

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Council

31 January 2008

**AUTHOR/S:** Executive Director / Planning Policy Manager

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### FORMAL REQUEST FOR THE ESTABLISHMENT OF THE CAMBRIDGE FRINGES JOINT POLICY COMMITTEE

#### Purpose

1. To agree to request formally the Secretary of State to place an Order before Parliament to establish a Joint Planning Policy Committee for specified cross-boundary locations on the edge of Cambridge City.
2. This a key decision because:
  - It requires Council to cede those of its plan-making powers as are specified in the Order to the Joint Committee
  - It is likely to be significant in terms of its effects on communities living or working in an area of the District comprising two or more wards:
    - (i) Girton
    - (ii) Milton
    - (iii) Fen Ditton
    - (iv) Teversham.
  - It raises new issues of policy, or is made in the course of developing proposals to amend the policy framework, or is a decision taken under powers delegated by the Council to amend an aspect of the policy framework.
  - It is of such significance to a locality, the Council or the services which it provides that the decision-taker is of the opinion that it should be treated as a key decision.
3. It has not been published in the Forward Plan because the Secretary of State has only recently clarified that Council resolutions from each of the authorities which would have membership of the Joint Committee will be required at an earlier stage in the process than was previously anticipated.

#### Executive Summary

4. The Department of Communities and Local Government (DCLG) has proposed that the County Council, Cambridge City Council and South Cambridgeshire District Council set up a joint policy committee for the planning of growth in the Cambridge area. The Joint Committee would become the local planning authority for the plan-making matters to be specified in an Order made pursuant to Section 29 of the Planning & Compulsory Purchase Act 2004. A Joint Committee is seen as an integral part of the joint working arrangements for growth in the area as agreed by the three authorities and Cambridgeshire Horizons with DCLG in 2007. This report considers the next steps required to set up a joint policy committee for the future planning of Cambridge Fringe Areas where plan-making will be progressed jointly with Cambridge City Council and Cambridgeshire County Council. The Joint Committee would become the local planning authority for the plan-making matters specified in the Order.

## **Background**

5. The Department of Communities and Local Government has previously indicated an expectation that the County Council, Cambridge City Council and South Cambridgeshire District Council will work towards the creation of a joint policy committee for the planning of growth on the edge of Cambridge. The Joint Committee is seen as an integral part of the joint working arrangements for growth in the area as agreed by the three authorities and Cambridgeshire Horizons with DCLG in 2007.
6. Future Government funding for the joint planning arrangements already in place is dependent on the establishment of this "Section 29" Committee, as is the rolling fund needed to enable early implementation of infrastructure.
7. Council agreed on 18 October 2007 to draft terms of reference for the joint plan making Committee as the basis of joint negotiation with DCLG. Working with the Portfolio Holder and his equivalents at the City and County Council, officers from the three authorities have drafted more detailed proposals, which have been the subject of initial discussions with GO-East and DCLG.
8. Government officials have now clarified their views on the process and timetable, which envisage the setting up of the Committee at the earliest opportunity.

## **Proposed Process for the Establishment of the Section 29 Committee**

9. A draft Local Agreement between the three authorities is being taken formally for Council resolutions on the following dates:
  - Cambridge City Council 24<sup>th</sup> January 2008
  - South Cambridgeshire District Council 31<sup>st</sup> January 2008
  - Cambridgeshire County Council 19<sup>th</sup> February 2008
10. The Agreement will include a formal request to the Secretary of State to place an Order before Parliament to establish the Joint Section 29 Committee. It is important that the process for the agreement follows the timetable above in order to release essential delivery funding in the near future.
11. The Secretary of State will consult on the draft Order before consideration by Parliament. It is envisaged that the Committee could be established by the summer of 2008.

## **Content of the Agreement**

12. The Joint Committee will be responsible for plan-making for specified major development sites around Cambridge:
  - (a) Cambridge East Area Action Plan;
  - (b) Cambridge North West Area Action Plan; and
  - (c) Cambridge Northern Fringe East Policy Area.
13. The North West Area Action Plan has progressed to the Preferred Options stage. There are significant policy issues remaining to be determined in the Cambridge Northern Fringe and considerable additional planning work needs to be undertaken for Cambridge East, which will provide around 12,000 homes.

