
STATUTORY INSTRUMENTS

2005 No. 1552

TOWN AND COUNTRY PLANNING, ENGLAND

The North Northamptonshire Joint Committee Order 2005

<i>Made</i>	- - - -	<i>9th June 2005</i>
<i>Laid before Parliament</i>		<i>15th June 2005</i>
<i>Coming into force</i>	- -	<i>7th July 2005</i>

The Secretary of State, in exercise of the powers conferred on him by section 29 of the Planning and Compulsory Purchase Act 2004⁽¹⁾, hereby makes the following Order:

Citation and commencement

- 1.—(1) This Order may be cited as the North Northamptonshire Joint Committee Order 2005.
- (2) This Order shall come into force on 7th July 2005.

Interpretation

2. In this Order—

- “the 1972 Act” means the Local Government Act 1972⁽²⁾;
- “the 2004 Act” means the Planning and Compulsory Purchase Act 2004;
- “the Agreement” means the Agreement and Memorandum of Intent dated 23rd February 2005 between the constituent authorities together with the Addendum to the Agreement and Memorandum of Intent dated 3rd June 2005;
- “the constituent authorities” means the authorities specified in article 3(2); and
- “the joint committee” means the North Northamptonshire joint committee.

(1) 2004 c. 5.
(2) 1972 c. 70. Relevant amending instruments to Part V are S.I.2001/2237 and S.I. 1995/1948. Amendments were also made by section 46 of the Local Government Act 2000 (c. 22), sections 1 and 94 of, and Schedule 12 to, the Local Government and Housing Act 1989 (c. 42), section 84 of, and Schedule 14 to, the Local Government Act 1985 (c. 51), section 267 of the Enterprise Act 2002 (c. 40), section 206 of, and Schedule 8 to, the Representation of the People Act 1983 (c. 2), section 54 of, and Schedule 3 to, the Audit Commission Act 1998 (c. 18), section 69 of the Greater London Authority Act 1999 (c. 29), section 78 of, and Schedule 10 to, the Environment Act 1995 (c. 25), section 139(3) of the Transport Act 1985 (c. 67), section 38 of the Local Government Finance Act 1982 (c. 32) and section 237 of, and Schedule 13 to, the Education Reform Act 1988 (c. 40).

Establishment of the joint committee

3.—(1) A joint committee, to be known as the North Northamptonshire joint committee, is constituted as the local planning authority for the purposes of Part 2 (local development) of the 2004 Act for the administrative areas of Corby Borough Council, East Northamptonshire District Council, Kettering Borough Council and Wellingborough Borough Council 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) Northamptonshire County Council;
- (b) Corby Borough Council;
- (c) East Northamptonshire District Council;
- (d) Kettering Borough Council; and
- (e) Wellingborough Borough Council.

Functions of the joint committee

4.—(1) The matters referred to in article 3(1) are the preparation, submission and revision of such of the local development documents specified in the draft local development scheme submitted to the Secretary of State on 18th March 2005 as are identified in that scheme for preparation otherwise than by a constituent authority.

(2) 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 7th October 2005;”;
- (b) for paragraph (c) of subsection (3) there were substituted—
 - “(c) at that time send a copy of their scheme to the RPB(3).”.

Membership of the joint committee

5.—(1) The joint committee shall consist of 15 members of whom 3 members shall be appointed by each constituent authority.

(2) Each member of the joint committee shall be entitled to recover from the constituent authority by which he is appointed any expenses he incurs in connection with the discharge of the joint committee’s functions.

(3) Section 15, with the exception of subsection (7), and section 16 of the Local Government and Housing Act 1989(4) (political balance on committees etc.) shall apply to appointments to the joint committee as if the joint committee were a body to which section 15 applies.

Disqualification for membership of the joint committee

6.—(1) A person who is disqualified under Part V (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 for being a member of the joint committee.

(2) Section 92(5) (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

(3) *see* section 37(6) and the definition of RPB in section 2(1) of the 2004 Act.

(4) 1989 c. 42; sections 15 and 16 were modified by S.I.1990/1553.

(5) Amended by sections 37, 38 and 46 of the Criminal Justice Act 1982 (c. 48).

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 member of a joint committee shall hold office for a period of one year from the date of his appointment but he will cease to be a joint committee member if he resigns in accordance with paragraph (3) or is otherwise removed or replaced by the constituent authority which appointed him, or 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 person who ceases to be a member of the joint committee shall be eligible for reappointment.

(3) Any member of the joint committee may resign his membership by sending notice in writing to the proper officer of the constituent authority by whom he was appointed.

(4) Any casual vacancy shall be filled as soon as practicable by the relevant constituent authority, and the person appointed shall hold office for the remainder of the term of office of the person in whose place he is appointed.

Meetings and proceedings

8. The meetings and proceedings of the joint committee shall be conducted in accordance with the rules set out in the Schedule to this Order.

Secondment of officers

9.—(1) The constituent authorities shall make secondments, in accordance with the Agreement, of such officers as they think necessary to enable the joint committee to discharge their functions.

(2) The joint committee may make arrangements with a constituent authority for the services of any officer of the authority to be placed at the disposal of the joint committee for such period as may be agreed between the joint committee and the authority.

Expenses of joint committee

10.—(1) The expenses incurred by the joint committee shall be defrayed by Northamptonshire County Council.

