

MEMORANDUM OF ESTABLISHMENT OF THE PLYMOUTH CITY
COUNCIL AND SOUTH HAMS DISTRICT COUNCIL PLYMOUTH URBAN
FRINGE JOINT COMMITTEE

1. Plymouth City Council and South Hams District Council (“the Authorities”) have agreed to establish a Joint Committee known as the The Plymouth City Council And South Hams District Council Plymouth Urban Fringe Joint Committee (“the Joint Committee”) for the purposes set out in Schedule 1 hereto;

2. Definitions & Interpretations

In this Memorandum:-

2.1 “the County Council” means Devon County Council

2.2 “GOSW” means the Government Office South West

2.3 “Lead Authority” means such Authority as the Authorities may from time to time appoint for such purpose pursuant to these arrangements.

2.4 “Lead Officer” means the Officer of the Lead Authority to whom functions are delegated pursuant to this Memorandum.

2.5 “ Representative” means any person appointed by either of the Authorities as a representative of such Authority on the Joint Committee

3 The Joint Committee

3.1 The composition of the Joint Committee shall be in accordance with the provisions of Schedule 2 of this Agreement.

3.2 The Joint Committee shall at its meetings comply with the Standing Orders contained in Schedule 3 to this Memorandum and (subject as provided therein) shall have the power to amend such Standing Orders if it considers such amendment necessary or appropriate.

4 Lead Authority

The Authorities may from time to time appoint one of the Authorities to act as Lead Authority for the purposes of this Memorandum.

5 Financial Matters

The Authorities shall bear and discharge equally between them the costs of the establishment and operation of these arrangements (including but without prejudice to the generality of the foregoing the costs and expenses properly incurred by the Lead Authority and those of the Joint Committee).

6 Variation and Termination

The arrangements referred to in this Memorandum shall continue until varied or terminated by agreement between the Authorities.

Signed:

Dated:

SCHEDULE 1

FUNCTIONS OF THE JOINT COMMITTEE

The functions of the Joint Committee shall be:-

1. to identify sites within the administrative areas of the Authorities adjacent or near to the boundaries between those administrative areas having potential for employment development and housing development;
2. to assess the suitability availability and deliverability of such sites as may be identified, having regard, amongst other factors, to how market conditions may affect viability;
3. to report to the Authorities in the light of the above to enable assist and facilitate the Authorities to formulate prepare and carry forward the preparation of sound Local Development Framework documents policies and processes;
4. specifically, to seek to prepare and agree unanimously a joint Development Plan Document in respect of the Plymouth Urban Fringe on behalf of the Authorities;
5. to undertake such other functions as are reasonably incidental to the efficient carrying out of the tasks and processes set out above;
6. such other associated tasks and functions as the Authorities may lawfully arrange for the Joint Committee to perform as they from time to time consider appropriate.

SCHEDULE 2

COMPOSITION OF MEMBERSHIP OF JOINT COMMITTEE

1. The Joint Committee shall comprise three Representatives of each of the Authorities appointed in accordance with law and with their own constitutional arrangements.
2. The term of office of any Representative of an Authority on the Joint Committee shall be from the date of the first meeting of the Joint Committee held after his appointment until the date of the next annual meeting of the Joint Committee; or until his appointment is terminated by the appointing Authority which may be done at any time or until he ceases to be entitled to be a Representative of that Authority under the constitutional arrangements applicable to the appointing Authority, whichever occurs first.
3. The appointing Authority shall as soon as practicable thereafter notify the Joint Committee of the termination of any appointment by it or if its former appointee ceases to be entitled to be a Representative of that Authority under the constitutional arrangements applicable to that appointing Authority.
4. The Authorities may also invite the County Council GOSW and other persons and bodies or their representatives to attend meetings of the Joint Committee to provide expertise and knowledge to assist the Joint Committee PROVIDING ALWAYS that any person so invited to attend may, at the discretion of the Joint Committee be first required to sign a memorandum of participation in a form from time to time approved by the Authorities before being permitted to take any part in the work of the Joint Committee. Any such person so invited may participate fully on all items of business at any meeting of the Joint Committee but shall not be entitled to vote.

