

## Board and Board Committees

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## **A Board and Board Committees: Overview**

### **1 Interpretation and General Meanings**

1.1 In this Section, the following words shall have the meanings set opposite them unless the context otherwise requires:

“Act” or “legislation”	Means the Housing and Regeneration Act 2008
“the Board”	Means the Members for the time being of the Homes and Communities Agency as appointed by the Secretary of State in accordance with the legislation
“Member”	Means a Member for the time being of the Homes and Communities Agency as appointed by the Secretary of State in accordance with the legislation
“Meeting”	Means a meeting of the Members
“Office”	Means the office of the Homes and Communities Agency at 110 Buckingham Palace Road, London SW1W 9SA
“Secretary of State”	Means the Secretary of State at the Department of Communities and Local Government (CLG).
“Agency”	Means the Homes and Communities Agency.

### **2 Constitution**

- 2.1 The Members act collectively as the Board. The Board is responsible to the Secretary of State for exercising the powers of the Agency in accordance with the Framework Document and its annexes, to include delegations, issued by the Department of Communities and Local Government (CLG).
- 2.2 The powers of the Homes and Communities Agency are set out in the Act, including, in Schedule 1, paragraph 10 (1) the power to delegate any of its functions to any of its members, committees, sub-committees or staff.
- 2.3 Proceedings of the Board are governed by the Board Standing Orders set out in section **B** below.
- 2.4 The Board determines the strategic direction of the Agency and has arranged to delegate all but the most significant decisions, through this Management Scheme, to its committees, sub-committees or officers.

2.5 The Board may establish such Committees, Boards and Sub Committees as it considers necessary for the effective conduct of the Agency's business. For the time being, the following Committees are established and their terms of reference are set out in the following pages.

<b>C</b>	Audit & Risk Committee
<b>D</b>	Remuneration Committee
<b>E</b>	Investment Committee
<b>F</b>	HCA London Board
<b>G</b>	Milton Keynes Partnership Committee and (G.1) its Planning Sub Committee
<b>H</b>	Academy Committee

## B

## HCA BOARD STANDING ORDERS

### 1 Constitution

- 1.1 The Board shall comprise the Members for the time being of the Homes and Communities Agency, as appointed by the Secretary of State in accordance with the legislation.

### 2 Functions and Responsibilities of the Board

- 2.1 **Strategy:** recommending to CLG and establishing the Agency's overall strategic direction, within the policy and resources framework agreed.
- 2.2 **Corporate Planning:** approving the Agency's periodic draft Corporate Plans for submission to Ministers for approval.
- 2.3 **Budget:** Setting the Agency's Annual Budget, consistent with the Corporate Plan.
- 2.4 **Resources:** ensuring that the necessary financial and human resources, including key appointments, are in place to enable the Agency to safeguard its assets and meet its objectives, to include appropriate succession planning.
- 2.5 **Investment:**
- a) sanctioning overall arrangements for the approval and delivery of strategic housing and regeneration programmes and strategic projects;
  - b) considering and approving, or rejecting, proposals for novel, contentious or repercussive issues, and those not within the delegations of the Investment Committee, HCA London Board, or officers, prior to any recommendation to CLG, HMT and the Secretary of State;
  - c) Land - considering and approving or rejecting proposals for the acquisition of land and property, including compulsory acquisitions, to facilitate the increased supply of affordable homes, development or regeneration.
- 2.8 **Probity:** ensuring that the Agency's affairs are conducted with probity, and that high standards of corporate governance are observed at all times.
- 2.9 **Values and Standards:** setting the Agency's Values and Standards and ensuring that employees know what standards of conduct are expected of them.
- 2.10 **Health and Safety:** ensuring the Agency's Health and Safety effectiveness.
- 2.11 **Communication:** ensuring that the Agency's strategic objectives and obligations to its stakeholders are understood outside and throughout the organisation.
- 2.12 **Performance:** receiving and reviewing regular financial and non-financial information relating to the management and performance of the Agency, monitoring progress towards objectives and directing executives regarding any required performance improvements.
- 2.13 **Risk:** assessing political, economic, strategic, operational and financial risk evaluations, and overseeing mitigation strategies.

### **3 Chairman and Deputy Chairman**

- 3.1 The Chairman shall be appointed by the Secretary of State.
- 3.2 At a Meeting the Chairman shall preside. If the Chairman is absent the Deputy Chairman, or, where a Deputy Chairman has not been appointed, the Chairman's nominee, shall preside. If both the Chairman and Deputy Chairman (if appointed) or Chairman's nominee are absent, the members in attendance shall choose one of their number to preside.

### **4 Board Meetings**

- 4.1 The Chairman, or any Member with the agreement of the Chairman, may convene, or request the Secretary to convene, a Meeting.
- 4.2 Members shall meet at such times and places as the Board shall from time to time determine. Other Meetings will be convened as may be necessary.
- 4.3 At least five clear working days before a Meeting, a notice of the Meeting signed by the Secretary or by any Member specifying brief details of the principal items of business proposed to be transacted at that Meeting shall be sent by post, fax or e-mail to each Member.
- 4.4 The accidental failure to give notice to, or the non-receipt of a duly despatched notice by a Member, shall not invalidate the proceedings at a Meeting.
- 4.5 All notices to be given to a Member for the purposes of these Standing Orders may be given to a Member personally or by fax to such facsimile number as shall be notified by the Member to the Secretary from time to time for the giving of notices, or by email to such email address notified by the Member to the Secretary from time to time for the giving of notices, or by post in a pre-paid envelope addressed to the Member at such business or residential address of the Member as shall be notified to the Secretary from time to time for such purposes or by leaving it at such address.
- 4.6 Any notice, or other document, addressed to a Member at such address or to such facsimile number or email address shall be deemed to have been served or delivered:
  - a) if sent by post, on the day following the day on which it was put in the post (or, where second class post is employed, on the second day after the day when it was put in the post); or
  - b) if sent by facsimile transmission, at the time of transmission; or
  - c) if personally delivered, upon such delivery; or
  - d) if sent by email, on the day after it was sent.
- 4.7 Any Member who does not receive a notice of a Meeting in accordance with these Standing Orders but who nevertheless attends the Meeting to which the notice relates shall, unless he or she shall otherwise state at the relevant Meeting, be deemed to have received due notice of such Meeting. Without prejudice to the aforesaid any Member may waive the requirements that notice in accordance with these Standing Orders be given to him or her of any Meeting either prospectively or retrospectively.

- 4.8 Items of business may be transacted at any Meeting notwithstanding that the item has not been specified in the Meeting notice, provided that, in the opinion of the Chairman of the Meeting, either
- a) the item in question is of a routine and substantially uncontroversial nature; or
  - b) the item requires urgent consideration and has arisen so recently that it was not reasonably practicable to specify it in the Meeting notice.

## **5 Special and Emergency Meetings**

- 5.1 The Chairman or, in his or her absence, the Deputy Chairman (if appointed) may call a Special Meeting of the Members at any time. In the absence of both the Chairman and the Deputy Chairman, any two Members may instruct the Secretary to call a special Meeting.
- 5.2 Five clear working days at least before any such Special Meeting of the Members a notice specifying the business proposed to be transacted shall be given to every Member of the Agency, by electronic mail or by being left at or sent by post to his or her usual place of residence or business.
- 5.3 The Chairman or, in his or her absence, the Deputy Chairman (if appointed) or the Member who is the Chief Executive, may call an Emergency Meeting of the Members at any time.
- 5.4 Reasonable notice of such Emergency Meeting of the Members shall be given to every Member by electronic mail or by being left at or sent by post to his or her usual place of residence or business. It shall not be necessary to give notice of such a Meeting to a Member who is absent from Great Britain.

## **6 Quorum**

- 6.1 No business shall be transacted at a Board Meeting unless at least four Members are present, three of whom must be Non-Executives.
- 6.2 A duly convened Meeting at which a quorum is present shall be competent to exercise all or any of the powers, authorities and discretions for the time being vested in or exercisable by the Agency.

