

2007 No. 1412

TOWN AND COUNTRY PLANNING, ENGLAND

The Luton and South Bedfordshire Joint Committee Order 2007

Made - - - - *3rd May 2007*

Laid before Parliament *15th May 2007*

Coming into force - - *13th June 2007*

The Secretary of State, in exercise of the powers conferred by section 29 of the Planning and Compulsory Purchase Act 2004(a), makes the following Order:

Citation and commencement

1. This Order may be cited as the Luton and South Bedfordshire Joint Committee Order 2007 and shall come into force on 13th June 2007.

Interpretation

2. In this Order—

“the 1972 Act” means the Local Government Act 1972(b);

“the 2004 Act” means the Planning and Compulsory Purchase Act 2004;

“the Agreement” means the Agreement dated 11th April 2007 between the constituent authorities;

“the constituent authorities” means the authorities specified in article 3(2);

“co-opted member” means a member of the joint committee appointed in accordance with article 5(5);

“the joint committee” means the Luton and South Bedfordshire joint committee; and

“sub-committee” means a sub-committee appointed in accordance with article 8(1).

Establishment of the joint committee

3.—(1) A joint committee, to be known as the Luton and South Bedfordshire joint committee, is constituted as the local planning authority for the purposes of Part 2 (local development) of the

(a) 2004 c.5.

(b) 1972 c.70. Relevant amendments were made by section 46 of the Local Government Act 2000 (c.22), sections 1 and 94 of, and Schedule 12 to, the Local Government and Housing Act 1989 (c.42), section 84 of, and Schedule 14 to, the Local Government Act 1985 (c.51), section 1(1) of the Local Government (Access to Information) Act 1985, section 267 of the Enterprise Act 2002 (c.40), section 206 of, and Schedule 8 to, the Representation of the People Act 1983 (c.2), section 54 of, and Schedule 3 to, the Audit Commission Act 1998 (c.18), section 69 of the Greater London Authority Act 1999 (c.29), sections 37, 38 and 46 of the Criminal Justice Act 1982 (c.48), section 78 of, and Schedule 10 to, the Environment Act 1995 (c.25), section 139(3) of the Transport Act 1985 (c.67), section 38 of the Local Government Finance Act 1982 (c.32), section 237 of, and Schedule 13 to, the Education Reform Act 1988 (c.40) and section 17(4) and section 18(6) of, and Schedule 1 to the Electoral Administration Act 2006 (c. 22). Relevant amending instruments are S.I. 2001/2237, S.I. 1995/1948 and S.I. 2006/88.

2004 Act for the administrative areas of Luton Borough Council and South Bedfordshire District Council in respect of the matters specified in article 4(1) (being matters specified in the Agreement).

(2) The following authorities are specified as those which are to constitute the joint committee—

- (a) Bedfordshire County Council;
- (b) Luton Borough Council; and
- (c) South Bedfordshire District Council.

Functions of the joint committee

4.—(1) The matters referred to in article 3(1) are the exercise of all functions conferred on a local planning authority by or under Part 2 of the 2004 Act except those functions conferred by or under the following provisions of the 2004 Act—

- (a) section 13 (survey of area);
- (b) section 14 (survey of area: county councils); and
- (c) section 16 (minerals and waste development planning).

(2) Section 15 (local development scheme) of the 2004 Act shall apply in relation to the joint committee and the matters specified in paragraph (1) as if—

- (a) for paragraph (b) of subsection (3) there were substituted—
 - “(b) submit their local development scheme to the Secretary of State not later than 13th September 2007;”;and
- (b) for paragraph (c) of subsection (3) there were substituted—
 - “(c) at that time send a copy of their scheme to the RPB(a).”.

Membership of the joint committee and voting rights

5.—(1) The joint committee shall consist of—

- (a) 2 members appointed by Bedfordshire County Council;
- (b) 6 members appointed by Luton Borough Council;
- (c) 4 members appointed by South Bedfordshire District Council; and
- (d) such number of co-opted members as may be appointed pursuant to paragraph (5).

(2) The members appointed by the constituent authorities shall be entitled to vote at a meeting of the joint committee on any question that falls to be decided at that meeting; and the members so appointed are referred to in the following provisions of this Order as voting members.

(3) Each constituent authority shall appoint a substitute for each voting member it appoints; and where paragraph 1(6)(c) of the Schedule applies, a substitute shall be entitled to vote at the meeting of the joint committee as regards which he is deemed to be a voting member, on any question which falls to be decided at that meeting.

(4) A constituent authority shall not appoint as a voting member or substitute a person who is not a member of that authority.

(5) The joint committee may invite other bodies to participate in proceedings of the joint committee, and each body that accepts such an invitation shall appoint one member of the joint committee (a “co-opted member”).

