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**Meeting:** Sustainable Communities Overview & Scrutiny Committee  
**Date:** 4 August 2009  
**Subject:** The Overview & Scrutiny process for dealing with preparation of the Local Development Framework (LDF)  
**Report of:** Trevor Saunders, Assistant Director Planning and Development Strategy  
**Summary:** This report asks the Committee to consider whether it needs a specific sub group (task force) to deal with or help deal with the continued preparation of Central Bedfordshire LDFs.

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Contact Officer: Richard Fox, Head of Development Plan  
Public/Exempt: No  
Wards Affected: All  
Function of: Sustainable Communities Overview and Scrutiny Committee  
Key Decision: No  
Reason for urgency/  
Exemption from call-in: n/a  
(if appropriate)

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**RECOMMENDATIONS:**

- 1. That the Overview and Scrutiny Committee consider the options set out in paragraph 12 below and agree which option they wish to take forward.**

*Reason for Recommendations: To enable OSC to decide how best to take decisions on the Local Development Framework*

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**Introduction**

1. This report asks the Committee to consider whether or not it needs a sub-group (OSC Task Force) to help deal effectively with the continued preparation of the Local Development Frameworks (LDFs) for Central Bedfordshire.

2. Members will be aware that for the next 3 years (up to 31/3/12), there are two programmes of LDF preparation which will continue to be progressed:
  - The first covers the geographical area of the former Mid Bedfordshire;
  - The second covers the geographical area of Luton and the former South Bedfordshire Councils, with the planning policy making powers of Luton and Central Bedfordshire authorities for that area transferred to the 'Joint Planning Committee' (JPC) to prepare a joint LDF.
3. For the former Mid Bedfordshire area, responsibility for LDF plan-making lies with Executive and Council. For all stages except formal submission to the Secretary of State and adoption of the final document, this responsibility is delegated to the Assistant Director – Planning and Development Strategy, in consultation with the relevant Portfolio Holder. Nevertheless, there remains a crucial overview role for the Overview and Scrutiny Committee (OSC) to advise the Assistant Director and Portfolio Holder and help set the 'direction of travel' for emerging LDF policy prior to decisions being taken.
4. Because the plan-making powers for the former South Bedfordshire area are legally transferred to the JPC, OSC has no formal role in setting direction for LDF policy emerging from the JPC. However, clearly OSC can play an important role in helping the Council to respond to formal consultation on LDF documents.

## **Background**

5. In the 3 years leading up to 31<sup>st</sup> March 2009 the former Mid Beds Council operated an LDF Task Force. The Task Force was a sub-group of OSC and took on OSC's role of overview, helping to set the direction of travel for LDF policy. The OSC however, continued to receive an update of Task Force's deliberations on a 6-monthly basis. The Task Force was not a decision-making body but advised either the Executive or the Director and Portfolio Holder. The key advantages of the Task Force were that:
  - it provided officers and members the opportunity to discuss and agree a 'direction of travel' for LDF policies in detail;
  - it allowed a more flexible timetable for meetings and if necessary, the possibility of more than one meeting in a month;
  - it allowed specific Member expertise to be developed in relation to the LDF process and strategic planning issues;
  - it ensured that significant time wasn't taken up by the main OSC deliberating the detail of LDF policy (most of the monthly meetings lasted for 3 hours, but the nature of business occasional required longer).

6. Over the 3 year period the Task Force was operating, whilst discussions were generally held 'in camera', the Chair of the Task Force did have the discretion to invite representatives from the community, developers and other stakeholders to address the Task Force where it agreed it would be helpful to hear their views on a particular issue. In practice, external representatives were invited to contribute on a number of occasions and this proved extremely helpful.
7. South Beds operated a similar Growth Committee. However, because the planning policy making powers for the Luton/South Bedfordshire Growth Area are designated to the Joint Planning Committee, it had no formal role in helping to set the direction of travel of emerging planning policy, instead referring itself to formal responses to the JPC's consultation documents. The South Beds Growth Sub-Committee also had a wider remit than the Mid Beds LDF Task Force and over its time, considered a range of policy topics including the emergence of South Beds housing policy, transport projects etc.

