

Report of	Meeting	Date
Corporate Director (Business) (Introduced by the Executive Member for Economic Development and Regeneration)	Executive Cabinet	15 November 2007

FORMALISING JOINT LDF WORKING AND PRODUCING A JOINT CORE STRATEGY

PURPOSE OF REPORT

1. To set out the pros and cons of the various options for formalising joint working, specifically for producing a joint LDF Core Strategy, so as to gain Member endorsement in principle to a way forward.

RECOMMENDATION(S)

2. That the Council be recommended to support the Section 28 option in principle subject to the detailed wording and later approval of a local agreement document. This option would allow the Council to continue with joint working and to produce a joint LDF Core Strategy with Preston and South Ribble Councils.

EXECUTIVE SUMMARY OF REPORT

3. The three authorities of South Ribble, Preston and Chorley currently collaborate on the Local Development Framework (LDF) Core Strategy and other planning policy matters but there is no formal agreement to work together or to produce a joint Core Strategy. Increasingly the case for formalising joint working and producing a joint Core Strategy is becoming stronger. This includes national policy advice, support from Government Office North West, potential financial incentives through the Housing and Planning Delivery Grant, the inherent difficulties of the current informal arrangements and a need to involve the County Council.
4. The 2004 Planning and Compulsory Purchase Act sets out 2 options for formalising joint LDF working between two or more authorities under Sections 28 and 29 of the Act; the less formal of the two options is Section 28. This is the preferred option and is supported by Working Group Members. It would help ensure Chorley interests are fully taken account of in the future planning of Central Lancashire, integrate Member involvement and reporting, have staffing benefits, bring further cost savings and increase grant prospects.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

5. To continue with joint LDF working it is necessary to formalise the arrangements and Section 28 is the least formal approach that still leaves final decisions to be taken by the respective Councils.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

6. The other statutory options would be more formal and reduce/remove decision making powers from individual Councils. The only other option is to not formalise our arrangements and just work together on evidence gathering and sharing practice. However this would mean a joint Core Strategy involving Chorley could not be produced and so the opportunity to fully coordinate LDF planning across Central Lancashire would be missed.

CORPORATE PRIORITIES

7. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the central Lancashire sub region	X	Develop local solutions to climate change	X
Improving equality of opportunity and life chances		Develop the character and feel of Chorley as a good place to live	X
Involving People in their Communities	X	Ensure Chorley is a performing Organisation	

BACKGROUND

8. The three local planning authorities in Central Lancashire have co-operated on planning policy and economic development issues for some time. To date this has included joint Core Strategy Issues & Options Papers in November 2006 and November 2007, joint representations on the draft replacement Regional Spatial Strategy and the joint commissioning of elements of the evidence base required for the LDF, eg Strategic Flood Risk Assessment, Employment Land Review etc.
9. The three authorities have resolved to collaborate on the production of their LDF Core Strategies and, to this end, the milestones for the Core Strategies and other Development Plan Documents were aligned in the 2006 Local Development Schemes to facilitate joint working. However, at this juncture there is no formal agreement between the three Council's to work together or to produce a joint Core Strategy. Joint working has so far been carried out on an informal basis.
10. In its response to the first Issues and Options Paper, the GONW made plain its view that the current "ad hoc" joint working arrangements should be formalised before Core Strategy work proceeds to the next stage (Preferred Options). This has been reinforced by a recent letter from the Government Office, a copy of which is attached to this report as Appendix 1. The letter highlights the positive benefits of formalised joint working and refers to the expectation that the proposed Housing and Planning Delivery Grant regime will include a specific financial reward for authorities committed to joint working.

11. Cross boundary formalised joint working between local authorities is clearly something that the Government is keen to encourage at a national level where it will lead to better service provision. The Local Government White Paper advocates more joint working between local authorities at the sub-regional level with particular emphasis on the development of Local Area Agreements and Multi Area Agreements. This is part of the “place-shaping” agenda, prompted by the recommendations of the Lyons Inquiry. Planning is seen as having a particularly important role in his regard, and the subsequent Planning White Paper expands on this and states that the Government’s intention is to “incentivise” (presumably via the emerging Housing and Planning Delivery Grant) joint working on plan making “*because the geography of housing markets or functional economic areas are rarely confined to administrative boundaries.*”
12. Whilst the practical aspects of the current informal arrangements have been satisfactory to date they can be cumbersome when it comes seeking input from members and making decisions across the three authorities. Currently all LDF-related decisions need to be taken individually by the three authorities, each of which has its own process and sequence of committees, which can take a considerable period of time and creates a risk that one authority could set back the other two to the beginning of the decision-making process. Whilst the formalisation of joint work does not necessarily take LDF decision-making away from the individual authorities (if the less formal Section 28 option is chosen), it will streamline the process and reduce the risk of the programme being delayed. This benefit stems from the fact that any key issues will previously have been aired and discussed in full by a formal joint LDF body.
13. The formalisation of joint working would also present an opportunity to increase the involvement of Lancashire County Council particularly bearing in mind its role as local transport authority.

