

**CONSTITUTION
REVISIONS TO PART J2**

**Wixams Joint Development
Control Committee (with
Bedford Borough Council)**

1. To exercise the development control powers and duties of the Bedford Borough and Central Bedfordshire Councils under the Town and Country Planning legislation in relation to the Wixams (Elstow New Settlement) (the area as defined in the Planning and Development brief) (figure 2) as specified below:-
2. Determination of: -
 - 2.1 Outline planning applications for development relating to the settlement.
 - 2.2 Full/reserved matter* applications for sites that straddle the boundaries of the constituent Authorities.

**reserved matters relating to the original outline planning permissions (reference CB/11/02182/VOC & 11/01380/M73) comprise any applications for approval of reserved matters for Sub Areas, Strategic Infrastructure Works and Strategic Landscaping Applications.*
3. The heads of terms of any joint legal agreements relating to the proposed development.
4. Any other planning issues/applications relating to the development of the settlement as may be referred to the Joint Committee from time to time from either Authority in respect of their own area.
5. All other matters as set out in Standing Order 14 below will be dealt with in accordance with that delegation.
6. Membership:
 - 9 Central Bedfordshire councillors
 - 9 Bedford Borough councillors
 - See Standing Orders 2 and 12 below in respect of composition of the Joint Committee and substitutes
7. Full terms of reference are set out below.

Standing Orders of the Wixams Joint Development Control Committee

NB: These were not previously included in the Constitution but for the sake of

transparency and ease of reference, are proposed for inclusion now and are set out below.

Standing Order 1 - Meetings

Ordinary Meetings

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

Special Meetings

- ii. A special meeting of the Joint Committee may be called at any time by its Co-Chairs.

Summons and Agenda

- iii. A summons and full agenda will be provided to each member of the Joint Committee at least five clear days before the meeting.

Items of Business

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

Place of Meeting

- v. Meetings of the Joint Committee will rotate between Bedford and Chicksands, Shefford.

Standing Order 2 – Size of Joint Committee

The Joint Committee will comprise 18 Councillors, that is 9 representing Bedford Borough Council and 9 representing Central Bedfordshire Council. The Chairman of each Council's Development Management Committee or Planning Committee shall normally be included in the membership. Up to 4 named substitutes may also be appointed by each authority. 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.

Standing Order 3 – Chairing of Meetings

- i. The Joint Committee shall at the first meeting after the four-yearly election of its constituent councils elect as Co-Chairs of the Joint Committee, one member of each of the constituent authorities, which shall normally be the Chairman of the Development Management Committee and the Planning Committee, respectively

- ii. Each meeting of the Joint Committee shall be chaired by the Co-Chair of the authority hosting the meeting, save that in the absence from a meeting of any one of the Co-Chairs, the other Co-Chair shall preside.
- iii. In the absence of both Co-Chairs, the Joint Committee shall elect a person from among their number to preside at the meeting.
- iv. The person presiding shall be entitled to a second or casting vote where there is an equality of any votes on the matter.

Standing Order 4 – Quorum

- i. The quorum at a meeting is one quarter of the Joint Committee’s membership. If the meeting lacks a quorum at any stage, its business shall be adjourned to an agreed date and time or to the next ordinary meeting.

Standing Order 5 – Decisions and recommendations

- i. Minutes of the proceedings of meetings of the Joint Committee shall be recorded formally and signed at the next meeting by the person presiding.
- ii. No discussions shall take place on the minutes except where their accuracy is challenged by a motion before they are signed.
- iii. The Joint Committee shall have full delegated powers to act within its Terms of Reference. If it wishes to make a recommendation on any matter, this will be placed before the Council of each of the two local authorities for a decision.

Standing Order 6 – Rights of non-members of the Joint Committee

- i. Every Member of each of the two constituent councils shall have the right to attend meetings of the Joint Committee. Such a Member will be entitled to speak once on any item and may, with the consent of the person presiding, contribute further, but shall not vote.

