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STATUTORY INSTRUMENTS

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**2007 No. 1412**

**The Luton and South Bedfordshire Joint Committee Order 2007**

**Citation and commencement**

1. This Order may be cited as the Luton and South Bedfordshire Joint Committee Order 2007 and shall come into force on 13th June 2007.

**Interpretation**

2. In this Order—

“the 1972 Act” means the Local Government Act 1972(1);

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

“the Agreement” means the Agreement dated 11th April 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 the Luton and South Bedfordshire joint 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 Luton and South Bedfordshire 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 Luton Borough Council and South Bedfordshire District 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) Bedfordshire County Council;
- (b) Luton Borough Council; and
- (c) South Bedfordshire District Council.

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(1) 1972 c.70. Relevant amendments were 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 1(1) of the Local Government (Access to Information) Act 1985, 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), sections 37, 38 and 46 of the Criminal Justice Act 1982 (c.48), 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), section 237 of, and Schedule 13 to, the Education Reform Act 1988 (c.40) and section 17(4) and section 18(6) of, and Schedule 1 to the Electoral Administration Act 2006 (c. 22). Relevant amending instruments are S.I. 2001/2237, S.I. 1995/1948 and S.I. 2006/88.

### **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); and
- (c) section 16 (minerals and waste development planning).

(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 13th September 2007;” and
- (b) for paragraph (c) of subsection (3) there were substituted—
  - “(c) at that time send a copy of their scheme to the RPB(2).”

### **Membership of the joint committee and voting rights**

5.—(1) The joint committee shall consist of—

- (a) 2 members appointed by Bedfordshire County Council;
- (b) 6 members appointed by Luton Borough Council;
- (c) 4 members appointed by South Bedfordshire 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 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 for being a member of the joint committee.

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

(2) Section 92(3) (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 resigns in accordance with paragraph (4);
- (b) he is removed or replaced by the constituent authority which appointed him; or
- (c) he 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 resigns in accordance with paragraph (4);
- (b) he is removed or replaced by the body which appointed him; or
- (c) the joint committee decides that the body which appointed him 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;
- (b) in any other case, to the body which appointed him.

(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.**—(1) The expenses incurred by the joint committee and sub-committees shall be defrayed by South Bedfordshire District Council.

(2) The other constituent authorities shall make payments to South Bedfordshire District Council in respect of the sums defrayed in accordance with paragraph (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 Secretary of State for Communities and Local Government

*Kay Andrews*  
Parliamentary Under Secretary of State  
Department for Communities and Local  
Government

3rd May 2007