

**SUBJECT: MEMORANDUM OF UNDERSTANDING WITH CENTRAL LINCOLNSHIRE JOINT STRATEGIC PLANNING COMMITTEE**

**DIRECTORATE: COMMUNITIES AND ENVIRONMENT**

**REPORT AUTHOR: TOBY FORBES TURNER, PLANNING POLICY MANAGER**

## **1. Purpose of Report**

- 1.1 A review of the Central Lincolnshire Joint Strategic Planning Committee's Memorandum of Understanding with Central Lincolnshire authorities including the City Council has recently taken place. Executive is asked to consider the revisions and additional provisions that have been made and approved by the Central Lincolnshire Joint Strategic Planning Committee and approve the changes.

## **2. Executive Summary**

- 2.1 The Central Lincolnshire Memorandum of Intent dates back to June 2009 when the Central Lincolnshire Joint Strategic Planning Committee was first formed. Given the significant amount of time elapsed since that time, a review has found that the Memorandum of Intent needs updating as it contains a number of outdated references which need amending particularly to be in line with current planning legislation and terminology.

## **3. Background**

- 3.1 There is provision within the Central Lincolnshire Joint Strategic Planning Committee Order 2009 for the Central Lincolnshire Joint Strategic Planning Committee (CLJSPC) to create its own standing orders, for the regulation of its proceedings and to meet the needs of the Committee. The Central Lincolnshire Joint Strategic Planning Committee last reviewed its Standing Orders in 2010, shortly after its inauguration.
- 3.2 It is good practice to carry out a periodic review to take account of changes in law or any other practical considerations, to ensure the Standing Orders remain fit for purpose and relevant to governance the needs of the Joint Committee.
- 3.3 As well as the Standing Orders, officers have reviewed the Central Lincolnshire Authorities' Memorandum of Intent to ensure that this too remains fit for purpose.
- 3.4 The original Memorandum of Intent was an agreement entered into by all Partner Authorities in Central Lincolnshire which detailed the operational support provided by each Partner Authority and dated back to the Committee formation in June 2009.

- 3.5 Upon review, it was found that the Memorandum of Intent contained a number of outdated references and other provisions that would benefit from being updated. Furthermore, the term Memorandum of Intent is no longer fit for purpose given that the Committee has been established and in operation for more than a decade. It was therefore proposed to be renamed as the Memorandum of Understanding.
- 3.6 The updated Memorandum of Understanding is set out in Appendix 1.
- 3.7 The proposed revised Memorandum of Understanding has been discussed with offices at all partner organisations prior to being considered by the CLJSPC on 13<sup>th</sup> April 2023. As such it is the view of officers, and that Committee, that the new Memorandum of Understanding (MOU) is fit for purpose, that the role and responsibilities of the Committee and Partner Authorities are clear, and it will ensure that the Committee and partnership continues to operate effectively.
- 3.8 The CLJSPC at their meeting on 13 April recommended that the MOU be approved and signed by each of the Partner Organisations, due to it being an agreement between the Central Lincolnshire Authorities. As such it must be adopted and signed by each of the Partner Authority. It is, therefore being brought before the Executive in order to obtain approval to adopt and formally sign the new MOU. It is anticipated that all Partner Authorities will have concluded this process by the end of June 2023.

#### **4. Summary of Changes**

- 4.1 Change of name from Memorandum of Intent to Memorandum of Understanding throughout the document – to reflect that the Committee has been established and in operation for over 10yrs. Paragraph D5 now includes responses to external consultation by Government and other organisations on behalf of the CLJSPC which reflects current practices.
- 4.2 At paragraph A5, the removal of all references to Regional Planning Body, which no longer exist. Within section E '*Membership of the Joint Committee*,' the MOU makes clear the inclusion of acknowledgement that each Partner Authority has 3 members places, plus a reserve member for each authority.
- 4.3 Update to the Tenure of Appointment in section H, specifically paragraph H3, which allows each Partner Authority discretion in relation to the tenure of members representing their authority as long as it is in line with the limitations and constraints as set out in the Statutory Instrument.
- 4.4 Section J of the MOU, specifically J2 under '*Meetings of the Joint Committee*' provides clarification in relation to the regularity of meetings and requirements to call an extraordinary meeting.
- 4.5 Updates to clarification in relation to the access of information rules can be found in section M, specifically paragraph M2, in acknowledgement that the CLJSPC is a Local Planning Authority in its own right.
- 4.6 Also, in paragraph M6, there is a simplification in relation to the operation of the Chairman's casting vote where a decision receives an equal amount of for and against votes.

