

### WEST MIDLANDS REGIONAL ASSEMBLY

Assembly Board of Directors  
3 December 2008

#### WMRA Operational Review

#### 1. Purpose

- 1.1 To advise the Board on the outcomes from the Joint Executive and the Shadow Strategy Advisory Panel meetings held on 18 November and to request the Board discuss the changes outlined below.

#### 2. Recommendations

- 2.1 It is recommended that, subject to the endorsement of the Board, that the changes outlined below and the proposals put to the Assembly on 29 October 2008, are adopted with immediate effect.

#### 3. Background

At the Assembly meeting on 29 October 2009, Members received a report relating to changes in the Operating Arrangements of the Assembly, the Assembly Board and certain Assembly Partnerships. This report is attached as **Appendix 1**.

Following that report, Terms of Reference for the new arrangements were drawn up and circulated for approval. These are now attached as **Appendix 2**.

One change is proposed to the original proposals. In the paper which went before the Assembly Board on 24 September 2008, and the to the Full Assembly on 29 October 2008, it was suggested that the membership to the Advisory Body be restricted to one Member per Council, with each Council being asked to supply an appropriate Member with representatives from the Other Stakeholder Group and the Business Sector..

On 18<sup>th</sup> November 2008, a meeting was held to discuss the Assembly's response to the NLP Study and all Member of the Housing and Planning Partnerships were invited to attend in an advisory capacity. It was felt that this meeting was a great

success, with a wide ranging and authoritative discussion ensuing and ensuring, as it had been hoped, that the expertise of the Members of the Partnerships, looking at the various aspects, ensured that the advice was taken "in the round" and so proved most valuable. It will be this advice that forms the core, together with the advice of the officers, which will be received by the Board in a later report on this Agenda.

As a result of this, the Board are asked to reconsider that the Advisory Panel be open to all existing Members of the Planning and Housing Partnerships should they wish to attend. As this panel will remain in an advisory capacity rather than an a decision making body, matters of quoracy etc will not be an issue and the other decisions take in the original reports will not be affected.

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**WEST MIDLANDS REGIONAL ASSEMBLY  
29 October 2008**

**Reviewing the Operating Arrangements of the Assembly  
2008-2010**

**Report of the Chief Executive**

**1. Purpose of Report**

- 1.1 To discuss the proposed new operating arrangements for the Regional Assembly.

**2. Recommendation**

- 2.1 That the Assembly notes the intended changes to the specific arrangements which are intended to come in to effect from 3 December 2008.

**3. Background**

- 3.1 At the July meeting of the Assembly members agreed that a review into the operating arrangements of the Assembly be carried out with a report back to the Assembly Board at their meeting in September. The purposes of this review were to ensure that those operational arrangements were sufficiently robust and effective in the lead up to the abolition of the Assembly and also during any transition period.
- 3.2 At their meeting on 24<sup>th</sup> September the Board received a report from the Chief Executive – a copy of which is attached as Appendix A to this report- which gave the results of the review and made recommendations about changes to the operating procedures of the assembly. These changes are detailed in the attachment and mainly relate to the Assembly core functions of Planning, Environment, Housing and Transport. The Board agreed the recommendations.

- 3.3 In summary the changes are:
- The Board to become the pre-eminent decision making body for all key policy decisions.
  - A Planning and Environment Executive and the Housing Executive to advise the Board and take decisions in line with agreed policy within a scheme of delegation.
  - The Transport Partnership to continue to advise the Board on transport related matters.
  - The existing Partnerships to be replaced by a new Strategy Advisory Panel to provide a wider forum for Planning, Environment and Housing policy issues to be debated in order to inform the decisions of the Board and the Executives.
  - This, in effect, would put in the removal of the powers from the RPP and amend the delegations to the RPE and RHE.

(See attached Diagram at Appendix 'B')

3.4 Following the Board meeting a consultation exercise around the proposals has been carried out, and the views of all Assembly members individually have been sought. In addition, where meetings have taken place of Assembly partnerships, the question has been discussed at those meetings. As there was a particular issue about local authority representation, correspondence was sent to the Chief Executive of each Council which sought their views both generally, and more specifically about the representation from local authorities on the proposed advisory body.

3.5 In total, 17 responses to the consultation were received and these are summarised in Table 1 below:

**TABLE 1**

**Summary of Questionnaire Responses:**

**Question One: Key Decisions**

*Below is a list of the key decisions for the Board to 2010. Do you agree with this?*

	<b>Key Decisions</b>	<b>What</b>	<b>When</b>
1	<i>RSS Phase 2</i>	<i>Response to GOWM Housing Study</i>	<i>Between October and December 2008</i>
2	<i>Housing Allocations (Regional Housing Pot)</i>	<i>Advice to govt</i>	<i>November 2008 and February 2009 &amp; for 2010/11</i>
3	<i>Regional Action Plan</i>	<i>Response to Regional Ministers Transport Challenge</i>	<i>December 2008</i>
4	<i>Housing Figures</i>	<i>Response to GOWM figures</i>	<i>December 2008</i>
5	<i>RSS Annual Monitoring Report</i>	<i>Content</i>	<i>February 2009</i>
6	<i>Conformity</i>	<i>Planning decisions</i>	<i>On-going</i>
7	<i>RFA 2</i>	<i>Advice to govt</i>	<i>February 2009</i>
8	<i>Regional Transport Priorities</i>	<i>Part of RFA advice to govt</i>	<i>February 2009</i>
9	<i>RSS Phase 3</i>	<i>Agreeing preferred option</i>	<i>March 2009</i>
10	<i>RSS Phase 2</i>	<i>Prep for EIP</i>	<i>Ongoing to May 2009</i>
11	<i>Gypsies and Travellers</i>	<i>Advice to govt</i>	<i>September 2009</i>
12	<i>RSS Phase 3</i>	<i>Preferred Option Consultation</i>	<i>Early 2010</i>

*16 out of 17 responded **Yes** to this question. The following comments were received:*

- 'The RSS Phase 3 Options stage should be included – I think there is an error in Item 9.'*
- 'But the Planning Partnership/proposed Strategy Advisory Board should meet to discuss the following: numbers 1, 3, 4, 9 and 10.'*

### **Question Two: Key Functions**

*The Board supports the principle of focusing on statutory and quasi-statutory functions now and picking up the other areas of work at a later date: Do you agree with this approach?*

**Statutory and quasi statutory Functions:** *Housing, Planning, Transport, and Environment*

**Regionally determined functions:** *European Strategy Board, the Regional Equalities and Diversity Partnership, Health and Well Being Partnership, Rural Affairs Forum.*

'Yes' – 15

'No' – 1

'Don't know' – 1

#### 'Yes' Comments:

- *'That is a satisfactory approach provided that the other areas are noted immediately and a proper process to keep them on the agenda is maintained'*
- *'this should include strategic review'*
- *'This is inevitable under the circumstances; but important non-statutory functions such as the wider sustainable development role and the promotion of wider environmental policy and good practice should not be ignored'.*
- *'The regionally determined functions may well have to be dropped as the wind down progresses.'*

#### 'No' comments

- *'I believe that other areas of work need to be kept up to date as we move forward into uncertain times.'*

### **Question Three: Operation of the Assembly**

*Given the new roles is it still appropriate for the Assembly to continue meeting on a quarterly basis?*

'Yes' – 9

'More Often' – 1

'Less Often' – 4

'Don't know/No comment' – 3

#### 'Yes' Comments:

- *'Although appreciating given the unique economic situation and trying to strategise in such an environment-greater likelihood of EGMs.'*
- *'Emergencies excepted'.*

'Less Often' Comments:

- 'suggest three times per year'
- 'A smaller number of people as suggested is the most appropriate way forward. It may well be that meeting less often will highlight other issues. In which case some tweaking may become necessary as we move forward.'
- 'Twice per year would be right.'

Other comments

- 'No comment. I think the role of non local government bodies and members need more clarification.'

Any further responses to questionnaire:

- 'I would also like to make the comment that, whilst we do not necessarily approve of the proposed changes, we recognise that they are probably inevitable in the circumstances. However we would like to place on record that the Environment Partnership has been very important as one of the few occasions when the wider environment sector has been able to converse and engage openly with regional planning and other matters. We therefore consider it important that the West Midlands Regional Sustainability Partnership retains a 'seat' on the merged Planning, Environment, & Housing Partnership (Strategic Advisory Panel) so that the natural and built environment can continue to be fully represented.'
- 'I believe that it is vital that a mechanism for continued environmental stakeholder involvement in the Assembly's affairs is maintained.'
- 'In particular the Biodiversity Partnership would wish to see the Regional Environment Group revamped on a more inclusive basis to facilitate discussion both on the key strategic issues of Assembly business and on environmental and sustainability issues of wider concern to the region. In addition careful consideration needs to be given to the composition of the new Planning and Environment Executive and the Strategic Advisory Panel to ensure that the widest range of stakeholders is engaged and that the environmental sector is fully represented.'

**Some general comments –**

- The questionnaire is limited so I have included some general points here.
- The proposed streamlining of Assembly arrangements is understandable under the current circumstances.
- Natural England has concerns that the Environment will not receive sufficient attention from a new combined Planning + Environment Executive, which will inevitably focus largely on the RSS review.
- The detailed report that sets out the proposed changes is complicated and a short summary with structural diagram would be very helpful.

