



## CABINET REPORT

<b>Report Title</b>	<b>West Northamptonshire Joint Planning Unit – Legal Agreement</b>
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**AGENDA STATUS: PUBLIC**

<b>Cabinet Meeting Date:</b>	20 <sup>th</sup> January 2010
<b>Key Decision:</b>	No
<b>Listed on Forward Plan:</b>	Yes
<b>Within Policy:</b>	Yes
<b>Policy Document:</b>	Yes
<b>Directorate:</b>	Planning and Regeneration
<b>Accountable Cabinet Member:</b>	Councillor Richard Church
<b>Ward(s)</b>	N/A

### 1. Purpose

- 1.1 To approve a Legal Agreement (The “Agreement”) relating to the administration and functioning of the Joint Planning Unit (JPU), which will replace the previously agreed Memorandum of Intent (MOI) signed April 2009.

### 2. Recommendations

- 2.1 Approve and agree the “Agreement” relating to the administration and functioning of the JPU at Appendix 1, and authorise the Chief Executive to sign the Agreement on behalf of the Borough Council.

### **3. Issues and Choices**

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#### **3.1 Report Background**

- 3.1.1 The Partner Local Planning Authorities, namely Northampton Borough Council, Northamptonshire County Council, Daventry District Council and South Northamptonshire Council (PLPAs) are supporting the West Northamptonshire Joint Strategic Planning Committee (WNJSPC), principally through the resourcing of the JPU, featuring funding and employment of officers to progress the work programme set out in the Local Development Scheme (LDS).
- 3.1.2 The PLPAs, in the light of the functions conferred on it by Article 10 of the West Northamptonshire Joint Committee Order 2008, wish to authorise South Northamptonshire Council (SNC) to contract on behalf of the PLPAs for the provision of goods and services to and by the JPU.
- 3.1.3 The Agreement has incorporated the MOI and now includes a formal finance and procurement protocol, thus strengthening the governance of the work of the JPU.
- 3.1.4 The Borough Council will be the employing authority for the Head of the JPU and all directly appointed officers and the other PLPA's will indemnify NBC as set out at Paragraph 7.1 of the Agreement annexed in Appendix 1.

#### **3.2 Issues**

- 3.2.1 It is essential that the role of SNC and the Borough Council have the commitment of all the PLPAs to the resourcing and support of the JPU and that these arrangements are properly incorporated in a legal Agreement to ensure high standards of governance.

#### **3.3 Choices (Options)**

- 3.3.1 Cabinet should consider all reasonable options:
- 3.3.2 To not agree the Agreement or require further changes.
  - 3.3.2a This would leave the JPU with inadequate governance arrangements and risk the failure of the partnership and the reputation of the Borough Council.
  - 3.3.2b Our partner authorities have signed off the Agreement as presently set out, and all Monitoring and S. 151 Officers are satisfied with its structure and content. Requiring further changes at this time would introduce delay and risk our reputation with our partners.

3.3.3 To agree to the Agreement as recommended.

#### **4. Implications (including financial implications)**

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##### **4.1 Policy**

4.1.1 This report has no direct policy implications, but failure to agree the Agreement would put at risk the work of the JPU in developing strategic planning policy on behalf of the PLPAs.

##### **4.2 Resources and Risk**

4.2.1 The budget contribution for 2009/2010 has been agreed by Cabinet, and subsequent budgets will be prepared by the Head of the JPU and agreed by the WNJSPC before being submitted to individual PLPAs to be agreed through their own budget setting process.

4.2.2 Risk associated with the work of the JPU are reviewed and reported regularly to the West Northamptonshire Joint Strategic Planning Committee (WNJSPC). An Agreement with an integral finance and procurement protocol minimises risks associated with poor procurement practice, budget monitoring and governance.

##### **4.3 Legal**

4.3.1 Any legal implications for each PLPA are set out in the Agreement. NBC's Borough Solicitor's division has been directly involved in the preparation of the Agreement and has provided for improved terms of indemnity from the other PLPAs to the Borough Council in respect of the Officers directly employed by the Borough Council for the purposes of the JPU (see Para. 7.1 of the Agreement) and risk advice has been given.

##### **4.4 Equality**

4.4.1 There are no equality and diversity implications arising from the "Agreement".

##### **4.5 Consultees (Internal and External)**

4.5.1 The PLPAs Monitoring Officers and S. 151 Officers have been involved in the preparation of the "Agreement" and each individual authority is being requested to approve the "Agreement". (Confirmation has been received that the other partners have approved the Agreement).

#### **4.6 How the Proposals deliver Priority Outcomes**

- 4.6.1 The Agreement provides more robust governance arrangements for the administration of the JPU in its critical role of developing strategic planning policy. It is also an excellent example of joint working and partnership.

#### **4.7 Other Implications**

- 4.7.1 None.

### **5. Background Papers**

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- 5.1 Memorandum of Intent – approved by Cabinet April 2009.

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