Meeting: **Sustainable Communities Overview and Scrutiny Committee**

Date: **24 January 2012**

Subject: **Member Involvement in the Preparation of Planning and Related Strategy Documents**

Report of: **Gary Alderson, Director of Sustainable Communities**

Summary: The report proposes future working arrangements for Member involvement in the plan preparation process and related housing and transportation strategy documents.

Advising Officer: Gary Alderson, Director of Sustainable Communities

Contact Officer: Richard Fox, Head of Development Planning and Housing Strategy

Public/Exempt: Public

Wards Affected: All

Function of: Council

CORPORATE IMPLICATIONS
Council Priorities:
1.   Managing Growth Effectively
Financial:
2.   The establishment and servicing of Task Groups will utilise existing resources.
Legal:
3.   The preparation of a Local Plan is a statutory requirement and the Council's Constitution provides that Overview and Scrutiny Committees have a role in respect of policy development.   The Constitution authorises an Overview and Scrutiny Committee to appoint a task force (either a standing task force or a time-limited task and finish group) to conduct an in depth investigation into any matter within its terms of reference. Such task forces are expected to operate on an informal basis with no powers other than to investigate and report their findings to the parent committee. It has not been the practice for such task forces to be open to the public.

The Local Government Act 2000 makes provision for an Overview and Scrutiny Committee to appoint one or more sub-committees, which may carry out any functions allocated by the Overview and Scrutiny Committee. Sub-committees appointed in this way are subject to Part VA of the Local Government Act 1972 and so their meetings are open to the public, except where the sub-committee excludes the press and public whilst is considers an exempt item of business.

The Local Government Acts do not make any specific provisions relating to the proceedings of informal groups such as task forces or working parties. However, the High Court has accepted that it is legitimate for local authorities to establish working parties that are distinct from sub-committees. Working parties which are not subject to the requirements of Part VA of the Local Government Act 1972 may inter alia "*enable tentative subjective exchange of ideas, not of course irresponsibly but without exposure to outside criticism and analysis.*" (R -v- Eden District Council ex parte Moffat (1989).

A task force or working party cannot exercise functions on behalf of the Council or the Overview and Scrutiny Committee by which it is appointed. It must report its findings to its parent committee before any decision can be taken. The concept of a task force lends itself more readily to a task and finish group than to a standing body.

Risk Management:

4.   The scrutiny of the plan preparation process by Members minimises the risk of abortive work and programme slippage.

Staffing (including Trades Unions):

5.   Not applicable.

Equalities/Human Rights:

6.   An Equalities Impact Assessment will be carried out on all development plans prepared by the Council.

Community Safety:

7.   This is a theme running throughout the development plan.

Sustainability:

8.   The Development Strategy and any other plans will be subject to a sustainability appraisal. The principles of sustainable development underpin the development plan process.

Procurement:

9.   Not applicable.

> **RECOMMENDATION(S):**
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> **The Committee is asked to:-**
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> **1.   Endorse Option C) in the report as the basis for future Member input into the preparation of Development Plan and related documents.**

Background

10.   At its meeting in June 2011 this Committee resolved to re-establish the Development Strategy Task Force and approved the terms of reference and communications protocol set out in the Appendix to that report. At its meeting on 13 December 2011, Members were advised that there was a need to reconfigure the Development Strategy Task Force because of the reasons below.

11.   In the intervening six months between the June Committee meeting and the present several fundamental changes to the operation of the planning system in Central Bedfordshire have taken place and Members will be familiar with many of these. They include the Localism Act, the draft National Planning Policy Framework, the imminent cessation of regional planning and the introduction of neighbourhood planning. All of these have contributed towards an emerging new planning agenda in Central Bedfordshire.

12.   At a local level one of the principal reasons for the establishment of the original Local Development Framework Task Force, the operation of Luton and South Bedfordshire Joint Planning Committee, has gone with the demise of that Committee on 31st March 2012. In response to this and the withdrawal of the submitted Joint Core Strategy, Central Bedfordshire Council has agreed to embark on a new plan making programme which was endorsed at the Executive meeting of 4th October 2011. The main element of this programme will be the preparation of a single Development Strategy for the whole of Central Bedfordshire. At that meeting Executive also agreed a challenging and ambitious timetable for the preparation of the document culminating in adoption in 2014.

13.   During the preparation of the Development Strategy and other plans for Central Bedfordshire there will be many opportunities for public engagement in the process in formal and informal ways. The Council's Statement of Community Involvement sets these out. These will include exhibitions, letters to all those who have previously made representations to plans, stakeholder workshops, newspaper advertisements, web publicity etc. In addition, the Council's formal Committees, notably the Council, Executive and Overview and Scrutiny Committee are held in public with opportunities for public contributions to those meetings.

14.   The various Task Forces have served a useful function to date. However, the new planning climate set out above means it is time to reappraise Member input and involvement with the preparation of planning and related strategy documentation.

15. There are various facets to consider in the establishment of Member advisory bodies and groups. These include formality; the style and extent to which debates are structured; autonomy, to what extent any group has delegated responsibility; membership, the criteria for establishing who is invited to attend; remit, how wide a range of issues will be directed to the group; and finally timeframe and life cycle. All these facets have a range within them for example between most formal and least formal, no autonomy, high level of autonomy etcetera. Whatever format these groups take there is the overarching pre-requisite for compliance with the challenging plan-making timetable and the need for timely decisions by the Executive.

Options

16. In the absence of a Development Strategy Task Force, the options set out below represent potential ways forward for the development of planning policy. There are three options which Members are invited to consider.

    (A)   To form a formal sub-committee of Overview and Scrutiny Committee to receive officer reports and which would be fully accessible to the public. All recommendations from the sub-committee would be sent to Overview and Scrutiny Committee.

    (B)   To form an informal task and finish groups drawn from Members of Overview and Scrutiny Committee, meeting in private to receive officer reports. All recommendations from the task and finish groups would be sent to the Overview and Scrutiny Committee.

    (C)   Overview and Scrutiny Committee receives officer reports directly but preceded by Member briefings open to all Members as considered expedient.

17. There are advantages and disadvantages to the operation of each of the approaches set out above in terms of expediency and opportunities for Member engagement. Option A would provide the opportunity for Member input in a formal setting but would be inflexible, least efficient and most resource intensive. Option B has attractions in terms of being tailored to specific tasks, but could still be rather inflexible and time consuming, involving various groups being set up by the main Committee. Overall, it is the firm conclusion that Option C would afford the best chance of compliance with the challenging Development Strategy timetable through officers reporting directly to Overview and Scrutiny affording the broader Council Membership opportunities to input into the process.

18. It is worth noting that all options are in addition to the full public consultative process set out earlier in this report. In particular, there will be briefing sessions, workshops and other means for Councillors and all interested parties to air their views and understand the development of policy. Also whichever option is adopted it is proposed that the Sustainable Communities Overview and Scrutiny Committee continue to consider development plan documents before their approval by the Portfolio Holder for public consultation purposes. These meetings are, of course, open to the general public.

Conclusion and Next Steps

19.   It is considered that Option C provides the best opportunity to facilitate policy development through Member engagement in the plan preparation process whilst achieving the challenging plan-making timetable and need for timely decisions by the Executive.