

South Worcestershire Development Plan Joint Advisory Panel

Terms of reference, constitution and guidance (Revised April 2017)

Role and function

1. The purpose of the Joint Advisory Panel is to:
 - a) consider reports and examine issues related to the production of joint Development Plan Documents and other planning policy documents for South Worcestershire and to make recommendations to the Councils for Malvern Hills and Wychavon Districts and Worcester City regarding the content, development, post-examination adoption and review of the Development Plans.
 - b) make recommendations to the above Councils regarding the review and content of the Local Development Schemes covering South Worcestershire and the timetabling of Development Plan Documents and Supplementary Planning Documents.
 - c) make recommendations to the above Councils regarding future plan making and development management arrangements associated with the implementation of the Local Development Schemes for South Worcestershire.
 - d) consider reports and examine issues related to the production and review of synchronised Community Infrastructure Levy (CIL) charging schedules for South Worcestershire and to make recommendations to the above Councils regarding the content, development and post-examination adoption of these.
 - e) consider proposals and bids for the use of CIL income in accordance with the south Worcestershire IDP and Regulation 123 list and make recommendations for the release of CIL income to each of the south Worcestershire Councils either individually or on the basis of pooling CIL income to support recommended infrastructure projects and investment. The process by which each of the south Worcestershire Councils approves the release of CIL income will be subject to each Councils own procedures and governance arrangements.
 - f) To receive and consider regular monitoring reports relating to the collection and expenditure of CIL across south Worcestershire and prepare an annual combined report to be presented to each of Councils setting out progress with the collection and expenditure of CIL income.

- g) consider and make recommendations to the south Worcestershire councils on the necessary transitional and delivery arrangements post-adoption of the Development Plan Documents with respect to governance, implementation and development management.

Constitution

2. The Joint Advisory Panel will be comprised of 15 councillors, with 5 councillors nominated by each of the Councils for Malvern Hills and Wychavon Districts and Worcester City (referred to as the South Worcestershire Councils). Worcestershire County Council will also nominate a non-voting representative.
3. The Joint Advisory Panel will not be subject to formal political balance considerations however, in the interests of openness representation from political groups will be sought from each Council.
4. Substitution arrangements will apply both to ensure the Joint Advisory Panel is quorate and to safeguard each Authority's vote share.
5. The quorum of the Joint Advisory Panel will be 6 councillors comprising at least two councillors from each South Worcestershire Council.
6. The Joint Advisory Panel has no executive / decision making capacity / powers in respect of any of the planning or other functions of the South Worcestershire Local Councils and does not represent a formally constituted Joint Committee.

Rules and Procedures

7. There is no prescribed maximum period with respect to district councillors' membership of the Joint Advisory Panel. Membership of the Panel will be subject to each of the South Worcestershire Councils own arrangements for the review of nominations to external bodies / partnerships.
8. The Joint Advisory Panel will elect a chairman to conduct its meetings / business at its first meeting and subsequently at the first meeting in each municipal year. No member will hold the position of Chairman for more than 12 consecutive months unless an extension is agreed by the Panel, subject to a maximum period of 24 consecutive months. Unless otherwise agreed by the Panel in the interests of continuity, the role of chairman will rotate annually between the three south Worcestershire Councils. At the first meeting in each municipal year the Joint Advisory Panel will also elect a vice chairman. The vice chairman will be drawn from the Council which will host the chairman role in the following municipal year.

9. Meetings will not be held in public though elected members of the above Councils would normally be welcome to attend as an observer. On occasion the Chair may decide to hold a closed meeting (see para 10), in such instances this will be clearly indicated on the meeting agenda.
10. Where commercially sensitive or confidential policy development matters / technical studies are to be discussed closed meetings of the panel will be held where other organisations, elected members and individuals will be excluded. The Panel will at all times seek to minimise the requirement for closed or workshop sessions.
11. Representatives of other organisations or individuals may be invited to attend meetings at the Chairman's discretion to discuss issues relevant to the work of the Panel.
12. Meetings of the Panel will be serviced by the Democratic Services teams from each of the South Worcestershire Authorities on a 12 months rotational basis (unless alternative arrangements are agreed by the officer team).
13. The Panel's recommendations will be decided on a simple majority of votes. Voting rights will extend to each elected member on the Panel.
14. Notes of the Joint Advisory Panel will be reported to the Planning Committee of each of the South Worcestershire Authorities and / or, if required, to their respective full Council meetings.
15. An agenda (and, where possible, reports) will be circulated to Panel Members five clear working days before the Panel meeting.

Guidance and arrangements for meetings of the Panel

16. The primary purposes of the Panel are set out in paragraph 1.
17. The Panel will consider both strategic and local policy issues so as to enable the planning documents to gain common agreement and to be swiftly endorsed through the decision making processes of each Council. The Panel will also consider the collection of evidence and the production / content of studies and documents necessary to support the production / review of Planning Documents and related policies. The Panel may also consider any other matter of common interest relating to spatial planning and infrastructure provision across South Worcestershire.
18. The Panel will aim to recommend to each of the South Worcestershire Authorities a planning documents which appropriately reflects the

needs, opportunities and aspirations of each of the South Worcestershire Councils in the context of a coherent and consistent spatial strategy for South Worcestershire as a whole. The Development Plan will give due regard to other key strategies. Where appropriate the Panel may also set out a south Worcestershire strategic response to consultations into county-wide or regional plans / strategies and recommend such responses to the south Worcestershire Councils for endorsement.

