

**PHYSICAL PLANNING BOARD REGULATIONS**

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**PHYSICAL PLANNING BOARD REGULATIONS – SECTION 8**

*(Legal Notice 46/1990)*

***Made by the Governor***

**Commencement**

*[15 October 1990]*

**Short title**

1. These Regulations may be cited as the Physical Planning Board Regulations.

**Interpretation**

2. In these Regulations—

“Board member” means a member of the Board;

“Chairman” means the Chairman of the Board;

“item of business” means an item of business on an agenda circulated before a meeting or taken under regulation 6;

“meeting” means a meeting of the Board called to discuss or decide items of business.

**Application**

3. The Regulations shall apply to the conduct of business at all meetings of the Board.

**Agenda**

4. (1) The agenda for a meeting shall be settled by the Director who shall in the exercise of his powers under these Regulations consult with and have regard to the opinion of the Chairman on that matter.

- (2) Any Board member may, on first informing the Chairman, request that an item of business be placed on the agenda for a meeting.

- (3) Where an item of business requested under subregulation (2) is not placed on the agenda for the meeting next following the request, that fact shall be notified by the Chairman to that meeting.

**Circulation of agenda**

5. (1) The Director shall send or give to each Board member and any officer whose attendance at a meeting has been requested a copy of the agenda together with all the necessary papers for discussion at the meeting not less than three days before the date of that meeting.

- (2) The Director shall make available a copy of the agenda but not any papers accompanying the agenda to the press and broadcasting organisations.

### Items of business not on the agenda

6. (1) Subject to the provisions of this regulation, a meeting shall not discuss, consider or entertain any item of business which is not on the agenda for that meeting.

(2) Where the Minister certifies in writing that an item of business, other than an application for a grant of development permission, of great importance or urgency has arisen on which the opinion or decision of the Board is necessary, that item of business shall be discussed and, where relevant, decided upon by the Board notwithstanding that it was not placed on the agenda for the meeting at which it is to be discussed and, where relevant, decided.

### Chairman

7. (1) The Chairman, or in his absence the Vice-Chairman, shall take the chair at a meeting.

(2) Where the Chairman and Vice-Chairman are both absent, the Board members shall elect from amongst themselves one Board member to take the chair for the meeting.

(3) Where the Chairman or Vice-Chairman enters a meeting after it has commenced, the Board member who has taken the chair shall vacate it for the Chairman or Vice-Chairman at the conclusion of the item of business under discussion at the time of the entry into the meeting of the Chairman or Vice-Chairman.

### Pecuniary interest

8. (1) There shall be an item of business as a preliminary item on the agenda of each meeting which shall be named “pecuniary interest” and under this item—

- (a) the Chairman shall draw the attention of the Board members and officers in attendance to the law relating to pecuniary interest; and
- (b) Board members and officers in attendance shall declare their pecuniary interest in any item of business on the agenda or to be discussed under the provisions of regulation 6(2).

(2) In respect of any item of business on which he has declared a pecuniary interest the Chairman, or where he has taken the chair, the Vice-Chairman, or where a Board member has taken the chair, that Board member, shall vacate the chair for that item of business.

(3) A Board member or an officer in attendance who has declared a pecuniary interest in an item of business to be discussed at a meeting shall, when that item of business is reached on the agenda at that meeting leave the meeting while that item of business is being discussed.

(4) Where, owing to the number of Board members who have declared a pecuniary interest in an item of business at a meeting, the Board lacks, and is likely at any subsequent meeting to lack a quorum to transact that item of business, that fact shall be recorded in the minutes and reported to the Minister.

(5) The Minister acting in his discretion may grant a dispensation subject to such terms and conditions as he shall think fit to impose, to all or any of the Board members who have declared a pecuniary interest in an item of business to which sub-

regulation (4) applies so as to allow that item to be disposed of at the meeting of the Board next following the meeting referred to in subregulation (4).

### **Meetings to be in private**

9. Unless the Board decides otherwise in respect of any meeting, part of a meeting, or item of business at a meeting, no members of the public other than those specifically invited to attend and no representatives of the press shall attend a meeting and members will only divulge to such persons matters of public record.

### **Conduct of meetings**

10. (1) The names of all Board members present at a meeting or part of a meeting shall be recorded in the minutes together with the period for which they were present, if they were not present for the duration of the meeting.

(2) Each item of business shall be concluded or adjourned before the next item is taken.

(3) The decisions of the Board shall be by a majority of votes of members present and voting and, in addition to an original vote, the Chairman shall have a second or casting vote in any case in which voting is equal.

(4) When any item of business is put to a vote, the result of the vote but not, subject to subregulation (5), the names of the Board members present and voting, shall be recorded in the minutes.

(5) A Board member may request that his vote on any item of business be personally recorded by name in the minutes and that request shall be complied with.

### **Invitation to attend and address meetings**

11. (1) The Board may in respect of any item of business at a meeting, invite a person not being a public officer associated with that item of business to attend, address the meeting and answer questions from the Board members on that item of business.