(2) The other constituent authorities shall make payments to Northamptonshire County Council, in respect of the sums defrayed in accordance with article 10(1), 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 First Secretary of State

9th June 2005

Yvette Cooper
Minister for Housing and Planning Office of the
Deputy Prime Minister

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SCHEDULE 1

Article 8

RULES FOR THE CONDUCT OF MEETINGS AND PROCEEDINGS OF THE JOINT COMMITTEE

Annual meeting

- 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.

Appointment of chairman and vice-chairman

- 2.—(1) Subject to sub-paragraph (4), the joint committee shall at their annual meeting appoint one of their members to be chairman who shall, unless he resigns his office or ceases to be a member of the joint committee, continue in office until his successor becomes entitled to act.
- (2) In the case of an equality of votes in respect of the appointment of a chairman the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.
- (3) The joint committee may at their annual meeting appoint one of their members to be vice-chairman who shall, unless he resigns his office or ceases to be a member of the joint committee, continue in office until his successor becomes entitled to act.
- (4) A particular constituent authority's appointee may not be appointed as chairman if any other person appointed by that authority has held that office (otherwise than to fill a casual vacancy) in the immediately preceding five years.

Casual vacancies

3. On a casual vacancy occurring in the office of chairman or vice-chairman of the joint committee the vacancy shall be filled by the appointment by the joint committee of one of their members at the next meeting; and the person so appointed shall hold office until the date upon which the person in whose place he is appointed would regularly have retired.

Conduct of meetings

- 4.—(1) At a meeting of the joint committee the chairman if present shall preside.
- (2) If the chairman is absent from a meeting of the joint committee the vice-chairman shall preside.
- (3) If both the chairman and vice-chairman of the joint committee are absent another member of the joint committee chosen by the members of the joint committee shall preside.

Calling of meetings

- 5.—(1) The chairman of the joint committee or, if the office of chairman is vacant, the vice-chairman of the joint committee may call a meeting of the joint committee at any time.
- (2) If-
 - (a) the chairman or the vice-chairman, if the office of chairman is vacant, refuses to call a meeting of the joint committee after a requisition for that purpose, specifying the nature of the important or urgent business, and signed by six members of the joint committee from at least three constituent authorities, has been presented to him; or

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(b) without so refusing, the chairman or, as the case may be the vice-chairman, does not call a meeting within seven days after such requisition has been presented to him, any five members of the joint committee on that refusal or on the expiration of seven days, as the case may be, may call a meeting of the joint committee.

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

(a) notice of the time and place of the intended meeting shall be published at the offices each constituent authority and, where the meeting is called by the 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 paragraph (4), a summons to attend the meeting, specifying the agenda for that meeting, and signed by the chairman, or in his absence, the vice-chairman, 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 every constituent authority.

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

(5) No business shall be transacted at a meeting called by the members of the joint committee other than that specified in the agenda.

Quorum

6. No business shall be transacted at a meeting of the joint committee unless at least one member from each constituent authority and at least three other members are present.

Proceedings of meetings

7.—(1) Minutes of the proceedings of every meeting of the joint committee shall, subject to sub-paragraph (2), be drawn up and entered in a book kept for that purpose and shall be signed at the same or next following meeting of the joint committee by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof.

(2) Notwithstanding anything in any enactment or rule of law to the contrary, the minutes of the proceedings of the joint committee may be recorded on loose leaves consecutively numbered, the minutes of the proceedings of any meeting being signed, and each leaf comprising those minutes being initialled, at the same or next following meeting of the joint committee, by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof.

(3) Until the contrary is proved, where a minute of any meeting of the joint committee has been made and signed in accordance with this paragraph, the joint committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute, the meeting shall be deemed to have been duly convened and held, and the members present at the meeting shall be deemed to have been duly qualified.

(4) A copy of the minutes of the proceedings at each meeting of the joint committee shall be sent to the proper officer of each constituent authority within fourteen days after the date of the meeting at which they are signed.

(5) All questions coming or arising before the joint committee shall be decided by a majority of the members of the joint committee present and voting thereon at a meeting of the committee.

(6) In the case of an equality of votes, the person presiding at the meeting shall have a casting vote.

(7) The method of voting at meetings of the joint committee shall be by a show of hands and on the requisition of any member of the joint committee and seconded by one other member of the joint committee, made before the vote on any question is taken, the voting shall be recorded to show whether each member present and voting gave his vote for or against that question.

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(8) The names of the members present at a meeting of the joint committee shall be recorded.

Standing orders

8. Subject to the provisions of this Order the joint committee may make standing orders for the regulation of their proceedings and business and may vary or revoke any such orders.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which comes into force on 7th July 2005, establishes a joint committee for North Northamptonshire. The constituent authorities are Northamptonshire County Council, Corby Borough Council, East Northamptonshire District Council, Kettering Borough Council and Wellingborough Borough Council

Article 3 of the Order constitutes the joint committee as the local planning authority for the boroughs of Corby, Kettering and Wellingborough and the district of East Northamptonshire. 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 in relation to the preparation, submission and revision of certain local development documents. 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 7th October 2005, and to send a copy of it to the Regional Planning Board.

Articles 5 to 10 deal with membership and disqualification, tenure of office, meetings and proceedings, secondment of officers 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 and business.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business, charities or voluntary bodies.