- *Natural England has concerns about the extent of non local authority member participation and representation on the new bodies. It is essential that the Environment sector is adequately represented through both the statutory and voluntary sectors.*
- *Natural England is keen to continue to work closely with the Assembly on environmental matters and would welcome any new opportunities to contribute.*

#### **4. Other Considerations**

- 4.1 The principles of the proposals are strongly supported, with respondents recognising that the assembly has to react appropriately to events and cannot continue unchanged. There has been a concern raised by some councils, in particular about the suggested make up of the proposed advisory body; although not the Members. In the light of this it is recommended that the Board be asked to consider and decide upon the particular issue of the make up of the Advisory Board at their meeting on 3<sup>rd</sup> December 2008.
- 4.2 So far as the meetings of the assembly itself are concerned, the majority of those who responded felt that to continue with the current quarterly meetings was most appropriate. However, it is recommended that this situation is kept under review and revisited when the situation becomes clearer around the final outcomes of the Sub National Review. Under the terms of the assembly constitution such a change would require the approval of 75% of the voting membership of the Assembly Council
- 4.3 GOWM have also been consulted about the proposals, in particular as they relate to the role of the Regional Housing Body, exercised by the RHE. Whilst, at the time of writing this report no formal response has been received, early discussions with GOWM indicate that they would look favourably upon what is proposed, particularly as it brings together housing and planning at the strategic decision making level.
- 4.4 The Assembly is a Limited Company and under the Memorandum and Articles of Association the Business of the Company is to be managed by the Directors who may exercise the powers of the Company. The Articles specifically provide for the Board to delegate its powers to Committees and Sub Committees and, in the past, the Board chose to exercise this power of delegation in respect to the Planning Partnership and other bodies. The changes which are proposed will mean that the Board simply takes back this delegation which it is within its powers to do so without any special requirements.

- 4.5 The necessary Terms of Reference for the RPE, RHE and the Advisory Groups are being drafted and will be presented to the Board for their approval at their meeting on 3<sup>rd</sup> December 2008 (having gone through consultation with the Chair and Vice Chairs beforehand), with the changes coming in to effect from that date.
- 4.6 In the interim, arrangements will continue as before, although given the importance of the RSS in particular, the Board will consider the issues of the Assembly response to the GOWM Study and other issues around this at their December meeting.
- 4.7 Whilst the Board is not under any duty to give any notice period before it exercises its powers to remove its delegated authority, it is felt to be more appropriate that the Terms of Reference are agreed before the changes take effect, and so it is recommended that these are formally put to the Board for their approval at the meeting on 3 December 2008 and, following this, to come in to immediate effect thereafter.

**Olwen Dutton**  
**Chief Executive**

West Midlands  
Regional Assembly

**WEST MIDLANDS REGIONAL ASSEMBLY**  
**Board of Directors – 24 September 2008**

**Review of the operating arrangements of the West Midlands  
Regional Assembly**

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**1. Purpose of this paper**

- 1.1 This paper sets out the broad context, analysis and rationale and options for changes to the Assembly's operating arrangements. Following discussion at the Board it is recommended that the options agreed are the subject of further consultation before a paper is taken to the Assembly meeting on 29 October. It is made in the context of what is currently understood to be the position with the SNR, although the Government's response to the SNR consultation is now expected around 26<sup>th</sup> September and these proposals may need to change to reflect this.

**2. Purpose of the Review**

- 2.1 At its 9<sup>th</sup> July meeting, the Assembly agreed to carry out a brief, internal review to assess whether its operating arrangements are sufficiently robust, effective and efficient in the lead up to 2010 and to assist in providing effective transitional arrangements.
- 2.2 The focus of this Review is on maintaining the continuity of Assembly decision-making up to 2010 and ensuring that critical matters of importance to the region are delivered effectively.
- 2.3 This review is not to be confused with the Partnerships Review commissioned by the Assembly and AWM through the Strategic Transition Group. This will be advising on the post 2010 stakeholder engagement for the development and implementation of the Single Integrated Regional Strategy.

### **3. Influencing Factors to 2010**

3.1 The government's Sub-National Review proposed significant changes to regional governance, not least the abolition of the regional assemblies in 2010. This has significantly altered the operating context of WMRA and presented it with new challenges with respect to the continuity of its key functions.

### **3.2 Budget**

3.2.1 The Assembly's business has to be achieved within the context of a diminishing budget. The Assembly was subject to a 7% reduction from 2007-8 to 2008-09. A further reduction on this, of around 10% is anticipated for 2009-10. Furthermore, local authorities and other partners will themselves be under increased budgetary pressure arising from both the CSR and the more difficult economic environment.

### **3.3 Decision-making**

3.3.1 The Assembly will need to continue to make important and potentially controversial decisions on behalf of the Region right up to March 2010. It is vital these are underpinned by robust governance. Failure to do so would compromise regional strategy development and funding decisions. In worst case scenarios, this might leave the Region, local authorities and partners in a debilitating policy vacuum and lead to legal challenge.

3.3.2 Partnership based policy making has many advantages, but with the planned demise of the Assembly it is anticipated that interest may wane with attendance dropping off. Local authority attendance in particular is critical in maintaining accountability, robust and binding decisions and more practically, in achieving quorate meetings. For example, most of this year's Regional Planning Partnership and Regional Planning Executive meetings have been inquorate. In the run up to RSS Phase 2 EIP and Phase 3 Preferred Option it is critical that the decisions are taken in a timely and robust manner and with the full participation of necessary partners. A number of key decisions the Assembly will have to make before 2010 is set out in Table 1, at para 5.2.

### **3.4 Staffing**

3.4.1 The on-going uncertainty of the detailed institutional arrangements post 2010 has also understandably created some anxiety among staff. While no senior staff have left to date, there have been some losses at policy officer and below. Advertised vacancies have so far been successfully filled but budgetary constraints and an uncertain future for the

organisation mean that some posts have been deleted. This is increasing the pressure and workload of more senior staff especially and is likely to impact on the ability of the Assembly to support extended partnership arrangements to 2010, especially as within this period the Assembly is facing the EIP of RSS Phase 2. In addition, senior staff are heavily engaged in the work arising from the changes envisaged by the SNR.

#### **4. Current Responsibilities, Powers and Activities**

4.1 The Full Assembly has a range of responsibilities derived from the 1998 Regional Development Agencies Act and the Planning and Compulsory Purchase Act 2004. These include:

- approving the business plan and annual budget;
- approving the Assemblies regional strategies;
- approval of regional planning strategy;
- approval of the annual Strategic Review and Scrutiny process of AWM.

4.2 Currently the Assembly Board's roles are largely related to the Assembly as a business rather to strategic policy decision-making and co-ordination. These include:

- governance and management of WMRA Ltd;
- approval of new members of the Assembly;
- recommendation to the Assembly of the Annual Business Plan and Budget and Annual Report;
- appointment of Chief Executive and Executive Directors.

4.3 The Board also has a role to review and recommend to the Assembly changes to the sub-groups and partnership structures.

4.4 However, much of the Assembly's policy business is either formally delegated to the Partnerships and Executives acting as Committees of the Board or effectively carried out by the Partnerships, with the Assembly acting in a largely report receiving, discussion and rubber stamping role.

4.5 Planning and Housing and to a more limited extent Strategic Review are formally delegated from the Assembly. While Transport and Environment have no such formal delegation, they have developed some decision-making capability alongside their important advisory roles.

4.6 In practice, these arrangements mean that there is often no discussion; and very little decision making, at Board level about important strategic matters and no vehicle for these to be discussed there in a way that integrates the most important

strategic functions of the Assembly. The partnerships operate almost independently of each other.

#### **4.7 Statutory and quasi-statutory functions**

4.7.1 The Assembly carries out its statutory role as the regional planning body through the Regional Planning Partnership. In discharging this function it is responsible for producing the Regional Spatial Strategy (including the Regional Transport Strategy) for submission to the Secretary of State: the Assembly provides an opinion on the general conformity of planning applications and local development frameworks to RSS and prepares an annual RSS monitoring report.

4.7.2 The production of the RSS is subject to a number of legal requirements including statutory responsibilities for Strategic Environmental Assessment and Sustainability Appraisal. A key legislative requirement deriving from the Planning and Compulsory Purchase Act 2004 is the duty to consult strategic planning ("Section 4.4") authorities on planning matters affecting their areas. These authorities are in turn required to advise the Regional Planning Body on the same matters.

4.7.3 While non-statutory, Ministers have also given the assemblies responsibility for producing the Regional Housing Strategy and providing advice to ministers on regional housing allocation funding.

4.7.4 Government has also sought advice from the Assembly and its partners on the second round of Regional Funding Allocations advice. This process is underway and due to be submitted to government in February 2009.

4.7.5 Within the Assembly these functions are carried out by the Regional Planning, Transport and Environment Partnerships and the Regional Housing Executive on behalf of the Regional Assembly.

