

Report of	Meeting	Date
Corporate Director (Business) (Introduced by the Executive Member for Economic Development and Regeneration)	Executive Cabinet	27 March 2008

ESTABLISHMENT OF JOINT ADVISORY COMMITTEE AND JOINT WORKING WITH PRESTON AND SOUTH RIBBLE COUNCILS ON THE LOCAL DEVELOPMENT FRAMEWORK

PURPOSE OF REPORT

1. To present proposed formal arrangements for Local Development Framework joint working and approve the terms of a local agreement document.

RECOMMENDATION(S)

2. Cabinet is recommended to:
 - agree to establish under Section 102(4) of the Local Government Act 1972 a Joint Advisory Committee with Chorley, Preston and South Ribble Borough Councils to advise upon the preparation of any Joint Local Development Document
 - delegate authority to the Executive Member for Economic Development and Regeneration to deal with the practical implementation of the joint working
 - note that in due course it will be asked to nominate one or more Members of the Cabinet and Substitute(s) to serve on that Joint Advisory Committee

EXECUTIVE SUMMARY OF REPORT

3. At its meeting on 15 November 2007, Cabinet agreed in principle to formalise joint working on the Local Development Framework (LDF) with Preston and South Ribble Councils by entering an agreement under section 28 of the Planning and Compulsory Purchase Act 2004. This Report (together with one going to the Council on 22 April 2008) progresses that decision. It proposes that the three authorities produce a Joint Core Strategy and any other Joint Local Development Documents that may subsequently be agreed, that process would be overseen by a Member level Joint Advisory Committee. That Joint Advisory Committee would not, however, have delegated decision making powers, it would only advise. Each authority would reach its own decisions on LDF matters having received advice from the Joint Advisory Committee. The precise financial and staffing of the arrangement will be worked up in due course in liaison with the Joint Advisory Committee and/or the Executive Member for Economic Development and Regeneration.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

4. There is a need to build in a more formal dimension to the existing inter-authority co-operation on planning policy matters. In so enhancing decision making by providing a formal arena in which key issues are aired, the potential for delay in the LDF programme will be minimised, while enhanced external financial support may ensue.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5. Maintaining the existing informal co-operation is feasible but the benefits of a more formal approach will be missed. Alternatively it would be possible to go further than proposed by establishing a Section 29 Joint Committee. That would take some time to achieve, however, and would also involve each authority delegating its planning powers to that joint body.

CORPORATE PRIORITIES

6. 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	X	Develop the Character and feel of Chorley as a good place to live	X
Involving people in their communities	X	Ensure Chorley Borough Council is a performing organization	X

BACKGROUND

7. At its meeting on 15 November 2007 (Minute EC 130) Cabinet agreed to recommend to Council to support in principle joint working on the Local Development Framework (LDF) with Preston and South Ribble Councils by entering an agreement under section 28 of the Planning and Compulsory Purchase Act 2004. That approval was subject to the detailed wording and later approval of a local agreement document. The Council subsequently accepted that recommendation at its meeting on 18 December 2007. Both the report to Cabinet and the report to Council highlighted the possibility of establishing a joint advisory body to make recommendations to the constituent authorities on the contents of the joint documents.
8. A number of factors are of relevance to that decision:
 - the existing track record of co-operation on planning policy between the three authorities
 - the views of the Government Office for the North West being supportive of joint working on the LDF
 - potential financial rewards through Housing and Planning Delivery Grant
 - the extent of other joint/partnership working that the Council is successfully pursuing
 - the scope to maximise economies of scale
 - the prospect of furthering better spatial planning to the benefit of all three districts
 - while decision making would remain with the three authorities, the risk of the programme being delayed would be reduced as key issues are aired and discussed in full by a formally established joint body: this was felt to be a preferable route to the alternative of proceeding under Section 29 by way of statutory Order to create a Joint Committee with delegated powers taking decisions binding on the three authorities

9. Cabinet now needs to confirm that the establishment of a Joint Advisory Committee is the way forward and agree the practical elements of the working of that Joint Advisory Committee. A report on the subject is also being submitted to Council on 22 April 2008 as some elements of the LDF process are not Executive Functions, including the decision to produce a Joint Core Strategy and other Joint Local Development Documents(LDDs).
10. Currently each authority has a Member Working Group (MWG) 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. Accordingly, the recommendation is for three Members from each local planning authority with one from the County Council.
11. A draft Agreement has been prepared to establish the Joint Advisory Committee and is being discussed by the Council's legal advisers. That Agreement covers the procedural aspects of the Joint Advisory Committee. Important provisions in the draft include provision for substitute Members, a proposal that the venue for meetings should rotate between the Districts and a proposal that the Chairmanship should be rotated on an annual basis.
12. Until now the Officer support for joint working has been provided on an informal basis with, for example, "writing teams" of Officers getting together to produce draft documents. Going forward, decisions will be required about what more formal staffing arrangements are required. It is envisaged that proposals will be worked up in liaison with the Joint Advisory Committee before being submitted to each Council. The agreement provides for this eventuality.
13. The agreement can be terminated on notice by any of the Authorities. If this happened prior to a LDD being submitted for independent examination, each authority would be able to pick up the work done to then produce its own LDD. However the implications of doing so are considerable and could, for example, involve a re-write of the Core Strategy, thus missing a Local Development Scheme milestone with a knock on effect on other LDDs and potential loss of Housing and Planning Delivery Grant. If termination happened while the LDD was the subject of independent examination, the independent examination would be suspended but could (with the consent of the Department for Communities and Local Government) be resumed in respect of any subsequent "adoption" by an authority of some or all of the work carried out jointly. In the unlikely event that termination occurred at the final adoption stage, this would prevent adoption of the LDD with consequent delay and cost.
14. When the Agreement is in force, it is suggested that Full Council would nominate up to two Members to serve on the Joint Advisory Committee with Cabinet nominating the other seat(s). This would reflect the fact that the Joint Advisory Committee will be dealing with a mix of Executive and Council functions. So in total there would be 3 Members from each District Council. The County Council would have 1 Member on the Committee, so overall it would comprise 10 Members. The Committee would only advise on LDF matters, normally this would concern the content of documents to be published. The views of the Committee will then be reported to each District Council Cabinet for final decisions.

IMPLICATIONS OF REPORT

15. 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

16. The proposal is the most appropriate legal route for implementing the Cabinet's and Council's earlier decisions and will be reflected in a legal agreement between the parties.

JANE E MEEK
CORPORATE DIRECTOR (BUSINESS)

There are no background papers to this report

Report Author	Ext	Date	Doc ID
Julian Jackson	5280	28 February 2008	Z/LDF/JOINT WORKING