14. The draft Local Agreement is **attached** and includes as appendices:

- (1) Terms of Reference;
- (2) The Designated Area; and
- (3) A first draft of the Order.

15. Key features of the agreement to note include:

***Powers***

- A. The Committee will have responsibility for development planning (including minerals and waste) of the local authorities within the designated area for the matters specified in the Order;
- B. The local authorities may jointly add or remove areas for joint planning by agreement as appropriate.

***Membership***

- C. The Committee to consist of nine members, three from each authority;
- D. Each member to be entitled to a vote;
- E. Named substitutes to be appointed by each authority;
- F. Chairmanship and vice-chairmanship to be shared by Cambridge City Council and South Cambridgeshire District Council (as the principal local planning authorities). The chairman will not have a casting vote;
- G. A quorum of 6 members, 2 from each authority;
- H. The Committee may invite other bodies to nominate co-opted members but they would not be entitled to vote.

***Administration, Staffing and Costs***

- I. Administration of the Committee to be alternated annually between Cambridge City Council and South Cambridgeshire District Council;
- J. Staff will be made available to discharge the functions of the Committee from within the existing resources of the three authorities (and by agreement from any bodies with co-opted membership);
- K. If additional consultancy assistance is required by the Committee it will be funded by Cambridgeshire Horizons;
- L. Joint working arrangements will be on the basis already successfully employed in cross boundary plan-making but will be kept under review;
- M. The planning policy managers of the City and District Councils will generally manage the work programme of the Joint Committee (or the County Council in the case of minerals and waste planning).

### **Termination of the Joint Committee**

- N. The Committee may be terminated at the request of any of the three authorities with the agreement of the Secretary of State.

### **Considerations**

16. The Council has been working by agreement with Cambridge City Council and in consultation with Cambridgeshire County Council to produce Joint Area Action Plans since 2004. Cambridge East Area Action Plan which has been prepared jointly with Cambridge City Council is recommended for adoption at this Council meeting and is proposed to be adopted by the City Council at its meeting on 21<sup>st</sup> February. The Council is currently working with Cambridge City Council on a Joint Area Action Plan for University land at North West Cambridge.
17. Involving the County Council in plan-making for which it only has powers for minerals and waste is seen by the Secretary of State as important to assisting with wider planning of the new developments which will result in improvements in the delivery of key services, facilities and infrastructure.
18. The plans that will be prepared by the Joint Committee will be required to be in conformity with the Core Strategies of the three Councils and relevant District-Wide policies will also apply. As with joint plans already prepared with Cambridge City Council, the presumption will be that urban standards for car parking etc will apply to ensure consistent and appropriate levels of provision with the rest of the urban area of Cambridge.

### **Options**

19. South Cambridgeshire and Cambridge City Council could continue to produce joint plans by agreement. However, agreeing to the formation of a Joint Committee will make available to Cambridgeshire Horizons an additional £700,000 of growth area funds and a rolling fund for development related infrastructure within South Cambridgeshire and Cambridge City. The rolling fund will first be used to advance fund the second phase of the Addenbrookes Access Road (to cross the mainline railway and which is time critical in order to secure the rail possession).

### **Implications**

|     |                     |   |
|-----|---------------------|---|
| 20. | Financial           | The Local Development Schemes of South Cambridgeshire and Cambridge City Councils already include provision for the plans which will become the responsibility of the Joint Committee and therefore additional costs are unlikely to be incurred. |
|     | Legal               | The Council would cede those of its plan-making powers to the Joint Committee as are specified in the Order.  |
|     | Staffing            | The Local Development Schemes of South Cambridgeshire and Cambridge City Councils already include provision for the plans which will become the responsibility of the Joint Committee and therefore additional staff are unlikely to be required. |
|     | Risk Management     | The Joint Committee will be the sole decision-making body. An additional £700,000 of growth area funds and a rolling fund will be made available to Cambridgeshire Horizons for development within South Cambridgeshire and Cambridge City.       |
|     | Equal Opportunities | No additional implications.   |

## Consultations

21. Consultation has taken place with the Department for Communities and Local Government, Cambridge City Council and Cambridgeshire County Council.

