

Luton & South Bedfordshire Joint Committee

28 November 2008

Agenda Item No. 9

AUTHOR	Joint Officer Team (Anne Brereton, Deputy Chief Executive & Strategic Director & Andrew Emerton, Legal Services Manager, SBDC)
SUBJECT	Local Government Review in Bedfordshire – Future of the Joint Committee
PURPOSES	To confirm the future joint working arrangements and continuation of the Joint Committee to prepare the Local Development Framework and strategic transport policy for the Luton and South Bedfordshire growth area.
RECOMMENDATIONS	That: (i) The arrangements for the continuation of the Section 29 (planning) Joint Committee to 2012 be welcomed and; (ii) The arrangements for the Section 29 (planning) Joint Committee (together with parallel arrangements for the Section 101 Joint Committee) be recommended for incorporation, in the constitutions of the new Central Bedfordshire Council and Luton Borough Council.
REASON FOR RECOMMENDATIONS	To ensure that appropriate constitutional arrangements are made, in line with the transitional legislative provisions, to enable the continued preparation of the Local Development Framework, and the Local Transport Plan, for the Luton and South Bedfordshire growth area.

1.0 INTRODUCTION & BACKGROUND

- 1.1 Bedfordshire County Council, Luton Borough Council and South Bedfordshire District Council have agreed to work together on formulating the planning and transportation policies required to deliver the Government's sustainable communities agenda for the Luton and South Bedfordshire growth area.

- 1.2 It has been necessary to establish two joint committees to fulfil these functions; a Section 29 Committee under the Planning and Compulsory Purchase Act 2004 to develop the 'planning' aspects and a Section 101(5) committee under the Local Government Act 1972 to perform the Executive function of the preparation of the Local Transport Plan.
- 1.3 The Section 29 Joint Committee was formally established by statutory instrument in June 2007, although it had been in existence and operating since November 2005.
- 1.4 The three core councils have all made changes to their constitutions to reflect these arrangements and agreed a local protocol setting out the detailed terms of reference, membership of the two committees, their relationship and commitments to governance and resourcing issues.
- 1.5 Local Government Review in Bedfordshire requires amendments to be made to the statutory provisions and constitutional arrangements to enable the continuation of joint working focussed on the designated growth area. This is an objective that has been supported by the current core authorities and in principle by the Shadow Council of Central Bedfordshire.

2.0 FUTURE ARRANGEMENTS

- 2.1 Discussions have been ongoing with the Department of Communities and Local Government, with the support of Government Office East, to find the most appropriate mechanism to provide continuity at this critical time. The main issue has been that Section 29 requires at least one of the constituent members to be a County Council. As this will no longer be the case alternative arrangements were required.
- 2.2 After much debate and consideration, the Local Government (Structural Changes) (Transitional Arrangements) (No. 2) Regulations 2008 have been drafted to 'modify' Section 29 powers post 1 April 2009 to enable continued joint working on strategic planning policy by the two Unitary Councils, albeit for a transitional period only. (The regulations were made on 5 November and are due to come into force on 28 November 2008).
- 2.3 Following representations from the core councils agreement has been reached that extends the transitional period, for the purposes of the Local Development Framework, to 1 April 2012 (being the third anniversary of the reorganisation date) or, the adoption of the last Local Development Document, identified in the approved Local Development Scheme, whichever is the sooner.
- 2.4 The reason for this appears to be twofold. First to maintain pressure on the local authorities to complete the key aspects of the Local Development Framework within a reasonable timescale and, second, because the transitional provisions are intended to be for a temporary period only.

- 2.5 The timescale to 2012 is welcomed, given the complexity of the growth agenda issues in this area. This is also a reasonable period to enable Central Bedfordshire to review its position on planning and transportation policy across the whole of the new administrative area and consider how best to discharge these responsibilities in future.
- 2.6 The proposed changes for both the Section 29 and 101 Committees will need to be incorporated into the constitution for Central Bedfordshire and Luton Borough Council, prior to vesting day on 1 April 2009 when the Section 29 and Section 101 joint committees will cease to exist in their existing format. The membership of the new joint bodies will be:

	Existing Membership (until 1 April 2009)	New Membership (from 1 April 2009)
S.29 Committee	Luton BC 6 Cllrs South Beds 4 Cllrs Beds CC 2 Cllrs	Luton BC 6 Cllrs Central Beds 6 Cllrs
S.101 Committee	Luton BC 3 Exec Cllrs South Beds 1 Exec Cllr Beds CC 2 Exec Cllrs	Luton BC 3 Exec Cllrs Central Beds 3 Exec Cllrs
Member Steering Group	Chairman, Vice-Chairman and a representative of Beds CC (other JC members may also attend)	Chairman or nominee Vice-Chairman or nominee (other JC members may also attend)

- 2.7. The chairmanship of both the Section 29 and Section 101 committees will alternate on an annual basis between Central Bedfordshire and Luton Borough Councils, with the vice-chairmanship in each case being a member of the authority not holding the chairmanship. The administration role will also continue to alternate.
- 2.8. All other constitutional arrangements will remain unchanged, including the geographical area covered by the joint committees which will continue to be the current administrative areas of Luton Borough and South Bedfordshire District until such time as the new Section 29 Committee is dissolved under the terms of The Local Government (Structural Changes) (Transitional Arrangements) (No. 2) Regulations 2008.

3.0 FINANCIAL IMPLICATIONS

- 3.1 The financial implications of continuing the joint working arrangements for planning and transportation policy are known and set out in the pooled budget for the joint committee and the revenue budgets of the existing authorities. These are being taken forward in the budget planning process for Central Bedfordshire.

If new arrangements were required, resulting in the earlier dissolution of the Joint Committee, there would be significant financial (and procedural) implications resulting from the need to prepare a single, new Local Development Framework for the whole of Central Bedfordshire. The arrangements now proposed are the most efficient and effective means of achieving a planning and transportation policy framework for the growth area of Luton and South Bedfordshire, also enabling the LDF for Mid Bedfordshire to be completed. These implications were agreed by Phil Robinson, Senior Accountant, SBDC on 14 November 2008.

4.0 LEGAL IMPLICATIONS

- 4.1 The legal implications are set out in the report. Provision for both the Section 29 and 101 Committees needs to be made within the new Central Bedfordshire Constitution and any amendments confirmed by Luton Borough Council prior to the end of March 2009. If the two unitary councils agree that continued joint working in a Section 29 type arrangement should continue beyond 1 April 2012 then it will be necessary for a formal amendment to be made to the primary legislation. This is a matter that might be pursued by other unitary authorities in the meantime. These implications were agreed by Andrew Emerton, Legal Services Manager, SBDC on 12 November 2008.