

## SCHEDULE 1

(introduced by section 4(2))

### STRATEGIC PLANNING PANELS

#### PART 1

#### CONSTITUTION AND FINANCIAL ARRANGEMENTS OF PANELS

1 In PCPA 2004, after Schedule 2 insert—

#### “SCHEDULE 2A

### STRATEGIC PLANNING PANELS

#### PART 1

#### STATUS AND MEMBERSHIP

##### *Status*

- 1 (1) A strategic planning panel is a body corporate.
- (2) The panel has the name specified in the regulations establishing it.

##### *Membership*

- 2 (1) A strategic planning panel consists of local planning authority members and nominated members (see paragraphs 3 and 4).
- (2) The regulations establishing the panel must specify—
  - (a) the total number of members of the panel,
  - (b) the number of local planning authority members, and
  - (c) the number of nominated members.
- (3) The number of local planning authority members of the panel—
  - (a) must be equal to or greater than the number of constituent local planning authorities, and
  - (b) must be two thirds of the total membership of the panel, rounded to the nearest whole number.
- (4) The number of nominated members must be one third of the total membership of the panel, rounded to the nearest whole number.
- (5) A person may not be a member of a strategic planning panel if the person is a member of the panel’s staff.

##### *Appointment of local planning authority members*

- 3 (1) Each local planning authority member of a strategic planning panel is to be appointed by a constituent local planning authority from among the authority’s eligible members.

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- (2) The regulations establishing the panel must specify the number of members to be appointed by each constituent local planning authority, and must ensure that at least one member is to be appointed by each authority.
- (3) A constituent local planning authority, in relation to a strategic planning panel, is a local planning authority all or part of whose area is included in the panel's strategic planning area.
- (4) In the case of a constituent local planning authority which is a county council or a county borough council, the eligible members are—
  - (a) each councillor representing an electoral division all of which is in the panel's strategic planning area, and
  - (b) any elected mayor or elected executive member within the meaning of Part 2 of the Local Government Act 2000 (see section 39(1) and (4) of that Act).
- (5) In the case of a constituent local planning authority which is a National Park authority or a joint planning board, the eligible members are each member of that authority or board.

*Appointment of nominated members*

- 4 (1) Each nominated member of a strategic planning panel is to be appointed by the panel, having been nominated in response to a request under this paragraph.
- (2) Before appointing a nominated member, a strategic planning panel must make a request for a nomination to a person chosen by the panel ("the nominating body").
- (3) If the nominating body fails to make a nomination, the panel must make a further request for a nomination to the same person or to another person (who becomes the nominating body for the purposes of this paragraph).
- (4) If the nominating body nominates an individual for appointment to the strategic planning panel, the panel must appoint that individual as a nominated member of the panel.

*Composition of strategic planning panels: further provision*

- 5 (1) The Welsh Ministers may by regulations make further provision about the composition of strategic planning panels.
- (2) That provision may include (among other things) provision—
  - (a) about the gender balance of strategic planning panels;
  - (b) about steps to be taken by strategic planning panels and constituent local planning authorities with a view to securing compliance with requirements of the regulations relating to the composition of panels ("composition requirements");
  - (c) for exceptions from composition requirements;
  - (d) about the effect of failure to comply with composition requirements;

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- (e) conferring powers on the Welsh Ministers in respect of such failure.

*Terms and notice of appointments*

- 6 (1) The Welsh Ministers may publish standard terms of appointment for local planning authority members of strategic planning panels and for nominated members of panels.
- (2) The Welsh Ministers may amend any standard terms of appointment, and must publish the standard terms as amended.
- (3) A member of a strategic planning panel must be appointed on the most recently published standard terms (if any) relevant to the appointment.
- (4) A strategic planning panel must give the Welsh Ministers notice of each appointment made to the panel.
- (5) Subject to the provisions of this Schedule, the members of a panel hold and vacate office in accordance with their terms of appointment.

*Members' allowances*

- 7 (1) A strategic planning panel may pay allowances to its members in respect of expenses they incur in connection with the exercise of their functions.
- (2) A panel may not pay any other remuneration to its members.
- (3) For provision about payments that a panel is required or authorised to make in respect of members' allowances, see Part 8 of the Local Government (Wales) Measure 2011.