OPTIONS FOR FORMALISED JOINT WORKING

14. Should the three authorities resolve to move towards formalised joint working (that would ultimately need to be a decision of the three individual Councils), a local agreement would need to be prepared and signed. Having looked at the agreements that currently exist between authorities elsewhere in the country that are already signed up to joint working, a local agreement would need to cover the following areas:
 - Governance
 - Project or Programme Management / Co-ordination
 - Administration
 - Procurement
 - Conflict resolution
15. Whilst all the above issues are important and will ultimately require attention, the main issue for discussion at this stage and on which a consensus is sought is the Governance issue. If it is agreed that the three authorities wish to formalise joint LDF working and move towards a joint Core Strategy as recommended by GONW, there are essentially 2 options:
 1. The Section 29 option¹
 2. The Section 28 option

The Section 29 option

16. This is the more formal of the two options. Where authorities agree to establish a Joint Committee under Section 29. The authorities that are in agreement to work jointly must be

¹ Section 28 and 29 refer to the respective sections of the 2004 Planning and Compulsory Purchase Act

resolved to do so and must establish a local agreement - signed and approved by the Council of each constituent authority. The local agreement must set out the local planning authorities who will form the Joint Committee, the matters for which the Joint Committee will be responsible and the area for which the Joint Committee will be responsible (on a map). It must also set out arrangements for issues such as membership of the committee, tenure of office, casual vacancies, meetings and proceedings, staffing the work of the Joint Committee, financial matters and termination of the agreement.

17. Having finalised the local agreement, a request should be sent to establish a Joint Committee to the GONW. Given the legal and parliamentary processes involved, the minimum period in which an Order can be made is approximately 6 months. The advantage is that, once established, the joint committee becomes the local planning authority for the matters set out in the Order, and the decisions of the joint committee don't need separate approval by the constituent authorities, thus considerably simplifying processes and shortening decision times.
18. If the County Council is to be formally involved, then the Section 29 option is the one we must follow. If we decide upon an informal involvement by the County Council then we can still use the Section 28 route. It is crucial that we reach an early agreement about the desired involvement of the County Council, as this clearly underpins the options available.
19. To date, there is only one example in the country (North Northamptonshire authorities) where formal joint working arrangements have been established under Section 29. This has involved establishing a joint Planning Committee with decision making powers (for the joint Core Strategy, not planning applications), supported by a joint Planning Unit (headed by a manager, supported by staff on secondment).

The Section 28 option

20. If it is agreed that the formal Section 29 arrangements are not appropriate, then the alternative is to enter an agreement under Section 28 for the District Councils to prepare a joint Core Strategy. It would be possible for that agreement to include provision for an informal Joint Advisory Body. This body would make recommendations on aspects of the Core Strategy to the constituent authorities for their determination. Decisions at key stages would still need to be taken by each authority's executive or Full Council.
21. Currently each authority has a Member Working Group to advise officers in the preparation of the Local Development Framework. Preston's comprises 7 members, Chorley have 17 members and South Ribble have 10. Whilst joint meetings have been held successfully, the potential membership of some 34 members would be too great to effectively direct joint work on the Core Strategy. The representation from each Council needs to be equal, and the total number of members reduced substantially. Other joint working authorities tend to have 3 or 4 members each on the Joint Advisory Body.
22. Under the informal Section 28 arrangements there is no requirement to involve the County Council, although there are benefits of doing so. For example, the County Council's resources and expertise are particularly valuable in relation to transport matters. There could also be advantages in terms of influencing strategic planning, particularly where LCC has not previously endorsed the three authorities' aspirations in relation to the Regional Spatial Strategy.
23. If it is decided to go down the Section 28 route it would also be possible to establish a Joint Committee of the District Councils under Section 101 (5) of the Local Government Act 1972 and section 20 of the Local Government Act 2000. That Joint Committee could make decisions on behalf of the Executives of each of the Districts. However, key decisions in respect of the Core Strategy such as the approval of the document for formal public consultation, its approval for submission

for independent examination and its adoption would have to be made by each full Council individually.

The 'Do Nothing' Option

24. If Members are not in favour of moving towards formalised joint working and a joint Core Strategy, there is the option of continuing with the current informal / ad hoc arrangements.
25. The options are summarised in a table at the end of the report.

OUTCOMES OF LDF MEMBER WORKING GROUP DISCUSSIONS

26. In the light of the above, the main points that have been discussed by the three Working Groups at their recent joint meeting and subsequently at the meeting of Chorley's Group on 15 October are set out below. Each matter will require a formal decision of each Cabinet at this stage endorsement of the principles are sought.
 - A) Should the three authorities produce a joint Core Strategy (which requires a more formal arrangement for LDF Joint Working)?
 - B) What role should Lancashire County Council play in the new arrangement?
 - C) If the answer to A is yes, should the three authorities pursue the more formal Section 29 option or the less formal Section 28 approach?
 - D) If the Section 28 option is preferred, how many members from each authority should make up the Joint Advisory Body?
 - E) If the Section 28 option is preferred, do we also establish a Joint Committee under Section 101?
27. Both the joint meeting of the Member Working Groups and Chorley's that met on 15 October 2007 supported the preparation of a joint Core Strategy under Section 28 and so with the County Council acting in a non-voting advisory role. Both Sections 29 and 101 approaches were considered inappropriate but Members suggested the possibility of a Section 101 Committee be reviewed at a later date. The Chorley Working Group favoured three Members from each authority to include the appropriate Executive Members and opposition Councillors however these are details that would need to be established later in the detailed wording of a formal local agreement.