SCHEDULE 3

THE PLYMOUTH CITY COUNCIL AND SOUTH HAMS DISTRICT COUNCIL

PLYMOUTH URBAN FRINGE JOINT COMMITTEE'S STANDING ORDERS

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1. Chairman and Vice-Chairman

The Joint Committee at its first meeting and subsequently on an annual basis shall elect from amongst its representatives a Chairman and Vice-Chairman PROVIDED ALWAYS that the Chairman and Vice Chairman so elected shall not both be representatives of the same Authority

2. Duration of Appointments

- (i) The Authorities shall each be entitled to appoint three representatives to sit on and act in the work of the Joint Committee from time to time. Each such representative shall hold office from the date of the first meeting of the Joint Committee following his appointment to the date of the next annual meeting of the Joint Committee or until his appointment is terminated by the appointing Authority which may be done at any time or until he ceases to be entitled to be a representative of that Authority on a Joint Committee under the constitutional arrangements applicable to that appointing Authority.
- (ii) The Chairman and Vice-Chairman shall hold office until the following Annual meeting but such office shall be deemed to be vacated if the appointment of that office holder as a representative on the Joint Committee is terminated by their Authority or if they cease to be entitled to be a representative on

a Joint Committee under the constitutional arrangements applicable to that appointing Authority.

3. Servicing

It shall be the responsibility of the Lead Officer to convene all meetings of the Joint Committee;

4. Meetings and Agenda

- (i) The Joint Committee shall meet at such times and locations as the Authorities agree PROVIDING ALWAYS that the Chairman Vice Chairman or Lead Officer may call a meeting of the Joint Committee at any time and PROVIDING FURTHER that the Joint Committee shall meet at least once every year (the Annual Meeting).
- (ii) The summons to any meeting shall set out the business to be transacted thereat, and no business other than that set out in the summons shall be considered at the meeting unless by reason of special circumstances, which shall be specified in the minutes, the Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.
- (iii) the Chairman and the Vice Chairman, if present, shall preside at alternating meetings of the Joint Committee. If either is absent the other, if present, shall preside. If both the Chairman and Vice Chairman are absent the meeting shall elect a Chairman from one of its representatives. For the purposes of these Standing Orders references to the Chairman, in the context of the conduct of business at meetings, shall mean the person presiding under the Standing Order.

- (iv) Any Authority acting through its representative on the Joint Committee may give written notice of an item to be placed on the Agenda of the Joint Committee. All notices of items for agendas must be received by the Lead Officer not less than fifteen working days prior to the meeting to which the agenda relates.
- (v) Each of the Authorities and the County Council and GOSW representatives shall be entitled to receive a copy of the Agenda, papers and minutes of the proceedings of the Joint Committee.
- (vi) The Lead Officer shall not less than seven clear days before the intended meeting of the Joint Committee: -
 - (a) Circulate a notice thereof to each Authority representative on the Joint Committee and to the nominated officer of each Authority, accompanied by a notice of the business to be transacted. Provided that the failure of any such notice to be delivered shall not affect the validity of the meeting or of the business transacted thereat.
 - (b) Publish notice thereof in such daily local publication(s) as may from time to time be agreed by the Joint Committee.
- (vii) Deputations may, upon prior notification being given to the Lead Officer and at the discretion of the Chairman, attend and address the meeting of the Joint Committee for not more than ten minutes and to answer questions from representatives on the Joint Committee for a further ten minutes.

- (viii) Representatives of each of the County Council and GOSW may attend the meetings of the Joint Committee as advisers and may participate fully on all items of business but not vote.
- (ix) The Joint Committee may also invite other persons and bodies or their representatives to attend meetings of the Joint Committee to provide expertise and knowledge to assist the Joint Committee PROVIDING ALWAYS that any person so invited to attend may, at the discretion of the Joint Committee be first required to sign a memorandum of participation in a form from time to time approved by the Authorities before being permitted to take any part in the work of the Joint Committee. Any such person so invited may participate fully on all items of business but not vote.

