

**STANDING ORDERS OF
THE MILTON KEYNES PARTNERSHIP COMMITTEE PLANNING SUB
COMMITTEE**

1 Constitution and Authority

- 1.1 Under Statutory Instrument 2004 No.932 the First Secretary of State has made an Order, the Milton Keynes (Urban Area and Planning Functions) Order (**the Order**), which establishes 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**).

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 from the URA's jurisdiction for determination as 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 URA (with reference to Part III of the Leasehold Reform, Housing and Urban Development Act 1993 as may be amended).
- (d) To agree for the URA 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 URA.
- (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 URA; 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) URA member;
 - (c) two (2) Milton Keynes Council members;
 - (d) one (1) Milton Keynes Local Strategic Partnership member;
- 5.2 The URA shall be responsible for selecting the URA 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
- (an **Alternate Member**).
- 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 URA and, if necessary, partner organisations.
- 6.2 The URA 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 URA 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 the 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 URA 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 the URA's "Code of Good Practice for Planning Matters" in dealing with development control matters.
- 10.11 Provided that it does not conflict with any codes adopted by the MKPC or the URA's Code of Good Practice for Planning Matters 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 URA 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 URA 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 URA may take part in discussions and may vote on matters directly affecting the interests of the URA 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.