## Effect on Annual Priorities and Corporate Objectives

|                                   |   |
|-----------------------------------|---|
| 22. Affordable Homes              | 40% of the dwellings that will be provided will be affordable.  |
| Customer Service                  | The three Councils will provide the same high levels of customer service as they do for all their plan-making services.   |
| Northstowe and other growth areas | Whilst only those growth areas specified in the Order will come within the purview of the Joint Committee, all growth areas within South Cambridgeshire could potentially benefit from the additional growth area funds and the rolling fund. |
| Quality, Accessible Services      | No additional implications.   |
| Village Life                      | Indirect benefits of additional government funding improving the services, facilities and infrastructure of the two Districts e.g. Addenbrookes Access Road.  |
| Sustainability                    | The Joint Committee will oversee the preparation of Joint Plans which will have sustainable development as one of their primary objectives.   |
| Partnership                       | The Joint Committee will formalise existing partnership working.  |

## Conclusions/Summary

23. The Department of Communities and Local Government (CLG) has proposed that the County Council, Cambridge City Council and South Cambridgeshire District Council set up a joint policy committee for the planning of growth in the Cambridge area. The Joint Committee would become the local planning authority for the plan-making matters specified in the Order. A Joint Committee is seen as an integral part of the joint working arrangements for growth in the area as agreed by the three authorities and Cambridgeshire Horizons with CLG in 2007.
24. Establishing the Section 29 Committee will formalise existing partnership working. The plans that the Committee will oversee are already included within the forward plans of the two District Councils and establishing the Joint Committee should not add to costs but will secure additional government funding for implementation.

## Recommendations

25. It is recommended that:
1. The Council enters a Local Agreement with Cambridgeshire County Council and Cambridge City Council to establish a Section 29 Committee for relevant fringe areas of Cambridge;
  2. In consequence of (1) above, the Council makes a formal request to the Secretary of State for Communities and Local Government to publish an Order for the establishment of a Joint Policy Committee for the Cambridge Fringes under Section 29 of the Planning & Compulsory Purchase Act 2004; and
  3. The Council notes that final proposals will be referred back to the Council when the Secretary of State consults upon the draft Order, although consideration will be

restricted by the terms of the Local Agreement to which the Council will be a signatory

**Background Papers:** the following background papers were used in the preparation of this report:

Planning and Compulsory Purchase Act 2004

The Luton and South Bedfordshire Joint Committee Order 2007

The North Northamptonshire Joint Committee Order 2005

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## CAMBRIDGE CITY FRINGES

### **ESTABLISHMENT OF A JOINT COMMITTEE TO FACILITATE JOINT WORKING IN RELATION TO PLAN MAKING**

### **LOCAL AGREEMENT**

#### **Local Agreement - Principles**

1. This Local Agreement to establish a Joint Committees under Section 29 of the Planning & Compulsory Purchase Act 2004 (“the Section 29 Committee”) is made between:
  - Cambridge City Council
  - South Cambridgeshire District Council
  - Cambridgeshire County Council(“the local authorities”).
2. The local authorities have decided to formalise their informal joint working arrangements for the preparation of cross-boundary Local Development Documents and other planning policy guidance.
3. To comply with Regulation 12 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000, the members of the Section 29 Committee will be appointed from the whole membership of the local authorities.
4. The Section 29 Committee will have responsibility for all development planning (including minerals and waste) of the local authorities to be discharged within the designated area. District or County wide policies of the local authorities will apply within the designated area and the local development documents and other planning policy guidance prepared by the Section 29 Committee will add local policies and proposals specific to the designated area. Local Development Documents prepared by the Section 29 Committee will be required to be in conformity with the Core Strategies of the local authorities.

5. The designated area will be the cross-boundary areas of Cambridge City Council and South Cambridgeshire District Council covered by the:
- (a) Cambridge East Area Action Plan;
  - (b) Cambridge North West Area Action Plan; and
  - (c) Cambridge Northern Fringe East Policy Area.

All as shown in Appendix 2.

6. The local authorities will keep under review the designated area and the local authorities having full membership thereof, and under the provisions of Section 30 of the Planning & Compulsory Purchase Act 2004 will make any new areas of cross-boundary plan-making the responsibility of the Section 29 Committee or remove any areas where cross-boundary plan-making has been completed as they unanimously agree in the interests of sound plan-making.