## **7 Voting**

- 7.1 All decisions (except a resolution to vary or revoke these Standing Orders when Standing Order 7.1 shall not apply) shall be carried by a majority of votes of the Members present at a Meeting.
- 7.2 In the case of an equality of votes, the Chairman of the Meeting shall have a second or casting vote (except on a resolution to vary or revoke these Standing Orders when this Standing Order 7.2 shall not apply).
- 7.3 Voting shall be by such means as may be agreed by the Members present as a Meeting provided that:
- a) the Chairman or any Member may request a vote to be taken by a show of hands on any resolution or business before the Meeting;
  - b) the provisions of Standing Order 20 shall apply in relation to any resolution to vary or revoke these standing orders.

## **8 Participation by Telephone and Other Means**

- 8.1 Any Member may validly participate in a Meeting through the medium of conference telephone, video conferencing or similar form of communication equipment, provided that all persons participating in the Meeting are able to hear and speak to each other throughout such Meeting, or relevant part thereof. A Member so participating shall be deemed to be present in person at the Meeting, and shall accordingly be counted in a quorum and entitled to vote. Such a Meeting shall be deemed to take place where the largest group of those Members participating is assembled or, if there is no group which is larger than any other group, where the Chairman of the Meeting then is.

## **9 Resolution in Writing**

- 9.1 Save as provided in Standing Order 20.4, a resolution in writing signed by all the Members shall be as valid and effectual as if it had been passed at a Meeting duly convened and held. Such a resolution may consist of several documents in the same form, each signed by one or more of the Members, including signatures evidenced by means of facsimile transmission. For such a resolution to be effective, it shall not be necessary for it to be signed by a Member or any other person who is prohibited, by these Standing Orders, from voting thereon.

## **10 Minutes**

- 10.1 The names of the Members present at a Meeting shall be recorded in the Minutes.
- 10.2 Minutes of the proceedings of Meetings shall be prepared by the Secretary, entered in a record to be kept for that purpose and submitted for approval as to their accuracy to the next Meeting. The minutes, as approved, shall be signed by the chairman of the Meeting to which they are submitted, and, if so signed, shall be taken as conclusive evidence of the facts therein stated.
- 10.3 The Minutes shall be published on the Agency's website in full, except for summarisation where information remains confidential due to a current commercial sensitivity, or where information is exempt from publication, for example due to the requirements of the Data Protection Act 1998.

## **11 Delegation**

- 11.1 Subject to the provisions of the legislation governing the Agency, the Board may from time to time delegate to any Member, or the Chief Executive or any other officer or member of staff of the Agency, such of their powers, authorities and discretions (with power to sub-delegate) for such time or on such terms and subject to such conditions as the Board thinks fit and the Board may vary or revoke any such delegation. Any such delegation must be recorded in the minutes of a Board Meeting to have effect.

## **12 Committees and Sub-Committees**

- 12.1 The Board may delegate such of their powers, authorities and discretions to one or more committees as it so decides (with, or without, power to sub-

delegate to sub-committees). Any such committee or sub-committee shall consist of one or more Members and, where necessary with the consent of the Secretary of State, if the Members so decide, the Members may also co-opt to any such committee or sub-committee one or more persons not being Members. The Members may from time to time vary or revoke any such delegation and may, if so determined at any Meeting by notice to that effect given to or served upon the chairman of the relevant committee or sub-committee by the Secretary, remove any person, whether or not a Member, appointed or co-opted to any such committee or sub-committee.

- 12.2 Any committee or sub-committee appointed pursuant to standing order 12.1 shall, in the exercise of powers, authorities and discretions delegated to it, comply with any regulations made or directions given by the Members at the date of such appointment, or from time to time thereafter.
- 12.3 The terms of reference for any committee or sub-committee shall be approved by the Board.
- 12.4 Unless otherwise directed by the Board, and set out within the terms of reference of the body concerned, the quorum for a committee or sub-committee shall be two members.

### **13 Standing Orders to Apply to Committees and Sub-Committees**

- 13.1 The following parts of these Standing Orders shall also apply to the conduct of meetings of all committees, sub-committees, and boards appointed by the Board, except where otherwise directed by the Board and set out in the terms of reference of the body concerned. Where such Standing Orders refer to Meetings and Members, these shall be interpreted for committees as referring to meetings and members of the committee.
  - 3.2 presiding at meetings
  - 4.3 notice of meeting
  - 4.4 failure to give notice
  - 4.5 means of giving notice
  - 4.6 notice, or document, deemed to have been served, or delivered
  - 4.7 attendance by member who does not receive notice
  - 4.8 transaction of business not specified in the notice
  - 5.1 calling a special meeting
  - 5.2 notice of special meeting
  - 7.1 decisions to be carried by majority vote
  - 7.2 second or casting vote of the chair
  - 8.1 participation by telephone or other means
  - 9.1 resolution in writing
  - 10.1 names to be recorded in the minutes
  - 10.2 preparation of minutes
  - 10.3 publication of minutes
  - 12.3 quorum of committees
  - 13.1 standing orders to apply to committees and sub committees
  - 17.1 register of members interests
  - 18.1 all members to comply with Code of Practice for Board Members
  - 18.2 disclosure of interest at a meeting
  - 18.3 disclosures of interest to be recorded in the minutes
  - 19.1 conduct of non-Members

## **14 Board Advisory Groups**

- 14.1 The Board may, from time to time, appoint Board Advisory Groups, comprising Members and non-Members, which shall report to the Board periodically, and at least annually, on the matters they are established to consider.
- 14.2 Each Board Advisory Group shall include at least one Member of the Board together with such other persons as the Board shall decide. The Board shall appoint the Chairman of an Advisory Group, who may be a Board Member or a non-Member.
- 14.3 Board Advisory Groups shall not have delegated powers.

## **15 Seal of the Agency**

- 15.1 The Seals of the Agency shall be held in the custody of the Secretary. The application of a Seal of the Agency shall be authenticated by the signature of the Secretary or any Member, or of any of the Agency's staff, who has been authorised by the Board, whether generally or specially, for that purpose. The Secretary shall maintain a Seal Register in which there shall be recorded, on each occasion of a Seal's use, relevant details and the identity of the authorised signatory.

## **16 Secretary**

- 16.1 The Secretary shall be appointed by the Members, and may be removed by them. Reference in these Standing Orders to the Secretary shall be construed as referring to the Secretary of the Agency or, in the absence of the Secretary of the Agency, to such other person as may from time to time have been authorised by the Members to fulfil the role of the Secretary in his or her absence.

## **17 Register of Members' Interests**

- 17.1 Each Member shall be required to provide to the Agency, at the date of his or her appointment and thereafter at all times during the course of such appointment, in accordance with the Code of Practice for Board Members (Appendix A to this Scheme) and any regulations or guidance applicable to the Members from time to time issued by or through the Secretary of State of the Department of Communities and Local Government (CLG), such requisite information concerning any financial or other interest, which he or she or his or her family members or associates have. Such information, or relevant details thereof, shall be formally recorded in the register of Members' interests, which shall be maintained by the Secretary, and which shall be available for inspection at the Office by application to the Secretary. The Register of Board Members' interests shall also be published and available for inspection on the Agency's website.

## **18 Declaration of Interests**

- 18.1 All Members and members of any committee, sub committee or board appointed by the Board shall comply with the rules for declarations of interest as detailed in the Code of Practice for Board Members (Appendix A to this Scheme).

18.2 A Member or a member of any committee or sub-committee who is directly interested in any matter brought up for consideration at a Meeting or at a meeting of a committee or sub-committee shall disclose the nature of his or her interest to the Meeting or the meeting of the committee or sub-committee.

18.3 The Secretary shall record in the Minutes any disclosures made under this Standing Order 18.2.

## **19 Conduct of non-Members**

19.1 All non-Members who are appointed as members of any committee, sub committee, board, or advisory group appointed by the Board shall comply, in the same way as if they were Members, with the provisions as to general conduct expected of Members contained in the Code of Practice for Non-Members (Appendix B to this Scheme).

