

2011 No. 1455

TOWN AND COUNTRY PLANNING, ENGLAND

**The South East Lincolnshire Joint Strategic Planning Committee
Order 2011**

<i>Made</i>	- - - -	<i>8th June 2011</i>
<i>Laid before Parliament</i>		<i>15th June 2011</i>
<i>Coming into force</i>	- -	<i>5th July 2011</i>

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 South East Lincolnshire Joint Strategic Planning Committee Order 2011 and shall come into force on 5th July 2011.

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 between the constituent authorities dated 12th January 2011;

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

“co-opted member” means a member of the joint committee nominated in accordance with article 5(4);

“observer” means a person appointed in accordance with article 5(5);

“the joint committee” means the South East Lincolnshire Joint Strategic Planning Committee constituted by article 3(1);

“joint local development document” means a local development document prepared jointly by one or more constituent authorities;

“joint local development scheme” means a local development scheme prepared jointly by one or more constituent authorities;

“sub-committee” means a sub-committee appointed under article 8(1);

“voting member” means a member appointed under article 5(1) and entitled to vote in accordance with article 5(2).

(a) 2004 c.5.
(b) 1972 c.70.

Establishment of the joint committee

3.—(1) A joint committee, to be known as the South East Lincolnshire Joint Strategic Planning Committee, is constituted as the local planning authority for the purposes of Part 2 (local development) of the 2004 Act for the areas of Boston Borough Council and South Holland District Council and 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) Lincolnshire County Council;
- (b) Boston Borough Council; and
- (c) South Holland District Council.

Functions of the joint committee

4.—(1) The matters referred to in article 3(1) are—

- (a) the preparation, submission, adoption, monitoring and revision of joint local development documents identified in a joint local development scheme; and
- (b) the preparation, submission, adoption, monitoring and revision of a joint local development scheme, in respect of those documents.

(2) Section 15 (local development scheme) of the 2004 Act shall apply in relation to the joint committee as if for paragraph (b) of subsection (3) there were substituted—

“(b) submit its local development scheme to the Secretary of State not later than 30th September 2011;”.

Membership of the joint committee and voting rights

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

- (a) three members appointed by Lincolnshire County Council;
- (b) three members appointed by Boston Borough Council;
- (c) three members appointed by South Holland District Council; and
- (d) such number of co-opted members as may be nominated pursuant to paragraph (4).

(2) The members appointed by the constituent authorities who are present at a meeting of the joint committee shall be entitled to vote at that meeting on any question falling to be decided at that meeting.

(3) Each constituent authority shall nominate three substitutes; and where paragraph 5(6)(c) of the Schedule applies, a substitute shall be entitled to vote at the meeting on any question which falls to be decided at that meeting.

(4) The joint committee may, if all existing joint committee members agree, invite other bodies to participate in proceedings of the joint committee; and each body that accepts such an invitation shall nominate one of its members to be a co-opted member of the joint committee.

(5) The joint committee may appoint observers who may attend and participate in meetings of the joint committee.

(6) Co-opted members and observers shall not be entitled to vote at any meetings of the joint committee on any question which falls to be decided at that meeting.

(7) Voting members and substitutes shall be entitled to recovery from the constituent authority by which they are appointed or nominated (as the case may be) any expenses incurred in connection with the discharge of the joint committee’s functions.

Disqualification from 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 from being elected or being a member of a local authority shall be disqualified from being a member of the joint committee.

(2) Section 92 of the 1972 Act (proceedings for disqualification)(a), with the exception of subsections (7), (7A), (7B) 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 shall hold office for a period of four years from the date of appointment or such lesser period, not being less than one year, as may be decided by the authority which makes the appointment, but shall cease to be a voting member if that person—

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

(2) A person nominated as a co-opted member of the joint committee shall continue in that capacity until one of the following occurs—

- (a) the person resigns in accordance with paragraph (4);
- (b) the person is removed or replaced by the body which made the appointment; or
- (c) the joint committee decides that the body which made the nomination 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) A voting or co-opted member may resign from the joint committee by sending written notice delivered—

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

(5) Any casual vacancy shall be filled as soon as practicable by the authority or body which appointed or nominated 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 the sub-committee's terms of reference shall be determined by the joint committee.

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, which shall have effect.

(a) Section 92 was amended by sections 37, 38 and 46 of the Criminal Justice Act 1982 (c.48).