(6) A co-opted member shall not be entitled to vote at any meeting of the joint committee on any question which falls to be decided at that meeting.

(a) See section 37(6) and the definition of RPB in section 2(1) of the 2004 Act.

(7) Voting members and substitutes shall be entitled to recover from the constituent authority by which they are appointed any expense they incur in connection with the discharge of the joint committee's functions.

Disqualification for membership of the joint committee

6.—(1) A person who is disqualified under Part 5 (general provisions as to members and proceedings of local authorities) of the 1972 Act for being elected or being a member of a local authority shall be disqualified for being a member of the joint committee.

(2) Section 92(a) (proceedings for disqualification) of the 1972 Act, with the exception of subsections (7) and (8), shall apply with respect to membership of, or claims to be entitled to act as a member of, the joint committee as it applies to membership of, or claims to be entitled to act as a member of, a local authority.

Tenure of office

7.—(1) A voting member of the joint committee shall hold office until one of the following occurs—

- (a) he resigns in accordance with paragraph (4);
- (b) he is removed or replaced by the constituent authority which appointed him; or
- (c) he ceases to be a member of a constituent authority (and does not on the same day again become a member of that or any other constituent authority).

(2) A co-opted member of the joint committee shall hold office until one of the following occurs—

- (a) he resigns in accordance with paragraph (4);
- (b) he is removed or replaced by the body which appointed him; or
- (c) the joint committee decides that the body which appointed him may no longer participate in proceedings of the joint committee.

(3) A person who ceases to be a voting member of the joint committee shall be eligible for reappointment.

(4) Any member of the joint committee may resign his membership by sending written notice delivered—

- (a) in the case of a member appointed by a local authority, to the proper officer of the local authority which appointed him;
- (b) in any other case, to the body which appointed him.

(5) Any casual vacancy shall be filled as soon as practicable by the body which appointed the member of the joint committee whose membership has ceased.

Sub-committees

8.—(1) The joint committee may, in accordance with paragraphs (2) and (3), appoint one or more sub-committees.

(2) Each person appointed as a member of a sub-committee must be a member of the joint committee.

(3) Subject to paragraph (2), the persons appointed to a sub-committee and its terms of reference shall be determined by the joint committee.

(a) Amended by sections 37, 38 and 46 of the Criminal Justice Act 1982 (c.48).

Meetings and proceedings

9.—(1) The meetings and proceedings of the joint committee shall be conducted in accordance with the rules set out in the Schedule to this Order.

(2) Sub-paragraphs (5) and (6) of paragraph 1 of the Schedule (meetings) and sub-paragraph (1) of paragraph 6 of the Schedule (proceedings of meetings) shall apply with respect to meetings of a sub-committee as if references to the joint committee were references to the sub-committee.

Secondments

10.—(1) The constituent authorities shall make secondments, in accordance with the Agreement, of such officers as they think necessary to enable the joint committee and sub-committees to discharge their functions.

(2) The joint committee may make arrangements with a constituent authority for the services of any officer of that authority or other person engaged by that authority to be placed at the disposal of the joint committee or a sub-committee for such period as may be agreed between the joint committee and the constituent authority.

(3) The joint committee may make arrangements for the services of any person employed by a body which has appointed a co-opted member to be placed at the disposal of the joint committee or a sub-committee for such period as may be agreed between the joint committee and the body.

Expenses of joint committee

11.—(1) The expenses incurred by the joint committee and sub-committees shall be defrayed by South Bedfordshire District Council.

(2) The other constituent authorities shall make payments to South Bedfordshire District Council in respect of the sums defrayed in accordance with paragraph (1), in such proportions as all the constituent authorities may agree or, in default of agreement, as may be determined by a single arbitrator agreed on by the constituent authorities or, in default of agreement, appointed by the Secretary of State.

Signed by authority of the Secretary of State for Communities and Local Government

3rd May 2007

Kay Andrews
Parliamentary Under Secretary of State
Department for Communities and Local Government