## **20 Variation and Revocation of Standing Orders**

20.1 The notice of a Meeting at which a resolution to vary or revoke Standing Orders is to be proposed must set out the full text of the resolution, including the proposed variations of the Standing Orders to be put to the Meeting.

20.2 The resolution, as set out in the notice convening the relevant Meeting, may not be amended at that Meeting or at any adjournment thereof, except to correct a manifest typographical or clerical error.

20.3 Any resolution varying or revoking these Standing Orders shall only be effective if at least three quarters of the Members present at the Meeting at which the resolution is considered vote in favour of the resolution.

20.4 Voting on such a resolution shall be by show of hands. Thus Standing Order 9, (resolution in writing), shall not apply or be effective in relation to any resolution to amend or revoke these Standing Orders.

**C****AUDIT & RISK COMMITTEE – Terms of Reference****1 Constitution and Membership**

- 1.1 The Audit & Risk Committee must be established by the Board. Its membership shall comprise at least three and up to five Non-Executive Members. The Chair will be appointed by the Board.
- 1.2 At least one Member of the Committee will have recent and relevant financial experience.
- 1.3 Board Standing Order 13 (Standing Orders to Apply to Committees) shall apply to the Audit & Risk Committee.

**2 Authority**

- 2.1 The Audit & Risk Committee is an advisory body, with no executive powers. It is authorised by the Board to investigate any activity within these terms of reference and to seek such information as it requires from staff, who are hereby directed to co-operate with the Committee in the conduct of its enquiries.
- 2.2 The Committee is authorised by the Board to instruct officers of the HCA to obtain, at the Agency's expense, and on such terms as the Committee may think fit, outside legal or other independent professional advice, and secure the attendance at its meetings of external persons with relevant experience and expertise if it considers this necessary; such persons shall not be members of the Committee.

**3 Functions and Responsibilities**

- 3.1 The Audit & Risk Committee will support the Board in its responsibilities for risk control, governance, financial stewardship and financial and statutory reporting. In so doing it will review the comprehensiveness of assurances and reporting processes, consistent with the Accounting Officer's assurance needs.
- 3.2 In carrying out its responsibilities, the Committee will review and advise the Board and Accounting Officer on:
  - a) strategic policies and processes for risk, control and governance, and the Statement of Internal Control;
  - b) promotion, co-ordination and monitoring of risk management activities, including regular review of, and input to, the corporate risk profile/register;
  - c) the effectiveness of the HCA's internal control arrangements established to ensure that the aims, objectives and key performance targets of the organisation are achieved in the most economic, efficient and effective manner;
  - d) assurances sought and received relating to the corporate governance requirements for the HCA;
  - e) accounting policies, annual financial statements, annual returns and the annual report, including the process for review of the accounts prior to submission for audit, levels of error identified, and management's letter of representation to external auditors;

- f) any material issues arising from the NAO, Public Accounts Committee, Treasury or Parliament in respect of the financial statements or internal control matters, and management's response thereto;
  - g) anti-fraud policies, the HCA's procedures for handling allegations from 'whistleblowers' and arrangements for special investigations;
  - h) operation of the Code of Practice for Board members and the Code of Conduct of staff;
  - i) any other matters, where requested to do so by the Board;
  - j) such other matters as the Chairman of the Audit and Risk Committee considers material and essential for the purposes of the above.
- 3.3 The Committee will also consider and advise the Board and Accounting Officer on the adequacy of the resources allocated to such matters which should meet, or exceed, the standards specified in Government Internal Audit Standards, agreed levels of service and best professional practice. In particular, the Committee will:
- (a) review and advise the Board on the planned activity and results of the long term strategy and annual work plans;
  - (b) ensure co-ordination between HCA Audit Plans, the CLG audit function and the National Audit Office (external auditors);
  - (c) consider material findings from the HCA Audit team reports, management compliance with report recommendations and the adequacy of management response to issues identified by audit activity;
  - (d) keep under review the nature, scope and quality of the HCA's Audit services and any proposals from any service suppliers to provide non-audit services.
- 3.4 The Committee will provide the Board and the Accounting Officer with an Annual Report, timed to support finalisation of the Statutory Accounts and Agency Annual Report, and the supporting Statement on Internal Control, summarising its conclusions and recommendations from the work it has done during the year.
- 3.5 The Committee will periodically review its own effectiveness and report the results of that review to the Board.

#### **4 Attendance at Meetings**

- 4.1 The Chief Executive as Accounting Officer will normally attend meetings of the Committee, together with the Director of Finance and Corporate Services. The National Audit Office (NAO), acting as external auditors, will be invited to attend all meetings. Members who are not members of the Committee shall be entitled to attend, but not vote at, meetings of the Committee. Officers of the HCA may attend meetings at the direction, or invitation, of the Chairman of the Committee. A representative of Communities and Local Government (CLG) shall be entitled to attend meetings as an observer.

#### **5 Meeting with NAO**

- 5.1 At least once a year the Committee shall meet with the NAO and HCA Audit representatives without any Executive Directors or other management representatives present.

**6 Amendment**

- 6.1 The above terms of reference may be altered and amended from time to time by express resolution of the Board of which notice shall have been given in the meeting notice at which such changes are proposed.

**D****REMUNERATION COMMITTEE – Terms of Reference****1 Constitution and Membership**

- 1.1 The Remuneration Committee shall be established by the Board. Its membership shall comprise in total at least three and up to five non-executive Members. The Committee shall be chaired by the Chairman.
- 1.2 The Chief Executive shall not be a member of the Remuneration Committee but may attend particularly to advise the Committee at the discretion of the Chairman.
- 1.3 The Finance and Corporate Services Director will attend the Remuneration Committee.
- 1.4 Board Standing Order 13 (Standing Orders to Apply to Committees) shall apply to the Remuneration Committee.
- 1.5 The Chief Executive and other senior officers present shall withdraw from any part of a meeting which considers their own remuneration or conditions of service.

**2 Functions and Responsibilities**

- 2.1 To advise the Chairman, the Board, and the Chief Executive in his role as the HCA's Accounting Officer, on overall pay and rewards, the remuneration, contractual and pension arrangements of staff at Director level and above, and any related matters;
- 2.2 To set and agree annual performance objectives, remuneration terms and other terms and conditions of employment of the Chief Executive, subject to CLG approval;
- 2.3 To consider and approve the bonus payment for the Chief Executive and other Senior Officers on an annual basis, subject to CLG approval;
- 2.4 To consider and advise the Board on broader staffing issues, such as recruitment and retention;
- 2.5 To monitor and approve the Agency's staffing situation against the organisational structure and revenue budget agreed by the Board, and in relation to any directions laid down by CLG.
- 2.6 To review terms and conditions of service and to determine any issues in relation to terms and conditions, overall pay levels and performance awards that are referred to the Committee by the Executive.
- 2.7 To ensure that there are appropriate legal, financial and administrative arrangements covering the provision of the Agency's pension schemes in respect of benefits and contributions, the administration of the schemes and the safeguarding and management of the pension fund(s) assets.

**3 Amendment**

- 3.1 Any of the above terms of reference may be altered and amended from time to time by express resolution of the Board, of which notice shall have been given in the meeting notice at which such changes are proposed.

**E****INVESTMENT COMMITTEE – Terms of Reference****1 Constitution and Membership**

- 1.1 The Investment Committee shall be constituted, and its membership and chairmanship determined, by resolution of the Board. The Committee shall comprise up to five non-executive members of the Board.
- 1.2 The Corporate Directors for Investment and Renewal and Finance and Corporate Services shall attend the Investment Committee.
- 1.3 Board Standing Order 13 (Standing Orders to Apply to Committees) shall apply to the Investment Committee.