5. Substitute Members

The Authorities may make substitutions in accordance with their own procedures when one of their representatives is unable to attend any meeting of the Joint Committee

No substitute representative may participate or vote in any meeting at which the representative for which he is substitute is present.

6. Attendance Record

At every meeting each representative attending shall record such presence on the attendance sheet or other form of record provided by the Lead Officer.

7. Order of Business

- (i) The order of business at every meeting shall be:
 - (a) to approve as a correct record the minutes of the last meeting;

(b) to dispose of business (if any) remaining from the last meeting;

(c) to receive and consider reports prepared for the Joint

Committee

(ii) The Chairman shall have discretion to alter the order in which business is taken at the meeting.

8. Minutes

(i) Minutes of every meeting of the Joint Committee or any Subcommittee shall be submitted to and signed at the next following meeting of the body concerned.

(ii) The Chairman shall put the question that the minutes submitted be approved as a correct record of the meeting in question.

(iii) No other motion or discussion shall take place upon the Minutes except upon their accuracy. If no such question is raised or if it is raised, then as soon as it has been disposed of, the Chairman shall sign the Minutes.

9. Sub-Committees

The Joint Committee shall be entitled to appoint such Sub-committees as it thinks fit.

10. Voting

(i) Each representative (or if absent his or her substitute) shall be entitled to one vote on each question to be decided. Subject to paragraphs 10 (iii) and 10 (iv), every question shall be determined by a show of hands and shall be determined by a simple majority.

(ii) In the case of an equality of votes, the Chairman shall have a second or casting vote.

- (iii) On the requisition of any representative made before any vote is taken on a motion or an amendment, the voting shall be recorded so as to show how each representative present and voting voted. The name of any representative present and not voting shall also be recorded.
- (iv) No joint Development Plan Document intended to form part of the Local Development Framework for the administrative areas of the Authorities or either of them shall be approved by the Joint Committee unless unanimously approved by the full membership of the Joint Committee all of whom must be present and voting.

11. Quorum

- (i) The quorum of the Joint Committee shall be three of the Authority representatives and the quorum of a Sub-committee shall be two members of the Sub-Committee PROVIDING ALWAYS that there is in each case at least one member from each Authority.
- (ii) For the avoidance of doubt non-attendance of the representatives appointed by the County Council and GOSW or either of them shall not render the meeting inquorate nor shall they or either of them be counted in deciding whether a quorum has been established.
- (iii) No business can be transacted at any meeting unless a quorum is present.

12. Rules of Debate

- (i) A motion or amendment shall not be discussed unless it has been proposed and seconded.

(ii) A representative shall address the Chairman and direct any speech to the question under discussion. If two or more representatives indicate they wish to speak the Chairman shall call on one to speak first.

(iii) An amendment shall be:

(a) to leave out words

(b) to leave out words and insert or add others

(c) to insert or add words

but any such amendment must not have the effect of introducing a new proposal into or of negating the original motion

(iv) A representative shall not speak for longer than 5 minutes on any matter without the consent of the Joint Committee.

(v) No representative shall address the Joint Committee more than once on any issue, but the mover of an original motion may reply, in which reply no new matter shall be introduced, but the reply shall be confined strictly to answering the previous observations.

