

Cheltenham Borough Council
Council- 20 July 2020
To Establish and Appoint to Planning Committee

Accountable member	Cabinet Member Corporate Services, Councillor Alex Hegenbarth
Accountable officer	Gareth Edmundson, Chief Executive
Ward(s) affected	n/a
Key/Significant Decision	Yes
Executive summary	<p>The Constitution Working Group (CWG), which is the Member Group with responsibility for reviewing the Constitution, was requested to review the number of Members who sit on the Planning Committee in order to ascertain if a smaller committee might increase the effectiveness of the decision-making process.</p> <p>The CWG met on 27 January 2020 and supported the proposal. Group Leaders were then consulted and approved the change which was noted by Council when considering changes to the Constitution at its meeting on 17 February, recognising that it would be formally approved at the Annual and Selection Council in May 2020 when establishing and appointing to Planning Committee.</p> <p>Due to the Covid 19 outbreak and the subsequent rescheduling of the Borough Elections until May 2021, the Annual and Selection Council was cancelled.</p> <p>The Planning Committee continues to operate at its current size of 15 (with one vacancy) and there is renewed interest from Members to formally reduce the size to 11 in advance of the Annual and Selection Council in May 2021.</p>
Recommendations	<p>That Council:</p> <ol style="list-style-type: none"> 1. Approves the proposed change in size of Planning Committee to 11 seats. 2. Approve the appointments to Planning Committee in accordance with the nominations contained in the table circulated.
Financial implications	Contact officer: Martin Yates, martin.yates@publicagroup.uk, 01242 264200

<p>Legal implications</p>	<p>Article 8 of the Council’s constitution provides that the Council will appoint, amongst a number of other committees, a Planning Committee to discharge certain of its functions set under Part 3 of the Constitution.</p> <p>Under rule 2.5 of Part 4A of the constitution it is at the Annual and Selection Meeting at which the Council is to establish at least one Overview and Scrutiny Committee, the Standards Committee and such other Committees as the Council decides for the ensuing two years (which it last did in May 2018) including their size, terms of reference and the allocation of seats between the Political Groups. It is also generally the Annual and Selection Meeting at which Councillors are appointed on the nomination of the Political Groups, to the Committees of the Council.</p> <p>However, under rule 2 of Part 4C of the Constitution it is provided that every Committee set up under Article 8 shall continue to discharge the functions committed to it until the next Annual and Selection Meeting of the Council or until the Council resolves otherwise and that every person appointed as a voting Member of a shall continue as such until the next Annual and Selection Meeting of the Council or until the appointment is terminated, whichever is the earlier.</p> <p>Further, the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Policy and Crime Panel Meetings) (England and Wales) Regulations 2020 has until 7 May 2021 has disapplied the requirement for annual meetings and provides the where an appointment would otherwise be made or require to be made at an annual meeting of a local authority, such appointment continues until the next annual meeting of the authority or until such time as that authority may determine.</p> <p>The reduction in size and appointment of the Planning Committee needs to be a Council decision and the Planning Committee is one of the committees against which there is to be political balance in respect of the Councils committees and will accordingly its reduction in size requires a review of the allocation of seats between political groups with the determination of such allocation thereafter being for the determination of the Council.</p> <p>Under rule 6.2 of Part 4C of the Council’s constitution the quorum of for a Planning Committee Meeting shall be one half of the whole of its Members. Therefore, if the Planning Committee is reduced in size to 11, its quorum shall become 6 (due to required rounding up).</p> <p>Contact officer: Cheryl Lester, Cheryl.lester@tewkesbury.gov.uk</p>
<p>HR implications (including learning and organisational development)</p>	<p>Contact officer: Corry Ravenscroft, corry.ravenscroft@publicagroup.uk, 07827 895624</p>
<p>Key risks</p>	<p>There are no risks identified.</p>
<p>Corporate and community plan Implications</p>	<p>Contact officer: Richard Gibson, richard.gibson@cheltenham.gov.uk, 01242 264280</p>

Environmental and climate change implications	Contact officer: Gill Morris, gill.morris@cheltenham.gov.uk, 01242 264222
Property/Asset Implications	The proposed recommendations will not have a direct impact of property matters. Contact officer: Simon Hodges, simon.hodges@cheltenham.gov.uk

1. Background

- 1.1 The Constitution Working Group (CWG), which is the Member Group with responsibility for reviewing the Constitution, was requested to review the number of Members who sit on the Planning Committee in order to ascertain if a smaller committee might increase the effectiveness of the decision-making process.
- 1.2 The CWG met on 27 January 2020 and supported the proposal. Group Leaders were then consulted and approved the change which was noted by Council when considering changes to the Constitution at its meeting on 17 February, recognising that it would be formally approved at the Annual and Selection Council in May 2020 when establishing and appointing to Planning Committee.
- 1.3 Due to the Covid 19 outbreak and the subsequent rescheduling of the Borough Elections until May 2021, the Annual and Selection Council was cancelled.
- 1.4 The Planning Committee continues to operate at its current size of 15 (with one vacancy) and there is renewed interest from Members to formally reduce the size to 11 in advance of the Annual and Selection Council in May 2021.

2. Context

- 2.1 Current best practice advice encourages smaller committees as they tend to offer greater consistency in decision making; lower costs to run and better attendance at meetings.
- 2.2 In percentage terms, Cheltenham has a fairly large planning committee when compared with other local authorities.
- 2.3 The number of seats on the committee is proposed to reduce from 15 to 11 with a quorum of 6.
3. Under Part 4A of the Council's Constitution, annual and selection Council is 'responsible for establishing at least one Overview and Scrutiny Committee, the Standards Committee and such other Committees as the Council decides for the ensuing two years, including their size, terms of reference and the allocation of seats between the Political Groups'.

4. Reasons for recommendations

- 4.1 To increase the effectiveness and efficiency of the decision-making process.
- 4.2 To ensure the authority's ability to do business in a timely and cost effective manner in order to deliver best value.

5. Alternative options considered

- 5.1 To retain the current numbers for Planning Committee.

6. Consultation and feedback

- 6.1 Group Leaders, Constitution Working Group, ELT, Head of Planning.

7. Performance management –monitoring and review

- 7.1 There are no performance management issues arising from this report.

Report author	Contact officers: Bev Thomas, Democratic Services Team Leader beverly.thomas@cheltenham.gov.uk
Appendices	1. Risk Assessment
Background information	

Risk Assessment

Appendix 1

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the Constitution is not regularly reviewed there is a risk of decisions being made outside of due process	Democratic Services Team Leader	July 20	2	2	4	reduce	Ensure robustness of the Decision Making processes in the Constitution	July 20	Democratic Services Team Leader	
<p>Explanatory notes</p> <p>Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p>Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p>Control - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											