

Bath & North East Somerset Council

MEETING/ DECISION MAKER:	Paul Crossley (Leader of the Council) Tim Ball (Cabinet Member for Planning & Homes)	
MEETING/ DECISION DATE:	On or after 17th May 2014 (for single Member decision)	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2662
TITLE:	West of England Duty to Cooperate – Planning, Housing and Communities Committee	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report: Appendix 1 - Draft Terms of Reference</p>		

1 THE ISSUE

1.1 The West of England Unitary Authorities long-held commitment to working in partnership supported the early creation of the Planning, Housing & Communities Board (PHCB) in July 2008. However consideration is needed to constituting PHCB as a formally constituted Committee to further demonstrate this Council's on-going commitment to the Duty to Co-operate within the Localism Act 2011.

2 RECOMMENDATION

2.1 To agree the principle of strengthening the existing Planning Housing and Communities Board to become a Committee subject to the production and agreement of a Joint Working Legal Agreement.

2.2 To agree in principle that officers work to formulate Terms of Reference for the Committee

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

3.1 As part of its agreed budget the Council makes an annual contribution to the West of England of £152k (2014/15); the other three West of England Unitary Authorities contribute the same amount. Part of this contribution funds the work detailed in this report. Given that this report seeks agreement to simply

strengthen to the role of an existing Joint Committee there are no resource implications arising as a result.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 In 2011 the Localism Act 2011 introduced the Duty to Co-operate, as set out at section 110 it requires authorities to “engage constructively, actively and on an on-going basis”. It applies to all local planning authorities, national park authorities and county councils in England.

4.2 The National Planning Policy Framework (NPPF) sets out where co-operation might be appropriate to deliver strategic priorities; what joint working activities may be appropriate to ensure issues are reflected in local plans, and the expectation that local planning authorities should demonstrate evidence of having effectively co-operated.

5 THE REPORT

5.1 The four Unitary Authorities are committed to working together and with relevant stakeholders to ensure that the strategic issues for the West of England are addressed in a genuinely joined-up-way.

5.2 Joint working to date has included:

Publication and on-going reporting and engagement with neighbouring authorities on strategic issues as set out in the West of England duty to cooperate schedule.

West of England strategic framework-which pulls together the Core Strategy visions and priorities into a single framework.

Commissioning of strategic evidence base as required ie Strategic Housing Market Assessment.

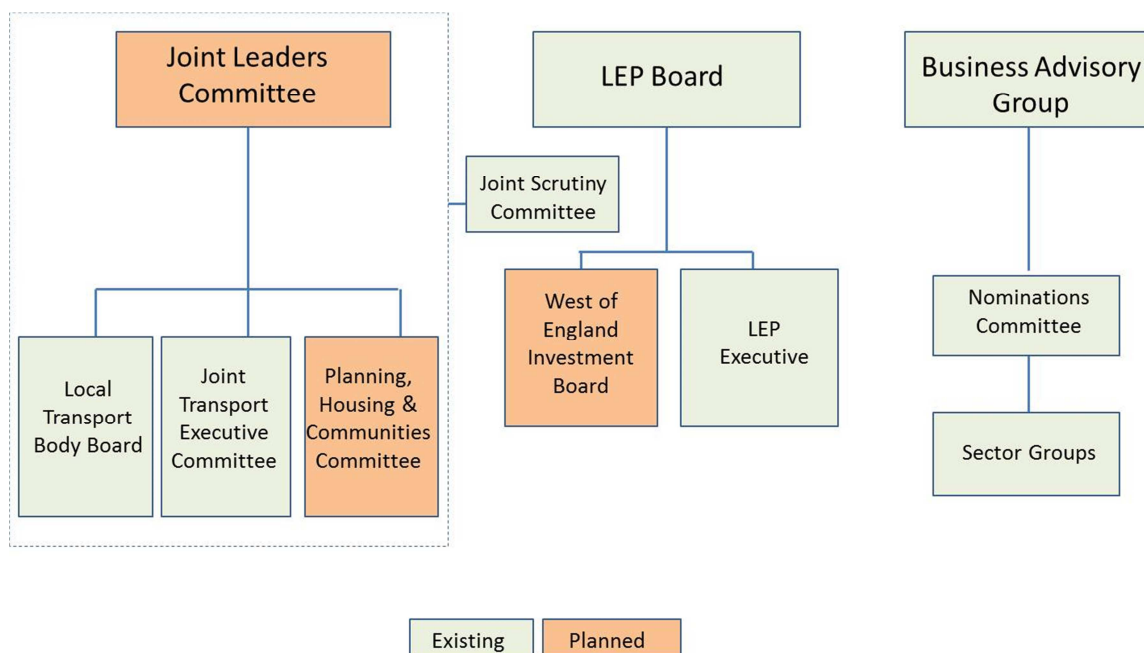
Preparation of a Joint Planning Strategy.

5.3 The Authorities will continue to co-operate on supporting activities relating to strategic matters and have a shared commitment and responsibility for providing the Leadership to deliver the strategic planning and housing components of the West of England Vision.

