

**Constitution and Terms of Reference**

**Introduction**

1. Under S.101 of the Local Government Act 1972, Central Bedfordshire Council and Luton Borough Council have agreed to work together on formulating the Planning and Transportation policies required to deliver the Government's Sustainable Communities agenda in respect of the Luton and South Bedfordshire Growth Area ("the designated area"). They have established a Joint Committee ("the Section 101 Committee") to commence work on this basis. The local authorities have agreed further to develop the planning aspects of their joint working by establishing "the Section 29 Committee".
2. Joint Committees have therefore been established under Section 101 of the 1972 Local Government Act and Section 29 of the 2004 Planning and Compulsory Purchase Act through a Local Agreement. The Section 29 Committee is a statutory joint committee operating under the provisions of The Luton and South Bedfordshire Joint Committee Order 2007 (S.I. 2007/1412) ("the 2007 Order" )and regulation 24 of The Local Government (Structural Changes) (Transitional Arrangements) (No. 2) Regulations 2008 (S.I. 2008/2867).
3. The local authorities have agreed to operate joint arrangements relating to transportation policies as an integral part of the Local Development Framework, and which will be developed as a part of the Local Development Scheme. The local authorities will also work jointly in relation to the preparation of the Local Transport Plan ("the LTP") for the designated area. The local authorities acknowledge that the preparation of the LTP is an executive function and is outside the ambit of the powers contained in Section 29 of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act") and have agreed to pursue this joint working through the Section 101 Committee.

**Constitution of the Committees**

4. The members of the Section 29 Committee will be appointed from the members of the local authorities without restriction but to comply with Regulation 12 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000, members of the Section 101 Committee will be appointed only from members of the executives of the local authorities.
5. The members of the Section 101 Committee will be appointed from those members of the executives of the local authorities who have been appointed to the Section 29 Committee.

6. The Section 101 Committee when it meets will normally meet either immediately before or after a meeting of the Section 29 Committee.
7. The chairmanship and vice-chairmanship arrangements will be as for the Section 29 Committee.
8. The Section 101 Committee will be responsible for the preparation of the LTP and any other formal transportation policy documents the preparation of which is the responsibility of a local authority executive and will recommend such documents direct to the Full Councils of the local authorities for final approval.
9. The Section 29 Committee will have responsibility for all development planning (except minerals and waste) of the local authorities in the designated area. The Section 29 Committee will also have a major input to the transportation planning<sup>1</sup> work of the local authorities.
10. The designated area will be the whole of the administrative area of Luton Borough Council and that part of the area of Central Bedfordshire Council which, prior to 1 April 2009, consisted of the administrative area of the former South Bedfordshire District Council.
11. The Section 29 Committee will keep under review the designated area and the local authorities having full membership thereof, and will seek the Secretary of State's support for proposed changes.
12. The membership of the Section 29 Committee is 6 Councillors from Central Bedfordshire Council and 6 Councillors from Luton Borough Council.
13. The membership of the Section 101 Committee is 3 Executive Councillors from Central Bedfordshire Council and 3 Executive Councillors from Luton Borough Council, who in each case are both members of the Executive of one of the local authorities and of the Section 29 Committee.
14. Each local authority 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.

15. 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.
16. Subject to paragraphs 17 and 18 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.
17. The Chairman of the Section 29 Committee shall alternate on an annual basis between Central Bedfordshire Council and Luton Borough Council.
18. Where the Chairman of the Section 29 Committee is a member of Central Bedfordshire Council, the Vice Chairman shall be a member of Luton Borough Council and vice versa.
19. 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.
20. 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 either of the local authorities.
21. The Section 29 Committee shall meet quarterly.
22. The Secretary may call additional meetings for the purposes of resolving urgent matters arising between the quarterly meetings of the Section 29 Committee.
23. Meetings of the Section 29 Committee shall be alternated between locations in Luton and Central Bedfordshire.
24. A meeting of the Section 29 Committee shall require a quorum of 7 members.
25. 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.

26. Each member of the Section 29 Committee shall have one vote.
27. A named substitute who attends a whole meeting of the Section 29 Committee as a substitute for an absent member in accordance with paragraph 11.3.4.14 shall have full voting powers.
28. 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.
29. The role of administering the Section 29 Committee shall be alternated between Central Bedfordshire Council and Luton Borough Council.
30. Meetings shall be called by the Secretary, 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.
31. Meetings of the Section 29 Committee will be open to the public except to the extent that they are excluded under paragraph 32.
32. 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.
33. The Section 29 Committee will keep its procedures under review and will introduce new rules and/or procedures when necessary.
34. The Section 29 Committee may invite other local authorities and organisations to be Co-opted Members of the Section 29 Committee.
35. Each of these bodies shall be entitled to appoint one person as a Co-opted Member of the Section 29 Committee.

36. Co-opted Members shall have no right to vote on questions coming or arising before the Section 29 Committee.
37. 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.
38. The Section 29 Committee may appoint a Member Steering Group comprising the Chairman and Vice-Chairman for the purposes of providing advice to the officers on the Section 29 Committee's work and of more detailed examination of particular issues.
39. The Section 29 Committee may appoint sub-committees comprising members and Co-opted Members for the purpose of more detailed examination of particular issues.
40. The work and decisions of Sub-Committees shall be reported to the Section 29 Committee for information or approval as appropriate.
41. The Section 29 Committee will be operated on the basis of informal sharing of the administrative burden between Luton Borough Council and Central Bedfordshire Council as set out in the Local Agreement made between those two authorities.
42. The above provisions, with the exception of paragraph 21 (frequency of meetings) shall apply to the Section 101 Committee as they apply to the Section 29 Committee.

### **Terms of Reference of the Joint Committees**

#### **Section 29 Committee**

43. The Section 29 Committee is the Local Planning Authority for the functions and area set out in the 2007 Order and will deal with:-
44. Preparation, approval/adoption and maintenance of a Local Development Scheme and Local Development Documents for the designated area. Once adopted the Local Development Documents will become the formal policy of the local authorities.
45. Creating appropriate linkages between the Local Development Documents and the Local Transport Plan.

46. 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.
47. To oversee the resources, budget and work programme for all joint technical work, including appointment of consultants and the establishment, and steering of any Joint Technical Unit or other officer working arrangement established by the local authorities<sup>2</sup>.

### Section 101 Committee

48. Preparation, recommendation for approval and maintenance of a Local Transport Plan for the designated area<sup>1</sup>. Final adoption of a Local Transport Plan remains a function of the Full Councils of the local authorities<sup>2</sup>.

<sup>1</sup> Co-ordination of existing transportation policies and programmes. Also initiation, preparation, recommendation to full councils for approval and review of a Local Transport Plan for the designated area. The Joint Committees will not make decisions on the major transport schemes already effectively funded and committed through LTP1 and the submitted LTP2, unless the Joint Committee is unanimous in a view that circumstances have changed in such a way as to necessitate reconsideration of the content of the LTP in respect of those schemes. The relevant major schemes are Translink Phase 1 (not including extension plans), East Luton Corridor Road Scheme and Luton Town Centre Improvements.

<sup>2</sup> The Joint Committees will not be responsible for development control decisions or transport scheme detailed design and implementation decisions. Decision making on these matters will rest with the constituent Councils until such time as a local delivery body is established, when the arrangements will be reviewed.

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