



## **PLANNING COMMITTEE**

**Thursday, 8 June 2023**

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

### **REPORT SUMMARY**

The purpose of this report is to enable the Planning Committee to establish a Strategic Applications Sub Committee with the Terms of Reference which are set out within this report.

This matter affects all Wards within the Borough

### **RECOMMENDATIONS**

Planning Committee is recommended to approve that:

- (1) The Terms of Reference of the Strategic Applications Sub-Committee, as referred to in paragraphs 3.1 and 3.2 of this report, be noted;
- (2) The size of the Strategic Applications Sub-Committee, having regard to the options referred to at paragraph 5.3 of this report be between 6 and 9 Members, politically balanced.
- (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 REASONS FOR RECOMMENDATIONS**

- 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 of the Planning Committee, politically balanced. 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 Various options are set out within the second recommendation to this report.
- 2.2 Planning Committee could resolve to make further alterations to the terms of reference of the Strategic Applications Sub-Committee.

### **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 on 24 May 2023 is described follows:

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 application);

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

(v) 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 Housing] Committee where appropriate.

3.2 Planning Committee in June 2022 resolved that to amend the respective responsibilities of Planning Committee and Strategic Applications Sub Committee so that the latter has responsibility for the following matters.

(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) 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 where it was proposed to make a decision that is a significant departure from the policies of the development plan, with the exception of domestic extensions.

(iv) Decisions that would need to be referred to the Secretary of State with the exception of applications for Planning Permission and/or Listed Building Consent to Grade I listed buildings, where there are no objections on conservation grounds.

(v) informal pre-application discussions with developers in relation to any matter which potentially may come before the Sub-Committee for later decision.”

3.3 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 5.3 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 proportionality arrangements in terms of allocations of seats to political groups for 6 to 9 members are as follows:

(i) 6 members – 2 Labour Members, 2 Conservative Members, 1 Green Member and 1 Liberal Democrat member;

(ii) 7 members – 3 Labour Members, 2 Conservative Members, 1 Green Member and 1 Liberal Democrat Member;

(iii) 8 members – 4 Labour Members, 2 Conservative Members, 1 Green Member and 1 Liberal Democrat Member; and

(iv) 9 members – 4 Labour Members, 2 Conservative Members, 2 Green Members and 1 Liberal Democrat member.

5.4 Planning Committee established a Sub- Committee for the 2022/23 municipal year with 7 members.

#### **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 There are no engagement/consultation implications arising from 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.

## **11.0 COMMUNITY WEALTH IMPLICATIONS**

11.1 The recommendations contained within this report are expected to have no impact on Community Wealth.

**REPORT AUTHOR:** Matthew Neal, Lead Principal Lawyer  
email: matthewneal@wirral.gov.uk

## **APPENDICES**

None

## **BACKGROUND PAPERS**

The Constitution

## **SUBJECT HISTORY (last 3 years)**

<b>Meeting</b>	<b>Date</b>
Planning Committee meeting Appointment of Members to Strategic Applications Sub-Committee	15 October 2020
Planning Committee meeting Appointment of Members to Strategic Applications Sub-Committee	10 June 2021
Council Meeting- Constitution	25 May 2022
Planning Committee meeting Appointment of Members to Strategic Applications Sub-Committee	9 June 2022