### **Membership of the Section 29 Committee**

7. Each of the local authorities shall appoint nominated Members (being elected members of the Council of the relevant local authority) as members of the Section 29 Committee.
8. The membership of the Section 29 Committee will be:
- Cambridge City Council 3 Councillors
  - South Cambridgeshire District Council 3 Councillors
  - Cambridgeshire County Council 3 Councillors
9. Each of the local authorities shall for each member of the Section 29 Committee appoint a named substitute who shall be an elected member of the appointing authority. Where a member of the Section 29 Committee notifies the Secretary to the Section 29 Committee that he or she is unable to attend a meeting of the Section 29 Committee then that member shall be deemed not to be a member of the Section 29 Committee for the whole of the meeting to which the notification relates and the named substitute shall be deemed to be a member of the Section 29 Committee for the whole of that meeting.
10. Any casual vacancy howsoever arising shall be filled by the local authority from which the vacancy arises by informing by notice each of the other local authorities.

### **Chairman and Vice-Chairman**

11. Subject to paragraphs 12 and 13 below, the Section 29 Committee shall, at an Annual Meeting to be held in June of each year, appoint one of its voting members as Chairman and one of its voting members as Vice Chairman for the year ending with the next such Annual meeting.



12. The local authorities have agreed that the chair of the Section 29 Committee shall alternate on an annual basis between Cambridge City Council and South Cambridgeshire District Council.
13. Where the Chairman of the Committee is a member of Cambridge City Council the Vice Chairman shall be a member of South Cambridgeshire District Council and vice versa.
14. Any casual vacancy in the post of Chairman or Vice-Chairman shall be filled by the Section 29 Committee electing a voting member of the Committee to serve as Chairman, or, as the case may be, Vice Chairman until the next Annual Meeting of the Section 29 Committee and, so far as is possible any voting member so elected shall be a member of the same local authority as the immediately preceding Chairman or Vice Chairman.

#### **Tenure of Office**

15. Each member of the Section 29 Committee shall serve on the Section 29 Committee for as long as he or she is appointed to the Section 29 Committee by the relevant local authority but a member shall cease to be a member of the Section 29 Committee if he or she ceases to be a member of the local authority which appointed him or her or is disqualified or suspended from being a member of any of the local authorities.

#### **Meetings and Proceedings**

16. The Section 29 Committee shall meet as frequently as necessary to prepare and adopt Development Plan Documents, Supplementary Planning Documents and such other informal planning policy guidance as are set out in a Local Development Scheme agreed by the Section 29 Committee.
17. Meetings of the Section 29 Committee shall be held within the designated area or alternated between locations in Cambridge and South Cambridgeshire.
18. A meeting of the Section 29 Committee shall require a quorum of 6 members, including at least 2 members from each of the local authorities.
19. If the Chairman and Vice-Chairman are absent, a Chairman shall be appointed for the duration of the meeting by election by the members present.
20. Each member of the Section 29 Committee shall have one vote.
22. A named substitute who attends a whole meeting of the Section 29 Committee as a substitute for an absent member in accordance with paragraph 9 shall have full voting powers.
23. Subject to the provisions of any enactment, all questions coming or arising before the Section 29 Committee shall be decided by a majority of the members of the Section 29 Committee present and voting. Subject to the provisions of any enactment, in the case of an equality of votes the Chairman shall not exercise a casting vote.

24. The role of administering the Section 29 Committee shall be alternated annually between Cambridge City Council and South Cambridgeshire District Council.
25. Meetings shall be called by the administering authority, providing at least 5 clear days' notice to members of the Section 29 Committee. Notice and agenda papers will at the same time be made publicly available by posting on the local authorities' and the Section 29 Committee's websites.
26. Meetings of the Section 29 Committee will be open to the public except to the extent that they are excluded under paragraph 27.
27. The public will be excluded from a meeting of the Section 29 Committee during an item of business whenever it is likely that confidential information as defined in Section 100A(3) of the Local Government Act 1972 would be disclosed to them. The public may be excluded from a meeting of the Section 29 Committee during an item of business whenever it is likely that exempt information as defined in Section 100I of and Schedule 12A to the Local Government Act 1972 would be disclosed to them if in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
28. The Section 29 Committee will keep its procedures under review and will introduce new rules and/or procedures when necessary.

