



TO EACH MEMBER OF THE COUNCIL

13 July 2016

Dear Councillor

COUNCIL - Thursday 21 July 2016

Further to the Agenda and papers for the above meeting, previously circulated, please find attached the following report(s) which were marked 'to follow':-

9. Extension of appointment of Independent Persons

To consider the extension of the appointment of the Independent Persons for Central Bedfordshire Council until September 2020.

(attached pages 3 to 8)

11. Recommendations from the Audit Committee

To consider a recommendation from the meeting of the Audit Committee, 27 June 2016 and answer questions asked under Rule No. 13.1.

- (i) Appointment of the Council's External Auditors following the expiry of the current contract

(attached pages 9 to 16)

12. Recommendations from the General Purposes Committee

To consider recommendations from the meeting of the General Purposes Committee, 30 June 2016 and answer questions asked under Rule No. 13.1.

- (i) Amendments to the Council's Constitution

(attached pages 17 to 30)

- (ii) Proposed revisions to the Wixams Joint Development Control Committee's Terms of Reference

(attached pages 31 to 45)

Should you have any queries regarding the above please contact Democratic Services on
Tel: 0300 300 4040.

Yours sincerely

Helen Bell,
Committee Services Officer
email: helen.bell@centralbedfordshire.gov.uk

Central Bedfordshire Council

COUNCIL

21 July 2016

Extension of Appointment of Independent Persons

Report of Quentin Baker, Monitoring Officer
(quentin.baker@centralbedfordshire.gov.uk)

Maria Damigos
(Maria.Damigos@centralbedfordshire.gov.uk)

This report does not relate to a Key Decision

Purpose of this report

1. To consider the extension of the appointment of the Independent Persons for Central Bedfordshire Council.

RECOMMENDATIONS

Council is asked to approve:

1. A temporary extension of the appointments of the existing Independent Persons for six months on the current terms and conditions pending discussions with neighbouring authorities to explore the potential for the continuance and expansion of the Panel arrangement.
2. That the Monitoring Officer, in consultation with the Chairman or Vice-Chairman of the General Purposes Committee, be authorised to negotiate the terms of the Independent Persons Panel with neighbouring authorities with a view to bringing a proposal back to Council for approval.

2. Overview and Scrutiny Comments/Recommendations

This matter was not referred to Overview and Scrutiny Committee.

3. Legal Background

- 3.1. Chapter 7 of the Localism Act 2011 sets out the duty of a local authority to promote and maintain high standards of conduct by members and co-opted members of the authority.

- 3.2. Section 28 of the Act, on codes of conduct, requires an authority to provide for the appointment of at least one Independent Person whose views will be sought and taken into account in connection with the process for dealing with allegations that members have breached the code.
- 3.3. Section 28 sets out those persons who would not be considered to be independent, who include members, co-opted members and officers of the authority and their relatives and close friends. However, it provides that the person(s) appointed do not cease to be independent as a result of being paid allowances or expenses for performing the duties of the appointment.
- 3.4. Section 28 also sets out the conditions for the process of appointing such persons. These conditions are that:
 - a. the vacancy has been advertised in such manner as the authority considers is likely to bring it to the attention of the public,
 - b. the person has submitted an application to fill the vacancy to the authority, and
 - c. the person's appointment has been approved by a majority of the members of the authority
- 3.5 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 required at least two Independent Persons appointed under section 28 of the Localism Act 2011 to be part of a panel to make recommendations in relation to disciplinary actions against the statutory officers of the Council

4. Local Implementation

- 4.1. At an early stage of implementation of the Localism Act 2011 it was recognised that a joint panel of Independent Persons in collaboration with Bedford Borough, Luton Borough and Milton Keynes Councils and the Fire Authorities for Buckinghamshire and Bedfordshire would provide resilience and allow some sharing of costs.
- 4.2. The advertisement, recruitment, training and payment processes were similarly to be shared amongst the authorities although ultimately Bedford Borough Council did not take part.
- 4.3. On 13 September 2012 Council confirmed the appointment of 10 Independent Persons in accordance with the legislative requirements.

- 4.4. Since then the panel has reduced to 7 Independent Persons but is still considered to be working well in terms of resilience and experience. The term of appointment of the remaining 7 Independent Persons is due to expire in September 2016.

5. Current Issues

- 5.1. Arrangements are needed for Full Council to appoint one or more Independent Persons beyond September 2016. The remuneration of these appointees must also be agreed.
- 5.2. Because independent persons are not members or co-opted members of the Council, their remuneration falls outside the Members' Allowances Scheme, and can be determined without reference to an Independent Remuneration Panel. The current independent persons receive an annual allowance of £300 per Independent Person (shared amongst the collaborating authorities).
- 5.3. In addition each Independent Person has a flat fee of £50 per consultation and their travelling and other expenses reimbursed whenever they consult on a code of conduct or disciplinary issue.
- 5.4. On 24 March 2016 General Purposes Committee was informed that it was possible to reappoint the existing Independent Persons for a further period.
- 5.5. General Purposes Committee were of the view that the arrangement should continue and approved the proposal to do so.
- 5.6. The only legislative requirement is that a majority of members appoint the Independent Person(s). Full Council made the appointments in 2012 for a term of four years to September 2016.

6. Joint Arrangements

- 6.1. The current Independent Persons Panel is used by Milton Keynes and Luton Councils and Bedfordshire and Buckinghamshire Fire Authorities as well as Central Bedfordshire Council.
- 6.2. These arrangements are found to be mutually beneficial both in terms of cost effectiveness and resilience and it is proposed that these arrangements continue and are expanded to include neighbouring authorities where appropriate.
- 6.3. The current 5 authorities are carrying out their own processes to ensure they have Independent Persons after September 2016.
- 6.4. The practical aspects of the continuing joint arrangements will need to be discussed and agreed once the arrangements for each authority are finalised.

7. Extension of Appointments

- 7.1. It is considered that a temporary extension of the current appointments at this stage pending such discussions will ensure the continued Panel or joint arrangements may continue to benefit the Council.
- 7.2. It is therefore proposed that a six month extension is applied in respect of the appointment of:
 - a. John Jones;
 - b. Chris Fogden;
 - c. Vasco Fernandes;
 - d. Christopher Ensor;
 - e. Maureen Briggs;
 - f. John McKay;
 - g. Alexandra di Stefano.
- 7.3. In view of the pressure on Council budgets and the low level of public sector pay increases it is recommended that the extension is on the same terms and conditions as currently.
- 7.4. Once joint arrangements and terms of the Panel have been further explored and discussed with colleagues from neighbouring authorities the matter will be brought back to Council with a view to making longer term appointments extending until September 2020.

8. Council Priorities

- 8.1. Extension of the appointment of the Independent Persons will contribute to the achievement of the following Council priorities:
- 8.2. An efficient and responsive Council

9. Corporate Implications

9.1. Risk Management

Failure to have Independent Persons appointed will result in the processes for dealing with complaints against Councillors being compromised and open the Council to risk of challenge. As regards disciplinary matters there is a mechanism for using Independent Persons appointed by other authorities in this regard.

