of State and any further directions. Failure to comply with the Direction of the Secretary of State may result in the Government's intervention in the preparation of the Wirral Local Plan.
- 5.3 Working groups and task and finish groups do not meet in public session and are not subject to the Access to Information Procedure Rules. Unlike a Sub-Committee, a working group can contain Members who are not members of the parent committee and other co-opted persons.
- 5.4 The constitution provides for a Local Plan Steering Sub-Committee comprising of five or more members of the Policy and Resources Committee, politically balanced, with responsibility for the Council's functions to formulate the policies and strategies that together will form the Council's other spatial planning documents (Local Plan). Section 15 of the Local Government and Housing Act 1989, and the relevant regulations set out political balance requirements on committees and sub-committees. Council has however resolved to waive the requirement for proportionality in accordance with the Act.
- 5.5 The Sub-Committee is time limited until the approval of the Local Plan by Council. The proposed Working Group will formulate proposals which will be considered by the Local Plan Steering Sub-Committee and Policy and Resources Committee, albeit ultimately it is only full Council that can approve the finalised Local Plan.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 There may be minor implications in terms of staffing time in terms of setting up and attending Working Group meetings, which can be managed within current resources.

7.0 RELEVANT RISKS

- 7.1 Failure to establish the Local Plan Working Group would have a detrimental impact on effective decision making and sound governance with regards to the preparation of the Wirral Local Plan

8.0 ENGAGEMENT/CONSULTATION

- 8.1 The Chair of the Committee and Party Spokespersons have been consulted on the proposals in this report

9.0 EQUALITY IMPLICATIONS

- 9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. There are no equality implications arising from the proposals within this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 The recommendations contained within this report are expected to have no impact on emissions of Greenhouse Gases.

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APPENDICES

Appendix 1- Proposed terms of Reference of the Local Plan Working Group

BACKGROUND PAPERS

Wirral Council Constitution

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Council AGM meeting	28 September 2020
Policy and Resources Committee	7 October 2020
Council meeting	19 October 2020

APPENDIX 1 - LOCAL PLAN WORKING GROUP TERMS OF REFERENCE

Purpose of the Local Plan Working Group

To enable detailed consideration, guidance and support for the development of the Wirral Local Plan and to aid greater understanding of the key issues which the Local Plan must consider, and the reasonable options that exist to address those issues.

Role of the Local Plan Working Group

1. To consider and comment on documents that relate to the Local Plan including (but not restricted to) policy options, draft policies and evidence studies prepared to support the Plan.
2. To identify gaps in the evidence base and the mechanisms for addressing any such gap; to develop the outputs of technical work and other information into policy.
3. To make recommendations as required to the Local Plan Steering Sub-Committee, Policy and Resources Committee and Council in respect of the development of the Local Plan.
4. To monitor progress on the preparation of the Local Plan (including in respect of the Direction of 28th January 2019 made to the Council by the Secretary of State and any further directions).
5. To provide updates to other Members including other relevant committees.
6. To consider and comment on responses to any plans being prepared by other local planning authorities (and the Combined Authority) as part of the duty to co-operate.

Membership of the Local Plan Working Group

1. The Advisory Group will comprise a member from each of the Council's political groups one of whom will be the Chair of the Local Plan Steering Sub-Committee.
In addition, Members of other Committees may be invited to attend as and when appropriate at the discretion of the Chair of the Local Plan Steering Sub-Committee.
2. The Council's Substitution Scheme will apply
3. The Working Group will be chaired by the Chair of the Local Plan Steering Sub-Committee (unless he or she chooses not to) or otherwise a Chair will be selected by the Group from amongst its number.
4. The Working Group meetings must have at least 3 members, not including the Chair, to be quorate.

Local Plan Working Group Working Arrangements and Principles:

1. The Members be supported by officers and consultants as appropriate.
2. The Working Group has no decision-making powers. Its purpose is to aid greater understanding of issues, desires and policy development.
3. The focus of the Working Group is on key issues for the Local Plan, not all related detailed issues.
4. Meetings to be held on an 'as required' basis.

5. Meetings are not open to the public, but outcomes from the Working Group will be made available to all Members as appropriate.
6. The Working Group must be mindful of the direction of 28th January 2019 made by the Secretary of State to Wirral Borough Council under s.27 of the Planning and Compulsory Purchase Act 2004.
7. The purpose of the Working Group is to help speed up the Local Plan making, not delay it.
8. The Working Group will cease on formal adoption of the Local Plan by the Council.