### **The Issues to Consider**

8. In looking at whether an OSC Task Force should be set up for Central Bedfordshire the particular questions OSC needs to ask itself are:
  1. Is there a need for a Task Force or can all LDF policy making be dealt with by OSC?
  2. If a Task Force is set up, what remit should it have? Should it just be LDF business, or should it widen out to cover other strategy development such as the Local Transport Plan (LTP) and major regeneration projects (Dunstable Town Centre Plan etc.)?
  3. If a Task Force is set up, to what extent should stakeholders/developers/the public be invited to participate?
  4. If a Task Force is set up, to what extent should it request it be involved in the business of the JPC? Should it request the opportunity to comment on draft policy before it goes out on consultation or should it be content to respond to formal consultation documents as they appear?
  5. If a Task Force is set up, who should be involved? Should it just be OSC members, or should there be formal representation of Executive members (ie. Portfolio Holder)? How many Members should sit on the Task Force and should there be political proportionality?
  6. If a Task Force is set up, what should its governance arrangements be?

## The Options

9.

**Option 1: Do not set up a Task Force and instead consider all LDF policy preparation within OSC for Sustainable Communities.** This provides satisfactory overview and scrutiny of LDF policy formulation however some LDF business is necessarily detailed such as site selection and would occupy a considerable amount of OSC time unless certain elements were delegated/dealt with outside of formal OSC process. This in turn could lead to criticism that decisions were not being taken in the open. This option could lead to very lengthy meetings to the detriment of other OSC business or decisions being taken without a full debate. This process would be wholly transparent, however, as decisions would be taken in a public setting where decision makers can be held accountable.

**Option 2: Maintain OSC to oversee LDF matters but delegate OSC's role for detailed LDF preparation to an OSC Task Force, with the Task Force reporting progress periodically to OSC (every 4 or 6 months).** Under this option detailed consideration could be given to issues without holding back other OSC business. Matters could be debated in a full and frank fashion and in a more informal and fluid way than in a formal committee setting. OSC would remain informed of progress but would not be able to change the direction of detailed LDF policy being set by the Task Force. There would be greater flexibility over frequency and duration of meetings to respond to the LDF process.

**Option 3: Maintain OSC to consider all strategic LDF policy preparation but delegate non-strategic business to a Task Force for its consideration.** Appendix A sets out in detail what type of business would go to the Task Force under this option and what type of business would be retained by OSC. For example, the policy criteria for selecting new development site allocations would be considered by the OSC, but the detailed selection of those sites in accordance with those criteria would be initially delegated to the Task Force. This option enables OSC to retain a strategic overview but not become embroiled in unnecessarily detailed policy formulation.

**Option 4: Maintain OSC to consider all strategic LDF policy preparation but delegate non-strategic business to a Task Force for its consideration. In addition, widen the Task Force's remit so that it also gives detailed consideration to other non-strategic policy documents associated with the Local Transport Plan etc (for example, action plans and sub-strategies which deliver key policies of the Housing Strategy or Local Transport Plan).** There are considerable interdependencies between the three policy areas which sit in the same Division and this approach would ensure a close alignment between policy development in these fields. The disadvantage is that the Task Force would have to deal with a large volume of work potentially.

10. Under both Options 3 & 4 the 'direction of travel' for detailed policy could be 'signed off' by the OSC Chair in consultation with the Vice Chair if OSC considered that appropriate. This would save the need for a second consideration by OSC if the conclusions of the Task Force were viewed by the Chair as being non-controversial or not needing further consideration.
11. Whichever of the four options is taken forward, OSC should also discuss and consider the role it plays in relation to the work of the JPC. That role could be in the form of responding to formal consultations published by the JPC or seeking to influence those consultations prior to publication.

## **Conclusion**

12. Members of OSC are asked to consider the options set out above and agree which option they wish to take forward and operate.

## **CORPORATE IMPLICATIONS**

### **Council Priorities:**

The preparation of the Local Development Framework, Local Transport Plan and Housing Strategy are all statutory responsibilities of the Council.

### **Financial:**

No financial implications.

### **Legal:**

No legal implications.

### **Risk Management:**

The need to ensure that processes are open to scrutiny minimises risk

### **Staffing (including Trades Unions):**

No staffing implications.

### **Equalities/Human Rights:**

No equalities/Human Rights implications.

### **Community Development/Safety:**

No community development/safety implications.

### **Sustainability:**

No sustainability implications.

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**Appendices:**

Appendix A – schedule of possible business for OSC and Task Force (as per Option 3 set out in report)

**Background Papers** (open to public inspection):

None

**Location of papers: Priory House, Chicksands**