9.2 Staffing (including Trades Unions)

There are no specific staffing issues arising from this report.

9.3 Legal Implications

None except as stated in this Report.

9.4 Financial Implications

None except as stated in this Report.

9.5 Equalities Implications

Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. These requirements are recognised in the accountability principle of public life and is embedded into the complaints procedure for which the Independent Persons are appointed to support.

Appendices

None

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Central Bedfordshire Council

COUNCIL

Thursday, 21 July 2016

Appointment of the Council's External Auditors following the Expiry of the Current Contract

Report of: Cllr Mike Blair, Chairman of Audit Committee
(mike.blair@centralbedfordshire.gov.uk)

Advising Officers: Charles Warboys, Chief Finance Officer
(charles.warboys@centralbedfordshire.gov.uk)

Kathy Riches, Head of Internal Audit and Risk
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Leslie Manning
(leslie.manning@centralbedfordshire.gov.uk)

Purpose of this report

This report outlines the discussion held at the Audit Committee on 27 June 2016 on changes to the arrangements for appointing external auditors following the closure of the Audit Commission and the end of the transitional arrangements at the conclusion of the 2017/18 audits. The options available for arranging the first appointment of an external auditor by 31 December 2017 are set out and the Council's approval of the Audit Committee's preferred approach is sought.

Schedule 3, paragraph 1 of the Local Audit and Accountability Act 2014 states that full Council is required to appoint the new external auditor. At this point, the Audit Committee is recommending to full Council a preferred approach for adoption. However, the preferred approach is subject to any final decision being made by full Council at a future meeting.

RECOMMENDATIONS

Council is asked to:

1. Approve the Audit Committee's preferred approach of opting in to a procurement of external audit services through a Sector Led Body;
2. Note that officers will notify the Local Government Association of the decision taken;

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| <p>3 Note that any recommendation on the final approach to be taken on this matter will be submitted to full Council for approval at a later date.</p> |
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Overview and Scrutiny Comments/Recommendations

1. The report has not been considered by Overview and Scrutiny because, under its existing terms of reference, the Audit Committee has general responsibilities regarding the work and appointment of the Council's external auditor.

Background

2. On 27 June 2016 the Audit Committee considered a report which explained how the Local Audit and Accountability Act 2014 brought to a close the Audit Commission and established transitional arrangements for the appointment of external auditors and the setting of audit fees for all local government and NHS bodies in England. On 5 October 2015 the Secretary of State for Communities and Local Government determined that the transitional arrangements for local government bodies would be extended by one year to also include the audit of the accounts for 2017/18.
3. Members were aware that the Council's current external auditor was Ernst and Young LLP, this appointment having been made under a contract let by the Audit Commission. Following the closure of the Audit Commission the contract was managed by Public Sector Audit Appointments Limited, the transitional body set up by the Local Government Association (LGA) with delegated authority from the Secretary of State.
4. The Audit Committee was advised that when the current transitional arrangements came to an end on 31 March 2018 the Council would be able to move to the local appointment of its external auditor. There were a number of options by which this could be achieved, each with varying risks and opportunities. The three broad options are set out in paragraph 6 below. In addition the Committee noted that the current fees charged by external auditors were based on discounted rates offered by the firms in return for substantial market share. When the contracts were last negotiated nationally by the Audit Commission they covered NHS and local government bodies and offered maximum economies of scale. The meeting was advised that the LGA believed the fees would rise after the current contracts ended.
5. The Audit Committee noted that the scope of the audit would still be specified nationally, the National Audit Office (NAO) being responsible for writing the Code of Audit Practice which all firms appointed to carry out the Council's audit must follow. Not all accounting firms would be eligible to compete for the work: they would need to demonstrate that

they have the required skills and experience and be registered with a Registered Supervising Body approved by the Financial Reporting Council. The registration process had not yet commenced and so the number of firms was not known but it was expected that the list of eligible firms may include the top 10 or 12 firms in the country, including the Council's current auditor. It was unlikely that small local independent firms would meet the eligibility criteria.

The Options Available

6. There were three broad options open to the Council under the Local Audit and Accountability Act 2014 (the Act):

Option 1 To make a stand-alone appointment

In order to make a stand-alone appointment the Council would need to set up an Auditor Panel. The members of the panel must be wholly or a majority independent members as defined by the Act. Independent members for this purpose are independent appointees. This excludes current and former elected Members (or officers) and their close families and friends. This means that elected Members will not have a majority input to assessing bids and choosing which firm of accountants to award a contract for the Council's external audit. A new independent auditor panel established by the Council will be responsible for selecting the auditor.

Advantages/benefit

- a Setting up an auditor panel allows the Council to take maximum advantage of the new local appointment regime and have local input to the decision.

Disadvantages/risks

- b Recruitment and servicing of the Auditor Panel, running the bidding exercise and negotiating the contract is estimated by the LGA to cost in the order of £15,000 plus on going expenses and allowances.
- c The Council will not be able to take advantage of reduced fees that may be available through joint or national procurement contracts, and is therefore likely to end up paying significantly higher fees.
- d The assessment of bids and decision on awarding contracts will be taken by independent appointees and not solely by elected Members.

Option 2 Set up a Joint Auditor Panel/local joint procurement arrangements

The Act enables the Council to join with other authorities to establish a joint auditor panel. Again this will need to be constituted of wholly or a majority of independent appointees. Further legal advice will be required on the exact constitution of such a panel having regard to the obligations of each Council under the Act and the Council need to liaise with other local authorities to assess the appetite for such an arrangement.

Advantages/benefits

- a The costs of setting up the panel, running the bidding exercise and negotiating the contract will be shared across a number of authorities.
- b There is greater opportunity for negotiating some economies of scale by being able to offer a larger combined contract value to the firms.

Disadvantages/risks

- c The decision making body will be further removed from local input, with potentially no input from elected Members where a wholly independent auditor panel is used or possibly only one elected Member representing each Council, depending on the constitution agreed with the other bodies involved.
- d The choice of auditor could be complicated where individual Councils have independence issues. An independence issue occurs where the auditor has recently or is currently carrying out work such as consultancy or advisory work for the Council. Where this occurs some auditors may be prevented from being appointed by the terms of their professional standards. There is a risk that if the joint auditor panel choose a firm that is conflicted for this Council then the Council may still need to make a separate appointment with all the attendant costs and loss of economies possible through joint procurement.
- e Even if the Council joins with one or more other local authorities, it will still not be able to offer the scale of appointment that would be available on a nation wide process. It would therefore be likely to incur higher fees than under option 3 below.

Option 3 Opt-in to a sector led body

In response to the consultation on the new arrangement the LGA had successfully lobbied for Councils to be able to 'opt-in' to a Sector Led Body (SLB) appointed by the Secretary of State under the Act. An SLB would have the ability to negotiate contracts with the firms nationally, maximising the opportunities for the most economic and efficient approach to procurement of external audit on behalf of the whole sector. At this stage, the length of such contracts has yet to be determined. However, the audit contracts between the SLB and the audit firms will require firms to deliver audits compliant with the NAO Code of Audit Practice.

