



# COTSWOLD

District Council

Council name	<b>COTSWOLD DISTRICT COUNCIL</b>
Name and date of Committee	<b>COUNCIL – 16 JULY 2025</b>
Subject	<b>RECOMMENDATIONS FROM THE CONSTITUTION WORKING GROUP (APPEALS COMMITTEE AND REPRESENTATIONS TO THE PLANNING AND LICENSING COMMITTEE)</b>
Wards affected	None
Accountable member	Councillor Mike Every, Chair of the Constitution Working Group Email: <a href="mailto:Mike.Every@Cotswold.gov.uk">Mike.Every@Cotswold.gov.uk</a>
Accountable officer	Angela Claridge, Director of Governance and Development Email: <a href="mailto:Democratic@Cotswold.gov.uk">Democratic@Cotswold.gov.uk</a>
Report author	Andrew Brown, Head of Democratic and Electoral Services Email: <a href="mailto:Democratic@Cotswold.gov.uk">Democratic@Cotswold.gov.uk</a>
Summary/Purpose	To present recommendations from the Constitution Working Group arising from a meeting on 24 June 2025 in relation to: <ul style="list-style-type: none"><li>• Appeals Committee</li><li>• Representations to the Planning and Licensing Committee</li></ul>
Annexes	Annex A – Nominated Members (to follow)
Recommendation(s)	That Council resolves to: <ol style="list-style-type: none"><li>1. Agree to the establishment of an Appeals Committee with responsibility for considering appeals by the Council's statutory officers about disciplinary action taken against them, in accordance with the Local Government Association's Model Procedure;</li><li>2. Agree that the Appeals Committee will be a politically balanced committee comprising 5 Members, including one Member of Cabinet, who are not members of the Performance and Appointments Committee, with a quorum of 3 Members;</li><li>3. Appoint Members (named in Annex A) to the Appeals</li></ol>



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	<p>Committee based on political proportionality (3 Liberal Democrats, 2 Conservative);</p> <ol style="list-style-type: none"><li>4. Authorise the Director of Governance, in consultation with the Chair of the Constitution Working Group, to include the Appeals Committee within the Constitution;</li><li>5. Note that further proposals relating to Statutory Officer employment rules will be considered by the Constitution Working Group.</li><li>6. Authorise the Director of Governance and Development, in consultation with the Chair of the Constitution Working Group, to include within the Planning Protocol a deadline for representations to the Planning and Licensing Committee of 2.00pm two working days before a meeting.</li></ol>
Corporate priorities	<ul style="list-style-type: none"><li>• Delivering Good Services</li><li>• Supporting Communities</li></ul>
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Constitution Working Group



## **1. EXECUTIVE SUMMARY**

- 1.1** Council is recommended by the Constitution Working Group to consider the establishment of an Appeals Committee, and the introduction of a deadline for representations to the Planning and Licensing Committee, set at 2.00pm two working days before the start of a meeting.

## **2. BACKGROUND**

- 2.1** The Constitution Working Group met on 24 June 2025 to consider a number of items on its work plan. This has resulted in the recommendations contained in this report.

## **3. APPEALS COMMITTEE**

- 3.1** The Council, together with its Public Partners, is undertaking a review of its employment rules for statutory officers (Head of Paid Service, Chief Finance Officer and Monitoring Officer) to ensure compliance with regulations and the Local Government Association's Model Discipline Procedure and Guidance.
- 3.2** This process has identified the need for the Council to establish a politically balanced Appeals Committee comprised of 3 or 5 Members (one of whom must be a Cabinet Member), as per the Model Discipline Procedure and Guidance. Under the Model Procedure, the Appeals Committee must have a different membership to the Performance and Appointments Committee, which would act as the Investigations and Disciplinary Committee in relation to disciplinary action against a statutory officer.
- 3.3** The role of the Appeals Committee would be to consider any appeal by a Statutory Officer against disciplinary action taken against them, other than an appeal by the Head of Paid Service against dismissal, as that would be a decision for full Council.
- 3.4** Council is recommended to establish an Appeals Committee consisting of five Members (with a quorum of 3). One member must be a Cabinet Member and no members may also serve on the Performance and Appointments Committee. Appointments to the committee should be based on political proportionality and the preferences of political groups.



**Table A: Political Proportionality on a 5 Member Committee**

Group	Liberal Democrat	Conservative	Green	Total
Real entitlement	3.09	1.47	0.29	4.85*
Rounded entitlement (rounded up at 0.5)	3	1	0	4
Seats allocated	3	2**	0	5

*\*Non-grouped independent members impact overall proportionality but do not have an automatic entitlement to seats on committees and sub-committees.*

*\*\*The Conservative Group has the strongest proportional entitlement to the final seat at 0.47 (compared to 0.29 for the Green Group and 0.09 for the Liberal Democrat Group) and is allocated the final seat.*

- 3.5** Further proposals relating to employment rules for statutory officers will be considered at a future meeting of the Constitution Working Group, which may result in further recommendations to full Council.

#### **4. REPRESENTATIONS TO THE PLANNING AND LICENSING COMMITTEE**

- 4.1** The Constitution Working Group considered a proposal that the Planning Protocol includes a deadline for representations to the Committee, set at 2.00pm two working days before a meeting.
- 4.2** The proposed deadline would stop third parties from making representations on the day or the day before the committee meeting and would provide members with sufficient time to read and consider the materials.
- 4.3** The Working Group noted that representations are often submitted shortly before the start of meetings which can require committee time to be used for members to read through the representations.
- 4.4** The Working Group questioned what would happen if representations were received after the deadline, noting that the Council has a duty to consider all relevant



information. The late submission of important or lengthy papers could lead to applications being deferred. The Council would need to clearly communicate this risk to all interested parties.

## **5. ALTERNATIVE OPTIONS**

- 5.1** Council could choose not to agree recommendations in this report however the recommendations are aimed at strengthening the Council's governance arrangements and have been recommended to Council by the cross-party Constitution Working Group.

## **6. FINANCIAL IMPLICATIONS**

- 6.1** There are no financial implications arising directly from the information in this report.

## **7. LEGAL IMPLICATIONS**

- 7.1** Full Council, through its responsibilities as set out in the Constitution, recognises the requirement to observe specific requirements of legislation and the general responsibilities placed on the Council by public law, but also accepting responsibility to use its legal powers to the full benefit of the citizens and communities in its area. Section 9P Local Government Act 2000 requires the Council to keep its Constitution up to date.

## **8. RISK ASSESSMENT**

- 8.1** The recommendations are intended to reduce risks to the Council, specifically in relation to Statutory Officer employment arrangements and the determination of planning applications.

## **9. EQUALITIES IMPACT**

- 9.1** There are no differential impacts on groups with protected characteristics.

## **10. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

- 10.1** There are no climate and ecological emergencies implications.

## **11. BACKGROUND PAPERS**

- 11.1** None.

(END)