#### **Co-opted Membership of the Joint Committee**

29. The Section 29 Committee may invite other local authorities and organisations to be Co-opted Members of the Section 29 Committee.
30. Each of these bodies shall be entitled to appoint one person as a Co-opted Member of the Section 29 Committee.
31. Co-opted Members shall have no right to vote on questions coming or arising before the Section 29 Committee.
32. The Section 29 Committee shall have the right to exclude Co-opted Members from any meeting or part of a meeting from which the public is excluded.

#### **Sub-Committees**

33. The Section 29 Committee may appoint a Member Steering Group comprising the Chairman, Vice-Chairman and a representative of Cambridgeshire County Council for the purposes of providing advice to the officers on the Section 29 Committee's work and of more detailed examination of particular issues.
34. The Section 29 Committee may appoint sub-committees comprising members and Co-opted Members for the purpose of more detailed examination of particular issues.
35. The work and decisions of Sub-Committees shall be reported to the Section 29 Committee for information or approval as appropriate.

#### **Staffing the work of the Section 29 Committee**

36. The Section 29 Committee will be operated on the basis of informal sharing of the administrative burden between Cambridge City Council and South Cambridgeshire District Council – alternate clerking and venues with a nominated officer team to liaise and ensure continuity. References in this Agreement to the Secretary to the Section 29 Committee shall be construed as references to the local authority responsible for the administrative arrangements in relation to any particular meeting of the Section 29 Committee.
37. The local authorities and any bodies invited to nominate Co-opted Members to the Section 29 Committee will each allocate staff resources to undertake the Section 29 Committee's work programme, as defined in the Joint Local Development Scheme and to respond to consultation on any matters related to the work programme. The level of staff provision will be identified having regard to the work programme of the Section 29 Committee and will be reviewed on an annual basis by the local authorities to ensure an equitable provision from the local authorities.
38. Existing planning and other relevant policy staff of the local authorities will be made available, in accordance with this Agreement, as necessary to enable the Section 29 Committee to discharge its functions. The Section 29 Committee may make arrangements with any of the authorities for the services of any officer of that local authority to be placed at the disposal of the Section 29 Committee for such period as may be agreed between the Section 29 Committee and that local authority. Joint technical working will be by electronic exchange of working documents, telephone and e-mail contact, and regular meetings. These working arrangements have previously been employed successfully for the preparation and adoption of Joint Area Action Plans and other cross-boundary plan-making but will be kept under review.
39. The Planning Policy Managers of the 2 District Councils will manage the Section 29 Committee's work programme and co-ordinate the resources made available by the local authorities and those bodies invited to nominate Co-opted Members. In the case on minerals and waste planning his function will be undertaken by an appropriate officer from the County Council.
40. Consultants may be retained by the Section 29 Committee to assist with its work programme where adequate staff resource is not available from the local authorities or where specialist skills are required.
41. Staff, accommodation and administrative costs will be borne by the local authorities from within existing and future budgets except the costs of any necessary consultants which will be borne by Cambridgeshire Horizons or any successor local delivery vehicle. These costs will be reviewed each year by the Section 29 Committee and by the local authorities and the local delivery vehicle to ensure that adequate budget provision is made by the local authorities to meet the full cost of the Section 29 Committee's annual work programme.

#### **Termination of the Local Agreement**

42. In the event that any one of the local authorities requests the Secretary of State to revoke the order constituting the Section 29 Committee and the Secretary of State agrees to that request:

- The powers of the Section 29 Committee will revert to the local authorities.
- Any retained consultancy assistance will be terminated

The local authorities formally request the Secretary of State to place on Order before Parliament to establish a Section 29 Committee for the purposes and terms set out in this local agreement.