Advantages/benefits

- a The costs of setting up the appointment arrangements and negotiating fees would be shared across all opt-in authorities, thus minimising the cost to each individual authority.
- b By offering large contract values the firms would be able to offer better rates and lower fees than are likely to result from local negotiation.
- c Any conflicts at individual authorities would be managed by the SLB who would have a number of contracted firms to call upon.
- d The appointment process would not be ceded to locally appointed independent members. Instead a separate body set up to act in the collective interests of the 'opt-in' authorities. The LGA are considering setting up such a body utilising the knowledge and experience acquired through the setting up of the transitional arrangements.

Disadvantages/risks

- e Individual elected Members will have less opportunity for direct involvement in the appointment process other than through the LGA and/or stakeholder representative groups.
 - f In order for the SLB to be viable and to be placed in the strongest possible negotiating position the SLB will need Councils to indicate their intention to opt-in before final contract prices are known.
7. The Committee noted that the LGA were working on developing an SLB. In a recent survey, 58% of respondents had expressed an interest in this option. The greatest economies of scale would come from the maximum number of councils acting collectively and opting-in to a SLB.
8. It was the recommendation of the officers that option 3 should be adopted and this was the option subsequently approved by the Audit Committee. In order to strengthen the LGA's negotiating position and

enable it to more accurately evaluate the offering the Council is therefore asked to approve the Committee's approved approach of opting in to a SLB. However, a formal decision on whether or not to definitely opt-in will be required at a later stage.

Reason/s for decision

9. The Council has until December 2017 to make an appointment. In practical terms this means one of the options outlined above will need to be in place by spring 2017 in order that the contract negotiation process can be carried out during 2017.

Council Priorities

10. This report does not directly support the Council's priorities but meets the requirements of the Local Audit and Accountability Act 2014.

Corporate Implications

Legal Implications

11. Section 7 of the Local Audit and Accountability Act 2014 (the Act) requires a relevant authority to appoint a local auditor to audit its accounts for a financial year not later than 31 December in the preceding year. Section 8 governs the procedure for appointment including that the authority must consult and take account of the advice of its auditor panel on the selection and appointment of a local auditor. Section 8 and Schedule 3 provides that where a relevant authority is a local authority operating executive arrangements, the function of appointing a local auditor to audit its accounts is not the responsibility of an executive of the authority under those arrangements;
12. Section 12 makes provision for the failure to appoint a local auditor: the authority must immediately inform the Secretary of State, who may direct the authority to appoint the auditor named in the direction or appoint a local auditor on behalf of the authority.
13. Section 17 gives the Secretary of State the power to make regulations in relation to an 'appointing person' specified by the Secretary of State. This power has been exercised in the Local Audit (Appointing Person) Regulations 2015 (SI 192) and this gives the Secretary of State the ability to enable a Sector Led Body to become the appointing person.

Financial and Risk Implications

14. The LGA considers that current external fees levels are likely to increase when the current contracts end in 2018.
15. The cost of establishing a local or joint Auditor Panel outlined in options 1 and 2 above will include:

- the cost of recruiting independent appointees (members),
- servicing the Panel,
- running a bidding and tender evaluation process,
- letting a contract and
- paying Panel members' fees and allowances.

These costs are not currently reflected within the Council's budget.

16. Opting-in to a national SLB provides maximum opportunity to limit the extent of any increases by entering in to a large scale collective procurement arrangements and would remove the costs of establishing an auditor panel.

Equalities Implications

17. None directly from this report.

Risk Management

18. There is no immediate risk to the Council; however, early consideration by the Council of its preferred approach will enable detailed planning to take place so as to achieve successful transition to the new arrangement in a timely and efficient manner.
19. Providing the LGA with a realistic assessment of the Council's likely way forward will enable the LGA to invest in developing appropriate arrangements to support the Council.

Conclusion and next Steps

20. The Council will need to take action to implement new arrangements for the appointment of an external auditor from April 2018. The Council has been asked by the LGA for an indication of the preferred approach in order that it can invest resources in providing appropriate support to Councils. The LGA is strongly supportive of the SLB approach as it believes this offers best value to councils by reducing set-up costs and having to potential to negotiate lowest fees.

Appendices

None

Background Papers

None

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Central Bedfordshire Council

Council

21 July 2016

AMENDMENTS TO THE COUNCIL'S CONSTITUTION

Report of: Cllr Mrs Jane Lawrence
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Advising Officers: Quentin Baker, Monitoring Officer and Solicitor to the Council
(quentin.baker@centralbedfordshire.gov.uk)

Maria Damigos, Senior Corporate Lawyer
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Leslie Manning, Committee Services Officer
(leslie.manning@centralbedfordshire.gov.uk)

Purpose of this report

1. This report sets out proposed changes to the Council's Constitution which were considered at the General Purposes Committee on 30 June 2016 and subsequently recommended to Council for approval. The proposed changes form part of the ongoing review and updating of the Constitution which is necessary to ensure its accuracy, clarity and fitness for purpose. Council is also asked to note the changes to the Procurement Procedure Rules which will arise if the changes to the Constitution are approved.

RECOMMENDATIONS

Council is asked to:

1. approve and adopt the changes to the Constitution set out below and detailed at Appendix A;
2. approve the ordering and formatting of the Constitution in the standard form;
3. authorise the Monitoring Officer to implement the changes and take any steps consequential, incidental or necessary to bring them into effect;
4. note the proposed amendments to the Procurement Procedure Rules set out at Appendix B.

Overview and Scrutiny Comments/Recommendations

1. This report has not been considered by Overview and Scrutiny because it concerns changes to the Constitution, which the General Purposes Committee has oversight of, rather than a decision being made pursuant to a specific function of the Council.

Executive Summary

2. The process of updating the Constitution is ongoing throughout the year due to the emergence of new legislation or awareness of previously unrecognised operational issues. However, at least once every 12 months the Monitoring Officer undertakes a focussed review of the Constitution to pick up any key issues that have emerged over the preceding months.
3. The key issues highlighted for review in this annual review have been those relating to the processes followed when considering proposals involving collaborative or joint working or procurement with external bodies such as other local authorities and health bodies.
4. A second specific area of focus was that of the provisions relating to Overview and Scrutiny and in particular, the mechanism by which matters are referred for consideration. However, the recommendation made to the General Purposes Committee, and accepted by Members, was to leave this unchanged and deal with any matters through issuing greater clarity and additional advice and guidance to report writers by Democratic Services.