4.7.6 The Regional Development Agencies also have a statutory responsibility to have regard to the views of the regional chambers (now Assemblies). This is carried out as a formal scrutiny process which is carried out on behalf of the Assembly by the Strategic Review Group.

#### **4.8 Non-statutory functions**

4.8.1 The Assembly also carries out a broad range of, non-statutory activities. These include some activities undertaken by the Strategic Review Group, the Housing Executive and the

Partnerships set out above. For example, in response to the Governmental priority of tackling climate change, the Assembly has taken a lead role in the preparation of the regional Climate Change Action Plan and the regional Biodiversity Framework.

- 4.8.2. Other Partnerships have also been established to meet the non-statutory needs of the Region through the European Strategy Board and the Regional Equalities and Diversity, and Health & Well-Being Partnerships.
- 4.8.3 Of these, the Health and Well-Being Partnership is funded by the Department of Health who also provide the secretariat and funding for a dedicated part-time Assembly officer. Similarly, support for the Equalities and Diversity Partnership at director level is currently provided by a secondee from the Home Office without a financial contribution from the Assembly.
- 4.8.4 The Assembly also has a partnership which considers European and international affairs. A scrutiny review of the Region's European working was carried out last year and as a result this Partnership has been recently recast and reformed as the European Strategy Board. The Review also affected the relationship and operation of West Midlands in Europe (WMIÉ).
- 4.8.5 There are also a variety of other partnership organisations which the Assembly has an interest and active involvement in, such as the Rural Affairs Forum which fall outside the scope of this Review.

**5. Key Decisions for the Assembly 2008-10**

5.1 There are a relatively small number of key decisions directly related to its statutory and ministerially derived responsibilities that need to be made between now and 2010 by the Assembly.

**5.2 Table 1: Key Decisions**

	<b>Key Decisions</b>	<b>What</b>	<b>When</b>
1	RSS Phase 2	Response to GOWM Housing Study	Between October and December 2008
2	Housing Allocations (Regional Housing Pot)	Advice to govt	November 2008 and February 2009 & for 2010/11
3	Regional Action Plan	Response to Regional	December 2008

		Ministers Transport Challenge	
4	Housing Figures	Response to GOWM figures	December 2008
5	RSS Annual Monitoring Report	Content	February 2009
6	Conformity	Planning decisions	On-going
7	RFA 2	Advice to govt	February 2009
8	Regional Transport Priorities	Part of RFA advice to govt	February 2009
9	RSS Phase 3	Agreeing preferred option	March 2009
10	RSS Phase 2	Prep for EiP	Ongoing to May 2009
11	Gypsies and Travellers	Advice to govt	September 2009
12	RSS Phase 3	Preferred Option Consultation	Early 2010
13	Scrutiny of AWM	Activity-based scrutiny reviews	On-going

5.3 In addition it is likely that the Assembly will have to make a number of decisions on the transition to new regional arrangements.

5.4 These critical decisions relate to the roles of the Housing Executive; the Environment, Planning and Transport Partnerships and to the Strategic Review Group. In the light of this, whilst the governance arrangements and focus of the other partnerships are important, and the same concerns apply around resources, these Partnerships will not be subject to the same level of scrutiny and potential legal challenge as those dealing with statutory functions. This together with the external funding, support arrangements and recent formation or reorganisation means that it is recommended that it is more important at present to focus on the Partnerships which deal with the core Assembly functions and leave these other partnerships to be the subject of review as part of the transitional arrangements.

5.5 The focus on key decisions does not imply the detailed programme of activity in the Business Plan will be curtailed, although budgetary pressures might have an impact; as much of the programmed activity is necessary to underpin these key decisions.

## **6. Decision-making and accountability**

### **6.1 Arrangements in Other Regions**

6.1.1 The arrangements for Assembly partnership and decision-making arrangements vary across England in terms of number and remit of partnerships, delegated responsibilities and number of members on them. For example, the East Midlands has a single Board covering planning, housing and transport.

6.1.2 In some cases Assemblies have advisory panels rather than separate executive bodies for different policy areas, with the decision-making capability retained by the Assembly or an Executive Committee, as is the case in the South West. Others have bodies that have some delegated authority but major decisions, such as approving the RSS are retained by the Full Assembly, for example in the South East.

6.1.3 The West Midlands is alone in having such a large decision-making body (over 90 members) for the planning function

6.1.4 In the case of the North West, the regional assembly has been wound-up and replaced by 4NW which operates. This acts as a regional strategic partnership with a 23 strong Board responsible for all decisions previously made by the NWRA, which meets bi-monthly and is supported by advisory panels and a secretariat.

## **7. Conclusions**

7.1 The extraordinary situation the Assembly finds itself in means that continuing with current arrangements is unlikely to be appropriate. Between now and April 2010, or whenever the post SNR arrangements come into place, the regional arrangements will be in a constant and evolving state of flux. It is unlikely that the expansive involvement and decision-making structures that the Assembly has developed over the past 10 years will prove themselves to be robust and fleet of foot to be suitably adaptable and flexible.

7.2 A decision-making capability which consolidates strategic decision-making, responsibility and accountability where possible and practical is required. The current partnership

model and the limited board role does not provide that and is unlikely to be able to do so effectively.

7.3 Because of the likely limited life of the assembly and the extensive work which is already in place around transition, it is not recommended that a very extensive exercise is undertaken to look at all options that might be available, as this would be impractical in the circumstances. Rather, the Board is recommended to consider change which would meet the criteria against which this exercise has been undertaken and to consult on a single way forward.

7.4 The alternative which is recommended is to change the remit of the Assembly Board, upon which all the Partnership Chairs sit, as Directors of the assembly, so that the Board becomes the decision-making body for the major strategic decisions which currently are delegated to the Partnerships: takes responsibility for the coordination of policy and for ensuring that the Assembly remains focused on the key decisions it has to make.

## **8. Modifying how the Assembly operates**

8.1.1 The fundamental choice to be made in this Review is between concentration of all decision making in the hands of the Assembly Board and a rationalisation of the existing Partnership structure coupled with a much enhanced Board role.

8.1.2 An all-powerful Board could represent the most efficient response to the circumstances outlined in this report. It would, however, place decision-making responsibilities on the shoulders of a limited number of people, suggesting that a much more frequent meeting pattern would be necessary with lengthier meetings involving routine decision makings as well as more strategic matters. It would also run the risk of undermining the existing spirit of partner inclusion from which the Assembly derives much of its legitimacy in the absence of directly-elected status.

8.1.3 Some of these potential issues could be addressed in a modified partnership/Board structure, but at the price of limiting the drive for streamlined decision making and reduction in costs.

## **8.2 Assembly Board Proposals**

8.2.1 To address the issues set out above it is proposed that the role of the Assembly Board be enhanced to give it greater control over the statutory and quasi-statutory policy decisions giving a clearer and consistent accountability than at present, with the

partnerships (with some changes, outlined below) retaining decision making capacity for routine decisions and those taken within agreed policy.

8.2.2 The Board will become the Assembly's strategic policy co-ordination body. This will comprise of four key elements:

- Becoming the Assemblies pre-eminent decision-making body, with key policy decisions referred up to the Board under a clear scheme of delegation.
- Ensuring the policy development activity remains focused and coordinated across the policy development bodies
- Setting the priorities for policy development and agreeing the work programmes of the policy development bodies
- Receiving regular progress reports from the policy development bodies.

8.2.3 These arrangements will apply to statutory responsibilities directed by ministers; that is, those currently delegated or taken by the Planning, Environment and Transport Partnerships and the Housing Executive. The other Assembly led partnerships will continue with their current arrangements.

8.2.4 The pace and complexity of decision-making required for the statutory functions and in the run-up to 2010 means that it would be prudent to retain some appropriate decision-making capacity below Board level. For example, some planning decision-making such as conformity would still be delegated to an executive planning body; and there would need to be a clear scheme of delegation setting out the criteria for decisions to be referred up to the Board from the Executives.

8.2.5 Were these arrangements to be adopted it is recommended that the Board continue to operate under the existing Articles of Association which allows a maximum of 22 directors. This is currently made up by 14 local government directors, four business council nominated directors and four directors nominated by the other stakeholder group.

8.2.6 It is not proposed to change at present the arrangements for the Strategic Review Group, although this will need to be considered in due course owing to the effect of transitional arrangements. For the present the SRG will maintain its necessary independence of scrutiny from the Executive.

### **8.3 Policy Executives and Transport Partnership**

- 8.3.1 To ensure that the Board is not bogged down by minor and very technical decisions, an executive i.e. decision making capacity for key policy areas should be established. This will refocus the existing Executives for Housing and Planning. With the key environmental decisions falling under the RSS Phase 3 Revision workstream, it is proposed that falls under a new combined Planning and Environment Executive.
- 8.3.2 It is anticipated that the new arrangements will overcome the current problems of quoracy. However, where an Executive is inquorate their deliberations will become advice to the Board, who will then make the decision on behalf of the Assembly.
- 8.3.3 The Transport Partnership's formal role is advisory to the Board and the regional spatial planning function and it is proposed to maintain this. The Partnership is currently engaged in some sensitive business relating to transport priorities and has been successful in engaging partners and stakeholder in this. Whilst the SNR developments will understandably mean some changes in the future, the current high-profile of the partnership within the Region and with the Regional Minister is noted and it is felt that there is more to lose than gain at present by reducing its membership.
- 8.3.4 For planning and the environment it is recommended that its decision-making be placed into a single executive body which takes on the roles currently performed by the Planning and Environment Partnerships. In the case of Housing, the Executive is currently the decision-making body with the Partnership advising them. Experience with the Housing Executive, where there have been no problems of quoracy, suggests that vesting decision-making in a more focused body which has clear decision-making responsibilities will improve attendance and so reduce problems with quoracy.
- 8.3.5 Whilst a consistent approach across policy areas to Executives would be "neater", it would not reflect the practical realities of decision-making continuity in the current circumstances. Consequently, it is proposed that there will be Executives for Housing and Planning & Environment with the Transport Partnership continuing in its current form.

