

APPENDIX A

ELSTOW NEW DEVELOPMENT

JOINT DEVELOPMENT CONTROL COMMITTEE

REVISED DRAFT TERMS OF REFERENCE

To exercise the development control powers and duties of the Bedford Borough and Mid Bedfordshire District Councils under the Town and Country Planning legislation in relation to the Elstow New Settlement (the area as defined in the Planning and Development Brief (figure 2)) as specified below:-

- (1) Determination of:-
 - (a) Outline planning applications for development relating to the settlement.
 - (b) Full/reserve matter/remediation work applications for sites that straddle the boundaries of the constituent Authorities.
- (2) The heads of terms of any joint legal agreements relating to the proposed development.
- (3) Any other planning issues/applications relating to the development of the settlement as may be referred to the Committee from time to time from either Authority in respect of their own area.

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APPENDIX B

ELSTOW NEW DEVELOPMENT

JOINT DEVELOPMENT CONTROL COMMITTEE

STANDING ORDERS

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STANDING ORDER 1

MEETINGS

Ordinary Meeting

- (1) Ordinary meetings of the Joint Committee will take place on such days, and at such times and frequencies, as the Committee may agree.

Special Meetings

- (2) A Special meeting of the Joint Committee may be called at any time by its Co-chairs.

Summons and Agenda

- (3) A summons and full agenda will be delivered to the home of each Member of the Joint Committee at least three clear days before the meeting.

Items of Business

- (4) Only items of business appearing on the agenda will be considered at a meeting, unless an item is deemed by the Chair of the meeting to be urgent.

Place of Meeting

- (5) Meetings of the Joint Committee will rotate between Bedford and Ampthill respectively.

STANDING ORDER 2

SIZE OF JOINT COMMITTEE

The Joint Committee will comprise 18 Councillors, 9 representing Bedford Borough Council and 9 representing Mid Beds District Council. Each Council shall appoint its Members to the Joint Committee in accordance with the requirements of Section 15 of the Local Government and Housing Act 1989.

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STANDING ORDER 3

CHAIRING OF MEETINGS

- (1) The joint Committee shall at the first meeting after its appointment elect as Co-chairs of the Committee, one Member from each of the constituent Authorities.
- (2) Each meeting of the Committee shall be chaired by the Co-chair of the Authority hosting that meeting, save that in the absence from a meeting of any one of the Co-chairs, the other Co-chair shall preside.
- (3) In the absence of both Co-chairs, the Joint Committee shall elect a person from among their number to preside at the meeting.
- (4) The person presiding shall be entitled to give a casting vote where there is an equality of votes on any matter.

STANDING ORDER 4

QUORUM

The quorum at a meeting is one quarter of its membership. If the meeting lacks a quorum at any stage, its business will be adjourned to an agreed date and time or to the next ordinary meeting.

STANDING ORDER 5

DECISIONS AND RECOMMENDATIONS

- (1) Minutes of the proceedings of meetings of the Joint Committee shall be recorded formally and signed at the next meeting by the person presiding.
- (2) No discussion shall take place upon the minutes except where their accuracy is challenged by a motion before they are signed.
- (3) The Joint Committee shall have full delegated powers to act within its Terms of Reference. However, if it wishes to make a recommendation upon any matter, it will be placed before the Council of both Authorities for a decision.

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STANDING ORDER 6

RIGHTS OF NON-MEMBERS

- (1) Every Member of both Authorities shall have the right to attend meetings of the Joint Committee. Such a Member shall be entitled to speak once on any item and may, with the prior consent of the person presiding, contribute further, but shall not vote.

STANDING ORDER 7

PUBLIC PARTICIPATION

Public participation in meetings of the Joint Committee will operate on the basis of the scheme set out in Appendix A to these Standing Orders.

STANDING ORDER 8

RULES OF DEBATE

Motions and Amendments

- (1) A motion or amendment may only be discussed if it has been proposed and seconded and, if required by the person presiding, put into writing.

