

ODA Planning Committee

Standing Orders and Terms of Reference



1. On the coming into effect of the Olympic Delivery Authority (Planning Functions) Order 2006 ("the Order"), the ODA will be established as the local planning authority for the purposes of Part 3 of the Town & Country Planning Act 1990 for all planning applications within the designated area (the ODA Area). The Order also confers certain powers on the ODA in relation to listed buildings and conservation areas in the ODA area.
2. The ODA has delegated to the ODA Planning Committee the exercise of all of the ODA's functions pursuant to the Order, other than any matter delegated by the ODA Board to the Head of Development Control and/or the Chief Planning Officer, or to any of the London Borough of Newham, the London Borough of Hackney, the London Borough of Tower Hamlets, the London Borough of Waltham Forest or the London Thames Gateway Development Corporation, including, without limitation, the following:
 - a. determining planning applications including imposing conditions;
 - b. undertaking planning enforcement investigations and issuing formal notices under the Town and Country Planning Act 1990 (as amended);
 - c. initiating prosecutions for non-compliance with any formal notice issued under the Town and Country Planning Act 1990 (as amended) and issuing injunctions, subject to the agreement of the Head of Legal;
 - d. co-ordinating with local authorities regarding development control issues in respect of the Olympic Games and Paralympic Games;
3. The Planning Committee is responsible for exercising the functions of the ODA delegated to it in accordance with the applicable legislation and for ensuring that the ODA complies with any statutory or administrative requirements in relation to the delegated functions.
4. In exercising its functions the ODA Planning Committee shall have regard inter alia to:
 - (1) the relevant sections of the Act, including:
 - a. the desirability of making proper preparation for the London Olympics (S. 5(5)(a));

- b. the desirability of maximising the benefits to be derived after the London Olympics from things done in preparation for them (S. 5(5)(b));
- c. the terms of any planning permission already granted in connection with the preparation for the London Olympics (S. 5(5)(c));
- d. any guidance issued by the Secretary of State (which may, in particular, refer to other documents) (S. 5(5)(d));
- e. the development plan for any area in respect of which an order is made under Section 149 of the Local Government, Planning and Land Act 1980, construed in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004 (S. 5(5)(e));.
- f. the desirability of maximising the benefits to be derived after the London Olympics from things done in preparation for them and contributing to the achievement of sustainable development (S. 4 (3));
- g. the importance of ensuring the safety of individuals participating in or attending London Olympic events, and the security of property (S. 6 (1));

(2) any other relevant material consideration

5. In exercising its functions the ODA Planning Committee shall comply with:

- a. any Directions issued by the State under the provisions of the Town and Country Planning Act 1990 (as amended) or other legislation;
- b. any Directions or Guidance issued by the Secretary of State (Schedule 1, Part 2, paragraph 18 of the Act);
- c. any Directions issued by the Mayor of London with regard to planning applications (S. 344 of the Greater London Authority Act 1999).

Membership

6. The membership of the Planning Committee shall be appointed by the ODA and comprise, as a minimum:

- a. Two members of the ODA Board, one of whom will be designated as Chairman of the Planning Committee while the other will be designated as Vice – Chairman of the Planning Committee;
- b. One member from each of the Olympic Boroughs (the London Boroughs of Hackney, Newham, Tower Hamlets and Waltham Forest) to be proposed by the relevant Borough and be approved by the Secretary of State following consultation with Chair of the ODA;
- c. Five independent members who will be appointed by the ODA Board subject to the consent of the Secretary of State.

7. Only members shall be entitled to vote at meetings of the Planning Committee.

8. The appointment to the Planning Committee will be for a period of 18 months or any other such time as agreed by the ODA Board.

9. Members of the general public or representatives of interested organisations shall have the opportunity to address the Committee on specific applications at the discretion of the Chair. The Committee shall agree and publicise clear guidelines on how such representations are made.

10. Planning Committee members are required to:
 - a. comply at all times with the Development Control Manual or other Manuals adopted by the Planning Committee;
 - b. comply with the Code of Practice for Planning Committee members.

Committee Meetings

Convening

11. The Planning Committee shall meet at least six times a year.
12. The Chair, or any member with agreement of the Chair, may convene, or request the Secretary to convene a meeting.
13. At least five clear days before a meeting the agenda and papers shall be sent by the Secretary to each Planning Committee Member and posted on the website.
14. The non-receipt by a Planning Committee member of the agenda and papers for a meeting shall not invalidate the business transacted at that meeting.
15. All notices and papers to be given to a Planning Committee member for the purpose of these Standing Orders may be given personally or by sending it by fax to a fax number notified by the Planning Committee member to the Secretary from time to time, by sending it by post in a pre-paid envelope addressed to the Planning Committee member at such business or residential address as shall be notified by the member to the Secretary from time to time for such purpose or by leaving it at that address. Notices and papers may be distributed using e-mail with agreement of the relevant members. Any notice or other document addressed to a Planning Committee member at such address or to such fax number 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 fax, at the time of the transmission; or
 - c. if personally delivered, upon such delivery; or
 - d. if by e-mail, at the time of the transmission unless electronic notice of non-delivery is received.