8.3.6 The Planning and Housing Partnerships will be recast and reformed as a single Strategy Advisory Body where it is desirable or necessary to have the input of a broader constituency, with the membership of this being the subject of consultation.

#### **8.4 Single Strategy Advisory Panel**

8.4.1 The Housing, Planning and Environment Partnerships would therefore be effectively "frozen" pending the outcome of the new regional arrangements required for SIRS, which will be informed by the on-going Regional Partnerships Review.

8.4.2 In the interim, they would be recast into a single Strategy Advisory Panel. This would not have scheduled meetings, but would have meetings to discuss the very big issues; members might in addition be canvassed for their views by email or asked to participate in ad hoc meetings and task and finish groups as needs arise. Their role will be to give advice rather than make decisions.

8.4.3 The work programmes of the current partnerships would become the responsibility of the new/refreshed Executives who would take their direction on priorities directly from the Board and report to them on progress. Where appropriate, exchanges could be made between the meeting dates for Partnerships and Executives already agreed in the issues 2008-09 calendar.

#### **Planning and Environment**

8.5.1 A major part of the Assembly's activity to 2010 will be developing and guiding RSS Phases 2 & 3 through the EiP and Preferred Option stages. In addition there will be the continued requirement for planning conformity decisions.

8.5.2 A protocol or scheme of delegation will be needed setting out which decisions would be referred to the Board and which taken by the Planning Executive.

8.5.3 These arrangements will negate the need for Planning and Environment Partnerships in their current form and will subsume the existing Conformity Panel.

8.5.4 The Planning Partnership will be "frozen" in terms of its meeting programme but will act as a standing advisory Planning Panel to the Executive/Board, enabling all local authorities and representatives from the OSG and the business sector to be

fully engaged in the key planning debates and not the other more routine business.

- 8.5.5 Due to the frequency and complexity of planning decisions, there will remain a need for some decisions to be made below Board level. These will be undertaken by a refreshed Planning and Environment Executive.
- 8.5.6 There are crucial decisions to be made during the remaining life of the Assembly and it is essential that RPE meetings are arranged at all the crucial points in the RSS Phase 2 and 3 Revision processes. It is also of vital importance that the current level of stakeholder engagement is at the very least kept, and preferably strengthened.
- 8.5.7 Currently, the Executive advises the Partnership. As well as empowering the Board the proposed new arrangements will effectively reverse the relationship between the Partnership and the Executive.
- 8.5.8 The key decisions to be made by the Environment Partnership are part of developing RSS. This taken together with the low proportion of local authority members and business and OSG activity on the Partnership suggests there would be significant advantages in bringing the environmental decision-making under the Planning Executive as part of a single Planning and Environment Panel.
- 8.5.9 This would bring greater accountability to the environmental process and bring environmental and planning decision-making closer together.
- 8.5.10 The Planning Partnership currently has 93 members, constituted in the 4:1:1 ratio. (This figure varies over time to reflect changes in party political composition of individual local authorities) This is a large group and there is scope through this Review to rationalise its membership.
- 8.5.11 However, it is important that all local authorities continue to have the opportunity to engage in key debates that directly affect them, for example the distribution of housing. If the recommendations in this report are accepted the membership of this new body would be the subject of consultation about various options. For example, if the current 4:1:1 ratio is kept forming the Panel around the current 38 local authorities would produce a partnership of 58 to March 2009 and following

reorganisation in Shropshire, 33 local authorities and a membership of 49 from April 2009.

## **8.6 Transport**

8.6.1 Transport is an extremely sensitive and high priority, high spending area and in dealing with these issues it is important that the high level of buy-in from delivery partners that has been created is maintained at this critical time. It is recognised however that there are issues with local authority accountability. It is proposed that this is overcome by clarifying its advisory nature and strengthening the role of the Board as the ultimate decision-making body. For other purposes, it is intended that the role of the Transport Core Group, which has a formal 4:1:1 structure is clarified and used where formal ratification is needed for lower level matters.

8.6.2 As with the other policy areas, this will need to be formalised through a clear scheme of delegation setting out the criteria for referring decisions to the Board.

## **8.7 Housing**

8.7.1 The Regional Housing Executive and Partnership performs the Region's housing function assigned by government to Regional Assemblies.

8.7.2 The Executive is a Committee of the Assembly Board and acts as the Regional Housing Board, having executive decision-making powers including making formal recommendations to GOWM and CLG.

8.7.3 As well as the key decisions highlighted above, the Executive will be overseeing the development of the Housing Market Area Partnerships and has a role in providing accountability for the Housing Corporation in receiving their reports. This may continue for the new Housing and Communities Agency when this becomes operational, but future regional housing arrangements are not

8.7.4 The Housing Partnership acts as the Executive's advisory body and meets twice a year. The Executive's membership is largely a sub-set of the Partnership with the two bodies also sharing a common set of Chair and Vice Chairs.

8.7.5 Excluding ex-officio members, the Housing Executive has 18 members, made up from 12 local authority members and three OSG and three business council nominations using the 4:1:1 principle.

- 8.7.6 In order to better align the important planning and housing functions the Planning and Housing Executives will be expected to work together more closely. This will further support the stronger co-ordination role that the Board will have.
- 8.7.7 Any changes in arrangements affecting the Regional Housing Board function will need to be agreed with government and may require a change to the Articles of Association. Experience in the North West where the decision-making was consolidated into a single Board suggests this should not be an issue.
- 8.7.8 It is also noted that unlike the other policy areas, housing is developing sophisticated sub-regional arrangements. Future development of regional governance structures will need to take account and further develop these.
- 8.7.9 As with the other policy areas in this review, a scheme of delegation will be needed to set out which decision need to be referred up to the Board

## **9. Connecting the Executives and Transport Partnership to the Board**

- 9.1 With the Chairs of the Transport Partnership and the Executives members of the Board there should be little difficulty in ensuring connectivity. The Transport Partnership and Executives' work programmes and priorities should be set by the Board so as to ensure a focus on key Assembly business until abolition. The Chairs should report regularly to the Board on the progress their Executive has been making and any advice which comes from the Advisory panels.

## **10. Officer Groups**

- 10.1 Assembly officers will also need to continue to draw on the advice of existing regional working groups to support both the panels and the Assembly Board as necessary in drafting their reports.
- 10.2 As they do now, these groups will play an important role in developing policy and brokering agreement between local authorities and other partners. Of particular importance is the Regional Housing Advisory Forum (RHAF) which acts as the engine room for the Regional Housing Executive.
- 10.3 The pivotal nature of the planning responsibilities is reflected in a well-developed officer support structure based on the RSS

Co-ordination group advised by the Regional Planning Officers' Group. Where particularly important high level decisions need to be made urgently the Chief Executive/Director level Strategic Management Steering group can be convened. This depth and breadth of support will need to be continued under any future member level structure.

- 10.4 The work of the Environment Partnership in relation to RSS is largely technical in overseeing the SEA and SA. Bearing this in mind and the large number of officers representing government agencies and interests on the Environment Partnership, it is proposed that the bulk of the Environment Partnership work could be carried out by a reconfigured Regional Environment Group.

## **11. Full Assembly**

- 11.1 The Articles of Association sets out the number and ratio of members to be drawn from local government (68), business council (16) and other stakeholder group (16) members. This could be altered by a special resolution, but is not proposed to change the formal role or make up of the Full Assembly.

- 11.2 The proposed changes do not draw down any additional powers from the Assembly. However, the Assembly may want to consider what role it should have and how often it should meet in the period until abolition.

- 11.3 Within current arrangements there is considerable latitude for the Board to operate on behalf of the Assembly between Assembly meetings and, with an anticipated wind-down of activity prior to abolition, the Assembly may want to consider bi-annual meetings.

## **12. Next Steps**

- 12.1.1 The proposals in this Review will need to be refined into a consultation process which takes place over the next few weeks and a report encompassing the results of that will be presented to the Full Assembly on 29<sup>th</sup> October. This will contain details of the proposed scheme of delegation will need to be agreed.

- 12.1.2 Whichever options are finally taken forward to the Board will need further detailed working up before they can become operational. Legal advice also will be needed to ensure that the actions are within the powers of the Board/Assembly and that the correct amendments to the Articles of Association, agreements with government and notices are given.

