

Agenda Item No. 15(a)

WEST MIDLANDS REGIONAL ASSEMBLY Annual General Meeting – 12 July 2006

The Assembly's Roles as Regional Advocate and Regional Planning Body

Report of the Company Secretary

1. Purpose

To consider how to reconcile potential conflicts between the Assembly's role as a regional advocate of significant development proposals and its statutory function as Regional Planning Body.

2. Recommendation

That the protocols set out in this report to govern the Assembly's approach to managing its different roles as regional advocate and Regional Planning Body be adopted.

3. Report Details

3.1 Concerns have been expressed that the ability of the Assembly to fulfil its broader role as a regional voice, which may include lobbying on economic and social development grounds for proposals considered to be regionally significant, may be fettered by its more specific role as Regional Planning Body (RPB) which may require at some stage the consideration of the conformity of planning applications arising from such proposals in relation to the Regional Spatial Strategy.

3.2 These concerns are based on the premise that a situation might arise where the general support of a proposal on economic benefit grounds (e.g. increased employment and wealth generation) might be at odds with regional planning policy (e.g. will be counter to RSS/LDF objectives).

3.3 Whilst it would be unreasonable to restrict the Assembly from fulfilling that wider advocacy and lobbying role it will be important to ensure that it does so within a framework that seeks maximum protection from legal challenge for the Assembly as RPB.

3.4 It is proposed therefore that the Assembly adopts a set of principles and protocols which will govern how it manages the interface of these roles and protects its integrity as RPB. The draft outline protocols are set out below. These are in addition

to the application to members of the general Assembly Code of Conduct and will in due course be incorporated in any Code of Good Practice and Guidance adopted in relation to the exercise of regional planning functions.

- The overriding responsibility of the Members of the Assembly is to act in the best interests of the region and its population. The Assembly's ability to represent those interests may sometimes be constrained by the statutory functions it is required to undertake.
- It is right and proper that the Assembly can promote and lobby for developments that are deemed to be of regional significance i.e. will lead to economic, social or environmental benefits which extend directly or indirectly across the region or a significant part of it.
- However the Assembly will not knowingly support a development proposal that will conflict with provisions of the Regional Spatial Strategy and wherever possible will obtain informal advice from its Regional Planning Body prior to embarking on/pursuing an advocacy campaign.
- Furthermore, because of the likely sensitivity and complexity of RSS conformity issues, members of the RPB delegated to deal with conformity shall, at all times and to the best of their ability, maintain an impartiality and objectivity in relation to such developments, including by:-
 - refraining from active engagement in any Assembly activities to promote proposals or projects
 - making clear through statements and actions that the Assembly's general position will not prejudicially influence the consideration of specific planning issues
 - withdrawing from debate and decision where it is considered appropriate.

3.5 I have shared these protocols with Eversheds, the firm of solicitors currently undertaking work on behalf of all Assemblies, via ERN, on probity issues relating to regional planning. The above protocols therefore incorporate some small amendments suggested by them.

Stephen Hind
Company Secretary