Standing Order 7 – Public participation

- i. Public participation in meetings of the Joint Committee shall 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

- i. 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

- ii. 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 shall have the same effect as voting against the motion.
- iii. Only one amendment may be moved or 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 s/he considers that this would be a convenient way to proceed.
- iv. If an amendment is lost then other amendments may be moved upon the original motion. If an amendment is carried, then further amendments may be moved to the revised motion.

Alteration or withdrawal of a motion

- v. With the consent of the person presiding, a Member may alter or withdraw a motions/he has moved.

Right of reply

- vi. The proposer of a motion has a right of reply at the close of the debate on a motion or upon amendment to their motion immediately before either is put to the vote. The mover of an amendment also has a right of reply. Neither reply should exceed one minute in length.

Standing Order 9 – Admission to meetings

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

Standing Order 10 – Interest of Members in contracts and other matters

Financial interest

- i. If any Member has any financial interest, direct or indirect, within the meaning of Section 95 of the Local Government Act 1972 (as amended) in any matter, he/she will withdraw from the meeting while the matter is under consideration unless:-
 - (a) The disability to discuss that matter has been removed by the

Secretary of State; or

- (b) The Joint Committee invite him or her to remain.

Non-financial interest

- ii. 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 iii below) .
- iii. Members shall have regard to the provisions of the National Code of Local Government Conduct. Involvement in the affairs of a public body or voluntary association etc by a Member who has been appointed as a representative of a constituent council will not, in the absence of any other relevant constraints, 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

- i. All decisions shall be taken by a majority of Members present and voting by show of hands.
- ii. In the case of an equality of votes the person presiding may give a second or casting vote.
- iii. Immediately after a vote is taken, the request of any Member for a record of the way in which his/her vote was cast shall be met and included in the minutes of the meeting.

Standing Order 12 – Changes in membership and substitutes

- i. 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/her nominee prior to the commencement of the meeting of the Joint Committee from which it is likely to have effect.
- ii. 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.
- iii. Each Independent Member on the Joint Committee not belonging to a constituted political group within a Council 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 on the Joint Committee.

- iv. A Councillor who wishes a substitute Member to attend a meeting in his/her place shall so inform one of the substitute Members 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 a substitute. In the event that no named substitute is able to act in that capacity for any given meeting, then any other member of the political 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.
- v. Any Member for whom a substitute is attending 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

- i. Members shall observe their own Council'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 Joint Committee shall be required *either*:
 - (a) To declare an interest in that application and withdraw from the meeting during consideration and determination 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 expressed a fixed view may speak on the application from the public gallery prior to the formal discussion of the item.

Standing Order 14 – Delegations to Officers

Officers of each authority, authorised in accordance with their particular scheme of delegations, shall have delegated authority to deal with and determine the following matters:

- a) Applications for planning permission solely within their Council's boundary.
- b) Applications to develop land without compliance with conditions subject to which a previous planning permission was granted (section 73) for all sites (in this Standing Order meaning those within each Authority boundary and those that straddle the boundaries)
- c) Applications for planning permission for development carried out before the date of the application (section 73A) for all sites
- d) Applications for non-material amendments following a grant of planning permission (Section 96A of the 1990 Act) for all sites.

- e) Applications for Reserved Matters Approval pursuant to any outline planning permission granted previously on sites solely within the authority boundary.
- f) Applications to approve details pursuant to and discharge conditions attached to any planning permission granted previously for all sites
- g) Applications for replacement planning permission subject to a new time limit on sites solely within the Authority boundary.
- h) In relation to parts 1, 3, 4, 6, 7, 11, 14, 15, 16, 17 and 18 of Schedule 2 of the GPDO 2015 (as amended) (i) approval or agreement required for any element of a proposal or (ii) for determination as to whether or not prior approval or agreement to any element of a proposal is required and, where such prior approval is required by the Council, determination of details of that element for all sites.
- i) Applications for express consent for the display of advertisements and related powers and duties for all sites.