Chair and Vice-Chair

16. The ODA Board shall appoint the Chair and Vice Chair each of whom has to be a member of the ODA Board.
17. At a meeting the Chair shall preside. If the Chair is absent or has to declare an interest in matters under discussion, the Vice Chair shall preside. If both the Chair and the Vice Chair have to declare an interest in matters under discussion the Members in attendance shall choose one of their number to preside.

Quorum

18. No business shall be transacted at a meeting of the Planning Committee unless at least four voting Members, at least one of which must be either the Chair or the Vice Chair of the Planning Committee unless both have declared an interest. 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 Committee.

Confidential Business

19. All meetings of the Planning 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 2000 and any amendments made to it, and under any other applicable legislation dealing with the closure of information.

Voting

20. All questions shall be decided by a majority of votes of the Planning Committee members present at a meeting. This may be determined by oral expression or a show of hands.
21. In the case of an equality of votes the Chair of the meeting shall have a second or casting vote.

Minutes

22. The names of the Planning Committee members present at the meeting shall be recorded in the minutes.
23. Minutes of the proceedings of the meetings shall be prepared by the Secretary and submitted for approval as to their accuracy to the next appropriate meeting. The minutes as approved shall be signed by the Chair of the meeting to which they are submitted and, if so signed, shall be deemed to be a correct record of the meeting.
24. Copies of the minutes of each meeting shall be included within the next practicable ODA Board Agenda and copies of those minutes which do not deal with confidential matters shall be published on the web site.
25. The Planning Committee may establish a sub-committee (Schedule 1, paragraph 11(1) of the Act). A sub-committee must include one or more members, at least one of whom must be a member of the committee which established the sub-committee (Schedule 1, paragraphs 11(2)(a) and (b)), and may include one or more members of other committees. A sub-committee may, subject to the approval of the Secretary of State having been obtained, co-opt one or more persons who are not members of a committee of the ODA or of the ODA itself (Schedule 1, paragraph 11(2)(d)). A sub-committee may not include staff of the ODA (Schedule 1, paragraph 2(e)).
26. The Planning Committee may set up working parties to advise or make recommendations to the Planning Committee on such issues as the Planning Committee shall decide.

Secretary

27. Reference in these Standing Orders to the Secretary to the Planning Committee shall be construed as referring to such person as may from time to time undertake this role.

Attendance

28. The ODA's Head of Development Control will normally attend Planning Committee meetings together with appropriate staff from the ODA.

Reporting

29. The Planning Committee shall make regular reports to the ODA Board on decisions taken by the Planning Committee.

Delegation

30. The Planning Committee shall establish a Scheme of Delegation to officers and shall note decisions made under such delegations.

Declaration of Interests

31. A Planning Committee member who is directly or indirectly interested in any matter brought up for consideration at a meeting of the Planning Committee shall disclose the nature of his or her interest to the Planning Committee. The Secretary shall record in the minutes any disclosures made under this paragraph.
32. Where the matter in respect of which such a disclosure is made is a contract or agreement of any description, the Planning Committee member shall not take part in any deliberation or decision of the Planning Committee with respect to the matter and should withdraw from the meeting and not seek to influence a decision about that matter.
33. Where the matter in respect of which such a disclosure is made is one other than a contract or agreement, the Planning Committee member may take part in any deliberation or decision of the Planning Committee with respect to the matter save that if in the opinion of the relevant member or if the remainder of the members so decide the interest disclosed is such that a fair minded and informed observer, having considered the facts, would conclude that there was a real possibility that the member in question was biased, the member shall withdraw from the meeting and not seek to influence a decision about the matter.
34. Notwithstanding paragraph 33 above, a member or employee of the ODA who is involved in the exercise of the ODA's functions in relation to land may not participate in deliberations or decisions of the Planning Committee in relation to that land (Paragraph 20 Schedule 1 to the Act).

Amendment

35. Any of this Standing Order may be altered and amended from time to time by express resolution of the ODA Board following consultation with the Chair of the Planning Committee.

Interpretation and General

36. In these standing orders the following words shall have the meanings set opposite them unless the context otherwise requires:

“the Act”	means the London Olympic Games and Paralympic Games Act 2006;
“DCMS”	means the Department of Culture, Media and Sport or any successor department;
“Secretary of State”	means the Secretary of State for Communities and Local Government or any successor department;
“ODA”	means the Olympic Delivery Authority.