
STATUTORY INSTRUMENTS

1986 No. 561

COUNTRYSIDE

The Peak Park Joint Planning Board Order 1986

Made - - - -

20th March 1986

Coming into Operation

1st April 1986

The Secretary of State, in exercise of the powers conferred on him by sections 241 and 266 of, and Part I of Schedule 17 to the Local Government Act 1972 (a) and paragraph 2(1) of Schedule 3 to the Local Government Act 1985 (b), and of all other powers enabling him in that behalf, hereby makes the following order:—

Citation and commencement

1. This order may be cited as the Peak Park Joint Planning Board Order 1986 and shall come into operation on 1st April 1986.

Interpretation

2. In this order—

“the Act” means the Local Government Act 1972;

“constituent council” means—

(a) a council of any county in which any part of the United District is comprised; and

(b) a council of any metropolitan district in which any part of the United District is comprised;

“the Joint Planning Board” means the Peak Park Joint Planning Board for the Peak District National Park reconstituted by article 3(1) of the Peak Park Joint Planning Board Order 1973 (c);

“relevant district council” means a council of any non-metropolitan district in which any part of the United District is comprised; and

“the United District” means the area of the Peak District National Park described in the Peak District National Park (Designation) Confirmation Order 1951.

Membership of the Board

3.—(1) The Joint Planning Board shall consist of 34 members of whom—

(a) 18 members (hereinafter called “the constituent council members”) shall be appointed as hereinafter provided by the constituent councils;

(b) 5 members (hereinafter called “the relevant district council members”) shall be appointed by the relevant district councils in accordance with paragraph 12A of Schedule 17 to the Act; and

(a) 1972 c.70; Part I of Schedule 17 was amended by the Wildlife and Countryside Act 1981 (c.69), section 46, and by the Local Government Act 1985 (c.51), section 7 and Schedule 3.

(b) 1985 c.51.

(c) S.I. 1973/2061.

- (c) 11 members (hereinafter called "the non-elective members") shall be appointed by the Secretary of State after consultation with the Countryside Commission.
- (2) The constituent council members shall consist of—
- 8 members to be appointed by the County Council of Derbyshire,
 - 2 members to be appointed by the County Council of Staffordshire,
 - 2 members to be appointed by the County Council of Cheshire,
 - 2 members to be appointed by the City Council of Sheffield,
 - 1 member to be appointed by the Borough Council of Barnsley,
 - 2 members to be appointed by the Borough Council of Kirklees,
 - 1 member to be appointed by the Borough Council of Oldham.

Tenure of office

4.—(1) A constituent council member appointed by any county council mentioned in article 3(2) above shall retire from office on 31st May in each year which is the year of election of county councillors.

(2) The constituent council members first appointed by any metropolitan district council mentioned in article 3(2) above shall retire from office on 31st May 1987 and thereafter each such member shall hold office for a period of one year and shall retire on 31st May in each year.

(3) A relevant district council member shall hold office for a period of one year in accordance with paragraph 12A of Schedule 17 to the Act.

(4) A non-elective member shall hold office for such period as the Secretary of State shall, in accordance with paragraph 12 of Schedule 17 to the Act, determine and upon such terms as may be laid down by the Secretary of State.

(5) Any member of the Joint Planning Board shall be eligible for reappointment and any member may resign his membership by sending to the proper officer of that Board notice in writing of his desire to do so.

(6) Any casual vacancy shall be filled as soon as practicable, and the person appointed shall hold office for the remainder of the term of office of the person in whose place he is appointed.

(7) Sections 80, 81, 82, 85 and 86 of the Act (Disqualifications for election and holding office as member of local authority, validity of acts done by unqualified persons, vacation of offices by failure to attend meetings and declaration by local authority of vacancy in office in certain cases) shall apply to the constituent council members and the relevant district council members, and sections 94 to 98 of the Act (Disability of members of authorities for voting on account of interest in contracts, etc., general notices and recording of disclosures for purposes of section 94, removal or exclusion of disability, etc., and interpretation of sections 95 and 97) shall apply to all members of the Joint Planning Board as if it were a local authority within the meaning of the Act.