(vi) A representative may claim to speak on a point of order or in personal explanation and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a specified statutory provision or a specified standing order and the way in which the representative raising it considers that it has been broken. A personal explanation shall be confined to some material part of a former speech by him in the current debate, which may appear to have been misunderstood. The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

- (vii) If an amendment is rejected other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any other amendment may be moved.
- (viii) A further amendment shall not be moved until the Joint Committee has disposed of every amendment previously moved, provided that the Chairman shall have discretion to allow debate to take place on two or more amendments.
- (ix) A representative at the conclusion of a speech of another representative may move without comment:-
 - (a) that the question be now put
 - (b) that the debate be now adjourned
 - (c) that the Joint Committee proceed to the next business
 - (d) that the Joint Committee do now adjourn

If such a motion is seconded, the Chairman, shall, subject to the mover's right to reply, put the motion to the vote, and if it is carried: –

In case (a) – the motion then before the meeting shall, subject to The right of reply, be put to the vote; or

In case (b) – the debate on the motion then before the Joint Committee shall stand adjourned until the next ordinary meeting of the Joint Committee; or

In case (c) – the motion then before the Joint Committee shall be regarded as lost and the Joint Committee shall proceed to the next item on the Agenda, if any; or

In case (d) – the meeting shall stand adjourned.

- (x) If the Chairman is of the opinion that the matter before the Joint Committee has been sufficiently discussed he may put the motion that the question now be put
- (xi) The Chairman shall decide all questions of order and any ruling by the Chairman upon such questions and the interpretations of these Standing Orders, and upon matters arising in debate shall be final and shall not be open to discussion.

13. Publicity and Admission of Public to Meetings

- (i) No Representative shall arrange a press release or other form of publicity regarding the functions of the Joint Committee without the consent of the Joint Committee.
- (ii) All meetings of the Joint Committee shall be open to the public (including the Press) except to the extent that they are excluded whether during the whole or part of the proceedings either:-
 - (a) In accordance with Section 100A(2) of the Local Government Act 1972; or
 - (b) By resolution passed to exclude the public on the grounds that it is likely, in view of the nature of the proceedings that if members of the public were present there would be disclosure to them of exempt information as defined in Section 100I of the Local Government Act 1972. Any such Resolution shall identify the proceedings or the part of the proceedings to which it applies and state the description, in terms of Schedule 12A to the Local Government Act 1972 of the exempt information giving rise to the exclusion of the public.

14. Disorderly Conduct

- (i) If the Chairman is of the opinion that a representative has misconducted, or is misconducting himself by persistently disregarding the ruling of the Chairman or by behaving irregularly, improperly or offensively or by wilfully obstructing the business of the Joint Committee he may notify the meeting of that opinion and may take any of the following action either separately or in sequence:-
 - (a) he may direct the representative to refrain from speaking during all, or part of the remainder of the meeting
 - (b) he may direct the representative to withdraw from all or part of the remainder of the meeting
 - (c) he may order the representative to be removed from the meeting
 - (d) he may adjourn the meeting for such period as shall seem expedient to him
- (ii) In the event of general disturbance which, in the opinion of the Chairman, renders the due and orderly dispatch of business impossible, the Chairman, in addition to any other power invested in the Chairman, may without question, adjourn the meeting for such periods as in the Chairman's discretion shall be considered expedient.

15. Disturbance by Members of the Public

If any member of the public interrupts the proceedings at a meeting of the Joint Committee, the Chairman may warn that person to stop. If the person continues the interruption, the Chairman may order that person's removal from the meeting. In the event of general disturbance in the part of the room provided for the public, the Chairman may order that part to be cleared.

16. Urgent Business

- (i) If at any time the Lead Officer considers any matter is urgent and should be decided upon prior to the next meeting of the Joint Committee then he shall consult the Joint Committee's Chairman. If the Chairman agrees the matter is urgent, then the Lead Officer shall be empowered to make the decision in accordance with such recommendation, subject to the decision being recorded in writing and signed by the Lead Officer to the Joint Committee.
- (ii) All decisions taken under this Standing Order shall be reported to the next meeting of the Joint Committee.

17. Rescission of Preceding Resolution

No motion to rescind any resolution passed at the meeting and no motion or amendment to the same effect shall be proposed at that meeting.

18. Delegation of Functions

The Joint Committee may delegate to officers such of their functions as are permissible under statute and may, in relation to any of those functions, require that the exercise of those functions be subject to such conditions as the Joint Committee deems fit to impose.