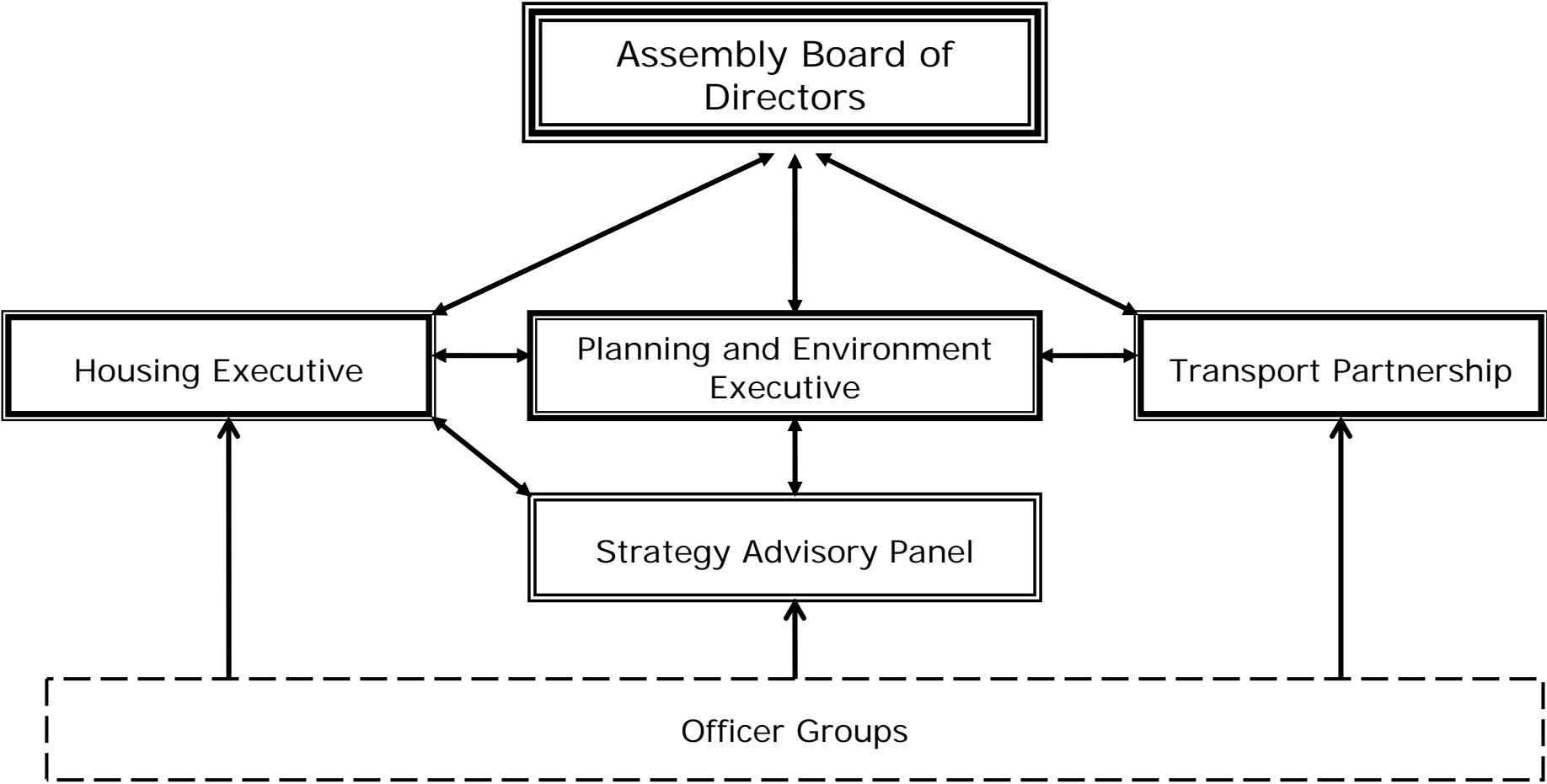
12.1.3 It is possible that further bespoke amendments may be necessary for each policy area.

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Chief Executive

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**Agenda Item 6 - Assembly Board of Directors, 3 December 2008**  
**Appendix 2**

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**WMRA Operational Review**  
**Scheme of Delegation of Decision Making from the Board**

**1. Principles**

- 1.1 It has been determined that the WMRA Board will be the principle decision making body of the West Midlands Regional Assembly.
- 1.2 The Board will continue to delegate some areas of decision making to specified Assembly bodies, as defined in this Scheme, reflecting the approach broadly adopted by local government in the Committee/Executive model.
- 1.3 These arrangements will be operated on the basis of openness and equity and will be informed by new arrangements for wider consultation within the local government family.

**2. The Board**

- 2.1 The Board will act as the WMRA's executive and take decisions in respect of those matters listed in Appendix A (to the 29 October 2008 WMRA Report) herewith and any other matters which constitute significant policy decisions of regional or national significance.
- 2.2 The Assembly's Chief Executive will advise the Chairman and Vice Chairmen of the Board where there is any doubt concerning the appropriate body for making any particular decision.

**3. The Planning and Environment Executive**

- 3.1 The Planning and Environment Executive shall have delegated powers from the Board to take decisions relating to the full range of spatial planning and environment matters within existing policies but specifically excluding those decisions listed in Appendix A ((to the 29 October 2008 WMRA Report).
- 3.2 The Planning and Environment Executive shall have the right to make recommendations to the Board on all spatial planning and

environment matters reserved for decision by the Board, unless an urgent resolution is required which does not allow time for this to happen. In such circumstances, the Chief Executive will endeavour to consult the Chairman and Vice Chairmen of the Executive and of the Board on the most appropriate way to proceed before reporting to the Board.

- 3.3 The Executive shall have delegated authority for the operation of the Planning Conformity Panel.

#### **4. The Housing Executive**

- 4.1 The Housing Executive shall have delegated powers from the Board to take decisions relating to the full range of housing matters within existing policies and specifically excluding those decisions listed in Appendix A (to the 29 October 2008 WMRA Report).

- 4.2 The Housing Executive shall have the right to make recommendations to the Board on all housing matters reserved for decision by the Board, unless an urgent resolution is required that does not allow this to happen. In such circumstances, the Chief executive will endeavour to consult the Chairman and Vice Chairmen of the Housing Executive and of the Board on the most appropriate way to proceed before reporting to the Board.

#### **5. Existing Partnerships**

- 5.1 The Transport Partnership shall continue to operate in its existing advisory role to the Board.

- 5.2 The existing Planning, Housing and Environment Partnerships will be suspended, pending the conclusion of the longer term Review of Partnerships commissioned by the Assembly and the Regional Development Agency. They will be replaced by a single Strategy Advisory Panel that will advise the Planning & Environment Executive and the Housing Executive on major policy issues.

- 5.3 The relationship between the Board and the other Assembly partnerships not named in this scheme of delegation remain unaffected.

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## **The Regional Planning and Environment Executive**

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Terms of Reference, Modus Operandi,  
Membership Criteria and Person Specification.

### Overarching Key Objectives.

The Regional Planning and Environment Executive (RP&EE) will carry out the statutory Regional Planning Body (RPB) function on behalf of the Regional Assembly and the Board leading on the development and delivery of the Regional Spatial Strategy (RSS) and environmental and climate change matters related to the Regional Spatial Strategy within existing policies and specifically excluding those decisions prescribed for the Assembly Board in the scheme of delegation.

In undertaking this role, the RP&EE will be under a statutory duty to:

- Keep under review the Regional Spatial Strategy (RSS) and matters relating to the on-going planning, development and sustainability of the Region;
- Ensure that a Sustainability Appraisal/Strategic Environmental Appraisal and other related assessments are undertaken for new policies and proposals emanating from any draft revisions to the RSS;
- Prepare an annual monitoring report on the delivery and performance of the RSS and consider whether implementation is achieving its purpose;
- Where appropriate, to advise relevant bodies on the preparation or revision of policies relevant to the implementation of the RSS;
- Consider the general conformity of Local Development Documents with the RSS and advise the Secretary of State and Local Planning Authority (LPA) accordingly;
- Advise LPA's on planning applications which would be of major importance for the implementation of the RSS or relevant regional policy, because of their scale or nature or location of the land;
- Prepare an annual monitoring report for submission to the Secretary of State in respect of the statutory deadline to respond to

consultations in relation to planning applications and pre application enquiries;

- Consider how strategic authorities and statutory agencies should assist the RPB in undertaking the above functions.

In fulfilling this duty, the RP&EE will also:

- Ensure that climate change and energy and other environmental issues are fully and properly considered in the development of the Regional Spatial Strategy
- Ensure that the RSS (inc. the Regional Transport Strategy (RTS) and Regional Waste Strategy (RWS)) is coordinated with other regional strategies including the Regional Economic Strategy, the Regional Housing Strategy, the Regional Cultural Strategy and the Regional Sustainable Development Framework;
- Oversee the development of a Regional Implementation Plan in order to ensure that a clear set of priorities are identified for the integrated implementation of the Spatial Strategy across all policy areas;
- Oversee the operation of a Protocol between the Regional Planning Body and the Region's Local Planning Authorities to secure the general conformity of Local Development Documents and regionally significant planning applications with the policies of the RSS and to review the process on an annual basis.
- Work with sub-regional partnerships to identify and resolve relevant sub-regional issues which need to be addressed within the RSS;
- Provide a coherent regional voice and 'champion' for the region's spatial policy and climate change and environmental agenda at a national and European level.
- Ensure close cooperation and effective communication by working closely with, in particular the Regional Transport Partnership in relation to the RTS, the Regional Housing Executive in relation to the RHS and other Partnerships and the Regional Observatory to maintain effective communications with the wider region to ensure a transparency of working.