Ongoing Maintenance, Review and Updating

5. Due to the dynamic nature of the legislation relating to local authority functions the wording of the Constitution needs to be reviewed on a regular basis to ensure it remains up to date and fit for purpose.
6. Part A5 of the CBC Constitution makes provision for the review and updating of the Constitution. The provisions require that the Monitoring Officer shall have responsibility for the oversight of this process and in particular requires the following:-
 - 1.1 *The Monitoring Officer will monitor and review the operation of the constitution to ensure that the aims and principles of the constitution are given full effect, and will report to the General Purposes Committee.*
7. This generally consists of an annual review by the Monitoring Officer with minor and consequential amendments being made as necessary throughout the year to keep up to date with legislative and policy changes.

8. The General Purposes Committee noted that most changes to the Constitution would require a decision by full Council, on the advice of the Committee, with the exception of those relating to Executive Delegations or those imposed by operation of law.
9. However, due to the fact that there are numerous changes to legislation and other requirements for minor amendments, Part A5 of the Constitution also contains a delegation to the Monitoring Officer to make minor changes to the Constitution at any time where they result from changes in legislation, correcting of errors or general updating. Any such changes must be publicised on the Council's website.
10. It should be noted that over the last 12 months there have been a number of amendments made under this delegated authority hence many of the minor changes are not included within the scope this report.
11. In respect of the above delegated authority for minor and consequential amendments it is proposed to add the requirement that a schedule of any such changes is presented at each meeting of the General Purposes Committee (section 2 of Appendix A to the report refers).

Process of Review

12. In undertaking the review consultation with Directors took place together with a review of relevant legislation. In addition, helpful comments and suggestions were received from Members.
13. The review was also informed by consideration of recommendations made by external bodies which have had cause to comment on the Council's processes or governance structures.
14. In respect of future annual reviews it is proposed to introduce a more structured and formal process of consultation engaging with all senior officers, elected Members and key stake holders.

Proposed Amendments & Additions

15. The proposed amended wording is set out in a schedule in Appendix A to this report. Where there are amendments these are shown as tracked changes. Where the wording is entirely new it is set out with an accompanying note to that effect.
16. The proposed changes can be divided broadly in to two main categories:-

Those arising from legislative change

17. There are a number of areas which have seen legislation re-enacted or amended and whilst these do not result in any practical changes to the statutory obligations and responsibilities of the Council in some cases it is necessary or helpful to reflect any such changes in the Constitution as this aids understanding and applicability of its provisions.
18. These changes are set out in section 1 of Appendix A to this report and the key changes refer to the following:-
 - i) Express confirmation of the right of the public to film and record meetings open to the public. (Openness of Local Government Bodies Regulations 2014)
 - ii) Inclusion of delegation of functions under the Health and Social Care Act 2012.
19. The General Purposes Committee noted that any other minor amendments necessary due to legislative re-enactments would be made under the Monitoring Officer's delegated powers and reported to that Committee as and when necessary.

Those which are intended to improve the process or function of the Council's Constitution, i.e. improving its 'fitness for purpose'.

Clarification as to the Arrangements for Establishing Shared Services or Partnership Working:

20. These changes are set out in section 2 of Appendix A to this report and refer to the following key areas:-
 - i) the increasing numbers and scale of shared or collaborative service provision between organisations within the public sector
 - ii) the increasing extent and complexity of partnership working between organisations within the public and not for profit sector.
21. The shared and collaborative service provision may, in some cases, raise questions of procurement law and practice due to the developing legal framework underlying these arrangements, much of which originated from the European Commission and Court of Justice. As such, this is an area where it is especially important that appropriate legal and procurement advice and guidance should be utilised.
22. In addition, shared or collaborative arrangements between public bodies and in support of public functions, or what has been described by the European Court of Justice as 'inter municipal collaboration', are considered to be exempt from the normal framework of procurement regulations.

23. However, notwithstanding this exemption it is recognised that on general principles of public law and good governance it is necessary for any participating public body to be able to demonstrate fairness and objectively justify its decision to enter into any collaborative arrangements by reference to supporting evidence or analysis.
24. In light of the above Part I3 has been amended to strengthen and emphasise these considerations. Nonetheless, the Committee felt that an additional paragraph should be added requiring any partnership to have a formal mechanism and structure of governance set out in a written document. The Monitoring Officer stressed that paragraph 6.4 was not a template but a list of guiding principles. At the request of Members he then outlined the operational arrangements of LGSS Law Ltd as an illustration of how such organisations could work. In response to a further query he also explained how, in drawing up the proposed changes, he had focused on the recent guidance issued by the Council's external auditor (Ernst & Young LLP) and followed their recommendations closely.
25. The Council's Procurement Procedure Rules, which are maintained by the Procurement Team itself as opposed to being a part of the Constitution, will also need to be updated to reflect the proposed changes in the Constitution.
26. As the proposed changes strengthen the decision making process around shared or collaborative arrangements and ensure the Procurement Procedure Rules are aligned to the principles contained in the Constitution the Committee noted the proposals which would be updated subject to the proposed changes to the Constitution being approved by Council.
27. The proposed changes to the Procurement Rules are detailed in Appendix B to this report.

The Governance of Partnerships and Partnership Working:

28. These changes are set out in section 2 of Appendix A to the report. The General Purposes Committee noted that Part J3 of the Constitution contains a comprehensive set of guiding principles and specific guidance on this matter. The key issues are:-
 - Clarity of Purpose – I.e. what's the purpose of the partnership?
 - Clarity as to the status of the partnership – is it an entity in its own right?
 - Clarity as to the scope of any powers delegated to the partnership
 - Clarity of governance – Who controls/influences the partnership and how do they exercise this control/influence?

29. Apart from the addition of a small section on local authority owned companies it was felt that the existing wording flagged all the issues that should be considered by officers when entering into partnerships of all kinds.

Statutory Officers

30. The current grievance procedures specifically exclude the statutory officers and state that the procedure is outlined within the Constitution. However, currently there is no reference to that effect within the Constitution and accordingly the amendments outlined in Appendix A to the report are proposed.

Layout and Structure of Constitution

31. In addition to the above, although the content of Central Bedfordshire Council's Constitution shares much in common with that of other councils the layout and structure of the document departs from the model version followed by the vast majority of councils. Whilst this doesn't present any technical problems it is considered that consistency of lay out would be beneficial and so authority is sought for the Monitoring Officer to order and format the Constitution in the standard form.

Council Priorities

32. The effectiveness of the Council's Constitution contributes to the achievement of all the Council's priorities.

Corporate Implications

Legal Implications

33. The Constitution should be maintained in an up-to-date state and the action taken complies with this duty.

Financial and Risk Implications

34. It is important that the Council has in place an effective Constitution. The main risk to the Council of a failure to do so is a challenge to decision making.

Equalities Implications

35. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex

and sexual orientation. Amendments to the Constitution have been considered in light of this statutory duty.

Conclusion and next Steps

36. To update the Constitution as appropriate once approved by Council. The reordered Constitution to then be submitted to a suitable meeting of the General Purposes Committee for consideration.

Appendices

The following Appendices are attached:

Appendix A – Detail of proposed amendments to Constitution.