Cllr I. Nimmo-Smith  
Leader  
Cambridge  
City Council

Cllr R. Manning  
Leader  
South Cambridgeshire  
District Council

Cllr K. Walters  
Leader  
Cambridgeshire  
County Council

## Appendix 1

### Terms of Reference of the Section 29 Committee

1. The Section 29 Committee will act on behalf of the local authorities with full delegation of powers in the following matters within the designated area.
2. Preparation, approval/adoption and maintenance of a Local Development Scheme and Local Development Documents for specified City fringe sites. Once adopted the Local Development Documents will become the formal policy of the local authorities.
3. To oversee the consultation and liaison arrangements needed in respect of the Section 29 Committee's functions and to co ordinate with Local Strategic Partnership and Community planning activities.
4. To oversee the resources, budget and work programme for all joint technical work, including appointment of consultants and the establishment, and steering of the officer working arrangement established by the local authorities.
5. The initial work programme of the Section 29 Committee is to be based on the existing programmes in the Local Development Schemes of the local planning authorities, except where it is agreed that other additional plans could be beneficial.
6. District-wide planning policy which would apply within the area covered by the Committee will continue to be exercised by the Constituent County and District Councils
7. The normal presumption for development which are urban extensions is that standards of provision for car parking, public open space, recreation etc will be taken from this District-Wide policies for Cambridge City both to ensure consistent provision across the developments and in recognition that they will be urban developments. (This has been the approach with the Joint Area Action Plans and other fringe Area Action Plans produced before the establishment of the Section 29 Committee).

APPENDIX 2

THE DESIGNATED AREA

**A4 plans to be inserted in hard copy.**

## **APPENDIX 3**

The local authorities have prepared the following draft order to give effect to the terms of the local agreement.

**[DCLG xxxx]**

### **STATUTORY INSTRUMENTS**

**2008 No. xxxx**

### **TOWN AND COUNTRY PLANNING, ENGLAND**

The Cambridge and South Cambridgeshire Joint Committee Order 2007

*Made - - - - day month 2008*

*Laid before Parliament day month 2008*

*Coming into force - - day month 2008*

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 Cambridge and South Cambridgeshire Joint Committee Order 2008 and shall come into force on day month 2008.

#### **Interpretation**

2. In this Order—

“the 1972 Act” means the Local Government Act 1972;

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

“the Agreement” means the Agreement dated day month 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 Cambridge Fringes Joint Policy 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 Cambridge Fringes Joint Policy Committee, is constituted as the local planning authority for the purposes of Part 2 (local development) of the 2004 Act for those parts of the administrative areas of Districts of Cambridge City and South Cambridgeshire where cross-boundary planning of urban fringe sites requires the preparation of Local Development Documents covering:

- (a) North West Cambridge;
- (b) Cambridge Northern Fringe East; and
- (c) Cambridge East

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) Cambridgeshire County Council;
- (b) Cambridge City Council; and
- (c) South Cambridgeshire 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);

(2) The Joint Committee will be the local planning authority only for those planning policies, proposals or policy guidance which are specific to the areas of cross-boundary planning. The Core Strategies and District/County-Wide planning policies, proposals or policy guidance of the relevant local planning authority will continue to have effect in the areas of cross-boundary planning.

(3) 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 DAY MONTH 2008;” 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) 3 members appointed by Cambridgeshire County Council;

(b) 3 members appointed by Cambridge City Council;

(c) 3 members appointed by South Cambridgeshire 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/she 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.

(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 from 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/she resigns in accordance with paragraph (4);

(b) he/she is removed or replaced by the constituent authority which appointed him/her;

or

(c) he/she 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/she resigns in accordance with paragraph (4);

(b) he/she is removed or replaced by the body which appointed him/her; or

(d) the joint committee decides that the body which appointed him/her 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/her;

(b) in any other case, to the body which appointed him/her.

(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.

### **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.**— Any additional expenses incurred by the joint committee and sub-committees shall be defrayed by Cambridgeshire Horizons or any successor local delivery vehicle.

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

Parliamentary Under Secretary of State

day month 2008 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) Cambridgeshire 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/she 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 two voting members from each of the District Councils and the County Council 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.

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### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order, which comes into force on **day month year**, establishes a joint committee for planning cross-administrative boundary sites in Cambridge and South Cambridgeshire. The constituent authorities are Cambridgeshire County Council, Cambridge City Council and South Cambridgeshire District Council.

Article 3 of the Order constitutes the joint committee as the local planning authority for the areas where Cambridge City Council and South Cambridgeshire District Council agree that joint cross-administrative boundary Local Development Documents should be prepared. 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 day month 2008, 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.