### Modus Operandi.

- To be constituted as a Committee of the WMRA Board, chaired by a WMRA Director nominated by the Assembly's local government nominating body with, as vice chairs, Directors nominated by the Assembly's local government, business and other stakeholder sectors' nominating bodies.
- To meet quarterly with additional meetings as and when required.
- Progress and activity to be reported to the Assembly Board meetings as necessary or at least on a quarterly basis.
- To be advised by the Regional Transport Partnership on the Regional Transport Strategy and other key regional transport matters.
- To seek advice on other issues of major strategic regional significance from a Strategy Advisory Panel which shall be constituted of local government, business and other stakeholders in a ratio of 4:1:1.
- Also to be informed and advised by appropriate Regional Assembly Policy Executives and Partnerships, and relevant cross sector Regional Officer Groups.
- To develop a close and collaborative relationship with the Regional Housing Executive to ensure an integrated approach to strategic housing issues with the RSS, including cross membership arrangements.
- To form task and finish groups with specific work areas and timescales.
- Secretariat support to be provided by the Assembly Secretariat with additional support as appropriate from regional partners
- Notes of meetings to be public documents posted on the Website and reported to WMRA and other partners where appropriate.
- Meetings to be held in open session with a facility to move to closed session if required.
- The work of the Executive to be open and transparent.

## Membership

- The membership of the Executive will reflect the Regional Assembly membership ratio of 4 local authority members: 1 business sector: 1 other stakeholder.
- The membership of the Executive will initially be twenty four. This is made up of the existing eighteen Planning Executive members, (twelve from the local government sector and three each from the business and other stakeholder sectors) and the existing six Environment Core Group members, (four from local government sector and one each from the business and other stakeholder sectors).
- Members of the Planning and Environment Executive will be appointed by the WMRA Board and drawn from the Regional Assembly Board, wider Assembly membership or be suitably skilled and experienced designated Assembly representatives, nominated by the Assembly's sectoral nominating bodies.
- Members of the Executive will be able to vote on specific issues if necessary. Votes will be on the basis of one vote per member.
- All members of the Executive will be subject to the Regional Assembly Members Code of Conduct, the Code of Practice and Guidance on the exercise of planning functions by the Assembly and the Protocols adopted by the Assembly governing the relationship of the Assembly's advocacy role with the Regional Planning Body function.
- Membership to be kept under review.

## **RP&EE Chairmanship**

- The Executive will be chaired by a Member of the Assembly nominated by the local government nominating body, with vice chairs nominated by the Assembly's local government, business and other stakeholder sectors nominating bodies.
- In addition there will be a vice chair with specific responsibility for the Environment.
- The Chair shall be or become a member of the Board of the Assembly.

- The Chair and Vice Chairs shall be ex officio members of the Strategy Advisory Panel.
- The Chair and Vice Chairs of the Housing Executive will be ex officio members of the Regional Planning and Environment Executive and vice versa to ensure, coherence, co-ordination and complementarity of agendas and decision-making.

#### Criteria for Membership.

- Members should have a broad and deep knowledge of their sector.
- Members will be expected to represent their sector or area of interest and express the views of their organisation, constituent group or nominating body when appropriate but always to have the overall interests of the region as their primary concern in conducting the business of the RP&EE.
- Members will require an awareness of the role and contents of the Regional Spatial Strategy for the West Midlands and of related climate change, biodiversity and environmental issues.
- Members should have an understanding of any approved regional strategies and should respect the aims of such strategies.
- Members will be expected to communicate information and decisions made by the Executive to others in their sector, organisation or group.
- Members will be expected to provide continuity of attendance.
- Membership will be specific to the named individuals with a nominated alternate if required.
- Members will be required to sign the Assembly's Code of Conduct.
- As far as possible membership should reflect the diversity of the region's population.

#### Person Specification

The following criteria are designed to assist the nominating bodies in identifying suitable people to sit on the Planning and Environment

Executive. In addition they are intended to guide those selected as to what may be needed to carry out the task.

The skills and experiences detailed below are designed to inform and guide. It is not the intention that each individual member shall have all of the skills and experiences detailed; more that the Executive as a whole reflects the full range.

### **Relevant Experience & Knowledge**

- Knowledge of, or experience in, one or more of the policy areas of the Regional Spatial Strategy;
  - Urban renaissance
  - Rural renaissance
  - Communities for the Future (Housing, society)
  - Prosperity for All (economy)
  - Quality of the Environment
  - Transport and Accessibility
  
- Knowledge or experience of other Regional strategies (eg Regional Housing Strategy, Regional Economic Strategy, Regional Cultural Strategy, Regional Sustainable Development Framework, Regional Climate Change Action Plan)
  
- Experience of representing a sector, group or organisation and their opinion in a forum that will have a wide range of perspectives and experience.

### **Useful Skills**

- Communication skills
  - Members will be expected to share information and decisions made by the Partnership to others in the sector, organisation or group.
  
  - Members should have the ability to communicate the opinions of the sector, organisation or group they represent.
  
- Networking skills - the ability to share information on a formal and informal basis with regional partners and member organisations
  
- Partnership working - the ability to work with representatives of different sectors and interests to achieve a common goal.

- Vision
  - Members should understand the concept of Sustainable Development as set out in the vision of the Regional Spatial Strategy and have the skill to be able to relate it to the topic under discussion.
  - Members will have the ability to see the long term implications of decisions and topics under debate.
- Members should have the capacity to think regionally.
- Consensus building – developing policy which takes account of a range of viewpoints & evidence.

## **Annex 1**

### **WEST MIDLANDS REGIONAL ASSEMBLY**

#### **Voting protocols for Regional Planning & Environment Executive**

##### **1. Voting Principles**

###### Local Government

The vote relates to authorities rather than individuals

###### Business and Other Stakeholders

Votes are held personally by the agreed number of representatives.

##### **2. Voting protocols: -**

###### **(a) Representation and Voting: -**

(i) Substitutions are allowed with an automatic transfer of the voting allocation attached to the member being substituted, subject to the Secretary being notified of such substitutions before the start of each meeting.

(ii) Votes are not transferable between authorities or between nominated representatives of the Business sector or between nominated representatives of the Other Stakeholders sector and may not be exercised by officers.

(iii) The Secretary (Assembly Chief Executive??) will not accept notification of changes to the allocation of votes between local authority political parties unless such notifications are in writing signed by a proper officer of the authority.

(iv) For each meeting the Secretary (Assembly Chief Executive??) shall maintain a 'named votes list' showing the names of the members entitled to be present at that meeting and the votes attached to each.

###### **(b) Voting Procedure**

(i) The Chair initially to seek approval to motions by voice agreement.

(ii) If the indication by voice is not clear the Chair may, or if requested by any member shall, seek a show of hands.

## **Regional Planning Body Conformity Function**

### **Protocol Governing the Exercise of the RPB Conformity Role**

#### Context and Legal Framework

The Regional Assembly is the Regional Planning Body (RPB), a role statutorily created and conferred by the Planning and Compulsory Purchase Act 2004. The Act requires Local Planning Authorities (LPA's) to request the opinion in writing of the RPB as to the general conformity of a Development Plan Document (DPD) with the Regional Spatial Strategy when they are submitting a DPD to the Government Office. LPA's can also make a similar request to the RPB with regard to any other Local Development Document (LDD) that they produce.

Once an opinion of general conformity has been requested the RPB has a duty to provide such an opinion to the LPA within the timescales stipulated by them.

Additionally, the Act also makes the RPB a statutory consultee on planning applications submitted to LPA's that are considered to be of major importance to the implementation of the RSS or a relevant regional policy. As a statutory consultee the RPB has a duty to respond to requests within a period of 21 days, or a longer date agreed in writing with the LPA.

This document outlines how decisions will be made by the RPB in fulfilling its statutory duties as described above. A Conformity Protocol has been produced and adopted between the RPB and the Region's LPA's to secure the general conformity of LDD's and regionally significant planning applications with the policies of the RSS.

The Conformity Protocol describes a system between the RPB and the Region's LPA's that is open, inclusive, and transparent so that the RPB's duties are addressed on a consistent basis. The Protocol establishes a decentralised model whereby the Region's Strategic Planning Authorities provide advice to the RPB on general conformity issues for consideration. In practice this means that there are a number of Regional Conformity Advisors (RCA's) from each of the Strategic Authorities advising the RPB on general conformity issues arising in LPA's that each of the RCA's has been allocated. The RCA's remit includes providing informal Officer advice to LPA's and developers on such issues.