**2 Functions and Responsibilities**

- 2.1 The committee shall oversee the delivery of the Homes and Communities Agency's programmes and projects for housing and regeneration, except for those which relate to London specifically, which shall be the responsibility of the HCA London Board.
- 2.2 In particular, the Investment Committee shall
  - (a) consider and approve, or refuse, project and programme proposals for housing and regeneration, within the scope of delegation set by the Board for the time being, subject to consideration of any advice from officials arising from full appraisal of proposals;
  - (b) consider and, if approved, recommend to the Board, programme and project proposals for housing and regeneration, where these are above the limits of delegation set by the Board for the time being;
  - (c) consider and advise the Board on strategic policies for the Agency's investment programmes, and on such wider issues of housing and regeneration policy as are within the Agency's remit and have an investment dimension;
  - (d) oversee the planning and implementation of the Agency's capital and revenue investment programmes, including performance management and reporting.

**3 Amendment**

- 3.1 Any of the above terms of reference may be altered and amended from time to time by express resolution of the Board of which notice shall have been given in the meeting notice at which they are proposed.

**1 Constitution and Membership**

- 1.1 The HCA London Board shall be established by the HCA and shall comprise the following members:

Chairman – The Mayor of London  
Vice Chairman – Chairman of the HCA  
HCA Board – 2 further Members, including the Chief Executive  
Local Authorities – 3 members nominated by London Councils  
GLA – one representative nominated by the Mayor of London  
LDA – Chairman or Chief Executive  
London Thames Gateway Development Corporation – Chairman

- 1.2 The HCA's Regional Director for London and Corporate Director for Finance and Corporate Services shall attend, but not be members of, the HCA London Board.
- 1.3 The HCA Board may, on the advice of the Chairman and Vice Chairman of the HCA London Board, appoint independent members, in an advisory capacity.
- 1.4 Appointment of HCA London Board members is subject to the approval of CLG, except those which are Members of the HCA Board.
- 1.5 HCA Board Standing Order 13 (Standing Orders to Apply to Committees) shall apply to the HCA London Board, with the exception of arrangements for voting and quorum, which are set out in these terms of reference. A summary of all applicable Standing Orders is available separately for persons appointed.

**2 Functions and Responsibilities**

- 2.1 The HCA London Board will promote the delivery of housing and regeneration and associated infrastructure in London, having regard to the London Housing Strategy, the London Economic Development Strategy, the London Plan and other associated strategies, together with relevant national policies and directives. It will oversee and direct the programme of the HCA in London, within the scheme of delegation set by the HCA Board.
- 2.2 The HCA London Board shall have the same delegated authority to approve proposals for housing and regeneration in London as are given to the Investment Committee for proposals for the rest of England, except that,
- (a) nationwide programmes shall be considered by the Investment Committee but the HCA London Board shall consider and make recommendations on the implications for London of national policies, where appropriate.
  - (b) where there are cross-boundary proposals these may be considered by both the Investment Committee and the HCA London Board in parallel and subsequently will be considered by the HCA Board if appropriate.

2.3 In particular, the HCA London Board shall

- (a) consider and approve, or refuse, project and programme proposals for housing and regeneration in London, within the scope of delegation set by the HCA Board for the time being, subject to consideration of any advice from officials arising from full appraisal of proposals within HCA;
- (b) consider and, on approval, recommend to the HCA Board, programme and project proposals for housing and regeneration in London, where these are above the limits of delegation set by the HCA Board for the time being;
- (c) oversee the delivery of the HCA's London programme based on regular monitoring information;
- (d) advise and support the Mayor on the development and delivery of his Strategic Housing Strategy and Investment Plan for London;
- (e) make recommendations to the Mayor on the allocation of the Targeted Funding Stream;
- (f) oversee delivery of the Thames Gateway within London, including advising on and supporting delivery by the Thames Gateway Development Corporation;
- (g) align and co-ordinate the activities of public sector investors in housing and regeneration in London;
- (h) agree protocols for joint working across Agencies, as appropriate;
- (i) develop and agree appropriate delivery models for housing supply and regeneration to meet housing requirements in London.

### **3 Quorum**

3.1 No business shall be transacted at a meeting of the HCA London Board unless at least four members are present including at least one Member of the HCA.

### **4 Voting**

4.1 The HCA London Board shall operate on a consensus model, wherever possible without voting.

4.2 Where consensus is not achieved, a matter shall be carried by a majority of votes of the members present at the meeting, subject to 4.4 below.

4.3 In the case of an equality of votes, the Chairman of the HCA London Board shall have a second or casting vote, subject to 4.4 below.

4.4 On any decision taken by the HCA London Board the HCA Chairman, Chief Executive, or, in the absence of either, their nominee, shall have the right to refer a decision to the HCA Board for determination. Where such a referral occurs the matter shall not be decided until it is determined by the HCA Board.

### **5 Other issues**

5.1 The secretariat will be provided by the HCA

5.2 The Board shall meet six times a year, on a bi-monthly basis. Additional meetings may be called as necessary in accordance with Standing Order 5.1.

**6 Amendment**

6.1 Any of the above terms of reference may be altered and amended from time to time by express resolution of the HCA Board, of which notice shall have been given in the meeting notice at which they are proposed. Any such proposal shall be subject to consultation with the HCA London Board.

**G MILTON KEYNES PARTNERSHIP COMMITTEE –  
Terms of Reference and Standing Orders**

**1 Preamble**

- 1.1 The Boards of the Commission for the New Towns (CNT) and the Urban Regeneration Agency (URA), acting as a joint Board, resolved on 21 April 2004 that a Milton Keynes Partnership Committee be established. The Milton Keynes Partnership Committee and its Planning Sub Committee were established by the URA under the provisions of the Leasehold Reform, Housing and Urban Development Act 1993 in accordance with the Milton Keynes (Urban Area and Planning Functions) Order (SI No 932 of 2004), which established the URA as the Local Planning Authority for specific applications within the designated Urban Development Area of Milton Keynes.
- 1.2 The Housing and Regeneration Act 2008 received Royal Assent on 22 July 2008. The Act gives effect to the Government's proposals to, inter alia, create the Homes and Communities Agency (HCA) and abolish the predecessor organisations of the URA and the CNT which operated under the joint name of English Partnerships.
- 1.3 The statutory powers of Milton Keynes Partnership Committee are preserved in the transitional arrangements to the HCA from the URA and are included in Commencement Order Number 2.

**2 Constitution and Membership**

- 2.1 The Committee is fully authorised by the HCA to review, consider and where appropriate approve planning, property, programme and project matters and transactions which fall within the delegations and terms of reference of the Committee.
- 2.2 The Milton Keynes Partnership Committee shall be established by the Board. The Chair shall be appointed by the Board. Subject to the approval of the Secretary of State, its membership shall comprise:

- a) two independent private sector appointments, one of which will Chair the Committee;
  - b) two Homes and Communities Agency representatives one of which shall be a Board Member and the other the Chief Executive of the HCA, or his/her nominee;
  - c) three Milton Keynes Council members. These will comprise two from the majority party and one from the opposition party, or in the event of there being no overall majority, three representatives, one from each of the main parties;
  - d) three Local Strategic Partnership members. One each from the business, health and community sectors.
- 2.3 Subject to the approval of the Committee, each Member may nominate an alternate. The designation of alternates will need to be endorsed by the HCA Board.
- 2.4 Any Alternate Member shall notify the meeting as soon as he or she arrives and once the meeting has received such notification, that Alternate Member shall be duly appointed for the remainder of the meeting (which for the avoidance of doubt, includes an adjourned meeting to continue on a subsequent day) to the exclusion of the member for whom he or she is alternating.
- 2.5 Aylesbury Vale District Council, Buckinghamshire County Council, Bedfordshire County Council, South East of England Development Agency, Government Office South East, Milton Keynes Parks Trust and the Milton Keynes South Midlands Growth Area will each be invited to send a representative to the Committee Meetings. These representatives will be fully involved in the work of the Committee but will have non-voting status.
- 2.6 The Chairman of the HCA will consult with the Chairman of the MKPC in making the appointment of the Deputy Chair.
- 2.7 The appointments will be for periods of up to three years.
- 2.8 The HCA will appoint a Committee Secretary for MKPC and any Committee Secretary so appointed may be removed by them.
- 2.9 HCA Board Standing Order 13 (Standing Orders to Apply to Committees) shall apply to the Milton Keynes Partnership Committee with the exception of arrangements for Quorum and Voting, which are set out in these terms of reference. An extract of all applicable Standing Orders is available separately for persons appointed.