(2) Sub-paragraphs (3) to (5) of paragraph 5 of the Schedule (calling of meetings) and sub-paragraph (2) of paragraph 6 of the Schedule (proceedings of meetings) shall apply with respect to meetings of any sub-committee as if references to the joint committee were references to the sub-committee, unless the joint committee agrees otherwise.

Expenses of joint committee

10.—(1) The expenses incurred by the joint committee and any sub-committee, in relation to accommodating meetings of the joint committee or sub-committee, shall be defrayed by the constituent authority at whose office the meeting is held, or who arranges the venue for the meeting, except so far as may be otherwise agreed by the joint committee.

(2) Other expenses incurred by the joint committee and any sub-committees shall be defrayed by South Holland District Council.

(3) The other constituent authorities shall make payments to the constituent authority which has defrayed any expenses in accordance with paragraph (1) or (2), 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

Bob Neill

Parliamentary Under Secretary of State

Department for Communities and Local Government

8th June 2011

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 it may determine.

Appointment of chair and vice-chair

2.—(1) Subject to sub-paragraphs (3) and (4), 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) The chair and vice-chair shall not be members of the same constituent authority.

(4) 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 its 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, so far as practicable, be a member of the same constituent authority as the person in whose place that person 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.

(4) In the case of an equality of votes, the chair shall give a casting vote in addition to any other vote that person may have.

Calling of meetings

5.—(1) The chair of the joint committee may call a meeting of the joint committee at any time.

(2) If—

(a) the chair refuses to call a meeting of the joint committee after being presented with a requisition for that purpose signed by three voting members of the joint committee; or

(b) without so refusing, the chair does not call a meeting within seven days after being presented with such a requisition,

any three members of the joint committee, may, on that refusal or the expiration of those seven days (as the case may be), call a meeting of the joint committee.

(3) At least ten clear days before a meeting of the joint committee—

(a) notice of the time and place of the intended meeting shall be publicised at the offices of each constituent authority; and where the meeting is called by members of the joint committee, the notice shall be signed by those members and shall specify the business proposed to be transacted at that meeting; and

(b) subject to sub-paragraph (4), a summons to attend the meeting, specifying the agenda for that meeting, and, unless paragraph (a) applies, signed by the chair, shall be left at or sent by post to the usual place of residence of every member of the joint committee; and a copy of the summons shall be given or sent to the proper officer of every constituent authority.

(4) Lack of service of the summons in accordance with sub-paragraph (3)(b) shall not affect the validity of a meeting.

(5) A voting member who is unable to attend any meeting of the joint committee 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; 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.

(7) Where the office of chair is vacant, sub-paragraphs (1) to (6) shall apply as if references to the chair of the joint committee were references to the vice-chair of the joint committee.

Proceedings of meetings

6.—(1) No business shall be transacted at a meeting of the joint committee unless at least five voting members are present.

(2) All questions coming before or arising at 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.

(3) 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.

(4) The names of the voting and co-opted members and of any substitute 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 if references to a principal council were references to the joint committee—

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

(2) Where the public have been excluded from the whole or part of a meeting of the joint committee in accordance with any provision referred to in sub-paragraph (1), the joint committee may exclude co-opted members and observers from that meeting or (a 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.

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- (a) Section 100A was inserted by section 1(1) of the Local Government (Access to Information) Act 1985 (c.43) (“the 1985 Act”). Relevant amendments were made by S.I. 2002/715.
 - (b) Section 100I was inserted by section 1(1) of the 1985 Act. Relevant amendments were made by S.I. 2006/88.
 - (c) Schedule 12A was inserted by section 1(2) of and Part 1 of Schedule 1 to the 1985 Act. Paragraphs 1 to 11 were substituted by S.I. 2006/88. Paragraph 8 was amended by 2007/2194 and prospectively amended by section 2 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010 (c.7).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes a joint committee for the areas of the districts of Boston and South Holland (known collectively as South East Lincolnshire). The constituent authorities are Lincolnshire County Council, Boston Borough Council and South Holland District Council.

Article 3 of the Order constitutes the joint committee as the local planning authority for South East Lincolnshire for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004. Together with article 4(1) it provides for the joint committee to exercise the functions of a local planning authority in relation to the preparation, submission, adoption, monitoring and revision of joint local development documents and of a joint local development scheme. 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 no later than 30th September 2011.

Articles 5 to 10 deal with membership and voting rights, disqualification, tenure of office, sub-committees, meetings and proceedings, and expenses.

The Schedule 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 its proceedings.

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

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STATUTORY INSTRUMENTS

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