SCHEDULE

Article 9

RULES FOR THE CONDUCT OF MEETINGS AND PROCEEDINGS OF THE JOINT COMMITTEE

Meetings

- 1.—(1) The joint committee shall in every year hold an annual meeting.
- (2) The first meeting held after 31st May in any year shall be the annual meeting.
- (3) The joint committee may in every year hold, in addition to the annual meeting, such other meetings as they may determine.
- (4) At least five clear days before a meeting of the joint committee—
 - (a) a summons to attend the meeting, specifying the agenda for that meeting, and signed by the proper officer of a constituent authority shall be left at or sent by post to the usual place of residence of every member of the joint committee with a copy to the proper officer of each of the other constituent authorities; and
 - (b) notice of the time and place of the intended meeting shall be published—
 - (i) at the offices of each constituent authority; and
 - (ii) on the websites of the joint committee and each constituent authority.
- (5) If a voting member is unable to attend any meeting of the joint committee he shall inform the chair of the joint committee in writing as soon as practicable and in any event not later than 24 hours before the meeting is due to take place.
- (6) Where the chair receives notification in accordance with sub-paragraph (5)—
 - (a) the voting member giving the notification shall be deemed not to be a member of the joint committee for the whole of the meeting to which the notification relates;
 - (b) the voting member's substitute may attend the meeting in his place; and
 - (c) the voting member's substitute shall be deemed to be a voting member of the joint committee for the whole of that meeting.

Appointment of chair and vice-chair

- 2.—(1) Subject to sub-paragraphs (4) and (5), the joint committee shall at their annual meeting appoint a chair and a vice-chair from among the voting members of the joint committee.
- (2) The chair and vice-chair shall, unless they resign their office or cease to be members of the joint committee, continue in office until their successors become entitled to act.
- (3) In the case of an equality of votes in respect of the appointment of a chair or the appointment of a vice-chair, the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.
- (4) The chair and vice-chair shall not be members of—
 - (a) Bedfordshire County Council; or
 - (b) the same constituent authority.
- (5) A member of a constituent authority may not be appointed as chair if any other member of that authority has held that office (otherwise than to fill a casual vacancy) in the previous 12 months.

Casual vacancies

3.—(1) This paragraph applies if a casual vacancy occurs in the office of chair or vice-chair of the joint committee.

(2) The vacancy shall be filled by the appointment by the joint committee of one of their voting members at the next meeting.

(3) The person so appointed shall hold office until the next annual meeting.

(4) The person so appointed shall be a member of the same constituent authority as the person in whose place he is appointed.

Conduct of meetings

4.—(1) At a meeting of the joint committee the chair if present shall preside.

(2) If the chair is absent from a meeting of the joint committee the vice-chair shall preside.

(3) If both the chair and vice-chair are absent, another voting member of the joint committee, chosen by the voting members of the joint committee present at the meeting, shall preside.

Quorum

5. No business shall be transacted at a meeting of the joint committee unless at least one voting member from each constituent authority and at least four other voting members are present.

Proceedings of meetings

6.—(1) All questions coming or arising before a meeting of the joint committee shall be decided by a majority of the voting members of the joint committee present and voting at that meeting.

(2) The minutes of the proceedings of each meeting of the joint committee shall be drawn up and shall be signed at the next ensuing meeting of the joint committee by the person presiding at that next meeting.

(3) A copy of the minutes of the proceedings of each meeting of the joint committee shall be sent to the proper officer of each constituent authority within 14 days after the date of the meeting at which they were signed.

(4) The names of the members present at each meeting of the joint committee shall be recorded in the minutes of the proceedings of that meeting.

Admission to meetings

7.—(1) The following provisions of the 1972 Act shall apply with respect to meetings of the joint committee as though references to a principal council were references to the joint committee:

- (a) section 100A (admission to meetings of principal councils), with the exception of subsections (6), (7) and (8);
- (b) section 100I(1) (exempt information); and
- (c) paragraphs 1 to 11 of Schedule 12A (access to information: exempt information).

(2) Where the public have been excluded from the whole or part of a meeting of the joint committee in accordance with the provisions referred to in sub-paragraph (1), the joint committee may exclude co-opted members from that meeting or (as the case may be) the relevant part of that meeting.

Standing orders

8. Subject to the provisions of this Order the joint committee may make standing orders for the regulation of their proceedings and may vary or revoke any such orders.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which comes into force on 13th June 2007, establishes a joint committee for Luton and South Bedfordshire. The constituent authorities are Bedfordshire County Council, Luton Borough Council and South Bedfordshire District Council.

Article 3 of the Order constitutes the joint committee as the local planning authority for the borough of Luton and the district of South Bedfordshire. It and article 4 provide for the joint committee to exercise the functions of a local planning authority under Part 2 of the Planning and Compulsory Purchase Act 2004 with the exception of functions relating to minerals and waste development planning. Article 4(2) modifies section 15 of that Act so as to require the joint committee to submit their local development scheme to the Secretary of State not later than 11th September 2007, and to send a copy of it to the Regional Planning Board.

Articles 5 to 11 deal with membership and disqualification, tenure of office, sub-committees, meetings and proceedings, secondments and expenses.

The Schedule to the Order makes further provision as to meetings and proceedings of the joint committee and enables the joint committee to make standing orders for the regulation of their proceedings.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

£3.00

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E0728 5/2007 170728T 19585