4.7 Section P provides an update and clarification in relation to the day-to-day operation of the Local Plans Team, including the strategic overview of the work programme and priorities of the Local Plans Team, which is provided by Heads of Planning, which comprises of a lead officer from each Partner Authority, in City of Lincoln's case this is Toby Forbes Turner, Planning Policy Manager.

4.8 Finally, throughout the document, general editing, formatting and update in terms and names to reflect the current operation of the Central Lincolnshire Local Plans Team and Partner Authorities.

#### 4.9 **Conclusion**

4.10 The revised MOU will ensure that the operation of the Committee and broader partnership remains effective to ensure that the provisions are up to date with latest legislation and best practice.

4.11 The recommendations have been made following a periodic review and following discussion with officers at each of the Central Lincolnshire Partner Authorities to ensure that all governance documentation including the Memorandum of Understanding remains fit for purpose and relevant to the needs of the Partner Authorities and Joint Strategic Planning Committee.

### 5. **Strategic Priorities**

#### 5.1 **Let's drive inclusive economic growth**

The MOU sets out the agreement between Central Lincolnshire partners who via Statutory Instrument, have the duty to prepare the Local Plan which supports sustainable levels of growth and regeneration for the City and Central Lincolnshire area and will provide a positive planning policy approach to help stimulate local economic growth.

#### 5.2 **Let's deliver quality housing**

The MOU sets out the agreement between Central Lincolnshire partners who via Statutory Instrument, have the duty to prepare the Local Plan which sets ambitious but deliverable targets for the provision of new houses across the City through specific site allocations and supports the provision of affordable housing across Lincoln.

#### 5.3 **Let's enhance our remarkable place**

The MOU sets out the agreement between Central Lincolnshire partners who via Statutory Instrument, have the duty to prepare the Local Plan which supports a prosperous, stronger and sustainable Central Lincolnshire and this vision and the policies contained within the plan will help to achieve enhancing the City through growth and regeneration.

## **6. Organisational Impacts**

### **6.1 Finance (including whole life costs where applicable)**

There are no specific financial implications as a result of the revised MOU. The revisions undertaken reflect the activity undertaken by each Partner Authority in supporting the development and implementation of the Central Lincolnshire Local Plan and therefore costs are already factored in.

### **6.2 Legal Implications including Procurement Rules**

The current Memorandum of Understanding sets out an agreement between each of the partner authorities in terms of commitment, resources and other considerations. Members must be mindful of the Central Lincolnshire Joint Strategic Planning Committee Order 2009 Statutory Instrument No. 2467.

### **6.3 Equality, Diversity and Human Rights**

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- **Foster good relations between different people when carrying out their activities**

There are no specific equality & diversity implications as a result of the revised MOU. It should be noted that the new adopted Local Plan (April 2023) is supported by an equality analysis which addresses any equality or human rights issues which may arise as a result of the policies in the Central Lincolnshire Local Plan.

### **6.4 Human Resources**

No implications.

### **6.5 Land, Property and Accommodation**

No implications.

### **6.6 Significant Community Impact &/or Environmental Impact**

No implications

### **6.7 Corporate Health and Safety implications**

No implications.

## **7. Risk Implications**

### **7.1 (i) Options Explored**

By not approving the MOU the Council would in effect not be supporting the work and approach of the Central Lincolnshire Joint Strategic Planning Committee

### **7.2 (ii) Key Risks Associated with the Preferred Approach**

None.

## **8. Recommendation**

- 8.1 That the new Memorandum of Understanding shown in Appendix 1 between the Central Lincolnshire Joint Strategic Planning Committee and Partner Authorities, which includes the City of Lincoln be approved and the Assistant Director of Planning be authorised to sign the MOU on behalf of the City Council.

**Is this a key decision?** No

**Do the exempt information categories apply?** No

**Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?** No

**How many appendices does the report contain?** 1

**List of Background Papers:** None

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