Appendix B – Detail of proposed amendments to Procurement Procedure Rules

Background Papers

None

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APPENDIX A

Proposed Amendments and Additions

Section 1 - Updates Necessitated due to Legislative Change

Part A2 – Purpose of the Constitution

1.1 The constitution is made under Section ~~9P37~~ of the Local Government Act 2000. The purpose of the constitution is to provide a framework of rules governing the way in which the Council exercises its functions and takes decisions. The Council is required to maintain an up to date constitution.

Part A4 – Citizens and the Council

Suggested new paragraph Part A4 paragraph 3.3 to take account of statutory right to film and record council meetings.

Para 3. Information

Citizens have the right to:-

3.3 film, photograph, record or report on any public meeting in accordance with legislation with the exception of any meeting or part of a meeting which is being held in private because confidential or exempt information is being discussed and an appropriate resolution to that effect has been passed.

[see Openness of Local Government Bodies Regulations 2014]

H1 – Proper Officer

Paragraph 3.1 Table of Proper Officers

12.	S.212A-S.9FB Local Government Act 2000	Scrutiny Officer	Director of Improvement and Corporate Services
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Paragraph 4.4 Table of Proper Officer Appointments

17	The Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2000 Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012	Regs 3 and 4 12 and 13	Recording of collective executive decisions	Monitoring Officer
18		Regs 5, 6, 9 and 11 14 and 15	Compilation and availability of background papers, agenda and connected reports in relation to executive decisions	Monitoring Officer
19		Regs 12 and 15 10	Publicity in connection with the forward plan and giving notice etc. in cases of urgency	Monitoring Officer
20		Reg 17 16	Rights of access to documents for councillors	Monitoring Officer

Receipt and recording of Members' interests is now required under Sections 29 and 30 Localism Act 2011 by the Monitoring Officer rather than proper officer under S.96(2) of the Local Government Act 1972 therefore remove row 29 and renumber.

H3 - Delegations

Paragraph 4.7 – Director of Public Health

Further powers and functions contained in the Health and Social Care Act 2012

4.7.4 To exercise such other functions relating to public health as prescribed under the Health and Social Care Act 2012 and as may be prescribed by the Secretary of State, including those functions under the Licensing Act 2003 that are prescribed by the NHS Bodies and Local Authorities (partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012

Section 2 – Fitness of Purpose

Amendment to reporting requirement for MO when exercising delegated authority to amend the constitution.

Part A5 Paragraph 2.3

2.3 The Monitoring Officer shall make urgent amendments to give effect to any decision of the Council or changes in the law, and minor amendments such as to correct errors or to ensure that the constitution is up-to-date. Any such changes will be published on the Council's website on a quarterly basis and report to the next scheduled meeting of GPC.

Clarification of Process for Assessing Shared and Collaborative Arrangements

Part I3 – Code of Procurement Governance

New paragraph 6:

- 6. Processes for the Assessment and Implementation of Shared Service or Collaborative.**
 - 6.1 Inter-municipal collaboration or shared services, is an increasingly prevalent form of service provision within the public sector due to the potential for costs efficiencies to be derived from economies of scale and the relative flexibility they enable in establishing such arrangements. These arrangements are in many cases exempt from the procurement regulatory regime and as such not subject to the formal requirements of tendering etc.*
 - 6.2 However, it is essential that any proposed shared service arrangement is subject to open and rigorous challenge to establish the business case rationale for proceeding with such an arrangement as an alternative to pursuing a standard outsourcing procurement route or retaining in-house provision. The use of shared services is unlikely to be popular with private sector providers who view these arrangements as negatively impacting upon the market for service provision and as such the potential for challenge is a real possibility.*
 - 6.3 The precise design of the selection processes will vary depending upon the nature of the arrangement and it is essential that appropriate professional advice is obtained in relation to the Legal, Procurement and Financial aspects of the arrangement.*

6.4 *In some cases, a competitive selection process may be appropriate but in all cases it is essential that the Council acts in accordance with general public law principles and good governance and the following list is intended as a guide in how to approach the assessment of such proposals.*

- *Ensure that all aspects of the process, including decision making and supporting evidence, are fully documented and available for audit purposes.*
- *Preparation of a business case is an essential element of this type of assessment.*
- *An options analysis should also be completed and signed off by a Director and elected members.*
- *Obtain legal, procurement and finance advice at an early stage in developing any shared service proposal.*
- *Ensure that processes followed in the selection or assessment of any proposal are objectively fair and reasonable.*

6.5 *Following the above general principles should avoid any sustainable challenges being brought and ensure that any decision making as to the appropriateness of any such arrangement is robust and objectively justifiable on the basis of financial and service benefits for the Council and its residents.*

6.6 *Any partnership shall be required to have a formal mechanism and structure of governance set out in a written document.*

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Governance of Partnerships

Part J3 – Partnerships Protocol

Additional wording for Part J3, Paragraph 1.5.3

1.5.3 *Private Sector Partnerships: Private companies, either in their own right or as part of a public sector partnership entering into a contract with the Council for a considerable period.*

1.5.4 *Public Sector Partnerships through jointly owned companies: These arrangements are becoming more common due to the advantages of using a separate legal vehicle as a basis for shared service delivery. Governance arrangements must be established in order that the Council is able to properly monitor the performance of the company and to exercise control and influence through its ownership rights such as share voting rights.*

Scheme of Delegation – Clarification

Part H3 – Scheme of Delegation

Paragraph 4.2.14 - Clarify delegations to Monitoring Officer by listing within a separate paragraph.

Terms of Reference – Committee Delegation

Part E2 – Paragraph 5.1.9

Clarification of extent of delegation to the General Purposes Committee.

*5.1.9 Oversight of the Council's constitution, including approving, **for recommendation on to Full Council**, any changes that may be required on the advice of the Monitoring Officer;*

Update re Statutory Officers

Part H4 – Officer Employment Procedure Rules

Suggested amendments to paragraph 5 to include reference to grievances.

5. Grievances and Disciplinary Action

5.1 Any grievance involving the Head of Paid Service, Monitoring Officer or Chief Finance Officer will be conducted in accordance with the relevant contractual provisions.

*5.12 **Suspension.** The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.*

5.23 Councillors will not be involved in any disciplinary action against any officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to members in respect of disciplinary action.

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APPENDIX B

Proposed Amendments to the Procurement Procedure Rules

Replacement Section 2.1

2.1 Shared Service and Partnership Working

2.1.1 The way in which councils and other public bodies make arrangements for the provision of services within their remit has changed over the years and continues to change apace. Two key areas of change have been:

- the increasing number and scale of shared or collaborative service provisions between organisations within the public sector and secondly,
- the increasing extent and complexity of partnership working between organisations within the public and not for profit sector.

The Council's Constitution addresses the governance requirements in two sections: Part I3 the Code of Procurement Governance and J3, the Partnerships Protocol.

2.1.2 Shared and collaborative service provisions may in some cases raise questions of procurement law and practice due to the developing legal framework underlying these arrangements, much of which has originated from the European Commission and Court of Justice. As such, this is an area where it is especially important that appropriate legal, procurement and finance advice and guidance is sought as each requirement may be very different. What follows is general advice and guidance.