The need for regulations governing the exercise of the conformity function has arisen from the fact that opinions of general conformity and responses to planning applications are sought on a frequent but random basis. The RPB has a duty to respond to such consultations within certain timescales, which, in respect of planning applications, is extremely limited. So that the RPB can deal with the random nature of such consultations and meet the tight timescales stipulated it has decided to delegate responsibility to the Regional Planning Executive (RPE) utilising a mechanism of a Conformity Panel of RPE members to deal with conformity issues, notwithstanding that any conformity matter may be referred for determination at any time to the full Regional Planning Partnership which has overall responsibility for the Assembly's Regional Planning Body function as delegated by the Assembly Board.

### The Conformity Determination Process

All conformity consultations will normally be referred in the first instance to the RPE Conformity Panel. However, in the following circumstances, the Conformity Panel shall refer the consultation to the full RPE:

- Where there are outstanding issues\* within the RCA's assessment regarding the advice given to the RPB;
- If the Conformity Panel do not agree with the advice within the assessment provided to them by the RCA;
- Where the Conformity Panel considers the matter to be of such significance to warrant referral;
- If the Conformity Panel cannot provide the required majority agreement on a view (ie at least 3 votes to 1).

#### *\*Definition of "Outstanding Issues"*

*Where there is a difference of views within a conformity assessment regarding an opinion of general conformity that Members of the Conformity Panel consider remain issues despite the evaluation and conclusions of the conformity assessment in question.*

In such instances the WMRA Secretariat, as the interim response to the consultation, shall issue an opinion of non conformity if the consultation relates to a LDD. In respect of a planning application consultation the recommendation will be that the RPB has received conflicting advice regarding the general conformity of the planning application and, until the matter is considered further by the RPE, the advice to the LPA will be that the determination of the application be deferred. The Secretariat will then prepare a paper to the RPE for their consideration on the matter. As the

RPE only formally meets every three months any referral to them may from time to time to require a “special” meeting of that body.

The subsequent decision of the RPE will constitute the final decision on the conformity consultation, replacing the interim response, and be communicated to as such to the relevant parties.

#### Modus Operandi of the Conformity Panel (the Panel)

- The Panel will be presented with an assessment by the relevant RCA following a consultation request to the RPB.
- The Panel will make a decision on the consultation having considered the assessment provided to them either at a meeting of the Panel Members or via email sent by the WMRA Secretariat.
- The Panel shall meet if the WMRA Secretariat recommends they should meet or if any of the Panel Members requests a meeting. Otherwise the consultation shall be referred to the Panel by the WMRA Secretariat via email.
- Members of the Panel may not be involved in any consultation where they have a pecuniary or other prejudicial interest (including for local government members conformity consultations submitted by the local authority of which they are a member or, in the case of County Councillors, consultations submitted by authorities in their county area).
- All meetings shall be held in private although those parties or individuals who have made representations to the RCA, and the RCA themselves, will be able to attend so that they can express their views to the Panel.
- In order for the WMRA Secretariat to issue an opinion on behalf of the RPB three Members of the Panel must agree to append their signatures to an opinion in order for a decision to be made. The signatories must include at least one WMRA Director.
- Where the members of the Panel agree to append their signatures to a decision the WMRA Secretariat will be given authority to use electronic signatures. A record or note of the Panel’s consent will be kept on file.

- Progress and activity of the Panel shall be reported to the meetings of the Regional Planning Executive.

#### Membership of the Panel

- The Panel will comprise a sub-committee of the WMRA Board, chaired by a WMRA director, with four members. The Chair and Vice-Chairs of the RP&EE will be the core members with nominated alternates, agreed by the RP&EE, to participate in Panel proceedings in the event of any of the core members being unable to participate. In exceptional cases of urgency any other member of RP&EE can fulfil an alternate role in any particular meeting of the Panel.
- The occasions when alternates will be called upon will include non availability of core members for business or personal reasons or where the core member has a prejudicial interest in the matter to be determined.

## **The Regional Housing Executive**

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### **Terms of Reference, Modus Operandi and Membership**

#### **The Role of the Regional Housing Executive (RHE)**

The Regional Housing Executive shall be established as a committee of the Board of the Assembly and will exercise the role of Regional Housing Board.

#### **Purpose**

The Regional Housing Executive (RHE) will be a committee of the Board of the Assembly. The RHE will make recommendations to the Assembly Board to enable the Board to make formal recommendations to GOWM and DCLG and fulfill the housing role assigned by Government to Regional Assemblies. It will take executive decisions in accordance with the Assembly's scheme of delegation.

#### **Terms of Reference**

The RHE will need to oversee the development and delivery of the Regional Housing Strategy, associated work and its officer/stakeholder support, to:

- Recommend investment in line with the Regional Housing Strategy, advising Ministers on the split of the single capital housing pot funding between local authorities (mainly for improving the condition and sustainability of existing housing) and Registered Social Landlords and developers (mainly for additional affordable housing), via the Housing Corporation's National Affordable Housing Programme, (formerly known as Approved Development Programme);
- Produce and keep under review the Regional Housing Strategy;

- Ensure the Regional Housing Strategy is to be in line with the Regional Spatial Strategy and its reviews;
- Produce (or to support the production of) the Regional Allocations Strategy bi-annually, or as otherwise required by government;
- Ensure the Regional Housing Strategy is aligned with other regional strategies, especially the Regional Economic Strategy;
- Provide a Regional steer to the operation and expansion of the Kick Start Partnership Programme
- Provide recommendations to Ministers on the allocation of the Gypsy & Traveller Site Grant Programme
- Formulate advice to Regional funding / investment allocation processes (e.g. Regional Funding Advice, Community Infrastructure Fund)
- Apply national policy to the regional context for delivery by local housing authorities, including advice on specific national and regional housing programmes (e.g. Low Cost Home Ownership, new social rented housing, rural housing); and spatial distribution within the region;

The recommendations and work of the RHE will not affect responsibilities for *delivering* new affordable housing and improving the condition of existing stock and will contribute to the strategic and policy context in which local authorities operate their strategic and enabling functions;

Recommendations for the Board's submissions to Government will reflect and complement housing and other related spending in the region, both capital and revenue;

- Whilst DCLG/GOWM and the Housing Corporation will continue to collect performance data, the Regional Housing Executive will wish to monitor, subject to resource availability, the regional housing outputs and assess the achievement of regional strategic outcomes. This will be done jointly with the Regional Planning and Environment Executive through the ongoing maintenance of the shared evidence base especially updated knowledge of the regional and sub regional housing markets.

## **Modus Operandi**

- The Regional Housing Executive will be a Committee of the Board of the Assembly, who will appoint its members.
- The Executive will meet quarterly with additional meetings as and when required.
- Progress and activity to be reported to the Assembly Board meetings as necessary and at least on a quarterly basis.
- To hold from time to time joint meetings with the Regional Planning and Environment Executive to discuss issues of mutual interest.
- To seek advice on issues of major strategic regional significance from a Strategy Advisory Panel which shall be constituted of local government, business and other stakeholders in a ratio of 4:1:1.
- To form task and finish groups with specific work areas and timescales.
- To be advised by the Regional Housing Forum, appropriate Regional Assembly Policy Executives and Partnerships, relevant cross sector Regional Officer Groups and housing market area groups.
- The Secretariat to be provided by WMRA secretariat.
- Notes of meetings to be public documents posted on the Assembly's Website and reported to other partners where appropriate.
- Meetings to be held in open session with a facility to move to closed session if required.
- The work of the RHE to be open and transparent.
- Membership to be kept under review by the Assembly Board.
- The general quorum for the Regional Housing Executive shall be set at 33.3% of membership. Within that overall total, sectoral requirements shall be a minimum of 4 local government, 1 business and 1 other stakeholders members. This is in accordance with the Articles of Association for the Regional Assembly.

## **Membership**

- The RHE will comprise 18 members.
- The membership of the Executive will reflect the Regional Assembly membership ratio of 4 local authority members: 1 business sector: 1 other stakeholders.
- Members of the RHE will be nominated by the Assembly's nominating bodies, be suitably skilled and experienced.
- Members of the Executive will be able to vote on specific issues if necessary.
- Key national and regional housing related agencies will also be represented as Ex-Officio Officers to advise the RHE, for example Advantage West Midlands, Homes and Communities Agency and GOWM.

## **Criteria for Membership**

- Members should have a broad and deep knowledge of their sector.
- Members will be expected to represent their sector or area of interest and express the views of their organisation, constituent group or nominating body when appropriate but always to have the overall regional interests as their primary concern in conducting the business of the RHE and in formulating advice and recommendations to Ministers.
- Members will require an awareness of the role and contents of Regional Spatial Strategy and The Regional Housing Strategy for the West Midlands.
- Members will be a mixture of board members and non board members of the Assembly but the Regional Housing Executive will be chaired by a board member.
- Members should have an understanding of any other relevant approved regional strategies and should respect the aims of such strategies.
- Members will be expected to communicate information and decisions made by the Executive to others in the sector, organisation or group.
- Members will be expected to provide continuity of attendance.

- Membership will be specific to the named individuals with a nominated alternate if required.
- Members will be required to sign the Assembly's Code of Conduct.
- Where possible membership to reflect the diversity of the region's population.

