

SHADOW EXECUTIVE
16 DECEMBER 2008

SUBJECT	LUTON AND SOUTH BEDFORDSHIRE JOINT COMMITTEES (To confirm the future joint working arrangements and continuation of the Luton and South Bedfordshire Joint Committee to prepare the Local Development Framework and strategic transport policy for the Luton and South Bedfordshire growth area.
REPORT OF	Head of Legal and Democratic Services
<i>Contact Officer: Rob Mills Tel: 0845 849 6274</i>	

IMPLICATIONS

SUSTAINABILITY	None arising from this report
FINANCIAL	None arising from this report
LEGAL	Regulation 24 of The Local Government (Structural Changes) (Transitional) Arrangements) (No. 2) Regulations 2008 provides for the continuance for up to three years of a joint committee established under S. 29 of the Planning and Compulsory Purchase Act 2004 or strategic planning purposes. S.101(5) of the Local Government Act 1972 provides for two or more local authorities to discharge any function jointly through a joint committee.
PERSONNEL/EQUAL OPPORTUNITIES	None
COMMUNITY DEV/SAFETY	None
TRADE UNIONS	None
HUMAN RIGHTS	None
KEY ISSUE	Yes
BUDGET/POLICY FRAMEWORK	No

OTHER DOCUMENTS RELEVANT TO REPORT
None

RECOMMENDATIONS:
1. That the arrangements set out in the report to the Luton and South Bedfordshire Joint Committee on 28 November 2008 for (a) the continuation of the existing Section 29 (planning) Joint Committee until 1 April 2012, and (b) parallel arrangements for the Section 101 (transportation) Joint Committee, including their respective Member composition, be approved.

2. That the Executive notes that the arrangements for the Section 29 (planning) Joint Committee and the Section 101 (transportation) Joint Committee have been incorporated into the draft constitution for Central Bedfordshire Council, to take effect from 1 April 2009 (subject to full Council approval in February 2009), and will similarly be incorporated into the constitution of Luton Borough Council.
3. That the Executive delegates authority to the Head of Legal and Democratic Services to finalise with Luton Borough Council the detailed terms of reference and/or formal agreement to enable the work of the Joint Committees to continue uninterrupted.

Reason for Recommendation: To ensure that the strategic planning and transportation work of the Joint Committees can continue across the existing administrative areas of Luton and South Bedfordshire District without interruption after 1 April 2009.

Background

1. The existing Luton and South Bedfordshire Joint Committees comprise:
 - (a) a joint committee established under Section 29 of the Planning and Compulsory Purchase Act 2004 and the Luton and South Bedfordshire Joint Committee Order 2007 to exercise, as local planning authority, most of the strategic planning functions of Luton Borough Council and South Bedfordshire District Council (except minerals and waste development planning) across the whole of their present administrative areas (being the designated Luton and South Bedfordshire Growth Area); and
 - (b) a joint committee established under Section 101(5) of the Local Government Act 1972 by the two authorities to prepare and recommend the Local Transport Plan for the Growth Area.
2. In practice all business, whether on planning or transportation matters, has so far been conducted through the Section 29 Committee, with the Section 101 Committee maintained in reserve.
3. Both committees will cease to exist in their existing format on 1 April 2009 when South Bedfordshire District Council and Bedfordshire County Council are abolished but it is crucial that the joint work continues at Member level under Central Bedfordshire Council until the Local Development Framework for the Growth Area has been substantially completed.

4. The Local Government (Structural Changes) (Transitional) Arrangements (No. 2) Regulations 2008 provide legal continuity for the work of the Section 29 Joint Committee after reorganisation on 1 April 2009; and for its continued existence, with modified membership, until 1 April 2012 or the adoption of the Local Development Documents that comprise the Local Development Framework for the Growth Area, whichever is the earlier.
5. The attached report (Appendix A) was considered by the Section 29 Joint Committee on 28 November 2008 and its recommendations were approved. The report explains the outcome from recent discussions with the Department for Communities and Local Government (DCLG), the proposed changes to the membership of both joint Committees arising from reorganisation and the need for relatively minor changes to their existing terms of reference.
6. Officers are consulting Luton Borough Council on these minor changes so that the new terms of reference and any necessary formal agreement can be agreed in good time for vesting day. Most of the existing constitutional arrangements will remain unchanged, including the geographical area covered by the Joint Committees. This will continue to be the current administrative areas of Luton Borough Council and South Bedfordshire District Council until such time as the Section 29 Committee is dissolved under the terms of the Structural Changes No. 2 Order.
7. The new arrangements have been incorporated into the working draft of Central Bedfordshire's full constitution, which will be presented for full Council approval on 26 February 2009, when the necessary Member appointments for 2009/10 will be required. The new arrangements will take effect from 1 April 2009.

Background Papers: None