
STATUTORY INSTRUMENTS

2011 No. 1455

**The South East Lincolnshire Joint
Strategic Planning Committee Order 2011**

Citation and commencement

1. This Order may be cited as the South East Lincolnshire Joint Strategic Planning Committee Order 2011 and shall come into force on 5th July 2011.

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 between the constituent authorities dated 12th January 2011;

“the constituent authorities” means the authorities specified in article 3(2);

“co-opted member” means a member of the joint committee nominated in accordance with article 5(4);

“observer” means a person appointed in accordance with article 5(5);

“the joint committee” means the South East Lincolnshire Joint Strategic Planning Committee constituted by article 3(1);

“joint local development document” means a local development document prepared jointly by one or more constituent authorities;

“joint local development scheme” means a local development scheme prepared jointly by one or more constituent authorities;

“sub-committee” means a sub-committee appointed under article 8(1);

“voting member” means a member appointed under article 5(1) and entitled to vote in accordance with article 5(2).

Establishment of the joint committee

3.—(1) A joint committee, to be known as the South East Lincolnshire Joint Strategic Planning Committee, is constituted as the local planning authority for the purposes of Part 2 (local development) of the 2004 Act for the areas of Boston Borough Council and South Holland District Council and 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) Lincolnshire County Council;

(b) Boston Borough Council; and

- (c) South Holland District Council.

Functions of the joint committee

4.—(1) The matters referred to in article 3(1) are—

- (a) the preparation, submission, adoption, monitoring and revision of joint local development documents identified in a joint local development scheme; and
- (b) the preparation, submission, adoption, monitoring and revision of a joint local development scheme, in respect of those documents.

(2) Section 15 (local development scheme) of the 2004 Act shall apply in relation to the joint committee as if for paragraph (b) of subsection (3) there were substituted—

- “(b) submit its local development scheme to the Secretary of State not later than 30th September 2011;”.

Membership of the joint committee and voting rights

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

- (a) three members appointed by Lincolnshire County Council;
- (b) three members appointed by Boston Borough Council;
- (c) three members appointed by South Holland District Council; and
- (d) such number of co-opted members as may be nominated pursuant to paragraph (4).

(2) The members appointed by the constituent authorities who are present at a meeting of the joint committee shall be entitled to vote at that meeting on any question falling to be decided at that meeting.

(3) Each constituent authority shall nominate three substitutes; and where paragraph 5(6)(c) of the Schedule applies, a substitute shall be entitled to vote at the meeting on any question which falls to be decided at that meeting.

(4) The joint committee may, if all existing joint committee members agree, invite other bodies to participate in proceedings of the joint committee; and each body that accepts such an invitation shall nominate one of its members to be a co-opted member of the joint committee.

(5) The joint committee may appoint observers who may attend and participate in meetings of the joint committee.

(6) Co-opted members and observers shall not be entitled to vote at any meetings of the joint committee on any question which falls to be decided at that meeting.

(7) Voting members and substitutes shall be entitled to recovery from the constituent authority by which they are appointed or nominated (as the case may be) any expenses incurred in connection with the discharge of the joint committee’s functions.

Disqualification from 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 from being elected or being a member of a local authority shall be disqualified from being a member of the joint committee.

(2) Section 92 of the 1972 Act (proceedings for disqualification)(2), with the exception of subsections (7), (7A), (7B) and (8), shall apply with respect to membership of, or claims to be entitled

(2) Section 92 was amended by sections 37, 38 and 46 of the Criminal Justice Act 1982 (c.48).

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 shall hold office for a period of four years from the date of appointment or such lesser period, not being less than one year, as may be decided by the authority which makes the appointment, but shall cease to be a voting member if that person—

- (a) resigns in accordance with paragraph (4);
- (b) is removed or replaced by the constituent authority which made the appointment; or
- (c) ceases to be a member of a constituent authority (and does not on the same day again become a member of that authority).

(2) A person nominated as a co-opted member of the joint committee shall continue in that capacity until one of the following occurs—

- (a) the person resigns in accordance with paragraph (4);
- (b) the person is removed or replaced by the body which made the appointment; or
- (c) the joint committee decides that the body which made the nomination 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) A voting or co-opted member may resign from the joint committee by sending written notice delivered—

- (a) in the case of a member appointed by a local authority, to the proper officer of the constituent authority which appointed the member;
- (b) in any other case, to the body which nominated the member.

(5) Any casual vacancy shall be filled as soon as practicable by the authority or body which appointed or nominated 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 the sub-committee's 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, which shall have effect.

(2) Sub-paragraphs (3) to (5) of paragraph 5 of the Schedule (calling of meetings) and sub-paragraph (2) of paragraph 6 of the Schedule (proceedings of meetings) shall apply with respect to meetings of any sub-committee as if references to the joint committee were references to the sub-committee, unless the joint committee agrees otherwise.

Expenses of joint committee

10.—(1) The expenses incurred by the joint committee and any sub-committee, in relation to accommodating meetings of the joint committee or sub-committee, shall be defrayed by the constituent authority at whose office the meeting is held, or who arranges the venue for the meeting, except so far as may be otherwise agreed by the joint committee.

(2) Other expenses incurred by the joint committee and any sub-committees shall be defrayed by South Holland District Council.

(3) The other constituent authorities shall make payments to the constituent authority which has defrayed any expenses in accordance with paragraph (1) or (2), 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

Bob Neill
Parliamentary Under Secretary of State
Department for Communities and Local
Government

8th June 2011