



PLANNING COMMITTEE

Thursday, 15 October 2020

REPORT TITLE:	APPOINTMENT OF MEMBERS TO STRATEGIC APPLICATIONS SUB-COMMITTEE
REPORT OF:	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The purpose of this report is to enable the Planning Committee to establish a Strategic Applications Sub Committee, the Terms of Reference of which have been approved by Council.

This matter affects all Wards within the Borough

This matter is not a Key Decision.

RECOMMENDATION/S

It is recommended that:

- (1) The Terms of Reference of the Strategic Applications Sub-Committee, as referred to in paragraph 3.1 of this report, be noted.
- (2) The size of the Strategic Applications Sub-Committee, having regard to the options referred to at paragraph 5.5 of this report be determined.
- (3) The Monitoring Officer be authorised as proper officer to carry out the wishes of the Group Leaders in allocating Members to membership and substitute membership of the Strategic Applications Sub-Committee 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 as approved by Council requires the establishment of the Strategic Applications Sub-Committee. The membership of the Sub-Committee may comprise between 6 and 9 members. The proposals within this report enable the Committee to decide upon the size of the Sub-Committee and to agree the allocation of seats to different political groups.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The alternative options are set out within the 2nd recommendation to this report.

3.0 BACKGROUND INFORMATION

- 3.1 The Committee is requested to note that the terms of reference of the Strategic Applications Sub-Committee as approved by Council, are as follows:

Strategic Applications Sub-Committee

A Sub-Committee of between six (6) and nine (9) members of the Planning Committee, politically balanced, with responsibility for making decisions regarding:

(a) the implications of major developments outside of the Borough that could have an impact on local residents; and

(b) the following categories of applications for planning permission:

(i) large-scale major developments (defined by the Ministry for Housing, Communities and Local Government (MHCLG) as those of 200 houses or more or 10,000 square metres of non-residential floor space) which, by their nature, (e.g. scale, location etc.) have wider strategic implications and raise issues of more than local importance;

(ii) planning applications for mineral extraction or waste disposal, other than small scale works which are ancillary to an existing mineral working or waste disposal facility;

(iii) significant applications by Wirral Borough Council to develop any land owned by the Council, or for development of any land by the Council or by the Council jointly with any other person (Regulation 3 applications)

(iii) applications which, if approved, would represent a significant departure from the policies of the statutory development plan, where they are recommended for approval;

(iv) any application where the Director responsible for the planning service considers it inappropriate to exercise delegated powers having regard to the public representations received and consultee responses; and

(c) consideration of documents relating to the Local Development Framework and advise the Economy, Regeneration and Development Committee (or Housing Committee) where appropriate

3.2 Committee is requested to agree the size of the Sub-Committee having regard to the options with the consequential proportions of seats to the relevant political groups set out at paragraph 5.5 of this report. Under the proposals within this report leaders of Political Groups will notify the Monitoring Officer of nominations to membership and substitute membership of the 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 Strategic Applications Sub Committee is in compliance with the Council’s Constitution and the proposed options for membership as set out in the recommendation are politically balanced as required in the Sub-Committee’s Terms of Reference.

5.2 The Council must comply with the requirements of sections 15 to 17 of the Local Government and Housing Act 1989, and the relevant regulations concerning political balance on committees and sub-committees.

5.3 The current political composition of the Council is as follows:

Labour 31 seats (47% of the 66 seats)

Conservative 20 seats (30%)

Liberal Democrat 6 seats (9%)

Independent 3 seats (5%)

Green 2 seats (3%)

Vacancies 4 seats (6%)

5.4 The below table sets out the proportionality calculations for between 6 and 9 seats.

Committee Places						
Size	Labour	Conservative	Liberal Democrat	Independent	Green	Vacancy
9	4.227	2.727	0.818	0.409	0.273	0.545
8	3.758	2.424	0.727	0.364	0.242	0.485
7	3.288	2.1221	0.636	0.318	0.212	0.424
6	2.818	1.818	0.545	0.273	0.182	0.364

5.5 There are no members of the Independent Group or Green Group on Planning Committee. The allocation of seats based on the above for a size of between 6 and 9 members would be as follows. The appropriate practice would be to not make an allowance for vacancies for a Sub Committee.

Size	Labour	Conservative	Liberal Democrat
9	4	4	1
8	4	3	1
7	3	3	1
6	3	2	1

5.6 Standing Order 4.2 requires that for each Committee or Sub-Committee, the Council may appoint up to a maximum of half (50%) the number of substitutes in respect of each political group as that group holds ordinary seats on that committee or sub-committee. In terms of all the above permutations the Labour, Conservative and Liberal Democrat Groups would be entitled to the following number of substitute member

Size	Labour	Conservative	Liberal Democrat
9	2	2	1
8	2	2	1
7	2	2	1
6	2	1	1

5.7 The determination of political balance must, so far as reasonably practicable, give effect to the principles:

- (a) that not all the seats on the body to which appointments are made are allocated to the same political group;
- (b) that the majority of seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
- (c) subject to (a) and (b), that the total number of seats on all the ordinary committees of a relevant authority allocated to a particular political group reflects that group's proportion of the membership of the authority; and
- (d) subject to (a) and (c), that the number of seats on each body allocated to a particular political group reflects that group's proportion of the membership of the authority.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are no implications

7.0 RELEVANT RISKS

7.1 Failure to establish the Sub-Committee would not accord with the Council's Constitution and would have a detrimental impact on effective decision making and sound governance with regards to planning matters

8.0 ENGAGEMENT/CONSULTATION

8.1 The Planning Committee Chair and 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

REPORT AUTHOR: Matthew Neal, Principal Solicitor
email: matthewneal@wirral.gov.uk

APPENDICES None

BACKGROUND PAPERS

Wirral Council Constitution

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Council AGM meeting	28 September 2020