Amendments

- (2) An amendment must be relevant to the motion and shall be either:-
 - (a) to leave out words;
 - (b) to leave out words and insert or add others;
 - (c) to insert or add words;

but no amendment may be moved which would have the same effect as voting against the motion.

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- (3) Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of. However the person presiding may permit two or more amendments to be discussed (but not voted on) together if she/he considers that this would be a convenient way to proceed.
- (4) If an amendment is lost, then other amendments may be moved upon the original motion. If an amendment is carried, further amendments may be moved to the revised motion.

Alteration or Withdrawal of Motion

- (5) With the consent of the person presiding a Member may alter or withdraw a motion he/she has moved.

Right of Reply

- (6) The proposer of a motion has a right of reply at the close of the debate on a motion or upon amendment to his motion immediately before either is put to the vote. the move of an amendment also will have a right to reply. Neither reply should exceed one minute in length.

STANDING ORDER 9

ADMISSION TO MEETINGS

Meetings of the Joint Committee will be open to the public and press unless the statutory powers of exclusion have been exercised.

STANDING ORDER 10

INTEREST OF MEMBERS IN CONTRACTS AND OTHER MATTERS

Financial Interest

- (1) If any Member has any financial interest direct or indirect within the meaning of Section 95 of the Local Government act 1972 in any matter, he/she will withdraw from the meeting while that matter is under consideration unless:-
 - (i) the disability to discuss that matter has been removed by the Secretary or State; or
 - (ii) the Joint Committee invites him/her to remain.

Non-Financial Interest

- (2)(a) Any Member who has a personal (non-financial) interest in any matter must promptly disclose that interest but may remain speak and vote unless the interest is clear and substantial, in which case the Member must withdraw (subject to paragraph 2(b) of this Standing Order).
- (b) Members shall have regard to the provisions of the National Code of Local Government Conduct. Involvement in the affairs of another public body or voluntary association etc, by a Member who has been appointed as a representative of the Council will not, in the absence of any other relevant considerations, be construed as a clear and substantial interest and in that situation the Member should disclose the interest, but may remain and participate fully in the meeting.

STANDING ORDER 11

VOTING

- (1) All decisions shall be taken by a majority of Members present and voting by show of hands.
- (2) In the case of an equality of votes the Member presiding may give a casting vote.
- (3) Immediately after a vote is taken, the request of any Member to have a record of the way in which his/her vote was cast shall be included in the minutes.

STANDING ORDER 12

CHANGES IN MEMBERSHIP AND SUBSTITUTES

- (1) Any changes in the membership or substitute Members of the Joint Committee shall be notified to the relevant Chief Executive for report to the next meeting of the relevant Council for information. Such notice shall be given to the Chief Executive or his nominee prior to the commencement of the meeting of the Joint Committee which it is to have effect from.
- (2) Each Political Group on either Authority represented on the Joint Committee shall be entitled to nominate substitute Members, the number of which shall not exceed 50% of the total seats held by that Group on the Joint Committee with a minimum of one substitute per Group.

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- (3) Each Independent Member on the Joint Committee, not belonging to a constituted Political Group within the Councils, shall be entitled to nominate another Independent Member (who does not belong to a constituted Political Group within the relevant Council) as a substitute Member of the Joint Committee.
- (4) A Councillor who wishes a substitute Member to attend a meeting in his/her place shall so inform one of the substitutes as soon as practicable before the date of the meeting and the substitute Member shall at the meeting concerned inform the relevant Chief Executive or his/her representative of his/her appointment as substitute. In the event that neither of the named substitutes are able to act in that capacity for any given meeting, then any other Member of the Group concerned shall be entitled to act as a substitute provided that the relevant Chief Executive or his/her representative is so informed before the commencement of the meeting and that the status of the substitute Member is declared at the start of the meeting.
- (5) Any Member who is substituted shall cease to be a Member of the Joint Committee for the duration of the meeting, including any adjournment and the substitute Member shall be a full Member of the Joint Committee for the same period.