Meetings and Proceedings

5. The meetings and proceedings of the Joint Planning Board shall be conducted in accordance with the rules set out in Schedule 1 to this order.

Appointment of officers

6.—(1) The Joint Planning Board shall, in addition to the appointment of a National Park Officer in accordance with the provisions of paragraph 15 of Schedule 17 to the Act, appoint such other officers and servants as they think necessary to enable them to discharge their functions.

(2) The Joint Planning Board may pay their officers and servants such reasonable remuneration as they deem expedient, and every officer and servant shall hold office on such reasonable terms and conditions, including conditions as to remuneration, as the Joint Planning Board think fit.

(3) The Joint Planning Board may make arrangements with a constituent council or with a relevant district council for the services of any officer or servant of such council to be placed at the disposal of the Joint Planning Board for such periods and on such terms (including terms as to payment) as may be agreed between the Joint Planning Board and the said constituent council or relevant district council.

Financial and administrative

7.—(1) The expenses of the Joint Planning Board so far as they are not defrayed out of revenues of the Joint Planning Board other than precepts receivable in accordance with the provisions of this order shall be referred to as the "net expenses of the Joint Planning Board". In this article the expression "expenses" includes the interest on, and provision for the repayment of, any borrowed moneys.

(2) The net expenses of the Joint Planning Board shall be apportioned by that Board and shared between the constituent councils on the basis that the County Council of Derbyshire shall pay 50%, the County Council of Staffordshire 10%, the County Council of Cheshire 10%, the City Council of Sheffield 10%, the Borough Council of Barnsley 5%, the Borough Council of Kirklees 10% and the Borough Council of Oldham 5%.

(3) The Joint Planning Board may issue precepts to the constituent councils requiring payment of amounts apportioned to those councils under paragraph (2) above, and, subject to paragraph (4) below, each such constituent council shall pay, in accordance with any precepts so issued to it, the amount thereby demanded.

(4) The Joint Planning Board shall prepare, in such form as the Secretary of State may direct, a statement of the purpose to which the amount demanded by any precept is intended to be applied and shall send a copy of such statement with every precept to which it relates; and a constituent council shall not be under any obligation to pay the amount demanded by any such precept until it has received the said statement.

Power of borrowing

8.—(1) The Joint Planning Board may borrow temporarily, by way of overdraft or otherwise, such sums as they may require—

- (a) for the purpose of defraying expenses, pending the receipt of revenues receivable by them in respect of the period of account to which those expenses are chargeable and taken into account in their estimates made by them for that period;
- (b) for the purpose of defraying, pending the raising of money for any purpose or class of purpose approved by the Secretary of State under paragraph (2) below, expenses intended to be defrayed by means of that money.

(2) The Joint Planning Board may borrow money for any purpose or class of purpose approved for the purposes of this paragraph by the Secretary of State and in accordance with any conditions subject to which the approval is given, provided that, where the Joint Planning Board borrows money under paragraph 1(b) above, and subsequently raises a loan under this paragraph, the loan shall, to the extent of the sum borrowed temporarily, be treated as having been raised at the time of the temporary borrowing.

(3) Subject as mentioned in paragraph (4) below, the provisions of paragraphs 2, 4, 7, 11, 12, 20 and 22 of Schedule 13 to the Act (Borrowing, Lending and Funds), shall apply to borrowing by the Joint Planning Board authorised by this article as they apply to borrowing by a local authority authorised by or under the Act or any other enactment.