Processes for the Assessment and Implementation of Shared Service or Partnership Working.

2.1.4 Inter-municipal collaboration or shared services in support of public functions, is an increasingly prevalent form of service provision within the public sector due to the potential for costs efficiencies to be derived from economies of scale and the relative flexibility they enable in establishing such arrangements. These arrangements are in many cases exempt from the procurement regulatory regime and as such not subject to the formal requirements of tendering.

2.1.5 However, it is essential that any proposed shared service arrangement is subject to open and rigorous challenge to establish the business case rationale for proceeding with such an arrangement as an alternative to pursuing a standard outsourcing procurement route or retaining in-house provision. The use of shared services is unlikely to be popular with private sector providers who view these arrangements as negatively

impacting upon the market for service provision and as such the potential for challenge is a real possibility.

2.1.6 The precise design of the selection processes will vary depending upon the nature of the arrangement and it is essential that appropriate professional advice is obtained in relation to the Legal, Procurement and Financial aspects of the arrangement.

2.1.7 In some cases, a competitive selection process may be appropriate but in all cases it is essential that the Council acts in accordance with general public law principles and good governance and the following list is intended as a guide in how to approach the assessment of such proposals.

- Ensure that all aspects of the process, including decision making and supporting evidence, are fully documented and available for audit purposes.
- Preparation of a business case is an essential element of this type of assessment.
- An options analysis should also be completed and signed off by a Director and elected members.
- Obtain legal, procurement and finance advice at an early stage in developing any shared service proposal.
- Ensure that processes followed in the selection or assessment of any proposal are objectively fair and reasonable.

2.1.8 Following the above general principles should avoid any sustainable challenges being brought and ensure that any decision making as to the appropriateness of any such arrangement is robust and objectively justifiable on the basis of financial and service benefits for the Council and its residents.

Central Bedfordshire Council

Council

21 July 2016

Proposed Revisions to Terms of Reference and Standing Orders for the Wixams Joint Development Control Committee

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Purpose of this report

1. To consider the recommendations proposed by the General Purposes Committee on 30 June 2016 to amend the Terms of Reference and Standing Orders relating to the Wixams Joint Development Control Committee; and to include the Standing Orders of the Joint Committee in Central Bedfordshire Council's constitution for ease of reference.

RECOMMENDATIONS

:

1. that the proposed revisions to Part J2 of the Council's Constitution, comprising the Terms of Reference of the Wixams Joint Development Control Committee, as reproduced at Appendix A to this report, be approved;
2. that the full Standing Orders of the Wixam's Joint Development Committee, including the Scheme of Public Participation, be set out in the Council's Constitution, as shown at Appendix A to this report.

Background

1. The General Purposes Committee was advised that at its meeting on 21 October 2015, Members of the Wixams Joint Development Control Committee acknowledged that there was scope for reducing the type of

matters brought before the Committee for determination and increasing those which could be delegated to the officers at Bedford Borough Council and Central Bedfordshire Council. Subsequently, a report setting out proposed revisions to the Committee's Terms of Reference and Standing Orders was submitted to the Wixams Joint Development Control Committee (Wixams JDCC) on 15 March 2016 for consideration. The revisions were agreed by the Wixams JDCC and recommended to the General Purposes Committees of both Councils for approval.

2. The proposed revisions, recommended by General Purposes Committee at its meeting on 30 June 2016, are set out as tracked changes in the relevant section of Part J2 (Joint Arrangements) of Central Bedfordshire Council's Constitution, attached at **Appendix A**. The unabridged Standing Orders for the Joint Committee are also set out within Appendix A, shown as tracked changes, for the sake of transparency and ease of reference.
3. The General Purposes Committee acknowledged that the proposed revisions would provide clarification and certainty as to which types of planning application must be considered and determined by the Wixams JDCC and which may be determined by Officers using delegated powers. The proposed revisions also provide updated guidance, reflecting the formation of Central Bedfordshire Council and its location at offices in Chicksands.
4. The General Purposes Committee noted the implications of the rider following proposed revised Standing Order 14 which states "All other relevant parts of the scheme of delegation to authorised officers of Bedford Borough Council and Central Bedfordshire Council are deemed to apply in respect of planning applications considered by the Joint Committee" which included:
 - a. that the provision to enable ward Members to call-in delegated matters for determination by the Joint Committee applies, as set out in Part H3 paragraph 4.4.21 of Central Bedfordshire Council's constitution, and Planning Committee Scheme of Delegations to Officers, Delegations to the Assistant Director Planning, Planning Services Group Delegation, Schedule 3 paragraph (2) and the paragraph which follows, of Bedford Borough Council's constitution.

Consultation with Bedford Borough Council

5. Prior to the meeting of General Purposes Committee, consultation had been undertaken with the Bedford Borough Council Co-Chair of Wixams JDCC, Cllr Will Hunt, together with the Borough's Assistant Director of Planning and also the Borough's Monitoring Officer. No objections to the proposals had been received other than a request that the provision to require the Chairman of Bedford Borough Council's Planning Committee to be a member of Wixams JDCC should not be mandatory.

6. The proposal before Council has therefore been amended with the word “normally” (see Appendix A attached, Standing Order 2 refers).

Council Priorities

7. Updating the Wixams JDCC Terms of Reference contributes to the Council’s priority of being ‘a more efficient and responsive Council’.

Corporate Implications

Legal Implications

8. There are no legal implications to the revisions.

Financial and Risk Implications

9. There are no financial and risk implications.

Equalities Implications

10. No equality issues have been identified.

Implications for Work Programming

11. There are work programming implications for the overview and scrutiny function.

Conclusion and next Steps

12. Bedford Borough Council will be advised of full Council’s decisions in relation to the Wixams JDCC terms of reference. A report will then be taken through Bedford Borough Council’s governance processes, to ensure that the same provisions for the Joint Committee are in place for both Councils.

Appendices

The following Appendix is attached: -

Appendix A - Revised Terms of Reference, including Standing Orders, for Wixams Joint Development Control Committee - Part J2 (Joint Arrangements) of the Council’s Constitution

Background Papers

13. The following background papers, not previously available to the public, were taken into account and are available on the Council’s website: None

None

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**Wixams Joint Development
Control Committee (with
Bedford Borough Council)**

1. To exercise the development control powers and duties of the Bedford Borough and Central Bedfordshire Councils under the Town and Country Planning legislation in relation to the Wixams (Elstow New Settlement) (the area as defined in the Planning and Development brief) (figure 2) as specified below:-
2. Determination of: -
 - 2.1 Outline planning applications for development relating to the settlement.
 - 2.2 Full/reserved matter* applications for sites that straddle the boundaries of the constituent Authorities.