All other relevant parts of the schemes of delegation to authorised officers of Bedford Borough Council and Central Bedfordshire Council are deemed to apply in respect of planning applications considered by the Joint Committee.

Appendix A –

Wixam’s Joint Development Control Committee Scheme for Public Participation

Applicants, agents, representatives of Parish/Town Councils, members of Bedford Borough Council and Central Bedfordshire Council (in respect of any application falling within their ward) and members of the public, who have already submitted comments in writing prior to the publication of the agenda, are entitled to speak (but not to question officers or members of the constituent councils) during the consideration of a planning application at any meeting of the Joint 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 above qualification who wishes to speak must notify the nominated officer of their local authority by telephone or e-mail by close of business on the day before the meeting at which the application in which s/he is interested is to be considered. |
| (b) | The following procedures will apply in respect of each item: |
| | <ul style="list-style-type: none"> • Introduction of an item by officers and or the Co-Chair |
| | <ul style="list-style-type: none"> • Representations by Parish/Town Council representative(s) |
| | <ul style="list-style-type: none"> • Representations by objector(s) or representative for all objectors |
| | <ul style="list-style-type: none"> • Representations by applicant and/or any supporters |

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		<ul style="list-style-type: none"> • Representations by a councillor with a personal and prejudicial interest
		<ul style="list-style-type: none"> • Opportunity for officers to comment/clarify
		<ul style="list-style-type: none"> • Representations by Ward Members
		<ul style="list-style-type: none"> •
		<ul style="list-style-type: none"> •
		<ul style="list-style-type: none"> •
		<ul style="list-style-type: none"> •
		<ul style="list-style-type: none"> •
		<ul style="list-style-type: none"> •
		<ul style="list-style-type: none"> • Any other councillor (not being a member of the Joint Committee) may also be permitted to speak on an item
		<ul style="list-style-type: none"> • Consideration of the application by the Joint Committee
	NOTE:	
	1.	In view of the limited time available to each speaker, persons wishing to make representations will not be permitted to make formal presentations using visual display equipment.
	2.	Any information to be considered by the Joint Committee should be presented to officers by midday 3 working days prior to the meeting to allow for information to be considered. No new information may be presented at the meeting.

(c)	The total time allowed for speeches in respect of each of the following groups of speakers will not exceed 5 minutes:-	
	i.	Parish/Town Council representatives for each Parish/Town Council that may have been consulted on an application who have been authorised, in writing, to speak, by the Clerk or Chairman of the Town/Parish Council on the Council's behalf;
	ii.	Ward representatives from either Council not on the Joint Committee
	iii.	Objectors
	iv.	Applicants and/or supporters.
	Where an application affects more than one Town/Parish Council or ward, the	

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	Co-Chair has the discretion to vary the requirements of (i) to (iv) above, where s/he considers it conducive to the dispatch 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) or 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 confine their comments to material planning considerations and should draw any believed inaccuracies in reports etc to the attention of the 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)	The Co-Chair of the Joint Committee may:
	<p>(a) suspend the operation of this scheme during the consideration of any application or for the remainder of the meeting if s/he considers it necessary to do so for the purposes of maintaining order at the meeting;</p> <p>(b) vary the order in which applications are to be considered if s/he considers that it is convenient and conducive to the despatch of the business and will not cause any prejudice to the parties involved.</p>
(h)	This scheme does not provide a right for Members or Officers of either constituent council 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.
(j)	The Co-Chair has the right to require any person to stop speaking at any time s/he considers the question or statement to be defamatory, improper or outside the responsibilities of the Joint Committee.
(k)	The Co-Chair may vary or suspend the operation of this scheme at any time during the meeting, if s/he considers:-
	<p>(a) that it is necessary to do so for the purpose of maintaining order at the meeting; or</p> <p>(b) that it is convenient and conducive to the despatch of business so to do.</p>