(4) The following sub-paragraphs of the paragraph mentioned in (3) above shall not apply or (as the case may be) shall apply as amended in manner following—

- (i) sub-paragraph (1)(b) to (e) of paragraph 2 shall not apply;
- (ii) sub-paragraph (1)(b) of paragraph 4 shall not apply;
- (iii) sub-paragraph (1) of paragraph 7 shall apply with the omission of the words “and paragraph 9(8)”.

Annual reports and accounts

9.—(1) The Joint Planning Board shall, before such date in every year as the Secretary of State may fix, send to the Secretary of State a report in respect of the preceding year, and shall at the same time send a copy of the report to the Countryside Commission, to every constituent council and to every relevant district council.

(2) Every report under this article shall be in such form and shall contain particulars with respect to such matters as the Secretary of State may direct.

(3) As soon as the accounts of the Joint Planning Board have been audited the Board shall send a copy of the accounts to the Secretary of State and shall at the same time send a copy to the Countryside Commission, to every constituent council and to every relevant district council and a copy of the accounts shall be kept at the office of the Joint Planning Board and any person interested shall be entitled, without payment, to inspect and take copies of, or extracts from, the copy of the accounts.

Functions

10.—(1) The Joint Planning Board shall discharge the functions to which Part I of Schedule 17 to the Act applies.

(2) For the purposes of their functions the provisions of the Act set out in Schedule 2 to this order are applied to the Joint Planning Board as if any reference in any of those provisions to a local authority or to a principal council was a reference to the Joint Planning Board and as if any reference to the area of a local authority or of a principal council was a reference to the United District.

Consequential, transitional and revocation

11.—(1) Any person who immediately before 1st April 1986 is a member of the Joint Planning Board by virtue of an appointment made by the council of a metropolitan county shall cease to be a member of the Board on that date.

(2) Without prejudice to section 17(2) of the Interpretation Act 1978^(a) and subject to paragraph (1) above, the revocation of any provision by this order shall not affect the period of tenure of office of any member of the Joint Planning Board appointed before 1st April 1986.

(3) The orders specified in the first column of Schedule 3 hereto are hereby revoked to the extent specified in the third column of that Schedule.

SCHEDULE 1

Article 5

Annual meeting

1.—(1) The Joint Planning Board shall in every year hold an annual meeting and at least three other meetings for the transaction of general business which as near as may be shall be held at regular intervals.

(2) The first meeting held after 31st May in any year shall be the annual meeting.

Appointment of chairman

2.—(1) The Joint Planning Board shall at their annual meeting appoint one of their members to be chairman who shall, unless he resigns his office or ceases to be a member of the Joint Planning Board, continue in office until immediately after the election of the chairman at the next annual meeting.

(2) The Joint Planning Board may at their annual meeting appoint one of their members to be vice-chairman who shall, unless he resigns his office or ceases to be a member of the Joint Planning Board, continue in office until immediately after the election of the vice-chairman at the next annual meeting.

Casual vacancies

3. On a casual vacancy occurring in the office of chairman or vice-chairman or the Joint Planning Board the vacancy shall be filled by the appointment by the Joint Planning Board of one of their members at their next meeting and the person so appointed shall hold office until the date upon which the person in whose place he is appointed would regularly have retired.

Conduct of meetings

4.—(1) at a meeting of the Joint Planning Board the chairman, if present, shall preside.

(2) If the chairman is absent from a meeting of the Joint Planning Board the vice-chairman, if present, shall preside.

(3) If both the chairman and the vice-chairman of the Joint Planning Board are absent such member of the Joint Planning Board as the members present shall choose shall preside.

Calling of meetings

5.—(1) The chairman of the Joint Planning Board or, if the office of chairman is vacant, the vice-chairman of the Joint Planning Board may call a meeting of the Joint Planning Board at any time.