BENEFITS OF JOINT WORKING FOR CHORLEY

28. There are various benefits to Chorley of formalising joint working, including:
 - Better co-ordinated planning and infrastructure provision in Chorley in relation to the remainder of Central Lancashire
 - Authorities able to help each other to provide for development to mutual advantage
 - A more streamlined and integrated Member involvement and reporting procedure fully integrating Chorley interests and needs

- Greater opportunities for Officer self help, sharing of good practice and the development of specialists which should help the Council in terms of staff retention and recruitment
- More prospects for cost savings through joint procurement
- Increased Housing and Planning Delivery Grant

IMPLICATIONS OF REPORT

29. This report has implications in the following areas and the relevant Corporate Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	X	No significant implications in this area	

COMMENTS OF THE CORPORATE DIRECTOR OF GOVERNANCE

30. The legal implications are contained within the report. The decision to reach an agreement under either section 28 nor 29 lies with full Council. If there is a wish to establish a Joint Committee then that is an Executive decision.

JANE E MEEK
CORPORATE DIRECTOR (BUSINESS)

Background Papers

Background Papers			
Document	Date	File	Place of Inspection
Local Government White Paper – Strong and Prosperous Communities	October 2006		Civic Offices, Union St.
Lyons Inquiry into Local Government – Place-shaping: a Shared Ambition for the Future of Local Government	March 2007		Civic Offices, Union St
Planning White Paper – Planning for a Sustainable Future	May 2007		Civic Offices, Union St

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Dear John,

CORE STRATEGY: NEXT STEPS

Thank you for inviting me to join you and colleagues recently as you progress the considerable work involved in developing your core strategies. We have been happy to support your informal joint approach to Core Strategy development thus far. As you know, the process requires you now to make a more formal commitment if you are to pursue a joint Core Strategy through to adoption.

We support joint working on Local Development Frameworks in principle, for two main reasons.

Firstly, it often provides considerable practical benefits in terms of best use of authorities' resources and time, particularly in putting together and analysing the robust evidence base the LDF system requires. I hope your experience so far would bear that out.

Secondly, strategies covering more than a single district often relate much better to the reality of how places function on the ground, making it easier to develop and deliver effective strategies. Clearly, you as authorities have the best understanding of the situation in Chorley, South Ribble and Preston, but from a regional viewpoint, we see considerable merit in producing a joint Core Strategy for the three districts.

Government is keen to encourage joint working, and, while details are still to be confirmed, we expect the proposed Housing and Planning Delivery Grant regime to include specific financial reward for authorities committed to formal joint working.

Copies of this letter also go to Julian Jackson at Chorley and Janet McDonald at South Ribble. If we can provide any further advice, do let Stephen Ottewell here (0161 952 4203) or myself know.

Yours sincerely

STEVEN FYFE
Head, Local Planning Team

SUMMARY COMPARISON OF THE LDF JOINT WORKING OPTIONS

	Section 29	Section 28 (with s.101 Committee)	Section 28 (without s.101 Committee)	Do nothing
Procedure for setting up	Local agreement sent to GONW. Parliamentary process – approx 6 months	Local agreement required but no parliamentary process	Local agreement required but no parliamentary process	N/a
Decision-making	Joint Committee becomes LPA for all agreed matters. No separate approval required by constituent authorities.	Joint Committee makes decisions which are responsibility of the constituent Council's Executive (Cabinet) but not the responsibility of the Council	Joint Advisory Body makes recommendations only. Decisions still taken by constituent authorities' Executives and Councils	Current decision-making processes continue involving LDF Working Groups, Planning Committee (for SRBC), Councils' Executives and Councils
'Efficiency'	Simplifies and shortens decision times	Simplifies and shortens decision times for early stages of documents, but not submission and adoption stages	Opportunity to streamline constituent authorities' decision-making processes. Recommendation from Joint Advisory Body should increase certainty through process	Joint LDF Working Group of 33 members remains. Time-consuming decision-making processes continue
Role of LCC	Must be formally involved and fully represented on Joint Committee	Discretionary informal involvement. LCC can be represented but cannot make decisions	Discretionary informal involvement. LCC can be represented on Joint Advisory Body	Advisory / consultee
Financial Incentives from Government	Qualifies for Housing and Planning Delivery Grant	Qualifies for Housing and Planning Delivery Grant	Qualifies for Housing and Planning Delivery Grant	None