STANDING ORDER 13

CODES OF CONDUCT

Members shall observe their own Authority's code of conduct for Councillors dealing with planning matters except that any Member of the joint Committee who expresses a fixed view on an application prior to its determination by the Committee shall be required either:-

- (a) to declare an interest in that application and withdraw from the meeting during consideration thereof; OR
- (b) to appoint a substitute Member for the meeting at which the application is to be considered, in which case the Member who has appointed the substitute may speak on the application from the public gallery prior to the formal discussion of the item.

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STANDING ORDER 14

DELEGATIONS TO OFFICERS

The existing schemes of delegation to Bedford Borough Council's Borough Planner and to Mid Bedfordshire District Council's Head of Planning Services are deemed to apply in respect of planning applications considered by the joint Committee.

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JOINT DEVELOPMENT CONTROL COMMITTEE

SCHEME FOR PUBLIC PARTICIPATION

Applicants, agents, representatives of Parish/Town Councils, County Councillors (in respect of any application falling within their electoral division) and members of the public, who have already submitted comments in writing prior to the despatch of the agenda, will be entitled to speak (but will not be entitled to question Officers or Members) during the consideration of a planning application at any meeting of the joint Development Control Committee at which the application is to be determined. Such entitlement to speak shall be in accordance with the following provisions:-

- (a) Any person (meeting the qualifications above) who wishes to speak must notify the nominated Officer for their Local Authority by letter, telephone or fax by 10.00am on the day of the meeting at which the application in which s/he has an interest is to be considered.
- (b) The following procedure will apply in respect of each item:-
- Introduction of an item by Officers and/or Chairman
 - Representations by Parish/Town Council representative(s)
 - Committee Members' questions
 - Representations by the County Councillor(s) in respect of any application falling within their electoral division(s)
 - Committee Members' questions
 - Representations by objector(s) or representative for all objectors
 - Committee Members' questions
 - Representations by applicant and/or any supporters
 - Committee Members' questions
 - Opportunity for Officer(s) to comment/clarify
 - Consideration of application by Members

- (c) The total time allowed for speeches in respect of each of the following groups of speakers will not exceed five minutes:-
- (i) Parish/Town Council representatives for each Parish/Town Council that may have been consulted on an application who will be authorised, in writing, to speak by the Clerk or Chairman of the Parish/Town Council on the Council's behalf.
 - (ii) County Council Member representative(s).
 - (iii) Objectors.
 - (iv) Applicants and/or supporters.

Where an application affects more than one Town/Parish or County Electoral Division, the Chairman will have discretion to vary the requirements of (i) to (iv), where s/he considers it conducive to the despatch of business and will not cause prejudice to the parties involved.

- (d) In the event of there being no spokesperson appointed to speak on behalf of a group of speakers referred to under either category (iii) and (iv) of provision (c) above, the order of speaking shall be the same as the order in which the requests were received until the time limit has expired.
- (e) Anyone making representations under this scheme shall confide those comments to material planning considerations and should draw any believed inaccuracies in reports etc to the attention of Officers prior to the meeting.
- (f) Where consideration of a planning application is deferred, public participation shall be permitted on each occasion that such an application is reconsidered provided that the notice requirements in (a) above have been complied with.
- (g)(i) The Chairman of the Committee may suspend the operation of this scheme during the consideration of any application or for the remainder of the meeting if he considers it necessary to do so for the purposes of maintaining order at the meeting.
- (ii) The Chairman of the committee may vary the order in which applications are to be considered if he considers that it is convenient and conducive to the despatch of the business and will not cause any prejudice to the parties involved.
- (h) This scheme does not provide the right for Members of the Council and Officers to be able to speak where they have declared an interest in the planning application.
- (i) For interpretation purposes, Parish/Town Council shall be taken to include a Parish meeting.

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- (j) The Chairman will have the right to stop persons from speaking at any time i.e. he/she considers the question or statement to be defamatory, improper or outside the responsibilities of the Committee.
- (k) The Chairman may vary or suspend the operation of this scheme at any time during the meeting, if he/she considers:-
 - (a) that it is necessary to do so for that purpose of maintaining order at the meeting; or
 - (b) that it is convenient and conducive to the despatch of business to do so.

