

CHESHIRE EAST COUNCIL

GOVERNANCE & CONSTITUTION COMMITTEE

Date of meeting: 16 April 2009
Report of: Borough Solicitor
Title: Substitution at Planning Committee

1.0 Purpose of Report

- 1.1 To further amend the scheme of substitution for Planning Committee.

2.0 Decision Required

- 2.1 That members recommend to Council that Appendix 5, paragraph 2, to Procedure Rule 23 of the Constitution be amended by the addition of the following words "No more than one substitution for any political group shall be permitted at any meeting of a Planning Committee or the Strategic Planning Board".

3.0 Financial Implications for Transition Costs

- 3.1 None.

4.0 Financial Implications 2009/10 and beyond

- 4.1 None

5.0 Legal Implications

- 5.1 The proposal is compliant with the Local Government (Committees and Political Groups) Regulation 1990.

6.0 Risk Assessment

- 6.1 Medium. Filling committees with local members can lead to judicial reviews based on bias and predetermination.

7.0 Background and Options

- 7.1 The Constitution at Procedure Rule 23 (page 150) currently provides a scheme of member substitution to the extent that they control group representation. Such schemes are based on the provisions of the Local Government (Committees and Political Groups) Regulation 1990 and are taken as a permanent instruction by the group leaders. The details are contained in Appendix 5 to Procedure Rule 23, which is in turn appended to this report.

- 7.2 Appendix 5 already provides that any substitute on Planning or Licensing Committee must be an “appropriately trained member”. The relevant portfolio holder for planning has now requested this Committee’s support for a further change in the following terms: -

“No more than one substitution for any political group shall be permitted at any meeting of the Planning Committee or the Strategic Planning Board”.

- 7.3 It is understood that this suggestion is intended to prevent mass substitutions for high profile local cases, which might give an impression of bias and predetermination at civil law, even where this is not in breach of the Code of Conduct. The chairman of the Planning Committee supports this suggestion and this report is being separately circulated to group leaders.

8.0 Overview of Day One, Year One and Term One Issues

- 8.1 None.

9.0 Reasons for Recommendation

- 9.1 To avoid civil challenge based on bias and predetermination.

For further information:

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Background Documents:

Council Constitution

Documents are available for inspection at:

Westfields,
Middlewich Road
Sandbach
Cheshire
CW11 1HZ