

Central Bedfordshire Council

GENERAL PURPOSES COMMITTEE

8 December 2016

Wixams Joint Development Control Committee - Quorum

Report of Executive Member for Corporate Resources
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Advising Officers: Director of Resources
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Purpose of this report

1. To recommend to Council a minor amendment to the quorum requirements in the terms of reference of Wixams Joint Development Control Committee, to bring them into line with those agreed by Bedford Borough Council.

RECOMMENDATIONS

The Committee is asked to **RECOMMEND TO COUNCIL:**

1. **an amendment to the Terms of Reference of Wixams Joint Development Control Committee to provide that within the quorum requirements, there is an additional requirement that there must be present at least one representative from each participating Council (Bedford Borough Council and Central Bedfordshire Council) as shown at Appendix A.**

Overview and Scrutiny Comments/Recommendations

1. Amendments to the Council's constitution do not fall within the remit of overview and scrutiny.

Recently Updated Terms of Reference

2. The terms of reference of Wixams Joint Development Control Committee were the subject of consideration by the General Purposes Committee on 30 June 2016 which made recommendations to full Council on 21 July 2016 to amend the Constitution. Council agreed the recommendations from the General Purposes Committee.

3. As this is a joint committee, the terms of reference in Bedford Borough Council's constitution should be the same as those in Central Bedfordshire Council's. The terms of reference have not so far been updated within Central Bedfordshire Council's constitution pending formal approval by Bedford Borough Council.

Consideration by Bedford Borough Council

4. Bedford Borough Council's General Purposes Committee recently agreed the terms of reference as recommended by Central Bedfordshire Council, subject to one amendment. The amendment provides that at least one representative from each participating council must be present to fulfil the requirements of the quorum for the Joint Committee.
5. Bedford Borough Council will be considering the Joint Committee's proposed terms of reference, amended to reflect the provision described above, at its meeting on 7 December 2016 which is the day before the meeting of this Committee.

Updating of Terms of Reference in Central Bedfordshire Council's Constitution

6. The Chairman of Central Bedfordshire Council's Development Management Committee, and Co-Chair of Wixams Joint Development Control Committee, has indicated that he is content for this amendment to be incorporated into the terms of reference.
7. As the amendment represents a change to the Joint Committee's Terms of Reference in Central Bedfordshire Council's Constitution, it is necessary to seek Council's approval.

Council Priorities

8. The proposed action will enable the Joint Committee to support the following Council priorities:
 - Enhancing Central Bedfordshire
 - Creating stronger communities

Corporate Implications

Legal Implications

9. The Council's constitution sets out the terms of reference of committees and joint committees, which should be fit for purpose. The constitutions of both councils should contain identical terms of reference of a joint committee.
10. The proposed amendment would give rise to the potential for either council to veto any decision by not attending a meeting. The terms of

reference as unamended currently provide that as long as one quarter of the membership is present (ie 5; out of 9 from Central Bedfordshire Council and 9 from Bedford Borough Council), the meeting can go ahead. So theoretically, decisions could be taken affecting a council's residents and future residents in the absence of any representation from that council. However this represents a positive voting position as opposed to a veto which blocks something.

Financial and Risk Implications

11. There are no financial implications. The proposed amendment reduces the risk that a meeting of this joint committee could make decisions without reference to the interests of Central Bedfordshire Council residents.

Equalities Implications

12. When decisions are made, decision makers must have the relevant data, including the results of equality impact assessment, and of consultation and involvement, to ensure they reach an informed decision.
13. Providing for a Central Bedfordshire member within the quorum reduces the risk that data relating to Central Bedfordshire Council residents will not be taken into account.

Implications for Work Programming

14. There is no impact on the work programme of the Overview and Scrutiny Committee.

Conclusion and next Steps

15. The Committee is asked to make a recommendation to Council, as set out above, to enable the Wixams Joint Development Control Committee terms of reference to be updated and reflect identical provisions in the constitution of each participating council.

Appendices

Appendix A, Proposed amendment to quorum requirements of Wixams Joint Development Control Committee, is attached.

Background Papers

There are none.