**reserved matters relating to the original outline planning permissions (reference CB/11/02182/VOC & 11/01380/M73) comprise any applications for approval of reserved matters for Sub Areas, Strategic Infrastructure Works and Strategic Landscaping Applications.*
3. The heads of terms of any joint legal agreements relating to the proposed development.
4. Any other planning issues/applications relating to the development of the settlement as may be referred to the Joint Committee from time to time from either Authority in respect of their own area.
5. All other matters as set out in Standing Order 14 below will be dealt with in accordance with that delegation.
6. Membership:
 - 9 Central Bedfordshire councillors
 - 9 Bedford Borough councillors
 - See Standing Orders 2 and 12 below in respect of composition of the Joint Committee and substitutes
7. Full terms of reference are set out below.

Standing Orders of the Wixams Joint Development Control Committee

NB: These were not previously included in the Constitution but for the sake of

transparency and ease of reference, are proposed for inclusion now and are set out below.

Standing Order 1 - Meetings

Ordinary Meetings

- i. Ordinary meetings of the Joint Committee will take place on such days, and at such times and frequencies, as the Joint Committee may agree.

Special Meetings

- ii. A special meeting of the Joint Committee may be called at any time by its Co-Chairs.

Summons and Agenda

- iii. A summons and full agenda will be provided to each member of the Joint Committee at least five clear days before the meeting.

Items of Business

- iv. Only items of business appearing on the agenda will be considered at a meeting, unless an item is deemed by the Co-Chair presiding at the meeting to be urgent.

Place of Meeting

- v. Meetings of the Joint Committee will rotate between Bedford and Chicksands, Shefford.

Standing Order 2 – Size of Joint Committee

The Joint Committee will comprise 18 Councillors, that is 9 representing Bedford Borough Council and 9 representing Central Bedfordshire Council. The Chairman of each Council's Development Management Committee or Planning Committee shall normally be included in the membership. Up to 4 named substitutes may also be appointed by each authority. Each Council shall appoint its Members to the Joint Committee in accordance with the requirements of Section 15 of the Local Government and Housing Act 1989.

Standing Order 3 – Chairing of Meetings

- i. The Joint Committee shall at the first meeting after the four-yearly election of its constituent councils elect as Co-Chairs of the Joint Committee, one member of each of the constituent authorities, which shall normally be the Chairman of the Development Management Committee and the Planning Committee, respectively

- ii. Each meeting of the Joint Committee shall be chaired by the Co-Chair of the authority hosting the meeting, save that in the absence from a meeting of any one of the Co-Chairs, the other Co-Chair shall preside.
- iii. In the absence of both Co-Chairs, the Joint Committee shall elect a person from among their number to preside at the meeting.
- iv. The person presiding shall be entitled to a second or casting vote where there is an equality of any votes on the matter.

Standing Order 4 – Quorum

- i. The quorum at a meeting is one quarter of the Joint Committee’s membership. If the meeting lacks a quorum at any stage, its business shall be adjourned to an agreed date and time or to the next ordinary meeting.

Standing Order 5 – Decisions and recommendations

- i. Minutes of the proceedings of meetings of the Joint Committee shall be recorded formally and signed at the next meeting by the person presiding.
- ii. No discussions shall take place on the minutes except where their accuracy is challenged by a motion before they are signed.
- iii. The Joint Committee shall have full delegated powers to act within its Terms of Reference. If it wishes to make a recommendation on any matter, this will be placed before the Council of each of the two local authorities for a decision.

Standing Order 6 – Rights of non-members of the Joint Committee

- i. Every Member of each of the two constituent councils shall have the right to attend meetings of the Joint Committee. Such a Member will be entitled to speak once on any item and may, with the consent of the person presiding, contribute further, but shall not vote.

Standing Order 7 – Public participation

- i. Public participation in meetings of the Joint Committee shall operate on the basis of the scheme set out in Appendix A to these Standing Orders.

Standing Order 8 – Rules of Debate

Motions and Amendments

- i. A motion or amendment may only be discussed if it has been proposed and seconded and, if required by the person presiding, put into writing.

Amendments

- ii. An amendment must be relevant to the motion and shall be either:
 - (a) to leave out words
 - (b) to leave out words and insert or add others
 - (c) to insert or add words.but no amendment may be moved which shall have the same effect as voting against the motion.
- iii. Only one amendment may be moved or discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of. However the person presiding may permit two or more amendments to be discussed (but not voted on) together if s/he considers that this would be a convenient way to proceed.
- iv. If an amendment is lost then other amendments may be moved upon the original motion. If an amendment is carried, then further amendments may be moved to the revised motion.

Alteration or withdrawal of a motion

- v. With the consent of the person presiding, a Member may alter or withdraw a motions/he has moved.

Right of reply

- vi. The proposer of a motion has a right of reply at the close of the debate on a motion or upon amendment to their motion immediately before either is put to the vote. The mover of an amendment also has a right of reply. Neither reply should exceed one minute in length.

Standing Order 9 – Admission to meetings

- i. Meetings of the Joint Committee shall be open to the public and the press unless the statutory powers of exclusion have been exercised.

Standing Order 10 – Interest of Members in contracts and other matters

Financial interest

- i. If any Member has any financial interest, direct or indirect, within the meaning of Section 95 of the Local Government Act 1972 (as amended) in any matter, he/she will withdraw from the meeting while the matter is under consideration unless:-
 - (a) The disability to discuss that matter has been removed by the

Secretary of State; or

- (b) The Joint Committee invite him or her to remain.

Non-financial interest

- ii. Any Member who has a personal, non-financial interest in any matter must promptly disclose that interest but may remain, speak and vote unless the interest is clear and substantial, in which case the Member must withdraw (subject to paragraph iii below) .
- iii. Members shall have regard to the provisions of the National Code of Local Government Conduct. Involvement in the affairs of a public body or voluntary association etc by a Member who has been appointed as a representative of a constituent council will not, in the absence of any other relevant constraints, be construed as a clear and substantial interest and in that situation the Member should disclose the interest, but may remain and participate fully in the meeting.

Standing Order 11 – Voting

- i. All decisions shall be taken by a majority of Members present and voting by show of hands.
- ii. In the case of an equality of votes the person presiding may give a second or casting vote.
- iii. Immediately after a vote is taken, the request of any Member for a record of the way in which his/her vote was cast shall be met and included in the minutes of the meeting.

Standing Order 12 – Changes in membership and substitutes

- i. Any changes in the membership or substitute Members of the Joint Committee shall be notified to the relevant Chief Executive for report to the next meeting of the relevant Council for information. Such notice shall be given to the Chief Executive or his/her nominee prior to the commencement of the meeting of the Joint Committee from which it is likely to have effect.
- ii. Each political group on either authority represented on the Joint Committee shall be entitled to nominate substitute Members, the number of which shall not exceed 50% of the total seats held by that group on the Joint Committee with a minimum of one substitute per group.
- iii. Each Independent Member on the Joint Committee not belonging to a constituted political group within a Council shall be entitled to nominate another Independent Member (who does not belong to a constituted political group within the relevant Council) as a substitute member on the Joint Committee.