*Termination of membership*

- 8 (1) A member of a strategic planning panel may resign by giving notice to the panel.
- (2) A strategic planning panel may, by giving notice to a member of the panel, remove the member on any of the following grounds—
  - (a) that the member has been absent from meetings of the panel without its permission for at least 6 months,
  - (b) that the member has failed to comply with the member's terms of appointment, or
  - (c) that the member is otherwise unable or unfit to exercise the member's functions.
- (3) A notice under sub-paragraph (2) must state the panel's reasons for removing the member.
- (4) A strategic planning panel must send a copy of a notice given under this paragraph—
  - (a) to the Welsh Ministers, and
  - (b) in the case of a local planning authority member, to the constituent local planning authority that appointed the member.

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*Termination of membership: further provision  
 about local planning authority members*

- 9 (1) A constituent local planning authority may at any time remove a local planning authority member of a strategic planning panel appointed by the authority.
- (2) If a person who is a local planning authority member of a strategic planning panel ceases to be an eligible member of the constituent local planning authority that appointed the person to the panel, the person ceases to be a member of the panel.
- (3) In the case of a constituent local planning authority which is a county council or a county borough council, a person is not to be treated as ceasing to be a member of the authority by virtue of retiring under section 26 of the Local Government Act 1972 (elections of councillors in Wales) if the person is re-elected to the authority not later than the day the person retires.
- (4) Where a person ceases to be a member of a strategic planning panel by virtue of this paragraph—
- (a) the constituent local planning authority that appointed the person to the panel must give notice of that fact to the panel, and
  - (b) the panel must send a copy of the notice to the Welsh Ministers.

*Chair and deputy chair*

- 10 (1) A strategic planning panel must appoint a chair and deputy chair from among its local planning authority members.
- (2) Neither appointment may be for a period of more than one year, but a chair or deputy chair may be re-appointed any number of times.
- (3) A person may resign from the office of chair or deputy chair of a strategic planning panel by giving notice to the panel.
- (4) A person ceases to be the chair or deputy chair of a panel if the person ceases to be a local planning authority member of the panel.

**PART 2**

**ADMINISTRATION**

*Staff*

- 11 (1) A strategic planning panel may employ staff.
- (2) The panel's staff are to be employed on such terms and conditions (including terms and conditions relating to remuneration, allowances and pensions) as the panel may determine.

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### *Delegation*

- 12 (1) A strategic planning panel may delegate a function to—
- (a) a committee of the panel;
  - (b) a member of the panel;
  - (c) a member of the panel’s staff.
- (2) But the panel may not delegate—
- (a) a function under paragraph 4,
  - (b) the function of deciding whether a strategic development plan (or a revision of such a plan) is ready for independent examination, or
  - (c) the function of adopting a strategic development plan (or a revision of such a plan).
- (3) The delegation of a function does not affect—
- (a) the panel’s responsibility for the exercise of the function, or
  - (b) the panel’s ability to exercise the function.

### *Voting rights*

- 13 A nominated member of a strategic planning panel is not entitled to vote at meetings of the panel or any of its committees.

### *Procedure*

- 14 (1) A strategic planning panel must make standing orders regulating its procedure.
- (2) The standing orders must specify a quorum for meetings of the panel, which must include at least half of the local planning authority members.
- (3) A strategic planning panel—
- (a) may revise its standing orders, and
  - (b) must publish the current version of its standing orders.
- (4) The validity of anything done by a strategic planning panel is not affected by—
- (a) a vacancy among its members, or
  - (b) a defect in the appointment of a member.

### *Access to meetings*

- 15 (1) A meeting of a strategic planning panel must be open to the public, except during any item of business from which the panel excludes the public.
- (2) The circumstances (if any) in which the public may be excluded from a meeting must be set out in the panel’s standing orders.
- (3) Before each meeting of a strategic planning panel, the panel must publish notice of the meeting.

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- (4) The notice must state—
  - (a) the time and place of the meeting, and
  - (b) the business to be considered at the meeting (other than items during which the public is to be excluded).
- (5) The panel must also publish any reports or other documents to be considered by the panel at the meeting (other than those relating to items during which the public is to be excluded).
- (6) As soon as practicable after each meeting of a strategic planning panel, the panel must publish a record of the business at the meeting that was open to the public.