### **3 Aim & Objectives**

- 3.1 The aim of the Committee is to contribute to the successful and sustainable growth of Milton Keynes including planning, co-ordinating and implementing development within the Milton Keynes Urban Development Area.
- 3.2 The above aim will be achieved through a focus on the following strategic objectives so that:
- a) housing growth is balanced with employment;
  - b) supporting infrastructure and community facilities are available to respond to the pressures of rapid growth;
  - c) growth on the urban fringe compliments and strengthens the quality and cohesion of existing neighbourhoods;
  - d) there is a strong focus on sustainability of development and quality of design;
  - e) there is appropriate provision across MK to meet the revenue consequences of growth and ongoing management and maintenance arrangements; and
  - f) the Committee contributes to the achievement of the Milton Keynes Community Strategy.

## **4 Functions and Responsibilities**

### **a) Growth**

- i. to determine with partners the phasing and appropriate framework for the sustainable growth of Milton Keynes and develop appropriate strategies and public sector interventions to meet the aims and objectives of the Committee.

### **b) Planning**

- i. to exercise Town & Country Planning Act powers in designated areas as determined by The Urban Area (Milton Keynes) Designation Order 2004 and any subsequent statutory instruments and/or Orders.
- ii. to work with the Local Planning Authority to develop planning strategies, master plans, protocols and development programmes for Milton Keynes.
- iii. to co-ordinate with adjoining areas, particularly Bedfordshire, Northamptonshire, Buckinghamshire and Aylesbury Vale regarding planning issues in respect of the growth of Milton Keynes.
- iv. to authorise appropriate powers of delegation of planning decisions and note any decisions made under such delegation.

### **c) Property & Land Ownership**

- i. to ascertain the land ownerships and physical constraints within the Milton Keynes Urban Development Area and where appropriate adjoining areas to ensure proposals for growth are considered in the knowledge of local interests and constraints.
- ii. to consider and approve regeneration and development projects, acquisition and disposals in accordance with the delegations from the HCA's Board including any novel or contentious property management issues.
- iii. to exercise Compulsory Purchase Order powers where there is clear legal advice that this course of action is both justifiable in the context of the objectives of the Committee and is likely to be successful.
- iv. to explore options and methodologies to capture land value from land within the Milton Keynes Urban Development Area and implement such schemes subject to appropriate departmental approval.
- v. to identify any issues that might frustrate timely infrastructure provision and development to appropriate standards, and to intervene as necessary to resolve these issues.

### **d) Revenue Implications of Growth**

- i. to consider and assess the revenue implications of growth both from a strategic perspective and in respect of individual projects and programmes.

- ii. to consider how these revenue implications might be addressed through funding mechanisms and/or appropriate longer-term management and maintenance arrangements. This includes the implications for voluntary sector, and local statutory providers such as health and the Local Authority and any other bodies that might be expected to take on long-term management and maintenance responsibilities.

e) Design and Sustainability

- i. to ensure that strategies and projects approved by the Committee meet current Government aspirations and the principles in the HCA's own Urban Design Compendium with regard to high quality design and sustainability.
- ii. to adopt as a minimum the policies of the HCA regarding design and development standards, energy efficiency, project appraisal and management etc as may from time to time be in place.
- iii. to work with the Local Authority and Local Strategic Partnership to ensure appropriate community participation in the growth programme and as far as reasonable obtain community support for proposals.

f) Stakeholder Involvement and Consultation

- i. to determine and implement a strategy for continuing stakeholder involvement and consultation and to maintain and update this strategy on a regular basis.
- ii. to work closely with the MKSM Inter Regional Board to secure, as far as possible, strategic infrastructure commitments that are beyond the capabilities and/or remit of the MKPC alone.

g) Business Planning and Budgeting

- i. to prepare for the HCA's Board approval an annual budget and business plan (for a period specified by the HCA's Board as required to meet Corporate Planning objectives) fully covering the activities overseen by the Committee. This will include the submission of all supporting documentation to justify projected expenditure and receipts and any requests for additional funding.
- ii. to monitor expenditure and income to ensure that the Committee operates within the budget and business plan approved by the HCA's Board for each financial year and any other financial constraints/delegations set out by the HCA's Board and the HCA's sponsor department.

h) Corporate Governance and Internal Control

- i. to ensure the HCA's system of internal control and appraisal and approval processes and procedures are effectively applied to the activities of the Committee and that in all other aspects there are effective Corporate Government and internal control arrangements.

- ii. to make regular progress reports to the Board of the HCA.
- iii. to support scrutiny of the Committee's work and programmes by the Local Authority and Local Strategic Partnership.
- iv. to hold an annual public meeting in which the Committee will review its progress and receive public views in response.

## **5 Delegations and Authority**

5.1 As a Committee of the HCA the Milton Keynes Partnership Committee receives its delegations and authorities from the Board of the HCA. The Board of the HCA delegates to the Committee:

- i. the authority to implement the annual budget and business plan once approved by HCA Board and, where necessary, sponsor department approvals have been obtained.
- ii. the authority to approve programmes, projects, property disposals and other transactions within laid down delegations approved from time to time by the Board of the HCA that recognise the approval constraints contained in the Framework Document issued by DCLG to the HCA.

## **6 Quorum**

6.1 No business shall be transacted at a meeting of the Committee unless at least four Members, at least one of which must be from the HCA, are present. A duly convened meeting at which a quorum is present shall be competent to exercise all or any of the powers, authorities and discretions for the time being vested in or exercisable by the Committee.

## **7 Voting**

7.1 All decisions shall be carried by a majority of votes of the Members present at a Meeting, subject to 7.5 below.

7.2 In the case of an equality of votes, the chairman of the Meeting shall have a second or casting vote, subject to 7.5 below.

7.3 Only full members or approved alternate members shall be entitled to vote at meetings of the Milton Keynes Partnership Committee.

7.4 Representatives with observer status who attend meetings shall not be entitled to vote.

7.5 On any decision taken by the Milton Keynes Partnership Committee, the HCA Board Members who are members of the Committee, or the nominee of the HCA Chief Executive, where he/she has nominated another person to take his/her place on the Committee, shall have the right to refer a decision to the HCA Board for determination. Where such a referral occurs the matter shall not be decided until it is determined by the HCA Board.

## **8 Public Participation**

- 8.1 Private Individuals, representatives of Parish Councils or representatives of other key local groups may be invited to address the Committee as appropriate.
- 8.2 A code of practice on third party participation at meetings of the Milton Keynes Partnership Committee is outlined at Appendix A.

## **9 Confidential Business**

- 9.1 All meetings of the Committee shall be held in public, save for those items that need to be confidential or exempt information by virtue of commercial, legal or other permitted reasons under the Freedom of Information Act.

## **10 Amendment**

- 10.1 Any of the above terms of reference or associated standing orders may be altered and amended from time to time by express resolution of the Board of Homes and Communities Agency.

**Code of Practice on  
Third Party Participation at meetings of the Milton Keynes Partnership  
Committee**

This Code of Practice sets out the procedure by which third parties may participate at the meetings of the Committee. This Code applies separately to each and every committee meeting.