19. The Panel will aim to recommend to each of the South Worcestershire Councils a co-ordinated approach to the production, adoption and implementation of CIL.

20. Members of the Panel will:

- a. be prepared at each meeting to debate issues and seek common agreement.
- b. promote and recommend the Panel's recommendations to their respective Council decision making bodies.
- c. provide regular reports to their Council regarding the work of the Panel and progress with the SWDP.
- d. make every effort to attend meetings of the Panel.

21. Officer support to the Panel will be provided by each of the South Worcestershire Councils through the Officer Steering Group. Representatives from Worcestershire County Council will be invited to attend meetings as observers and contributors. In addition to the provisions of paragraph 2 above, other Worcestershire County Councillors may be invited to meetings from time to time as required by the business of the Panel.

22. Venues for meetings will rotate between the three South Worcestershire Authorities. Meetings will normally be held during the working day.

23. The frequency of meetings of the Panel will be agreed by the Panel. In order to progress the Development Plan in accordance with the Local Development Schemes and deliver CIL for South Worcestershire it may be necessary for the frequency of meetings to be adjusted or to hold special meetings of the Panel. With respect to recommending CIL expenditure to the south Worcestershire Councils, as a minimum this will be undertaken annually but more frequent reports setting out recommendations for expenditure will be produced if early decisions are required to secure the delivery of a specific infrastructure project (s). Occasionally it may also be appropriate for the Panel to recommend to the South Worcestershire Councils s that committee /

council meeting calendars are adjusted or aligned and / or special meetings are held in order for the planning documents to meet LDS deadlines.

24. The Panel will also consider arrangements for joint consultation and publicity in association with the preparation of the Development Plan, SPDs and CIL. However, the Panel will not undertake consultation directly nor will it issue publicity or offer statements on behalf of the South Worcestershire Councils unless invited to do so by all of the Councils .
25. The Panel will receive and consider progress reports with respect to the production of the planning documents and CIL and, if necessary and appropriate, make recommendations to the South Worcestershire Councils regarding the adequacy of plan preparation in relation to the Local Development Schemes for South Worcestershire and resources associated with plan making.
26. Proposals or bids for the release of CIL income will be initially assessed by an Officer Working Party comprised of officers from the south Worcestershire Councils and appropriate officers from Worcestershire County Council, depending upon the nature of the infrastructure expenditure involved. The Working Party will include the respective Heads of Planning (or their agreed substitutes) for the south Worcestershire Councils. Recommendations to the Panel regarding proposals or bids for the release of CIL income will be joint reports from Heads of Planning for the south Worcestershire Councils. In the event that officer recommendations to the Panel can not be fully agreed any reports will identify any key points of disagreement.
27. The Panel does not have delegated authority to enter into any contracts or provide undertakings regarding the direct provision of infrastructure (or its funding) or the acquisition, lease or renting of land or other assets on behalf of the SWCs.

**Extract from Planning and Compulsory Purchase Act 2004
(Section 28)**

28 Joint local development documents

(1) Two or more local planning authorities may agree to prepare one or more joint local development documents.

(2) This Part applies for the purposes of any step which may be or is required to be taken in relation to a joint local development document as it applies for the purposes of any step which may be or is required to be taken in relation to a local development document.

(3) For the purposes of subsection (2) anything which must be done by or in relation to a local planning authority in connection with a local development document must be done by or in relation to each of the authorities mentioned in subsection (1) in connection with a joint local development document.

(4) Any requirement of this Part in relation to the RSS is a requirement in relation to the RSS for the region in which each authority mentioned in subsection (1) is situated.

(5) If the authorities mentioned in subsection (1) include one or more London boroughs the requirements of this Part in relation to the spatial development strategy also apply.

(6) Subsections (7) to (9) apply if a local planning authority withdraw from an agreement mentioned in subsection (1).

(7) Any step taken in relation to the document must be treated as a step taken by-

- (a) an authority which were a party to the agreement for the purposes of any corresponding document prepared by them;
- (b) two or more other authorities who were parties to the agreement for the purposes of any corresponding joint local development document.

(8) Any independent examination of a local development document to which the agreement relates must be suspended.

(9) If before the end of the period prescribed for the purposes of

this subsection an authority which were a party to the agreement request the Secretary of State to do so he may direct that-

(a) the examination is resumed in relation to the corresponding document;

(b) any step taken for the purposes of the suspended examination has effect for the purposes of the resumed examination.

(10) A joint local development document is a local development document prepared jointly by two or more local planning authorities.

(11) The Secretary of State may by regulations make provision as to what is a corresponding document.