- iv. A Councillor who wishes a substitute Member to attend a meeting in his/her place shall so inform one of the substitute Members as soon as practicable before the date of the meeting and the substitute Member shall at the meeting concerned inform the relevant Chief Executive or his/her representative of his/her appointment as a substitute. In the event that no named substitute is able to act in that capacity for any given meeting, then any other member of the political group concerned shall be entitled to act as a substitute provided that the relevant Chief Executive or his/her representative is so informed before the commencement of the meeting and that the status of the substitute Member is declared at the start of the meeting.
- v. Any Member for whom a substitute is attending shall cease to be a member of the Joint Committee for the duration of the meeting, including any adjournment, and the substitute Member shall be a full member of the Joint Committee for the same period.

Standing Order 13 – Codes of Conduct

- i. Members shall observe their own Council's code of conduct for councillors dealing with planning matters except that any member of the Joint Committee who expresses a fixed view on an application prior to its determination by the Joint Committee shall be required *either*:
 - (a) To declare an interest in that application and withdraw from the meeting during consideration and determination thereof; *or*
 - (b) To appoint a substitute Member for the meeting at which the application is to be considered, in which case the Member who has expressed a fixed view may speak on the application from the public gallery prior to the formal discussion of the item.

Standing Order 14 – Delegations to Officers

Officers of each authority, authorised in accordance with their particular scheme of delegations, shall have delegated authority to deal with and determine the following matters:

- a) Applications for planning permission solely within their Council's boundary.
- b) Applications to develop land without compliance with conditions subject to which a previous planning permission was granted (section 73) for all sites (in this Standing Order meaning those within each Authority boundary and those that straddle the boundaries)
- c) Applications for planning permission for development carried out before the date of the application (section 73A) for all sites
- d) Applications for non-material amendments following a grant of planning permission (Section 96A of the 1990 Act) for all sites.

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- e) Applications for Reserved Matters Approval pursuant to any outline planning permission granted previously on sites solely within the authority boundary.
- f) Applications to approve details pursuant to and discharge conditions attached to any planning permission granted previously for all sites
- g) Applications for replacement planning permission subject to a new time limit on sites solely within the Authority boundary.
- h) In relation to parts 1, 3, 4, 6, 7, 11, 14, 15, 16, 17 and 18 of Schedule 2 of the GPDO 2015 (as amended) (i) approval or agreement required for any element of a proposal or (ii) for determination as to whether or not prior approval or agreement to any element of a proposal is required and, where such prior approval is required by the Council, determination of details of that element for all sites.
- i) Applications for express consent for the display of advertisements and related powers and duties for all sites.

All other relevant parts of the schemes of delegation to authorised officers of Bedford Borough Council and Central Bedfordshire Council are deemed to apply in respect of planning applications considered by the Joint Committee.

Appendix A –

Wixam’s Joint Development Control Committee Scheme for Public Participation

Applicants, agents, representatives of Parish/Town Councils, members of Bedford Borough Council and Central Bedfordshire Council (in respect of any application falling within their ward) and members of the public, who have already submitted comments in writing prior to the publication of the agenda, are entitled to speak (but not to question officers or members of the constituent councils) during the consideration of a planning application at any meeting of the Joint Committee at which the application is to be determined. Such entitlement to speak shall be in accordance with the following provisions:

(a) Any person meeting the above qualification who wishes to speak must notify the nominated officer of their local authority by telephone or e-mail by close of business on the day before the meeting at which the application in which s/he is interested is to be considered.

(b) The following procedures will apply in respect of each item:

- | | |
|--|--|
| | <ul style="list-style-type: none"> • Introduction of an item by officers and or the Co-Chair |
| | <ul style="list-style-type: none"> • Representations by Parish/Town Council representative(s) |
| | <ul style="list-style-type: none"> • Representations by objector(s) or representative for all objectors |
| | <ul style="list-style-type: none"> • Representations by applicant and/or any supporters |

Appendix A

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		<ul style="list-style-type: none"> • Representations by a councillor with a personal and prejudicial interest
		<ul style="list-style-type: none"> • Opportunity for officers to comment/clarify
		<ul style="list-style-type: none"> • Representations by Ward Members
		<ul style="list-style-type: none"> •
		<ul style="list-style-type: none"> •
		<ul style="list-style-type: none"> •
		<ul style="list-style-type: none"> •
		<ul style="list-style-type: none"> •
		<ul style="list-style-type: none"> •
		<ul style="list-style-type: none"> • Any other councillor (not being a member of the Joint Committee) may also be permitted to speak on an item
		<ul style="list-style-type: none"> • Consideration of the application by the Joint Committee
	NOTE:	
	1.	In view of the limited time available to each speaker, persons wishing to make representations will not be permitted to make formal presentations using visual display equipment.
	2.	Any information to be considered by the Joint Committee should be presented to officers by midday 3 working days prior to the meeting to allow for information to be considered. No new information may be presented at the meeting.

(c)	The total time allowed for speeches in respect of each of the following groups of speakers will not exceed 5 minutes:-	
	i.	Parish/Town Council representatives for each Parish/Town Council that may have been consulted on an application who have been authorised, in writing, to speak, by the Clerk or Chairman of the Town/Parish Council on the Council's behalf;
	ii.	Ward representatives from either Council not on the Joint Committee
	iii.	Objectors
	iv.	Applicants and/or supporters.
	Where an application affects more than one Town/Parish Council or ward, the	

Appendix A

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	Co-Chair has the discretion to vary the requirements of (i) to (iv) above, where s/he considers it conducive to the dispatch of business and will not cause prejudice to the parties involved.
(d)	In the event of there being no spokesperson appointed to speak on behalf of a group of speakers referred to under either category (iii) and (iv) or provision (c) above, the order of speaking shall be the same as the order in which the requests were received until the time limit has expired.
(e)	Anyone making representations under this scheme shall confine their comments to material planning considerations and should draw any believed inaccuracies in reports etc to the attention of the officers prior to the meeting.
(f)	Where consideration of a planning application is deferred, public participation shall be permitted on each occasion that such an application is reconsidered provided that the notice requirements in (a) above have been complied with.
(g)	The Co-Chair of the Joint Committee may:
	<p>(a) suspend the operation of this scheme during the consideration of any application or for the remainder of the meeting if s/he considers it necessary to do so for the purposes of maintaining order at the meeting;</p> <p>(b) vary the order in which applications are to be considered if s/he considers that it is convenient and conducive to the despatch of the business and will not cause any prejudice to the parties involved.</p>
(h)	This scheme does not provide a right for Members or Officers of either constituent council to speak where they have declared an interest in the planning application.
(i)	For interpretation purposes, Parish/Town Council shall be taken to include a Parish meeting.
(j)	The Co-Chair has the right to require any person to stop speaking at any time s/he considers the question or statement to be defamatory, improper or outside the responsibilities of the Joint Committee.
(k)	The Co-Chair may vary or suspend the operation of this scheme at any time during the meeting, if s/he considers:-
	<p>(a) that it is necessary to do so for the purpose of maintaining order at the meeting; or</p> <p>(b) that it is convenient and conducive to the despatch of business so to do.</p>

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