### **Chairmanship**

- The RHE will be chaired by a Member of the Assembly nominated by the Assembly's local government nominating body, with vice chairs nominated by the Assembly's local government, business and other stakeholder sectors nominating bodies.
- The Chair shall be or become a member of the Board of the Assembly
- The Chair and Vice Chairs shall be ex officio members of the Strategy Advisory Panel.
- The Chair and Vice Chairs of the Planning Executive will be ex officio members of the Regional Housing Executive and vice versa to ensure, coherence, co-ordination and complementarities of agendas and decision making.

## **The Regional Transport Partnership**

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Terms of Reference, Modus Operandi and Membership Criteria.

### **Overarching Key Objectives.**

The Transport Partnership will hold a policy lead responsibility for transport, to support and advise the Regional Assembly in achieving its role as the 'regional lead for partnership working to proactively drive forward the implementation of key policy areas'.

Within this role the Transport Partnership will:

- Working into and at the direction of the Assembly Board and Regional Planning and Environment Executive, lead on the Regional Transport Strategy and broker a consensus around key regional transport issues.
- Take responsibility to proactively drive forward the facilitation and monitoring of the implementation of the regions strategic transport priorities, ensuring wider partner engagement in the process.
- Provide a coherent regional voice and 'champion' for the transport policy agenda, including where necessary lobbying for the interests of the Region in debates on National and European policy;
- Ensure close co-operation and effective communication primarily with the work of the Planning and Environment Executive but also with the other Partnership groups. Also work closely with the Regional Observatory (including through contributions to the RA work plan) and maintain effective communications with the wider region to ensure a transparency of working;
- Provide a 'meeting place' where issues and concerns can be raised by all parties/partners in an open, transparent and inclusive way;
- Develop positive relationships with sub-regional groupings of partners.
- As appropriate contribute to the strategic review function.

## **Modus Operandi**

- To be chaired by a Regional Assembly Member
- Members of the Core Group will be Regional Assembly members or suitably skilled and experienced designated Assembly representatives.
- All Core Group members will be subject to the Regional Assembly Members Code of Conduct.
- To meet quarterly with additional meetings as and when required.
- Progress and activity to be reported to the full assembly meetings on a quarterly basis and to the Assembly Board and Regional Planning and Environment Executive as appropriate.
- Secretariat to be provided by appropriate regional partners linking into WMRA secretariat.
- To be advised by the Regional Transport Officers Group and other appropriate officer level groups.
- To form task and finish groups with specific work areas and timescales.
- Notes of meetings to be public documents posted on the Website and reported to WMRA and other partners where appropriate.
- Meetings to be held in open session with a facility to move to closed session if required.
- The work of the partnership to be open and transparent.
- Partnership to proceed on the basis of consensus.
- Membership to be kept under review.

## **Membership**

### Core Group

Members of the Core Group will be Regional Assembly members or designated Assembly representatives. As such they will be the voting members of the Partnership.

The Core Group will reflect the membership arrangements of the Regional Assembly i.e. a ratio of 4 Local Government: 1 business: 1 other.

There should be a minimum of 6 Assembly members/designated Assembly representatives on the Core Group but this may expand in line with the Regional Assembly Ratio if required.

The 4 Local Government Representatives should be 2 from rural (non-met) LTP authorities and 2 met LTP authorities to be nominated by WM Joint Committee Planning & Transport Sub-Committee one of which could be a WM Passenger Transport Authority representative.

The Business Sector and Other Stakeholder groups have the facility to nominate one voting (plus one non-voting) member to the core group in the ratio 4:1(+1):1(+1).

### **Partnership Membership**

The wider partnership will have an advisory role and will be non voting with the exception of the Core group members.

Membership will consist of

- Core group
- 1 bus/metro operator
- 1 rail industry – to be sought through Rail Working Party
- 1 Regional Rail Forum, Chair
- 1 airport/services
- 1 Highways Agency
- 1 DfT Rail
- 1 Government Office West Midlands
- 1 Advantage West Midlands
- 1 Sustainability West Midlands
- 1 Commercial Transport – to be sought through RHA and FTA
- 2 Public Transport Users Grouping
- 1 Equality and Diversity Partnership

- 1 Centro-WMPTA
- 2 Regional Planning and Environment Executive (including 1 representing environment)
- 1 Regional Assembly Chairman

The Chairman of Centro-WMPTA also attends as an ex-officio member.

**Criteria for Membership.**

- Member candidates should be nominated by their organisation, sector or constituent group following invitation from the Partnership (or it's core group or the RA).
- Where an organisation has a member/officer structure, then board members should be the representatives on the Partnership.
- Members should be senior representatives from organisations or constituent groups who have a broad and deep knowledge of their sector.
- Members will be expected to represent their sector or area of interest and express the views of their organisation or constituent group.
- Members will be expected to communicate information and decisions made by the Partnership to others in the sector, organisation or group.
- Members should have the capacity to think strategically.
- Membership will be specific to the named individuals with a nominated alternate if required.
- Where possible membership to reflect the diversity of the region's population.

## **The Strategy Advisory Panel**

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Terms of Reference, Modus Operandi and Membership.

### **The Role of the Strategy Advisory Panel (SAP)**

The Strategy Advisory Panel will act to advise the Regional Planning and Environment Executive and Regional Housing Executive. It will draw on a region-wide body of planning, housing and climate change and environmental expertise to highlight issues, inform, and make recommendations to the Regional Planning and Environment Executive and the Regional Housing Executive.

The Regional Spatial Strategy includes the Regional Transport Strategy. The Regional Housing and Planning and Environment Executives will be advised on regional transport matters by the Regional Transport Partnership.

The Panel will inform the Executives' advice to the Assembly Board as Regional Housing Board and statutory Regional Planning Body and the Executives' own delegated decision-making as Housing Board and Planning Body.

### **Terms of Reference**

The SAP will advise the Regional Planning and Environment Executive and Regional Housing Executive on issues of major strategic regional significance as required by the Executives.

And in particular will:-

- advise the Regional Housing Executive and with the Regional Planning and Environment Executive on appropriate issues for developing and implementing the Regional Spatial Strategy and managing Regional Housing markets (through revisions to the Regional Housing Strategy). Advice to the Regional Housing Executive and Regional Planning and Environment Executive on the Regional Transport Strategy and other key regional transport issues will be provided by the Regional Transport Partnership,

- make recommendations to the Regional Housing Executive on the distribution of the single Regional Housing Pot and to the Regional Planning and Environment Executive on matters of housing distribution and other relevant, major regional planning, housing, climate change and environmental issues,
- raise the profile of the Region's housing, planning and climate change and environmental needs in investment and planning terms,
- work within the framework provided by the Regional Housing Strategy,
- work within the spatial framework provided by the West Midlands Regional Planning Spatial Strategy,
- work within the spirit of the Regional Sustainable Development Framework and other environmental and climate change strategies,
- inform and support the development of related strategies including West Midlands Economic Strategy, and
- contribute to debate / comment on national priorities and policy.

### **Modus Operandi**

- To meet as and when advice is requested on matters of major regional significance by the Regional Planning and Environment Executive and Regional Housing Executive.
- Secretariat will be provided by the Assembly Secretariat
- Notes of meetings to be public documents and reported to Housing Executive, Planning and Environment Executive and the Assembly Board.
- Meetings will be held in open session, with a facility to move to closed session if required.

### **Membership**

- The SAP will be constituted of local government, business and other stakeholders in the ratio of 4: 1: 1.
- There will be one Councillor nominated by each local authority providing 38 local authority representatives and nine each from business and other stakeholder nominations until local government reorganisation in Shropshire on 1<sup>st</sup> April 2009.
- Thereafter, there will be 33 local authority representatives and eight each from business and other stakeholder nominations.

- The Assembly's nominating bodies (WMLGA, WMBC and RAWM) shall be able to nominate Assembly Board members, Assembly members and non Assembly members with particular housing, planning and environmental experience.
- The Chair and Vice Chairs of the Regional Transport Partnership shall be ex officio members of the Panel.
- The Chair and Vice Chairs of the Regional Planning and Environment Executive and Regional Housing Executive shall be ex officio members of the Panel.

### **Criteria for Membership**

- Members should have a broad and deep knowledge of their sector and be able to represent their organisation on regional housing, planning, climate change and environmental matters.
- Members will be expected to represent their sector or area of interest and express the views of their organisation, constituent group or nominating body when appropriate but always to have the overall regional interests as their primary concern in conducting the business of the SAP and in formulating advice to RPE&E and RHE.
- Local authorities should seek to nominate a suitable portfolio holder.
- Members will be selected by, and report back to, their constituent groups.
- Members will require an awareness of the role and contents of Regional Spatial Strategy (including the Regional Transport Strategy and Regional Waste Strategy), the Regional Housing Strategy for the West Midlands and the Regional Climate Change Action Plan.
- Members should have an understanding of any other relevant approved regional strategies and should respect the aims of such strategies.
- Members will be expected to provide continuity of attendance.
- Membership will be specific to the named individuals with a nominated alternate if required.
- Members will be required to sign the Assembly's Code of Conduct.

- Where possible membership to reflect the diversity of the Region's population.

**SAP Chairmanship**

The Strategy Advisory Panel will elect a Chair and Vice Chair at its first meeting.