(2) When a person referred to in subregulation (1) has ended his/her address and has answered the questions put to him/her by the Board members, he/she shall withdraw from the meeting.

(3) Where an item of business at a meeting is—

- (a) an application for a grant of development permission;
- (b) a proposal to revoke or modify a grant of development permission;
- (c) a reconsideration of an enforcement notice;
- (d) a draft or interim building preservation order;
- (e) a draft or interim plant preservation order; or
- (f) a draft amenity order,

and a person associated with that item of business is invited to and does address the meeting on that item of business, the Director shall be given an opportunity to address the meeting on that item of business in the presence of and by way of reply to that person.

(4) The Board may, and shall if so directed by the Governor, or the Minister, invite any public officer to attend, *ex-officio*, any or every meeting.

(5) A public officer invited under subregulation (4) may with the Chairman's approval, authorise any other public officer to attend in his stead and represent him at any meeting.

### **Site visits**

**12.** (1) The Board may in connection with any item of business determine to make a visit to the site to which that item of business refers.

(2) The Board may constitute a committee of not less than three Board members to make a site visit, on its behalf.

(3) The Director shall inform the owner or occupier of the site and the applicant, if any, of the date and time of the proposed site visit.

(4) The Director or officer authorised by the Director shall accompany the Board members on a site visit.

(5) The officer accompanying the Board members on a site visit shall make a record of the visit and any discussions between the Board members and the applicant, if any, his representatives, if any, and any other persons, who make representations on the matter in respect of which the site visit is taking place and shall report on the visit to the meeting next following the site visit.

(6) The Board may in considering an item of business in respect of which a site visit has taken place, take into account the report referred to in subregulation (5) and the opinions of the Board members who made the site visit on behalf of the Board.

### **Decision**

**13.** (1) A decision taken on any item of business at a meeting shall be recorded in the minutes.

(2) Where the Director is of the opinion that the Board has taken or is likely or about to take a decision or make recommendation that is or may be—

- (a) illegal;
- (b) impractical or unenforceable; or
- (c) unclear,

he shall inform it of his opinion and invite it to reconsider its decision or recommendation on that item of business.

(3) Where the Board either declines to reconsider or after reconsideration declines to alter the decision or recommendation which caused the Director to take action under subregulation (2) that fact shall be recorded in the minutes.

### **Minutes**

**14.** (1) The minutes of a meeting are to be a true and correct record of the proceedings of the meeting in respect of which they have been prepared.

(2) The Chairman shall be responsible for ensuring that an accurate record of the proceedings, of every meeting is taken at every meeting, and for the preparation of the minutes.

(3) A copy of the unsigned minutes of the next preceding meeting shall be circulated with the agenda and papers of the next following meeting unless the next preceding meeting was less than seven days before the next following meeting in which case the unsigned minutes shall be circulated, with the agenda and papers of a later meeting, if they are not available at that time.

(4) Any Board member who was present at a meeting of which an unsigned copy of the minutes has been circulated may at the meeting at which those minutes are to be approved and signed challenge or object to those minutes before they are approved and signed as being inaccurate or incorrect in a material particular.

(5) When any challenge or objection to the unsigned minutes has been resolved and the minutes have been approved as a true and correct record of the meeting to which they relate, the Chairman and the Secretary shall thereupon sign the minutes in the presence of the members.

(6) A copy of the signed minutes shall be—

(a) sent to the Minister; and

(b) kept in the Register.

### **Public information about meetings**

**15.** (1) Within forty-eight hours of the conclusion of a meeting, the Director shall prepare and issue to the press and broadcasting organisations a summary of that meeting, containing in an accurate manner information on who was present and the principal items which were discussed or decided at that meeting.

(2) No Board member or officer in attendance or person who addressed the meeting under regulation 11 shall have any information in the summary referred to in subregulation (1) ascribed directly or indirectly to him.

### **Validity of proceedings**

**16.** The validity of any proceeding of the Board shall not be affected by any vacancy amongst the Board members, by any defect in the appointment of a member, by any failure by any Board member to comply with these Regulations, or the Ordinance, or by any irregularities in the meeting of the Board.

### **Allowances schedule**

**17.** (1) Allowances as set out in the Schedule to these Regulations may be paid to each Board member in respect of each meeting that Board member attends.

(2) For the purposes of this regulation attendance at a meeting shall be taken to mean that a Board member has attended a meeting for not less than one half of the total period of time a meeting lasts, which shall begin to run from the time fixed by the agenda for the meeting to commence.

**Board may regulate its own procedures**

18. Subject to these Regulations, the Board may regulate its own procedures.

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**SCHEDULE**

**ALLOWANCES**

**Travelling allowance**

The cost of travel from the residence of the Board member to the place where the Board is meeting at the rate paid to public officers by the Government.

**Accommodation allowance**

The cost of overnight accommodation and subsistence up to \$100 per meeting payable to a Board member who has to stay overnight on the Island where the Board is meeting, other than the Island on which he is at that time normally resident.

**Attendance allowance**

- (i) for the Chairman \$75 per meeting;
- (ii) for a Board member \$50 per meeting.

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