### PART 3

#### FINANCIAL ARRANGEMENTS

##### *Qualifying expenditure*

- 16 (1) The qualifying expenditure of a strategic planning panel is to be met by the constituent local planning authorities in accordance with paragraphs 17 to 19.
- (2) “Qualifying expenditure” means expenditure of a description prescribed by regulations made by the Welsh Ministers.

##### *Apportionment of qualifying expenditure*

- 17 (1) A strategic planning panel must make a determination specifying the proportion of its qualifying expenditure that is to be met by each constituent local planning authority.
- (2) Not later than 31 December before the start of its second financial year, the panel must send a draft of the determination to each constituent local planning authority and to the Welsh Ministers.
- (3) The panel must have regard to any representations it receives about the draft.
- (4) Not later than 15 February before the start of its second financial year, the panel must send a copy of its determination to each constituent local planning authority and to the Welsh Ministers.
- (5) The panel—
  - (a) may revise the determination, and
  - (b) must send a copy of the determination as revised to each constituent local planning authority and to the Welsh Ministers.
- (6) Before revising its determination, the panel must—
  - (a) send a draft of the revised determination to each constituent local planning authority and to the Welsh Ministers, and
  - (b) have regard to any representations it receives about the draft.

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- (7) If the constituent local planning authorities give the panel notice that they have agreed the apportionment between them of the panel's qualifying expenditure, the panel must make or revise its determination so as to give effect to the agreement.
- (8) A determination under this paragraph may be revised only in relation to financial years which have not yet ended.

*Annual work programme and estimate of qualifying expenditure*

- 18
- (1) A strategic planning panel must, for each financial year other than its first financial year, prepare a work programme which contains—
    - (a) a description of the activities which the panel intends to undertake during the year, and
    - (b) estimates of—
      - (i) the overall expenditure which the panel expects to incur during the year in the exercise of its functions, and
      - (ii) the qualifying expenditure which the panel expects to incur during the year.
  - (2) Not later than 31 December before the start of each financial year for which it is required to prepare a work programme, the panel must send a draft of its work programme for that year to each constituent local planning authority and to the Welsh Ministers.
  - (3) The panel must have regard to any representations that it receives about the draft.
  - (4) Not later than 15 February before the start of each financial year for which it is required to prepare a work programme, the panel must—
    - (a) publish its work programme for that year, and
    - (b) send a copy to each constituent local planning authority and to the Welsh Ministers.
  - (5) A strategic planning panel may, at any time during a financial year, revise its work programme for that year (including any estimate contained in it).
  - (6) Before revising a work programme, the panel must—
    - (a) send a draft of the revised work programme to each constituent local planning authority and to the Welsh Ministers, and
    - (b) have regard to any representations that it receives about the draft.
  - (7) If the panel revises a work programme, it must—
    - (a) publish the work programme as revised, and
    - (b) send a copy to each constituent local planning authority and to the Welsh Ministers.

*Payments by constituent local planning authorities*

- 19
- (1) Not later than 15 February before the start of each financial year other than its first financial year, a strategic planning panel must give each

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constituent local planning authority notice of the amount which the authority is required to pay to the panel for that financial year.

- (2) The amount is to be calculated as follows—
  - (a) take the estimate of the panel’s qualifying expenditure set out in its work programme for the year published under paragraph 18;
  - (b) calculate the amount representing the authority’s proportion of that expenditure in accordance with the panel’s determination under paragraph 17;
  - (c) make any adjustments prescribed by regulations made by the Welsh Ministers.
- (3) The authority must pay the amount to the panel.
- (4) Sub-paragraphs (5) to (7) apply if during a financial year—
  - (a) a strategic planning panel revises its determination under paragraph 17 or the estimate of its qualifying expenditure contained in the work programme published for that financial year under paragraph 18, and
  - (b) making the calculation in sub-paragraph (2) for that financial year in accordance with the revised determination or estimate would give a different amount, for any constituent local planning authority, from that specified in the most recent notice given to the authority under this paragraph.
- (5) The panel must give the authority notice of the revised amount which the authority is required to pay to the panel for the financial year.
- (6) If the authority has not already made a payment to the panel in accordance with this paragraph, it must instead pay the panel the revised amount.
- (7) If the authority has already made a payment to the panel in accordance with this paragraph—
  - (a) where the revised amount is greater than the amount that has been paid, the authority must pay the difference to the panel;
  - (b) where the revised amount is less than the amount that has been paid, the panel must pay the difference to the authority.