1. Members of the public may request that they address the Committee on any agenda item which is before the Committee for consideration (with the exception of the annual open meeting where questions on any relevant Milton Keynes topic may be submitted). So far as reasonably possible any person whose interests are likely to be affected by the proposed agenda item will be informed of the request and invited to respond to the points raised in writing or in person.
2. The maximum number of speakers under paragraph 1 above will be limited, in respect of any one submission, to two persons in favour of a proposal and two persons against (not including any right of reply).
3. Where a local amenity group makes a request to speak in relation to a submission no more than one representative on behalf of such amenity group will be permitted to address the Committee. These parties who may speak shall be determined by the Chair, who may increase the number of persons able to speak.
4. In addition to paragraph 2 above, the following may address the Committee on any agenda item or application which is before it:
  - a) a representative from the Local Authority, Parish (if applicable) or Town Council in whose area a planning application falls; and
  - b) the Member of Parliament in whose constituency a planning application falls.
5. Any request to address the Committee must be received in writing by the Committee Clerk of the relevant committee by noon, no less than two (2) clear days before the meeting takes place, briefly outlining the nature of the representations to be made.
6. Addresses to the Committee should last no longer than 3 minutes per person, although this may be increased at the discretion of the members of the Committee where it is necessary to respond to points made by other parties or by members.
7. Depending on the volume of representations and whether there are any particularly contentious items on the Agenda, the Committee may wish to:

- a) receive all representations and consider the related agenda items at the commencement of the meeting; or
  - b) follow the agenda and receive all representations as the agenda items are considered; or
  - c) receive all representations at the commencement of the meeting and then follow the order of the agenda.
8. In relation to submitting deputations and petitions to the Committee a single representative must be nominated and will be treated as if they were a single person or representative of an amenity group and will be subject to the rules for speaking set out above.
  9. If an agenda item is deferred under the Committee's standing orders and if a third party or parties have had the opportunity to address the Committee prior to such deferral, such third party or parties will not be permitted to address the Committee again unless there has been a material change in circumstances since the date of deferral which introduces matters not previously raised in relation to the agenda item. Where a material change arises, then a third party or parties will be entitled to address the Committee in accordance with this Code of Practice.
  10. All or any of the above may be amended or abridged at the discretion of the Chair.

**G1 THE MILTON KEYNES PARTNERSHIP COMMITTEE  
PLANNING SUB COMMITTEE –  
Terms of Reference and Standing Orders**

**1 Constitution and Authority**

- 1.1 Under Statutory Instrument 2004 No.932 the First Secretary of State made an Order, the Milton Keynes (Urban Area and Planning Functions) Order (**the Order**), which established the Urban Regeneration Agency (**the URA**) as the Local Planning Authority for specified applications within designated urban development areas of Milton Keynes.
- 1.2 The URA resolved on the 21 April 2004 to establish the Milton Keynes Partnership Committee (**the MKPC**) and approved the MKP standing orders (**MKP Standing Orders**). The MKP Standing Orders authorise the establishment of sub-committees to carry out parts of the MKPC's functions on certain terms and conditions.
- 1.3 The MKPC resolved on the 9th July 2004 that the planning function for the urban development areas of Milton Keynes (as identified in the map attached to the Order, the **Designated Areas**) be delegated to the Milton Keynes Partnership Planning Sub Committee (**the Planning Sub Committee**).
- 1.4 The powers of the URA in respect of Milton Keynes Partnership Committee and its sub committee are preserved and transferred to the Homes and Communities Agency as set out in the Commencement Order Number 2, 2008. The Committee is fully authorised by the HCA Board to review, consider and where appropriate approve planning, property, programme and project matters and transactions which fall within the delegations and terms of reference of the Committee.

**2 Aim and Objectives**

To contribute to the successful and sustainable growth of Milton Keynes and to contribute to the successful and sustainable growth of the Designated Areas (including planning, co-ordinating and implementing development within them) following the strategic objectives set out in the MKP Standing Orders.

**3 Terms of Reference of Planning Sub Committee**

**3.1 Planning**

- (a) To exercise all powers pursuant to the Town and Country Planning Act 1990 (as amended) within the Designated Areas as permitted by the Order and any subsequent statutory instruments.
- (b) To determine applications for planning permission, consents or approvals (save for those planning applications which are excluded identified in Article 4(2) of the Order).
- (c) To determine applications for planning permission, consents or approvals in accordance with the development plan and other relevant

statutory requirements unless material considerations indicate otherwise having regard in particular to all relevant national planning guidance and the policies and objectives of the HCA (with reference to Part III of the Leasehold Reform, Housing and Urban Development Act 1993 as may be amended.

- (d) To agree for the HCA to enter into agreements pursuant to Section 106 of the Town and Country Planning Act 1990 (or such other similar agreements as may be substituted for Section 106) required in connection with any planning permission, consent or approval granted by the Planning Sub Committee and to authorise officers to make and negotiate such agreements on behalf of the MKPC.
- (e) To respond to consultation on such development plans, strategies, master plans, protocols, and such other development programmes for the Designated Areas and surrounding area as may be appropriate.
- (f) To work with Milton Keynes Council to develop policies, strategies, masterplans, protocols, development funding and investment programmes relevant to planning of Milton Keynes.
- (g) To co-ordinate policies and strategies with adjoining areas, in particular Bedfordshire, Northamptonshire and Buckinghamshire regarding planning issues in connection with the regeneration and growth of Milton Keynes.

### 3.2 Sustainability, Design and Community Safety

- (a) To ensure that actions taken and decisions made by the Planning Sub Committee reflect best practice in high quality design, sustainability and community safety (as may be appropriate) and development, design and energy efficiency and other standards as set out in taking account of:
  - (i) Government policy aspirations and objectives; and
  - (ii) the statutory objectives, principles and policies of the HCA; and
  - (iii) such policy guidance as may be published Milton Keynes Council (including the policies of the Milton Keynes Local Plan).

### 3.3 Stakeholder Involvement and Consultation

- (a) To implement any strategy for community involvement prepared by the MKPC so far as it relates to and is consistent with the planning function.
- (b) To agree a strategy for continuing stakeholder involvement and consultation in planning for growth and regeneration in the Designated Areas and to implement, maintain and update this strategy on a regular basis.
- (c) To work with Milton Keynes Council and Milton Keynes Local Strategic Partnership to ensure appropriate community participation in the growth programme and plans to support its delivery and as far as reasonable to obtain community support for such proposals.

### 3.4 Corporate Governance and Internal Control

- (a) To make regular progress reports to the MKPC on planning decisions taken by the Planning Sub Committee.
- (b) To report regularly to the MKPC on obligations performed (including the payment of contributions and transfers of land) pursuant to planning conditions and planning obligations.
- (c) To report regularly to the MKPC on the nature and cost of any works in kind carried out by those implementing planning permissions.

## **4 Delegations and Authority**

- 4.1 The Planning Sub Committee may delegate decisions and actions either individually or as a class or decisions or actions to the Development Control Manager or an appointed alternate to the Development Control Manager provided that any decisions or actions made under such delegation are noted to the next meeting of the Planning Sub Committee.

## **5 Appointment of Members**

- 5.1 The membership of the Planning Sub Committee shall comprise of a minimum of five (5) members which shall consist of at least:
  - (a) one (1) independent member, who will Chair the Planning Sub Committee;
  - (b) one (1) HCA member;
  - (c) two (2) Milton Keynes Council members;
  - (d) one (1) Milton Keynes Local Strategic Partnership member;
- 5.2 The HCA shall be responsible for selecting the HCA member individuals for the purposes of Article 5.1(b).
- 5.3 Milton Keynes Council shall be responsible for nominating its own members for the purposes of Article 5.1(c) who shall duly be approved by the MKPC.
- 5.4 The MKPC may at any time dissolve the Planning Sub Committee or remove any of its members or change the size of its membership and appointments to the Planning Sub Committee will be for periods agreed by the MKPC.
- 5.5 Subject to the requirements of Article 5.1 above, each member of the Planning Sub Committee may nominate an alternate provided that such alternate shall be either:
  - (a) a member of the MKPC; or
  - (b) approved by the MKPC
- 5.6 Any Alternate Member shall notify the meeting as soon as he or she arrives and once the meeting has received such notification, that Alternate Member shall be duly appointed for the remainder of the meeting (which for the avoidance of doubt, includes an adjourned meeting to continue on a

subsequent day) to the exclusion of the member for whom he or she is alternating.