19. Variations and Revocation of Standing Orders

Any motion to vary or revoke these Standing Orders shall require confirmation at the next ordinary meeting of the Joint Committee before the proposed variation or revocation shall be considered to be effective. Provided that nothing in this Standing Order shall operate to prevent the Joint Committee adopting new Standing Orders at its annual meeting.

20. Interests of Authority representatives in Contracts and Other Matters

The following code of conduct in relation to the interests of representatives in Contracts and other matters shall apply save that if either Authority has adopted or in future adopts a Code of Conduct pursuant to the provisions of section 51 of the Local Government Act 2000 then that Code shall apply with respect to the representative of that Authority: -

- (i) Where any Authority representative has given a general notice of a pecuniary interest of his or of his spouse, and is thereby relieved of the statutory duty to declare that interest at a meeting at which a contract or other matter affecting that interest is to be considered, he shall nevertheless orally remind the meeting of that interest. Any such reminder shall be recorded in the minutes of the meeting.

- (ii) Where any Authority representative has declared a pecuniary interest in a contract, grant, proposed contract or other matter, whether by giving a general notice or by making an oral declaration at a meeting, he shall withdraw from the room in which the meeting is being held while the matter is under consideration unless:
 - (a) the disability to discuss, or vote upon any matter arising from the contract or other matter has been removed by the Secretary of State under Section 97 of the Local Government Act 1972; or
 - (b) the contract, grant, proposed contract or other matter is under consideration by the meeting as part of the report or minutes of a subcommittee (in the case of a meeting of the Joint Committee) and is not itself the subject of debate.
- (iii) Any person, other than an officer of the Joint Committee, who is appointed to do anything in connection with the Joint Committee or subcommittee which enables him to speak at meetings of the Joint Committee or subcommittee shall make the same disclosures of pecuniary interests, and shall withdraw from the room in which the meeting is being held on the same occasions, as he would have to do if he were a representative of the Joint Committee or subcommittee.

21. Interests of Officers in Contract and Other Matters

- (i) In addition to his duty under Section 117 of the Local Government Act 1972 if it comes to the knowledge of any officer that he has a disclosable pecuniary interest in any contract which has been or is proposed to be, entered into by the Joint Committee, or in some other matters which is to be considered by the Joint Committee or subcommittee, he shall as soon as practicable, give notice in writing to the Lead Officer of the fact that he is interested therein.
- (ii) For the purpose of this standing order, a disclosable pecuniary interest is an interest that, if the officer were a representative of the Joint Committee and if the contract or other matter were to be considered at a meeting of the Joint Committee at which he were present, he would have to disclose it under Section 94 of the Local Government Act 1972.
- (iii) The Lead Officer shall record in a book to be kept for the purpose particulars of any notice of a pecuniary interest given by an officer under Section 117 of the Local Government Act 1972 or paragraph (i). The book shall, during the ordinary office hours of the Lead Authority be open for inspection by any representative of the Joint Committee.
- (iv) Where an officer submits a report to a meeting on a matter in which he has declared an interest under Section 117 of the Local Government Act 1972 or paragraph (i) he shall state that such declaration has been made, and give brief details of it, in a separate paragraph at the commencement of the report.

- (v) Where any officer advises orally a meeting of the Joint Committee or a subcommittee on a contract, grant, proposed contract or other matter and has declared a pecuniary interest in that matter, whether under the requirements of Section 117 of the Local Government Act 1972, or of paragraph (i) he shall remind the meeting orally of that interest.

22. Access to Documents, Information and Land

- (i) In addition to the rights of representatives of the Joint Committee under Section 100F of the Local Government Act 1972, but subject to paragraph (ii) below, any member of the Participating Authorities shall be entitled on application to the Lead Officer to inspect any document or recorded information in the possession, or under the control, of the Joint Committee access to which is necessary for the proper discharge of his functions as a member of that Authority;

Provided that: -

- (a) no person shall be entitled to inspect any document or have access to any information relating to a matter in which he has a pecuniary interest;
- (b) access to information not in the form of a document need not be given where the cost of providing the access is unreasonably high, or during such period as the giving of access would unreasonably disrupt the work of the Joint Committee.