#### *Payments by Welsh Ministers*

- 20 (1) The Welsh Ministers may make grants, loans or other payments to a strategic planning panel.
- (2) Payments may be made subject to conditions (including conditions as to repayment).
- (3) A strategic planning panel may not borrow money otherwise than from the Welsh Ministers.

#### *Accounts and audit*

- 21 (1) A strategic planning panel must for each financial year—
  - (a) keep proper accounts and proper records in relation to them, and



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- (b) prepare a statement of accounts.
- (2) Each statement of accounts must comply with any directions given by the Welsh Ministers as to—
  - (a) the information to be contained in the statement,
  - (b) the manner in which the information is to be presented, and
  - (c) the methods and principles according to which the statement is to be prepared.
- (3) Not later than 30 November after the end of each financial year, a strategic planning panel must submit its statement of accounts for that year to—
  - (a) the Auditor General for Wales,
  - (b) the constituent local planning authorities, and
  - (c) the Welsh Ministers.
- (4) The Auditor General for Wales must examine, certify and report on each statement of accounts.
- (5) Not later than 4 months after a statement of accounts is submitted, the Auditor General must send copies of the certified statement and the report on it to—
  - (a) the constituent local planning authorities, and
  - (b) the Welsh Ministers.

#### *Annual report*

- 22 (1) A strategic planning panel must, for each financial year, prepare a report on the exercise of its functions during that year.
- (2) Not later than 30 November after the end of each financial year, the panel must—
  - (a) publish the report for that year, and
  - (b) send copies of the report to—
    - (i) the constituent local planning authorities, and
    - (ii) the Welsh Ministers.

#### *Financial year*

- 23 (1) The first financial year of a strategic planning panel is the period beginning with the day on which the panel is established and ending with the following 31 March.
- (2) But the regulations establishing the panel may provide that the first financial year is instead to end with the second 31 March following the day on which the panel is established.
- (3) After the first financial year, each financial year of the panel is the period of 12 months ending with 31 March.

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## PART 4

### SUPPLEMENTARY

#### *Guidance*

- 24 In exercising functions under this Schedule, a strategic planning panel and a constituent local planning authority must have regard to any guidance issued by the Welsh Ministers.

#### *Default powers of Welsh Ministers*

- 25 (1) This paragraph applies if the Welsh Ministers think that a strategic planning panel or a constituent local planning authority is failing or omitting to do anything that it is necessary for it to do for the purpose of complying with a relevant requirement.
- (2) The Welsh Ministers may direct the panel or the authority to take such steps as they think appropriate for the purpose of complying with the relevant requirement.
- (3) A strategic planning panel or constituent local planning authority must comply with a direction given to it under this paragraph.
- (4) If the panel or authority fails to comply with the direction, the Welsh Ministers may themselves do anything that could be done by the panel or the authority (as the case may be) for the purpose of complying with the relevant requirement.
- (5) Before doing anything under sub-paragraph (4), the Welsh Ministers must give the panel or authority notice of their intention to do so.
- (6) The Welsh Ministers may require the panel or authority to reimburse them for any expenditure they incur in connection with anything they do under sub-paragraph (4).
- (7) A relevant requirement is a requirement imposed by any of the following provisions of this Schedule—
- (a) paragraphs 3 and 4 (appointment of members of a strategic planning panel);
  - (b) paragraph 10 (appointment of chair and deputy chair);
  - (c) paragraph 14(1) (making standing orders);
  - (d) paragraphs 17 to 19 (arrangements relating to qualifying expenditure of a panel).