5.7 Only members or their nominated Alternate Members shall be entitled to vote at meetings of the Planning Sub Committee.

5.8 All members and Alternate Members must receive mandatory training in accordance with standards approved by the MKPC at the first available opportunity after appointment or nomination and shall not be entitled to vote unless they have done so.

## **6 Officer Attendance**

6.1 The Development Control Manager of the MKPC (or his/ her nominated representative) will attend meetings together with appropriate staff from the HCA and, if necessary, partner organisations.

6.2 The HCA will appoint a clerk to the Planning Sub Committee (**the Clerk**) and, subject to paragraph 6.3, the Clerk shall attend each meeting of the Planning Sub Committee. Any subsequent appointment or removal of the Clerk by the Planning Sub Committee will be in consultation with the MKPC.

6.3 The Clerk may appoint an alternate Clerk from time to time subject to the approval of Development Control Manager (or any appointed alternate to the Development Control Manager).

6.4 Any officer of the HCA with responsibility for the conduct of the planning application shall have the right to address the meeting in relation to that application.

## **7 Chair and Deputy Chair**

7.1 The Deputy Chair of the Planning Sub Committee shall be selected by the MKPC provided that the Deputy Chair shall only be selected from those members who are the MKPC members.

7.2 The Chair (or any member of the Planning Sub Committee with the agreement of the Chair) may convene or request the Clerk to convene a meeting.

7.3 At a meeting the Chair shall preside. If the Chair is absent or has to declare an interest in matters under discussion by the members in attendance then the Deputy Chair shall preside. In the event that both the Chair and Deputy Chair have to declare an interest or are otherwise unable to attend then the members in attendance shall choose one of their number to preside (which shall be restricted to members who are also MKPC members).

## **8 Convening**

8.1 The Planning Sub Committee shall meet at such times and places as the MKPC shall from time to time determine (and publicise) at locations that are accessible and convenient for the people of Milton Keynes.

8.2 At least five (5) clear working days before a meeting a notice of the meeting will be sent by the Clerk to each the Planning Sub Committee member (at an address email address or facsimile number specified by the member)

specifying the details of the principal items of business proposed to be transacted at the meeting.

- 8.3 Any notice or other document addressed to a member at such address or to such facsimile number shall be deemed to have been served or delivered if:
- (a) sent by e-mail, on the day after it was sent; or
  - (b) sent by post, on the day following the day on which it was put in the post (or where second class post is employed, on the second day after the day when it was put in the post); or
  - (c) sent by facsimile transmission, at the time of transmission; or
  - (d) personal delivery, upon such delivery
- 8.4 The non-receipt of a duly despatched notice by a member shall not invalidate the proceedings at a meeting.
- 8.5 Any member who does not receive notice of a meeting in accordance with these Standing Orders but who nevertheless attends the meeting to which the notice relates shall, unless he or she shall otherwise state at the relevant meeting, be deemed to have received due notice of such meeting for the purpose of these Standing Orders, and where requisite, for the purposes for which it was called. Without prejudice to the aforesaid any member may waive the requirements that notice in accordance with these Standing Orders be given to him or her of any meeting either prospectively or retrospectively.
- 8.6 Items of business may be transacted at any meeting notwithstanding that the item has not been specified in the meeting notice, provided that, in the opinion of the Chair of the meeting the item in question is of a routine and substantially uncontroversial nature.
- 8.7 Notwithstanding Article 8.2 above any urgent items (not already identified as a principal item of business) may be raised at the Planning Sub Committee meeting by the Development Control Manager of the MKPC (or his/ her appointed representative) with the agreement of the Chair.
- 8.8 The Chair, or in the absence of the Chair, the Deputy Chair, may authorise the cancellation of a meeting of the Planning Sub Committee on the grounds of lack of business. He/ she may postpone and rearrange the date and/or time of a Planning Sub Committee meeting after consultation with the Development Control Manager of the MKPC.

## **9 Quorum**

- 9.1 No business shall be transacted at a meeting of the Planning Sub Committee unless at least three (3) voting members, at least one of whom must also be a member of the HCA and at least one must be from Milton Keynes Council, are present.
- 9.2 A duly convened meeting at which a quorum is present shall be competent to exercise all or any of the powers, authorities and discretions for the time being vested in, or exercisable by, the Planning Sub Committee.

9.3 If at a meeting at which all members are present a personal and prejudicial interest prevents members from voting and the meeting therefore does not have a quorate number of voting members then a decision taken unanimously by the voting members shall be binding.

9.4 If the Planning Sub Committee cannot for whatever reason reach a quorate decision the decision must be referred to the MKPC.

## **10 Voting**

10.1 All decisions shall be made by a majority of votes of the members present at a meeting.

10.2 In the case of an equality of votes the Chair of the meeting shall have a second or casting vote.

10.3 Where a decision is taken on the casting vote of the Chair of the meeting the decision will not take effect until ratified by the MKPC.

10.4 Voting shall usually be by a show of hands but may be by such means as may be agreed by the members present at the meeting.

10.5 Where immediately after a vote is taken any member of the Planning Sub Committee so requires, there shall be recorded in the minutes whether that person voted for the decision or against the question or abstained.

10.6 If the members, on a majority vote, are minded to disagree with or vote against the officer recommendation in relation to an application before them for determination then the following shall apply:

(a) the application shall be deferred until the next meeting of the Planning Sub Committee and no decision shall be taken on that matter until the next meeting;

(b) the reasons for members disagreeing with the officer recommendation shall be properly minuted and the vote shall be similarly recorded; and

(c) the Development Control Manager of the MKPC shall prepare a report specifically addressing the reasons provided by members (pursuant to Article (b) above) for consideration by members at the next meeting.

10.7 Where an application has been deferred in accordance with Article 10.6 members, having considered the officer's updated report (prepared pursuant to Article 10.6(c)) shall determine such application as they see fit.

10.8 If in the reasonable opinion of the Development Control Manager of the MKPC an application should be deferred for determination to the next Planning Sub Committee meeting then he/she shall be permitted to so direct the Planning Sub Committee members to defer the application and the reasons for doing so shall be properly minuted.

10.9 Members shall be entitled to defer the determination of any application until the next meeting, on a majority vote, for the purposes of requesting additional information, clarification or the carrying out of a site visit or for such other purposes as they see fit.

- 10.10 Members shall comply with Planning Code of Conduct prepared by the Association of Council Solicitors and Secretaries in dealing with development control matters.
- 10.11 Provided that it does not conflict with any codes adopted by the Planning Code of Conduct prepared by the Association of Council Solicitors and Secretaries the Planning Sub Committee may adopt such other codes of practice as it thinks fit.
- 10.12 Members must record their reasons for any departure from the Development Plan and a recorded vote must be taken on such decisions.

## **11 Emergency Meetings**

11.1 If, in the opinion of the Chair there has arisen a matter of emergency or urgent business requiring the consideration of the Planning Sub Committee and it is not practical to call an ordinary meeting of the Planning Sub Committee:

- (a) an emergency meeting may be held on the giving of 24 hours' notice (in accordance with Article 11.2 below); or
- (b) the Chair, or in the Chair's absence the Deputy Chair, may consider and determine the matter without a meeting if they consider an emergency meeting to be unnecessary or impracticable

provided that such procedure is necessary for the proper exercise of the functions of the MKPC as delegated by these Standing Orders.

11.2 Notice of an emergency meeting shall be given to members of the Planning Sub Committee insofar as it is practically possible in such a manner as the Chair or the Deputy Chair (as relevant) may determine.

11.3 No business may be transacted at an emergency meeting unless specified in the notice given under Article 11.2 above, together with matters ancillary or incidental to such business.

11.4 Where a decision is made by the Chair or the Deputy Chair (as relevant) under Article 11.2 above, it must be formally reported to the next meeting of the MKPC.

## **12 Members' Interests**

12.1 A member with a personal interest in a matter who attends a meeting at which such matter is considered must disclose to the meeting the nature of such personal interest at the commencement of the consideration or when such interest becomes apparent during the course of the discussions.