- (ii) In the case of any document other than a document to which the rights under Section 100F of the Local Government Act 1972 apply, and if the Lead Officer considers that access to any document or other information is not necessary for the proper discharge of the functions (as a member of the Authority or as a representative of the Joint Committee, as the case may be) of the person requesting such access, and there is good reason why access should be refused, he may refuse the person concerned access to the document or information in question.
- (iii) Where a person inspects a document under the rights conferred by Section 100F of the Local Government Act 1972 or this standing order, and the Joint Committee may lawfully make a copy of that document, he shall be entitled, on request, to be given a copy of that document provided that:
 - (a) a reasonable charge shall be made for the copy unless the Lead Officer otherwise directs;
 - (b) a copy may be refused if the Lead Officer considers that it is impracticable to make a copy.
- (iv) If a representative on the Joint Committee or an elected member or officer of the Authorities wishes to have access to land or buildings in the occupation of the Joint Committee to which the public do not have access and to which such representative, member or officer does not regularly have access, he shall apply to the Lead Officer. Unless the Lead Officer considers that there are good reasons why such access should not be given, he shall give permission but may attach conditions to that permission including particularly a condition that a specified officer of the

Joint Committee shall accompany the representative, member or officer.

- (v) If any member of the Authorities or any other representative of the Joint Committee is dissatisfied with any determination of the Lead Officer under Section 100F of the Local Government Act 1972 or under this standing order, he may refer the question to the Joint Committee which shall, after considering any representations that person or the Lead Officer may wish to make, determine whether or not to uphold the Lead Officer's determination.
- (vi) No elected members or officer of the Authorities and no representative of the Joint Committee shall have any claim by virtue of his position:
 - (a) to enter any land or buildings occupied by the Joint Committee to which the public do not have access or to which such members, officer or representative do not regularly have access except with the permission of the Lead Officer;
 - (b) to exercise any power of the Joint Committee to enter or inspect other land or buildings, except where specifically authorised to do so by the Joint Committee;
 - (c) to exercise any other power of the Joint Committee;
 - (d) to issue any order with respect to any works which are being carried out by, or on behalf of, the Joint Committee, or with respect to any goods or services which are being, or might be, purchased by the Joint Committee

- (vii) The Proper Officer for the Purpose of Section 100F(2) of the Local Government Act 1972 and for the purposes of this standing order is the Lead Officer.
- (viii) For the purposes of this standing order a person has a pecuniary interest in a matter if, on the assumptions that he were a representative on the Joint Committee, and that the matter were to be considered by the Joint Committee, he would have to declare the interest under Section 94 of the Local Government Act 1972.
- (ix) Where any information is given to any person (including a member of the Authorities, or any representative of the Joint Committee) by the Joint Committee or by one of the employees of the Lead Authority in the course of transacting any business of the Joint Committee, and it is made clear (in whatever way) that the information is given in confidence, that person is not entitled to make that information public without the consent of the Joint Committee.

23. Suspension of Standing Orders

Any of the preceding Standing Orders may be suspended at any meeting so far as regards any business on the Agenda for such a meeting, providing that the majority of the representatives present and voting so decide.

24. Interpretation and Definitions

In these Standing Orders the following terms shall have the following meanings assigned to them:-

“Authorities” means Plymouth City Council and South Hams District Council and “Authority” shall mean either of them

“the County Council” means Devon County Council

“GOSW” means the Government Office South West

“Lead Authority” means such Authority as may be appointed to act as such pursuant to the Memorandum of Establishment of the Joint Committee signed by the Authorities

“Lead Officer” means such officer of the Lead Authority as may be nominated by the Lead Authority