#### *Provision in connection with establishment etc of strategic planning panel*

- 26 (1) The regulations establishing a panel may confer power on the Welsh Ministers to give directions—
- (a) requiring a constituent local planning authority to provide the panel with staff or other services for the purpose of enabling the panel to exercise its functions in its first financial year, and

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- (b) specifying terms on which the services are to be provided if the authority and the panel cannot agree the terms.
- (2) Regulations under section 60D may include provision for the transfer of property, rights and liabilities—
- (a) from a constituent local planning authority or any other person to a strategic planning panel in connection with the establishment of the panel or the addition of any land to its strategic planning area;
  - (b) from a strategic planning panel to a constituent local planning authority or any other person in connection with the abolition of the panel or the removal of any land from its strategic planning area.
- (3) The provision that may be made by virtue of sub-paragraph (2) includes provision for the transfer of rights and liabilities relating to contracts of employment.

#### *Interpretation*

- 27 In this Schedule—
- “constituent local planning authority” has the meaning given by paragraph 3(3);
  - “eligible member”, in relation to a constituent local planning authority, has the meaning given by paragraph 3(4) and (5);
  - “financial year” and “first financial year” each have the meaning given by paragraph 23;
  - “local planning authority member”, in relation to a strategic planning panel, means a member appointed under paragraph 3;
  - “nominated member”, in relation to a strategic planning panel, means a member appointed under paragraph 4;
  - “notice” means notice in writing;
  - “qualifying expenditure” has the meaning given by paragraph 16(2).

#### *Power to amend provisions about strategic planning panels*

- 28 The Welsh Ministers may by regulations amend this Schedule.”

## **PART 2**

### **FURTHER AMENDMENTS**

#### *Local Authorities (Goods and Services) Act 1970 (c. 39)*

- 2 In section 1 of the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities to public bodies), in subsection (4), in the definition of “public body”, after “any probation trust,” insert “any strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004,”.

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*Local Government Act 1972 (c. 70)*

- 3 In section 80 of the Local Government Act 1972 (disqualifications for election and holding office as member of local authority), after subsection (2AA) insert—
- “(2AB) A person who is employed by or under the direction of a strategic planning panel is disqualified for being elected or being a member of a local authority which is a constituent local planning authority in relation to that panel (within the meaning of paragraph 3(3) of Schedule 2A to the Planning and Compulsory Purchase Act 2004).”

*Local Government Act 2000 (c. 22)*

- 4 In section 83 of the Local Government Act 2000 (conduct of members and employees of local authorities in Wales: interpretation), after subsection (9) insert—
- “(9A) A person who is suspended under this Part from being a member of a relevant authority shall also be suspended from being a member of any strategic planning panel in relation to which that authority is a constituent local planning authority, but this subsection does not apply to a person who is partially suspended under this Part.”

*Freedom of Information Act 2000 (c. 36)*

- 5 In Part 2 of Schedule 1 to the Freedom of Information Act 2000 (public authorities: local government), after paragraph 33 insert—
- “33A A strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004.”

*Public Services Ombudsman (Wales) Act 2005 (c. 10)*

- 6 In Schedule 3 to the Public Services Ombudsman (Wales) Act 2005 (investigation of complaints etc: listed authorities), under the sub-heading “Local government, fire and police”, at the end insert—
- “A strategic planning panel.”

*Equality Act 2010 (c. 15)*

- 7 In Part 2 of Schedule 19 to the Equality Act 2010 (public authorities subject to public sector equality duty: relevant Welsh authorities), under the sub-heading “Local government”, at the end insert—
- “A strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004.”

*Welsh Language (Wales) Measure 2011 (nawm 1)*

- 8 (1) Schedule 6 to the Welsh Language (Wales) Measure 2011 (persons liable to be required to comply with standards: public bodies etc) is amended as follows.
- (2) In the table, under the heading “Local government etc”, at the appropriate place insert—

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“Strategic planning panels (“ <i>Paneli cynllunio strategol</i> ”)	Service delivery standards Policy making standards Operational standards Promotion standards Record keeping standards”.
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(3) In paragraph 2, at the appropriate place insert—

““strategic planning panel” (“*panel cynllunio strategol*”) means a strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004.”

*Local Government (Wales) Measure 2011 (nawm 4)*

9 In section 144 of the Local Government (Wales) Measure 2011 (payments and pensions: relevant authorities, members etc), in subsection (2), after paragraph (d) insert—

“(da) a strategic planning panel (established under section 60D of the Planning and Compulsory Purchase Act 2004);”.