12.2 A member with a personal and prejudicial interest in a matter who attends a meeting at which such matter is considered must disclose to the meeting the nature of such personal and prejudicial interest at the commencement of the consideration or when such interest becomes apparent during the course of the discussions.

12.3 In the event a member declares a personal and prejudicial interest in such a matter he/she shall not take part in any discussion relating to that matter nor shall he/she be entitled to vote in relation to such matter.

- 12.4 Members employed or paid by the HCA may note that at any meeting and that will be deemed to be part of the record of that and any subsequent meeting.
- 12.5 Members appointed by the HCA may take part in discussions and may vote on matters directly affecting the interests of the HCA provided that they confirm that in the circumstances of that matter their view is that they have no personal or prejudicial interest in the matter.
- 12.6 Members in receipt of expenses or payment for their attendance at meetings shall not for that reason alone be treated as having either a personal or a prejudicial interest.

### **13 Public Participation**

- 13.1 Public participation at the Planning Sub Committee meetings shall be permitted in accordance with the Code of Practice for Third Party Participation annexed to these Standing Orders.

### **14 Site Visits**

- 14.1 Site visits of appropriate application sites due to be considered at the Planning Sub Committee meeting will be held prior to such meeting convening in accordance with a published timetable. The Development Control Manager shall be responsible for selecting appropriate sites for visiting by members.
- 14.2 Any member may request that an application which has not already been subject to a site visit by the Planning Sub Committee in connection with an application for planning permission, consent or approval may be deferred until such a site visit has been carried out. The request for a site visit shall be subject to a majority vote of the Planning Sub Committee members.
- 14.3 Members shall only visit sites and enter applicants land or premises as part of site visit organised by the Development Control Manager of the MKPC. Members shall not discuss matters with any other person, other than with members of the Committee or Officers during the course of the site visit. Members shall not as part of a site visit either as a group, or individually, hear representations from the applicant, the applicant's agent, third parties or ward councillors. Members will only be shown the site and/or property and obtain factual information relevant to the assessment of the issue in question.
- 14.4 Any member who has an interest to declare shall make such declarations prior to reaching the relevant site and shall not participate in the inspection in question if the interest is one which is a personal and prejudicial interest that would not permit the member to vote when the application is considered by the Committee.
- 14.5 The inability on a member's part to attend site inspections will not preclude that Member from taking part in the discussion, debate and vote on matters under consideration, but all members will use their best endeavours to attend site inspections to ensure that they are fully appraised of the issues involved.

## **15 Minutes**

- 15.1 Draft minutes of the proceedings of meetings shall be prepared by the Committee Clerk within seven (7) days of the meeting and entered in a book to be kept for that purpose and submitted for approval as to their accuracy to the next appropriate meeting.
- 15.2 The names of members present and all apologies at a meeting shall be recorded in the minutes.
- 15.3 Copies of the minutes of each meeting shall be included within the next the Planning Sub Committee agenda and shall be agreed at that next meeting as an accurate record of the meeting.
- 15.4 Copies of the minutes of each meeting shall be provided to the MKPC for inclusion in the next MKPC meeting agenda.

## **16 Confidential Business**

- 16.1 All meetings of the Planning Sub Committee shall be held in public, unless proceedings require the presentation or disclosure of material which is subject to a duty of confidentiality (including information exempt from disclosure under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004, both as amended).
- 16.2 Items will only be treated as confidential or containing exempt information if agreed to be such by both the Chair of the meeting and the Development Control Manager.

## **17 Conduct of Members**

- 17.1 Members shall act in accordance with the principles set out in the Planning Code of Conduct prepared by the Association of Council Solicitors and Secretaries.
- 17.2 Members must act totally impartially at all times from as soon as they first become acquainted with a planning application until the final decision is made.
- 17.3 Members must not disclose or use to their own advantage any confidential information.
- 17.4 Members should not become associated in the public mind with any vested interest in planning matters.

## **18 General**

All activities of the Planning Sub Committee shall comply with the rules applying from time to time of the MKPC.

## APPENDIX A

### **Code of Practice on Third Party Participation at meetings of the Milton Keynes Partnership Planning Sub Committee**

This Code of Practice sets out the procedure by which third parties may participate at the meetings of the Planning Sub Committee. This Code applies separately to each and every committee meeting.

- 1 Members of the public may request that they address the Planning Sub Committee on any planning application which is before the Planning Sub Committee for consideration. So far as reasonably possible any person whose interests are likely to be affected by the proposed submissions will be informed of the request and invited to respond to the points raised in writing or in person.
- 2 The maximum number of speakers under paragraph 1 above will be limited, in respect of any one application, to two persons in favour of a proposal and two persons against (not including any right of reply).
- 3 Where a local amenity group makes a request to speak in relation to a planning application no more than one representative on behalf of such amenity group will be permitted to address the Planning Sub Committee. These parties who may speak shall be determined by the Chair, who may increase the number of persons able to speak.
- 4 In addition to paragraph 2 above, the following may address the Planning Sub Committee on any application which is before it:
  - (a) a representative from the Local Authority, Parish (if applicable) or Town Council in whose area a planning application falls; and
  - (b) the Member of Parliament in whose constituency a planning application falls.
- 5 Any request to address the Planning Sub Committee must be received in writing by the Planning Sub Committee clerk of the relevant committee by noon, no less than two (2) clear days before the meeting takes place, briefly outlining the nature of the representations to be made.
- 6 Addresses to the Planning Sub Committee should last no longer than 3 minutes per person, although this may be increased at the discretion of the members of the Planning Sub Committee where it is necessary to respond to points made by other parties or by members.
- 7 Depending on the volume of representations and whether there are any particularly contentious items on the Agenda, the Planning Sub Committee may wish to:

- (a) receive all representations and consider the related applications at the commencement of the meeting; or
  - (b) follow the agenda and receive all representations as the applications are considered; or
  - (c) receive all representations at the commencement of the meeting and then follow the order of the agenda
- 8 In relation to submitting deputations and petitions to the Planning Sub Committee a single representative must be nominated and will be treated as if they were a single person or representative of an amenity group and will be subject to the rules for speaking set out above.
- 9 If an application is deferred under the Planning Sub Committee's standing orders and if a third party or parties have had the opportunity to address the Committee prior to such deferral, such third party or parties will not be permitted to address the Committee again unless there has been a material change in circumstances since the date of deferral which introduces matters not previously raised in relation to the application. Where a material change arises, then a third party or parties will be entitled to address the Planning Sub Committee in accordance with this Code of Practice.
- 10 All or any of the above may be amended or abridged at the discretion of the Chair.

**H****ACADEMY COMMITTEE – Terms of Reference****1 Constitution and Membership**

- 1.1 The Academy Committee shall be constituted, and its membership and chairmanship determined, by resolution of the Board. The Committee shall comprise up to six persons, including at least one non-executive Member of the Board.
- 1.2 Board Standing Order 13 (Standing Orders to Apply to Committees) shall apply to the Academy Committee. These standing orders are set out in a separate Annex for non-Members.

**2 Functions and Responsibilities**

- 2.1 The Academy Committee shall:
- (a) oversee the operation of the Academy for Sustainable Communities and provide guidance on the use of its resources and the fulfilment of its key roles of:
- Leading, influencing and co-ordinating others in the sector to reduce skills gaps and labour shortages.
  - Building the skills, knowledge and capacity of individuals responsible for creating and maintaining sustainable communities.
  - Championing a shared understanding of sustainable communities and providing practical knowledge to support delivery.
  - Leading the HCA's work on building the skills and capacity of delivery partners, especially in places with significant challenges.
  - Providing the HCA's learning and knowledge portal for the sector.
- (b) report annually to the Board on the Academy's impact and to recommend the annual Business Plan of the Academy.

**3 Amendment**

- 3.1 Any of the above terms of reference may be altered and amended from time to time by express resolution of the Board of which notice shall have been given in the meeting notice at which they are proposed.