

MAIDSTONE BOROUGH COUNCIL

CABINET

13 JUNE 2012

REPORT OF HEAD OF DEMOCRATIC SERVICES

Report prepared by Neil Harris

1. Spatial Planning Strategy

1.1 Issue for Decision

1.1.1 To consider the best means of providing all party involvement in giving advice to the Cabinet and Cabinet Member for Planning, Transport and Development on decisions required in respect of the Spatial Planning Strategy.

1.2 Recommendation

1.2.1 That the Council be recommended:-

- a) That a new body named the "Spatial Planning Strategy Advisory Group" be created with the following Terms of Reference;

"To advise the Cabinet and the Cabinet Member for Planning, Transport and Development on the Spatial Planning Strategy including the Local Development Framework and other Spatial Planning documents including Development Plan documents, Development Management Policies and Development Briefs".

- b) That the new Spatial Planning Strategy Advisory Group be comprised of six Members.
- c) The Spatial Planning Strategy Advisory Board be appointed by the Leader of the Council on the nomination of Group Leaders with a membership of:-
- 3 Conservatives
2 Liberal Democrats
1 Independent
- d) That the Constitution be amended accordingly.

1.3 Reasons for Recommendation

- 1.3.1 At the Review of Committees held in April last year the system for considering the Spatial Planning Strategy with the Local Development Document Advisory Group giving advice to the Cabinet and Cabinet Members whilst Overview and Scrutiny could call in decisions and also have the opportunity to consider the report as a policy framework document was changed. This system was changed to a Scrutiny task and finish panel being set up for the purpose of giving advice to the Cabinet and Cabinet Member on Spatial Planning Strategy as well as having an opportunity at a later stage to consider the matter as the Overview and Scrutiny body considering these issues. This, it was felt, would avoid duplication and maintain consistency on these issues through one single body.
- 1.3.2 In practice this process did not work as effectively as originally envisaged and it is felt that a separation of the Overview and Scrutiny role from the advisory role to the Cabinet and Cabinet Member should be reinstated with clear lines of separation. Therefore it is suggested that a new advisory group is established entitled "Spatial Planning Strategy Advisory Group" to advise the Cabinet and Cabinet Member on all matters relating to the Spatial Planning Strategy leading up to the final decision to submit a local development document to the Secretary of State. During this part of the process the Overview and Scrutiny Committee would still have the opportunity to call in any decisions together with the retained obligation for referral to Scrutiny as a policy framework document before a decision is made to recommend to Council that the document should be submitted to the Secretary of State by the Cabinet. At this point the Overview and Scrutiny Committee would have one month to consider the proposal before submitting its recommendations to the Cabinet who would consider these matters and then make a recommendation to Council, explaining how it had taken the comments into account.
- 1.3.3 This provides a clear division between the Scrutiny element which takes place at the last part of the process and the advisory element which will rest with the new Spatial Planning Strategy Advisory Group whose role will be completed before Scrutiny takes part in the formal consideration of a policy framework document.
- 1.3.4 It is therefore proposed that a Strategic Planning Advisory Group is established with the Terms of Reference set out in paragraph 1.2.1. It is suggested that the Leader of the Council should make the appointments to this Group based on a membership of six with it being politically balanced and that he appoint the nominations of the Group Leaders.

1.4 Alternative Action and why not Recommended

1.4.1 It could be agreed to take no action and to leave the existing system of a Scrutiny Task and Finish Panel or the Scrutiny committee itself advising the Cabinet or Cabinet Member as at present but that would not bring about the clear separation of the advisory and scrutiny role being recommended as part of these changes.

1.5 Impact on Corporate Objectives

1.5.1 This process assures all party Member involvement in Spatial Planning Strategy, one of the key documents for the Council.

1.6 Risk Management

1.6.1 The risk to the Authority is not diminished by the change in these political processes as the decision making process itself still resides with the Cabinet and subsequently the Council and therefore all Members will be involved in the decision relating to the Spatial Planning Strategy.

1.7 Other Implications

1.7.1

- 1. Financial
- 2. Staffing
- 3. Legal
- 4. Equality Impact Needs Assessment
- 5. Environmental/Sustainable Development
- 6. Community Safety
- 7. Human Rights Act
- 8. Procurement
- 9. Asset Management

1.7.2 There are no other implications which have not been dealt with in the body of the report.

1.8 Relevant Documents

1.9 None

1.9.1 Appendices

1.9.2 None

1.9.3 Background Documents

1.9.4 None

IS THIS A KEY DECISION REPORT?

Yes No

If yes, when did it first appear in the Forward Plan?

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This is a Key Decision because:

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Wards/Parishes affected:

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