5.4 To further demonstrate our obligations on the Duty to Cooperate are being met, it is proposed that the current joint authority Planning, Housing and Communities Board (PHCB) is further strengthened to become a formally constituted Committee. Similar arrangements have successfully operated in the area of transport since 2008. This change would mirror the existing arrangements that are in place for transport. The role for the Cabinet Member for Planning and Housing at this Committee would be the same as the Cabinet Member for Transport has at the Joint Transport Executive Committee. The powers of the four UAs would be operated collectively within the strategic framework determined by their four Cabinets or in the case of South Glos. Committees - .

5.5 This approach would accord with the proposals in the Local Enterprise Partnership’s Strategic Economic Plan for strengthened governance and a Joint Leaders Committee, as set out at figure 1.

Figure 1: Planning, Housing and Communities Board Committee.



6 RATIONALE

- 6.1 The Duty to Co-operate is a statutory duty under the requirements of the Localism Act 2011.
- 6.2 The endorsement of the Planning Housing and Communities Committee will allow the Council to demonstrate that it is meeting its duties under Section 110 of the Localism Act.
- 6.3 The Council will benefit from direct engagement through on-going collaboration in identifying and delivering the levels of growth in the Authorities' Local Plans.

7 OTHER OPTIONS CONSIDERED

- 7.1 Inspectors at Examination in Public are testing the soundness of development plans and being able to demonstrate that we are meeting the Duty to Cooperate is a key component in this Council undertaking a future review of its Core Strategy and in relation to the adoption of future Development Plan Documents.

8 CONSULTATION

- 8.1 At its meeting on 4th April 2014, The West of England Planning Housing and Communities Board endorsed officers to undertake further work as necessary to put arrangements in place for a Planning, Housing and Communities Committee.
- 8.2 The section 151 officer and the monitoring officer have been consulted

9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

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Background papers	Local Enterprise Partnership's Strategic Economic Plan
Please contact the report author if you need to access this report in an alternative format	

Appendix 1:

Draft terms of reference Planning Homes and Communities Committee (PHCC)

1. On behalf of the four West of England (WoE) Unitary Authorities to formally ensure that the requirements of Section 110 of the Localism Act 2011, (the Duty to Cooperate are met); specifically to ensure that the authorities can evidence that they have **“engaged constructively, actively and on an ongoing basis”** in the development and implementation of their strategic policies. Specifically this will require the PHCC to:-
 - Establish, publish and keep under active review a WoE Duty to Cooperate register
 - On at least an annual basis, determine Duty to Cooperate (DtC) project priorities through the preparation of an agreed WoE Duty to Cooperate Action Plan
 - Commission, scrutinise, and agree Project Initiation Documents (PiDs) to deliver on the DtC priorities , and as necessary receive update reports (with risk registers), and perform a gateway review function on behalf of the 4 UAs as required
 - Determine the steps required to ensure the delivery of the DtC Action Plan programme is delivered

2. Ensure that the Strategic Framework for the West of England is kept-up-to-date to provide the long-term context within which strategic spatial planning and strategic infrastructure decisions can be made by the 4UAs and other delivery agents. Specifically this will require the PHCC to provide the leadership to:-
 - Establish, consult on, publish and review the WoE Strategic Framework to an agreed timetable
 - During consultation ensure that our communities and neighbourhoods are empowered to have effective engagement in place-shaping.
 - Ensure that the overall outcome of creating inclusive places and sustainable communities, in which people wish to live and work, is at the heart of decision making.
 - Determine the context, scope, and timing of the engagement necessary with all relevant stakeholders to ensure that that establishment of the WoE vision within the Strategic Framework is achieved in a way which maximises the ‘buy-in’ from all parties
 - Consider and make recommendations to the 4UAs relating to the co-ordination of plan-making and the strategic evidence-base to best safeguard the delivery of the Strategic Framework’s vision and objectives
 - On behalf of the 4UAs, commission, scrutinise and agree project Project Initiation Documents, to provide the strategic evidence base to inform the development of the Strategic Framework and individual UA plan-making where this is reliant on or would be informed by sub-regional assessments

- As necessary receive update reports (with risk registers), and perform a gateway review function on behalf of the 4 UAs as required
3. Advise and make recommendations to the Councils, informed by their work with the Joint Scrutiny Committee and Infrastructure and Place Group, on the Duty to Cooperate action plan which demonstrates the way in which the duty to cooperate will continue to be met.
 4. Collaborate on sub-regional planning and development issues and commission and ratify evidence base preparation to support duty to cooperate activities such as plan preparation.
 5. Specifically overseeing the preparation of the West of England SHMA review to inform local plan reviews and achieve a balanced housing market, particularly the provision of affordable housing. Make recommendations about investment in public and private housing stock to address existing, unmet and future need.
 6. Provide Leadership and collaborate in, identifying and delivering the levels of growth proposed by the Authorities' Local Plans (housing and employment land allocations being set out by the local development frameworks and appropriate improvements to local employment, social and physical infrastructure).
 7. Advise and make recommendations to the Councils on infrastructure planning and prioritisation to deliver the infrastructure requirements as set out in the West of England Strategic Framework.
 8. Provide a leadership role in engagement with other key agencies and neighbouring authorities on strategic planning activities as identified in the Duty to Cooperate Action Plan, and existing MoUs/protocols with the Defra family and the Homes and Communities Agency.