(2) If the chairman, or the vice-chairman if the office of chairman is vacant, refuses to call a meeting of the Joint Planning Board after a requisition for that purpose, specifying the nature of the important or urgent business, signed by five members of the Joint Planning Board, has been presented to him, or if, without so refusing, the chairman or, as the case may be, the vice-chairman does not call a meeting within

^(a) 1978 c.30.

seven days after such requisition has been presented to him, any five members of the Joint Planning Board on that refusal or on the expiration of seven days as the case may be, may forthwith call a meeting of the Joint Planning Board.

(3) Three clear days at least before a meeting of the Joint Planning Board—

- (a) notice of the time and place of the intended meeting shall be published at the office of the Joint Planning Board and, where the meeting is called by members of the Joint Planning Board, the notice shall be signed by those members and shall specify the business proposed to be transacted thereat; and
- (b) a summons to attend the meeting, specifying the business proposed to be transacted thereat, and signed by the proper officer of the Joint Planning Board shall be left at or sent by post to the usual place of residence of every member of the Joint Planning Board with a copy to the proper officer of every constituent council and every relevant district council:

Provided that—

- (a) want of service of the summons on any member of the Joint Planning Board shall not affect the validity of a meeting; and
- (b) no business shall be transacted at a meeting called by members of the Joint Planning Board other than that specified in the notice thereof.

Quorum

6. No business shall be transacted at a meeting of the Joint Planning Board unless at least 11 members are present thereat.

Proceedings of meetings

7.—(1) A copy of the minutes of the proceedings at each meeting of the Joint Planning Board shall be sent to the proper officer of every constituent council and every relevant district council within fourteen days after the date of the meeting.

(2) The mode of voting at meetings of the Joint Planning Board shall be by show of hands and on the requisition of any member of the Joint Planning Board, supported by four other members who signify their support by rising in their places, made before the vote on any question is taken, the voting shall be recorded so as to show whether each member present and voting gave his vote for or against that question.

(3) The provisions of paragraphs 39 to 44 of Part VI of Schedule 12 to the Act shall apply to the Joint Planning Board as they apply to a local authority but with the substitution for references therein to any enactment and to the Act of references to this order.

SCHEDULE 2

Article 10(2)

PROVISIONS OF THE LOCAL GOVERNMENT ACT 1972 APPLIED BY ARTICLE 10(2)

Section or paragraph	Subject matter
100	Admission of public and press to meetings.
111	Subsidiary powers.
113 to 119	Officers.
120, 122, 123, 128 to 131	Acquisition, appropriation and disposal of land.
135	Standing orders with respect to contracts.
136	Expenditure on concurrent functions.
139	Acceptance of gifts of property.
140	Insurance.
143	Subscriptions to local government associations.
144	Provision of facilities for encouragement of visitors and of conference and other facilities.
222 and 223	Legal proceedings.
228 and 229	Inspection and copies of documents.
231 to 234	Service of notices and authentication.
238	Evidence of byelaws.
239	Local or personal Bills.
Paragraphs 16 to 19 of Schedule 13	Funds of local authorities.

SCHEDULE 3

Article 11(3)

REVOCATIONS

Column 1 Regulations revoked	Column 2 References	Column 3 Extent of revocation
The Peak Park Joint Planning Board Order 1973.	S.I. 1973/2061.	The whole order, except articles 3(1) and (4) and 11(3).
The Peak Park Joint Planning Board (Amendment) Order 1981.	S.I. 1981/91.	The whole order.
The Peak Park Joint Planning Board (Amendment) Order 1982.	S.I. 1982/992.	The whole order.

Kenneth Baker,
Secretary of State
for the Environment.

20th March 1986.

EXPLANATORY NOTE

(This note is not part of the order.)

This order, which comes into operation on 1st April 1986, alters the membership of the Peak Park Joint Planning Board (article 3) and the apportionment of its expenses (article 7) and is consequent upon the abolition of the metropolitan county councils by the Local Government Act 1985.

The order also consolidates the remaining provisions of previous statutory instruments relating to the Peak Park Joint Planning Board (articles 4 to 10) with the exception of provisions relating to audit.